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IN FOCUS:
*CONSTITUTIONAL POLITICAL THOUGHT***

ROMANIAN MODERN CONSTITUTIONALISM

ION BULEI*

Abstract. *Conceived as an introductory word to the debate on constitutional political thinking in Romania, this conference examines step-by-step the constitutional texts of the Romanian modernity, it highlights the major Western influences and concludes that, in spite of their liberal and democratic character, they could not accomplish entirely the modernization of the Romanian society.*

Key words: *constitutionalism, modernization, liberalism, democratization*

I

How many constitutions did the Romanians have? (Obviously, it's about the modern constitutions, in the sense that liberalism, the dominant trend of the nineteenth century, puts them in value, being the result of the society settlement based on dialogue). We could say that the first Constitution of Romanians, which has also functioned, was the Cuza's "Statute" of July 2, 1864, which amended the Paris Convention of 1858. Until then, there were projects in the Romanian space, as Constitution of Cărvunari, from 1822, or the nobility projects in the years 1827-1828 (what we might call a kind of constitutions), the Organic Regulations, introduced by the Russian occupation in 1831, which have also formed the legal functioning basis of the Romanian Principalities until Europe has given these countries a different regulation at the Paris Conference in 1858. Hence, Cuza's "Statute" is the first Constitution given by a Romanian prince. This was followed, two years later, at July 1, 1866, by the first Constitution of Romania realized by the legitimate representatives of the Romanian nation, on the ground of the principle established by Alexandru Ioan Cuza in 1864, that of the recognition of the internal sovereignty of the Romania. It is a Constitution given through a volition agreement between the Chamber of Deputies, representing the nation, and the sovereign. The base text closely followed by the new constitution's builders was the Belgium Constitution of 1831. In those imbroglia times, when

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the Union of the Romanian Principalities of 1859 was in jeopardy (the Austro-Prussian War has just begun) was not time for own elaborations, although in the country existed already a legal school, not numerous, but with well trained people in West Schools. Choosing the Constitution of Belgium as a model was an inspired act (some people dreamt to transform Romania into a “Belgium of the East”). This was, in many ways, the most advanced and equilibrated from Europe. A quintessence Constitution of the French, English and American model, models in circulation which have inspired all the nineteenth century Constitutions. The 1866 Constitution brought in three fundamental principles: the principle of national sovereignty, according to which all the powers come from the Nation, the principle of representative governing, according to which the Nation can not govern only through delegation and the separation of power: legislative, executive and judiciary, with an independent titular to one another. Legislative power was exercised by the Parliament (bicameral) and by the Prince. Only the accord of will between these three branches of the legislative power, Assembly of Deputies, Senate and Prince, assured the introduction and the legislative functioning. The judiciary power was formal, independent of the other two. None of the jurisdiction could be created in the law’s name. The Court of Cassation had the right to censure the administrative acts at the request of a recurrent, proclaiming, if there was the case, their illegality (as happened in March 1912, when the law of trams brought by the P.P. Carp government was rejected, forcing him to resign). The Executive power was ascendant over the other two (according to the liberal principle of separation of powers, the three powers should have equal power to avoid the supremacy of one over the other). It was assured by the sovereign and ministers (until March, 15 1881 when Romania was proclaimed a kingdom, the sovereign had the title of King). His person was proclaimed “inviolable”, in a sense in which he wasn’t responsible even for his own personal acts. The inviolable principle has also its reversal. His acts were valid only if countersigned by a minister. The intention of the 1866 legislators consists in the fact that the king was going to be a moderating factor between the three powers, moderating their excesses, an element representing the principle of powers’ cooperation. The King was above the parties, gliding above the political passions. The sovereign *raison d’être* was so very clearly expressed by 1866 legislators: to ensure the stability of the entire constitutional system. Not by chance, the sovereign was foreign, in order to curb the internal rivalries for the throne. And not by chance, he was of a dominant family in Europe (Carol I from the house Hohenzollern-Sigmaringen, which was on Germany’s throne). This was one of the most important wishes of the Ad-hoc divans of 1857. They hoped that a foreign prince, from a dominant class in the West, through the prestige of the family, and why not, through its support, it could be helpful in gaining independence and keeping it. And in the moments of crisis in years of Carol I, in Europe, the Romanian politicians’ calculation seemed to be exact. The 1866 Constitution, following the same idea of ensuring political stability, introduced the hereditary principle in the appointment of the monarch. Executive power was exercised by the government and the king, who named the prime minister, he approved the list of ministers, received their oath.

With a royal mandate, the King may extend or dissolve parliament. The Parliament, on the other hand, could give vote of censure to a minister or to the entire government, as happened on February 12, 1901 or January 17, 1922.

The 1866 Constitution was amended in October 1879, to incorporate Dobrogea, to join the state's independence and the neutralization of the Jews. Then, in 1884, the idea was to include, in its constitutional stipulations, Romania as a kingdom and the vote enlargement. In 1917, in full war, the Constitution is revised again by introducing the principle of expropriation and universal suffrage. The Constitution suffers a substantial change in March 1923, after achieving full unity of the Romanian state, when there are replaced 20 articles, added 7, other 25 undergo changes in redaction or get amplifications (only 76 came in their entirety from its predecessor). Amendment of 1923 is a synthesis between 1866 and 1917. Is introduced the equal, direct, secret right to vote, the public interest is placed before the individual and the citizen freedoms are proclaimed in the democratic spirit of the time. The Parliament's (remained bicameral) essential role in the political system is more obvious than in 1866, having the right to control the executive power, to require the prosecution of ministers and sending them before the Court of Cassation and Justice. Executive power was exercised by the government and the king. The King's royalty remained those established in 1866, but they were practically reduced as a result of increased role of the Parliament, elected by universal suffrage. The powers of the Court of Cassation and Justice also increased. With its important modifications, the 1923 Constitution represents the most advanced constitution from that time in Europe. The Constitution responded to a historical need and provided the necessary frame for the development of the Unitary National State. The parties which have not agreed with the changes of the 1923 (the political confrontation was intense), then ruled on them, and when the right wing forces attacked it, they were its defenders.

In practice, the constitutional stipulations were often un-enforced or violated. The prohibition of some public organizations, the introduction of the state of siege and censorship has been as many obvious deviations from the substantive stipulations of the fundamental act. Overall, the Constitution provided a strong argument for bringing order to those tempted to violate it and provided the legal framework for Romanian democracy, as long as it existed. Do not forget that the possibility of applying it was strongly affected by an unfortunate international context. A context which favors and entails a different regime, that of *authoritarian regime* of Carol II, legally supported by a new constitution, based on Istrate Micescu's drafts and on the suggestions given by the king. The new legislation document is published on February 20, 1938 and approved by plebiscite in February 24. Through its eight titles and 100 articles, the document enshrined the principle of the King's supremacy doing away with the separation of powers in the state. The King exercised legislative power through a corporatist bicameral Parliament, limited only to enactment. The King exercised also the executive power, through a government that he named and dismissed without parliamentary involvement. Liberties and civil rights are considerably restricted. In fact, we are under a King dictatorship. It passed from the parliamentary monarchy to a King dictatorship. King Carol suspended the 1938 constitution on September 5, and

one day later abdicated in favor of his son, Mihai, and transferred the power of leading the authoritarian state to General Ion Antonescu, a period in which the new king will be just a decorative element. Antonescu never ruled the country after a Constitution, but after decree-laws. After August 23, 1944, it returned to a constitutional system, but in terms of the country's occupation by Soviet troops, who have also brought another regime, the communist one. First Constitution given by this regime is that of April 13, 1948. It was modeled on the 1936 Soviet Constitution, sanctifying the Romanian People's Republic, which came "through a struggle led by the people, the working class at their head, against fascism, reaction and imperialism", establishing the principles of building socialism in Romania and the new organs of state power. Four years later, on March 27, 1952, the Great National Assembly (the unicameral Parliament of those days) adopts another Constitution, called the "constitution of building socialism", which strikes a balance of the economic, social and politic Romanian society transformations, increases the socialist sector of the economy and proclaims the Romanian Workers' Party (the new name of PCR after 1948) "the leading force" both of "those who work", as well as of the state organs and institutions. The August 21, 1965 Constitution is well-rounded and with an ample legal content modified 10 times in successive years, which called the state the Romanian Socialist Republic, stipulates the existence of economy based on socialist ownership of means of production, the leadership of PCR (return to old name) throughout the life of society and proposes the collective leadership as the guiding principle of life state. The practical implementation of this Constitution was at the mercy of the Ceausescu family.

Romania has returned to a real constitutional practice only after the Revolution of 1989, adopting on November 21, 1991 a Constitution that proclaimed Romania as "a democratic and social State governed by the rule of law, in which human dignity, the citizens' rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values and shall be guaranteed". A number of constitutional stipulations previous to the communization are restarted and there is set up an agreement between the state of law in Romania and that of the Western Europe. From a constitutionally point of view, Romania returns in Europe. In the conclusion of these first considerations we can say that we can speak about the Romanian constitutions only after the internal sovereignty right was recognized, after 1864.

II

The Constitutions of Romania are not an original brand of the Romanian juridical school. The first constitutional projects and the first Constitutions have an occidental inspiration, with changes dictated by local developments. The 1923 Constitution is not a new constitution. Is the 1866 Constitution, adapted to new circumstances? Also from a constitutional point of view, the old Romania continues in the new Romania. After 1948, the Romanian Constitutions were inspired by the Soviet model. Among constitutions, the 1938 and the 1965 Constitutions are the best legal creations with a real usage of their capacities.

III

The Constitutions of Romania are placed under the sign of liberalism and democracy. The first current is well demonstrated in the Romanian society and is more extended, precisely because democracy was not real. In Romania there were and there are many *forms*, but weak real *substance* and, practically, we can not say that we ever really enjoyed democracy.

IV

Dimitrie Gusti believed that “a contemporary Constitution is in itself the national conscience codified, more than a technical formula, a legal one, of the totality of legal rules applied to the functioning of political power”. He also believed that a Constitution has its value as long as “complies with the social expression of time” and, at the same time, has a “particular character”. The Romanian state’s constitutional development is a component part of its modernity and history, always subdued to disquiet manifestation. Theoretically, this reflects the European juridical evolution, but during the dictatorial period, during 1938-1989, the European democratic model wasn’t a referential point, and before the Second World War, the practical application of the Constitution took indigenous forms in which law was more invoked than respected. The thriving of the electoral clientage for the governing parties has a priority over any kind of law, inclusively over Constitution. Its respect was the emblematic cry of the opposition parties, but not when they were in government. The process of modernization remained unfinished in the Southern and Eastern European countries and also remained primarily related to personal and group interests and not to the general and invoked, but not taken into account, interest. Under the pressure of the history wave, the state of law was related and, too much and too often subordinated, to political influence. It is hoped to be a more accurate resetting of legal rules and of people’s insurance into a united, more desirable, foreseeable future Europe.

DOES THE PRESIDENTIALIZATION OF THE CONSTITUTIONAL REGIME CONCUR TO THE DEMOCRATIC CONSOLIDATION IN ROMANIA?

ARISTIDE CIOABĂ*

Abstract. *Among the solutions suggested by the Romanian president on the possible revision of the current Constitution, there is also the presidentialization of the constitutional regime. By this term I define any increase in the executive and decisional powers of the President, in addition to these already existing, and I argue that presidentialization is rather a risk than a strengthening factor for democratization in Romania, given both the incipient stage of this process and the inertial effects of the former totalitarian regime, which continues to be felt in some parts of the institutional political system. My arguments are based on the neo-institutionalism approaches concerning the different results that the same institutional set can produce in cultural and societal particular contexts, especially in the case of transferring an institutional system with strong endogenous character in a “particular” social-political environment without strong democratic and liberal traditions. The characteristics of the former totalitarian regime and the very logic of path dependency in which entered the neocommunist forces that opted in 1991 for the current constitutional design, apparently semi-presidential, require an effort to exit the authoritarian logic; the very guarantee the continuation of the democratic consolidation process. The presidentialization can cause the ossification of the Romanian democracy.*

Keywords: *democratic systems, presidentialism, democratic consolidation, neo-institutionalism, delegative democracy*

The recent revitalization of the theme of the revising of Romanian Constitution, while the process of democratic consolidation of the political system is hardly at its beginnings, does not seem a plausible initiative, or one meant to solve the problems invoked by its adepts.

The intent announced by the head of state and sustained by the ordered study of a team of constitutional experts has as a motivation the need for the clarification

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of the juridical nature of the current constitutional system.¹ It is ascribed for its “eclectic” character, for its hybrid characteristic, found at the basis of the juridical conflicts with a constitutional nature emerged during the last years in the sphere of the rapports among the President, on the one hand, and the other institutional factors, such as the prime-minister, the government, the Parliament and even the judicial power, on the other hand.

The conflicts of this sort and the frequent resort to the arbitrage of the Constitutional Court are considered the premise, or the necessary and sufficient condition, for the revising of the Constitution and for the avoidance and the elimination of the possibility for their reproduction in the future.

The sketched solutions and the purpose of revision, as enounced by the initiators, are centered on the intention to strengthen the executive and decisional attributions and power of the President — in addition to the already existing ones — what we designate in the present communication by the phrase *the presidentialization of the constitutional regime*. The meaning of the phrase is not limited here to the one suggested by the pure presidential system, of the North-American type. I consider here a wider category of presidentialism that includes as well other subspecies, such as the semi-presidential system in its typical version or as a “model”, illustrated by the Fifth French Republic, installed by the general Charles de Gaulle, at the beginning of the 60s.

The main argument of those who propose the strengthening of the powers of the President of Romania derives from the invoking of the superior legitimacy brought by his direct election by the people. This legitimacy should impose itself, seemingly, as well in his relationship to the prime-minister, as with the Parliament because from it is derived the idea to invest the President with the authority to apply the program that brought him the victory in elections.

The argumentation implies subsequently that placing in concordance the electoral legitimacy of the President with his powers of decision (now, allegedly undersized), necessary to apply his program, would serve, in the case of the revisal from this perspective of the Constitution, to the modernization and consolidation of the rule of law, implicitly consolidating Romanian democracy, too.

This “vision”, offered by those who sustain the initiative of the president elides, it seems, out of partisan considerations, the following empirical evidence: the functioning of the modern democratic constitutional systems does not guarantee, nowhere in the world, not even in the North-American system, the powers to permit the President to automatically apply that personal program supposedly imposed by the vote of the electorate, in the case of the victory in elections. The fundament for the necessity to implement increased powers for the President on such interpretations for the general (popular) will be rather an equivalent for the practices and arguments invoked rather by the undemocratic regimes, of the elective dictatorships or of the populist authoritarianisms.

¹ See *Discursul președintelui României*, Traian Băsescu, [*The Discourse of the President of Romania Traian Băsescu*] at the public presentation of the report *Pentru consolidarea statului de drept* [For the consolidation of the rule of law], elaborated by the Presidential Commission of Analysis for the Political and Constitutional Regime in Romania, the 14th of January 2009, on www.presidency.ro.

Within the consolidated democratic systems the powers are divided — and this is the main function of the Constitution in a representative democracy. And the governing, respectively the elaboration of the public policies and of the decisions concerning their application is always and legitimately in the hand of the Parliamentary majority (Giovanni Sartori). The president, even when directly elected by the people, or when he heads his own government, might just fail in applying his program if he does not co-operate and receive the support of the parliamentary majority.

The option of the President in function, concerning the revising of the constitutional regime, is directed toward a strong version of semi-presidential system, related to the French semi-presidentialism, or stronger. The election of the type of constitutional regime functional, for one country or another, is not just a matter of political will, or one of a juridical and political coherence of one model or another from a specific consolidated democracy. No matter how coherent or functional may seem the French Constitution for French, its faithful imitation does not transfer miraculously in Romania either the specific French historical experience, or the organization of the democratic forces, or the ideological spectrum, or the structure of the factional interests in society, or the vigor of the French civil society, or the tradition of the rule of law or any of the other specific conditions accompanying and determining the consistency of the legal constitutional frame.

The option of the President for the French semi-presidential model is based as justification almost exclusively on theoretical considerations, of a formal and juridical order, placed at his disposal by the authors of the Report order by his Excellency and, as well, on the propensities of his personality.

As following, I shall briefly examine the question of nuances and functioning of the Romanian constitutional frame within the specific context for the present stage and for the democratic experience of our Romanian society. This is also compulsory because the correct evaluation of any constitutional system cannot overlook a confrontation with the social and political system to which it is going to be applied.

To accomplish this aim is not necessary to go back in time until the beginnings of the political life to extract the wisdom or to update the considerations of the Greek philosophers from Antiquity related to the transformation, or the deviations, of the “pure” forms of political regimes in “impure” forms, under the action of social, spiritual or behavioral factors, proper to the Greek cities.

It suffices the comparative confrontation of the institutional frame with the characteristics of the societal environment where they activate, or which they have to reform, within modern and present-day societies.

The new institutionalism approaches, revived during the last decades in political science, sociology and economics, I believe they can offer a more adequate understanding of the role and results of the institutional change in dependence to the context where they function.

The empirical observations do not signal the existence of a *direct* causal relation between a certain institutional frame and the actual results that are expected as

outcome. To the extent there is, though, a causal relation, it is an indirect and complex one. *The same* “arrangement might trigger totally different consequences under different conditions”² as James G. March and Johan P. Olsen, two of the exponents and initiators of the neo-institutionalism approach, noticed.

Detecting the positive institutional effects expected is all there more difficult as the institutional system is more complex, respectively, based on interactions among multiple autonomous processes, among multiple institutional centers and levels to which it refers, as it is the case with the democratic political system.

In explaining the role and the effects of the institutions in general, and the effects of the political institutions, especially, the new institutionalism connects two partially contradictory presuppositions, namely:

1. “The institutions matter”, that is, “they influence norms, beliefs and the actions; therefore, they shape outcomes”;
2. “The institutions are endogenous”: their form and their functioning depend on the conditions under which they emerge and endure”.³

When the endogenous character of the institutions is powerful, to the extent that a set of institutions reflect the special conditions that marked their apparition, the transfer of that set in a different historical and situational context does not produce similar (specific) consequences to these acknowledged in the original societal environment.

This presupposition may mean either that the formal institutions may matter either as a formal relay for the transmission of the causal effects that are specific for the endogenous conditions of the given society, or they may remain in the new societal context that overtook them, a simple façade decoration, behind which the “informal” practices, characteristic for the former political development, flourish. These informal practices see that, somehow, the conflicts get solved, in a “particular” manner, and approach the relations between the state and the citizens after different models than the universal and legal rational ones presupposed by the modern democratic institutions: through clienteles, nepotism, material favors, particular hierarchic relationships⁴, etc.

Adapting the institutions of liberal democracy from a country with a specific historical trajectory and political experience different from the western democratic countries, where the modern liberal democracy was born, needs a lengthy process for the institutionalization of the new system. The democratic institutional frame remains weak and non-functional if its values and procedures are not assimilated to the cultural context and behavioral models of the elites and citizens in the countries in course of democratization. The effects of the democratic institutions on the re-shaping of the norms, beliefs and political behavior could be counter-posed by the particular character that remains enforced and functioning behind the formally

² James G. March, Johan P. Olsen, “Elaborating the ‘New Institutionalism’”, Working Paper no.11, March 2005, p. 9-10, <http://www.arena.unis.no>.

³ Adam Przeworski, “Institutions Matter?”, in *Government and Opposition*, 2004; p. 528, Adam Przeworski, “The Last Instance: Are Institutions the Primary Cause of Economic Development?” (I) *Archive européenne sociologique*, XLV, 2 (2004), p. 165-185.

⁴ See Guillermo O’Donnell, “Iluzii despre consolidarea democrației”, in Larry Diamond, Yon-Han Chu, Marc F. Plattner, Hung Mao Tien (eds.) *Cum se consolidează democrația*, transl. in Romanian language by Magda Muntean and Aurelian Muntean, Jassy, Polirom, 2004, ch. 4, and p. 79-80.

adopted frame. The first attempt to democratize Romania, interrupted during the in-between World Wars period, clearly hallmarked this phenomenon theorized by Titu Maiorescu within the debates on the so-called “forms without substance.”

Meanwhile, the absence of the *historical traditions of liberalism* (the ideas of human rights, divided and limited state powers), of the *republicanism* (the consciousness of the obligations to respect the law and the public interests even at the cost of the sacrifice of the personal and group interests of the agents of the public power) and of *democracy* (the consciousness of active citizenship) that are synthesized by the western functional democracies⁵ from the endogenous societal environment where the liberal democratic institutions are transposed, affects the level and the duration of the process of successful institutionalization of the democratic institutions, and thus, the process of consolidation of the democratic regime.

In a parenthesis, and for illustration, under the circumstances of present-day democracy in Romania, the presidentialization of the constitutional regime, might trigger entirely different effects from these produced by the French semi-presidentialism taken as model. The endogenous factors proper for nowadays Romania, as well as the weak liberal tradition, the unequal distribution of the power relationships, the confusion among the public and the private interests, the reduced participative activism at the level of citizenship, the incipient democratic culture, and especially the low level of economic development, differ radically from the conditions encountered by the consolidated French democracy when the parliamentary regime was replaced by the semi-presidential regime.

Instead of strengthening the present-day incomplete democracy such a change might favor in Romania the conditions for the reproduction of the authoritarian model that the country has just left behind.

Considering the characteristics of the former regime, the difficulties of the process of democratization and of consolidation of democracy in Romania could be evaluated through the resort to the type of explanations offered by the historical sociological approaches that place the accent on *path dependency*.⁶

⁵ Guillermo O'Donnell, “Horizontal Accountability in New Democracies”, in Andreas Schedler, Larry Jay Diamond, Marc F. Plattner (eds.), *The Self-restraining State*, Boulder, Colorado, Lynne Rienner Publishers Inc. and The National Endowment for Democracy, 1999, p. 31.

⁶ A specific trait for path dependency approaches is based on the reasoning that “once contingent historical events take place, path-dependent sequences are marked by relatively deterministic causal patterns or what can be thought of as ‘inertia’ — i.e., once processes are set into motion and begin tracking a particular outcome, these processes tend to stay in motion and continue to track this outcome. The nature of this inertia will vary depending on the type of sequence analyzed. With self-reinforcing sequences, inertia involves mechanisms that reproduce a particular institutional pattern over time. With reactive sequences, by contrast, inertia involves reaction and counterreaction mechanisms that give an event chain an “inherent logic” in which one event “naturally” leads to another event”, “once the contingent historical events take place, the path dependent successions are marked by causal and deterministic relative models or by what could be considered ‘inertial action’ — i.e. once the processes are set in motion and start to draw a direction toward a particular outcome, these processes tend to maintain the direction and to continue to lead to that outcome. The nature of this inertia varies after the type of sequence analyzed. Within the self-reinforcing sequences the inertia involves mechanisms that reproduce in time a particular institutional model. Meanwhile, in the reactive sequences, by contrast, inertia involves mechanisms of reaction and counter-reaction that offer to a chain of events an ‘inherent logic’ where a ‘natural event leads to another one’”. From James Mahoney, “Path Dependency in Historical Sociology”, in *Theory and Society*, vol. 29, no. 4, August 2000, p. 511.

The evolution or succession of some processes and events is explained, from this perspective, by the inertial effects induced by some historical antecedents, or contingent events, in their sequential order.

The changes or the paths of transition to democracy, the paths of the consolidation of the political regime after the fall of the authoritarian and totalitarian regimes, cannot be dissociated from the inertial conditions, effects and influences that these types of regimes exercise, inclusively on the type of democratic regime edified.

Otherwise, after any change of regime for a while there continue to be new and unreformed old institutions, and also there are political forces and behavioral models under the routine of the former regime, reproducing its mechanisms and mentalities.

Reversing the course of these auto-reproducing processes and the initiation of a trajectory that will lead to the consolidation of the newer institutions and democratic beliefs was a particularly difficult task in Romania. The process of democratization started from zero, because under the totalitarian regime the autonomous structures of the civil society could neither form nor freely manifest themselves. There was not any administrative non-politicized apparatus to be efficiently used by the new regime, not even reforming groups within the former communist party. A similar situation took place in the other East-European states and in the Soviet Union.

The logic of path dependency — in our case the characteristics of the former totalitarian regime — was manifest in Romania, but also in other states, through the option for a type of regime privileging the “vigorous” power for the head of the executive (the head of state), in the detriment of the option for pure parliamentary systems. From approximately 25 countries from the Eastern Europe and the former USSR, only three — Hungary, the newer Czech Republic and Slovakia — have chosen parliamentary systems, the other opting for semi-presidential regimes or, similarly to these in the Latin America and Asia (Korea, Philippine), for pure presidential systems.⁷

Romanian Constitution from 1991, too, is the work of political powers closely related to the previous totalitarian system.

The authoritarian excess during the first regime sustained by FSN⁸ (violence against opposition, the diversion of the mine-workers’ “excursions” at Bucharest (the so-called “*mineriade*”) and the overthrow of the pro-reform government of Petre Roman using extra-Parliamentary means) compromised the regime abroad, risking to isolate Romania during a period when the other neighboring countries were oriented toward the EU and NATO. The need for democratic credibility and international financial support for the economic reform of the country moderated the positions defended by FSN, a majority within the *Constitutive Assembly*, the forum which adopted the democratic Constitution in November 1991.

⁷ See Alfred Stepan, Cindy Skach, “Constitutional Frameworks and Democratic Consolidation: Parliamentarism versus Presidentialism”, in *World Politics*, vol. 46, no. 1, October 1993, p. 4, note 10.

⁸ This is the Romanian abbreviation for the Front of National Salvation the main political group in Romania immediately after the change of regime, in December 1989.

The form of the constitutional regime imitates in appearance the French semi-presidential model. But the President, with significant prerogatives, does not enjoy similar executive powers as the French President, but smaller.

There were established, *de jure*, limitations for the power of the President considering especially the imperative to avoid the arbitrary that accompanied the uncontrollable exercise of presidential power under the totalitarian regime.

Although empowered with more restricted executive attributions, in peace, the President was able to control, *de facto*, the functioning of the government, the orientation of the public policies, and the control of the legislative through the political majorities overseen by his party and by the satellite parties, until 1996.

Slower than in the other countries from Central Europe, the process of democratic consolidation started to become clearer after the year 2000 when a second alternation was installed in power, and when there was a wider agreement among the political players to abide by the democratic game. The first constitutional revisal, in 2003, took place under the circumstances of the advancement of the negotiations concerning Romania's accession to the EU, meeting the agreement of the quasi-totality of the democratic forces; while the adhesion for the anti-system parties (PRM⁹) decreased significantly after the peak of audience in 2000, when PRM leader succeeded to enter the second tour of the presidential elections.

After the elections of 2004 and the direct confrontation of the President with a government ran astray, by the dismantlement of the coalition that brought the President in power and the passive support of the minority government Tăriceanu II by the parliamentary opposition of PSD¹⁰, the inconsistency of the process of democratic consolidation and the weak adhesion to the democratic institutional and procedural values of the top rank political actors were once again emphasized.

The conflict that opposed the President and the prime-minister for the control over the public policies surfaced as well the potential leverage for action that the President can use to impose his will. And this imposition of presidential will took place even at the cost of the debilitation and discredit of the other democratic institutions — Government, Parliament, Justice, and Constitutional Court. Maintaining some obscure zones of power outside the efficient democratic control from the parliamentary system — such as the secret services or the influence of the nomination by the President of the head attorneys, or of the heads of the Anticorruption Direction, etc., the potential political blackmail addressed to political adversaries (with their personal files still overseen by the secret services loyal to the President) — underline as well the weakness of the Romanian democratic system in front of the entitled forceful actions undertaken by the President, even at the cost of endangering the democratic consolidation in Romania.

The current phase of democratization in Romania and the sequential order in which the possible further increase in presidential power is inscribed (even after the deferment of a President for the disrespect of the Constitution) does not present guarantees for the continuation of the process of democratic consolidation. The

⁹ This is the Romanian abbreviation for Partidul România Mare (The Great Romania Party).

¹⁰ This is the Romanian abbreviation for Partidul Social Democrat (The Social Democratic Party).

Romanian collective psychic preserved a host of favorable representations for the strong personal power that Romanians associate with the function of head of state. The electoral campaigns for the candidates for presidency up to now did nothing else than induce in the consciousness of the voters exaggerated expectations regarding the presidential institution and its role, far beyond the existing constitutional attributions.

The increase in the powers of the President, combined with the present-day social and cultural environment, characterized by the behavioral routine attained in the previous non-democratic regimes, is to act as following toward the mutual reinforcement of the authoritarian tendencies from the sphere of the exercise of power and from that of the trust of the citizens in the authoritarian political powers.

To this cultural and psychological aspect, relevant in the case of the incipient democracies, have to be added arguments of a “mechanical” and juridical order shown in the specialized literature. According to these sources, the presidentialism involves a more rigid constitutional design, which is more difficult to adapt to the functioning and to the stability of a democratic regime.¹¹ This fact is illustrated also by the empirical data concerning the possibility to ensure the compatibility of the orientation of the President with the parliamentary majority, as well as by the shorter lifespan of the non-parliamentary regimes in the countries in course of development, etc.

If and how could the presidentialization of the constitutional regime lead to the consolidation of Romanian democracy is more a theoretical and abstract notion. Meanwhile, the opposite alternative, that results with a high probability from the possible arbitrary interpretation of the Constitution by the President — whoever he might be — and from the abusive exercise of the increased presidential powers is a more concrete alternative, a plausible one, which is also extremely risky for democracy.

As a consequence I shall answer indirectly — and negatively — to the first issue, via the hypothesis of the pessimistic plot, where an almighty President can be an obstacle for the continuation of the democratic consolidation in each of the “arenas” or in each of the (autonomous) institutional domains that the specialists associate with consolidated democracy¹²: constitutionalism with the system of

¹¹ Alfred Stepan and Cindy Skach, *op. cit.*, for instance show that the countries labeled as supra- or sub-standard in the measurement accomplished by Tatu Vanhanen, by the correlation of the index of democratization and the index of the redistribution of resources, presents an interesting repartition from the point of view of their constitutional system. Pure presidential systems have a rate of democratic success 3.4 times smaller than the pure parliamentary systems. The pure parliamentary systems have a 1.8 times higher probability (83%) than the pure presidential systems (45.5%) to get to the zone considered of supra-standard, from a democratic standpoint, in this hierarchy (p. 9-10). From the 53 democratic countries, out of the 168 non-OECD countries that experienced the democratic regime at least one year during 1973-1989, 28 had pure parliamentary regimes and 25 had pure presidential regimes. Only 5 of the countries with pure presidential regimes (20%) maintained their democratic regime for 10 years consecutively, compared to 17 of 28 countries with pure parliamentary regimes that maintained 10 years consecutively their democratic regime (*ibidem*). The tendency to produce legislative majorities indicates as well an outcome favorable for the parliamentary democracies: 83% of the time when the regime functioned, between 1973 and 1987, compared to 48% in the case of the presidential democratic regimes (*ibidem*).

¹² J.J. Linz, Alfred C. Stepan, “Drumul spre o democrație consolidată”, in Larry Diamond, Yon-Han Chu, Marc F. Plattner, Hung-Mao Tien (eds.), *op. cit.*, ch. 2.

separation and mutual control of the state powers; the rule of law; the party system and the system for the representation of the interests of the citizens; the state bureaucracy; and the civil society.

1. The first and the most probable destabilizing effect could be registered at the constitutional level, through the alteration of the balance among the state powers.

A system with a powerful President, but also with a Parliament dominated and diminished (maybe even a one-chamber Parliament) under the menace of its dissolving, lacking the trust of a majority of its citizens, with a controllable Constitutional Court and judicial power (due to the political mechanism of nomination and recruitment), etc. and the mechanisms of mutual limitation among powers, or what some political scientists call the “horizontal accountability”¹³ within a democratic system, can weaken and become inefficient.

2. The presidentialization of the democratic regime might affect, indirectly, the autonomy of the political parties; when the President understands to “fabricate” himself at all costs an obedient majority, even when the elections did not ensure the majority for the presidential party, it is clear that he will go to actions meant to destabilize the adverse parties, “hijacking” their Parliament Members, etc. to the same end might function the interpretation of the presidential attribution concerning the formation of the government and that of the governmental majority as an exclusively personal initiative, ignoring the free agreements among the political parties, fact that could determine the political parties to adopt strategies meant to maintain the respective parties within the favors of the President (and, therefore, under his tutelage). The role of the political parties in representing the social interests of the country could suffer in the hypostasis of the presidential control over the legislative agenda, and over the law-making process entirely, by the introduction of the legislative referendum initiated by the President, too.

3. The alteration of the natural relationships of institutional balance at the above mentioned levels might negatively influence the independence of justice and the rule of law, given the politically-biased public administration used as a mere instrument in the hands of the governmental political forces, thus maintaining the conditions in favor of corruption and nepotism in the detriment of the efficient functionality and professionalism of the state bureaucracy.

4. Eventually, civil society, now still amorphous, poorly structured, dependent on the clientele relationships with the state authorities, could have under a stronger presidential regime even more difficulties in evolving as a “free and vigorous” civil society (Linz and Stepan).

In fact, such evolutions could block the process of democratic consolidation. And, if the return to an authoritarian regime did not actually take place (considering also the quality of member in the European Union enjoyed by Romania); Romanian democracy could remain just a defective form of democracy, similar to “delegative democracy,” after the expression of Guillermo O’Donnell. This sort of democracy is characterized by the posing of the elected President in

¹³ Guillermo O’Donnell, “Horizontal Accountability”, in *New Democracies*, in Andreas Schedler, Larry Jay Diamond, Marc F. Plattner (eds.), *op. cit.*, p. 39.

“the father of the nation” and protector of its interests, to whom the people delegates the power to act however he considers fit, in the interest of the people, neglecting and even removing from his way uncomfortable institutions such as the Parliament, the Courts of Justice, etc. when the accomplishment of his programs requires it.¹⁴ The model for this delegative democracy is provided by some of the Latin-American or East-European democracies — such as in Russia, during the government of El’în (and Putin), in Croatia (after the first elections) — and South Korea (by the end of 2000).¹⁵

The presidentialization of the Romanian constitutional system may prove to be rather a risk than a factor of consolidation for the Romanian democratic system. Provided that the current phase for the consolidation of democracy in Romania is only an incipient one, the system is less likely to successfully thwart the possible skids of a strong executive power, resulted from the enhancement of the decisional attributions of the head of state. Even more, in history, only the democracies which restricted progressively the powers of the head of state, framed within an efficient system of checks and balances with the other public powers succeeded to consolidate. Wherever the presidential powers escaped the constitutional mechanisms — see, for instance, the Latin American countries — democracies either repeatedly failed, or they remained, until now, weak and unconsolidated.

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¹⁴ See Guillermo O’Donnell, “Delegative Democracy”, in *Journal of Democracy*, 5, no. 1, 1994, p. 59-60.

¹⁵ See also Hans-Jürgen Puhle, “Democratic Consolidation and Defective Democracies”, Working Paper no. 47/2005, p. 13, Conferencia Universidad Autonoma de Madrid, www.uam.es/centros/derecho/politica/papers.htm.

**THE POLITICAL — JURIDICAL PROSPECTIVE
OF THE ROMANIAN CONSTITUTION
ON THE FUNDAMENTAL INSTITUTIONS OF THE POWER**

CONSTANTIN NICA*

Abstract. *The main thesis of this conference argues that the Romanian Constitution of 1991 outlined a self-standing formula of theory and practice of political power in the new Romanian democracy. The author considers that the Romania's democratic parliamentary-representative political system is a summary of general principles, rights, duties and fundamental liberties, and functioning principles of public authorities in the Constitution of Romania.*

Keywords: *Constitution, democracy, political power, separation of powers, representative government, balance of powers, social powers*

*Constitutions — Fundamental Laws with Doctrinaire,
Political — Juridical and Philosophical Contents*

Constitution — a fundamental political-juridical document of a modern state — defines and establishes the social relations determining the setting up, maintaining and practice of political power. In this way, it specifies the indispensable institutions of the power — particularly of the political power, especially of state type — and the citizens rights, corroborated with their obligations, rights that also establish, particularly after the second world war, the social power or the control capacity of the citizens over the authorities. As a fundamental law, the constitution determines the juridical order of the state, the statute of their bodies who exercise the national sovereignty, the relations on principle between the state institutions and other political institutions, between the state institutions and citizens organizations, either professional, political, cultural, religious, of opinion, etc. Consequently, any constitution comprises the political standards and the fundamental legal standards that establish — in the light of the citizens rights and on the basis of their guarantee — a certain political progress whose expression has been materialized — for over two hundred years — in the parliamentary-representative and pluralistic democracy.

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The totality of political — philosophical and juridical standards, which give the content and the significance of a modern, contemporary constitution, arises, as a rule, from the performance of a synthesis — adapted to the historical circumstances and national peculiarities — between: a) the formal and direct sources of the main constitutions and deeds with constitutional value in force in the world that establish the democratic order; b) the fundamental principles and standards outlined by the constitutional history of Europe or of the country elaborating a new constitution; c) certain standards — even vaguely outlined — in the history of ancient law from the continent or in the inland law sources, that concern either lasting institutions for organizing, managing, making common cause with people, or certain rights over some assets, or certain freedoms of people, existing before the solemn declarations or one of the fundamental laws; d) doctrinaire texts, drawn up by the thinkers who formulated the theory of the modern democracy, especially John Locke, Baruch Spinoza, Charles-Louis Montesquieu, Benjamin Constant, Alexis de Toqueville, John Adams, Benjamin Franklin, etc. In general, the constitutions are drawn up based on these sources types, juridical and political — philosophical texts, but without — as a strict rule — being quoted. The spirit of the sources and of the pre-existing texts, used by any commission for editing a new constitution or by any constituent assembly, is found in the new constitution, that is becoming a reference political — juridical deed and is entering into the constitutionalism history by way of several contributions. First of all, it *suggests a new model for the state concerned* or takes back, essentially, a model applied in another historical period; this «model» stands out from the reference versions — located historically, sociologically — juridically and geographically in the Western Europe — *as a result of the amalgam achieved from the constitution, constitutional deeds, declarations of rights, political proclamations taken into account*. This amalgam always records the disappearance of a repudiated political system, without legitimacy. Secondly, *any new constitution — even in the cases when taking over from other texts of the same style or from the public cultural — political patrimony and of the era — is imposed itself as a fundamental law with a certain originality, that arises — as a rule — from a number of new texts, new articles and from interpretations based exclusively on the history and on the political experience, on the concerned nation's psychology, to whom it is addressed*.

*The Essential Principles of the Romanian Constitution
— between Synthesis and Originality*

Its vision on the political systems and on the power institutions is materialized in defining the power essence, in specifying the relations between the “public authorities”, as well as between the authorities and citizens. This vision combines the classical outlook on the parliamentary system — formulated in the 19th century, especially in the *Fundamental Law of the Low Countries (1815)*, in the *(French) Chart of 1814*, in the *(French) Chart of 1830*, in the *Belgian Constitution of February 1831* —, with the theoretical — juridical, political,

philosophical prospective elaborated in the 20th century, in the inter-war period and after the second world war. Therefore, *the theoretical — doctrinaire — political, juridical, philosophical, sociological prospective — that results from the Constitution of Romania from 1991 expresses a synthesis, with obvious shades of originality, between the classical view and contemporary view on the political — democratic — parliamentary system*. In this way, it provides us the profile suitable for a type of state belonging to the liberal civilization, parliamentary-representative, pluralistic “political order”. The Constitution of Romania acknowledges and establishes, in essence, these principles: sovereignty of power, therefore power is acquired and practiced legitimately as long as its source is the nations’ consent; the *representative character of power*, meaning that the interests of all social forces are to be reflected in the public authorities’ decisions, excluding any discriminations and any advantages, of any kind — concerning birth, class, ethnical origin, language, religion —, any exemptions and class monopoly being incompatible with the equality before law and the compulsoriness of the non — discriminated treatment from the public authorities; c) *separation of powers in the state*, a principle combining the view according to which its power is unitary, in essence, thus not being prevented — against the given background of the social complexity, of the political relations variety and of the public authorities tasks — the power “splitting up” and its articulation into “powers” —, which perform different, but co-ordinated tasks, in accordance with the defining finality of the state, system of state, political, extra-political bodies; d) *the independence and neutrality of the justice*, which — through its hierarchical instances — must deliberate during the open meetings, make decisions based on the professional conscience not influenced of the judges and motivate each time both the incipient or intermediate decisions, and the irrevocable, consequently enforceable decisions; e) *legality or the supremacy of law*, meaning that any decision of a state institution must be supported by a principle (text) of law; f) *recognition of citizen as integrant part of the political society*, meaning that, on the one hand, no state institution can function without the will of the social body and that the free and equal person statute of every citizen is materialized in his power of enjoying the same freedoms (rights), as well as the other neighbours and of not being burdened with additional obligations. The principles laid down are doubled by a few other, namely: a) *rationality of the institutions and of the relations among them*; b) *the balance between the “powers” or institutions*; c) *the political responsibility of the ministers, consequently of the government in front of the legislative power*.

The Romanian Constitution — as well as other similar documents in the last four decades — *integrates the fundamental institutions of the power* — that it designates them now “public authorities”, then “state functions” — *in the social, cultural and ideological environment from the beginning of the last decade of the 20th century and from the first years following 2000*. This integration of the public authorities in the environment that generated them explains and defines the nature, role and duties of the institutions in the political system in the deliberate light of the constitutional text, of the similar experiences established

by law-making prescriptions from another democratic constitutions, of the representative contributions of the parliamentary system doctrinarians, which are included in our fundamental law. These contributions belong to the main “constitutional waves” from Europe, developed from the end of the 18th century, the French Constitution of 1791, and until the end of 1978, and the constitution of Spain. *These contributions concern as well — to the extension of the principles — the anatomy of the modern democracy, the power institutions, which — as state “forms” — involve also the significant part of the “background”, of the politics substance.*

The Constitution of Romania from 1991 shaped in a characteristic formula the theory and practice of holding the political power by the Romanian people and the political system of democratic parliamentary — representative type, by combining the provisions and significances of approximately 40 articles, distributed in the titles; the first (General Principles), the 3rd (Public Authorities) and the 2nd (Fundamental Rights, Freedoms and Duties).

In this way, at Title I we note 8 articles: 1 (paragraphs 3 and 2 regarding the essence of the Romanian state as a democratic state and its republican form)¹; 2 (paragraphs 1 and 2 concerning the sovereignty content and its indivisibility)²; 1 (paragraph 4 establishing the principle of separation and balance between powers)³; 4 (paragraph 1, specifying that the state basis consists of the Romanian people unity and in the solidarity of its citizens)⁴; 6 (paragraphs 1 and 2 providing that both citizens of Romanian ethnic origin, and the ones of other nationalities should have the same rights and the same obligations, which guarantees the conservation of the sub-national communities identities)⁵; 8 (paragraphs 1 and 2 that establish the political pluralism as a dimension and guarantee of the constitutional democracy, all the political parties, set up legally, being able to freely carry on their activity)⁶; 9 (established for trade-unions, employers, and professional associations)⁷; 11 (paragraphs 1, 2, 3, which admit the assuming by the Romanian state, in good faith, of the obligations incumbent on it resulted from the treaties Romania is a party to and the way of correlating the international law rules with the national law)⁸; 13 (that recognizes the Romanian language as official language)⁹.

At the 3rd title we notice around 25 articles. From Chapter I, *Parliament*, we have regard to the articles: 61 (paragraph 1, that establishes the capacity of Parliament of supreme — representative and sole law-making authority body)¹⁰;

¹ *The Romanian Constitution (and the Universal Declaration of Human Rights)*, Bucharest, “Bogdana” Publishing House, 2004, p. 5.

² *Ibidem*.

³ *Ibidem*.

⁴ *Ibidem*, p. 6.

⁵ *Ibidem*.

⁶ *Ibidem*, p. 7.

⁷ *Ibidem*.

⁸ *Ibidem*, p. 7-8.

⁹ *Ibidem*, p. 8.

¹⁰ *Ibidem*, p. 26.

65 (paragraphs 1 and 2 that list the main powers of the Parliament)¹¹; 69 (paragraphs 1 and 2 defining parliamentary members as representatives of the Romanian nation and exclude the imperative mandate)¹²; 73 (paragraphs 1, 2 and 3 that stipulate the Parliament powers within the field of law-making)¹³; 77 (paragraph 1 that lays down the compulsory character of promulgating any law)¹⁴. From the same title, Chapter II, *the President of Romania*, we mention the articles: 80 (paragraphs 1 and 2 that specify the role of the President)¹⁵; 86 (which concerns the possibility for the President to take advice from the government for the urgent and very important matters)¹⁶; 87 (paragraph 1, laying down the possibility for the President to participate in government meetings)¹⁷; 88 (which recognizes the right of the President of addressing messages to the Parliament)¹⁸; 89 (paragraphs 1, 2 and 3 establishing the ways the president is called to run through the procedures and to elaborate the formalities for anticipated dissolution of the Parliament)¹⁹; 91 (paragraphs 1, 2 and 3 providing for the President duties in the field of external policy)²⁰; 92 (paragraphs 1, 2 and 3 providing the President duties in the field of Romania's defence)²¹; 93 (paragraphs 1 and 2 relating to the methods by which — under exceptional circumstances, with the compliance of the law — the President can institute the state of siege or state of emergency)²²; 100 (paragraphs 1 and 2 stipulating the normative deeds issued by the President)²³; 77 (from the Chapter I, paragraphs 2 and 3, providing for the President involvement in the laws promulgation and his right to request the re-examination of a law or to ask for the verification of its constitutionality)²⁴. From the same title, Chapter IIIrd, *The Government*, the following articles are outlined: 102 (paragraphs 1 and 2, which determine the role of the Government and its possibility to co-operate — in the view of performing its duties — with the interested social organisms²⁵; 103 (paragraph 3, specifying that the programme and the structure of the Government members are argued within the Parliament and that any government needs the express advisory vote of the Parliament)²⁶; 106 (which determines the ways of cessation from the office of Government member)²⁷; 107 (paragraphs 1, 2, 3 and 4 establishing the statute of the Prime Minister within the Government, his relations — as well

¹¹ *Ibidem*, p. 27.

¹² *Ibidem*.

¹³ *Ibidem*, p. 30-31.

¹⁴ *Ibidem*, p. 33.

¹⁵ *Ibidem*, p. 34.

¹⁶ *Ibidem*, p. 36-37.

¹⁷ *Ibidem*, p. 37.

¹⁸ *Ibidem*.

¹⁹ *Ibidem*.

²⁰ *Ibidem*, p. 38.

²¹ *Ibidem*.

²² *Ibidem*, p. 39.

²³ *Ibidem*, p. 41.

²⁴ *Ibidem*, p. 34.

²⁵ *Ibidem*, p. 41-42.

²⁶ *Ibidem*, p. 42.

²⁷ *Ibidem*, p. 43.

as the ministers' — with the President)²⁸; 108 (paragraphs 1, 2, 3, 4 which list the administrative documents issued by the Government)²⁹; 109 (paragraph 1, complementary to the Article 103, defining the exclusive political responsibility of the Government before the Parliament)³⁰; 110 (paragraph 2, stipulating the possibility of the Government mandate cessation by dismissal)³¹. Finally, from the same title, Chapter 4, *The Judges Authority*, we note the articles: 124 (paragraphs 1, 2 and 3, establishing as fundamental principles that justice is done in the name of law, that justice must be unique, impartial and equal for all, that judges are independent and comply — when managing the justice — only with the law)³²; 125 (paragraph 1, laying down the judges immovability, in the spirit of law); 126 (paragraph 5, forbidding the establishment of extraordinary instances)³³; 126 (paragraph 6, referring to the guarantee of the judges control over the administrative documents of the public authorities, by way of administrative court)³⁴.

