Europe in the time of crisis

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Łódź-Kraków 2014
CONTENT

Preface ................................................................................................................................. 7
Paul Michael Lützeler, The writers’ Europe: an imagined community ................................ 13
Leszek Żyliński, Approaching Europe. Conceptions of German intellectuals in the 20th and 21st centuries ........................................................................................................ 27
Jakub Gortat, German and European experiences in developing national identity and patriotism – sheer resemblances or mutual inspirations? .......................................................... 39
Zbigniew B. Rudnicki, Identity and differentiated integration in Europe .................................. 57
Dora Kostakopoulou, European Union citizenship and member state nationality: rethinking the link? ...................................................................................................................... 71
Artur Niedźwiecki, Exploring the European constitutional sphere. Centre – periphery perspective ................................................................. 81
Danuta Kabat-Rudnicka, European integration in the light of the Polish Constitutional Court’s judgments .............................................................................................................. 95
Thomas Daiber, Lingual performance and attitude towards regional movements: Silesia ........ 107
Rouben Azizian, Rise of Asia: implications for Europe and the United States ...................... 127
Tomasz Kamiński, The impact of the current economic crisis on the Chinese position in Europe 141
Oleksandr Poltoratskyy, Ukraine – EU relations: modernisation context and the present tasks 153
Mariusz Ruszel, Challenges and opportunities of the common EU energy market ............... 159
Timm Beichelt, Hidden parallels transformation research and European studies in dialogue ... 169
Oleg Riabov, Tatiana Riabova, GAYROP and the bear: how gender discourse shapes the contemporary Russians’ attitudes to Europe .................................................................................. 189
Gilles Guyot, Towards a real Common University Policy .......................................................... 207
Notes on the contributors ....................................................................................................... 215
PREFACE

The European Union seems to be the most successful example of an international model of governance since the large historical empires, including the Holy Roman Empire, the Ottoman and Habsburg Empires etc. However, we still face the question: How do we define its identity? On the one hand it is not a typical example of intergovernmental organisation, but on the other neither has it become a clear supranational polity, e.g. a kind of United States of Europe.

It should be kept in mind that none of the above-mentioned historical empires developed in such a short period of time as the EU, which within a period of less than fifty years passed from organisation of six to twenty eight states, and from an economic union to a monetary and political union. Moreover, it should be emphasised that the EU arose as the result of voluntary and equal cooperation between states. At the same time, the European Union’s important role as a world economic and political power did not prevent it from falling into a phase of crisis due to the big bang enlargement of 2004/2007, the Constitutional referenda in France and the Netherlands in 2005, the financial crisis in 2008, the rising role of Asia and present developments concerning Russia’s invasion into Ukraine. At this moment Europe no longer appears so mighty. Indeed, it has become turbulent as tensions and disparities spread across the continent, feeding increasing Euro-scepticism.

The present volume, prepared within the programme of the Jean Monnet Chair “European integration at the turn of XX and XXI century”, is a collection of papers delivered during a series of lectures and seminars organised at the Faculty of International Studies and Political Science of the University of Lodz in the time span of 2011–2014. A vast majority of the texts is devoted to various aspects of the European Union, which has been in a time of crisis for almost ten years.

The first paper, by Paul Michael Lützeler, is devoted to the idea of Europe as an imagined community. From the very beginning the debate on European integration has rarely promoted European identity as an overarching and consolidating concept, superseding all other collective identities. Instead, it has rather actively striven to reinforce other collective identities, including familial, religious, gender, professional, local, regional, national or, for that matter, cosmopolitan/global ones. Over the centuries, writers, politicians, philosophers, church leaders
and scholars from all branches of the social sciences and the humanities have contributed to the discourse on Europe. According to the author, the discourse on Europe has been, in its essence, a discourse on peace. It might be perceived as the answer to a succession of great continental wars. The above-listed writers created imaginary scenarios that, either in terms of memory or as utopia, articulated visions of a peaceful and united Europe that would prevent a recurrence of war.

The text by Leszek Żyliński is an apt completion of the previous one. The author focuses our attention on the conceptions of Europe proffered by German intellectuals in the 19th–21st centuries. He notes that in the 19th century the idea of any kind of federation of free European nations was popular only among German expatriates, including Josef Görres, Heinrich Heine, and Ludwig Börne. Contrary to the political reality of the Holy Alliance, they actively promoted projects supposed to give rise to European patriotism in the future. However, the most interesting projects of a unified Europe did not appear in German-language literature until after the first, and then second, world wars. The first war resulted in radical revisions of views among intellectuals. Leszek Żyliński traces the development of German thought on Europe at the turn of two centuries and ends his considerations with Habermas’s reflections on an united Europe whose future depends on the extension of the democratic basis of its political acceptance. The German philosopher postulates that the elites’ projects can turn into a community only through grass-roots participation and acceptance. Only then would the populace be ready to make the considerable sacrifices necessary to follow a common policy in various areas and to show solidarity with other fellow citizens in the whole ‘cosmopolitan’ area. It is worth mentioning that for German intellectuals ‘Europe’ has value as an utopian project of a political community, emerging in the process of europeanisation of the citizens and states of our continent.

Jakub Gortat tries to juxtapose German and European experiences in developing national identity and patriotism after the end of World War II. He finds an interesting resemblance between the development of German identity following its Nazi past and the similar process in the European Community. The article explains these profound similarities and discusses their relevance for the project of creating a ‘European identity’.

In his paper Zbigniew Rudnicki tries to address the issue of whether in a region of eternal and conflictual divisions, differences and antagonisms, “there is sufficiently strong bond-creating potential to overcome these divisions within the institutionalized framework of European identity. And in practical terms it also raises the matter of how one may talk about Europe”. This is especially valid for Europe being in the present crisis.

Dora Kostakopoulou’s paper is devoted to European Union citizenship, which remains an unfinished institution. She argues that ‘national ways of doing things’ and ‘state autonomy’ have often disempowered citizens and been used to justify the raw force of restrictive and coercive practices. Bettering citizens’ life opportu-
nities, meeting their needs and enhancing their protection, should not be perceived as a matter of accident or rebellion, and neither praise nor blame should be placed on the ECJ. Instead, the defective exercise of jurisdiction and anomalous bypassing of democratically-elected legislatures should be addressed. Fixing these problems should be seen as a natural part of the evolving trajectory of European Union citizenship and of the need for the EU to realize its potential and create an inclusive community in the European Union.

Artur Niedźwiecki, in his article, tries to substantiate the hypothesis that the European Constitutional Sphere can be perceived as a battlefield for the process of globalization of the law and politics existing between Centre and Periphery of our continent. He also argues that there is currently a creeping crisis in traditional international law, understood as a normative order pursued by the nation states through conventions, agreements, etc. The process of weakening both nation states’ institutions and their national identities has brought with it a slow but steady shift of power from the national to supranational level. We are gradually experiencing the emergence of a “Cosmopolitan Law” as the type of new post-modern legal order, one which goes beyond traditional concepts.

Danuta Kabat-Rudnicka draws our attention to the fact that, when it comes to clashes between the EU and the Member States, i.e. between the fundamental principles of the EU and the national constitutional principles of the Member States, such clashes take place in front of the Supreme and Constitutional Courts of the Member States. Today the Constitutional Courts find themselves in a very awkward situation since, on the one hand, they are guardians of the national Constitutions (i.e. the principles and values contained therein), at the same time jealously safeguarding their position in the legal systems; while on the other hand they must negotiate between multiple jurisdictions (national, European, and international). Such a role is also played by the Polish Constitutional Tribunal (PCT), which sets the limits to European integration, i.e. limits to the interference of EU law into the constitutional order of the Republic of Poland. She examines how the PCT has adroitly dealt with these issues.

Rouben Azizian notes that a favourite theme in the international debate nowadays is whether Asia’s rise signifies the West’s decline. The current focus on the economic malaise in Europe and the United States is distracting attention from the many serious challenges that call into question Asia’s continued success. To be sure, today’s ongoing global power shifts are primarily linked to Asia’s phenomenal economic rise, the speed and scale of which have no parallel in world history. With the world’s fastest-growing economies, fastest-rising military expenditures, fiercest competition for resources, and most serious hot spots, Asia obviously is a major player in the future global order; one may even postulate it holds the key thereto. But Asia also faces major constraints, which the author points out in his article.
In a similar vein, Tomasz Kamiński notes that China seems to be one of the major beneficiaries of global disorder. There is already a growing Chinese economic presence in Europe. Therefore, many experts have expressed their anxiety over the raising political influence of China, and 41% of citizens from twelve EU member states claim that they are afraid of China. The article aims at confronting the hopes and worries with facts and at answering the following questions: 1. Do the Chinese economic activities in Europe during this turbulent time of crisis pose a real danger for the EU? 2. To what extent has China gained a better political position in Europe, and should we be afraid of a so-called “Chinese lobby in the Council”? 3. Could China really be an important part of the solution to the economic crisis in Europe?

Oleksandr Poltoratskyy’s paper was written a couple of months before the tragic and painful developments in Ukraine. The author argues that Ukraine is destined to serve as a civilization bridge between the larger Europe and Eurasia. According to him, posing the question – West or East? – in terms of shaping Ukraine’s foreign policy course seems inexpedient, as it will limit effective national development in the geopolitical sense and become irrational in the social context. The proper approach for Ukraine in this regard is to determine the mechanisms of interaction between national culture and those cultures which for centuries have carried out a productive coexistence with the Ukrainian one.

Mariusz Ruszel starts by pointing out Europe’s need for a competitive economy, one that will be able to compete with the dynamically developing United States of America, China and India. It is not an easy task, since the European economy faces numerous problems. It seems that one way to improve its competitiveness is to lower energy costs and to improve the freedom of its delivery to end users. The European Union (EU) has adopted a climate policy which increases industrial production costs in Europe, which in turn contributes to workplaces being shifted to other parts of the world. Thus EU enterprises require policies which have as their goal the creation of their competitive advantages on world markets. One way to achieve this goal could be the creation of a common energy market, which will combine the previously monopolistic European markets of natural gas and electricity. This article analyses the challenges and opportunities related to the creation of a common EU energy market.

Timm Beichelt argues that problems of political and socio-economic development in the East and in the West are tightly intertwined. Already during the systemic transformation the politics, economy and societies in East Central and Eastern Europe were strongly influenced by the EU. Allegedly specific East-European phenomena have in fact become the pan-European ones. This fact is illustrated using the examples of the quality of democracy; of the increasingly transnational character of the European societies; as well as of the return to the inter-governmental decision-making process at the EU-level.
Thomas Daiber argues that all actions which result in setting up supranational organisations are also accompanied by respective movements towards smaller regional units. The formation of regional entities seems to be triggered by economic interests, but are always accompanied by arguments of culture and historically-based identity, the latter often supported by the notion of one’s own (regional) language. The author emphasises that in the case of Silesia “language” is a prominent argument in the discussion about the regionalist movement. He analyses users’ comments on the internet about the subject “Silesia” and shows not only the semantics of language terms, but also the value of language performance in relation to the formation of political opinion towards separatist movements.

For Russians, Europe has traditionally held a distinctive place among the most important “Others” who help to define “what it means to be Russian”. In a revealing article, Oleg Riabov and Tatiana Riabova examine the role of gender discourse in answering the question whether Russia belongs to Europe. Their study is based on an analysis of contemporary Russian public discourses, and focuses on the alleged “gender deviancy of Europe”, as reflected in the speeches of politicians, journalists, and comments on Internet-forums.

The paper which concludes the volume, prepared by Gilles Guyot, is devoted to the possibility of a common university policy in Europe. It provides evidence that, in the field of higher European education, Europe is not free from crisis either.

I owe a large debt to my colleagues from the Faculty of International Studies and Political Science, who supported me in realisation of the programme. I would like to express my special gratitude to prof. Tomasz Domański, Dean of the Faculty, who shared with me the role of host and proved superb at inspiring discussion.

_Stanisław Konopacki_
Globalization as a transcultural phenomenon has been in existence for millennia, but there were certain historical phases of expansion that intensified inter-continental entanglements. Such periods of growing globalization have increased ever since the European discovery of the Americas some five-hundred years ago.\(^1\) Colonialism is one of the longest and most problematic chapters in the chronicle of globalization. In more recent times, new thrusts of globalization occurred after the end of World War II and after 1989 when the Berlin Wall came down, a historic event that symbolized the end of the Yalta division of Europe. In a study, titled “Globalization,” Roland Robertson\(^2\) has rightly shown that globalization enables us to experience the universal as something particular and the particular as something universal.

Besides the phenomenon of globalization, there exists another transnational movement: continentalization.\(^3\) The European Union (EU)\(^4\), the North American Free Trade Agreement (NAFTA)\(^5\), the Union of South American Nations (UNASUR),\(^6\) the African Union (AU)\(^7\) and the Association of Southeast Asian Nations

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(ASEAN)\(^8\)—an organization that might develop into the East Asian Community (EAC)\(^9\)—are continental organizations. They resulted from internationalization processes that occurred during the past sixty years. Without globalization, continentalisation would probably not have developed as rapidly as it did. There are two major aspects of the interrelation between globalization and continentalisation: on the one hand, the new continental unions want to protect themselves against certain tendencies in the globalization process that would undermine the foundations of their continental cultures. On the other hand, continentalisation enables a number of smaller nations to participate in political, economic and cultural interactions on a global level. In either case, the continental union plays a major role in mediating between the old nation-state and the new spheres of globalization that tend to operate outside the control of the nation state, a trend analyzed by Hardt/Negri in their book *Empire*\(^{10}\). The continental associations play an increasingly important role by serving as a buffer between the national and the global spheres. The European Union is the most developed among the continental organizations, although certainly not protected against fundamental crises, as the present problems of the Euro show. While the European Union has been a continental community for only half a century, the struggle for a continental association is centuries old, having started during the Thirty Years’ War. Europe had already been an Imagined Community long before the European Economic Community was founded in Rome in 1957.\(^{11}\)

The discourse on Europe hardly ever sought to promote European identity as a totalizing concept that would supersede all other collective identities. On the contrary, the European identity has not simply allowed for, but has actively striven to reinforce other collective identities, including familial, religious, gender, professional, local, regional, national or, for that matter, cosmopolitan/global ones. Thus, it is possible to speak of the subsidiary structure of the collective European identity. It is an identity of ever-widening concentric circles, from the local to the regional, the national, the continental, and finally, the global level. At the same time, the relationship among these collective identities is one of dialogue, with inevitable internal frictions. When a certain identity formation, such as that of nationality, developed dogmatic, dominating, and militaristic ideologies, the discourse on Europe often served to relativize and attack such ambitions. It reminded the representatives of other collectivities that the continent shared a basic value system that was worth protecting against forces from both within and without. Out of the continental peace projects grew visions of economic, legal, and cultural cooperations.

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\(^{8}\) R.C., Severino, *ASEAN*, Institute of Southeast Asian Studies, Singapore 2008.


Over the centuries, representatives from all layers of society and from nearly all European countries have contributed to the discourse on Europe: writers, politicians, philosophers, church leaders and scholars from all branches of the social sciences and the humanities. What about the writers’ discourse on Europe? At its very core it is a discourse on peace. It received its ethical energy in response to a succession of great continental wars and created imaginaries that, in terms of memory, harked back to peaceful times in the past, or that, as utopia, articulated visions of a united Europe that would cultivate attitudes or build institutions designed to prevent a recurrence of war.

The European discussion on continental identity and unity has always begun during and after the great wars between the occidental powers, when disunity and animosity among the European dynasties and nations had reached new heights. This was already the case during the Thirty Years’ War (1618–1648). The Duke of Sully – formerly the right hand of the French king Henri IV—realized that the war was getting out of control, and that the powers involved risked destruction on an unprecedented scale. He drafted a plan for a new Europe that he called “The Grand Design”. Had it not been for the looming disaster of the continental war, Sully might never have disclosed his plan for a European association of states. He called this union the “General Council of Europe,” or the “Confederation of Princes.” Major goals of this union would be religious tolerance, a balance of power on the continent, and a common defense system against the Ottoman Empire as well as against Russia. The Ottoman Empire was already ruling Hungary and was getting ever closer to Vienna. But above and beyond the vision regarding religious tolerance and a common defense system: Sully’s Great Plan meant a radical paradigm shift in the history of the Europe discourse. The idea to create a confederation with all the ruling dynasties and nations represented, meant giving up a concept of domination over the continent that had been inherited from the Romans. According to the imperial concept of Pax Romana, there could only be one empire in charge of the continent, and that was Rome. According to the Romans their rule was supposed to dominate all over the known world of their time. Pax Romana was seen as a god given mission, as one can tell from the writings of Pliny the Elder (Natural History III) and Vergil (The Aeneid I) as well as by ever repeated declarations in the Senate and later on by the Caesars. This understanding

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of Pax Romana was taken over by Charlemagne when he was made the emperor of the Holy Roman Empire by Pope Leo III in the year 800. From there the idea of a dominating dynasty that claimed leadership of the continent was picked up by the emperors of the Holy Roman Empire of the German Nation.

Sully\textsuperscript{16} saw the political structure of Europe from a totally different point of view. His idea is not domination of one country over others but the balance of power of several nations within a European confederation. The continent should not be ruled by one monarch. Instead, the newly founded union would bring together the ruling heads of states. In this association each dynasty and each country or nation would have a say. It is this concept that in the long run was successful, although only after the continent had watched dictators like Napoleon and Hitler turning back the wheel of history by trying to bring the rest of the continent under their rule.

Some eighty years later, the French writer and philosopher Abbé de Saint-Pierre published his \textit{Project on Perpetual Peace}\textsuperscript{17} in 1713. Saint-Pierre had lived through the War of Spanish Succession, subsequently becoming an advisor to the French delegation during the peace negotiations in Utrecht in 1713. The French House of Bourbon and the Austrian House of Habsburg were involved in a major conflict, this time over the succession to the throne in Madrid. A number of leading powers in Europe, including England, became involved in this conflict both on the continent and in North America, and after a dozen years the war had cost the lives of close to half a million people. In the end—and this had been England’s goal—the balance of power had been restored on the continent, ending the dominance of France for the next two generations. Saint-Pierre wrote one of the most detailed and, in the long run, most influential treatises on European peace and unity. He discussed the suggestions Sully had made and built on them. His federation too would have consisted of a European Council or Senate, a European Secretariat, and a court of arbitration.

It was Jean-Jacques Rousseau, the novelist and philosopher, who during the years between 1754 and 1761 rediscovered Saint-Pierre’s plan\textsuperscript{18}. He supported the idea of a federal European Community and a court of arbitration. While Saint-Pierre had argued that preserving peace would serve the cause of justice, Rousseau pointed out that peace would also be in the interest of the rulers of the European states, monarchs who tended to think primarily in terms of war when reflecting on their relations with other powers. War was again raging as Rousseau began a new discussion of Saint-Pierre’s project: France was now heavily involved in the Seven Year’s War in Europe, that in turn was connected with the French


\textsuperscript{17} Ch.I. Castel de Saint-Pierre, \textit{An Abridged Version of the Project for Perpetual Peace}, Midsea, Valletta 2008.

\textsuperscript{18} J.J. Rousseau, \textit{A Project for Perpetual Peace}, Johnson and Davenport, London 1767.
and Indian War in North America. France and England fought to secure spheres of influence in Europe as well as dominance on the North American continent. As Winston Churchill once observed, this conflict was truly the First World War in human history, and by the time it ended, some one million people had lost their lives. Rousseau had been right in stating that peace would be in the interest of the kings, at least as far as France was concerned at that particular moment in history. Having lost the war, France was now no longer dominating the European continent, and was finished as a power in the Americas, where she lost all her colonial territories except for a handful of Caribbean islands.

Forty years later, in 1799, during the Second Coalition War against France, the young German Romantic author Novalis wrote his essay *Christendom or Europe*. Unlike Saint-Pierre, Novalis was not concerned with political structures. For him, the unity of Europe, and continental peace, could only be guaranteed by a revival of the Christian religion, by rediscovering the religious basis of European culture. Novalis projected the idea of cultural unity, harmony and peace onto medieval Europe. While he did not plead for a return to medieval conditions, he thought of the cultural “Golden Age” of the Middle Ages as a model for a future united Europe, centered upon a revitalized Christianity that would serve as a guarantee for perpetual peace. Novalis had written his speech on Europe in 1799, at the very beginning of Napoleon’s dictatorial rule in France.

In 1814, immediately after Napoleon’s resignation, we are back in Paris, where the philosopher Claude-Henri de Saint-Simon had just published a most remarkable plan for *The Reconstruction of the European State System*. After nearly twenty years of Napoleonic wars, including the horrors of the disastrously failed campaign against Russia, the time was ripe for another peace plan. Saint-Simon built on the ideas of Sully and Saint-Pierre. In contrast to Novalis, he was both pragmatic and utopian at the same time: he proposed the unification of the continent under a European monarch, a European Parliament (with a House of Commons and a House of Lords), and a harmonized European legal system. Britain’s constitutional monarchy was to serve as the state model for a unified continent. Saint-Simon believed that the unification process would take place in different phases, starting with a nucleus consisting of France and England, which would later be joined by Germany. After this triad was cooperating, the remaining countries would join, one after the other. Saint-Simon, who had no illusions about the length of this unification process, thought it would take about 200 years – a good estimate, as it turned out.

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Thirty years later another plan for European peace was being proposed. Its author was the Romantic novelist Victor Hugo. Following the success of *The Hunchback of Notre Dame* (1831) Hugo became one of the most active participants in the discourse on Europe. In 1849 Hugo delivered a speech titled “The United States of Europe”\(^{21}\) as his presidential address to the International Peace Congress in Paris. As president of the Congress, Hugo in this speech advocated universal peace, but – as the title of his lecture (*The United States of Europe*) indicates – he was primarily interested in creating political structures that would guarantee peace in Europe. Though not a Eurocentric, Hugo argued that, for the foreseeable future, peace on the continent could well lead to peace on earth more generally. He predicted that European unity would develop, and that the European nations would one day become provinces within a United States of Europe – just as, over the centuries, the formerly independent principalities of Burgundy, Normandy and Brittany became regions within the state of France. Hugo also gave a detailed report on the enormous financial burdens Europe’s citizens were having to shoulder in order to support their countries’ war machines. If that money were instead invested in science, art, agriculture, industry, trade, and navigation, poverty would disappear – not only in Europe but probably all over the world. Since Victor Hugo was a fierce opponent of emperor Napoleon III he had to go into exile, first to Belgium, then to England. Later in his life, following the Franco-German war of 1870/71, he could, after twenty years in exile, come back to Paris. There he proposed the unification of France and Germany as the nucleus of a united Europe of the future.\(^{22}\)

At the time when Victor Hugo was pleading for a united Europe in 1849, the Polish writer Adam Mickiewicz\(^{23}\) had already published his *Lectures on Slavic Literature* (1840ff.) in his Paris exile. The multivolume book is both a literary and cultural history. Between 1828 and 1830 Mickiewicz had travelled extensively through Europe, and in his *Lectures on Slavic Literature* he constantly compares Poland and other Slavic countries to the states of Western Europe and Italy. Mickiewicz was involved in a life-long fight for Poland’s independence and for formulating a profile of the Polish national character by referring to Polish stories, legends, and fairy tales. At the same time he saw his country in a European context, developed pan-European ideas and believed that the ideal synthesis of European culture would be a mix of French rational Enlightenment and the more poetic spirit of his home country Poland. With his demand for an independent Polish state he was in a similar situation as the Italian public intellectual

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Giuseppe Mazzini. Mazzini was an Italian patriot and nationalist but at the same time a convinced and engaged Europeanist. When Mickiewicz started to publish his Lectures on Slavic Literature, Mazzini wrote his pamphlet The Central Democratic Committee of Europe. He believed that in the future Europe would become a united Republic, ideas that were similar to those of Saint-Simon and Victor Hugo. When the 1848 revolution broke out in Rome in 1848 Mazzini left his exile in London and became the head of the revolutionary government in Rome. During these months Adam Mickiewicz supported the Italian revolutionary movement in northern Italy by organizing the Polish Legion that was to fight against the Austrian occupying power. Mickiewicz and Mazzini’s dreams were, to a large extent, compatible. Both wanted to drive out foreign powers from the soil of their home countries, and both believed in a pan-European peace arrangement and a fruitful cooperation of European states. Neither of them was successful in these endeavors, but both had experienced a revolution that was of a European nature, a revolution that was defeated at the moment but would be a historical precondition for the unification process in Western Europe hundred years later.

The Austrian writer Bertha von Suttner was author of the bestselling novel Down with Arms (1889) and a leading supporter of international peace movements. She was a generation younger than Hugo, Mickiewicz, and Mazzini and saw herself as a student of Victor Hugo. In 1892, during the Fourth World Peace Congress in Berne (Switzerland), von Suttner proposed the establishment of a Federation of European States. The federation would make keeping the peace its first priority and that would also work to improve conditions for free trade on the continent.

A few years after the First World War, the philosophically trained public intellectual Richard von Coudenhove-Kalergi from Vienna demonstrated that he had attentively studied the ideas of Sully, Saint-Pierre, Rousseau, Saint-Simon, Victor Hugo, and Bertha von Suttner when he drafted a visionary plan for a united Europe (Pan-Europe, as he called it), with the aim of preventing another catastrophe like the one that had overtaken the continent between 1914 and 1918. Coudenhove-Kalergi founded the Pan-Europe movement with thousands of members

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from all parts of Europe. Pan Europe had the support from many writers, among them Thomas Mann, as well as from such leading politicians as Aristide Briand. It was an elite and most certainly not a grassroots movement. In terms of popular support, it lagged far behind the right-wing nationalist parties. And in spite of Coudenhove-Kalergi’s great efforts on behalf of European peace and unification, the German National Socialists soon started a war in Europe that quickly turned into a new world war.

Yet after 1945, in the post war period, there were a number of writers and intellectuals who understood that the moment of European unification had arrived. They reminded the nations of the fact that the countries that had been involved in catastrophic wars had a common culture, and that this common culture, forgotten during the time of nationalism, was the precondition of a future European cooperation. The most prominent voice was that of the British author T.S. Eliot, who received the Nobel Prize in 1948. In his 1946 lecture The Unity of European Culture Christianity is seen as the “spiritual” source of the continents civilization, is seen as a religion that had embraced both Judaism and Greek philosophy as well as Roman law. Different from Novalis T.S. Eliot did not plead for a revitalization of the Christian religion but for the acceptance and appreciation of a culture that had been shaped by Christianity. This unity of European culture was seen by T.S. Eliot as the precondition of European cooperation and integration in the future. German writers like Reinhold Schneider and even the former militarist Ernst Jünger expressed similar ideas during the immediate post war years.

But at the same time a young German writer living in exile in the United States saw things differently. That was Klaus Mann, the son of Thomas Mann. He realized in 1949 that the Cold War had put an end to the dream of a unified continent, and that the European intellectuals belonged to two very different camps and that the western camp showed no unity whatsoever. Klaus Mann stated in his essay “The Ordeal of the European Intellectual” that a war of ideas was raging throughout the Continent. The intellectual elite was, in his view, being crunched between the Superpowers, were taking parts either on the side of American capitalism or Soviet Communism and had lost their ability to make independent judgements. Klaus Mann had belonged to a supporter of Coudenhove-Kalergi’s vision of Pan-Europe during the 1930ies and had up until the Cold War in his publications pleaded for the unification of Europe. Now he was disillusioned and believed that in this situation of a potential war between the Superpowers,


making Europe the battle field of an Atomic war, the only role the European intellectual could take over was that of protest, of a radical denial to follow either camp in the Cold War Scenario. At the end of his essay his ideas are expressed in the statement of a Swedish student: that the European intellectuals should all commit suicide as a dramatic gesture of protest against the Cold War division of the continent.

While Klaus Mann was expressing his unhappy feelings about the bleak outlook on Europe from a Western point of view, the polish writer and Nobel Prize winner Czeslaw Milosz did something similar on the other side of the Iron Curtain. While in exile in Paris, he published, in 1958, his book Native Europe (Rodzinna Europa) 30. What Milosz wanted to do is to write against the clichés of Western Europeans and Americans about the so-called Eastern part of Europe during the cold war. He is worried about the fact that Western Europe is forgetting about the area behind the Iron Curtain as a realm that belongs to Europe. In 1957 the European Economic Community had been founded. That was completing a break within Europe that had been going on already for a decade on the political, military and cultural level. Milosz refused to acknowledge this encompassing split within Europe and insisted that his country as well as the neighboring Central European states were still part of Europe, that they shared a European heritage the same way the western countries did. While he insisted on the idea of a cultural unity of Europe, he also tried to describe the very special situation and development of his home country within the context of European history. Like any other European nation Poland rightly has to insist on its difference. When he writes about his life, his experiences in Poland and in Europe during the past decades (including his life during the period of the war) he tries to make the readers understand both the specificity of life in Poland as well as what Europeans have in common. With his insistence on universal moral imperatives he sees himself as a European, with his sufferings during the war and in the situation of the Cold War he understands himself as a Pole and a Central European whose experience should be considered as vital when making plans for a European future.

Fifteen years later the Czech writer Milan Kundera published the essay The Tragedy of Central Europe.31 It reads like the continuation of Milosz’s book, and Kundera is also a Central European writer living in his Paris exile. Kundera intentionally does not use the term “Eastern Europe” but rather “Central Europe” in order to be able to distinguish between Europe and Russia which he sees as a part of Eastern Europe. Like Milosz he insists that the countries behind the Iron Curtain are part of Europe although forgotten as a part of the continent by the West Europeans and the Western World in general. And only that it is a part

of Europe but even a condensed version of it. The term “Soviet Bloc” makes no sense from Kundera’s point of view. He sees the Russian culture as something different from the European culture (with its missing religious reform and enlightenment movements). The tragedy of Central Europe is that Russia with its different culture is dominating in that region of the continent. But part of the tragedy of the divided continent is also, that the West has given up on the Central part of the continent. The specificity of the countries of Central Europe is that they are deeply influenced by Jewish writers, artists, and scholars, i.e. by writers like Franz Kafka, Hermann Broch, and Bruno Schulz. The Central European countries are “small nations” according to Kundera, nations whose “world view is based on a deep distrust of history” since they have been changed or even abolished time and again. This part of Europe, as part of the Soviet Bloc, Kundera writes, is in danger of losing its culture. But with the disinterest of the old central European culture, Western Europe is also giving up its own culture. Kundera’s essay that was published in 1984 in many leading journals of the Western World, was part of the Central Europe Debate that helped prepare, on the intellectual level, the emancipation from the Soviet System and lead to the velvet revolutions in Central Europe.

The year 1989 brought this dramatic historical change in Europe: the end of the Cold War and the end of the Yalta order. This shift was also prepared in 1984 by the Hungarian-Jewish writer György Konrád’s book *Antipolitics*.\(^32\) An antipolitical attitude is defined by Konrád as a position from which one thinks about political issues in terms that are foreign to politicians. Only such a non-specialist point of view, containing the possibility of thinking beyond the status quo, would be able to guarantee that new questions will be raised so as to bring about new solutions. Konrád’s proposal was that the Yalta Agreement be dissolved, and that the Europeans take their fate into their own hands. These were mere dreams in 1984. At the time, Konrád himself spoke of “My Dream of Europe.”\(^33\) Meanwhile, of course, much of Konrád’s vision has become a reality – at least in the sense that the Russians have left eastern and central Europe, while the Americans have reduced their presence in the western part of the continent. Konrád’s understanding of “anti-politics” can be seen as a hallmark of the new peace-oriented Europe discourse among writers that began in the 1980s. During the postwar period between 1945 and 1989, i.e., under the domination of the two superpowers, all literary essays on Europe in one way or another reflected the impact of a divided world. Whether one reads Jean-Paul Sartre, or Klaus Mann, or Günter Grass, or the essays of Hans Magnus Enzensberger or Milan Kundera on the Europe of their time, it is apparent that the respective roles of the United


States and the (former) Soviet Union always loomed large in their ideas about future developments in Europe. Konrád was – like Miłosz and Kundera – able to think outside the box of the given reality of a divided world.

After the end of the Cold War two American contributions to the Europe discourse appeared. They dealt with three divides between the United States and Europe: a cultural, a political, and an economic divide. First, the **cultural divide**: Jeremy Rifkin, who, in 2004, wrote about the *European Dream*, has described the decline and the crisis of the American Dream. Originally, he wrote, the American Dream was a far-sighted, concrete utopia for every American citizen: the pursuit of happiness in an open and democratic society. Rifkin argued that things have changed in the U.S. during the last quarter of the 20th century and that this changed cultural climate became particularly evident during the Bush/Cheney administration. He expressed the fear that materialistic and egocentric ideas are taking over – that, as a result of the so-called Reagan revolution, a sort of Donald Trump ideology of economic ruthlessness without concern for social values has become the prevailing attitude. As Rifkin watched a large part of the middle class drift below the poverty line, he spoke of a social model according to which the wealthy get wealthier and the poor get poorer, a thesis supported by Mark Rank’s study on poverty in America with the title *One Nation, Underprivileged*. Like Rifkin, T.R. Reid in his book *The United States of Europe* claimed that there is no concern for environmental issues in the U.S. and that big business is getting its way. In foreign policy, Rifkin continues, there is no understanding of international laws, that rampant unilateralism prevails, and that a productive U.S. cooperation with the United Nations has ceased to exist.

Rifkin believed that there is a new European Dream being created by the young Erasmus generation (called after Erasmus of Rotterdam, one of the great European cosmopolitan thinkers of the early modern period). In this connection he mentions the European university exchange program, also named for Erasmus. According to Rifkin, this generation is able to think beyond the limits of egotism and monetary values, keeping the future of the globe in mind while it champions the protection of the environment and at the same time seeks to ensure that the elderly and the poor do not fall through the social safety net. Another point, raised by T.R. Reid in *The United States of Europe*, is the death penalty: while most states in the U.S. continue to uphold the death penalty, the European Union has abolished it in all of its member states. Rifkin and Reid also point out that there is a religious divide that forms part of the general cultural divide. In the U.S.,

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religious fundamentalism plays an important role, whereas in Europe secularism is on the rise. The European Dream, according to Rifkin and Reid, involves the defense of human rights, along with a deep interest in international peace. All this sounds familiar: the similarities between the old American and the new European Dream are obvious. According to the two authors, the American Dream has emigrated, so to speak, and has become the European Dream. The love of peace, national self-determination, the defense of human rights – all this was part of the American Dream of the past. Of course, Rifkin and Reid were simplifying matters. One should not idealize the situation in Europe. Popular enthusiasm for cosmopolitan multiculturalism tends to evaporate whenever the majority feels threatened by unemployment and the Euro crisis. Provincialism and xenophobia run parallel both in the U.S. and in Europe, to a greater extent than Rifkin and Reid were ready to admit.

As to the political divide between the United States and Europe: The end of the Yalta order, the fall of the Berlin Wall, the end of the Cold War, the disintegration of the Soviet Union: all this had a different significance for the U.S. than for Europe. The German philosopher Peter Sloterdijk pointed out that the end of the Cold War gave Europe a chance at a fresh start. In his 1994 essay If Europe wakes up Sloterdijk observed that for a number of decades Europe was held hostage by the two superpowers. The U.S. and the Soviet Union had divided the continent into two spheres of influence the internal politics of which they in turn dictated, or at least strongly influenced. Sloterdijk claimed that after 1989 Europe once again became a subject in politics, instead of an object of foreign domination. While all this looked like a wonderful success story to Sloterdijk two decades ago, the problems of the fast expansion of the European Union into Central and Eastern or South-Eastern Europe can be watched in Hungary, Rumania, and Bulgaria today. And regarding the Euro, Europeanists now have second thoughts and are wondering whether the common currency is really gluing the member states together or whether it is ruining the whole endeavor of European unification.

And now to the economic divide: When we take the example of the “free market” or the “single market,” we note that Americans and Europeans have different understandings of these terms. For the Europeans, with the exception of British “Euro-skeptics”, the single market is not a value in itself, but is instead a pragmatic step in the direction of a more encompassing union of Europe on the political, legal and cultural level. The goal of the European Union is a community of states, not just a single market. This was also shown by the move toward a constitution for the European Union. Although that goal was not attained in 2005, the attempt is likely to be repeated in the future. If the European Union were nothing but a free market organization, it would quickly be subsumed, neutralized, and ultimately

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destroyed by the more general process of globalization. For its part, the U.S. is only interested in the free market aspect of the European integration process, since it profits from that single market. And this is the reason why the Obama administration is now suggesting a transatlantic free trade zone encompassing the U.S. and the E.U. The new U.S. government brings change into a number of political and cultural areas.

The 2008 election in the United States coincided with the publication of the sober NIC (National Intelligence Council) report Global Trends in 2025. This official U.S. government document predicts the relative decline of the United States as a superpower and clarifies the necessity of multilateralism as opposed to unilateralism in light of the rising four BRIC countries (Brazil, Russia, India, China). The report emphasizes the ongoing processes of continentalization in America, Europe and Asia. Europe will – according to the NIC report – continue to find itself on an increasingly equal footing with the United States. The changes in the U.S. are producing a new dialogue between the U.S. and the E.U., a dialogue might overcome the transatlantic divisions of the Bush/Cheney years.

Some more recent contributions to the Europe discourse by writers have still to be mentioned. A case in point is the book-length 2005 essay What is European? by Adolf Muschg, who is currently the most prominent writer in Switzerland. In discussing the future administrative form of the European Union, Muschg is opposed to imitating the administrative forms of the United States. Instead of a strong central government, he favors a model based on the Swiss example of a genuinely federated structure. Muschg believes that further expansion of the European Union would lead to a cultural as well as political deterioration of the continent. He argues that, each time political leaders (such as Napoleon and Hitler) pursued expansion above all else, their efforts brought Europe to the brink of collapse. Furthermore, Muschg warns, the E.U. should not imitate the United States as a global player trying to police the world. The historical record demonstrates that empires tend to crumble whenever they begin to overestimate their power and to overextend their resources.

In a recent lecture from October 2012 entitled Are We Forgetting Europe: A Counter Speech Muschg said that the EU should keep the cultural values in mind when making conintental political and economic decisions. A rediscovery and acceptance of the best traditions of European history are, according to Muschg, a necessity in these times of deregulated markets, the Euro crisis and irresponsible debt policies. The European values of the Athenean Democracy and the Christian religion with its culture of social awareness are, from his point of view, a way to protect the continent against apocalyptic economic developments.

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Two recent essays on Europe or rather the EU have to be mentioned here as well: the *Gentle Monster Brussels*\(^{40}\) book from 2011 by Hans Magnus Enzensberger and the 2012 booklength essay *The European Chronicle – Citizen Anger and Europe’s Peace*\(^{41}\) by Austrian novelist and essayist Robert Menasse. Enzensberger is repeating his old accusations about the non-democratic decision processes in the EU, while Menasse blames the impact of the national governments on EU politics for all the problems that the union is facing. While for Enzensberger Brussel’s bureaucracy is creating a dictatorial monster state, according to Menasse all would be well in Brussels if the EU bureaucrats had it their way and would not be constantly pushed around by the heads of the national governments or their foreign ministers. According to him the impact of the national governments should be reduced to an absolute minimum or even be abolished, while more power should be given to Brussels and the European regions instead.

What seems clear is that, in these writings of novelists and thinkers, fundamental ideas about, and designs for, the institutions of a unified Europe were developed. Many of these writers were exiled authors, and their international or transatlantic experiences protected them against provincialism and nationalism. Only in the wake of the catastrophe of the Second World War, after Europe had lost her independence, did the time appear to be ripe for building a new continental association (at the time a Western European community) that would have unity, economic cooperation and peace as its goal. And at that very moment in history, the vocabulary and grammar for a new political language, for a new common discourse on European unity, economic integration and peace were available, thanks to the continued centuries-old efforts of European writers and intellectuals. Their language was adopted by the fathers of European integration – by Adenauer and de Gasperi, Schuman and Monnet, Spaack and Hallstein. It is not by chance that most of these politicians, signers of the Treaty of Rome in 1957, were students of Coudenhove-Kalergi; and the exiled writer Coudenhove-Kalergi in turn is unthinkable without the earlier Great Plans of cosmopolitan thinkers like Sully, Saint-Pierre, Rousseau, Saint-Simon, Victor Hugo, and Bertha von Suttner. In other words, their intellectual efforts surely were not in vain. An idea destined to change the course of history must have deep roots in discourses that are themselves centuries old.

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Leszek Żyliński

APPROACHING EUROPE. CONCEPTIONS OF GERMAN INTELLECTUALS IN THE 20TH AND 21ST CENTURIES

The discovery and building of Europe by Europeans has been a process to which writers and intellectuals contributed as much as rulers and politicians. In German Lands, lacking a political centre until the unification by Prussia in 1871, the process of joining European projects long remained – understandably – in the sphere of ideas rather than strictly political action.

After the early modern ‘Republique des Lettres’ and the Enlightenment search for ‘eternal peace’ in a suitable political system, the 19th century saw a turn among German-speaking thinkers towards the past, by mythologizing the old Holy Roman Empire. The fulfilment of its universal mission was to be based on Christian traditions and culture. German writers, living in dozens of duchies and kingdoms of various sizes, and deprived of the legal framework of the Reich dissolved by Napoleon, began to long for a universal holistic idea. This was particularly visible in the first decades of the 19th century in the works of Romantics such as Novalis, Friedrich Schlegel, Adam Müller or Franz von Baader. On the other hand, the dynamic ideology of nationalism, enhanced by the Borussian/Prussian delight at its own nation-state, discouraged the Germans (especially after 1871) from thinking in cosmopolitan and all-European categories. No serious debate was undertaken on the republican project of Claude-Henri de Saint-Simon or on the European views of Victor Hugo or Charles Mackay. The idea of a United States of Europe or any kind of federation of free European nations was popular only among German expatriates (Josef Görres, Heinrich Heine, Ludwig Börne). They propagated – contrary to the political reality of the Holy Alliance – emancipation projects expected to give rise to European patriotism in the future.¹

¹ For more on this, see: L. Żyliński, Europa w niemieckiej myśli XIX-XXI wieku, Wyd. UMK, Toruń 2012.
In the German-language literature, the most interesting projects for a unified Europe did not appear until after the First World War. The 1914–1918 hecatomb, employing the ultramodern war technology and the propaganda of hate, resulted in radical revisions of views among intellectuals. Back in 1914 the Germans greeted the outbreak of war with joy. They saw the war mainly as a crusade of the dynamic German spirit, intent on overthrowing the stale status quo and on strengthening German culture against the ‘shopkeeper spirit’ of the capitalist West. They perceived this spirit as embodied by Great Britain, striving at all costs to preserve its assets. This way of thinking was verbalized in a model fashion by the future Nobel prizewinner Thomas Mann. In his lengthy 1918 essay *Betrachtungen eines Unpolitischen*, he presented German culture – with its form, style and community spirit – as an emanation of the European spirit and contrasted it with western values based on money, enlightenment and individualistic democracy.

Another German attempt to find and realize Europeanness was the concept of ‘Mitteleuropa’ presented in 1915 by the theologian and liberal politician Friedrich Naumann in his book of the same title.² He assumed that the war in progress would give rise to a new confederation of states in the middle of Europe as ‘historical necessity’ and expression of ‘mental reorientation’. The expected new union would not only secure victory in the battle with the West and with Russia, but also create and consolidate a new European power. The envisaged Central European community (ultimately ‘a Central European state’) would stretch ‘from the North Sea and the Baltic to the Alps, the Adriatic and the southern reaches of the Danubian Lowland.’ Although Naumann wanted to win the Poles, Hungarians and Czechs over to his idea, he made it clear that the core of Mitteleuropa would be German and that the character of the new country would be determined by ‘the German economic confession.’

The military defeat of Germany coincided with the downfall of the whole continent, which began losing its primacy in the world. For German intellectuals, this epoch-making event marked the decline of European civilization. Such was the position of prominent writers like Hugo von Hofmannsthal, Hermann Hesse or Heinrich Mann. For them, the war and the following political confusion constituted a shocking experience. Europe had tragically distanced itself from the substance of its great spirit, from its essence and grandeur. For example, Hofmannsthal distinguished three phases of Europe’s greatness: the community of Christians, the antiquity-rooted Latin-based Renaissance, and – ‘the highest of them all – German humanism’, expressed in the works of Herder, Schiller, Novalis, Humboldt and Goethe. In the second half of the 19th century – he claimed – the notion of Europe became stunted and lost its vigour and integrability. This gradual decline was

evidenced by successive conflicts between European superpowers, the separation of Russia dominated by the spirit of Dostoevsky and Pan-Slavists, and the western ‘new reality’, based on the primacy of money and socialization of the state.3

However, the conclusions drawn from Hofmannsthal’s diagnosis varied. Oswald Spengler, author of The Decline of the West – arguably the most popular historiosophic book of the interwar period – in his ‘morphology of universal history’ depicted Europe as leaving the stage, ‘an empty sound.’ Likewise Hermann Hesse, in his essay The Brothers Karamazov, or the Downfall of Europe, presented a pessimistic picture of old Europe crumbling under the pressure of the ‘Russian man’: ‘It seems to me that European and especially German youth are destined to find their greatest writer in Dostoevsky – not in Goethe, not even in Nietzsche.’4 Heinrich Mann, for his part, focused on German-French reconciliation, seeing it as a precondition for the unity of the continent. He warned, however, against any attempts at unification under the auspices of a spiritless capitalism which, in one way or another, is likely to appropriate this idea as well. He proposed that people of the spirit, disappointed with how the Catholic Church or communism went about righting the world, should found a new church. ‘We need to set up a new church of our own,’ suggested Mann, ‘to establish equality among nations and to unify Europe. The future of this church will depend on faith: ‘The faith is Europe and the gospel is its unity.’5

In 1923, a young writer by the name of Richard Nikolaus von Coudenhove-Kalergi published his book entitled Pan-Europa, presenting a detailed unification plan for the continent.6 In his opinion it was essential to put an end to the nationalistic stupefaction of Europeans. At the same time, he saw a unified Europe as potentially one of the five world super powers. He attributed the downfall of Europe – the culmination of the war – from the world view crisis into which Europeans fell when they lost their nobility of spirit, as they had acknowledged the democratic principle of equality in state politics. The hegemony of Europe, he claimed, had ended once and for all, ‘pushing it from the centre of the world to its periphery.’ The only hope for the continent was in the creation of a United States of Europe. This would be the ultimate goal in a process which should start with a pan-European conference, followed by an alliance of all European democracies, to be strengthened later by a pan-European customs union and a state union from which Pan-Europa would develop.

For Coudenhove-Kalergi Pan-Europa, a political framework for Europe, would embrace all ‘democratic and semi-democratic continental countries,’ excluding Great Britain (because of the global dimension of the British Empire)

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5 H. Mann, Europa, Reich über den Reichen, „Neue Rundschau” 1923, Nr. 34, p. 577–602.
and Russia (because it was the centre of a different civilization and because of its dictatorial system of government). The author distinguished five emerging superpowers, which he called ‘global areas of power’: American, British, Russian, East Asian and European.’ Ultimately a European nation would emerge, yet under a new definition; he called the dogma of a nation built on blood relationship as a harmful myth in the European mix. Kalergi called nations ‘communities of spirit’ and espoused fighting against ethnic chauvinism by highlighting the European dimension of each European culture. ‘National chauvinism cannot be defeated by some abstract internationalism but through common understanding that all national cultures are integral parts of one homogeneous European culture. To understand this European unity of culture, each nation needs to get to know and to evaluate better the spiritual grandeur of its neighbours, to understand how much it owes or may owe them. It is through this process that a ‘European patriotism’ might emerge.’

It must be said that for an outsider without a political power base, Coudenhove-Kalergi’s idea was a huge success. In the 1920s the advocates of Pan-Europa included politicians such as French Foreign Minister Aristide Briand, Czechoslovak Foreign Minister Edvard Beneš, or Chancellor of Austria Ignaz Seipel. The concept drew a lively response from German writers and thinkers. In general it was supported by, e.g., Gerhart Hauptmann, Kurt Hiller, Hugo von Hofmannsthal, Hermann Keyserling, Heinrich and Thomas Mann, Rudolf Pannwitz and Artur Schnitzler, although some of them did not approve of the exclusion of the British. In the 1930’s, owing to the political changes taking place, Coudenhove-Kalergi and his movement accepted more clearly the German position on the revision of the Treaty of Versaille. The next pan-European congresses were held in Berlin (1930), Basel (1932) and again in Vienna (1935), but politically the influence of the movement was waning as frictions increased among intellectuals, and not only in Germany. Consequently, both the construction of Heinrich Mann’s ‘church’ and Coudenhove-Kalergi’s Pan-Europa were becoming more and more elusive.

