POLITICA

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RE-MODELLING THE GUILD-SYSTEM: CORPORATISM IN HEGEL'S *PHILOSOPHY OF RIGHT*

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ABSTRACT. The paper revisits Hegel's social and political system as it is presented in his *Philosophy of Right* from the perspective of an essential institution devised by Hegel, the corporation. It argues that the corporation, though apparently a Hegelian re-appropriation of the medieval institution of the guild, serves as a cornerstone for a very modern conception of the political state and of society: corporatism is the solution Hegel devises for guarding against the increased atomization of society that came about with the advent of the modern, highly institutionalized state, a social development which would ultimately endanger the very existence of that same state. The paper looks into the version of corporatism proposed by Hegel and argues that the Hegelian model of smaller scale human associations could prove a valuable addition to liberal models of the state.

Keywords: Hegel, civil society, corporation, state

The present paper investigates the ideas that are constitutive of Hegel's corporatism by trying to place the corporations in the whole of the social and political system as presented in his *Philosophy of Right*.[1] The central question will concern the functions attributed to corporations, both as a means against what Hegel perceived to be the most dangerous development of modernity, the alienation of citizens from the political state, and as institutions building a form of social cohesion on a level inferior to that of the modern state, this cohesion being itself, however, conducive to the superior unity characterising the Hegelian state.

In order to find the proper place Hegel attributes to corporations one needs to look at the wider context in which corporations are to function according to Hegel's conception, that is, the realm of civil society. Thus, this paper will proceed from an initial consideration of civil society to the discussion of corporations proper. I will argue that to define the role the corporations are to play in the Hegelian system one will have to consider the relationship of civil society (a realm in which corporations are the primary actors) to the supreme political unit, the state.

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[1] The edition used throughout the paper is G. W. F. Hegel, *Elements of the Philosophy of Right.* Edited by Allen W. Wood (Cambridge: Cambridge University Press, 1991). Quotations are by paragraph number (§), preceded by *PR*.

The discussion of corporations thus needs to be supplemented by an inquiry into the significance and implications of this relationship that is of vital importance in the attainment of what Hegel thinks is the supreme human goal, rational freedom.

Civil Society

Most studies on the *Philosophy of Right* attempting to identify in what consists Hegel's originality argue that one of his most important achievements is his use of the notion of 'civil society' seen capable of adequately rendering the new social realities of his time. Hegel elevates the concept of civil society already present in the European tradition of political thinking to a new significance: he uses it to denote an apolitical, civic realm (that is the very modern development that he attempts to accommodate in his theoretical system), which he clearly differentiates from the purely political state. Manfred Riedel, in his study of the linguistic context and significance of 'state' and 'civil society,'[2] describes the traditional concept of 'civil society' as used by political theorists stretching from Aristotle to Kant, as "the fundamental central category of a political world, in which 'state' and 'society' are not yet distinguished."[3] This old type of understanding is also characterised by a contrast inherent in this homogeneous system to the "economics and the household — the classical political dichotomy of *societas civilis* and *societas domestica*."[4] This earlier political tradition sees social life as being already political, as in fact the restricted circle of individuals possessing the social (and at the same time political) status of citizen did actually participate in the conduct of political affairs.

Unlike pre-modern societies[5] however, modern states are governed by a highly specialised class of public servants, while most citizens are denied any access to the conduct of state affairs. To embody this development of modernity into his system, Hegel "separates the political sphere of the state from the realm of 'society' which has become 'civil'."[6] In this context the 'civil' realm takes over the function of 'economics' from the former basic social element, the household, while the 'political' becomes exclusively connected to the "administration, constitution, and military affairs"[7] of the state. In evaluating Hegel's contribution signified by his new concept of 'civil society', Riedel emphasises that his was the first systematic attempt to grasp the realities of European societies after the French Revolution:

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[2] See the chapter entitled '"State" and "Civil Society": Linguistic Context and Historical Origin,' Manfred Riedel, *Between Tradition and Revolution: The Hegelian Transformation of Political Philosophy* (Cambridge: Cambridge University Press, 1984), 129-156.

[3] *Ibid.*, 137.

[4] *Ibid.*, 137.

[5] Both republican and princely states.

[6] Riedel, *Op. cit.*, 139.

[7] *Ibid.*, 140.

What Hegel made the times aware of with the phrase 'civil society' was nothing less than the result of the modern revolution: the emergence of a depoliticized society through the centralization of politics in the princely or revolutionary state and the shift of society's focal point towards economics, a change which this society experienced simultaneously with the Industrial Revolution and which found its expression in 'political' or 'national—economy'.[8]

Thus, by introducing this concept, Hegel systematised the difference between 'society' as the field of action of the citizen (a category that by Hegel's time included most of the adult male population) and 'politics' as the field of action for the specialised class of civil servants, a differentiation that has since become customary in the European understanding of politics.

One might consider Riedel's argumentation more of an etymological character, as it argues mainly for Hegel's use of different terms for different notions. It is, however, equally important that what Hegel's notion of 'civil society' covers, is effectively what we customarily consider to be the very essence of the liberal state as worked out by modern natural jurisprudence. It encompasses the safeguarding of justice, private property and civil liberty, which are in turn based on a working economy that is free from state intervention. What Hegel's meaning of 'civil' or 'social' may signify can probably be summarised as the emphasis on the lack of state intervention. Hegel clearly considers this development of modernity bringing about a morally superior form of state as compared to its medieval form.

However, the content of the term 'civil society' in Hegel's usage has several derivations that are not exhausted by simply equating it to the realm of economy. Its constitutive member, the *Bürger*, is more than a self-interested, calculating participant in economic life. Hegel's own complex description of the workings of 'civil society' describes its realm of action and significance as largely exceeding the strict boundaries of a market economy as we would understand it today, and including complex ethical references:

> In civil society, each individual is its own end, and all else means nothing to him. But he cannot accomplish the full extent of his ends without reference to the others; these others are therefore means to the end of the particular [person]. But through its reference to others, the particular end takes on the form of universality, and gains satisfaction by simultaneously satisfying the welfare of others. Since particularity is tied to the condition of universality, the whole [of civil society] is the sphere of mediation in which all individual characteristics, all aptitudes, and all accidents of birth and fortune are liberated, and where the waves of all passions surge forth, governed only by the reason which shines through them. Particularity, limited by universality, is the only standard by which each particular [person] promotes his welfare.[9]

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[8] *Ibid.*, 148.
[9] *PR* § 182A

To understand the functioning and overall significance of civil society in Hegel's political thinking, one needs to take into account all the elements present in this definition. The most important emphasis is on the unintended, but nevertheless necessary result of every member's exclusively pursuing his own ends, of the free market economy itself: the appearance in civil society of the moment of universality, that is, a common interest uniting and overcoming all the particular interests of the individuals. This 'universal' is a result of the immanent rationality of the market, of the fact that the individuals participating in the free exchange process, which is the characteristic of modern societies, realise that they are parts and particles of a "system of all-round interdependence,"[10] that the attainment of their goals is intertwined with the attainment of the goals of all the others. Allen Wood argues that Hegel's notion of a "collective rationality of people's collective market behaviour" comes from his study of political economy, of the writings of Adam Smith, Say and Ricardo.[11] Elie Kedourie emphasises the influence of Sir James Steuart in the same respect. The account that Hegel gives of the workings of the free market is thus based on a systematic study of political economy and the novel ideas that the theorists of the free market formulated in his time. What is important for Hegel in the functioning of the market economy is the interdependence of individuals that they can experience, this leading in turn to their self-conscious awareness of universality.

In Hegel's philosophy universality is not seen as being an end in itself, but instead, it is the unity of the universal and the particular that characterises the highest manifestation of the Idea. The unity of the 'one and all' is a central theme of Hegel's whole thinking.[12] This unity, however, does not characterize the realm of civil society, where the moment of universality appears separated from particularity, unlike in the family where the two are in immediate union:

> Here ... the immediate unity of the family has disintegrated into a plurality. ... Although particularity and universality have become separated in civil society, they are nevertheless bound up with and conditioned by each other.[13]

This separation of universality from particularity is nevertheless necessary for a higher-order unity to follow. Hegel conceives of civil society as presenting a more advanced manifestation of the Idea that is to be actualised in the state, as compared to the family. In this realm the Idea, though not yet present in the individual consciousness (a condition for the actualisation of the freedom of man), thus not yet fully developed, is still capable of bringing about a form of freedom for the citizens:

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[10] *PR* § 183

[11] Allen Wood, 'Introduction,' G. W. F. Hegel, *Elements of the Philosophy of Right.* Translated by H. B. Nisbet, edited by Allen W. Wood. (Cambridge: Cambridge University Press, 1991), XVIII.

[12] See Elie Kedourie's discussion of the question in the lecture entitled 'One and All,' in Kedourie, *Hegel and Marx: Introductory Lectures* (Oxford: Blackwell, 1995), 48-62.

[13] *PR* § 184A

> [T]he interest of the Idea, which is not present in the consciousness of these members of civil society as such, is the *process* whereby their individuality and naturalness are raised, both by natural necessity and by their arbitrary needs, *to formal freedom* and formal *universality of knowledge and volition*, and subjectivity is *educated* in its particularity.[14]

Due to the formal freedom attainable in civil society, this realm occupies an intermediary place in Hegel's society, as the sphere mediating between the immediacy of emotion characteristic of the family and the full consciousness of the state, as within civil society "all individual characteristics, all aptitudes, and all accidents of birth and fortune are liberated, and … the waves of all passions surge forth, governed only by the reason which shines through them."[15] This Hegelian description of civil society is apparently similar to the definition of the ideal state formulated by liberal theorists.

Hegel's discussion of the 'moments' of civil society can be partially compared to formulations of the liberal ideal of the state. He argues that 'need' is the fundamental drive for the economy, and thus for social participation; thus, he sees a 'system of needs' as the first 'moment' of civil society that constitutes the basis for universality: it is the very satisfaction of needs through labour — "The mediation of *need* and the satisfaction of the *individual* through his work and through the work and satisfaction of the needs of *all the others*"[16] — that makes the members of civil society interdependent. But in order to function properly, the market needs laws to regulate it and guarantee justice. This necessity is contained in the second moment of civil society, the 'administration of justice.' The third moment of civil society, however, for a liberal reader seems to be in contradiction with the first two (and the liberal state). The 'police' and the 'corporation' are meant as safeguards against the limitations of civil society, to act as "Provisions against the contingency which remains present in the ... system, and care for the particular interest as a *common* interest."[17] But this would mean that there is intervention from the state, even if it is to the benefit of the participants in the exchanges of the free market. While the 'police' with its emphasis on the contingencies inherent in the system, can still be accommodated in a liberal vision as the necessary factor of coercion for maintaining the very structure of the state, the 'corporations', with their goal in positively securing the welfare of all their members, seem to be in contradiction with the functioning of the modern state as described thus far.

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[14] *PR* § 187
[15] *PR* § 182A
[16] *PR* § 188
[17] *PR* § 188

The Corporation

'Corporation' in Hegel's usage denotes any human association or society which is recognised by the state as a corporate body. The moment of state recognition is essential to the definition of the corporation, as in Hegel's view this is what acknowledges a genuine community, able to perform the functions he assigns to them: "a community can *exist* in civil society if it is legally constituted and recognized."[18] In the broadest sense of the term corporations include churches and communities alike, but it is in the more restricted sense of professional and trade associations that Hegel focuses on in his discussion of corporations. Thus he most often defines the corporation as a vocational association having a concrete universal end; concrete because it is "no wider in scope than the end inherent in the trade which is the corporation's proper business and interest,"[19] and universal because it unites all the particular interests of its members.

In their actual constitution, Hegel's corporations look similar to medieval guilds. He, however, avoids using the term *Zunft* ('guild') in order that his corporation be clearly differentiated from feudal guilds. There are, nevertheless, many common characteristics of both the feudal guilds[20] and the Hegelian corporation: both are intended to secure the well-being of their members, both function by admitting and training their potential members in their specific trade, both are entitled to make decisions that concern their internal organisation and specific ends. There are, nevertheless, important differences that Hegel wants to emphasise by his choice of terminology as well: unlike medieval guilds the Hegelian corporation is intended to make free choice of vocation possible, guaranteeing the mobility of potential members. But the most significant difference is Hegel's acknowledgement of the need of state supervision and recognition as constitutive elements of the corporations themselves. G. Heiman summarises Hegel's objection to the feudal guild-system in the following manner: "the independence of the medieval constituent groups was so great that the community, if it could be called that at all, was an aggregate of particular functions lacking any organic cohesion. Equally lacking from the medieval model was that type of sovereignty which brings about a constitutional and legally ordered interaction between the numerous elements of the whole, an arrangement which allows for diversification yet retains the aims of the whole in sight."[21] For Hegel it is of

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[18] *PR* § 253R

[19] *PR* § 252

[20] For a comprehensive treatment of guilds see Anthony Black, *Guilds and Civil Society in European Political Thought from the Twelfth Century to the Present* (London: Methuen & Co., 1984). With reference to Hegel's recourse to the medieval model of the guild see Cary J. Nederman, "Sovereignty, War and the Corporation: Hegel on the Medieval Foundations of the Modern State," *The Journal of Politics*, Vol. 49, No. 2 (May, 1987), pp. 500-520.

[21] G. Heiman, 'The sources and significance of Hegel's corporate doctrine,' Z. A. Pelczynski (ed.), *Hegel's Political Philosophy: Problems and Perspectives* (Cambridge: Cambridge University Press, 1971), 127-128.

utmost importance that the existence of corporations, and thus of civil society, is a precondition for the proper constitution and functioning of the modern state: corporations are guarantees of the unity and strength of the state itself, thus, cannot function independently of and against the state.

In Hegel's definition of the moments of civil society, 'corporation' is placed together with the 'police,' which in his usage comprises the whole system of public administration. These two institutions are, however, clearly differentiated in both their scope and their significance. While the activity of the police is limited to the sphere of contingencies, thus retaining a character of an external order[22] in relation to civil society, the essential aim of the corporation is to positively secure the particular welfare of all the individual members of civil society. In addition to the concern of the police with the "cancelling of contingencies" inherent in civil society, and to the concern of the administration of justice with the safeguarding of property (both being universal concerns), the corporation is envisaged as adding a function that relates to morality; it is through it that "*the ethical returns* to civil society as an immanent principle."[23] This determination seems to bring the corporation closer to the family than to the modern state, as it is based on a totally different basis than the liberal principles of the latter. Instead, Hegel re-invents sub-state level welfare communities, which he sees as acting more efficiently in protecting against the injuries inherent in the market than the state could do through the external organ of the police. At the same time, these modern sub-state communities take over many of the functions of pre-modern families (mainly those relating to the economic welfare and status of their members):

> The *family* is the first *ethical* root of the state; the *corporation* is the second, and it is based in civil society. The former contains the moments of subjective particularity and objective universality in *substantial* unity; but in the latter, these moments, which in civil society are at first divided into the *internally reflected* particularity of need and satisfaction and abstract legal universality, are inwardly united in such a way that particular welfare is present as a right and is actualized within this union.[24]

The central characteristic of the Hegelian corporation is that it is not intended to be of a contingent nature, that is, the rights and duties which its members assume are not accidental, instead it is designed as an association "for the *whole* range of his [i.e. its member's] particular livelihood."[25] In accordance with this exclusiveness and totality that the corporation assumes in relation to the social lives of its members, it is defined as having a set of 'legally fixed determinations' (not privileges):

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[22] *PR* § 231
[23] *PR* § 249
[24] *PR* § 255
[25] *PR* §252R

> [T]he corporation has the right, under the supervision of the public authority, to look after its own interests within its enclosed sphere, to admit members in accordance with their objective qualification of skill and rectitude and in numbers determined by the universal context, to protect its members against particular contingencies, and to educate others so as to make them eligible for membership. In short, it has the right to assume the role of a *second* family for its members...[26]

The functions of the corporation primarily relate to its members as individuals. This is in significant contrast to the functions assumed by medieval guilds, which considered the good of the whole state as their sphere of competence.[27] The most important function of the Hegelian corporation is to secure the livelihood of its members and through them, of their families, but denies any right of interference for the corporations in matters relating to the whole state. Hegel argues that in modern, predominantly urban, society the centre of economic activity has moved away from the family to civil society, and more specifically, to the corporations. Thus, it is only in the realm of civil society that the economic welfare, that is, the satisfaction of the needs, can be achieved, and it is only the corporation that can guarantee a continuous satisfaction of the needs of all its members. That is why in modern societies the life of the family is based on the resources secured by the corporation.

However, it is not only the economic sustenance that the corporation has taken over from the family. It acts as a 'second family' for its members instead of the biological family that has been excluded from the public realm with modernity. G. Heiman argues that the corporation replaces the "cohesive strength" of the pre-modern family on which the community was based, thus, in modern society "it is ... the corporation which provides the family with a stable basis not only in an economic but also in an ethical sense."[28] Hegel himself places great emphasis on the recognition of the individual as a valuable member of the state through his corporate membership, a recognition which elevates the isolated individual into the "economic, political and ethical order"[29] at the same time:

> In the corporation, the family not only *has* its firm basis in that its livelihood is *guaranteed* — i.e. it has secure *resources* — on condition of its [possessing a certain] *capability*, but the two [i.e. livelihood and capability] are also *recognized*, so that a member of a corporation has no need to demonstrate his competence and his regular income and means of support — i.e. the fact that he is *somebody* — by any further *external evidence*. In this way, it is also recognized that he belongs to a whole which is itself a member of society in general, and that he has an interest in, and endeavours to promote the less selfish end of this whole. Thus, he has *his honour in his estate*.[30]

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[26] *PR* § 252
[27] Nederman, *Op. cit.*, 514-5.
[28] G. Heiman, *Op. cit.*, 124.
[29] *Ibid.*, 125.
[30] *PR* § 253

Hegel retains the concept of status from the Roman law tradition, and sees the corporations as the only modern institutions capable of vesting citizens with a genuine standing, which is to be the foundation for their social identity. In contrast to the ethical basis provided by the corporation, the individual on its own cannot ensure his own ethical life. Even if he can satisfy his immediate needs, his existence lacks the vital moment of recognition by the others, which he will try to gain by an unlimited display of external proofs of his success, a practice destructive of the very essence of civil society:

> If the individual is not a member of a legally recognized corporation (and it is only through legal recognition that a community becomes a corporation), he is without the *honour of belonging to an estate*, his isolation reduces him to the selfish aspect of his trade, and his livelihood and satisfaction lack *stability*. He will accordingly try to gain *recognition* through the external manifestations of success in his trade, and these are without limit...[31]

Such a quest for recognition would also be dangerous to the state, as the citizen who can only amass tangible wealth in order to gain status over his fellow-citizens will do so "to the detriment of his other social obligations, chiefly his obligation to the state"[32], to use Nederman's formulation. Thus, the corporation fulfils a two-fold function: on the one hand it presents the individual member with a proper realm for his ethical self-affirmation and pursuit of social status, while on the other hand it ensures that the state is safe from the dangers arising from an atomized society.

The corporation is presented by Hegel as acting on the extremes of civil society, as a means of overcoming its very limited nature. Hegel does not conceive of civil society as being perfect; his working out of the character and the limits of civil society are two facets of what Elie Kedourie sees as the essence of his original contribution to political philosophy.[33] One of the very important limitations of civil society is that it cannot fully eliminate the contingencies conducive to the extreme impoverishment or enrichment of certain people, or even of a whole class (as, for example, the class of workers is recognised by Hegel to be in extreme poverty). Inequalities in wealth are seen as natural by Hegel, however, extreme poverty or richness is seen as endangering the very essence of civil society, the first by creating the destructive rabble mentality, the latter by the infinite multiplication of need. It is not poverty or richness itself that is destructive, but the implications on the status of the individuals (poverty meaning a loss in personal standing as well, while richness being conducive to a loss of standing because of the negative feelings of the other persons). Hegel conceives of the corporation as being capable of overcoming the estrangement inherent in this limitation of civil society by removing the very contingent nature of the help the poor receive from the rich:

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[31] *PR* § 253R
[32] Nederman*, Op. cit.*, 516.
[33] Elie Kedourie, *Hegel and Marx: Introductory Lectures* (Oxford: Blackwell, 1995), 131.

> Within the corporation, the help which poverty receives loses its contingent and unjustly humiliating character, and wealth, in fulfilling the duty it owes to its association, loses the ability to provoke arrogance in its possessor and envy in others; rectitude also receives the true recognition and honour which are due to it.[34]

The help that the members in need receive from the corporation does not mean that they can live on without labour, which is seen as essential in the participation in civil society. Through the relationship between the member who gives and the one who receives the resources needed, the most important implication is actualised, both of them experiencing their participation in the corporation as having a universal end and justification:

> [T]he corporation does not affect the individual's obligation to earn his living. In our modern states, the citizens have only a limited share in the universal business of the state; but it is necessary to provide ethical man with a universal activity in addition to his private end. This universal [activity], which the modern state does not always offer him, can be found in the corporation.[35]

Of course, the universal activity of the corporation, that is, the activity connecting the individual to the political state, is not reducible to the providing of help in need; the management of the affairs of the corporation (in which the potential members of a corporation are also educated) offers an opportunity to its members for the pursuit of these universal ends that Hegel sees as necessary to the full development of human individuality, not unlike the opportunity offered by political participation envisaged by republican thinkers. In the Hegelian system, however, direct participation in politics is not open to members of the civil society (and not important for their ethical end), but their membership of the corporations and thus, of civil society, gives them the measure of control needed for the universal end of the state to actualize.

Transition from civil society to the state

While Hegel's notion of 'civil society' comprises in fact the essential characteristics of the liberal state, his 'state' is an attempted re-statement of an ancient political ideal in modern circumstances. The Hegelian state starts off from the nation or the *Volk* as its community, and is characterised by a close identification with its members in the sense that "the body politic lives in every individual's consciousness and in the collective imagination,"[36] an ideal that Hegel saw embodied in the ancient polis. This body politic is the one that he attempts to re-construct in

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[34] *PR* § 253R
[35] *PR* § 255A
[36] Shlomo Avineri, *Hegel's Theory of the Modern State* (Cambridge: Cambridge University Press, 1972), 20.

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his notion of 'state.' The ties that join together the members of a *Volk*, however, are neither ties of blood, nor religion, nor of some sort of contract,[37] but instead "has its immediate existence in *custom*."[38] Thus, 'patriotism' is in its turn equated to the customary trust in the state, this making it very similar to the patriotism invoked by the ancient (and modern) republican theorists. Rupert H. Gordon argues that this is not a simple equation, however. Instead, "For Hegel, patriotism is a disposition which embodies modern freedom as choice, and which is properly exercised only in contexts which preserve and promote this modern freedom."[39] Thus, the modern virtue of patriotism is based on rational reflection of the individual coupled with a habitual trust in the state (also reflected in the constitution of civil society) at the same time. Thus, Hegel keeps the force of the sort of habitual "love of the republic", that is, republican patriotism, but couples it with the very new idea that man has to rationally choose a more subjective kind of freedom if he is to live a full life. It is important to see that Hegel's understanding of modern patriotism makes the customary contradictions of rationality vs. custom, but also of particularity (one's devotion to one's own *Volk*) vs. cosmopolitan universalism (freedom), meaningless. It is exactly the bringing together of such dissimilar inclinations that has to be the essential characteristic of modern man (and, thus, of modern society) according to Hegel. In this sense, the state itself is the key to understanding how these apparent antinomies can be brought together.

The universal functions of the corporations are in close connection with the Hegelian supreme political unit, the state. Although corporations being professional organisations do not directly participate in the management of state affairs, they are provided, alongside the head of the state, the monarch, with the power and role to check the specialised class of civil servants that directly runs the affairs of the political state:

> Members of the executive and civil servants constitute the bulk of the middle class, which embodies the educated intelligence and legal consciousness of the mass of the people. The institutions which prevent this class from adopting the isolated position of an aristocracy and from using its education and skill as arbitrary means of domination are the sovereign, who acts upon it from above, and the rights of the corporations, which act upon it from below.[40]

Hegel also attributes an important function to the corporations in the representative Estates that form the lower house of a bi-cameral legislature. Election into the lower house is essentially through the corporations that are thus means for nation-wide representation. The reason behind this neo-corporatist model is

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[37] See Kedourie, *Op. cit.*, 140.

[38] *PR* §257

39 Rupert H. Gordon, "Modernity, Freedom, and the State: Hegel's Concept of Patriotism," *The Review of Politics*, Vol. 62, No. 2 (Spring, 2000), 297.

[40] *PR* § 297

that when individuals enter the political scenery, they enter as members of the communities already existing on a sub-state level. The cohesion of the corporation thus builds the basis for the realm of 'politics', it being in Hegel's opinion the only possible "foundation which is *stable* and *legitimate* in and for itself."[41]

The type of education that members of the corporations receive besides their professional training, that is, a training in the management of the affairs of the corporation, qualifies them for the political activity they are to perform in the lower house. The members of the lower house only have to transpose their experience of considering everybody's private interest in the corporation "to consider[ing] not only the interest of their groups but the interest of the whole public sphere."[42] The spiritual essence, the 'mind of the corporation' is thus transformed into the 'mind of the state', thus the corporations veritably socialize their individual members into the conduct of political affairs that will make them feel at home within the realm of the state as well:

> Just as civil society is the field of conflict in which the private interest of each individual comes up against that of everyone else, so do we here encounter the conflict between private interests and particular concerns of the community, and between both of these together and the higher viewpoints and ordinances of the state. The spirit of the corporation ... is now at the same time inwardly transformed into the spirit of the state, because it finds in the state the means of sustaining its particular ends.[43]

The representative Estates in their turn reflect the specific mediating function of the corporations on a different level, they are intended as a mediating organ between government and people (their members); and are the means to prevent that people become a disorganised crowd or aggregate.[44]

Thus, the republican virtue of patriotism is transformed: it is not conducive any more to the republican understanding of freedom as direct participation in the running of the affairs of the state[45] (this being essentially the attribute of the professional class of civil servants), but to a combination of participation (through the Estates) and checking, which keeps the modern state both functional and still furthering the ideal of a meaningful, fulfilling life for the individual. It is only this way, according to Hegel, that the state can be guarded against the possible consequences of the estrangement of its citizens, which would be a necessary consequence if they were to find themselves alone facing the enormous power of a large-scale modern state. It does so by making the very estrangement of man, the atomization of society impossible: the corporations are those institutions which, on the one hand, guarantee

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[41] *PR* § 303R
[42] G. Heiman, *Op. cit.*, 131.
[43] *PR* § 289R
[44] *PR* § 302
[45] This would be the sort of "positive liberty" identified by Isaiah Berlin.