At last, from the 2nd title, *Fundamental rights, freedoms and duties*, we note particularly 10 articles concerning the straight connections between citizens and the practice of power and/or the control of citizens over the public authorities. These are: 16 (paragraphs 1, 2, 3, 4, which recognize the equality of rights, before law and public authorities)³⁵, 21 (laying down the free access to justice of every citizen)³⁶, 29 (relating to freedom to think, have an opinion, liberty of conscience)³⁷; 30 (admitting the freedom of expression)³⁸; 36 (paragraphs 1, 2 establishing the citizens' right to vote)³⁹; 37 (paragraphs 1, 2, ensuring Romanian citizens' right to be elected, under the specified terms and by laws)⁴⁰; 39 (referring to the freedom of meetings and their peaceful characteristic)⁴¹; 40 (paragraphs 1, 2, 4 attesting the right to associate within parties, in professional organizations, employers organizations and other free associations)⁴²; 51 (paragraphs 1, 3, 4, recognizing the right of citizens to address petitions to the public authorities)⁴³; 53 (expressing the possibility of limiting the exercise of certain rights or freedoms, limitation acknowledged only for the purpose of strengthening the parliamentary democracy and through measures strictly proportional to the circumstance determining it temporarily)⁴⁴.

This list of approximate 40 articles is comprehensive, resulting from their content not only the essence of the political system of Romania, but also the

²⁸ *Ibidem*.

²⁹ *Ibidem*, p. 43-44.

³⁰ *Ibidem*, p. 44-42.

³¹ *Ibidem*, p. 40.

³² *Ibidem*, p. 57.

³³ *Ibidem*.

³⁴ *Ibidem*, p. 52.

³⁵ *Ibidem*, p. 9.

³⁶ *Ibidem*, p. 11.

³⁷ *Ibidem*, p. 14.

³⁸ *Ibidem*.

³⁹ *Ibidem*, p. 17.

⁴⁰ *Ibidem*.

⁴¹ *Ibidem*, p. 18.

⁴² *Ibidem*, p. 14.

⁴³ *Ibidem*, p. 42.

⁴⁴ *Ibidem*, p. 23.

powers of the main institutions, the relations among them, the institutions starting functioning, the term of the mandates, the role of the citizens, so on.

— *Principles and Key – Provisions of the Romanian Constitution. The notion of Constitution on the representative-pluralistic system in our country results from combining ten articles the most, that stipulate: a) nation as the only source of the political power (Article 2); b) the separation of the powers in state (Article 1, paragraph 4); c) the concrete materializations of the sovereignty and of the separation, namely: the parliament members represent the nation as a whole, not the electoral area or body, the imperative mandate being excluded in Romania (Article 61, paragraph 1, completed — as the meaning and significances — by Article 69, both paragraphs); any government must be invested by Parliament, that can cease in advance its mandate trough the censorship vote (Article 103, paragraph 3, corroborated with articles 109 and 113); any Government may cross the possible abuses of Parliament by the procedure of the assumption of its responsibility (Article 114); d) justice shows itself as equal power, because it has to be unique, impartial and equal for all, and the judges are independent (article 124); e) the outlook on the Romanian President role in the state, on his relations with public authorities, on his function of mediating among the state powers, political authorities and society (this outlook arises from the content of Article 80 correlated, depending on circumstance, with Articles 87, 88, 93, 100)⁴⁵; f) citizens show themselves — as a rule — continuously as a counter — power or as a “social power”, because they have the right to peaceful and authorized meetings — see Article 39 —, this right being supplemented with the inviolability of the domicile, with the eminently political rights to associate, vote, run for the elections and be elected.*

These key principles of the Romanian political system are transposed into the parliamentary sovereignty, the representative character of the powers and the limited power of each power, the mutual control of the institutions, the pre-eminence/supremacy of law, into establishing the “social power”. These are completed by the balance among the powers, holding the power by an authority — except for justice — only as long as this enjoys the citizens’ confidence. The “keystone” of these consists in the impossibility that a political person to take hold sine die of another institution and to try to be mixed with it, impossibility of the confusion among powers and, especially, the assumption of all powers by a single person or even by a single political party.

“The powers” and the relations among these, reflected by Constitution, are represented as follows:

— The legislative power is generally practiced by Parliament — the only legislative authority —, institution with a bicameral structure. The Chamber of Deputies and the Senate — each one separately and/or together, as well as their members — represent the interests of the whole nation and is in the service of people. The mandate is representative, because the legislative authority power — as well as the state power, on the whole — constitute the impersonal will, assuming its mission of elaborating legislation, which is meant to create the right

⁴⁵ *Ibidem*, p. 34, 37, 39, 41.

and to ensure the public order for the entire national community. The state is the “juridical personification” of the nation, by no means of an *ad hoc* group or of a professional community. Consequently, the state imposes — by its own “powers” — as a subject and support of the public authorities — and it is recognized as far as makes decision based on the law. *At the same time, the imperative mandate is excluded, as the basic idea of modern political representation is precisely to promote the laws as an expression of the general will, whose finality must be the “common right”, political, juridical and philosophical spirit of the last two centuries, being that the law may not issue standards in the name of each social classification. The persons elected represent no longer constituted bodies, as conditions, order, caste, classes or historical provinces or important settlements — as the case stood in the pre-modern partial representative meetings, from Romania or from Europe — when voting in the pre-parliamentary institutions took place separately, depending on conditions, when it was no question of shaping a political majority and when the importance of each vote was differently “dosed”, being prioritized depending on the rights — in fact, the privileges of a certain condition. That is why the national sovereignty — materialized in the parliamentary sovereignty — cannot be assumed by anyone — nor by the persons elected in the Parliament, nor by a certain part of the social body — on behalf of his name.* Consequently, all the Parliament members are the representatives of the whole nation and they represent equally all the citizens. The Parliament members — as part of the political class, hence as professionals — have to be careful not to act — when practicing their mandate — against the fundamental interests of the nation, constituted in electoral body, nor to leave aside the influential state of mind given at a certain time, by the arguments shown by the leaders of the “civil society”. *The imperative mandate does not hide itself either in the case of vote discipline, in options, which are supposed by the existence of the parliamentary groupings of the parties.* The members of these groupings stay loyal to the electoral body, directly and significantly, and to the party they belong, indirectly, by supporting the governing platform, which is suggested and it addresses to the nation. *As a conclusion, the modern state — and gradually democratic — appeared and it is maintaining as the ideal holder of the sovereignty. The state is still personifying the nation as a moral person. The state is apt to be confused — although it has undergone deep alterations for the last five decades — with sovereignty, this being its essential quality. The sovereignty — dense and fertile abstraction, a result of the modern civilization — belongs by right and completely to the people, who exercise it through the Parliament, at the supreme level.*

The Government is also involving during the practice of the legislative authority, by *legislative initiative* and by *legislative delegation*, the citizens (if they work out a draft bill which is supported by at least 100,000 citizens with right to vote) and the President (through the procedure of promulgating any law, the right to request only once the re-examination of law and the right to ask for the verification of its constitutionality). But these institutions work based on the principle of interdiction to suspend the laws or their enforcement, to exempt certain citizens or institutions from the laws provisions or from laws enforcement.

The Parliament — by its legislative function, as well as by its political control function and by financial function — *is the fundamental institution of the Romanian political system. The Parliament — as a institution — yet has few levers to protect from the public opinion actions, which tends to enter under the monopoly of the parties, of the civic organizations, of mass-media and to isolate the supreme representative body.*

The executive power belongs, in essence, to the Government, which transposes it through its actions initiated on the whole, as well as through the specialized central public administration. A government is generally given rise following the agreement concluded on a political platform determined among parties that enjoy the parliamentary majority or on the platform of a minority parliamentary party, enjoying the support of other structures. The mission of its making up devolves upon a candidate to the function of Prime-minister that, if not obtaining through his party an absolute majority in Parliament, has to negotiate such a majority, and in ten days from the designation will ask for the vote of confidence on the platform and on the list of all Government members.⁴⁶ The Prime-minister takes first place within the Government structure and in the determination of the ways of practicing the internal and external of Romania⁴⁷. The ministers are elected by this and recommended for these offices by combining the political criteria with the professional ones, having to be personalities in the fields they are to work with.

The Government — as an emanation of the parliamentary majority — is based on the collective responsibility and on the ministers' solidarity before the Parliament. Owing to the force of circumstances, such a system should point out the importance of the *cabinet* — although the term is not used in the Constitution —, as a leading a co-ordination body, whose intervention is becoming more and more necessary in order to cope with the requests. Also, it should recognize explicitly the pre-eminence of the Prime-minister, evolution established in the traditional way in the countries with political stability and practicing democracy for a long time, based on separation.

The Executive Power — reserved especially to the Government — does not equal either by content, or by involvements with a group of activities inferred just from taking the “laws spirit” and its transposing. The Government functions — circumscribed to the “executive power” — are inserted in the essence of legislation and in so-called action of governing. The Government functions — laid down in Constitution, being incumbent especially on the specialized central public administration — is materialized in duties that can be assumed by relating to the realities, by assimilation of profound, juridical, political, of another type knowledge. Therefore, the “executive function” of the Government exceeds the so-called enforcement of the normative deeds issued by the Parliament. Consequently, it must — should be — included among the functions characteristic to the legislative power and judges power, although such a re-interpretation is denied by the specialists for the reason that it could raise for discussion the central place of the “legislative power” within the classification and evaluation of the state activities. Nevertheless, the legislative delegation

⁴⁶ *Ibidem*, p. 42.

⁴⁷ *Ibidem*, p. 43.

constitutes a landmark, which will facilitate this re-thinking, landmark that strengthens its influence as more reference authors accept the idea of the unity among “powers” and among the state “functions”. “The executive power” of the Government cannot dispense from a normative activity more and more extensive — reflected by the legislative delegation, decisions, ordinances and emergency ordinances that it enacts — and by which it regulates relations among the public authorities. The Government tends to reserve its own power to draw up the law, meaning to proclaim general and mandatory rules for citizens, institutions, for the whole political personnel. The Government could not assume the role set aside by the Constitution, if it lingered in the statute of a body which should only obey the other powers, the legislative power and particularly the judges’ authority. “The executive power” governs as it combines the specific activities of transposing the laws with the responsibility of legislating beside the Parliament.

The Romanian Constitution recognizes some of the new realities and tendencies and, therefore, it does not reproduce the known formula of the separation between the “legislative power” and “executive power”. The separation — expressly formulated through the review of 2003 — is based less on the “material” distinction (institutional) between “powers” (“functions”) and starts substantially from a certain division of the governing function, unique function, being centered on the “adaptation” of the relations among the specialized public authorities.

— *The judicial power* — an essential component of the rule of law — reserves the instances the self standing right — in the spirit of the Article 124⁴⁸ — to try all the legal disputes having as subject — matter the civil rights, political rights and to make that law — through its general standards — to be observed and to exclude any exceptions, either when is the question to sanction the persons that did not infringe the law, or the persons who infringed the law provisions to remain not sanctioned. Any exceptions are excluded, in principle — based on the Article 21⁴⁹ —, because any person enjoys the free access to justice and none can be stopped — against his will — to institute legal actions allowed by law and, again without exception, the parties have the right to a fair trial.

The Romanian Constitution — drawn up and reviewed within the historical and cultural context ruled by the democratic states demands for the human rights to be observed — has provided the Romanian citizens the maximum of guarantees concerning their rights, in sanctioning those who would infringe them, guarantees reflected particularly by the openness of the sittings, by existence of conclusive evidences, by the compulsoriness of the reasoning any decision, as well as pronouncing a judgment in front of the public.

The spiritual context and the constitutional practices from the end of 20th century allowed the extension of guarantees through the recognition and the provision of the generalized right to specialized defense, carried out either based on the parties options, or by deputing ex officio — in the penal cases — of a defender. As a matter of fact, *the right to defense is considered frequently as a general principle of law that should be enforced strictly for all jurisdictions, without exception*. In exchange — also in the favor of people, of his dignity —

⁴⁸ *Ibidem*, p. 51.

⁴⁹ *Ibidem*.

the openness of the trial sittings — guaranteed by the Constitution — may be suspended — with the instance agreement — at least in matter of evidence gathering, as well as in the circumstances the children are tried.

— “*The social power*”, a new component, but significant of our political system, is materialized in the 2nd title of Constitution, entitled *Fundamental Rights, Freedoms and Duties*⁵⁰. The Constituent Assembly was fully aware of the importance of these problems and placed this title in front of the fundamental law — immediately after the general principles —, dedicating to it the articles 15-60⁵¹. *The right to petition* — recognized for any citizen who addresses the public authorities with written statement which are signed by him — is completed with the *right to political professional association*, or based on other grounds, with the *freedom of meetings* (and protests), with *freedom of thinking and opinion*, with the *freedom of expression*, with the *right to have access to any information of public interest*, with the *right to vote*, with the *right to be elected*. *The enumerated political rights* — composing a real counterweight given the state power — are “consolidated” by the right concerning the domicile inviolability — see Article 27⁵² —, by the guarantee of the ownership right, by the interdiction of the punishment of the assets seizure, by the possibility of expropriating only for the public utility reason, following the cases and the manner provided for by law and in the form laid down by law. The same motives are also adequate for the provision that none can be tracked, kept or arrested, but in the cases stipulated by law and in the form laid down by law, meaning on the basis of an ordinance of keeping, issued by the prosecutor, and of the arresting mandate, issued by the judge.

The problems of citizens rights and freedoms — a constitutional chapter necessary for the fundamental law of the democratic states for most of the 20th century and from the beginning of century we have recently entered — was also brought to the attention of the Romanian constitutionalists, of the Constituent Assembly, which have added a few supplements and touches, that shape and establish the social statute, social democracy in Romania. The constitutional vision on the «social state» in our country — implicitly on the «social power», as separate branch of the fundamental powers — results from: *the quasi-continual involvement of the people in the political sphere* through the out of state institutions — especially through the non-governmental organizations; *the censorship of the public authorities through institutions not affiliated to “classical powers”*, as the advocate of the people, an institution taken from the West European tradition and experience; *setting up the Economic and Social Council, an consultative body of the Parliament and of the Government, of an extra-political and extra-state type, which it is shown as “economic parliament”, for economy problems, and as “Parliament of solidarity and social dignity”, for the life quality, population living standard sphere*. The “social power” has acquired a constitutional profile as a result of the constitutionalists and Constituent Assembly’s work, who added to the citizens rights and freedoms

⁵⁰ *Ibidem*, p. 9-25.

⁵¹ *Ibidem*, p. 11-25.

⁵² *Ibidem*, p. 13.

a few completions and touches concerning: the *equality in front of law* — irrespective of sex, ethnic origin, religious or laic options —, a principle which, re-thought in the second part of the 20th century in Europe, has been completed in Romania in 1990-1991 and in 2002-2003 so that the mentions have entirely reviewed the original prospective and that from the interwar period. Thus, the *equality in front of law* — in general, a lapidary article in the previous constitutions of Romania between 1858 and 1938 — has been completed with points being important both in the way of interdicting any discrimination related to sex, religious faith, wealth, so on, and as far as it concerns the interdiction of any other kind of discrimination, as are the ones based on race, color, language, national origin, social origin, profession or any other particular case that individualizes a citizen or a human group. Within these problems, getting close to the substance of the *Universal Declaration of Human Rights*, adopted by the United Nations Organization, of the *European Convention for the Protection of Human Rights and his Fundamental Freedoms*, to the European Union experience is transparent, unquestionable.

The secrecy of communications requests today a much better guarantee, so that the citizens could correspond with as safe as possible, as in a similar way they should use telephony, internet, so on. *In this way, it has been insistently demanded for twenty years to be taken into account the incidence of the modern, sophisticated, even “intelligent” technical methods, on the value of a fundamental and everlasting constitutional principle — that of the citizens freedoms — formulated without reservation from the opening of the 19th century —, which refers to the discretion of human public life and to the intimacy of their private lives.*

At last, the Constitution recognizes a new category of rights and guarantees related to them, the economic and social rights of Romanian citizens. This category of rights has been admitted by the most constitutions that have been reviewed and/or adopted in the countries of the “mature capitalism”, both after the first world war, and — obviously, particularly — after 1945-1950. Consequently, in this matter, the Romanian constitutionalists’ duty to formulate new provisions of positive right was difficult, but they have had the possibility to establish in the text of the fundamental law the most important principles of the social legislation, both from the West-European countries and from the European Union as an entity, and from another geographical-political area. This way, *the state components of the political system have been completed with the social power, that designates the people’s will or the “energy” of the social body formulated through non-state institutions*, provided for and protected by the Constitution, by legislation.

Final Opinions and Conclusions

In our communication we have used the expression *the fundamental institutions of the power*; although the amended Romanian Constitution establishes the expression *public authorities*. *The* (political) *power* is understood in the definition of sovereignty — see particularly Article 2., paragraphs 1 and 2 —, and in strictly determined and reasoned contexts the constituent resorted to the *state power* terminology. These two notions — each one having concept signification

— belong to the theoretical patrimony of the western states constitutions, as well as to the political sciences, the state general theory, political sociology and constitutional right. The mentioned notions — also present in the Romanian Constitution — have complementary meaning and are affiliated to the representative — parliamentary, pluralist democracy. The Romanian constituent insisted on underlining — also through this option — our country reintegration into the political-social culture of the West. Also, he emphasized the radical breaking off from the constitutions terminology and elaborating the political sciences and the constitutional right specific to the former geopolitical area of the “real socialism”. As it is known, the political — civic culture of the East has been supported by two concept-notions: *political power* — the use of singular having as purpose to underline *the unity and oneness of the power* — and *the state power bodies or the state bodies of the power*.

As far as this investigation goes we consider here that the expression *the fundamental institutions of the power* are adequate and relevant for many reasons. On the one hand, the institutions are, in their substance, the relative perpetuation of the political relations — these revolving around the power — through *political organizations*, based on general, firm rules, independent from the isolated persons’ will and, therefore, of the social groups. On the other hand, *the institutions do not come in conflict, or by finality, or by significance — with the expression of the public authorities. Finally, we underline in this way that the appreciations of a specialty studies, drawn up along almost twenty years — which tends to find a certain variety of the Constitution language and, implicitly, a certain lack of precision of the terms involved — are not supported, because they would implicate the modern political culture acquisitions, written down in over two hundred years, and that is not the case.*

The political power — sovereign power — designates, in a modern way, the general will of the people, materialized in the generalized capacity of the political institutions, particularly of the state institutions, to adopt mandatory decisions concerning the actions of the persons, human groups, and the society as a whole. The decisions — concretizations of power, consequently, of the state institutions — are transposed in life — being observed — and by the legitimate use of coercion, of public force, of any forms of compulsion considered necessary by the decisions makers. The power — which has the nation as source and holder — supposes *the right to make itself listened and the right to actually obtain the obedience*, which ensures the co-ordination and correlation of those actions of people and organizations that are indispensable both to the total social balance, and to the existence as such of the given society. These rights — thus legitimated — are achieved, on the one hand, by reducing certain freedoms of some people in order to ensure the freedom at the macro social level, fulfillment of freedom as political and general — human value. On the other hand, these rights guarantee the social order, the security of people’s lives and of their assets either by tacit acceptance, or by the consent of the governed people on the power decisions. At the same time, the respective rights generate, maintain and perpetuate an inevitable tension between the social forces — which insist on their *freedoms* — and the power institutions: *in the name of his freedoms*, the person alleges to

participate in the mission devolving pre-eminently upon the power, namely to maintain the social order. Consequently, *the political power — having the quality of being supreme and sovereign in the modern democratic society — is still not an absolute power. Therefore, it does not correspond to it the absolute compulsoriness of the obedience and the unconditioned enforcement of its decisions: it is supreme — in relation to the obvious social groups and is independent to the social forces and institutions belonging to other political systems. Thus, none can fight against its decisions before another court that would stand on other hierarchic level. The realities in the contemporary democratic societies — including Romania — show that the power provisions are not followed or without faltering, or without power of discernment by the social forces, whose purpose is to be in conformity with their legitimate, achievable aspirations.*

Notion of *powers* has been established in the main — theoretical syntagma the «separation of powers» and in the constitutional elaborations, which have specified the place and role of the main state institutions in the modern political, representative and pluralist systems. In this way, if in the *USA Constitution (1787)* and in the *(French) Declaration of the human and citizen's rights (1789)* the expression *powers* is only used from the prospective of the power segmentation into the specialized branches, in the French Constitution of 3 September 1791 appear the often used formulations “public powers”, “powers” — legislative, executive and judges — and the power “functions”, all these making up indispensable components of the opposition structure of the representative — democratic system. Subsequently, these notions are taken again — within a different historical stage — in the *French Chart, from 1814*, in the *Fundamental Law of the Low Countries, from 1815*, in the *French Chart, from 1830*, in the *Belgium Constitution, from 1831*. The constitutional formulation of *powers* — alternating with *institutions* — underlined the idea of cessation of phenomenon of power concentration, monopoly, personification and/or personalization of power, which the modern political theory has fought before triggering the political revolutions, and the political systems of representative type have removed it by imposing the pluralist institutions and mechanisms. Thus, the *notion of powers suggests much better than the singular power the content of the political and constitutional principle of the modern democracy that of practicing the defining functions of the power in compliance with the majority and decisive will of the governed people, so that the power should not be concentrated or monopolized by any person, nor by any institution*. Consequently, for over two hundred years, the powers or the powers separation — a principle indispensable for every modern political systems of democratic type — has signified: a) the breaking up or the division of the power into three institutions types: legislative, executive and judiciary; b) attributing a distinct and prevailing function to each one of these “powers” — *the legislative power*, accordingly to draw up the general and impersonal importance rules, is conferred to the Parliament, as a national representative assembly; *the executive power* is attributed to the Government, which administers the country within the framework provided by the legislative, in front of which it is responsible; *the*

judiciary power solves independently — through irreplaceable magistrates — the conflicts of understanding and enforcement of laws, as well as the infringements of the legal standards.

The public authorities — the expression established by the Romanian Constitution — points out that power aspect which is desired and intended in any modern, consolidated and lasting democracy: namely the political power founded on prestige and on consent. *The public authorities appoint that manifestation form of the fundamental political institutions which, on the one hand, weaken the opposition to the decisions of the governed persons and, on the other hand, resort in a non-significant manner to the instruments proper to force or coercion.* Consequently, *the public authorities*, democratic-type institutions, in consolidation, systematically appeal to persuasion, adhesion, force of the arguments existing in Constitution, in legislation, in the political and moral standards.

The relations between the Romanian President and the Government and other institutions are clearly laid down in the country fundamental law: “*The President — stipulates the Constitution — practices the function of mediating between the state powers, as well as between the state and the society*”. This function is projected from the logic of the normal functioning of the public authorities, without interferences, overlaps or attempts of trusteeship. “*The Government (...) ensures — according to the same document — the carrying on of the internal and external politics of the country and exercise the general management of the public administration.*” This condensed picture shows us that the President has the power to request another power — the Parliament, the Government, the electoral body, the Constitutional Court —, power that reveals itself significant, but also limitative, as in any rules of law.

The Constitution — a fundamental law of our country — synthesizes everlasting standards that concern, especially, the power fundamental institutions. That is why, this must be changed — following the West European experience or the North American one — after long periods of time, so that as long as an historical type of political system is maintained, the Constitution should be also kept. The constitutional principles may develop and touch — depending on the reasoned social demands — through common laws, organic laws, deeds with constitutional value, assimilations: by proceeding in this way, political persons will strengthen the role and the statute of the fundamental institutions, giving up the temptation of shaping and reshaping them according to their interests, but invoking “pressures”, “models”, “dysfunctions” or “out of fashion” or “insufficiently precise” formulations. In this way, we find relevant and instructive — worthy of following — the experience of Belgium, whose Constitution has been adopted by the National Congress at 7 February 1831, has been reviewed in 1892-1893, between 1919 and 1921 and between 1971 and 1976, but it remained in force, in essence, even today, because it includes the fundamental principles of organization and functioning for the political institutions, as well as the citizens rights and freedoms, as their guarantee. *This Constitution has been drawn up in general terms and allows a flexible interpretation: it has been keeping until these days the same number of titles, the same designations of theirs and of the chapters, the same articles numbering. The*

new titles, chapters, articles are emphasized by using roman digits or Arabian together with the Latin bis or tertium, etc, and in the case of the repealed articles, the respective text has been replaced by the notion repealed (in French, Abrogé).

The fundamental constitutional principle — proper, as a tendency, to the western political systems of the last two centuries — of not admitting excessive roles (competences), functions (“powers”) in the favor of a institution or a political, especially of state person — is found substantially materialized also in the Romanian Constitution. This principle — reflecting a defining tendency of the political progress — keeps its entire validity also in the beginning of the 21st century and can ensure to our fundamental law the force of action, shaping and accommodating of the institutions-citizens relations on a long term. This principle — through its modernity, openings and adaptation to present circumstances — has integrated, in less than two decades, the political system of Romania on the whole European democracies and in the system of circumscribed values and specific to these.

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CONSIDERATIONS ON THE ROMANIA'S SEMI-PRESIDENTIALISM

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Abstract. *These considerations are a counter argument to the position sustaining “the state crisis” which would require amendments to the Romania’s Constitution regarding the presidential powers. The author considers that in Romania’s case the attempt of “constitutional engineering” which would improve the Constitution would require not to increase the presidential powers, following the model of French semi-presidentialism, but to elucidate and materialize in legal form the presidential office of “mediation” among the powers of state, and between the state and the society, as well as the function of “supervisory” the observance of the Constitution and the proper functioning of public authorities, possibly even their reconfiguration within the Executive. The study indicates some reasons due to which the presidentialization of the Romanian political regime was undesirable in the early ’90s and those of its undesirability today.*

Keywords: *presidential prerogatives in Romania’s Constitution, semi-presidentialism, French model of semi-presidentialism, parliamentarianism, weak semi-presidentialism*

The following considerations are only the preliminaries to a possible critical examination of the argument of an existing “state crisis” which would require amendments to the Romania’s Constitution with the purpose to enhance or strengthen the powers of the presidential institution. My assumption is that this totalizing argument may be substituted — within the “constitutional engineering” endeavor to improve the Constitution — with a different one, precisely defining, explaining and considering the juridical materialization of the presidential office concerning the “mediation among the powers of state, and between the state and the society”, in order to “ensure the observance of the Constitution and the proper functioning of public authorities”¹, possibly even with the aim of reconfiguration of this office within the Executive. This review is preceded by a sketch of the co-

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¹ Ch. II, art. 80 (2), *Romania’s Constitution* from 1991 and 2003, www.constitutia.ro.

ordinates and the condition of Romania's semi-presidentialism in relation to the "sheet" of the features to those well-known political science theories² summarizing the diversity of semi-presidential regimes³ and that the Italian political scientist Giovanni Sartori invoked in 2001, in his speech dedicated to Romania's semi-presidentialism⁴. Sartori's assessment — that remained, I think, yet unique in the landscape of Western political science — has inspired many comments in the recent years, especially in the recent months, including the Presidential Commission Report on the Analysis of Political and Constitutional Regime in Romania (CPARPCR)⁵, although explicitly this conceptual filiations were not assumed or specified in any way⁶. The reference-system from Sartori's analysis — the strong model or "*forte*" model of French semi-presidentialism, with its advantages and disadvantages — is used in CPARPCR report, which presents the institutional advantages it offers in comparison to the "French solution" ("presidentialization of the regime") for the current Constitution of Romania. The analogy between the Italian author's analysis and the Presidential Commission Report works at

² I consider here only analyses of reference for the field of political regimes, among which stand out those realized by Arend Lijphart, Giovanni Sartori, Gianfranco Pasquino, Richard Rose, Richard S. Katz.

³ Giovanni Sartori, for example, considered that a delimitation of the semi-presidentialism specimens is difficult since there is no unanimity concerning the concrete cases from which may be derived the defining features of semi-presidentialism. Moreover, the obvious reason of the lack of agreement on the countries classifiable as semi-presidential regimes is, according to Sartori, the lack of a definition for semi-presidentialism. As a result, he believes that, unlike presidentialism — whose definition starts "from a prototype — United States — and gets structured as a well-defined model in a sufficient number of countries, in the case of semi-presidentialism we are confronted with a circularity". With Sartori, the statement that the semi-presidentialism is undoubtedly true for the case of the French Fifth Republic — the prototype ("a class with a single case") — and that there are significant variations among the other cases considered to be semi-presidential regimes is rigorously correct. Therefore, in order to "trace the frontiers" of the semi-presidentialism, the author recommends to waive the ambiguous formulations and to follow the "intermediate line" between "over-defining" and "under-defining". By definition and through the analysis of "similar cases" that gives to semi-presidential regimes — Weimar Republic (1919-1933), Portugal, Sri Lanka and Finland (as well as of "dissimilar" cases: Ireland, Iceland and Austria) — the "common core" of the political structures subsumed to semi-presidential regimes and, thereby, avoids the transformation of semi-presidentialism into a "residual category". See Giovanni Sartori, *Ingenieria constituțională comparată. Structuri, stimulente și rezultate (Comparative Constitutional Engineering. Structures, Incentives and Results)*, translation by Gabriela Tănăsescu and Irina Mihaela Stoica, Preface to the Romanian edition Gheorghe Lencan Stoica, Iași, Institutul European, 2008, p 176 sqq.

⁴ The speech "On the Romanian constitutional system" was delivered at his Doctor Honaris Causa awards, at University of Bucharest, on June 20th, 2001, and is included (as Annexa 4) in Giovanni Sartori, *Ingenieria constituțională comparată. Structuri, stimulente și rezultate, ed. cit.*, p. 313-319 (translated by Alexander Gabor).

⁵ "RAPORT al Comisiei Prezidențiale de Analiză a Regimului Politic și Constituțional din România — Pentru consolidarea statului de drept", 14 ianuarie 2009, www.presidency.ro/static/ordine/CPARPCR/Raport_CPAPCR.

⁶ Such a specification, clearly irrelevant in the "political arena" and in that of policy advice (counseling), matters only to the theoretical debate. In this respect, it is worth also to note that the famous syntagma "player-president" appears, too, in Sartori's work, *Comparative Constitutional Engineering*, and refers to the President's "most effective tactics" — in the "presidential alternant" regime or in that of "intermittent but strong presidency", proposed by Sartori — to "take part in discussions as a player that ensures the balance and as a «corrector» of the weakness and inefficiency of Parliament", i.e. an active and involved President, "a co-participant in decision-making sphere", *versus* a "spectator" ("parliamentary") president, "docile", "of front". Sartori does not forget to state that, despite the "expectations of the role" of player-president on "achieving efficiency", the warning is that structures can not replace the persons. The wrong person will act wrong even when the structure is correct. As well, "the erroneous structures are wasting the right person". See Giovanni Sartori, *op. cit.*, p. 217-218.

the reference system level, but not with regard to the conclusions on the effectiveness of this constitutional system. Sartori considers that in Romania “the system still works well enough as it is” and a change of the Constitution could be imposed only by “the circumstances”, namely by: a “stalemate” of the system caused by an excessive parties-fragmentation (parties “inflation”), the abandonment of the electoral method (of “aggregative” type) of electing the President through the double ballot with runoff or the evolution in electoral options toward the *split voting*, the differential vote (for President, not for his party too)⁷. Moreover, a change in the current system or even an “inventing” in Romania of an “authentic” or “strong” semi-presidentialism, like the French one, would require not so much “constitutional reforms as a development of the *material* constitution”, i.e. an evolution at the level of the “live” content of Basic Law. Sartori was concerned, of course, at this level with the extra-constitutional elements, with the customary-conventional, communitarian and social reaction to this content. Unlike Sartori, however, eight years later since his speech, CPARPCR Report argues that the current Constitution “is not likely to provide the equilibrium and the minimum functionality associated with the good governance.”⁸ Placed in these terms, the incapacity of the Constitution to ensure the good governance, which is at its turn ensured by the balance and the functionality of powers, should be proved in a blocking, in the “paralyzed” system of government or in what the political science calls the “crisis” of governability, with reference to a relevant time span. Nevertheless, the report quoted above states in this respect, along with the “dysfunctions and drawbacks of some incomplete or stoning constitutional rules”, “the *political practice* dictated by personal or group interests” — manifested between 1996 and 2000 “through a misinterpretation of the constitutional text” —, the dismissal of the Prime Minister by the President in office, in 1997, and the refusal of some dismissed ministers to abandon their offices. The period after November 2004, the series of “latent tensions which can be localized [in terms of cause] in the constitutional edifice” and of failures considered caused by the set of rules and procedures which governs even the conflicts resolution — and not, “primarily, to an interpersonal conflict” — is illustrated, in fact, through the phenomenon of cohabitation between a Head of State and a Prime Minister with divergent political options, the suspending of the president, the frequent (and sometimes objectionable) interventions and decisions of the Constitutional Court⁹. The period is considered as one of exacerbation of the (current and past) tensions¹⁰ within a “dynamic” generated [still!] by the decision of political actors and by the public reaction.

The etiology of these dysfunctions, brought to this point into a logic that slider between the formal constitutional causes and the material constitutional ones, especially those related to political practice, is abandoned in favor of an etiology located strictly in terms of the formal Constitution. Mainly, the Report

⁷ *Ibidem*, p. 318-319.

⁸ RAPORT al CPARPCR, *loc. cit.*, p. 32.

⁹ *Ibidem*, p. 17.

¹⁰ *Ibidem*, p. 18.

is concerned with “the status of President of the Republic”¹¹, the “impossibility to accomplish his role in society” in terms of a shared power, which leads to “the confrontation between the two legitimacies: the nation represented by Parliament *versus* the nation represented by President”¹². The solution to increase the presidential powers in order to obtain the “levers through that [the President] can provide an output” in situations of “constitutional crisis” — caused by tensioned relations with the government in office and with the Parliament that supports the government —, especially the right to dissolve the Parliament and to refuse the applications for the ministerial offices proposed by the Prime Minister (in the cases of reshuffles, as forms of “presidentialization”) is questionable in the political and societal context of Romania.

Strong semi-presidentialism — weak semi-presidentialism

The solution given by the post-revolutionary Constitution to the matter “what kind of government for Romania?” can be subsumed to a systemic logic. This logic is specific to a model characterized by the equilibrium of powers, by a balanced relationship between the Executive and Legislative. The latter is a model circumscribed by an institutional variable — the dual executive or the two-headed authority structure: President and Prime Minister — and a circumstantial variable — reflected in political and party elements, particularly in the parliamentary majority.

The constitutional regulation of institutionalization and power exercise, as well as that of the display of social relations at the end of dictatorship — both in the *formal* sense or in the sense of a legal assembly developed and systematized

¹¹ Considered as being “directly affected by the manner in which the *constitutional* [my italics-G.T.] and political landscape was shaped during the years after November 2004”. Regarding the “constitutional landscape”, if we operate with this improper expression, it should be made clear that the constitutional changes from 2003 have not referred to the field of presidential attributes, to the relations within the Executive or to those between the Executive and Legislative. So, if we remain in a pictorial perspective, we have to note that “the constitutional landscape” has remained the same, only the “political landscape” has changed (“articulated around the person of the Head of State”) and, through him, the actors of the “aesthetic act”, dissatisfied with the “canon” that they have committed to work. In a slightly more technical perspective, the reason of disproof the Constitution regarding the status of the President appears to be the possibility of a parliamentary political configuration (“repositioning of the parliamentary groups and political parties to the president”), relying on the constitutional provisions, to penalize the Head of State in the conditions that a reciprocal provision to be valid. Thus, “constitutional crises” — the effect of the “rivalry President — Prime Minister” (“Head of government breaks away from President”) or “intra-executive rivalry” that “shapes the entire constitutional mechanism” because it is “converted, symbolically, into the rivalry President — Parliament” — are explained, especially post-2004, in a key in a high degree agonist, one of confrontation and rivalry. “The path of confrontation between the two sovereignty” (p. 19) is, itself, a path assumed in a subjective way and transposed into its own style of political practice since, in principle, in the semi-presidential regimes, the dual or two-headed Executive and the changes of the parliamentary majorities and, implicitly, the cohabitation have sufficient “elements of articulation and flexibility” to avoid bottlenecks in the exercise of power. In this respect see Gianfranco Pasquino, *Curs de știință politică (Course of Political Science)*, translated by Aurora Martin, preface by George Lencina Stoica, Iași, Institutul European, 2002, p. 238. Sartori states (though, just for the case of French semi-presidentialism), in his direct and also very suggestive style, that in order not to “defeat” the power-sharing principle and mechanism, specific to semi-presidentialism, and to make possible a “still going of coexistence”, the President and his “opponent” Prime Minister “must”, “play their cards with moderation and intelligent”, not to prove themselves “leaders with heated heads” and indisposed to compromise. See Giovanni Sartori, *op. cit.*, p. 178.

¹² RAPORT al CPARPCR, *loc. cit.*, p.18-19.

by the rules of law — as “fundamental law” —, and in the *material* meaning or the content of rules of the constituting and functioning of state authorities, and of the relationships among them and the citizens¹³ — had the role of an act of legal and social policy re-founding. This act established a pole of stability in the fluctuations inherent to the political pluralism and generated a tool to eliminate the authoritarian drift risk and the autocratic presidential behavior. The option for a President directly elected by citizens who shares power with a Prime Minister who constantly needs parliamentary support represents, even in the absence of a canonical, unitary definition of semi-presidentialism¹⁴, a characteristics of a semi-presidentialism as a mixed system, as intermediate entity between pure presidential systems (one-headed, inspired by the American system, dominated by the full separation and the autonomy of powers) and parliamentary systems¹⁵. In a more nuanced definition, Pasquino specified that the semi-presidentialism “is neither tempered presidentialism nor potentiated parliamentarism”. It is an independent form of government built to get some advantages of the presidentialism and to avoid certain defects of the parliamentarism¹⁶. In semi-presidentialism there is not “an exclusive holder of executive power”, there is instead a triadic relationship — President, Government, Parliament — of liability, control, support at the power level as a whole, which outlines a dyadic arrangement determined by the parliamentary support either to the Prime Minister or to the President. In Sartori, the main features of semi-presidentialism could be summarized in (1) the election of the Head of State by popular vote, (2) an executive power shared between the Head of State and Prime Minister, so a dual authority structure in which (3) the President is independent of Parliament, but he can not lead alone, and its directives should be accepted and mediated by his government, (4) the Prime Minister and the government are independent of Parliament, but dependent on trust or distrust of the Parliament, (5) “the structure of dual authority of the semi-presidentialism allows different equilibriums and also mutual arrangements of power within the Executive branch in order to subsist the «potential autonomy» of each unit or component of the Executive”¹⁷.

The disposing of the two centers of power in the oscillation to each other is, in Sartori, “a brilliant constitutional innovation”¹⁸, if not “the most brilliant, even if unintended, of constitutional witchcraft”¹⁹, if is taken into account the French model which inspired the Romanian semi-presidentialism, namely the model in which the management is ensured by the authority that “controls” the majority in Parliament. Within the French model of semi-presidentialism, or of an *authentic* mixed system based on a flexible dual authority, i.e. on a double-headed Executive whose “first head” changes (oscillates) as change the combinations of the majority, is applied the *material* constitution (the constitutional conventions)

¹³ Giovanni Sartori, *op. cit.*, p. 177.

¹⁴ *Ibidem*, p. 176 sqq.

¹⁵ *Ibidem*, p. 314.

¹⁶ Gianfranco Pasquino, *op. cit.*, p. 237.

¹⁷ Giovanni Sartori, *op. cit.*, p. 188.

¹⁸ *Ibidem*, p. 315.

¹⁹ *Ibidem.*, p. 180.

when the unified majority of the President prevails on that of Prime Minister's and the *formal* constitution (the letter of the constitutional text) when the Prime Minister is supported by its own parliamentary majority²⁰. To this feature, the French model adds that of a "strong or *forte* presidency", the President "at the heart of executive power" due to its popular legitimacy, and that of the President's "personal prerogatives": namely the right to dissolve the National Assembly or the Lower House of the Parliament (and not to dismiss the Prime Minister), the right to chair the Council of Ministers, to make appointments in important state positions and posts; the prerogative in the sphere of foreign policy and national defense — the legislative initiative and accountability to Parliament being incumbent on the Prime Minister. As a result, the centers of power in the semi-presidential model of the French Republic are: the Parliament — having legislative and control powers on the Government, not on the President —, and the President — who exercises influence on the government leading the Council of Ministers and having its own powers ("personal") that can be exercised independently of the government agreement²¹.

The specific difference of the Romania's semi-presidentialism in comparison with the French model is reflected in the President's imprecise, indefinite function: that of the "mediator". This is translated in the President's quality as a *super partes* of the political system and not as *partes*, like in the presidential and strong semi-presidential models. Also, the specificity of Romania's semi-presidentialism is reflected in: the relative dependency of the presidential statute on the consultation with the relevant parties and with the Parliament for the appointment of Prime Minister, for the government investment and convocation the Referendum; the prerogative of dissolving the Parliament only if the Parliament is unable to identify a majority to support the government; the non-existence of the presidential veto right and, generally, of an autonomous presidential power. To Sartori, this specific difference situates the Romania's semi-presidentialism in close vicinity of the rules of parliamentary system, which is characterized by a strong Head of State, but not strong enough to change the nature of the parliamentary system²², or in the frames of a semi-presidentialism not sufficiently

²⁰ *Ibidem*.

²¹ Jakub Karpiński, "Republici numerotate" (Numbered Republics) in *A.B.C.-ul democrației (The beginnings of the democracy)*, translated from Polish into Romanian by Constantin Geambașu, București, Humanitas, 1993, p. 102, *sqq.*

²² An attenuation of Sartori's evaluation can be made starting from Lijphart's observation that in this respect even the "French case is problematic". Following Lijphart, the power of the President of France — until 1968 the "obvious" Head of Government — was based more on the support of a strong parliamentary majority than on the presidential prerogatives. Subscribing to the assessment made by Raymond Aron, Lijphart argues that in France, in the early '80s, the loss of the majority support by the President should be determined the transformation of the semi-presidential system in a parliamentary one. Also, Lijphart considers Maurice Duverger's prevision that the French Fifth Republic will develop a model of alternate the parliamentary and the presidential phases. See Arend Lijphart, *Modele ale democrației. Forme de guvernare și funcționare în treizeci și șase de țări (Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990)*, translated from English by Cătălin Constantinescu, Preface to the Romanian edition of Lucian-Dumitru Dîrdală, Iași, Polirom, 2000, p. 123-124. In disagreement with Duverger, Sartori believes that, despite the potential for conflict and division which has a divided majority, the "semi-presidentialism proposes a machine able to avoid it, and able to work with halved majorities" — Giovanni Sartori, *op. cit.*, p. 178.

supported, with a President “not very strong”, but “strong enough” to allow him to operate in a context, as assessed Sartori, “that matches”²³.

The explanation of this constitutional options for a double-headed impure system, let’s say, is very properly placed by Sartori in the historical and political context of Romania’s transition from dictatorship to a genuine constitutional system, in the context of a “perfectly explicable and, moreover, wise” motivation²⁴ for which the authors of Romania’s Constitution did not want — excepting the popular election — a president of Charles de Gaulle type. The author of the Fifth Republic, in 1958, a strong President established more by the *material* constitution, by his reputation and personal prestige than by the *formal* constitution²⁵, de Gaulle declared in 1961 that “the indivisible authority of the State is granted throughout to the President of the people who choose him” and that “the last word is only his”²⁶, although this idea was not re-found in the French Constitution and the intention of the Constitution editor, Michel Debré, was not to establish a “royal” President. For this reason the French President has no decisional powers, and the extraordinary powers are rarely used²⁷. If in the French case the *material* constitution had precedence over the *formal* one, in Romania’s post-revolutionary case not only that this situation had not a correspondent, but was also undesirable.

The presidentialization and the context of post-revolutionary Romania

Into a net difference to the French political society and political elite of the ’60s, the post-revolutionary political context of Romania reflected the difficulties “of the most radical changes occurred in Romania”²⁸. The political democratization circumscribed a fluid and labile party system seeking the doctrinal identity and distinct targets and an atomized pluralism. This system was gradually systematized, but it allowed the parallel development of a policy of concessions or of localistic favors and policies of clientele’s trade. The background was “a real hiatus between the theoretical and political perspective [on economic reform], proposed and assumed by the parties, and the people’s expectations, on the one hand, and the main developments of the Romanian economy recorded after 1989 to around

²³ Giovanni Sartori, *op. cit.*, p. 315-316.

²⁴ *Ibidem*, p. 317.

²⁵ Head of the French government from exile in 1940, became Prime Minister during the conflict from Algeria (June 1, 1958), De Gaulle initiated the reforming of the institutions, including a strong presidency. Elected President of France in December 1958, through the indirect vote of electors, and in 1965 through the universal suffrage, De Gaulle promoted, in fact, a Constitution which provided for a “Head” — Prime Minister, the leader of government actions that “acts and conducts the national policy” — and, in a manner less clear and more dispersed, for the presidential “head”, whose powers have a “discontinuous character”, respond to the exceptional circumstances and may be rarely used. See Giovanni Sartori, *op. cit.*, p. 176.

²⁶ *Ibidem*, p. 195.

²⁷ *Ibidem*, p. 177.

²⁸ Constantin Nica, *Liberalismul din România - teorie și practică*, vol. IV — *Renașterea liberalismului și a pluralismului democratic*, (The Liberalism from Romania — Theory and Practice, IV — The Rebirth of Liberalism and of democratic Pluralism), București, Editura Institutului de Științe Politice și Relații Internaționale, 2008, p. 352.

2000, on the other hand, with the whole procession of social imbalances: de-industrialization, reducing the employed persons, massive external debt²⁹. Political arrangements were accompanied and increased the economic stagnation and regression, the conflicts between interest groups. In this arrangement an additional factor with a potential that can not be neglect constituted the lack of political culture and democratic exercise, the lack of civic-participatory mentality, the lack of political culture of capitalism, which found itself, again in Romania, in its primitive accumulation phase, even in a “wild” phase. On the background of this deficient political culture and “primitive democracy”, in Sartori’s term, I would particularly emphasize the impact that had on our country, especially in recent years, populist-style speech or the “denier” speech, expressed in the “rejection of the system” and in the “challenge the legitimacy of existing political order”, in the “elimination of the corrupt and mediocre politicians”, in establishing a direct relationship with the people. The success of such a discourse is facilitated by and, in turn, increases the political subculture and the trivialization of politics, the lack of involvement in the public sphere and the lack of accountability.

In addition, I think it should be noted, regarding the post-December political class that operates within the soft semi-presidential system — a selection almost adverse to meritocratic criteria - the baneful role of what Sartori calls video-policy mechanisms, the instruments which encourage the political choice using the improvisation and the fortuitous element, which promote, under the appearance of visibility, “a group of secondary bawdy” and of obscenity, in other words, which determines a “disastrous selection” of the “improvised amateurs”, of the “independent persons tested by random and whose support is never revealed”³⁰. Sartori’s characterization circumscribes rigorously, with few exceptions, the phenomenon from Romania. In fact, I think that since the “live revolution” in December ’89, going through the episode of “pink slips” and after, the national policy is widely video-marked, let say, both in its visible details and “predictable responses” and in the clues of invisible political participation, acceptable or unacceptable. I mention only, in the end of this inevitable super out-lined and subjective contextualization, the prevalence, in the party strategies, of the policy of obtaining the functions (*office seeker*) against the application of the specific policies and programs (*policy seeker*), predominance which is translated into the phenomenon of “partition of society”, meaning the “sharing of the prey”, the sharing of the tasks of governance and of political and administrative functions between the winners of elections and, also, the “suffocating presence of party organizations in the social and economic system”³¹ involving the extension of control over the electorate and, at the same time, a reduction in the quality and quantity of governance. Paradoxically, this expansion of the government party is not co-extensive with a process of amplification the specific responsibility and

²⁹ For a remarkable synthesis of political and economic transition of Romanian society after 1990, see *ibidem*, p. 291-389.

³⁰ Giovanni Sartori, *op. cit.*, p. 190 sqq.

³¹ Richard S. Katz, “Party Government and Its Alternatives” in Richard S. Katz (editor), *Party Governments. European and American Experiences*, Berlin, New York, Walter de Gruyter, 1987, p. 8.

accountability, of identifying the responsibilities for the deficient governance and/or for the perpetuating the mechanisms which maintain the corruption, often called “endemic”.

The promotion of a strong or “*forte*” presidential institution, of a “pure” President in the Romanian context it appeared immediately after 1990 as excessive and structurally unacceptable. The caution of the authors of Romanian Constitution proves justified as long as a new semi-presidentialism in the constitutional landscape, namely that established in Russia since 1993, in Sartori’s words, “the most complete version of semi-presidentialism”, does not “express a diarchy which admits the oscillations of power, but a monocratic semi-presidentialism in that the Head of the State is always dominant and is based on confrontation and, therefore, loses one of the basic qualities of the French model, namely the adaptability in the case of divided majorities”³². The problem is if today a “*forte*” semi-presidential President is desirable and useful to remedy the dysfunctions existing in the current arrangements of the centers of power and if the assertion of a state crisis³³ is the decisive argument to initiate steps of “constitutional engineering” in Romania.