Confronted by the growing political extremism of the 1930s, Pan-Europa proved too weak. The totalitarianisms and national chauvinisms made more effective use of the fanatical masses. The tragic European experience of the twelve years of the Third Reich served to pushed the clear-headed part of Germans even more towards the positions of European solidarity, with the peaceful unity of the continent as its central idea. Here, reflection on European traditions meets with criticism of that form of German culture which saw the German uniqueness in its separate historical and political development and in its anti-western bias. For post-Hitler German intellectuals, it was important that the category of nation be demythologized. After 1945 this was made easier, and it was in accord with the general perception that Nazism and World War II had totally discredited, for the Germans, the model of a state based on national egoism. Post-national
projects were gaining ground, which either saw West Germany anchored in an integrating democratic Europe or which – in a different ideological context – called for creating an internationalist communist bloc in East Germany. For Germans, and not only writers, European integration was an idea aimed at guaranteeing peace and freedom, life in truth, and wealth of spirit. German intellectuals were in favour of a Europe anchoring Germany in western values. They saw Europe as the chance to say a definite farewell to the unfortunate concepts of Sonderweg and Mittellage. After the criminal explosion of nationalism, the (West) German society accepted this intellectual offer quite willingly. While being authentically attractive, it allowed them to forget about the recent period of disgrace, the German responsibility for National Socialism, as well as provided an escape through taking on a new identity of a western citizen.

Years later, Hans Magnus Enzensberger quite aptly characterized the West German approach to the European issue in the 1950s. As Germans did not like to show off their German identity, they chose the other, morally unburdening one. The European project ‘promised a compensation for the extermination of the Reich, and even guaranteed a better (though still vague) future. Besides, the idea of Europe was promising to represent something ideal, ideological or idealistic, and so it was simply predestined to add some solemnity to the dry process of material reconstruction. Everybody could fill in the term with their own notions.’

The Germans became, for the most part, the most ardent believers in ‘Europe’. Their European identification, and constitutional patriotism based on western values became an antidote to any resurgence of nationalism and worked well in a divided Europe and a divided Germany.

Following Germany’s 1990 unification, the new situation forced a revision of the European project. The united Germany saw itself as permanently anchored in a political Europe; one which was, unavoidably, in a state of flux. The writer Hans Magnus Enzensberger was sceptical about ‘the Brussels-run Europe’ and its bureaucracy. He agreed with the philosopher Peter Sloterdijk about abandoning ‘the absence from great power politics’ by Europeans and starting to work on ‘a metamorphosis of the empire principle.’ Sloterdijk would like to see Europe as a ‘multinational federation’ capable of taking up the challenges of the present-day world. Jürgen Habermas projects the political integration of Europe through the creation of a European public opinion and ultimately ‘a nation of citizens’ as opposed to ‘a nation of compatriots.’ The London-based sociologist Ralf Dahrendorf warns against dividing Europeans, via the newly-introduced euro currency, into a European core and and a European periphery. Also, from the British perspective, he tries to bring it home to the Germans that they are quite alone in their rejection of the nation state. ‘The German leaders keep assuring us of the end of the nation

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state and of its replacement by the European Union. Some go as far as to say
that there is no German national interest any more and that all German interests
are from now on European.’ The Germans’ readiness to be the best Europeans
– says Dahrendorf – worries other nations.

So when in 2000 the German Foreign Minister Joschka Fischer formulated
a far-reaching idea of crowning the European integration after the EU expan-
sion, he met with a cold reception in other capitals.8 Fisher would welcome a sort
of a European Federation. Being realistic, he does not assume that nation states
must disappear: ‘The completion of the European integration will be successful
if it is done by dividing sovereignty between Europe and the nation state.’ Fisher
knew that his idea was a kind of ‘new European founding act’, and it was so in-
terpreted in other European capitals and by public opinion. The project of a Eu-
ropean federation of nation states provoked divergent feelings and comments.
Some warned against creating a European superstate, others saw it from the angle
of their own negative historical experience with the Germans.

Such a reaction made many German intellectuals realize the historically-
grounded incongruity of political models, especially the incompatibility
of the German, British and French visions of a united Europe. Given the different
political mentalities of the main European actors, the proposed federation is hard
to imagine. There still exist traditional national differences between: 1) the federal
conception – favoured by Germany – with the primacy of law and tradition which
refers to the historical notion of an all-European empire i.e. Reich (the Carolings,
the Hohenstaufen); 2) the British concept of Europe as a ‘contract’ between sov-
ereign countries with the primacy of parliamentarianism; and 3) the French con-
ception of a ‘Europe des patries’ with republican dominance of politics over law.

Essayist Karl Heinz Bohrer, a critic of Fisher’s idea, wrote that this federalist
idea undermines the ‘forms of civilization represented by England or France.’ He
criticizes the Germans for their ignorance of the deeper levels of their European
partners’ cultures and the lack of empathy with which they impose their own vi-
sion of unity. It results, he claims ‘firstly, from the distrust of their own nation and,
secondly, from a romantic and not well-defined predilection for holistic ideas.’9

The German approach to Europe and its values has been a long and pain-
ful process, including for others. The close connection of German spirituality
and politics with the European model accelerated the integration of the continent
around the mid-20th century. It was then that the phenomenon of united Europe
really started – in the form of the European Economic Community and later
the European Union.

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8 J. Fischer: Vom Staatenverbund zur Föderation – Gedanken über die Finalität der eu-
ropäischen Integration, http://www.zeit.de/reden/eurapoli/tik/200106_20000512_fischer [access:
11.06.2010].
9 K. H. Bohrer, Europejska specyfika. Epitafium dla pewnej niemieckiej utopii, [in:] Europe-
jskie wizje..., p. 315–327.
The expansion of the EU in 2004 to incorporate ten new countries ended the post-war and post-Cold War stage of integration and somewhat cooled the deliberations on the European project, but the unavoidable frictions in so large a community, together with its creeping crisis of confidence (not only regarding currency and taxes), has added fuel to the debate moving into the 21st century.

The beginning of the new millennium started with a quarrel within Europe. The American war against terrorism divided European governments and the reaction to the Iraqi war in 2003 revealed different standpoints and sympathies. Eight states, including EU candidates (the Czech Republic, Hungary, and Poland) supported the Americans and found themselves in opposition to the official policy of Germany and France.

In fact, this political duality got into the public eye mostly in the two main continental countries of so-called ‘old Europe.’ In May 2003 daily newspapers in several European countries published an article by two prominent intellectuals, Jürgen Habermas and Jacques Derrida. In rather high-flown language, they diagnosed the new situation of the West with respect to a war that was causing the disintegration of Europe. Their firm condemnation of the war policy of the US administration was accompanied by an affirmation of international law and a call for quicker integration of the European core as a counterbalance to the ‘hegemonic unilateralism of the US.’ In their diagnosis the philosophers said: ‘A gap is growing between the continental countries (Germany, France) and the Anglosaxon ones (USA, UK) but also between the ‘old Europe’ (Germany, France) and the East European candidates for the accession.’ This statement was intended to highlight the immaturity of Poland, the Czech Republic and Hungary for such political participation which, in the EU, would not be in accordance with the political stance of the EU core. While the criticism of the US administration was acceptable and shared by many, Habermas and Derrida’s anti-American tone was nevertheless excessive; it was a reflection of the German and French aversion to the allied superpower. They seemed to forget that less than a year before it was the American army that liberated Europe from a war, this time in the Balkans. Equally illusory was the turn towards the UN, which as an organization is not very efficient, mainly as a result of egoistic policies pursued by over two hundred national subjects.

The authors of these words were projecting a new European reality, assuming as unavoidable the division into a ‘core’ and ‘periphery’ and trusting in the democratic order of secularized societies which, in public life, adhere to the principles of the welfare state and do not accept violence in foreign policy. This is why America, with its different priorities, lost its appeal as a model. The Europeans

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would go for readiness to co-operate, for being receptive to other cultures, for dialogue. Their priority and their challenge for the future was becoming the defence of a cosmopolitan order based on international law.

And it was precisely this cosmopolitanism which was the key notion in the concept devised in the first decade of this century by the prominent sociologist Ulrich Beck. He believes that Europe needs reinvention – for ‘there is no Europe as such; there is only Europeanisation in the sense of an institutionalized process of constant change.’ So far, European integration has been possible as long as the priorities of particular member states have been preserved. Considering the scale of the Union and the challenges facing it (economic, ecological, financial, social), it is essential to move to a higher level. This is also forced by the new means of communication and network information management which is beyond the control of individual states. The German authors support a ‘cosmopolitan Europe.’ This notion implies rejection of the ‘either-or’ logic in favour of a ‘both-and’ approach. Therefore, the key issue now is how to build – without the traditional stabiliser of the state and nation – and consolidate a new type of society and politics going beyond the well-known and traditional determinants. And so, ask Beck and Grande, how will social and political integration be possible through cosmopolitanization? And how can a horizon open up for it when the fundamental social and political forms and notions – society, state, politics, social inequality, mobility, ethnicity, justice, solidarity etc. – are freed from national orthodoxy and redefined in a cosmopolitan perspective?’ They believe that this can only be possible in a Europe as ‘an open political project,’ in which Europe ‘will be forming itself.’

In 2005 Beck and Anthony Giddens wrote: ‘The European Union should be no longer perceived and misunderstood as ‘an immature nation’ or ‘imperfect federation.’ Historically, it is a totally new cosmopolitan project. Many fear, quite rightly, a super federation. An inspirational Europe cannot be built on the ruins of its nations. The further existence of numerous states is a condition for a cosmopolitan Europe, and for the reasons already mentioned the converse is also true: without a cosmopolitan Europe national states are doomed to extinction.’

With the division in public opinion on the issues of acceptability of war, attitudes towards the neoliberal economy destroying the social tissue, and the pace and scope of the European integration, intellectuals’ voices were heard more clearly. One of the most active was the philosopher Jürgen Habermas, who since mid 20th century has published many articles, essays and discussions on European unity and a global civil society. Following the rejection of constitutional treaties in France and the Netherlands in 2003, the philosopher sees Europe stuck

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in an analysis paralysis. And a paralysed European Union will not be able to cope with market dynamics and global challenges. For the first time in the history of united Europe ‘we are facing the threat of stepping back in our integration.’ And so there is a risk that the European Union may transform itself into a regional free-trade zone of little importance. Given the current globalization processes, this would marginalize the Old Continent permanently.

In the summer of 2011, in the middle of the eurozone crisis, Jürgen Habermas gave a talk at Humboldt University in Berlin which was quickly picked up by the opinion-moulders – media, people and institutions. It also animated Europeans in general. In it, Habermas accused the German political elite of breaking the obligation to bring the Union closer to its citizens. At the same time, he formulated conditions for completing the European project as a political task. Habermas argued that in the same way that, following the cataclysm of World War II the idea of European unification expressed ‘pacification of the bleeding continent’, so too today it ‘manifests an effort to hammer out the ability to act.’ ‘In this way, the nations of the economically and politically weakening continent are trying to keep some political leeway against the superpowers in the face of the systemic pressures of a global society.’ The philosopher severely criticized Angela Merkel’s government which, in his opinion, is drifting towards ‘alleged national normality’ and sacrifices the project of a united Europe for narrow German interests, with the result that ‘[t]he virtues of the ‘old’ Federal Republic have faded.’

For Habermas, the overriding aim is ‘a political system for the global society,’ for which the Union is an important stage. He claims that through the expansion and constitutionalization of the EU important innovations have already been implemented, which have changed the classic interpretation of sovereignty. One is ‘subordination of the state monopoly of power to the primacy of supranational law; another is ‘extension of the classical constitutional subject – community of citizens – to include a “treaty community of states” with a mandate from its nations to co-build a supranational structure.’ This is, in fact, how the Union operates – its members are states but their competences are limited by the Union law. At the same time, the citizens of those countries have sovereignly imposed on their governments the obligation of integration. Given the complexity of the challenges and the diminishing freedom of effective independent action by nation states, expansion of political action beyond national borders not only seems rational but ‘results from the normative sense of democracy itself.’

Habermas dreams of Union citizenship and a European constitution. Knowing that this is hardly realistic at this stage, he opts for using the construct of a ‘divided sovereignty,’ whereby, on the one hand, the sovereign is comprised of the citizens

of their own national states, and on the other – it is comprised of the states themselves when making decisions in the Council of the European Union. In both cases it is the political will of citizens which is realised, as ‘individuals’ and as ‘members of state-nations (Staatsvölker).’ Within this logic, it is rational to demand that the law-making subjects not be the member states themselves, but their nations. Then the Union would be no longer perceived as a project of political élites, implemented over people’s heads somewhere in Brussels. Also, ‘Union citizens’ could then influence directly (and so not through their national states) the European Parliament’s decisions in Strasbourg and those of other European bodies. For Habermas, such a change could be a chance to move the integration from the level of everyday management to a deeper involvement of citizens.

If citizens became a co-subject, their sense of participation in European politics would be enhanced immensely. ‘It is in the logic of the constitution that citizens who have to share burdens which go beyond national borders would also like – in their role as Union citizens – to have a democratic say in what their leaders negotiate or decide in a legal grey area.’ This creates an excellent warranty for political consolidation, which is after all the aim of integration. Once again, Habermas calls for stronger political integration, for example, of the members of the currency union. Concealing a financial meltdown and refusing citizens the right to affect decisions about unusually high expenses leads to populist anti-European attacks and could even bring about the destruction of the European project. People find it hard to accept the requirement of transnational union solidarity and trust in politicians’ decisions if they are refused honest information and co-responsibility.

Toward the end of 2011 Habermas published a lengthy essay entitled *Zur Verfassung Europas*, which could be translated as either ‘on the European Constitution’ or ‘on the state of Europe.’ The single volume includes the pro-European interventions of the German philosopher. He is firmly against ‘executive federalism’, which looms out of the intergovernmental agreement for the eurozone debt crisis resolution.15 This, he warns, will ‘hollow out’ democracy even more, and the exclusion of citizens from a decision-making process with such serious consequences will ruin the European project permanently, instead of developing it towards a ‘politically-constituted global society.’ With the domination of markets over politics in the current financial crisis, politicians tend to force only those solutions which are seemingly more effective. Thus, a common economic government or a common Ministry of Finance is being formed without civil participation, and this approach totally ignores the ‘parliamentarisation of financial policy.’ With the eurozone governments (led by Germany) trying to bring the situation under control by strictly technical means, the Union is facing a crucial choice: between on the one hand injection of the democratic principles on which national states are built into the Union as a whole; and on the other hand a ‘post-democratic

executive federalism.’ This choice will decide the fate of the whole integration project. Only by choosing ‘transnational democracy’ – as in Habermas’s model – will it be possible to successfully defend integration.

Therefore, the main issue today is not the extension of the democratic legitimacy of EU through extending the prerogatives of the European Parliament, but the rescue of the Union and the increase of its democratic potential. To achieve this, Habermas wants the guaranteed primacy of ‘supranational law over the national law of state monopolists’ and the ‘division of constitutional power between EU citizens and European nations.’ Habermas is consistent in his demands for the constitutionalisation of the European Union and the introduction of real European citizenship. In this model each EU resident would have dual citizenship – Union and national. This would make him or her a dual sovereign and in this way the model of ‘transnational democracy’ would be accomplished. The ultimate aim for the German thinker is the transition from the present-day international community to a ‘cosmopolitan community.’

In Habermas’s view, ‘united Europe’ is a political phenomenon, the future of which depends on the extension of the democratic basis of its political acceptance. The projects of élites would, hopefully, turn into a community which, when allowed grass-roots participation, would be ready to make considerable sacrifices in order to follow a common policy in various areas and to show solidarity with other fellow citizens in critical situations in the whole ‘cosmopolitan area’. The current challenges have considerably weakened national states’ sovereignties, and the most important global decisions (particularly economic and financial) have been taken for years outside of democratic control. The division of sovereignty between the member states and the Union will not lessen their influence on decisions. Such an extension of democracy to the European level will become institutionalized in the dual citizenship of each EU resident, utopian as it may sound today. In his appeal for more democracy and responsibility the German philosopher refers to the theses of Kant from two hundred years ago. Habermas would like to see the EU as a milestone towards a politically-based and constitutionally-authorized world society. For the German intellectuals quoted above, Europe is not a geopolitical fact whose status quo needs reinforcement – it is a value as a utopian project of a political community emerging in the process of the europeanisation of the citizens and states of our continent.
The problem of a common European identity and a group of values that are recognizable for the whole European community seems nowadays to be a more current topic than ever before. The European Union has become a highly developed bureaucratic community, with special tools to conduct foreign policy in the most rudimentary questions. It has been strengthened by the reforming treaty of Lisbon which came into force in 2009 and rendered it a widely respected organization. The questions of a European identity, however, have grown larger in the public discourse and appear to express the necessity of confirming a group of shared interests and values. The question arises whether this European identity is a concept held only by the leading European politicians and bureaucrats; also by the societies of the member states; or whether it is solely an abstract idea that cannot be put into practice, especially considering the fact that many European states still encounter obstacles in defining their own identity.

The best example for illustrating the process would seem to be the German experience of constructing a national identity after the end of World War II. There are many distinct aspects that show a resemblance between the development of German identity and the same issue and process with respect to the European Community. This article aims to enumerate and discuss these similarities. It is also an attempt to answer some of the essential questions that pertain to the nature of forming a national identity, such as confrontation with the past in the contemporary discourse, in both the German and European contexts, or the degree of homogenization of the societies. The first part of the article mainly concentrates on the problem of the German identity and will emphasize its uniqueness against a background of the vast majority of other European countries. Thereafter, the attention is focused on the same phenomena in the European discourse, highlighting the evident resemblances between the two debates.
1. German national identity after 1945 – a short overview

Having regard to almost all the countries discussed in this chapter, one term is exceptionally often stressed in the literature on the topic of national identity—the founding myth, which may be a ritual or founding of a city, a group presented as genealogical ancestors, the founding fathers of a nation, or a narrative based on a belief, an idea or a philosophy of great relevance to the future development of the community. In this context the Federal Republic of Germany appears as an unusual country, whose national identity was not determined by any founding myths, especially after the end of World War II when the official and prevailing ideology turned out to be a source of atrocities previously unknown in the civilized world. The de-nazification and re-education processes imposed upon German society in 1945 were aimed at proving how contorted and evil the Nazi ideology had been, and implementing new rules, political models and values, which from that time forth were supposed to mould the social life in the just-defeated country. Moreover, the shame of what had been done during the Nazi period and the common repudiation of the truth unveiled after the liberation of concentration camps contributed to the collapse of the point of reference in the discussion of the problem of identity. Any factors that could have made Germans take pride in belonging to German nation had to be aside and seemed inappropriate after having discovered the scale of the war crimes. Instead of a founding myth typical for many other countries, in the Federal Republic of Germany there can be observed various factors that predestined the construction of a new, modern national identity. On the other hand, the second German state, i.e., the German Democratic Republic, is an example of a country with a founding myth that was harmonized shortly after the end of World War II and promptly began to function in the official discourse. The socialist republic was supposed to be an antifascist and anti-imperialist bulwark that had assertively come to terms with its Nazi past, whereas its Western neighbour was perceived as a society deliberately neglecting this process.

Despite the lack of a founding myth in the Federal Republic of Germany (FRG), there were some factors that acted as narratives in determining the national identity of the country. The first factor can be described as a victims’ discourse, in German terminology defined as ‘Opfernarrative’ (narratives of the victims). It stemmed directly from the tremendous defeat Germany suffered in 1945, which precipitated the country into division, territorial losses, hunger, homelessness and forced migrations. The horrifying air raids conducted by the allied armies left hundreds of German cities and towns in ruins. Many industrial facilities were reduced to rubble and the obligatory shift from a wartime to a peacetime economy laid bare the deplorable economic situation. Millions of refugees who streamed in from the lost Eastern territories of the Reich needed to find accommodations
and integrate with the Western part of German society. The imprisonment of millions of men, mostly in the Soviet Union, many of whom would not be released until the 1950s, inevitably led to a demographic crisis.

At the same time, however, the calamities of 1945 marked a new beginning, the so-called ‘Zero Hour’ (‘Stunde Null’), when Germany turned over a new leaf in its existence. Buildings had to be rebuilt, whole cities had to be reconstructed and apathy had to be managed and overcome. Very quickly the feeling of desolation was replaced by a zeal for work and a determination to survive despite any hardship. By facing these hardships German society gradually, albeit still in a short period of time, developed a common consciousness that made only a certain group of Third Reich politicians and military commanders responsible for the war and atrocities. In this view, ordinary Germans were involuntarily involved in the war and needed to suffer because of Hitler and his closest comrades. This impression was additionally enforced by the course of the Nuremberg trials, where only the most outstanding politicians and military leaders had been convicted, and also by the inconsequential re-education which – despite spreading to all the layers of the society – turned out to be quite superficial and was soon aborted. The abolitionary politics of Konrad Adenauer’s government in the 1950s bestowed upon the Germans a conviction of their innocence and/or the insignificance of their past as well.

The ‘victims’ narratives’ had their roots in both the political discourse and the cultural trends or models in the early years of the FRG. This can be seen, above all, in the activities of the Federal Ministry for Displaced Persons, Refugees and War Victims, which was established in 1949. The Ministry represented many, many victims throughout all the years until 1969, when it was dissolved. It contested the existence of Oder-Neisse-border and endeavoured to regain the former Eastern territories, which in turn permanently hindered German relations with Poland and the Czechoslovakian Republic. Research was also carried out focusing on German losses during the war, and its results were published, beginning in 1958 until the 1960s, in five volumes entitled ‘Documents of German War Losses’ (‘Dokumente deutscher Kriegsschäden’). These works presented the losses in statistical terms, but also included relations of eye witnesses to the destruction of the country. However, the most manifest trails of commemoration of the air raid victims (and expellees) were and are to be found at the local level, where the anniversaries of air attacks were highlighted in the press releases, together with accounts, for example, of the speeches of the town mayors\(^1\). Moreover, many of the inflicted towns and cities soon had monuments, commemorative plaques or other memorials that honoured the local victims of bombardments.

What’s more, the speeches of the officials often highlighted the sacrifices of local people and their willingness to rebuild the buildings, and questioned the sense of legitimacy of the allied air raids.

Another political issue that can be found in the public victims’ discourse was the problem of repatriation of the so-called ‘Prisoners of War’ from the Soviet Union. The fact that their number was unknown and unconfirmed by the Soviet side led to public outcry, exerting pressure on Adenauer’s government. The Chancellor’s visit to Moscow in 1955 enabled about 10,000 former German soldiers to return from the prison camps in Russia, and upon their return they were then greeted publicly as war heroes.

The fate of the expellees, PoWs and victims of the air war, brought up frequently in the political discourse, was reflected in the early German culture after 1945. All three issues became significant themes in literature, but most of all in cinematography. Two typical trends in German movies were born shortly after the war. The first one emerged in 1946 and lasted until 1949 in all occupation zones – the so-called ‘rubble films’ (‘Trümmerfilme’) – which had their plot in bombarded cities and presented different aspects of the damaged lives of their dwellers. Another movie trend that gained popularity in the 1950s was called ‘Homeland films’ (‘Heimatfilme’). The action of these movies usually took place in small towns or cottages, whose inhabitants often reminisced sadly about the lost homeland and the unattainable values and lifestyles intertwined with it. Later, the theme of a soldier’s suffering became commonplace in some of the works produced, beginning in the late 1950s. Their main character is an ordinary soldier confronted with strong-minded officers, susceptible to feelings of remorse over the killings, as well as to proving their masculinity and courage. The inflicted wounds, both mental and physical, make them incapable of coping with the horror of war and expose their extent of their sacrifices in an unjust war.

Victims other than German ones were either marginalized or barely noticeable in the public and cultural memory. The first work that could be characterized as a breakthrough was Anne Frank’s diary, first published in the Netherlands in 1947, then in 1950 in France and Germany, where it became a great success. Anne Frank was quickly identified as a cultural figure who represented the destruction of youth and the holocaust, and her diary turned into one of the most famous and notable works of literature illustrating the atrocity of the holocaust. However, the most significant breakthrough in German memory took place in the 1960s. The trial of the SS concentration camp staff in Ulm in 1958, followed by the Eichmann trial in Jerusalem in 1961, and finally the Auschwitz Trials in Frankfurt between 1963 and 1968, provoked a wide public debate about German responsibility for the Nazi terror and foreshadowed a significant change in the attitudes of youth towards their parents’ generation, which came to be perceived as a generation of bystanders who did not demur to Nazi policies and atrocities. The student protests that dominated German developments in the late 1960s, even though
they had serious negative ramifications in the form of extreme-left terrorist actions, drew public attention from German victims to the victims of the Germans and opened a new chapter in forming FRG’s national identity.

The commemoration of German victims in the early years of the FRG does not mean that other groups of victims were utterly omitted in the discourse and the issue of crimes was obliterated. Many intellectuals did appeal for weighing up the question of responsibility more thoroughly and in a more complex manner. At this point Karl Jaspers should be mentioned, whose work ‘Question of guilt’ (‘Die Schuldfrage’) discusses the issue of collective responsibility and is based, to some extent, on the modern collective memory theory proposed by Maurice Halbwachs. Another intellectual who made an attempt to answer the question of German culpability was Theodor Adorno, who is well known for his statement that ‘after Auschwitz no poem should be written’. Nonetheless, their voices usually remained unnoticed in the 1950s, as the society’s efforts were first concentrated on rebuilding the cities and then on enjoying the effects of the ‘economic wonder’ and a consumer lifestyle.

Another important inducement leading to the escape from the past and to the construction of a new identity was the German constitution. The path to its promulgation symbolizes the entire process of democratizing Germany, as the most solemn and essential rules that were supposed to form the new political order derived only partially from Germans. Its origins are to be found in the discord between the former allied powers that began shortly after the end of the world war. The paralysis of the Allied Control Council, which became evident in 1946, commenced an entire process that led to the creation of a new German state from the Western occupation zones, one that would gradually obtain independence under strict allied control. The first step in this process was restoration of the system of political parties and the elections to Landstags, i.e. local administration bodies. Parliaments of the particular federal states adopted their own constitutions and formed structures of a federal political system. Meanwhile, the former Western zones were converted into one political organism – first in 1946 with the combining of the American and the British zones, next in 1947 into a Trizone, also combining the French zone. After the Berlin crisis in 1948-1949, the signing of a peace treaty, as provided for in the Potsdam Conference Act, became undeniably impossible. Lengthy negotiations over the shape of the future constitution were launched in London in February 1948 with attendance of the three Western powers and the Benelux countries. The final act of the conference, the so-called the ‘London Recommendations’, was passed on to the governors of the federal states on 1 July 1948 in Frankfurt. This meeting in Frankfurt was anything but a conference, with presentations of various points

2 K., Jaspers, Die Schuldfrage, Schneider, Heidelberg–Zürich 1946.
of view, followed by a discussion. It was rather an ‘occurrence’, when the first
German representatives were handed very important decisions made by the allied
powers without their knowledge. Democracy was to be imposed on the future
representatives and the whole society.

Nine prime ministers of the states and two mayors of city-states (Bremen
and Hamburg) obtained a political authorization in the form of a document, which
launched a breakthrough on their way to sovereignty. The document recommend-
ed territorial reform, outlined the occupation status and, last but not least, author-
ized the local administration to sketch out a constitution. The effect of these works
on the most important state document was accomplished in spring 1949, and the date
of May 23 is considered as the beginning of the Federal Republic of Germany.
The constitution, officially named ‘Basic Law’ (‘Grundgesetz’), however, was
of a makeshift character and, in spite of the usurpation involved in claiming to rep-
resent the rights of the entire German nation, it underlined the necessity for a pub-
lic referendum to receive legitimacy in the eyes of the people. This is highlighted
in the preamble (‘acting in the name of those Germans whom the right to make
a joint decision has been refused’) and two articles of the ‘Basic Law’.

The division of the nation into two separate political bodies created very
awkward conditions to support a process of identity-building based on the clas-
sical conception, which assumes a deliberate and conscious activity of a larg-
er community of people engaged in defining their distinctive features, values,
and eventually self-determined structures with a firm intention to confirm their
independence. It is identity that legitimizes the creation of a state and allows
its citizens to consider themselves as members of the nation formed. The case
of the Federal Republic of Germany varies from the classical model at all lev-
els. According to Helmut Plessner’s theory, Germany has always been a ‘belated
nation’ (‘verspätete Nation’), inapt at forming its national identity even in mod-
ern times, and even despite the fact that the Holy Roman Empire of the German
Nation and several particular principalities had played major roles in European
politics for centuries. As Plessner points out, the aggregate political changes
in the 19th and the beginning of the 20th century – the downfall after Napoleon’s
conquest, the establishment afterwards of Prussian hegemony, a disastrous defeat

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5 Article 116 states that a German is understood as a person with German citizenship or a ref-
gugee from German territory in its shape in 1937, and their descendants. Article 146, though, states
precisely the temporary character of the ‘Basic Law’: This Basic Law, which since the achievement
of the unity and freedom of Germany applies to the entire German people, shall cease to apply
on the day on which a constitution freely adopted by the German people takes effect.
6 H. Plessner, Die verspätete Nation. Über die politische Verführbarkeit bürgerlichen Geistes,
Kohlhammer, Stuttgart 1959.
in World War I that led to inner instability and crisis – were not the appropriate conditions to render the German community a conscious, modern nation. The disgrace of the Third Reich, when all the ideas invoking national spirit were based not on patriotism and pride of belonging, but on aggressive nationalism and chauvinism, led to a real Zero Hour in every sense of the word, and in addition it was the foreign powers who were taking responsibility for the formation of a state with its conscious habitants.

Thus, the state-formation process after 1945 was everything but the initiative of a community aware of its uniqueness and bound by its affiliation to a German nation. The process was set in motion by the efforts of the Western powers, who confirmed the right of existence of a new, federal state. Democracy, rule of law, and individual and social rights were terms common to Western political systems, but totally unfamiliar to the vast majority of Germans, accustomed to a dictatorship. New models were implemented as a tool to replace the old ones; to replace a totalitarian form with a democratic one; to replace the violation of human-rights by laws with their firm guarantee. Thus, the first articles of the ‘Basic Law’ refer to such a guarantee of all basic rights, including very complex articles elaborating social and labour rights. The pragmatic character of the constitution marks a shift in the German consciousness – the shift from a ‘nation’ into a ‘liberal community of equal rights’.

When it comes to the character of Germany’s ‘Basic Law’, a theory of a new kind of patriotism was elaborated and it appears to have played a crucial role in the identity-creation process in the FRG, at least in its early years. The concept, usually called ‘constitutional patriotism’ was formulated by Dolf Sternberger in 1947, even before work was commenced on the constitution, although the expression ‘Verfassungspatriotismus’ was not used at that time. In his work ‘Notion of Homeland (‘Begriff des Vaterlands’), Sternberger clearly separates two different notions of homelands that are hardly translatable into English. The first German term – ‘Heimat’ – is used with regard to the homeland including the family house, surrounding landscapes, family life and stories, local rites and customs that firmly belong to the past and can never be reached again. Representations of a homeland defined in these terms may be discerned in the movie trends of the 1950s, i.e. the ‘Heimatfilme’, the role of which has already been mentioned. The second notion of homeland refers to ‘Vaterland’, i.e. a place dwelled in by a community in which one was born and raised, both a place and provenience. With respect to the notion of ‘Vaterland’, the constitution plays a significant replenishment role, guaranteeing its citizens particular rights and conditions in which to flourish. Sternberger illustrates his theory using examples from the past, when citizens felt intense bonds with the law order in their states.\textsuperscript{7} In Sternberger’s opinion,

the Vaterland – a community of free citizens – fulfils itself in a political constitution. Their love towards their homeland is expressed not by an immense feeling of connection between them and the long history of the country, as this history cannot be altered. Much more love and attachment derives from the citizens’ will to participate in the homeland’s existence, provided that they are aware of the role of the constitution as the only means to achieve it.

For Sternberger, German history provided almost no reasons to establish a common culture based on the idea of constitutional attachment to the homeland. His conception was a reaction to the negative revaluation of the classical notions of patriotism – as territory, kinship or bonds of blood – that held sway both in the Weimar Republic and above all in the Third Reich. Sternberger argued: ‘Vaterland is a republic that we create for each other. Vaterland is a constitution that we make alive. Vaterland is a liberty that we truly enjoy only when we support it on our own, when we use it and guard it.’ Later he further developed his concept when he proposed the idea of ‘state friendship’ in 1959, stressing that every citizen ought to be a friend of the constitution. Finally, he elaborated on the concept again in 1979, this time using the term ‘Verfassungspatriotismus’ for the first time.

The idea of ‘constitutional patriotism’ was revived later, during the dispute between historians in 1986. In the debate about the origins of national socialism, equating two totalitarianisms Jürgen Habermas, in his response to the notorious article of Ernst Notle (‘The past that does not want to pass’ – ‘Die Vergangenheit, die nichtvergehen will’) reaffirmed the concept of patriotism while taking into account the key role of the constitution. In his article ‘A kind of indemnification’ (‘Eine Art der Schadenabwicklung’) Habermas argued that the ‘Basic Law’ was a document which, due to its practical character, perfectly located the new German state in the geopolitical situation of the 1950s and tied it in with the Western system of values.

The emergence of constitutional patriotism in the FRG took place simultaneously with the integration processes occurring in the Western Europe. From the very beginning, Germany was an active participant in and member of the integration initiatives. This was possible thanks to the establishment of a new German political culture that put supranational cooperation between democracies before the traditionally-viewed social affiliation of the state’s citizens. Constitutional patriotism turned out to be a very advantageous phenomenon, capable of being used at the international level. The integration of Germany with the Western international structures should be reckoned as the third crucial element of the iden-

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8 Ibidem, 31.
tivity-building process. European integration in political, economic and military alliances have today come to stand for a successful initiative based on ideas of peace and collaboration. And for Germany, the struggle to join these alliances was one of the key policy objectives of Adenauer’s government, as it meant a guarantee of peace, security and prospects for a rapid economic development. The string of successes in domestic policy of the 1950s, i.e. the ‘economic miracle’ (‘Wirtschaftswunder’) and the birth of consumerism, followed by cultural resurgence, all took place at the same time as Germany’s gaining independence and its joining the international organizations. Highlights in this course of action include the signing of the New York Declaration in 1951, which settled the framework of German independence, accession to the North Atlantic Treaty Organization in 1955, and its co-founding of both the European Community of Coal and Steel in 1951 and the European Economic Community in 1957. The icing on Adenauer’s political cake was the signing of the Elysian Treaty with France in 1963, that reconciled both countries and initiated an immensely fruitful bilateral cooperation. Even though the Chancellor estranged a large part of the society with some off-putting manners, he entered into history as an eminent statesman and one of the Europe’s modern fathers.

It should also be stressed that the FRG strongly supported the initiative of creating the European Defense Community, authored by the French prime minister Rene Pleven in 1950. After the FRG, France, Italy, the Netherlands, Belgium and Luxembourg signed the treaty, the German Bundestag put the motion to a vote in March 1953. It gained 224 voices in favour and 165 against, apparently meaning the motion passed. The opposition party SPD claimed, however, that the motion, in order to pass, required not an ordinary majority, but a qualified majority, and sent the issue to the Highest Constitutional Court to consider. The problem was unexpectedly resolved after the treaty was rejected in France – paradoxically, the country it derived from. The treaty was put up for ratification in the French National Assembly on 30 August 1954, and failed by a vote of 319 against, and 264 in favour. Although the plan suffered defeat, it confirmed the great attention that German political circles paid to such projects. The effort to belong to an international military organization was fulfilled in 1955, when Germany’s access to North Atlantic Treaty Organization actually took place. The following years – revoking the Hallstein Doctrine and building relations with the Eastern Bloc countries during the era of Willy Brandt – bore fruit when Germany joined the United Nations Organizations in 1973, and then played an important role during the Conference for Security and Co-operation in Europe, which ended the same year with the signing of the Helsinki Act. During his visits to the Soviet

11 Adenauer fell into the disfavor of German society when the so called ‘Spiegel affair’ came to light in 1962. What’s more, despite his previous pledges not to remain in power at any price, he did not want to hand over the chair of Chancellor to another CDU-politician for a long time, i.e. until 1963, when he was replaced by Ludwig Erhard.
Jakub Gortat

Union, Poland, DRG, Czechoslovakia, and in Helsinki, Brandt acknowledged all European boundaries, including the Oder-Neisse-boundary, and forswore the use of violence or threats in international politics. In doing this, Brandt’s declarations broadened the list of the essential values and objectives in German policy. The détente offered by Brandt’s government proved that these declarations were not just empty words, but were put into practice. This not only enshrined Germany’s position among other European countries, but also showed that Bonn would independently purse a policy based on these values in its relations with the Central and Eastern European states.

**2. European Identity – main characteristic points**

At the same time as the FRG became a widely acknowledged state, the first voices of European identity were raised in the Western community. While in its initial phases the process of European integration revolved around economic issues, the years following the two fuel crises in the 1970s, and the first extension of the European Economic Community in 1973, brought about a new debate over broadening the cooperation to include different areas. It was in the 1970s that the first document about common values was published. Although the Copenhagen Declaration of 1973 today seems rather obscure, it was an impulse in the discourse of abstract values of the community. What’s more, its very title (‘Declaration of European identity’) gives the whole set of shared values a name, calling it ‘identity’, a very significant phenomenon. At the European Summit in Copenhagen in December 1973, the Heads of State or Government of the Member States of the already enlarged European Community affirmed their determination to introduce the concept of European identity into their common foreign relations. The objective of the declaration is formulated in the introduction, which reads as follows: ‘The Nine Member Countries of the European Communities have decided that the time has come to draw up a document on the European Identity. This will enable them to achieve a better definition of their relations with other countries and of their responsibilities and the place which they occupy in world affairs’. It is further developed in item 5, which reads: ‘International developments and the growing concentration of power and responsibility in the hands of a very small number of great powers mean that Europe must unite and speak increasingly with one voice if it wants to make itself heard and play its proper role in the world’. Other initial paragraphs also emphasize their disunity and their habit of ‘selfishly defending misjudged interests’ in the past, but then pledge to ‘preserve the rich

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variety of their national cultures’. The first item of the declaration clearly enlists
the most basic values the Member States commit themselves to defend – respect
for human rights, representative democracy, needs of individuals, the rule of law
and social justice. All the signatories highlight the originality of the community
– all of the Members have a different cultural heritage and history, their own
identity and interests, but are bound by their attachment to generally accepted
principles.

Furthermore ‘the Nine’ viewed themselves as a community striving to pro-
mote their values and principles in relations with third countries, and to ‘con-
tribute to international progress, both through their relations with third countries
and by adopting common positions wherever possible in international organiza-
tions, notably the United Nations and the specialized agencies’. Thus, the docu-
ment is not only a declaration of common identity factors, but also an emanci-
pation declaration of the power, or at least of the potential, the Nine possessed
and wished to make use of. They were striving to strengthen their cohesion and be
co-responsible for the entire external policy of Europe.

Many concepts of the Copenhagen summit were included and developed
in the Fontainebleau Declaration of 1984. Here the word ‘identity’ is repeated
once more in the context of a set of shared values: ‘The European Council consid-
ers it essential that the Community should respond to the expectations of the peo-
ple of Europe by adopting measures to strengthen and promote its identity and its
image, both for its citizens and for the rest of the world’.13 There is a characteris-
tic feature included in this phrase that shows that ‘identity’ is juxtaposed with ‘image’
on the same semantic level. Based on the resolution of the Fontainebleau sum-
mmit and the antecedent Copenhagen Declaration, it follows that the shared values
are a factor the Community would take pride in, even boast about, in its relations
with third countries.

The term ‘identity’ appears in other subsequent official acts and declara-
tions as well. The reforming Single European Act of 1986, for instance, mentions
it in paragraph 30 focusing on the common foreign policy. Passage 6 reads: ‘The
High Contracting Parties consider that closer co-operation on questions of Euro-
pean security would contribute in an essential way to the development of a Euro-
pean identity in external policy matters. They are ready to co-ordinate their posi-
tions more closely on the political and economic aspect of security’14. As we can
observe, identity in this context is determined solely by the security policy issue,
whereas the common heritage or values are not mentioned at all. Notwithstanding

13 European Council Meeting at Fontainebleau, <http://www.european-council.europa.eu/me-
26.09.2014].
this anomaly, the Act contains other expressions indicating the existence of values such as ‘work’ or ‘European idea’ introduced by the economic integration of the 1950s that are named in the preamble.

The Treaty establishing the European Economic Community signed in Maastricht in 1992 gives a much more detailed account of these values, and ‘identity’ is to be found in the Treaty three times. In the preamble the parties declare themselves ‘resolved to implement a common foreign and security policy including the eventual framing of a common defense policy, which might in time lead to a common defense, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world’. It is then repeated in Title 1 of the treaty, as among the objectives the Union shall set itself is: ‘to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defense policy, which might in time lead to a common defense’. ‘Identity’ is repeated in the same context in the declaration about relations with the Western European Union (article 4 of the declaration, which forms a separate part of the treaty). It becomes clear that, above all, the concept of ‘identity’ is connected to issues of security and defense policy, whereas common values are rather included in the term ‘cultural heritage’ that according to Article 151 of the treaty should be preserved and safeguarded.

Even the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community from 2007 continues this tendency not to refer to European ‘identity’ directly, but instead to allude to it in the preamble, referring to the ‘the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law’\textsuperscript{15}. The term ‘identity’ is evoked only with reference to churches and other organizations, when the Parties commit themselves to respect their ‘identity and special contribution’ (Article 16c) by respecting ‘the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government’ (Article 3a).

Based on the examples mentioned above, the European Union seems to be not willing to call its common values and heritage an ‘identity’, leaving the concept instead on the national level. The omission of this essential term obliterates some previous ambitions to directly express the meaning of ‘identity’, as presented for example in the Copenhagen Declaration. In addition, this narrowing trend appears to contradict the advanced process of further integration, as witnessed by EU enlargements, reforming the law, creating institutions responsible

for common foreign and security policy or, in a nutshell, gaining power in international relations. Thus, an equation mark needs to be put between ‘European identity’ and ‘European heritage and values’, especially considering the fact that the European Union supports common culture by financing various programs and initiatives in the matter. This failure to use the term ‘identity’, or to invoke it except in relation to some limited agendas (such as security policy) might result from a reluctance to generalize the expression which is typically reserved for national identities. This may indicate that ‘identity’ is thought of only in a national context, whereas common values and heritage, despite being the issues the Union emphasizes and protects so firmly, are not considered as factors of a ‘common identity’.

Another factor, although not stemming directly from the content of the treaties and declarations that characterize European identity, is the great number of official documents that form its jurisprudence. ‘Common heritage and values’ are included in the texts of various treaties, acts, declarations, and the practice of codification of law also becomes a part of this heritage. Acceptance of the EU’s legal legacy is required when any country decides to join the European Union – each accession treaty demands this expressis verbis. The institutional face of the Union – the great number of political bodies guarding the values set out in the EU’s legal legacy – can be viewed as a part of European ‘identity’, very noticeable especially in the Union’s relations with other subjects.

3. German identity – European identity. Inspiring resemblances

In comparing the two processes of identity-forming in Germany and the European Union, some distinctive analogies are easily observable. Both in Germany and in the Union the process is not based on a grass roots initiative proposed by the people/citizens, but is an institutional movement, a top-down manœuvre conducted by the political elites through the implementation of a legal order. The acknowledgement of a social state and a state governed by the rule of law, guaranteeing equal rights to all its citizens, was the initial condition for forming a new, modern German state. These values, formed and then guarded by Germany’s ‘Basic Law’, embodied the German image of breaking off the ties with the former

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16 In this context various programs may be named, e.g. Raphael (protection of European heritage), Arianne (promoting literature). The European Union also supports culture using both central financial programs (Framework Program Culture 2000 and its ‘successor’ Program Culture 2007–2013 and Program Media Plus or Program Europe for the Citizens) as well as the structural funds that are implemented in each of the member states. Other European programs worth mentioning are European Capital of Culture, European Month of Culture and the Europa nostra.
political regime, and opened Germany’s way to integration with the Western communities. The European Union has developed very similar mechanisms to guarantee common rights and values in all of the Member States. For this reason the term ‘constitutional patriotism’ can undoubtedly be applied and used also in the European discourse. The theories proposed by Dolf Sternberger and later developed by Jürgen Habermas easily adapt themselves to the European context. Therefore, the constitutional tradition may be considered as a crucial factor in the identity-building process of both subjects.

In the same way as the national law in any country needs to be reformed from time to time to reflect changes in the social and political life, the law of the European Union also submits to amendments by introducing new, reforming treaties. This tendency confirms another feature of every identity concerned with a national, abstract context, with its fluent and incessant nature. Debates about national heritage, history and culture are present in the lives of every country and often change its image, and with it citizen’s consciousness and identity. Germany is a very distinct example – for many years following reunification in 1990 new historical debates rapidly changed the national identity. The role of particular groups in the Third Reich crimes, the singularity of holocaust amongst other genocides, the commemoration of various persecuted groups in the centre of Berlin, and compensation for persons who once had been conscripted into hard labour are only a few examples that contribute to the development of the German identity discourse. The continuing debates about being proud of belonging to the German state show that the German process is absolutely unique and that identity may be influenced not only by politicians or intellectuals, but also by sports events like World Football Championship in 2006.17

Likewise, the European Union experiences solemn debates and disputes about its identity, embodiment of tradition, and its role in future global challenges. The failures that the Union has recently suffered – the rejection of the Constitutional Treaty in the French referendum in 2004, or the negative outcome in the first Irish referendum that would have allowed for ratification of Lisbon Treaty in 2008 – unveiled a deep rift between the intentions of the EU bureaucrats and the consciousness or interests of European societies. Publically expressed dissatisfaction, which became especially evident in several southern countries of the Union in the face of the financial crisis, indicate a lack of communication between the European elites and the European societies. European identity is not a finished process, as is particularly visible in the rising popularity of some

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17 During the Championship, every victory by the Germany football representation was followed by various acts of effusive euphoria. The national anthem was sung in public places, almost every car had a miniature national flag attached to the hood, and people loudly expressed their pride in being German, without shame. See e.g. J. Leinemann, WM-Patriotismus: Ein glückliches Volk, “Spiegel Online”, Jahreskronik 1 (2006), <http://www.spiegel.de/jahreschronik/a-452551.html>.
euro-sceptic parties or groups in various countries that contest the EU immigration law, some elements of social justice principles, or the unlimited tolerance towards non-European inhabitants.

Coming up with a catalogue of the values defining what is typically European and what does not belong to the European legacy, tradition and culture seems to be a very debatable matter. While respect for human rights, democratic systems, or living in peace appear to be obvious values that have been elaborated on for decades and are now firmly entrenched in the European legacy, the general shape, including traditional roots and origins of Europe, particularly in the context of different current problems like mass immigration, further EU-expansion, or the financial crisis, differs depending on the points of view in different countries. The secularization tendency in Europe, for example, which has been evident for at least two decades, meets with the opposition of the clergy in many member states and in conservative groups as well. Even though the role of the ties bonding Europe with its Jewish-Christian tradition were indisputable for the modern Europe’s founding fathers, their standpoints are rarely evoked nowadays. The fact that the fathers of the European integration looked up to the Christian roots of the continent has been pointed out by the Catholic Church, which pays great attention to the differences between the former and the contemporary views on religion and secularism in Europe. Joseph Ratzinger, for instance, in his speech in Berlin in 2000, accentuated: ‘We are standing before a question: What will be next? In time of rapid changes – is there an European identity with a future and with us connected to it? For the creators of European identity, after the destruction of World War II – Adenauer, Schumann, de Gasperi – it was obvious that there was a solid base for it; the European identity is a part of the Christian heritage of our continent’.18 Struggles over the presence of crosses in public places are an example of the loosening of the Christian ties, and even the most drastic or ludicrous propositions, such as the one that Christmas trees should be banned from public areas, find many supporters. On the other hand, the growing rate of Muslim immigration is considered by many as a jeopardy to European tradition and causes apprehension about the future. The upcoming decades will surely verify just how justified these fears are, and in what direction the secularization wave goes.

Nevertheless, if the European Union eventually resigns from Christianity as an indisputably essential factor of its common heritage, and focuses solely on a catalogue of values and its legal legacy, it will become a very bizarre and unquestionably incomplete community. History, which includes not just the latest developments and breakthroughs but also the more distant ages, is still an essential factor in the identity-building process, regardless of the state where it takes

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place. Of course, the differing views on many issues in all the Member States do not facilitate the process of establishing a coherent identity in the Union, but neither do they render it impossible. It is worthwhile to come back to the German example once again. Numerous debates after 1990 revealed large disparities in opinions on crucial issues concerning the German identity. No other European country has experienced so many audible and ground-breaking disputes about the role of the past in contemporary life and the attitude toward patriotism as Germany, where the sense of ‘patriotism’ has always been overshadowed by the fear of ‘nationalism’. When Laurentz Meyer, the general secretary of CDU-party, publicly confessed he was proud of being German, he probably was not aware of the uproar his confession would cause. His opponent, Jürgen Trittin, the Federal Minister of the Environment, Nature Conservation and Nuclear Safety, instantly reproached him and accused him of having the ‘mentality of a skinhead’. Even the Federal President, Johannes Rau, joined the discussion and admitted that one can be happy or glad of being a German, but not proud, for one cannot be proud of others’ achievements. Now, several years after that debate, a patriotic confession is no longer a reason to feel fear of ostracism. The football championship of 2006 contributed to this state to a large extent, but it was obviously not the sole factor redefining the national identity. Nowadays, Germans take pride in keeping up their good name in the production sector, being satisfied that the mark ‘made in Germany’ is a synonym of high quality and reliability. They also advertise Germany’s cultural legacy, and various countries find it attractive to promote German literature, film or events in their own institutions. Therefore, the German model may be easily regarded as exemplary and could be taken under consideration in the European debates about the continent’s identity.