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the economic and moral standing of individuals, and on the other, through their acting as both a second family to the individual and as constitutive elements of the representative political structure of the state, shape modern state-level politics.

Conclusion

When considering Hegel's arguments against the medieval system of guilds, the question arises as to what extent Hegel was ready to accept the autonomous nature of the corporate system, the pluralism inherent in this model. His emphasis on the need of state supervision points towards an attempt to limit the plurality and the autonomy of the constituent parts. Based on such an account there is a tradition in the reception of Hegel that sees him as an advocate of the type of authoritarian state ultimately actualised in Nazi Germany. However, his criticism of the French Revolution for its abolishing the guilds or any form of vocational organisations is impossible to merge with proto-Nazi understanding of Hegelian political philosophy. In the *Philosophy of Right*, Hegel argues that the truly universal end of the state and the particular manifesting in civil society are only apparently opposed to each other, in reality they mutually strengthen each other:

> It might ... appear that the universal would do better to absorb the strength of the particular, as described, for example, in Plato's *Republic*; but this again is only apparent for the two exist solely through and for another and are transformed into one another. In furthering my end, I further the universal, and this in turn furthers my end.[46]

Thus, what Hegel actually declares is that the attainment of the universal end of the state is impossible without the existence of the intermediary domain of civil society, which integrates the individuals into a lower-scale ("particular") social and political community where they can feel "at home". Another consequence of what Hegel says is that a 'limitation' of civil society on the part of the state is inconceivable due to the ends and interests held in common. In Hegel's view the 'enormous strength' of the modern state differentiating it from all previous forms of social organisation, lies in the fact that the state's 'substantive unity' rests on the principles of 'subjectivity' and 'personal particularity,'[47] an idea that clearly differs from the liberals' fear of the state intruding into the realm of individual freedom. Instead of adopting the premises of this liberal fear, Hegel sees "the 'principle of atomicity,' the tendency in modern life for individuals to be only abstract persons and subjects, who fail to actualize their personality and subjectivity in a fulfilling social context"[48] as a more serious threat to freedom. For him individuality and social

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[46] *PR* § 184A
[47] *PR* § 260
[48] Allen Wood, 'Introduction,' G. W. F. Hegel, *Elements of the Philosophy of Right.* Translated by H. B. Nisbet, edited by Allen W. Wood. (Cambridge: Cambridge University Press, 1991), xvii.

fulfilment are closely interrelated, one being inconceivable without the other.[49] As Allen Wood remarks, "Hegel's primary aim in the *Philosophy of Right* is to show how personal right and subjective freedom can receive real content through the institutions of the modern state,...how the modern state is ... the actuality of concrete freedom."[50]

Thus, the pluralist corporatist view of the sub-state realm is naturally transposed to the level of the state as well. This transposition is natural from the point of view of the individual because the citizens "know the state as their substance, for it is the state which supports their particular spheres and the legal recognition, authority, and welfare of these."[51] Hegel calls this self-assured knowledge the "secret of the patriotism of the citizens," that is, their loyalty to the rational state that they know as guaranteeing the attainment of the highest possible freedom. This is the ultimate guarantee of the flourishing of the state and of the individual citizens at the same time. Thus, the particular happiness of the individual as ensured by the existence of corporations on the sub-state level warrants the power and health of the modern state.

An interesting possibility for extending Hegel's views on the sub-state corporative structure to a wider scope would be to conceive of the Hegelian 'corporation' not in the strict sense of professional labour-organisation, but instead in the sense encompassing all types of communities recognised by the state (which is in fact how Hegel defines a 'corporation'), the implications that Hegel's view can have on our contemporary political understanding exceed by far the sphere of political economy, or even the connection to the contemporary concept of civil society so powerfully invoked in the transition process of the Eastern European countries from communism to Western-type democracies. Employing Hegel's conceptual framework, an ethnic group (or, a national minority), for example, can be defined as a 'corporation,' with its members helping each other beyond the strict requirements of the welfare state. According to such a view, the members of a given ethnic group would not be represented in the sphere of politics as individuals only, but instead the whole of the minority community would be recognised as a legitimate political entity, based on the furthering of its own ends and interests. It is impressive that this political ideal can actually be recognised in most of the self-definitions of national minorities across Europe, though not based on any specifically Hegelian ideals. It seems that in this specific case Hegel's account of the corporatist state would supplement the understanding of the political ideal and way of action of a national minority with valuable elements that a customary modern liberal conception of individual vs. the state as the only valid political entities would fail to consider.

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[49] See Michael O. Hardimon's account of Hegel's attempt to 'reconcile' individuality and social membership, Hardimon, *Hegel's Social Philosophy: The Project of Reconciliation* (Cambridge: Cambridge University Press, 1994), especially 144-173.

[50] *Ibid*., XVII.

[51] *PR* § 289R

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ACTION RESEARCH IN THEORY AND ACTION

ENIKŐ VINCZE, KINGA PAKUCS, ALIS COSTESCU, EMESE MOLNÁR, MAGYARI NOÉMI

ABSTRACT. The following bloc of writings proposed to the journal Studia Politica is strongly linked to the M.A. program on Gender and Equal Opportunities offered at Babeş-Bolyai University between 2003 and 2010. The students of the very last promotion of this program – while attending a course on "Action research and public anthropology" offered by Enikő Vincze[1] and Petruţa Teampău[2] – decided to translate their knowledge acquired at class into practice, and tried a few ways of putting action research into action. It is their experienced endeavor on which they reflect on in the following pages, hoping that this might have a contribution to the dialogue within our academic context about the role of scientific knowledge, but also in terms of opening up the relationship between universities and the outer world. Following a brief introduction about the challenges of action research in our own context, Alis Costescu, Noémi Magyari, Emese Molnár and Kinga Pakucs[3] present their project on combating violence and social exclusion. The latter included a joint research about violence against women viewed through the perspective of non-governmental organizations, and a public event organized with the occasion of women's international day in Cluj consisting of the FlashAct "Freeze Against Violence" on a public square, of public discussions ongoing in the Tranzit House and of launching a manifesto for social justice.

Keywords: feminism, action research, violence, social exclusion, social justice

The challenges of action research in our context

The history of social research is marked – among others – by debates regarding the role of sciencing. Briefly put these were undertaken also around the question if it should be practiced as an autonomous theorizing and pure scientific production, or it should be assumed as a public/social and moral practice.

Different periods of time and thinkers/scientists tended to prefer more the one alternative above the other, while also opting between the figures of the scientist that they favored (the pure academics, or the public intellectual). As Steve Seidman

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observed, classical philosophers and social theorists were interested both in the explanation of human behavior and the promotion of social change, being followed by the nineteenths century Grand Theory makers who gradually shifted from a position that combined theory production and commitment to progress, towards a position which considered that theory production should be an autonomous practice. The twentieth century gave space to both paradigms: to those promoting the ideal of Grand Theory and of the General Social Science, but also to those who expressed their engagement towards social criticism and different forms of critical theory. The latter were directed not only towards the major social issues shaping their immediate socio-politic and economic context, but also in the direction of the traditional disciplinary knowledge.

Among the new agents of social change and knowledge production, feminists recognized the situatedness of sciencing regardless of the domain on which it was practiced (from social, through natural sciences to engineering). They acknowledged the fact that there was no universal perspective from where to view realities, but only situated and partial knowledge, which should be accountable and responsible not only in professional, but also in social and political terms. Intersecting socio-cultural anthropology, the feminist paradigm reaffirmed: passing through different critical stages of their histories, our disciplines should envision and practice a committed research both as critique of dominant ideologies and power regimes, and as way of empowering the muted/ subaltern groups. This would not only express their capability to transcend the ruptures caused by their own crises of representation, but also to make themselves useful in the front of the deep economic, political and moral crises shaping our current times.

Up to all these ideas, the inaugural issue of the journal Action research launched in 2003 stated: "action research challenges the claims of a positivistic view of knowledge which holds that in order to be credible, research must remain objective and value-free. Instead, we embrace the notion of knowledge as socially constructed and, recognizing that all research is embedded within a system of values and promotes some model of human interaction, we commit ourselves to a form of research which challenges unjust and undemocratic economic, social and political systems and practices".

Inspired by the developments briefly presented above, at the master's course "Action research and public anthropology" we encouraged our students to initiate and/or get involved into projects that bring together action and reflection, theory and practice. Accordingly, they managed to envision and do more than "simply" applying in practice the results of an academic research as it happens in policy researches and or in the case of traditional developmental research projects. They opted for sustaining with their limited resources and by the means of an activist research the work of non-governmental organizations that pursued practical solutions to issues of pressing concern to people, like violence against women or social injustices faced by Romani women.

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Such a participatory feminist action research implies the involvement of the "academic" and "non-academic" partners in all stages of the research process. It even questions this binary opposition and division of actors, and reinterprets the meanings of cooperation that transcends borders which might be taken-for-granted, but actually are constructed among others by our views and practices of conducting research in the name of searching the truth, and/or that of serving people. Ideally the actors whom are expected to be supported by this type of research, are supposed to be included in the effort to identify the problems to be explored, in the very process of carrying out the research, and in the phase of interpreting and acting upon the results. In the course of a permanent dialogue, the researchers should focus on the analysis the structural determinants of social problems, on identifying changes of immediate benefit to research participants and on having a contribution to the development of action strategies.

Besides its potential analytical, critical and practical results, the participatory feminist action research promises to bring us closer to socio-cultural investigations characterized by non-hierarchical relations, self-reflexivity and dialogical interactions. Moreover, it has the potential to critically address the current status of our public universities, which – under the conditions of privatization and marketization – are shaped by neoliberal policies, become organizations that run for profit and promote the model of the entrepreneurial research faculty. As action research practitioners observe: "Without broader and deeper institutional transformations in higher education, meaningful and sustained processes for educating competent action researchers in the context on ongoing programs of social change are very limited."[4] This means that this vision and practice for conducting research offers not only an alternative model to be followed, but might be a challenge to rethink the values that today shape our whole university system. It could be really put into action if the latter would disrupt the authoritarian model of education, and the radical separation of reflection from engagement, or that of the faculty/ students from the extra-university constituencies. Eventually, the action research paradigm could fully develop only within a university that produces public goods with the support of a state that takes seriously its social and financial responsibility toward the public institutions.

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[4] Peter Taylor and Jethro Pettit: Learning and teaching participation trough action research: Experiences from an innovative masters programme, Sage Publications, 2007, http://arj.sagepub.com/cgi/content/abstract/5/3/231

Action Research on Domestic Violence. Battle with the Myths FlashAct
Freeze Against Violence

The event *Freeze Against Violence* which took place on the 13th of March 2010 in the centre of Cluj-Napoca represents the second phase of a research project focusing on the issue of domestic violence. The project started to develop in January-February of this year when my-self and my colleagues conducted a series of interviews with activists from several NGOs in Romania that deal with the problem of domestic violence. A great focus was put on the obstacles they face in their day to day activity. We found almost identical patterns in their responses: aside from the issue of funding and lack of support from the authorities our respondents signaled other impediments that affect their activity and influence in the community. The most important ones were the myths existent in society regarding the occurrence and ways to deal with the issue of domestic violence, the stereotypes regarding the victims and the abusers, ignorance among the majority of the population considering the gravity of the situation in Romania, and lack of collaboration between NGOs in campaigns and/or projects addressing domestic violence. All of these represent serious obstacles in the way of *prevention*. The activists stressed the importance of prevention in order to improve the situation – dealing with the people directly affected by domestic violence is not enough.

The prevailing myths identified by our respondents were that domestic violence remains the subject of the intimacy of the household that should not be interfered with and that it occurs only in families or couples belonging to the lower classes of society, that it only affects people with no or limited access to education, that domestic violence is a problem of the poor, the non-adapted. Among the most frequent stereotypes indicated by the NGO practitioners were the ones regarding the victim – either that she is a poor, helpless, unlucky woman, or that she in some devious way provoked the aggressor or made him angry by acting out of her designed roles in the household. The aggressor is also subject of collective stereotypical thinking: he is an unintelligent man, an (alcoholic) brute or he is not an aggressor at all unless he systematically physically abuses his spouse.

The answers of the activists we have spoken with come to shatter such myths, raising a light on the prevalence of domestic violence not as isolated incidents but as a *phenomenon* common in all layers of our society, a phenomenon fueled by lack of awareness and attention in a society in which the dominant cultural language does not openly condemn violence and in which institutional systems (education, social services, politics) produce and reproduce these seemingly unnoticeable stereotypes.

The examples which our respondents draw upon and their accounts on the phenomena must be made visible, must be heard. This goal led us to the second phase of our research which materialized in the form of the flashAct[α]. The action

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[α] The flashAct is the concept developed by us to describe the action – it is a combination between the flashmob (a sudden assembly of a group of people in a public place who perform pointless acts for a brief period of time, with no political stake) and a public protest with defined political objectives.

took place on the 13th March in the Mihai Viteazu Square in Cluj-Napoca, numbering a total of 39 participants (the majority – members of civil society without direct academic interest in the subject). For 15 minutes we protested silently, using only our bodies, against visible and invisible violence in the private and public sphere. We formed living statues expressing aggression or fear and intimidation in the hope of raising awareness about the prevalence of violence in our society. The flashAct did not address exclusively domestic violence but also marginalization, discrimination and poverty as forms of direct and indirect violence.

The event was caught on camera in order to proceed to the third phase of our research. As our research focuses on a widespread social phenomenon we consider that it must be made available to the general public. The silent short-film will constitute the background for the powerful thoughts of the activist we have spoken with in the first phase of our project. We plan to record the answers of our respondents and as our intention is to include as many voices in finalizing the project, the recordings will be made with the help of volunteers (either participants in the flashAct or people interested in the issue). The film will be distributed for free to NGOs, universities and schools. We consider that it will be a useful tool in future campaigns and that it provides a medium for reflection. Their words, our voices, the action as the proof of the possibility of mobilizing people (not directly or visibly affected by violence) in shared moral values and purpose.

On the longer run, by stressing the common obstacles NGOs face in their fight against domestic violence, we hope to encourage collaboration between NGOs, constructive exchanges of experiences and help gather resources for activities of lobby and advocacy.

Last but not least, this research project is a learning process for all the people involved, promoting inter- and multidisciplinarity, a research based on shared values and oriented towards shared moral objectives. We hope to attract the attention of the academic community regarding the advantages of action research for the purpose of promoting social justice.

Learning about domestic violence in Romania

In order to fight against it, the phenomenon of domestic violence must firstly be acknowledged and understood in all its aspects. One prevailing myth regarding domestic violence is that it is supposed to occur only in social and material disadvantaged milieus, or that is exercised only by mentally ill and/or alcoholic individuals. Another myth is linked to the victim's "behavior", who may "provoke" the aggression through the way he/she was dressed, behaved, or simply by failing to clearly define the type of relationship she/he has with the abuser. According to the Gender Barometer (2000), 35% of those asked who should intervene in cases of domestic violence, answered that those directly involved should be left to solve their own problems. The problem is regarded at individual level and not considered a social phenomenon, a social issue, but one which inscribes

into family privacy. In our country, the subject of domestic violence is still considered to be taboo, although it is actually criminalized through the legal framework - Law no. 217/2003. Through our attempt of establishing a communication relationship between the academic spheres and practitioners in the field of non-governmental organizations, we aim to contribute to the crystallization of the issues related to this subject.

The National Agency for Family Protection revealed that, in 2008[5] the number of violent cases increased with 25% in comparison with 2007 (the report includes only police data, thus the cases which have been reported to the authorities, while the related information coming from social fields such as the social services or healthcare are excluded), which can be exemplified as a "good" sign in terms of the problem visibility, but taking into consideration the fact that this phenomenon is socially widespread, we shall pay attention to the fact that only 17% of the total number of abuses are actually reported to police.

The first shelter for victims of domestic violence was opened in 2003 at the initiative of the Artemis Association from Cluj-Napoca. Official data[6] show that in 2008 the total number of shelters for women increased to 55; the shelters are managed either by public institutions (5), non-governmental organizations (10), or other organizations financed by state or other private sources (8). In reality, the number of shelters for victims of domestic violence is much lower and the active shelters are facing many quantifiable obstacles (lack of funds) but also systemic barriers such as the lack of communication between NGOs and local authorities, or stereotypes which are reproduced by the dominant cultural language. The total number of seats assigned to women victims of domestic violence is 210 (during 2004-2009, the total number of reported cases was over 53.720) while according to the recommendations of the European Parliament, there would be at least 1959 seats in these shelters needed.

In Romania there is still an increased tolerance to domestic violence, which is considered to be a normal fact even inherent into the family life. The problem is viewed from the perspective of individuals and therefore considered non-existent in the society, not as a social problem to which we should find solutions together, involving all interested parties: affected individuals, doctors, psychologists, social workers, mediators, trainers, professors, state authorities and also civil society participants, regardless of their gender.

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[5] ANPF is a public institution which functions under the Ministry of Labor, Family and Social Protection, established in February 2004, based on Law nr. 217/2003 for prevention and combating of domestic violence, modified and completed through O.G. nr. 95/2003, H.G. nr. 1624/2003 for the organizing and functioning of the National Agency for Family Protection

[6] Wave Country Report 2008 – Reality Check on European Services for Women and Children Victims of Violence

The domestic violence phenomenon should be prevented not only by treating the consequences, not only by setting up shelters, emergency centers for victims / survivors, but also by treating the cause, by preventing domestic violence which means the eradication of wrong mentalities regarding women role and position within the family (including society) and by redefining and refusing the aggression "role" within the general education framework. It is desirable for the public to realize that domestic violence can be combated through joint efforts of individuals and stakeholders, all interested and co-interested parties (including experts from various fields), directly or indirectly affected.

In Romania, the domestic violence phenomenon begins to be highlighted as a concern by specialists in various fields, politicians, media and general public in 1995-1996 and the "new" concern was due of external pressures, the need of sharing the European and international spirit and standards and especially its dimension of protection and help for the victim, whether a child or a woman. All the above mentioned have been done in the context of policies of promoting women, which have forced to the reconsideration of her relations with the man, to the family reconsideration, its social role and its legal status.

Domestic violence remains a widely discussed topic and a problematic issue in the framework of public institutions and in the society as well, also generating research in the fields of anthropology, psychology, law, human rights, evolutionism, and feminism. A coherent implication from the part of the authorities, the assurance of civil rights and security is only a desired state or living condition in different parts of our globe, and Romania unfortunately does not make any exception from this. A powerful civil society that is eager to promote women rights and fights back various forms of discrimination and violence against women is more than necessary in a stereotypical society with a ‚blaming the victim culture'.

Statistical data[7] reveal the fact that violence is a gendered component of our existence, a male attribute in the sense that such violent acts are mainly committed by men: 99% of rapists are male, 88% from those who get arrested under the accusation for murder, 92% arrested for robbery, 87% arrested for armed robbery, 83% of those accused for domestic violence, 82% responsible for provoking disturbance in public spaces, 90% of those committing homicide. United Nations' reports mention that: approximately 2 million girls face sexual mutilation practices annually; between 20% and 50% percent of women become victims of domestic violence in different stages and forms throughout their marriage; the majority of victims of armed conflicts are represented by civilians, mainly women and children[8].

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[7] Roth, M (2003): *Gender and Violence* In: Magyari-Vincze, E & Mîndruţ, P (ed) *Gender, Society and Culture,* Publishing House of Desire Foundation, Cluj-napoca, p. 482.

[8] Anonymous (1998): *Shattering the Silence of Violence against women***,** United Nations Chronicle*; Vol 1, 35, p.17.

According to statistics about the female victims of domestic violence, the situation in Romania is worrying, and the attitudes of the majority towards the phenomenon of violence are alarming. Accordingly, women have only restricted access to data information concerning their rights: in the current context of a Romania where the prevalence rate of domestic violence is at a very high level, only 48% of women know about the existence of legislation that incriminates[9] domestic violence. Because of lack of cooperation and support coming from the part of authorities, these numbers actually do not reflect the reality, the number of cases reported to the police being at a low level. As the activists put it, only a few women would appeal for the help of authorities (in 2008 from Cluj county only 83 cases of domestic violence were reported to the police).

On the other hand, in order to prove the negative attitude towards different forms of violence against women shown by the majority of Romanian citizens and to emphasize the dominant attitude towards gender roles, we provide the following data[10]: 22% of those interrogated over the problem of whether physical violence against women should be punished under legislation, refused to answer the question or did not know how to answer it; 16% of them think that although it is a major problem, it shouldn't be restricted under legislation; 28% think that only beating should be punished and 34% support the punishment of all forms of violence; economical violence is seen as very important by 32,9% of those interrogated, the EU average is 63.7%; rape is considered a malicious assault by 57.3%, 90% is the average in other EU countries; attitudes towards gender roles in the society: 44% are neutral, 39% patriarchal and 17% consider themselves gender democratic.

Repeating the above mentioned ideas, there is essential need for nongovernmental organizations that have as their mission the combating of violence against women or combating the trafficking in human beings. As well as in the case of domestic violence, in situations of human trafficking the majority of victims are women – susceptible to all kinds of discrimination and being incapable to profit from the existence of legislation in order to fight back abuses. In this way women are more likely to become victims of human trafficking. On the other hand the perception that only certain kinds of women can fall victims to trafficking still exists (observed also in our interviews with the activists working for combating domestic violence). Moreover, people are still unconscious about the fact that the lack of interest in combating human trafficking or the lack of solidarity/sympathy for the victims are the major factors that contribute to the perpetuation of sexual exploitation or sexual slavery.

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[9] Nationwide Research on Domestic Violence and Sexual Harassment at the Workplace (Cercetare Naţională privind Violenţa în Familie şi la Locul de Muncă), Centrul Parteneriat pentru Egalitate, Romania, 2003, p. 25; www.gender.ro
[10] Idem, p. 97-111

All our respondents emphasized the fact that one of the most relevant obstacles in their activity is the hostile attitude from the part of the population towards the above mentioned phenomena. The separation of public and private space, in this case linking violence against women to the latter one, reproduces the lack of interest for such issues (the most common reaction - "It is not my problem"). Another obstacle standing generally in the way of combating all forms of violence against women and especially combating the trafficking in human beings is the blaming-the-victim-for-her-situation - response ("their naivety is to blame").

The quantifiable obstacles were the easiest to be identified by the people involved in the project. They are more present on the surface or with visible consequences in the sense that they have a direct negative impact upon the activists' work, lessening the NGOs' power for bringing change into certain communities. The nonexistence of the legislation that is meant to protect women and children in a sufficient way, less and less funds or no attention coming from the part of (local) authorities are the main obstacles that come to mind when we think about the gravity of the problems linked to domestic violence and the difficulties that both the people involved in the cause and the victims as well are all to face. The members of these NGOs are certain about the instruments and methods that are in need for facing the problem – they call for the support of authorities (both local and governmental), there is also need for the modification of the existing legislation and for (support in) finding more funds.

But actually how many of us come to see the problem this way or get to realize its gravity? Is it true that if we solve or eliminate the obstacles named above will be enough for the actual improvement of the situation? Or there are hidden walls everywhere around us which are built upon and strengthened in our everyday thoughts, language and actions?... Walls that are difficult to demolish, powerful substrates that we choose to constantly ignore or we just look away while coming across them, being convinced that these are not our problems. We agreed to name these obstacles as not quantifiable or systemic ones – those that are rooted in power structures and are sustained and reproduced in our society by the dominant cultural language, a language that tolerates violence and perpetuates existing stereotypes.

These are myths concerning either the aggressor's or the victim's statute. The aggressor is being seen as the incapable male for social adaptation, alcoholic and poor; the victim is represented as the female who is impossible to collaborate with, much to be pitied, who permits the aggression or even provokes it. Furthermore within this mythology, domestic violence is conceived as a problem linked to the couples' intimacy and not as a social phenomenon, not as abuse of power and authority that is generated in all layers of social strata.

As one activist reported on the subject, domestic violence is a sensible topic because it affects ones statute, public image. We would like to add that not only the aggressor is being stigmatized but actually the victim has to face an even stronger stigmatization, considering the fact that asking for help or admitting the

problem is truly seen as „shame", lack of control and of autonomy, especially if the woman is coming from an upper class background or if she is of an advanced age. The abused persons have problems with asking for help, they are the only ones who sense social stigmatization, they develop an attitude of feeling ashamed and therefore they do not admit the fact that they have been abused or beaten. This attitude is caused by the actual fact that the solutions for domestic violence problems are centered on providing help for the victims and trying to find post factum solutions for the abuses already happened. There is no attention focused on both sides: very few actions are concerned with the visibility and consultancy of the abusers who at the end do not get to feel the „shame". Moreover, the nonexistence of the legislation that would pass a serious sentence upon the abuser and that would fully condition the problem of domestic violence result in abused persons who are left with no alternatives if they manage part from their abusers.

Another aspect of the problem highly emphasized by the majority of activists is the importance of prevention. Campaigns of raising awareness run by different NGOs have the potential of awareness raising among the general public. Though a flyer we get on the street should in the same time make us to stop and practice some self-reflexivity, think about the existing stereotypes in our society rooted in our language and in different power structures that we help to perpetuate with our ignorance and unconsciousness about the situation. This kind of passivity is to be blamed for the „fail" of those campaigns that become static after a while, demoralizing at the end even for the volunteers involved. Indeed, the NGOs face a lot of difficulties constantly struggling for funds and allocation and it is very difficult for them to build up strategic thinking plans. Their campaigns remain designed for only a short period of time in the lack of a system that would support their long-term strategic actions. Obviously, there is need not for financial support only, but for moral support as well, for the encouragement and advocacy provided by all of us.

The Romanian educational system is a main contributor for this kind of passive attitude. With its rigidity towards social problems, discouraging volunteer work, with its lack of tradition reflecting upon problems within the framework of gender studies in schools and universities, all these „living fossils" have the result that activism, especially activism concerning women issues is seen as extremist and further perpetuate the current general conviction according to which doing activism for women is equal to blaming men. There is one visible major consequence of this conviction: there are only a few male volunteers in campaigns or activities that deal with the problem of domestic violence.