The present frame of the Romanian semi-presidentialism

Regarding the centers of power and the relations between them in the configuration of semi-presidentialism conferred by the current Constitution, through the issues often reported as problematic and often regarded as necessary and sufficient grounds for amending the Constitution is included also the parliamentary activity to monitoring the activity of government. Strides of many “standing committees”, special and of investigations committee, most often delayed, is considered as tending rather to take out from the sphere of open debate, to isolate and to forget the investigated problems. This unfavorable indicator of the functionality and effectiveness of parliamentary committees expresses the degree of vulnerability of the real powers of Parliament, especially since in its post-December history, the Parliament failed to pass any motion of censure. This inability of Parliament has been frequently interpreted as the “dominance of the Executive”, the inability of legislators to control Government in exercising its functions, i.e. establishing and perpetuating of an unbalanced relationship between the Executive and Parliament or as a seizure of the Legislative power by the Executive, under excessive tendency of government to use its right of legislative initiative.

Regarding the relationship between the Parliament and the Judiciary, the factor considered responsible for the specific bottlenecks is the lack of independence of the judiciary and its censorship through some kind of protection that parliament granted for itself using the parliamentary immunity and the political pressure.

³² Giovanni Sartori, *op. cit.*, p. 187.

³³ A concept characterized, however, with insufficient explanatory power, vague and operationally difficult.

Regarding the relationship between the Parliament and the President, the episode of President's suspending reinstated in the public discussion the need to create a balance so that the presidential powers not to be located "in a purely parliamentary logic" and so as to prevail a double-headed nature of Executive-Legislative form.

Related to these aspects, in my view must be done the emphasizing that, despite his weak character, the semi-presidentialism in Romania has not degenerated into a crisis of the state, in a crisis of the system or in the blocking, in the proper sense of the term, of the institutional "gear". Beyond the many types of problematic issues that I mentioned in part, Romania has not experienced a crisis of governability, instead, it configured elements of articulation and flexibility which allowed the Prime Minister and Government to work with the support of Parliament and also, which ensured a degree of governmental stability. Obviously, I take into account here the fact that not the governmental stability, added to the stability of parliamentary democracy, is the decisive factor of a functional democracy, but the effectiveness or efficiency of government not directly translated into "concrete achievements" (performances) but in the structural capacity necessary to achieve the announced policies. Therefore, the totalizer and ultimatum argument of the "state crisis" caused by the act of suspending the President decided by the parliamentary majority — essentially an act of punishment — is not strictly valid and crucial to motivate the initiating of a change of Constitution. The initiatives of "constitutional engineering" are sufficiently motivated and argued by the intention to increase the functionality and the efficiency of the centers of power and to optimize the relations between them. In this regard, it is obviously necessary to clarify the "relations within the executive branch", particularly in situations of governmental reshuffle³⁴, but also, to define exactly, to explain and to present the legal materialization of the President's function of *supervisor* of the compliance with the Constitution and the functioning of public authorities, as well as the of the *mediator* between the powers of the state, between state and society, possibly even their reconfiguration within the executive.

The argument that the Referendum³⁵ reflected the confrontation between the two legitimacies, namely the representation of the nation by Parliament *versus* its representation by the President, does not confirm³⁶ any acknowledge of a democratic principle for resolving the disputes between the Executive and the Legislative formulated in political science on which of the two legitimacies represents actually the will of the people. But it does confirm a certain arrangement of voters confronted with a political problem transformed into a constitutional one.

The argument of the sequence of constitutional crisis that may arise from the tensioned relations between President and government or from the "developments associated with the rivalry President — Prime Minister converted through the parliamentary support in rivalry President — Parliament" calls into question,

³⁴ Like suggested, as a matter of fact, the REPORT of CPARPCR, *loc. cit.*, p. 19.

³⁵ Which led to the reconfirmation of the President in office.

³⁶ In this respect see Juan Jose Linz, "The Perils of Presidentialism", in *Journal of Democracy*, vol. I, nr. 1, January 1990, p. 63.

beyond the “latent tensions located in the constitutional edifice”, the effects of an *agonistic* or conflictual perspective applied to political and constitutional rules, essentially an euphemism for a set of political practices generated probably from another type of rules than those which it invoke. The correct connecting of the political practices with the constitutional rules and norms represents but the content of what may be called the extra-constitutional sphere or the post-constitutional stage of elaborating the rules and I think that this content constitutes the prerogative of a consolidated political culture and a strengthened parliamentary democracy.

In this logic I consider that the constitutional option from 1991 for the weak or soft semi-presidentialism was well-founded and that its recall into question must be conditioned by the rendering to the agonist perspective and by adopting of that proper to the French semi-presidentialism, namely the balance of power and the prevention of a presidential autocratic behavior. A *material* Constitution that establishes in a greater measure than the *formal* one the consolidated character of the semi-presidentialism, as in France, must be built in time in Romania by the rules and by the perspective of political co-operation.

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READING THE CONSTITUTION: AN ENTANGLEMENT AND STILL ARGUABLE QUESTION

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Abstract. *Analyzing the constitutionality of a law is a process of constitutional interpretation which does not limit itself to comparing two texts in order to see whether they are concordant or not. The nature of constitutional interpretation is the subject of this article, a subject that is dealt with from the perspective of the dispute between originalism and non-originalism (interpretivism) prevalent within the contemporary philosophy of law, especially the American one.*

The article offers a synthetic view on some of the most controversial issues pertaining to the theory and methodology of contemporary constitutional interpretation, such as: whether the interpretation of the Constitution is guided by the founders' intentions or by the text's own words; whether the meaning of the Constitution is determined by the intentions, aims or values of the founders' generation or by those of the contemporary generation? What are the grounds that justify the authority of the constitutional text, in other words, does this authority derive from its constraining capacity or from its ability to bestow democratic legitimacy? Constitutional interpretation must concentrate on the text or on the interpreter? Do the judges discover or build the constitutional meaning? In other words, is it the past or the present that guides the interpretation? Is the original interpretation the legitimate one or are legitimate the later interpretations of the constitutional text?

Keywords: *Originalism, non-originalism, constitutional meaning, constitutional interpretation, interpretivism*

The most pertinent debates on the meta-legal issue regarding the nature of constitutional interpretation take place within the American cultural environment. This is due to the particularity of the US constitutional system itself. That is to say, the American political society owes its very *establishment* to Americans' fidelity to this fundamental text by which they define "who they are as a people

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in a symbolic sense, but more importantly, in a substantial, fundamental way”: “Americans are a people who live textually”¹.

This is what makes the American Constitution be what Dennis J. Goldford calls a “social reality”, making it different “from many other written Constitutions of the world”, whose reality is rather linguistic than ontological. From this derive the fears of the “originalists” regarding the possibility opened by the “interpretivism” to change the meaning of the constitutional text, which, in the final analysis, amounts to a change of the American politics. Keeping this meaning under control is deemed a way to control or govern the American society.²

Constitutional formalism

Various versions of originalism that have prevailed in recent decades, especially intentionalism and textualism, are described as “formalist” theories, in contrast to the “substantialist” theories of constitutional interpretation (the disparity resulting from the distinction form-content). Including the formalist theories into the category of “methodological monism”, Brian F. Havel is characterizing them through three attributes. First, their claim of being purely descriptive theories, meaning that the judges who go by them don’t do anything else than discover the original meaning of the constitutional text. Then, the positivist claim of offering “a set of interpretive procedures that are impartial in terms of their value”. Finally, although they claim of being purely descriptive, in reality these theories are prescriptive by their very goal of drawing the attention towards the original text or original intention; to claim that the text or the intention must prevail when interpreting the constitution would mean making an implicit normative judgment.³

The first aspect regarding the discovery of the significance points to a philosophical supposition that is implicitly assumed by originalism: the belief in the existence of an immanent meaning of the text, which exists prior to and independent of the interpretation. Translated into the constitutional theory, this means that the author’s terms and intention are the only source for the interpretation of the fundamental text. From this derive the two versions of originalism, textualist and intentionalist, to which we could associate the distinction that Robert J. Lipkin makes between “objective intentions” and “subjective intentions”.⁴

The need to recover the initial constitutional meaning, be it in terms of the authors’ intention or of the text’s language, is defining for originalism. In both readings, the meaning is shown as a *given*, that is as a non-interpreted reality that

¹ Dennis J. Goldford (2005), *The American Constitution and the Debate Over Originalism*, Cambridge: Cambridge University Press, p. 3.

² *Ibidem*, p. 4.

³ Brian F. Havel “Forensic Constitutional Interpretation”, *William and Mary Law Review* 41.4 (2000): 1247, *Questia*, 26 Apr. 2009 <<http://www.questia.com/PM.qst?a=o&d=5001743121>>

⁴ Robert Justin Lipkin, *Constitutional Revolutions: Pragmatism and the Role of Judicial Review in American Constitutionalism* (Durham, NC: Duke University Press, 2000) 12, 13 *Questia*, 10 Apr. 2009 <<http://www.questia.com/PM.qst?a=o&d=15226389>>

is to be unveiled by the judges. For originalism, it should remain unaffected by passing of time and, by consequence, prevalent over any possible later interpretations. In general, the formalists reduce the constitutional principles to what their authors wanted them to mean. Or, as Dennis J. Goldford, signals, we need to distinguish between the principles the founders included in the Constitution and the particular significance they ascribed to them. Not making this distinction, the formalists view the Constitution as being “an empty sliding drawer in which the founders poured — even more importantly, they had to pour — significance.”⁵ The constitutional judge is to discover such significance and, in order to do it, he should begin with a public understanding of the fundamental text, that is from the common sense of the words at the time of the document’s ratification.

All of the formalist theories share the belief in the normative role and the absolute authority of the original interpretation of the constitutional principles. Without this understanding, the constitutional text would be undefined, exposed to a “semantic anarchy” (Goldford). The originalists view the authority of the founders’ intentions as a guaranty of the text’s steadfastness and of its compelling ability over the multitude of meanings that different interpreters may want to attribute to the fundamental text. The belief in the normative status of the original interpretation leads to the following alternative: either there is one single genuine interpretation of the Constitution, namely the original one, or there are a potential endless number of interpretations, depending on what each interpreter desires.

Originalism is obsessed with the constraining ability of the constitutional text or, more accurately, with the particular way in which its authors have understood it. On the practical, political side, the corresponding American apprehension, mostly conservative but not only, concerns the risk of transferring part of the legislative power to the judiciary power. This explains the attention given to preventing and limiting as much as possible the so-called “judicial activism”. Nowadays, the formalists must take note and, occasionally, even admit that in difficult, extreme circumstances, in those “hard cases”, the judges have the power to make decisions that may be even “contrary to the clear meaning of a certain rule”, when they envision that “applying it clearly to particular facts leads to a particularly unjust consequence”.⁶

*“The interpretative turn” and the decline
of the idea of absolute authority of the original interpretation*

Constitutional interpretive finds itself under the influence of the conceptual changes of the past decades, having appeared against the general backdrop of the foundationalism’s collapse and the abandonment of the meta-theoretical positivist suppositions on the nature of language, knowledge and objectivity.

⁵ Dennis J. Goldford (2005), *The American Constitution and the Debate Over Originalism*, Cambridge: Cambridge University Press, p. 161; 164

⁶ Brian Bix, *Law, Language, and Legal Determinacy* (Oxford: Clarendon Press, 1995) 3, *Questia*, 26 Apr. 2009 <<http://www.questia.com/PM.qst?a=o&d=14752974>>

Wittgenstein's notion of the language as a "form of life" and its implications on the dissolving traditional dichotomies like fact-value, objective-subjective, science-philosophy echoed in the judicial theory by the denunciation of the notion of autonomy of the laws and the effort of making the case for a link between law and values, law and politics or, in short, the "ontological commitment" of law. During the past 15 years, the interpretive methodology, at least the American one, seems to have also become the main paradigm of understanding laws, including the Constitution.⁷

It is not lacking in importance the renewed interest in a general theory of interpretation, aroused by the extensive use of the interpretive methodology in a large array of disciplines, from the humanities to as far as Physics. Such a theory is meant to offer answers to common problems raised by the interpretation, no matter where it is applied. Among those who contributed in a major way to the clarification of these problems were such scholars as Joseph Margolis, Noël Carroll, David Novitz, Peter Lamarque, Michael Krausz, F.R. Ankersmit, Tom Rockmore, Paul Tom and others.⁸

Parallel to such general philosophical endeavors, one can notice significant attempts to investigate the specific nature of the different sorts of interpretation, including the constitutional one. Names like Michael S. Moore, Ronald Dworkin, Andrei Marmor, Brian Bix, Joseph Raz, Stephan R. Perry are well known for their involvement in the (re)analysis of law interpretation as a particular kind of interpretation. Of the categories of common problems raised by the theory of interpretation, two appear to concentrate almost the entire contemporary debate. In the words of Andrei Marmor, these are:

1. The grounds that justify the interpretation, that is whether the interpretation is constrained by the text (in which case we are talking about the unveiling of the significance) or it is independent of the text (with the implication that it was either created or "invented"); to what extent, in the absence of a textual constraint, the interpretation can still be justified? 2. The epistemological status of the interpretation, namely the possibility of objectively determining whether the interpretation is truth or false.⁹

These concerns, which by the way are traditional to jurisprudence and have ample political, moral and social implications, are discussed nowadays again, from an interpretative perspective, by way of exploring the analogies between law

⁷ This methodological turn is generally associated with the names of Lon L. Fuller și Ronald Dworkin.

⁸ For example, Joseph Margolis puts forward new epistemic concepts linked to the interpretive nature of human knowledge and holds a moderate kind of relativism deriving from such a nature. Noël Carroll tackles the topic of the relationship between interpretation and intention and evaluates the arguments in favor and against intentionalism in both of its forms ("hypothetic" and "real"). David Novitz has a main contribution to the analysis of the nature of interpretation and of its epistemic structure. It is well known his effort to prove the relevance of legitimating interpretations and the paradoxical character of the thesis of cognitive "non-transparency" of reality.

⁹ Andrei Marmor, ed., *Law and Interpretation: Essays in Legal Philosophy* (Oxford: Clarendon Press, 1997) v, *Questia*, 26 Apr. 2009 <<http://www.questia.com/PM.qst?a=o&d=12380329>>

and literature. Such a perspective, evidently an echo of postmodernism, is before anything a reaction to the deficiencies of the formalist theories. The most important of them is the originalism's inability to justify its claim of being the only authentic constitutional methodology. While originalism can explain the Constitution's constraining ability, it cannot justify its democratic legitimating virtues.

At the same time, the great majority of "substantialist" theoreticians of interpretation, critically separating themselves from the postmodernist exaggerations, are aiming at recovering the authentic meaning of this concept, which was lost in the multitude of familiar uses of the term usually linked to some slogans like "there is nothing beyond the text".¹⁰

The "interpretive turn" in the constitutional theory is perceived as a peril for the constitutional principles themselves. In reality, what it doubts is the belief, predominant until recently, that the original constitutional interpretation is the only legitimate one. In the final analysis, these doubts refer to the formalist point of view on the nature of the constitution that defines the constitution exclusively in terms of its constraining virtues and its capability to "bring time to a halt, by controlling the future using the 'inflexibility' of the fundamental document's coded language, which is then left to be decoded by the later interpreters".¹¹

The "interpretivists", or at least some of them, don't actually reject the assertion that the constitutional text assumes the role of controlling and, at the same time, limiting the sphere of possible interpretations. Ronald Dworkin, one of the most prominent exponent of the contemporary meta-legal thinking, argues that the text is what provides the language of interpretation, delimiting at the same time its sphere and content. Dworkin reminds us, nevertheless, that there are circumstances when the text compels us to get out of it and resort to non-judiciary arguments. Dennis J. Goldford, himself a resonant name in the constitutional theory field, admits that "interpreting the Constitution inevitably means being textualist in the wider meaning, namely to ascribe authority to a particular text."¹²

Besides, few are those who doubt that the need to maintain the interpretation within the limits of the constitutional text is a pertinent and legitimate one. Questionable is, however, to translate this requirement into a principle. To define such a requirement and to try to justify through it the prevalence of the original significance over any ulterior significance are two different things. Fidelity for the constitutional text presupposes fidelity for its principles and not (necessarily) for the way its authors have understood it. When a document is meant for

¹⁰ Mentioned in relation with almost any subject, "interpretation" has become a trendy term. Michael S. Moore argues that such an excessive use runs the risk of turning a helpful concept into an "empty rhetoric". Very often, the interpretive jargon, he says, is a decorative way to express skeptical conclusions on everything, from literary criticism or law to history, psychology, astronomy or physics, without any effort to justify such a criticism. See, Michael S. Moore, "Interpreting Interpretation", in Andrei Marmor, *op. cit.*, p. 1.

¹¹ Sanford Levinson, *apud* Dennis J. Goldford, *op. cit.*, p. 7.

¹² Dennis J. Goldford, *op. cit.*, p. 156.

posterity, as a Constitution was meant, inflexibly returning to the past could be regarded as an “interpretive barbarism”.

The main deficiency of the originalism lies, therefore, in its normativism, the consequence being the deprivation of the Constitution of its ability to legitimize democratic diversity. Getting rid of this deficiency is, as a matter of fact, one of the main aims of the interpretive methodology. It requires, first of all, the abandonment of the prejudice that the authority of the constitutional text is given by the authority of its founders. According to Michael S. Moore, such a belief has no justification, because the authors of the Constitution “were neither divinely inspired, nor notably more astute politically than are the educational élites of our own generation. They were not selected by us to lay down our fundamental law, nor have we in any meaningful sense consented, explicitly or tacitly, to their authority. I think it obvious that the framers had no authority over those of us who live 200 years later, so that we have no reason to care what they may have meant by what they said”.¹³

Moore’s words clearly say that a *form-centered* interpretation — an allegedly free-value form — is not superior to one that is *content-centered*.

On his turn, Robert J. Lipkin draws the attention to the absence of a non-circular way to justify originalism: the originalist claim to hold normative methodological authority is based on no argument. The authority, he explains, “cannot directly follow from the Constitution because the document contains no evident provision regarding methodology... and even if it contained, it could not be dispositional”.¹⁴

Persuaded that law and values are inseparable, the interpretivists argue that the understanding of a constitutional provision cannot leave aside its moral and political goals. These goals, rather than the text itself or the meaning of the words, are the ones that should restrain the reading of the Constitution. Quoting Jacob T. Levy, Goldford writes: “The founders have outlined principles and established goals. Those principles and goals were projected either explicit or implicit to last, and not the way the founders had understood them”.¹⁵

A similar opinion is put forward by Michael S. Moore. For him, the worth of the Constitution resides in its “legitimizing potential” within the American society, where it is supposed to be “America’s civil religion”. Such a value “has nothing to do with some supposed need to find out what the author of the document believed, wanted, or intended.” By the Constitution’s “legitimizing potential” Moore has in mind its ability to peacefully solve fundamental disputes, an ability which is itself a “real good, giving each of us reason to grant the document the status of text even while we refuse to grant any authority to its authors”.¹⁶

¹³ Michael S. Moore, “Interpreting Interpretation”, in Andrei Marmor, *op. cit.*, p. 14.

¹⁴ Robert Justin Lipkin, *Constitutional Revolutions: Pragmatism and the Role of Judicial Review in American Constitutionalism* (Durham, NC: Duke University Press, 2000) 13 *Questia*, 10 Apr. 2009 <<http://www.questia.com/PM.qst?a=o&d=15226389>>

¹⁵ Jacob T. Levy, apud Dennis J. Goldford, *op. cit.*, p. 204.

¹⁶ Michael S. Moore, “Interpreting Interpretation”, in Andrei Marmor, *op. cit.*, p. 14.

The plurivocal significance of many terms is often invoked in order to justify the appeal to interpretation. It is due to the plurivocity that often makes the constitutional rules vague and blurred. H.L.A. Hart's expression "the open texture of the text" catches quite well the open and undetermined character of these rules. Brian Berry observes that Hart sees in such a trait not a disadvantage, but rather an advantage, "in that it allows to be interpreted reasonably when they are applied to situations and to types of problems that their authors did not foresee or could not have foreseen".¹⁷

The issue raised here by Hart is, in the final analysis, the issue of the judge's creativity during the complex process of interpretation. Law is not to mechanically apply certain rules, even less so in the case of the Constitution. Constitutional principles are essentially political, expressed usually in abstract formulas (like "freedom of expression" or "equality among people"), whose interpretation makes it necessary to transcend the text towards extra-linguistic considerations.

Dworkin contends that the text itself often compels the judge to "construct" the constitutional meaning. In its turn, the "construction" of the meaning implies the judge's appeal to political philosophy, his commitment to a theoretical normative effort in order to define what should be the citizens' constitutional rights in a democratic republic.

Political philosophical considerations, however, come up in interpretation only when the text is compelling the judges to resort to it. Otherwise, they have to abide by "what the authors of the law have said, by the principles they established."¹⁸ Dworkin's requirement to attach importance to the constitutional culture, to the values and the contemporary social ideals makes Brian F. Havel to define the dworkinian methodology as *content prescriptivism* or *substantialism*. In this, he has in mind "Dworkin's great aspiration" to introduce in the center of the constitutional method a value-based normativity.¹⁹

Towards a similar conclusion also leads Edward B. Foley's observation that the "abstract equalitarian principle" suggested by Dworkin is a moral precept that should serve to mediate judiciary disputes.²⁰ Such assessments seem, however, to disregard the other originalist-formalist dimension of Dworkin's constitutional theory. A more adequate way to define his theory would be to call it a *formalist-substantialist prescriptivism* or, similarly well, at the same time both originalism and non-originalism. The first dimension of this theory is evident in Dworkin's call for the judge to be mindful of the (political) philosophical grounds, a call that really defines Dworkin as a *prescriptivist-substantialist*.

¹⁷ Brian Bix, *op. cit.*, p. 7.

¹⁸ Ronald Dworkin (1986), *Law's Empire*, Cambridge, Mass.: Harvard University Press, p. 10

¹⁹ Brian F. Havel, "Forensic Constitutional Interpretation", *William and Mary Law Review* 41.4 (2000): 1247, *Questia*, 26 Apr. 2009 <<http://www.questia.com/PM.qst?a=o&d=5001743121>>

²⁰ Edward B. Foley, "Interpretation and Philosophy: Dworkin's Constitution", *Constitutional Commentary* 14.1 (1997), *Questia*, 26 Apr. 2009 <<http://www.questia.com /PM.qst?a=o&d= 5000432939>>

But, on the other hand, given the fact that the constitutional language is, for him, still one of the main grounds of justifying the judiciary decisions, his theory may be considered to the same extent a *prescriptive-formalist* one. The model of interpretation that he recommends to the constitutional judge is evidence of this dual nature of Dworkin's concept, namely an interpretation that integrates the past and the present, which is centered on the text and, at the same time, on the interpreter, guided by legal arguments as well as by moral, social and political considerations.

Contemporary debates on the nature of constitutional interpretation point out the difficulty of finding solutions within the known dilemmas: the autonomy of the law versus its dependence on the values, originalism versus non-originalism, formalism versus substantialism, unveiling the significance versus its construction etc.

It is not that maintaining the discussion within such dichotomies could indicate that the constitutional thinking still finds itself under the temptation of one or another kind of foundationalism? "Semantic autonomy" and "semantic anarchy" are two prejudices similarly risky. Derived from the understanding of such risks, the "integrationist" model proposed by Ronald Dworkin seems to open the way for some promising developments within the constitutional theory (philosophy) that could lead the present constitutional thinking beyond the traditional alternatives.

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**THE POWER OF NIGHTMARES:
THE RISE OF THE POLITICS OF FEAR**

JAOUAD EL HABBOUCH*

Abstract. *In his documentary film — The Power of Nightmares: The Rise of the Politics of Fear — Adam Curtis explains that the root causes of contemporary conflicts lie in the failure of two groups to “build a better world”: the American neo-conservatives, whose chief theorist is the political philosopher Leo Strauss, and the radical Islamists, whose source of inspiration is Sayyed Qutb.*

The politics of fear was charismatically invested for profit, influence, control and hegemony. Belief in the virtue of Western democratic ideals — free market, human rights, limited government, individualism, the rule of law — as well as the necessity to implement them abroad turned out to be no more than an ideological trick to veil the imposition of a ruthless form of imperial endeavor that assumes Western ideals to be the only acceptable paradigm.

Keywords: *contemporary conflicts, the politics of fear, The Power of Nightmares, political “good” and “evil”*

In his documentary film — *The Power of Nightmares: The Rise of the Politics of Fear*¹ — Adam Curtis explains that the root causes of contemporary conflicts lie in the failure of two groups to “build a better world”: the American neo-conservatives, whose chief theorist is the political philosopher Leo Strauss, and the radical Islamists, whose source of inspiration is Sayyed Qutb. Both Straus and Qutb were “born out of the failure of the liberal dream to build a better world, and both had a very similar explanation for what caused that failure. These two groups have changed the world, but in a way that neither intended”.² So, just as Qutb came to inspire Al Qaeda, so Strauss came to inspire

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¹ *The Power of Nightmares* subtitled *The Rise of the Politics of Fear*; is a BBC documentary film series; written and produced by Adam Curtis. The film was first broadcast in the United Kingdom in late 2004, and has subsequently been broadcast in multiple countries and shown in several film festivals, including the 2005 Cannes Film Festival.

² Curtis, Adam. *The Power of Nightmares: The Rise of the Politics of Fear*. www.wanttoknow.info. 20 June 2006. <<http://www.wanttoknow.info/powerofnightmares>>

the neo-conservatives. As for the American neo-conservatives, Curtis locates “US foreign policy in the beliefs of a group of myth-making ‘idealists’ who were said to be motivated by a perceived need to counter the destructive impacts of ‘selfish individualism’”.³ This requires, however, “... that we ignore much political and economic reality, much history, and that we blindly accept liberal propaganda system at face value”.⁴ The root causes of contemporary world conflicts, accordingly, do not lie in the so-called Al Qaeda-Neocons failure to build a “better world”, or in any sort of resentment toward Western democratic values on the part of the Arabo-Islamic population, but rather in mundane realities of imperial access as well as in iniquitous economic systems that tend to sustain the centre’s grip over the periphery.⁵ This is evident in the U. S. official discourse on terror, which has embraced, as is visually mediated in *The Power of Nightmares*, the manufactured “Clash of Civilizations” parlance as a means to further legitimize its economic, cultural and political control of the world in the post-9/11 era.

In the wake of 9/11, the neoconservative lobby strategically employed international institutions such as the Security Council to define the September terrorist attacks as an act of war against Western values, which, in turn, had to be fought through an effective international coalition. The last time neoconservatives, such Donald Rumsfeld, Paul Wolfowitz, along with Dick Cheney, and Richard Perle had been in power was twenty years before, under Ronald Regan’s presidency; but, with the fortuitous elections of George W. Bush in 2000, the neoconservatives got closer to power. More importantly, the atrocities that took place in 9/11 provided them with a golden opportunity to pursue their long standing goals. The Threat now was no longer the “evil empire” but rather international terrorism through which Islamic fundamentalism sought to hit the core of American unity.

Surprisingly, the Mujaheddin, whom the United States had funded to defeat “the evil empire” in Afghanistan, wound up being to be a major threat to U.S. government in the post 9/11 era. Having been labelled Al Qaeda, the Mujaheddin along with the Arabo-Islamic populations turned out to embody the same Communist threat that America had been obsessed with throughout the Cold War era. As Richard Perle, Chairman Pentagon Defence Policy Board 2001-2003, states in *The Power of Nightmares*:

The struggle against Soviet totalitarianism was a struggle between fundamental value questions. “Good” and “evil” is about as effective a shorthand as I can imagine in this regard, and there is something rather similar going on in the war on terror. It is not a war on terror. It is a war on terrorists who want to impose an intolerant tyranny on all mankind, an Islamic universe in which we are compelled to accept

³ “The Power of Nightmares and the Real Politics of Fear-Part”, <[http:// www.medialens. org/alerts/04/041118_Power_Of_Nightmares_1.HTM](http://www.medialens.org/alerts/04/041118_Power_Of_Nightmares_1.HTM)>.

⁴ *Ibid.*, n. pag.

⁵ Alam Shahid, “Challenging the New Orientalism: Dissenting Essays on the War against Islam”, <[http://www. amazon. com/Challenging-New-Orientalism-Dissenting-Against/dp/1889999458](http://www.amazon.com/Challenging-New-Orientalism-Dissenting-Against/dp/1889999458)>, p. 2.

their beliefs and live by their lights, and in that sense this is a battle between good and evil.⁶

Significantly, such a dually-patterned conception of the status quo seems to underwrite the neoconservative rhetoric vis-à-vis its global war on terror. Islam, as Perle's statement clearly shows, is eminently threatening to Western ideals, which the neo-conservative discourse's architects want the rest of the world to take as a model. Such a persistent cultural, political and moral concern about "an intolerant Islamic universe"⁷ on the part of the U.S. elite seems to be further invoked in the following statement, where George W. Bush, responding to the so-called Al Qaeda's terrorist acts, states in *The Power of Nightmares*, "I just do not think it is the role of the United States to walk into another country" and say, "We do it this way, so should you".⁸ But, as far as "our" conquest of Iraq is concerned, "we — the circles who provide the leadership and advise them — are good, even noble. Hence, our interventions are righteous in intent".⁹ They are dedicated to stability and goodness rather than to destruction and annihilation as Islamic fundamentalism has shown the world.

Notably enough, the ambivalent and contradictory nature characterizing the United States official discourse on terror is displayed in the fact that it propagates an ethical concern about the globe only to legitimize its own exercise of violence. The myth of an ideal world, rooted out of violence, can be seen as part of a larger discourse about empire shaped by economic and political pressures as well as by a psychology of blaming through which the U.S. political elite tends to project many of its darkest illusions on Muslims. The United States claim to moral superiority in the face of subjugated Muslims parallels the old European logic — where divisions between a rational, progressive West versus a barbarous inferior East constituted the main ideological rhetoric through which imperial aggression was mediated.

Yet, it is important to note that the process of "Othering" is not simply about how Muslims are defined in negative terms but how such terms are closely bound up in the United States self-definition. In the process of the United States self-recognition as superior ethos, the United States official discourse on terror seems to be contingent upon the demonic image of the Arab Muslim, even though its presence in the United States consciousness is marked out by a tendency to negate and suppress the very principle through which its worldview is to be directed. The discourse on terror is compelled to do this in order for it to work. Hence, though the evil image of the Muslim upon which the United States casts

⁶ Curtis, n. pag.

⁷ *Ibid.*, n. pag.

⁸ *Ibid.*, n. pag.

⁹ Noam Chomsky, *Hegemony or Survival: America's Quest for Global Dominance*. New York, (Henry Holt and Company, LLC, 2004), p. 42. Chomsky sheds light on America's perpetual quest for global dominance, historicizing the American government's political strategies that are meant to get what he calls "full spectrum dominance" at any cost. He powerfully demonstrates how American aspects of the politics of global supremacy, manifest in breaking international law, defending state terrorism and militarizing the world over, are unified by a will to hegemony that constantly threatens human survival on earth. American pursuit of empire might result in total wasteland..

its reflections results in a double process of “desire” and “derision”, it remains necessarily important for its self-recognition as a superior ethos. This is vigorously echoed in the following passage, where the double image of “good” and “evil” seems to underwrite the neoconservatives’ discourse on terror. In this respect, VO states in *The Power of Nightmares* that

The neoconservatives distorted and exaggerated the Soviet threat. They created the image of a hidden, international web of evil run from Moscow that planned to dominate the world. [And] now they did the same with the Islamists. They took a failing movement which had lost mass support and began to reconstruct it into the image of a powerful network of evil, controlled from the centre by bin Laden ... in Afghanistan. They did this because it fitted with their vision of America’s unique destiny to fight an epic battle against the forces of evil throughout the world.¹⁰

The battle, whether others understand it or not, is “... the realization of history’s purpose, and what it achieves is for the common good [of the world], the merest truism, so that empirical evaluation is unnecessary, if not faintly ridiculous”.¹¹

Having effectively worked out their propaganda about the Soviet Union as a driving force in the international terror network, the neoconservatives finally believed that they had smeared the Soviet Union. They knew that the terror network was a myth that they themselves had made up. They knew, as Melvin Goodman, Head of Office of Soviet Affairs CIA, 1976-1987, asserts in *The Power of Nightmare* that

The Soviet Union collapsed like a house of cards because it was a house of cards. It rotted away from within. The economy was rotten, the political process was rotten, they had developed a central government that was no longer believed by people outside Moscow, there was total cynicism throughout the Soviet system of governance, there was no real civil society. But the Regan administration... will tell you that Afghanistan led to the collapse of the Soviet Union-the collapse of the Berlin Wall in 1989, the collapse of the East European Empire. [It] was entirely fanciful.¹²

This was “entirely fanciful” because for the neoconservatives such a fantasy had to be created in order to prevent any challenge to the power and position of the United States in the post-war era and to capitalize on the threat allegedly posed by Islam, the same scenario had to be reproduced; the same fantasy had to be created by the American neoconservatives in order to pursue America’s longstanding goals.

In the wake of 9/11, the Al Qaeda Taliban the “nationalist” fighters whom the United States believed to have brought about the downfall of the Soviet Union, turned out, like the neocons, to have their own fantasy. Though Osama Ben laden and Ayman Zawahiri, the masterminds of the so-called Al Qaeda terrorist organization initially disclaimed any responsibility of Al Qaeda vis-à-vis the 9/

¹⁰ Curtis, n. pag.

¹¹ Chomsky, 43.

¹² Curtis, n. pag.

11 attacks, they eventually welcomed the United States charge: 9/ 11 provided them with a golden opportunity through which they believed their religious symbolism could stir the Arabo-Islamic population. For Osama Bin Laden, as described in *The Power of Nightmares*, “[t]he only way to eradicate the humiliation and Kufr that has overcome the land of Islam is *Jihad*, bullets, and martyrdom operations”.¹³ Stunning as it sounds, Bin Laden’s view is isolated from the true meaning of Islamic Jihad. Bin Laden’s logic gave people not only meaning in regard to Western propaganda system about Muslims, but both reason and legitimacy to believe in it as well.

It is this awful misconception of Islamic Jihad, Curtis translates through Osama Bin Laden’s words as well as through his images, which was likely to influence Western public opinion. The sort of Jihad Curtis displays to the Western audience works but to further solidify the United States discourse on terror rather than to undermine it as he would have us believe. Extremist as it sounds, Bin Laden’s interpretation of Islamic Jihad is contrary to the letter and spirit of Islam. Jihad in the tradition of Islam has both an internal societal and combative dimension:[t]he internal dimension of Jihad encompasses the struggle against the evil inclinations of the self, and the spiritual project to adorn the self with virtues such as justice, mercy, generosity and gentleness. The societal dimension includes struggling against social injustice and creating a communal identity based on charity, respect and equality. Finally, the combative aspect of jihad is only to be used as self-defence against aggression or to fight oppression, and, even then, to be observed with strict limits of conduct that preserves the life of innocents and the sanctity of the environment.¹⁴

Seen in this light, Al Qaeda-neocons’ clashing ideologies, at the interface of which lies their abuse of Islam as a means of their struggle over power, can be held in place only if we consider the forces through which their discursive practices are mediated. The sort of discourses upon which either Al Qaeda or the American neo-conservatives depend to legitimate their practices are mediated through ideological forces, the motive of which is to rival each other’s struggle over power.

In the face of the Bush administrations’ crisis, in the midst of which rested Al Qaeda-neocons’ ideological abuse of Islam, the Arabo-Islamic world turned out to be the locus where the United States’ rhetoric of violence happened to operate. With the collapse of the World Trade Centre George W. Bush declares in *The Power of Nightmares*: “Al Qaeda is to terror what the Mafia is to crime. There are thousands of these terrorists in more than 60 countries. They are recruited from their own nations and neighbourhoods and brought to camps in places like Afghanistan, where they are trained in the tactics of terror”.¹⁵ Clearly, then, terrorists, according to Bush, are not simply part of minority groups that are driven by fanatic religious forces, but rather part of their nations’ entire governmental

¹³ *Ibid.*, n. pag.

¹⁴ Tamimi Ansari and Sandra Olewine, “Muslims After 9/11”, <<http://groups.colgate.edu/~aarislam/response.htm#Hate%20crimes%20against%20American%20Muslims%20and%20Arab-/Americans>>

¹⁵ Curtis, n. pag.

system. In this statement George W. Bush makes a clear reference to the Arabo-Islamic countries, namely Iraq and Syria, which topped the list of the United States' geopolitical concerns after 9/11.

The fact is that the war on Iraq was decided immediately after the attacks of the World Trade Centre and the Pentagon, but it had been hard to materialize without bombing Afghanistan. The problem for the United States of America had been how to convince the masses that there was a link between Al Qaeda and Saddam Hussein; the Bush administration found this link. As Richard Perle, Chairman Pentagon Defense Policy Board 2001-2003, asserts in *The Power of Nightmares*:

Perle: I [just] continue to be amazed at the people who say there are no links. It simply isn't true. What has not been established is a direct link between Saddam's intelligence and the 9/11 plotters, although even there is evidence that suggests, very possibly, facilitation and assistance to the 9/11 hijackers.

Interviewer: There is really evidence?

Perle: There really is evidence.

Interviewer: So when people say there is no association between Al Qaeda and Saddam Hussein, they are wrong.

Perle: They are flatly wrong.¹⁶

They are wrong because, as VO remarks in *The Power of Nightmares*, "[j]ust as they have discovered a hidden reality of terror beneath the surface in America, they now found hidden links that previously no one had suspected between Al Qaeda and Saddam Hussein".¹⁷

For the Bush administration, there was certainly a link—the National Security Strategy — which gave the United States the right to resort to force to protect domestic security. In the wake 9/11, the United States did not miss a beat telling the world that Saddam Hussein was aiding and harbouring terrorists and that he was consequently responsible for the 9/11 events, for the national security doctrine needed a powerful enemy to take advantage of. A few weeks after 9/11, a huge campaign was launched portraying Saddam Hussein as enemy number one to the United States of America. Having been "... timed to the onset of the midterm congressional elections, [the campaign] was highly successful in shifting attitudes. It drove American public opinion off the global spectrum and helped the administration achieve electoral aims and establish Iraq as a proper test case for the newly announced doctrine of resort to force at will".¹⁸ From 9/11 on, the Bush administration declared that only force would reign and it would reign as America wished.

Having convinced the world that there was a hidden link between Al Qaeda organization and Saddam Hussein's support of terrorists, the United States, along with its allies, could not wait anymore to use their military arsenal against Iraq. As VO insightfully observes in *The Power of Nightmares*, faced by the new

¹⁶ *Ibid.*, n. pag.

¹⁷ *Ibid.*, n. pag.

¹⁸ Chomsky, 3.

threat of international terrorism, their task was to look into the future and predict the worst that might take place and then act ahead of time to stop it. Waiting until a catastrophe takes place, they believed, would be an act of idiocy. As VO observes:

Bush and Blair were embracing an idea that had actually been developed by the Green Movement. [It was called] the precautionary principle. In the 1980s, thinkers within the ecology movement believed the world was being threatened by a global warming, but at the time there was little scientific evidence to prove this. [As a matter of fact,] [t]hey put forward the radical idea that governments had a higher duty: they could not wait for the evidence, because by then it would be too late; they had to act imaginatively on intuition, in order to save the world from a looming catastrophe.¹⁹

Following the same logic adopted by the Green Movement, Bush and Blair's entire scheme was based on the myth of an "Islamic Jihad" being a threat to Western civilization. Therefore, their duty was to imagine the worst that might come from Islamic fundamentalism and then act in order prevent it.

In order to capitalize on the threat allegedly posed by Saddam Hussein as well as by the so-called Al Qaeda terrorist organization, George Bush and Tony Blair had effectively worked out their propaganda about Iraq. Their denunciation of Saddam Hussein surely rang true for public opinion in and outside the United States of America. Hence, as the war drums started beating, Chomsky asserts, the impassioned orations of Bush, Blair and their colleagues alarmingly warned: "the dictator 'is assembling the world's most dangerous weapons; and he 'has already used them on whole villages-leaving thousands of his own citizens dead, blind, or transfigured; if this is not evil, then evil has no meaning.'"²⁰ Sediment within the verbal texture of such a statement is a sense of transcendental egoism that sees Western power elites as the centre of morality. These elites "veil egoism in the demand to universalize what they are by presenting it as what they are commanded to be by the Law or elevated to by experience of the Good. They present themselves as disinterested *servants* of ... the Good, and they respond to each challenge to their ego-idealism through [the] ritual of projection:"²¹ the projection of their darkest illusions on an imaginatively threatening "Other".

Having swung behind the idea of invading Iraq without any critical engagement for Bush's transcendental egoism, the world's uncritical response to the event of 9/11 reflected the success of indoctrination — not understanding of the real world. Saddam's dictatorship and his open support for terrorism became the sort of evil that had to be fought against by the political power of the U.S. and its advocates, who "succeeded in recreating an atmosphere of fear... and making themselves and their defence contractor friends richer than most of the kingdoms of the world".²² Nation and religion, as the next chapter argues through a further analysis of Adam Curtis's documentary film *The Power of*

¹⁹ Curtis, n. pag.

²⁰ Chomsky, 17.

²¹ William Connolly, "Beyond Good and Evil: The Ethical Sensibility of Michel Foucault", published on Aug. 1993 in *Political Theory*, <<http://www.jstor.org/stable/191794?origin=JSTOR-pdf>> pp 368-369

²² Thom Hartman, "Hyping Terror for Fun, Profit and Power", <<http://www.commondreams.org/views04/1207-26.htm>>

Nightmares, had constituted their mythological realm; these were the means through which the U.S. power elite played upon and utilized the fears and desperation of the masses to further its political agendas. The politics of fear was charismatically invested for profit, influence, control and hegemony, not for an epic battle against “evil” as the United States discourse’ architects would have us believe. The so-called “idealists”, as Curtis puts it, then, turned out to be “bad apples, but well-meaning bad apples. And a focus on bad apples ... is fine from the point of view of a propaganda system which, above all, fears exposure of institutional violence and corruption: the fact that party politics is a corporate sham, that the corporate media is a sham, that the Western promotion of human rights and democracy abroad is designed to camouflage the violent control”,²³ manipulation and exploitation of subjugated peoples. Belief in the virtue of Western democratic ideals — free market, human rights, limited government, individualism, the rule of law — as well as the necessity to implement them abroad turned out to be no more than an ideological trick to veil the imposition of a ruthless form of imperial endeavor that assumes Western ideals to be the only acceptable paradigm.

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²³ “The Power of Nightmares and the Real Politics of Fear-Part”, <http://www.medialens.org/alerts/04/041118_Power_Of_Nightmares_1.HTM>

L'IMMAGINE DELLA ROMANIA SULLA STAMPA DEL VENTENNIO¹ (I)

CARMEN BURCEA *

Abstract. *This study investigates the aspects related to the image of Romania in the Italian press during 1922-1943. Published in two consecutive issues, the purpose of the study is to answer to several questions: Who writes about Romania? Which is the typology of the publications where we find information on Romania? Which are the ascendant/descendent curves of the Italian interest for Romania? Which are the recurrent themes of the articles that have as thematic Romania? How does the Direction for the Foreign Press within the National Propaganda Ministry function as “image laboratory”?*

Keywords: *image, press, diplomacy, Romania, Italy*

PREMESSA. Nel Ventennio si rileva un incremento della subalternità alla politica dei media in genere e della stampa in particolare. Tra i vari dirigenti stampa noti per la loro identificazione con il fascismo, possiamo ricordare: Mario Carli – *L’Impero*, Arnaldo Mussolini – *Il Popolo d’Italia*, Virginio Gayda – *Il Giornale d’Italia*, Curzio Malaparte – *La Stampa*; Telesio Interlandi – *Tevere*, mentre molti altri saranno a breve costretti a diventare succubi della politica editoriale fascista. Mussolini stesso fu un giornalista (anzi, direttore

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¹ Il presente lavoro intende rispondere a qualche punto di domanda che si apre quasi senza interposizioni: *Chi sono gli autori di articoli riguardanti la Romania? Dove essi appaiono? Quando diventa la Romania “interessante”? Quali i temi ricorrenti?* ecc. Se riuscisse a rispondere almeno in parte alle interrogazioni sopra esposte, il nostro potrebbe dirsi un piccolo apporto per la reale reciproca conoscenza dei due paesi. A prescindere dal fatto che un vero e proprio studio *imagologico* non è di sicuro compito esclusivo dello storico, ma va sempre congiunto con le analisi degli psicologi e i questionari dei sociologi, ci siamo qui limitati a indagare *il dossier stampa* all’interno della problematica dei rapporti italo-romeni fra le due guerre, il quale si dimostra complesso, macchinoso e contorto e richiede la contemporanea connessione con varie fonti d’archivio, raccolte di documenti, diari ecc.

La necessità di evitare certi stereotipi ed alterazioni è in realtà un’esigenza forte, soprattutto nel periodo odierno. Un contributo in questo senso è stato recentemente dato dalla ricerca svolta dalla Fondazione Università IULM il cui risultato fu presentato nell’ambito del convegno *Factorul imagine in relațiile italo-române* organizzato dall’Istituto Italiano di Cultura di Bucarest nel dicembre 2005 [Si vedano gli *Atti* raccolti nel numero speciale della “Rivista Italiana di Comunicazione Pubblica”, IX (2007), n. 31 Franco Angeli Editore, Milano].

dell'*Avanti!* e in seguito del *Popolo d'Italia*) che esercitò un influsso di certo non «qualsiasi» sull'opinione pubblica². Difatti, fu il giornalismo il suo primo vero trampolino di lancio³. Avvalendosi dell'ottima e intrinseca conoscenza del settore per aver svolto attività di giornalista, Mussolini, diventato *il Duce*, decide di servirsi in particolare dei quotidiani nell'espone ed imporre il proprio disegno politico. Il ruolo che egli assegna alla stampa è esplicitamente fissato:

“*La stampa è un elemento di questo regime, una forza al servizio di questo regime (...). Tutta la stampa italiana è fascista e deve sentirsi fiera di militare compatta sotto le insegne del Littorio (...). Il giornalismo, più che professione o mestiere diventa missione di una importanza grande e delicata, poiché nell'età contemporanea, dopo la scuola, è il giornalismo che circola tra le masse e vi svolge la sua opera d'informazione e di formazione*”⁴.

Lo stesso periodo fra le due guerre che vede tale impostazione è avvertito come l'apice di un grafico che raffiguri lo sviluppo dei rapporti italo-romeni⁵. Più precisamente, sulla stampa del Ventennio vengono pubblicati molto più spesso che in altri frangenti storici, articoli riguardanti la Romania/Rumenia ed i romeni/rumeni⁶ e atti a decifrare il “mistero” dell'essere romeno:

“il romeno è ancora uno dei popoli più misteriosi d'Europa. L'averlo classificato di *daco-romano* non ha aperto che un piccolo spiraglio sul problema complesso e appassionante della sua origine, della sua composizione razziale, della sua psicologia (...)”⁷.

Questioni intricate, di tipo politico-ideologico, ovvero semplici calcoli strategici ed economici, personalità di spicco oppure momenti di svolta sono le ragioni per le quali la stampa del Ventennio vede *notizie, flash, appunti, interviste, cronache, analisi, editoriali, studi, reportage, inchieste, recensioni* (a tutto ciò si aggiungono *manuali e storie della letteratura, antologie di poesia e narrativa, prefazioni, singole traduzioni* che non saranno però oggetto del nostro studio), una pubblicistica di varia natura che tende a divulgare ciò che di rilevante avviene nella lontana area carpato-danubiana e ciò che la può rendere degna di attenzione presso i lettori italiani. Abbiamo rintracciato, collazionato, esaminato, sistemato e messo in connessione degli articoli pubblicati sulla stampa del Ventennio che delineano il profilo della Romania. Viene fuori così una sorta di microstoria dei rapporti italo-romeni e una specie di compendio sulla presenza della Romania nell'immaginario italiano.