4. Recapitulation and prospects

The European model of integration and defining identity was once an objective Germany chose to follow and draw on. Germany incorporated the main concepts of the international law legacy and implemented them in its own legal and public order. The connection it established with Western structures, followed by taking some responsibility for leading them, confirmed the role Germany would play in the following years in international relations. The promotion of human rights, emphasis on dialogue, relinquishment of threats and its bridge-building policy with the East-European countries all turned out to be crucial for the international image of the FRG and the process of creating a new, modern national identity.

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Nowadays, the German discourse on coming to terms with the past and its equilibrium-focused policy that relies on respecting everyone’s rights and opinions, together with its success in elaborating a quite coherent identity and its appropriate perception in society, may be seen as an optimistic impulse and scenario for the European community. The German example shows that an identity can be formed in spite of a difficult past and its ignoble experiences.

At this point, some opinions should be stressed in summary. First, the European Union ought to remind itself of its historical roots without being afraid to call a spade a spade – in this case it should highlight the Christian legacy of the continent, which is undeniably visible even in the architecture of the European towns and cities. Evoking this legacy is not necessarily a peril for the rights of the members of other religious groups or people who declare themselves atheists. But highlighting secularism at any price will probably lead to a semantic gap in the notion of identity, and thereby become an obstacle to its comprehension. Moreover, the community should make more efforts to emphasize the term ‘identity’ in its discourse. The concept, once mentioned in the Declaration of Copenhagen in 1973, has been gradually losing its importance and existence, being replaced by other, less concrete terms like ‘values’ or ‘heritage’. Perhaps in the face of new challenges of EU the term should be reconsidered once again.
IDENTITY AND DIFFERENTIATED INTEGRATION IN EUROPE

The fundamental distinction between us and them (insiders and outsiders), characteristic of the process whereby we shape our identities, is universal and timeless. It is already present in the first family-tribal communities, providing the basis for the most typical social divisions, and then later for political divisions. From a modern, contemporary perspective, identity has taken on a special significance as it now extends far beyond the boundaries of local communities, becoming part of the consciousness of large social structures, i.e. of national communities.

The process of European integration presents us with the particular case of efforts to reach unification where the starting point is the presence of units of a different size. As far as the dynamics of this integration process are concerned, we may speak here of two major tendencies in this process: top-down and bottom-up, the imposition from above (enforcement) of unification, or the unifying driving force of the unification movement itself. In the first, the unification process is the result of the extremely hegemonic position of the integrating center of authority, as was the case in both Roman and Carolingian Europe. In the second, strivings towards unification are usually based on the calculation that differences, distances and divergences of interests will be counterbalanced by similarities, feelings of proximity, common objectives and superior ideas or interests.

The present integration process, which is yet another historical attempt to unite Europe, raises an important question – just as did previous attempts – regarding the existence and nature of an entity – proposed, possible, or real – to the creation of which such an integration would contribute and which could be regarded as a prerequisite for it. The question which needs to be addressed is whether in a region of eternal and conflictual divisions, differences and antagonisms, there is sufficiently strong bond-creating potential to overcome these divisions within the institutionalized framework of European identity. And in practical terms it also raises the matter of how one may talk about Europe.
Europe is at the same time a geographical, political, social and cultural concept, rather than (adhering to a well-established conceptual tradition) civilizational. It is based on relative territorial integrity, but the role of the other dimensions in the building of a European identity varies historically and is nowadays regarded as rather problematic. Many works have highlighted the intertwining and overlapping dimensions of European-ness, among them those of Oscar Halecki, whose timeless work still remains fundamental.

Looking at the integration process from the perspective of hierarchical importance, it is clear that economic issues have definitely come to the fore. But while economic integration has become increasingly accepted, there is at the same time a fairly strong degree of reluctance on the part of Member States to limit their sovereign prerogatives. It is the economy rather than political institutionalization that now shapes Europe. Even from a cursory analysis of the progress of European integration in its main areas, it is evident that economic integration is far ahead of military and political integration, leaving social and cultural integration way behind.

The aim of European unity after the Second World War was the realization, first and foremost, of national interests. The idea of the nation state was never challenged and was believed to constitute the basis for a new, peaceful cooperation in Europe. However, in practice, the idea of Europe is tolerated only to the extent that it allows the implementation of national projects, while, as a cultural idea, it has been instrumentalized in order to serve as a mechanism of political integration.

This is confirmed by the main scenarios of the integration process, and it is worth remembering that it is only since the 1980s that European economic and political cooperation has taken the form of integration. It should also be noted that we are dealing with three key positions that define the nature of the dispute on the European political project. The so-called realistic paradigm of cooperation is not only dominant but is also shared by the majority of countries and politicians. Under this paradigm, European integration is understood not as an undermining factor but rather as an element which strengthens the sovereignty of nation states. Integration is treated here in a purely instrumental way. Moreover, only state structures count, and hence, supranational politics must necessarily be reduced to inter-state relations. Primacy is given to economic cooperation, which historically originates from the Cold War and entails a military and political rapprochement, as well as the desire to secure peace in Europe through the economic “anchoring” of Germany in Europe, done primarily by the binding together of the industrial sectors of France and Germany. Failed attempts to create a European Defense Community and European Political Community have meant

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that over course of time military-political objectives have become secondary, being partly institutionalized in the framework of NATO, while issues of economic cooperation have become more prominent.

The second direction represents a federal unifying paradigm. The leading ideologist and propagator of this paradigm was Denis de Rougemont, the Swiss thinker who was devoted to the idea of Europe as a civilizational and political unity, with its roots dating back to ancient times. Rougemont assumed that a feeling of unity prevailing over and above a national spirit would lead to the creation of a European federation. He also envisaged that a united Europe would be a Europe of united regions rather than states. This particular concept of European integration is a reconstruction of the nineteenth-century concept of nation state, but at a higher, supra-national level, and it foresaw some kind of unified European nation. However, this idea has not been reflected in real policy, although it has provided a kind of an ideological base for an integration process which lacks cultural inspiration. An awareness of this shortcoming is reflected in Jean Monnet’s much-quoted statement: “If I had to start all over again, I would start with culture.”

This well-known *bon mot* is most likely an example of the myth-creating activities of the proponents of a united Europe, since as the Jesuit Pierre de Charentenay notes, there is no available evidence to confirm the provenance of this statement, and neither Jean Monnet’s character nor his method has anything in common with the quoted saying.

The third, functionalist, regulatory paradigm, developed as recently as the 1980s, is indirect by nature and situated between extreme realism and the idea of a European nation. This paradigm originated from the concept of a united Europe as a specific trans-national order with a regulatory function towards a whole united area and stands in contrast both to a purely cooperative stance and extreme unity. The functionalist model assumes that states will give up a part of their sovereignty for an integrated Europe in order to meet the growing demands of globalization. It derives from a belief in the upcoming end of an era of nation states, though it does not fully accept the vision of European federalism. It also reflects the view that, so far, the political culture of a nation state may constitute the only real basis for the legitimization of supranational political structures. In addition, the regulatory model should be complemented by the necessary level of social integration and cultural unity. The backwardness and inefficiencies

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that are reflected in the weakness of its democratic legitimacy are now becoming more evident.\(^8\) Partly responsible for this is the existing gap between involvement in the integration process of elites, on the one hand, and on the other, of the masses. This inefficiency, which is a fairly well established fact, is not random, as in the paradigm of cooperation, but assumed. Indeed, neither of these two paradigms in their classical form assumes integration as a process of constructing a supranational community in the form of a European society, though practical issues related to changing European reality weaken such assumptions. Rougemont’s unifying paradigm, which is more open to the creation or rather the reproduction of European socio-cultural bonds, remains only a theoretical project.

The integration paradigms outlined above are open to varying degrees to the idea of a European society. The paradigm of cooperation appears to distance itself further from this concept whereas the regulatory paradigm, which constitutes the doctrinal basis of the current integration process, creates possibilities for the establishment of some kind of society based mainly on economic mechanisms. However, Rougemont’s paradigm is closest to this idea in that it refers to elevated and rather abstract ideas of European culture, understood and shared by certain intellectual circles, but organically foreign and unattractive to the masses. Moreover, it does not provide an answer to the question relating to the place of multiculturalism in a united Europe. Trends prevailing in the process of European unification reflect the structure and political culture of this part of the world, and nation states, so far, remain their basic autonomous units. There is, of course, nothing unusual about this and in this respect, Europe does not differ from the currently prevailing standard. However, following the collapse of communism, the process of European integration gathered momentum, and one has the impression that the perspective of total European integration according to this particular plan has tended to move further away rather than nearer. In 1989, Europe consisted of 34 countries, and by 2014 it consisted of 46 countries out of a world total of 196. In Western Europe we witnessed a process of unification which did not change state structures (except for German integration), whereas Eastern Europe entered a phase of a rapid disintegration, resulting in the emergence of several new countries, which even gave rise to speculation about a new Middle Ages.\(^9\)

There are different reasons for the weakness of social bonds in integrating Europe. Minimalist unification projects, primarily adopted with caution owing to concerns about the fate of autonomous sovereign states and national existence, do not assume (apart from a purely theoretical unification project), deeper integration. The actual process of unification seen from a social dynamics perspective finds itself in a preparatory phase which may be followed by a more intensive


phase of constructing socio-cultural bonds, which is possible, in particular, under the regulatory paradigm. However, given the significance of changes introduced by the subsequent treaty revisions, it is difficult to predict its final results. It cannot be excluded that shaping such bonds will only be possible after radical generational changes have taken place, so the time factor should also be taken into account. The final result of integration is not entirely predictable. Moreover, a limited handling of social processes should be taken into account, which often deviate from accepted premises and plans.

In this context, the fundamental issue seems to be whether the process, which is now taking place, should be regarded as integration, or rather, as the reintegration of Europe. Integration does not presuppose an existence of fundamentals but is about building a new reality from scratch. Reintegration uses ready material on the basis of which it is theoretically possible to reconstruct wrecked tradition, along with structures, institutions, relationships, ideas and a value system – in short, elements of socio-cultural bonds.

In the European unification debate we are dealing not only with juxtaposition but also with the partial permeation of the perspective of the integration with the perspective of the reintegration. The rhetoric of reintegration eagerly refers to the civilizational argument, common historical roots, Christian universalism and axiological model, ecumenism, etc. A case in point is the European concept of the Catholic Church. On the other hand, the rhetoric of integration focuses on the economic and political benefits of cooperation, possibilities of cooperation under multiple divisions, minimization of possible unification processes and evokes an argument of European peace and competitiveness in the era of globalization, whereas the reintegration rhetoric is a rhetoric of community. Consumer associations and networks geared towards economic and political profit are rather adaptive. This justifies the need for European unification by time requirements rather than a more or less mythical brotherhood of nations. It seems that the first favors the idea of a European society more than the latter, which emanates from the circle of European and EU bureaucrats. The rhetoric of integration represents the interests of a “Western fortress” since it allows rejection of the argument about Eastern Europe belonging naturally to the rest of Europe, along with its desire to “return to Europe” being treated with some reserve. For Eastern Europeans the return argument was (and still is) a way to legitimize European aspirations, justified in historical and cultural terms. Current processes are dominated by the philosophy of integration and truncated integration, which leaves aside the project of socio-cultural convergence in Europe.

However, for integration processes to take place according to a EU formula, European dimensions are decisive. It is no coincidence that we should find the greatest deficit of integration in the social and the cultural sphere. Bearing in mind the need for internal cohesion within the entire integration process, we may formulate the hypothesis that economic integration has gone “too far”,...
thus hindering advances in integration in other fields. We are not interested in political or economic aspects which are easily identifiable and described in various contexts but rather in a social and cultural plan of Europe. This raises the old issue of social order and the bonds needed to uphold it. It also raises the question of to what extent Europe manifests the characteristics of its social structure and what its collective consciousness and identity are, if they actually exist.

In the first instance it is worth examining whether the project of European integration relates to a uniquely European sense of community which could become the basis for social integration. Thus, we arrive at the fundamental question about the existence of a European society and the nature of the bonds that hold it together. This is both a theoretical and practical matter. A theoretical perspective implies a question about the conditions and factors determining the possibility of a transformation of a collection of loosely linked societies or nation states into a relatively homogeneous, integrated social organism. The practical aspect of this issue is to some extent controversial. Given the mandatory nature of the contemporary state and national identification, one may ask whether the existence of such a supranational society is possible and, in particular, whether it is necessary and desirable at all. There seems to be an argument in favor of the existence of socio-civilizational bonds in integrated Europe. If we assume that integration is a process with consequences which may even be permanent and irreversible and not merely a transitional state of affairs with the characteristics of a conditional, historical, purely strategic alliance of a certain number of countries (as was the case with the first Communities which were actually a product of the Cold War), it should also be a process of social amalgamation, to use the Karl Deutsch’s term applied in the context of security communities,\textsuperscript{10} i.e. the process that leads to the creation of real socio-cultural bonds in an area hitherto dominated by numerous, distinct and often conflictual socio-political relations. In this case it is about a European society as the goal of integration.

The process of shaping a European society, but still understood as spontaneous rather than steered, was already being considered with moderate optimism at the beginning of the 20th century by Emile Durkheim. He referred to the idea of brotherhood between people and wrote in his book, The Division of Labour in Society, the following:

Really, once the problem has been posed in these terms, we must acknowledge that this ideal is not on the verge of being realised in its entirety. Between the different types of society coexisting on earth there are too many intellectual and moral divergences to be able to live in a spirit of brotherhood in the same society. Yet what is possible is that societies of the same species should come together, and it is indeed in this direction that our society appears to be going. We have seen

already that there is tending to form, above European peoples, in a spontaneous fashion, a European society that has even now some feeling of its own identity and the beginnings of an organisation. If the formation of one single human society is forever ruled out – and this has, however, not yet been demonstrated – at least the formation of larger societies will draw us continually closer to that goal.11

Perceiving the process of shaping a new European society as the realization of the ideal of brotherhood and peace in complex, modern social forms, Durkheim defined two of its specific dimensions. The first is a more detailed division of labor, capable of creating between individuals and social groups sufficiently strong and well-developed social bonds of an organic type which he juxtaposes with forms of a mechanical solidarity, characteristic of the pre-industrial epoch. The second dimension creates cultural bonds and articulates uniform cultural "performances" (images) expressing a collective consciousness, and especially society’s self-awareness. Durkheim had in mind a process corresponding to modernity, complexity and the size of this society, based on the educational system generating cultural unity centered around common values. Characterizing organic bonds, Durkheim wrote:

Men need peace only in so far as they are already united by some bond of sociability […]. If today, among cultured peoples, it seems to be stronger, if that portion of international law that determines what might be called the ‘real’ rights of European societies perhaps possesses more authority than once it did, it is because the different nations of Europe are also much less independent of one another. This is because in certain respects they are all part of the same society, still incohesive, it is true, but one becoming increasingly conscious of itself. What has been termed the balance of power in Europe marks the beginning of the organisation of that society.12

It must be admitted that Durkheim’s thoughts regarding the perspective of European unification are characterized by broadened and braver new horizons than those that determine the course of contemporary integration processes. Durkheim was not a politician who had to take into account conditions of a practical action but a scholar describing the world, not quite convinced that the emerging European collective consciousness could effectively overcome aggressive nationalism characteristic of a Europe of nation states. His concerns in this regard were confirmed by two world wars. The defeat suffered by European civilization finally became a prerequisite to undertaking the most important thing in the history of modern Europe – integrational discourse. So, finally Durkheim was not mistaken in predicting the emergence of a new European society.

As a matter of fact, to a limited extent, there does exist a real European bond – a traditional element of European reality, and it manifests itself in two ways. The first consists of certain social associations, as well as supranational

and transnational organisations, characteristic of European academic, artistic, professional, sports or even religious circles and also relationships and interdependencies which stem from economic activity. Naturally, many of them are concentrated in Europe. The second is the wide realm of civilizational European qualities deeply rooted in its traditions and cultures inherent in individual nations.\textsuperscript{13} Europe is sometimes perceived, especially by former contributors, as an area impregnated with a specific civilization. As Jose Ortega y Gasset wrote:

European nations have a long history as a society, a community […] There are European customs, European manners, European public opinion, European law, European public power […]. But all these social phenomena are given in a form appropriate to a level of evolution of the European society, which is, of course, as advanced as that of their components – the nations.\textsuperscript{14}

However, the tendencies to confront the idea of a European identity had (and always have had) a limited social range. They belong more to an elitist consciousness rather than to a mass consciousness, which has a tendency to be locked in indigenous or local socio-cultural structures. Wider social circles are not involved in this consciousness, even if objectively they are linked to the system of the division of labor. One can say that Europe, just like nations, is an imagined community that exists insofar as it is a subject of collective and individual perceptions and insofar as its basic, shared cultural content translates itself into human behavior. Florian Znaniecki noticed this when he wrote that the maintenance of higher civilizational forms requires an ongoing pressure on their observance exerted on the masses by the leadership of the elites. But much has changed in Europe since Znaniecki’s time, and what is more, contemporary standards of democracy have deprived the elite of its former function. Indeed, the nature of the elite has also changed, and it now constitutes itself on the basis of new, completely different, far more democratic and pragmatic criteria, poorly motivated by a civilizational ethos.\textsuperscript{15} The democratic standards of contemporary Europe, which mean not interrupting the discourse between “Europeans” and “Eurosceptics”, deprive this elitist European consciousness of its potential driving force. No wonder that agreement on the direction of the evolution of EU social structures is relatively small.\textsuperscript{16}

\textsuperscript{14} “Quería insinuar que los pueblos europeos son desde hace mucho tiempo una sociedad, una colectividad en el mismo sentido que tienen estas palabras aplicadas a cada una de las naciones que integran aquélla. Esa sociedad manifiesta todos los atributos de tal: hay costumbres europeas, usos europeos, opinión pública europea, derecho europeo, poder público europeo. Pero todos estos fenómenos sociales se dan en la forma adecuada al estado de evolución en que se encuentra la sociedad europea, que es, claro está, tan avanzado como el de sus miembros componentes, las naciones.” J. Ortega y Gasset, \textit{De Europa meditatio quaedam}, [in] \textit{Obras completas}, T. IX (1960–1962), Revisión de Occidente, Madrid 1965, p. 257.
\textsuperscript{16} G. Delanty, \textit{Inventing Europe...}, p. 131–132.
One may also inquire what kind of collective European consciousness is created (or could be created) under mass democracy, the disintegration of traditional leadership structures and authorities in the context of the regulatory paradigm of integration. This raises the question of whether a more or less integrated Europe will emerge as a terrain of coexistence, characterized by a distinct identity of specific communities and cultures or whether it will transform itself, in one way or another, into a separate entity based on common and fairly well understood socio-organizational and cultural foundations. In this context, the notion of a European civilization usually comes to the fore. In terms of identity, it is a question about the existence of bonds that unite the European community and their essence.

It is undoubtedly difficult to give a clear answer to such a question, and instead of trying to introduce key possible scenarios of the future of Europe, it is worth outlining certain conditions and prefigurations of European society while referring to the theory of socio-cultural bonds. Building on the experience of contemporary European societies, one can identify four types of bonds constituting the basis of the social integration, characteristic of four essential dimensions of real human communities, namely: social, political and ethnic (national) bonds as well as cosmopolitan (supranational).\textsuperscript{17}

In the countries belonging to Western civilization the political bond constitutes a basis for the organization of the political community and is a subject always present in the context of citizenship relating directly to state institutions. The political discourse which shapes this bond focuses mainly on rights\textsuperscript{18} (e.g., the right to life, liberty and property) or on participation. Citizenship – the political dimension of social life – is therefore reduced either to the issue of passive formal rights or to the active right of participation in the process of political decision-making, constituting an important aspect of the integration of national societies. However, it is worth asking whether this element of political culture plays an analogous bond-creating role in the European Union and whether it has become the basis for a collective European identity? Many scholars, among them lawyers, believe that the European demos is characterized by a low degree of civic participation, a serious democratic deficit and an unresolved issue of sovereignty.\textsuperscript{19} The reasons for this should be sought both in the size of an integrated Europe, which makes citizen participation difficult or even impossible in the political process and reduces their citizenship to passive, formal rights, as well as in the diversified structure of the Member States, which prevents the transformation of this entity into a federation.

\textsuperscript{19} G. Delanty, C. Rumford, \textit{Rethinking Europe...}, p. 102–105.
The socio-cultural dimension of national societies shapes itself independently (or partly independently) of political institutions and finds its expression primarily in nationalist and conservative ideology. Membership of this cultural community is a key factor defining individual and a social collectivity. In nation states, there is an irresistible tendency to treat demos (and hence political bonds) as derivative of national bonds. In nationalist discourse, the nation is treated as a cultural group and this, in turn, generates a peculiar sense of uniqueness and encourages the xenophobic tendency to exclude strangers. Thus, issues of citizenship, civil rights and participation are subordinated to national criteria. As already stated, European integration clearly lacks this cultural dimension, characteristic of nation states. Needless to say, Europe does not enjoy the key elements constituting a national culture: a community of history, a community of language and religion, as well as unified educational and media systems.

Language, with some exceptions, is the main factor shaping national cultures and it is worth recalling the view of Gerard Delanty, who is of the opinion that it will be difficult to build a similar unity and cultural-bond of Europe by using elite polyglots. The current situation is much worse than it was in the Middle Ages – the period of the universal usage of Latin as the lingua franca of the continent (and an elitist one at that). Likewise, attempts to build a European identity by appealing to the values of high culture and to cultural heritage itself simply do not convince the masses. Neither do references to the “spirit of Europe” arouse any special interest as the basis of the collective identity of Europeans. The ideas to which Europe owes its identity in the world, i.e. the Christian-humanistic ideals of the West and liberal democracy, failed to anticipate the unification of Europe, and we are unable to believe they would be able to provide European modernity with a civilizing force. Assuming that an integrated Europe is a kind of a cultural unity, this is primarily manifested in the spirit and style of consumption as well as in its uniqueness when compared to other parts of the world.

As a matter of fact, it is solely in the latter that one may seek the only source of a European ethnos. In the European Union there is now developing an identity of exclusiveness whose reference point is always the other, the stranger, a non-European or even an Eastern-European.20

The third dimension of social communities is the social bond related to the concept of society, fundamental to human communities although extremely confusing and ambiguous. This concept is associated with a national society, characteristic of Europe, with its specific institutional order, a nation-state, and territorial structure based on an organizational bond related to the division of labor or functions. The notion of consensus underlies the idea of nation, which is considered to be a prerequisite for cultural integration and cohesion. The social dimension of European integration is practically reduced to the market, both with regard to consumer goods and to the workforce. European integration has increased the flow of goods

and the workforce. Social cohesion is achieved via market methods and capital accumulation dynamics, substituting bonds for homogenization. Apart from consumption and a workforce, the European Union offers little compared to national societies. In these societies, the most salient manifestation of a social consensus in the postwar period has become the creation of the welfare state. Institutionalized welfare does not exist on the European level to a comparable degree where the institution of social citizenship has not yet been introduced.

The last of the examined dimensions of social bonds has a supranational, cosmopolitan character. It is defined by three concepts that operate in the social sciences and to a limited extent in the public consciousness which defines real processes: universalization, internationalization and globalization, and go well beyond the boundaries of traditional and still dominating socio-cultural arrangements. These are the concepts of civilization, a federal state and world (or global) community. Civilization is a category with a long tradition in social, historical and political thought and expresses the feeling of identity and unity of Europeans to the outside world. The contemporary idea of a supranational political structure in the form of an integrated Europe should be linked to the European feeling of being threatened by U.S. domination (and until recently also of the Soviet Union). Finally, the idea of a world community is an expression of the striving for the realization of the principles of the universal declaration of human rights, universal peace and resistance to violence. At the European level, a particular civilizational rhetoric has been adopted. However, we should not reject compelling arguments in favor of the thesis that the ideal of a European unity has never been an alternative to the nation state either in theory or in practice. Research on the history of the old continent shows that after the Renaissance the idea of Europe was detached from the universalist Christian worldview and then became attached to the emerging ideal of the nation state. Since that time, apart from incidental utopian ideas, an understanding of Europe as a continent of nation states has predominated. This tradition is undoubtedly one of the factors hindering the transformation of the European Union into a formal federal structure. Thus, a more integrated Europe, though contributing to the creation of post-national citizenship for immigrants, does not demonstrate any interest in the idea of a universal community in the sense of a cosmopolitan ethic of global citizenship. Quite to the contrary, increasing importance is given to a defense strategy whereby the exclusive nature of the Union is maintained, as well as the shaping and dissemination of ”a besieged fortress” mentality vis-à-vis the outside world, which manifests itself, inter alia, in limiting or even blocking spontaneous immigration.

Much points to the fact that European integration has not affected the emergence, so far at least, of a European society. It has not created any of the structural elements of bonds characteristic of well-known socio-cultural systems discussed

21 Ibidem, p. 66–78.
in the social sciences. It has become neither a super-state, nor a super-nation, nor a super-society. Neither has it acquired any distinctness as a civilization. Instead it is a multi-state and multi-nation entity that despite signs of social convergence in certain areas, e.g. in certain legal domains, technical standards or infrastructure, remains an economic aggregate from which the whole unification process started in the first place rather than a social organism.

This outline relates to integration, which, viewed as a process, is of a dynamic nature and is linked to the time factor mentioned above. Theoretically, a time lapse could change the circumstances outlined here. This would necessarily lead to the building of a collective European identity around the European idea, based not on any particular national ethos but on a hypothetical uniform European ethos, which as yet only exists in the form of an elitist idea of European civilization. Experience teaches us that this idea, in times of mass democracy, is in deep crisis and appears to be losing influence with regard to people’s aspirations and behavior, but gaining influence where it could prove useful as a symbol and instrument of EU exclusiveness. In this context, an original alternative has appeared which rejects the communitarian tradition of understanding society that links the idea of political unity to the idea of ethno-national unity and treats them as “a community without unity”, a space for discourse, open to effective civic communication. It is all about post-traditional communities negotiating their alterations and transformations within the communication process. This concept, sketched out by the German thinker Jürgen Habermas is a response to the processes of deepening for various different reasons (inter alia due to the pressure on Europe of successive waves of immigration from culturally and racially diverse, poorer regions of the world), as well as divisions and cultural conflicts. Europe faces the tough task of building a society under conditions where its own internal divisions overlap with new problems, but of a similar nature. The departure from tradition and the reduction of the conflictual potential of cultural differences and distances while at the same time consenting to these differences is to be realized via institutionalized discourse and intensive communication processes. This concept is about a new political culture and a new political socialization based on the idea of post-national citizenship. The model of citizenship in such a European society does not recognize non-participation as a central value (rather unrealistic given the conditions of an integrated Europe), but communication. Thus, the idea of participatory democracy gives way to the postulate of a communicative, discursive democracy. So, European integration should create neither traditional national ties nor national cultural unity, but rather spaces for discourse and a respect for public debate. A public sphere so designed “must not be deformed through either external or internal coercion. It must be embedded in the context of a freedom-valuing political culture and be supported by the liberal associational structure of a civil society.”22

Delanty goes even further in his theoretical, postmodern postulates. He perceives a future European society as "a knowledge society", seeing in knowledge "an institution of social imagination." He refers not only to the technological sphere, but primarily to a wider, cognitive in its essence, society’s ability to self-interpretation as well as to imagining and constructing alternatives.

The problem is whether there is an imaginary dimension of European integration that would use knowledge to contest current forms of reality on such questions as the boundaries of social groups and fundamental codes of group membership. In other words, it is about building a European society through the reproduction and deconstruction of social bonds on other grounds. The basis of such bonds should become, as the authors of this generally postmodern, leftist and cosmopolitan orientation believe, a post-national citizenship liberated from national and state determinants, while at the same time rejecting all other traditional indicators of social participation. The key argument is the thesis that Europe is neither a political community, nor a cultural community, nor a society in the conventional meaning of the word assuming consensus. In conclusion, while Europe cannot become a real community, it can develop as a "virtual" society, as Delanty refers to it, for example. This virtual society is not an entity constituted as a system of values but a particular frame of public discourse. This also applies to the idea of a cultural community. For Europe, reliance on such a cultural community could prove very dangerous due to its multiculturalism and cultural diversity. In this context, the central issue becomes the status and role of knowledge.

The separation of an ethno-cultural idea of Europe from the idea of citizenship is, in this context, of fundamental importance. The distinction relies on the difference between universal norms and cultural values which are relative in nature. Post-national citizenship is a normative concept whereas Europe is a cultural idea. Assuming that the European idea can provide a normative basis for a collective identity only when it focuses on this new conception of the essence of citizenship, one can, nevertheless, raise the question of whether a multicultural European society will be able to accept a collective identity devoid of roots. This question entails an awareness that the submitted project is juxtaposed with a rather voluntary assumption with the harsh realities of socio-cultural mechanisms, the operation of which may prove resistant to progressivist persuasions. Concepts of such a kind can, however, attract interest when there is a far-reaching erosion of the traditional axiological-normative systems which steer the processes now taking place in European societies.

The concepts of a European society presented here call into question the idea of European identity understood as a total project underpinned by ethno-culturalism. The collective identity of Europe should instead be based on autonomy and the feeling of responsibility for individuals and communities rather than on the chimerical concept of supranationality. Here it is worth quoting Delanty, who writes:

A very basic problem, then, is can a European identity emerge as a collective identity capable of challenging both the cohesive force of nationalism and racism without becoming transfixed in either consumerism or the official culture of anonymous institutions? The search for new principles of European legitimacy is inextricably bound up with the attempt to create a space in which collective identities can be formed. It may quite well transpire that intractable disunity is the condition for a European identity.25

This concept of a European society entails open conflict with concepts supporting the civilizational paradigm, which treats Europe as a collectivity based on common traditional cultural values. It should finally be noted that the idea of civilization is deeply rooted in European rhetoric, which perpetuates the belief (according to some researchers delusional) that Europe is a synonym for the European Union because of its characteristic values. Despite the criticism this attracts, it retains its attraction to people in circles where an ethos formula of European civilization is seen as an opportunity for the re-integration and flourishing of European society, a consolidation of its civilizational identity and the maintenance of its leading and a dominant position both now and in the future. But not everyone can see the reality of Europe so clearly. Jose Ortega y Gasset, known for his fondness for metaphors and similes, compares European society to a watermark on paper, invisible at a first glance but nevertheless there.26

Such a statement suggests that academic research can evaluate even the most sublime of ideas. Today, unlike at the beginning of the last century, the unequivocal self-determination of the European population has become relatively more difficult and less certain as the processes of migration of people and cultures undermine identity assignation and force man to face the challenges caused by the rapidly changing situations of modern life. The traditional, local, stable and inherited identity has gradually begun to give way to a type of identity reflectively constructed, often in the interactive processes of negotiation permeating modern forms of a collective life. This phenomenon is now so evident that it has become of great interest to social sciences theorists.27 Its further increase may prove to be an important factor conducive to the erosion of the previously dominant structures of the individual and collective identification.

25 Ibidem, p. VIII.
26 J. Ortega y Gasset, De Europa meditatio....
That European Union citizenship remains an unfinished institution is beyond any doubt. Even its modest original content enshrined in the Treaty of European Union revealed this. Article 25 TFEU (formerly Article 22 TEC) has always carried the promise of the extension its material scope of Union citizenship by a unanimous decision of the Council in accordance with a special legislative procedure and after obtaining the consent of the European Parliament. Although this procedure has not been activated yet, EU citizenship has evolved. For more than a decade, the Court of Justice of the European Union (CJEU) has not hesitated to subject it to critical reflection and inquiry and to embark upon unknown and controversial terrains, thereby inviting both admiration and fierce criticism. European judges have taken quite seriously constitutionalisation of Union citizenship and sought to respond positively to citizens’ needs and expectations. But as their decisions are guided by norms which often conflict with states’ interest in unilateral migration control and the pursuit of power, governments have not hesitated to express their disapproval of what they perceive to be judicial policy-making.

Having said this, one must not overlook the fact that the Court’s interventions have been uneven. While the material scope of Union citizenship has been adjusted in ways that are responsive to Union citizens’ welfare needs and their concerns, its personal scope, that is, the question of how and under what conditions can EU citizenship be acquired and lost, has largely evaded critical reflection and adaptation. Access to EU citizenship has been premised on the possession or acquisition of Member State nationality and any attempt to loosen the grip of the latter on the former is hastily taken to signal an external intrusion into the sovereign domain of the Member States (the so called creeping Community-risation) or a threat of an aggressive Community take over. Sovereignty concerns have thus marked off the field of determination of nationality, which falls within
the exclusive competence of the Member States but must nonetheless be exercised with due regard to Community law,1 from review by the Community institutions. And yet polarised positions and ‘either/or dualisms’ more often than not hide the complexity and potentialities inherent in relationships. For in relations of all sorts, not only does mutual dependence co-exist with mutual ‘relative’ autonomy, but also if the latter is denied or circumscribed within a very narrow margin then the relationship ceases to function properly. By analogy, although the relationship between EU citizenship and Member State nationality is one of dependence, if it is dogmatically asserted that dependence rules out the existence of relative autonomy in domain of either EU citizenship or national citizenship then the relationship is bound to exhibit cracks. With respect to MS nationality, the Court has made it clear that the Member States enjoy relative autonomy by upholding the international law maxim that determination of nationality falls within their exclusive jurisdiction, despite the anomalies that this creates in the field of application of EU law and its exclusionary implications with respect to the rights of long-term resident third country nationals.2 In Micheletti, the Court confirmed that determini-

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1 * This article is an abridged and amended version of The European Court of Justice, Member State Autonomy and European Union Citizenship: Conjunctions and Disjunctions, which was published in B. de Witte and Hans-W. Micklitz (eds.), The European Court of Justice and the Autonomy of the Member States, Intersentia, Leiden 2012.


nation of nationality falls within the exclusive competence of the Member States, but it went on to add that this competence must be exercised with due regard to the requirements of Community law, and in *Kaur* it stated that “it is for each Member State, having due regard to Community law, to lay down the conditions for the acquisition and loss of nationality”. Accordingly, nationals of a Member state should be able to exercise their rights to free movement without impediments imposed by additional regulations adopted by other Member States. In *Chen*, the Court criticised the restrictive impact of such additional conditions for the recognition of nationality of a Member State. It ruled that the United Kingdom had an obligation to recognise a minor’s (Catherine Zhu) Union citizenship status even though her Member State nationality had been acquired in order to secure a right of residence for her mother (Chen), a third country national, in the United Kingdom. Since Catherine had legally acquired Irish nationality under the *ius soli* principle enshrined in the Irish Nationality and Citizenship Act 1956 and had both sickness insurance and sufficient resources, provided by her mother, the limitations and conditions referred to in Article 18 EC and laid down by Directive 90/364 had been met thereby conferring on her an entitlement to reside for an indefinite period in the UK.

But the ‘relative autonomy’ of the other party to this relationship, that is, of EU citizenship, has not been addressed in a systematic way yet. Does this mean that it should be ruled out a priori that EU citizenship may be relatively autonomous under certain conditions and within certain parameters even though it is activated by the possession of Member State nationality? Could it be argued that the Member States’ regulatory autonomy in nationality matters would be infringed, thereby leading to a violation of Article 20(1) TFEU, if EU citizenship were seen to survive if the MS nationality link which gave it rise in the first place ceased to exist? These questions were raised in *Rottmann*.6 Mr Rottmann, an Austrian national by birth, fearing arrest for suspected serious fraud, emigrated to Germany where he subsequently obtained citizenship by naturalization. He lost his Austrian nationality under Austrian nationality law, and, when the Austrian authorities revealed that he had been the subject

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5 Case C-200/02 Kungqian Catherine Zhu and Man Lavette Chen v. Secretary of State for the Home Department, Judgement of the Court of 19 October 2004.

of a criminal investigation for fraud and an arrest warrant, Germany revoked his
naturalisation on the ground that he had received German citizenship fraudulently. Mr Rottman sought the annulment of this decision arguing that the deprivation of his German citizenship makes him stateless under public international law and that it would lead to loss of Union citizenship which is contrary to Community law. The preliminary ruling reference procedure was activated by the national court which required clarification on whether Community law prevented the loss of Union citizenship under the circumstances pertaining to the case in hand and whether either Germany or Austria had an obligation to comply with Community law. Advocate General Maduro made it clear that the case was not a purely internal matter falling outside the remit of application of Community law since it entailed the requisite cross-border dimension (points 9–13) and proceeded to elaborate on the scope of the Member States’ obligation to comply with Community law in exercising their regulative autonomy in nationality matters (point 22 et seq). While the Advocate General eloquently pinpointed that EU citizenship and MS nationality are ‘inextricably linked but also autonomous’ (point 23), ‘all rights and obligations attached to Union citizenship cannot be unreasonably limited’ by the conditions pertaining to access to Union citizenship (point 23) and that national rules determining the acquisition and loss of nationality must be compatible with EU rules and must respect the rights of EU citizens (point 23), he proceeded to state that inferring that the withdrawal of nationality is impossible if it entails the loss of Union citizenship would violate Member State autonomy in this area and thus contravene Article 17(1) EC as well as Article 6(3) EU concerning the EU’s obligation to respect the national identities of the Member States.7

Although the analysis provided by the Advocate General was significant and illuminating, it may be worthy to pause for a moment to reflect on his conclusion. In examining closely his Opinion, it seems to me that there exist two lines of argumentation that are congruent with the analysis up to point 23. The first, which is encapsulated in point 24, is that a MS cannot revoke one’s naturalisation or withdraw one’s nationality, if this results in the loss of Union citizenship. This, as the Advocate General has noted, would constrain statal autonomy in an area that falls within the Member States’ exclusive jurisdiction. But the Advocate General overlooked a second possible argument; namely, that the MS can revoke naturalization or withdraw their nationality, provided, of course, that they comply with Community law, but Community law precludes the ensuring automatic loss of Union citizenship if a Union citizen is rendered stateless. In other words, the loss of Member State nationality would not automatically result in the forfeiture of Union citizenship, if the Union citizen concerned were rendered stateless. Indeed, given that EU citizenship is a dynamic

7 Ibidem, points 24 and 25.
concept and institution and a fundamental status, a certain degree of autonomy as far as Union citizenship is concerned is required in order to preserve the link between the citizen and the Union and his/her place in the European community of citizens.

The Grand Chamber did not pursue this argument. It made denationalisation (and naturalisation) decisions taken by the Member States subject to judicial review and a proportionality test, thereby intruding in what was previously thought to be the Member States’ core preserve of sovereign jurisdiction. It stated is that when the loss of EU citizenship is at stake, national courts have to examine the proportionality of the withdrawal decision in light of the fundamental status of Union citizenship as well as in light of national law (para 55), by considering whether the ‘loss is justified in relation to the gravity of the offence committed by that person, to the lapse of the time between the naturalization decision and the withdrawal decision and to whether it is possible for that person to recover his original nationality.’ (para 56).

By stating so, the Court invited national authorities to consider seriously whether the long-established principle of denationalisation on the ground of fraudulent naturalisation or misrepresentation, which remains ‘in theory, valid’ (para 55) is appropriate, that is, whether it goes beyond the degree necessary in the public interest since punishment of the individual concerned via criminal law provides a less restrictive alternative and appears to be more consonant with the realities of the 21st century. Although deceitful individuals should not be allowed to benefit from their own wrong, if they have made a country the hub of their activities for a number of years and have been enmeshed within the socio-economic fabric of the society, withdrawal of nationality is an extremely heavy penalty since it does not.

Arguably, it is not fair that a Union citizen, who has established a multitude of relations and connections in a Member State other than his/her state or origin and a link directly with the Union (and its Treaties) from which directly effective rights and obligations flow, is automatically denied of social and political standing in the Community legal order because a Member State decides to deprive him/her of nationality, however legitimate the reasons may be. After all, the Community law rights of free movement, residence and equal treatment do not come into view because one is a MS national (millions of MS nationals can not invoke these rights if their situations are purely internal, that is, they have not established links with Community law by engaging in activities with a cross-border dimension), but because a MS national has activated his Community law status. Accordingly, this status, which is not a status of subjection – as nationality is – but a status of participation in civil society, needs to be protected. This can be

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9 Ibidem.
done by recognizing that each person holding the nationality of a Member State is a citizen of the Union, but this status shall be unaffected by a subsequent loss of state nationality which renders the individual stateless.

True, critics may be quick to observe that national governments are likely to react negatively against such a conclusion fearing that EU citizenship might take over national citizenship. Such fears have been expressed in the past but they lack empirical foundations. One may recall the Declaration on Nationality of a Member State, annexed to the Final Act of the Treaty on European Union, which expressly stated, ‘the question whether an individual possesses the nationality of a Member State shall be settled solely by reference to the national law of the Member State concerned’.10 Similar declarations were adopted by the European Council at Edinburgh and Birmingham. The Birmingham declaration confirmed that, in the eyes of national executives, Union citizenship constitutes an additional tier of rights and protection which is not intended to replace national citizenship – a position that found concrete expression in the amended Article 17(1) at Amsterdam11 and the Lisbon Treaty.12

On close reflection, however, the above mentioned possibility does not threaten to replace national citizenship. Nor does it impinge upon state autonomy which is clearly manifested in the act of deprivation of citizenship. It merely maintains the legal effects of Union citizenship and safeguards the rights that individuals derive directly from Community law, thereby enabling a stateless EU citizen to continue to enjoy the freedoms guaranteed by the Treaty and the protection afforded to him/her by Community law, including security of residence, respect for family life and the maintenance of the relations (s)he has established. True, this would be of little use to persons holding two or more MS nationalities. But it would make a great deal of difference to mono-national EU citizens resident in another MS. It would also demonstrate in practice that EU citizenship is a fundamental status and that it matters. In what follows, I wish to defend such an argument on both analytical and legal grounds, namely, the fundamental status of Union citizenship (the EU citizenship norm) and the effet utile of Community law.

Analytically, the argument in favour of the independent legal effect of EU citizenship in the event of statelessness can be derived from the intersystemic relation between EU citizenship (A) and MS nationality (B) as well as the nature of their interaction. By the latter, I mean the perception of the interaction as process-driven and dynamic. In most relations of dependence where A can only be activated by B, it would be incorrect to conclude that all properties and effects of A are contained by B. B may be the triggering mechanism or the source of A,
but it can bear little or no relation to other parts of A and their reconfiguration at any time. I take this to be the true meaning of ‘additionality’ or ‘complemetarity’ or ‘existing alongside’: it delineates a degree of relative autonomy and, by no means, implies that A and B cannot function apart. Additionality cannot entail a logic of complete subsumption of Union citizenship to the extent that it automatically disappears when Member State nationality is lost. To assert the latter would be tantamount to distorting the relation of complementarity or additionality and replacing it with a relation of complete subjugation. Such a relation of subordination may please state-centrists, but it would not be congruent with the principle of the maintenance of the full effectiveness of EU law and Union citizens’ legal positions which are protected by it. It is recognized that an individual has the status of an EU citizen in addition to the status of a Member State national. The former has been granted to him by virtue of Community law and authenticates all the rights (s)he derives in the host Member State. A national decision depriving him/her of nationality interferes with his Community-based legal position and his/her free movement rights thereby depriving them of full force and legal effects. A Union citizen may thus find himself/herself stripped of all his/her rights overnight, totally unprotected in the territory of the host Member State and bereft of Union citizenship.

In addition, all intersystemic relations are dynamic, that is, they entail a process-driven dimension in response to endogenous and exogenous pressures and possible discrepancies. As we have seen in the previous section, the relation between national citizenship and EU citizenship constitutes no exception. EU citizenship has become a fundamental status of Union citizens who have increasing expectations (and doubts) about the EU’s capacity to deliver and to give meaning and depth to it. Accordingly, a system within which nested citizenships overlap, interact, impact on each other, but also retain their relative autonomy and independent properties, would create the preconditions for citizens to develop their potential, enrich their life chances and to enjoy adequate protection.

The survival of EU citizenship following the break down of the link between an individual and a Member State as a default option in cases of statelessness does not challenge the Member States’ definitional monopoly over nationality and their autonomy to withdraw nationality on the ground of fraudulent naturalisation. It is thus consonant with the ECJ’s rulings in Michelletti and Kaur. This tenet has

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13 As the CJEU stated in Joined Cases C-46 and 48/93, the full effectiveness of Community rules and the effective protection of the rights which they confer are principles inherent in the Community legal order; Brasserie du Pecheur v Germany and R v. Secretary of State for Transport ex parte Factortame [1996] ECR I-1029.

no boundary-testing effects: it does not call into question the boundaries of national belonging. Nor does it undermine national identities. It merely ensures that the rights that EU law has conferred on individuals remain fully effective thereby facilitating the attainment of the Union’s objectives pursuant to the doctrine of effet utile (the principle of effectiveness) and the fundamental status of Union citizenship.\(^{15}\) For the full effectiveness of Union law would be impaired and the protection of the rights granted by Article 21 TFEU would be weakened, if in being an apatrides and thus a person without ‘the right to have rights’, according to Arendt, one’s Union citizen status were erased automatically. Conversely, as long as the fundamental status of Union citizenship and the effet utile of EU law are kept in the forefront of the analysis, a stateless person would continue to receive the protection of EU law, maintain his/her associative ties and be a participant in the European Union public. My main worry, here, is that if we look in the wrong place for European citizenship, it will become devoid of significance.

European Union citizenship is an evolving, experimental institution set within a framework that is constantly in motion. As both observers of, and participants in, such a restless framework, we often struggle to comprehend how institutional change has taken place, how it affects domestic policies and the subsequent development of European norms and how it shapes actors’ conduct. In this respect, it might be wise to eschew dogmas and political fixity and to have an open mind as to who advances citizens’ rights, creates openings and unlocks potentialities which may be frustrated by unnecessary barriers. And we should not forget that ‘national ways of doing things’ and ‘statal autonomy’ have often disempowered citizens and been used to justify the raw force of restrictive and coercive practices. Bettering citizens’ life chances, meeting their needs and enhancing their protection should not be perceived as a matter of accident or rebellion, praise


or blame of the ECJ, defective exercise of jurisdiction and an anomalous bypassing of democratically elected legislatures. Instead, it should be seen as a natural part of the evolving trajectory of European Union citizenship and of the need to realizing its potential to create an inclusive community in the European Union.
EXPLORING THE EUROPEAN CONSTITUTIONAL SPHERE. CENTRE – PERIPHERY PERSPECTIVE

1. Introductory remarks

An attempt to clarify such a vague notion as the “European Constitutional Sphere” definitely provokes substantial dilemmas. However, we should acknowledge that complexity and ambiguity are becoming, slowly but surely, distinguishing ingredients of the contemporary world. Thus, a sort of “multidisciplinary” approach appears to be the most appropriate methodological instrument in elucidating this concept. Multidimensional methodological jurisprudence, which is becoming increasingly popular, recognizes the growing importance of applying multiple methods and techniques, especially within legal and political studies. It needs to be emphasized that both law and politics are often described as ontologically complex and heterogeneous phenomena. From this perspective, the European Constitutional Sphere seems to be composed of various contrasting ideas and beliefs, which generate an overwhelming scepticism about the possibility of academic exploration of this arena. According to influential thinkers, acquiring insight and a full understanding of legal and political “Otherness” is almost unattainable. Unquestionably, a “cross-cultural” apprehension of a particular problem remains hard to achieve even within, or perhaps especially within, our 21st century civilization. Could transgressing borders and exposing oneself to diversity become an accurate hermeneutical tool to explain the above-mentioned legal and political “utopia”?

The main hypothesis of this paper is that the European Constitutional Sphere can be perceived of as a battlefield in the process of globalization of law and politics, existing between the Centre and Periphery of our continent. Moreover, we are currently witnessing a spreading crisis in traditional international law, understood as a normative order pursued by nation states through conventions,

agreements, etc. The process of weakening both the institution of nation states and national identities brings about, slowly but steadily, a shift of power from the national to supranational level. We are gradually experiencing the emergence of a “Cosmopolitan Law” as a brand new post-modern legal order, extending beyond traditional concepts. However, it has yet to be explained whether this idealistic “Global Constitutionalism” is currently feasible and whether we – as Europeans – are willing not only to tolerate but to truly accept “Others” within our legal and political communities?

2. Pursuing the idea of law

The question of the ontology of law (and politics) has never been ultimately resolved, despite numerous attempts to do so by legal theorists and political scientists. The tradition of legal and political studies is a perpetual process of conflicting interpretations, where different interpreters compete for audiences and adherents of their views. From this perspective, the analysis of the European Constitutional Sphere reveals one of the major challenges for jurisprudential thought, namely the autonomy of law. To explain this dilemma, we should consider whether a legal system can actually operate as a pure, coherent and absolutely consistent structure. However, before pursuing further arguments it should be stated at the outset that the discussion elaborated in this paper does not endorse any kind of “legal nihilism” or “de-construction”.