The formal decision-making organism in Romania regarding domestic violence is the political body (the influence of the social sphere is limited), the underrepresentation of women in this sphere is not a secret to anyone. But insufficient material resources are not the sole cause of the lack of attention and support for the purpose of combating domestic violence. Many of the prevailing stereotypes and

myths found in the dominant cultural language are maintained and reproduced by the political decision-making bodies, thus institutionalizing these gendered structures of power. One activist was telling us how the projects for funding were rejected based on the personal convictions of a mayor. When the decision of allocating funds for a campaign or for building a shelter lies in the hands of a person who thinks that the issue of domestic violence is not a priority, that it belongs behind the closed doors of the household (and moreover, it can sometime have the benefits – fear results in respect towards authority), the resources that can be mobilized remain few. Another example mentioned by one of our respondents was the amazement and indignation of a civil servant when seeing one of the rooms in the City Haul filled with people during a meeting on the issue of women and children in the community. When the formal legitimate authority of a state or a community does not acknowledge or admit the fact that domestic violence is a social phenomenon, a political problem (in terms of power) and considers that activism or volunteering are unimportant, the attitude of the civil servant should not surprise us.

The quantifiable and systemic obstacles cannot be separated, they function together, they "depend" on the structure and one another. Our research project aims to highlight these obstacles and 'create cracks in the walls', embracing the paradigm of action research. Action research has been described as "a participatory, democratic process concerned with developing practical knowledge in the pursuit of worthwhile human purposes... It seeks to bring together action and reflection, theory and practice, in participation with others, in the pursuit of practical solutions to issues of pressing concern to people, and more generally the flourishing of individual persons and their communities."[11] By underlining the systemic barriers we wish to draw attention to the existent power structures, the dominant language teeming with stereotypes regarding domestic violence, the victim, the abuser and, at a more general level, regarding women, men, femininity, masculinity. By encouraging as many people to actively participate, we intend to create bridges between the academic sphere of research, activism and civil society.

A project for social justice

The FlashAct Freeze Against Violence organized by Foundation Desire on the 13th of March 2010 and presented above, continued with a program inside the Tranzit House of Cluj. The latter outlined that the general framework of the day was marked by the 100th Anniversary of promoting an international day for women, but also by the European Year for Combating Poverty and Social Exclusion.

In this way we suggested to the participants to recall the original meanings of International Women's Day: to highlight women's accomplishments during the past one hundred years in terms of accessing fundamental human rights and

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[11] Reason and Bradbury, *Handbook of Action Research*, London, Sage, 2001, p. 1

improving their socio-economic condition, but also to outline the social injustices that women of different ethnicity, age and sexual orientation are still faced with today. Talks were offered by Enikő Vincze, Mihaela Frunză (lecturer at the Faculty of Philosophy, Babes-Bolyai University), Alis Costescu, the PhD students Dana Stoica and Andra Dragotesc, Camelia Moraru (lecturer at the Faculty of European Studies), Letiția Mark[12] and Hajnalka Harbula[13]. The latter two presented the first issue of "Nevi Sara Kali. Revista Femeilor Rome. Roma Women's Journal. Romane Зuvleanqe Зurnalo," which was followed by the projection of the film resulted from their joint project "Equality through difference. The access of Romani women to the labor market."[14]

The film of the first project year is entitled "A project for social justice" and aims to highlight, through the perspective of the involved team members, the socio-economic issues on which it is focused, among them poverty, social exclusion and discrimination on the labor market, but also the possibilities and limits of non-governmental organizations to handle them. During its second year, the project will produce a film about instances of social injustice as experienced by Romani women and men.

The first sequences of the film clarify that the term FEMROM stands for "femei rome" și "munca", highlighting that the project focuses on the relationship between Roma women and work. It acknowledges the active involvement of Roma women in productive roles and the social mechanisms (among them exclusion and discrimination) and cultural perceptions (among them racial and gender prejudices) that prescribe certain positions for Roma women (among which accessible jobs) and limit their opportunities in self-realization in private and public life (but also on the labor market).

The film shows us that teams of Roma Women's Association "For Our Children" and Parudimos Association have a rich history of work with the Roma. Through the project "Equality through Difference: Roma Women's Access on the Labor Market" they get involved in many aspects of life considered to be responsible for disadvantaging Roma women and young people. These organizations from Timisoara provide information on employment and training courses, they organize programs for pre-school children pupils, and they have a program of psychological counseling. They also organize job fairs, and run their own training courses, such as computer class. Job counselors and social workers from the two organizations are well aware of the difficulties many Roma people face.

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[12] President of the Roma Women's Association for Our Children from Timisoara
[13] Project coordinator at Foundation Desire from Cluj
[14] The project is co-financed by the European Union, the Romanian Government, Structural Funds 2008-2013, and the European Social Fund "Invest in People!", and is implemented in the partnership between Roma Women's Association for Our Children, Foundation Desire, Association Parudimos and the Mayor's Office from Timisoara, the National Agency for Roma from Romania, and Foundation Autonomia from Hungary. http://www.femrom.ro

Introducing us into these activities, the film also shows the problems arising from the limited legislative measures that disadvantaged Roma people may make appeal to while looking for jobs, and also the deficiencies in the implementation of the existing norms regarding equal opportunities and non-discrimination.

Being a visual history of the project, this film is a documentary about the project and the project actors in action. It was made with the purpose to capture and disseminate images of significant activities performed throughout the project, and to answer the questions that were raised by many of the members of the partner organizations, like: What may civic organizations do to help solving major problems such as poverty, insecurity of daily life, inequality and material disadvantages especially if they overlap with negative prejudices that some Roma are facing because of their skin color? What should these organizations provide to Roma women next to us who in their daily life face injustice both outside and within their immediate communities? Where and how could and should local organizations act to generate sustainable change? Can they intervene in the social system that denies certain social categories the opportunity to live a dignified life or at least to offer services to help them overcome the obstacles created by the regime they live in? Do these organizations have enough power to persuade us to wish for a life in a world of social justice where everyone has real access to decent work and no one is stigmatized by negative stereotypes, a world in which each person has the self-respect required by the affirmation with dignity of his/her potential?

One of the project's coordinators stresses that their target groups include not only women but Roma young men, too. Enikő Vincze, president of Foundation Desire speaks about the project's design, which started with acknowledging the need to know and assume the special problems of Roma women and young people in the domain of labor. It is also mentioned that the organizations considered the need for developing special programs to change something in the current situation of Roma women, the latter being influenced by their living conditions, material circumstances, social status, family status, but also by discrimination and the anti-Gypsy attitudes of the majority population.

The project has two main components: research and social intervention. Research includes sociological survey, qualitative case studies, and focus group interviews. At their turn, the social intervention part includes activities that were designed for social inclusion of Roma women and youth. Letiția Mark, the president of the Roma Women's Association "For Our Children" from Timisoara, explains that NGOs always tried to convince the authorities that this job, what NGOs actually do, would be the duty of public institutions responsible to handle the everyday problems of the local, including Roma communities. NGOs should not be held responsible neither to change the educational system, or the whole economic regime, but sometimes they are pushed into this direction as their abilities would be enough for accomplishing such huge missions.

As the film reflects, the survey and the focus group interviews, which were conducted as part of the project by the research teams of Foundation Desire proposed to reveal the socio-economic, demographic and familial situation of Roma women and men, but as well as ideas, experiences, and feelings about employment and labor discrimination experienced by them.[15] The participants of the focus group interviews identified a number of problems faced not only by Roma, not just by women or Roma women but also by our society as a whole, such as: the disintegration of the socialist economy, unemployment, competition in the market economy and the long quest for money, the economic crisis, poverty and lack of jobs. They also admitted that there are employers who exploit the work conducted in the informal economy and recognized that policies for the promotion of vulnerable groups are inconsistent and have many shortcomings, but also that there is a lack of solidarity and mutual respect between people.

The film presents a few images from the training sessions organized in Cluj, Timisoara, Iasi and Bucharest for around 160 participants. These sessions were used as effective means for promoting the principle of equal opportunities and non-discrimination, and raised awareness regarding multiple disadvantages faced by many Roma in Romania. They brought face-to-face Roma and non-Roma people, men and women, young and older people, most of them employed in institutions of local authorities, media or NGOs. Participants have received information from trainers on topics related to Roma communities and cultures, the situation of Roma regarding employment, equal opportunities and non-discrimination in the domain of work, and cultural communication. Training sessions were also opportunities for all participants and trainers to share their thoughts on Roma, about prejudices and discrimination, about equal opportunities and inequality, and about shared responsibilities all have to assume in the relationship between minority and majority. Very different topics surfaced during discussions: the impact of slavery on Roma, the recognition of Roma as victims of the Holocaust, similarities and differences between Roma and non-Roma poor.

Through its last sequences, the film presents the first issue of the Journal of Roma Women entitled Nevi Sara Kali, which builds on a collaboration between Roma and non-Roma women from Romania, Hungary, Slovakia, Switzerland, England and United States. One of its founding editors, Letiția Mark, who has long dreamed of such a journal, stated in her editorial: "Beyond the magic of the title, the exoticism and orientalism evoked by the name Nevi Sara Kali, the topics by themselves will capture our attention. Our journal is a colorful mosaic of issues and a polyphonic choir of voices, many of them singing for the first time a song from scores." The other editor-in-chief Enikő Vincze, who established the editorial board and coordinated the publication noted in her editorial: "Nevi Sara Kali discloses all the mechanism what turns someone, a person, an individual into 'Roma

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[15] See the Report on the research conducted during the first project year, including recommendations for the project activities for social inclusion and public policies for Roma (http://www.femrom.ro/rapoartecercetarere-recom.html).

women'. Making together this journal, Roma and non-Roma women, maybe we realize what the things that separate and conversely unite us are. Or even the way we create barriers, hierarchies, and prejudices."

During the event from the 13th of March 2010, the organizers launched a manifesto for social justice that was signed by many participants and might be continuously supported by signatures given on-line.

Manifesto for social justice in the month of women[16]

During women's month in March, the signatories of this Manifesto commemorate - along with women around the world - the 100th Anniversary of the proposal in 1910, launched in Copenhagen, to mark a day of the year as International Women's Day.

In the spirit of worldwide events, we stand against violence of all kinds – from the physical violence, through the mental and verbal one, to the structural violence –, which maintains social inequality, inferiority and multiple discrimination of women of different ethnicity, age and sexual orientation. In 2010, the European Year for Combating Poverty and Social Exclusion, we note the discrepancy between the rhetoric of equality promoted by the Romanian authorities and injustices that still characterize the various areas of life in contemporary Romania. We observe that they are supported by the perpetuation of violence of all kinds (including violation of fundamental human rights, among them economic and social rights), but also by the ineffective legal formalism which deals with these issues.

We express our conviction that ensuring equality before the law, the right to non-discrimination and equal opportunity in the absence of economic and political measures to ensure effective social justice and human dignity, is not sufficient to translate these goals into our daily lives. The action organized by the Desire Foundation from Cluj on March 13th, 2010, as we took a stand against violence, calls on the Romanian government and other decision makers to take responsibility to combat poverty and social exclusion through concrete actions designed to transform our society into one of social justice.

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[16] http://www.petitieonline.ro/petitie-p32775052.html

CONFLICT AND DILEMMAS RELATED TO THE NEOLIBERAL URBAN POLICY IN SOME HUNGARIAN CITIES

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ABSTRACT. In the last decades the globalisation and the growing competition affected significantly the development of different countries, regions and cities. Because of the importance of competitiveness the neoliberal principles transformed urban policy almost in every country. The postsocialist cities experienced new conflicts related to this process: the predominance of economic aspects raised some serious dilemmas about public space, public services or housing. The paper introduces these dilemmas and conflicts through case studies from Hungary. These cases reveal what kinds of processes emerged in Hungarian cities regarding the use of space and public service. We also analyse the changing role of local governments: how they adapted to changing economic and social environment.

Keywords: neoliberalism, Hungary, urban policy, spatial exclusion, collective consumption

Introduction

After the change of regimes the political and economic changes and global competition transformed the urban policy in the post-socialist countries. New interests and new actors emerged in urban development with strong influence on the processes.

The political and economic changes were accompanied by the influences of globalisation, which led to the emergence of the so-called New Urban Policy (NUP). This process is characterized by the decreasing importance of the collective consumption and the growing entrepreneurial role of the local authorities (DeFilippis, 1999). The reason beyond the spreading of the NUP is that the hypermobility of the investments places local jobs and tax incomes at risk. Therefore the localities have to compete against each other to attract investment and stimulate growth (Cox, 1993, 1999). Some researchers see this as the end of local decision making, while others argue that this makes local state a more important actor in the development

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process (DeFilippis, 1999). The economic globalisation and the decreasing role of the national level increased the chances of the local governments to define their development policies. Because of the above mentioned processes the local governments often followed neoliberal principles in their decision-making and development processes. This meant that competitiveness became the main indicator for the success of urban policy. According to the widely recognised logic the enhancement of competitiveness will be automatically transformed to "social success" and create sustainable development: growing job opportunities, more effective and accessible services etc. But experiences do not seem to verify these claims. Furthermore, the urban policy that overemphasises economic results often contradicts with the local residents' opinion and/or with the principle of solidarity.

The paper reviews the effects of the neoliberal urban policies through case studies from Hungary. In the fist part we present the theoretical debates related to the New Urban Policy and the neoliberalism. The second part of the paper presents cases from Hungarian cities in which commodification of urban spaces and services caused conflicts between different actors.

1. Sustainability or competitiveness? Dilemmas for the urban policy

The urban success has two different interpretations: according to the first one, success can be determined in relation to external economic environment and success equals economic results, competitiveness. For example, Lengyel and Rechnitzer (2000) see GDP and employment as main indicators of success. The seconds approach emphasises the importance of inner conditions of the city: this means that the successful city is economically and socially sustainable (Feinstein 1999; Logan and Molotoch 1999). In the era of global neoliberalism it is difficult to accommodate these two approaches.

The views of neoliberalism and neoliberal policies are ambivalent. According to Friedman neoliberalism means the accomplishment of democracy: he argues that the aim of democratic regimes is to create profit. Others (e.g. Chomsky 1999) think that neoliberalism threat democracy because national and local governments give up some elements of their sovereignty because of profit interests.

In contemporary debates the local and global are often seen as antipodes where the conflicts between efficiency and community, capital interests and community are manifested (Brenner and Theodore 2002). The neomarxist urban sociology explains these conflicts with structural reasons; from this point of view the capital and its interests determine the processes of urban development. The urban space is continuously reproduced to reinforce capitalism – this process is strongly influenced by corporate and governmental decisions. For example suburbanisation and gentrification are not demand driven processes; they are produced by the circulation of capital (Timár 2001).

Logan and Molotoch (1987) interpret the city as a "growth machine" which is a place for the capitalist accumulation and it is heavily influenced by the national and international economic processes. This concept emphasises the role of

the local policy – therefore differs from the earlier neomarxist interpretations which were focusing mainly on the structural aspects (Cochrane, 1999, Orum and Chen, 2003). One of the basic statements is that local is a site from which change can be effected (Cox, 1993, Ward, 1996). According to Giddens (1979) the "locale" plays a part in the construction of the agency and the structure as well. This theory is related to the elite theories inspired by Mills (1972) who defines the elites as people who can make the most important decisions. Logan and Molotoch interpret the intra-urban power relations in a more dynamic way than the neomarxists do; therefore their theory connects to the latter conflict theory approaches. The concept of the growth machines emphasise the path dependent development and the importance of the local interests and past. Certain places in the city are commodities with use and exchange values, too (in fact every place is a commodity but conflicts related to the use and exchange values only evolve in certain cases). The collective consumption (Castells, 1983, DeFilippis, 1999) of the people living in the same neighbourhood creates collective interest between individuals; their goal to keep or to increase that location's use value. This makes them important actors in the decisions regarding the neighbourhood. But there are other actors with different purposes which can lead to conflicts over land use. In some cases these conflicts can create anti-growth coalitions (Cochrane, 1999). The neighbourhoods with great exchange value and with less powerful residents or weak social ties are the most vulnerable because they can be "sacrificed" to the growth goals (Logan and Molotoch, 1987).

According to Castells (1977) cities are locations of collective consumption: it shapes the physical appearance of urban landscape. This influences the social production of space (Lefebvre 1991) and places through corporate and consumer interests. Harvey (1996) emphasise that cities are constituted by multiple discourses– they are connected but separate at the same time. The different discourses cannot be harmonised easily, because all of them can be justified with their own conceptual and theoretical background.

In the paper we accept that assumption that overemphasising the role of competitiveness is one of the main characteristics of neoliberal urban policy. This approach gives priority to effectiveness over solidarity. Based on previous researches neoliberal urban policy often criminalises the urban poor, privatises public services, extends competition to every service and creates regulations regarding the use of space (Brenner and Theodore 2002, Peck and Tickell 2002).

The paper presents the effect and conflicts of the neoliberal urban policy through three case studies in which the local actors had different responses to similar challenges. We claim that in all cases the same structural elements were present and the most important was the urban policy which emphasises the significance of economic success. However, the local actors reacted differently to the challenges.

2. Case studies

In the next sections three case studies introduce the emergence of neoliberal urban policy and show how the social production (and consumption) of spaces and places are changing because of capital interests. In the case studies the local actors (especially the local government) used different approaches; therefore their answers for challenges were divergent as well.

In all case studies we review the research methods shortly and give a brief introduction of the topic and its relevance.

2.1. Spatial exclusion

The first case study introduces the relation of the neoliberal urban policy and spatial exclusion in the case of Szeged. The analysis focuses on the social production of space - with special emphasis on the spaces of everyday life. The analysed case represents one of the most radical steps of the neoliberal urban policy. The practice of spatial exclusion in the name of "quality of life" programs is a popular agenda for many cities (Mitchell 2003, Gough, Eisenschitz and McCulloch 2006).

Szeged is a city in Southeast Hungary near to the Serbian and Romanian border with 169 000 residents. The economy of Szeged is service oriented: education, commerce and tourism are the most important sectors. In spring 2005 the city council of Szeged adopted a regulation that forbids begging in the city centre. Those who violate the decree can be fined up to 25 000 Forints (~100 €). We claim that the aim of the decree was to displace from the marketable spaces those who can threaten the profitability.

In this case study we used the results of "Szeged Studies" survey made by the Department of Sociology of the University of Szeged for secondary analysis. The used data were collected in autumn 2004 (N=1300) and spring 2007 (N=2548). In addition, between 18th and 30th October 2005 (about a six month after the adaptation of the decree) we made a phone based survey on a random sample (N=300). This survey focused on the "beggars' decree". We wanted to know if the local residents knew about the regulation and what they thought about the spatial exclusion of the beggars. Finally we analysed documents related to the urban development of Szeged, the minutes of the meetings of the city council of Szeged and the reports of the local newspaper (Délmagyarország). We analysed the proposal to the so called "beggars decree" and the adopted text as well. In the case of the local media the reports about the beggars' decree were analysed.

The different surveys show that the majority of the residents agree with this decision. The phone based survey revealed that the greater part of the respondents think that the regulation aims to displace not only the beggars but the homeless as well. The two groups meant the same to the respondents. (In a sense they are in fact members of the same social group; they are part of the underclass with no chance to reintegrate to the society.)

According to the surveys the residents support mainly the pro-growth investments and the social investments are less important to them. Based on the responses it is distinct that the residents think that helping the poorest is not their task. It should be made by the state but they would not pay more tax to support this. Theoretically they sympathise with the poor, but this is not manifested in their actions. The residential location and the previous bad experiences of the respondents did not have significant effect on their attitude towards the beggars according to the chi square tests. No matter which part of the city the individual lives, or has he/she had nasty experience with the beggars.
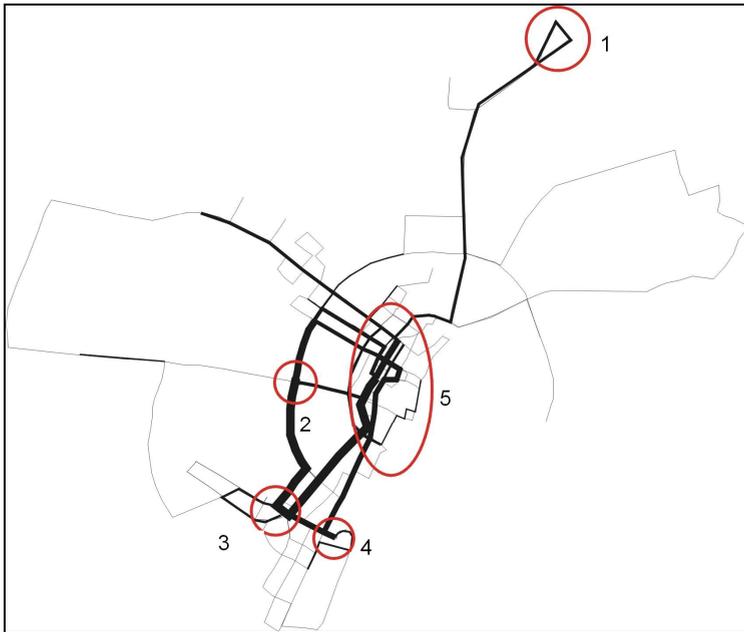

Figure 1. *Daily route of the visitors of the poor people's kitchen in Szeged.*
(The width of the lines shows the importance of the routes)
Source: *interviews.*

Legend: *1: daytime shelter, 2: homeless shelter, 3: poor people's kitchen,*
4: homeless shelter, 5: city centre.

All of the surveys show that the respondents would support the "deserving poor" – those who behave properly and deserve the financial aid. We interpret this attitude that the solidarity is conditional therefore it is a tool for the social control. The elites can use this to achieve their goals. The undeserving poor can be a scapegoat for the social conflicts or problems. It makes them a legitimating element for the system and the political elites (Gans 1992).

There is solidarity towards the poor but because of the cultural legacy presented earlier it does not manifest on individual level. The people expect the solution from other actors: "somebody has to do something". Without the external actors the solidarity probably would not be functioning (Boros 2007, Boros and Tóth 2007).

With the interviews we wanted to map the daily routes of the poorest that were affected by the decree. We asked them to describe which are those ways they used on a daily basis. Based on the answers we defined the spatial pattern of their movements and the importance of certain routes.

Figure 1 shows their daily routes in a fairly expansive length that can be explained with the fact that two places that are very important for them (poor people's kitchen, homeless shelters) are far from each other. There are two organisations (the two homeless shelters) near the poor people's kitchen that provide important functions so their daily movement towards the daytime shelter is less significant. The most important routes are those where they have the biggest chance to get donation. These are mainly Kárász Street, Széchenyi Square and Dóm Square (all of them are situated in the area marked as number 5 in Figure 1) – these are the most important tourist attracting places in the city. There are many shops, restaurants, religious organisations, churches, schools etc here.

The analysed articles of the local newspaper show that the goal is not only to stop the aggressive begging in the downtown (for which are established laws and regulations by the way) but there is a clear intent to clear the representative part of the city from the "undesirable" people who jeopardize that representative function. As part of the growth coalition the local media also supported the spatial exclusion and tried to manipulate the public opinion:

> „At Széchenyi Square, Kárász Street, Klauzál, Dugonics and Mars Squares, outside and inside the churches mainly fake and hired beggars bother the residents and visitors of the city. The majority of the beggars is extremely aggressive and they often use the streets or even the churches as a toilet."
>
> (Délmagyarország 09. 11. 2007.)

This citation uses those terms which can be familiar from discourses from other countries; those who try to control the use of space intend to criminalise and/or stigmatise the spatial behaviour of the homeless and the beggars. The article indicates that the beggars are hired by someone and they try to make money for a so called "beggars mafia". (See the phrases "fake" and "hired".) According to the phone based survey this opinion is quite popular among the respondents as well. The author of the article emphasises that the beggars do not respect either of the sacred places ("they often use [...] the churches as a toilet").

In another article other activities were classified as begging and harassment – which show the real intention of the decree and the growth coalition:

„You arrived just in time – said Klára Sándor, Member of Parliament to whom a Krishna follower wanted to sell one of his books – a lot of people think that begging is a right and easy way of living. It is impossible to judge whether someone really needs help or is forced to beg by the "beggar mafia". It is a difficult situation: on one side our social sensitivity comes into play, on the other there is a decree that forbids begging. That should be respected."

(Délmagyarország 05. 05. 2007.)

The Krishna follower mentioned in this quote is clearly not a beggar; he/she is a member of a religion who tries to raise funds to religious and social activities. But this behaviour does not fit into the logic of consumption and to the aestheticised urban landscape. It represents problems which threat the consumption of the spectacular environment. Mentioning the visitors in the first quote suggests that the beggars jeopardise the tourism and the profit derived from it – consequently they threat the economic development of the whole city. Furthermore the beggars endanger one of the common goals; namely the raise of quality of life.

Because of the representative function of the city centre the majority of the residents accepts or even feels necessary to displace the beggars and the homeless, too. This policy intends to displace the people who represent the social problems and to banish them into the stigmatized quarters of the cities. In other words this practice disputes their right to the city. These practices of spatial exclusion appeared in other Hungarian cities, too in the last years. Therefore, local governments play active an role in the shaping of the neoliberal urban policy, helping to enforce the corporate interests.

2.2. Gated communities, residential parks

The establishing and spreading of gated and guarded neighbourhoods mean a particular problem of neoliberal urban policy. Gated communities are 'walled or fenced housing developments to which public access is restricted, often guarded using CCTV and/or security personnel, and usually characterised by legal agreements (tenancy or leasehold) which tie the residents to a common code of conduct' (Blandy et al. 2003). Gated communities are private developments, thus they can provide their inhabitants with exclusive local public goods ('club goods' – such as a swimming pool, fitness centre or golf course) at a higher quality and efficiency than the local government, which accounts for their global success (Webster 2002, Glasze 2005). Gated neighbourhoods are separated from their surroundings not only in a physical but also in a legal sense by various legal means which can sometimes fundamentally infringe the democratic rights of their residents (Blakely and Snyder 1997).