Allorquando i rapporti ufficiali tra l'Italia e la Romania si vennero a standardizzare nella formula della “normalità”, la stampa lascia intravedere taluni dissensi e i

² Paolo Orano, *Il giornalismo fascista*, “Annuario della stampa italiana”, 1931/1932: 3-23.

³ Per delineare la figura di Mussolini in veste di giornalista si rimanda a Renzo DE FELICE (a cura di), *Mussolini giornalista*, Rizzoli, Milano, 1995. Pierre Milza, *Mussolini*, Carocci, Roma, 2000.

⁴ S.E. Benito Mussolini. *Discorso ai direttori dei giornali a Palazzo Chigi (10 ottobre 1928)*, “Annuario della stampa italiana”, 1929/1930: 5-10.

⁵ Pasquale Buonincontro, *La presenza della Romania in Italia nel secolo XX. Contributo bibliografico 1900-1980*, De Simone Stampa, Napoli, s.a. [ma 1988]. Claudiu Isopescu, *La stampa periodica romeno-italiana in Romania e in Italia*, Istituto per l'Europa Orientale, Roma, 1937. Ramiro Ortiz, *Italia e Rumania. Un cinquantennio di studi sulla Letteratura italiana (1886-1936)*. Saggi raccolti a cura della Società Filologica Romana e dedicati a Vittorio Rossi, G.C. Sansoni, Firenze, 1937: 97-113. Mario Ruffini, *Introduzione bibliografica allo studio della Romania*, Istituto per l'Europa Orientale, Roma, 1935. [estratto da “L'Europa Orientale”, XV (1935): 236-289].

⁶ Un vero e proprio dibattito si è costituito a quell'epoca intorno alla questione *Romeno o rumeno?*, cf. “L'Europa Orientale”, III (1923), n. IX-X-XI: 834.

⁷ Gjika Bobich, *Arte popolare in Romania*, “L'Illustrazione Italiana”, XVIII (1939), n. 4, 22 gennaio: 145-150.

sintomi di “un’amicizia difficile”, in quanto priva dei toni attenuati e degli eufemismi tipici della diplomazia:

“Se le relazioni ufficiali tra l’Italia e la Romania si standardizzarono nella formula alquanto imprecisa e pericolosa della normalità, nella stampa dei due Paesi, in parte dell’opinione pubblica, qua e là sporadicamente scoppiettavano i sintomatici fuochi della incomprensione equivoca, le escandescenze nervose di uno stato d’animo che rasantava l’antipatia”⁸.

Il fattore politico fu però troppo spesso determinante per i rapporti italo-romeni, come risulta da tanti documenti e come rivelava anche lo scrittore Vintilă Horia, in servizio in Italia in veste di addetto stampa nel tragico anno 1940⁹:

“In Italia il politico primeggia. Ecco perché anche nei colloqui che avrebbero dovuto avere un carattere strettamente culturale sono stato costretto di far fronte ad un interrogatorio politico”¹⁰.

Di conseguenza, uno svincolamento degli argomenti di tipo culturale dalla sfera della politica, con tutte le sue sfumature, estrinsecazioni e ramificazioni, risulterebbe impossibile anche per noi.

Che la stampa sia stata in verità “specchio della realtà” e uno strumento atto a modificare i rapporti vigenti è cosa ribadita ripetutamente in quell’epoca:

“Siamo convinti da un pezzo che Italia e Romania per intendersi meglio (...) debbano anzitutto spazzare il cammino del loro incontro da certe deformazioni giornalistiche che colgono ogni pretesto per creare una barriera insormontabile”¹¹.

Lo sforzo di conoscersi meglio attraverso la stampa fu egualmente compiuto da entrambi gli Stati. Con l’intento di rendere più chiaro al pubblico italiano il quadro della stampa romena si tentò di trovare degli equivalenti italiani per i giornali romeni:

“Le somiglianze nel campo giornalistico sarebbero abbondanti. L’*Universul* corrisponderebbe al *Corriere della Sera*; l’*Adevărul* e la *Dimineața* al *Mondo* e al *Risorgimento*; la *Lupta* al *Giornale d’Italia*; l’*Aurora* all’*Avanti!*; l’*Îndreptarea* del generale Averescu a qualche cosa come il *Corriere d’Italia*”¹².

L’opportunità di notizie sulla Romania venne spesso sottolineata dagli italiani stessi, fatti oggetto di un’ampia propaganda magiara:

“La Romania non poteva lottare fin dai primi momenti contro l’opera di sistematica denigrazione intrapresa da una parte dei minoritari incorporati nel nuovo Stato. Forse non volle farlo. Alle provocazioni preferì rispondere col silenzio che non era poi inconsapevolezza. Il suo atteggiamento non è stato forse dei peggiori, anzi: l’opinione pubblica straniera, stanca di sentire solo delle voci ostili contro questo paese, chiede oggi informazioni più dirette, meno interessate, e corrispondenti alla realtà dei fatti”¹³.

Si delinea così un complesso di ingranaggi: Mittente (*fonte*) – Canale (*pubblicazioni*) – Messaggio (*informazione*) – Codice (*linguaggio*) – Ricettore (*opinione pubblica*).

⁸ Lilio Cialdea, *Relazioni italo-romene*, “Educazione Fascista”, VIII (1930), n. 3, marzo: 155-158.

⁹ Constantinescu Micu, *Un triumf al generației tinere: Vintilă Horia, numit atașat de presă la Roma*, “Meșterul Manole”, II (1940), n. 4-7, aprile-luglio.

¹⁰ Arhivele Naționale Istorice Centrale [d’ora innanzi ANIC], Ministerul Propagandei Naționale [d’ora innanzi Mpn], *Studii și Documente*, f. 158. Rapporto di Vintilă Horia, 26 agosto 1940.

¹¹ Umberto Biscottini, *Italia e Romania*, “Giornale di Politica e Letteratura”, V (1929), quaderno 12: 1241-1244.

¹² Oscar Randi, *La politica interna della Romania*, “Critica Fascista”, III (1925), n. 17: 327-328.

¹³ Adiemme, *In cerca della Rumenia (corrispondenza dall’estero)*, “Educazione Fascista”, V (1927), n. 6-7, giugno-luglio: 412-414.

I. Il Quadro

Missione assegnata, provvedimenti legislativi e configurazione della stampa del Ventennio. Tenendo senz'altro presente il fatto che la stampa fascista fu uno strumento politico, con un ruolo tanto di *informazione* quanto di *formazione*, che esisteva una politica editoriale e che ci sono stati dei decreti legge atti a regolamentare tutto ciò che accadeva all'interno della corporazione, ci proponiamo di individuare i filtri che hanno operato circa le informazioni riferentisi alla Romania. Ci interroghiamo perciò su quanto si operasse in base a taluni *input* esterni, sotto determinati impulsi, e quanto invece fosse iniziativa del singolo giornalista.

La storiografia del problema è assai complessa, pertanto va analizzata in maniera articolata: una visione più mirata esige il problema della stampa italiana sotto il fascismo¹⁴, poi si rivelano interessanti i dibattiti contemporanei sul ruolo della stampa¹⁵, mentre una particolare considerazione va dedicata alla politica culturale fascista, di cui la stampa è parte¹⁶.

Se in un primo momento la stampa fu sottoposta ad un controllo formale, a mano a mano si viene imponendo l'appartenenza al fascismo dei dirigenti stampa (con il cosiddetto *Ordine dei giornalisti*) e l'esistenza di un filtro per ogni rivista prima di essere stampata, per arrivare poi, nel 1926, a sopprimere la stampa di opposizione. Vengono introdotte le cosiddette *veline*, una specie di guida della stampa che selezionava le notizie, gli eventi e le tematiche da divulgare. I discorsi

¹⁴ R. Cassero, *Le veline del Duce*, Sperling & Kupfer, Milano, 2004. Giampaolo Cesarini, *Vetrina del Ventennio 1923-1943*, Laterza, Bari, 1981. Maurizio Cesaria, *La censura nel periodo fascista*, Liguori, Napoli, 1978. F. Coen, *Tre anni di bugie. 328 ordini alla stampa del Minculpop negli anni della guerra*, Pan, Milano, 1979. Oreste Del Buono (a cura di), *Eia, Eia, Alalà, la stampa italiana sotto il fascismo 1919-1943*, Antologia, Feltrinelli, Milano, 1971. M. Forno, *Fascismo e informazione. Ermanno Amicucci e la rivoluzione giornalistica incompiuta (1922-1945)*, Edizioni dell'Orso, Alessandria, 2003. Giorgio Lazzaro, *La libertà di stampa in Italia dall'Editto albertino alle norme vigenti*, Mursia, Milano, 1969. Paolo Murialdi, *La stampa del regime fascista*, Laterza, Roma-Bari, 1986. G. Ottaviani, *Le veline del Minculpop. Aspetti della propaganda fascista*, Milano, 1999. N. Tranfaglia, P. Murialdi, M. Legnani, *La stampa italiana nell'età fascista*, Laterza, Bari, 1980. Albertina Vittoria, *Le riviste del Duce: politica e cultura del regime*, Torino, 1983.

¹⁵ Ermanno Amicucci, *Il giornalismo nel regime fascista*, pref. Arnaldo Mussolini, Roma, 1930. Arturo Assante, *La natura giuridica della figura del "giornalista"*, Annuario della Stampa Italiana, a. 1937/8: 105-108. Filippo Burzio, *Giornalisti: profeti d'oggi*, "La Stampa", 12 gennaio 1938. G. Castellano, *Stampa fascista*, "Meridiano di Roma", 7 novembre 1937. Francesco Fattorello, *Notizie per una bibliografia del giornalismo italiano*, Editrice La "Rivista Letteraria", Udine, 1938. Francesco Flora, *Ritratto di un ventennio. La stampa dell'era fascista*, Alfa, Bologna, 1944. C. Matteini, *Ordini alla stampa*, EPI, Roma, 1945. L. Nicastro, *Il Ministero della Cultura Popolare*, Annuario della Stampa Italiana, 1937-1938: 87-93. Mario Palazzi, *Il problema della stampa: cercare gli uomini*, "Critica Fascista", XI (1931), n. 19, 1 ottobre: 367-369. G. Ruberti, *La storia del giornalismo in regime fascista*, "Gazzetta del Mezzogiorno", 10 giugno 1937.

¹⁶ Philip V. Cannistraro, *La fabbrica del consenso. Fascismo e mass-media*, Laterza, Roma-Bari, 1975. A. Lyttelton, *La conquista del potere. Il fascismo dal 1919 al 1929*, Laterza, Roma-Bari, 1974. P. Alatri, *La stampa nel periodo fascista*, "Studi Storici", n. 2 (1966). Patrizia Ferrara, *I servizi per la stampa estera: dal Ministero degli Affari Esteri al Ministero della Cultura Popolare*, Amministrazione centrale e diplomazia italiana (1919-1943): Fondi e Problemi, Atti del Convegno Certosa di Pontignano (Siena), 26-27 aprile 1995, a cura di Vincenzo Pellegrini, Istituto Poligrafico e Zecca dello Stato, Roma, 1998: 101-113. Benedetta Garzarelli, *Fascismo e propaganda all'estero: le origini della direzione per la propaganda (1933-1934)*, "Studi Storici", 43 (2002), aprile-giugno: 477-520.

del Duce e le sue rappresentazioni, il più delle volte con una forte impronta agiografica, potevano essere riprodotte soltanto con l'avviso preliminare dell'Agenzia *Stefani*, che, accanto all'Istituto Luce, era forse il più importante tra i *gate keeper* — quegli organi che selezionano le informazioni, e rispettivamente le fotografie, che verranno divulgate attraverso la stampa. Cosicché il paragone del giornalismo fascista col Davide biblico rispecchia una realtà irrefutabile:

“Si potrebbe paragonare il giornalismo fascista ad un Davide giovane e snello che ha saputo abbattere nel giro di pochi anni il gigantesco Golia della stampa liberale e antifascista”¹⁷.

Contrariamente alla prassi delle sovvenzioni, che l'Italia stessa mette in atto a cambio di una sua presenza costante e favorevole nelle pubblicazioni estere¹⁸, un tale principio verrà decisamente escluso all'interno:

“Nell'Italia fascista, per esempio non è concepibile un giornale straniero asservito a interessi privati che contrastino con quello pubblico, e tanto meno concepibile il triste fenomeno che si verifica altrove, di quotidiani finanziati dall'estero, in poche parole venduti allo straniero, conseguenza estrema di una vergognosa, intollerabile libertà”¹⁹.

Nel Ventennio avviene il processo di fascistizzazione della stampa (concluso nel 1928)²⁰ e la conseguente costituzione di un apposito ministero (avvenuta nel 1935)²¹. In più, vennero fondate le prime cattedre universitarie di giornalismo a Roma e Perugia (1927/28)²². Tali provvedimenti erano atti a plasmare ed assoggettare la corporazione giornalistica al servizio del governo capeggiato dal Duce.

¹⁷ Giorgio Pini, *Il giornalismo fascista*, “Annuario della stampa italiana”, 1937/1938: (97-98) 95-103.

¹⁸ Archivio Centrale dello Stato, Roma [d'ora innanzi ACS], Ministero della Cultura Popolare [d'ora innanzi Mcp], Gabinetto. Sovvenzioni (1931-1943), *Giornali romeni – Curentul, Evenimentul*, busta [d'ora innanzi b]. 245.

¹⁹ Giorgio Pini, *Il giornalismo fascista*, “Annuario della stampa italiana”, 1937/1938: 102.

²⁰ D[ecreto]. L[egge]. 15 luglio 1923 sui requisiti del “gerente responsabile” e sui procedimenti per i reati di stampa; D.L. 10 luglio 1924 che ampliava i poteri dei prefetti in materia di sequestri di ogni materiale valutato come tendenzioso o sovversivo; D.L. 31 dicembre 1925, n. 2307 sugli Ordini alla stampa – *veline*; R[egio].D[ecreto]. 26 febbraio 1928, n. 384 che prevede l'istituzione dell'albo professionale dei giornalisti (suddiviso per professionisti, pubblicisti e praticanti); R.D. 24 luglio 1930, n. 1313 – creazione del Sindacato Nazionale Fascista dei Giornalisti, in cui l'iscrizione era aperta soltanto ai giornalisti “tesserati” PNF.

²¹ Negli anni '30 si ambiva alla centralizzazione del controllo, cosicché il vecchio Ufficio Stampa del Presidente del Consiglio, insediato a Palazzo Chigi, e rappresentato successivamente da Cesare Rossi (1922-24) – Giovanni Capasso Torre di Pastene (1924-28) – Lando Feretti (1928-32) – Gaetano Polverelli (1933), fu trasformato a poco a poco fino a diventare un ministero a sé stante:

1934: *Sottosegretariato per la Stampa e Propaganda* presso gli Affari Esteri, suddiviso in tre direzioni generali, rispettivamente per la stampa italiana, la stampa estera e la propaganda, affidato a Galeazzo Ciano

1935: venne creato il *Ministero della Stampa e Propaganda*, al quale si assegnò una nuova sede a Palazzo Balestra, sotto la guida dello stesso Galeazzo Ciano; alla sua giurisdizione si erano aggiunte delle nuove direzioni (per il cinema, il turismo, il teatro) e delle istituzioni culturali già esistenti

1937: si modifica la denominazione in *Ministero della Cultura Popolare*, rappresentato da Dino Grandi (1937-1939) – Alessandro Pavolini (1939-1943) – Gaetano Polverelli (1943).

²² Cf. Alighiero Castelli, *La scuola del giornalismo*, “Annuario della stampa italiana”, 1931/1932: 303-311. Filippo Caparelli, *I corsi universitari di Storia del giornalismo*, *ibid.*: 312-319. Francesco Fattorello, *La cattedra di storia del giornalismo nella R. Università di Roma*, “Il giornalismo”, n. 1-2 (1939): 81-90.

II. Le fonti d'informazione²³

I creatori dell'immagine dei romeni sono fondamentalmente dei giornalisti più o meno sperimentati, alcuni presenti nelle strutture dirigenziali dello Stato, ma anche degli analisti obiettivi se non addirittura dei filoromeni. Essi operano la selezione, cioè il *découpage* da una marea di eventi del fatto da riportare in una cronaca italiana. Essi appurano l'evento degno di attenzione per il lettore italiano. La loro documentazione avviene certe volte *in situ*, ma spesso è invece mediata, tramite le agenzie di stampa.

1. Tra le più note agenzie di stampa figurano *Stefani*²⁴, *Atmo*²⁵, *Balkan Oriente*²⁶, *Agenția de Presă Italo-Română* (A.I.R.)²⁷. Si aggiungono poi organismi romeni come *Rompres* (1928) e regionali come *Interbalcan Press* (1937).

2. Tra i *fondisti** che si distinguono nel Ventennio registriamo firme come Virginio Gayda – *Il Giornale d'Italia*, organo ufficioso del Ministero degli Esteri; Umberto Guglielmotti – direttore di *Tribuna* a partire dal 1936, segretario del Sindacato Nazionale Fascista dei Giornalisti dal 1933; Forges Davanzati – *Idea Nazionale*; Umberto Biscottini – *Il Giornale di Letteratura e Politica*; Amedeo Giannini – *L'Europa Orientale*; Oscar Randi – *Critica Fascista*; *L'Europa Orientale*; Aurelio Palmieri – *Vita Italiana*; Mario Missiroli – *Illustrazione italiana*; Curzio Suckert Malaparte – *La Stampa*; Guido Landra – *La difesa della razza* ecc.

²³ Proviamo a fornire un elenco, sia pure incompleto, degli pseudonimi individuati: *Ernesto Caudelli*–Claudiu Isopescu; *Teo*–Vittore Querel; *Dino Valli* – Dragoș Vrânceanu; *Remo Censi*, *Ettore Zanzi* – Francesco Trandafilo; *Spectator* – Mario Missiroli; *REX* – Renato Bova Scoppa; *ALDUS* – Pellegrino Ghigi; *Vittorio Sannucci* – Giovanni Terranova; *Danuvius* – Anelli Fr; *Occhio d'Aquila*, *Selvaggio in ritiro* – Enrico Santamaria; *Gio Pell* – Giovanni Pellegrini; *Niba* – Silvio Maurano; *Saverio Basillati* – Salvatore Sibilia; *al. m(ar)* – Alexandru Marcu; *Cyrus* – Ciro Poggiali; *Gio-Co* – Giorgio Conforto ecc. Tra quelli non individuati annotiamo: *adieme*, *Ausonius*, *Politicus*, *Romulus* ecc.

²⁴ Fondata nel 1853, con sede centrale a Roma, in Via di Propaganda 27, la *Stefani* era sin dal 1924 sottoposta al controllo fascista, essendo lo strumento principale per rendere omogenea la parte politica dei quotidiani. Il suo fiduciario, Manlio Morgani, noto amico di Mussolini, ricoprì in seguito pure gli incarichi di vicepodestà di Milano e di senatore. Vd. M. Morgani, *L'Agenzia Stefani nella vita nazionale*, Alfieri&Lacroix, Milano, 1930. Tra i suoi corrispondenti a Bucarest ricordiamo Giovanni Costa e Franco Trandafilo, ma anche nomi meno noti come Armando Bogardo e Sandro Squartini.

²⁵ Nel 1927, dopo 25 anni vissuti in Romania, Benedetto De Luca proponeva l'istituzione di un ufficio dell'Agenzia Telegrafica Mediterana-Oriente (ATMO) a Bucarest, in quanto valutava che la propaganda più utile fosse quella di tutti i giorni attraverso informazioni di notevole interesse diffuse nella stampa più accreditata. Per un anno ottenne una sovvenzione di 20.000 lei mensili dalla Direzione della Stampa e delle Informazioni, che poi cessò ritenendosi che l'Agenzia non avesse adempiuto i suoi doveri, Cf. ANIC, Mpn, *Informații*, Dossier 30.

Un referto negativo, firmato dall'addetto stampa a Roma, Theodor Solacolu, riportava notizie in merito, Cf. ANIC, Mpn, *Informații*, Dossier 247, f. 5. T. Solacolu per il direttore della Direzione Stampa, Eugen Filotti.

²⁶ Fondata da Titus Panaitescu Vifor nel novembre 1935, come filiale a Bucarest dell'agenzia Telegrafica Internazionale Oriente con sede centrale a Roma, diretta da Giuseppe Adami, Cf. ANIC, Mpn, *Agentii*, Dossier 11/1934, ff. 2-3, 38-39.

²⁷ Sull'idea fondatrice di tale agenzia riferisce l'addetto stampa romeno presso il Consolato di Milano, Nicola J. Alexandrescu, in seguito ad un colloquio col ministro della Romania a Roma, Ion Lugoșianu, Cf. ANIC, *Savel Rădulescu*, Dossier 41. Lettera di N.J. Alexandrescu a Savel Rădulescu. Milano 16 dicembre 1933. Non abbiamo purtroppo reperito notizie sul effettivo funzionamento.

* Fondista oppure *columnist* (nel gergo giornalistico anglosassone) è il giornalista titolare di una rubrica fissa (ad esempio di politica estera), un *leader* d'opinione, autore presumibilmente autorevole dell'articolo di fondo (che viene pubblicato in apertura di prima pagina) di una pubblicazione; egli esprime l'opinione della testata su un determinato problema o su una particolare situazione che si ritiene sia l'argomento di maggiore attualità.

3. Tra i più noti *corrispondenti fissi*** ricordiamo Benedetto de Luca²⁸, Salvatore Sibilìa²⁹, Augusto Garsia³⁰, Luigi Armelani³¹, Francesco Trandafilò³², Giovanni Costa³³ ecc.

4. *Gli inviati speciali****

• *Alfredo Montero* (1928)³⁴ – fu inviato della *Stampa* di Torino nel periodo della neutralità, tra il 1916-1918 il barone Fasciotti, ministro dell'Italia a Bucarest gli aveva affidato l'incarico di furiere presso la Legazione, scrive poi per *Il Giornale d'Italia*; nel 1941 esisteva la prospettiva che a lui, provato amico della Romania, fosse affidato l'incarico di scrivere un libro sulla Romania³⁵; *Silvio Maurano* (1929)³⁶ – inviato da *Impero* di Roma, autore dei libri “Dal Baltico al Mar Nero” e “La Romania vista da un fascista”, diventato poi redattore alla *Provincia di Como*; *Giuseppe Borghetti* (1927)³⁷ – scriveva per *Italia Coloniale* e *Illustrazione Italiana*; *Pietro Bernasconi* (1929)³⁸ – inviato dell'*Avvenire d'Italia* di Bologna; i giornalisti *Telesio Interlandi* e *Quadrivio Lanza del Tevere* (1930)³⁹; *Lidia Gigliotti* (1931)⁴⁰ – specialista in storia dell'arte, studiò gli affreschi dei monasteri di Bucovina e i dipinti di scuola italiana esistenti nella residenza reale di Peleş; *G. B. Angioletti* (1931)⁴¹; *Erina*

** Il giornalista che invia, dalla zona di sua competenza, tutte le notizie che interessano al giornale o alla agenzia di stampa dai quali dipende è un corrispondente fisso, cui pregio essenziale è di conoscere a fondo il Paese dove lavora; spesso è un giornalista che qui risiede per suoi motivi di lavoro e viene scelto *in loco* dalla direzione del giornale.

²⁸ *Benedetto De Luca* (n. 1869) – laureato in legge; insegnante d'italiano nei licei e incaricato di corsi d'italiano all'Università di Bucarest; esordì nel 1901 come corrispondente del *Corriere della Sera*; divenne poi redattore collaboratore di *Universul* di Bucarest (1901-1913); fondatore del comitato “Dante Alighieri” a Bucarest.

²⁹ *Salvatore Sibilìa* (n. 1890) – torinese laureato in legge; funzionava presso la Legazione d'Italia a Bucarest; insegnante d'italiano presso l'Istituto di Cultura Italiana; autore di importanti studi sulla Romania quali *La Transilvania. Vicende storiche di una regione famosa* (Cremona, 1938); *Il Danubio. La strada viva dell'Oriente nel suo percorso in Romania* (Firenze, 1939); *Panorama dei contatti e dei rapporti storico-culturali fra l'Italia e la Romania* (Roma, 1937).

³⁰ *Augusto Garsia* (1889-1956) – corrispondente per *Popolo d'Italia* di Arnaldo Mussolini, collaboratore per *Augustea*, lettore d'italiano inviato a Iași dal 1930, autore di vari volumi di poesie, dei romanzi *Le strade cieche* e *Il sogno*, delle prefazioni a *Due Amori* di Agârbiceanu e *Sinfonia fantastica* di Cezar Petrescu, di vari articoli riguardanti scrittori romeni e cultura romena in Italia.

³¹ *Luigi Armelani* – giornalista della *Stampa*; si proponeva di scrivere “un libro contenente la verità nel problema transilvano”, cf. ANIC, Mpn, *Propaganda*, Dossier 2430; nel 1928/9 ha curato la pubblicazione del giornale *Italia e Romania nei commerci e nelle industrie*.

³² *Francesco Trandafilò* – giornalista, corrispondente speciale per *Agenzia Stefani* in Romania dal ottobre 1935; socio dell'Associazione dei corrispondenti stampa estera da Bucarest; collaboratore per *Tribuna*, *Gazzetta del Popolo*, *il Messaggero*, cf. ANIC, Mpn, *Propaganda*, Dossier 1664; nel settembre 1936 viene nominato addetto stampa presso la Legazione italiana a Bucarest.

³³ *Giovanni Costa* – corrispondente da Bucarest per *Agenzia Stefani* e *Corriere della Sera*; addetto stampa presso la Legazione italiana di Bucarest.

*** Il presente elenco è costituito esclusivamente sulla base degli accertamenti archivistici.

³⁴ ANIC, Mpn, *Propaganda*, Dossier 175.

³⁵ ANIC, Mpn, *Presa Externă*, Dossier 1213, f. 135.

³⁶ ANIC, Mpn, *Propaganda*, Dossier 313.

³⁷ ANIC, Mpn, *Propaganda*, Dossier 57.

³⁸ *Ibidem*, 186.

³⁹ *Ibidem*, 463.

⁴⁰ *Ibidem*, 774.

⁴¹ *Ibidem*, 839, f. 35.

Padrini (1931)⁴²; *Luigi Crucilla* (1932)⁴³ – redattore del *Giornale d'Italia*; *Remo Renato Petito* (1933)⁴⁴ – scrive per *Tevere*, ma non soltanto⁴⁵; *Alfredo Albanesi* (1934)⁴⁶ – redattore della rivista *Augustea*; *Raul Lucidi* (1935)⁴⁷ – ex allievo di Claudiu Isopescu, borsista all'Università estiva di Vălenii de Munte; *L. Cucchetti*⁴⁸ – autore del polemico libro “Transilvania”, che considerava l'Ungheria come legittimata a dominare la disputata regione, tesi energicamente combattuta, tra gli altri, dal romenista Gino Lupi; *Gjika Bobich* (1936)⁴⁹ – corrispondente per *Tribuna* e collaboratrice per la rivista *Oltremare*; *Antonio Fantucci* (1936)⁵⁰ – pubblicitista che scriveva per *Corriere Padano*; *Virginio Gayda* – direttore del *Giornale d'Italia* e *Francesco Maratea* del *Messaggero*⁵¹; *Aldo Buscani* (1940)⁵² – collaboratore per *Regime Fascista* e *Il Telegrafo*; *Anterro Belletti* (1940)⁵³ – redattore per *Gazzetta del Popolo*; *Indro Montanelli* (1940)⁵⁴ – in veste di corrispondente per il *Corriere della Sera* visita le regioni di Cadrilater e Transilvania; *Italo Zingarelli* (1940)⁵⁵ – inviato della *Stampa*, manifestò in genere un atteggiamento ostile nei confronti della Romania, l'unico periodo in cui pubblicò articoli favorevoli essendo quello del gennaio del 1938, in occasione dell'ascesa al potere di Octavian Goga; *Massimo David* (1942)⁵⁶ – corrispondente per *Gazzetta del Popolo*, autore tra l'altro di un reportage sulla regione petrolifera di Valea Prahovei; *Lino Pellegrini* (1941)⁵⁷ – giornalista del *Popolo d'Italia*; *Luigi Fontanelli* (1941)⁵⁸ – direttore del *Lavoro Fascista*; *Gustavo Carelli Rocca Castello* (1942)⁵⁹ – inviato dalla Scuola Mistica Fascista di Milano, presieduta da Vito Mussolini, con l'intento di stabilire contatti con personalità della cultura romena; *Giovanni Terranova* (1941)⁶⁰ – corrispondente per *Lavoro Fascista* e *Giornale di Genova*, manifestò un atteggiamento oscillante; *Piero Saporiti* (1942)⁶¹ – corrispondente per il *Giornale d'Italia*; *Curzio*

⁴² *Ibidem*, 839, f. 35.

⁴³ *Ibidem*, 980.

⁴⁴ *Ibidem*, 433.

⁴⁵ Si veda anche un articolo ulteriore al periodo in considerazione dello stesso R.R. PETITO: *Come ho visto la Romania*, “Rivista di Cultura Marinara”, n. 3-4/1945: 36-41. (p. 37 in cui si dichiara colpito dall'arte popolare: “che qui convince più che altrove, non soltanto perché è bella, ma perché è veramente vissuta” e dal “coraggio di vivere che non ignora che la vita è dolore, che esprime una profonda esperienza, ma anche la decisione di lottare”).

⁴⁶ ANIC, Mpn, *Propaganda*, Dossier 1330.

⁴⁷ *Ibidem*, 1620.

⁴⁸ *Ibidem*, 2430.

⁴⁹ *Ibidem*, 1846.

⁵⁰ *Ibidem*, 2044.

⁵¹ In seguito all'udienza loro concessa da Re Carol II nel gennaio del 1938, dedicano una serie di articoli in merito tra il 16-20 gennaio.

⁵² ANIC, Mpn, *Propaganda*, Dossier 2466.

⁵³ *Ibidem*, 2472.

⁵⁴ *Ibidem*, 2476.

⁵⁵ ANIC, Mpn, *Studii și Documente*, Dossier 7.

⁵⁶ ANIC, Mpn, *Propaganda*, Dossier 2597.

⁵⁷ *Ibidem*, 2600.

⁵⁸ ANIC, Mpn, *Presa Internă*, Dossier 601.

⁵⁹ ANIC, Mpn, *Presa Externă*, Dossier 1315.

⁶⁰ ANIC, Mpn, *Propaganda*, Dossier 2582.

⁶¹ *Ibidem*, 2616.

Malaparte (1941)⁶² – l'autore del libro “Kaputt” in cui viene inserito un capitolo dedicato alla Romania, scriveva per il *Corriere della Sera*; *Mario Valaperta* (1942)⁶³ – corrispondente per *Regime Fascista* di Cremona; *Lamberti Sorentino* (1943)⁶⁴ – inviato dalla rivista *Tempo* di Milano, filomagiario; *Luigi Cucco* e *Raffaele Guzman* (1942)⁶⁵ – corrispondenti di guerra ecc.

5. *Articolisti che scrivono sulla Romania senza aver fatto indagini in situ*

• *favorevoli*: Guido Puccio, capo redattore *Tribuna*; Giuseppe Gerini, direttore *Termini*; Rafaele Gorjoux, direttore *Gazzetta di Mezzogiorno*; Maffio Maffi, direttore *La Nazione* di Firenze; Giorgio Pini, capo redattore *Popolo d'Italia*.

• *sfavorevoli*: Umberto Nani e Aldo Airioli di *Critica Fascista* espressero opinioni contrarie alla Piccola Intesa; Sangiorgi del *Resto del Carlino*, noto filomagiario; Marco Colana, *Popolo di Sicilia*.

6. *Altre categorie di professionisti*

• lo scrittore e senatore Enrico Corradini (1928)⁶⁶; il geografo Riccardo Riccardi (1930)⁶⁷; lo storico Francesco Ercole (1936)⁶⁸; il critico drammatico Silvio d'Amico (1934)⁶⁹ scrive per *Tribuna* e per la rivista *Nuova Antologia*; il critico d'arte Elio Zorzi (1935), collaboratore per la *Gazzetta di Venezia*, sostenne una conferenza a Bucarest in occasione della mostra d'arte contemporanea italiana organizzata al Museo “Toma Stelian”⁷⁰; il filosofo Julius Evola (1938)⁷¹ scrive per *Il Regime Fascista* e la rivista *La vita italiana*; il sociologo Guido Landra (1942)⁷² scrive articoli per *Tevere* e *Vie del mondo*; lo scrittore Bino Sanminiatielli (1942)⁷³ collaboratore del *Corriere della Sera*, dirigente della rivista *Italia che scrive*; consigliere dell'Istituto per le Relazioni Culturali con l'Estero e vicepresidente del Comitato per la diffusione del libro italiano nel mondo; il generale Eugenio Coselschi, direttore di *Idea di Roma*⁷⁴; il cardinale Eugenio Tisserant⁷⁵; il professore Francesco Orestano⁷⁶, vicepresidente dell'Accademia d'Italia, invitato dai ministeri della Propaganda e della Cultura Nazionale nel maggio 1942 ecc.

Sempre favorevoli nei confronti della Romania e dei romeni sono state personalità come: il filologo Giulio Bertoni, il senatore Ezio Maria Gray, direttore *Gazzetta del Popolo* di Torino; Arrigo Solmi, il ministro di Grazia e Giustizia (1935-1939); il console onorifico a Genova Luigi Tomellini ecc.

⁶² *Ibidem*, 2585.

⁶³ ANIC, Mpn, *Studii și Documente*, Dossier 200.

⁶⁴ ANIC, Mpn, *Propaganda*, Dossier 2729.

⁶⁵ *Ibidem*, 2731.

⁶⁶ *Ibidem*, 42.

⁶⁷ *Ibidem*, 1111.

⁶⁸ ANIC, Mpn, *Propaganda*, Dossier 1822.

⁶⁹ ANIC, Mpn, *Propaganda*, Dossier 1329.

⁷⁰ ACS, Mcp, Dgp, *Romania*, busta. 189.

⁷¹ ANIC, Mpn, *Propaganda*, Dossier 2212.

⁷² *Ibidem*, 2681.

⁷³ *Ibidem*, 2663.

⁷⁴ ACS, Mcp, Dgp, *Romania*, b. 190.

⁷⁵ *Il viaggio del Cardinale Tisserant*, “Osservatore romano”, 23 settembre 1937.

⁷⁶ ANIC, Mpn, *Propaganda*, Dossier 2678.

7. *I Romenisti* Categoria che include specialisti in filologia romanza, professori di lingua romena, traduttori, incaricati di lingua italiana in Romania (il cui atteggiamento non sempre fu lineare – sono noti i casi di C. Tagliavini e L. Cialdea): Ramiro Ortiz; Mario Ruffini; Gino Lupi; Marcello Camillucci; Umberto Cianciolo; Enzo Loretta ecc⁷⁷.

8. *Romeni in servizio in Italia* Categoria che include gli addetti stampa e gli incaricati d'affari, i lettori di lingua romena, italianisti, ma anche un ecclesiastico come Aloisie Tăutu, consulente dell'Ambasciata romena presso la Santa Sede e sacerdote nella Chiesa Romena di San Salvatore alle Coppelle.

Claudio Isopescu, forse il più prolifico tra loro, scriveva a Ion Bianu:

“Sono riuscito a pubblicare nei giornali come *Mezzogiorno*, *Secolo* (Milano), *Mattino* (Napoli), *Resto del Carlino* (Bologna) (...) Lì c'è il giornalista Sangiorgi, sposato con una ungherese, il quale ha scritto un libro su Ungheria, pieno delle più grandi ingiustizie nei nostri riguardi”⁷⁸.

Un medesimo sforzo sarà stato fatto da ognuno di loro con gli stessi intralci e gli stessi traguardi.

⁷⁷ Ci si consenta di rinviare a Carmen Burcea, *Diplomație culturală. Prezențe românești în Italia interbelică*, Institutul Cultural Român, București, 2005.

⁷⁸ Biblioteca Academiei Române, Manuscrise [d'ora innanzi B.A.R.], S 48 (3)/D, Claudio Isopescu a Ion Bianu, 9 giugno 1928.

OF PROPHETS AND PHILOSOPHERS

MARINA VRACIU*

Abstract. *No matter how excessive prophetic fantasy may appear at its best, it represents reality, for the prophets' intellect has been deemed worthy of 'illumination'. In Maimonides' philosophy, the goal of human life is equivalent to the attainment of a fully developed intellect. The salvation-producing act is the actualization of intellect through metaphysical scientific study. Maimonides might have wanted to imply that this is the only joy-bringing activity reserved to the human being, living rather at the foot of the mountain which Moses ascended. This might also point, as Gruenwald suggests, to the philosopher's quest beyond prophecy.*

Keywords: *Maimonides, philosophical discourse, metaphysical system, prophets, beyond prophecy*

“And there may be a human individual who, though his apprehension of the true realities and his joy in what he has first apprehended, achieves such a state in which he talks with people and is occupied with bodily necessities while his intellect is wholly turned towards Him, may He be exalted, so that in his heart he is always in His presence... I do not say that this rank is that of all the prophets; but I do say that this is the rank of Moses our Master” (Maimonides, *The Guide of the Perplexed*, III, 51).

To recognize in Maimonides' statement above an echo of the doom (and chance) of the human being to live on so many (at least two) levels be only a part of the truth embedded by the 12th century thinker in his best-known book. The state described refers to the Law-giver of Judaism. Partially fulfilling the requirements of Maimonides' ideal reader (to be absolutely morally upright, ritually observant, competent in metaphysics, science), the common reader is far from Maimonides's only addressee. Written to illuminate a favorite disciple, the *Guide (GP)* fascinates the casual reader who might be as 'perplexed': either by the literal statements of the Torah and the conclusions of philosophy on fundamental subjects (the nature of God, providence, *overflow*, (a central concept in Maimonides' system which refers to divine emanation), afterlife, prophecy and philosophy, law, imagination, etc.) or by the incongruence of life. In between

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intellectual, confessional, passionate or social endeavors one often finds the need to philosophize and derives intellectual pleasure from the harmony of philosophical systems. Moreover, what one discovers in the process is close to the insight poetry offers into the nature of knowledge.

Maimonides's system, which rests on the idea of hierarchical order, is perplexing. It is in order to overcome this state that one draws parallels (as at the first reading of the epigraphic quotation, deceived by the indefinite article, 'a human individual'). Trying to understand by analogy, the reader falls into another false opinion, that of bringing together different realms of discourse, against Maimonides' warning (*GP* III 51: 622) that Moses is not like ordinary prophets, God is not like us, and that intellect is not like imagination. And as the reader is so different from the prophets, (s)he might have to stand still at the preliminary stage.

The description of the unique character of Mosaic prophecy excerpted from Maimonides' treatise is a part of what has been thought to be a possible end of the *GP* III: 51 (p. 615-622), describing the state of *unio mystica* (as receiving 'the kiss of God'). Being one with God, in the *overflow*, which is an intellectual activity, is 'the thing that necessarily brings about providence and deliverance from the sea of chance consists' (625). In the God-centered universe created, according to the Bible, out of nothing, God is not so close, though. In Maimonides' Aristotelian system the Divinity is the First Cause which emanates the Active Intellect; the Active Intellect generates in its turn the intellects responsible for the nine spheres which make up the universe, one of which is our 'sub-lunar' world. Animated by a longing for knowledge, which is love, the spheres perform the perfect action for them is circular motion. The human equivalent of perfect action is the activity of the prophet and of the philosopher, the knowledge of the ultimate truth, that is the knowledge of God. But how does one come to know God? And can one know God according to Maimonides, far as He is from everything. If one is requested to know, then one is assumed to be able to gain cognition.

The context of the epigraph also points to restrictions: youth is excluded from the 'apprehension of the true realities', of the 'intelligible', of the goal of human life, as it is unprepared for physiological reasons ('the tumult of humors') to acquire 'moral virtues, and all the more that of pure thought, which is achieved through the perfection of intelligible that lead to passionate love of Him'. (p. 627) Age is not expressly guaranteed to have access to the state described, in spite of it being a time of more intense questioning as to the goal of life. The multiplication of the moments of proximity to God in devotional praxis is described in the *Guide* (p. 620) in fragments such as the following one: "The worship of the heart" consists in 'setting thought to work on the first intelligible and in devoting oneself exclusively to this as far as this is within one's capacity'.

Maimonides also says that: '... after apprehension, total devotion to Him and the employment of intellectual thought in constantly loving Him should be aimed at' to be achieved in solitude and isolation which should not be renounced unless necessary. One is also warned that: 'all practices of worship, such as reading the Torah, prayer, and the performance of the other commandments, have only the end of training you to occupy yourself with His commandments, rather than with matters pertaining to this world.'

In the parable told by the reluctant-to-myth Maimonides the reader might hope to find a place for oneself somewhere outside the ‘walls of the city’, next to the poets, in Plato’s *Republic*. If one wants to get inside, one has to prepare and hearken to the Master’s warning: ‘intellectual worship consisting in nearness to God and being in His presence in that true reality that I have made known to you and not by way of affections of the imagination.’

The opening quotation comes after these very instructions. In the awkward parallel one has tried to find between one’s world and the world described, that of a perfect human experience granted to a perfect individual, the latter seems a ‘prize’, a vision of the effort-justifying reward granted occasionally. Psychological insight is there both in the warning ‘one may aspire to attain the rank’; ‘one must beseech God that He remove the obstructions which separate us from Him, even though most of them come from us...’, and in the apparently reassuring apprehension that if the ‘intellect ceases from being occupied with thinking of God’, ‘providence withdraws’.

The epigraphic quotation also epitomizes a way of life whose goal, according to Maimonides’ theistic rationalism, is a quest of intellectual perfection granting joy in the attainment of divine presence in one’s heart. In order to obtain that, bodily necessities should be reduced to the minimum, as in all ascetic experiences: that of the philosopher (‘the seeker of truth’) and of the prophet (Moses is Maimonides’ ‘perfect man’), the individuals ranking highest in society according to the author. As perfection of the human element (and as such a hope-giving model), they are called to make it easier for the others to ascend or understand. Since Plato their activity has been law-giving. Observance of law, ethical conduct is good for mankind, as it brings order and civilization. So, the goal of human life appears circumscribed by prophetic activity.

The prophet holds a special place in Judaism, Islam, Christianity. The author of sacred books, the prophet is an interface between the physical world of the ‘sensible’ and the transcendent one of the ‘intelligible’. In Maimonides’ time the role of the prophet could be overstated, neither by Judaism nor by Islam.

Various authors have shown that the theory of prophecy is central to the purpose of *GP*. so, according to Gruenwald 1991: 147f., the book can be regarded as the coping-stone of Maimonides’ entire philosophical enterprise: it is a typical example of the ‘cohabitation and interplay of multiplicity of dialectical attitudes’, ‘one of the wheels that sets Maimonides’ philosophy in motion’, and ‘most dramatic phase of his entire philosophic activity. All in all, the Guide is the platform on which the great dispute between philosophy and Law – the latter being the most positive product of prophecy – takes place’.

Written to vindicate the truth of Judaism of Torah, to expose its truth, for Jews, as often the threat of survival comes from within, and to assure its survival to a limited audience, the select few, the *Guide* came as ‘easier’ reading after the effort of codifying Talmudic knowledge in *Mishneh Torah*. Maimonides felt it his intellectual duty to vindicate the truth of Judaism by reconciling apparent contradictions between the Torah and philosophy. He sensed that when prophecy has been understood, the difference between the Books of Moses and philosophy would vanish. (*GP* II:2)

The method employed by Maimonides is to show that the Torah was written as a parable and contains two basic systems of meaning (literal, figurative); it communicates the degree of truth which can be apprehended by mass, elites, i.e. exoteric (the literal meaning, which describes imaginative religion) and esoteric (metaphysical).

As an observant Jew and Talmudist, Maimonides was no different from rabbinic Judaism and understood prophecy as the founding stone of his religion. In assigning such a role to prophecy he was also indebted to neighboring Islam. Maimonides was convinced that the nature and content of prophecy determines the character of other beliefs and influences their social and ritual practices. But according to some of his authoritative commentators (Reines, Pines), Maimonides does not so much conceal some single points as he obscures the total system of his religious belief. Concealment extends through to his treatment of prophecy.

In Maimonides' general view on prophecy (*GP* II: 32), it is a natural event marks a basic difference between traditional and his own understanding of this state: prophecy is not attained miraculously, as believed, but through a natural process, in accord with the general scientific view that knowledge, like any human activity. Beside the first principle of prophecy, Maimonides sets forth two more: prophecy is rational knowledge and that this process can be interpreted by miracle by special divine will (which conditions the ability to prophesy by one endowed). On all these points his opinion is different from the orthodox Jewish view and has given rise to controversy and attacks on the philosopher.

Maimonides' theory of prophecy can be found in fundamental statements on the nature of prophecy in *GP* II: 32-48, a rather compact block if one considers the puzzle-like quality of the treatise. These chapters, the closer context to the opening quote include: an introduction of three general opinions on prophecy compared to opinions on the creation of the universe (*GP* II 28). Ironically, Maimonides' 'heretic' opinion regarding prophecy as potentially accessible to anyone, whether wise or ignorant, through divine will which 'causes Shekinah to rest upon him ('the chosen') is based on the orthodox doctrine of creation *ex nihilo*; since there are no miracles, prophecy is perfection present in the nature of man, natural, attained through the preparation of the recipient; both prophecy and the world are produced by natural causes in association with the creative will of God. The same chapter (II32) gives a description of the psychology of prophecy. In Chapter 33 Maimonides discusses the revelation on Sinai, emphasizing the distinction between Moses and the other Israelites. Chapter 34 contains an interpretation of Exodus 23:30, with a discussion of the identity of angels and their relationship with the prophet, also called 'angels'. A comment on Mosaic prophecy is given in Chapter 35. All these chapters introduce the definition of prophecy as an "effluence/overflow that follows forth from God through the mediation of the Absolute Intellect, first upon the rational faculties, then upon the imaginative faculty." A modulation of this state is mentioned in the epigraphic quotation.

Maimonides implies that prophecy in our 'sub-lunar' world originates not with God, but with the sphere. As it is a potentiality, the perfection of the human

species, no human group enjoys any ontological superiority with respect to prophecy (Jews are no exception). Prophecy is universal, 'open' to anyone capable. In this, as in his negative theology (which states the incognoscibility of God) to his naturalistic views on providence, ethics, afterlife, salvation, Maimonides differs radically from post-medieval Jewery, as his modern commentators have noticed (the Maimonidean controversy, referred to in Silver 1965, included, among others, R. Abraham of Posquires, Nahmanides, referred to also in Fox 1990:3-25 and Pines 1993). The 16th century religious thinker, Biblical exegete, statesman, adherent to rabbinic Judaism Isaac Abrabanel gives a detailed commentary on Maimonides's views (discussed in detail in Reines 1970).

The cause which produces prophecy by natural necessity is preparation, a natural qualification, because prophecy is intellectual knowledge. The need for moral and intellectual training is constantly emphasized in the Maimonides in his Introduction to the *GP*, as they represent the perfection which does justice to the harmony of the world.

Since prophets do not satisfy the requirements in equal manner, there are different modes of prophecy. The key concepts of imagination and intellect play varying roles in defining these degrees of prophecy: according to Maimonides, the quality of prophecy depends on the following: the degree to which the intellect reduces imagination to rational control; on the degree to which imagination produces excessive imagery. The degrees of prophecy are presented in ascending order, from one to eleventh, in Chapter 45.

Prophets are ranked starting from two quasi-prophetical states, 'stepping-stones' to prophecy, implying courage and inspired rhetoric. In these quasi-prophetical, preliminary states, the divine assistance that motivates and encourages the person to perform great noble deeds (actions of courage) it is the 'spirit of the Lord'. It is the grade of all virtuous Messiahs of Israel, judges, kings (Jephtah, Samson; it was strong in Moses and in David after anointment). It is only to be said of the one who has 'performed a good action of capital import or an action that leads to the result; as, for instance, the success of Joseph in the house of the Egyptian'. The latter is the state a person feels some new force that inspires him, often in dreams, to speak or write in refined beautiful language (actions of intuition which imply quickness of thought, elegance of style) and is illustrated by David, Solomon, Daniel, and Balaam, every high priest who has questioned through Urim and Thummim, the seventy elders, and Jacob. Maimonides is very careful in distinguishing between what is the range of common if sophisticated activity, on the one hand, and the stages of prophecy proper, on the other.