When explaining the autonomy of law, we need to take into consideration the fact that the legal order frequently appears to be amorphous, open-ended and fragmented. In this sense, some thinkers depict the certainty of law as mythical and, in fact, groundless. The existence of objective criteria governing the creation and functioning of a juridical system is often questioned in the theoretical discourse. Legal reasoning does not always seem to be objectively justified. As a result, oppositions, antinomies and different narratives become the core of jurisprudential disputes. And because law appears to be far from monolithic, there is a growing necessity to reconcile both legal studies and political science, since the latter can actually reinforce fragile legal argumentation.

According to influential theorists, within contemporary European relations the law often becomes a kind of “vehicle” for politics. For this reason, an attempt to explain the relationship between globalization and constitutionalism seems justified. Nowadays, the phenomenon of hegemony and domination

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in European politics appears to be effected, at least partially, by the transfers of legal norms. Definitely any distributions of power and/or redistributions of costs and benefits occur within the constitutional framework of a given community. From this perspective, the law is not neutral in political terms, but is rather deeply rooted in public argumentation and policy issues and, in consequence, motivated by external factors. As a result, law without politics is practically impossible, since it reproduces and bolsters the political and economic architecture of a given community. Moreover, numerous existing norms in fact legitimize a hegemonic system of obedience and domination, because power is frequently neatly hidden behind the law. One has to acknowledge that it is awkward to recognize law as *autopoeisis* – i.e. a juridical order independent from any extrinsic influences and incentives. The self-creation of law, as a separate system of social control, appears to be rather dubious, so we have no choice but to reduce the legal sphere to one of the social subsystems coexisting with the others.

Another controversial field of jurisprudence, to be analysed in this paper, is focused on the alleged pluralism of legal systems, i.e. the phenomenon which gradually undermines the traditional hierarchy and linearity between norms. More and more, this specific concept of legal philosophy is turning stable juridical orders into something resembling “patchworks”. The plurality of law aims at facilitating the harmonious coexistence between various legal systems, such as supranational, national, non-territorial, etc. So it breaks with the traditional understanding of legal order distinctive for the 19th century jurisprudential concepts, which perceived law as a hyper-centralized and extremely hierarchical machinery. This phenomenon seems to be the sign of our times, which arises from the multiplicity of law-creating and law-applying bodies, especially the various courts and tribunals whose verdicts are supposed to be equally effective within national legal systems. Indeed, the coexistence of various centres of adjudication could be viewed as a constant feature of Cosmopolitan Law *in statu nascendi*. Perhaps the smooth annihilation of the Westphalian vision of law could unexpectedly create some opportunities for the reactivation of the neo-medieval stance in jurisprudence? It appears that the contemporary European legal integration could be called a rebirth of the medieval *ius commune*, because it presents similar features of pluralism, heterogeneity and polycentricism. The idea of law seems to be no longer homogenous, but strikingly flexible and even obscure, since it combines a mixture of domestic and external ingredients which ‘softly’ transform national legal orders. But does this, then, presuppose the emergence of Global Justice?

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4 J. Gilissen, *Le pluralisme juridique*, Université Libre de Bruxelles, Bruxelles 1972.
the problem of the proper application of national, supranational or non-territorial law in resolving conflicts between different legal systems definitely contributes to explaining why “global” is steadily displacing “international”\(^6\).

As was described above, the pluralism is noteworthy because, especially nowadays in Europe, there are multiple uncoordinated, coexisting and overlapping bodies of law. Numerous institutions, possessing different styles and orientations, may issue competing claims or impose conflicting demands. In consequence, the potential conflicts these various rulings may produce a great deal of uncertainty, which translates into jeopardy for individuals, who cannot be sure in advance which legal regime will apply to their situation. The state of this insecurity also creates some occasions for various groups within societies to opportunistically and arbitrarily choose from among coexisting legal regulations to realize their own desires. Moreover, it poses a substantial challenge for the legal authorities themselves, by erecting not only counterparts but, in fact, serious rivals for them. A multitude of separate tribunals and functionally distinct legal bodies, affiliated within specific fields of various legal orders that are not coordinated with each other, are creating networks beyond the effective control of any national authority.

Certainly, since the European project functions on a series of international agreements, it is legally pluralistic in the dual sense that the Member States have their own legal systems and that these systems interact with the broader continental legal order, a sort of combination with various internal diversities.\(^7\) Furthermore, the predominance of deliberations on legal pluralism at the European level typically include multiple forms of private regulations, private dispute resolution institutions, and the endeavours of private establishments like NGOs or business organizations, etc.\(^8\) Indeed, the mixture of these exclusive norms and regulatory bodies is considered to have forged the concept of legal pluralism, which refers significantly to the incorporation of customary and indigenous norms apart from the officially recognized public law.

### 3. Cosmopolitan legal order – reality or utopia?

The above general remarks on the nature of contemporary law can serve as a foundation for further analyses devoted to the idea of Cosmopolitan Law. The precedence of supranational law over national regulations, although generally acknowledged in the past, is today challenged and questioned within the Europe-

an community. According to the German Federal Constitutional Court, the level of protection of fundamental rights becomes the actual factor deciding on the relation between national and supranational law. Therefore, the primacy of national constitutions functions mostly to ensure the adequate safeguard of fundamental rights and freedoms within the national community. It need to be emphasized that this attitude rests on the post-modern manner of defining juridical systems, which grants priority to the rights of individuals over the interests of nation states and international organizations. For the same reason, any transfers of competences from nation states to supranational bodies cannot deprive individuals of their basic rights.

The global dissemination of law definitely reveals symptoms of the crisis of nation states. The process of globalization supports the existence of numerous transnational political and economic entities, inducing nation states to resign, at least partially, from their sovereignty. From this perspective, globalization functions as a multi-dimensional phenomenon that fosters political, legal and economic exchange and/or interdependence at the international level. This dynamic is so powerful that it quite substantially reshapes existing legal and political bodies. Indeed, it is rather self-evident that the law plays a crucial role within the course of Europeanization. The exchange and interdependence spreading across the globe would be hardly possible without some kind of a legal system acting as a “medium”. In this sense, Europeanization rests upon the circulation of legal institutions among various subsystems, shifting from the national to the European level, and vice versa. The above-mentioned distribution of regulations appears to be, in fact, a major prerequisite for establishing some sort of supranational area.

As a result, the core of the so-called Cosmopolitan Legal Order depends on the constant transfers from one domestic legal context to another, as well as to the global level. More and more these movements are affecting the lives of ordinary citizens in Europe, which seems to be a manifestation of the post-modern juridical concept. This Cosmopolitan Legal Order definitely demonstrates the extraordinary ability of combining and integrating various legal and political arenas which, in fact, can coexist and overlap fairly coherently. From this perspective, Europeanization as a legal and political phenomenon transforms our continent by leading it from separation to unity, from territory-based organizations to “despatialization”, from state-centred configurations to supranational networks. Because of the above phenomena, nowadays the political community attempt to exceed beyond the boundaries of fading states.

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The metaphor of a Cosmopolitan Legal Order, encompassing national and supranational law, appeals to those universal rights and duties which transgress state frontiers. Indeed, Cosmopolitan Law aims at functioning within the larger community by providing a common vision and set of values that substantially differs from the laws arising from the national institutions. Historically, nation states have been engaged in the process of nation-building, designed to produce a degree of common national identity across their entire territory and expected to be shared by all of their citizens. Nowadays, Cosmopolitan Law becomes a tool for creating a supranational community as a legal platform for the coexistence of various juridical systems and potentially “mosaic” identities. Perhaps the above-mentioned type of legal order could serve as a “vehicle” for a common European identity?

At this point, one should analyse a viable set of values for supranational law, at least in the European dimension. We – from the perspective of EU citizenship – consider such ideas as Enlightenment, capitalism, Roman law, democracy or modernization as feasible ideological foundations for the European legal (and political) culture (see Article 2 of the Treaty on European Union (TEU)).12

According to Article 6 point 3 of the TEU, human rights arise consequentialy from the common constitutional traditions of the Member States.13 Moreover, the implementation of these fundamental values, especially since the establishment of the Copenhagen Criteria in 1993, functions as an condition for accession to the European Union. For this reason, any Member State responsible for even a minor violation of the above-mentioned principles can actually be subjected to severe sanctions imposed by the European community. Thus, one of the most meaningful stages of European integration may be correlated with the introduction of EU citizenship by the provisions of the Treaty of Maastricht. The substance of this “cosmopolitan citizenship”, as it seems, is to ensure the safety of citizens as subjects of supranational rights and obligations. Possibly, EU citizens will operate in the future as individuals responsible for the shape of the political will of the European community. From this perspective, the concept of citizenship has, slowly but surely, come to exceed national contexts and focuses on the emerging supranational sphere.14 As a matter of fact EU citizens are relying more and more on the European Charter of Fundamental Rights as a sort of legislation enacted

12 “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

13 “Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union’s law.”

to strengthen the primacy of community law over national legal orders. But can this Charter be acknowledged by virtually all Europeans as the primary source of their collective legal (and political) identity?

Nowadays, the democratic deficit at the supranational level seems to be quite noticeable. So before the Charter can be acknowledged a primary source of identity, one has to clarify whether Europeans are ready to establish a truly democratic community for themselves? The Cosmopolitan Law appears to be lacking democratic legitimacy simply because the European *demos*, especially in political terms, is strikingly ephemeral. For this reason, according to influential theorists, a sort of constitutional patriotism should go beyond narrow cultural citizenship and initiate a multi-level loyalty as a basic prerequisite for the emergence of a *demos*. However, this conviction raises profound questions about the current architecture of the common public sphere in Europe.

These days it is quite obvious that strong national identities dominate over any pan-European perspective. The contemporary European public arena is widely perceived as a weak and fragmented space of cacophony. So is it possible, under such circumstances, to achieve true dialogue and deliberation with reference to European legal and political affairs? The indispensable ingredient for a genuine constitutional discourse within the common public sphere should rest on basic tolerance, understood as respect for the different constitutional traditions of the Member States. Moreover, this public sphere needs to become a platform for dialogue between opposing legal and political regimes, with a great deal of acceptance for juridical “Otherness”.

### 4. Constitutional momentum for Europe

Theoretically, constitutions are created by free peoples, whereas treaties are concluded between sovereign states. Hence all the discussions on a future constitution for Europe play a considerable role in the process of federalization of our continent. All these meaningful deliberations serve as an opportunity to put into practice the analyses devoted to the legal and political identity of Europe. However, the politicians are not particularly willing to consider the axiomatic core of European constitutionalism publicly. Instead, they are rather keen on throwing about stereotypes and prejudices within their passionate public debates. Yet there is no lack of issues requiring discussion, especially with reference to our legal identity within the European public sphere. As was elucidated above, the German Federal Constitutional Court established considerable limits on the process of integration with respect to the protection of fundamental rights and national constitutional

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identities. From this perspective, the juridical harmonization and/or unification of Europe cannot, in fact, damage the “essence” of the national constitutional identities of the Member States. In this sense, our national constitutional rights seem to be safeguarded against any unauthorized interference by the European Constitutional Sphere, regardless of the origins of any such assault. So are we really capable of abandoning our petty and unflattering quarrels in order to develop some sort of mutual recognition of a common constitution for Europe?

The Member States themselves are the major actors claiming the right to determine the political and social conditions for living together in Europe. The European Union itself cannot be perceived as an independent organization enjoying its own legitimacy, since it does not possess the capacity to “self-constitute”. Indeed, Brussels may not design competences for itself (i.e. Kompetenz – Kompetenz), which appears to be a significant proof of rather insubstantial foundations of the EU’s institutional architecture. What we have learned from the ruling of the German Federal Constitutional Court seems to be the conviction that the absolute primacy of EU law simply does not exist, because the unreflexive recognition of such would mean loss of the ability to protect the “essence” of the constitutional identities of the Member States. These fundamental rights truly cannot be challenged by juridical provisions emanating from the EU’s legal sphere, in spite of the fact that the Treaties undoubtedly have created a new juridical order. The principle of direct application of the acquis communautaire appears to secure the interests of EU citizens, and the Member States are obliged to ensure the effectiveness of EU law. But it needs to be emphasized that the Brussels cannot ‘gradually’ deprive the Member States of their core sovereignty, at least – according to the German Federal Constitutional Court – in such areas as criminal law, police, armed forces, fiscal policy, culture, family law, education, etc. In this sense, the European project, governed by the principles of subsidiarity and proportionality, becomes a sort of hybrid juridical system composed of both national and supranational orders as equivalent counterparts. However, the German Federal Constitutional Court indicated that the national constitutional courts retain the “right to have the last word” whenever settling the fundamental disputes between national and supranational legal regimes.

How can we achieve the inclusion of all EU citizens within the above-mentioned differentiated community? As was mentioned, the lack of a collective will and a European demos undermines efforts to generate a truly common European Constitutional Sphere. Perhaps combining multiculturalism and legal pluralism within one community operating at the supranational level should be considered as totally naïve? However, European integration possesses an impressive record

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of overcoming antagonisms between nations in our continent, since it provides a path for dealing with mistrust and intolerance. Moreover, according to Article 3 of the TEU, Brussels is obliged to preserve an opulent cultural and linguistic diversity, arising from both the Member States as well as Europe’s cultural heritage. Thus while it seems obvious that the European Constitutional Sphere must respect national constitutional identities, less obvious is the fact that at the same time these identities restrain, at least to some extent, the process of legal and political convergence in Europe.

Currently, the processes of constitutionalization of the supranational sphere becomes one of the most discussed and yet ambiguous phenomena. It needs to be emphasized that each Member State’s national constitution should be interpreted from a pro-European perspective. Although national constitutional identities set significant limits on the process of integration, the primacy of EU law, together with the pro-European interpretation of domestic laws as foundations of the European Constitutional Sphere, could lead to the erosion of national legal and political identities. In fact, it seems difficult to accomplish the process of Europeanization without erecting some sort of supranational constitution for Europe. Definitely, a minimum common legal culture is desperately needed for the foundation of a legitimate community of individuals sharing the feeling of belonging. But is it possible to achieve a truly mutual perception for the hierarchy of norms within the European Constitutional Sphere? The noticeable feature of the European legal culture has become the appearance of heterogeneity, which remains at the same time the main purpose of the attempts at significant harmonization.

The nature of the European Constitutional Sphere appears to be pretty dynamic. It is impossible to separate completely legal and political discourses from each other when considering the European constitutional arena. Without politics, any answer to the question concerning the necessity of a constitutional identity would be substantially incomplete. So the solution to this dilemma transgresses beyond juridical deliberations. It seems evident that only within various political discourses are we, or will we be, able to identify what we believe to be the core of our political community, as well as to choose the concept of citizenship we wish to pursue. Thus, the political sphere becomes a sort of “medium” by which our community attempts to challenge its own fate.

Regardless of whether it achieves true legal transgression, it seems obvious that Cosmopolitan Law endeavours to create a multi-dimensional order. The Europeanization of juridical space is constantly undermining traditional loyalties

18 “[The Union] shall respect its rich cultural and linguistic diversity, and shall ensure that Europe’s cultural heritage is safeguarded and enhanced.”


and relationships within our continent. The multi-level public sphere appears to be organized on the principle of preservation of national, cultural and religious diversities. It emphasizes the importance of various channels of communication between EU citizens. The empowerment and articulation of their will becomes the basic requirement for establishing the European Constitutional Sphere, which can be perceived of as a sort of *agora* used by societies to acquire knowledge about the common good.

In theory, the public sphere consists of a search for harmony and consensus by providing the space for disputes and confrontations. By paving the way for democratic resolution of conflicts, it ensures legitimacy for the entire construction of a given community. But are those individuals who potentially represent the European *demos* really willing and able to discuss European issues within the framework of their national public spheres? It seems undeniable that today there is no single *demos*, but rather 28 *demoi* across the European Union. All these national public spheres differ substantially in their interpretations of European affairs. There is virtually no viable community of communications consisting of individuals considering themselves as eligible participants in the European public discourse. The appearance of the above-mentioned issues and state of affairs in our media seems to be rather scarce and disappointing, to put it mildly. The prevailing national perspectives on European issues, together with an exceptionally low level of awareness, only reinforces traditional prejudices and stereotypes. Perhaps the concept of a national public sphere does not necessarily correspond to the idea of a ‘community’ at a supranational level? To be frank, contemporary European affairs are somehow deemed not relevant for EU citizens, since Brussels does not possess extensive competences to deal with everyday concerns (i.e. education, health care, pensions, etc.). From this perspective, the European project becomes a domain of narrow circles composed of elites focused on their exclusive interests, while blistering debates are an essential element of viable public arenas, within which democratic communities need spaces for the numerous social interactions necessary to sustain their existence. The more we argue and engage, the more we participate and create a genuine political community.

The perception of citizens from other Member States as legitimate participants in the national debates requires a sense of identification with European affairs. Clearly, feelings of belonging and loyalty both emerge through a variety of discourses. So the “community of law” should arise from distinctive debates aimed at developing a common way of interpreting public concerns. For this reason, the European Constitutional Sphere ought to be constantly negotiated. Indeed, public deliberations of stubborn EU citizens would increase awareness, emancipation, knowledge and criticism within our legal and political *agora*. The Eu-

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European *demos*, as an indispensable ingredient of a common juridical area, can only gradually appear through the recognition of other EU citizens as members of the same political community. Unfortunately, a truly European public sphere still remains barely perceptible; if not barely possible, since the collective European identity simply does not exist. Europe is not a community of communication, hardly a community of memory and only to a very limited extent a community of politics, whereas it is literally these kinds of communities where collective identity develops. The European project itself seems to be superficial, ephemeral and, in fact, not very applicable to ordinary citizens. So are we – as Europeans – really prepared for the creation of a meaningful community of communication, presupposing some degree of collective identification with each other’s fate?

It needs to be emphasized that EU constitution making is a very challenging task, because it presents Europe’s citizens as individuals with a variety of problems. The “essence” of the process rests on the permanent construction, diffusion and institutionalization of formal and informal rules, procedures, paradigms and norms. However, the phenomenon of asymmetry of rationalities inhibits the emergence of the European Constitutional Sphere, because this legal and political space seems to be filled up primarily with the interests of dominant actors. In the opinion of authoritative thinkers, each state needs three rudimentary elements for its existence, i.e. territory, people and power.\(^{22}\) Moreover, each constitution determines fundamental principles and establishes proceedings organizing the state’s institutional architecture. But one has to ask if it is really possible to achieve such a legal and political construction at the supranational level?

The question as to whether the European Court of Justice (ECJ) or the constitutional courts of the Member States are legitimized to analyse EU law in terms of its compliance with national constitutions has been controversial for many years. The ECJ is accepted as the only body that has the ability to interpret the rules of the *acquis communautaire*, but it does not have jurisdiction to examine national provisions. The constitutional courts of the Member States are the legitimate tribunals to review the compatibility of national regulations with the constitution, but according to the ECJ, they do not have the authority to examine the constitutionality of EU law. Who, then, would be the final arbiter of the constitutionality of the law in the European Constitutional Sphere, assuming the existence of a common European legal area with many autonomous and independent legal systems? Are cases of a conflict between the constitutional systems of Member States and the European legal order itself inevitable? In spite of their agreement on the primacy of the *acquis communautaire* with reference to national legal systems, state constitutional courts, under certain exceptional conditions, are authorized to resist the application of a community law when

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it is contrary to specific and fundamental provisions of their national constitutions. Undoubtedly the primacy of EU law is a fundamental principle of the European Constitutional Sphere, as is constantly reaffirmed in the practice of the ECJ. This primacy, however, is still not accepted without reservation by the constitutional courts of the Member States in fundamentally important matters. Thus, there is a growing necessity to create a sort of “community of national constitutional courts”, which would have a mitigating impact on the interpretation of juridical provisions within the European Constitutional Sphere.\footnote{T. Olson, P. Cassia, Le droit international, le droit européen et la hiérarchie des normes, PUF, 2006.}

As was mentioned above, the European common legal area cannot be formed only by legislative means. This phenomenon is a pluralistic “mosaic” of heterogeneous juridical procedures, patterns and practices driven, at least to some extent, by political reasons. One has to acknowledge that within the national sphere the introduction of the \textit{acquis communautaire} has basically intensified the level of legal uncertainty. The harmonious national hierarchy of norms has been disturbed by global provisions which appear to be hard to anticipate and, in fact, not always easy to control. It is not only the huge amount of EU legislation which has to be implemented by the Member States. These “legal transplants” are scarcely autonomous and they frequently interact with other domains of public life. The European Constitutional Sphere is, by definition, a fragmented and/or polycentric phenomenon, so this juridical order cannot be understood through theoretical tools borrowed from the traditional state-centred concepts. However, those pluralistic tendencies are delicate and can easily be hampered if, for instance, various nationalist movements gain further acceptance in our continent. In fact, sovereign nations are deeply involved in the constant design of the European Constitutional Sphere, and they enjoy essential power and legitimacy.

Thus, considerations concerning the European Constitutional Sphere as a sort of legal and political order must extend far beyond the orthodox thought arising from the doctrines concerning states.\footnote{J.Y. Chérot, B. Frydman, La science du droit dans la globalisation, Bruylant, Bruxelles 2012.} It seems that the hardest thing to accept is the specificity of the \textit{acquis communautaire}. It must be admitted that modern states are no longer utterly free legislators. It is estimated that nearly two thirds of normative acts in force today in the EU Member States have their source in EU provisions. This is not to say, however, that the national level has disappeared. It still carries its own “normative hierarchy”, even if certain elements of these hierarchies have been substantially reshaped under the influence of the global legal order.\footnote{Ch. Knill, A. Lenschow, Compliance, Competition and Communication: Different Approaches of European Governance and their Impact on National Institutions, “Journal of Common Market Studies” 2005, Vol. 43, No. 3, p. 37–59.}
5. Contemplating the Centre – Periphery dialogue
(in place of conclusions)

The cohabitation between the European legal space and national juridical orders requires a vast and complicated system of enabling procedures, which in general favour the Western, highly industrialized, states. It seems that these states, forming the so-called Centre, are responsible for drafting the Cosmopolitan Legal Order, mainly through the process of diffusion of norms. It needs to be underlined that competition among legal institutions is slowly but surely becoming a permanent feature of our times. With respect to this challenge, the Centre still holds the position of incontestable leader. Indeed, the founders of the European project are predominantly liable for the proliferation of international, supranational and/or multinational rules and proceedings. Definitely, the core of the European Constitutional Sphere possesses a sort of normative character, whereas the Peripheries are only capable of receiving and adapting standards and regulations developed by the leading Western states.26 Viewed in this perspective, the Centre universalizes its own interests and extends beyond its boundaries to reach, in both legal/normative and economic terms, the Peripheries.27 It appears that the above-mentioned Cosmopolitan Legal Order, as a kind of post-modern “battlefield”, consists of pluralistic, polymorphic and polycentric law disseminated primarily for political reasons.

Danuta Kabat-Rudnicka

EUROPEAN INTEGRATION IN LIGHT OF THE POLISH CONSTITUTIONAL COURT’S JUDGMENTS

1. Introductory remarks

It has been ten years since Poland became a member of the European Union (EU). Poland joined the EU following successful negotiations, signing the Treaties and their subsequent ratification. However, there remain issues that have not yet been agreed upon, either because they are not negotiable or are too controversial and too political.

Looking at the process of European integration from the perspective of more than half a century since it began, we can clearly see that this process has not been free from tensions. Supreme and constitutional courts (hereinafter: constitutional courts) are the national forums which deal with clashes between the EU and the Member States, i.e. between the fundamental principles of the EU and the constitutional principles of the Member States. And today, constitutional courts find themselves in a very awkward situation since, on the one hand, they are guardians of the constitutions (i.e. the principles and values contained therein) and jealously safeguard their position in their respective legal systems, while on the other they must negotiate, between multiple jurisdictions (national, European, international). Such a role is also played by the Polish Constitutional Tribunal (CT), which sets the limits to European integration, i.e. limits to the interference of EU law into the constitutional order of the Republic of Poland.

The EU is a special international organization, based on Treaties that define its scope and its limits. EU law, both primary (Treaties) and secondary (enacted by the EU institutions), more and more encroaches on grounds previously reserved for the Member States.1 The limits of such interference are determined

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1 At the beginning of 1990s, Koen Lenaerts stated that there was no domain that could not be regulated by the Community law. See: K. Lenaerts, Constitutionalism and the Many Faces of Federalism, “American Journal of Constitutional Law” 1990, Vol. 38, No. 2, p. 220.
by: 1) the principle of conferral; 2) the case law of constitutional courts safeguarding the fundamental principles of the Member States’ constitutional orders; as well as 3) the EU’s commitment to respect national identities.\(^2\)

Like other constitutional courts, in particular the German Constitutional Court (GCC), the CT sets limits on EU interference into the constitutional order of the Republic of Poland. This, in turn, may (but not necessarily has to) lead to a conflict between the Polish and EU legal orders. However, such conflicts can also create an incentive for dialogue and cooperation. The case law of the CT on key issues relating to the European integration illustrates not only the Polish viewpoint on the EU, and hence the entire process of integration, but also shapes relations between Poland and the EU.

## 2. Opening of the Polish legal system for integration with the European Union

The Constitution of the Republic of Poland of 2 April 1997 (hereinafter: Constitution) is open to both international and European law (the ‘new legal order of international law’, to cite the words of the Court of Justice of the EU (ECJ)). Pursuant to Art. 90 par. 1 of the Constitution, the Republic of Poland may, by virtue of an international agreement, delegate to an international organization or an international institution the competences of organs of state authority in certain matters. And although Art. 90 of the Constitution does not contain an explicit reference to the EU, the view prevails that it was drafted and incorporated to enable Poland’s accession to the EU, thus becoming a peculiarly European clause. What also deserves attention is that, although Art. 90 includes an authorization for the delegation of competencies, it does not define the limits of such a transfer.

As regards the place of EU law in the Polish national legal order, Art. 91 par. 1 of the Constitution states that a ratified international agreement shall constitute part of the domestic legal order and shall be applied directly, unless its application depends on the enactment of a statute. In turn, Art. 91 par. 2 provides that an international agreement ratified upon prior consent granted by a statute shall have precedence over a statute if such an agreement cannot be reconciled with the provisions of such a statute. This also applies to derivative law. Art. 91 par. 3 states that the laws established by the international organization shall be applied directly and have precedence in case of a conflict of laws. Thus, the provisions of Art. 91 of the Constitution define the relationship between the Polish and the EU legal orders.

\(^2\) Cf. Art. 4 par. 2 TUE.
What deserves our special attention is the problem of competences to re-
view the constitutionality of EU law, both primary and secondary. It is this issue
which causes difficulties (not to say crises) between the national legal systems
and the European one. As to the conformity of EU primary law with the Polish
Constitution, the CT in its judgment of May 2005 recognized its competence
to examine the constitutionality of the Accession Treaty. In its statement of rea-
sons, the CT said that it was not authorized to examine the constitutionality of EU
primary law; however, it enjoyed such a competence in relation to the Accession
Treaty as a ratified international agreement. The CT took a similar position
on the Treaty of Lisbon, confirming its jurisdiction to review the constitutionality
of the Treaty to the extent it was ratified by the President of the Republic of Po-
land. As to the examination of EU secondary law, such a competence belongs
to the ECJ, wherein the ECJ examines the compatibility of the EU secondary law
with EU primary law and general principles of law, as well as international law.
However, it is not so clear cut in cases where EU law is directly applicable, i.e.
when it becomes part of the Member States’ legal orders. In the first instance, also
here it is the ECJ which has the sole jurisdiction to rule on the validity of such
an act (or part of it). In turn, national courts, in case of a conflict between EU
and national legal regulations, should apply the EU law. In addition, they can re-
fer a preliminary question to the ECJ for a preliminary ruling. Thus, in principle,
the EU secondary law cannot be subject to a constitutionality review by the con-
stitutional courts of the Member States. However, it is argued that since acts
enacted by the EU institutions can be a direct source of rights and obligations
for individuals (natural and legal persons), binding on courts and state adminis-
trative bodies, they may infringe upon rights that are guaranteed by the Member
States’ constitutions. Hence, some constitutional courts have reserved the right
to have the final word in such situations, due to the violation of constitutional
values such as fundamental rights and freedoms, basic principles of the political
system, or national identity.

The CT ruled for the first time on the admissibility of its constitutional review
of EU secondary law in 2011, wherein it began by quoting its previous position,
namely, on inadmissibility of constitutional review of the norms of the EU second-
ary legislation. However, the case of 2011 was somewhat different since it was

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3 Cf. point 1.2 and 1.3 part III of the CT judgment of 11 May 2005 Ref. No. K 18/04. See
also: K. Wójtowicz, Sądy konstytucyjne wobec prawa Unii Europejskiej, Trybunał Konstytucyjny,
4 Cf. point 1.1.1 and 1.1.2 part III of the CT judgment of 24 November 2010 Ref. No. K 32/09.
See also: K. Wójtowicz, Sądy konstytucyjne…, p. 67.
5 K. Wójtowicz, Sądy konstytucyjne…, p. 70.
6 Ibidem, p. 73.
7 Ibidem, p. 75.
8 CT judgment of 16 November 2011 Ref. No. SK 45/09.
initiated by filing a constitutional complaint under concrete control of Polish constitutional norms. In such a case, the material scope of acts that may be subject to constitutional review is defined in Art. 79 of the Constitution (unlike Art. 188, which relates to the abstract control of norms). Pursuant to Art. 79 par. 1, a statute or another normative act may constitute the basis for examining compliance with the Constitution. In the opinion of the CT, a normative act, in the meaning of Art. 79 par. 1 of the Constitution, is not only a normative act issued by an organ of the Polish state, but also a legal act issued by an organ of an international organization, provided that the Republic of Poland is a member thereof. This statement applies primarily to the EU legal acts, i.e. acts enacted by the EU institutions. They constitute part of the Polish legal order and shape the legal situations of individuals. Thus, according to the CT, the EU regulations as normative acts may be subject to constitutional review in the course of review proceedings initiated by the filing of a constitutional complaint. The CT further held that its review of the conformity of an EU regulation to the Constitution should be regarded as independent, and at the same time subsidiary in relation to the jurisdiction of the ECJ.

3. Main issues of disagreement

The CT takes an EU-friendly stance by, inter alia, interpreting EU law in a pro-integrative way, and in the event changes are necessary and in line with the fundamental principles of the Polish law, it suggests that provisions of the Constitution be changed. However, the CT does not remain uncritical and sets limits on the integration process, i.e. on the encroachment of EU law into the Polish legal order.

An issue against which leads to confrontations between the EU and the Member States, i.e. between the ECJ and the constitutional courts, is the principle of primacy of EU law. This principle was not provided for in the founding Treaties, but was spelled out in the case law of the ECJ. The principle of primacy came up for the first time in the Costa v. ENEL judgment. According to the principle,
as delineated by the ECJ, EU law takes precedence over Member States’ laws, even if the national norm was adopted subsequently and even if it enjoys the status of a constitutional norm. It must be noted here that the principle of primacy concerns the primacy of application however, not the primacy of binding force (i.e. validity). This issue forms the basis of many disputes, inasmuch as constitutional courts take the position that the constitutional norm enjoys primacy over EU law as the supreme law of the land. The CT shares this view. In contrast, this position – for obvious reasons – is not shared by the ECJ.

As was already mentioned, the constitutional courts of the Member States define the limits on the interference of EU law into national legal orders. Initially the courts (tribunals) referred to the principle of sovereignty, then to the need to guarantee the fundamental rights enshrined in national constitutions (cf. case law of the GCC), and now they refer to the need for the EU to respect national identities (in the meaning of constitutional identities). This brings us to another EU principle, namely, the principle of conferral, which is not only anchored in the Treaties but also enshrined in the constitutions of the Member States. The principle of conferral defines the limits on the transfer of competencies to the EU and thus determines the boundaries of EU activities. In turn, the constitutional courts of the Member States ensure that the EU does not exceed the set limits, or put differently, that it does not act ultra vires.

4. Principle of primacy in the case law of the Polish Constitutional Court

By referring to the provisions of the Constitution (principles and values), the CT defines the relationship between the Polish and the EU legal orders. Among the most important judgments should be included: 1) judgment of May

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the Treaty carries with it a permanent limitation of their sovereign rights, against which a subsequent unilateral act incompatible with the concept of the Community cannot prevail”. Judgment Costa v. ENEL, case 6/64 (1964) ECR 585.


The CT accepts, in principle, the primacy of EU law over national law, provided that the principle of primacy of EU law does not apply to constitutional provisions. In support of its position, the CT refers to Art. 8 of the Constitution.24 Thus, EU law does not enjoy absolute primacy; the Constitution remains the supreme law of the Republic of Poland. In addition, in case of an irreconcilable inconsistency between the provisions of the Constitution and the provisions of EU law, i.e. between the constitutional principles and the secondary Community (now EU) law, the autonomous decision regarding the appropriate manner of resolving such inconsistency, including the expediency of a revision of the Constitution, belongs to the Polish constitutional legislator.25 So in the opinion of the CT in the event of an irreconcilable inconsistency between a constitutional norm and a Community (now EU) norm, i.e. one that could not be eliminated by an interpretation which respects the autonomy of both European and national law, the Nation as the sovereign, or an organ of state authority authorized by the Constitution to represent the Nation, would decide on whether to amend the Constitution, seek modifications to the Community (now EU) provisions or, ultimately, on Poland’s withdrawal from the EU.26 Such a conflict arose when Poland implemented the Council Framework Decision of 13th June 2002 on the European Arrest Warrant and the surrender procedure between Member States. In the operative part of its judgment concerning the issue, the CT stated that Art. 607t § 1 of the Code of Penal Procedure,27 within the scope of which a surrender of a Polish citizen to an EU Member State on the basis of the EAW was permissible, was incompatible with Art. 55 par. 1 of the Constitution, which then provided that the extradition of a Polish citizen was prohibited. At the same time the CT deferred by eighteen months the moment when the provision would lose its binding

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19 Cf. CT judgment of 27 April 2005 Ref. No. P 1/05.
22 Cf. CT judgment of 16 November 2011 Ref. No. SK 45/09.
23 Cf. CT judgment of 26 June 2013 Ref. No. K 33/12.
24 Art. 8 par. 1 of the Constitution provides: “The Constitution shall be the supreme law of the Republic of Poland.”
27 OJ 1997 no. 89 item 555, as amended.
force. The CT also referred to the commitment of the Republic of Poland to ensure the full effectiveness of the EAW in the Polish legal order, thus becoming de facto the initiator of changes to the Constitution.

In the aforementioned judgment on the constitutionality of the Accession Treaty, the CT expressed its view on the primacy of the Constitution over EU law, claiming two reservations of sovereignty. Firstly, in the opinion of the CT the Constitution authorized the delegation of competences of state organs only in relation to certain matters, which, in turn, implies a prohibition to delegate to the EU all competences of a state authority organ, competences determining its substantive scope of activity, or competences concerning the entirety of matters within a certain field (quantitative reservation). Secondly, according to the CT, the EU (then the Communities) functions in accordance with the Treaties on the basis of, and within the limits of, the powers conferred upon them by the Member States, so the Member States maintain the right to judge whether or not the Community (now EU) legislative organs, in issuing particular legal provisions, acted within their delegated competences.

Somewhat later, in the judgment on the constitutionality of the Lisbon Treaty, the CT not only upheld its jurisdiction but went even further in specifying the limits of integration. The CT defined the hard core set of competencies that are essential for the Polish constitutional identity, i.e. the competencies that cannot be transferred to the EU. According to the CT, the Constitution prohibits conferral of the following matters: decisions specifying the fundamental principles of the Constitution and decisions concerning the rights of the individual which determine the identity of the state, including, in particular, the requirement of protection of human dignity and constitutional rights; the principle of statehood; the principle of democracy; the principle of a state ruled by law; the principle of social justice; the principle of subsidiarity; the requirement to ensure better implementation of constitutional values; the power to amend the Constitution; and the competence to determine competences.

Overall however, the case law of the CT takes an EU-friendly approach, despite the fact that the CT, like most constitutional courts, expresses reservations and sets limits to integration, trying to strike a balance between the Polish

28 Cf. point 4.4 and 5.2 part III of CT judgment of 27 April 2005 Ref. No. P 1/05.
32 Cf. point 2.1 part III of CT judgment of 24 November 2010 Ref. No. K 32/09.
and the EU law. This positive image cannot even be blurred by the judgment of November 2011, in which the CT ruled on the constitutionality of the EU secondary law. This judgment is worth paying attention to since, in its earlier rulings, the CT had ruled on the compatibility of the EU primary law, i.e. Treaties (international agreements). In the case of the EU secondary law we are dealing with a particular situation. Given that the EU is the source of the law, the jurisdiction to interpret it should belong to the ECJ. However, in cases where the EU law is directly applicable in the Member States and becomes part of national legal orders, it should as well be in line with national fundamental constitutional principles. In deciding the case, the CT also considered what would happen if it delivered a ruling on the non-conformity of EU law with the Polish law. It stated that such a ruling, which would have an ultima ratio character, should be issued only when all other ways of resolving a conflict between the Polish and the EU norms have failed (i.e. amending the Constitution, taking up measures aimed at amending the EU provisions, or taking a decision to withdraw from the EU). Hence, according to the CT, before issuing a ruling declaring the non-conformity of particular norms of the EU secondary legislation with the Polish Constitution, measures should be taken in order to avoid such a conflict. Moreover, the constitutional principle of favorable predisposition of the Republic of Poland towards the process of European integration and the Treaty principle of loyalty of the Member States towards the Union would require that the effects of the Tribunal’s ruling be deferred in time, pursuant to Art. 190 par. 3 of the Constitution.

5. Key issues raised in the case law of the Polish Constitutional Court

The principle of primacy of EU law and the corresponding principle of supremacy of the Constitution are among the most important principles, not only from the point of view of the European integration process, but also because they form the basis for many disputes concerning, on the one hand, Member States’ constitutional principles, and on the other, fundamental principles of EU law. According to the CT, the Constitution remains, by virtue of its supreme legal force, the supreme law of the Republic of Poland in relation to all international agreements binding Poland, including ratified international agreements that del-

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33 J. Schwarze, *Das Verhältnis…*, p. 102.
34 Cf. CT judgment of 16 November 2011 Ref. No. SK 45/09.
36 Cf. point 2.7 part III of CT judgment of 16 November 2011 Ref. No. SK 45/09.
the viewpoint regarding the principle of the supreme legal force of the Constitution; it does not challenge it.38

Constitutional norms regarding individual rights and freedoms set the minimum and unsurpassable threshold, which cannot be lowered nor questioned, neither by a national nor an EU legal regulation. In this respect the Constitution plays the role of guarantor, protecting rights and freedoms clearly defined therein in relation to all entities in the scope of its application.39 A conflict between a constitutional and an EU (earlier Community) norm cannot be resolved by assuming the supremacy of the latter over the former. It also cannot lead to the situation whereby a constitutional norm not only loses its binding force but is substituted by an EU (Community) norm, nor limit the application of the constitutional norm to areas which are beyond the scope of the EU (Community) legal regulation. Should such a situation occur, the Polish constitutional legislator would need to decide to either amend the Constitution, bring about modifications in the Community (now EU) provision(s), or ultimately effect Poland’s withdrawal from the EU.40

Equally important is the principle of conferral, frequently referred to by the CT. This principle defines the limits of delegation of competencies to the EU. According to the CT, the principle of conferral confirms the sovereignty of the Member States in relation to the EU, which cannot act outside the competences conferred upon it.41 Also, according to the CT accession to the EU and the corresponding conferral of competences do not imply the surrender of sovereignty to the EU. The limits of a conferral of competences are defined in the Preamble of the Constitution, which recognizes the state’s sovereignty as a national value.42 On the other hand, the CT shares the view, also present in the constitutional law doctrine, that accession to the EU can be perceived as a sort of limitation – but not loss – of state sovereignty. However, this limitation is combined with a compensatory effect, namely, the possibility of partaking in the EU decision-making process.43

In the opinion of the CT, Member States maintain the right to assess whether or not, in issuing particular legal provisions, the Community (now EU) legislative organs (i.e. institutions) acted within the scope of delegated competences and in accordance with the principles of subsidiarity and proportionality. Should

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37 Cf. point 4.2 part III of CT judgment of 11 May 2005 Ref. No. K 18/04, then repeated in other rulings. Cf. point 2.2 part III of CT judgment of 16 November 2011 Ref. No. SK 45/09, as well as point 2.5 part III of CT judgment of 24 November 2010 Ref. No. K 32/09.
38 Cf. point 1.3 part III of CT judgment of 24 November 2010 Ref. No. K 32/09.
40 Cf. point 6.4 part III of CT judgment of 11 May 2005 Ref. No. K 18/04, and also point 2.7 part III of CT judgment of 16 November 2011 Ref. No. SK 45/09.
41 Cf. point 2.2 part III of CT judgment of 24 November 2010 Ref. No. K 32/09.
42 Cf. point 2.2 part III of CT judgment of 24 November 2010 Ref. No. K 32/09.
43 Cf. point 2.1 part III of CT judgment of 24 November 2010 Ref. No. K 32/09.
the adoption of Community (EU) provisions exceed the competencies granted, and infringe upon the residual competencies remaining with the Member States, the principle of the primacy of Community (EU) law does not apply.\textsuperscript{44}

In the discussion on the issue of sovereignty, one should pay attention to the modern understanding of the term by the CT. According to the CT, sovereignty should not be understood as a supreme and unlimited power as regards both the internal relations within the state and its foreign relations, nor as an unlimited possibility of exerting influence on other states, nor as a manifestation of power that is free from external influences. Quite the contrary, sovereignty should be understood as the freedom of activity of a state, subject to the restrictions of international law, \textit{i.e.} a sovereignty which takes into account the process of institutionalization of the international community, globalization, and European integration. According to the CT, international liabilities and their management does not lead to the loss or limitation of the state’s sovereignty, but on the contrary is its affirmation. Hence, Poland’s membership in the EU does not entail a limitation of its sovereignty, but it is its manifestation.\textsuperscript{45} In the opinion of the CT, Poland’s voluntary membership in the EU, in which sovereignty is exercised collectively, is the primary confirmation of sovereignty. This positive attitude towards European integration is noteworthy, bearing in mind that in countries that (re)gained independence after 1989, sovereignty is seen as a particularly treasured good which should be protected.

Another key issue is EU identity. According to the CT, complicated processes of mutual interdependences take place among the EU Member States, which are related to conferring part of the competences of state organs on the EU. However, it is the Member States that remain the subjects of the integration process and maintain the competence to determine competences, and the model of European integration retains the form of an international organization.\textsuperscript{46}

The CT equally often refers to the international obligations Poland is bound by. In the opinion of the CT, the constitutional duty to respect international law binding upon Poland is not only a great declaration addressed to the international community, but also an obligation of the state bodies, including the government, parliament and the courts, to observe the international law which is binding for Poland. And alongside adequate changes in the national legal order, the implementation of the obligations may require the bodies of public administration to undertake some actions within the scope of their competences.\textsuperscript{47} As to EU law, according to the CT the interpretation of binding statutes should take into account the constitutional principle of sympathetic predisposition towards the process

\textsuperscript{44} Cf. point 10.2 part III of CT judgment of 11 May 2005 Ref. No. K 18/04.

\textsuperscript{45} Cf. point 2.1 part III of CT judgment of 24 November 2010 Ref. No. K 32/09.

\textsuperscript{46} Cf. point 2.1 part III of CT judgment of 24 November 2010 Ref. No. K 32/09, repeated in another ruling. Cf. point 6.3.3 part III of CT judgment of 26 June 2013 Ref. No. K 33/12.

\textsuperscript{47} Cf. point 5.5 part III of CT judgment of 27 April 2005 Ref. No. P 1/05.
of European integration and the cooperation between states.\textsuperscript{48} The CT underlines the fact that within the Polish territory, in addition to norms adopted by the Polish legislator, legal regulations enacted outside the framework of Polish legislative organs (\textit{i.e.} subsystems of legal regulations that come from different law-making centers) also operate, and all of them should co-exist on the basis of mutually acceptable interpretation and cooperative application.\textsuperscript{49}

The CT also draws attention to the role it should play itself. According to the CT, it is obliged to perceive its position in such a way that, as to fundamental matters that concern systemic issues, it is “the court which will have the last word” with regard to the Polish Constitution.\textsuperscript{50} On the other hand, the CT underlines the fact that Poland accepted the division of powers regarding the review of legal acts,\textsuperscript{51} which results in granting jurisdiction to the ECJ to provide the final interpretation of EU law and to ensure that the interpretation is observed consistently in all Member States, as well as granting an exclusive power to the ECJ to determine the conformity of the acts of EU secondary legislation to the Treaties and the general principles of law. So it follows that the jurisdiction of the CT to examine the conformity of EU law to the Polish Constitution should be of a subsidiary character.\textsuperscript{52}

Another issue often raised today by the Member States and their constitutional courts is that of constitutional identity. The CT shares the view, also present in the prevailing doctrine, that the competences that fall within the prohibition of conferral are an expression of constitutional identity and thus reflect the values the Constitution is based on.\textsuperscript{53} The CT also draws our attention to the universal values of the Constitution and the basic principles organizing the life of the national community, such as: democracy, respect for the rights of the individual, cooperation between the public powers, social dialogue as well as the principle of subsidiarity. It should be noted that these are values and principles that are at the same time among the fundamental assumptions of the EU.\textsuperscript{54}

The recent financial crisis in the EU led to the perceived necessity to undertake emergency measures, either by the introduction of changes to the primary law, the adoption of derivative legislation, or even by taking measures outside

\textsuperscript{49} Cf. point 2.2 part III of CT judgment of 11 May 2005 Ref. No. K 18/04, and see also point 2.6 part III of CT judgment of 16 November 2011 Ref. No. SK 45/09.
\textsuperscript{51} Cf. point 2.1 part III of CT judgment of 18 February 2009 Ref. No. Kp 3/08, and also point 10.3 part III of the justification of CT judgment of 11 May 2005 Ref. No. K 18/04.
\textsuperscript{52} Cf. point 2.6 part III of CT judgment of 16 November 2011 Ref. No. SK 45/09.
\textsuperscript{53} Cf. point 2.1 part III of CT judgment of 24 November 2010 Ref. No. K 32/09.
\textsuperscript{54} Cf. point 2.2 part III of CT judgment of 24 November 2010 Ref. No. K 32/09, and see also point 6.1 part III of the justification of CT judgment of 11 May 2005 Ref. No. K 18/04.
the Treaty framework. As a result, some of these activities are subject to proceedings before the constitutional courts of the Member States due to their legally questionable character. A good example of this is the CT judgment of June 2013 on the constitutionality of the law on ratification of the European Council decision of 25th March 2011 on the amendment of Art. 136 TFEU with regard to a stability mechanism for Member States whose currency is the euro.\(^{55}\) In this case the CT draws our attention to Poland’s opening up to the international law order.

### 6. Concluding remarks

Undoubtedly, constitutional courts rank among the most important state institutions due to the role they play by navigating and negotiating between different legal systems (national, European, international), and as guardians of the rules each state system (political, legal, social, economic) is based on. The constitutional courts, in particular, the courts of the Central and Eastern European states, have played a significant role in shaping and then in solidifying the principles that all democratic states are based on, as well as in protecting the rights and freedoms of individuals.

As regards the EU, the CT has always been favorably inclined towards the entire process of European integration. Its euro-friendly attitude is characterized by dialogue and cooperation. Having said that, the CT does not remain uncritical of the integration processes, especially when the EU enters into the legal ground reserved for the Republic of Poland. The principle of the primacy of EU law over national law, together with the principle of conferral, are the most common grounds for disputes. Such a confrontational stance is somewhat understandable given that the CT naturally defends its position and the role it plays, in order to avoid marginalization. Equally important is the CT’s stance towards international law (including EU law). According to the CT, subsystems of legal regulations coming from the different law-making centers that operate in the Polish territory should co-exist on the basis of mutually acceptable interpretation and cooperative application.

As Krzysztof Wójtowicz rightly pointed out, constitutional courts play an ever-increasing role in shaping the constitutional framework allowing for participation of each member in a great integration project, balancing to some extent activities of the EU Court of Justice.\(^{56}\) This statement also holds true for the Polish Constitutional Tribunal.

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55 Cf. CT judgment of 26 June 2013 Ref. No. K 33/12.