Modern gated community-like real estate-developments first appeared in post-socialist European countries after the fall of communism. During the transition to a market economy, socio-economic differences have increased immensely across the region and the development of gated communities has brought about a new

form of residential segregation. Differences in terms of income and wealth have increased significantly in the region, and these differences have resulted in a growing spatial segregation of the urban population. Today, gated housing complexes exist from the Czech Republic (Brabec and Sýkora 2009) to Ukraine and Russia (Lentz, 2006), as well as from Estonia to Romania (Negura 2009) and Bulgaria (Stoyanov and Frantz 2006).

There are many differences between the gated residential developments of post-socialist countries and those in more advanced capitalist countries. Studies of gated communities in Hungary have appeared only recently (e.g. Vámos 2003, Cséfalvay 2007, Bodnár and Molnár, 2007). The majority of these studies were about gated communities within Central Budapest, and only a small proportion of them were concerned with the suburbs of Budapest. Gated communities are commonly referred to as "lakópark" in Hungarian (in English: residential park). It is very important to point out that 'gated communities' in Hungary have largely little in common with Western gated communities, such as those found in the USA. Considering the definition mentioned above, the gated communities of Budapest and of Hungary in general are – more or less – different from their typical western equivalents. Generally they are not gated physically or separated legally from their surroundings. Furthermore, they are not guarded and they provide relatively few exclusive services for their residents (Cséfalvay 2007). That is why we use term 'residential park' instead of gated community in Hungary in the following. But we should take into account that there are already some real-estate developments in Hungary which are really similar to the Western-like gated communities. The construction of the first gated neighbourhood began at the very end of the 1980s in a district of Buda (the wealthier, western part of Budapest) in Hungary. Later, gated housing complexes started to appear in other parts of Budapest and in its suburban areas.

We analyse the various effects of residential parks triggering different effects on local authorities by two case studies. The responses of local governments are also studied by us. Our two case studies are not definitely typical ones, but they may draw attention to important phenomena.

The first selected case study is about Magdolna-völgy (literally Magdalene Valley) closed residential park which is located in the territory of Piliscsaba village in Budapest urban region, 26 km from Budapest. The number of population of Piliscsaba is 7 873 (2009), and it is continuously rising due to suburbanisation. We made content analysis (e.g. websites related to Magdolna-völgy [1], [2], [3], etc., urban planning documents) and structured interviews (with e.g. the residents of the Magdolna-völgy and with the members of urban planning) in the study of this closed residential park.

The development of Magdolna-völgy was started in 1999 when the local government converted the formerly agricultural (arable land and pasture) land to area within the municipal boundary, thus housing development became possible.

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The case study area is located separately, 2 km far from the centre of the village. The area of Magdolna-völgy is app. 100 ha and it is divided into app. 365 plots that are fully serviced with communal infrastructure (water, electricity, sewage etc.). About 75 percent of the plots are already built up by residential buildings; the estimated number of population is 700. The overwhelming majority of houses are low-rise single-family (detached) houses that were built either by their owners or by property developers (companies). Near the main gate a couple of condominium houses were erected with 3 storeys, each comprising 5-6 dwellings. Magdolna-völgy is located in a valley and it is almost completely surrounded by metal fence (Photo 1). The main entrance of Magdolna-völgy is closed by a gate and an 24 hours guard service. The security control system records the number plate of each car or lorry arriving to the gate except pedestrians who can freely pass through the gate without such control (but they are also watched by the guards). The physical isolation of the estate is further strengthened by the Budapest-Esztergom railway line on the north-east, and the Budapest-Esztergom main road on the south-west.

Photo 1. *At the eastern border of Magdolna-völgy closed residential park*
*(**Source:** Hegedűs, G. 2010)*

The real estate developer establishing Magdolna-völgy went bankrupt in 2004. For this reason the residents of Magdolna-völgy set up a civil association to protect their interests (e.g. to keep the fence and the guarding). Firstly the association wanted to hand over most of the local infrastructure but the fences to Piliscsaba local authority (the residents do not want to terminate the fence and

guarding). Piliscsaba local authority did not buy the common infrastructure from the assocation. The association bought a significant part of the infrastructure from the liquidator of the developer, and a non-profit management company founded and owned by the association operates most of the maintenance duties. Residents pay a common fee to cover the costs of the mentioned maintenance. But not to cover the whole costs, according to their point of view, because they are tasks of Piliscsaba municipality as well, where the residents belong to and to where they are paying significant amount of taxes, as well (Magdolna-völgy is relatively more affluent comparing to Piliscsaba, because upper-middle class lives behind the fences). Some of the local infrastructure (two roads) remained in the ownership of Piliscsaba which did not finance one part of services (e.g. public lighting) in Magdolna-völgy for a time, referring to that Magdolna-völgy is a private property which should be financed by its own residents. So, there were serious disputes about who should have to finance the public goods of Magdolna-völgy and about some other questions, as well. Therefore the relationship between the closed residential park and Piliscsaba municipality got worse and worse. This process resulted the envisaging of administrative secession of Magdolna-völgy from Piliscsaba's local authority and becoming an independent local municipality. A local referendum was held in 2006 amongst the residents in the closed residential park where the majority gave their votes for secession. The local authority tried to counteract the separation movement - Piliscsaba municipality also held a referendum one month later about not to give some outer areas belonging to the village to Magdolna-völgy in case the separation movement succeeds. The separation process was successful in legal terms until its very end when the most upper level of competent legal organ (the president of the republic) dismissed the proposal in 2007. The president applied the law about local authorities (made in 1990) which exacts the provision of several obligatory services and establishments (e.g. kindergarten, primary school and cemetery). The rejection has been much debated by the management upon various reasons until now. Though most of the mentioned services and establishments cannot be provided by Magdolna-völgy's own, the management of the closed residential park made letters of intent about the receptions of its resident in the regarding establishments of some adjacent local authorities (but not of Piliscsaba). Depending on the prevailing local political circumstances (e.g. the attitude of Piliscsaba's local authorities towards Magdolna-völgy) the relationship is not harmonic between the gated neighbourhood and the village. We cannot exclude entirely that similar local political conflicts may arrive in the future at the level of local municipalities in Hungary.

Our second case study is about Szeged, where we studied the situation of Vadaspark (in English: Zoo) residential park (named after the neighbouring Szeged Zoo). We made content analysis (e.g. different websites including internet forum of inhabitants of the residential park [4] and local newspaper articles [5] etc.) related to Vadaspark residential park, urban planning documents [6] here, as well.

The residential park was established in the area of a former barrack being demolished, and being built in more phase continuously since 2004. It is situated 2 km far from the city centre. Its area is around 13 ha, and its population number is app. 400-500. The majority of houses are two or three-storey-high apartment houses comprising 10 or 4 flats, but low-rise single-family (detached or semi-detached) houses can be found as well. All of them were built by property developers (companies) except the detached houses which were constructed by their owners.

Photo 2. *Vadaspark non-closed residential park (on the left) and some stores*
of the newly-built shopping centre (on the right)
*(**Source:** Hegedűs, G. 2009)*

The whole development called 'residential park' is not gated and guarded, and it does not deliver special services to the residents. Notwithstanding the residents feel the area belonging to them, and generally receive some 'undesirable persons' does not seem to be so much to their mind. Regarding their spatial paths, the residents are bonded to the city centre and not the adjacent neighbourhoods (e.g. eastwards) inhabited usually by disadvantaged lower class people. The residential park has only two entrances, and its residents can generally differentiate themselves from some of the outsiders [4]. So, the territory of the Vadaspark can be interpreted as a 'pseudo-public' (or a 'semi-private') space. Many of the residents opposed the building of a new shopping centre in their immediate vicinity, claiming that the construction of shopping centre causes much annoyance to them and after its inauguration it would increase the traffic (this situation can be interpreted as a

NIMBY-case, Photo 2., [7]). It would be interesting to explore their opinion about the effects of Vadaspark residential parks acted upon their environment by its construction earlier. The inhabitants sometimes did and do dissatisfy the quality of the construction of their homes. The local authority of Szeged does not seem to be very involved in the occurrence in and around the residential park except modifying of urban planning status of the area. The local municipality officially approved the new street names of Vadaspark a little late, which caused some problems (e.g. postal delivery) for the residents. The same has happened in Magdolna-völgy in Piliscsaba where the residents could not even participate at 2006 parliamentary elections due to their non-existent permanent addresses.

The number of closed or open residential parks and the related troubles probably will increase in the future. Therefore we see it problematic, that according to our case study, local governments usually do not give adequate and elaborated answers to the mentioned problems. Regarding residential parks, local authorities mainly choose 'neglect tactics' resulting sometimes the dominance of other actors' interests (e.g. real estate developers).

2.3. Local health care policy

Our third case study deals with the conflicts related to local health care. In modern societies health care became one of the fundamental elements of collective consumption. The effectiveness and efficiency are often contradictory principles in the operation of the health care system.

The health status of the population and the operating of the health care system are two of the most discussed topics in the Hungarian common talk and political debates. Among these the problems and the transformation of the health care system gave rise to the most heated debates. The Hungarian health care delivery system has been constantly changing since the change of regime. This process is often called as a health care reform but there was not a single, sudden change; there were multiple – in which local actors could play significant role.

The above mentioned constant changes were motivated by two groups of factors. The first was the worsening health status of the population from the 1970s to the 1990s, the second was the problems regarding the functioning of health care system. These factors raised questions about the financial, organizational and social background of health care supply.

The results of this case study are based on a research conducted in Békéscsaba in 2004-05. The aim of the research was to define the most important development needs of the local health care. The city is located in the same region (South Great Plain Region) as Szeged, near the Hungarian-Romanian border. During our research we conducted interviews with the actors of the local health care to get to know their attitudes towards the reforms and local supply system. The research had some unexpected findings: the actors of local policy had different opinions and conceptions regarding the development and ownership of local health care services and facilities.

According to the interviews health care has multiple meanings for different social and political groups. For the residents of Békéscsaba health care means well-being, security and locally available high quality services. For actors inside the health care system the professional aspects are the most important: according to them treating diseases locally should be the most significant aspect of the health care policy. They also see health care as an assurance for their position. Commitment and loyalty could be experienced especially in the health care management. Local politicians saw health care as a factor in the success of the city: in their viewpoint the existence of local hospital makes Békéscsaba more important than other cities. (In this sense local services have a prestige enhancing role, too.)

Because of their divergent views the actors of regional and urban development had different and sometimes opposing opinion regarding the health care supply system of Békéscsaba. Naturally, their interests strongly influence the articulated opinions. The questionnaires revealed the local residents' attitudes. The majority of respondents (58%) said that the local government did not spend the sufficient amount on the local health care. The residents thought that health care should be a priority in the city budget (Figure 2). According to the survey the residents would spend the highest amount on health care. Doctors and policy-makers of health care emphasised that the health care supply needs to be developed and funded properly.
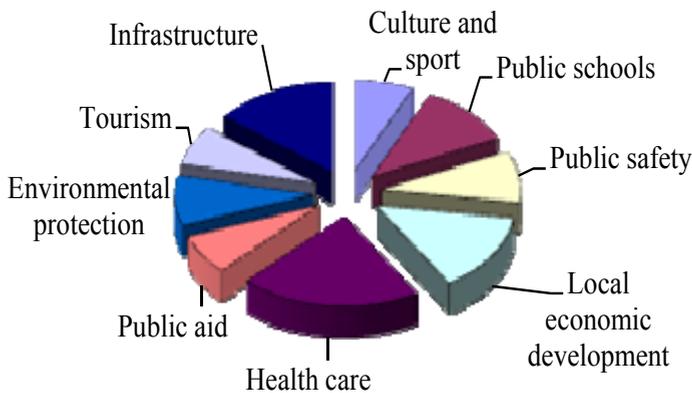
Figure 2. *For what purposes should the city spend its budget? – The distribution of answers.*
*(**Source:** questionnaires)*

The different viewpoints and interests created conflicts between health care professionals, politicians and the representatives of the local government. The privatisation of the hospital was one of the most debated issues. Some of the actors (especially the residents of Békéscsaba) thought that the hospital needs to serve the

residents of the city and its agglomeration with stable management - and it needs to be owned by the local government. Others (e.g. some politicians and health care professionals) argued that the hospital needs to be partly or fully privatised and the aspects of profitability must be considered. For example some services should specialise to the treatment of foreign patients – because they pay more and this can make the hospital profitable. In this discourse the political ideologies had significant effect on the viewpoint of the politicians. Health care professionals were not united in this question. For example, some of them were economically interested in the privatisation while others, who had no chance to attract foreign patients (therefore could not enhance their income) were against the privatisation. Of course ideological contradictions emerged among the doctors as well.

The interests of different actors caused conflicts; all of the actors tried to enforce their interests in the development documents and promote their interests in the local media. They tried to present their interest as "common good". This could cause the overshadowing of the opinion of those who use the health care facilities and services. The local government was "hesitating" in this case: it did not take side in the arguments and was mostly drifted by the events.

The later events showed the importance of local forces: in the constantly changing political environment they could play an important counterbalance to the government's centralization efforts. When the Ministry of Health started a "spatial rationalisation" the city could save great part of its treatment capacity because local politicians successfully articulated the local interests regarding the health care supply.

The fact that the government tries to make the health care system economically more sustainable can jeopardise the quality of local services – therefore endangers the collective consumption and equal chances. According to the most widely regarded interpretation, equal chances mean that every member of the society has the same chance to attain public and private goods and only the individual's efforts and performance influence his/her success. This means that everyone has the same rights (equality before law). Other interpretations emphasize the importance of the equality of starting conditions as well. In our opinion the spatially righteous healthcare provides equal physical accessibility to every member of the society apart from the location of the individual's habitation. Overemphasising financial aspects can make profitability the most important aspect regarding health care – which means that short- and long-term interests could not be easily co-ordinated.

This case study reveals that the state uses the neoliberal principles as well, and local actors have to deal with the hard task of co-ordinating the conflicting interest. As events from other cities showed, privatisation of local health care could not solve the problems and the medical enterprises often go bankrupt. Békéscsaba successfully avoided this because of the hesitancy of city council: by the time they would decide about the privatisation the first alarming news showed up about the experiences of other municipalities.

Conclusions

The paper reviewed some aspects of the neoliberal urban policy and what kind of conflicts manifested in Hungary. According to the case studies the role of local actors is important; their role can be supportive or counterbalancing as well. In the case studies we revealed three possible reactions to neoliberal efforts. In the first case the local actors "surrendered" to the capital interests, in the second case they ignored the emerging problems. In the final case the local actors were hesitating and did not take side in the debate. In all cases some of the actors tried to monopolise and/or manipulate the public interest and present their interest as it would be the best for the whole society.

The weakness of the national and urban social movements causes that an important counterbalancing actor is often missing from the society. Therefore the dominant neoliberal urban policy can be achieved without much resistance. Because of it the growth became more important. The neoliberal agenda emphasizes the role of competitiveness, financial efficiency and profitability and fights against the factors which can be threatening to these aims (Brenner and Theodore, 2002, Peck and Tickell, 2002). As we have seen in the case studies, it is the same in Hungary regarding the use (and reproduction) of space or collective consumption. The local governments could be representatives of community interest but as we have seen in the case studies they used different strategies in the conflicts. They can be supportive (spatial exclusion), hesitating (local health care) and they can ignore the emerging problems (gated communities). But none of the analysed local governments managed to counterbalance the financial interests.

The paper highlights some problems, and conflicts related to the neoliberal urban policy –maybe this can be interpreted as a one-sided approach. Naturally the neoliberal urban policy has positive effects, too. Modernisation, growing efficiency, urban revitalisation are all important elements of it (Peck and Tickell 2002). Through the enhancement of competitiveness it helps cities to integrate themselves into the global economy. This can generate funds to operate the local social supply systems. The competition can make the local entrepreneurs' activity more effective as well. The urban revitalisation and rehabilitation improve the quality of life of local residents and creates an aesthetic urban landscape. But we concentrated on the negative effects because the development documents (and the current geographical and economic publications in Hungary) often ignore them and they only emphasise the positive (or thought to be positive) effects of the neoliberal urban policy.

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THE SHIFTING GLOBAL POWER BALANCE EQUATIONS AND THE EMERGING REAL 'NEW WORLD ORDER'

ALEX IGHO OVIE-D'LEONE[*]

ABSTRACT. Expansion in globalization arising from increased interconnectivity and interdependence across the world is causing a shift both in the focus of what now could determine the principal international power variables and the criteria for power balancing calculus. One direct challenge to the status quo is the emergence on one hand of new state actors which are becoming more assertive, as well as some other new key non-state actors now matching states seemingly one-on-one on the world stage in many spheres of international political concourse. Consequently, there is a visible or perceptible shift from the current US-led unipolar 'New World Order' to a new form of multi-faceted power balancing structure that abstracts sharply from the traditional patterns of international power balancing calculus. The predominant position of the US in a post-Cold-War order is being threatened on several fronts. Unipolarity appears to be obviously on its decline. However, the US has started to respond to such new threats to its continued international hegemony. It is a unilateral response that seeks to perpetrate Unipolarity. But how long can it hold on to its grip and status as a principal global power balancer? The challenges presented by such sundry scenarios and other new developments are exhaustively tackled here in this article.

Keywords: new world order, globalization, global power balance, Unipolarity

Collapse of the USSR in the early 1990s has indeed been a crucial milestone in the annals of world politics. It actually presents a series of prospects as well as urgent challenges to emergence of the so-called unipolar New World Order. Presently, the United States of America (USA) is at the helm of global affairs. It dictates at will the pace and general directions of global politics as it deems necessary. Such a role has become incumbent on it because it is the only surviving Superpower from the Cold War era. Russia is on a general decline like most other great and imperial powers after loss of their external alliances and satellite states abroad and after loosing major global contests with key rivals. But Russia's case had been made even more precarious with the internal schisms within the former USSR which resulted in huge losses of territories and other national material resources when it also disintegrated into different new Republics.

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In any case, a declining Russia presents on the world stage manifold positive prospects consisting of: first, enormous opportunities for the sole Superpower to fully assert its global influence relatively unchallenged as it were. Though there are now a few salutary challenges by most of the other older states to its increasing assertiveness on the world stage. But the real challenges are coming from some of the new non-state actors as well as rising assertiveness of some key older 'medium' states which are currently displaying comparative strategic advantages in other vital facets of their power capabilities much to the detriment of the US. Second, a US-led unipolar world system also presents us with a befogged and a seemingly imposed singular world view of international issues most of the time.

Third, it also presents a compelling reason for Russia to also become inward-looking and more focused radically on its internal economic and administrative reforms needed to boost its domestic economy. This could invariably help facilitate a resurgence of its assertiveness on the world stage within a short space of time if progress is sustained in the right directions. Fourth, an emergent unipolar order has also helped to encourage the growth or rise of new cultural assertiveness by, and the rise of new non-state actors with aspirations for great power status and strategic influences on the world stage.

But what in essence is a unipolar world order and why should there always be an urgent need to balance the powers and the perceived threats of a unipolar power generally? As it were, a unipolar world order can be defined as, "one in which a single power is geographically preponderant because its capabilities are formidable enough to preclude the formation of an overwhelming balance coalition against it" (Layne 1993:5).[1] Logically speaking therefore, a unipolar power is also a 'Great Power' of sort that is more eminent than other rival powers because of its unique inherent power capabilities deployed in the international arena. Jack Levy asserts that, such unipolar systemic power balancers can be identified on the basis of three fundamental empirical factors, namely: "1) a high level of military capability that makes them relatively self-sufficient strategically and capable of projecting power beyond their borders; 2) a broad concept of security that embraces a concern with regional and/or global power balances; and 3) a greater assertiveness than lesser powers in defining and defending their interests" (Levy 1983:8).[2]

It is true most times – and as Kenneth Waltz also posits, that the overall power capabilities of any Great Power cannot be viewed separately from their individual unit attributes, but they can generally be scored together on all fronts (Waltz 1979:131).[3] There seems to be a compelling reason to exalt the unit–level analysis of a state's inherent power capabilities that could be brought to bear on the international system. This is consequent upon the rather high incidents of sundry

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[1] See Christopher LAYNE, "The Unipolar Illusion: Why New Great Powers Will Rise", *International Security*, Vol. 17, No. 4 (Spring, 1993), p. 5.

[2] See Jack Levy, *War and The Modern Great Power System, 1495-1975*, Lexington: University, Press of Kentucky, 1983, p. 8.

[3] See Kenneth Waltz, *Theory of International Politics*, Reading, Mass,: Addison-Wesley, 1979, p. 131.

new challenges now posed by some older states as we experience a resurgence in some of their unit-level power assertiveness and indeed also as pertaining to new challenges now posed by some non-state actors with respect to deployment of certain salient aspects of their unit–level power capabilities in their international concourse.

The reason for this seems to inhere in the fact that, a scenario where a unipolar power for instance is presented with multiple unit challenges to its overall power capabilities as currently germane in the system, it does pose a serious security threat to the effectiveness of such a Great Power's continued pre-eminence in the system. It also raises a series of fundamental questions about the continued claimant by such a power to the status of a principal systemic power balancer. Even in the general absence of a viable external alliance against it, such potentially credible unit-level challenges to its vital power capabilities tend to indicate that such a Great Power is currently experiencing a general decline in such identifiable unit-level power variables.

It is a known fact that a unipolar systemic arrangement has never lasted for too long as world history has shown. This fact also inheres in what Robert Gilpin says could be tied to the intervening influences of "the differential growth in the power of various states in the system ….. [and now, we can also add, growth in the unit-level powers of some notable non-state actors that could generally cause] a fundamental redistribution of power in the system" (Gilpin 1981:13).[4] Thus, it is the persistence of such uneven growth rates that generally act to narrow the strategic advantage in the relative power capabilities of a unipolar power balancer over its prospective new competitors. And eventually, this will result in the decline of such a Great Power – as the US appears to be contending with at the moment.

Paul Kennedy explains succinctly in his analyses that, emergence of Great Powers – and logically speaking, emergence also of such potential challengers as enumerated here in the foregoing, are generally structurally driven and usually considered a function of two basic factors. These consist of 'anarchy' and the 'differential growth rates' experienced by states in the system. And with respect to the growth of new non-state actors, these factors could be conduced to explain the high incidences of pervasive competition at the intra-state level and the differential growth rate of emergent 'shadow economies' in such locations including also the resultant decline in parallel national economies in territories where governments have lost capacities to effectively govern (see Kennedy 1988, and Tilly 1990: 323-329).[5]

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[4] Robert Gilpin, *War And Change In World Politics*, Cambridge: Cambridge University Press, 1981, p. 13.

[5] See Paul Kennedy, *The Rise And Fall Of The Great Powers: Economic Change And Military Conflict From 1500-2000*, Unwin Hyman, 1988. And see also Charles TILLY, "Rise, Decline, Fall", Reviewed Works: Michael W. DOYLE, *Empires*; Paul KENNEDY, *The Rise And Fall Of The Great Powers: Economic Change And Military Conflict 1500-2000*; Susan STRANGE, *States And markets: An Introduction To International Political Economy*, in: *Sociological Forum*, Vol. 5, No. 2 (Jun., 1990), pp. 323-329.

It is a truism that the challenges of maintaining a unipolar world order are also equally quite daunting as it were. At the onset, there seems to be an inherent desire by states in the system not to co-habit for too long under the vagaries of such lopsided power balance arrangements. Ideally speaking therefore, very little peace and stability has germane in such a context for long. Historical antecedents aptly demonstrate this fact succinctly.

Viewed then from a general point, the habitual practices of states in this area – as indicative of the two previous instances of unipolar arrangements, have demonstrated that states tend to exhibit a general aversion against an unnecessary prolongation of a unipolar arrangement on the world stage. This was when France acted as a unipolar power balancer in 1660 and when Britain did the same in 1860 (Layne 1993:17).[6]

Thus, no matter how benign the US may now wish to project itself, including also its national ideology as well as its manifold national interests on the world stage, there are now ever present potentials for the growth of new broad-based challengers to its global role. This is even made more obvious recently with the assertiveness of some older states and new non-state actors in the military and economic realm. New states like Iran are also acquiring frightening nuclear capabilities. Other non-state actors are also suspected to be quietly pursuing similar goals.

Some states like China are already matching - if not already surpassing, the US in economic terms. And as it were, even an economically benign Great Power has never lasted for long on the world stage. The examples of France and Britain in the not-too distant past are also grim reminders here. Benignity – whether feign or real, cannot honestly save the US from a possible decline of its overall power capabilities within the foreseeable future.

Kenneth Waltz reminds us succinctly that, "in international politics, overwhelming power [as usually exhibited by a Super Power in a unipolar arrangement] repels and leads other states to balance against it" (Waltz 1991:669).[7] Layne also adds that, the dynamics of a unipolar power arrangement is such that, it generally produces a series of systemic constraints with obvious implications for the subsisting power balancing calculus or power equation in the system. These factors are owed generally to the intervening influences of uneven 'growth rates' and the 'sameness effect' as some of the principal catalysts that could likely 'impel eligible states' (or those with the capability to do so) to become great powers (Layne 1997:7).[8]

Viewed then against the backdrop of such evolving trends on the World stage, the implications of these developments appear also all-embracing and thought-provoking to say the least. There are also obvious indications at the moment of a

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[6] LAYNE, *op cit*, p. 17.
[7] Kenneth Waltz, "America As A Model For The World? A Foreign Policy Perspectives", *PS,* December 1991, p. 669.
[8] LAYNE, *op cit*, p. 7.

general shift in focus from the military to the economic and even cultural variables as perhaps some of the most vital components of the inherent power capabilities of states in the system. There is an urgent need for these variables to be well accommodated in a new international power calculus. And this also inheres in the fact that, they are increasingly becoming the new principal benchmarks now utilized by aspiring and subsisting Great Powers and new non-state actors on the ascendancy to foster their increasing global assertiveness in the recent time.

Added to this, is the fact that emergence of new Great Powers on the world stage also presuppose the a shift from the European continent as the principal locale of international power contests as well as the emergence of new zones or spheres of power influences and control in other regions of the world. This also pertains to the possible growth of new international non-military alliances, new geo-strategic cultural spheres of influences, and the emergence of new types of satellite states as well as new turfs for international 'proxy wars' of a different kind between the emerging new Great Powers.