In his ranking of prophecy proper, Maimonides speaks of 'dream' or 'vision prophecy'. The third degree (in fact, the first of prophecy proper) is of those who say that 'the world of the Lord came to me', or use expressions with a similar meaning. 'It occurs when a prophet sees a parable in a dream under all those conditions which have been previously laid down for the true prophecy, and in that same prophetic dream the meaning of that parable, what is intended by it, is explained to him, as, e.g., most of the parables of Zechariah.'

So, the average reader is again warned against identifying with the prophet, as he/she might hasten to do, on the ground that the dream, an 'intersection of

the astral order and private life, insight, gift from above or result of human initiative' is a universal human experience.

Maimonides ranks prophets by resorting to a paradigm which clearly distinguished between knowledge acquired through physical senses (sensible) and knowledge of spiritual meanings (ideas, forms, intelligible, universals). In sleep, in the state of deep unconsciousness, the strength of imagination related to intellect is great, and imagination represents God anthropologically. The chosen may be granted prophetic inspiration (from the Active Intellect) in a special state of suspension granted either in sleep or during contemplation. In those states the human intellect could become united with the Universal Intellect. In this state precedence is given to imagination over the physical organs, and to the prophetic propensities of the *psyche*.

From the fourth to the seventh degree different circumstances are mentioned under which explicit statements are heard by the prophet in the dream prophecy; the prophet hears speech but does not see the speaker (Samuel in 1 Sam, 3: 4-8); sees the person who speaks to him (Ezekiel in Ezek 40:4); angels are seen speaking to him (the majority of prophets experience this state, as one finds out in Gen 31:11); and sometimes God appears to speak, too (as in Iasiah 6:1).

The eighth degree introduces vision prophecy; it happens when revelation comes to him in prophetic vision, and he sees parables, as, for instance, Abraham in the vision between the pieces (Gen 15), 'in daylight'. Visions appear when the prophet is awake, in a trance-like state, as the result of concentration. An intellectual process to a more intensive degree, these imply less 'workings' of the imagination than dream prophecies and no anthropomorphism.

In the ninth degree, the prophet 'hears words in a vision, as is said with reference to Abraham', "And behold, the word of the Lord came to him, saying": This man shall not be thy heir. (Gen 15:4). In the tenth, "he sees a person speaking to him in a vision", as, for instance, Abraham, again, by the terebinths of Mambre (Gen 18:1), and Joshua at Jericho.

The last degree of prophecy is discussed in various passages. In this state, the prophet 'sees an angel who speaks to him in a vision, as, for instance happened to Abraham at the time of the *akedah* ('sacrifice'). In the highest degree in those attested by prophetic books, no angel appears, no speech coming from God is heard, as is said in the phrase "I the Lord make Myself known unto him in vision."

The ranking of prophets is another manifestation of the idea of order, as in a hierarchical vision of the world everything higher was conceived of as naturally powerful governing lower events by forces emanated from above.

This hierarchy does not include a special kind of prophecy which attracted attention of commentators: Mosaic prophecy. In his understanding of imagination Maimonides shared the views of Muslim intellectuals, for whom this faculty was imagination had a negative value. It is thought to contribute to prophecy through its imagery (and should not be excessive, extravagant. Contrary to the opinions of mystics, cabbalists, florid imagery reported by prophets in the Scriptures is due not to genius, but to a prophetic 'defect'. Moses is the greatest for being most concise and did not employ his in prophesizing. So, in vision prophecy,

imagination is under the greater rational control. This is the highest form of prophecy, whereas dream prophecy is of the lower rank, because the freedom of imagination. Excessive fantasy in prophecy arises when prophetic intellect lacks the comprehension necessary to fully understand the abstraction of metaphysics, cosmogony (note Maimonides' observation on the superiority of Isaiah over Ezekiel, III 6, in *GP* II 39), comes suddenly, does not have the competence to judge absolutely the meaning of his own prophecy; his conscious self is a passive recipient of the creation produced by the prophetic self.

No matter how excessive prophetic fantasy may appear at its best, it represents reality, for the prophets' intellect has been deemed worthy of 'illumination'. Circumstances have an influence upon prophecy and hard times in the life of the Israelites were times when Mosaic prophecy was eclipsed. Also, individual prophecies differ in the strength of their components, from prophecy to prophecy, from the prophecy of the same prophet.

In his comment on the relation between prophecies, their qualities and ranking as dependent on the degree of intellectual and imaginative activity involved, Leaman identifies the angels mentioned as appearing in the prophets' dreams with imagination, and cherubs to intellects. The connection between 'ordinary' prophets and Moses, on one hand, and the rest of humanity, on the other, is related to the doctrine of Providence (*GP* III: 17, 18). The prophecy of Moses is different not in degree, but in kind, from the dream and vision prophecy. His prophecy implies the doctrine of providence, the causation which produces and sustains existence. Humans can bring themselves under the aegis of general natural causation. Mankind is not at the mercy of general natural causation ('the sea of chance'). Once again Maimonides' rationalism stresses that through reason man can control and guide nature to his own purpose, the noblest being knowledge of God (and salvation). Being in the overflow involves an ethical commitment: to extend one's providence to others. As the prophet possesses the power to realize the possibilities of human existence by communicating his knowledge of truth, salvation resident in nature can further his own existence or the existence of the group.

In Maimonides' philosophy, the goal of human life is equivalent to the attainment of a fully developed intellect. The salvation-producing act is the actualization of intellect through metaphysical scientific study. Instrumental acts precondition salvation: moral behavior (which gives the serenity to study), safeguarding of physical existence. Intrinsic instrumental acts of salvation are produced by knowledge. Knowledge actualizes intellect, provides control of wit, emotion that determines moral behavior. So, providence is extended to the human being by communicating knowledge to him/her.

The functions and purpose of the prophet who provides all three kinds of knowledge: metaphysic, scientific speculation (the highest kind); moral judgment; prediction of dire events in the future. All this is achieved through Mosaic Prophecy (Reines, *Introduction*, Chapter LIX). Strikingly, the prophet who gave the Torah is presented as radically different from the other great men of Biblical Judaism. Commentators assume that the truth of Mosaic prophecy belongs to the realm of

esoteric knowledge. If traditionally all prophets are considered to receive prophecy in the same way, this is to be understood as an instance in which an equivocal term is used.

There is no definition of 'Mosaic' in Maimonides, although there are frequent references to the 'Moses our master'. This omission has been found equivalent to omitting a rational scientific explanation. The line between exoteric and esoteric is not always absolute: truth exoteric in one context can be esoteric in another. There is more than one level of esoteric truth; the result is partial disclosure and concealment.

According to Reines, in order to discover Maimonides' view on the concealed meaning of the Scriptures, the esoteric level should be penetrated and correct understanding of certain key scriptural phrases relating to prophecy written in the language of multiple significance. The Scriptural parables constructed appear as introductions to various individual prophecies or attributions ascribing prophecy to the source. These phrases are classified as: introduced by the phrases 'And the word of God came to me'; with no formal introductory phrase prefaced, the prophet suddenly hears; prophesizing what the human being is said to speak to the prophet; prophecies in which God is said to speak to the prophet.

Maimonides seems reluctant to speak in positive terms about Mosaic prophecy. In fact, he would rather not speak of it at all: 'Everything I say concerning prophecy in the chapters of this treatise refers only to the form of prophecy experienced by all prophets before and after Moses; as far as for the prophecy of Moses, I will not speak even a single word, neither expressly, nor by allusion, because, in my view, the term prophecy is applied to Moses and other men equivocally.' Yet the philosopher refers frequently to Moses, the essential explanation being that the prophet did not employ imagination in his prophesizing. ("Moses our Master ... hear Him from above")

The problem of communicating providential knowledge is as complicated as its acquisition by Moses, who alone received it from God. Moses resembles the philosophers whose imaginative faculty remains unaffected by the divine overflow; but he is ranked above philosophers. As in the ranking of prophecy, there are stages in the relation between philosophy and prophecy, the domains of human activities; the latter depend on the way one assesses the function of imaginative faculty.

The ontological significance of Mosaic prophecy lies, according to Gruenwald 1991: 156, in the direction to which it points at what is beyond. Maimonides' theory of prophecy plays an integral role in establishing the following thesis: it is the literal / imaginative meaning of the Torah that conflicts with metaphysics and science. It is within the theory of prophecy that the dispute between philosophy and law, the latter being the most positive of the former, takes place (Gruenwald 1991: 148).

For Maimonides Mosaic Law is the apex of prophetic activity, which is normative action (Gruenwald 1991: 149). Beyond Maimonides' effort to harmonize the cognitive contents of philosophy and prophecy one may detect a disturbing tension as there is no perfect congruence between the two (Guttman, *Philosophies of Judaism* 1964: 172f, referred to in Gruenwald quoted above).

Maimonides elevated the prophecy of Moses above all other prophetic phenomena. It would have been otherwise not possible to proclaim the superiority of his own religion. This is what the epigraphic fragment from *GP* implies. The purpose of prophecy being legislation, perfect legislation requires prophetic inspiration and all other activities are subordinated to the former. Since the prophet is an inspired philosopher, he acts as a law giver. Prophecy as a mode of cognition equals in its intellectual efficacy that of philosophy.

For Maimonides both philosophy and prophecy are means of attaining the highest truth, 'the acquisition of rational virtues... which teach opinions concerning divine things.' (*GP* 3:54, also 3:27). The philosopher makes great efforts to expose the philosophic dimensions of prophecy, in an effort to reconcile the two. Maimonides' practical efforts exceed his theory (in fact, we know that the two went together in his life, he offered Judaism the *Mishneh Torah* and the *Thirteen principles*).

The levels of human perfection discussed in the final chapter of *GP* III 54 give Maimonides' answer to the question of the goal of human life: ultimate salvation, if ever attained in a lifetime may be granted to the superior individual who, in their turn, are to impart knowledge in ways understandable to those who have not yet had access to what was revealed to the former.

Maimonides might have wanted to imply that this is the only joy-bringing activity reserved to the human being, living rather at the foot of the mountain which Moses ascended. This might also point, as Gruenwald suggests, to the philosopher's quest beyond prophecy.

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THE REFORMING IDEOLOGIES AS PARADIGM AND POLITICAL STAKE¹

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Abstract. *Political philosophy continuously floods the personal and political ideologies, the scientific and epistemological ideologies, within the same limits of the discourse, concerning the new personal and group identities, approaching the topic “us and society”, but also “us within society”, to a more or less similar extent. Reforming ideologies are new sources of political identity, inciting to new language games and new identities. Nowadays, political identity represents an ethical stake, more than a mere message, while the discourse is the image, the “weapon”, the source and, at the same time, the dignifying foundation of the self. The reforming ideologies represent a contemporary phenomenon, possibly to unfold into a project. The interest for these reforming ideologies is indebted to the potential of democratic deepening and renewal, the starting point for the present study, too. I consider as reforming ideologies the ironist liberalism of Richard Rorty, feminism, ecologism, discourse theory of Ernesto Laclau and Chantal Mouffe, neohumanism, which I interpret around the discussion regarding post-subjectivity, in relation with the ideas sustained by Calvin O. Schrag and others, as well as neoanarchism capitalized by Simon Critchley. They reform ideologies with a particular status in relation to the specifications of the specialized literature concerning the traditional ideologies, because — as I emphasized in the phrasing “reforming ideologies” — they are closely “fed” by a contemporary political philosophy commenting upon the reforming of the democratic and liberal contemporary societies and because they do not entertain among their aims, first of all, the conquering of the political power as traditional ideologies do.*

Keywords: *ideology, reform, ironist liberalism, feminism, ecologism, discourse theory, neohumanism, neoanarchism, democratic culture, Richard Rorty, Ernesto Laclau, Chantal Mouffe, Calvin O. Schrag, Simon Critchley, Carole Pateman, Anne Phillips, Mihaela Miroiu*

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¹ This study is a preview for the book *Ideologiile reformatoare*, by Henrieta Anișoara Șerban, turned in at Editura Lumen, Jassy, by the end of September 2009.

Introduction

The manner of understanding and interpreting the concept of political ideology has varied significantly both in modernity and in postmodernity. These variations that are registered in the literature are important only for the contextualization of the discussion on reforming ideologies. I have approached here as reforming ideologies mainly the discourse theory of Ernesto Laclau and Chantal Mouffe, the ironist liberalism of Richard Rorty, or the liberal utopia as called also by Ernesto Laclau, feminism/s, ecologism, neohumanism, developed “around” and in relation with neo – and post-subjectivity, capitalizing on the ideas of sustained by Calvin O. Schrag, and neoanarchism, as presented by Simon Critchley. These reforming ideologies entertain a particular nature in comparison to the classical ideologies, because on the one hand they are closely “nurtured” by a contemporary political philosophy commenting on the reform of the liberal and democratic contemporary societies, and, on the other hand, they do not have among their aims mainly the conquest of political power as the traditional ideologies do. Their aim and main characteristic is to represent a project, that has to be legitimated for their efficiency, but it does not have to be a project claiming, securing or enhancing political power — but just an empowering project.

The method of this study is correlated with the idea of transversality within philosophical investigation proposed by Calvin O. Schrag. While this methodological approach is worth a separate and detailed study, the orientation of this investigation is captured by the following quote: “The use of the concept/metaphor of transversality in all these approaches shows that the meanings are correlated, existing along, extended above, intersecting, meeting and converging without arriving at coincidences. By the complex use of the borrowings and conjugations, by the metaphoric game of the reconfiguration, diverse disciplines come to correlate the meanings of transversality to understand and explain the geometrical space, the events of nature, the anatomic structures, the physiological processes, the human behavior, and the cultural and historical configurations. Thus the transversality conceived generally opens widely a window to the world of thought and action.”² In this respect transversality provides a fertile methodological conceptualization for the correlation of the notion and perspectives engaged by this study, a scene in motion, adequate for the study of reforming ideologies in a contemporary key.

The limits of research start from the contemporary and postmodern dimension of research. Within the context of the selection of a vast contemporary literature regarding the reforming ideologies, the problematic of political philosophy gains predominance over a technical political science approach. Thus, in a relationship marked by the transversal rationality the discussion of reforming ideology is based on the literature of discourse theory and (post-) pragmatism.

The hypothesis of this research is that these reforming ideologies already go beyond the dimension represented by the “critique of ideology”, provided their

² Calvin O. Schrag, *Resursele raționalității. Un răspuns la provocarea postmodernă*, traducere de Angela Botez și Argentina Firuță, București, Editura Științifică, 1999, p. 229 (my transl.).

paradigmatic character. They are as well a critique of ideology, through the more or less concrete reforming aspects they propose. As a critique of ideology, the benefices brought about by the reforming ideologies presented in this book are rather modest. Paraphrasing a commentary on discourse made by Michel Foucault, all that these reforming ideologies do is to bring people right in front of the door that opens toward their history, and I would add, telling about what could be beyond the door, about what could it mean, creating the context for the attitude to press the door handle without forcing the lock, and without the guarantees that the door would also open. As Richard Rorty noticed, the pragmatist, Saussuriano-Wittgensteiniano-Derridean approach is useful, it might be a trump, but it may not be a guarantee:

“One does not necessarily have to entertain a Saussuriano-Eittgensteiniano-Derridean perspective on the nature of language to clearly and usefully think about politics. One does not necessarily have to be an antiessentialist on the philosophical level to be able to be inventive or useful on the political level”. (...) Even if we, the pragmatists, praise our antiessentialism and antilogocentrism on the basis of its harmony with the practices and the aims of a democratic society, we do not want to claim also that the approval and the application of such doctrines are *necessary* to overcome the social and economic oppression. All in all, many such acts of oppression are so flagrant and obvious, that there is no need for any analytical ability and philosophical self-consciousness to see exactly what is happening. There is no need for any “critical linguistic analysis” to notice, for instance that millions of children from the American ghettos grew up without hope, while the government of the United States was preoccupied to make the rich richer — to ensure the greedy and rapacious middle class that it is the salt of the Earth. (...) For us, pragmatists, the “critique of ideology” represents a strategic weapon, sometimes useful in the social struggle, yet, only one among many.³

The argument of the study is that beyond the dimension of the “critique of ideology”, these reforming ideologies redefine the world. Although there may not be “necessary” to complete a “critical linguistic analysis” to notice, for instance, that “millions of children from the American ghettos grew up without hope”, as explained in the quote above, there is nevertheless the need for a skilled capacity to redefine the world, in order to consider, already in reforming terms, the fact that “millions of children from the American ghettos grew up without hope”, not to mention that new vocabularies are involved in observing, conceiving and formulating, for example, and thanks to feminism as a reforming ideology, that just maybe the little girls from the American ghettos (as well as the girls from Romanian suburbia) might be scarred by even more serious problems than the lack of hopes. Feminism and ironism, as reforming ideologies form the reforming discourse and a political attitude related to the “lack of hopes” — that should not be spoken of as “natural” or inevitable, but as something unjust and something

³ My translation, after the Romanian edition. Richard Rorty, *Eseuri filosofice, Pragmatism și filosofie post-nietzscheană*, vol. II, trad. de Mihaela Căbulea, Bucharest, Editura Univers, 2000, p. 216-217.

that, at least potentially, might be alleviated. One cannot notice the social and political “wrongs” unless they pierce their ways outside the domain of the “obvious facts”, which is also possible due to an ideology, through their discursive articulation and expression, then through the attitude, and political action and, eventually, solidarity.

On the function of paradigm and the political stake

From this pragmatic perspective, the paradigmatic and ironist dimension of the reforming ideologies becomes relevant. In order to clarify as much as possible this aspect, I start from Thomas S. Kuhn⁴, where the term “paradigm” is used in a close connection with the idea of “scientific community.” With Kuhn, one speaks of a scientific community when there are a community of views, a community of telling “examples” commonly shared on the basis of the successful scientific practice, a community of manners to see the world, as through (magnifying) “lenses”, as if cast into a same “matrix”, or “pattern” or “disciplinary matrix”, that is, due to the process of sharing the same “paradigm”. Knowledge advances because of the definitions representing mere examples, but extremely well chosen ones. Thus, in agreement with the descriptive and argumentative line of ideas from Kuhn, there are paradigmatic examples of “swans”, similarly to those in the children books, white “majesties”, fact that does not imply also that all the swans are white, but that a thinking oriented by a defining, paradigmatic, example, is not at all an ill-oriented thinking. Kuhn draws attention to the dangers of an attachment to generalization, to saying more than one actually knows which represents mere carelessness.⁵ At the same time, one has to notice that, in this spirit free from the addiction to generalization, the paradigmatic example does not exhaust the complexity of reality.

In what the reforming ideologies are concerned, the epistemological and paradigmatic approach shows that “paradigm” should be used in relation to a “reforming and ironist political community”. To which end? The ideas presented in this study are paradigmatic examples of contemporary ideologies orienting the thinking, offering exemplary models, a sort of “disciplinary matrix” for the understanding of the world today, but they do not cover entirely the contemporary ideological landscape. Nevertheless, each of these reforming ideologies, in its particular manner, represents a specific critique of the instituted power, each represents a powerful ethical strain related to a specific political vision, and each des-enchants the so-called “natural” case (an aspect, phenomenon or situation), and the so-called natural dimension of reality as a whole through ethical and political interrogations able to constitute themselves as reforming political actions. Each of the reforming ideologies approached in this book proves the potential of political power regained through a paradigmatic manner of looking at the world and at its implicitly or explicitly political matters.

⁴ Thomas S. Kuhn, *Tensiunea esențială*, Bucharest, Editura Științifică și Enciclopedică, 1982, p. 45-46, 325-359.

⁵ *Ibidem*, p. 328.

At the basis of the political importance of the discursive struggles lays the quasi-epistemological potential of the ideologies, which is paradigmatic by its ethical dimension and which is comprehended in the exercise of redescribing the world. The ethical pragmatism involved in the redescription of the world, involves as well the ironist and the paradigmatic dimension, along with the reforming dimension of the ideologies selected and presented in this book as reforming ideologies.

The reforming dimension is, again, pragmatist in nature, but also ironist. Thus, I emphasize the notion of ironism, and the reforming character that hopefully is to bring about a culture of ironism (“the ironist”), their role and place within the landscape of contemporary philosophy and within the context of the reforming ideologies.

Rorty’s ironism is a post-analytical notion created around a certain profile of an individual, an ironist. After Rorty’s definition an “ironist” is “someone who fulfills three conditions: (1) She has radical and continuing doubts about the final vocabulary she currently uses, because she has been impressed by other vocabularies, vocabularies taken as final by people or books she has encountered; (2) she realizes that argument phrased in her present vocabulary can neither underwrite or dissolve these doubts; (3) insofar as she philosophizes about her situation, she does not think that her vocabulary is closer to reality than others, that is in touch with a power not herself. Ironists who are inclined to philosophize see choice between vocabularies made neither within a neutral and universal metavocabulary nor by an attempt to fight one’s way past appearances to the real, but simply by playing the new off against the old.”⁶ So ironist enjoys creatively other vocabularies as a continuous inspiration to their own vocabulary, continuously “under construction”. An ironist is still a philosopher either by training or by orientation, but not an analytic philosopher and, more precisely, not a “metaphysician”, that is, not someone who considers that “any term in his vocabulary has as correspondent something of a *real* essence”. Both intellectual types have in common the desire to know, but this has different manifestations and outcomes, in the case of the ironist and in that of the metaphysician. For the ironist the desire to know is not oriented to a unique and final vocabulary in the detriment of the others.

To understand different vocabularies is to open you, oneself, to alterity and to the contextualism and historicism of somebody else. Always something remains postponed, to be understood latter and always something awakens in us as we encounter through (or behind?) vocabularies the complex ethical and almost religious experience of suffering and humiliation.

These elements characteristic for ironism were ignored, assimilated with a fuzzy idea of irony. But the Rortian irony is derived from the Rortian anti-essentialism and it should be understood from the anti-essentialist perspective. The particularities, the nuances and the political meanings of the Rortian irony

⁶ Rorty, R., *Private Irony and Liberal Hope*, in Walter Brogan, James Risser (eds.), *American Continental Philosophy. A Reader*, Bloomington and Indianapolis, Indiana University Press, 2000, p. 46.

were overlooked. Rorty sees “irony” rather as a kind of self-irony, as a type of severity oriented first of all toward personal cultural, discursive and ideological stereotypes, as well as against cruelty, be it in acts, or actions, discourse, or ideology, institutional rules, laws, etc.

Through the Rortian ironism one “gets” liberalism for use, one step farther from the predominantly discursive liberalism. The liberalism of the ironist does not stay in devotion for certain chosen words, but in her capacity to capture the social and political role by the numerous sets of words embraced by people at certain times. Yet, Rorty is critical in relation to his own approach and discusses the problematic aspects. On the one hand, nowadays, liberal hope seems to have lost part of its force with the weakening of the discursive force and of the political attention for human equality. The tension between the solidarity, which is possible from the perspective of liberal hope of personal worth and self-fulfillment, and the accomplishment of social equality are not easily overcome by the ironist attitude. At the same time, the aim of self-fulfillment induces competitiveness, an aspect silently overlooked by the author. Rorty only attempts to bring the solution to this problem by a nuance of the public-private separation debate. With this observation one understands that ironism is but liberalism in use.

According to Rorty, hope must belong to the public sphere, so it has to be similar to social-democratic hope, while the irony — actually, a sort of self-irony — passes into the private sphere. At a discursive level, Rorty explains this tension, this difficulty, by the sheer impossibility to understand just any vocabulary possible, consequently impeding the accomplishment of a solidarity based on ironism. Rorty states that someone might at least make plausible this tension, saying that there is a primary tension between the idea that human organization follows human equality and the idea that human beings are embodied vocabularies.

This is the reason why this author attempts a meta-discursive over passing of this tension (yet, not a metaphysical one), considering that a non-linguistic ability, the ability to feel the pain, is extremely important, and the differences of vocabulary are much less important for all human beings. Thus, Rorty discovers a profoundly (both non-linguistic and non-metaphysical) universalism. He defends the idea that we all have the paramount duty to diminish cruelty, rendering all human beings equal in what concerns the responsibility in front of sufferance, taking for granted that there is *something* special within the human beings, something worth respect and protection, even independently of the language they speak. Here there is a completing via complementarities of the host of extremely abstract perspectives describing humans and human nature.

Therefore, Rorty attempts to somehow pass beyond an abstract ironism. He does not limit ironism to vocabulary, but he enlarges a theoretical opening to see the concrete human pains that have the role of bases for the diverse human vocabularies. For this reason human beings are more than some de-centered wishes and beliefs and more than sentencing attitudes, they are real as pain is. Solidarity becomes possible because it is not envisioned as solidarity with all the possible vocabularies, but as solidarity founded on more than experienced pain: solidarity based on the fear of pain and humiliation. This is what makes women

to be sister like and mother like, and men, brother like and father like. Solidarity develops this resource of solidarity of the human nature and here lays the vital force of ironism as reforming ideology. Paradoxically, ironist solidarity triggers a universal ethics and a “real essence” of humanity with a non-linguistic fundament.

Another reforming aspect for thought and social and political practice within liberal society is the particular view on the drastic separation of the public-private spheres, emphasizing the imperatives that are common to the two spheres, represented by the self-realization of the person and human solidarity, as equivalent imperatives in what concerns their validity and also incommensurable, in what concerns their importance for the individual and for society, equally. The ironist is sensitive to the particularity of *her* perspective (feminine, woman like, feminist, any of these or all together?) over the world, life, society, politics, economy, etc., and to the fact that her perspective is as well a liberal perspective. Here I have to notice that Rorty defines a special type of “liberal”, and that he expresses the major influence of the definition proposed by Judith Shklar, and its major importance, by which the liberals are the individuals considering cruelty the worse thing one can do (and living by this belief).

Thus, considering the commentaries already expressed, the ironist is clearly conscious of the contingency of her central ideas that she does not situate anymore, as other characters, beyond the play of times and happening, even when it is about the hope that sufferance is to be ameliorated with time, or when it is about the hope that the humiliation of the human beings by the human beings could stop. Around these objectives, described by Rorty as “tragically contingent” is woven the contemporary post-metaphysical culture, with its important ethical, social and political dimensions.

But which are the deficiencies of the “liberal utopia” proposed by Rorty? Ernesto Laclau identifies some and proposes their correction by the re-inscribing of this utopia within the larger frame of “radical democracy”. This approach emphasizes even more the reforming aspect of this ideological enterprise initiated by Rorty and nuanced by Laclau.

We find ourselves in a post-metaphysical context marked by the vision of the “contingency of language” and of the “contingency of the self”. For both authors, Rorty and Laclau, the following idea seems definitely defining: “Interesting philosophy is rarely an examination of the pros and cons of a thesis. Usually it is, explicitly or implicitly, a contest between an entrenched vocabulary which has become a nuisance and a half-formed new vocabulary, which vaguely promises great things”.⁷

From this perspective of the “interesting philosophy”, liberalism and the liberal society are re-positioned, outside the opposition rational/irrational, while the question of validity becomes an open and conversational one. Laclau notices that only a society of taboos imposed to everyone and accepted by all accompanied by a rigid delimitation of the order of subjects could avoid the conversational order of the subjects. Also all these would be strictly incompatible with

⁷ R. Rorty, *Contingency, Irony and Solidarity*, Cambridge, Cambridge University Press, 1989, p. 9.

liberalism.⁸ At Rorty liberalism is in an antithetical relation to foundationalism (and rationalism).

Yet, for Rorty, liberalism is not in a state of moral and intellectual bankruptcy (Horkheimer and Adorno, *Dialectic of Enlightenment*). The ironic thought becomes a substitute of rationalism to preserve liberalism faithful to “its own image”.

To this end, Laclau emphasizes a fragment of extremely important Rortian text referring to the substitution of the protest of those people within society who were alienated by the revolutionary and the strong poet⁹ (by liberalism) that seems to cancel the difference between the revolutionary and the reforming character. But the author emphasizes that, indeed, ideally, liberal society could be defined as one where such difference *is* canceled. An ideal society is considered the one where ideals are fulfilled rather by persuasion than by force, rather through reform than through revolution, by free and open confrontation between the current linguistics and other practices (both linguistic and discursive) with suggestions for new practices.

With these remarks, both Laclau and Rorty affirm that liberal society has no other aim outside the pursuit and realization of freedom, and the monitorization of the confrontation between persuasion and force, reform and revolution, new and old, and respect the result. The purpose of the liberal society is not to ease the life of reformers (or revolutionaries) who, in exchange, make harder the life of all others in society; but, through words and not deeds. Liberal society recognizes as Heroes the strong poet (that is, the reformer) and the revolutionary.¹⁰

The Scope of Reforming Ideologies

One may notice, the inter-relationships among the reforming ideologies presented beyond a neo-Marxism “plunged in discursivity”. Noticing this inter-relationships one notices the characteristic contour of the elements sustaining the ironist and paradigmatic character of the reforming ideologies. Thus, discourse theory argues that each historical block is hegemonically constituted, through discursive practices including regularities in the dispersion and in the articulation of the communicational elements, determined by the manifestation of certain forms of over determination, that concentrate on the instituted power or on the diverse forms of resistance against this power. In other words, power is pragmatically constituted and it is internal to the social, at the same time as power is never *foundational*.¹¹ Discourse theory changes the perspective over the modern and reforming “class struggle”, multiplied in a plurality of discursive struggles. It represents a creative capitalization on the concept of hegemony.

⁸ E. Laclau, *op.cit.*, p. 109.

⁹ Jacob Torfing defines the “strong poet” as “someone who affirms the indecidability and contingency of the world and uses these to (her) political advantage, aiming to imagining and accomplishing a host of new political projects carrying with them the promise of an even deeper future emancipation”. In: Jacob Torfing, *New Theories of Discourse: Laclau, Mouffe and Zizek*, Oxford, Blackwell, 1999, p. 306. Better known for the phrase is the less political Harold Bloom who distinguishes between the “strong poets” brave enough to dare redescribe the say of their forerunners and the “weak” who reiterate old ideas, almost as in a doctrinary submission.

¹⁰ R. Rorty, *op. cit.*, p. 60-61.

¹¹ E. Laclau și Chantal Mouffe, *Hegemony and Socialist Strategy*, a 2-a ediție, Londra, Verso, 2001, p. 142.

Ernesto Laclau and Chantal Mouffe position this concept as a complex strategic move, imposed by the necessary negotiation among discursive mutually contradictory moves.¹² The domain of the concept of hegemony, in discourse theory, is dominated by the category of articulation of different ideological elements whose identity could be identified separately. The articulation of the ideological elements is rather a practice than a label for a specific relational complex. The ideological elements involved in articulation are parts of incomplete structural totalities. And the contradiction and antagonism are at the core of this articulation.

Within discursive theory, we understand by society diverse social orders, contingent and uncompleted, emphasizing the contingent character of the relationships among the elements, affirming at the same time also the precarious character of any identity given that its elements cannot be absolutely fixed, *ad litteram*, but merely “articulated”. The articulatory practice constitutes and organizes social relations. From this perspective, the increasing complexity and fragmentation of contemporary societies proves their structure around a fundamental asymmetry between the proliferation of differences, as a surplus of signification of the “social”, and the discursive difficulty in fixing the differences as moments of a stable articulatory practice.¹³

For Ernesto Laclau and Chantal Mouffe, hegemony is a practice whose power play relies on the articulatory practice as a management of the proliferation of differences as well as in the approach conducted by Žižek via Lacan. Žižek uses to this end the category of “phantasy” which has many similarities with the attempt to emphasize the “empty signifiers”, involved in the critical analysis of ideology at Laclau and Mouffe. This way, the force of the ideological resistance and critique of the discursive theory as reforming ideology are fully expressed in the plurality of discursive struggles, in the practice of articulation and antagonism, with ethical dimensions. These are correlated with the discursive positioning emphasizing contingency; confronting and expressing the “lack” within the symbolical order of the Other, approach fully expressed, in my view, in ironism.

Using Richard Rorty’s terminology, power cannot ever totally constitute itself outside the actions of re-description, which are ideological and reforming approaches by their very “nature”. The exercise of re-description is central to political action as well in feminism (and within the diverse feminisms), as in ecologism. As a reforming ideology, feminism entertains at its core feminist dissent. Also, dissent became an accepted and privileged form of manifestation for the individual subjectivity, on the one hand, as a legitimate foundation for political action, and, on the other hand, as a concretization of the human rights, within the present-day perspectives.

Feminism, as well as ecologism, is part of a contemporary process of “subjectivation”, as phrased by Michel Foucault, process by which people can

¹² Ernesto Laclau, Chantal Mouffe, *Hegemony and Socialist Strategy*, 2nd edition, London, Verso, 2001, p. 93.

¹³ *Ibidem*.

problematize the power relationships they engage, in a specific historical context. What is apparently “natural” and, thus, something “a-politic” — for women, the status of second rank citizens is naturalized — and it is, with Foucault, to be exposed to contestation, becoming a combat discourse in the generalized discursive struggle (Laclau and Mouffe) and, potentially an ironist project (Rorty).

The feminist thought-action “enterprise” shows the importance of the individual initiative, as well as the importance of the individual effort in promoting more democratic and more liberal (in Rortian terms) politics, these representing both the core and the legitimacy of the contesting approaches. Somewhat more radical than the illuminist feminism, the host of feminisms envision not only a strictly social and political emancipation of women, but also the recognition and the effectiveness of women’s rights, everywhere, even in the private space, and within the family — where a woman could enjoy intimacy (“a room of her own”, as mentioned necessary by Virginia Wolf), a territory of creation and individual manifestation — emancipation in relationship to the roles prescribed traditionally in society (giving birth to children, feeding, caring and educating children, caring and feeding the family, house care and house maintenance), security and respect in the public sphere, in the economic sphere (and, as I mentioned, in the private one, too). Feminisms are efforts of redescription; they rethink the public space and the private one, the distinction between them, the entire democratic theory, to fulfill the desiderate “all different, all equal”, through a revolution not at all “bloody,” to which men are invited to take part and one of them already do. Truly radical, other feminisms plead for a society exclusively for women, opposed to the society of men and oriented against the masculinism of the patriarchal and traditionalist world.

Recently, two Romanian studies investigate a forgotten century of Romanian feminism. They are the following: *Emanciparea femeii române. Antologie de texte/The Emancipation of the Romanian Woman. An Anthology of Texts*, Vol. I, 1815-1918, edited by Ștefania Mihăilescu, at Editura Ecumenică, in 2001, and *Din istoria feminismului românesc. 1838-1929/From the History of Romanian Feminism* edited by Ștefania Mihăilescu at Jassy, Editura Polirom, published in 2002. These works show that the idea of the equality between the sexes that we have taken for granted during communism was present in the Romanian society even from the beginning of the 19th century and the act of reforming redescription should capitalize such works.

Underneath an ideologically promoted appearance of equality — during communism — the abusive old mentality has survived and flourished. The feminist “fight” was never considered a legitimate “communist fight” to the extent that it was never mentioned. The volumes offer this “absent” knowledge of feminist documents and movements, yet to be recuperated from beneath the veil of silence and forgetfulness. In general, from these documents we understand that Romanian feminism has developed itself as part of the generous philosophy of human rights and equality brought about by Enlightenment.¹⁴

¹⁴ Thus we find out also how many were the “serious” feminist journals of the period investigated such as: “Lumea nouă literară și științifică” (“The New Literary and Scientific World”), “Drepturile femeii” (“Woman’s Rights”), “Femeia română” (“Romanian Woman”), “Unirea femeii române” (“The Union of the Romanian

The legal and financial rights of the Romanian woman are put in relation with the ridiculous idea of “the dependence of the woman”. This idea is still relevant in the writings of Carole Pateman. She also interprets as degrading the fact that women are often forced by the economic, social, political and cultural traditions, not to earn enough as to be independent. Only a financially independent woman could challenge the sexual contract that she has unwillingly inherited. Maria Flechtenmacher and Adela Xenopol are unknown predecessors (unknown even for the public of Romanian educated women) of Carole Pateman, in this sense. Many of their arguments go to support the actual idea that “the force is suffocating the right”.

Sofia Nădejde — maybe the most radical of the Romanian feminists in the period investigated — was tackling the sexism based on “biologism” — on the idea that women are the prisoners of their (strange) biology (an argument that reminds us of Simone de Beauvoir). In this sense there are mentioned interesting writings of this author occasioned by her disputes with Titu Maiorescu, exposing her arguments based on the philosophy of culture and especially on the standpoint of J.S. Mill. In her work *Noua societate (The New Society)*, she is also writing about the necessary reforms for an accelerated modernization of the Romanian society, context in which she considers as most important role of the educated women societies. She speaks about the necessity of a “moral betterment” that could be accomplished through concrete, financial, economic, juridical and political reforms and that, in turn would most certainly lead to the moral betterment of the society as a whole. Emilia Humpel, a teacher, Titu Maiorescu’s sister, spoke of the bleakness of the present, expressing her skepticism in relation to success of the necessary legislative and economic in creating a society more sensitive and more supportive in what concerns the women’s rights as independent individual, both within her family and outside its limits. Nelli Cornea has published, among others, the article entitled “*What Is Feminism?*” That depicts, through literary examples, the fuzzy identity of the Romanian woman, pleading for the free development of the woman as individual, again a very actual topic in contemporary feminism. Cornelia Emilian reminds the reader of Mary Wollstonecraft — *A Vindication of the Woman’s Rights*, 1792 — in her argument for the access at culture for women, accordingly to their inner “dispositions”.

The reaction to feminism and feminist problematic involved “*Curierul de ambe sexe*” (the “*Journal for both sexes*”) names like I. Heliade Rădulescu (who considered that the woman is, even linguistically, the keeper of the national spirit), or C.A. Rosetti (who argued that inequality comes “naturally” with civilization like a symbol of the pathetic and moralist masculinism).

Woman”), “*Familia*” (“*The Family*”), “*Dochia*”. The characteristics of the Romanian Enlightenment were complemented by cosmopolitanism and humanism (a deep knowledge of foreign languages, history and of the current European models of modern development). The tradition of “*Calimachi Code*” — stating the equality between the sexes — was retrieved, too. We are reminded of Sofia Cristoscoleu and Sofia Nădejde as bright figures of feminists, promoting their contemporary European models of feminism in Romania and of Cornelia Emilian, as a promoter of the American model of feminism, around the year 1887. We notice that even the term “*feminism*” was bravely used in Romania so early in the Romanian history of feminism, along with the identification of a problematic sphere.

Contemporary perspectives on human rights and women's rights concentrate on the affirmation of the human rights on their adaptation to the realities of the human contemporary societies. In Ronald Dworkin's terms, there is an increased interest to allow human rights to function as "trumps".¹⁵ From the perspective opened by feminisms, human rights should become less generic and serve both the interests of the individuals and the to the fulfillment of their own (personal, cultural, economic, political, gender) responsibilities attached to the "positions" specifying the coordinates of the citizen identity.

Ecologism as reforming ideology is in dialogue with a certain type of Rortian and American liberalism, a particular type of socialism, influenced and informed by the critical theory, most of feminisms and even by anarchism.

In other words, the feminist and the ecologist are particular, postmodern redescrptions of the world; paradigmatic examples of ironists. In turn, the ironist is a paradigmatic example for the new ethical subjectivity, around which we argued that a new humanism is structured, deeper engaged in the sense of the orientation toward reforms initiated in the associational and philosophical environment to the political one, but without an essentialist accent on reason and on the essentialism of the human being, but, on the contrary, on its contingent character. The ironist is a type of new human being, one not essentialized, but contingent.

Neohumanism is paradigmatically ironist through its orientation against the alienation brought along by the extreme individualism, and this structuring around neosubjectivity, within the pragmatist context of deposing the central role of the reason, and the latter, should be considered at its turn in the contexts of the linguistic, pragmatic and corporeal turns. In order to delimit this position from the "strong" analyses on humanism, one may redescrbe neohumanism through its liberal ironist characteristic of orientation against cruelty and toward hope and faith (be this faith of a particular type, not-classical, diffuse, Buddhist or *new age*) as absolutely necessary ingredients for human self-autentification through human creativity. Thus, in an ironist key, the Self is the first and the very own work of art of the neohumanist.

With this last observation especially, one may decipher also the transversal realigning among neohumanism, ironism and neoanarchism. Emma Goldman, in her work *Anarchism and Other Essays*, in the first chapter of the work already presented anarchism as a "life force of all the aspects of our lives", generating the conditions for the social reconstruction through the "spirit of revolt, in any form, and against anything limiting human development. All the anarchists agree with these, as all agree with the opposition they manifest against the mechanisms of politics, as means to provoke the great social change". Anarchism clearly starts from the ironist rejection of the "old vocabularies" and not from the violence for the sake of violence.

Although Critchley prefers to mention *en passant* the ironist as an example for the immoral type, his active nihilist is precisely an ironist. According to Critchley, "the implications for action (the enterprise of the ironist — my note)

¹⁵ Ronald Dworkin, *Taking Rights Seriously*, Cambridge, Harvard University Press, 1977.

are held at a safe ironic distance rather than becoming internal to the dispositions of moral selfhood. It is a case of excessively weak approval. But this opens onto a more far-reaching objection, that of the immoralist who might approve of statements such as 'make poverty history' or 'famine relief is essential', but do nothing about them".¹⁶ This position adopted by Critchley is weird, since the ironist looks at the world with a special sensitivity for the sufferance of the other human beings, manifested as well discursively as in actions, sensitivity that becomes a basis for solidarity, so it cannot be manifested from I do not know what "safe ironic distance". The ironist is not ironic. At best she is self-ironic. With Rorty, the only luxury "distance" that the ironist allows herself is that necessary for self-accomplishment, for creation, a preoccupation that makes the active nihilist described by Critchley an even less realistic figure than the utopian figure of the ironist of Rorty.

Similarly, from my perspective, is extremely difficult to suppose that there is a real disposition for solidarity that does not imply as well a disposition for the ethical action. In my opinion, the active nihilist, as an ethical and reforming character is but an ironist version, and the politics of resistance conducted by the active nihilist is not at all very far from the politics of resistance to the old metaphysical meanings, led by the ironist. Redescription is in fact a politics of solidarity, constructive and reforming, a politics of ethical commitment, also in agreement with the generative ideological frames drawn by the feminisms and ecologism.

Briefly, without aiming especially to the conquest of political power, reforming political ideologies represent a challenge to political power through these reforming acts of redescription. Reforming political ideologies re-link political conceptualization and political discursiveness, political meaning and political action — a sort of long beam sent by the ethical glance on political philosophy. The ironist paradigmatic character of the reforming political ideologies, in spite of their significant diversity, might be concentrated in a reforming approach through the redescription and in an ethical approach through the refusal of cruelty in imposing new vocabularies, as sources of solidarity and self-accomplishment. Especially through their ironist paradigmatic character, reforming political ideologies represent a "politics of resistance", an "ethics of commitment" (Simon Critchley) and a "fitting response", (Calvin O. Schrag) against the contemporary political realities.

Reforming ideologies represent each at its turn, an indication for the permeability of the border among political philosophy, ideology and the social and political practice, for the ideological character of knowledge and for the paradigmatic character of ideologies. In this respect, but not only, reforming ideologies are neither just sterile theories, nor merely empty dreams.

They are theories and ideals that can be implemented to work, within the context of the open democratic culture. They have a democratizing role to the extent where they become a social and political, nuanced and sustained, practice. Thus, reforming ideologies describe a diverse and complex landscape, of the confluence of "soft" ideologies where the paradigmatic, educational and cultural stake transcends the play of power.

¹⁶ S. Critchley, *Infinitely Demanding*, London, Verso, 2007, p. 19.

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RECONNECTING THEORIES OF LANGUAGE PRAGMATICS AND CRITIQUES ON LOGOCENTRIC METHODOLOGICAL APPROACHES TO MEDIA DISCOURSE ANALYSIS

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Abstract. *Amidst the wealth of literature on text and discourse analysis it has become rather difficult to see the forest for the trees. This article attempts to reconnect concerns raised in journalism studies about the perceived logocentric approach to media discourse analysis by some critical discourse analysts with similar criticism originating in the field of Linguistic Pragmatics. At the same time it fulfils a pedagogical function in answering concrete requests from colleagues and students to propose a methodological framework for examining ideology in media discourse. While the paper argues against employing ready-made 'models' for text analysis, it proposes a methodological framework listing a number of ideologically invested discursive strategies operating at several levels of structural adaptability. Given the major role of contextual factors on the synchronic and diachronic axes as well as on the production and reception side in meaning generation processes, the article argues for an issue-oriented, multidisciplinary and collaborative approach to discourse analysis.*

Keywords: *ideology, language pragmatics, critical discourse analysis, media discourse, discursive strategies, contextualization, methodological framework*

A wealth of academic papers and books have been published on theoretical and methodological issues involved in the analysis of texts and discursive acts in various disciplines of the human sciences, such as Linguistics, Communication Studies, Sociology, Cognitive Psychology and Political Science. Over the last few decades interests from some scholars in these fields have converged on the role of institutional and organizational discourse in society. This commonality of interest has paved the way for a certain degree of interdisciplinary cross-fertilization. There has been the 'linguistic turn' in communication studies and conversely, modern linguistic theory has also acknowledged the need to take into account

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contextual factors in the production and interpretation processes of communicative acts. Literature on text and discourse analysis abounds to such an extent that in the process of theorizing, making claims and counterclaims, revisiting earlier traditions, proposing new approaches it has become rather difficult to see the forest for the trees. The aim of this paper is not to further engage in the theoretical debate between various research traditions about the conception of discourse and its social role, nor to give a survey of studies on media language. The article wants to propose a methodological framework for examining ideology in communicative acts, such as media discourse, by bringing together complementary insights, concerns and proposals from diverse research corners. At the same time, providing tools for empirical research contributes to answering the ontical deficit in works on discourse theory (Lams, 2008:75).

Three reasons underlie the genesis of this article. Firstly, it tries to reconnect concerns raised in journalism studies about the perceived logocentric approach adopted by some researchers in the 'tradition' of Critical Discourse Analysis (CDA) with similar criticism originating from the field of Linguistic Pragmatics. In using labels for these 'traditions', a first caveat has to be made. By using acronyms, such as CDA, researchers themselves are trapped in the discursive strategy of reification, since these fields tend to be so diverse that no general claims can be made (Verschuere, 2001:61). In recent literature about language and media it is argued that the emphasis in CDA has been too much on the textual product rather than the journalistic processes involved (Blommaert, 2005; Carvalho, 2008; Richardson, 2008; Philo, 2007; NewsTalk & Text (2009); Widdowson, 95; 2007). By the same token and despite the 'linguistic turn' in Communication Science, studies employing CDA methods have been criticized within the fields of Communication and Political Sciences for assigning a primary role to language as a medium of social control and power and supplying political and ideological insights in communicative processes (Jones & Collins, 2006). But one of the earliest critiques was formulated within the field of Language Pragmatics. Verschueren (85) argued that linguistic work on the media was "not sufficiently contextualized, ignorant of the structural and functional properties of the news gathering and reporting process" (85:vii). The article aims to demonstrate how theoretical and methodological insights from Pragmatics can, at least partly, offer an answer to this re-emerged concern within journalism studies. Since the core of pragmatic theory involves attributing a central role to 'context' in the analysis of meaning generation, it argues for a more encompassing approach to text analysis than a purely text and product-based approach, as has at times been the case in some CDA studies.¹ As Verschueren pointed out in 2001, "If critical approaches to

¹ It has to be acknowledged that the target of criticism in Verschueren (2001), Norman Fairclough, also warned against the traps of looking only at the text rather than contextual matters. In the conviction that the analyst should avoid treating particular discursive events/text in isolation from orders of discourse and the wider social fields and processes they are embedded within, he argued against the emphasis upon 'text as product' in the Critical Linguistics tradition pioneered by Fowler (Fairclough, 89, 98). Yet, also Fowler himself noted explicitly that discourse occurs in social settings (of production and consumption), and the construction of discourse "relates systematically and predictably to [these] contextual circumstances" (Fowler, 91:36). Some of the criticism therefore seems to be leveled against the methodological applications rather than theoretical claims made by these researchers.

language use in the context of social practices fail to be convincing as a result of a lack of theoretical and methodological rigour (e.g. by ‘forgetting’ contexts, as illustrated by Blommaert in this volume), they destroy their own *raison d’être* and make the task all the more difficult for anyone who does observe the basic rule of documentation, argumentation and explicit presentation” (2001:60).