LINGUAL PERFORMANCE AND ATTITUDE TOWARDS REGIONAL MOVEMENTS: SILESIA*

1. Economic or cultural argumentation

It is well known that since the 1980s the political importance of regional political movements in Europe has grown ever more and yet there exists a huge amount of mostly political and sociological investigations about the phenomenon. The majority of the authors seem to agree, that the regionalist movements should be viewed in relation to discrepancies between the respective national government and the supranational European level. A recent dissertation¹ on regionalist movements in South Tirol shows to which extent national and supranational developments can foster regionalist tendencies. Decisions on a national level tend to neglect territories at the periphery of the respective national state² and so possibly give rise to regionalist protests, motivated by “injustice felt”.³ On the other hand decisions on the European level support regional actors because they are needed as partners in the realisation of the European measurements. The regionalist movement in South Tirol has gained its relative autonomy in an official acknowledged “European Region South Tirol – Tirol – Trentino” over a time span of approximately 25 years. As the starting point of the “European Region South Tirol – Tirol – Trentino” its official webpage names the year 1995⁴ when in Bruxelles

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⁴ <www.europaregion.info>
an agency of the Tirol – South Tirol – Trentino–Region has been opened. An office in Bruxelles as the starting point for an European region – is there better a symbol for the process of regionalisation? Regionalist movements are a consequence of supranational developments in the European area.

While both national and European political decisions work *nolens volens* together in the emergence of regional movements it is seen that economic and political motivations don’t play a dominant role in descriptions the inhabitants of the regions give of themselves. It goes without declarations of common political principles,\(^5\) if representatives of the autonomous Basque Country join the so called Silesian ”March of autonomy” (Marsz Autonomii) which took place in Katowice on July 14\(^{\text{th}}\) 2012. It surely is inappropriate to conclude that the supporters of the Silesian autonomy share with the Basque regionalist movement all inherent political approaches, for example a supranational approach to the conceptualisation of ”Region”. While several supporters of the Basque Country claim that regions which are today located within the boundaries of France should also be included in an autonomous Basque Country, similar claims – to my knowledge – aren’t made by the supporters of the Silesian region. There are too many burdens of recent history that it would be possible to demand a supranational Silesian region which would allow for significant influence of the German (and of the rarely mentioned Czech) Silesian neighbourhood. While the German element in the ”mosaic region”\(^6\) Upper Silesia is accepted as part of its history,\(^7\) any supranational conceptualization of Silesia is impossible to think.\(^8\) Due to economic and social differences and due to the fact that after World War II the polish speaking population in Lower Silesia has been significantly enriched by speakers from the former eastern regions of the Polish territory who weren’t familiar with the Silesian dialect the notion of the region Silesia in Polish discussions mutually is restricted to its subregion ”Upper Silesia” (Górny Śląsk). In history it was Upper Silesia which always had been the focus of separatist movements, even during the communist time of Poland,\(^9\) when people in Silesia partly identified itself more with Germany than with Poland.\(^{10}\)

\(^5\) ”w marszu uczestniczyli m.in. Katalończycy i reprezentanci Kraju Basków”; <wiadomosci.wp.pl>, published 14.07.2012.


\(^7\) P. Wróblewski, *Miejsca symboliczne na Górnym Śląsku. Między ”sacrum” a ”profanum”*, ”Górnoślańskie Studia Socjologiczne” 2010, Seria Nowa 1, p. 133–145: St. Annaberg (Góra św. Anny) as a memorial place for Polish and German Sileans.

\(^8\) Also in Germany, emigrants of Silesia aren’t identified as Sileans, but as Polish, V. Wecker, *Sprache und Identität im Kontext der Migration schlesischer Aussiedler nach Deutschland*, ”Studentische Arbeitspapiere zu Sprache und Interaktion 2009”, Nr. 15, noam.uni-muenster.de/SASI.

\(^9\) *Ibidem*, p. 25.

The different regionalist movements in Europe are hard to compare because of different historical and political backgrounds. But all regionalist movements seem to share a fundamental ambiguity: regionalist movements on the one hand are driven by political and economic motivations, but on the other hand they argue in terms of culture or ethnicity which do not refer to economic reasons. While this, of course, is an unsettled impressionistic statement regarding “all” regionalist movements in Europe, it can be proven at least for the Silesian regionalist movement. An example would be the “Welcome Text” – only in English – published by the “Silesian Autonomy Movement” (Ruch Autonomii Śląska = RAŚ) on a heavily used “social network service” on the Internet:\footnote{11}

We perceive our autonomy in similar way to Spanish autonomous regions or lands in Germany. […] we believe that mature democracy in many European countries and USA has developed into political systems which maintain and highlight cultural differences within the regions what countries benefit from. […] We want to provide regions more influence on creating the local law to replace slow, inflexible and not regions-oriented governmental decisions. We want our regions to be more decisive on how the taxes are spent by increasing their participation in taxes sharing and decreasing lion’s share collected by central government now. We believe such actions will result in more efficient way of making decisions and therefore will upgrade the living standard of all the regions.

The text refers both to political and economic reasons on the one hand (“laws”, “taxes”) and to “cultural differences” on the other hand and is a good example for a two-folded rhetorical with unconnected to each other economic and cultural arguments.

The ambiguity of the regionalist movements also is seen when different explanations of region building are compared. Political and economics sciences in general say that regions tend to unify themselves because of “hard” economic reasons. While the supranational free market demands for individuality of each actor, these actors at the same time are interested in infrastructures which they can control by themselves. The result is the region as the regional market with regional producers and customers:

Monetary policy and political ideology complete themselves (in this way) to form a virtuous circle of regional integration: monetary policy pushes ahead with individual norms, which by themselves dissolve hierarchical structures and set free the individuals from their holistic-nationalistic shackles. (Collignon 2005, 12, italics original, translation Th. D.)\footnote{12}

It is fully rational to explain the emergence of regions under economic aspects. Especially Upper Silesia, suffering from political and economic changes since 1990,\footnote{13} which put the region out of the Polish focus for some time, is struggling

\footnote{11} <http://www.facebook.com/ruch.autonomii.slaska/info>; seen 03.12.2012.
\footnote{12} “Geldwirtschaft und politische Ideologie ergänzen sich (somit) zu einem virtuous circle regionaler Integration: die Geldwirtschaft treibt individualistische Normativität voran, die ihrerseits hierarchische Strukturen auflöst und Individuen aus ihren holistisch-nationalistischen Fesseln befreit.”
\footnote{13} J. Wojnicki (Alternacja władzy w państwach Europy Środkowo-Wschodniej po 1990 roku, "Studia Politicae Universitatis Silesiensis" 2011, nr. 7, 115–133) refers the process of evolving democratic structures in different East European countries which during the time of their evolvement had a lack of stringent governmental decisions.
to develop regional perspectives\textsuperscript{14} in relation to its history\textsuperscript{15} and in continuation of regional governmental reforms in all East European countries having become members of the European Union in 2004 and in 2007.\textsuperscript{16} Already the description of the economic problems of the specific Upper Silesian industrial landscape evokes the impression of a coherent territory – as does the description of texts of Silesian authors.\textsuperscript{17} On the other hand the self-description of the inhabitants in Silesia rarely touches the economical point of view but is based on notions of culture, language, ethnicity, or just feelings of being at home. To explain the difference between ’hard’ factors like economy and power on the one side which stimulate regionalist movements and ’soft’ individual and emotional reasons on the other side the European Union, although being a major factor in the emergence of regional self-consciousness, is supporting research on the individual motives of local inhabitants. In the framework of the project SPHERE there has done extended work about the individual motivation of Upper Silesian inhabitants, focussed on narratives of identity,\textsuperscript{18} visual representation of the industrial landscape,\textsuperscript{19} and emotional bonds to work places,\textsuperscript{20} to name just a few.\textsuperscript{21} From the point of view of sociolinguistics\textsuperscript{22} Silesian and Kashubian have already been put into the greater framework of Polish language politics. The following observations want to contribute to this ”cultural” side of the double-folded regionalist arguments by having a look into

\begin{itemize}
\item[15] P. Wróblewski, Miejsca symboliczne…
\item[16] A. Czyż, Rozwój samorządu terytorialnego w państwach Europy Środkowej i Wschodniej, ”Studia Politicae Universitatis Silesiensis” 2011, nr 7, p. 134.
\item[17] D. Krzyżyk, Odzwierciedlenie języka i kultury regionu w śląskich pieśniach górniczych, ”Z Teorii i Praktyki Dydaktycznej Języka Polskiego” 2009, nr 20, p. 152–165.
\item[19] P. Ćwikła, K. Łęcki, Świat przedstawiony Górnego Śląska od (soc)realizmu do realizmu magicznego — reprezentacje symboliczne regionu w obrazach, ”Górnośląskie Studia Socjologiczne” 2011, Seria Nowa 2, p. 113–127.
\item[21] Form more studies on Silesia see the first two volumes of ”Górnośląskie Studia Socjologiczne”.
\end{itemize}
comments of non-professionals on issues regarding Silesian autonomy. What can the language use in internet comments tell us about the motivations of authors who use terms like “dialect” or “language” and how can the use of dialectal forms in these comments be understood as part of the argumentation?

2. Comments on Silesia – a small corpus

Already a cursory reading of postings on the internet shows that the question about the existence of a "Silesian language” is an important argument in claims pro or contra an autonomous region “(Upper) Silesia”’. To roughly estimate the weight of the language argument and to evaluate which linguistic terms are most frequently used in the discussion a "corpus" has been built out of editorial texts and their respective user commentaries found at the internet based news agency <wiadomości.pl> by searching its archive for the name of the Silesian Autonomy Movement "Ruch Autonomii Śląska" (searched with quotation marks). It was aimed to get a text collection about “Silesian issues” with a significant amount of user comments of approximately 200,000 words. The articles have been manually collected in the order of their appearance starting from the most recent one. The collected 22 articles have appeared over a time span from April 04, 2011 until October 04, 2012. The articles are presented by the Internet publisher according to their "relevance" and it has not been tried to rearrange them in chronological order. One article has been left out, which has not been commented by users of the website, although being relevant to the Silesian theme; another three left out articles were accompanied by user comments but touched the Silesian theme only peripheral: two articles deal with the airplane crash in Smolensk.

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23 I am fully aware that the texts that have been collected for this paper do not constitute a corpus in the sense of a balanced, annotated and designed corpus with regard to a special research question (A. Lüdeling, A corpus linguistics perspective on language documentation, data, and the challenge of small corpora, “Potentials of Language Documentation: Methods, Analyses, and Utilization” 2012, Vol. 3, p. 32–38, www.nflrc.hawaii.edu/ldc/sp03.), but can be considered as a small range corpus (A. Kornai et al., Web-based frequency dictionaries for medium density languages, “Proceedings of 2nd Web as Corpus Workshop, European Chapter of the Association for Computational Linguistics (Org.)”, eds. A. Kilgarriff, M. Baroni, 2006, p. 1–8).

24 The Internet texts have been collected on December 03, 2012.


the third is an opinion poll about Polish political parties amongst them also mentioning the RAŚ. The texts have not been touched in any way so it cannot be excluded that some misspelled tokens in the users comments go without mention; but the probability to misspell “gwar”, “dialek” or “język” is not too high, while unusual orthography, maybe due to technical reasons, like “język” (46 times in the comments) has been taken into consideration. Word counting and alphabetical word ordering has been done using the program "AntConc"\(^{28}\).

The editorial texts consist of 16,585 tokens respectively 5184 "types", the user comments comprise 235,765 tokens respectively 40,848 "types", but these numerical values are only meant as an approximate overview and we will not draw any numerical conclusions.\(^{29}\) The term "type" should only be understood in the meaning of "word form", because AntConc does not identify morphological variations of the same word. The user comments have regularly cumulated if ”Jarosław Kaczyński” has been one of the political actors named in the title of the editorial text. While an article about the RAŚ failing to receive a required number of supporters in order to nominate a candidate for a local assembly (“RAŚ bez poparcia na Śląsku Cieszyńskim”\(^{30}\)) has attracted 4 users to comment, one of the articles on J. Kaczyński in behalf of his opinion about the RAŚ is accompanied by 1826 user comments.\(^{31}\) Because the aim of this paper is not a discourse analysis in order to identify “theme words”, ”key-words”, different ”actors” and ”evaluating terms”\(^{32}\)

\(^{28}\) Version ”3.2.4m” on Mac OS X 10.7. Name and version of the program used for simple word counting is worth mentioning because due to unicode input (Polish diacritics) and internal handling of orthographic details (capitals, hypens) programs differ in their output. Of course, pre-processing (like in B. Han, P. Cook, T. Baldwin, *Automatically Constructing a Normalisation Dictionary for Microblogs*, “Proceedings of the 2012 Joint Conference on Empirical Methods in Natural Language Processing and Computational Natural Language Learning. Association for Computational Linguistics” 2012, p. 421–432) would be an inappropriate measure in comparison to the small number of tokens.

\(^{29}\) Text elements of the website unrelated to the subject like menus, links, or advertising adds have been stripped of, but some irrelevant information may not have been deleted. All duplicate postings were deleted which showed up when looking for postings containing “język [jezyk]”, “gwar”, “dialek”, “Śląsk-”. Duplicate postings not containing these words may have remained. Quotations of the posting in this paper conserve their original orthography.


\(^{31}\) <http://wiadomosci.wp.pl/kat,1027191,title,Jaroslaw-Kaczynski-strzelil-samobojna,wid,13290411,wiadomosc.html> (2011.04.05, 16:56); the user comments are displayed on 67 different webpages. It should be kept in mind that the content management system of webpages is not infallible and sometimes may display the same comment at the end of a page and at the beginning of the next. Also not all comments nested in separate threads could be opened at the same time and saved to a file and surely some have been missed. In short: the numerical values given for the amount of user comments are to be treated as indications of rough proportions.

lexical frequency in a strict sense is not considered. The aim of the corpus is just to represent people’s comments on Silesian themes regardless of the subject of the respective editorial text.

3. Language terms as arguments

According to the editorial texts of the news agency language arguments play only a very modest role in discussing the Silesian regionalist movement. In the editorial texts the word “language” is mentioned only two times in the context that the RAŚ wants the Silesian dialect to be acknowledged as a “regional language”. One time a political scientist from the university of Silesia (Uniwersytet Śląski) is using the term “regional language” ("kwestia uznania śląskiego za język regionalny”), another time the political head of the RAŚ, Jerzy Gorzelik, is reasoning about the statistical poll of the Polish government (Narodowy Spis 2011) and a possible “distortion of the data regarding the question of nationality and, perhaps, language” ("zdeformowanych danych dotyczących kwestii narodowości i być może języka”). The term “dialect” (“dialekt”) isn’t used at all in the editorial texts, the term “subdialect” (“gwara”) appears only two times and only in quoting advocates of the Silesian autonomy.

While language doesn’t seem to be a major point in the official political rhetoric, the user comments on Silesian issues on the contrary often are based on the language argument. We will now have a look on the use of terms like “language / język”, “dialect / dialekt” and “sub-dialect / gwara” in the user comments by describing the semantic extension of a language term and mentioning its typical collocations.

3.1. (Everyday) speech / mowa

Besides the idiomatic expression “it is spoken about = “tu jest mowa / mowa jest o…” “mowa”33 as a linguistic term appears 11 times in the user comments and means “everyday non codified speech”.34 The term appears in evident quotations of conceptual written texts (two quotations from a report on a statement of the Polish political party “Platforma Obywatelska” = 1), in pejorative (2) or neutral (3) meaning and also in the comment of a linguistically informed user, who mentions the use of the dual in the Silesian verbal paradigm (4):

33 In the morphological variants: mowy (2), mowę (2), mowie (2), mowa (4), mową (1).
34 With the exception of one user (~humorysta [2011.04.04, 10:07]) who mourns he had to leave school, because the Silesian teacher didn’t understand his “pure Polish speech in written and oral form” (“czystej mowy polskiej . Mowy pisanej i mówionej”), where “mowa” exceptionally is used for "language".
The document represents the governmental opinion on the theme of the legal act to give the Silesian speech the rank of a regional language. He added, that the Silesian everyday speech isn’t a language, but a dialect.

I don’t want to read your monkey speech on the portal Wirtualna Polska.

In short, "mowa"is used to signify an oral variant of a language, lacking a normative description, and spoken by a regional population.

3.2. Dialect / dialekt

The term "dialect/ dialekt" appears 10 times in the user comments. The commenters don’t obey a semantical difference between the terms "dialect / dialekt" and "sub-dialect / gwara" (cf. also 3.3):

You have your Silesian sub-dialect additionally to the Polish language, which your elders weren’t able to learn by themselves and so mixed it up with a German dialect.

In comment (5) only in a speculative manner a semantical difference could be constructed between a now existing Polish sub-dialect / gwara and a once existing German dialect / dialekt. Rather both terms are used as synonyms like in the following comment which evidently has been pasted from the lemma “Ślązacy” in the Polish edition of an online encyclopaedia (wikipedia):

You are using your Silesian sub-dialect additionally to the Polish language, which your elders weren’t able to learn by themselves and so mixed it up with a German dialect.
They use a complex of Silesian sub-dialects (gwara) or dialects (dialekt) of the Polish language to a different extent of influences of the German and Czech languages.

While the distinction between the terms “dialect / dialekt” and “sub-dialect / gwara” could only be expected in a linguistically informed article the collocations of “dialect” are noteworthy for our purpose, because “dialect” occurs regular in the context of “language at border”, “language under the influence of another language”. Cf. above (5) or:

(7) ~pol [2011.04.05, 15:52] Polska Piastowska była od początku państwem jednolitym etnicznie. […] Germańskie związki plemienne […]wchodziły do historii […] z własnymi nazwami etnicno-językowymi,własnymi dialektami graniczącymi z odrębnymi językami.

The Poland of the Piasts has been from its very beginning an etnical uniform state. […] The German tribal bonds […] went into history […] with their proper ethnic-lingual names, their proper dialects which share the border with distinct languages.

(8) ~technol72 [2011.04.04, 17:39] Także te osoby które mówią że Śląsk od zawsze należał do Niemiec MÓWIĄ NIEPRAWDE !!! […] Chcą Ślązacy posługiwać się dialektem Śląskim proszę bardzo, pielęgnować swoją kulturę proszę bardzo nikt tego nie zabrania, a zwłaszcza Konstytucja RP. Do tego autonomia nie jest wcale potrzebna!!!!

Also the people who say that Silesia always had belonged to Germany TELL LIES!!! […] Go ahead, let the Silesians use the Silesian dialect, go ahead, let they care for their culture, nobody hinders it and above all (not) the Polish Constitution. For this (goal) autonomy is absolutely not necessary!!!!

While comments (7) and (8) point to dialect as a phenomenon at the border of a territory, the next comment of user “linguist” (językoznawcza) hypotesizes the fate of the Polish language in a anglo-lingual dominated Europe as a “dialect”:

(9) ~Językoznawcza [2011.04.05, 14:48] […] starannie uczysz się angielskiego i przymuszasz to tego także swoje dzieci, do wobec wejścia do Unii Europejskiej, to ten język zapewne stanie się językiem literackim europejskiej naszej Ojczyzny, a polski dialekt zapewne pozostanie w użyciu nadal po wsiach i leśnych przysiółkach?

You carefully learn English and you also force your children to do it, because related to entering the European Union, this language will for sure get the literary language of our Motherland, and the Polish dialect for sure will stay in use in villages and in wooded wasteland?

Also in the rather fictional context of example (9) dialect is conceptualised as a form of speech at the border, spoken not in the centre of a territory but in its uncultivated regions. It is this collocation of “dialect” which is also dominant in the use of its synonym “gwara”.

3.3. Dialect / gwara

The term “gwara” (literally “sub-dialect”) appears – as mentioned above (3.2) – synonymous with “dialect”, at least the comments don’t give reason to look for any semantic difference. The stem “gwar-“ appears 34 times as a noun and 3 times
as an adjectiv; the type-token-ratio in comparison to "mowa" (3.1) and "dialekt" (3.2) points to the productivity of "gwara" as the counterpart to "language / język". While "mowa" can be used as an insulting term for the speech of other people (example 2), "gwara" also shows up in connection with possessive pronouns of the first person. Besides of its neutral meaning "gwara" typically occurs with the specification "Silesian". Noteworthy is also the possible plural form which can refer the fact that "Silesian" is a language term referring to three dialects of three (Polish, Czech, German\(^{36}\)) different languages, which sometimes is also mentioned in the corpus.

<table>
<thead>
<tr>
<th>gwara (34)</th>
<th>gwara śląska (14) / gwary śląskie (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>śląska gwara (1; cf. example 10)/ śląskie gwary (1; cf. example 6)</td>
<td></td>
</tr>
<tr>
<td>moja gwara (1)</td>
<td></td>
</tr>
<tr>
<td>nasza gwara (1)</td>
<td></td>
</tr>
<tr>
<td>swoja gwara (2)</td>
<td></td>
</tr>
<tr>
<td>gwara 13</td>
<td></td>
</tr>
<tr>
<td>gwarowy (3)</td>
<td></td>
</tr>
</tbody>
</table>

The word order "gwara śląska" is dominating and specifies the meaning. Generally spoken, in Polish the postposition of the adjective related to its noun signifies a categorial meaning, while an adjective in anteposition to its noun signifies a property.\(^{37}\) A word order "polski język" is just not to be found and felt to be ungrammatical. The following commenter uses the possibilities of word order delicately:

(10) ~tomek 78 [2011.04.05, 16:56]: Znam znakomicie śląską gwarę i znam również język polski Wy już nas nie rozumiecie.

I know excellent the Silesian dialect [śląska gwara] and I know to the same extend the Polish language [język polski]. You never will understand us.

In comment (10) two identically formed propositions differ in the position of adjectives in relation to the accusative object; the semantic distinction expressed by word order is relevant as the distinction "the dialect which is typical for Silesia" vs. "language with the characteristics of Polish". The great majority of the commenters, however, put the adjective "Silesian" postponed to its noun which shows that "gwara śląska" has reached the rank of a categorisation. It is not a dialect with certain lingual properties 

\["słowiánska gwara" = "slavic dialect", 1 times in the corpus]\), but it is a language existing as a dialect (e. g. "gwara wielkopolska" = "Greater Polish dialect", 1 times in the corpus). The use

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\(^{37}\) Prefixed = accidens ("akzidentelle Eigenschaft"), postfixed = proprium ("wesenhafte Eigenschaft"), but the tentative word-order can be inverted by pragmatic and idiomatic reasons, U. Engel, D. Rytel-Kuc, \textit{Deutsch-polnische kontrastive Grammatik}, Bd. 2, Julius Groos, Heidelberg 1999, p. 925f.
of the adjective "Silesian" in combination with "dialect / gwara", but also in combination with "language / język" gives the commenters the possibility to graduate sensibly between Polish, Silesian and the only regional language of Poland which is officially acknowledged, Kashubian:


The Kashubian language isn’t a dialect in no sense, the Silesian language is a dialect derived from the Polish language. This is my impression.


And above all he (Donald Tusk) doesn’t speak in dialect (because Kashubian or Silesian aren’t languages, but dialects). Greetings. Poland to the Polish, not to the RAŚ-ists.

The commenter of example (11) displays the semantic difference between a classified language by means of postponing the adjective ("język kaszubski", "język polski") and a locally restricted dialect by means of anteposition of the adjective ("śląski język"). Such sensible graduation, of course, is not regularly found in the comments: the commenter in (12) denies Kashubian the status of a codified language and word order, of course, should not be overestimated in interpreting the user comments.

Also interesting is a look at the context, "gwara” is used in. Searching in the range “10 words to the left and to the right periphery” the context of "gwara” is dominated by the types "Silesian / śląski” (13 times) and "language / język” (10 times). This collocations reflect the main point of the argumentation: Is the Silesian dialect/ gwara a language of its own? The question is discussed in comparison to the Polish language (6 times) or to the German variety of dialects (4 times). Beyond that there is a special semantic field ”gwara” is regularly found in, namely allusions to diachronicity (2: archaizm, 1: relikt, 1: staropolski). A proper dialect is conceptualised as the historical variant of a codified language (cf. also examples 5–7):

(13) ~Ziga [2011.04.06, 01:08] […] Nie ma śląskiego języka – jest gwara śląska – archaizm języka polskiego z naleciałościami niemieckimi.

There is no such thing like a Silesian language – there is a Silesian dialect – an archaism of the Polish language with German traces.

(14) ~roro [2011.07.02, 14:39] […] że gwara śląska to piękne narzecze staropolskie zachwaszone germanizmami !

[…] that the Silesian dialect is a beautiful Old Polish idiom overgrown by Germanisms.

The argument "dialect is archaic” could be named a discourse pattern, because it occurs both with opponents (13) and supporters (14) of the Silesian ”dialect”. The term “archaic” isn’t primarily related to the age of a lingual expression, because then the approximately 1500 years old Polish language itself would be
archaic, too. "Archaic" always means a lingual expression which once has existed in the normative language but has survived only in non-standard variations. So, both commenters (13 and 14), either deprecating or praising the Silesian dialect, share the same discourse assumption: Polish is the norm.

Having no sufficient great corpus at hand it would be too dangerous to draw more conclusions about the use of "gwara". But in comparison to the context the term "language" is found in (see 3.4) it can be stated that "gwara" and "dialect" as synonyms for "dialect" tend to the semantic tinting "lingual entity at a territorial or temporal border".

3.4. Language / język

Of course, by far the most used term for lingual entities is "language / język". Combining with a prefixed adjective the term "language/ język" can have the meaning "natural language", but in most cases it displays the meaning "codified standard language“. The term "język" (135) resp. "jezik" (34) occurs 169 times (only 7 times in the plural form) and additionally appear the adjectival derivations "językowy" (6) and "językówowy” (7). Within the context of "język" the most noticeable semantic field is covered by lexical items like "topographic names / nazwy miejscowości” (4 + 3) and "people / naród” resp. "nation / narodowość” (6). Other items like "region / regionalny” (4) can occur as well. But the most important context of "language" is its connection with "nationality” and/ or "ethnicity”:


The Silesians are quasi a nation, which does not even have its own language.

(16) ~i tyle [2011.04.21, 12:59] Narodowość śląska? Nie ma” narodu śląskiego” – bo nie ma języka śląskiego. Jest tylko gwarę śląską, więc jak naród może mówić gwarą?

Silesian nationality? There is no "Silesian nation” – because there is no Silesian language. There is only a Silesian dialect, and how can a nation speak a dialect?


There is no Silesian nationality, because Silesia has never been a nation, like Greater Poland, the Kashubians and so on. The Silesians belong ethnical to the Polish people, like their language belongs to the Slavic, not the Germanic group.


I suggest that in questionnaires everybody notes his nationality related to the name of the region. I have written "Masurian nationality” and this language is used at home.
Lingual performance and attitude towards regional movements: Silesia

(19) ~bart [2011.04.21, 12:27] Nie ma narodowości śląskiej, kujawskiej, mazowieckiej, góralskiej, tylko jest polska […] nie ma czegoś takiego jak język śląski, jest tylko gwara wykorzystująca polską gramatykę, składnię i słownictwo, różniąca się jedynie wymową i pewnymi naleciałościami.

There is no nationality Silesian, Kujawian, Masurian, Goralian, only Polish. […] There is no Silesian language, there is only a dialect which uses the Polish grammar, declination and lexicon, distinct only by articulation and certain traces.

The existence of a Silesian, non-polish identity is bound to an ethnic difference between Polish and Sileans which is proved by the existence of a distinct Silesian language. Because ethnicity is bound to a specific language only the existence of a language seems to give a good argument for autonomy. If languages are similar then ethnicity is similar, too:

(20) ~K.K [2011.04.05, 16:34] Oczywiście ,tak jak nie ma narodowości Słowackiej, Czeskiej itd. bo to są tylko Słowianie mówiący bardzo podobnymi językami.

Naturally, so there is no nationality Slovak or Czech and so on, because there are only Slavs speaking very similar languages.

The pairs “language and nationality” and “nationality and ethnicity” can mutually be used synonymous, and not only both terms in each pair, but also both pairs as a whole. Language is a sign for nationality or ethnicity, and because language points to both nationality or ethnicity, both nationality and ethnicity become mutual synonyms. To deny claims of autonomy means to deny that the Silesian idiom could be named a language.

4. Performance of language: godać and godka

From the lexical stem “god-” the Silesian idiom38 has derived terms for “language” = “goda / godka” and for “to speak” = “(po)godać”. The term “god(k)a” is 17 times used both by opponents and supporters of a Silesian language. Some comments are aggressive in referring to WWII and the Nazi regime in Silesia because of heavy lexical German influence on the Polish Silesian dialect, some comments seriously use Silesian dialectal forms to express their Silesian identity. All comments can be divided into three groups of lingual strategies to support their resp. arguments. The first strategy is to substitute single words in a Polish text with their Silesian counterpart, a strategy which (by chance?; cf. 5) only has been observed in comments of opponents to the Silesian autonomy. The second strategy is to write the whole comment in Silesian, which has been done by both supporters and opponents to the Silesian autonomy. The third strategy is code shifting between Polish and Silesian, which also accompanies texts pro and contra the Silesian autonomy claim but seems to be done only by authentic speakers of the Silesian dialect.

38 For the translations I have consulted an online dictionary of the Silesian dialect <godka.pl/slownik-slaski-gwara-slownik-jezyka-slaskiego.html>.
4.1. Lexical substitution = alien elements

Examples for the strategy of lexical substitution are found mostly with the verb "godać" (substituting Polish "mówić") or the noun "Hanys" (the common nickname for "Silesian", derived from the German proper name "Hans"), which both are common Silesian markers.


Foolish simplification. Speaking the Silesian dialect is the same like speaking the Goralian, or Masurian, or Galician everyday speech, it is speaking in Polish. You are a Polish from Silesia and this is all. If you want to kick up a fuss then the rest of the society will quickly show you Your place. Do you long for war? You’d like to be Adolf? Have been in the Hitlerjugend?


Why would you lose your home, if you say, what you are? […] But the camouflaged Goral who behaves to be a Hanys, said publicly that (the Silesians) stem from the German minority.

Comment (21) displays expressis verbis the popular assumption that the Silesian Autonomy Movement is operated by remote control of Germany. To support this claim the dialectal word "godanie" is used as a variant of the Polish non-standard word "mowienie" in the meaning "everyday speech / mowa" (see also 3.1). The dialect form "godanie" is a lexical marker for Silesia, like "Adolf" and "Hitlerjugend" are lexical markers for Germany. The markers of Silesia and Germany appear in the Polish text like alien elements and perform the argument: the claim of autonomy for Silesia is an alien, possibly German intervention into Polish affairs.

Comment (22) puts in its Polish text the common nickname for Silesians "Hanys" (from the German proper name "Hans") and the verb "godać" to characterise a well-known propagator of the Silesian Autonomy Movement, who is supposed to be of no Silesian origin, but to exploit the movement for his own purposes by pretending to speak the Silesian dialect. Comment (22) uses Silesian markers to perform the false pretension by showing how easily it is done. In both comments (21 and 22) Silesian dialect forms show up in a surrounding Polish text like alien elements and this lexical substitution performs the content of the argument. Silesians are disguised Germans resp. Polish with disguised intentions.

Similar, the use of Silesian dialect forms as alien elements in a Polish text can also have ironical effects, like

(23) ~MÂźller [2011.08.21, 16:35] @Ślązak prawdziwy […] no godej ,prawdziwy Slązak walczył z Niemcami […]

@True Silesian […] but say, a true Silesian fought with the Germans […]
Polacy na Górnym Śląsku: czas zacząć uczyć się "godk-ki" i zgodzić się na bycie "Ślązakiem" drugiej kategorii bez "rodowodu", albo pakować manatki. Wyrazy współczucia...

To the Polish in Upper Silesia: it is time to begin learning "godka" and to agree to be a "Silesian" of secondary category without "genealogy", or to pack your staff. Expressions of pity...

Comments (23 and 24) use the words "godać" respectively "god(k)a" ironically. Example (23) as a request to tell the truth is at the same time the offer, to do it in Silesian if the addressee is unable to use Polish. Example (24) admonishes the Polish population in Upper Silesia to learn the dialect in order to integrate into the region Silesia although a native Polish speaker always will be depreciated in Silesia because of the lack of a German genealogy. The key words (name of the dialect, name of the Region, concealed hint to German background) are given in quotation marks, singled out as foreign elements and at the same time profiled as rhetorical elements whose reference to phenomena in an extra-lingual world is questionable.

Lexical substitution can also be done in the form of a contrast like in the following aggressive example (there would be more on both sides):

(25) ~Kolka [2011.07.02, 14:06] Schnittlauch – szczypiorek / śl. Sznitloch, Tomate – pomidor – śl. Tomata. So where is this Silesian language, a bit of a German, a bit of shit, a bit Polish, this truly is the Silesian language according to RAŚ, take your Reisentasche, sit under the Bundeslade and cry: we want a box of beer. Snot-nosed Raśisten.

Example (25) displays confronts Polish words with their Silesian counterparts to make the hostile ("German") and impure ("shit") influence on Silesia visible; Silesian is characterized as a mixture of (false) German and Silesian elements.

Lexical substitution is a way to not just utter, but to perform the argument: Silesian words are an alien element in a Polish context. If the performance of alien elements supports the meaning of the words (21 + 22) it works as an intensification

39 The formulation "walczyć z Niemcami" = "to fight with the Germans" could be understood as "fight on the side of" or "fight against".

40 In example (25) the verbal forms with the suffix -ta (weźta, wsadźta, wołajta) are used like an imperative, while they in fact are old aorist forms – a prominent feature of Silesian ("Die meisten Dialektismen wurden bei der Bildung der Vergangenheitsformen notiert" in I. Rohfleisch, Sprachsituation und Sprachverhalten in Teilen des heutigen Oberschlesiens, Diss. phil. Univ. Heidelberg. (gedruckt als Manuskript: Berlin: dissertation.de 2001), Heidelberg 2001, p. 129). The German word "Bundeslade" refers exclusively to the Ark of the Covenant (pol. Arka Przymierza) of the Old Testament; the author obviously means "Bundestag" (building in Berlin) but mixes it up with a rare word acquired only during religious education in church or school. Finally, the author plays the usual phonetic game with the acronym for the Silesian Autonomy Movement "RAŚ" as if it be an abbreviation for "racist" with the German ending (Raśist-en) instead of the Polish (raśist-y, raśistki, raśisc-i). There is more knowledge of German and less of Polish with this author than the meaning of his words conveys.
of the argument. If the performance of alien elements is done against the meaning of the words it will produce an ironical effect (23 + 24). Alien elements may directly serve as proof for hostile intentions of the Silesian autonomy movement, and, absurd enough, against the existence of a Silesian language (25). In all cases, the lingual strategy of lexical substitution or lexical contrasting is used only by opponents of the Silesian autonomy, because it is a performance of strangeness, a performance of the reproach that the Silesian Autonomy Movement is under remote control of an alien (Germany, some comments also speculate about Russia [cf. example 32]) power.

4.2. Silesian texts = performance of difference

Some comments are written throughout in a / the Silesian dialect.41 This is observed both with supporters and opponents to the Silesian Autonomy Movement. Mostly the use of Silesian dialect forms is done in order to perform that the idiom although claiming to be an own language cannot claim uniqueness because it can be performed by non-Silesians as well. To this aim opponents of the Silesian Autonomy Movement write throughout in a Silesian idiom. This user with the nickname “A Pole” imitates the self-description of the Silesian people:


I am not a Pole, I’m a Silesian

Some authors are found, who write the whole comment in Silesian like the user “Silesian”:

(27) ~Ślunzok [2011.08.16, 16:19] Jo rzech je ze Slunska i jo rzech je dummy. Jo wała trzi flaszi gorzyły w tydniu i jo sie chca łodautonomić som nie wiaz czamu, ale tak godają to powtarzom

41 It is not the aim of this paper to judge if a given comment reflects the actual lingual behaviour of its author resp. his ability of lingual imitation. This would require a fine grained description of the Silesian dialect and its variants. E.g. comment (27), clearly ironical about Silesian, uses ”rzech” as present tense, not as proper aorist, but gives correctly ”chca” instead of Polish ”chcę” as one of the main characteristics of the Silesian idiom (I. Rohfleisch, Sprachsituation..., p. 97). Relatively to the assumed linguistic competence of the authors also ”false friends” between Polish and Silesian have to be interpreted. E.g. comment (28) uses the word ”Goral”, which means in Polish a ”Goral” (a person from a mountain region in Poland), but refers in Silesian to every person who is ”not a Silesian”. The dialect of Upper Silesia is not fading, but changing, more and more being identified on phonological and lexical level, while the syntax becomes undistinguishable from the Polish one (cf. M.L. Kucharczyk, Zur sprachlichen Situation in Oberschlesien. Master’s thesis, Univ. München, München 2010, p. 81; for the pragmatic level see T. Kamusella, Language: Talking or trading blows in the Upper Silesian industrial basin?, “Multilingua” 2011, no. 30, p. 3–24). In this paper, the statement that a text is written in Silesian means that the author tried to give the whole text a Silesian appearance in contrast to only rendering some words in their Silesian form (like 4.1).
I say that I am from Silesia and I say that I am proud.\textsuperscript{42} I want three bottles of schnapps every week and I want to autonomize myself, I don’t know why, but how they say I repeat it.

Here the ironical effect is emerging from the content, not from mixing of Polish and Silesian words (like in 4.1). This and the next example show that the use of dialectal forms does not allow to infer the political opinion of the author respectively his identity as Polish or Silesian:


It needs a fool to say such stupidities. I am not a Silesian. But I have a brother-in-law Hanys (quack doctor, as he is, but a considerate man) and probably I will support this Autonomy. Because these "fathers of the Nation" it is "impossible to bear". I already vote to follow a Hanys and not a Non-Silesian, like Hoffman [i.e. Adam Hoffman] (a Slav like a bull) or his leader [J. Kaczyński]. They didn’t mine one single coal, but one time have been in the mine in Zabrze. Fu.

User "Opa" (German for "grandfather", frequent in Silesian dialects) displays disagreement with the Polish politics (especially with prominent figures of the opposition party) therefore supporting the separatism of Silesia although not being a Silesian himself. The user imitates in his comment the Silesian dialect and performs the making of an artificial identity he is arguing for.

The same use of the Silesian dialect as an identity marker is observed mostly in shorter comments like (29 and 30):

(29) ~starzyk [2011.04.08, 12:21] jo popra bo fest godajom
I support it, because they are speaking strong.

The woman speaks the truth.

There are also longer comments like (31 and 32) which show the use of the Silesian dialect as a performance that the author belongs to this region, but this can be done both as support (31) or as rejection (32) to an autonomy claim:

(31) punkowiec [2011.04.04, 13:33] Nie był na tej lekcji... [...] Jarosław chażybi niy boł w budzie bo miół ała w tyn dzień, a nyc miół kumplików to tyż nie miół fiho mu hefta do dom pożyćzyć, co by sie lekcje som zrobił. A rechtorcha godała, że Ślonzoki nie chcieli być w Niemcach ino w Polsce i o to sie prali w Powstaniach i za tym głosowali na Plebiscycie. A być Ślonzokiem to ni ma gańba!

He has not attended this lesson... Most probably Jarosław didn’t attend school that day because he had an "aua" expression of illness, Germanism], and he had no friends and so had nobody to bring him the notes from the class at home, that he could learn the lesson by himself. The principal said, that the Silesians didn’t want to be neither in Germany nor in Poland and fought for that in the Resurrections and voted for that in the Plebiscite. To be a Silesian is no shame!

\textsuperscript{42} The formulation alludes to the formulation "I’m Black and I’m Proud", once refrain of a pop song and then a major slogan in the African-American movement.
I am a Hanys, but this whole Silesian Autonomy Movement is – in my eyes – a work of the "Moscovits". They do their business, like always – by revolting others. They want to take over Silesia, by far not for the Germans, but for the Moscovits. This I tell you! Kuc [Polish movie director] also is a Moscovit to me. Close friend to Michnik [former dissident, now editor of a Polish daily newspaper]. No real Silesian, no Hanys would spend time with such people…

Writing whole texts in the Silesian dialect is not bound to any side of the political options but is used as a performance, either to show the imitability of the Silesian dialect as an argument against regional autonomy, or to perform the Silesian dialect as an obvious marker of difference resp. different identity.

4.3. Code switching = authenticity

Code switching in the context of this paper means that some texts switch from Polish to Silesian mostly at the end of their arguments. This strategy seems to be taken up only by authentic Silesian speakers regardless of their opinion against (33) or pro (34) a Silesian autonomy; I was unable to find a switch from Silesian to Polish, but only observed the switch from Polish to Silesian at the very end of the comments, like in the following examples:

(33) ~gość [2011.04.05, 21:29] […] a co do powstańców… generalnie z hanysów głownie byli to lumpy i chachary!!! tak mi starka godali.

[…] with regard to the insurgents … in general from the side of the Hanys most of them were bums and hooligans. So the grandparents told me.

(34) ~hanys [2011.07.02 14:27] fałsz, obluda i zakłamanie to cały Kaczyński. Powie wszystko i wszystkim w zależności z której strony wieje wiatr aby tylko pozostać przy korycie. […] Żadyn gorol, krawaciorz czy medalikorz niy bydzie mi godoł co mom robić a tym bardzij taki dziod jak Kaczyński

Lie, hypocrisy and insincerity that is the whole Kaczyński. I tell it everywhere and to everybody that he will always take his stand at the trough in relation to the direction the wind blows. […] No Non-Silesian, with a tie or with medaillons, can tell me what I have to do and the more not an idiot like Kaczyński.

Comments (33) and (34) are written throughout in Polish but add one or more sentences in Silesian. Comment (33) shows the words "starik / starka" which mean "grandfather/ grandmother" in Silesian (instead of Polish "dziadek / babcia"). The author uses the dual, which is a main feature of the Silesian dialect, in this case "starka" = "(the two) elders = grandparents". Comment (34) argues in a rough tone against the prominent leader of the Polish opposition party and adds a Silesian sentence at the end stating that he may not receive any or-
ders from Non-Silesians. Both examples aim at a similar effect: stressing an argument against or in favour of the Silesian autonomy by showing that the speaker is intimately involved in the issue he is speaking about. Code switching is used as a marker of authentic knowledge.

5. Commenting the comments

This paper aims to show that the language argument serves as the main point in the argumentation against or in favour of Silesian autonomy. By analysing the semantics of linguistic terms for “everyday speech” (mowa), dialect (dialekt / gwara), language (język / goda) and the performance of the Silesian dialectal features two things appear to be most important:

First, the notion of dialect as opposed to a language is affected either by the association that a dialect is spoken at the border of a language territory or by the feeling that the dialect is a somewhat archaic form of the standard language of a territory. Both arguments agree in the notion of a dialect as being at the border of space and time. The term “language” is often associated with the notion of ethnicity and nationality, being a broader frame for categorization than dialect. A linguistic definition of language and dialect, of course, is not found, but the use of both terms reveals how language users feel about standard and variation. We can conclude that not the existence of a dialect is the stimulus to form a regionalist movement but the regionalist movement, as usual emerging at the border of a given territory, finds powerful support in accentuating a given dialect as a marker of territorial and historical difference in relation to the centre of the territory. This may explain to some extent why political arguments in favour of separation usually are split into two main lines: one line of mostly economic arguing, and one line of additional cultural arguing using mostly linguistic impressions to express the dissent with the centre of the territory. Mainly the observation of an “archaic” dialect serves as an argument in favour of a historical based separate identity of the given dialectal community.

Second, the performance of lingual elements has three main strategies, which confirm the observations already extend in sociolinguistics.

The first strategy is lexical substitution that is occasional replacing of lexical items of the standard language with their dialectal counterparts. This strategy serves the purpose of profiling dialectal elements within the context of a standard language as alien elements with the connotation of a foreign power who controls the separatist movement of the dialectal territory and with the association of impure elements within the pure language of the majority. Lexical substitution is meant as a pejorative language use, only found by authors who oppose the claim of autonomy for the given dialectal territory. Lexical substitution is known to be
a characteristic feature of the non-dominant language\textsuperscript{43} within a bilingual territory. Using lexical substitution as a pejorative dialect performance is a means to remember the social uncomfortable situation of the Polish speaking people in the bi resp. multilingual territory Silesia once has been.

The second strategy of performing lingual elements consists in writing a whole text in the non-standard language. This strategy is used by both supporters of and opponents to the autonomy of the dialectal territory. The opponents use the strategy to prove that the dialect in question can be handled by speakers of the standard language as well which shows that there is no need to separate the dialectal territory from the main territory of the standard language. The supporters of autonomy use their dialectal texts as a performance of their separate identity. On both sides the strategy aims to explore the mutual difference between lingual communities.

The third strategy consist in the unidirectional code switching from the standard language to the dialectal form which has been observed exclusively at the end of the texts. Like the second strategy also code switching is not attached to a certain political stand towards the question of autonomy, but seems to be used only by speakers of the given dialect. The strategy is mainly aimed as an attestation that the speaker is authentically involved in the issues of the dialectal territory he is writing about. The third strategy emphasises authenticity, as such being a common means in speaker’s choices between an official (standard) language of a territory and a familiar language related to personal contact, familiarity and individual credibility. Dialect here is used as the language of proximity and gives additional emotional value to the argument.\textsuperscript{44}

The lingual features of the user comments show, that the users, being far away from a linguistic view on the subject, display their intuitive knowledge about language and lingual communication by the use of linguistic terms (3) and reproduce lingual behaviour, known from actual oral communication in bilingual societies, in electronic written form (4). The lingual behaviour, which sometimes is performed very deliberately, serves as a support for the resp. argument, but is, besides pejorative language use which is, of course, attached to a certain point of view, in most cases not attached to a possible political opinion regarding separatist movement.


\textsuperscript{44} Cf. for example Rohfleisch (\textit{Sprachsituation…}, p. 199) about motivations for the use of dialect. Narodowy Spis (Narodowy spis powszechny ludności i mieszkań 2011. Raport z wyników, Główny Urząd Statystyczny: Warszawa 2012, p. 108) shows the importance of Silesian as the language used at home (509.000 Silesian speakers) in contrast to the regional language Kashubian (106.000 speakers); J. Kijonka-Niezabitowska, \textit{(Po prostu Ślązacy, “Górnośląskie Studia Socjologiczne” 2010, Seria Nowa 1, p. 93–113 discusses the outcome of the Narodowy Spis.}
Rouben Azizian

RISE OF ASIA: IMPLICATIONS
FOR EUROPE AND THE UNITED STATES*

1. The Rise is Real

There appears to be a consensus that Asia is “rising.” Much of the change in the decades ahead will relate, of course, to the rise of China and, in China’s wake, the rise of India. They add to Asia’s already substantial share in the world economy and, within little more than a decade or so, that will make Asia the largest centre of world output and trade of any region in the world — bigger than North America, and bigger than all of Europe.

In the past 20 years, China and India have almost tripled their share of the global economy and increased their absolute economic size almost six times over. In 2060, China and India’s share of global GDP looks set to surpass the combined share of GDP from today’s most industrialized countries. This fundamental shift in the world’s centre of economic gravity will lead to a significant shift in power away from Western countries. This is one scenario that has been forecast by the OECD, a Paris based think-tank, in an article titled: Looking to 2060: Long-term global growth prospects. The composition of global GDP will change significantly between now and 2060. Average income levels in China and India will be closer to the average incomes in OECD countries, and the share of global GDP coming from China and India will surpass the combined income of all OECD member countries in 2060. Meanwhile, Europe and America’s share of total GDP will decline sharply, from 40 per cent in 2011 to only 25 per cent in 2060. China’s share of the world economy is set to go from 17 per cent to 28 per cent in 2060. In contrast, America’s share of global GDP will decline from 23 per cent to 16 per cent. So in not much more than a decade, there will be a huge

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* This is an edited and expanded version of presentation at the Faculty of International Relations and Political Studies, University of Lodz, March 21, 2012.
transformation in the structure of regional and world power, not only economic weight but also the political power that inevitably follows economic power in some form or other.

It is clear that the global power map is shifting in response to these trends. Prior to the recent financial and economic crisis, the forum of choice for dealing with such matters was the Group of Eight (G-8) nations, the informal collection of nations that supposedly represented the major global economic powers. Only one of those nations, Japan, was an Asian nation. Since the crisis, the G-8 has given way to a new informal grouping, the G-20. Six of these 20 now come from Asia – China, Japan, South Korea, India, Indonesia and Australia. The fact that both the G-20 Summit and the Nuclear Security Summit were recently hosted in South Korea symbolizes Asia’s importance to the international system. The emerging economies of Asia are emerging no longer – they have emerged, and they are “surging.” And their growth will drive the global economy.

The impressive and undeniable rise of Asia has led to suggestions that the West is losing its global leadership and needs to recognize Asia’s looming superiority. One of the most prominent voices of such “triumphalism” is Kishore Mahbubani, Professor in the Practice of Public Policy and Dean of the Lee Kuan Yew School of Public Policy at the National University of Singapore. In *The New Asian Hemisphere*, Kishore Mahbubani argues that Western minds need to step outside their “comfort zone” and prepare new mental maps to understand the rise of Asia. The West, he says, must gracefully share power with Asia by giving up its automatic domination of global institutions from the IMF to the World Bank, from the G7 to the UN Security Council. Only then will the new Asian powers reciprocate by becoming responsible stakeholders in a stable world order. He argues that today’s great question is whether the West will accommodate itself to the rise of Asia – and that there are reasons to worry that it will not. What troubles Mahbubani is the seeming unwillingness of Western states to give up global domination and share power gracefully. As he sees it, U.S. and European leaders simply cannot quite believe that world order could improve in the absence of the West’s supremacy. The result is a growing rift between a self-centered West and the rest of humanity, which no longer sees the Euro-Atlantic world as the custodian of global civilization.