As these trends indicate, such inter-Great Power contests portend to also abstract sharply from the traditional patterns and characters of '*hot wars*' involving military exchanges between states and indeed also the so-called now extant Superpower 'Cold War' ideological rivalries. In their place, there are indications of prevalence of new forms of '*hot wars*' and Cold Wars' which are now likely to be determined principally in both economic and cultural terms. These represent radical shifts from the military and ideological calculus of yester-years.

However, the growing incidents of regional integration across the world in the recent time - due to increasing incidents of globalization, has also translated into a growing assertiveness of geo-strategic economic regional blocs also on the world stage. They too are now claiming protective and exclusive rights against other competing economic areas. As Samuel Huntington posits succinctly in his '*Clash of Civilization*' thesis, "the years after the Cold War [has] witnessed the beginning of dramatic changes in peoples' identities and the symbols of those identities. Global politics began to be reconfigured along cultural lines. Upside-down flags were a sign of the transition, but more and more the flags are [now] flying high and true, and [.....] peoples are mobilizing and marching behind these and other symbols of their new cultural identities" (Huntington 1997:19).[9]

What such pervasive scenarios imply is that there is a general shift in focus from the traditional patterns of international affinities by states and indeed by the peoples of the world. This translates to mean the imminent emergence of new sources of fault-lines in various levels of international exchanges in the system. These would play out more in the social-cultural and economic realms as it seems. Such emergent trends could also result from a scenario where evolving cultural

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[9] Samuel P. HUNTINGTON, *The Clash of Civilizations And The Remaking of The New World Order*, London: Simon and Schuster Uk, Ltd, 1997, p. 19.

identities are now used as benchmarks to define who a group is as a way to distinguish them from others whom they must shut out effectively even if by force. This strategy is essential if each group has to survive the ensuing asphyxiating competitiveness in the real 'New world Order'. As Huntington also captures here vividly, "culture and cultural identities, are [now] shaping the patterns of cohesion, disintegration, and conflict in the post-Cold War world (Huntington 1997:20)."[10] States and indeed other non-state international power players now have compelling reasons to harness fully their cultural as well as economic potentials – and of course with the much needed military back-up as a means to project themselves more effectively on the world stage.

That new Great Powers – emerging either in the form of state or non-state actors, would be an immediate possibility sooner than anticipated, is a forgone conclusion the way it seem. However, the character of these new great power balancers will be such that they would tend to also exhibit a general tendency to assume prominent leadership at the epicenters of the world's leading economic blocs as well as prominent leadership at the epicenters of the world's greatest civilizations.

This perhaps, is the only way any power can hope to fully assert itself on the world stage in the 'real' New World Order. One should not also loose sight of the fact that non-state actors have now become quite assertive on the world stage and have also shown keen interests to pursue global-reach power status comparable to Great Power influences traditionally exerted by states. These are historical expediencies that require apt and timely critical analyses and expeditious responses in kind by the current key power balancers in the system the way it seems.

However, there are manifold empirical questions that can also be easily generated by such unfolding scenarios as painted here in the foregoing analogies. These are questions that could readily jump start a series of debates and new researches across the academia. These consist of the followings: first, who are the likely anti-US unipolar contenders for global-reach/great power status? Second, what are the factors that might propel them easily into prominence on the world stage? Third, what will be the new character of International Politics, and what will be the characters of the new proxies as well as the possible satellites states in the emerging new contests between the new power players in the international system? Fourth, what could be a likely response of the US – the sole Superpower in the current unipolar system to such manifold assertiveness by new players on the world stage? Fifth, what could be the likely character and outcome of a multi-polar re-arrangement of the system, would these be principally done along economic and cultural lines?

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[10] See *ibid*, p. 20

a) Which Are The New Potential Great Powers/Global Players and Balancers?

Both older states and new non-state actors are potential contenders in the newly evolving global power balance equation – in the so-called *real* 'New Global World Order'. Abstract from the traditional reliance on the military factor, a determination of which states are likely to become these new potential Great Powers/global players is a function of their abilities to demonstrate meaningful degrees of assertiveness in the areas of economic dominance/influences as well as great degrees of cultural attractiveness in the epicenters of global civilizations (See Huntington 1997).[11] And with reference to the new global-reach non-state actors, this would depend on their abilities to act as veritable vehicles and facilitators of the drive for cultural unifications between the medley of nationalities now striving for exclusive collective identities that differentiate them from the others.

The list seems endless here. But there are two basic criteria that seemingly also tend to exemplify some of the most serious contenders to this privilege global status. They refer to the potentials of a new player to possess and maintain global-reach military as well as global economic capabilities on one hand and civilization-wide cultural appeal on the other hand. The military component of a major state-actor player should be such that in numerical terms, it should be adequate for its domestic security and defense purposes.

In addition, it should be sufficient also to enable it respond adequately and timely to any potential threats to its vital national interests and those of its allies and cultural kin-states in far flung locations across the world. One should not also loose sight of the import of its potentials to be readily available at short notices on the international plane for collective security-related chores needed to counter other potential threats to international peace and security generally anywhere in the world.

With respect to the economic components of a state-actor player, the domestic economy should have already been able to maintain a credible level of national industrial productivity self-sufficient for the domestic needs so as to reduce its dependence on external sources. Also, such products must be technologically compliant and must have already been able to capture cheap and profitable markets abroad in far flung locations. And by so doing, they must have helped generate adequate external dependence on such states by many others far and wide across the globe. And even if such states are still reliant on others for the supplies of vital raw materials, they should have also been able to position themselves strategically on the diplomatic plane so as to be able to compel such suppliers to dispense with their produces at very cheap prices and under favourable terms of trade beneficial primarily to the buyers even if at the detriment of the suppliers. What this implies is that such emerging states should be able to effectively adopt diplomatic arms twisting tactics through threats of sanctions and their likes in influencing other states to do their biddings at all times.

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[11] See *ibid.*

Concerning non-state actor aspirants to global player positions, in paramilitary terms there is a need for them to also be able to create, maintain and co-ordinate multiple transnational organizational cells ready to prosecute their heinous agendas as and when desired at very short notices also. Their numerical strength and unit-level command cohesiveness should also be at such a level of preparedness that decisions from the central command in remote 'underground mountainous' locations are dispensed with judiciously and to the letters any where across the world.

In terms of economic capabilities, such non-state actor aspirants to key international power 'balancer' positions ought to have solid financial and overall material resource wherewithals that can also match those of the incumbent state-actor balancers in the system. International power balancing is high-stake politics any day and there can be no equivocations about a player's inherent de facto power capability which ought to also be largely sustainable over a long period of time for it to be effective.

Thus, given the foregoing analogies it becomes evident that state-actors and non-state actors that could emerge on the international stage would likely include some of the followings: a re-assertive Russia, Germany, Japan (the limitations of its demography and cultural spread could grossly limit its effectiveness as potential international power player), China, India, a united Korea, Malaysia and Indonesia in that order (Huntington 1997).[12] And for the non-state actors, one could also envision the European Union (EU) acting as a major regional power bloc and from where it can project itself as a major contender on the world stage especially in the economic and cultural realms – some of the vital components of the rallying points for states in the forthcoming inter-civilizational rivalries.

There are also other culturally-biased international agencies like the Al-Qaeda international terror network that has begun to assert itself on the world stage. The larger question then is, how does one ascertain if and when such states and non-state actors individually meet the acid tests of the criteria stated above for them to become de facto power balancers in the international system? This would require the task of critically exploring for answers to the next poser raised at the onset of the analysis. What this implies here is that, the following factors to be addressed may act as some of the trajectories needed to propel international power aspirants into global prominence.

b) What Are The Factors That Might Propel Emergent New Actors Into Prominence On The World Stage?

At the onset, it would seem growing unilateralism in global affairs by a unipolar power balancer could cause a general scare amongst other states which could compel them to react and balance against such increase in international

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[12] See *ibid.*

unilateralism. A unipolar power balance can be tantamount to prevalence of absolute power in the international system. And for the mere fact that absolute power corrupts absolutely – which is an oft cited cliché in political discourse, it is indeed also true that in as much as absolute power repulses, it readily also repels other rival powers to concert against its eventually on the long run. Therefore, some of the crucial factors that may account for the rise of new power players could consist of the followings:

First, the ongoing global economic melt-down in the Core capitalist states is already presenting a scenario suggesting the fact that world capitalism might just be on a general decline. This has been made most obvious in the absence of the militant brand of Soviet-era World Communism that had hitherto offered useful checks and balances or acted as the vital mirror needed to curtail the rather unbridled personal capitalist consumptive capacities usually premised on a general gross reliance on the use of credit facilities.

It is also a known fact that the strains in the global financial sectors across the capitalist core owe roots in the overdosed and the rather outstretched credit limits. This has acted as some of the crucial factors that readily account for the current meltdown in the world financial system. The logic here seems to inhere in the fact that where the capitalist core now suffers such excruciate financial deficits or credit crunch, the inherent capabilities of these states could generally diminish retrogressively and to the advantage of those non-generic capitalist states - especially those in the so-called capitalist semi periphery region. If one then goes back to apply effects of the uneven 'growth rates' and 'sameness effects' on these emergent trends, it becomes evident that the emergence of new states – especially those outside the traditional capitalist core areas is already becoming a forgone conclusion. States like China appear insulated in a unique way from the harsh vagaries of the so-called global economic meltdown. Reason for this is tied to the strict restrictions placed on the use of credit facilities in the Chinese economy. This is one major reason that seems to be propelling China currently onto global economic assertiveness.

Second, the current global financial melt-down, in as much as it affects economic trends generally across the world, the 'sameness' effects can never be the same. They seem to be much harsher at the epicenters of their own genesis. The peripheral states also tend to be suffering some of these harsh effects and for the mere fact of their arrant over-reliance on the Core states for financial assistance in forms of loans, grants and other bogus humanitarian hand-outs.

And as it were, the Semi-peripheral states appear posed as the ones likely to suffer lesser effects of these harsh global financial realities and for the following reason. Thus, because they too also exploit others within the incumbent global capitalist arrangements, they are the ones likely to be in a better position to exploit the incidence of a now weakened capitalist Core to their own advantage. The double digit economic growth rates now witnessed within some states in the Semi peripheral

regions could likely promote the capabilities of emergent states that could be translated into their increasing assertiveness in global affairs. China, India and a handful of others adds up the picture here. Logically speaking, the bulk of new international power players (state-actors) could emerge from the semi-peripheral regions.

As for the new non-state actors, one could also envision their emergence from the peripheral regions where multiple states are already on the verge of collapse. The global meltdown could likely aggravate the general dearth of funds needed by such states to continue paying for their internal state and regime security requirements. Multiples of internationally renowned drug cartels (for example in Bolivia, Columbia), criminal and terrorists organizations (like Al Qaeda) that are also financially buoyant, might exploit the fiscal crises in the failed state regions to propel themselves into international prominence. From offering covert financial succor to the regimes in these failing states and to the outright take-over of these states like what was witnessed in the take-over by the Taliban in Afghanistan, could become quite prevalent across the failed state zones in the capitalist peripheral regions.

Third, new breakthroughs in technology – especially, within the semi peripheral regions portend to propel new power actors into international pre-eminence generally. China's recent breakthrough for instance, in successfully undertaking the world's largest ship building venture as well as mastery of its extra-terrestrial satellite launching systems; the development of other potential new weapons systems; and including also Iran's recent breakthrough in nuclear fission technology that could most likely lead to the production of nuclear weapons any time soon, all could actually act as potential factors that could account for the rise of new power players in the system.

Fourth, some of the major contenders against a domineering Western culture in global affairs have been linked to an assertive radical or fundamentalist brand of Islam, especially as promoted by such so-called rogue states and reactionary terrorist organizations like Iran and Al Qaeda respectively. Recently, there have been unsettling news reports of some blasphemous behaviours and cover-ups in Christendom following reported cases of alleged acts of sodomy perpetrated by some priests, as well as the ordination of gay priests in some European and American cathedrals and including the permissiveness of some Churches to the unholy union of same sex in their folds. All these trends general portray Christendom as a social way of life that is currently experiencing a critical crisis.

It is also a known fact that Christianity has been a veritable vehicle for promoting the Western idealisms of internationally accepted civilized conducts that are premised on some divinely mandated moral precepts. What these trends then portend to do is to present on a platter of gold, good benchmarks for the assertive brand of radical Islamism to project itself more credibly onto the world stage as a better alternative to a decadent way of life or a general civilizational decadence now been promoted by Christendom generally. From a logical point of view, both emergent state and non-state actors are likely to arising from the 'House of Islam'.

And if Huntington's 'Clash of Civilization' thesis is taken here as given, it becomes evident that, religious ascriptions could also be one of the major vehicles through which new actors and power players could enhance their potentials and profiles and be easily propelled onto the world stage in the not too distant future.

c) What will be the new character of International Politics, and what will be the characters of the new proxies as well as the possible satellites states in the emerging new contests between the new power players in the international system?

From a logical point of view, intense competitions for new sources of strategic raw materials will tend to be the principal focus of the ensuing power contests between new and old power players in the system. Especially of interest here, are new resources discovered in locations like the Central African region – Chad, Niger and Sudan on one hand (where there are now evidence of huge Uranium and Oil deposits), and the Falklands Islands on the other hand (where Oil has been discovered in large quantities).

And by implications, these locations all present themselves as some of the many new possible zones for proxy wars and new hotbeds for the renewed rivalries between key power players in the system. Failing state capacities in these areas is also one useful vehicle that could promote some kind of unique proxy relationships premised on dependency of these locations on some of the emerging international power players. The expediencies to tackle acute regime security as well as the overriding need for territorial defense against increasing numbers of well-armed international rebels and terror units will tend to galvanize such failing states to willingly begin to play second fiddle roles to such old and emerging new power players with capacities to perform these vital functions for them in the system. Both political and economic concessions could then be freely dispensed with in exchange for a credible presence of such external powers needed to stabilize trends within such failing states.

d) How would these new power players interface with the new proxies and the so-called satellites that may emerge later on?

The most likely scenario could be through imposition of a new form of exploitative neo-colonial rule by such external interveners possibly masked as prolonged external humanitarian interventions in the failed states regions. This could become very prevalent in the international system, especially in the dying days of the current unipolar arrangement. Such external controls could be direct (through outright take-over of civic administrations) or by covert means (through the rule by proxies and puppet indigenous collaborators). The failed state regions across the world also generally present us with an ominous prospect for the emergence of new power satellites of a different type. Humanitarianism could also become a recurrent pretext to be used by new and old power players to deploy their forces into the failed state regions. This will also be under the pretext of helping to stabilize

such territories whereas the main aim is to get leeway into such territories with the sole aim to exploit any natural resource within such localities and with little or no challenges from the local population or their elites.

e) What could be a likely response of the US – the sole Superpower in the current unipolar system, to such manifold assertiveness by new players on the world stage?

This eventuality of a US response presents us with a scenario where an increasingly internationally alienated USA would begin to intensify its unilateral interventions across the world in a bid to counteract and curtail such assertive new actors across the world's emerging political/economic/cultural hotbeds. This will lead to the possibilities of low scale international proxy wars and even frontal armed exchanges between the US and such new entrants. Intervention could abstract sharply from the erstwhile military focus and may span to other areas like economics and culture even though the muscle of the US would be increasingly facilitated by the massive or overwhelming deployment of its military might across the world. And as the challenges increase, so would the frequencies and scope of the US interventions across the world would likely become. This would persist up till the point when the resolve or moral commitments and resources of the US have been outstretched beyond its inherent national capacities. This is when the real-time costs and harsh effects of maintaining a unipolar power balance would begin to have a hurting and negative impact on the abilities of the US to continue to maintain its pre-eminent position in the system. It is at this stage that the new power balancers would begin to overtake the US and when they could begin to eventual subdue the last unipolar Superpower balancer of this century.

f) What could be the likely character and outcome of a multi-polar re-arrangement of the international system, would these be along economic and cultural lines?

The end game in the ensuing exchanges between the key power players in the system would be such that, it most likely could produce the following outcomes with grave consequences for the re-alignment of forces within the system. These include the followings:

a) It could result in the likely shift in the epicenter of the pendulum of international power balancing from the geographical West to the East

b) It could result in the likelihood of increase intensities of catastrophic civilizational frictions and high intensity wars across the emergent fault-lines of the New World's assertive global civilizations

c) It could result in the likelihood of a forthcoming nuclear conflagration between the Western Christian and Eastern Oriental civilizations led by Islam. This point has been biblically foretold as the forthcoming *'Armageddon'* and the final meltdown of humanity coupled with the end of recorded time for all human civilizations worldwide.

In conclusion here, one can assert that in succinct terms that, the adverse effects of increasing interconnectivity and interdependence of states and peoples across the world as occasioned by globalization; the renewed focus on cultural symbols and identities as bench marks for socialization in the international system; coupled with the persistent of unipolarity/unilateral assertiveness by the US on the world stage; and the ongoing global financial meltdown that readily aggravates the precarious internal security/economic plights of most people in the failed state regions, portend to act collectively as veritable primers/trajectories that could propel multiple new states and non-state actors into international prominence as key players and balancers in the emergent real 'New World Order'.

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SOME VIEWS ON THE WAY OF DEPLOYMENT AND OPERATIONS OF THE EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO "EULEX"

AZEM HAJDARI[1]

ABSTRACT. The paper presents some opinions on EULEX mission in Kosovo. It evaluates it setting up, functioning and potential success. It also encompasses reactions from the local population and the possible interference in area competences with other missions of the European Union and other international organisations in Kosovo.

Keywords: Kosovo, EULEX mission, European Union, legal framework

Introduction

EULEX entails a particular mission (sui generic) of the European Union. It is the largest civilian mission established ever in the history of functioning of the European Union.[2] This mission commenced its activity on 9 December 2008, while became operational by April 2009 on its full capacities. The mission for the time being involves around three thousand members of staff engaged in strengthening the rule of law in Kosovo, in particular in the area of Justice, Police and Customs. Therefore, this mission with clearly defined authorisations and an initial mandate of three years has marked the first anniversary of its functioning in Kosovo. As already known, after the three-year period, the operation of EULEX may continue for at least another additional mandate.

EULEX operates within the framework of United Nations Security Council Resolution 1244 with a unified chain of command in Brussels. The following observations of the paper shows that the work of EULEX mission in Kosovo have been very challenging. Hence, this mission since the beginning until now days has marked significant successes as well as some failures and deficiencies.

I. Understanding, basis of deployment, functioning and operations of the EULEX mission in Kosovo

An observation, no matter how short it is, on the functioning in the field, one can conclude that during this short period, shows the operation of EULEX Mission has had many advantages facilitating its work, but also the mission followed many challenges and difficulties.

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[2] Apart from Kosovo, EU has launched other missions in the Gulf of Aden, Georgia and Chad.

1. Understanding and basis of deployment of EULEX Mission

EULEX is the European Union Rule of Law Mission in Kosovo. Its main objective is to assist and support Kosovo authorities in the area of rule of law, particularly in the area of police, justice and customs. The mission's objective is not to occupy or administer with Kosovo. This is a technical mission whose main mandate is monitoring, mentoring and advising of Kosovo institutions responsible in the area of justice. Notwithstanding, the mission has been attributed with a number of executive competencies. These competencies, although not clearly defined, to some extent refer to the authority of EULEX to halt back or cancel operational decisions taken by competent authorities of Kosovo, as well as to exercise direct duties in prosecuting and adjudication of suspected criminal cases. As such, this mission is responsible to develop and strengthen further a multiethnic and independent justice system in Kosovo, by ensuring that rule of law institutions are free from political interference and adhere to international standards and European best practices.

The EULEX Mission in Kosovo has been deployed under a Joint Action of the Council of European Union known as: Council Joint Action[3] No 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo. This document defined competencies of EULEX, structure, statute, personnel, etc. However, basis for deployment of EULEX was the United Nations Security Council Resolution 1244. The deployment of EULEX Mission was preceded with a preliminary consent given by the United Nations Security Council. Furthermore, we can freely conclude that the establishment and deployment of this mission in Kosovo has the support of the most important instruments of international law, including the United Nations Charter – as underlined in its preamble, paragraph c and f.

2. Functioning of EULEX Mission

The EULEX Mission according to article 6 of the Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo operates as a unique structure across Kosovo. The Mission has its headquarters in Prishtina, regional and local offices within regional and local centres across Kosovo, a supporting component from Brussels, and its liaison offices, to be established on specific needs. In addition, for operational purposes the Mission in Kosovo involves also its internal organisational structure, including the Office of Head of Mission and Personnel, Police Component, Justice Component and Customs Component. These components are managed by respective Heads of Components responsible to the Head of Mission.

On the other hand, pursuant to Article 11 of the previous document EULEX Mission in Kosovo, as a crisis management mission, is guided through a unified command. This command is directed by the Head of Mission. He is directly

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[3] www.consilium.europa.eu/.../Council_JA_on_EULEX_Kosovo-Albanian-(Final).pdf.

accountable to the Head of Civilian Operations. Beside this, article 11 addresses Council responsibilities, respectively the Political and Security Committee exercises political control and strategic direction of EULEX Kosovo. The Council exercises this control through the Civilian Operation Commander, providing the Head of Mission with instructions, advices and technical support, and reports to the Council of European Union through the general authority of Secretary General/High Representative (SG/HR).[4]

In fulfilling its mission EULEX is required to cooperate directly with respective institutions of Kosovo in the area of Rule of Law. This cooperation is outstanding that the support provided by the Mission in the area of rule of law is as acceptable as possible.

3. Scope of EULEX Mission

As underlined, EULEX has been established as a European Union Mission for Rule of Law in Kosovo. The mission is mandated to support Kosovo Institutions, judicial authorities and law enforcement agencies in their progress toward sustainability and accountability in further developing and strengthening an independent multiethnic justice system and multiethnic police and customs, ensuring that these institutions are free from political interference and adhering to internationally recognised standards and European best practices. In this respect, the mandate of this mission would be fulfilled through monitoring, mentoring and advising, but retaining some executive powers.

The operations of EULEX mission is extended into three components of rule of law, and that in police, justice and customs components. "The Police component carries out its assistance to the rule of law in Kosovo mainly through the assistance provided to Kosovo Police Service. This component is composed of 1400 international police officers deployed across the territory of Kosovo. Members of this component are structured within three departments: Supply Department, Department of executive Police, and Department of Special Policing."[5]

The Justice component carries out its support in the rule of law in Kosovo mainly through the assistance provided to courts, public prosecution and Ministry of Justice. This component is composed of 300 members of staff. Of them, 70 in the correctional service, 40 judges, 20 prosecutors and the rest in other segments of judiciary.[6]

The Customs component carries out its support in the rule of law in Kosovo mainly through the assistance provided to the Kosovo Customs Service. This component involves 27 international experts and 19 local members of staff.[7]

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[4] For more on this refer to the Strategic Programme of EULEX, fq. 7 – 15.
[5] http://www.eulex-kosovo.eu/alb/?id-9
[6] http://www.eulex-kosovo.eu/alb/?id-10
[7] http://www.eulex-kosovo.eu/alb/?id-5

Pursuant to the Mission Statement, in the above stated areas EULEX Kosovo has the mandate to: monitor, mentor and advice competent institutions of Kosovo in all issues related to the rule of law (including the customs service), whereas will retain certain executive powers; to ensure maintenance and promotion of rule of law, public order and security, through halting back or cancellation of operational decisions of respective authorities of Kosovo; to assist in ensuring that all services of Rule of Law in Kosovo are free from political interference; to ensure that cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes are properly investigated, prosecuted, adjudicated and enforced according to the applicable law; contribute to strengthening cooperation and coordination throughout the whole judicial system, particularly in the area of organised crime; contribute to the fight against corruption, fraud and financial crime; contribute to the implementation of the Kosovo Anti-Corruption Strategy and Anti-Corruption Action Plan; to take other responsibilities, independently or through assisting Kosovo authorities, to ensure the maintenance and promotion of rule of law, public order and security, in consultation of relevant agencies of the Council; and to ensure that all its activities respect international standards concerning human rights and gender mainstreaming.[8]

II. Advantages of deployment, challenges and difficulties accompanying the operation of EULEX Mission Kosovo

From a short observation of activities developed in one year period one can conclude that the EULEX Mission in Kosovo, since the beginning had the benefit of some advantages facilitating its work; however the mission faced many challenges and difficulties. Substantial aspects of these issues will be discussed in the following part of this paper.

1. Some advantages facilitating the deployment of EULEX Mission

As stated, there are many and different advantages that have facilitated the work of this mission. These advantages continue to be specific and distinguished from any other mission that EU has established during its existence in a third country. Hence, in the course of this paper I will underline some of advantages, that is to say essential advantages that continue to characterise the work of this mission. Therefore, based on my opinion key advantages of this nature may be considered:

1. Evident results achieved by UNMIK in the area of functioning of criminal justice during its mission in Kosovo. These are obvious results, either in the area of criminal legislation drafting or in the area of establishing democratic institutions of security and justice in general.[9]

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[8] See the document: Joint Action,…., Article 3, pg 3.
[9] For more please refer to: Azem Hjadari Some aspects of the Functioning of UNMIK in Kosovo, Visions No. 11, Shkup, 2005, page 32

2. Existence of legal basis which is considered to be necessary for the deployment and operation of this mission. The main bases of this foundation, as discussed earlier, are: UNSCR 1244[10] and the European Union Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo.

3. Existence of the Security force in Kosovo.[11] This force named KFOR, in reality represents the most important institutional segment that continues to provide a secure environment of life in Kosovo, as well as defending the life and facilitating the activities of international staff, including representatives of EULEX. In addition to KFOR, an important role in keeping peace and security in Kosovo entails the Kosovo Security Force, where the international community is strongly assisting in making it operational.

4. Existence of basic local penal legislation on which foundation operates the judicial and security system in Kosovo. Hence, now Kosovo has its own Criminal Code, Code of Criminal Procedure, Law on Juvenile Crimes, Law on Execution of Penal Sanctions, Law on Witness Protection, Anti-Corruption Law, etc.

5. Existence of a tradition - although accompanied with many weaknesses and deficiencies - in the exercise of respective activities in police, prosecution, courts, institutions of execution of criminal sanctions, customs, forensic, etc.[12] This tradition, involves a relatively long historic, extended across many decades before the end of war.