This paper therefore aims to bring together the common concerns proposed in Verschueren (1985, 2000, 2001), the more recent works on media text analysis defending the contextual dimension (Blommaert, 2005; Carvalho, 2008; Richardson, 2008; Philo, 2007, *NewsTalk & Text*, 2009), and the study of communication arguing for a political analysis rather than a critical discourse analysis (Jones & Collins, 2006). Blommaert (2005) treats contextualization as a key issue in meaning making. Given that news texts are the outcome of a series of discursive processes, he argues that the full meaning of a news text will never be “fully tapped by deploying the rules of linguistic analysis” alone (2005:235).

A second motivation for this article is of a pedagogical nature. Colleagues and students alike have often asked me to provide them with a ready-made ‘model’ to do text analysis. Time and again I have had to reply no clear-cut model can address the uniqueness and complexity of texts and their contexts. Methodologically, it would not be correct to impose an artificial ‘model’ on a text, speech or any communicative act, as a study of communicative acts cannot separate linguistic structures from their context and the wider communicative processes they are involved in and contribute to. As Jones and Collins (2006) argue, “there is simply no method or procedure of discourse analysis to be applied short of this process of deciding what words mean in the course of interpretatively reconstructing an entire action or event to which the words contribute.” (2006:42).

An analysis of communicative processes and strategies, therefore, requires a “detailed empirical investigation of the relevant event in all its complexity” (ibid). This is why I propose an interdisciplinary approach in combining conscientious empirical examination of contextual factors of the communicative event, knowledge of the sphere in which the communicative act evolves (e.g. journalistic practices, political communication), with a rigorous textual analysis, which takes into account there are no stable form-function relationships (Verschueren, 2000) and which does not attempt to systematize tendencies by falling into the trap of formalistic applications of descriptive classifications. As Vološinov (73) (cited in Jones and Collins, 2006: 42-43) put it, “the task of understanding does not basically amount to recognizing the form used, but rather to understanding it in a particular, concrete context, to understanding its meaning in a particular utterance, i.e. it amounts to understanding its novelty and not to recognizing its identity” (73:68).

Living features of communicative practices cannot be fitted “into stable and repeatable forms and figures detectable on the linguistic radar” (Jones and Collins, 2006:41). Therefore, the analyst of communicative practices has to be wary of reducing a “dialectically developing system of transitions between thinking, communication and action” (ibid), to a “fictional stasis” (Thompson, 78:262) (in Jones and Collins, ibid). A similar argument is put forward in the pragmatic

approach to discourse analysis as follows, “the fundamental negotiability of language in the process of meaning generation should at all times be the basic guideline” (Verschueren, 2001:79). A meaningful functioning of language involves continuous making of negotiable linguistic choices from a variable range of possibilities. This most important property of language, adaptability or language choice, happens in accordance with pre-existent circumstances, which in turn can also be changed by these language choices. This is how text and context continuously shape each other in a dialectical relation. Since discourses are in a constant state of change and any construction of texts, like for example news stories, is a dynamic process that is not easily fitted into a set pattern, researchers should be cautious when applying generalizing labels to characterize particular discourses.

Yet, while bearing in mind the necessary and inseparable link between structure and context and the dynamic aspect in the form-function relationship, it can still be useful to look for consistency of certain discursive patterns and ideological processes. Risky as an endeavor in labeling fluid and dynamic processes may be, it can provide a practical means to point out some recurrent patterns in communicative practices. In order to find these patterns, a rigorous methodological approach is needed, in which conclusions can only be established scientifically if there is enough variability in the discursive types analyzed, both at horizontal and vertical levels (Verschueren, 2001). The requirement of horizontal diversity (i.e. analyzing various types of discourse: examples in media discourse are hard news, features, editorials) on the one hand, and vertical diversity (analysis of different types of linguistic structure) on the other, thus involves that misguided conclusions based on the specificity of one type of messages or one particular linguistic construction can be prevented. Moreover, any patterns of recurrence (occurrence / omission) should be found across a wide range of data and a counter-screening phase is necessary to detect any meaning constructions that with a certain degree of regularity may be incompatible with the research conclusions. It follows that when putting these guidelines into practice, any researcher should be able to establish similar conclusions, precluding subjectivity of analysis.

To deal with the requirement of vertical diversity, one necessarily needs to check a wide range of linguistic structures. To answer the pedagogical need to help novice analysts who may no longer see the trees for the wood in the abundant literature on discourse analysis, a checklist of linguistic features can be handy to keep in mind when letting the text, speech or communicative act speak to them. This is why, despite the reservations outlined above, this article still ventures into formulating a methodological framework for the analysis of ideological underpinnings in communicative acts by combining research methods employed within Critical Discourse Analysis (e.g. Van Dijk, 98) and Critical Linguistics (e.g. Fowler, 91) with theoretical insights from Language Pragmatics (Verschueren, 99) and rules of engagement for empirical ideology research (Verschueren, 2000). Within the scope of a research paper the level of details in a methodological framework necessarily has to be minimal, but detailed explanation

of analytical tools can be found in larger size publications.² Although it is hardly possible for a short research paper outlining methodology to reach the level of detail and offer examples as provided in these larger volumes, it can within a relatively limited space give the reader a bird's eye view of discursive strategies operating at various levels of structural adaptability. The analyst should, however, keep in mind that ideologically informed processes of thinking cannot just be read off automatically from formal properties of language as identified in linguistic description in the traditions of Critical Linguistics or Hallidayan Systemic-Functional Linguistics, both of which greatly inspired works in CDA.

A third incentive for this study is the wish to facilitate larger-scale collaborative analytical work, while all the same remembering there is no fixed "model" readily available for text analysis. To deal with the lack of longitudinal studies of social and political issues in the media, not only giving a biography of the text, but also addressing the relation between that text and others through a period of time, researchers need to find comparable methods in order to engage in collaborative projects on a larger scale. Such a joint research project could be realized along the diachronic as well as the synchronic axis. As Carvalho (2008) argues, "researchers should take simultaneous discourses into account as comparison contributes to critical analysis" (2008: 164). In order to facilitate such a historical-diachronic as well as a comparative-synchronic analysis, it is imperative that research teams collaborate and employ the same approach, while all the same allowing for and thoroughly examining the different contexts their own objects of investigation are embedded in and contribute to.

Methodological considerations

While the methodological framework proposed here can be applied to analyze any type of discourse, it is especially devised for media discourse analysis. The proliferation of communication facilities has provided better and faster access to world events for more people, thereby helping them to shape meaning. The power of this meaning generation is not to be underestimated especially since democratization processes have forced governments to increasingly take into account public opinion and citizens' aspirations with access to a variety of information sources.

Approaches in the field of Critical Linguistics have been criticized for their neglect of these sociocultural processes by critical discourse analysts who find their strength in a political-interpretative approach. Studies in the CDA tradition generally adopt an explicit socio-political agenda in a concern to discover unequal relations of power which underlie ways of talking in a society (Bell & Garrett, 98). These analysts examine situations where relations of power and inequality are believed to be instantiated in discourse. While drawing on but also reformulating neo-Marxist notions, such as "hegemonic construction" (Gramsci,

² The framework will be further elaborated and detailed in the author's forthcoming monograph on the dynamics of language and ideology in media accounts. For an abundance of empirical examples from the British press, see e.g. Richardson, 2007; Conboy, 2007.

71), discourse theorists and analysts alike argue that hegemonic, powerful articulations in texts are said to (re)produce unequal relations between people.

Yet, even though ideological metalevels are present in all language use and it is therefore impossible for media workers to step out of their cultural environment, ideology cannot be taken as a set preliminary condition of every media text. Some texts tend to be more ideological than others and it is the task of a researcher to reflect upon the ideological nature of every text and examine them within the context of production and interpretation, i.e. the analysis of genres, of media institutions and of the society itself. Thus, the key to text analysis is to gain an understanding of the relationship between the text, the way it has been produced and the social condition within which it is created and interpreted. This is where at least earlier studies of Fairclough are said to have failed (Verschueren, 2001), although theoretically they have also insisted on the necessity of tracing down systematic relations between texts, discursive practices and wider socio-cultural practices (Fairclough, 92).³ It is precisely the dynamics unfolding between text and context which, from a language pragmatic perspective, should form the backbone of an empirical study into ideological meaning generation in texts. It follows that the first step in a textual analysis should be a rigorous examination of the contextual background before tracing the processes of interadaptation between context and structure in actual language use (Verschueren, 2001). This is how Pragmatics distinguishes itself from a purely linguistic theory, which is preoccupied with structural objects or, as Harris would call it, “segregational” linguistics (Harris, 96, cited in Jones and Collins, 2006)⁴ and sociolinguistics, which gives primacy to contextual correlates and tends to be more static in its approach than linguistic pragmatics (Verschueren, 99).

Compared with a content analysis, based on quantitative data, or with a purely critical discourse analysis approach, which easily turns into a ‘hermeneutics of suspicion’ (Scannell, 98), the additional value of a ‘pragmatic’ research strategy on the empirical dimension linking data and theory offers a good point of departure for textual analysis. Quantitative content analysis with numerical information and statistics measures the flow of communication in terms of frequency, number, depth (depending on features such as size, details, prominence (e.g. front-page news) and is indeed an interesting method for examining a larger corpus to show large scale trends in representation systems. It also tends to enjoy a higher esteem concerning scientific value and so-called objective ‘truth’ value. Yet, the problem with numerical information is that it is not always more ‘truth’ reliable than a qualitative text analysis, because it also contains ‘subjective’ elements, such as choice of research project, corpus texts, categories and parameters, interpretations of the figures (McKee, 2003). Figures cannot provide a full view

³ This indeed remains the theoretical departure point in Fairclough’s later work as well (Fairclough, 2003, 2006).

⁴ The essence of segregationalism, as coined by Harris (96) lies in the attempt to systematize a realm of “purely linguistic structures and meanings independently of the actual situated practices of communicative interchange in their empirical complexity” (Jones and Collins, 2006:44). This, according to Jones and Collins (2006) results in conceiving linguistic communication as a process which presupposes an already established, more or less stable, intersubjectively shared and recognizable “code” or system of form-meaning correlations (ibid.). See also Vološinov’s (73) critique of the ‘abstract objectivist’ approach in structuralist linguistics.

on a complex reality.⁵ Therefore, ideally a quantitative analysis should be complemented by a qualitative text analysis, based on a constructivist or post-structuralist epistemology about ‘truth’ and ‘reality’. The qualitative text analysis and the quantitative content analysis are two different methodologies which generate different sorts of information, used for different purposes but not a single one presents ‘the truth’.

Out of a wealth of structural elements that can possibly be analyzed, the framework proposed here only selects some significant ones. Other useful angles of investigation, falling beyond the scope of this article, are analyses of narrative structure and rhetorical argumentation. Likewise, the multimodal analysis, proposed by Kress & Van Leeuwen (90, 2001) is a most intriguing approach to discourse, exploring intertextual links through illustrations, cartoons and other visual supports of an idea. It pays due attention to the semiotics of layout (visual clues such as size, color, tonal contrasts), graphics and illustrations, which can give hierarchies of importance by giving various degrees of salience to items. Additionally, insights from conversation analysis (Greatbatch, 92; Clayman and Heritage, 2002) are helpful when analyzing interaction strategies in spoken media texts, such as TV debates or interviews. A conversation analytic approach can indeed demonstrate how conversational freedom is at times limited by subtle power abuse in mobilizing strategies, such as interrupting speakers, granting turns selectively, showing consent or rejection.

Methodological framework

This part first focuses on the broad contextual scope to be investigated before moving on to the second part, which presents a discussion of discursive strategies operating at the macro and micro structural level. Examining textual properties of the communicative act at these various levels could help identify recurrent patterns of meaning.

Contextual analysis

Although social processes are reflected in discursive practices, it would be simplistic to conclude these can be studied entirely on the basis of discursive data (Bhatia, 97:530). Hence it is imperative that the researcher gets acquainted with the contextual background to the text. The following paragraphs should answer concerns about the logocentric approach in some works within CDA.

The notion of context is in itself very broad. Firstly, there is the linguistic context itself, which includes the type of language channels chosen, overt intertextual links to other texts and sources, textual cohesion markers (such as anaphora, relative pronouns, markers of logical relations such as causality or

⁵ McKee (2003) illustrates this point with a concrete experiment of a content analysis about the representation of Black Australians in the media. One of the categories of the code book was ‘crime stories’. Findings resulted in 109 articles, which were coded as linking the group of Black Australians with the category ‘criminality’, while an additional qualitative text analysis showed that only 19 articles eventually made a relevant link between crime and Black Australians.

temporal ordering, markers of semantic relations such as synonyms or antonyms, and the like), and structural ordering on the sentence and textual level. Secondly, context includes extra-linguistic dimensions, such as the wider sociocultural and political context as well as the more immediate mental, social and physical world of the utterer and interpreter (Verschuere, 2000). For this reason, the analyst of meaning generation needs to examine wider aspects of political, economic and cultural structures and relations, since these underlie the producer/interpreter's mental and emotional map of the social order (Verschuere, 96, 99) or inform 'social cognition', 'mental scripts' (Van Dijk, 89, 95).

Following the textual objects of investigation in their wider political, social, and economic context is also supported in the historical-diachronic approach in CDA (Wodak et al, 99; Van Leeuwen and Wodak, 99). From this perspective, an interdisciplinary approach, opening up a linguistic analysis to inclusion of expertise from relevant disciplines such as cognitive psychology, historiography, political science and sociology, depending on the issue discussed in the text, is called for and has been acknowledged in more recent works of CDA (Wodak and Chilton, 2005). A second level of the historical-diachronic analysis is, as Carvalho argues (2008), the examination of the temporal evolution of mediated discourses in order to produce a history of media constructions of a given social issue. One can, for example, investigate whether and how certain representations of reality impacted on subsequent depictions. To what extent are they reproduced or contested over time? Temporal development of certain issues is worth looking into and underlies this author's current projects.⁶ Given the wide scope of analysis involved in longitudinal studies, collaborative research is called for. Yet, in the absence of this ideal situation, a sole researcher, who can hardly analyze each unit of analysis, can choose to examine some periods exhaustively and then focus on 'critical discourse moments' (particularly important times in the social construction of an issue with continued lines of argumentation), "which seems a more adequate option than random sampling or an arbitrary form of choice of texts". (Carvalho, 2008: 173).

Besides the wider aspects of political, economic and cultural structures and relations, the analyst should also take into account the more immediate mental, social and physical world of the utterer/ interpreter. News account, for example, are shaped by the personal views of the journalists, who (often unconsciously) select and interpret a number of facts. As a result, news reporting is often not a value-free reflection of facts. It is rather a mediation from perceiver to receptor/interpreter. Perception proceeds on the basis of the producer/interpreter's particular frameworks. The selection of news categories is guided by these schemata, which provide information as to how aspects of social identity of participants to a certain event reported upon are perceived and portrayed. Context is especially important insofar as the producers of the news articles orient themselves to it

⁶ The author is currently conducting two projects: one is a longitudinal analysis of Belgian media narratives' framing practices of China over the last decade. A second one is a diachronic study into the evolution of Chinese official discourse as disseminated in the Chinese media over the last 15 years. The first installment of the latter project comprises the study on language and ideology in the Chinese/Taiwanese English-language press narratives on a key moment in Chinese recent history, the 1997 Hong Kong handover (Lams, 2008).

(Verschueren, 2000). It is therefore important to investigate the lines of vision underlying the activated context and assess to what extent they represent an identifiable pattern of unquestioned meaning. If these orientation lines can be found to be systematically selective and restrictive, it can be argued that ideological processes have been at work. A comparative-synchronic analysis, as proposed by Carvalho (2008), can be illuminating here, as comparison of different media depictions of reality involves reconstituting the original events by piecing together and confronting alternative representations of an issue. Cross-referencing news outlets and checking original documents facilitates the researchers' task in forming their own image of reality.

Thirdly, text research should pay due attention to the situational context of production as well as reception processes. Reception analysis constitutes an essential component in a depth-hermeneutical approach to the analysis of ideological modes of operation. Thompson (90) argues that ideology in media texts cannot be analyzed by only examining the textual properties and organizational features of media institutions, but by also analyzing the messages in relation to the specific contexts in which they are appropriated by the recipients. The interpretation process does not stop at the primary reception region, but continues in the discursive elaboration in which the content of media messages is further negotiated in subsequent social interactions. As for the production side, the analyst has to account for some specific characteristics of news discourse. As news is a collective product realized within a media organization, it is shaped by routine practices in an institutional setting with certain performance demands. The situational context of the news gathering process dictates the structure in which news is being produced. A specific property of hard news coverage, which is becoming increasingly obvious due to the commercialization of news and the high competition in the field, is the importance of the news value of negativity which has superseded temporal sequence or chronological order in news stories. It is also imperative that attention be paid to media organizational processes which determine to what extent newswriters are subject to restrictions other than assumptions about the world view they assume they share with their audience. Elements such as time pressure, limited access to the events and newsmakers, ever-growing demands of state-of-the-art skills (especially in the field of technology), conflicting forces during the story's production by journalists and copy-editors, all have to be taken into consideration. It follows the researcher needs to triangulate the analysis with additional ethnographic research, such as interviews, observation, computer-assisted writing process analysis (like keystroke logging), and the like (NewsTalk&Text Research Group, 2009).

Macro-and micro-level textual analysis

Besides mapping the contextual elements the analyst has to trace the dynamics of meaning generation by looking at how linguistic choices are made from a range of alternatives and how meaning is generated along a continuum spanning 'overt carriers of information structure' (Verschueren, 2000) on the word, sentence and textual level, carriers of implicit meaning (e.g. presupposition-

carrying expressions, logical implications, tropes), and absence of information or complete silence.

An initial discussion of discursive strategies to be examined in the search for modes of ideological operation in media texts, will be followed by a compilation of various levels of structural objects of adaptability, at which these strategies of symbolic construction operate. Once again, warning has to be made that there are no fixed form-function relationships, which should preclude any jumping from simple observation of forms to interpretation of ideological meaning.

Strategies of symbolic construction

According to Thompson (90), general modes of ideological operation are linked with strategies of symbolic construction. The notion of 'ideology' is to be defined as any "underlying patterns of meaning, frames of interpretation, world views and forms of every day thinking and explanation" (Verschueren, 2001:7), where products of mainly descriptive common-sense reflections are turned into norms about what is permissible in society and what is not. Ideology can work at different levels of consciousness, therefore the term 'discursive strategy' can be understood as a simple 'discursive intervention' (Carvalho, 2008:169). According to Wodak (99), strategies are "plans of actions that may vary in their degree of elaboration", and may be located "at different levels of mental organization", ranging from automatic to highly conscious (Wodak, 99:188 in Carvalho, *ibid.*).

While a number of strategies can be operational at different structural levels, only four 'discursive interventions' will be discussed here. Firstly, *framing*, the practice most often analyzed in communication studies, organizes discourse according to a certain perspective (Entman, 93, 2004; Reese et al, 2001). Components of framing are selection and composition practices. Selections are made on many levels, starting from the choice of news events and news actors to selecting sources including their opinions and value judgements. Selecting necessarily entails including and excluding processes. Composition involves arranging textual elements in certain ways. Evaluative framing can be found at the structural level of labeling and semantic categorization. A second strategy is *positioning*, which constructs social actors or groups into certain relationships with others or constitutes their identity. Thirdly, the strategy of *legitimation*, which involves relations of hegemony and power struggles, justifies certain actions by rationalizing or constructing a chain of reasoning to defend a set of social relations. Finally, the more or less conscious process of *reification* can be identified when essentialist discourse represents a transitory state of affairs as if it were natural and permanent while eliminating its social and historical character and denying the contingency of social processes.

The way in which empirical pragmatic research may contribute to alternative frames of interpretation is in its exposure of any discursive instance of "framing, validating, explaining or legitimating attitudes, states of affairs, and actions in the domains to which ideological meanings are applicable" (Verschueren, 2001:21).

Yet, researchers themselves have to refrain from superimposing their ideologies on data. The single most important rule for empirical ideology research is, according to Verschueren, that “before an aspect of meaning can be seen as an ingredient of ideology, it should emerge coherently from the data, both in terms of conceptual connectedness with other aspects of meaning and in terms of patterns of recurrence or of absence” (Verschueren, 96:593).

Layers of structural adaptability⁷

Conclusions about ideological investment of texts can only be drawn if certain patterns can be found across various discourses (horizontal level) and in varied types of data at the vertical level. The latter condition implies that the analysis should be carried out at different layers of structural adaptability to which any implicit meaning may be attached. What follows is a selection of a wide range of structural layers at the macro as well as micro level. The macro perspective includes global meaning constructs at a textual level, like patterns of rhetorical argumentation, thematic hierarchies (practices of highlighting, omission) and headlines, which have the potential to activate certain interpretive frameworks. Structural elements approached from a micro-perspective will be discussed at the word (connotational semantics) as well as sentential level (syntax, modality).

Macro-level analysis

From a macro perspective, the analyst should first look at the writing/speaking style and type of speech genre of the communicative act. The speech event type creates a frame of meaning for interpretation of the speech genre (e.g. hard news, editorials, reviews, sports, accounts of parliamentary proceedings) of which the type consists. The news genre, for example, conveys a meaning of authority and credibility. It is the specific type which mentally prepares readers for accepting some characteristics, such as the non-chronological structural order of news reports and the opinionated content of editorials.

At the ‘semantic macrostructural level’ (Van Dijk, 98), global meaning constructs to be examined are ‘surface’ elements such as layout and structural organization, headlines, and thematic hierarchies (practices of highlighting, omission, fronting of themes). In addition, one can examine the general illocutionary force of the text, situated at the suprasentential level (e.g. description, announcement, warning, prediction, and so forth), the type of sources employed, the balance of news actors’ voices, and the way these are given more or less, direct or indirect media attention. Along with the treatment of voices, the metapragmatic character of how quotes are reported also deserves attention. The way in which aspects of speaking style or the communicative behavior of the protagonists are reported can reflect certain interpretative processes. At this metalevel of language, indicators of reflexive awareness include, amongst

⁷ Term borrowed from Verschueren (99, 2000).

others, discourse markers specifying the status of the following statement (e.g. “regrettably”, “so to say”, “reportedly”) and use of inverted commas with a distancing effect to dissociate the utterer from the particular source or origin of the choice of wording.

Other textual elements on the macro-level include argumentation structure and rhetorical elements, such as dominant metaphors, which as the supportive backbone of the argumentation line feature at a higher organizational level. Likewise, rhetorical devices like repetitive phrases, conjoined with syntactic parallelism or antithesis, syllogism (making sequence of statements appear to be structured like a logical argument), contribute to building up chains of reasoning. Rhetorical strategies operate either in an overt or covert way⁸ and on various structural levels (Van Dijk, 98). On the semantic level, one can investigate the functionality of deictical pronouns (shifts between “I” and inclusive/exclusive “we”), rhetorical questions, tropes (e.g. metaphors conceptualizing reality), euphemisms or understatements (mitigating negative properties of the ingroup), irony, contrasts. Alliteration and rhyme function on the phonological level while intertextual links between text and illustrations and other visual supports operate at the graphical level.

Argumentation structure can be found when breaking up texts into sets of claims, assertions organized around certain topics and mapping out the relations between these in terms of certain logical operations, like implication, contradiction, presupposition, exclusion.⁹

Micro-level analysis

At the level of semantic microstructures, ‘local meaning’ (Van Dijk, 98) can be gauged from the way of describing and predicating properties about people, situations, events. News points out problems and achievements of the society, it creates common realities and topics of conversation. In doing so it creates sensations of ‘us’ and ‘them’. Research questions can thus concern the manner in which categorization processes of ‘us’ and ‘them’ underlie texts, by choosing stigmatizing labels or clichés, symptomatic of stereotyping or ‘cognitive prejudice’ (Van Dijk, 87)?

Selections of what needs to be included are made on the basis of contextual relevance. Van Dijk (98) presents two principles of ideological reproduction in discourse: (1) the presence or absence of information in semantic representation; (2) the function of expression or suppression of information in the interests of the speaker/writer (Van Dijk, 98:267). The ‘ideological square’, or the presentation of a positive Self and a negative Other consists of four strategic moves, emphasizing information that is positive about ‘us’, negative about ‘them’, and suppressing negative/positive information about ‘us’/‘them’ respectively. Basically, this second principle guides choices concerning the first principle on choice-making

⁸ For an elaboration on argumentation and the persuasive functions of rhetorical figures, see Conboy, 2007; Richardson, 2008; Gill & Whedbee, 97; Van Dijk, 88; Van Eemeren, F.H. & Grootendorst, R., 2004.

⁹ Verschueren (99) also discusses a wide range of functional relations of meaning, such as juxtaposition, justification, exemplification, and the like.

about presence/absence of information. Units to be analyzed can be the level of description (general/vague/incomplete versus detailed/over-complete), and the implicit or explicit character of description. Propositions may not be expressed as such in the text, but implied by other linguistic structures. For more information on presuppositions, implied meaning, logical inference and entailment, see Verschueren (99). Local coherence is another unit of analysis worth looking at. Coherent explanation of social events can be found in causal or conditional relations between propositions, based on assumptions about cause and consequence. Functional semantic relations are expressed through rhetorical contrast (for group polarization or positive self-presentation, such as disclaimers), generalization, specification, exemplification (Van Dijk, 98:270; Verschueren, 99:140-141).

Micro-analysis at the word level

The most salient and widely studied form of ideological expression in discourse is the systematic choice of lexicons and lexical patterns. Words can be imbued with strong positive/negative connotation or have a vague semantic content. According to Halliday (94), lexical patterning and reiteration are most obvious ways of signaling ideational meaning. Overlexicalization arises when a number of interrelated terms in the same semantic field occur together. Consistent repetition of lexis belonging to a semantic field with positive connotation in descriptions of the 'us' group, can implicitly create a negative image of the 'other', who is usually associated with a contrasting set of terms. In addition, we should also account for linguistic environments of these particular terms, which can be pre-or post-modified with collocates carrying similarly positive/negative associations.

Any consistent categorization or classifying system of groups effaces individuality and falls into the trap of totalizing discourse, reaching closure and thereby excluding alternative discourses. Discursive mechanisms for generalizations by subsuming different items under one general heading are endemic in news reports. Categorization happens in many ways, such as choosing heavily value-laden labels (e.g. "communist"), stereotypes, euphemisms, metaphorization (which expands applicability of a term used in one domain of concrete experience for use in another realm).

Micro-analysis at the clausal and sentential level

Any recurrent patterns of syntactical structures at the clausal and/or sentential level may contribute to a specific meaning generation. However, it is especially at this level that much work conducted in the CDA tradition has been criticized for too easily jumping to conclusions on the assumption of fixed form-function relations. Based on the Hallidayan (94) systemic-functional view of language, in which the term 'transitivity' refers generally to how meaning is represented on a clausal level, too often a simple transitivity analysis in early CDA studies has

given rise to drawing general conclusions concerning the semantic perspective on the ideas expressed by a clause. Yet, consistent transitivity patterns in propositions about the world in which an event, situation, relation or attribute is predicated of participants can indeed disclose how these patterns may encode mental pictures of reality (Halliday, 94:106), provided these findings are also evident from analysis at all other levels of structural variability. By attributing active/passive agency roles to certain groups, in addition to positive/negative connotational semantics involved in the action, conceptual polarization of in — and outgroups may be maintained. The analyst can thus investigate linguistic strategies, such as identification and description through relational processes and allocation of agency, responsibility and blame through actional processes.¹⁰ As Fowler (91) argued on the ideological role of the press,

“Language assists in the formation and reproduction of the schematic categories in terms of which a society represents itself by providing labelling expressions which solidify concepts of ‘groups’, by assigning different semantic roles to the members of different groups, thus discriminating among them and by imbalance, assisting the practice of allocating power and opportunity unequally among them.” (91:120)

Besides the choice between active or passive constructions, the utterer/writer can also choose to highlight or background actions of agents and ‘recipients’ of actions in other syntactical structures. Nominalization and intransitive use of transitive verbs (e.g. “Something has changed”) forecloses making an agent explicit. Likewise, changing standard word order and clause structure (e.g. topicalization, i.e. fronting certain information to prominent sentential position) can signal ideologically inspired discursive intervention, but this is extremely difficult to prove, since this strategy may equally be based on stylistic preferences.

Yet another layer of structural adaptability at the sentential level is the discursive use of modality and evidentiality through the presence/absence of hedging devices and modal statements (modal verbs, sentence adverbs, modal adjectives, modal adverbs).¹¹ This concerns the expression of the mental attitude of the speaker towards the propositional content of his/her utterance, signaling factuality, evidentiality, eventuality, degrees of certainty, doubt, vagueness, probability and possibility, necessity, obligation, permission, and so forth. Expression of modality is the producer’s categorical commitment to the truth of the proposition (Fairclough, 89:29) and indicates his/her judgment on the credibility of the representation. It also signals degrees of directness and distance from the proposition. The choice between unmodalized categorical statements, assertions, declarative sentences and modal statements marks the source of information in terms of objectivity and subjectivity. Utterances that sound like undeniably true may still be highly speculative. Depending on context, a non-modal past tense may suggest a view of the world as transparent and the use of a simple present can be employed to express universal truths.

¹⁰ For more information on representational framing through actional or relational processes, see Halliday, 94; Van Dijk, 87.

¹¹ For work on the use of modality and evidentiality in political discourse, see Simon-Vandenberg 92, 97.

Both epistemic and deontic modals are linguistic markers of persuasive expressions (Biber, 1988) and are often used to show one's authority. They can thus be seen as power markers in political discourse (Fairclough, 2001).¹² Predictions with definite future expressions like 'will' convey authority of statement and exclude a variety of possible scenarios. In combination with references to rationality, evidentiality, and with quotes of experts or 'world opinion', 'old sayings and popular wisdom', these claims serve to enhance authoritativeness of utterance and are powerful indicators of ideological investment. Emphatic negations (e.g. 'never', 'no such') suggest that alternative views must be refuted. Assuming the position of authority is characteristic of editorials, which claim to know what will happen and like to specify obligations. Editors can modify the epistemic status of a proposition by mitigating or intensifying the assertive strength of utterances, i.e. by simply adding or deleting hedges.

Various authors have argued for a more encompassing definition of modality to not only be limited to the formal categories of modal auxiliaries and epistemic adverbs but also to include a range of lexical and grammatical expressions of speakers' attitudes towards the truth value of their propositions (Stubbs, 86; White, 2003; Martin & White, 2005 in Simon-Vandenberg, 2007:34). But more than only demonstrating a commitment to the truth value of the proposition, these expressions primarily function to expand or contract the dialogic space available to alternative positions. Indeed, just like modals, metadiscursive qualifiers, such as concessions and negations, position the utterer vis-à-vis alternative voices in responding to prior statements or anticipating future responses. The choice offered within the "model of engagement" (White 2003, Martin & White 2005) is between monoglossic and heteroglossic utterances, the former ignoring alternative viewpoints and the latter opening up the dialogic discursive space.

Final remarks

This paper argued for a multidisciplinary and issue-oriented approach to discourse analysis accounting for the dialectical relation between text and context. Contextual factors on synchronic as well as diachronic axes and on the production as well as reception side play a major role in meaning generation processes. Of the many ways in which contextualized text and talk reproduces ideology, this framework has only charted some significant discourse structures and strategies to show the basic modes of ideological operation at work.

Besides identifying discourse structures, indicating group-related opinions about Us and Them and their properties and actions (the 'ideological square'), the analyst should look at how social representations are managed, for example "through explicitness versus implicitness, manifestation versus concealment, levels or details of description, the distribution of agency, responsibility or blame, the relationships between facts, and so on". (Van Dijk, 98:275-276)

Although the analyst should seek to preserve an observer's detachment throughout and adhere to a rigorous research method, so that the analysis can be

¹² Deontic modals should be approached co-textually in their combination with the grammatical subject in the clause.

duplicated with similar results, it has to be acknowledged that there will always be a certain, but inevitable, degree of subjectivity in the researcher's choice of topic or material to be analyzed. This also holds true for quantitative research. Moreover, any researcher will have to admit that he/she is somehow trapped in a certain ideological perspective. Yet, the type of text analysis proposed here does not make any claims about the truth value of texts, as these are truth judgments that are not open to the diverse forms of representation/interpretation. It only aims to look at which structural elements are used to represent processes, situations, events and people, and how from amidst a wealth of possible meanings a specific meaning is given to an event. The analyst should only highlight ways in which the media employ language in their construction of reality (McKee, 2003). Clearly, not only media workers and politicians 'manipulate' language. This type of 'discursive intervention' is inherent in language use. Ordinary users of every-day language, as well as theorists criticizing media talk all 'manipulate' language for their own ends.

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**PRATIQUES ET IDEOLOGIES DES ORGANISATIONS
NON-GOUVERNEMENTALES: UNE PROBLEMATISATION
GENERALE ET COMPARATIVE**

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Abstract. This contribution seeks to problematize the question of the evolution of NGOs as privileged development, focusing on the evolution of the ideological field and in particular on the transition to Worldism humanitarian. By mobilizing different examples for purposes of comparison, the alignment of NGOs on challenges and global issues are discussed. In this way, the study shows that very few NGOs are independent in their program, they can not be separated from economic and political sectors.

Keywords: NGO, global issues and challenges, economic and political sectors

Poser, aujourd'hui, la question des politiques de l'aide, des politiques sociales, de l'intervention et du développement de manière problématique incite sinon oblige le chercheur à prendre en compte les Organisations Non Gouvernementales (ONG). Les ONG sont en effet devenues des acteurs incontournables du développement agissant en fonction de leur taille, de leur puissance politique et financière à tous les échelons politiques. Elles sont donc au cœur des évolutions contemporaines. De ce fait, elles constituent un objet particulièrement intéressant pour interroger les transformations globales récentes. Cette contribution part d'un principe épistémique constitutif des sciences sociales: toute forme de changement ne peut être déconnectée des évolutions globales qui l'entourent, qui lui donnent sens et qu'elle influence en retour. Notre objectif, dans le cadre de cet article, est de contribuer modestement à complexifier ce problème en abordant les transformations idéologiques et pratiques des ONG. On commencera par une mise en perspective diachronique devrait permettre de prendre une distance avec les différents enjeux présents autour des ONG afin de mieux les percevoir. On abordera ici successivement l'idéologie tiers-mondiste, le passage à l'humanitaire et, ensuite, on tentera un exposé rapide sur les effets de diffraction touchant le champ des ONG aujourd'hui.

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*D'un contexte à un autre: de la bipartition à la globalisation.
Développement, tiers-mondisme, militantisme*

L'histoire des ONG est concomitante à l'entrée en scène des pays non-alignés en 1955 à Bandung (Indonésie). Ces ONG sont happées par ce courant de pensée et ce troisième pôle politique dans un contexte de domination bipolaire du capitalisme et du communisme. Les ONG agissent déjà dans un «à-côté», un interstice, à la périphérie des politiques de coopération interétatique et souvent bilatérales. Il existe donc une mise à distance relative des deux blocs dominants, mais également un manque, des zones libres, des ressources que les macro-politiques de développement n'atteignent pas ou n'intéressent pas. La décolonisation, les luttes d'émancipation et la prégnance idéologique du développement et du productivisme sont les traits caractéristiques de cette période historique. En effet, du massacre du printemps de Prague aux manifestations de mai-juin 1968 en France, sans oublier les mobilisations féministes en Occident ou encore les mouvements et guerres indépendantistes, les manifestations et leurs répressions ont constitué pour une grande part le cadre d'évolution des associations et ONG. Pendant plus de trente ans, des années 1950 jusqu'aux années 1980, le tiers-mondisme sera le courant de pensée dominant les ONG. Tirons donc à grands traits ses caractéristiques.

À partir du milieu des années 1950, l'idéologie véhiculée par les ONG, qui les entoure et qu'elles retravaillent, est dite «tiers-mondiste». Très répandue à cette époque, celle-ci s'est effacée au bénéfice d'un nouveau carcan idéologique au sein duquel le marché, la démocratie, les droits de l'homme et l'humanitaire tiennent une place prépondérante. Certes, même si le tiers-mondisme reste une tendance toujours présente aujourd'hui, véhiculée par ces associations, elle est toutefois très minoritaire ou apparaît, le plus souvent, sous forme de produit idéologique recyclé. Ces évolutions ont été analysées sur plusieurs niveaux, à partir de l'entrée sur l'idéologie humanitaire par B. Hours (1998)¹. Les lignes qui suivent s'inspirent donc largement de ces travaux.

Il faut tout d'abord noter que le tiers-mondisme s'étaye principalement sur deux modes de pensée; d'un côté, le christianisme, de l'autre, le marxisme. L'articulation de ces deux visions du monde peut fournir un ensemble de figures variées, malléables, et se présentent comme une matrice de références permettant aux acteurs de justifier leurs actions. Pourtant à première vue, chrétiens et marxistes semblent avoir peu de points en communs. Néanmoins, si l'on recadre ces deux paradigmes idéologiques au sein de conjonctures et configurations sociétales particulières, on peut percevoir comment ils peuvent s'imbriquer, selon des impératifs locaux et globaux conjugués. Prenons, pour illustrer notre propos l'exemple des ONG au Brésil.

Dans le contexte de la domination d'une dictature militaire, les premières ONG au Brésil étaient tournées vers le soutien aux mouvements populaires et,

¹ Dans ce champ de la recherche on pourra se référer de manière complémentaire à R. Brauman (1996) et D. Fassin.

par conséquent, très politisées. Très différenciées des actions philanthropiques, celles-ci ont opéré un rapprochement avec les structures de l'église. Les premières, interdites, s'attiraient la surveillance, la répression des structures d'encadrement de l'État, les secondes ont pu alors fournir la structure opérationnelle du mouvement. «[...] Fait qui est en partie à l'origine du rapprochement surprenant entre les courants marxistes-léninistes, maoïstes et chrétiens à cette époque (et dont les prolongements sont encore perceptibles)» comme le souligne P. Léna (1998: 675).

La mise en lumière de l'articulation des deux mouvements et idéologies pousse à recadrer les éléments locaux à la fois à l'aune de la société englobante et du contexte singulier dans lequel ces associations sont fixées. D'une part, l'État dictatorial qui trouve sa justification au plan interne et externe dans son opposition au communisme, s'oppose à tous mouvements populaires (en l'assignant parfois au communisme). Ce contexte de contrôle et de répression ne permet pas aux associations contestataires d'émerger. De l'autre, les églises chrétiennes globalement anticommunistes et quasiment inattaquables par l'État du fait de leur poids dans la société, ont pu, en fournissant une structure à ces mouvements sociaux, élargir leur assise symbolique auprès des populations locales, cible de leur prosélytisme. Des paradoxes de cette configuration découlent la convergence idéale et réelle des deux mouvances.

D'un point de vue plus général, deux figures isolées de ces paradigmes idéologiques se recoupent en adéquation, et forme l'objet de leur action; d'un côté, les pauvres, de l'autre le prolétariat du Sud, tous deux élus dans un processus d'évolution d'un monde à venir, «libre», «sans pauvreté» et «solidaire» (Hours, *Ibid.*). Cette articulation met en exergue un recoupement de formes de solidarité spécifique. Pour les premiers, il s'agit d'une fraternité entre les hommes et face à dieu comme transcendance des frontières multiples; pour les seconds, il s'agit de l'union des prolétaires de tous les pays et aussi de l'aspiration à la liberté des peuples colonisés. Ils s'articulent autour de la figure symbolique du pauvre, opprimé et exploité. Les «héros» de ce mouvement sont, par exemple, Mère Térésa et Che Guevara.

Cette figure positive du pauvre en appelle une autre, négative, celle de l'impérialisme. Cette construction manichéenne amène à un repositionnement au niveau de la symbolisation du système international. Car le tiers-mondisme est aussi une représentation des rapports internationaux, structurant ces relations dans une modalité Nord/Sud. Rappelons, au passage, que le christianisme et le marxisme sont tous deux universalistes. Ces deux courants se positionnent face au Nord «impérialiste», «pilleur», prenant parti pour les pays du Sud «opprimés», source du «salut de l'âme».

Dans cette conjoncture, les projets et interventions des diverses associations sont, dans une large mesure, financés par leurs militants, c'est-à-dire par leurs fonds propres ou par des organismes bilatéraux. C'est une différence structurante par rapport aux ONG d'aujourd'hui qui sont largement dépendantes des bailleurs de fonds. Leur marge d'autonomie est bien plus grande qu'aujourd'hui. L'expression de «bricolage militant» décrit assez correctement leur mode d'action essentiellement

expérimental. Toutefois, parce qu'elles entendent remédier aux manques des États, elles mettent l'accent sur les micro-cultures. Celles-ci sont perçues à la fois comme une source de développement qu'il suffirait de mettre en fonction, de découvrir. Les actions d'ONG dans les villages d'Afrique pouvaient être perçues comme des voyages initiatiques, un pèlerinage. On n'est pas très éloigné du romantisme occidental. On remarquera qu'il s'agit là d'une inversion du culturalisme dominant en la matière qui voit dans les cultures un handicap voire l'obstacle au développement. Cet écueil, qui est une culturalisation des rapports de domination, est toujours présent de manière plus ou moins prononcée dans les études du développement. Cette culturalisation des rapports domination globaux semble, depuis les années 1980, être sur le chemin du retour de la scène de la recherche nonobstant les nombreux travaux ayant démonté ces préjugés. Notons, en dernier lieu, que, vue de l'extérieur, la proximité de ces organisations vis-à-vis des populations «cibles» leur fournissait une légitimité certaine nonobstant les tensions qui ne sont pas totalement absentes de ces relations.

*Un tournant idéologique: internationalisation,
multiplication, homogénéisation Contextualisation*

Au cours des années 1980, les évolutions historiques en cours viennent signaler la fin de la prégnance du tiers-mondisme. Revenons rapidement sur ce contexte qui pour une part importante permet de situer les enjeux actuels autour et sur les ONG.

A l'Ouest, principalement en France, en Angleterre, et aux Etats-Unis, on constate un revirement idéologique des gouvernements vers le néolibéralisme, et un effacement progressif de la place prépondérante des syndicats et des partis politiques en termes de médiation/représentation de groupements sociaux. Dans le même temps, les prérogatives des organismes multilatéraux (Fonds Monétaire International, Banque Mondiale, etc.) deviennent de plus en plus importantes sur les sociétés non occidentales, communistes ou non. À quelques exceptions près (la Roumanie notamment), les États suivent et/ou prolongent une politique de l'endettement, qui les mènera à s'aligner dans une large mesure sur les prescriptions des bailleurs de fonds internationaux. À mesure que l'endettement progresse, la dépendance vis-à-vis des crédoiteurs internationaux est de plus en plus forte. Cette politique suivie par exemple par la Pologne à partir du milieu des années 1970 signifiera une double mise sous tutelle de ces différentes instances politiques, écartelées entre la hiérarchie des pouvoirs du bloc soviétique et le remboursement de la dette extérieure contractée auprès des pays occidentaux (Heemeryck, 2007), ce qui alimentera les conflits internes entre «positivistes» (État-parti) et «romantiques» (opposition: syndicat Solidarité, église). Parallèlement les réseaux transnationaux, aux origines, intérêts et prérogatives variables subissent un essor sans précédent. Certains sont issus de diasporas comme par exemple la fondation *Shalom* ou encore le *Joint Distribution Committee*, sises aux Etats-Unis, qui au cours des années 1980 ont investi financièrement l'ancien quartier juif de Cracovie (Kazimir) ou encore la ville de Varsovie en Pologne. Notons qu'elles se sont assurées au cours des

inaugurations les services de diplomates américains et polonais, ce qui montre une activité de lobbying auprès des États, et leur intégration tendancielle aux jeux diplomatiques ayant cours entre les deux pays.

L'expansion internationale de plus en plus importante d'entreprises occidentales contribue à la constitution de réseaux transnationaux. C'est à cette époque que l'on voit les prémices de la financiarisation des économies et la désindustrialisation des sociétés concernées qui sont une des autres facettes de ces changements globaux. Le monde, après un quart de siècle de gouvernance néolibérale, de croissance de plus en plus financiarisée et de crises économiques dévastatrices à répétition, est en train de prendre la mesure de cette mutation du capitalisme à travers la crise des prêts hypothécaires et du risque très sérieux d'effondrement systémique qu'elle entraîne.

L'effondrement du bloc soviétique, symbolisé par la chute du mur de Berlin, vient parachever ses mutations en voie d'aboutissement. L'interdépendance économique des sociétés qui formaient le «bloc de l'Est» a amené à son écroulement graduel mais inéluctable. Cet événement est interprété comme une victoire définitive du capitalisme sur tout autre système. C'est dans ces conditions que s'impose dans une large mesure une nouvelle vision de l'économie, des politiques, condensées récemment dans la notion de «bonne gouvernance». Les pratiques associées à l'économie politique ne sont plus développementalistes mais tendanciellement gestionnaires. Toujours dans cette logique, les anciennes pratiques en la matière sont vivement attaquées, ce qui permet de justifier, sans en faire la critique, celles qui s'imposent. Rapidement, c'est l'apologie de la «démocratie occidentale» comme modèle universel antitotalitaire qui se présente comme hégémonique. La notion de «transition»² revient alors pour appuyer l'idée d'une évolution vers les modèles de la démocratie occidentale. Ces idiomes idéalisés sont projetés sur le reste du monde, et servent à apprécier le degré de «développement», les politiques à appliquer et les évolutions à venir. D'autres notions font leur apparition comme l'illustre les termes de «thérapie de choc» qui assimile dans les zones postcommunistes la période du «socialisme d'Etat» ou tous problèmes socioéconomiques à une pathologie. Cette rupture idéologique n'est pas totale, l'idée de progression vers «une économie de marché», ne fait que reconstruire dans une nouvelle modalité des éléments des idéologies évolutionnistes, positivistes, marxistes ou développementalistes. Le marché et sa progression, comme figures idéalisées, remplacent le développement, le progrès, la croissance, en somme ce qui constituait l'idéologie productiviste. En réalité, les termes «économie de marché» ne s'adaptent qu'à quelques sociétés (Sapir, 2000). La conception hiérarchique internationale, qui est un corollaire de cette perspective, place les sociétés en «transition» dans une position d'infériorité, sur la base d'une conception occidentalocentrée du développement.

Les ONG ne font pas figure d'exception dans ce mouvement idéologique global. Des évolutions parallèles et importantes sont à mettre en lumière. C'est dans ce contexte que l'idéologie humanitaire s'impose sur la scène internationale.

² Pour une mise à l'épreuve de cette notion voir Bazin L. & Selim M. (2001a).

Cadrage

La polarisation du monde avait donné naissance à des Etats autoritaires au «Sud» comme à l' «Est», et toute intervention extérieure ne pouvait être réalisée qu'avec le consentement des autorités nationales, sauf pour ceux qui avaient choisi la voie de la dépendance. Les Etats Occidentaux toléraient dans une certaine mesure ces autoritarismes, car la démocratie, considéraient-ils, ne pouvait advenir qu'à partir d'un certain degré de développement économique. Les organisations non gouvernementales pouvaient être expulsées et restaient subordonnées aux Etats, même si elles pouvaient contester ces décisions lorsqu'elles en avaient le pouvoir. Le droit d'ingérence vient désormais renverser cette situation. Son acceptation par les institutions et le droit international³, fait suite aux actions d'importantes ONG, la plupart émanant de France. Il ne sera désormais plus nécessaire dans la majorité des interventions de se soucier des prérogatives de l'Etat, «invité» à accueillir ou laisser se développer les ONG sur leur sol, celles-ci devenant un des axes majeurs autolégitimant, explicite ou tacite, de la «bonne gouvernance». Ce droit d'ingérence renvoie aux droits de l'homme dont la prégnance actuelle masque les velléités antérieures d'émancipation. Celui-ci conjugué aux réseaux transnationaux remet en cause et réagence l'espace statonational sur lequel était censée s'exercer la souveraineté des Etats (Badie, *op. cit.*), du moins de ceux qui sont positionnés aux rangs subalternes de la hiérarchie des relations internationales. Même si ceci mériterait une analyse approfondie, l'exemple récent des prisonniers de l'armée américaine à Guantanamo montre que derrière les droits de l'homme se présente une question de rapport de force, tout comme le développement de racisme d'Etat pratiqué en France, en Italie sur les migrants. Autrement dit, les droits de l'homme sont également un instrument utilisé de manière légitime ou non par les Etats. Inversement, ceci montre la complexité de l'intégration des ONG dans le jeu des relations internationales. Mais il semblerait que corollairement le droit international s'est affaibli. L'exemple de la guerre menée en Irak par une coalition de pays Occidentaux est à cet égard parlant: c'est officiellement au nom de la démocratie, des droits et de la sécurité qu'une guerre impérialiste, de pillage des ressources naturelles d'un pays, parfaitement illégale du point de vue du droit international, des droits de l'homme et de la démocratie, a été menée.