At first glance Asia’s rise and vitality do contrast sharply with Europe’s current predicament.

Not surprisingly, many people conclude that Europe is a spent force. And it’s not only people in emerging economies who think so. A Transatlantic Trends poll showed that last year, for the first time, a slight majority of Americans feel that Asian countries were more important to their country’s national interests than were the countries of the EU. At the same time a Pew Global Attitudes Survey pointed out that 63% of Chinese, 65% of Britons and even 46% of Americans believe China will soon be the world’s leading superpower – indeed, many think it has already taken over from the US in that respect.
2. Asia’s challenges

At the same time, any caricature of the economic present that depicts a steadily declining Europe and a uniformly prosperous Asia would be, at best, highly incomplete. Europe’s present is challenging certainly. Parts of our Union are facing painful adjustments to a new economic reality. But Europe as a whole remains strong in many respects, not least in our continuing competitiveness in matters of international trade and investment.

Asia is nowhere near closing its economic and military gap with the West. The region produces roughly 30 percent of global economic output, but because of its huge population, its per capita GDP is only $5,800, compared with $48,000 in the United States. Asian countries are furiously upgrading their militaries, but their combined military spending in 2008 was still only a third that of the United States. Even at current torrid rates of growth, it will take the average Asian 77 years to reach the income of the average American. The Chinese need 47 years. For Indians, the figure is 123 years. And Asia’s combined military budget won’t equal that of the United States for 72 years.

Given Asia’s relatively low per capita income, its growth rate will indeed outpace the West’s for the foreseeable future. But the region faces enormous demographic hurdles in the decades ahead. More than 20 percent of Asians will be elderly by 2050. Aging is a principal cause of Japan’s stagnation. China’s elderly population will soar in the middle of the next decade. Its savings rate will fall while healthcare and pension costs explode. India is a lone exception to these trends-any one of which could help stall the region’s growth.

Environmental and natural resource constraints could also prove crippling. Asia’s diverse environment is under growing pressure as a result of population growth, economic development and climate change. Asia thus faces enormous environmental challenges. It is acknowledged that economic growth has led to widespread degradation of the environment in Asia. Furthermore, Asia now emits some 30% of worldwide greenhouse gases, which on the basis of current trends would reach over 40% by 2030. In a region that contributes considerably to global greenhouse gas emissions and is, at the same time, highly vulnerable to the effects of climate change, work and dialogues on climate change mitigation as well as adaptation are necessary, and are thus, of course, included in our national and regional programs. Pollution is worsening Asia’s shortage of fresh water while air pollution exacts a terrible toll on health (it kills almost 400,000 people each year in China alone). Without revolutionary advances in alternative energy, Asia could face a severe energy crunch. Climate change could devastate the region’s agriculture.

The two rising powers- China and India experience huge domestic challenges. Doubts are expressed about the sustainability of China’s growth model. It is suggested that “low hanging fruit” reforms and the benefits from harnessing
previously wasted labor resources have been largely exhausted. Experts refer to a series of deeply embedded “second generation” development challenges facing China, including poverty (especially rural poverty), income inequality, stressed and depleted natural resources, and other environmental challenges. Failure to address major environmental and development problems in China in the medium to longer term could disrupt the development and stability of China and the region. There are a number of constraints on India’s potential growth: high rates of rural and urban poverty; corruption; caste-related violence; unresolved border disputes; and deficient rural and urban infrastructure (particularly electricity, roads, railways, ports, airports, telecommunications, water and sanitation).

Importantly, as Minx in Pei convincingly argues in his article “Thing Again: Asia’s Rise” in Foreign Policy (July/August 2009) there’s little real evidence to suggest that the rise of Asia comes from a mysteriously successful form of Asian capitalism. The truth is more mundane: The region’s dynamism owes a great deal to its strong fundamentals (high savings, urbanization, and demographics) and the benefits of free trade, market reforms, and economic integration. Asia’s relative backwardness is a blessing in one sense: Asian countries have to grow faster because they’re starting from a much lower base.

Asian capitalism does have three unique features, but they do not necessarily confer competitive advantages. First, Asian states intervene more in the economy through industrial policy, infrastructural investment, and export promotion. But whether that has made Asian capitalism more dynamic remains an unresolved puzzle. The World Bank’s classic 1993 study of the region, ”The East Asian Miracle,” could not find evidence that strategic intervention by the state is responsible for East Asia’s success. Second, two types of companies-family-controlled conglomerates and giant, state-owned enterprises-dominate Asia’s business landscape. Although such corporate ownership structures enable Asia’s largest companies to avoid the short-termism of most American firms, they also shield them from shareholders and market pressures, making Asian firms less accountable, less transparent, and less innovative.

Autocracies, mainly in East Asia, may seem to have made their countries prosperous. The so-called dragon economies of South Korea, Taiwan, Singapore, Indonesia under Suharto, and now China experienced their fastest growth under nondemocratic regimes. Frequent comparisons between China and India appear to support the view that a one-party state unencumbered by messy competitive politics can deliver economic goods better than a multiparty system tied down by too much democracy. But Asia also has had many autocracies that have impoverished their countries—consider the tragic list of Burma, Pakistan, North Korea, Laos, Cambodia under the murderous Khmer Rouge, and the Philippines under Ferdinand Marcos.

Asia is pouring money into higher education. But Asian universities will not become the world’s leading centers of learning and research anytime soon. None of the world’s top 10 universities is located in Asia, and only the University
of Tokyo ranks among the world’s top 20. In the last 30 years, only eight Asians, seven of them Japanese, have won a Nobel Prize in the sciences. The region’s hierarchical culture, centralized bureaucracy, weak private universities, and emphasis on rote learning and test-taking will continue to hobble its efforts to clone the United States’ finest research institutions.

Even Asia’s much-touted numerical advantage is less than it seems. China supposedly graduates 600,000 engineering majors each year, India another 350,000. The United States trails with only 70,000 engineering graduates annually. Although these numbers suggest an Asian edge in generating brainpower, they are thoroughly misleading. Half of China’s engineering graduates and two thirds of India’s have associate degrees. Once quality is factored in, Asia’s lead disappears altogether. A much-cited 2005 McKinsey Global Institute study reports that human resource managers in multinational companies consider only 10 percent of Chinese engineers and 25 percent of Indian engineers as even “employable,” compared with 81 percent of American engineers.

3. Europe and Asia: opportunities and gaps

Whether it’s overblown or not, Asia is poised to increase its geopolitical and economic influence rapidly in the decades to come. It has already become one of the pillars of the international order. Asia’s rise should present more opportunities than threats. The region’s growth not only has lifted hundreds of millions out of poverty, but also will increase demand for Western products. Asia’s rise also provides the competitive pressures urgently needed for America and Europe to get their own houses in order.

EU-Asia trade is booming today and is crucial both for Europe’s economic recovery and ensuring that Asian growth remains on track. Just two decades ago, China and the EU traded almost nothing. Today, it is second-largest economic partnership in the world. The EU-Korea free trade agreement is the first in a series of trade-expanding deals that Europe is negotiating with Asian partners. Europe is the biggest source of foreign investments in Asia. Today, the Eurozone crisis has made Europe’s frontier-free single market even more of a magnet for Asian investors. A recent survey underlined that 45 percent of businesses in Asia are either currently doing or looking to make strategic acquisitions in Europe in the next 12 months, compared with just 14 percent in the Middle East and 7 percent in North America.

Neither Europe nor Asia can work alone to tackle threats to global stability that include resource competition, nuclear proliferation, overpopulation and climate change. Europe isn’t indifferent and certainly not irrelevant to Asia’s rise. As the United States speaks of the Asia Pacific Century and seems to reinforce its presence in Asia, Europe must develop its own blueprint for improved engagement with the region.
The Asia-Europe Meetings (ASEM) process is a healthy, expanding and promising process for enhanced Europe-Asia relations as evidenced by the widening number of sectors involved and the growing number of members. ASEM is a continual dialogue between Asian and European governments. During the periods between Summits and Foreign Ministers’ Meetings, inter-governmental ministerial, senior official and expert meetings maintain the momentum. ASEM is informal and multi-sectoral, and thus able to address global issues and challenges. ASEM also brings together educators and researchers. One key achievement of ASEM is co-funded by the Commission: the Trans-Eurasia Information Network (TEIN), the first large-scale research and education internet-based network connecting regional researchers in Asia with their counterparts in Europe.

In addition, ASEM brings together non-governmental stakeholders. Civil society groups, parliamentarians and the business community meet at the Asia-Europe People’s Forum, Asia-Europe Parliamentary Partnership and Asia-Europe Business Forum held every two years alongside ASEM Summits. The Singapore-based Asia-Europe Foundation (ASEF) is funded by all ASEM partners (with about 25% coming from the Commission) and promotes understanding and collaboration between the peoples of Asia and the EU through cultural, intellectual and people-to-people exchanges. The Foundation’s outreach to civil society and the wider public complements the ASEM dialogues, and the Info-Board internet site provides transparency on the ASEM process.

The EU could engage more strongly with South Asian and Southeast Asian countries on foreign policy and security questions, not just trade. This means top-level EU participation in Asian security fora such as the ASEAN Regional Forum, or ARF. It means showing up and seriously participating in ministerial meetings with Asian countries such as the EU-ASEAN gathering of foreign ministers in Brunei in April. It also requires regular and consistent high-level conversations on global and regional challenges with India and other South Asian nations.

Apart from trips to China, EU foreign policy chief Catherine Ashton has been a rare visitor to the rest of Asia. Her decision to stay away from the ARF in 2011, for a second year running, was a serious faux pas. And surprisingly, Asians have put Europe’s request to join the East Asia Summit – the region’s prime security club – on hold and insist that Europeans must first prove they are ready for a serious conversation with Asia on security. European policymakers are selling Europe short. Asia cannot take Europe seriously unless it does a better job of communicating with the region – and gains better understanding of what makes increasing-ly self-confident Asians tick.

Dealing with a changing and rising Asia will require that the EU engages in new courtships and new alliances with governments, businesses and civil society leaders in the region. By failing to engage seriously and consistently with Asia, Europeans are propagating a myth of European weakness and irrelevance. Europeans retain a somewhat one-dimensional vision of Asia’s rise and consider
the region to be a place of economic opportunities. But the wave of disputes over islands and rocks between China and its neighbors is evidence of dangerous undercurrents in Asia.

Recently, though, Brussels has taken greater notice of the broader issues. High Representative Catherine Ashton says she is in the middle of an ‘Asian Semester’ as she attends different regional meetings and wants to label the EU as an ‘Asian partner.’ All the member states in the Union recently signed up to new guidelines for European policy in East Asia, including on difficult issues such as the South China Sea. And at the last ASEAN Regional Forum, Ashton teamed up with US Secretary of State Hillary Clinton on joint cooperation in Asia.

EU–ASEAN relations stand at an interesting new point, with the two parties poised to increase cooperation. In the past, the EU and ASEAN have been divided on how to approach Burma, with Europeans clamoring for sanctions and ASEAN insisting on quiet diplomacy. As reform gets underway in Burma, the EU and ASEAN can work together to create development opportunities there. The EU recently upgraded its presence in Burma, which bodes well for cooperation.

4. Learning from the US experience

In the fall of 2011 and early 2012, Barack Obama’s administration announced it would be intensifying the US role in the Asia–Pacific region. As the American president stated in a November 2011 address to the Australian parliament, “The United States will play a larger and long-term role in shaping this region [the Asia-Pacific] and its future.” The Obama administration’s increased emphasis on the Asia-Pacific region appears to have been prompted by four major developments:

- Growing economic importance of the Asia-Pacific region, particularly China, to the United States’ economic future;
- China’s growing military capabilities and its increasing assertiveness of claims to disputed maritime territory, with implications for freedom of navigation and the United States’ ability to project power in the region;
- The winding down of US military operations in Iraq and Afghanistan; and
- Efforts to cut the US federal government’s budget, particularly the defense budget, which threaten to create a perception in Asia that the US commitment to
  - the region will wane.  

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Obama administration has announced six key lines of action: strengthening bilateral security alliances; deepening working relationships with emerging powers, including China; engaging with regional multilateral institutions; expanding trade and investment; forging a broad-based military presence; and advancing democracy and human rights.3

America’s treaty alliances with Japan, South Korea, Australia, the Philippines, and Thailand will remain the fulcrum for its strategic turn to the Asia-Pacific. The alliances have leveraged the United States’ regional presence and leadership, but need to be updated for a changing world. In this effort, the Obama administration is guided by three core principles: Maintain political consensus on the core objectives of the alliances, ensure that the alliances are nimble and adaptive so they can successfully address new challenges and seize new opportunities, and guarantee that the defense capabilities and communications infrastructure of the alliances are operationally and materially capable of deterring provocation from the full spectrum of state and non-state actors.

The United States and Japan have agreed to a new arrangement, including a contribution from the Japanese government of more than $5 billion, to ensure the continued, enduring presence of American forces in Japan, while expanding joint intelligence, surveillance, and reconnaissance activities to deter and react quickly to regional security challenges, as well as information sharing to address cyber threats. The most acute problem in U.S.-Japan relations is in Okinawa, which hosts 80 percent of the US military facilities in Japan. Efforts by the US and Japanese governments to reduce that footprint have been problematic and are in the process of difficult negotiations.

The United States and the Republic of Korea have agreed on a plan to ensure the successful transition of operational control to Seoul during wartime and have ensured a successful passage of the Korea-US Free Trade Agreement. The United States welcomes South Korea’s growing regional and international role and the ROK government’s efforts to realize the “Global Korea” vision expanding its global reach to be commensurate with its economic status. Washington and Seoul continue to hold regular joint military exercises to enhance extended deterrence, interoperability, and the readiness of alliance forces. In budgetary terms, the number of US troops sustained both in Japan and Korea, may, over time, prove to be more of a drain on US flexibility. In the case of South Korea, there have been concerns in the United States about the high cost of measures to move US military units to more defensible facilities away from the demilitarized zone.

The alliance with Australia has been evolving from a Pacific partnership to an Indo-Pacific one. Washington and Canberra closely consult with each other on key regional issues and ways to strengthen the regional architecture

in the Asia-Pacific. Washington and Canberra are considering an increased combined naval presence and capabilities to respond more readily to humanitarian disasters; improved Indian Ocean facilities and expanded training exercises for amphibious and land operations. Within Australia itself, there is a vigorous debate on increased military cooperation with the United States, and particularly on the deployment of 2,500 US Marines in Australia. The critics believe that the US Marines’ deployment decision will have deep consequences for Australia’s relations with China, and that, in Washington and in Beijing, this will be seen as Australia aligning itself with an American strategy to contain China.

Alliances with the Philippines and Thailand are also being enhanced, but pose more serious challenges. Washington is increasing the number of ship visits to the Philippines, assisting Manila in naval modernization and working to ensure the successful training of Filipino counterterrorism forces. In Thailand, America’s oldest treaty partner in Asia, the two countries are working to establish a hub of regional humanitarian and disaster relief efforts.

The United States could be drawn into a China-Philippines conflict because of its 1951 Mutual Defense Treaty with the Philippines. American officials insist that Washington does not take sides in the territorial dispute in the South China Sea and refuse to comment on how the United States might respond to Chinese aggression in contested waters. An apparent gap exists between American views of U.S. obligations and Manila’s expectations. Senior Filipino politicians publicly criticized the United States over its “silence” on the Scarborough Shoal standoff between Philippine Navy and Chinese fishing vessels on April 8, 2012.

The political instability in Thailand and diverging strategic priorities have contributed to some degree of drift in the overall US-Thailand relationship. Although the alliance remains central to Thailand’s foreign policy, and the United States reiterates the strategic value of Thailand’s military facilities, observers on both sides point to unease. The Obama administration’s emphasis on building stronger relations with Indonesia signals to some Thai observers that Thailand is being displaced as the chief US partner in the region. Differing threat perceptions about China, and Thailand’s increased military cooperation with Beijing, also contribute to a sense that the alliance, while institutionally sound, suffers from a lack of strategic alignment.4

America’s outreach to China, India, Indonesia, Singapore, New Zealand, Malaysia, Mongolia, Vietnam, Brunei, and the Pacific Island countries is all part of a broader effort to ensure a more comprehensive approach to American strategy and engagement in the region. Increased interactions with India and Indonesia are particularly notable, given the rapidly rising regional influence of the two nations.

The Obama administration has expanded its bilateral partnership with India; actively supports India’s Look East efforts; and has outlined a new vision for a more economically integrated and politically stable South and Central Asia, with India as a linchpin. In recent years, the United States and India have significantly broadened their defense cooperation, as demonstrated by a robust engagement in bilateral dialogues, military exercises, and personnel exchanges, as well as nearly $9 billion in defense trade since 2008. There is, however, strong feeling in Washington that India has made no corresponding gesture in return for the big vision that presidents Obama and Bush have offered the Indian leadership and that India is still quite ambiguous about the priority it places on its future with the United States. India is expected to be more supportive on difficult issues, such as Iran, and also on Afghanistan, where key differences seem to have emerged between the United States and India regarding the political endgame.\(^5\)

The United States and Indonesia have resumed joint training of Indonesian special forces and signed a number of agreements on health, educational exchanges, science and technology, and defense. Indonesia’s adoption of a new democratic foreign-policy plank creates opportunities for the U.S. and Indonesia to cooperate on democracy-promotion efforts. However, the two countries are still caught up in bureaucratic impediments, lingering historical suspicions, and gaps in understanding each other’s perspectives and interests.\(^6\) Human Rights activists voice worries about alleged abuses by Kopassus, particularly in West Papua, and challenge Washington’s assertion that the special forces have undergone, as the new Pacific Command Commander Admiral Samuel Locklear put it, a “near-complete transformation.”\(^7\)

One of the most visible changes in the United States’ regional policies has been the Obama administration’s decision to fully engage the region’s multilateral institutions as a way of supplementing, but not supplanting, America’s important bilateral ties. The United States has opened a new US mission to ASEAN in Jakarta and signed the Treaty of Amity and Cooperation with ASEAN. The United States joined the East Asia Summit, and Obama participated in its November 2011 meeting. While Washington is displaying more patience with the regional pace of regionalism, it continues to focus on developing a more results-oriented agenda, especially in efforts to address disputes in the South China Sea. The United States considers APEC the Asia-Pacific’s premier regional economic institution, which has become even more important in terms of helping expand US exports and create and support high-quality jobs in the United States.


\(^7\) Nomination of Admiral Samuel J. Locklear to be Commander of the U.S. Pacific Command, Committee on Armed Services, U.S. Senate (February 9, 2012), http://armed-services.senate.gov/Transcripts/2012/02%20February/12-01%20-%20202-9-12.pdf.
At the same time, the increased interest in regional multilateralism poses new challenges for the United States in terms of prioritizing its level of participation in these organizations, as well as allaying emerging fears that the major powers are likely to undermine the ASEAN’s current central role in regional institution building. The United States’ absence in some of the regional groupings and organizations, such as ASEAN+3 (APT) or the Shanghai Cooperation Organization, is seen by some as potentially problematic and marginalizing the United States’ role in time.

Economics and trade are both causes of and instruments for the pivot toward the Asia-Pacific. The region plays a crucial role in Obama’s National Export Initiative. Four of the 10 emerging export markets targeted in the 2011 National Export Strategy, China, India, Indonesia, and Vietnam, are part of the Asia-Pacific region. In 2011, American exports to the Pacific Rim totaled $320 billion, supporting 850,000 American jobs.

The United States’ regional trade policy combines promotion of bilateral free agreements with participation in the multilateral Trans-Pacific Partnership (TPP), which brings together economies from across the Pacific, developed and developing alike, into a single trading community. The United States’ leadership role in TPP is an important element of its reassurance of being a major force in the region’s economic and geopolitical dynamics.

The negotiation process for the TPP is, however, facing serious challenges, with the United States encountering resistance to its proposals regarding intellectual property rights and investor-state disputes. Some of the countries are pushing the United States to offer greater access to US markets, particularly agricultural markets, such as dairy products and sugar. It is also unclear what impact the TPP will have on US interest and participation in APEC. It appears that the administration regards the former as the lead entity, with the latter a forum for exploring topics that traditionally have not been part of trade agreements.8

One of the most glaring things about TPP is that it does not include China, Asia’s biggest trading nation. That could be, as US officials say, because China, with its state-owned enterprises, piratical tendencies and questionable currency policy, is not yet ready to join such a high-level agreement. The critics, however, counter-argue that Vietnam, hardly a paragon of free-market capitalism, is one of nine negotiating countries. They assert that America’s design for Asian trade is inspired by the goal of containing China, and the TPP template effectively excludes its membership.9

Despite the reductions in planned levels of US defense spending, the United States intends to maintain and strengthen its military presence in the Asia-Pacific. This element of the pivot to Asia has understandably been the most controversial.

8 Pivot to the Pacific? The Obama…
China and many regional experts see it as primarily driven by the rise of China’s military power. Washington’s interpretation of the new defense strategy is much broader. It is argued, for example, that the importance of U.S. economic interests in the Asia-Pacific region has significant security and military implications. With an increasing volume of U.S. exports and imports flowing in and out of the region, it has become critical that the United States maintains free navigation from the Arabian Sea across to the eastern edge of the Pacific Ocean.

Publicly, the Obama administration has been assuring the region that, even more than America’s military might or the size of its economy, the United States’ most potent asset is its “steadfast support for democracy and human rights.” However, the current U.S. administration’s more pragmatic and less ideological international and regional stance, compared to the previous U.S. administration’s, has toned down Washington’s rhetoric in support of democracy and human rights. The changed style also confirms that the United States does not want to complicate its bilateral relations with China, a notorious violator of human rights. At the same time, as the recent, unprecedented developments in Burma indicate, a more subtle support of democracy and human rights in conjunction with geopolitical calculations, such as leveraging the Burmese military junta’s fear of over-dependence on China, as well as improved consultations with regional actors, such as ASEAN, can be much more effective in promoting democracy and human rights. While managing democratic aspirations in Burma and in the region broadly will continue to present challenges to current and future US administrations, there are already signs of a possible “domino effect” of Burma’s opening. The Vietnamese leadership, for example, seems to be disturbed by developments in Burma. With Burma looking less and less like a police state, Hanoi fears unwanted scrutiny. If Burma improves on human rights and gets rewarded, Vietnam would need to meet the same standards,” notes Carl Thayer, a Vietnam expert at the Australian Defense Force Academy.10

5. Conclusion

A favorite theme in international debate nowadays is whether Asia’s rise signifies the West’s decline. But the current focus on economic malaise in Europe and the United States is distracting attention from the many serious challenges that call into question Asia’s continued success. To be sure, today’s ongoing global power shifts are primarily linked to Asia’s phenomenal economic rise, the speed and scale of which have no parallel in world history. With the world’s fastest-growing economies, fastest-rising military expenditures, fiercest resource

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competition, and most serious hot spots, Asia obviously holds the key to the future
global order. But Asia faces major constraints. It must cope with entrenched ter-
ritorial and maritime disputes, such as in the South China Sea; harmful historical
legacies that weigh down its most important interstate relationships; increasingly
fervent nationalism; growing religious extremism; and sharpening competition
over water and energy. Moreover, Asia’s political integration badly lags behind
its economic integration, and, to compound matters, it has no security framework.
Regional consultation mechanisms remain weak. Differences persist over whether
a security architecture or community should extend across Asia, or be confined
to an ill-defined “East Asia.”

More broadly, Asia’s power dynamics are likely to remain fluid, with new
or shifting alliances and strengthened military capabilities continuing to challenge
regional stability. For example, as China, India, and Japan maneuver for strategic
advantage, they are transforming their mutual relations in a way that portends
closer strategic engagement between India and Japan, and sharper competition
between them and China. The future will not belong to Asia merely because
it is the world’s largest, most populous, and fastest-developing continent. Size
is not necessarily an asset. Asia’s challenges are graver than those facing Eu-
rope, which embodies comprehensive development more than any other part
of the world. Despite China’s aura of inevitability, it is far from certain that Asia,
with its pressing internal challenges, will be able to spearhead global growth
and shape a new world order.
Tomasz Kamiński

THE IMPACT OF THE CURRENT ECONOMIC CRISIS ON THE CHINESE POSITION IN EUROPE

It is commonly believed that the economic crisis has changed the balance of power in the world. We can observe the relative deterioration of Europe’s international position vis-a-vis large players, including the United States, China and Russia. Losses may be seen in every area, whether it be ideological, political, economic or military. The EU, forced to ask for investment assistance for instance in China, has lost a lot of its prestige. The might of the United States is also in relative decline. In economic and political terms this country lost much of its former status of unrivalled superpower. China is perceived as one of the countries that benefits the most from global disorder. We can already notice a growing Chinese economic presence in Europe, and while some accept it with hope, others worry. Many experts have expressed their anxiety about the rising political influence of China, and ordinary people from EU member states claim that they are afraid of China. The main aim of this paper is to confront the hopes and worries with facts, and to answer the following questions:

1. Do the Chinese economic activities in Europe during this turbulent time of crisis pose a real danger for the EU?
2. To what extent has China gained a better political position in Europe and should we be afraid of a so-called “Chinese lobby” in the Council?
3. Could China really be an important part of the solution to the economic crisis in Europe?

Chinese activities in Europe will be presented in the theoretical framework of neorealism/defensive realism, which seems to be especially useful for the purpose of this paper due to the fact that it is the dominant school of thought in China. Neorealists may be sub-divided into ‘offensive’ and ‘defensive’ camps, with the latter being particularly influential. Although both are focused on securing national interests, defensive realists do not seek security by intentionally decreasing the security of others, and do not believe that conflicts of interests
Conflicts of interests between actors do matter, but cooperation is a possible option for their resolution. Tang persuasively proves that China’s strategy is deeply rooted in defensive realism, which means that Beijing will be focused on national interests, and rather reluctant to seek coercive ways of resolving conflicts with other actors.

As far as the definition of power is concerned, the Whalley concept of economic power is particularly useful. This notion of power puts an emphasis on market size (including retaliatory power), bargaining power in cooperative arrangements between countries, and that power which stems from legitimacy (or intellectual power).

1. Growing economic power

The economic crisis that began in 2008 affected all major players on the world stage. It has accelerated shifts in the global distribution of power to such an extent that it has changed the global balance of power. The People’s Republic of China (PRC) has in all probability benefited the most from the economic turbulence and global disorder. Although China has also suffered from the economic crisis, its government has managed rather efficiently to cushion the negative impact of the global slowdown. The slump in demand for Chinese products in the US and Europe, which are the two most important markets for China, affected its economic growth and exposed the structural problems in its economy, such as growing unemployment or even deeper regional disparities. The underdeveloped financial sector, although not that much exposed to international turbulence, was not able to quickly revive a slumping economy. For the ruling Chinese Communist Party (CCP), the exponential wealth of Chinese society is the major legitimization of its power and the government

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reacted forcefully at the first signs of economic slowdown. A stimulus package, as large as almost 586 billion USD (4 billion RMB), was perceived as a great success. It reinvigorated bank loans, and in the first quarter of 2009 banks lent the equivalent of 10% of GDP. This resulted in a quick return to double-digit GDP growth, of 10.4% in 2010, incomparably greater than that of any other large economy in the world.

The Chinese economic success during the time of crisis led to a shift in the economic power in the world. From 2008 to 2012 the GDP of China, counted in USD, almost doubled (from 4,551,827 million to 8,226,885 million USD (according to the National Statistical Bureau of China), improving its relative position versus the EU and the United States. While the Chinese economy, in terms of GDP, is still only half as big as the economies of America or Europe; nonetheless the relative change is still impressive. That raises the question: to what extent does such a shift in economic power influence relations with partners and the political position of China?

2. Facts and Fears

The growing Chinese economic presence in Europe has already been noticed. Many experts and journalists have expressed their anxiety regarding the rising political influence of China and its growing potential to exploit and exacerbate European disunity. The vision of European nations competing with each other to attract Chinese investment with all sorts of incentives is threatening for the EU. Ordinary people are afraid of Chinese economy. In 2011 so many as 41% of citizens from twelve EU member states claim that they are afraid of China while only 46% see it as an opportunity.

The most wide-spread fears can be summarized as follows:

- Rising Chinese competition costs Europe billions in lost jobs. However consumers are the winners who enjoy cheaper products, the losers are the displaced workers whose incomes suffer and the taxpayers who must support them.

- The crisis paved the way for a more protectionist EU trade policy that will lead to trade wars with China. During economic turbulences the EU’s accusation of Chinese companies benefiting from unfair state aid allowing them to dump goods in Europe, receive general recognition.

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China is going to buy up strategic European assets, most of all in the energy and infrastructure sectors, that are perceived as “politically sensitive”.

China can exploit the vulnerability of some European countries by offering financial aid in exchange for political support. That may result in the creation of a so-called “Chinese lobby” of smaller member states within the EU.

Do the economic activities of China in Europe during this turbulent time of crisis pose a real danger for the EU?

3. Does China steal or create jobs?

Since the start of the economic and financial crisis in 2008, the number of jobs lost in the EU has reached 5 million, of which 4 million were lost in the euro area.\(^\text{11}\) It is hard to measure the impact that China has had on these numbers. On one hand, undoubtedly harsh competition from China influences some sectors of the European economy. On the other hand, some experts argue that rising competition from China is in fact beneficial to the EU economy.\(^\text{12}\) They argue that the effect of reduced employment is significant only for the low-tech sectors, and that Chinese import competition has “led to increased technical change within firms and reallocated employment between firms towards more technologically advanced firms. These within and between effects were about equal in magnitude, and appear to account for 15% of European technology upgrading over 2000–2007.”\(^\text{13}\)

The positive impact of China on the European labour market in times of crisis is visible in some sectors. One of them is the tourism industry. The number of Chinese tourists arriving in Europe totalled 5.7 million in 2012.\(^\text{14}\) This is a small fraction of the tourism market when compared to the number of American tourists (82 million in 2012), but still the growth trend is impressive. Until 1994 Chinese citizens were not permitted to leave the Asian continent for leisure, and until 2001 were only allowed to travel as part of organized tours. The recent inflow of Chinese tourists represents a radical change and opens new economic benefits for European companies.

For the European luxury branches of business, Chinese clients have become one of the most important groups. In some exclusive shops in London or Paris (the most popular European destination for rich Chinese tourists), they account for 50% of foreign visitors, and are responsible for 30% of the total turnover. According


\(^{13}\) This research was based on data covering the years before the crisis, there is no direct evidence that such a phenomenon is still visible today.

to British estimates, Chinese visitors spend on average £1,618 on a trip to Britain, which is three times more than the average spent by other international tourists.\footnote{H. Warrell, G. Parker, H. Kuchler, \textit{Plea to ease UK visas for Chinese tourists}, “Financial Times”, October 5, 2012.}

Chinese citizens travel to Europe not only for shopping, but also for medical procedures, attracted by the top-level technology and standards of care. Even though eight thousand patients a year is still a relatively small number, it represents a 30% increase every year, and an average expenditure for each of those trips estimated to be €100,000, it demonstrates a significant potential for growth for the medical sector.\footnote{Delegation of the European Union to China, Europe Attracts The Changing Face of Chinese Tourism, http://newsletter.eu-in-china.com/newsletters/201208/business1_en.html}

The large, fast growing economy of China, apart from “stealing European jobs”, also creates new opportunities in some sectors. Chinese demand has gained importance during the crisis, although its impact on European markets should not be overestimated, at least with respect to the short term.

4. No trade war with China

European trade with China was not affected that much by the financial crisis, at least from the point of view of Brussels. The EU’s exports to China have been growing steadily and the import crash noted in 2009 led to the first decrease of the trade deficit with China since it entered the WTO in 2001. Similarly to relations with other big partners (USA, Russia), in 2010 trade came back on the growing track.

The European trade deficit with China, a source of major political battles before the crisis, still remains relatively large, but it is not a burning issue any more. It is decreasing in absolute as well as in relative terms. In 2008 the deficit was equal to more than half of the EU-China trade. By comparison, in 2012 it was only one third.

The crisis has eased the most important economic problem in bilateral relations: the deep trade imbalance in favour of China. However, the situation with respect to access to the Chinese market is far from being acceptable for the EU. Since the financial crisis, European political pressure on China has become even stronger, as trade barriers have become more bothersome for European companies struggling with reduced demand. In June 2012, the EU Ambassador to the WTO, Angelos Pangratis, presented a long list of accusations and demands, stressing that China is not fulfilling its obligations.\footnote{A. Pangratis, \textit{Statement by EU Ambassador to the World Trade Organisation}, ”Fourth Trade Policy Review of China”, 12 and 14 June 2012, http://trade.ec.europa.eu/doclib/docs/2012/june/tradoc_149542.pdf.} In truth however, there was nothing new in the list; a similar one was published by the European Commission...
in 2006. It is worth noting that during the crisis China has not imposed any new protectionist measures, although they have preserved the rather slow pace of abolishing old ones.

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**Graph 1. European export and import to China in years 2007–2012 (in billions EUR)**

Source: Eurostat

**Graph 2. The EU trade balance with China in the years 2007–12 (in billions of EUR)**

Source: Eurostat

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During the turbulent times of economic slowdown many experts were afraid of repeating the “Great Depression” scenario, when the crisis led to an outbreak of protectionism. But these fears have not come true. Many new political initiatives have demonstrated the opposite – free trade is perceived as a solution rather than a source of problems.

5. Are they buying us up?

Chinese investments in Europe have become a hot issue in recent years and have attracted a lot of analysts’ attention. Starting from about 700 million USD annually (2004-2008), Chinese investments in Europe tripled in 2010 and reached 12.6 billion USD in 2012. On one hand China is using the crisis to snap up bargains, but on the other hand its investment activities are a natural consequence of its companies developing and internationalizing.

Although growing rapidly, Chinese investments are still less than 5% of EU foreign direct investment (FDI) inflow. The biggest stake was invested in three countries: Germany, France and Great Britain, although Hungary (5th place) and Greece (8th) have also attracted a lot of Chinese money. However, even in a small state such as Hungary the total Chinese investment in the last ten years is a mere 3% of all FDI in the country, which is estimated to be 65 billion EUR.

Even more importantly, there is no evident correlation between Chinese investments and the policy of a particular European state in relation to human rights or embargo on weapons. It may be concluded that Chinese business activities in Europe so far are driven mainly by commercial and not political motives. Maybe this is due to the fact that 2/3 of investors are private companies.

The profile of a Chinese investor in Europe is completely different to one investing in Africa, where the main role is played by state-owned enterprises, which realize the political goals of their owner. Furthermore, in Africa the Chinese are concentrated on the mining sector and raw materials, while in Europe their investments are diversified between many sectors.

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20 T. Hanemann, D. Rosen, China Invests in Europe...
23 T. Hanemann, D. Rosen, China Invests in Europe..., p. 4.
Beijing owns more than 3 trillion USD in foreign currency reserves and is an important player on the bond market. However, nobody knows how much China has invested in EU bonds (there is no official data published by either China or the EU), though one can estimate that their engagement is far too low to be crucial. Even if we optimistically assumed that 25% of their reserves is denominated in euro, this amounts to 650 billion EUR, which is less than 10% of the whole eurozone public debt.

During the darkest hour of the financial crisis in the EU, China was perceived as a potential lifesaver for some indebted eurozone states. For instance, in January 2011 Deputy Prime Minister Li Keqiang was cordially welcomed by Spaniards, who were counting on Chinese generosity in buying bonds. Chinese diplomats promised to spend 6 billion EUR on them.\(^\text{25}\) Even if this were to occur, it would be rather a friendly gesture than a real solution to Spain’s problems. The aforementioned sum equals just 1% of Spanish public debt and amounts to only 5% of the international financial support for Greece. The money promised by China was only a fraction of the real needs at that time.

China was obviously interested in evading a disastrous breakdown in the eurozone. However, it is quite incredulous to think that the Chinese, who manage their reserves rather cautiously, would decide to invest heavily in the risky assets of some European countries on the verge of bankruptcy. It should be noted that the Chinese sovereign wealth fund, China Investment Corporation, declared in 2012 that they had stopped buying European bonds.\(^\text{26}\) As Jacob Funk Kirkegaard noted “appropriately for a very wealthy region, the EU has relied on its own resources to address the crisis, with […] China largely playing on the financial sidelines.”\(^\text{27}\)

This is a rather typical political behaviour on the part of China insofar as harsh world problems are concerned; that is, being engaged more rhetorically than practically and limiting costs as much as possible. One can observe a similar stance in climate change talks, where China does as much as possible to limit its commitments.\(^\text{28}\)

The cash-strapped governments of Southern Europe also strive for Chinese investments on the real estate market. The sovereign-debt crisis in Europe has also meant a depreciation of the euro; the currency fell about 17% against China’s RMB from the beginning of 2010 to the end of July 2013. This made real estate


\(^{\text{27}}\) J. Kirkegaard, *Why the euro zone crisis will impact little on Europe’s relations with China*, “East Asia Forum”, April 3, 2012.

in Europe more affordable for Chinese buyers, and many countries tried to attract them to invest in properties. One of the most spectacular incentives is the offering of visas for those who purchase prime properties. Greece and Cyprus offer fast-track permit processes for purchases of at least 250,000 euros and 300,000 euros, respectively. In Portugal, the program has a minimum price of 500,000 euros, which still far less than the minimum 1 million pounds that Great Britain demands.\(^{29}\)

Keeping in mind that a 200-square-meter villa in Spain costs the same as a 68-square-meter apartment in central Shanghai, one can expect that the number of Chinese homeowners in Europe will grow. In 2012 the small state of Cyprus alone attracted more than 1,000 Chinese citizens, so Spain or Portugal (much bigger countries offering access to the Schengen zone) should be able to attract thousands.\(^{30}\)

Wealthy Chinese are also attracted by other countries. For example, Hungary offers five-year residency visas for investing 250,000 EUR in a special government bond programme. In late 2013, Malta outbid everyone by offering full EU citizenship for 650,000 EUR, which sparked security concerns among other member states.\(^{31}\)

Chinese investments in Europe have been growing rapidly since the beginning of the financial crisis. This was caused by a combination of factors – lower prices in Europe, the rising purchasing power of China and an array of incentives aimed at attracting foreign investors. Despite growing concerns among EU member states over the rising Chinese presence in Europe, there is no evidence that it threatens security in any way. Chinese investments activities are still limited in number and value and have a rather positive influence (if any at all) on the European economy and markets. Nevertheless, they should be monitored and each major transaction should be examined for its impact on European security interests.

6. Chinese lobby in the Council?

However much one can debate over the size of Chinese investments in practice, the fact is that European politicians endeavour to obtain them, thus giving Beijing the chance to use them as a political tool. A good example of this is the visit made by Klaus Regling to the PRC in October 2011. Regling was Head of the European Financial Stability Facility (EFSF), a special fund set up to rescue endangered euro-zone states. He travelled to China for the sole purpose


of asking for China’s financial engagement in the Fund. According to Chinese officials, they imposed some political conditions, e.g. that the EU should first stop insisting on RMB depreciation, and only then could they count on Chinese financial support.32

Chinese “bond diplomacy” is another example of it trying to use new economic power as a foreign policy instrument during a financial crisis. Chinese leaders visited indebted countries such as Spain, Greece and Portugal, making promises along the way. Although it is not clear how many of them have materialized into investments, they certainly did win political support. Godement and Parello-Plesner believe that southern European countries were against putting pressure on China when the Germans and the British demanded reciprocity in access to the public procurement market.33 Beijing could have promised financial support in return for political support in the EU institutions.

It is worth noting, however, that such behaviour did not differ much from the Chinese policy before the crisis. China has always tried to influence the European decision making process, exploiting differences between member states. It traditionally combines economics with politics when negotiating big contracts with European counterparts, for example the Airbus plane acquisition or the Maglev train.

A few years ago access to the Chinese market was the only precious card they could play. Now the Chinese foreign policy “toolbox” has increased and become enriched by their ability to use investment promises. Such promises are not only used as an argument in horse-trading negotiations, but also as an element of public diplomacy.34

There is no evidence that China has managed to build a permanent “lobby” in the EU, using countries that are dependent on Beijing in one way or another. China finds different allies in Europe on a case-by-case basis. Surprisingly, in the recent conflict over solar-panel exports it was the German government that was the biggest critic of confronting China on this issue. Berlin did not want to jeopardize its economic relations with China for the sake of a few solar-panel producers, even though many of them were German.35 Germany, which together with France has been usually perceived as an advocate of a strong common European bargaining position with China in order to protect its companies,36 played the role of the deal-seeker in this conflict.

33 F. Godement, J. Parello-Plesner, Wyścig...
34 Ibidem, p. 16.
36 F. Godement, J. Parello-Plesner, Wyścig...
7. Final remarks

Since the beginning of the financial crisis relations between the EU and China have fundamentally changed. Beijing used to be a recipient of European aid and investments. Nowadays, China is perceived as a donor and investor, and thus the status quo has changed. Coming back to Whalley’s concept of economic power, Chinese “bargaining power in cooperative arrangements between countries” has definitely increased, and so has its retaliatory power. Beijing has a new instrument that can be used in political relations with European partners: investment promises. For the time being its importance may be limited, but it could become very valuable for China in the future.

There is no evidence that Chinese economic activities pose a danger to European interests in these times of the economic crisis – their scale is small and their influence could be local at the most. However, taking into account the rapid growth observed in recent years, this situation is more than likely going to change. Although China might be rather reluctant to seek coercive ways of dealing with the EU, it is clearly focused on promotion of its national interests. Due to this fact member states and the EU itself should monitor Chinese economic activities, keeping in mind that they could be politically driven. In particular, Chinese state-owned enterprises and sovereign wealth funds should be closely observed, if only due to the fact that in other parts of the world they are widely used for political purposes.

37 J. Whalley, Shifting Economic...
UKRAINE – EU RELATIONS: THE MODERNISATION CONTEXT AND PRESENT TASKS

In outlining the theoretical aspects of this topic, one should above all note the modernization phenomenon, which began to attract the attention of the world research community as early as in the 1950s–1960s, with the emergence and development of the political modernization theory. The basis of this theory was the justification of a general model of global development of human civilization. Modernization was then seen primarily as Westernization, aiming at the transition from a traditional to a modern society through scientific and technological progress, socio-structural changes, as well as transformation in state regulations and value systems. Modernization was therefore understood as the purposeful determination of a state to make qualitative changes in its society.

Historical experience and the subsequent evolution of political and legal views regarding the social and economic structures of society, as well as the place and role of government in the development of political institutions and processes actually led to the present understanding of the modernization process, as a complex process aiming at reforming the existing and creating new political, legal, economic and social institutions and introducing those cultural norms which meet the best standards and values of the developed countries. In other words, modernization means creating conditions for the qualitative transformation of interactions among the actors of international relations in the political, legal, economic and social spheres, based upon recognition of modern principles of democracy, the rule of law, human rights, a market economy, a society-oriented state, and the use of sustainable international instruments of coexistence among nations worldwide.¹

Therefore, the ways of implementing social modernization are of special importance nowadays. As a starting point, and speaking in this regard about the concept of shaping Ukraine’s foreign policy, this actually means analysing

the scope and expediency of realizing the concept and practice of Westernization by Ukraine. Ukraine represents a large and rather vast European country, particularly regarding its extent from East to West, and therefore it seems destined to serve as a civilizational bridge between the larger Europe and Eurasia. Posing the question whether Ukraine’s foreign policy course should be shaped toward the West or the East is inexpedient, because its national development will be effectively limited in the geopolitical context and may sound irrational in the social context. What seems realistically expedient for Ukraine in this regard – in terms of using the modernization experiences of different social systems – is to determine the mechanisms of interaction between the national culture and those cultures which for centuries formed a productive coexistence with Ukrainian culture. Such an approach seems to be the most constructive response to the threats and challenges, of both a domestic and external nature, which the present Ukraine has to deal with. An organic combination of both Western and Eastern models of social modernization, keeping in mind the strengthening of transnational relations, has obvious advantages. In particular, provided that foreign policy focuses primarily on European values, this approach will prevent the uncritical absorption of everything else from the social and cultural spheres of other civilizations.

1. European Integration: Present State and Tasks for Ukraine

Cooperation with the European Union is the main priority of Ukraine’s foreign policy. Integration into the European political, economic and social space is considered to be the process that will create additional opportunities for modernization and innovative development of the state and society. The practical dimension of Ukraine’s European integration policy implies realization of the following tasks:

- Harmonization of national legislation with the EU legislation.
- Establishment of a deep and comprehensive free trade area between Ukraine and the EU.
- Introduction of a visa-free regime with the EU countries.

It should be noted that these tasks are not of a legally binding character for Ukraine. The Ukraine-EU partnership is presently realized through the Partnership and Cooperation Agreement (PCA), which is voluntary and does not pro-

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vide for any sanctions in case of breach of any provisions of the Agreement.\textsuperscript{4} Quite a different format is envisaged by the Association Agreement between the EU and Ukraine, according to which Ukraine will be obliged to carry out relevant tasks in accordance with a clearly set timeframe.\textsuperscript{5} Successful fulfilment of the above tasks depends on the efficiency of consecutive structural reforms within the state, further progress in implementing key reforms, and the system-based state European integration policy.\textsuperscript{6}

Different political elites in Ukraine have repeatedly stated their desire to move westwards, referring to European integration as Ukraine’s strategic priority. Certainly there is a real recognition of Ukraine’s deep historical and cultural ties with Europe, and therefore Ukraine has a European perspective as a democratic, legal and economically stable country. The EU is regarded as an important economic partner of Ukraine, and after its enlargement in May 2004 became Ukraine’s largest trading partner.

Ukraine, in turn, is perceived as one of the key partners of the EU among its Eastern neighbours, since it influences the environment of security, stability and prosperity in the region. There are many areas for cooperation between the EU and Ukraine, among the most essential being: trade and economy, energy matters, and cooperation in the field of trans-border transportation regimes.

Therefore both Ukraine and the EU have developed close economic and political relations. Various EU initiatives – the Eastern Partnership, the Parliamentary Assembly EURONEST and the Black Sea Synergy – are aimed at strengthening and deepening cooperation between the EU and Ukraine and the promotion of cooperation within the region. For example, from 2011 to 2013 Ukraine has enjoyed the benefits flowing from 470.05 million euro provided under the program of the European Neighbourhood Policy.

The European Parliament from the outset has supported Ukraine’s accession to the WTO. Presently, negotiations are underway as regards the Association Agreement and the Free Trade Agreement. In this context, the current year 2013 can be crucial for future relations between the EU and Ukraine.

However, despite these close contacts, many problems still remain in Ukraine, especially related to the rule of law, as democracy and corruption are affecting the country’s ability to establish closer relations with the EU.


Ukraine should have a European perspective not only in its foreign policy domain, but also as an indispensible part of its domestic political course. The general state of the country with respect to democracy, the rule of law and freedom of the speech will have direct implications for the Association Agreement. Another very positive and important project – the deep and comprehensive free trade area (DCFTA) – is regarded in this context through the interdependence of democracy and the rule of law in the region.7

Therefore, Ukraine needs to demonstrate full adherence to the principle of a social market economy, the rule of law, protection of human rights and political stability. Cooperation with the European Commission in Democracy through Law (the Venice Commission) is also required to ensure full compliance of Ukraine’s legislative reform package with European standards and values.

2. European Integration: Tasks for the EU

The European Union, taking into account the Lisbon Treaty and its new tools in international politics (such as the EU High Representative – Vice President Catherine Ashton, and the European External Action Service), has the ability and possibility to pursue a more consistent and coherent foreign policy. Thus not only Ukraine but also the EU should look for new opportunities to strengthen bilateral relations.

The European Neighbourhood Policy should be enhanced with a range of instruments, not only bilateral but also involving the whole region. This means that the EU needs a multilateral approach to the whole region to help foster closer contacts among the neighbouring countries and hence contribute to strengthening European security and stability.

In this sense, an effective move forward could be made by the Eastern Partnership of the EU, which covers partnerships with Azerbaijan, Armenia, Georgia, Moldova and Ukraine. It also seems advisable to extend the educational program ERASMUS to the countries in the Eastern Partnership. Ukraine’s accession to WTO could and should become a positive factor that will foster the introduction of European standards. More effective multilateral political and economic cooperation between the countries of the Eastern Partnership is regarded as an indispensible condition for political stability and economic progress.

The whole European integration project is based on the principle introduced by one of the “founding fathers” of the EU, Robert Schuman, who once said: “Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.”8

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8 The Schuman Declaration – 9 May 1950, EUROPA.EU <http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm>
The same can be said regarding relations between Ukraine and the EU. In this respect one should not think in terms of concrete dates of accession, but rather of the long-term goals and specific steps to achieve them. This could increase solidarity and confidence, which could become steps on the way to the goal. This is a process that cannot be accomplished in one day. Meanwhile, the EU should give Ukraine a clear European perspective, although it should not be limited only to a situation-based discussion of any final date for future accession to the EU. Rather the EU should establish enhanced cooperation with Ukraine and outline the concrete benefits for Ukrainian citizens. Otherwise European-oriented Ukrainian citizens will feel disappointed. These measures and steps could and should include at least visa regime liberalization and a free trade area. Konrad Adenauer, the former well-known German Chancellor of the past, once said in his Cologne speech in 1946 that parallel, interconnected economic interests was the cleverest and the best long-term basis for good political relations between peoples. This approach would seem to be friendly to all and at the same time could lead to European prospects and stability in Ukraine.