6. Existence of other facilities (location) where members of EULEX mission were located. This foundation has been inherited from UNMIK which considered being functional and appropriate for development of this activity.[13]

7. Existence of a principle consent of the parties involved for mission's deployment.[14] This consent is being followed with practical actions applied in the field. Therefore, for the time being the customs are functioning properly, as all expected accidents have been prevented.

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[10] This Resolution has been adopted on 40110 meeting of the United Nations Security Council, on 10 June 1999.

[11] For deployment of this force, apart from UNSCR 1244, a particular importance has the Technical-Military Agreement between International Security Forces KFOR and the Government of Federal Republic of former Yugoslavia and republic of Serbia, whish was signed on 3 November 2009. This agreement among the public in Kosovo is known and the Kumanova Agreement, because it has been signed in the city of Kumanova, Republic of Macedonia. For more reference on this aspect please see: Enver Sopjani, Permbledhje aktesh Nderkombetare per Kosoven, (Summary of International acts for Kosovo) (1999 – 2004) Prishtinë, 2005, pg. 101.

[12] These key segments of exercise of activities in the area of security and justice continue to be target of critics of local and international institutions because of different corruption affairs.

[13] In most of the cases members of this mission are located in facilities that before were used by UNMIK.

[14] In reality, parties involved had some remarks regarding the acceptance of this Mission, but these issues overcame in time. Therefore, the Albanian side as majority was against the so-called six points of the Secretary General Ban ki Mun, which was related with the neutral position that EULEX should maintain in relation to the Status of Kosovo. While the Serbian side requested that the legislation of Kosovo should not be applied in northern Kosovo.

8. Welcoming of local population, which beside some minor movements coming from certain individuals and groups, presents another characteristic of the one-year period of the operation of EULEX Mission in Kosovo. This welcome is obvious and it is considered to be comprehensive as it has been seen among all other communities.

2. Some challenges and difficulties facing the EULEX Mission

Apart from the above mentioned advantages, which probably have given courage and force to the EULEX Mission, the responsible work of the mission continues to face a considerable number of challenges and difficulties. Main challenges and difficulties which the mission continues to face in fulfilling its given mandate, among others may be considered:

1. Generalisation of the mandate, respectively the uncertainty of EULEX executive functions. As the results, the EU Council Joint Action on which basis has been established the EULEX Mission, the part on its executive functions does not specify at all which functions of this nature would be exercised by the mission in the area of rule of law in Kosovo. This situation gives room to different interpretations as well as the potential to exercise competencies in those areas that would otherwise be exercised by respective Kosovo authorities.[15]

2. Existence of a fragile and unsustainable security situation in the northern part of Kosovo. This situation, apart from the changes in place, continues to be quite fragile yet.[16]

3. Functioning of a tripartite system of power and power with mixed competences. Hence, beside the local authorities, in the justice system of Kosovo, although with extremely reduced responsibilities, continues the functioning of United Nations Mission in Kosovo (UNMIK), EULEX Mission and respective Kosovo authorities. This way situation, also within the general conditions of the scope of activity of each stakeholder, makes the system difficult to function properly. On the other hand, in the situation where these competences, to a larger extent, continue to be uncertain and mixed their functioning will be accompanied with many deficiencies.[17]

4. Transfer of competences from UNMIK to EULEX. These issues, although in general lines has not faced major problems, however continues to be a matter of concern particularly in the northern part of Kosovo.[18]

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[15] Compare: Esat Stavileci: Kosovo under International administration, Prishtina, 2000, pg 284 – 285.

[16] In this part of Kosovo as well as beyond it still continues to operate the Serbian intelligence service, with the mission keeping the situation tensioned for the purpose of preventing Kosovo on its road towards democratisation and progress, but also to keep existing as long as possible elements of organised crime in part of Kosovo and beyond, in order to 'manifest inability 'of Kosovo to govern itself.

[17] Under the conditions of such way of functioning each of the parties may avoid exercising their responsibilities and to address the fault to another authority. The Report of the UN Secretary General of 15 January 2010, stresses the attention of a fragile security situation.

[18] In this part of Kosovo UNMIK continues to exercise some competencies which currently are not subject to the other parts of Kosovo.

5. Functioning of parallel structures. This aspect involves not only security parallel structures (intelligence service of Serbia) but also other segments of their existence, as the case of existence of some municipal administrative units in North of Mitrovica, Zubin Potok, etc., established by Belgrade authorities.

6. The scope of activity of EULEX Mission. As already known this mission has a narrow mandate and in some aspects not sufficiently clear and limited in time. In view of the needs of Kosovo for revival of the justice sector, these aspects may result the mission itself failed. Moreover, this is so if even now there are no initiatives for extending its work, at least for another three-year mandate.

7. Non recognition of the independence of Kosovo by all European Union member states. Even though this fact has not manifested any direct effect to the EULEX Mission, still indirectly has affected the Mission's work.[19]

8. Initiation of the issue of legitimacy of the declaration of independence of Kosovo in the International Court of Justice. This issue keeps pending Belgrade's ambitions and a majority of Serb community living in Kosovo that there are still possibilities to open talks on the future of Kosovo, what also follows to affect the level of cooperation between this community and EULEX Kosovo, and Kosovo institutions and other structures of international presence.[20] One can assess that these circumstances, more or less, may reflect in fulfilling the tasks of EULEX.

9. Existence of obvious differentiation between majority community – Albanians and minority communities – Serbs. These differentiations, although to some extent have been overcome, they are being inspired continuously what has simulated another challenging element for fulfilling the mission of EULEX. There is no doubt that this situation is being used by extremist groups at any moment for generating crisis in the area of security and justice.

10. Continuous difficult economic situation. It is assessed that poverty rate in Kosovo is at extremity. Around 37% of the Kosovar population is considered to live at extreme poverty rate with only €1.42 per day. Alongside some modest improvements marked with the privatisation process of publicly and socially owned enterprises and private initiatives, one may freely conclude that yet again there are no effects of a sustainable economic revival.[21]

11. Missing persons. There are around 1700 persons considered to be missing.[22] This an issue, that among others, keeps the general situation in the country continuously tensioned. In order to handle this situation, EULEX has engaged a team within the Office of Missing Persons and Forensic, who commenced their activity in concert

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[19] 5 out of 27 EU member states have not recognised the state of Kosovo. They either have no presence in the structures of EULEX mission or are present in much reduced manner. This is not related only to the personnel but also to the contribution.

[20] This does not imply only the cooperation with UNMIK, but also cooperation with the International civilian Office.

[21] Giant of the Economy of Kosovo: Trepca, Mines in Kishnica and Novo Berd, Mine of Golesh, Strezocit, etc., still continue to face major problems in their operation. Whereas, small and medium enterprises most of the cases operate only for the existence involving losses in the business.

[22] These data refer to the statistics of 2007, published by the Department of Justice, Office for Missing Persons and Forensic, UNMIK.

with the local experts for identification of mortal remains from the war. Nonetheless, apart from this activity yet again there are modest results seen in this regard.

12. The issue of continued declining rate of citizens' approval to the justice system. This decline of reliability is evident within Kosovo also to the key international stakeholders. The decline of the reliability rate to the justice system is the result of non investigation of perpetrators of serious crimes, pending the solution of criminal cases by the courts, but also from the relatively high rate of corruption that has involved this vital component of functioning of the state.[23]

13. The issue of the revision of the structure of prosecutorial and justice system. At first this implies the aspect of balancing the number of prosecutors and judges with the number of population, as well as the aspect of performance assessment of these personnel.[24]

12. Deficiencies in the completion of Penal legislation. It is clear enough to the Kosovar public that in Kosovo even ten years after the war, neither the law on courts and prosecution has not been issued nor the amendment and supplementation of many laws in the penal area, for which there are outstanding needs.

15. Heterogeneous composition of EULEX Mission. EULEX mission members of staff come from different countries and continents. They are characterised, more or less, on different level of experience and tradition regarding the work they have been burdened. Of course comparing to UNMIK, EULEX presents quite a homogenous structure. The UNMIK mission likewise has faced those challenges during the exercise of its mandate in Kosovo. Furthermore, the scope of activity of UNMIK Mission is considered to be more challenging. This occurred as the UNMIK mission has been more comprehensive in terms of its cope of activity, heterogeneous in structure and it has been the first international civilian mission facing a post conflict situation.[25]

III. Some results and failures of the EULEX Mission in Kosovo

Difficult economic situation, many problems that have accompanied the functioning of justice system in Kosovo for decades, including the post conflict situation as well as many other circumstances are considered to be key factors determining the modest development of results, respectively deficiencies and failures of this Mission. In the course of the paper I will elaborate some achievements, then failures manifested during the one-year functioning of the Mission.

1. Some achievements of EULEX Mission

The operation of EULEX mission in Kosovo is very complex. This complexity is conditioned not only form the generalised solutions addressed by the European Union Council Joint Action 2008/12/CFSP of 4 February 2008, on the European

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[23] This will be discussed in general terms in the part regarding the failures of EULEX Mission

[24] As the Kosovar public knows so far any public prosecutor or judge has been dismissed because of lack of performance and misconduct. This should not be the approach to be practiced in the future.

[25] Azem Hajdari, Some aspect of the functioning og UNMIK…page. 36.

Union Rule of Law Mission in Kosovo, particularly regarding the executive powers, as well as the issue of heterogeneity of the composition of its staff and the current state of play of justice system and that of state structure, particularly in north. These are considered to be main factors that this Mission within one-year period to mark results which, however, are quite modest. Furthermore, following this paper I will try to elaborate briefly some achievements of the work of EULEX Mission.

1. Deployment of EULEX across the entire territory of Kosovo. As defined the EULEX Mission has been established to exercise its mandate across the territory of Kosovo. This mandate refers to "the provision of assistance to Kosovo authorities: police, justice customs in law enforcement and their improvement toward sustainability and accountability.[26] I consider that without such a deployment would not be possible, not to say impossible to assess the achievements of the Mission for this period, or for short-term period, respectively for the given mandate.

2. Completion of all criminal cases in the Supreme Court inherited from UNMIK. UNMIK's mandate, among other aspects, implied the solution of so called complex criminal cases. Many cases, because of their complexity or other reasons, remained unresolved for years. Having in mind this situation, competent authorities of EULEX, in cooperation with Kosovo judicial authorities have taken the decision to work on the conclusion of such cases. This decision, in the first place, refers to the resolution of cases proceeded to the Supreme Court, to continue later with other judicial bodies. Thus, only for the one-year period managed to resolve all proceeded cases to this court inherited from UNMIK.[27] No doubt that the completion of these cases presents a significant achievement of the work of UELEX.

3. Resolution of some complex criminal cases at other instances judicial bodies. Likely as UNMIK judges, judges of EULEX mission, as specified above are engaged in resolution of contentious part of complex criminal cases. Such cases involve cases of persons indicted for war crimes, crimes against humanity, corruption, terrorism, etc. During this period of one year EULEX judges, among others, managed to successfully adjudicate cases of "Predrag Djordjevic" and "Llapi Group", which are considered very complex cases.[28] In resolving these cases EULEX laid down the prospect of fulfilling its mission in the field of justice and beyond, from which mission Kosovar public is inclined to expect more.

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[26] EULEX Mission Statement: http//www.eulex- Kosovo.eu/alb/?id-2, fq.1.

[27] The decision on this was taken on 12 January 2009. In the reviewing process so of these cases were involved a panel composed of three EULEX judges and two local judges. Some of these cases were related to criminal cases committed ten years ago. The process involves the review of appeals against the adjudications of the courts of first and second instance and the revision of request of defending the legality. For more reference please see: Supreme Court closes UNMIK cases, Kosovo sot, Daily newspaper, 15 January 2010, pg. 4

[28] Regarding the first case the indicted, Predrag Gjorgjeviq was sentence with 6 years and 3 months for criminal act of promoting hate, division, national, race, religious and ethnic intolerance and attempted murder, whereas the second were sentences three inductees with 13 years imprisonment charged with war crimes.

4. Successful arrest of several persons suspected of committing serious crimes during the war and management of some complicated criminal cases. EULEX police staff, during this year of operation in Kosovo managed to successfully undertake procedures of arresting several suspects of committing criminal acts during the war[29] and competently manage some so-called complicated cases.[30] In addition, during the period January – August 2009, EULEX prosecutors have been involved in the prosecution of 467 criminal cases.[31] This activity undoubtedly represents a success in fulfilling the Mission of EULEX which opens room for additional commitments in this regards.

5. Realization of some activities related to exhumations and identification of remains of corps of missing persons during the war period. Another engagement to evaluate the EULEX Mission in Kosovo, which manifests concrete activities in fulfilling its responsibilities, is related to the activities of the Office for Missing Persons and Forensics. This implies activities developed by this Office in the process of exhumations and identification of the remains of war victims' corps. "The data released show that within first nine-month period of the activity of EULEX in Kosovo, the Office for Missing Persons and Forensics has performed 88 operations on the ground, among which are included 45 exhumations, where remains were submitted to the families of missing persons."[32]

6. Undertaking several successful activities in the field of customs. During this period, in the course of exercising its mandate the EULEX Mission has undertaken some important initial activities considered as significant toward normalisation of the state of play in the Kosovo Customs Service. On the first hand, this implies the deployment of its customs personnel, that is to say, in all customs points across Kosovo, as well as in undertaking some activities in Gates 1 and 31[33] of border crossing points, located in northern Kosovo.[34]

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[29] At first place, this implies the arrest of four Serbs in the Municipality of Novo Berd suspected for committing criminal acts during the war of inhuman treatment, causing physical and health damages, applying measures of intimidation and terror, illegal arrests and imprisonment. For more reference please see: Press release of the Office for Public Information, EULEX, of 23 December 20009.

[30] Such a case is considered the "Bllaca Case" who publicly has declared himself as perpetrator of murder, murder attempts, serious murders and organised crime during the post war period. In his declaration he has involved in committing these crimes some influenced individuals among the structure of SHIK (Organisation of intelligence service operation for several years in Kosovo).

[31] These cases are related to criminal acts of corruption, organised crime, war crimes, terrorism, smuggling weapons and narcotics, murders, etc. Please refer to: Press Release of the Office of Public Information, EULEX, 6 September 2009

[32] Please refer to: Press Release of the Office of Public Information, EULEX, 6 September 2009

[33] These customs points were destroyed by a group of Serb rebels protesting against the deceleration of the Independence of Kosovo on February 2008.

[34] Important activities carried out in these customs points are those related to their revitalisation and commencing activities related to copying identification documents of drivers trading goods and other accompanying documents. For more reference please refer to: Information of the Office of Public Information, EULEX, 15 May 2009, pg. 1.

7. Managing visits of several senior Serb officials in Kosovo. During this period of the exercise of EULEX Mission, Belgrade authorities have paid visits of various characters to Kosovo. In this respect, it is worthwhile to underline two visits of the President of Serbia, Mr. Boris Tadiq and visits of so-called Minister for Kosovo, Mr. Bogdanoviq.[35] At the time when the legitimacy of Kosovo's declaration of independence continues to be challenged by the authorities of Serbia and under the condition where Serbian authorities continue to provide financial support to the Serbian parallel structures in Kosovo, including Serbian secret service and considering the situation that these visits are not welcomed by authorities and majority of Kosovo's population, there was always a risk of occurrence of incidents which could entail unexpected consequences.[36] In this regard, I consider that it is to EULEX mission with its activities that has enabled normal proceeding of these visits.

2. Some failures of EULEX Mission in Kosovo

The one-year work of the EULEX Mission in Kosovo, except the highlighted achievements, was followed with some deficiencies and failures. Hence, in the course of this papers within certain limits, will try to tackle and elaborate major deficiencies and failures of this mission.

1. Continuity of remaining some parts of the territory of Kosovo outside the jurisdiction of Kosovo institutions and international authorities, including EULEX Mission. Since the end of the war until now days in the territory of Kosovo continues the existence some Serb enclaves which directly are preventing the functioning of institutional life in the country. Many of these enclaves are still remaining outside the jurisdiction of Kosovo authorities, but indeed they are still outside the jurisdiction of international authorities, including the EULEX Mission. One may assess that such a situation, is conditioned not only because of the fear that existed among the minority communities within these enclaves from the revenge of majority population after the war, but by the fact that Serbian authority in Belgrade is strongly investing in their appearance and existence. Another factor is that related to insufficient commitment of international missions, which did not only de-enclavised Kosovo, but with their approach contributed to continuation of such state of affairs.[37] I consider that, the elimination of parallel structures is the task of legitimate Kosovar and

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[35] Noticeable to stress is the fact that most of these visits were used by Belgrade authorities to give political declarations, with the proclamation that "Kosovo is a land of Serbia"

[36] The financing of parallel structure in Kosovo can be proven with the budget framework of Serbia for 2010, according to which Belgrade authorities allocated over 40 million EURO to finance these structure.

[37] The International Civilian Office and Kosovo authorities, including the assistance of EULEX have publicly declared to have intensified their effort on drafting a strategy which would determine modalities for tackling the area of rule of law in north Kosovo, including those addressing elimination of parallel structures, aiming to revive normal life and legitimacy in this part of Kosovo. For more reference please see: Strategy for the North, Kosovo Sot, Daily newspaper, Prishtina, 15 January 2010, pg. 3.

international authorities, based on the fact that there is no formal document - including the foundations of deployment of UNMIK and UELEX in Kosovo - that recognises enclaves as forms of territorial composition of Kosovo. Such a situation regarding enclaves continues to determine much of the instability in Kosovo. The instability is reflected by strong influence that the Serb intelligence service and extremist of this community are having in these areas.

2. Functioning of parallel structures. Even ten years after the war, within the so-called Serb enclaves continues the functioning of Serb parallel structures. These structures operate mainly in the area of education, culture and health, without excluding other areas of institutional life. The number of parallel structures can be extended to the so-called cells of security and justice, in which Belgrade regime has direct influence to their existence and functioning. In this regard it is noticeable to highlight the case of appointment of judges by the Parliament of Serbia, giving the task to exercise their mandate in Mitrovca courts and other cities of Kosovo, mainly in the northern part. As already known, the applicable legislation of Kosovo recognises as legal structures for exercising their power and other activities of social life only those resulting and functioning based on the laws of Kosovo. In reality, according to the applicable legislation international community in concert with respective local authorities are obliged to eliminate such parallel structures. Hopefully with the new strategy on northern Kosovo there are new prospects for fulfilment of this obligation, considered to be the Alfa and Gamma of functioning of legal institutional life in Kosovo.

3. Functioning of Serb intelligence service and some other similar services. As stated above, during the entire post war period in Kosovo continue to operate the Serb intelligence service and some other related services. These services with their activities in the post war Kosovo, more or less, have been part of destabilisation of political developments in the past and present, but not limited to that. Particularly, for this destabilisation continues to be engaged Serb intelligence service, which is supposed to be implicated in many serious crimes committed during the past ten years in Kosovo. On the other hand, pursuant to the legislation in force these are illegal services, therefore the EULEX mission in cooperation with EULEX Kosovo authorities, such as responsible institutions for law enforcement in Kosovo, would be needed to undertake legal actions which would lay the foundations to their elimination. Actually, there is no information of any concrete activity from those stakeholders on this regard.

4. Demilitarisation of the country from illegal weapons. Even ten years after the war, it is considered that one third of population of Kosovo possess arms. This implies weapons of different types and calibre. In reality, these are weapons left out by Serb police or weapons of KLA members. These weapons present general risk not only to the life of people, but also to the general stability of the country. In order to avoid the potential risk from these weapons, under the umbrella of UN in Kosovo, UNDP organised two activities for collection and elimination of such

weapons. However, these two activities did not achieved expected results, hence majority of illegal weapons continue to be remain in the hands of population, respectively hidden in certain sites. I think that the EULEX Mission, the police component in a short period should tackle this problem.[38]

5. Deficiencies in the functioning of judiciary across the Northern part of Mitrovica. Courts of the northern part of Mitrovica were closed for around one year. They are now functioning in technical aspects. Whereas, when it comes to the exercise of judicial activities this issue is far from being normalised. Lately, the EULEX Mission has appointed international judges that commenced to work in those courts, but no action is undertaken toward selection and appointment of local judges to exercise important tasks for provision of justice for related cases. Another EULEX activity concerning this issue is the activity for preventing judges appointed by Belgrade authorities to commence their work. Indeed, EULEX should have initiated cooperation with Kosovo institutions in order to start relocation of local judges in northern part of Mitrovica, so together with EULEX judges they would work on resolution of many pending cases[39]

6. Deficiencies in operation of Customs Points at Gate 1 and 31 in the northern part of Kosovo. As stated above, after the declaration of independence several Serb extremists, uprising against this occurrence, destroyed customs points 1 and 31 situated on the northern Kosovo. These points remained as such and outside the control of legitimate Kosovo and international authorities for almost a year. Currently the EULEX mission has undertaken some actions towards improvement of the situation in these customs points, although these actions are considered to be very modest to reach the objective of full functioning of their work.[40] Indeed, not even these days' goods passing through these customs points are not subject to proper control and payment of customs duties. For improvement of current situation there is a need for recruitment of local customs and police officers, as well as equipping these customs points with appropriate infrastructure, what did not happen so far.

7. Cooperation protocol with respective authorities of Serbia. In principle, signing of such an agreement should not be considered as a failure of EULEX, as the main purpose of this protocol would involve intensification of the fight against crime, particularly organised crime. "However, while elaborating this problem in details this agreement results to have failed,"[41] and this is justified in two aspects: first, such an agreement does not involve Kosovo authorities, and secondly, stands that practical application of that agreement up to now has not indicated even the smallest result. On the other hand, on should expect progress in fighting crime in the region by ignoring respective Kosovo authorities. At least, EULEX should not

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[38] For this issue, at first place, there is strong need to draft a comprehensive strategy.

[39] Partial success of EULEX, (Balkan Policy Institute – IPOL) 27 December 2009, pg. 1-2.

[40] Such activities are those related to the copying identification documents of drivers and other additional documents, including their stamping. .

[41] Partial success of EULEX, (Balkan Policy Institute – IPOL) 27 December 2009, pg. 1-2.

have allowed at any extent having this commodity in its approach of the work. The failure towards making significant progress of this agreement has hindered the process of prepared agreements to be signed with Belgrade authorities, such as cooperation agreements in the area of customs, judiciary, etc. One can conclude that the UNMIK mission faced with the most of these failures during the exercise of its mandate in Kosovo. Its failures are considered to give more justifications to the establishment and deployment of EULEX Mission in Kosovo, even though it is more specific in the area of Rule of law.

IV. The prospect of EULEX Mission in Kosovo

The issue of the prospect of EULEX Mission in Kosovo at first depends on fulfilment of its responsibilities for three-year given mandate, but also on the rate of citizen's reliability that it can manage to achieve among the population of Kosovo. Having in mind the current situation apart from deficiencies and failures stated above both these aspects result in favour of extension of EULEX Mission's mandate. Noticeably, the presence and operation of this mission in Kosovo on professional areas, but also among the wide public it is considered as a very important step for the functioning of the law and efficient fight against criminal activities in Kosovo and the prospect of Kosovo and Balkans towards EU accession.

In order to have a clear prospect of EULEX Mission in Kosovo, apart from above mentioned aspects, there is a huge need to intensify activities on the following issues:

1. Functioning and increasing the efficiency of the work of Rule Law Board. Effectively, it would be necessary that this Board sets up a list of priorities and objectives to be achieved within a year.

2. Harmonisation of strategies of the Mission and Ministries having competences in the area of rule of law

3. Advancing the internal coordination within the EULEX authority.

4. Reform of the judicial system, as main aspect of the Rule of Law.

5. Making fully operational the courts in north Mitrovica.

6. Making fully operational customs points 1 and 31.

7. More transparency and openness of EULEX Mission in relation to Kosovar authorities, in order to prevent the situation of exchanging this mission serving itself.

8. Identification of areas where EULEX can support in the process of visa liberalisation for Kosovo citizens.

9. Making of use the new power provided for by the Lisbon Treaty for the EU High representative in order to facilitate the functioning of EU missions in Kosovo.

10. Strengthening the political leadership of EU Special Representative and making pressure toward creating political will for reforms.

11. Involvement in investigations and judgments of all cases considered as serious crimes, including the corruption affairs.

Conclusion

Observations on characteristics of the way of deployment and scope of the European Union Mission "EULEX" in Kosovo I have reached the following conclusions:

1. EULEX entails the largest civilian established ever in the history of European Union.

2. This Mission has been established with the mandate to support Kosovo authorities in improvement of Rule of Law in Kosovo, but not govern with Kosovo

3. The work of this mission was in favour of several advantages. In line with the conclusions of this paper main advantages are to be considered: existence of legal basis necessary for deployment and exercising the activity of this Mission; existence of KFOR and KSF as security forces; existence of local criminal legislation on which foundations functions the judicial system in Kosovo, existence of needed basis for deployment, local welcome, etc.

4. The Mission's work accompanied many challenges. According to the conclusions of this paper, main challenges are to be considered: generalisation, respectively uncertainty of executive functions of EULEX, existence of a instable security situation in the country; functioning of tripartite system of powers (UNMIK – EULEX – Kosovo institutions); functioning of Serb parallel structures; economic stagnation; the issue of missing persons; heterogeneous composition of EULEX Mission, etc.

5. This mission during the one-year period has achieved evident progress. Key successes of the mission are considered: deployment of the mission across the territory of Kosovo; completion of all cases in Supreme Court inherited from UNMIK; resolution of some complex cases in other bodies of judiciary; successful arrest of several suspects for committing serious crime during the war; accomplishment of some successful activities in the area of customs, etc.

6. This paper proves that the work of this mission was followed with some failures. Main failures refer to the issue of remaining some areas of Kosovo outside the jurisdiction of legal authorities of the country; functioning of Serb parallel structures; Serb intelligence service; demilitarisation of the country from illegal weapons; functioning of judiciary in north Mitrovica, deficiencies in operation of the customs points 1 and 31 in the northern part of Kosovo, etc.