On peut aussi constater, au sein de cette restructuration globale, au cours des deux dernières décennies, un retrait des financements nationaux laissant le quasi-monopole du crédit aux organismes multilatéraux. En conséquence, de nouvelles contraintes financières ont tendance à s'imposer aux ONG. Corollairement, les bailleurs de fonds tendent à financer plus majoritairement les organisations s'affichant de manière chimérique comme neutres, apolitiques, qui nieront en réalité tout rapport de domination jusqu'aux années 1990. En fait, ce sont les organisations dont le discours se rapproche le plus de ceux des bailleurs qui seront privilégiées. Dans le même temps, les ONG deviennent un objet à part entière des

³ Le docteur Bernard Kouchner, membre de l'ONG médecin sans frontières et médecins du monde fit adopter la résolution du 8/12/1988 n°42/131 à l'ONU, transformant le devoir d'ingérence en droit d'ingérence.

sphères médiatiques. Le marketing humanitaire, affichant le plus souvent des images sélectionnées pour l'émotion qu'elles provoquent, fait son apparition sur les écrans de télévision. L'audience qu'il produit fait pencher la balance vers ceux qui peuvent en user en leur permettant de s'attirer des ressources sous forme de dons privés. Outre les contradictions auxquelles se heurtent certaines associations pour obtenir une visibilité, les associations humanitaires à cause de leur vocation dite «universelle» (tout comme les droits de l'homme) ont l'avantage de toucher le plus grand nombre de personnes, ce qui en fait un objet rentable pour les chaînes télévisées. Que faire face à l'émotion que suggère un enfant famélique au seuil de la mort? Ceci nous amène à questionner cette vision du monde «humanitaire» qui s'est imposée avec force sur le monde des ONG.

Les contours de l'humanitaire

Dans l'optique de l'idéologie humanitaire, qui fournit un bon reflet d'une tendance en voix de généralisation, la notion d'urgence est prégnante; il faut faire vite, pour assurer la survie biologique (et non plus sociale) d'êtres en danger de mort. Corrélativement les notions de court, moyen et long terme tombent rapidement en désuétude. Bien souvent les causes socioéconomiques des phénomènes sont effacées et même parfois présentées comme naturelles, ce qui fournit une justification à l'intervention de la médecine⁴. On voit en effet difficilement un médecin traiter les causes socioéconomiques des catastrophes. L'intervention d'urgence toutefois ne résout pas significativement les problèmes posés, elle permet simplement de reporter à plus tard le traitement de ces causes ou au mieux une résolution partielle de ses cibles d'interventions. Les famines peuvent ainsi se reproduire, tout comme les interventions d'urgences. Un des autres points saillants de ce carcan est exprimé par la figure de la victime, qui se présente comme une négation de l'autre en tant qu'acteur social présent. La victime est une figure passive, objet des droits de l'homme, qui par ailleurs se retrouve également hors du champ de l'humanitaire, comme le montre l'exemple des associations françaises «militant» contre le racisme ou plutôt pour le respect du droit des minorités. Il s'agit là d'une rupture. Le tiers-mondisme parlait d'acteurs et de cultures, fantasmés dans une certaine mesure, mais ils existaient comme potentiel de développement, ce qui n'est pas le cas des victimes.

Il faut aussi souligner que depuis les deux dernières décennies, progressivement, les interventions humanitaires entretiennent des relations douteuses avec les interventions militaires. En ce sens, c'est une facette justifiant une politique à laquelle elles confèrent un objectif moral (De Wall A., 1996). La guerre menée par l'OTAN en Ex-Yougoslavie n'a-t-elle pas été nommée «guerre humanitaire»? L'exemple récent des bombardements sur l'Afghanistan, doublés de largages de vivres est à cet égard tout aussi explicite. «Les États ont découvert depuis la fin de la guerre froide l'utilité de travestir leur politique d'ingérence ou d'abstention stratégique en les parant des vertus du droit et de la morale» comme le dit B.

⁴ Sur ce point voir «La médecine humanitaire ou le prétexte démocratique» in Hours B. (1998: 23-59).

Badie (2002). Quant aux États en manque de légitimité sur un plan national et international, ils ont su se saisir des opportunités ouvertes par cette nouvelle donne. Cas significatif, la création en Tunisie (Gobe, 2001) de la Banque tunisienne de solidarité (BTS) et du fonds national de solidarité (FSN), ainsi que d'autres associations, organisations inspirées de la *Grameen Bank* (qui a inventé le microcrédit), loin d'être un signe d'autonomisation des populations qu'elles concernent, s'avèrent des instruments de contrôle auréolé par un discours en adéquation avec les attentes des organismes multilatéraux de financements autant que de la classe moyenne tunisienne. Dans ce cadre les ONG, surnommées localement OVG (organisations vraiment gouvernementales!) sont, selon E. Gobe (*op. cit.*) symptomatiques de la perdurance de la patrimonialisation de l'État. En fait, l'autonomisation formelle qui s'opère à travers l'émergence de ces institutions est source d'intervention de l'État lorsqu'elle se traduit par une mise à distance réelle de sa tutelle. Cet instrument donne, par ailleurs, la possibilité à l'État de contrôler les zones d'ombres qui lui échappent. Les ONG ici, sont donc dans une large mesure, des instruments de légitimation faisant partie des prérogatives d'un État patrimonial. L'émergence/importation d'ONG montre dans ce cas une redistribution des pouvoirs de l'État à des échelles sociales sur lesquelles évoluent ces institutions.

Ceci nous convie à critiquer les assertions contrafactuelles de Laville J.-L., Sainsaulieu R. (1997) voyant dans «l'association une liberté propre à la démocratie»⁵. Encore faudrait-il questionner la notion de démocratie à l'heure actuelle qui se situe entre un alibi des rapports de domination mondiaux et un idéal de société. Surtout, avant d'en faire l'apologie, il faut constater que les modèles associatifs (Emmaüs par exemple) qu'étudient ces auteurs s'avèrent des instruments de gestion de la pauvreté, qui n'intègrent pas les populations exclues. Bien au contraire, l'ensemble des actions mises en œuvre semble avoir pour conséquence une exclusion institutionnalisée, doublée d'une mise sous tutelle, ce qui est beaucoup moins idyllique que ne le voudrait les allégations de ces auteurs. On remarquera aussi l'erreur des auteurs qui transforment en corrélation la présence d'associations dans les sociétés occidentales, en imaginant une causalité qui relierait la démocratie et l'association. En d'autres termes, ce n'est pas parce que l'on trouve des associations dans des sociétés démocratiques qu'elles sont forcément une «liberté propre à la démocratie».

Le secteur des ONG: multiplication, alignement

Les associations et ONG recouvrent désormais des domaines d'activité très larges. L'hétérogénéité de ces activités et leur nombre croissant sur tous les terrains brouillent les analyses des changements sociaux en cours. On peut aussi se demander, si elles ont réellement des aspects en communs, et dans quelle mesure elles peuvent former un «secteur». L'appellation d'ONG n'est d'ailleurs pas très explicite. Il faut toutefois noter son caractère symbolique unificateur. Dans tous les cas, on peut observer que toutes tendent dans une certaine mesure à entrer

⁵ Cette phrase est le titre du chapitre premier de l'ouvrage (35-73).

en concurrence (entre elles et avec d'autres types d'institutions) pour la légitimité, l'obtention de fonds privés ou publics. Avant d'aller plus loin, précisons qu'un certain nombre d'entre elles, par manque de fonds, n'ont qu'une existence virtuelle tandis que d'autres, récentes ou non, disparaissent par suite d'une concurrence accrue, sur un même domaine d'intervention. Soulignons aussi les nombreuses ONG «en papiers», constitué d'un statut juridique et d'un compte-chèques qui servent aux détournements d'argent. Quoi qu'il en soit, on voit se mettre en place une extension des activités d'un point de vue général. Les domaines d'intervention recouvrent le respect des droits de l'Homme, des femmes, des minorités le développement, l'écologie, les études de faisabilité, etc. Ces champs d'interventions se télescopent, conférant un nouveau sens à des notions déjà existantes comme l'illustre le «développement durable», mélange virtuel de développement et d'écologie, à l'heure où le développement paraît sensiblement tombé en désuétude. S. Latouche (2001) exprimait ce fait dans ces termes: «Le développement durable est la plus belle réussite dans cet art du rajeunissement des vieilles lunes. Il constitue un bricolage conceptuel, visant à changer les mots à défaut de changer les choses, une monstruosité verbale par son antinomie mystificatrice. Le «durable» est alors ce qui permet au concept de survivre». Cette nouvelle phraséologie, habillant les inconvénients réels d'une certaine morale, vient signaler un mouvement qui semble bien loin de l'idéologie tiers-mondiste. Il apparaît nécessaire de montrer ici, l'un des processus par lequel des ONG qui à leur origine se préoccupaient d'un secteur en viennent, lorsqu'elles entrent dans le système politico-économique, à intégrer des activités parallèles d'associations co-présentes sur le même terrain, et de ce fait s'attirent à la fois des symboles et une légitimité qu'elles n'auraient pu obtenir en se confinant dans une seule branche d'activité. Pour donner à notre réflexion une dimension plus exhaustive et la mettre à l'épreuve, prenons tout d'abord l'exemple de la venue récente de l'écologie au Brésil. Malgré la différence apparente avec le discours humanitaire nous verrons dans quelle mesure celui-ci, sans en faire totalement partie, s'inscrit dans un même carcan idéologique.

L'émergence de cette préoccupation au Brésil est relativement récente comparée à la première conférence internationale qui eu lieu en 1972 dont le slogan était «une seule terre», qui fut suivie par la réunion de Rio en 1992 et Johannesburg en 2002. Rappelons que les ONG au Brésil s'érigent sur un système sociopolitique à peine sorti d'une dictature militaire. Dans cette conjoncture, comme nous l'avons souligné précédemment, les cadres de soutien aux mouvements populaires proscrits par l'État ont trouvé un appui dans les structures associatives chrétiennes. Ce tableau semble de nos jours fortement remis en cause. Certaines évolutions donnent un intérêt nouveau pour le secteur associatif. Notamment le chômage important des cadres et diplômés, qui explique leur orientation vers ce secteur, puisque celui-ci représente une source de nouvelles formes d'emplois. L'orientation de ces acteurs sous-entend un autre changement: les associations peuvent aujourd'hui employer des personnes à plein temps en échange d'une rémunération, ce qui paraissait peu probable, il y a quelques temps encore. Il y a donc une professionnalisation du personnel des ONG. La transnationalisation des réseaux d'approvisionnement

d'argent, sans lesquels les organisations brésiliennes ne pourraient survivre, permet de comprendre pourquoi la plupart de leurs représentants parlent anglais et... se voient de plus en plus sélectionnés. Les ONG ont plus à voir avec des entreprises qu'avec des structures associatives militantes.

C'est au début des années 1980 que certains signes mettent en évidence la reconnaissance de l'écologie en tant que discours légitime et la lisibilité des ONG qui concentrent leurs activités sur ce domaine en tant qu'acteurs «compétents». L'écologie se voit reconnue par des voies institutionnelles et sera désormais un thème incontournable de ces institutions. Dans le même temps, ceci signifie une restructuration du champ des ONG brésiliennes qui se perçoit surtout dans le repositionnement des secteurs d'action et dans le jeu de concurrence auquel elles se livrent pour l'obtention de fonds internationaux. Cependant, la légitimité qu'ont acquise les ONG à vocation écologique ne s'est pas réalisée sans concession. Leur rhétorique s'est modifiée laissant une place lisible de soutien aux mouvements populaires. Les ONG indigénistes ont pu en adhérant aux activités de «protection du milieu» profiter de la légitimité nouvellement conférée à cet item. Inversement, les ONG de protection de l'écosystème, auxquelles on pouvait reprocher un manque de considération pour les populations locales ont épousé le sens du mouvement, et fait les «bénéfices» de cette opération en trouvant une nouvelle source forte de justification de leurs actions. Ainsi, comme le précise P. Léna: «Les ONG „culturelles“ et „écologistes“ ont donc mis sur pied une sorte de construction à deux voix, et un argumentaire commun même si leurs bases sont différentes: pour les écologistes, les indiens deviennent l'exemple de pratiques qui ont su préserver l'environnement pendant des millénaires. On peut donc les aider à défendre leurs droits et leurs territoires. Cela devient même un intérêt stratégique. D'où leur slogan destiné à leur public habituel: „préservez les indiens et vous préserverez la forêt“. Pour les indigénistes cette association à un mouvement mondial puissant, et l'adhésion des écologistes à la défense des territoires indigènes, représentent une garantie d'efficacité beaucoup plus grande dans leur tâche. Elles gagnent en audience. D'où leur slogan, là aussi destiné à leur public: „préservez la forêt, vous préserverez les indiens“» (Léna P., 1998: 679)⁶.

L'avènement de l'écologie en tant que thème légitime du développement, et des associations en tant qu'acteurs du développement s'accompagne d'une reformulation des discours et participe à la construction d'un objet imaginaire commun. D'un point de vue stratégique, c'est aussi une manière pour ces organisations de s'attirer les financements externes sur plusieurs tableaux. Les activités dites écologiques sont importées au sein d'un ensemble préexistant, dont elles deviennent une composante après que ses contours initiaux soient reconfigurés à l'occasion de son intégration aux réseaux des ONG qui est marqué par un processus de «politisation du rapport à la nature» (*idem*). La distinction entre des associations se préoccupant soit de minorités, soit d'activités écologiques s'efface peu à peu par suite des contraintes posées par la concurrence pour l'obtention d'argent. Il faut préciser que ces deux items peuvent être réunis suivant une configuration locale des possibilités d'intervention, en l'occurrence, celles posées

⁶ Il cite sur ce point Conklin B. A. et Graham L. R., (1995).

par les populations indiennes et les pratiques de dégradation du milieu en Amazonie. Le discours et la construction symbolique (qui s'étend de la protection des indiens aux pratiques écologiques) résultant de ces opérations posent d'autres problèmes. En effet, les pratiques locales vont dans le sens d'une intégration aux activités commerciales, ce qui les pousse à utiliser leurs ressources environnementales d'une manière qui n'est pas des moins dégradantes. Ces informations sont masquées ou encore assignées aux effets de la corruption (*idem*). Ici, on masque pour faire croire que l'on fait. La construction symbolique qui en découle semble fragile. Tout se passe comme si l'idéologie dominante fonctionnait comme une sorte d'aimant, attirant et intégrant ces nouvelles activités, au sein d'un carcan mouvant et plastique dont les contours sont réajustés par cette émergence. Les politiques de développement, comme on le voit ici, ont une marge d'autonomie étroitement corrélés aux contraintes économiques et sociales. Il en va de même pour l'innovation.

La multiplication des ONG ainsi que le retrait de leurs financements propres, au bénéfice de créditeurs extérieurs, a pour conséquence une restructuration du panorama des ONG. L'exemple de l'arrivée des ONG écologistes au Brésil à l'intérieur de structures qui leur fournissent une entrée sur les réseaux inter et transnationaux, nous montre d'une certaine façon que tout comme la médecine et les droits de l'homme, l'écologie et les droits de l'homme vont de pairs. Cette condensation des activités se double d'un ajustement idéologique qui fonctionne comme une barrière à la lecture des implications concrètes de telles dispositions. La différenciation entre chacune des organisations n'en est que plus difficile à réaliser, puisqu'elles tendent plus ou moins à s'aligner et être alignée en trompe-l'œil sur l'idéologie dominante, de la même manière que l'utilisation des droits de l'homme.

Sortons en apparence de notre questionnement initial, centré sur les ONG, pour nous intéresser à ce qu'il est convenu d'appeler, à tort ou à raison, le «tiers-secteur». Penchons-nous sur la tendance la plus publicisée que les médias nomment habituellement, mais depuis peu, altermondialisation. Plusieurs aspects nous semblent ici importants: tout d'abord l'appellation anti ou altermondialisation porte à croire, en première instance, que ce mouvement se situe en rupture avec le carcan idéologique dont j'ai tenté dans les lignes précédentes de synthétiser dans ses évolutions les points importants. La présence d'une myriade d'associations transnationales, et/ou ONG (occidentales ou non d'ailleurs) comme ATTAC (Association pour la taxation des transactions financières pour l'aide aux citoyens) ou encore MRG (*el movimiento de Resistencia global*) qui centralise la grande majorité des associations et mouvements antimondialistes espagnoles, ainsi que des syndicats (la confédération paysanne par exemple) nous montre d'une certaine manière que ces organisations sont en quelque sorte la forme institutionnalisée des mouvements sociaux qui ont eu lieu à Seattle, Prague, Göteborg, Barcelone, Gênes et dont les «contre-sommets» sont une illustration particulièrement explicite. Le terme antimondialiste — ou celui d'altermondialiste par lequel s'auto-désignent ces organisations — par son caractère unificateur, recouvre différentes tendances et les regroupe sous un même symbole. La diversité des organisations de ce mouvement nous force à opérer ici un choix parmi cet ensemble éclectique. Suivant cette optique, notre propos ne prendra pas en compte les organisations anarchistes manifestant pour une rupture avec les formes de soumission et

d'allégeance induites dans le système politicoéconomique actuel comme le *Black army faction* ou le *Black bloc*, qui constituent une tendance puissante. Avant d'opérer ce choix, on peut cependant remarquer que cet ensemble est caractérisé par une transnationalisation de ses réseaux, dont la logistique déployée lors des réunions à Porto Alegre notamment, est un des indicateurs probants. Les États en ont bien saisi la mesure, puisqu'à chaque contre-sommet ils tentent de criminaliser cette opposition civique, de l'emprisonner ou de l'empêcher de s'exprimer sans égard pour les droits de l'homme. Ce constat est valable pour les USA, l'Italie, l'Allemagne, la Roumanie, la France etc. Ces organisations possèdent des soutiens financiers non négligeables et ont désormais leur place au sein des sphères médiatiques. Il ne faut en effet pas oublier que ces mobilisations et les messages qu'elles véhiculent sont aussi utilisés comme des produits commerciaux.

En restant un peu plus général et donc schématique, notons que la plupart de ces structures associatives, se positionnent face à la mondialisation et plus précisément à l'intérieur du marché ce qui, comme le souligne L. Bazin (2001), les différencie largement des grandes utopies ayant eu cours avant et lors de la guerre froide. Arrêtons-nous quelques instants sur les revendications les plus visibles et récurrentes clamées lors de ces mobilisations sociopolitiques. L'annulation de la dette du «tiers-monde» forme une première trame qui fait entrer les organisations présentes dans un procès d'accusations croisées (souvent par voix de presse) avec les États, les créateurs de prêts, organisations multilatérales, opposés à cette décision, qui rendrait d'une certaine manière leurs prérogatives inopérantes. Ceci dénote un ensemble de relations conflictuelles entre ces acteurs dont l'acuité se fait de plus en plus ressentir. Elles ont pour enjeu la représentation légitime de la «société civile». Deuxièmement, il s'agit de faire face aux méfaits du «marché» et de la «mondialisation». La première assertion relevée identifie des opposants tandis que la seconde condense sous les notions de «marché» et de «mondialisation» les méfaits du capitalisme actuel ou capitalisme dérégulé. Cette dernière formulation est doublée par la demande d'un «droit au développement durable», «écologique», et «respectant les cultures, traditions» (ce qui rejoint le discours dans lequel baignent les ONG écologiques au Brésil) parfois lorsqu'elles ont déjà disparu. Il en va de même pour les produits, du «terroirs» par exemple et leur production. Or comme l'analysait L. Bazin à propos de ses mouvements: «Les luttes politiques et idéologiques se sont ainsi déplacées: une partie au moins des tendances qui les caractérisent se situe désormais à l'intérieur du marché et, voulant proposer des produits «alternatifs» (locaux, néotraditionnels, écologiques, voire éthiques ou caritatifs) aux marchandises standardisées, se positionnent très clairement comme l'exercice d'une concurrence marchande» (Bazin, 2001: 147-148). En d'autres termes, les revendications qui appartiennent au domaine du politique dont l'expression est le militantisme, sont insérées à l'intérieur d'un marché réel et/ou imaginaire. Ainsi la transformation de l'articulation de phénomènes sociopolitiques et économiques se donne à voir dans ce dernier exemple. Les ONG ne sont pas des institutions qui occupent une place vacante, délaissée par l'État (ce qui est aussi un motif de légitimité), selon l'idée commune du retrait de l'État ou encore celle de tiers-secteur. Par ailleurs, elles ne sont pas non plus à l'écart des secteurs productifs et marchands: on le perçoit clairement en constatant la part des activités

marchandes dans ce domaine, ainsi que l'ampleur de la professionnalisation qui touche les acteurs d'ONG. Une partie des ONG penchent tendanciellement vers une transformation en institutions économiques, tels que, au Bangladesh, le centre de *Savar*, ou encore la *Grameen Bank* et ses extensions (*Grameen Trust* et *Grameen Enterprise*). Ces organisations illustrent de quelle manière des ONG locales (et non seulement transnationales) peuvent s'installer dans une concurrence directe avec de grandes firmes multinationales, dont elles tendent à adopter la forme. La vogue, dans les pays occidentaux, de l'économie solidaire et autres investissements «éthiques» va certainement dans le sens d'un plus grand développement affairiste des ONG⁷.

Résumons maintenant notre propos: même si l'on ne peut réduire l'analyse de tels changements uniquement à ces facteurs, ils montrent le fossé qui existe entre les pratiques et l'idéologie au temps du tiers-mondisme, dans une configuration particulière entre les sphères géopolitique, sociopolitique, économique et les discours, images et pratiques actuels dominants, qui accompagnent d'une manière ou d'une autre l'expansion des marchés et/ou leur financiarisation, caractéristiques de cette «mondialisation ratée» pour reprendre le mot de B. Badie (1997). Dans cette configuration, les ONG bénéficient d'un registre de justification principalement morale et juridique. L'efficacité idéale qui en découle ne doit pas faire oublier leur inscription dans un contexte fondé sur des enjeux sociopolitiques et économiques articulés entre eux (c'est pourquoi les trois dimensions citées ici peuvent être formulées sous la forme d'énonciation préférentielle).

La participation fictive ou réelle à la «mondialisation» ou son autre versant «l'altermondialisation» permet de faire les bénéfices ou les frais de la légitimité qu'ils confèrent. Une logique de concurrence pour la représentation légitime de la société civile en découle. Voilà pourquoi paradoxalement les institutions financières internationales, les organisations associatives, les États reprennent dans une espèce de cacophonie utilisent le même vocabulaire, dont le «développement durable», et les droits de l'homme sont de nos jours les épicycles. La plupart des grandes ONG tendent à y participer, ce qui explique, pour certaines d'entre-elles, une opération que l'on appelle «retour au politique» et une inscription dans ces formes relativement nouvelles de conflits idéologiques. Une nouvelle construction idéale avec son lot de légitimité semble en découler.

Perçu, dénoncé dans les discours comme socialement et économiquement dévastateur, le marché entraîne en compensation des «réparations». Or, les ONG monopolisent dans une large mesure l'intervention «sociale», consécutive à ces «méfaits». Les principes de justification de l'intervention humanitaire, principalement la figure de la victime, les droits de l'homme, s'élargissent et sont investis de nouveaux items tirés des conflits idéologiques récents. Les ONG urgentistes sont placées, dans cet ordre, en palliatif du marché. Ce marché et cette mondialisation, dans leurs symbolisations négatives, sont donc amenés à justifier, par un effet de symétrie, l'action des organisations urgentistes renvoyée à une sphère positive. C'est pourquoi bon nombre d'entre ces ONG humanitaires ont été intégrées à la mouvance antimondialisation «répondant» aux «méfaits» de la mondialisation par un truchement médiatique et ce, quand bien même elles s'opposent fondamentalement.

⁷ Tendances que l'on peut relever aussi dans d'autres sociétés (Léon S., 1998).

Les paradoxes d'une politique internationalisée

Dans cette partie nous nous attacherons à montrer que l'alignement des associations sur les modalités de financement et sur l'idéologie des organismes multilatéraux a des conséquences importantes à la fois sur l'autonomie d'action des ONG, et sur la pertinence des critères pour juger de celles-ci. Prenons l'exemple des associations de lutte et de prévention contre le SIDA étudiées par F. Bourdier (1999 et 2000) en Inde, dans l'État du Tamil Nadu. Il faut tout d'abord rappeler que cette société a connu et connaît à l'heure actuelle un développement important des ONG. Néanmoins, la politique indienne jusqu'aux années 1980, n'acceptait pas l'ingérence étrangère sinon de manière sporadique. C'est à partir de 1994 que le revirement idéologique et politique qui s'est progressivement opéré au cours de la décennie précédente se concrétise; les financements et prêts extérieurs sont alors disponibles. Ceux-ci sont attribués pour une durée d'un an, et peuvent parfois être reconduits pour une année supplémentaire. Les ONG sont dans l'obligation d'adopter et de pratiquer «les mots» et les pratiques indiquées par ces institutions, au risque de perdre leurs financements et de voir leur existence compromise. Dans le cas présent, la nature des opérations menées est composée de deux éléments principaux. Le premier concerne l'identification de la population cible, qui sous-entend une vision des possibles transmissions du virus du sida réduite aux relations sexuelles, endogamiques. Là comme sur d'autres terrains⁸, c'est le comportement «à risque» des populations qui est considéré comme le facteur majeur d'expansion de l'épidémie. Ce qui a pour conséquence la stigmatisation de la population cible. La seconde concerne la mesure des actions. Celles-ci sont exprimées quantitativement et en tant que telles doivent amener à la création d'un appareillage pouvant légitimer cette méthode et ces résultats, et corollairement évacuer ce qui pourrait être source de sa remise en cause. Cette posture est à prendre dans le sens d'une mise en adéquation sur les prescriptions des financeurs des associations. En fait, les prêts accordés généralement pour une durée d'un an dénotent une dépendance aux financements extérieurs qui deviennent en ce sens un synonyme de subsistance pour l'ONG. Il est donc peu probable qu'une ONG refuse les prescriptions des principaux bailleurs de fonds internationaux, d'autant plus lorsque ceux-ci se présentent comme les seuls apports financiers possibles⁹. Ceci reviendrait à se saborder. Dans ces conditions, l'autonomie des ONG est par conséquent réduite et l'innovation est quasiment impossible. Mais ce ne sont pas là les seules conséquences de cette dépendance financière et de cette position de soumission idéologique.

Penchons-nous schématiquement sur une de ces actions, parmi les plus importantes dans la région du Tamil Nadu¹⁰. L'intervention a lieu dans un bidonville, en novembre 1996. Selon F. Bourdier: «loin d'être une exception, elle reflète

⁸ Voir les réflexions et analyses de Vidal (2000).

⁹ Selon Bourdier à l'heure actuelle, seules 1% des ONG au Tamil Nadu ont des financements privés.

¹⁰ Le programme se nomme IEC «information, éducation, communication».

parfaitement l'esprit dans lequel se déroulent plusieurs interventions ponctuelles» (Bourdier, *op. cit.*: 208). La scène se déroule au milieu d'une place où les intervenants tentent d'amener la population à se rassembler. Le programme est basé sur la diffusion d'un long métrage créé par la TNSACS (Tamil Nadu State Aids Cell Society), suivi par un jeu de questions/réponses dont les protagonistes sont membres de l'ONG, tentant de faire participer le public, et clôturé par l'administration d'un questionnaire censé évaluer la valeur de l'intervention. La trame du film est constituée par des scènes où les affects tiennent une place prépondérante, créées dans le but d'attiser la sensibilité du public. Deux types de personnages opposés sont représentés dans ce long métrage aux accents manichéens. D'un côté, se trouvent les «gentils», retenant leurs pulsions, et désirs, vainqueurs de l'épidémie. De l'autre, les «méchants», sans morale, que l'épidémie emporte. A la fin de la projection et avant que le public ne se disperse, les membres de l'ONG commencent la seconde étape de l'opération qui s'étend sur environ trente minutes. Ensuite, des questions sont adressées au public, certaines connectées au comportement à adopter en matière de pratiques sexuelles, d'autres à la désignation, identification, auto-identification des personnes atteintes par le virus. Enfin, les travailleurs sociaux jugent de la réussite de leur propre action à l'aide d'un questionnaire, dont ils cochent les cases avec la population ciblée. Deux cents personnes ont répondu correctement à six questions sur dix, et repartent avec des récompenses modestes. L'action est jugée réussie. Les habitants «savent désormais se prémunir efficacement contre le sida» (Bourdier, 2000, *op. cit.*, 209).

Ce court exposé suggère plusieurs questions. On voit que les rapports sociaux sont ici évacués au profit d'une conception du monde importée, condensée dans ces programmes et dont les modalités d'application, aussi bien que de jugement, peuvent s'étendre à travers le monde. C'est bien parce que celles-ci sont creuses et qu'elles font l'économie d'une prise en compte des relations sociales qui se nouent et qui se jouent autour des associations et de leurs interventions qu'elles peuvent acquérir une légitimité, en effaçant par là-même ce qui est ignoré et source de contestation de la manière dont ce travail est produit. Aussi, on perçoit de quelle manière l'imposition de normes globales s'internalise au sein des ONG dont la dépendance aux fonds attribués infléchit les actions praticables et réduit dans une large mesure les possibilités d'intervention. Elle se traduit par une mise en adéquation à la fois au niveau idéologique et au niveau de la nature de ces actions. La domination, l'intériorisation de cette domination et de la dépendance entre bailleurs et membres de l'ONG prennent ici, une forme opaque, masquée et détournée qu'il semble difficile à mettre en lumière en réduisant l'analyse à la seule ONG ou en limitant l'ensemble de ces relations aux rapports avec la population cible, qui est absente ici de la mise en place des programmes et réduit à une position de spectateur.

La *Grameen Bank*, une ONG Bengalie fondée en 1983 par le professeur d'économie Muhammad Yunus, récent prix Nobel, et dont le modèle a été promu au niveau mondial par les institutions multilatérales, fournit un autre exemple de contradiction entre une façade dirigée vers les regards extérieurs et des opérations

qui correspondent peu à cette image publicisée. Les objectifs de l'organisation consistent à accorder des prêts peu élevés aux franges de la population les plus pauvres et participer à l'émancipation des femmes (qui représente la quasi-totalité des emprunteurs formels) de la domination masculine. A ses débuts, dans une société fortement hiérarchisée et un contexte islamique de ségrégation sexuée, ses objectifs étaient d'aider les femmes seules, veuves ou autrement placées dans une situation de survie. Son outil principal, le microcrédit, lui permet d'accorder des prêts de 20 euro à 240 euro. Le remboursement hebdomadaire est échelonné sur un an et implique que cinq autres personnes se portent garantes pour l'emprunteur. En outre, l'organisation prévoit à l'occasion du passage chaque semaine des emprunteurs des séances de gymnastique ainsi qu'une répétition des seize «commandements» (avoir une petite famille, dépenser peu...) de la *Grameen bank* qui s'apparente au prosélytisme d'un comportement ascétique. Les résultats de cette organisation — saluée avec insistance depuis sa création par nombreux organismes extérieurs, et qui subit en ce moment un certain revers — sont malgré tout forts nuancés. En effet, la plupart des emprunts contractés servent à la consommation ou encore au remboursement d'autres emprunts. Ainsi bon nombre de clients de la *Bank* se retrouvent dans une situation de surendettement. Pour une part, l'aide à la pauvreté se traduit en réalité par son opposé: le surendettement d'une population déjà en prise à de sérieuses difficultés pour vivre. De surcroît, selon J. Morduch (1999) près de 30% des clients possédaient 0,4 hectares de terre avant ou au moment de contracter leur premier emprunt. Or, ce seuil, selon le règlement de l'ONG locale, ne correspond pas à la population cible éligible pour un prêt. Même la Banque Mondiale en la personne de Shadid Khander a constaté que ces opérations ne changent pas la structure des revenus de la population et que l'emprunt à la *Grameen Bank* ne favorise pas leur augmentation. Pourtant, le modèle sera promu entre autres par la Banque Mondiale, au niveau global, comme instrument privilégié de gestion de la pauvreté. En somme, «conçue dans un esprit d'émancipation des éléments les plus dominés de la société et de contestation relative de ses cadres hiérarchiques, la *Grameen Bank* débouche, avec son internationalisation, sur un travestissement caricatural de ses objectifs initiaux et se révèle un des moyens de maintenir les axes de domination globale en voie d'institutionnalisation» (Bazin & Sélim, 2002). Issue d'une conjoncture locale particulière, le microcrédit a pu ensuite être inséré comme un outil de gestion/conservation de la pauvreté utilisé par les États, et/ou les organismes multilatéraux. Mais il s'agit aussi d'un instrument en adéquation avec l'idéologie des bailleurs de fonds qui ne jurent que par la financiarisation des rapports sociaux, la crise actuelle ne semble d'ailleurs pas changer la donne. Les ONG sont dans ce sens un prolongement de ces pouvoirs, puisqu'elles sont généralement les structures par lesquels sont mises en place le microcrédit. Outil qui est, par ailleurs, en voie de globalisation. Ces opérations permettent, d'une autre manière, aux pouvoirs politiques institutionnels de contrôler les franges de la population à la marge de la société.

Ce qui est important pour notre réflexion, c'est que cette innovation assez sensationnelle a été travestie par un mésusage significatif et par des attentes démesurées par rapport à ses capacités réelles de changements.

À travers ces deux exemples, on perçoit comment se conjugue l'homogénéisation globale en cours et les opérations locales menées par les ONG. Ainsi comme le souligne B. Hours: «Les ONG se présentent alors comme un outil capital de la globalisation, quand bien même elles tiennent un discours sur des spécificités locales, ce qui constitue une des contradictions qu'elles gèrent» (Hours, 1998: 96).

Revenons, pour en donner un dernier exemple sur l'étude de F. Bourdier des ONG intervenant dans la prévention du SIDA dans le Tamil Nadu. Les politiques qu'elles mettent en place sous-entendent une conception particulière du rapport à la sexualité. L'illustration la plus exemplaire, soulevée par Bourdier, tient sûrement dans leur positionnement différencié par rapport au préservatif. Pour comprendre ce phénomène, il nous faut nous pencher sur les enjeux qui tournent autour de la sexualité. En effet, dans un pays qui pratique depuis longtemps la restriction des naissances, sexualité et santé sont des domaines de conflits entre groupes sociaux aux affiliations (surtout religieuses) diverses. La prévention sur ce plan se transforme en une cristallisation d'un jeu de pouvoir pour imposer la définition légitime d'une conduite particulière. Ainsi, l'apologie du préservatif, comme son contraire ou parfois même son évacuation au bénéfice d'un idéal de sexualité inscrit de manière endogène dans la famille, peuvent être annoncés à la même population. Si l'on ajoute à cela l'implication des orthodoxes hindous qui percevaient dans la venue de l'épidémie du sida un châtement pour ceux qui avaient perdu les préceptes moraux traditionnels, c'est-à-dire des personnes affaiblies par le virus, la prévention s'apparente ici à un imbroglio où les actions des ONG relèvent d'une anomie multi-contradictoire. Ces antinomies privent dans le même temps, les opérations de prévention réduites à une éducation sanitaire de toutes efficacités¹¹.

Les situations soulevées ici, montrent la complexité du tissu social dans lequel émergent et/ou sont insérées les ONG, les problèmes sociaux et les politiques qui visent à les contrecarrer. Surtout, on perçoit ici la contradiction entre d'un côté, l'intervention de plusieurs ONG en relais des organismes transnationaux répondant à ces tendances même les plus moralisantes, en lui fournissant un alibi, et les prérogatives d'un État pris entre les enjeux socio-religieux de l'espace sur lequel est censé s'exercer son autorité et la nouvelle donne du système international, avec ses nouvelles formes d'ingérences opaques. Même si ce constat relève de configurations particulières, il montre bien une des occurrences de la globalisation, un cadre dans lequel les réseaux transnationaux, les États, et différents groupements sociaux prennent place. La multiplicité des situations locales a pour effet de rendre difficile la clarification des liens qui peuvent se tisser et se jouer dans la diversité de ses situations.

¹¹ Souligné par Bourdier F., *Ibid.*

Conclusion

Cette réflexion prenait pour objet les ONG en tant qu'opératrices majeures des formes contemporaines du développement. En dépit d'une certaine prétention à les combattre, les ONG et le secteur associatif ont fait partie de mutations globales de la seconde moitié du XX^{ème} siècle. Passées du militantisme au professionnalisme, du tiers-mondisme à l'humanitaire, elles sont aujourd'hui intégrées, pour les organisations les plus importantes, à la mouvance antimondialisation, alors même que certaines ont plus ou moins travaillé à ériger cet ordre. Ce mouvement implique l'utilisation d'un nouveau champ lexical de plus en plus abondant dont il faut souligner le caractère ubiquiste et plastique. Destinées à panser les plaies du marché sans le remettre véritablement en cause, elles sont des acteurs incontournables de la période actuelle. Autrefois repoussées par une partie des États, elles semblent aujourd'hui dans une relation à la fois beaucoup plus proche et plus en concurrence avec ceux-ci, s'appuyant sur des droits censés être universels. Avec la fin du système communiste, la référence à des droits et à une morale est devenue une quasi-obligation. Leur émergence sous-entend, aussi un nouvel ensemble de relation entre l'État et les organismes internationaux qui les financent en partie (à la fois les États, ONG, en ajoutant le financement de bailleurs de fonds par les États occidentaux) et une importante coercition dont la forme explicite est condensée dans la «bonne gouvernance». Ainsi, cette apparition en voie de multiplication et de pérennisation dénote un(e) double exigence/constat en apparence contradictoire; d'une part le retrait de l'État des politiques sociales; d'autre part la conservation des prérogatives de l'État sous des formes nouvelles appelées à se confondre son autorité avec les nouvelles idéologies de la «société civile». Ce phénomène est d'ailleurs particulièrement saillant en ce qui concerne les sociétés postcommunistes lieux où seuls les États étaient à même de définir ce qu'était la promotion et les statuts sociaux.

Les ONG sont aussi conçues par les institutions financières internationales comme un préalable à l'instauration d'un «marché» et de la «démocratie». Autrement dit, elles sont inscrites dans une logique politico-économique d'imposition/internalisation du système «capitaliste», et «démocratique» (comme l'entendent de manière réductrice et intéressée ses créateurs). En se positionnant sur un plan plus local, on a vu que la multiplicité des situations a pour conséquence la complexification de toute analyse.

Les ONG sont aussi un vecteur de revendications sociales, mettant en exergue des conflits entre groupements sociaux, où l'État tient souvent une place non négligeable. Elles sont aussi des centres qui captent des financements, avec parfois, des réseaux clientélistes, et les ressources relationnelles nécessaires. En fait, le développement des ONG s'est traduit par une réduction de leurs marges de manœuvre en ce qui concerne les solutions qu'elles peuvent apporter au développement et aux laissés-pour-compte du développement. Dans la structure des pouvoirs du développement, la position de ces acteurs se situe en fin de

chaîne. Il s'agit là d'une contradiction affligeante: les acteurs les plus proches du terrain sont aussi ceux qui sont les moins en position de définir des solutions au développement. Or, on a vu que le téléguidage global des ONG n'est pas une solution, mais principalement un problème du développement. Le problème peut également être inverse comme on a pu s'en apercevoir avec la *Grameen Bank*: l'extrapolation d'une solution innovante peut s'avérer un succès en trompe-l'œil. C'est donc dans cet horizon de contraintes que les ONG peuvent apporter des solutions innovantes qui participent au développement des sociétés. Précisons que c'est dans cet objectif que notre propos était ici critique. En cela nous espérons avoir contribué à la complexification de la question de l'innovation dans le domaine des politiques de développement. La question enfin que nous estimons centrale est double: tout d'abord, il s'agit de savoir comment donner une marge de liberté suffisante aux ONG pour qu'elles puissent élargir les bases de l'expérimentation et faire remonter aux échelles politiques; ensuite, il serait important de questionner la communication et la synergie entre les organisations qui occupent le terrain et les centres de décision dans le développement.

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THE LIBERAL PROJECT FROM THE FIRST MODERNISM TO ITS CONTEMPORARY EUROPEANIZATION

VIORELLA MANOLACHE*

Abstract. *According to John Rawls, the stable democratic social order can relatively be amended (and) from a deeply liberal perspective. In Rawls's view, political liberalism may be subordinate to a general question: how can a right and stable society of free and equal citizens to live in a society divided by doctrine "reasonable", but "incompatible"? It is well known that participatory democracy is a classical form by which sub-centers (even isolated individuals) are associated and intervene whenever power acts contrary the public interest. This is recognized (also in the Romanian political sphere) in a civic and political engagement found in invariant invoice liberal policies, which have as main objective: to ensure equal opportunities for all citizens assert, the creation of a normal functioning of social justice, promoting items such as to generate prosperity at local, regional, national, international human rights and citizen; removing inequality and discrimination, encouraging the competition, prevent monopolistic tendencies, the establishment of a climate of peace and security throughout the world. As noted in the majority of political parties, this remains the supreme law of the liberal difference.*

Keywords: *elites, anti-elites, first and second modernism, Eastern Europe vs. Western Europe*

Romanian elites and the first modernism

To a common sense, the Orwellian-ism of the Central and South-Eastern Europe is a realm where the democratic, equalitarian and liberal model proved abortive, severely damaged by the substratum residue of mentality, by the fetishism of bureaucratic rationality, doubled by the parallel proliferation of the pressure of the clientage phenomenon. The corrupt model of a decadent modernity is placed under the sign of the "hybrid", among the contradictions between essence and appearance. Deciding for the inventory of such political, cultural, social and economic residues (which put into a different light the Western model of modernity

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or, stubbornly, oppose it), we rally to the opinion according to which the Romanian modern project has failed due to the lack of a democratic tradition, or the lack of rightful reciprocity between the governors and the governed, because of the uncertain relationships among the *elites*, the *anti-elites* and the citizens.

Religious residues, long delayed, the incomplete secularization, some values and attitude that prove incompatible with the modernity model, the endlessly oppressive and arbitrary administrative system, completed by a long lasting mythical discourse of collective identity, and by the deficit of development within the rural areas — all these are factors upon which the *new elites* and *anti-elites* have consolidated and sustained their political power.

An analysis of the typical and (a)typical forms of communism in the Central Europe countries can not avoid the international proletarian thesis, the exporting idea of revolution and revival of the *Comintern* after the second world war.

The introduction of communism, as a political regime in all Eastern Europe countries, under the patronage of the Soviet invasion troops and their political, economic and military subjugation, assumed a *typical route* of differentiation of the local communist regimes. From this process of atomization, we are presenting some *forms (formulae)* of differentiation in the configuration of the Eastern halo: Tito's national self-governing communism, reinforced by the Soviets break on Yugoslavia; the counter revolutionary movements in Hungary (1956) followed by the strengthening of the cracks found in the communist wall; "Spring in Prague" (1968) by landing of Soviet troops in the city of Kafka, "the Polish glasnost" (1980) and the foreshadowing of the perestroika's agreements etc. All this "liberalism" against the background of occurrence (in these countries) of revisionism and communism reformist factors as anticipated restructuring of the entire system.

Historically speaking, the date of 23 August 1944, detaches Romania from Bulgaria, as well as from East Germany, Hungary, Poland, Czechoslovakia etc. setting its own differentiated path. Hardly could there be recognized, even in historic descriptions of any enlightened political leader of the soviet army, *the traditional elites as reflexes of the liberal state*, established on the separation of powers with the meaning foreshadowed by Montesquieu.

Regarding communist *anti elites*, they can be recognized as the banner carriers of the totalitarian state, as the barbarian human portavoce, "revanche a ce que, aveugle a la fonction symbolique du pouvoir, il ne voit dans sa division qu'un leurre et qu'un imposture".

Agglutinated in this political machine, the Romanian *elites* (despite any effort) will not be able to double on the new democratically-unequal relationships. Negatory reactions against the *traditional elite* (located in the inter-and post-war) will uncover, accusing, the conservative route and their active involvement in the irrigation of the Romanian political arteries.

It is time to open a parenthesis: the representatives of the historical parties are being accused of taking an approving position against the idea of a "People's Front", considering it one of the Communists' manipulating methods. In this context, the *traditional elite* will constantly be suspected of supporting the

ideology of the extreme right and, indirectly, fascist political organizations, as forms of socio-political activities. Following the accusatory coordinates regarding the three disastrous dictatorships of the “bourgeois” — Carol the second, Legionary, and Antonescu, Gheorghe Gheorghiu-Dej denounced the social and political recoil inquired / by the authoritarian dictatorship of King Carol II (10 February 1938) , continued with the establishment of the “National Legionary State” (6 September 1940), and Antonescu (23 January 1941), relaying on the force lines of the vector sliding between political dictatorship and that of the revolutionary proletariat, whose size was located in “liquidation of the last democratic freedoms and political union”.

With Stalin’s dissolution of the Committee in 1943, Western politicians understood that the internationalism “sponsored by the Moscow” entered a latent phase. What has been only recently found out is that the *cominternist* structures were kept and reactivated their connections waiting for the right time to wake up and to operate once more the political machine through their new battalions of experienced activists, to establish communism in Central and East Europe, under the cloak of the democratic struggle against fascism.

Those six years of dictatorship have served the communists, in theory, thus justifying the effort for the emergence of the fourth dictatorship, that of the proletariat, in which ordinary people will take over abusively and keep, as authorities power in the state. But the question is, how “fascist” were the three regimes, initially nominated by Pătrășcanu and then by Gheorghiu-Dej, especially since such labeling is still working in the repertoire of the historical phenomenon of dictatorship.

However, the similarity remains the defining element of such dictatorial regimes (of a fascist or communist shade) based on a single party, which (it) feeds (on) the theory of the supremacy of a class who increases it’s advantage by putting it’s opponents into detention camps and prison etc.. Moreover, the accusations brought by the *anti elites* against *traditional elite* kept in sight the fact that they were unable to overcome the fixed maintenance of private property over the means of production, considering that they have abused, politically, “of a law as it did not to appeared in constitutional provisions”, seeking, in their immediate goals, to meet only the interests of the bourgeoisie.

As a first conclusion, the dialectic between the central and peripheral clear civilization of *Central-Western* and *primitive world*, should be (re)written from a dual perspective, like that of a less competitive pressure, but rather, a structural one.

This so called modernization was accomplished “through a brutal and Pharaoh like work of a social engineering” practiced at the level of the Eastern European periphery. In line with the prudent conservatory reflexes of Raymond Aron’s, a critical analyst of the liberal-which strongly dismissing totalitarian ideologies, has sought explanations for the attraction which communism distemper exercised on the Western intellectuals (especially French), a series of several researchers of the phenomenon, believes that there can be no better evidence for the impressive hypothesis which shows the real socialism as another way, another path of modernization and modernity.

Therefore, the cleavage produced along with the collapse of Soviet communism, was followed by, according to Bruce Ackerman¹, a *second liberal* revolution, interrupted by global crises of the left or right wings of totalitarianism, which culminated with the exacerbation postwar traumas and the cumulated effects of the Cold War.

Identified as analogical, such doctrinaire-action “scenarios” are based on the premises of a “competition” policy, noting that, this competition would also promote more rapid development of new forms (formulae) of independency, behavior and political action.

In his introductory paper to Șt.Zeletin, *The Romanian Bourgeoisie. The New Liberalism* (Nemira Publishing House, Bucharest, 1997), Cristian Preda assimilated the new liberalism of the imperialist financial policy, to an autarchy that requires the bourgeoisie’s passage from economic heteronomy to political autonomy. “The ideologist anti-Semitism” marked by a “bill of rural sentimentalism” or “holistic relativism” are Cristian Preda’s arguments when he says that “Zeletin was not a liberal, but a socialist”. If one follows, however, the approach of Western liberalism theorists (Pierre Manent, J.F. Revel, Fr. Hayek etc...), the rhetorical hypothesis of C. Preda is confirmed only to the extent where the stigma of Zeletin’s doctrinal principles is limited to more to a definition (by mutual denial) of liberalism and conservatism.