### 3. Conclusions

1. The modernization experience of Western and other social systems could make sense for Ukraine, provided that Ukrainian foreign policy focuses primarily on European values.

2. The pace and degree of Ukraine’s movement towards the EU depends primarily on the implementation of and compliance with European principles and values.

3. The practical dimension of Ukraine’s European integration policy requires harmonization of national legislation with EU legislation, the establishment of a deep and comprehensive free trade area between Ukraine and the EU, and the introduction of a visa-free regime between Ukraine and the EU countries.

4. Problems related to the rule of law, democracy and corruption negatively affect Ukraine’s ability to establish closer relations with the EU.

5. Ukraine should follow a European perspective not only in its foreign policy domain, but also as an indispensible part of its domestic political course.

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Europe needs a competitive economy that will be able to continuously compete with the dynamically developing markets of the United States of America, the People’s Republic of China and India. Given the fact that the European economy faces numerous problems, this is no easy task. One way to improve its competitiveness is to lower energy costs and to improve the freedom of its deliveries to end users. The European Union (EU) has adopted a stringent climate policy which increases industrial production costs in Europe and contributes to workplaces being shifted to other parts of the world. EU politicians agreed to cut greenhouse gas emissions by 40% by 2030. EU enterprises require compensating factors creating competitive advantages for them on the world market. One way to achieve these goals can be the creation of a common energy market which, will replace the previously monopolistic national markets of natural gas and electricity. With respect to the four main freedoms of trade in the EU, i.e. the free movement of goods, capital, services and people, it can be seen that the freedom of movement of goods is the basis of EU competences in the energy sector. This means that EU should influence the energy market in such a way that the exchange of natural gas and electricity can be free flowing and unrestricted. Therefore, the European Union needs to combine the particular markets in order to create

1 “European companies pay four times more for gas than their American competitors. Electric energy prices in the EU, already the highest among all OECD countries, are continuously rising. It is expected that until 2035 they will be 50% higher than in the US and 300% higher than in China. Energy prices significantly vary within the European Union itself. For example: electricity in Slovakia is twice as expensive as in Estonia.”, Rynek energii, http://www.buzek.pl/node/7556 [access: 15.02.2014].


interconnected energy networks as “energy highways” which could be used by anyone paying the proper fee. In this market structure there would be no so-called ‘energy islands’, i.e. no countries which would be isolated from the rest. The aim of this article is to analyse the challenges and opportunities related to the creation of a common EU energy market.

1. The legal basis for the common energy market

The legal basis for the common European Union energy market is Art. 194 of the Treaty on the Functioning of the European Union (TFEU). It states that “in the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment, Union policy on energy shall aim, in a spirit of solidarity between Member States, to: (a) ensure the functioning of the energy market; (b) ensure security of energy supply in the Union; (c) promote energy efficiency and energy saving and the development of new and renewable forms of energy; and (d) promote the interconnection of energy networks.” At the same time it needs to be recalled that the Treaty of Lisbon treats the field of energy as an area divided between the Member States and EU institutions. Art. 4 of TFEU emphasizes that the competences will be divided in areas including the internal market, the natural environment, trans-European networks and energy.

On 4 February 2011 the European Council adopted a political declaration concerning the goal of creation of a common energy market. It was emphasized that by 2014 a common market would be created, but it seems that this deadline is unrealistic. The European Council restated the principles concerning the common energy market in its conclusions of the 9 December 2011 and 22 May 2013. In this way the matter took a political course, around which legal and institutional regulations are to be created.

The regulatory environment of the energy market is constituted by the so-called energy packages, among which the III energy package plays an exceptionally important role. Its main purposes are to support the liberalisation of the market,
the improvement of energy security, an increase in transparency and supervision over the market, and the strengthening of consumer protection provisions. Moreover, the aim of these regulations is to guarantee access to energy infrastructure for third parties and also to separate the sales activities of an enterprise from its production and transmission activities. The intended result of the implementation of these regulations is the de-monopolization of the previous energy market structure in EU countries and their gradual integration into a common market. Thus it is necessary to modernize and extend the interconnections of natural gas and electricity. With this end in view the EU adopted Regulation (EU) No 994/2010 of the European Parliament and of the Council on 20 October 2010 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC which persuades member states to create two-way gas interconnectors and also indicates tools which could be used in a crisis situation. Furthermore, Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 has been adopted, which indicates priority projects on the energy market. These two regulations will contribute to the creation of regional groups as a part of an integrated market. According to their provisions “by 31 December 2016, the European Network of Transmission System Operators for Electricity (ENTSO-E) and for Gas (ENTSO-G) shall jointly submit to the Commission and the Agency a consistent and interlinked electricity and gas market and network model including both electricity and gas transmission infrastructure as well as storage and LNG facilities, covering the energy infrastructure priority corridors and areas and drawn up in line with the principles laid down in Annex V.”

EU member states can choose one of three possibilities for dividing these activities. The first is the ownership unbundling, which consists in the integrated company selling its own networks and creating a separate entity which manages the networks. The second possibility is the legal separation of an independent operator, where the company can keep the ownership supervision over the transmission networks but member states could oblige this company to transfer the management of these networks to the independent operator. The third possibility consists in the integrity of sale and transmission of energy, but obliges both parts of the company to act independently. See: Trześci pakiet energetyczny przyjęty!, http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+IM-PRESS+20080616FCS31737+0+DOC+XML+V0//PL [access: 10.01.2014].

Apart from the regulatory environment, the institutional environment also plays an essential role. The main bodies of the EU take part in the decision making process and in the process of shaping the relevant legal acts. However, it has to be noted that new EU institutions supporting the process of creation of a common energy market also play an important role. Such institutions include the Agency for the Cooperation of Energy Regulators (ACER)\(^9\), ENTSO-E and ENTSO-G. Their activities are aimed at contributing to the regional integration of the natural gas and electricity markets and also to the approval of network codes.\(^{10}\)

2. Opportunities resulting from the common EU energy market

First of all, the common EU energy market will contribute to an increase in the energy security of particular member states and will make it possible to react effectively in crisis situations. The integration and modernisation of gas networks and electrical power networks will facilitate two-way transmission of natural gas and electricity between countries. This means increasing the stability of functioning of the economy and decreasing the risks related to interruptions of natural gas supplies or failures of the electric power system. Simultaneously, an integrated energy market will be more energy-efficient.

Secondly, there will be more opportunities to freely choose one’s natural gas and electricity provider. This will contribute to an increase in the competitiveness of energy companies supplying end users, and in this way should stimulate decreases in energy prices. If users choose the most favourable offer on the market, they will strengthen the position of the most competitive energy companies, which obtain energy from various sources. As a consequence, it can be expected that the integration of the market will influence changes in the structure of energy balance in particular countries, and the least advantageous methods for energy production will be forced out of the market. It will also have impact on the increase in energy efficiency on the pan-European scale, and as well will develop competitiveness. Currently, as far as electricity is concerned, the highest level of market concentration, which means the lowest competitiveness measured ac-


\(^{10}\) “Network Codes are specific tools for implementation of a single energy market in the EU. They include common rules for functioning and managing energy systems and are aimed at eliminating technical barriers to further market integration. These codes are formulated by ENTSO-E and ENTSO-G and must be consistent with the non-binding Framework Guidelines set out by ACER.” [in:] *Framework Guidelines and Network Codes*, http://www.ure.gov.pl/en/international-cooperat/third-energy-package/170,Framework-Guidelines-and-Network-Codes.html [access: 10.02.2014].
cording to the HHI index, occurs in countries such as Lithuania, Latvia, Estonia, France, Portugal, Greece and Italy. As far as natural gas is concerned, the highest market concentration occurs in countries such as Latvia, Ireland, Poland, France and Slovakia. In countries of the Visegrad Group (V4), the HHI index in 2001 on natural gas markets equalled 3905 in the Czech Republic, 5125 in Hungary, 6199 in Slovakia and 9029 in Poland. The integration of these four markets should lead to a decline in the HHI index in the region to the level of 2000, and as a consequence, to the growth of competitiveness in this part of Europe.

Thirdly, the creation of a common energy market is an opportunity to modernise and extend the energy infrastructure in EU countries. It is particularly important to extend the transmission networks of natural gas and electricity, since in this way it is possible to integrate particular markets into regional groups. In October 2013 European Commission published a list of 248 priority projects of energy infrastructure for the years 2014-2020 which obtained the status of “Project of Common Interest” (PCI). These projects will be treated as a priority and will have the opportunity to obtain additional financial support. This list includes 12 projects from Poland. It should be noted that the implementation of PCI projects will not only influence the integration of energy markets, but also will contribute to increasing the energy security of Europe and also that of particular member states.

Fourthly, the integrated energy market can contribute to higher transparency in trading in electricity and natural gas. Analysis of the Corruption Perception Index (CPI) shows that corruption is still a significant problem in the energy sector (data from 2013). European Union Member States which have a high corruption level include: Greece, Bulgaria, Italy, Romania, Slovakia, Croatia, Latvia, the Czech Re-

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11 “HHI is the Hirschmann-Herfindahl Index, which is calculated by adding the squared market shares (in % points) of relevant industry participants. Therefore, a HHI of 2000 could e.g. be achieved by five wholesalers with each having a market share of 20%.” [after:] J.-M. Glachant, A Vision for the EU Gas Target Model: the Meco-S Model, EUI Working Paper, Robert Schuman Centre for Advance Studies Florence School of Regulation, Firenze 2011, p. 13.


15 Ibidem.


The energy market creates a whole range of tools which can be linked to the financial market and which can give rise, to a greater or lesser extent, to the misuse of funds.\textsuperscript{20} This justifies the validity of the adoption of Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency. The aim of the regulations introduced is to increase confidence in the market, increase transparency, prohibit any manipulations on the market, and establish better pan-European supervision over sales on the common energy market.

3. The threats and challenges of the common EU energy market

The creation of a common energy market will create a series of challenges for member states and their energy companies. If they do not undertake proper actions, these challenges will become threats both for the companies and for the competitiveness of their national economies. This means that the common energy market currently in the process of creation should force energy companies to update their previous strategies, and contribute as well to the review of energy policies in European Union countries. Efficient functioning in free market conditions will be of utmost importance, as it will be necessary to compete for end users with other state and private enterprises from other countries. Therefore it is important for the public sector companies to make effective investment efforts now and to increase their energy efficiency and innovativeness in order to successfully compete in the international arena. It will be particularly vital for them to develop research and scientific cooperation with institutions of higher education and to create and strengthen their own research facilities.

A common energy market will not influence the energy balance structure of Member States directly, since the countries will be free to create their own “energy mix”. However, it can indirectly contribute to changes in this structure, since the most competitive forms of energy production will have a competitive advantage on the free market. A lot will depend on whether the previous forms of support, the so-called feed-in-tariffs,\textsuperscript{21} will be retained or whether they will modified in the direction of the so-called feed-in-premiums.\textsuperscript{22} It has to be remem-

\textsuperscript{19} Corruption perceptions index 2012, Transparency International 2012.
\textsuperscript{20} M.-J., Fortelny, Corruption in the…, p. 49–51.
\textsuperscript{22} “Premium FIT: would pay a fixed premium on top of the variable wholesale electricity price.” [in:] http://www.publications.parliament.uk/pa/cm201012/cmselect/cmenergy/742/74208.htm [access: 10.02.2014].
bered that currently many member states use various mechanisms for subsidising the energy sector and offer tax exemptions which contribute to the growth of competitiveness of their economies (e.g. exemption from excise duties for energy-consuming branches of industry). Consequently, EU countries will have to choose optimal ways of energy production and use those technologies which will provide for both cheap energy and the competitiveness of their energy industries.

The price of energy is not only a source of competitive advantage, but it also creates a series of economic challenges. Firstly, striving for the harmonisation of electricity prices on the common market can, over the long term, intensify the differences between particular regions, since the purchasing power of money in the EU countries is different. There is also the risk of an increase in the energy-poverty of the poorer parts of Europe, and of the acquisition of poorer national markets by strong players. Secondly, the strongest energy companies will be able to increase their competitive advantage with regard to the remaining energy companies and could finally take them over by implementing a policy of economic expansion. Thirdly, excessively low energy prices might not bring appropriate profits for the energy companies, which in turn will not want to invest in new systems of power generation. The lower the prices of energy, the higher the investment risk and the smaller is the incentive for new investments.

Taking into account that the EU wants to extend its energy infrastructure in an environmentally sustainable way, a simple calculation has to be made of those investors who will want to shift a part of environmental costs to end users. This means that, on the one hand, the price of energy has to be sufficiently low to ensure the competitiveness of European industry in the international economic rivalry, but on the other hand, not too low since the investment processes in the energy sector would be hampered.

Moreover, the competition internationally for consumers will create a considerable challenge for energy companies. It seems obvious that free market competition will contribute to the development of efficiency in companies’ operations, but simultaneously it will create the threat of losing a part of their market. From the point of view of energy security of particular member states, this can lead to a situation whereby those energy companies which use the supply of energy resources or energy as a tool of political pressure will strengthen their position on the natural gas or electricity markets. At the same time, along with the increase in the strength of their position on the natural gas market of a given country, they will also contribute to an increase in the financial problems of those energy companies which have signed contracts for the supplies of natural gas for many years. If they are not able to sell the contracted quantities of the energy resource to the end users, their financial losses will accumulate and their shares will lose value on the stock exchange. As a consequence, a gradual consolidation of the assets of the energy sector may follow, which will endanger a given country since
it may lose control of its energy infrastructure, which is obviously of strategic importance. In consideration of the above, it is crucial for the energy companies of a given country not only to compete for position on their own market, but also on the neighbouring markets.

It also should be noted that the creation of a common energy market requires the elimination of many barriers and the development of stable legal regulations which will guarantee free access to transmission networks for public energy. It is important not only for the EU institutions to prepare proper regulations in the form of directives or EU regulations, but also to develop a stability in the legal regulations in EU countries which will create proper investment conditions. It may be pointed out that currently there are too many market regulations which effectively restrain competition. It should also be emphasized that it may be necessary to deregulate the common energy market, which de facto has not been created yet. This confirms the necessity to develop efficient and effective tools shaping the energy market, which at the same time should be of a free market character.

It should also be mentioned that the integration of electrical power grids is a technical challenge, which consists in the attainment of proper compatibility of the grids and elimination of the risk of interruptions in the electrical energy flow. Currently, some parts of Europe witness the phenomenon of the so-called ‘loop flows’, which flow into electrical power grids of a neighbouring country and interfere with its energy security. Most certainly a factor which limits the optimal use of the electricity produced is the lack of storage facilities for electric energy. The industrial implementation of this type of technology will act as a catalyst for changes in the energy sector. A similar role can be played by an increase in the importance of construction materials which can be use for renewable sources of energy, which will contribute to increasing the energy self-sufficiency of households and industrial plants. Simultaneously, electric cars will become ever more popular and their batteries – now being the most expensive part of the vehicle – will gradually become cheaper. This forecasted “technological boom” will directly influence the common EU energy market and will necessitate ‘updates’ in the strategies of energy sector companies and the energy policies of particular countries.

4. Conclusions

The creation of a common EU energy market is a challenge which the governments of EU countries and EU institutions have to meet. The difficulties experienced so far in the scope of implementation of EU directives concerning the liberalisation of the energy market confirm that member states trying to reach the EU goals are simultaneously attempting to protect the interests of their own energy
companies. Energy policy is a special area, where issues of energy solidarity overlap with the particularism of national interests. By retaining their prerogatives related to the shaping of the energy production infrastructure, member states will try to undertake actions which will boost their competitiveness on the common energy market. This means that energy companies will utilize those energy resources which, at a given point in time, will bring them the highest profits and ensure flexibility. This explains why some EU countries use hard coal more and more frequently, in spite of its high carbon dioxide emissions. Technological growth makes it possible to reduce the emission of greenhouse gases with regard to all the energy resources which have their place in the current production structure in Europe. It is important for Europe to skilfully take advantage of its natural resources, which will not only increase the energy self-sufficiency of the European Union, but also reduce its dependency on energy imports and contribute to the retention of jobs in Europe, in this way simultaneously stimulating the development of industrial policy. It is also essential to be able to fully exploit the opportunity to extract shale gas. The ongoing debate about the impact of the extraction of this unconventional gas on the natural environment should be viewed as an opportunity to adjust the existing technologies to the European conditions in order to facilitate the safe extraction of this resource. At the same time, it has to be emphasized that the EU climate policy requires revision and should become global. It is vital for the energy-climate policy to be the driving force of EU industrial policy. Otherwise Europe will be threatened with not only a gradual loss of workplaces, but also of its competitiveness in various branches of industry. As a result, growing unemployment could lead to new conflicts and social unrest in Europe. The provision of economic security for citizens is an important element influencing not only the improvement of the inhabitants’ quality of life, but also increasing public safety.

The common energy market will not be created all at once. The political goals, already established and realized by means of legal and regulatory tools, show the path to reach the intended results. It is difficult to unambiguously determine which model of the energy market will be optimally compatible with the interests of all the entities functioning on this market. Nevertheless, it seems that the integration process will be implemented gradually and will concern first of all the creation of regional markets by forming an appropriate energy infrastructure. This process will force market players to look for advantages in the areas in which they are most effective. The threats and opportunities related to the creation of a common energy market should motivate Europe to act in solidarity. At the same time, the growing international competition can favourably affect the intensification of cooperation among EU countries which, because of changes on the international energy markets and geopolitical changes, will be forced to undertake closer economic cooperation and pursue energy solidarity. The growing competitiveness
of the American and the Chinese energy industries can revive German-French\textsuperscript{23} cooperation, as well as the economic activity within the Weimar Triangle. It may be hoped that the growing economic competition in the world will act as a catalyst for the cooperation between EU member states, which need to increase their mutual understanding and trust, at the cost of national interests, in order to achieve the synergy which results from cooperation.

For a long period of time European studies and the transformation research were dealing with Eastern Europe from different points of view. This is anachronistic. The problems of political and socio-economic development in the East and in the West are tightly inter-twined. Already during the systemic transformation the politics, economy and societies in East-Central and Eastern Europe were strongly influenced by the EU. The allegedly specific East-European phenomena have become all-European ones. This fact can be observed with respect to the quality of democracy, the increasingly transnational character of European societies, as well as the return to the inter-governmental decision-making process at the EU-level.

Scientists often distinguish three groups of countries in the post-socialist area. The hub of the first group is Russia, the country that – as a self-contained entity – has often been a core subject of the traditional so-called ‘East European studies’. In spite of all the difficulties following the demise of the Soviet Union, the political leaders of Russia managed to maintain strong ties with a small circle of states (e.g. with Belarus or Kazakhstan). The second group is comprised of the countries of East Central Europe (that is the Baltic states, Poland, Czech Republic, Hungary, and Slovakia) which, slowly but surely, have stopped being the subject of interest of East European studies. Their membership in the EU and their political aver-sion to Russia has led to the situation whereby the most important coordinates of their political development are being determined in Brussels and in cooperation with the other members of the EU.

The third group is formed by a not-insignificant number of post-socialist states whose social and political development has followed other, less clear pathways. The political order of these countries is hybrid. Their socialist heritage,\footnote{The German version of article was published in ”Osteuropa” 2013, Februar–März.}

forms of traditional systems of power, specificity of political cultures, as well as social-legal institutions exist simultaneously, side by side. In these countries, such as Georgia, Ukraine or Albania, there is neither any perspective of integration into the [West-European] economic and political structures in the short run, nor any signs of a rapprochement with Russia.

Nevertheless this division into categories can be justified only from the point of view of the transformation research studies. Their most important research branch is focused on the politics in the post-socialist area. European studies, if they are not too much concentrated on European integration problems, have an eye on the whole of Europe and are able to perceive the relationship between the specificity of the transformation process in post-socialist states and the processes taking place in Western Europe.

With respect to European Studies, three ways of analyzing the political development in post-socialist Europe can be distinguished. The first reflects a broader view on the evolution of political systems in Europe, indicating that transformation is not a phenomenon visible only in the former socialist countries. And only should the transitions from dictatorship into democracy in the late 1970s in Southern Europe be mentioned here, but also the political orders in Western Europe have been enormously changed by the European integration process, particularly by the Treaty of Maastricht. An in-depth look proves that the rapprochement of the East Central European countries to the European Union (EU) as well as the later alienation of Russia from the EU, have been strongly interrelated with this transformation process.

Secondly, European integration and economic globalization have led to a trans-nationalizing of post-socialist societies. Whoever ignores this aspect of political analysis misinterprets social reality in Eastern and East Central Europe. The latter is no longer influenced by the classical population movements such as emigration and immigration. This kind of focused migration still exists, which can be illustrated for example by the case of the Russian Germans immigrating to Germany. However, it is shuttle migration which has become most popular in contemporary Europe. As a result, the systems of values tend to converge very quickly throughout the whole of Europe, leading to minimization of the differences between East Central and Western Europe.

Thirdly, the financial and debt crisis that Europe and the world have been experiencing since the collapse of the Lehman Brothers bank in 2008 have influenced the political orders in Western and Central Europe in a structurally similar way. After the Central-European countries had passed through the economic phase of the transformation, they initially found themselves on a growth path. The crisis however forced the governments to face the problem of how the public system should be financed and the welfare state stabilized. This challenge has not been met through the apolitical internal-market method, but through ceding the most important political decisions to the European Council. In less than
a month the common economic area was transformed into the inter-governmental crisis management organization. This reconstruction gives new possibilities for cooperation with the not-yet-integrated transforming countries, particularly with Russia. In a sense, the EU had to follow Putin’s credo that market forces have to be tamed by the state in order to prevent the economic and social disintegration of the European society and of the societies in Europe.

1. The national state: isolated autocracy or open-to-integration democracy

Usually, the collapse of communism is dated on November 9, 1989 or on December 31, 1991, and the Treaty of Maastricht on the day of its signing on February 7, 1992, or at the moment of its entry into force on November 1, 1993. Both events however had their long-standing history. As we know today, even their most important participants did not follow any settled plan. Mikhail Gorbachev did not strive at all to cause socialism or Soviet Union to fail, and François Mitterrand’s and Helmut Kohl’s European politics were focused on overcoming the East-West conflict and on finding a new role in Europe for the suddenly re-united Germany. Jacques Delors was following the pragmatic Monnet-method based on situation-dependent searching movements.3 It is often is forgotten that the Treaty of Maastricht was not a historical necessity. In a referendum in France it was accepted by only a narrow majority of 51%.4

Therefore, it would not be inappropriate to state that the term “transformation”, which is used to describe the situation in Eastern Europe in 1990s, should be expanded to the whole-European area. It is not only Eastern Europe that has been experiencing profound upheaval for over 20 years. The West-European countries also went through a phase which ended with them being in vastly different political circumstances. East of Oder a “threefold transition” took place, during which the systemic change was determined by interactions between social, economic and political factors.5 West of Oder the nation-states’ borders have mostly disappeared. Because of these facts the social and economic-political control capability


4 The number of supporters in the (positive) voting on the implementation of the Treaty of Maastricht and the (negative) Lisbon referendum was about the same.

of the governments of these states has been weakened, and an alternative concept of democracy and legitimacy on the EU-level was promoted, although it is far from being consolidated yet.⁶

Already in 1987 Gorbachev, while using the ‘common European home’ metaphor, tried to make the Europeans aware that the political and economic future of the continent lay in its integration process.⁷ What at that time was perceived as an idealistic rhetoric, now should be called ‘vision’. All of the East Central European countries, including the three Baltic states, which were still Soviet republics at that time, de facto abandoned the idea of sovereign national states and decided to carry out an economic and social transformation supervised by external technocratic authority. The role of the European Commission, that in the mid-1990s established the Copenhagen Criteria for the candidate countries, could hardly be described any other way.⁸ Therefore the candidates – by no means only the countries – which were experiencing the critical phase of state-building at that time, wanted to avoid resolving their conflicts inwardly and to strengthen their new political orders. For example, there were only a very small number of countries where the political parties emphasized the interests of the transfer recipients – pensioners, unemployed, etc. – so strongly that they neglected the idea of economic consolidation. This situation led to impoverishment of the political discourse and to the dissemination of populism in many East European countries.⁹

But the West European integration also had an influence on Eastern Europe. Understandably, in the majority of East Central European countries there existed, from a distance, hostile attitudes towards Russia as a legal successor of the Soviet Union. After all, the fact that in 1944–1948 the Soviets took power over the states of East Central Europe was only in a very few cases welcomed by the people of that area. Gorbachev and Yeltsin formally resigned from the claim to carry out this power. Nevertheless Russia, as being a former leading part of the Soviet Union, still aims to carry out hegemonial politics. This is why there still prevails a very strong belief in Russia’s neighboring states that these countries should protect themselves against Russian power politics. In contrast, the EU and the West European states have served as a counter-model to this situation of political clientelism.

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The EU itself followed an oft-criticized but nonetheless clear policy towards the post-socialist area. The countries which decided to strive for integration with the EU were given the opportunity to do that, even if their attempt – as in the case of the Baltic states – was met with Russian resistance at the beginning. The countries, however, where integration with the EU was domestically disputed, obtained at most the possibility of foreign partnership. The European Neighborhood Policy (ENP) was introduced in 2002 by the European Commission President Romano Prodi with a famous set phrase ‘everything but institutions’. Therefore, implicitly the EU and its members granted Russia the right to pursue her own interests in the ‘near abroad’ area. In other words, the EU followed an integration policy towards one half of post-socialist Europe, and a traditional policy of foreign affairs towards the other half.

Whether desired or not, the ambitions to build the common European home were abandoned for a long time because of this step. The Russian political elites in the last two decades did not always choose a course that was leading away from the West and the EU. Even Vladimir Putin, whose current actions are characterized by an anti-Western narrative, had tried, using a variety of methods, to develop a Western or European perspective for Russia, especially after the terrorist attacks of September 11, 2001. On the other hand, thanks to its wealth of natural resources Russia does not have to consider integration with Western Europe as its only political option. The other choice may not give much chance for deep economic and social modernization, but it offers a sufficient potential to stabilize the Russian state and to satisfy the economic and political interests of the elites.

The EU’s ‘demarcation efforts’ appear to have had fatal consequences for countries such as Ukraine or Georgia. They can choose only between two less-than-attractive geopolitical options: dependence on Russia’s natural resources and oligarchic economical structures on the one hand, and the European Neighborhood Policy on the other. In the second option, the conditions are being defined by the EU, which does not give the partner countries any crucial incentive to fulfill these conditions, because it explicitly excludes the possibility of their accession to the EU any time in the near future. The often unclear social and political conflicts in many EU-neighboring countries are intertwined with the lack of a foreign

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policy perspective. Nevertheless, in the East Central and at least in parts of Southern Europe the EU has significantly consolidated and reinforced the two most crucial trends from 1989–2004: the epochal change of economic and political systems on the one hand, and European integration on the other. In comparison to the largely unsuccessful – economically and politically – transition in Eastern Europe proper (e.g. Belarus, Moldova or Ukraine) the integration process in East Central Europe appears to be a success story. It was, *inter alia*, the chance for integration with the EU, given to the East Central European countries more than a dozen years ago, that helped them pass through the economical “Valley of Tears” and to recover.\(^{14}\) A clear distance between the EU-candidates and other post-socialist countries was also visible in the political sphere, i.e. in the way civil rights were protected, long before the EU enlargement.\(^{15}\) In this respect it can be stated that the Copenhagen Criteria had a positive impact on the consolidation of democracy.

Nevertheless it turned out that the political situation in the pre-accession period changed after these countries joined the EU. Particularly in Poland, Hungary and Romania, a temporary visible retreat from democracy could be observed. In Poland this trend seems to have been overcome after Jarosław Kaczyński’s government fell from power in 2007. In Hungary, on the contrary, the process of democratic impairment is still proceeding in connection with the activity of the second government of Viktor Orbán that was formed in May 2010.\(^{16}\) Since coming to power, the national-conservative government, which now has a two-thirds majority in Parliament, reformed public service broadcasting. The unpopular (with the government) journalists and editors were dismissed. The government established a Media Supervision Agency, which obtained enough competences to reduce the pluralism of opinions.\(^{17}\) Besides that, Orbán’s government initiated a policy which is considered to be unusual in the democratic world – let alone the member states of the EU – that is, the systematic policy of giving Hungarian passports to the Hungarian minorities living in neighboring countries. Moreover, a constitutional reform and a new election law were enacted, aimed at ensuring the leading position of the national-conservative parties in the Hungarian political scene.


\(^{16}\) *Quo vadis, Hungaria? Kritik der ungarischen Vernunft*, ”Osteuropa“ 2011, Dezember.

In Romania, on the contrary, a political dispute escalated between Traian Băsescu, who had been elected president in 2004, and the government of Victor Ponta, who had been nominated by Băsescu in April 2012 and a bit later appointed prime minister. Soon afterwards Ponta’s government initiated the procedure for Băsescu’s impeachment. The democratically questionable part of the dispute began when the Romanian Constitutional Court denied the legality of the impeachment procedure and the government responded by repealing, by decree, the jurisdiction of the Constitutional Court, which was clearly guaranteed by the constitution. Ponta’s actions can be therefore interpreted as a large-scale attempt to violate the independence of the judicial branch.\(^{18}\) Their ambiguous character is even more striking when we realize that Ponta’s government, which was officially established on December 9, 2012, is based on a parliamentary majority composed of, \textit{inter alia}, the former collaborators of the secret police \textit{Securitate} and of the members of the ruling Socialist Party, who are seriously suspected of corruption.\(^{19}\)

Therefore it could appear to be an obvious conclusion that the democratic deficiency is caused by the fact that the process of transformation in the post-socialist countries has not been completed yet. However, it is not that simple. At least since Robert Dahl’s statements we know that there is a principal difference between the ideal image of democracy and its forms of realization.\(^ {20}\) Hence, it is not very instructive to compare the defects of young democracies with a theoretical model. It is much more revealing to compare them with the established democracies of the ‘old’ EU.

This comparison yields interesting results. Many of the EU political actors have, for over twenty years (recall that the Copenhagen Criteria were drawn up in 1992), shared a belief that the new member states have to adjust their democratic standards to those characteristic for West and South Europe. Yet this point of view does not reflect the reality. It should be rather stated that the quality of democracy is in some dimensions considerably worse in the so-called ‘established democracies’ than in the EU new member countries.\(^{21}\) This situation is taking place in the field of (political) freedom, (political) equality and the control of government – that is, with regard to all relevant dimensions of democracy. For instance, according to different indicators the freedom of media in Italy

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and France is significantly lower than in the majority of transforming countries (political freedom). The same should be said about the political equality, among others of the specificity of election systems in France and Ireland, which strongly distort the will of voters. Moreover, the French or British systems of government would never be able to meet the Copenhagen Criteria because of their low degree of control over violence.

Therefore the diachronic comparison of the transforming ‘new’ countries and the ‘old’ EU countries indicates that the former have not only caught up with, but even surpassed the latter according to some criteria of democratic quality.22 Upon closer examination we must come to the conclusion that, especially in the southern countries of the EU (Portugal, Spain, France, Italy and Greece), there exist considerably more deficits in particular aspects of freedom, equality or control than in East Central Europe. In this respect the thesis formulated by Andrew Janos few years ago, according to which East Central Europe is generally a ‘backward’ area, turns out to be obviously out-of-date.23 This thesis, from a political point of view, can be considered correct only for the non-members of the EU, as well as – which is confirmed by all the indicators – for Romania and Bulgaria. On the other hand, such countries as Estonia should be considered – despite unfavorable initial conditions – to be a strikingly West European area by most indicators.24

The countries suspended between the EU and Russia are today in a totally different situation than at the beginning of their transformation. Future EU enlargements are becoming more and more improbable, with the exception of a very limited circle of pre-ordained candidates. Although the institutional proceedings remain almost the same, as for example laid out in Article 48 of the Treaty on the European Union (TUE), the political context has clearly changed significantly. It is mostly the successful new members, such as Poland, that advocate for EU enlargement for other countries, such as Ukraine. Their positive experience plays a significant role there.25 However, further EU enlargement is negatively perceived by almost all other states, as well as by the European Commission, because the conditionality principle, which was perceived as the most impor-


24 T. Beichelt, Prinzip ‚Worst Practice’?... p. 34.

tant principle during the 2004 and 2007 EU-accessions, could no longer be used in a proper way. The debt and financial crisis have weakened the decision-making capability of the EU, while the actions of particular politicians, such as Berlusconi in Italy, Sarkozy in France, Kaczyński in Poland, Orbán in Hungary and Ponta in Romania have seriously discredited the image of the EU countries. Nor is it probable that the supposed democratic deficits in the EU member countries would be officially condemned by the European Council, nor effectively admonished by the European Commission. This fact is not officially discussed, because it undermines the credibility of the EU whenever it tries to point out the democratic deficits in the countries potentially interested in joining the EU. The end result is that, owing to all these circumstances the EU leaders have implicitly given up over the last couple of years on treating further significant EU enlargement as a realistic option.

The impact of the EU on the democratization and consolidation processes in the post-socialist countries has been not only changed, but it has even become a problem in some areas. Democracy indicators show that the low turnout in the elections to the European Parliament and in the important EU referendums tend to reduce the quality of democracy. It is also easy to prove that the bureaucratization of politics, stimulated by Brussels, gives the people additional proof that there is no sense in having much respect towards national governments and elites. The democratic development in post-socialist Europe can no longer be treated as a subject of transformation research. The erosion of democracy in the established EU-countries is not just a theoretical possibility, but in particular states and in particular areas is already a reality. Contrary to what was hoped in bygone years, the EU can no longer be perceived as a political power that contributes to stimulating the democratization processes. The lessons coming from EU integration are much more ambivalent. Democratization and Europeanizing can be even perceived as two competing political purposes.

2. The economic level: Pan-European trans-nationalizing

Another field where European studies can enrich our knowledge about the post-socialist area is that of society. Also in this case the ultimate aim is to make former judgments formulated on the basis of transformation research studies more relevant. One of them was an opinion about the general backwardness of East and Central East Europe. According to Kenneth Jowitt, this backwardness was derived from the Leninist past. It could initially be interpreted as a thesis that undermines the importance of the pre-socialist era, but actually Jowitt’s explanation

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27 See K. Jowitt, *The Leninist...*
takes seriously into account the events preceding the Russian Revolution of 1917, and it refers for instance to the over-centralized bureaucracy and an underdeveloped educational system. These theses served in the early 1990s as an explanatory approach aimed at clarifying the reasons for the low level of development and weak organizational capacity of the societies in East Central and East Europe. The major thesis was that the Soviet system had created the phenomenon of *homo sovieticus* and built societies which were inclined to apathy and authoritarianism.

The diagnoses about the true character of the societies in the post-socialist area have become more and more differentiated. Firstly, “Eastern Europe” has been divided into several sub-regions, with the criterion of varying achievements in economic transformation being the main criterion of this division. The European Bank for Reconstruction and Development (EBRD) drew up a famous ”Transition Report“ that documented different paths of development which could be observed at the beginning of the economic reforms. The Visegrád-countries were the front runners of economic development, the post-Soviet states were described as “laggards”, and the West Balkans was a region characterized by civil war. At that time no economic transformation could actually be considered.

Because the categories and indicators of EBRD or other institutions aimed at studying the transformation process were not always clear, they failed to notice many significant trends. The authoritarian turn in Slovakia under Vladimír Mečiar was initially ignored, as were the successful transformations in Estonia and Latvia in the 1990s. The processes taking place in Russia under Boris Yeltsin were assessed positively, while opinions about Slovenia were initially strongly influenced by the fact that it was situated in the turbulent post-Yugoslav area. The mental maps of the West Europeans were determined by historical thinking. This was particularly noticeable when, on their tenth anniversary the upheavals of 1989 were summed up. It was revealed by Timothy Garton Ash who focused on the thesis of the ‘historical regions’ in Europe, pointing out that the borderline between the countries where the transformation had succeeded and failed was situated exactly on the historical border between the Habsburg empire on the one hand, and the Ottoman and Russian on the other.

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29 See also: J. Szűcs, *Die drei historischen Regionen Europas*, Verlag Neue Kritik, Frankfurt am Main 1990; A.C. Janos, *East Central Europe...*


32 The Baltic states no longer belonged to the category of ‘states of post-Soviet features’ at that time, and were instead perceived as the countries of Central Europe which succeeded in carrying out a transformation process.

NATO and the European Union were the institutions that most tended to ignore this way of reasoning based on the category of cultural spaces. These institutions can be joined only by nation-states. The first official membership applications were submitted in the first half of the 1990s, and both organizations had to take a position. Already in 1997 NATO began negotiations with Poland, Hungary and the Czech Republic about the conditions of their access. In the same year the European Commission recommended starting the negotiations about EU accession, in the first instance with the Czech Republic, Estonia, Hungary, Poland and Slovenia. It was not very surprising that Russia was not able to enforce her position and to prevent NATO’s Eastern enlargement. Far more surprising was that NATO and the EU initially discarded Slovakia from the group of potential new member states, while the EU invited Estonia and Slovenia, although the situation in their neighboring countries was unstable.34

Thus, on the one hand a clear signal was given, which consisted of a mix of threats and incentives (‘conditionality’), which were supposed to give the candidate countries an impulse to keep up their political, economic and social reforms. This method was later to be praised in the political studies as the most significant instrument of democratization. 35 On the other hand, the approach of the Commission – which was by the way revised shortly thereafter – meant that the East Central, South East and East European countries were supposed to be treated differently. This incentive was supposed to function as a hard-to-underrate stabilizing factor during the state formation processes that had begun with declarations of sovereignty in 1989, and after 1991 had led to the dissolution of the multinational Soviet Union, Yugoslavia and Czechoslovakia. However, this mechanism was implemented through administrative, not political means.

These processes were followed by important social changes in the new countries east of the Oder. At the beginning of the 1990s it was the idea of nation building that stood in the spotlight and was reinforced by the ethno-territorial wars in the Balkans. But also in East Central Europe ethno-nationalism and nation building were perceived as inseparably linked to each other.36 We know

34 Russia was destabilized by the First Chechen War and was signalling that the Russian minorities in Latvia and Estonia were playing a prominent role in its ‘near abroad’ doctrine. S. Fischer, Rußlands Westpolitik in der Krise 1992–2000. Eine konstruktivistische Untersuchung, Campus Verlag, Frankfurt am Main 2003. Slovenia had unresolved border disputes with Croatia which was still, until 1995, at war with Serbia.

35 H. Grabbe The EU’s Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe, Palgrave Macmillan, Basingstoke 2003;– M.A. Vachudova, Europe Undivided…

today that indeed in some of the East Central European states – particularly in Slovakia, Poland and Hungary – there were periods of time when the parties promoting ethno-national and populist slogans were able to win elections. Undoubtedly this trend should not be underestimated. On the other hand, it should be stated that this was not exclusively an East Central European phenomenon. Similar tendencies could be also observed in such countries as Austria and Denmark, as reflected in the activities of such parties as Freiheitliche Partei Österreichs in Austria and Dansk Folkeparti in Denmark. Therefore, many specialists in the field of European studies tend to rightly interpret East Central European nationalism through the broader prism of studies on national determinants of policy-making processes.\textsuperscript{37}

Meanwhile, we know a lot about the political sociology of the new member states. On some fields the post-socialist states have certain features in common, and which distinguish them from the ‘old’ EU countries. For instance, Michael Hölscher stated that the economic culture in post-socialist Europe is more competitive and success-oriented than can be observed in Western Europe. Simultaneously, a disproportionately high number of people advocate the idea that state interventionism should protect their domestic markets.\textsuperscript{38}

Other surveys on political culture and public opinion suggest that the new EU members have a special position in the EU. But it is sometimes overlooked that there are also many similarities. Thus it has been noted that:

the democracy in […] all West European regions [is] an almost universally accepted model of order [and] it is also advocated by the vast majority of people in the East Central European countries.\textsuperscript{39}

Taking a look at various tables from the just cited publication of Oscar Gabriel helps us understand that there is no fundamental difference anymore between the quality of democracy in West and East Central Europe. After all, in five out of ten new EU members (Czech Republic, Estonia, Lithuania, Poland and Slovenia) the level of satisfaction with democracy is almost the same as in France, Spain and the United Kingdom.\textsuperscript{40} Also, with regard to such non-political factors and cultural practices as language skills, lifestyle or knowledge


\textsuperscript{40} Ibidem, p. 193.
of pop culture there are no significant differences between West and East Central Europe.41

This shows, on the one hand, that the Iron Curtain was not able to break the interconnected social processes in Europe, which had lasted for centuries, or make them separate from each other.42 On the other hand, it indicates that social interactions have been strongly intensified after the fall of the Berlin Wall. The first years of systemic transformation were distinguished by significant, indeed in some countries huge, labor migration. The migrants focused mainly on Germany as the country with the strongest economy, as well as on England and Ireland as EU Members with only minor restrictions placed on migrant workers. As a matter of fact, however, the professionals and ordinary workers from East, East Central and South Europe are spread throughout all EU-member states.43 The stronger the national economies were, the more attractive the labor markets in East Central Europe turned out to be. Nowadays the long term emigration has been replaced by the transnational circular migration. The better employment opportunities also result from growing sophistication and income inequality in almost all East Central European countries.44 As a result, such economically successful big cities as Bratislava, Budapest, Prague or Warsaw have transformed into regions which also attract migrant workers from the post-Soviet area. Therefore the same problems associated with migration, that had been previously known above all in Western Europe, can now be observed in the new EU member states.45

The lifestyles of many people have become increasingly similar to each other in all the member states of EU in the last 20 years. Of course, there are still important differences. In the new member states the welfare state institutions are generally weaker and the social security system offers services of poorer quality. Simultaneously, it can be observed that in these countries the same antagonisms are gaining in importance which have been known to the regional researchers for a long time: urban-rural conflict being much more virulent than in Western Europe, as well as the opposition between the centre and periphery, accompanied by cultural differences.46

45 Ch. Barnickel, T. Beichelt, Shifting patterns...
3. The governmental level: a return to intergovernmentalism

Germany’s European policy followed a vision of an economically and politically united Europe, over decades and across party lines. This situation was obviously mainly connected with the fatal role that Germany played in the first half of the 20th century; Europe and European integration were considered to be a ‘sheet anchor’ and a way to overcome German nationalism. From the pan-European perspective, however, it was only one of the many driving forces stimulating the integration. Today it is also recognized that important impulses for European integration came from East Central and Eastern Europe after the end of the East-West conflict. Makhail Gorbachev’s idea of a ‘common European home’ has been mentioned already. But the discourse on Central Europe, which was elaborated by the intellectuals from Czechoslovakia, Hungary and Poland, has also played a very important role, because it was aimed at making the Western European elites aware that there still existed a common cultural space in the centre of the continent which could not simply be ignored, especially in the situation when further political unification in West and South Europe was taking place.

While drawing conclusions from both previous chapters we should state that the conditions to create a politically united Europe are much better now than they were at the beginning of the systemic transition. Admittedly, the real ‘Eastern Europe’ should be excluded from this statement: Belarus, Russia and Ukraine are mostly concerned about their own internal problems. These countries represent autocratic political orders, which do not suit the democratic minimal standards of the Copenhagen Criteria. On the other hand, all European states, aside from Albania, Kosovo and Bosnia-Herzegovina, today respect much more the political and human rights requirements of the European Convention on Human Rights (ECHR) than they did 20 or 25 years ago. EU-Europe (with exception of above discussed deficiencies) has not only become a community of democratic countries, but also has tended to unite more and more people through social connections.

Therefore it could be deduced that the political organization of the continent could be said, with increasing certainty, to be grounded on its social foundation. This would be a significant progress from the theoretical point of view. The theory

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49 M. Gorbatschow, Perestroika...
Hidden parallels transformation research and European studies in dialogue

of democracy has underscored in the last decades that the models of democracy which are based on participation of groups and individuals are normatively superior. Simultaneously, the growing social interpenetration within the EU, being interpreted as founded on the values of ‘liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law’ in the Preamble of the Treaty of Lisbon, must be followed by the possibility of engaging EU citizens in democratic participatory processes. Unfortunately, the reality is very different from this assumption. For instance, the French government under Nicolas Sarkozy decided to get rid of the Roma groups from Bulgaria and Romania, which was an illegal action from the point of view of EU law. But also other groups of people, such as the numerous work migrants from Ukraine and other non-EU-countries are provided, on paper, with more social rights, guaranteed by such international legal documents as ECHR or the Charter of Fundamental Rights of the European Union, than they are really granted in reality in many parts of the EU.

It is true that the Treaty of Lisbon has established some institutional innovations which are supposed to increase the quality of democracy in the EU. We should mention here the multiple enhancement of the powers of the European Parliament (EP), the European Citizens’ Initiative set out in Article 11 of the Treaty on European Union (TEU), as well as the strengthening of national parliaments in Article 12 of the TEU. However, a closer look at EU policy since the adoption of the Treaty of Lisbon reveals a different phenomenon. In fact, it is the European Council, which comprises the heads of state and heads of government, that has really gained in importance. It is nearly universally acknowledged as ‘the most important decision-making body in the EU’, the powers of which have been increased to the prejudice of the Council of the European Union and of the European Parliament, that is of the institutions involved in the ordinary legislative procedure in accordance with Article 294 of the TFEU.

Certainly, the concentration of decision-making powers in the hands of European Council has much to do with the European financial and debt crisis. This situation undoubtedly required quick decisions which were to affect all euro-area countries in different ways. Therefore, the direct representatives of these states,

i.e. the national governments and their heads of government, became the focus of events. On many specific occasions they were to establish the framework of proceeding for the Council of the European Union and the EP, under which these institutions were supposed then to work out particular details of the mentioned (and basically decided) issues. These processes can be understood not only from the empirical, but also from the theoretical point of view, only when we take into account that European integration is now experiencing one of its biggest crises.

However, at the same time it is almost impossible to ignore the fact that the heads of state and government, including the President of the European Council, Herman Van Rompuy, are systematically working on expanding their decision-making powers. This comes at the expense of other forms of participation. This was most clearly visible in a speech that German Chancellor Angela Merkel gave on 2.11.2010 at the Collège d’Europe in Bruges. She suggested there that the traditional community method should be treated equally with the ‘Union method’. Based on the latter method, she suggested that the essential competences should be transferred in future to the EU-level, stating that:

the member states are the guardians of the treaties. This means it is the member states which decide that the Union has competence for something, if they believe the problem can be better dealt with at European level. Consequently, the community method does not serve to transfer competences to European level, it is rather a method of ensuring that competences which have been transferred are exercised well, properly and efficiently. Where there is no community competence, the community method clearly cannot be applied.

When articulating the ‘Union method’ she intimated that, firstly, any further steps aimed at deepening the integration process – quite easy to imagine in the situation of the financial and debt crisis – would lie first and foremost within the competences of the member states. Secondly, Chancellor Merkel’s speech in Bruges also contained an appeal for increasing the role of the Member State governments in the European policy-making process, by describing the Union method as ‘a combination of the community method and coordinated action by the member

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This last aspect has been especially criticized in the German public discourse, because it gives a strong impulse to transfer the responsibility for the EU integration process again to the nation states.\textsuperscript{61} Angela Merkel and her government have reacted to this criticism with a specific dual strategy. Verbally, they promote the idea of proposals for further deepening of the EU.\textsuperscript{62} In practice, however, the government is trying to keep the EU institutions, and even the German Bundestag, largely away from both the discussion about and the decision-making about such important issues as e.g. the establishment of the EU Fiscal Compact and of the European Stability Mechanism.\textsuperscript{63}

In the European context however, the German government is not playing a special role in the above-mentioned process. The skeptical attitude of Czech governments, as well as of its former President Václav Klaus about the traditional community-oriented institutions, such as the Commission and the European Parliament, have been known for a long time. Many utterances about the necessity of strengthening the nation-state, the Council and the European Council have also been made by the Hungarian government led by Viktor Orbán.\textsuperscript{64} Similar reactions were typical for the government and presidency of the Kaczynski brothers in Poland.\textsuperscript{65} A specific parallel can be observed in the opinions of all of the above-mentioned politicians. The representatives of exactly these countries, which in the 1980s formulated the ideas about overcoming the East-West confrontation through Europeanization, are calling now for re-nationalization of European politics.