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"LANDSCAPE OF THE YEAR". SOCIAL SYSTEMS THEORY AND THE ANALYSIS OF CULTURAL AND ECOLOGICAL ADAPTATION IN THE DANUBE DELTA

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ABSTRACT. This paper intends to develop a theoretical framework for the analysis of nature- culture relations and their policy implications, with a special emphasis on spatial planning policies. It draws heavily on Niklas Luhmann's social systems theory, borrowing its key concepts from him: system, environment, de-differentiation, decoupling, de-paradoxification, autopoiesis. Systems theory is used to deepen the understanding of actual and desirable policy- making in Romania's Danube Delta area, a region marked by high attributed natural values, a remarkable cultural complexity, high pressures on culture and nature, an instable emerging democracy. It is argued that western notions of state, planning, nature, single land use, democracy, economy potentially cause more trouble in this area than in the west itself. And that a self- organizing democratic system, informed by natural and social sciences, is a prerequisite for whatever ecologically inspired policy. In such a system, a post- modern planning administration, combining many images of nature and culture, and accepting multiple land use, should find its place.

Keywords: social systems, Danube Delta, cultural adaptation, environment

This paper attempts at the construction of a conceptual framework for the analysis of nature- culture relations and their policy implications, especially planning policies. The Romanian Danube Delta Area is chosen as an area to construct and test the framework, a choice inspired by the complexities of the area, naturally and culturally, the threats posed to it, the involvement of several scales of policy-making, the fragility of an emerging democracy. The sum of these complexities turns the area into a suitable testing ground for a social systems perspective, designed to accommodate complex interrelations between social systems, between their ways of constructing themselves and their environments. The paper draws heavily on fieldwork conducted in the area by authors throughout 2006-2009, including interviews with authorities and locals, long term observation and media screening.

Introduction: east, west, transitions, models

Romania is one of the European countries in 'transition', one of the 'post-socialist' countries, a country that is undergoing rapid changes. Since in 1989 the Ceaușescu regime collapsed in a bloody showdown, many things have changed. If we want to understand the practices of present-day governance in Romania's

Danube Delta area, this is one of the first things to keep in mind. The same background needs to be considered when trying to identify the options for future policies in that area, including spatial planning.

At this early stage in the analysis, we want to limit ourselves to the observations that the situation of the various post- communist states shows more dissimilarities than similarities. A transition can have many faces: its features depend on the pre-capitalist situation, on the way socialism collapsed, on the type of capitalist- democratic society visualized as the end- stage of the transition, of the image of the transitional procedure itself (how to reach the final stage), and it depends on the perception of the present- day situation (what is this and is this what we want?), the perception of the old situation, and the perception of the difference between past-now-future. Expectations of citizens are derived from at least these sources: in some places economic change is mostly valued and expected, in other places political change, in some places freedom is the prized new value, in other places a notion of modernity, or identity. Freedom can be freedom to speak, but also freedom to change one's mind, freedom to travel, freedom to move (See Verdery 1991, 1993, 1996, 2003, Dawisha et al 1997).

Even if Romania is often eager to belong to the west, ready to accept western advice on how to become western, and leave the communist past behind, this short description of the complexities of transition already warns for a reduction of complexity in western advice, be it economic, scientific, political. Any advice with some value should try to incorporate: the variety of socialist models, the variety of capitalist- democratic societies, the variety of possible transitions, the variety of possible hopes and expectations. Failing to take this complexity into account is dramatically increasing the chance of failed policies, of disillusionment in these countries, disappointment in democracy and capitalism, undermining of the values seen to be universal by west and east, strived for in west and east (See the series of reports by the Friedrich Ebert Stiftung Zagreb, e.g. Cernicova et al 2002). This means that pressures from west and east should be kept at a distance by policy- oriented western scientists. East and west desire for quick answers and solutions, for formulas with a predictable and desirable outcome, formulas that promise a precise calculation of the costs of transition, as well as a prediction of the ideal pathway of transition. East and west, the political systems in east and west put a pressure on western science to come with these quick and precise answers, to reduce the complexity of west, east and transition, of past, present and future, in order to produce the expected kind of formulas.

What follows is, as the previous paragraphs, inspired by Niklas Luhmann's social systems theory (Luhmann 1987, 1995, 2002, Bakken et al 2002, Rasch et al 2000, Seidl 2005) and starts from the position that these pressures at complexity-reduction should be withstood, and that the analysis of transition and future policy options should incorporate maximum complexity. Western science should be very careful in prescribing models of political, legal, economic, educational organization

in the transitional countries, since a lack of inclusion of complexity, will, as stated, lead to disappointment, an undermining of the promoted values, and often a longing for a past where democracy and capitalism where absent yet harmless. It can cause the desire for a previous organization of society, which Luhmann would call de- differentiated, a negative label.

Luhmann and social systems theory.
Differentiation and de- differentiation. System and environment

Niklas Luhmann describes modern western society as differentiated, and the state of differentiation he sees as a reason for the success of that society, its economic success and its political freedoms. The state of differentiation is a description of a position in the evolutionary path of society, a position we are in right now. In course of time, society developed ever more sub-systems, function-systems, in turn creating their own sub-systems. Social systems consist of communications, not of people, and the creation and maintenance of the boundaries between the systems, a necessity to maintain the differentiation of society, is a matter of maintaining different communications. Every function- system is essentially a different type of communication, based on a different code, a different re-creation of the world in its own terms. Law creates the world in terms of the code, the basic distinction legal- illegal, economy in terms of own- not own, politics in terms of power- not power, etc. The function systems have the other systems, as well as the participating people (psychic systems) as their environment. Systems cannot communicate with each other –since each reconstructs the whole world from scratch, based on a distinctive code, inaccessible to the others. The systems are 'operationally closed'; they can and must however constantly communicate *about* each other.

Interactions between the systems are manifold, but whatever event in a system sparks a reaction in another one, the system will always translate the event and the response in its own terms. A political decision can spark off a change in law, but this will have to follow legal procedures, and the use of the law will happen according to the games of law, therefore making the consequences of the law much more unpredictable for the politicians than they like to believe. Luhmann does not see this as a problematic situation, he interprets this as a spark for creativity in the systems, and he demonstrates how this functional differentiation introduces a variety of mechanisms of learning, of multiplication of knowledge, of adaptation to the environment of society as a whole.

Luhmann constantly warns for the dangers of de-differentation, a loss of differentiation, a blurring of the boundaries between the function- systems, even if they start with good intentions. (He criticizes strongly the welfare state, because of its unduly mingling of politics and economics, causing troubles for the economic and the political system). De- differentiation decreases the capacity of society as the encompassing social system to generate an internal complexity that allows it to adapt to its environment in refined ways. The environment is everything which is

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not society, therefore many things. The everyday notion of the environment as the ecological systems that are affected by human actions, differs from the systems-theoretical notion.

The ecological environment, is part of the environment of society as a social system. A social system can never communicate with, only about its environment, and that also applies to the ecological environment. A system will always respond to an internally construed image of that environment, and that image will be part of the system itself. Every adaptation to the environment will necessarily be the result of self- reflection, of communication about and with images of that environment and images of self. That communication will however be diverse and complex, since there is not one privileged place in society where society can communicate with itself about its environment, and decides to adapt or not. Politics is not the system where this image will provoke or not provoke reactions and adaptations, since politics is just one of the function- systems reconstructing society and environment internally. A use of power by the political system to force other systems to behave in a certain way will necessarily blur the boundaries between the systems, will disturb the internal logic of the system, will spark off reactions that are highly unpredictable – since the systemic logics are disturbed and cannot predict themselves and communicate this. This way, the faculties of adaptation will decrease, in stead of increase.

This brief and incomplete expose on Luhmann's thought on society and environment can serve as a warning: *Firstly* against overly optimistic predictions on the solution of environmental problems by means of political decision- making. *Secondly*, it is a warning against tendencies towards de- differentiation that already existed in western- European social democracies and that become aggravated by the perception of environmental problems, and the pressure on the political system to 'solve' them. Simplistic discourses on abstinence and on politico- legal solutions negate the internal logic of the different function- systems in society. The force put to use by the political system will therefore never generate the predicted results, and the environmental problems remain unresolved while the damage done to the structure of society will cause long- term reverberations that do more damage to the environment and to society itself than the original threat (Luhmann 1987, Bakken et al 02, King et al 03) *Thirdly*, this analysis constitutes a warning against export of reductionist accounts of self and other from west to east, an export that can partly be accounted for by existing western de- differentiation, that can reproduce a similar kind of de- differentiation in the east, as well as wholly new forms of de-differentiation, given the incomplete insight in the features of western productive differentiation by east and west(-ern advisors)

Romania and the Danube Delta. Natural and cultural complexity

Talking about Romania, talking about its Danube Delta area, about the ecological and social problems there, about the difficult co- existence of nature and culture, thinking about ways to deal with the pressures on the delta, and thinking

about policy options to improve the situation, to find 'balances', to attribute relative values to certain human activities vs non-human activities, our thoughts ought to be framed by these systems- theoretical remarks. Politics nor science nor law can define an ideal society on their own, none of them have the power to work towards that definition, none of them can circumvent the unpredictability of society as a whole, where every event in the environment or in another system, can cause a reaction in another system unanticipated in the neighboring systems, following their own logic. The Danube Delta cannot be redefined and planned by one of the subsystems in situ, nor by one of the subsystems in western countries. Democracy according to Luhmann is a situation of society whereby the political system has no primacy, cannot use power freely to define the other systems. It is a system- state where the political system is a locus for constant self- reflection on the system, via an introduction of many perspectives, a production and testing of many images, by means of a diversity of parties, lobby groups, of a difference between opposition and government. Democracy is constant self- reflection on a differentiated society in a differentiated society (Luhmann 1995, King et al 03). If one tries to promote democracy in another place, this should be kept in mind. Even if one tries to solve ecological problems over there.

What is going on in the Danube Delta area? Why is it interesting to discuss the nature- culture balances in that place? First of all, since the ecological situation is interesting yet precarious. The Danube delta is the largest wetland area in Europe, it contains the highest variety in bird species in Europe, it contains certain types of wetlands that have vanished in other places (Gâştescu et al 99, Staras 98, 01, Hanganu et al 94). The ecological values are high. Important to note is that these values were primarily attributed by western organizations, later partially copied by locals. The ecological pressures on that valued environment were and are high: fisheries were not always sustainable, pollution from the whole Danube basin, from many countries, reached the Delta naturally, changing land use in and around the delta lowered the water levels, in some places highly disturbing the ecosystems (Changes are dramatically clear when compared to the old maps in Hartley 1887). Peter Beale and Petre Gâstescu argue that, in terms of ecological consequences, "the major influence has been a gradual worsening of water quality during the last fifty years. Changes in the fortunes of major industry in the former Eastern Bloc States and the closure or reduction in outputs of many factories and industrial plants, has reduced the levels of pollution entering the Danube from these countries. Further reductions in river pollution, should enable ecosystems within the delta to recover". However, "it will take a great many years before pristine water conditions become the norm, rather than the exception, within the delta's channels and lakes"[1].

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[1] http://www.indd.tim.ro/manager/editor/UserFiles/File/rezumat%20en.pdf

Fishing remains one of the main income sources of inhabitants[2]. According the a source from 2004[3], the active population of the Delta was about 12000 people, out of which there are 1700 authorized fishermen (with only 800 before 1989), adding another 4500 family fishermen who have the right to fish up to 3 kilos daily, for family consumption. The authorized fishermen fish about 3 000 t/year, the family ones 3 400 t/year, while the birds can eat up to 8 000 tonnes of fish a year. In the case of sturgeons, which benefit of a ten-years period of fishing interdiction, Peter Beale and Petre Gâstescu say that they are declining and "catches of 300 tonnes in 1960 had fallen to 6 tonnes in 1994. There is no doubt that the construction of dams, Iron Gates in 1970 and Ostrovul Mare in 1984, near Drobeta-Turnu Severin interrupted the upstream migration of sturgeons. But they are able to reproduce below these dams as well, and a programme of breeding and re-introduction is being carried out to boost their numbers. These efforts need to be combined with effective controls of poaching and overfishing"[4].

The Delta is geologically the youngest landscape in Romania. All river deltas are highly dynamic landscapes, but the Danube, one of the longest rivers in Europe, carrying a lot of sediment, alters its delta at a remarkable speed[5]. The edges of the Delta are very clear, the remnants of Romania's oldest mountains. Internally, higher areas with relatively clear boundaries, betray some of the history of moving river arms, moving sand bars before the coast, changing dune patterns. Few boundaries are clear however, and for most of its history, the force of river and sea wiped out rapidly the traces of prior patterns[6].

Only recent histories of human intervention are clearly visible: the communist regime turned part of the polders into geometrically laid out agricultural polders. Result of the effort was mostly marginal agricultural land, either too wet or too salty or inaccessible. Now, under influence of recent green policies, part of those polders are returned to nature, changed back into wetlands, and the brief history of agricultural use is swiftly vanishing from the page. The forces of the water and its sediments are so overwhelming that it is much harder to stabilize landscape patterns, and much harder to read older patterns under new ones. Spatial boundaries are mostly ephemeral, with a few notable exceptions: the places where people settled down and were determined to stay.

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[2] The main activities in the area are: fishing and pisciculture (15.3%), agriculture, forestry (29%), industry, construction and commerce (15.7%), tourism, transport, communications (15.4%), health system (1.9%), education, culture (5.7%), public administration (13.5%), other activities (3.6%). The unemployment rate is 18.6% (http://www.ddbra.ro/en/population.php).
[3] "Delta Dunarii - Delta Dunarii este campioana Europei", *Jurnalul National*, 24 iunie 2004, Radu Tutuianu.
[4] http://www.indd.tim.ro/manager/editor/UserFiles/File/rezumat%20en.pdf
[5] Bell, S., ed. (2004) *Integrated management of European wetlands. Final report (European Union research project, coordinated by Durham University)* Durham
[6] Cameron, L., Matless, D. (2003), "Benign ecology. Marietta Pallis and the floating fen of the delta of the Danube", in *Cultural geographies,* 10, 253-277.

The social complexity of the area is remarkable. The Danube, with its three main branches, and many smaller ones, as well as the vast marshlands surrounding its lower course, acquired during history a complex identity, multifaceted. Often, it formed a boundary between different large political structures, with the Danube as a natural frontier. A boundary can be linear element, differentiating the two sides it divides; it can also create a distinct boundary- zone, with features and mechanisms typical for that kind of zones: hybrid identities, experiment, partial absence or rather stronger presence of the law and of the political symbols (Van Assche 2006). A boundary can be a line and a zone, both creating their own sets of consequences. Besides that, the area was also highly inaccessible, causing many groups to seek refuge there. According to historian Constantin Iordachi, "demographically, Northern Dobrudja served as an "Internal America" for Romania, a dynamic frontier zone of new settlements for expanding the national economy and ethnic boundaries" (Iordachi 2001: 122).

With this inaccessible area a refuge for escape ethnicities, multiple strategies for identity formation mark the cultural complexity of the Danube Delta area. One of the consequences was that for a long time, one could observe a strong contrast between the communities (some of them multi- ethnic) that relied on the river as a trade artery, and many communities (mostly mono- ethnic) that fled to the area. Inward- looking and outward- looking at the same time, the delta offered a pallet of cosmopolitan communities and closed, conservative, homogeneous communities. This contrast has toned down a bit since the collapse of the Habsburg and Ottoman empires, but the cultural variety is still astonishing, and related to these complex histories and identities of the area. This complexity and variety is also under siege, in rapid transformation, under various types of pressures.

Some groups maintained their own identity in the swamp, some created a new identity in the new environment (Magris 1989, Barkey et al 1997). The Delta was mostly inhabited by minorities, by Russian and Ukrainian speaking people, but their networks were limited, their histories rarely recorded, their collaboration was rarely solicited. Education levels were traditionally low, poverty rates high, life expectancy low[7]. Many of them had escaped from Tsarist Russia, for various reasons. Right now, a dominant historical narrative among many of the Russian speaking old believers, Lipoveni, recounts that they all ran away from Russia 'when Peter cut the beards', i.e., when Peter the Great reformed orthodox Christian rite in the early 18th century, but it seems clear that several waves of Russian speaking people came in, for several reasons. Some of them were probably from the Don- Cossack area, and a Cossack- heritage is cherished by some of the Russian speaking people, as well as by the Ukrainian- speaking villagers.

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[7] According to research done by Iulian Nichersu and associates at DDNI, Tulcea, and studies done in the 1970's by Iasi University, Dept of Anthropology.

According to Peter Beale and Petre Gâstescu[8], the population of the Delta started to fluctuate ever since WWII, with a maximum of 19,700 inhabitants in the delta in 1966, due to ambitious communist planning for fish farming, reed exploitation and polder constructions (down to 14,300 in the delta proper in 2002, when the birth rate was 54 % less than it was in 1970). Whilst the number of marriages is reducing, the number of funerals has almost doubled, and the population of the delat is an ageing one. Most young people are seeking a brighter future in Tulcea, Bucharest (or even Spain and Italy). The ethnic structure of population in DDBR in 2002 comprised Romanians: 12,666 people (87%), Russians, Lipovans: 1,438 people (10%), Ukrainians: 299 people (2%), other nationalities: 1% [9].

So, there are high ecological values and serious ecological threats in the area, partly recognized by the Romanian authorities. These problems, these difficulties between nature and culture, frictions between system and environment, have found a lot of resonance in international circles, scientific and political. We argue that in the literature on the delta, in the attempts at policy- making, in the symbolic representation of the area, the social complexity, one might say the cultural values of the area have remained a blind spot. The discourse on ecological disasters dominated the media, the policy agenda, the scientific attention devoted to the region. This is understandable given the scale of the values and threats. At the same time, it is harmful in many ways, and this paper tries to include the cultural complexity in the images that might reach policy- makers.

The delta is therefore ideally suited to study nature- culture interactions, and attempts to create a just, right or correct type of interaction, to create a situation that can be labeled balanced, sustainable. Since social systems and their environments constantly change, nothing is sustainable in an absolute sense. Some situations are more preferred than other ones in the political systems and society, and these ideal situations are labeled sustainable when they last for a while in certain respects that are identified as relevant. The same goes for balance: systems and environment evolve constantly, in ways that are unpredictable, so the concept of an ideal balance dictated by a law of nature or something else external to the social system is absurd in systems- theoretical terms. In addition, every image of nature and culture, of their relations and ideal relations, of their ideal balance, is a product of the system itself.

Many images of culture, nature, balance, sustainability exist, and only images. Which images will be acted upon by the political system, should be decided by the political system, and not by any of the other systems dictating politics, thus increasing de- differentiation. This does not mean that the political system has the power to impose one definition of balance and sustainability on science, economy, law, forcing them to ignore their own logics. It would not work, but would lead to

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[8] http://www.indd.tim.ro/manager/editor/UserFiles/File/rezumat%20en.pdf
[9] http://www.ddbra.ro/en/population.php

an interruption in their constant recreation as operationally closed systems. It would disturb their autopoiesis in Luhmann's terms, their self- maintenance through constant self- reference.

If one accepts that there is a problem, that the concepts of balance and sustainability have a pragmatic value in policy- making, and that there is something wrong with balance and sustainability in the Danube Delta at the moment, i.e. that the values attributed by some natural sciences have value for decision- making, then this should not lead us to the conclusion that these values should dominate other values, dominate decision- making, and that the political decision- making should attempt to dominate the whole social system. Which is a futile attempt anyway, for reasons partially described above, and for the simple fact that society is poly- centered, cannot be steered from a central point, since such a thing does not exist.

Nature, culture, policies. Multiple images of natures in many systems

What should be done then? What can one recommend as a scientist to policy- makers trying to improve a recognized problematic situation? And where do recommendations make sense, where not? In order to find some answer, we should refine the questions, in this case, try to translate them more precisely into systems- theoretical concepts, and add more local complexity.

Nature and culture can be perceived in many different ways, the images are all part of society can be part of many of its subsystems. Nature can be seen as the opposite of culture, nature can be seen as the essence of humanity, nature can be located in feelings as opposed to 'rational' civilization, it can be perceived as a substrate of humanity, to be sublimated or not, it can be valued negatively or positively. It can be seen as a shared rationality, shared with culture, it can be seen as a principle of order or of disorder, it can be a structure or a dynamic principle, it can be simplicity or complexity, it can be essence or environment. In different times and cultures, different combinations of these positions have been tried, different concepts of nature, different images of nature (when it was seen to be a spatial concept, localized), different images of society and its environment. And these concepts and images played different roles in subsystems (economy, politics, law, religion, art,..) that were in turn differentiated and related in different degrees and in different ways (Glacken 1987, Descola et al 96) Therefore, it would be highly unlikely that a limited set of images of nature would emerge over the course of time, as an essential set of basic conceptual outlines of nature (and therefore culture).

All these concepts are constructed in the context of social systems interacting and re- creating themselves in constant self- reference. This entails that in the system a concept of nature will be understood in terms that are inherent to the system itself, and will be created with communicative elements that are part of the system. The production and consumption of meaning, e.g. images of nature and culture, will be internal to the system, will rely entirely on pre- existing elements of

meaning within the system. In a situation of autopoiesis, there is no push from whatever environment to change a concept of nature, there are only images of the environment that are reconstructed within the distinct subsystems of society, according to the rules and using the elements of these subsystems. At a given moment, an image of nature created in one subsystem can infuse another system, but it will necessarily be translated, reconstructed, in the 'receiving' system's own terms. Images of nature can be idealized images, normative (this is how nature should be like), they can be descriptive (this is how nature is). The same goes for culture, as well as for ideas on balance between nature and culture, and on ideas how such a balance relates to policies and spatial policies (Luhmann 1987, 1995, 2000).

If one looks at the present situation in the Danube Delta, one can argue that it is an economically not very developed area, and that the ecological values are high, therefore that it is logical to give priority to the role of nature in land use decisions, and to limit the ideas of multiple land use. However, this kind of reasoning depends on an equation culture= economy, or society= economy, and on a specific measurement of that economy (a valuation mostly based on western economic models) Cultural values as diversity, complexity, history, could be assigned as well, but do not fit into this scheme of nature vs. (western) economy. Besides that, the ecological values could be attributed in different ways as well, based on different concepts of nature, value, scarcity, complexity, unity. There is no objective argument to build on one single valuation system in the political system, to let it dominate the agenda there, not even when the need is urgent, when there is a time pressure to respond to the ecological pressures. Things are perceived as pressure, labeled as risk, responsibilities are attributed, as every type of causality is attributed by and in a social system. This attribution can start in many places in society, it can emerge in politics, science, art, religion, slowly or quickly, at different scales (Luhmann 2000, Rasch et al 00).

In the case of the Delta, the problems were seen in the west, and there expected to be unsolvable by the late communist and the recent post- communist regimes, for a variety of reasons. Science and scientifically inspired branches of western administrations (like the Dutch RIZA) perceived serious threats in this area they labeled as highly valuable. Western NGOs became involved, shared more or less the same discourse[10]. These forces joined with an emerging local ecological movement, with local administrations, the alarm bell was ringed within the EU, this in turn put pressure on the local administrations to act swiftly. At that time, these administrations did not want to look bad in the eyes of the EU, cherished the prospect of joining the EU later, and created the biosphere reserve Danbube Delta

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[10] For instance, through the project 'Danube Delta - Landscape of the Year 2007-2009' the International Friends of Nature (IFN) and its executing partner, the Friends of Nature of Romania (Prietenii Naturii Romania, PNRO), aim to trigger development that conserves this unique habitat and creates new sources of income (http://www.icpdr.org/icpdr-pages/dw0701_p_03.htm, www.landscapeoftheyear.net).

in 1990-1991. In Tulcea, a town on the inland edge of the Delta, the Danube Delta Research Institute was installed, a scientific institute created in a politicized situation, with internal and external pressures put on the Romanian authorities. The image of the area was that of a natural area, the cultural complexity stayed out of sight for the local authorities, this was reinforced by the raised political and scientific attention to the area, became partly institutionalized. A natural area, in a western image.

The Law no. 82/1993 established the Biosphere Reserve Danube Delta (covering 5800 square kilometers), with the aim of conserving the natural ecosystems and sustainable development in the area, and along with it the Administration of the Biosphere Reserve Danube Delta (ARBDD). As a public institution under the Ministry of Environment, ARBDD is lead by a Governor, appointed by the Romanian Government at the proposal of the Ministry of Environment and Sustainable Development with approval of Tulcea Prefect and Academy of Science. The Governor is the President of the Scientific Council and the Executive Council. Its main objectives are "conservation and protection of the existing natural heritage; encouragement of sustainable use of the natural resources; provision of support, based on the results of research, for management, education, training and services". It also issues the environmental approval and authorization of the economic activities by individuals and local entities, in accordance with the biodiversity conservation requirements and specific ecological structures[11]. The Biosphere Reserve is part of many international conventions, including World Heritage, Bern, Ramsar, Rio, Danube, Bonn, Aarhus, Espoo, Kyoto, and international agrrements and projects[12]. The reservation includes three categories of functional zones: core areas (506.0 km2), buffer areas (2,233 km2), economic areas and their localities (3,061 km2). The biosphere reserve concept does not exclude human activity provided it is integrated with environment, so that economic actions fall in line with conservation and protection measures[13].

However, the internal and external blindspots remain cultures. Since a few years, more attention is being devoted to the many communities on the spot, also in the context of the Danube Delta Institute (e.g. Staras 2001). The local administrations in Romania were not inclined from the start to thematize these communities, since they represent minorities that are either not seen to be representative for the Romania they wanted, or outright problematic. Romania did not implement ethnic redefinition programs with the same brutality as Bulgaria right after the fall of communism (Bulgarization, changing family names most often, rewriting histories, sometimes changing faith). It did have a heritage of Romanian nationalism that was not suddenly forgotten after communism, in a desired Europe that did not appreciate mono- ethnic nationalist tendencies. As Katherine Verdery and others pointed out (Verdery 1991,

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[11] http://www.ddbra.ro
[12] http://www.ddbra.ro/en/international-relations.php
[13] http://www.indd.tim.ro/manager/editor/UserFiles/File/rezumat%20en.pdf

1993, McIntosh et al 1995) communist Romania did not oppress Romanian nationalism, or left existing ethnic tensions unattended and untreated. On the contrary, it created a new type of Romanian nationalism, created ethnic tensions with internal enemies, internal 'others' to unite against, to converse, to redefine ultimately. In communist times, the ethnic diversity of the region declined significantly, and this is not only the result of WWII, as sometimes claimed.