The same observation can also be applied to the situation in the country where the metaphor of the ‘common European home’ was invented. After a period of tribulations during the Yeltsin era, President Putin has centralized political power in the name of consolidating the Russian state. All non-governmental institutions have been weakened and civil liberties, as well as the rule of law, have been curtailed.\textsuperscript{66} In Belarus, the presidential dictatorship remains in power only

\begin{itemize}
\item \textsuperscript{60} Ibidem.
\item \textsuperscript{62} About awarding Wolfgang Schäuble with the Charlemagne Prize in 2012 see e.g. Der Karlspreisträger 2012 Wolfgang Schäuble. Rede von Bundesminister Dr. Wolfgang Schäuble, <http://www.karlspreis.de/preisträger/2012/rede_von_dr_wolfgang_schauble.html>
\item \textsuperscript{63} See T., Beichelt, Ch. Calliess, Nationale Parlamente in der Europäischen Union (draft title), Bartelsman AG, Gütersloh 2013 (forthcoming).
\item \textsuperscript{65} P.O. Loew, Feinde, überall Feinde. Psychogramm eines Problems in Polen, ”Osteuropa” 2011, Dezember, p. 33–52.
\end{itemize}
through repression and forged elections,67 and in the Ukraine the gap between the elected elites and society is deep.68

All of these three countries have one important feature in common: strong authoritarian tendencies, accompanied by a process of political centralization. In the case of Russia, it is also important to underscore that the concentration of political power has been connected with the recovery of its ability to act effectively in both domestic and international politics. In this respect, the afore-mentioned attempt to strengthen executive power in East Central and Eastern Europe can also be seen as a reaction to the limited capacity to control the decision-making process during the systemic transformation. In the whole of Europe there is a prevailing tendency to reduce the role of social actors in their efforts to overcome economic or social crises. Instead of that – and here the EU resembles the authoritarian regimes of Eastern Europe more than it would like to admit – the rulers are mainly focused on empowering the capacities of government, administration and other quasi-executive institutions. A vision of democracy firmly anchored in society sounds today just as imaginative as the ideas of ‘anti-policy’ discussed by such dissidents as György Konrad in the mid-1980s.

4. Outlook

The findings of European studies and transformation studies can complement each other. The political developments in East Central and Eastern Europe were strongly influenced by the European integration process from the beginning of the systemic transformations in the former ‘Eastern Bloc’. This is true not only for the former candidate countries, which were forced to fulfill all the EU conditions for almost a decade before they were given the status of EU Member States. It is also true in the case of the Western Balkans as well as Eastern Europe, because NATO and EU are requiring states which cannot count on membership in NATO or the EU in the short term, to nevertheless adopt a position concerning them.

Because the perspective of joining the EU or of its enlargement is currently improbable, there is no option other than to observe whether, in the ‘European neighborhood’, there are political developments possible other than these envisaged by a realistic theory of international relations. According to this theory, the afore-mentioned countries – which are hardly capable of building any common political bloc – have been given no geopolitical option other than bandwagoning,

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that is rapprochement with one of the integrating centers: Russia or the EU. However, from the point of view of the majority of these states, such as Georgia, Moldova or Ukraine, Russia is very unlikely to be perceived as an attractive partner, due to her rather destructive bullying and embargo policy. The EU, on the other hand, by its actions prevents them from making any crucial political steps to form an alliance dominated by Brussels. Instead, it promotes a policy of ‘external governance’. The countries of the Eastern Partnership are supposed to be integrated through a system of incentives which in fact have been weakened with respect to their chances of joining the EU.

It should be emphasized that the efforts associated with the regime change in the post-socialist Europe have paid off. The progress in human rights and political freedoms is abundantly clear in comparison to the communist period. In some cases, these results are more ambivalent: Belarus and Russia have chosen a self-imposed isolation, which makes them unable to modernize, and Serbia and Bosnia-Herzegovina still have to come to grips with unsolved territorial and identity problems. It is noteworthy that all these outstanding issues are very similar to those that were on the Western European agenda at the beginning of European integration in the 1950s.

In any case, Adam Przeworski, one of the most influential scientists researching transformation processes, was wrong in his skeptical predictions about the evolution of systemic transformation. In his famous 1991 book, *Democracy and the Market*, he stated that the ‘East’ [meaning Eastern Europe] would take over the attitudes of the ‘South’ [i.e. countries which are permanently in need of development aid]: ‘The East has become the South’. This blanket statement is untenable today.

The truth is that Eastern Europe proper remains a region with close ties between politics and the economy, with societies dominated by clientelism. In this situation, even a close cooperation with the EU as an institution promoting peace and modernization is highly improbable. The greater part of Central Europe is demonstrating more and more similarities to Western Europe and, with regard to the quality of its democracy, it surpasses many parts of Southern Europe. Political regimes which have emerged in the south aim to compensate the low productivity of their national economies, in comparison to the EU average, through various practices: in Bulgaria, Greece, Italy and Romania the ruling elites have made the public sector their own client; in Greece, Hungary, Italy, Portugal

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and Spain they decided to fall into a debt spiral; in France, Hungary and Italy
the governments have tried to subjugate the media. Therefore, the time has come
when we should begin to regard the problems with democracy in Eastern and East
Central Europe not only as a consequence of the transition, but to analyze them
in the context of trends affecting the whole of Europe. A framework of knowledge
could be provided by the European studies, if they resign from their exclusive
focus on EU integration problems.
In recent years, the identity of Russian citizens in terms of their civilizational heritage has undergone a significant change. They have ceased to think of themselves as Europeans, or of Russia as part of Europe. In 2011, according to research conducted by the Sociological Institute of the Russian Academy of Sciences, only 13 per cent of Russians considered themselves Europeans. A mere seven per cent of respondents supported the idea of Russia “stepping into the common European home” (a decade ago this figure was twice as high). Over a third of respondents shared the view that Russia is a unique Eurasian civilization.

These changes are supported by the rhetoric of the authorities. In 2012, in an address to the Federal Assembly, Vladimir Putin called Russia a “state-civilization” which would never merge with the surrounding world.1 Later he developed this statement in a speech at the Valdai International Discussion Club in September 2013.2

As David Campbell points out, identity is constituted in relation to differences, while differences are constituted in relation to identity.3 The representations of the Other thus serve as a necessary part of an ideal image of Self. For Russia, Europe has traditionally held a distinctive place among the most important “Others”, who help to define what it “means to be Russian”. The aim of this article is to examine the role of gender discourse in answering the question whether Russia belongs to Europe. The study is based on an analysis of contemporary Russian public discourses focusing on the “gender deviancy of Europe”, reflected in the speeches of politicians, journalists, and comments on Internet-forums.

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2 V. Putin, Speech transcript, „Rossiiskaia gazeta“, 19 September 2013.
The first section of the study is devoted to clarifying basic methodological approaches to researching the role of gender discourse in international relations. Next we consider how gender discourse is used in the politics of national identity in Vladimir Putin’s Russia. The next section focuses on representations of the countries of so-called ‘Old Europe’ through the prism of the concept Gayropa, which has become increasingly visible in Russian internet activity in recent years and is used to characterize the European gender order. Additionally, we highlight the gender characteristics attributed to the nations of ‘New Europe’. Finally, the paper explores the images used in relations between Russia and the post-Soviet states (above all, Ukraine) and today’s European Union.

1. Gender discourse as a factor in international relations: Methodological approaches

As an essential part of the social order, gender is actively used in order to create a picture of the world as a whole and to organize social relations between different social groups (nations, classes etc). A number of factors make it possible to consider gender outside of relations between the sexes proper, factors which let us particularly note the role of gender discourse role in delineating social boundaries and hierarchies.

Fredrik Barth showed that the social boundaries between communities are established with the help of ethnic markers, or elements of culture selected by group members themselves in order to emphasize their differences from those around them (for example, clothes, language, lifestyle, etc.). Based on these ideas, Nira Yuval-Davis suggested that gender symbols should be interpreted as “symbolic border guards”. Along with other markers, these identify people as members, or non-members, of a certain community. Images of men and women serve as markers enabling the process of inclusion and exclusion in the formation of the collective identity, separating Us from Them.

Another important factor is the inclusion of gender discourse in power relations: gender markers also produce a system of evaluations and preferences. In the first instance, this concerns social relations proper between men and women, which are characterized by the privileged status of men. However, the hierarchical relations between the sexes are also used as a matrix which legitimates other forms of social inequality.

6 Ibidem.
Culture’s androcentrism, that is, the presence of a value hierarchy of masculinity and femininity, also influences the hierarchy of social subjects. The marking of them as feminine or masculine attributes some particular qualities to them and assigns them an appropriate position in the social hierarchy. Thus, the use of gender metaphors serves as an effective mechanism in the production of power hierarchies.\(^7\) The interpretation of feminine as something second-rate and subordinate determines the main form of exploitation of gender metaphors: Us are represented as masculine and Them as feminine, and political infighting makes which active use of these markers.\(^8\) Researchers take a special interest in the role played by metaphors in the discourse on international relations.\(^9\) By analyzing representations of the Gulf War, George Lakoff observed that active use was made of mechanisms of metaphorical thinking in discussions of foreign policy: backed up by bombs, metaphors can kill. Metaphor is a basic mechanism used by people to simplify the world and bring it closer to their own life experience. It provides a ready-made solution, releasing people from the obligation to think and enabling them to skip over contradictions. In this fashion, it functions as one means of mythologizing politics.

Due to the role which gender metaphors (for instance, rape, prostitution, seduction, and others) play in constructing social borders and hierarchies, they are widely used in representations relating to international relations. Competition in international relations is often depicted as a masculine competition. In this way the discourse on international affairs serves as a means of shaping and reshaping gender orders.\(^{10}\)

### 2. Remasculinization of Russia

We start by making the critical point that the gender characteristics which Russian hegemonic discourse ascribes to contemporary Europe is dependent on the Russians’ way of imagining Russia itself. We designate the politics


of identity realized in 2000-2010 as directed towards creating a positive collective identity for Russians, which with the help of gender discourse became “remasculinization of Russia”. The remasculinization of Russia has two dimensions. First, it includes creating attractive images of national masculinity (above all, that of the *muzhik*). Secondly, this remasculinization is achieved by attributing masculine characteristics to the country as a whole.

The model of the *muzhik* gained significant popularity in the post-Soviet period. The contemporary *muzhik* is rather distant from the male peasant of imperial Russia, on which the stereotype is based. Today the *muzhik* concept is used to designate, first, national masculinity, and second, high-rank, “real” masculinity. This masculinity should be considered as hegemonic for Russia at the beginning of the 21st century. As is well known, R. Connell introduced the term “hegemonic masculinity”, that is, masculinity dominating determination of the norms of gender relations. Olga Shaburova, who first analysed the image of the *muzhik* in post-Soviet culture, revealed the role of negative identification in those processes: to become a *muzhik*, you have to prove that you are neither a woman, nor a child, nor a homosexual. For the purposes of this study, it is important to keep in mind yet another “nor:” the standard of the Russian muzhik is also juxtaposed with representations of Western masculinities. Unlike the imagined ‘sensitive man’ of the present-day West, the Russian muzhik is sturdy, tough and strong; he doesn’t speak too much, but makes his deeds speak for him. It is alleged that the degeneration of European masculinity is reflected in Western men’s effeminacy, infantilism, and egocentrism, which are explained, not least, by the spreading homosexuality in Europe. So in this environment, sexism and homophobia are not seen as vices.

This construction of positive images of national masculinity is exploited in the legitimation of the current political regime in Russia. The authorities seek to incorporate the model of “*muzhik*” into the ideology they are constructing. It is significant that the president himself acts as the cultural icon of national mas-
culinity. The characteristics of Putin as a “real muzhik” are actively included in discourse aimed at legitimating his power. In December 2009, news agencies distributed national poll data (N = 1,800; 7 regions) on opinions of who was seen as “a real man” in Russia. Putin received the majority (14%) of votes, far ahead of the actors Vladimir Vysotsky and Konstantin Khabensky (7% each), Minister of Emergency Situations Sergey Shoygu (6%), the businessmen Roman Abramovich (5%), Mikhail Khodorkovsky (3%), the head of the Chechen Republic, Ramzan Kadyrov, and Russia’s Foreign Minister Sergey Lavrov (2% each). Two years earlier we conducted a questionnaire poll (N = 400, Ivanovo) that sought to clarify how the gender factor influenced voters in their approach to politicians. The respondents had no hesitation in identifying “the real man” of Russian politics: Putin was the first name chosen by nearly half of those polled (44.8%).

Another method for the remasculinization of Russia is the modification of Russia’s image, namely by extending attributes of masculinity to it. In examining the gender connotations of the new image of Russia, we focus on such characteristics as independence and strength. First, these characteristics are components of masculinity which dominate in cultures of Modernity and, second, they are marked as really masculine exactly in the post-Soviet period, as is evidenced by the survey results. As for independence, it has a clear gender association, especially in contemporary Russia. In the 1990s Russia’s dependence on foreign aid was evaluated as evidence of her lack of self-determination, and hence non-masculinity. The idea of “sovereign democracy” became an ideological cornerstone of Putin’s second term. Sovereignty is seen as an opportunity for Russia to decide its own fate, to render it less dependent on international financial organizations, to make it a subject rather than an object in world politics, to lay claim to a measure of self-sufficiency—these are precisely the things that Putin’s rule is given credit for.

The second essential trait of the new image of Russia is strength. One might even speak about a cult of strength in Russia, be it national military might, athletic achievements, or the fitness of national leaders. Putin’s comments on the terrorist attack in Beslan in September 2004 are worthy of our attention: “We displayed weakness. And the weak are always beaten.”

17 T. Riabova, O. Riabov, Real Man of Politics...; p. 64.
18 For details, see <www.regnum.ru/news/1231490.html>.
19 Next, trailing far behind, were Sergey Ivanov, Vladimir Zhirinovsky, Sergey Shoygu, and First Vice Premier Medvedev (5.8%, 5.0%, 4.8%, and 3.5% respectively). T. Riabova, Pol vlasti: Gendernye stereotipy v sovremennoi rossiskoi politike (Gender stereotypes in Contemporary Russian Politics), Ivanovo State University, Ivanovo 2007, p. 127.
20 For instance, see ibidem, p. 47.
The growing popularity of Russia’s “bear” image serves as an indirect confirmation of the trend towards cultivating strength as an attribute of Russians. This popularity, to be sure, has another source as well. It was generated by United Russia Party, whose logo is a polar bear. At the same time one should take into account that the symbol gains support among people of various political orientations. The polar bear’s strength and ability to fight for itself makes it the best symbol of the nation in the eyes of many Russians. As is indicated by our sociological survey and interviews held in Russia (2009), strength is a trait associated in the first instance with the bear as a metaphor of Russia.

3. Old Europe

As social identity theory postulates, the desire for a positive identity is realized not only by improving the image of the Self, but also by worsening the image of the Other. Analyzing the remarkable shift in Russians’ perceptions of Us and Them, Edward Lucas points out that since the mid-2000s the West has ceased to be an indisputable moral authority for Russia. This also refers to gender issues. In the 1990s Western masculinity, above all, American masculinity, was considered as a model, while Western civilization was endowed with masculine characteristics (strength, rationality, independence, individualism). In the 2000s the situation changed. Irina Savkina, in examining the reception of the West in contemporary Russian literature, draws attention to the fact that Russian authors attribute masculine and “Western” traits to Russia.

The distinctive feature of the demasculinization of Old Europe is reflected in the neologism Gayropa: homosexuality is denoted as the essence of the European lifestyle. The allegations branding Europe as sexually deviant have been...
made by politicians, journalists, bloggers and commentators on Internet forums. There is nothing especially original about Russian invective on the gender deviancy of Europe. The concept of the “rotten West”, which can be traced back to the works of the Slavophiles, includes claims about the superiority of the Russian family and of Russian gender norms. Criticism of the bourgeois gender order that featured in Soviet propaganda during the Cold War acts as another ideological source for the rejection of Gayropa today. In fact, allegations about the decadence and effeminacy of the Western civilization are an important component of anti-Western discourse generally.29

Today, the gender dimension has become one of the most important aspects of allegations levelled against the West. The destruction of the traditional gender order in Europe is associated with the legalization of same-sex marriage, the growing influence of feminism and the destruction of the traditional family unit. It is alleged that these processes are bound to lead to a very real decline in European civilization, primarily because they pervert human nature itself and destroy the foundations of humanity. One of contemporary Russia’s most prominent conservative thinkers, Alexander Dugin, uses the terms “trans-human” and “post-human” to describe the development of European civilization as he sees it. According to Dugin, the logic of liberalism presupposes the destruction of all collective identities, from the state and the nation to gender and humanity. Once gender has been dismantled, humanity will take a similar course: “If we do not apply the brakes just a little, we will hurtle on to the bitter end, until we’re asked to baptize a chimera, a bio-robot, a cyborg or to marry a fly to a human being.”30 The Chairman of the State Duma foreign affairs committee, Alexei Pushkov, has assessed changes to the gender order in European countries “as an attempt to alter the very foundation of human civilization”.31

A programme on a major Russian TV channel, entitled “The repressive minority”, included a discussion by the participants of “gay totalitarianism”.32 And on 12 December 2013, in an address to the Federal Assembly of the Russian Federation, President Vladimir Putin emphasized that the “destruction of traditional values ‘from above’ not only brings negative consequences for societies, but is essentially anti-democratic, since it is implemented [...] against the will of the majority of people”. In this way, European civilization is perceived to have lost an intrinsic attribute: democracy. The other crucial characteristic which Europe is being deprived of today is its Christian roots.

30 A. Dugin, We should move to a politics of spirit (Nado perekhodit’ k politike dush), <evrazia.org/article/2259 >.
32 TV–Channel “Rossiya-1”, 18 June 2013.
By putting a label on European civilization, the concept of Gayropa helps to support the collective identity of Russians. According to many authors and commentators, current differences in the gender order of Europe and Russia emerge from the very essence of these civilizations. The essentialization of these differences is achieved by appealing to cultural traditions. When explaining his personal, negative attitude toward the legalization of same-sex marriage in Russia, Putin referred to the need to respect the traditions of Russian society. The title of pro-Kremlin journalist Maksim Shevchenko’s article devoted to the changes of European gender order – “So we’re not Europe? Thank heavens for that!” – demonstrates the compensatory way in which the Gayropa concept is approached in Russia. The Chechen leader, Ramzan Kadyrov, has said: “Unfortunately a significant number of Russians want to be on an equal footing with Europeans and their way of life, although on the whole, Europeans possess neither culture nor morality [...] They welcome all that is subhuman. To them, same-sex marriage is normal. It is awful even to talk about it. Personally, I would never want to be a European”. On Internet forums, analogous ideas are expressed more unequivocally. For example: “How are Asians inferior to Europe with their homos, their hypocrisy, their colonial disdain for the rest of the world [...] Be proud that you’re Asian; there is no point begging for recognition from Europeans”. Paraphrasing a famous line from Alexander Blok’s 1918 poem Scythians, in which the poet contrasts the notion of Russia as a sphinx with Europe as Oedipus, the author of another commentary writes: “Yes, we are Scythians, yes – we are straight!”. The concept of Gayropa not only creates symbolic borders between Russia and Europe, but contributes to the definition of a new national idea. It is well known that the crisis of collective identity that followed the collapse of the Soviet Union prompted an existential search for Russia’s significance and its fundamental values. More recently, there has been a noticeable tendency to define the country’s place in the contemporary world by counterposing gender orders in Russia and Europe. For example, the director of the Institute for Political Research, Sergei Markov, has noted that “in postmodern Europe, deviations such as homosexuality are considered the norm. Russia is taking a different route. It sees itself

34 R. Kadyrov, Europeans welcome all that is subhuman (Evropeitsy privetstvuiut vse nechelovecheskoe), <www.gazeta.ru/social/news/2013/09/13/n_3181757.shtml>.
35 Comment in forum to A. Mishin, In the eyes of Europe we are monsters, “Komsomolskaia Pravda”, 29 March 2013, guest no. 7647, <www.kp.ru/daily/26053.4/2964959/?cp=2/#comment>.
as the conservative wing of Europe and, as such, [...] it is finding a way of overcoming its identity crisis.”  

In this way, the concept of Gayropa is bound up with a traditional, perceived opposition between Russia and Europe. But it also includes another element, with deep historical roots, that is bound to affect the positioning of the country. While accusing Europe of degeneracy, the discourse refers back to the notion of “two Europes” postulated by Fyodor Dostoyevsky. It sees Russia as the successor to the real, authentic Europe. In the post-Soviet period, this school of thought re-emerged in the early 2000s. Today, say the propagators of this idea, many Europeans look to Russia with hope, as the protector of Christianity and hence genuinely European values. For instance, Sergey Karaganov stresses that, “in a sense we are more European than Europe itself, since we defend traditional European values.” Markov asserts that Russia today is a “citadel, a fortress and a lighthouse for conservative Europeans”. A comment on this from a Russian Internet-user is illustrative: “Europe, too, is applauding Putin. After all, only he can save the world from the blue inquisition.”

To grasp the full significance of this situation for Russia, one must take into account not only processes associated with establishing national identity, but the logic behind internal political conflicts as well. The Gayropa narrative has come to affect internal politics because transformations in Europe are reported in terms which suggest that they pose a threat to Russia. This view is not only clearly expressed in forums and public addresses given by conservative authors; it has also become a feature in the official discourse. In March 2013, Minister of Foreign Affairs Sergei Lavrov criticized the EU for promoting Western values – and the defence of the gay community in particular – as universal standards, and for imposing them on Russia. The problem was even considered by the Security Council of Russia. In April 2013 the Secretary of the Security Council, Nikolai Patrushev, proposed giving special attention to “the strengthening of national security in the sphere of spirituality and morals”, adding that the issue of same-sex relationships featured importantly among threats to national security.

40 Comment to the article *Deserves admiration*, “Vzgliad”, 13 January 2014, www.vz.ru/world/2014/1/13/667705.html/. The word gei (from the English gay) appeared in the Russian language only in the early 1990s and is used together with goluboi, to refer to homosexual men. Goluboi also means blue and one can therefore often read about “blue Europe” or the “blue lobby” in politics.  
42 <www.kommersant.ru/pda/kommersant.html?id=2178141>
unions in the following way: “Looking at this vile abomination, you understand that there can be no alternative to Putin!”

It is worth noting that European sexual deviancy is often seen in particular as a natural result of Western democratic development. For instance, among the comments to an article which dealt with the accusations of homophobia that Lech Wałęsa is subjected to in his home country, one can find the following: “One always gets what he pays for. Devour your European values with spoons, comrade Wałęsa! You as a famous Russophobe and merited der’mokrat should bear responsibility for spreading sodomy in your Poland!”

In this context, the political opposition in Russia is branded as a group guilty not only of betraying the nation, but of sexual perversion. The masculinity and femininity of people within the Russian protest movement – “the creative class” – are viewed as deviant. They therefore lack political legitimacy, and their opposition is often explained away in terms of sexual abnormality. Supporters of the Russian liberal opposition aspire, in turn, to represent the authorities and their supporters as retrograde, disconnected from progressive human development, and alienated from the spirit of a European civilization founded on human rights and freedoms. They defend European gender norms and values by arguing that the “patriarchal tradition” and “homophobia” lie at the heart of the current political system.

The representatives of the opposition are equally bound to take into account the mood in Russia; above all their supporters are prepared to accept the European standpoints discussed here. As a June 2013 poll conducted by the All-Russian Centre for the Study of Public Opinion (VTsIOM) showed, the vast majority of Russians (88 per cent) support the idea of introducing a ban on the promotion of homosexuality; 42 per cent believe that non-traditional sexual orientations should be punishable by law. According to a survey run by the Levada Centre in June 2012, 43 per cent of respondents share the view that gays and lesbians suffer from a defective moral sense, while 32 per cent suppose that they are mentally deficient.

Finally, Gayropa is used in the rhetoric of Russian international politics. Lack of masculine qualities is interpreted as both a military and political weakness. During the Ukrainian crisis, this is reflected in the common conviction that Europe isn’t able to respond seriously. The winning of the Eurovision Song Contest 2014 by the transvestite Conchita Wurst was considered by many Russian journalists and politicians as evidence of Gayropa’s moral decline. For example, one of the comments to an article devoted to Poland’s participation in a “crusade” against Russia reads: “What kind of crusaders are you, Europeans? You are conchitas!” (Fig. 1)

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43 Comment on the article by G. Clavel, Mariage gay: le baiser des députés PS Yann Galut et Nicolas Bays pour la postérité, original in “Le Huffington Post”. For the Russian translation, see www.inosmi.ru/world/20130128/205161448.html.
4. New Europe

The symbolic demasculinization pictured above is to be applied to the ‘New Europe’. If the politics of these states opposes Russia’s interests it is also quite often treated as a result of the USA’s influence on these states, which are represented as lacking sovereignty, independence, and force; hence, masculinity. For example, Shevchenko declares that this part of Europe has grown used to fawning on Americans.\footnote{Pravo znat’ (The right to know), 31 May 2014 (TVTZ-Channel).} Such representations are accompanied by the use of metaphors and images which help to demasculinize Russia’s neighbors.

In April 2014, in face of the escalation of confrontation between Russia and New Europe, a remarkable text entitled “About Buffers” was published.\footnote{V. Mamontov, Pro bufera (About buffers), "Vzgliad": Internet-newspaper, 25 April 2014, http://vz.ru/columns/2014/4/25/683975.html.} The article is devoted to problem of buffer states, and played on the fact that the Russian word \textit{bufera} serves also as a slang designation for female breasts. The author calls attention to the Lithuanian president Dalia Grybauskaitė’s definition of her country as a buffer state, and interprets this in the following way: Grybauskaitė assigns a woman’s role to Lithuania; this woman’s happiness is to truly serve to her fiancé – the West.\footnote{In the authors’ opinion, the current pro-Western regime in Kiev is pictured in the same female role of a buffer for Ukraine. Those who want to keep their independence, and hence their manhood, and who object to be turned into a buffer, fight against Kiev’s authorities in Donbas. http://all-rss.com/item-1456063-speakers-vladimir-mamontov-about-buffer/}

Another remarkable characteristic of the countries of ‘New Europe’ is the assertion that their geopolitical choice depends solely on vested interests, and that the only
thing they want to know is who pays more. No wonder then that the metaphor of prostitution, which is so widespread in Russian political rhetoric, is actively exploited with respect to the countries of New Europe. A special target of criticism is Poland. Włodzimierz Marciniak considers the image of Poland as a prostitute the most widespread stereotype among Russians. In his opinion, this stereotype has its sources in Russians’ attitudes to the world: they believe that only large states have a say, and the rest can only sell themselves. Indeed, Russian newspaper articles quite often mention “sponsors of Poland”, and expand on their viewpoint that Poland is a country which always clings to the richer and stronger. Users of internet forums very frequently evoke the metaphor of prostitution. Specifically, the phrase “Poland is the main prostitute in Europe” is very popular, and users ascribe its authorship to Lenin, or Churchill, and even Napoleon.

Finally, New Europe’s military and political weakness serves as important evidence of its lack of masculinity, which is especially visible against a background of the strength of the Russian bear. For instance, a collage from 2005 pictures the leaders of Poland, the Baltic states, and Georgia in a bear hug; the image is accompanied with a caption: “The Russian Bear is kind, but how long can you offend him?” (Fig. 2).

![Figure 2](image-url)

Source: A. Dorofeev, Collage, "Аргументы и Факты" 2005, No. 20

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50 T. Riabova, *Pol vlasti...*

51 *W oczach Rosjan Polska to dziwka (In the eyes of Russians, Poland is a Prostitute)*, Polskataimes.pl, 2 September 2009, <www.polskatimes.pl/artykul/158697,w-oczach-rojsan-polska-to-dziwka,id,t.html#material_1”.

52 Idem.


5. The Post-Soviet states: the Case of Ukraine

The Post-Soviet states are, on the one hand, represented as brother countries which are bound with Russia by natural ties. On the other hand, if they flirt with the West, the Russian hegemonic discourse ostracizes them, and one can see the familiar demasculinization rhetoric. Firstly, these countries are accused of mercenariness and perfidy (and in this case the metaphor of prostitution is usually employed), and of a lack of independence, i.e. an absence of masculinity. Second, when discussing the geopolitical choices of the post-Soviet states, Russian commentators often resort to the image of Gayropa, arguing that the import of European values by these countries represents a path toward degeneracy. For instance, “Izvestiia” cites Pushkov’s comment that Moldova “was instructed to organize regular gay pride parades” as a condition of signing its agreement on association with the EU.56

The case of Ukraine – especially after the Orange revolution – serves a good example of the symbolic demasculinization of the post-Soviet states. In the gas supply dispute of 2006 Ukraine was represented in a Russian TV program as a kept woman, a “flighty Ukrainian mistress” (TVTS–Postskriptum, 26 March 2006). Russian protestors at the demonstration near the American Embassy in Moscow held a poster with the words “A gentleman always pays for his girlfriend”, calling on the USA to pay off Ukrainian debts to Russia. In criticizing the Ukrainian leaders’ politics during the next “Gas War” of 2009, Putin compared transit countries with an overly picky girl. “They should have no illusions, the girls should have no illusions – the groom has other choices, they have to understand”.57 Another collage – “The beauty is being lead away” – appeared on the cover of an issue of the popular weekly “Argumenty i Fakty”, portraying Ukraine in a guise of a young woman who is being guided, or forced to go, to the West on a road paved with US dollars. (Fig. 3).

During the current aggravated crisis in Ukraine, the relations between Crimea, Donbas and Kiev are often portrayed with help of gender and family metaphors. For instance, “The tale about Crimea” presents Ukraine as “a whore who was given in marriage over and over again to many husbands”.58 Another popular text among internet users pictures the independence referendum in two southeast Ukrainian regions as a divorce demanded by “Donbas” who is sick of the promiscuity of his “wife”, who is ready to copulate with every foreign Tom, Dick or Harry.59

59 Eto vsio narodnoe tvorchestvo: Kak prokhodil referendum na Donbasse; See the comment on <http://www.visti.ks.ua/novosti/v-ukraine/13416-eto-vse-narodnoe-tvorchestvo-kak-prohodil-psvdoreferendum-na-donbasse.html>
Russian media began employing the Gayropa metaphor in its coverage of the 2013-2014 crisis even before the Euromaidan wave of civil unrest began. On 7 November 2013, Pushkov wrote on Twitter: “The release of Timoshenko will provoke EU demands that Ukraine should broaden the reach of gay culture.
Instead of victory parades, Kiev will be holding gay-pride marches.\footnote{<vz.ru/news/2013/11/7/658568.html>\footnote{Gayromaidan today: Protest action or an expensive farce? (Geiromaidan segodnia: aktsiya protesta ili nedeshvey fars?\textquoteright), 23 November 2013, <rumol.org/2013/11/23/gejromajdan-segodnya-akciya-protesta-ili-nedeshevyj-fars/>.}} The spread of gay culture is seen as a threat to fundamental values and sacrosanct ideals; it is represented as a challenge not just to the gender order of society but to national identity. The de-motivational poster “Mother Ukraine calls you!” may serve as an illustration of this phenomenon. (Fig. 4)

Even the earliest reports from Kiev featured the term “Gayromaidan”.\footnote{For example, see V. Vorsobin, Ukraine out in the square again (Ukrainu opiat' maidanit), "Komsomolskaya Pravda", 25 November 2013.} Russian press correspondents used this as a thematic focus in many of their publications.\footnote{S. Polosatov, Gei-drovishki v koster Maidana: Ukrainu zovut v Evropy natsionalisty, antisemity, neonatsistsy i gomoseksualisty (Gay fuel in the Maidan fire: Ukraine called to join Europe by nationalists, anti-Semites, neo-Nazis and homosexuals), "Komsomolskaya Pravda", 5 December 2013.} One article in Komsomolskaia Pravda, concerning the visit of the German Minister of Foreign Affairs to Maidan, appeared with the headline “Gays fuel the Maidan fire: Ukraine called to join Europe by nationalists, anti-Semites, neo-Nazis and homosexuals”.\footnote{E.g., S. Glaz'ev, Eurosizofreniia na Ukraine (Euroschizophrenia in Ukraine), 15 January, 2014, <http://www.glazev.ru/sodr_ssn/354/>.}

In the Euromaidan context, this issue appears alongside a number of assertions in the media. Primarily, it is said that some of the most active Ukrainian supporters of closer ties with the EU are representatives of the gay community fighting for their own privileges. It is argued that, in the event of an opposition victory, same-sex marriages would be legalized in Ukraine and, in the future, the country can expect to be subjected to all the “delights of Gayropa” discussed above. Further, within the EU, the “blue lobby” is particularly active in attempting to get back at Russia for its passage of “anti-gay laws”.

Leaders of the Euromaidan protests have also been scrutinised in these terms. On the one hand, the sympathy of some towards gay culture has been used to suggest that their aspiration to join Europe is not only evidence of their betrayal of Slavic brotherhood and the shared history of Russians and Ukrainians, but of their sexual deviancy. News that the Klitschko brothers were photographed by a journal for sexual minorities a decade ago has been widely disseminated in the Russian media. On the other hand, it has also been emphasized that Ukrainians have a long way to go before they achieve modern European standards and that it is far too early for them to join the EU. A significant proportion of protesters at Maidan are, it has been said, “nationalist cavemen” from far-right groups who have no conception of European ideals, including tolerance towards sexual minorities.\footnote{64}
Such use of the Gayropa image in Russian accounts of the Euromaidan protests was intended not just for the Ukrainian public, but for domestic consumption. The idea that Ukraine’s interest in European integration is bound to lead to the country’s downfall obviously allows the Russian authorities to demonstrate to the Russian public that, in Russia, it is the authorities themselves who are the sole guarantors of normalcy. Therefore, in March 2014 the Russian media distributed information that LGBT-activists had claimed: “Russian gays and lesbians don’t recognize the results of the referendum in Crimea.”

The Ukrainian opponents of their country’s European integration have been keen to make use of the “Gayropa” image. In September 2013, Ukrainian communists released ads which showed how the EU forced a boy symbolizing Ukraine to array himself as a girl. In October in Kharkov, a political demonstration against European integration was held under the slogan “We don’t need Gayropa!” At the first demonstration by supporters of the Party of Regions in Kiev in November, which emphasized the group’s opposition to the signing of an agreement with the EU, slogans included “Good-bye GAYropa!” and “Eur-ro=homo”. In December, at a so-called “Anti-Maidan” meeting Prime minister Nikolai Azarov declared: “Opposition leaders are telling stories. They say we will sign an agreement on association with the EU and be travelling to Europe without visas tomorrow. We also have to fulfil a whole series of conditions: we have to make same-sex marriage legal, and we have to pass a law about the equality of sexual minorities.” This address was widely publicized and commented upon in the Russian as well as Ukrainian press.

The concept continues to be widely employed after the opposition victory in Euromaidan. In April, Lugansk protesters release a “rap-appeal” with the words “We don’t wish our children to have gay pride parades”. In May, commenting on Conchita Wurst’s success, Vladimir Zhirinovsky declared: “How Donbas can be in favour of such a Europe? Donbas will raise the Russian banner!”

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67 Nam ne nuzhna Gayropa (We don’t need Gayropa), 1 November 2013, <http://internovosti.net/sobytiya/nam-ne-nuzhna-gejropa20131031.html>.

68 V. Vorsobin, Ukraine out...

69 The head of the EU delegation to Ukraine, Jan Tombinski, was quick to rebut the statement, and that is also indicative (Vzgliad, Internet-newspaper, 14 December 2013, <http://vz.ru/news/2013/12/14/664375.html>).


6. Conclusions

Gender discourse plays an important role in contemporary Russians’ attitudes toward Europe. On one hand, it negatively influences the image of Europe, while on the other it reflects many significant aspects of Russians’ comprehension of Us versus Them. Due to the role which gender images, symbols, and metaphors play in constructing social boundaries and hierarchies, they are widely used in the representations of Russian-European relations. Influential politicians and experts speak out on the issue, and leading publications are publishing articles provoking a huge response among commentators on the Internet.

The gender characteristics which the Russian media ascribes to Europe depend on the way Russians imagine Russia itself. The politics of identity realized since 2000 – the “remasculinization of Russia” – are a reaction to the demasculinization of the country in the 1990s, and the image of the Russian bear serves as a symbol of national masculinity. In order to draw very sharp symbolic boundaries between Russia and Europe, and provide a positive collective identity of Russians, Europe is depicted as devoid of masculine qualities.
TOWARDS A REAL COMMON UNIVERSITY POLICY

1. European opportunities

1.1. The weight of history

Today, we look at Europe through the prism of the last three centuries: “a tale… full sound and fury,” the story of the nations of Europe. But, Europe of peoples is a region characterized by a large variety of cultures united by individualism, the Greek reason and the Jewish-Christian heritage. If the latter has been carried by the Catholic Church, the former ones have been passed by universities which were based on Greek philosophy and Roman law. Those values have emerged during the Middle-Age, thanks to the separation of Augustinian spheres that universities have successfully completed, and later, they have developed a reasoning thinking until the coming up of experimental science in the 16th century (Copernicus, 1543; Galilei, 1623).

And, willing or not, the Catholic Church has permitted, through the charters delivered to the newborn universities, and the individual freedom they have authorized for professors and students, the development of this embryonic “civil society” until its coming up during the enlightenment. From the thirteenth century, universities have created a real Europe, through the belonging of students to an expert culture “unified by Christendom, the universality of degrees and the use of Latin as a universal…cultural language, the travel experience and the meeting of someone else as an existential training.”

1.2. The Bologna process

After an eclipse of three centuries (1648–1950), the European idea became incarnated into the successive European institutions: European Coal and Steel Community, European Economic Community, European Community, and now

European Union. A new “cosmopolitanism has surged in some cultural and social spheres”\(^2\) namely, companies, businessmen and academics. The latter have revived the tradition of a Europe of universities, “based again on exchange and collaboration between professors, and migration of students.”

The European Union seems to understand the strong importance of universities in the building up of a European awareness. ERASMUS and SOCRATES facilitated the student mobility, the Bologna Process brought back the universality of degrees at the global level. It remains necessary to conceive and implement a strategy for higher education at the level of Europe. It must become a European Higher Education Policy, like the Common Agricultural Policy or the Common Environmental Policy.

### 2. The European model

#### 2.1. Teaching

Among a universal model based on the American system, a mix of the Liberal Arts of the University of Constantinople (425 AD) and the University of Berlin designed by Von Humboldt (1803), now, more and more, we can distinguish a European model of universities, based on the social market economy structuring continental Europe. Taking account of the European institutions and the legal systems based on Roman law, this model rest on a European culture and a socio-institutional basement.

The mandatory foreign language(s) and study abroad in more and more disciplines creates a cross-cultural context for the Bachelor students. Also, the strong development of internships or apprenticeships in some European countries helps students in a large number of disciplines to have a better understanding of the economic world.

The European Master’s degree is rather different from the American Master because almost all the students graduating with a Bachelor continue their studies in a Master program, unlike the American or British students who used to take a job after their Bachelor. In the field of management studies, where more and more American students are preparing an MBA very soon after graduating in Bachelor, the European students, after a Bachelor of business, management or economics, prepare a Master in Management or Master of Science in Management, generally specialized by functions (Marketing, Finance, H.R.M...).

The MBAs, in Europe, are only for continuing education and represents only one fifth of the total number of Master’s students (90% in the U.S.A.). Even in U.K. the European harmonization is on tracks, and more and more students

\(^2\) *Ibidem*, p. 9.
want to attend a Master’s degree after their Bachelor. So, the British universities have created a Master’s degree for students, called Master of Commerce, or, like on the continent, functional Masters.

From an international perspective, the difference between American and European management degrees is very significant as to their content, even though the model is the same with a Bachelor, a Master and a Doctorate degree. From a cultural point of view, the American MBA is very ethnocentric and, even though it hosts 21% of foreign students, it is completely American focused. The European management degrees are much more open to a cross-cultural approach because in Europe all the five main cultural models proposed by Geert Hofstede can be found: through the Anglo-Saxon, Latin, Scandinavian, Germanic and Slavic countries (Eastern European Orthodox), one can recognize all the diversity of the world cultures. So, mainly at the Master’s level, have European universities developed programs hosting from 30 to 100% of foreign students, coming not only from Europe but even from everywhere around the world.

The European program *Erasmus Mundus* try to answer to the need of acculturating the future world elites to the European model. But, it remains too small to be significant, even though it is open to all disciplines. Another strong difference between European and American management degrees is about preparing students to business. When American MBAs remain very academic, the European Masters are more focused on the needs of companies, mixing various publics, validating professional experiences, cooperating with companies and syndicates to tailor the programs to their needs.

### 2.2. Research and Faculty

Everybody knows the domination of American research realized through its major publications (“A” reviews), which are the ultimate goal of the academic people of the world, whatever is the subject. But, in spite of that reality, National publications in Europe still have a significant attraction on local faculty because they remain important for their career. In fact, the American “A” reviews are the tree which hide the forest, because, in a given subject, only a very tiny number of the articles are published in those reviews and it is not relevant to the career of the crowd of all the professors of this discipline around the world, and especially in Europe where a large majority of papers are written in the local language, then published locally.

In the field of Arts and Social Sciences, an ancient and powerful European tradition, which has developed its own research methodology, has withstood the positivist approach of American research and publications. To a certain extent, the qualitative approach remains important in those fields, even in some subjects of business studies like organizational science, based on psychology, cross-cultural
management based on social anthropology, socio-institutional field, based on law and political science, human resource management, based on law and sociology. Another tradition, based on the systems theory, strongly fight against the silos system implemented in American business schools. Even though there are departments in a number of European business schools, the power of the directors of Bachelors or Masters refrains the heads of silos to behave as dictators and impose an interdisciplinary teamwork. A significant percentage of the Faculty in management is fond of a holistic approach of man and then of the discipline, and this is in total opposition with the American vision.

Concerning the Faculty, some authors call out Europe to create a “Bologna for professors” which means an inter-governmental treaty to promote the mobility of professors in the Bologna area which is far greater than the European Union. The model of the “North American market” paves the way to something similar but it looks right now difficult to solve the problem of a harmonization of careers and pensions. Today, the mobility of professors in the European Union is very limited. There is also a problem of language except if those people would teach in English.

The only solution to those problems is to create and implement a new part in the European Common Social Policy establishing a” Common University Policy”. It should aggregate the existing scattered elements such as research (PCRDIT) student mobility (Socrates), and introduce goals of harmonization for the career of Professors and provide much more financing. To create a single European market for professors and students in higher education is not only a noble cause, it is the logical consequence of the “Knowledge Society” Policy set up in Lisbon. This new society is not a vague concept, knowledge has its own factories where it is nurtured and transmitted, which are called universities. If the universities, in Europe, remains part of a given country, the implementation of the Knowledge Society European Policy will require to define a European Strategy for Higher Education, and, at the level of the European Institutions, there are people who believes that a large part of the budget of the European Union should be transferred from some existing Common policies, which are too expensive and past oriented, to this new one which will be a major issue in the next decades.

It is something difficult because it is about the future of Europe and politicians are short term oriented. On top of that, among the numerous lobbies operating in Brussels, you would have a hard time finding an academic one! In the European Union, universities are almost only public organizations. Except in Germany where they depend on the Länder, they are under the authority of the central State and this reform will require that all the European Sate will accept to unleash their stranglehold on their universities. Then, it will require to change the European treaties, to enact new directives and have them transposed in the law of the Member States, and that will take a good number of years.

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3. The governance of higher education

3.1. The universities

The administrative supervision exerted by the Member States on their universities is something that they all have in common. It influences the governance of these organizations, but also of their Faculties, especially the most dynamic ones, those which should be their best assets to be successful in the globalization process, like the business schools.

The situation may vary from one European country to another but it would be unrealistic to imagine that the Member States would give up their supervision on universities. On the other hand, given the economic and, above all, the social context of Member States, universities would be unable to survive without the budget provided by their government.

But, besides this National financing, The European Union ought to provide a large amount of money to finance its strategic goals, in harmony with the development of the Knowledge Society, to achieve the Lisbon Agenda. This operational budget must focus on specific objectives, on given subjects, or on strategic domains like those of business schools or engineering schools. It must allow to improve the material conditions of the professors and to guarantee the emergence of a real single market. It must create a very strong incentive with the European students in order to develop the “intellectual roaming” as a decisive asset for a large majority of these members of the future elite, far beyond the poor 5% of ERASMUS mobility!

We can summarize the situation the following way: The States will continue to finance the current expenses of their universities but will refrain their bureaucratic practices, which paralyze the economic institutions, exhaust their leaders, and discourage their troops. The slogan must be: ”for autonomous public universities, no for universities enslaved to the State”. As for the European Union, it must use its money to fund strategic operations, procuring a high value outcome at an affordable cost: A clever use of the economic marginal analysis.

3.2. The business schools

T. Durand and S. Dameron⁴ consider that “the first league European business schools have a clear “catching up” strategy…They play the game by the rules…established by the US academic community.” And they argue that, this “strategy is inadequate, despite the short term improvements… and necessary but insufficient in the long run.” They propose a dual strategy mixing some American assets

(job market for business faculty across the EU, autonomy and initiative) and European specificities (social sciences & humanities, systemic studies & holistic knowledge, non-profit management, intercultural variety). This is an adequate answer to the problems faced by the first league European business schools in their competition against the American ones. But the main difference between the two regions is that the American Association of Collegiate Business Schools (AACSB) gathers together 1,622 schools in the USA, of which 469 are accredited (2010), for a total number of 327,500 Bachelors, 150,200 Masters and 2029 Doctorates (2007), and the European Foundation for Management Development (EFMD) has 492 members (business schools (about 80% are European) of which 76 are accredited, for a number of 135,000 Masters (2010).

That means that, if the number of Master students is more or less the same, the American first league is more than six times the size of the European one. Then, the second league plays a major role in Europe. Durand and Dameron explain that: “Most European business schools from the second league are simply incapable of competing in the international area of management education and research”. Such an offensive statement even stated in the most documented book on business schools today is just unacceptable because it is just completely wrong and, coming from a leader of the French first league, it shows how arrogant can be the people of what we commonly call the “France from on high”.

It is important to answer them that the European first league is not representative of the situation. The European Union will never be capable to achieve the knowledge society and to compete with the American business schools without all European business schools, first and second leagues together. Clearly stated, quality does not replace quantity! The latter, mainly university business schools, are anchored on a very solid base, with a faculty with Ph.D., building facilities and a current budget paid by The government. It is important, even though it is not enough. And they can strongly increase their efficiency with some low marginal expenses, far below the budgets of the European first league and – a fortiori – the American schools. In other ways, they have a real capacity to fill correctly their duty with limited resources, because of the dedication of their personnel (and of its creativity). Their main weakness used to be the quality of their students, but it is less and less true, since, with the Bologna system, all competitors are awarding the same degrees, and the range of fees is less and less justifiable.

These European second league schools will need to become more professional and to have a more efficient governance. It will require a real autonomy of universities vis-à-vis the State power: The former French Prime Minister Raymond Barre use to say: “He who pays do command”. That is why, beyond the current financing, resources may be provided by the European Union and the students. Some countries like Denmark have implemented systems that allow the reimbursement of the advance of the fees (made by the State or a bank) through a small
withholding on incomes during the active life. This is a virtuous system because, on the one hand, it gives a more competent and highly motivated faculty, and, on the other hand, better trained and motivated students.

As for the European Union resources, they must target investments, international development and chairs of excellence. The European Common University Policy must finance what the Member States cannot pay or what is out of their territorial competence. The investments required to take a part in the international competition, either tangible or intangible, are a good example, like financing some chairs of excellence, recruiting professors publishing in American “A” reviews, would be very efficient for a reasonable cost. As we have stated before, the European Union already finances research and student mobility, but with insufficient resources. And those programs are too bureaucratic ones, and would need to be under the competence of academic committees not only to select the projects, but also to define the global policy as well as the calls for projects. To replace the bureaucratic administrative supervision of a Member State by the “Eurocratic” administrative supervision of Brussels is not a solution, but is a part of the problem.

Beyond this financing problem, lies the question of autonomy. The European Business schools must be autonomous in their university, which entails that universities are autonomous. The freedom to recruit their faculty and staff is a major issue for universities as well as business schools. Of course, the sharing out of competences between universities and business schools may vary, depending upon the Member States, but they must be based on the principles of efficiency, subsidiarity and professionalism. The Master students must be recruited at the level of the business school, which must be entitled to set a minimum of guidelines for the Bachelor students.

The issue is to give to the business schools (as well as the other professional schools like engineering or law) a real strategic capacity which is a necessary requirement because of their positioning between the universities and the civil society. Even though the strategy of a business school must be in harmony with that of the university, the latter must take account of the needs of the business school in the definition of its own strategy. The business school is the scout of the university, and it must be able to choose its way in harmony with the direction given by the university.

The progress of the European civilization, since the 13th century mainly lies on the universities, which trained the managers of the States created, thanks to them. They have developed the knowledge essential to this development, trained the minds to prepare the emergence of science in the 16th century, and of the human rights enacted during the 18th century, and will give back to the European Union a major role in the knowledge society in the future.

The Common University Policy shall overcome the policies of the Member States, which are no longer at the relevant level to make strategic decisions for Higher Education. It will give back a real autonomy to the universities and their business schools for the benefit of Europe.
It will be up to the business schools and universities to use their new rights and resources to develop, at the global level, a new European model, a humanist one, less dependent on the scientist approach of American research, leading to a harmonious development of the knowledge society, condition for an appeased globalization.
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The publication of the book was financed by European Commission within LLP Programme Jean Monnet Chair: “European integration at the turn of XX and XXI century”