Post- socialist Romania therefore, when confronted with pressures to redefine the Danube Delta as an interesting natural area (as opposed to an unproductive, empty, ethnically problematic area under Ceaușescu, who tried to reclaim aprox 80 ha of the Delta, turn it into a polder) was not inclined therefore to fight that pressure, to enlighten the blind spots in western ecological discourse. Romanian administration could observe the blind spots in the western observation (Romanian administrators were second- order observers, in systems theoretical terms). They did not want to act on that, were not eager to communicate that, since an emphasis on the natural aspect of the area would gradually, naturally resolve some of its undesired cultural complexities. (However, one must add that in the administration and in other systems alike, there were also doubts about the legitimacy of the western interference in local politics).

Local decisions, local knowledge

One by now classical manner to find a way out would be to stress the importance of local decision- making, and of interactive and participatory policy making and planning. If these local communities are overlooked in the decision-making, let them participate, let them talk. Planning the area would than become naturally more focused on multiple land use, since this is the historical practice, and since this is what most of the local actors want. Probably, this is true. We argue however, that even so, it can only work if the local organization (political, legal, economic, etc.) can restructure *itself* in such a way that insiders and outsiders can recognize it as a system of 'interactive policy making'. The local political organization needs differentiation from the other systems and scales and needs internal and external legitimacy in order to operate as a political organization in a political system.

Differentiation here entails among other things that the local economy, crime, religion, etc should not interfere with the systems operations, besides the always present option to put economic, religious etc issues on the *political* agenda. Differentiation also means that an internal complexity and polyvocality is generated in the political system, so that different voices can confront each other before decisions are taken, increasing the reflective capacity of the system, therefore its capacity to adapt to its environments (the ecological environment, but also legal, economic etc systems) Legitimacy entails that the diverse stakeholders can identify with the system, place trust in it, trust that politics can and should be done in the political system and nowhere else, that no force should be used to persuade people to participate in politics and to accept the collectively binding decisions that are taken in the system (Badescu 2003, Van Ark 05, Howard 03, Veres 00, Rothstein 04).

In Romania, also in the Danube Delta, things are on the move. New links between nature and culture are formed within the local and national political organizations, influenced by foreign politics, by economic motivations, by scientific exhortations directly and indirectly (via politics in other countries and at EU level). Images of nature and of threats to nature enter the local political arenas that are already under reconstruction. Western ideas on nature conservation collide with western ideas on new forms of democracy, e.g. participatory democracy and a stress on local decision- making. Within Romanian political organization, these conflicting noises in the (European) environment, are felt to be pressing, are internally represented as pressing arguments for change, however in contradictory directions. At the same time, the everyday political rhetoric asks for simple solutions, and again one looks at the west.

We argue that a higher degree of reflectivity in east and west is needed, to resist this push to simplification, pressuring the local political system to promise too much, to overload itself in Luhmann's terms. The local political system cannot simultaneously solve the environmental problems as they are constructed in the west, and create an ideal balance between nature and culture as defined there, since that ideal balance does not exist either, since the western- defined balance will not reflect the local valuations, and since this kind of de- differentiation will disturb the other western- inspired attempts at democratization.

In the Romanian transition, new links between nature and culture are constructed, new links between scales of the political system, new links between the political, economic, legal, artistic systems. The different systems redefine themselves, their elements and structures, and their interactions. Old couplings and mergers of systems, dating from the communist times, have to be redressed, in order to increase the degree of differentiation of society as a whole (which is always autopoietic) and to enable the boundary- construction, operational closure and autopoiesis of the diverse function- systems. Law, economy and politics are the prime examples of function- systems that have to gain or regain their differentiation and autopoiesis after a communist period where law and economy did not have systemic autonomy, were not operationally closed, were interrupted in their functioning by political logic, application of the codes of the political system outside its base. In a communist regime, the only differentiated function- system is the political one, making systems like the economy less adaptive to its environments (See King et al 03, Nelson 76)

Spatial planning Communist planning and its legacies

What about spatial planning in such a situation? In communist days, extensive planning programs and administrations existed, even if they were not always labeled as such. Ceauşescu tried to completely reinvent the countryside, to concentrate agrarian activities in large scale agro- clusters ('systematization'). Many little villages were wiped out. The Delta attracted Ceauşescu's attention in the '70s, (after massive flooding of Danube) as a potential agricultural place, provided it is

drained. Over 80 hectares were reclaimed for agriculture, but in most of these areas the soil proved too salty and the project was highly unfeasible. Moreover, reed was regarded as an invaluable natural resource. Its intensive exploitation led to chaotic cutting of channels, of over 1000 km, especially in north-south direction (natural channels in the Delta follow a east/west direction). Maliuc, a small locality near the town of Sulina, was to become "the city of science", where young researchers were supposed to find new strategies and devices for exploiting the reed[14]. Once the display of the communist fantasies of scientific progress, today it is one of the deserted places of the delta.

After socialism, the collectivization of the agrarian sector had to be undone, evidently with the most consequences in the rural areas, such as the Delta area (Ronnas 1982, Verdery 03, Kideckel 93, Turnock 91, Westerman 02). The trust in planning waned, since it was associated with the old communists. The new privatization also came with many malpractices, so trust in the state and the state's interference in whatever related to land is slight. One could draw the partial conclusion that the ambitions of the reinvented state to reinvent planning should probably be tempered, in order to minimize the risk to loose legitimacy.

This cry for moderation and mitigation might be even more appropriate since the western models for planning, e.g. as an instrument to balance nature and culture on its territory, often suffer themselves from a decreasing public support, a decreasing legitimacy (Miller 2002, Allmendinger 2002, Van Ark 2005, Van Assche et al 2005). Often the classical western planning models, as embodied in many of the European welfare states, assumed a degree of certainty about the future, and a degree of control of the various systems of society, that was not realistic. As a result, they did not produce the programmed results, while these were already communicated by politicians, creating expectations that were disappointed, creating disappointment in politics and administration and decreasing legitimacy and stability in the political system as well as in the systems affected by politically inspired planning decisions (law, economics etc) In a welfare state, marked according to Luhmann by science colonizing politics and politics colonizing economy, planning easily becomes the perfect symptom of structural flaws of the state. Planning in welfare states is mostly the result and cause of de- differentiation. This is true for Luhmann as far as planning pretends to know the future, to know the ideal spatial organization of the territory, to know the ideal way to reach that ideal, and to define the ideal position of science in the process. Such kind of planning, we label modernist planning, is still characteristic for western welfare states, be it that the importance of the planning system in relation to other parts of the administration is variable, and that the role of the administration in the political system is variable - many counter- discourses may exit in the state, mostly however not in the planning administration. (Scott 1998, Luhmann 1995, Seidl 2005, Van Assche et al 2005, Van Assche 2004).

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[14] "Orașul științei din Delta Dunării", in *Jurnalul National*, 24 August 2005, Alexandru Nastase, Ionel Sebe.

The modernist planning models are still present in the communication western planning produces about itself and about its 'less developed' environment. Blind spots in this discourse, causing instability in the whole society, will still be there when the models are exported to these environments, e.g. eastern Europe. Given the precarious balances in the place of reception, identical blind spots can cause much more damage there, can aggravate the already present de- legitimization of the political system. It can contribute much more than in the historically differentiated thus more stable western societies, to instabilities of society as a whole (Badescu 2003, Howard 03, Dawisha et al 97) Attempts at organization and problem- solving that try to impose a flawed model on a chronically underanalyzed community, will lead to the production of disorder, disorganization. Under- analyzed means here: lacking insight in the local social structures and in the fragile legitimacy of the local political system, lacking insight in the need for differentiation between the systems and within the political system, to increase the inclusiveness of ideas, to increase the internal complexity and flexibility that would allow the system to adapt to its environment, including western organizations arguing respectably for the ecological values of the Danube Delta area.

Refraining from such attempts is an important practical requirement if one tries to improve the ecological and democratic situation in the area. Being extremely careful with planning ambitions is another one. Studying the local communities, their constructions of nature and culture, their ideas on democracy and decision-making seems important. Only then can one design political arenas that are site-specific. In these arenas many images of nature and culture can be presented, and maybe the western- inspired version of nature and the natural values of the delta acquires recognition there as a truth, next recognition as a guiding principle for the future spatial organization of the area.

Land use, natures, cultures

Multiple land use is a situation that arises normally when there is no strong central government, no planning administration that conceives of the land as ideally composed of single use units. In absence of such a unifying concept in a powerful planning administration, in absence in short of a modernist planning administration in a modernist state, multiple land use will emerge (Scott 1998, Van Assche 04) In communist planning, single land use, strict zoning, was enforced on a large scale, especially in the USSR. Economic planning was mostly the drive for spatial planning, and spatial planning was trying to isolate single use and optimize that single use in an optimal location (Ronnas 1982, Turnock 91) As many, from Jane Jacobs to James Scott have pointed out, this idea becomes very complicated when many goals are allowed to enter the model. It can only be realized when the world is schematized in such a way that the reduction to single uses is possible (see also Miller 2002). Strong modernist planning can be interesting for ecological lobbies, in the administration, in politics, in science or in other systems. When nature and culture are perceived as radically opposed, nature defined as good and society as bad, then a strict separation is desirable. Modernist planning forms a

decent instrument to translate nature and culture as (sets of) land use functions, zoning codes, and enforce the zoning strictly.

As stated earlier, according to Luhmann, every image of nature is produced within subsystems of culture (society) and produced and handled according to the rules of that subsystem. The political system, including possibly a planning administration, should try to absorb the multiplicity of concepts of nature, and hopes for nature, as far as they require collectively binding decisions. Luhmann frequently reminds his readers of the risks associated with an overburdening of the political system, taking on itself tasks it cannot fulfill. Many of these tasks include promises that cannot be held since the future is much more contingent, unpredictable than desired, since the steering capacity of politics on the other system is more limited than expected, and since the interference in the autopoiesis of other systems increases the unpredictability of these systems, and makes it even more difficult to keep the promises. All the created and unanticipated contingencies ask for more bureaucracy, more control, in the perception of the political system, the demand for control reinforces itself, and the administration becomes involved more and more in managing its own increased complexity, in stead of communicating about its environment.

Luhmann does not confess to (modernist) planning since he considers this a classic example of overburdening of the political system. The institutionalization of modernist planning is in his terms the institutionalization of promises that cannot be kept, the installation of mechanisms and resources that will produce constant disappointments, sources of de- differentiation, sources of rigidity of the system, of a lack of adaptation to the environment (Luhmann 1987, King et al 03)

Every organization has to deal with paradox, since no decision can ever be grounded in a natural order or an external necessity –all these concepts are constructed in the system. In order to function, this radical contingency, this paradox, has to be permanently concealed. Social systems and organizations use de- paradoxification to reach that goal. Necessities are constructed to explain a decision, causalities are ascribed to reality, in case of failure new 'facts' and new causalities are called upon and new decisions asked for. This is not necessarily negative: it is a drive for systems and organizations, a constant source of creativity for structures that have to hide their contingency and lack of grounding from themselves. However, when these essentially neutral techniques of de- paradoxification produce an overburdening of the political system, and therefore de- differentiation, one can take a normative stance, and condemn this use of these techniques. For example in the case of modernist planning organizations, part of administration and therefore the political system (Bakken et al 02, Seidl 05)

Post- modern planning, nature, culture

Luhmann does never condemn administration as such, sees the development of administration (including the legislative branch of politics) as part of the increasing societal complexity that came with its increasing differentiation. Administration needs to organize and externalize the growing amount of links between politics and

the other systems. A planning administration can be a post- modern planning administration, starting from a natural situation of multiple land use, and from an idea of constant redefinitions of categories of land use and their possible interactions. Such an administration can drop the idea of the existence and the necessity of an ideal ordering of the land, and embrace the concept of multiple interpretations accompanying the multiple use. In that case, the planning administration would not contribute to the overburdening of the political system, would not make promises it cannot keep. Since this involves the loss of pseudo- scientific arguments for one type of ordering, a de- coupling of science and administration would improve the differentiation (Van Assche et al 2005)

In the Danube delta, political realities are far more unstable than in western European countries, and local concepts of democracy are under construction. The cultural diversity and natural richness imply that many different interpretations of nature, landscape, culture, balance, sustainability, improvement co-exist. The social, economic pressures on the communities and the pressures on the ecological values (be it perceived locally or globally) *politicize* these concepts and values much more strongly than in other places; nature and culture enter the political arena with much more potency than in other places, while the arena is still shaky, under construction. We argue that this construction needs attention first and foremost, if in the future multiple land use, and nature of whatever definition will stand a chance.

However, first does not imply a temporal order: the emergence of a new political order is not a merely procedural matter: matter and content cannot be separated, new structures form while forming new content. In the emerging political order of Romania, some of the old cultural traumas (concerning minorities) can be addressed together with a new valuation of nature on its territory. The political agenda does not seem to be dominated by questions of identity and identity construction as much as in some of the neighboring countries (Bulgaria, Ukraine) and this might leave more space for other issues.

It seems of the utmost importance that western lobbies of whatever sort accept the need for the emergence of a local type of democracy, allowing for an autopoietic, therefore sustainable functioning of local democracy. This implies refraining from introducing de- differentiation, of any sort. Political, economic, ecological western science should not impose ideal models of decision- making, organization, zoning, protection, business, since these models do not reflect any natural order or necessity, and since they cause more harm there than in other places. The western disciplines can assist in the self- organization in situ, and *convince* local actors of ecological, democratic and other values. Studying the local values, interpretations, interactions more extensively can possibly contribute to the linkage of local and western values, to the successful rooting of ecological *and* democratic values simultaneously. A fragmentation of the concepts of nature and culture can allow for more nature- culture combinations and more options for multiple and sustainable land use in the Delta, aided by a lean post- modern planning administration, avoiding a post- ornithological era.

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EDUCATIONAL GOALS OF YOUTH IN ROMANIA

TOMA BUREAN, DANIELA ANGI

ABSTRACT. The research investigates the way in which high school students from Romania, Belgium and Canada portray their future in terms of highest desired degree. First we compare the attitudes of Romanian, Belgian and Canadian youth. Secondly we analyze data from a 2008 national survey, when youth have been surveyed in Romanian schools and data from a 2009 national survey, with Romanian youth surveyed at their homes. Thirdly, we use panel survey data collected in 2006 and 2009 on youth for whom 2006 was the first high-school year and 2009 was their last year as high-school students.

Keywords: youth, internet, socialization, panel study, educational goals

A first aim of this paper is to explain the reasons behind differences in educational goals of Romanian youth, compared with their Belgian and Canadian counterparts. Romanian youth seem to be more eager to reach an educational level as high as possible, in comparison with the Belgian and the Canadian youth.

A further component of the paper observes the effects of predictors on variations of educational goals. Parents' education, grades, discussing public issues at home, number of books in house and number of books read, as well as time spent on TV and on the internet are considered as possibly influencing the educational goal.

Finally there will be a discussion around the most remarkable findings.

The survey data from 2008 were collected using a national sample of Romanian youth. The questionnaires have been applied in the school classrooms. The survey was part of a project implemented by the Center for the Study of Democracy called "Education, Internet and Democratic Values. A comparative longitudinal study of the effects of youth involvement in real and virtual socialization groups, on civic culture", funded by the National Research Council from Romania.The 2009 data were collected using a national sample of Romanian youth, with surveys being done at home. The survey was funded by the Agency of Governmental Strategies, Romania.The first wave panel data were collected in 2006, as part of an international project aimed to reveal and analyze differences between youth attitudes across diverse contexts. The survey included youth from Belgium, Canada and Romania, with ages from 15 to 18. The second wave panel data were collected in 2009. The survey subjects - who were first year high-school students in 2006 – were, in 2009, in their last year of high school. The survey was

part of a project implemented by the Center for the Study of Democracy called "Education, Internet and Democratic Values. A comparative longitudinal study of the effects of youth involvement in real and virtual socialization groups, on civic culture", funded by the National Research Council from Romania".

Educational goals of youth: **Educational goals in Romania, Belgium and Canada**

Table 1.

Number of surveyed youth in 2006

Country	Number of youth	Type of survey
Canada	3334	Face to face
Belgium	6330	Telephone
Romania	1876	Face to face

The survey performed in 2006 on youth from the three countries relied on data collected face to face (in Canada and Romania) and by telephone (in Belgium). The number of youth surveyed was: 6630 subjects in Belgium, 3334 subjects in Canada and 1876 in Romania.

Table 2.

How far do you expect to go in school?

Country(2006)	Canada(%)	Belgium(%)	Romania(%)
Not finish high school	0.3	1.8	3.1
High school diploma	2.0	25.0	9.5
Trade, vocational degree	20.5	41.9	0.8
University or graduate degree	77.2	31.2	86.6
Total	100.0(2937)	100.0(6630)	100.0(1857)

A primary analysis of the data shows that in Canada and in Romania an overwhelming proportion of youth reaches towards a university or graduate degree (77.2% in Canada and 86.6% in Romania). In Belgium, the highest proportion of youth would like to pursue a trade or vocational degree, whereas the proportion of Belgian youth who intend to attain a university or graduate degree (31.2%) is less than a half of its Romanian and Canadian counterparts. A trade or a vocational degree is least popular (or expected) in Romania (0.8%), whereas in Canada 20.5% of respondents indicate this education level as their expected educational attainment.

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Comparatively, Romanian youth records the highest scores for the extremes of the "educational attainment scale": the highest proportions of respondents who do not expect to finish high school (3.1%) and respondents who seek university or graduate degree (86.6%) are among the Romanian youth. The Canadian sample records the smallest proportion of youth who do not expect to complete their high school degree. In fact, Canada is the only case in which the distribution of answers shows a consistently ascendant trend (as the expected educational level gets higher, the proportion of youth who indicate it as their prospected attainment also increases).

Table 3.

How far do you expect to go in school? (Romanian panel data) (N= 437)

Year	2006(%)	2009(%)
Not finish high school	2.8	0.7
High school diploma	8.4	8.7
Trade, vocational degree	0.7	0.5
BA	57.4	35.6
MA	13.3	33.5
PhD	17.4	20.5
Total	100.0	100.0

The table (above) compares Romanian youth's expected educational attainment in 2006 and 2009. The analysis used the data collected in the panel that included 437 students who were in their first year of high school in 2006 (9th grade) and in their last year of high school in 2009 (12th grade). A first observation is that in 2006, 88.1% of youth indicated a BA, MA and PhD degrees as their expected educational goals (cumulative percentages). This proportion increased in 2009 to 89.6%. Also, in 2009 there were less students who declared to not expect finishing high-school (which can be explained by the fact that in 2009, the panel subjects were already in the 12th grade). However, in order to decide whether the change between the two applications was real, we applied a significance test (T test). The T test showed that there was a statistically significant increase in educational aspiration of youth in Romania from the 9th grade to the 12th grade. (T=5.058 sig= 0.00)

The next comparison is between data on educational goals collected (in the classrooms) during the 2008 national survey on Romanian (and Moldovan) youth and the data collected (at respondents' homes) during the 2009 national survey on Romanian youth. It is important to emphasize that the 2008 and 2009 survey samples have been different (being built within different projects, implemented by

separate assessors) and therefore in this case we are not dealing with a panel analysis. However, the fact that the distribution of answers is very similar in two separate studies reaffirms the findings from the panel study and from the three-countries study, which showed that Romanian youth is overwhelmingly aspiring towards university or graduate degree. The table below shows that 90.1 % (2008 – cumulative percentages) and 80.9% (2009 – cumulative percentages) of Romanian youth wants to graduate from a university, hold a master diploma and receive a doctoral degree.

Table 4.

How far do you expect to go in school? (Romanian youth surveyed at home 2009 (N=2317) and Romanian youth surveyed in 2008 (N= 1463)

Year	2008(%)	2008 (%) - Moldova	2009(%) (ASG)
Not finish high school	1.3	1.1	0.6
High school diploma	7.6	13.8	8.1
Trade, vocational degree	0.8	4.2	1.7
BA	47.6	36.7	41.9
MA	27.4	23.7	23.6
PhD	15.1	20.5	17.3
Total	100.0 (1189)	100.0 (293)	100.0(2317)

Predictors of youth's desired educational attainment

In order to understand the reasons beyond youth's projected educational attainment, several regression models have been proposed, using a wide range of predictors. For this analysis, the data collected in the panel study (2006 and 2009) on Romanian high school students have been used. All models used the projected educational attainment as dependent variable.

A first model ("Home environment") brings together independent variables connected to respondents' domestic circumstances; a further model ("School environment") emphasizes school-related predictors, whereas the third model ("Civicness") examines the influence of youth's civic attitudes and participation.

Model 1: "Home environment"

The first regression model built to explain youth's desired educational attainment is called the "home environment model" because it groups several variables related to respondents' domestic circumstances.

	2006 data	2009 data
Independent variables	**9th grade (β)**	**12th grade (β)**
Father education	0.106	0.107
Monthly family income	**0.130***	**0.135***
Number of books from home	0.084	0.079
Frequency of parents' discussion about public issues	**0.121***	**0.129***
Attitude towards strangers learnt in the family	-0.019	
Parents' experience with politics and administration	0.039	0.043
Model adjusted R Square	0.067	0.074

Dependent variables: the projected educational attainment for respondents in the 9th and in the 12th grade

    *   significant for $p < 0.05$

    ** significant for $p < 0.01$

The regression analysis shows that the desired level of education attainment is influenced - for both 9th grade and 12th grade students by two factors: the socio economic status (measured as the monthly income of the respondent's family) and the frequency of parents' discussions about public issues. The influence of both socio economic status and parents discussing public issues is slightly higher for students in the 12th grade.

Model 2: "School environment"

The second model explains school environment's influence on youth's desired educational attainment.

	2006 data	2009 data
Independent variables	**9th grade (β)**	**12th grade (β)**
Students encouraged to make up their own minds about issues	-0.048	-0.043
Students feel free to express their opinions in the classroom	0.045	
Teachers present several sides of an issue when explaining	0.060	-0.008
Students don't have strong impact on how things are run in the school	0.034	0.080
There are ethnic tensions in my school	**-0.116***	**-0.095***
I feel treated fair by my classmates	0.012	0.065
Teachers care about students' feelings		-0.027
Students feel that teachers treat them wrong		-0.052
I often feel alone in my class	**0.107***	
Frequency of in class discussions about voting	0.027	0.014

Frequency of in class discussions about the Parliament		-0.082
Frequency of in class discussions about current political events	-0.010	0.109
Frequency of in class discussions about the European Union	0.076	-0.065
Frequency of in class discussions about religions other than Christianity	0.011	0.083
Frequency of in class discussions about countries and cultures other that North America and Europe	-0.059	0.016
Students' usual grades	**-0.263****	**-0.423****
Model adjusted R Square	0.083	0.209

Dependent variables: the projected educational attainment for respondents in the 9th and in the 12th grade

    *   significant for $p < 0.05$
    ** significant for $p < 0.01$

The "school environment" model shows that students' desired level of educational attainment is most strongly influenced by the grades they usually obtain: the higher the grades, the more ambitious the students become, reaching for a higher level of educational attainment. While among the significant predictors, the grades have the strongest influence both for 9th grade and for 12th grade students, the strength of this predictor is more obvious as the students advance to the 12th grade. The projected educational attainment of 9th grade students is also influenced by the feeling of loneliness that students may experience in the classroom. Students who declare that they often feel alone in the classroom are more likely to seek a higher level of educational attainment. The effect of this predictor is no longer present when students are in the 12th grade, which may suggest a contextual effect of first year of high school as a change-induced stressful phase in students' lives. The third predictor revealed to have a bearing on students' projected educational attainment is the existence of ethnic tensions in their schools. The negative coefficients suggest that the presence of such ethnic conflicts diminishes students' educational aspirations. The effect is present for both 9th and 12th grade students, being slightly more elevated for the 9th grade.

Model 3: "Civicness"

	2006 data	2009 data
Independent variables	**9th grade (β)**	**12th grade (β)**
Frequency of volunteering in the past 12 months	0.078	-0.073
Interest is in politics and public issues	-0.044	
How often reads, listens or watches the news	0.013	
Intention to vote at the Parliament elections (when reaching the legal age)	**0.101***	-0.028

In the past 12 months, frequency of.....		
Wearing a patch/sticker etc for a political or social cause	-0.092	-0.084
Signing petitions	0.036	0.066
Taking part in illegal march/protest	-0.060	
Raising/donating money for a cause	**-0.110***	-0.028
Taking part in legal protests		0.095
Boycotting products for social, political or environmental reasons	-0.09	1.668**
Buying certain products for social, political or environmental reasons	-0.086	0.670
Taking part in illegal protest activities	**0.154****	-1.092
Forwarding an e-mail with political content	0.039	-0.174
Writing / displaying a political statement publicly	0.005	-0.670
Attending a show / cultural event with political content	-0.080	-0.078
Model adjusted R Square	0.046	0.026

Dependent variables: the projected educational attainment for respondents in the 9th and in the 12th grade

     * significant for $p < 0.05$
     ** significant for $p < 0.01$

     The third regression model – bringing together independent variables related to civicness – revealed a weak explanatory power for 12th grade students' projected educational attainment. In the case of 9th grade students' three of the variables behave as significant predictors for the expected educational attainment, for p<0.05: the intention to vote at the next elections for Parliament (beta= 0.101), raising/donating money for a cause (beta= - 0.110) and taking part in illegal protest activities (beta=0.154)

     While the participation to illegal protest activities and the intention to vote in the Parliamentary elections have a positive effect on the projected educational attainment (i.e. predict higher desired educational attainment), the reverse can be said about raising or donating money for a cause.

Conclusions

     Regarding the explanatory strength of the three regression models, the best model has been the "school environment", particularly for the 2009 data (when the students were in the 12th grade), judging by the value of the adjusted R Square (0.209). The same model performs more poorly for the 2006 data (adj R Sq = 0.083). However, "School environment" is overall the set of variables with the best explanatory power, among the three proposed regression models.

     The second best model is "home environment", whereas the "civicness" model is the farthest from explaining the variation of students' projected educational attainment.

In other words, the available data revealed that educational aspirations of high school youth develop in response to specific school and home environments and features and are less dependent on behaviors and attitudes cultivated by youth.

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