In the Political Dictionary², the social liberalism is a political doctrine which covers, in a happy synthesis of liberalism with civism, the space between radical liberalism and social democracy. As such, social liberalism will advocate for a moderate liberal model, concerned with the social issues out of the contemporary world who have not received an adequate response from the socialist trends, on the one hand, and classical liberalism / neoliberal trends, on the other.

In this context, it is best to reflect on the fact that in many respects, the nearest social doctrine on liberalism is social-democracy, “social liberalism being the most left sided of the right wing doctrines” (Kamaludin Gadjiev, *Political Science*, 1995).

Following the Russian political branch, depending on the situation and socio-economic realities, Oleg Serebrian³ is convinced that “social liberalism calls for action to *right*, where the “left” and the excessive social policies could jeopardize the proper functioning of the economy”.

As can be noted, both Social Democrats and Social Liberals are concerned with a balanced social policy, distinguishing between the economic policies of these doctrines as amended by the economic aspect, crucial in defining the identity of social-liberal model.

Despite these similarities to social democracy in the social policies and, in part, even economic, Romanian social liberalism remains, essentially, a liberal source model, a true heir of political values and moral ideals of the classical liberalism.

Thus, in the Romanian political portfolio, the social-liberal message will count, whenever the occasion, on the “four foundations” of the ethical-political approach of

¹ Bernard-Henri Levi, *La barbarie a visage humain*, Paris, Grasset, 1977.

² Bruce Ackerman, *The Future of Liberal Revolution*, New Haven and London, Yale University Press, 1992.

³ Sergiu Tămaș, *Political dictionary*, Șansa Publishing House, Bucharest, 1996.

the “classical liberalism”: meliorism, universalism, individualism and egalitarianism, the presence of the four distinguishing Ștefan Zeletin form(ulae) of social liberalism, of the most “liberal” forms of neo Marxist ideologies⁴.

In this context, the Romanian political spectrum, far from being rigid, remains one sufficiently elastic to be (re) disputed between the liberals and the conservators, in the background of some legal constitutional procedures such as removal and/ training of the cabinets in order to check their political loyalty. The rotation practice regarding their governing will provide additional safety to the Romanian politics. Despite these ups and downs, only such a phenomenon is the one that will ensure force and elasticity of the Romanian political system, in which the *elites* found their selves involved.

*Political liberalism in transition towards
the second modernity*

According to John Rawls, the stable democratic social order can relatively be amended (and) from a deeply liberal perspective. In Rawls’s view, political liberalism may be subordinate to a general question: *how can a right and stable society of free and equal citizens to live in a society divided by doctrine “reasonable”, but “incompatible”?* It is well known that participatory democracy is a classical form by which sub-centers (even isolated individuals) are associated and intervene whenever power acts contrary the public interest. From this point of view, liberalism remains a political and economic doctrine, proclaiming the political and economic freedom of individuals, a phenomenon that opposes collectivism, socialism and, generally, all the political ideas that put the interests of society, of state before the individual or the nation.

Giving credence to Rawls, individual liberties constitute the core element of the whole liberal doctrine. In a broader sense, liberalism will extol the building of a society characterized by freedom of thought, the rule of natural law, free exchange of ideas, a market economy (based on private initiative) and a transparent system of governance, in which the rights of all are guaranteed.

In another vein, Parekh⁵ noted that “hegemony of liberalism had some unfortunate consequences in the sense that it has turned liberalism into a *metalanguage*, enjoying the privileged status of being both a language to others and judge the way in which should other languages spoken, as a currency exchange and a measure for all other currencies exchange”.

Closer to us, in a study dedicated to contemporary liberalism, Andrei Marga tries to provide a comprehensive answer to the question *what is liberalism nowadays?*

His answer is located between two extremes: Francis Fukuyama⁶ and Immanuel Wallerstein⁷. If Fukuyama welcomed the victory of liberalism after the full collapse

⁴ Oleg Serebrian, *Social liberalism*, in “Politics and geopolitics”, Cartier Publishing House, Chișinău, 2004.

⁵ Dan Pavel, *The liberal revolution and the future of liberal parties* in the “Scope of Policy”, no. 120-121-123.

⁶ Bhikhu Parekh, “Political Theory: tradition in political philosophy”, in Robert E. Goodin, Hans-Dieter Klingemann, *Handbook of political science*, Polirom Publishing House, Iasi, 2005.

⁷ Francis Fukuyama, *The end of History and the Last Man*, The Free Press, New York, 1992.

of the Soviet totalitarian system, exhausting all alternatives to liberalism, Wallerstein has interpreted the events of 1989 as a mark of the end of liberalism, which would have disappeared as ideology with the communist doctrine.

According to Andrei Marga⁸, a theorist as Kymlicka⁹ considers that in formulating the principles of liberalism, Rawls and Dworkin¹⁰ have not taken into account cultural affiliation, the neglected cultural differentiation of modern societies.

We can not exclude, in this context of *open dialogue*, Gabriel Andreescu's¹¹ opinion, who expresses his doubt on the need for a specific approach, in this part of the European continent, of an opposition in principle between "East political theory vs. Western political theory", Andreescu offers four arguments to support his position. *First*, there is a set of Universalistic Eastern values, *second-* believes that the main themes of the West and East are different mainly, because of the different need to cope with modernity. *A third argument* is related to the internal dynamics of societies and the "incredible implication" in a global society, and the *fourth* had in view the fact that a company is primarily a functional system, required to identify and resolve specific problems of life.

With a statement: the *left* traditional dichotomies were regarded as revolutionary, and right or most conservative, by going to the center and right of liberalism, the revolutionary potential and transforming of liberalism, was transferred on the right. Liberalism has become right and right becomes revolutionary.

Because, according to Rousselier¹², political liberalism ceases to be the inspiration of the institutional model and the reference to the dominant political culture is marked by means of conversion and locate persistency.

The Conversion of political liberalism into a *liberal culture*¹³, confirms that moral liberalism and economic liberalism have not been structurally affected by the "decline of liberalism".

Jean-Francois Revel wonders how to get out of liberalism, even when not entered in it? Referring to his book, Alain Touraine considers¹⁴, that Revel¹⁵ finds that three quarters of countries in the world (and particularly France!) did not enter into liberalism. According to Touraine, we are placed in an "extreme etatism". For, as Revel noted, all discussions on the merits of socialism and liberalism are forged from a misunderstanding: *imagining that the Socialists liberalism is an ideology*. In fact, *liberalism* has never been an ideology, a theory based on concepts of any previous experience, no immutable dogma and

⁸ Immanuel Wallerstein, *After Liberalism*, The New Press, New York, 1995.

⁹ Andrei Marga, "Liberalism nowadays", *Unification of Europe in philosophy*, Cluj-Napoca, 1997.

¹⁰ Will Kymlicka, *Liberalism, Community and Culture*, Oxford University Press, 1989.

¹¹ Pascal Delwit, *Liberalism and liberal parties in Europe*, Humanitas Publishing House, Bucharest, 2003.

¹² Gabriel Andreescu, "Universal Thought, Eastern Facts: an assessment of the rights of national minorities in Romania", in *Alterra*, year V, No. 10.

¹³ Nicolas Rousselier, "What is political liberalism", in Pascal Delwit, *Liberalism and liberal parties in Europe*, Humanitas Publishing House, Bucharest, 2003.

¹⁴ Levente Salat, *Liberal Multiculturalism*, Polirom, Iași, 2001.

¹⁵ Alain Touraine, *Comment sortir du libéralisme?*, Fayard, 1999.

independent from the events or results of action. *It is not only a set of observations on facts which have already taken place, been in a number of assumptions about events that actually occurred*¹⁶.

In conclusion, in “Romanian case”, a new variant opportunity to reassess modernity, to “read” signs as liberal indicators, is much closer to what we called, Lyotardian, unlegitimities. Point of intersection of programs and platforms of political liberalism, this is the legitimating of research recognized by performativity (in education, health, culture) and the new insight into the instability. In agreement with recent research in political science, we believe that by establishing the unlegitimated the Romanian integrates naturally, the pace of globalization scientifically managed. This is recognized in a civic and *political engagement found in invariant invoice liberal policies*, which have as main objective: to ensure equal opportunities for all citizens assert the creation of a normal functioning of social justice, promoting items to generate prosperity at local, regional, national, international human and citizen rights; removing inequality and discrimination, encouraging the competition, preventing monopolistic tendencies, establishing a climate of peace and security throughout the world. As noted in the majority of political parties, this remains the supreme law of the liberal difference.

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¹⁶ Jean-François Revel, *Grand Parade*, Humanitas Publishing House, Bucharest 2002.

**RHETORICAL ACTION AND APPROPRIATION
OF THE *GRUNDNORM* OF HUMAN RIGHTS
BY ACTORS IN THE DOMESTIC CONTEXT OF SERBIA**

VANJA SAVIC*

Abstract. *This article will try to throw the light on an instance of the contentious use of human rights discourse in connection with the police crack-down on organized crime in Serbia during the state of emergency introduced after the assassination of Serbian Prime Minister Zoran Djindjic on March 12, 2003. Using concepts and theoretical insights from the study of norms in international relations, the essay argues that levelling accusations against the then incumbent Serbian government for gross human rights violations by their political opponents worked as a strategic argument that was meant to delegitimize the government's position. The use of this norm-based strategic argument by a political group in Serbia represents an instance of the rhetorical action (Schimmelfennig, Risse) and partly illustrates the concept of the rhetorical entrapment, but can also be understood in terms of the process of socialization of norms (Schimmelfennig, Risse, Finnemore and Sikkink), and norm transfer and norm collision (Wiener) in domestic appropriation of the fundamental norm (Grundnorm) of human rights.*

Keywords: *norms, speech acts, rhetorical action and rhetorical entrapment*

“Operation Saber”

After the assassination on March 12, 2003 of Zoran Djindjic, the prime minister of the first democratic government that came to power in Serbia after the authoritarian and bloody rule of Slobodan Milosevic ended on October 5, 2000, the ministers in his government declared a state of emergency and launched an unprecedented police crack-down on organized crime groups, some members of which had either been employed or had had strong connections with some parts of the Serbian police, intelligence and the military under Milosevic. The police crack-down was code-named “Operation Saber” and resulted in the arrest of a

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sizeable number of criminals responsible for assassination, as well as a series of other most gruesome political murders in Serbia during the 1990s.¹ At the time when “The Saber” was launched, the rival political group of ‘democrats’ launched what is often understood as an orchestrated attack on the government of Djindjic’s ministers, (Atanasovski 2006), levelling accusations about gross violations of human rights of 11,000 rounded up by the police under the “Operation Saber”.

It can be argued that adducing the norm of human rights by the said rival political group in order to delegitimize the then government, is an example of the rhetorical action that has been described in literature on norms. However, this theoretical concept does not easily apply to the case in point, since a) the theory has been developed to account primarily for situations in international settings, i.e. in negotiations or other dealings among states, and 2) since the strategic action that exposed the government’s inconsistency in violating human rights during the “Operation Saber” in the light of its previous professed commitment to human rights, does not really throw the light on the attitude toward norms of the political group that has (ab)used the mechanism of rhetorical entrapment to add “cheap legitimacy” to its position in public. It might be possible to argue instead that the aforementioned accusations of human rights violations illustrate certain aspects of the process of socialization, which is “the process that is directed toward a state’s internalization of the constitutive beliefs and practices institutionalized in its international environment” (Schimmelfennig 2000, p. 11-112), in which different and even incompatible (norm collision) understandings of the norm of human rights were at play.

*Norms, speech acts and types of social interaction
in rationalist and constructivist accounts*

“Norms and normative issues have been central to the study of politics for at least two millennia,” emphasize Finnemore and Sikkink (1998, p. 889). Norms are usually understood as “collective expectations about proper behaviour for a given identity” (Risse 2000, p. 5). In the scholarship on institutions (sociological institutionalism), which in the study of international relations is contrasted with rationalism i.e. rational choice theory, a similar concept is that of ‘institutions,’ which are a “relatively stable collection of practices and rules defining appropriate behaviour for a specific group of actors in specific circumstances” (March and Olsen 1998, cited by Finnemore and Sikkink 1998, p. 891). However, unlike institutions, norms are single standards of behaviour and are also distinguished by their prescriptive quality — the quality of “oughtness”, characterized by both

¹ “Perhaps most important, police established that the country’s strongest and most brutal criminal gang — the so-called Zemun clan, which the authorities blame for ordering the murder of Djindjic — was intertwined with the Department of State Security (RDB) to such an extent that it was often impossible to tell them apart. What Serbia has also learned beyond doubt in the last month and a half is that those who killed its leaders and plundered its economy are often the very same people who were accused of committing war crimes in Croatia, Bosnia, and Kosovo.” (Ritter, N. et al. 2003).

evaluative and inter-subjective dimension (Finnemore and Sikkink 1998, p. 891). Norms fall broadly into two categories — regulative and constitutive ones; the former “order and restrain behaviour” the latter “create new actors, interests, or categories of action” and are constitutive of an actor’s identity (*ibid*, p. 891). Human rights fall into the category of constitutive norms.

The most significant divide in international relations theory is the one between the rationalist school on the one hand and the social institutionalist or constructivist school on the other. The rationalists operate with an individualist ontology and the assumption that actors with fixed preferences and stable (exogenous) identities behave rationally (and indeed instrumentally and egoistically) in the pursuit of their interests, seeking “utility maximization”, whereby their behaviour is goal- or outcome-oriented. It understands the international environment as “anarchical and technical” (Schimmelfennig 2000, p. 110). The latter operates with the ontology of holism (Müller 2004, p. 396) or “structuralist and non-materialist ontology” (Schimmelfennig 2000, p. 114), assumes that identities and preferences of social actors are susceptible to change since they are socially constituted, shaped and reshaped, “products of social structures (culture, institutions) and social interaction” and understands international environment as institutional and “structured by inter-subjective cognitions and norms” (Schimmelfennig 2000, p. 114). The constructivists emphasize normative rather than instrumental rationality, the one that “implies constitutive effects of social norms and institutions, since these rules not only regulate behaviour, that is, they have causal effects, but also define social identities” (Risse 2000, p. 4-5). These two broad directions in IR theory have sometimes been associated with specific modes of social interaction e.g. rationalism with “bargaining” (actors try to accomplish their goals by exchanging demands backed by credible promises, threats, or exit opportunities) and constructivism with “arguing” (truth seeking or common understanding — *verständigungsorientiertes Handeln*) (Risse 2000, p. 8) or with different logics according to which actors behave in international relations — thus rationalism with the “logic of consequentialism” and constructivism with the “logic of appropriateness” (Müller 2004, p. 396). The two approaches very often differ methodologically; even their prevalence in academic research has been accounted for in methodological terms; thus Finnemore and Sikkink (1998, p. 889) explain that the turn away the role of ideas in politics occurred in the late 1970s with “the behavioural revolution and its enthusiasm for measurement”, as well as with “the emerging infatuation of political scientists with economic methods”, which was counteracted by the “ideational turn” in the late 1980s.

However, as Thomas Risse (2000, p. 4) has pointed out, “many ideational accounts are compatible with an instrumentally rational logic of action” and “principled and causal beliefs can enter the utility functions of actors, affect cost-benefit calculations, and influence the strategic interactions themselves”. Risse argues that “even instrumentally rational actors need to adopt a mode of social interaction whereby their exogenous goals only form background conditions, while the predominant mode of social action consists of mutually

justifying validity claims oriented toward achieving collective understandings” (2000, p. 13). Risse makes another point (1999, p. 535-536), namely that various modes of social interaction are only ideal types, whereas in real life “we often act both strategically and discursively (i.e., we use arguments to convince somebody else that our demands are justified), and by doing so, we follow norms enabling our interaction in the first place (e.g. language rules, etc).” Finnemore and Sikkink (1998, p. 909) also stress that “scholars have tended to counter-pose norms to rationality in IR”, implying that issues studied by constructivists such as norms or identities “are not rational and, similarly, that “rationalists” cannot or do not treat norms or identities in their research programs.” They emphasize that both latest theoretical and empirical studies corroborate the fact that there is “an intimate relationship between norms and rationality.” The division between normative and instrumental behaviour, according to Finnemore and Sikkink (1998, p. 910) “ignores precisely what the empirical studies reveal — namely, that instrumental rationality and strategic interaction play a significant role in highly politicized social construction of norms, preferences, identities, and common knowledge.” Thomas Risse (2000, p. 3) even points out that “the methodological, epistemological, and ontological differences between, say, sophisticated rational choice and moderate social constructivism are usually vastly overstated” and that concepts such as “strategic social construction”, whereby “actors are making detailed means-ends calculations to maximize their utilities, but the utilities they want to maximize involve changing the other players’ utility function in ways that reflect the normative commitments of the norm entrepreneurs” also incorporate both lines of thinking. One such concept, which has been studied within both kinds of “research programs”, is the concept of “rhetorical action”, the theoretical account of which in rationalist terms has been provided by Frank Schimmelfennig (2001) and in constructivist terms by Thomas Risse (1999). Müller (2004, p. 397) points out that arguing and bargaining are simply two different types of speech acts (the concept has been theoretically developed by J. L. Austin and John Searle), which differ in their illocutionary content and their perlocutionary intention, whereby “arguing contains claims of factual truth or normative validity and intends to convince”, while bargaining “contains promises and threats and intends to change behaviour”. These speech acts should be distinguished from types of action such as strategic or communicative action, because both types of action can contain both types of speech act, or, as put by Mueller (2004, p. 397), “the two types of action are related *asymmetrically* to the two types of speech acts.”

Rhetorical action and rhetorical entrapment

As has been shown by Müller, Risse and Schimmelfennig, the rhetorical action relies on both types of rationality (instrumental and communicative). It uses the logic of arguing to attain goals which are strategic, associated with bargaining. Rhetorical action — the strategic use of norm-based arguments (Schimmelfennig 2001, p. 62) — is especially likely to appear in situations when

norms are contested and institutions weak (Müller 2004, p. 401). Müller (*ibid*, p. 404) also proposes distinction between triangular and bilateral settings. In triangular settings rhetorical action is more likely to occur because the speaker using the arguments to change the preferences of his collocutor (without being prepared to have his preferences changed) actually aims at persuading the audience and counts on its assistance to make the opponent change his mind. Publicity (Deitelhoff & Müller 2005, p. 174) is considered to be one of the conditions for successful rhetorical action. “Publicity forces strategically motivated actors to justify their position in front of a public”, (Risse 2000, p. 8) and the presence of a ‘third party’ provides an arbiter for better arguments and threatens sanctions for ruthless bargaining.

Describing rhetorical action in accordance with rationalist assumptions, Schimmelfennig (2001) postulates several preconditions to be met, such as weakly socialized actors who nevertheless belong to a community whose constitutive values they share, even though these values do not shape their concrete preferences or goals, which can then come into conflict with the values upheld by the community. Rhetorical action differs from communicative action since rhetorical actors do not search for truth but want to put forward their own point of view and are not ready to be persuaded by a better argument. “Rhetorical action changes the structure of bargaining power in favour of those actors that possess and pursue preferences in line with, though not necessarily inspired by, the standard of legitimacy” (Schimmelfennig 2001, p. 63). Actors whose self-interested preferences are in line with the community norms have the opportunity to add cheap legitimacy to their position. Legitimacy adds to actors’ bargaining power, enabling them to argumentatively back up their selfish goals and delegitimize the position of their opponents. Weakly socialized actors experience legitimacy (which is a source of legitimate conduct) only as constraining and an external institutional resource.

However, there are limits to strategic action. Inconsistent and cynical use of strategic arguments eventually produces loss of credibility of instrumental actors. “Even if community members only use the standard of legitimacy opportunistically to advance their self-interest, they can become entrapped by their arguments and obliged to behave as if they had taken them seriously.” Rhetorical action can lead to rhetorical entrapment. “Once caught in the community trap, they can be forced to honour identity- or value-based commitments in order to protect their credibility and reputation as community members”, (Schimmelfennig 2001, p. 62). However, “shaming through rhetorical action does not equal persuasion. Successful rhetorical action silences the opposition to, without bringing about a substantive consensus on, a norm-conforming policy” (*ibid*, p. 77).

In contrast to Schimmelfennig, Müller (2004, p. 412) takes the constructivist approach and argues that “the subsumption of communicative action under a rationalist theoretical framework does not work.” His account of the rhetorical use of arguments presupposes communicative and argumentative as well as instrumental rationality because it presupposes that at least the audience is susceptible to the power of arguments rather than the mere rhetorical behaviour.

Müller (2004, p. 404) argues that “if (...) the strategically minded speaker perpetuates ‘strategic arguing’ without ever submitting to what the audience deems the ‘better argument,’ she runs the risk of facing growing scepticism, resentment and eventually, loss of reputation. The rhetorical use of arguments would then be a costly game, and not rational at all.” Using normative arguments in a rationalist setting can only be considered rational if the actor concerned is prepared to submit to a normative argument himself in a reverse situation (Müller 2004, p. 408-409). Thus, “for a rational person, it would not be advisable to abide by norms if the bargaining partner could not be expected to reciprocate in a comparable situation.” Such a person would in all settings be “a sucker” and this “would be at odds with rationalism.” The “phenotype” of the “communicative sucker” would disappear from the competition, Müller argues, and since communicative action is observable today after a long tradition of political negotiations and confrontations, it proves that the starting assumptions of rationalism have been wrong. This approach to rhetorical action leads even more strongly to the inevitability of rhetorical entrapment. Thus for Müller (2004, p. 425), “the use of the speech act type ‘arguing’ is not without consequences for the speaker who uses it with a strategic intention. It has cogent implications that lead him away, against his own will and intention, from a purely rationalist mode of action. Risse’s proposition about ‘communicative entrapment’ fully applies — arguing provides a non-revolving door for the strategist out of the rationalist building.” It turns out that the logic of communication and the logic of consequentialism can be “integrated if we assume a superior logic of appropriateness.” The limits to bargaining in this case are encapsulated by the definition that “it is appropriate for actors to pursue their self-interest unless it collides with a valid norm that prescribes different behaviour” (Müller, p. 416), namely it prevails as long as it does not seriously collide with a norm. Other authors have pointed out the same impossibility for actors who use norm-based arguments strategically to remain unconvinced themselves. It has been argued that the problem “facing an agent who wishes to legitimate what he is doing at the same time as gaining what he wants (...) cannot simply be the instrumental problem of tailoring his normative language in order to fit his projects. It must in part be the problem of tailoring his projects in order to fit the available normative language”, (Reus-Smit 1997, p. 570). The empirical studies have also shown that “the overtly strategic use of arguments led to an isolation of the respective actor.” “Actors using a certain argument create the expectation that they will be consistent, and also act accordingly. Turnabouts ruin reputation. The ‘rhetorical entrapment’ underlines the importance of contextual factors that force actors to use arguments and to abide, eventually, by the better argument,” (Deitelhoff and Müller 2005, p. 171).

Both rational-inspired understanding of the rhetorical action and entrapment and the theory which explains rhetorical action as subservient to the logic of appropriateness apply primarily to behaviour of states in an international setting that is understood as highly institutionalized and characterized by repeated encounters among actors. Even though the concept of rhetorical entrapment does

not easily lend itself to direct application in the context of domestic political power struggle, the situation in Serbia satisfies several preconditions of rhetorical action. The political rivals of the government of Djindjic's ministers in Serbia have used the human rights arguments strategically through media with an aim to discredit the first democratic, post-Milosevic government precisely for the breach of human rights, with which the new government has previously strongly identified itself, gaining international recognition as witnessed by Serbia's admission to the Council of Europe and other international organizations in 2003. Rhetorical entrapment of this government was not difficult, especially since the discourse was conducted in the public arena i.e. in a triangular setting in which the aim of the rival group was actually to convince the 'third party,' the Serbian public, that the new government is inconsistent and not sufficiently democratic. The aims of the rival political groups were easily achieved. Whether the rhetorical entrapment worked the other way round to trap the rival political group into norm-conforming behaviour in their subsequent actions remains to be assessed from their subsequent public statements and behaviour.

The process of socialization

However, the scholarship on processes of socialization of international norms might provide further insights into the nature of the said political situation in Serbia. The rival political group of the so-called 'soft nationalists' has been notorious for its stance that crimes have been committed by all sides during the conflicts in former Yugoslavia and its tendency to counter any public talk about crimes committed by Serbian paramilitary and military forces in these conflicts with their insistence on crimes committed by other ethnic groups. If we for the present purposes assume that their understanding of human rights tends to be embedded in a superior commitment to nationalism rather than to a commitment to universal and inalienable human rights regardless of race, nation, religion or sex, we might arguably be able to understand their insistence on violations of the human right of the due process of law as colliding with the government's implied understanding of human rights as incorporating human security rights, especially pertinent in the Serbian context of criminalized state structures.

The socialization, a process defined as "directed toward a state's internalization of the constitutive beliefs and practices institutionalized in its international environment" (Schimmelfennig 2000, p. 111-12) "presupposes an international society with specific collective understandings about appropriate behaviour of its members (i.e. norms)" (Risse 1999, p. 529). Human rights are particularly strongly embedded in the normative setting of international society and "they increasingly define what constitutes a 'civilized state'" (*ibid*, p. 530). There are various mechanisms of norm transfer from international into domestic contexts such as learning, hegemonic power or moral entrepreneurship. In accordance with three types of social interaction, Risse distinguishes between three types of socialization mechanisms such as instrumental adaptation, institutionalization and habitualization and argumentation and/or persuasion (*ibid*, p. 530). The

concept of rhetorical action applied to the study of socialization is elaborated in Risse's (1999) model of 'argumentative self-entrapment.' However, if we assume that human rights in this case have been indeed institutionalized but not habitualized, this opens the space for increased norm contestation and even norm collision in the Serbian context. In Schimmelfennig's model of socialization which abides by rationalist assumptions (2000), a strong institutional environment is assumed which allows for an explanation of 'a 'thin' concept of socialization' (Schimmelfennig 2000, p. 113), which does not have to "assume non-egoistic actor utilities" (*ibid*, p. 110). Schimmelfennig postulated the difference between liberal orientation in society and the dominant ideology to which the governments in new states owe their election as the most relevant in this context, arguing that "the effect of Western socialization policy will be most important if societal and governmental orientations diverge" (*ibid*, p. 111). In terms of the prospects of internalization, domestic conditions have the primacy i.e. these prospects vary "with *domestic* conditions that affect the ruling elites' chances of preserving power", (Schimmelfennig 2000, p. 132). Schimmelfennig selects two factors as the most relevant: the strength of Western orientations in society and the ideology on which a government has based its claim to authority after the collapse of communism. Combining these two factors, he arrives at four possible situations, in which one seems applicable to the examined case of Serbia in 2003, namely the situation of weak Western orientation in society and liberal ideology of government. According to Schimmelfennig, in such a case there are mixed incentives for internalization, mobilization of international support is extremely important and Western policies have a high impact. "On the one hand, in sticking to democratic principles, these governments would remain credible and reap the benefits of international legitimacy. On the other hand, they face domestic opposition against a radical course of Westernization and, especially in times of crisis, will be tempted to compromise on liberal principles" (Schimmelfennig 2000, p. 134).

Problems of norm transfer

Additionally, we may account for this example from the standpoint of norm transfer. Norm transfers can enhance "the possibility of contested normative meaning as an unintended consequence of norm diffusion" (Wiener 2007, p. 54). "Norm transfer between different domestic, international, or trans-national political arenas thus emphasises the time-place condition for normative validity. Successful norm implementation is not necessarily the end of the story. Norms are often renegotiated in subsequent policy processes," (*ibid*, p. 54). It might be possible to assume different and divergent internalizations of the norm of human rights by actors in this case. The government might have acted in its understanding that it is high time to deal with the criminal aspect of the state, breaching the human rights of detainees in the context of weak institutions, but still acting in accordance with its understanding of the norm of human rights as incorporating human security rights. The rival political group might have caught the government in "the community trap" thereby however exercising its understanding of human

rights as subservient to nationalistic ideology rather than universalism (since it has often lent certain legitimacy to some parts of the criminalized state services under the rhetoric of patriotism). The language of norms has to be interpreted, and this need introduces a degree of contingency into the logic of appropriateness and thus empowers agency (Müller 2004, p. 419). There are “categories of norm collision in which the discourse is not controversial just in detail, but concerns disagreement about the normative system of reference. This disagreement results from the clash of different ‘value communities’ which are compelled by the circumstances to enter cooperation, but cannot easily draw on a joint system of reference norms to develop a cooperative normative framework.” Furthermore, “domestic / international normative tensions may lead to a shift in national identities. Identities can be thought of as a hegemonic domestic discourse that defines one’s role in the world that has become habit-like for the large majority of a state, including its political elite” (Mueller 2004, p. 423). Given the historical background in Serbia, in which rampant nationalism enjoyed full legitimacy of political discourse in the 1990s, it can be argued that the replacement of the hegemony of nationalistic discourse with the hegemony of international norm of human rights did open up a space for “a contested normative meaning” (Wiener 2007, p. 54) that entails a possibility of “contentious action in the respective elite negotiators’ root cultural spheres.”

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AFGHANISTAN: WHY WESTERN INTERVENTION COULD END IN A DISASTROUS MILITARY AND POLITICAL FAILURE

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Abstract: *The study starts by clearly stating that the early stages of the present war in Afghanistan were a significant success of USA. Anyhow, at this very moment, almost a decade after the moment when Western military intervention against the Taliban and against al Qaeda started, the NATO-led presence is facing an increasing number of problems: increasing costs; large number of collateral damage and civilian casualties; very weak and notoriously corrupt Afghan state institutions, not able to properly manage national territory; increasing military pressure generated by both Taliban and al Qaeda offensive operations, targeting larger and larger regions; lack of strong and homogenous political will of NATO member countries. The synergetic consequences of all these could be, in the worst case scenario, a really disastrous failure of the attempt of the Western powers (NATO) to pacify and stabilize Afghanistan.*

Keywords: *Afghanistan, Australia, Canada, civilian casualties, effectiveness, Germany, Great Britain, Iran, national power (and its elements), NATO, al Qaeda, resources, strategy, the Taliban, USA, war*

The opening stages of the present war in Afghanistan were, quite clearly, a quick and impressive success, *both* in military and political terms. Limited but significant elements of American national power were projected many thousand miles away from the US national territory, quickly reaching important results. Within only a few months the Taliban regime collapsed, and al Qaeda could not any more freely operate in Afghanistan. To accomplish all these, USA successfully used both its enormous and very modern military power and its enormous global political influence. The first significant military operations started in Afghanistan on October the 7th, 2001. US combat planes were able to fly, even in these early stages of the operations, an average number of some 100 sorties a day, while 300 to 500 American and British soldiers belonging to the special operations forces

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and to Western intelligence services successfully reinforced and galvanized some 15,000 Tajik and Uzbek fighters of the Northern Alliance. Later on, a few thousand Western ground troops (mainly belonging to the Special Forces Command at Fort Bragg, North Carolina, to the 5th Special Forces Group in Fort Campbell, Kentucky, and to the 10th Mountain Division based at Fort Drum, New York¹, but also some British, Canadian and Australian² military units) were deployed to Afghanistan, managing to quickly defeat both the Taliban military forces (50-60,000 strong) and the battle-hardened al Qaeda fighters (several thousand)³.

Now, more than eight years later, the general situation in Afghanistan is already *very* difficult (and some elements indicate that it is continuously worsening). At the end of August 2009, US general Stanley McChrystal (who was put in charge of the war in Afghanistan on June 15, 2009, by President Barack Obama) told the press, in his dual capacity (both US senior military commander and NATO commander) that “the situation in Afghanistan is serious” and that success might be possible *only* if “a revised strategy, commitment and resolve, and increased unity of effort” are quickly implemented. The comment of the journalist was both brief and very clear: “the campaign in Afghanistan is failing and the strategies in place must be revised”⁴. Some very serious British researchers with a lot of professional experience in the area of strategic studies (David Betz and Anthony Cormack, working at the department of war studies at King’ College, London) evaluate in an even gloomier way the probable evolutions in Afghanistan, speaking about the fact that “it seems entirely possible that Britain will suffer what amounts to a strategic defeat” in the Helmand region of Afghanistan⁵. Even general David Petraeus, commander of the US Central Command (coordinating the military efforts of USA in a huge region which consists of 20 countries, from Egypt to Pakistan and from Kazakhstan to Yemen and the sea routes off Somalia, with a total population of over 530 million people belonging to more than 22 ethnic groups) recently stated, in a very clear way, that “the security trend in Afghanistan has been a downward spiral, with levels of violence at record highs in recent weeks”⁶.

To briefly list two of the most recent really significant elements of the ongoing problems and processes USA and their allies and partners are facing in Afghanistan, let us remember at least that: a) *the Talibans are becoming again*

¹ For this list of US military units, see Stephen Tanner, *Afghanistan: a military history from Alexander the Great to the fall of Taliban*, Da Capo Press, Cambridge, MA, 2003, p. 293.

² *Ibidem*, p. 300-301.

³ For these early results, see Michael E. O’hanlon, “The Afghani war: a flawed masterpiece”, in Robert J. Art and Kenneth N. Waltz (editors), *The use of force: military power and international politics*, sixth edition, Rowan & Littlefield Publishers, Inc., Lanham, Boulder, New York, Toronto, London, 2004, p. 271-272.

⁴ Matt Spence and Deborah Haynes, “US commander General McChrystal — Afghanistan strategy is failing”, in *The Times*, August 31, 2009, the online edition, at the Internet address <http://www.timesonline.co.uk/tol/news/world/Afghanistan/article6816001>.

⁵ Stephen Grey, “Mod blocked warning that Britain faces Afghan defeat”, in *The Times*, September 6, 2009, online edition, at <http://www.timesonline.co.uk/tol/news/world/Afghanistan/article6823319>.

⁶ David Petraeus, “Afghanistan is hard all the time, but it’s doable”, in *The Times*, September 18, 2009, online edition, at http://www.timesonline.co.uk/tol/comment/columnists/guest_contributors/article6839220.

more and more influential, in military and political terms, in larger and larger regions of Afghanistan. After several years of seriously diminished presence, they are now operating, in increasing numbers, even in the formerly secure/pacified Northern Afghanistan. For example, as early as mid July 2009, important NATO commanders voiced concern “about growing instability in the west and north of the country”, reported *Reuters*. On the 15th of July, US general Stanley McChrystal, the most senior NATO military commander in Afghanistan, stated that “I am worried about the north and the west”. Offering more details, he said that “we have probably taken the north and west as givens, that their level of security was good”. But such an optimistic evaluation proved itself to be what we call wishful thinking, and McChrystal said that, instead of a peaceful and stable north and west, “what I have found since arrival... is certain areas have pockets of insurgency that seem resilient enough that they are defying some pressure”⁷. b) *The total amount of civilian casualties is large and seems to be an increasing one (with a very large share of collateral casualties and damages generated directly by Western military activities.* Tensions directly generated by the problem of civilian victims were already very high even in 2008, more than one year ago. In September 2008, an Afghan general publicly protested against the already high level of civilian casualties (many of them generated by NATO air strikes), clearly stating that “it is difficult for the Afghan people to tolerate any more. Civilian casualties happen in war, but they are now so much on the rise”⁸. But an year later, a very recent report released by the UN at the end of September, 2009, shows that “1,500 civilians had died so far this year, with August the deadliest month and August 20 — Afghanistan’s election day — seeing *the largest number of attacks since 2001*”⁹. As long as the number of civilian casualties remains large, it is difficult to imagine an Afghan public opinion strongly supporting the presence of military forces of the Western powers (*even if many of the civilians are killed by al Qaeda and by the Talibans*).

*Some main issues to be seriously taken
into consideration*

If we are to discuss, in a more detailed way, at least some of the elements and features of the situation in Afghanistan, we have to take into consideration several very serious problems:

First of all, *the costs of the Western military presence in Afghanistan were from the very beginning very high*. Only a few days after September 11 attacks, the US Congress “appropriated 40 billion for antiterror operations”. We have to also take into account that “in fact Bush received an open checkbook on the fourteenth” of September, when the Senate voted in favor of using “all necessary

⁷ See, for these statements of US general Stanley McChrystal, a *Reuters* piece of news, called “NATO Afghanistan commander concerned about the north and west”, published online on the 15th of July, 2009.

⁸ Sanjeev Miglani, “Afghans won’t tolerate more civilian deaths in raids”, *Reuters* piece of news, September 10, 2008.

⁹ “US commander offers troop options for Afghanistan”, *Reuters* piece of news, September 28, 2009.

and appropriate force”¹⁰. Now the cost of Western military operations in Afghanistan are considerably higher than several years ago (simply because more than 100.000 US and NATO soldiers are already deployed there) and they are going to increase even more (because even more military units, mainly American, are to be deployed there quite soon, and because more and more weapons and equipment and to be transferred to the newly created Afghan Army and police forces).

The Afghan military forces are not yet ready to fully contribute to really effective operations against al Qaeda and the Taliban. According to official NATO documents, Afghan National Army (ANA) received until now equipment and services of “more than 24,000,000 EUR”, but badly needs some extra help which means “a total of EUR 221,000,000”¹¹. These figures clearly show that, until this very moment, ANA received only a *quite tiny* fraction of the equipment and services it badly needs to become fully operational and really effective.

Another significant problem clearly diminishing the chances of the West to decisively win the war in Afghanistan is *the inability of the regime in Kabul (and of the international community as well) to implement a significant level of national development and a really serious and stable improvement of the living standards of the afghan population.* More than this, we have to take into account the basic fact that Afghanistan is traditionally a *very underdeveloped country*, with only a few years of minor and moderately successful attempts of modernization along the entire 20th century¹². Even before the present war, Afghanistan was a “country in ruins”¹³ (with 60% of the houses and more than 60% of all the irrigated farms destroyed along the war against the Soviet invasion¹⁴, according to local sources), whose severe development problems were aggravated by the very nature of the Taliban regime. The past eight years of almost continuous fighting and terrorist attacks of all sorts made the general situation even worse. We are speaking here mainly about the fact that hopes of the local population were not fulfilled, a situation which led to larger and larger frustrations, leading in the end to predictable and difficult political and military consequences. This situation is seriously aggravated by the fact that local governmental activities are heavily disturbed by a lot of “corruption that has undermined the legitimacy of certain Afghan institutions”¹⁵. How limited are the results of the effort to modernize the country and to generate general development (including better living standards) becomes very clear if we properly use official sources of different sorts. For example, CIA’s *The World Factbook* states that, in spite of the huge amount of foreign help, the country still is “extremely poor”, with a GDP/capita of only 700 USD and with 40% of the entire labour force without jobs. The feeling that

¹⁰ Stephen Tanner, *op. cit.*, p. 292.

¹¹ NATO Media Operations Centre (MOC), *Fact Sheet: NATO-Afghan National Army (ANA) Trust Fund*, June 2009.

¹² Aymeric Chauprade, François Thual, *Dicționar de geopolitică: state, concepte, autori*, Grupul editorial Corint, București, 2003, p. 10-11.

¹³ Aymeric Chauprade, François Thual, *op. cit.*, p. 13.

¹⁴ Patrick Brogan, *World conflicts: why and where they are happening*, Bloomsbury Publishing, Ltd., London, 1989, p. 129.

¹⁵ David Petraeus, *op. cit.*

Western powers — and mainly USA — do not make enough efforts to improve the life of the average Afghan is a quite widespread and potent factor along several years. In September 2008, for example, a 60 years old trader in the southern town Spin Boldak, extensively quoted by *Reuters*, said that “after 9/11 attacks, the US promised the Afghan nation stability, safety and jobs. But they have done nothing for us”¹⁶.

Another *major* problem associated with the current facts and trends in Afghanistan is the *active and very serious involvement of Tehran* in the military and political evolutions on the territory nominally controlled by ISAF and by the regime in Kabul. Tehran’s influence in Afghanistan is not new. On the contrary, we have to remember that Iranian influence in Afghanistan was a major one along many centuries: Afghanistan was in several occasions part of Iranian-led empires, and in the late 1960s, many of the followers of Babrak Karmal “spoke Dari, a form of Persian”; later on, in March 1979, a massive Shiite uprising took place in Herat, directly “under the influence of the revolutionary Iran”; in the 1980s, more than two million Afghans refugees went to Iran, and four of the eleven resistance movements which fought against the Soviet invasion and occupation were Shiite (these four groups formed an alliance “based in Iran”¹⁷, too). At this very moment, it is very clear that “aid to insurgents” not only in Afghanistan, but also in Iraq and Lebanon “had helped convert Tehran into a regional superpower rivaled only by Israel”¹⁸. More than this, general David Petraeus clearly evaluated that “Iran constitutes the main state-based threat to stability”¹⁹ in the entire region Afghanistan is belonging to.

According to our *professional* opinion, *the most serious problem NATO-led presence in confronted with is the clear lack of strong and homogenous political will of the Western countries to use all necessary resources to solve the difficult situation in Afghanistan*. To better understand the very nature — and the magnitude — of this problem, let us remember, for example, that, according to official ISAF documents, a medium-sized NATO power as Netherlands has in Afghanistan 1,770 soldiers, while Germany, the largest (in terms of total population), richest and most powerful European member state of NATO has only 4,050 (while the United Kingdom, clearly smaller and weaker than Germany, has deployed to Afghanistan 9,000 soldiers)²⁰. It is very important to underline that such a situation already generated *significant* consequences at political level. A few days ago, Anders Fogh Rasmussen, the quite new Secretary General of NATO, clearly stated that he is “concerned about the doubts I hear these days in the United States about NATO”²¹.

¹⁶ Saeed Ali Achakzai, “Afghans say life no better after the invasion”, *Reuters* piece of news, September 11, 2008, at the address <http://www.reuters.com/articlePrint?articleID=UKISL30510520080911>.

¹⁷ Patrick Brogan, p. 118, 120, 121, 124-125.

¹⁸ Robin Wright, “Tracking Iran’s slide into chaos ahead of Geneva talks”, in *Time*, September 28, 2009, online edition, at http://news.yahoo.com/time/20090928/wl_time/08599192644100.

¹⁹ David Petraeus, *op. cit.*

²⁰ For these figures, see the list called “Troop Contributing Nations (TCN)”, in *International Security Assistance Force and Afghan National Army strength & laydown*, updated at 23 July 2009.

²¹ “NATO not running from Afghanistan fight — Rasmussen”, *Reuters* piece of news, published on September 28, 2009.

In an even more recent speech, Rasmussen offered more details about this very sensitive issue: “Some look at the operation in Afghanistan, and wonder if the Europeans have the will to fight — Kagan’s Mars and Venus. Some wonder if the Europeans have the capability to fight, even if they wanted to. Others simply think that the days of strong transatlantic bonds are a relic of the past, and that the future for the United States is Asia. Or India. Or maybe somewhere else. I want to tackle these doubts head on. Because I must say I get the impression that many Americans are losing sight of what NATO is, and how much it does — in the interests of US security, and international security. And that is a trend we need to reverse. Afghanistan is a case in point. I know that there are many here in Washington who are frustrated: by the restrictions some NATO nations put on their forces; by the time it takes for NATO to take decisions; by the reluctance of some countries to send more forces to the mission, even for training. Let me be very clear. I understand those frustrations. I am already working hard to address those very real problems”²². But, beyond the optimistic opinions of Rasmussen, let us face the naked truth: simply recognizing that *real (and major) problems* exist represents a method which *does not* automatically and quickly solve these very problems.

Brief conclusions and two legitimate questions

If all (or at least most of) these problems (together with other ones, not mentioned here, mainly because of the severely limited available editorial space) are not properly and quickly addressed and solved, *the military and political consequences might be severe. Strategic interests of NATO as an entity (and of each NATO member states, including Romania) might be badly harmed.* The *synergetic consequences* of all these could be, in the worst case scenario, a really disastrous failure of the attempt of the Western powers (NATO) to pacify and stabilize Afghanistan. Above all, there is a serious security and defense risk, connected either with a potential military defeat (less probable) or with a potential inability of NATO to win the war in Afghanistan against al Qaeda and against the Taliban. Only a few days ago, on the 21st of September, general Stanley McChrystal, the top US and NATO commander in Afghanistan, warned political leadership in Washington, D.C., that “failure to gain the initiative and reverse insurgent momentum in the near-term (next 12 months) — while Afghan security capacity matures — risks an outcome where defeating the insurgency is no longer possible”. McChrystal also warned that he is not speaking only about the need for increased resources, but also about the need to implement a new, more flexible and more effective strategy: “inadequate resources will likely result in failure. However, without a new strategy, the mission should not be resourced”. In the final part of the same detailed report sent in late August to Defense Secretary Robert M.

²² “Afghanistan and NATO: The Way Forward”. Speech by NATO Secretary General Anders Fogh Rasmussen at the Atlantic Council of the United States, September 28, 2009, at the Internet address http://www.nato.int/cps/en/natolive/opinions_57722.htm, p. 2.

Gates, McChystal stated again that “failure to provide adequate resources also risks a longer conflict, greater casualties, higher overall costs, and ultimately, a critical loss of political support. Any of these risks, in turn, are likely to result in mission failure”²³. And who can properly imagine how significant the negative geo-strategic consequences of a *mission failure* in Afghanistan can be, mainly in the long run?

Even less pessimistic evaluations of the situation in Afghanistan predict not at all user-friendly future scenarios. For example, at the beginning of the second half of August, 2009, the British general David Richards (who became, on August 28, Chief of the Defense Staff) clearly stated that, without serious changes, “Afghanistan will need international help for many years to come — for example through development, governance and security sector reform”. A few weeks before this quite moderate statement, general Richards predicted that, in Afghanistan, the role of the British military forces “will evolve, but the whole process might take as long as 30 or 40 years”²⁴. If such a prediction is to prove itself accurate, a new question occurs: are Western societies really prepared / able to involve themselves in such a long conflict and effort? The most obvious answer is — according to *everything* we know about the way in which public opinion evolved along the past few years in most of the NATO countries — a very short one: no! Such an answer was *very* clear as early as July, 2009, when US Defense secretary, Robert Gates, clearly stated that “after the Iraq experience, nobody is prepared to have a long slog where it is not apparent we are making headway. The troops are tired. The American people are pretty tired”²⁵.

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**THE TWELFTH SOUTH-EAST EUROPEAN SUMMER SCHOOL
FOR DEMOCRACY ENTITLED IMPACT OF GLOBAL CRISIS
ON STABILITY AND SECURITY IN THE BALKANS**

Belgrade, Serbia 13-19 September 2009

The School is organized by the Hellenic Observatory of the London School of Economics and Political Science and the Anglo-Serbian Society, Belgrade.

The School was established in 1998 and was originally organized by the Faculty of Political Science of the University of Belgrade and the University of Westminster. This annual summer school has been held since 1998. The School was originally called *The Yugoslav-British Summer School for Democracy*, but was later re-named *The International Summer School for Democracy*. Due to the repressive Bill on Education enacted during the reign of former Yugoslav dictator Slobodan Milosevic, the School was placed under organizational control of the Anglo-Yugoslav Society and the Centre for the Study of Democracy, who has directed it since 1999. The AYS and the CSD co-organized the Summer School till 2007. In 2004 the Anglo-Yugoslav Society changed its name to the Anglo-Serbian Society. Since 2005 scholars from LSE have lectured at the School and since 2008 the School has been co-organized by the Hellenic Observatory of the London School of Economics and the Anglo-Serbian Society under a new name and a modified format.

The Mission of the School is to improve junior faculty skills in modern democratic theory; to create networks of young scholars, political and NGO activists in SEE dealing with democratic theory; to analyze conditions and possibilities for democratic social changes, especially in so-called transition societies; to develop and promote academic exchange between Western universities with Serbia and SEE countries; to improve regional academic co-operation and to overcome mutual stereotypes and preconceptions.

Objectives: the strengthening of existing networks from previous schools and the creation of new networks of critically oriented, open-minded individuals from the field of social sciences endeavoring to contribute to the process of democratization in SEE both theoretically and practically; dissemination of democratic theory among young political leaders, junior scholars and NGO activists in the region of SEE, thus facilitating the consolidation of democracies in the region; promotion of Euro-Atlantic integrations.

The School was initiated during the authoritarian rule of Slobodan Milosevic, and has always endeavored to foster regional co-operation and keep Yugoslav political and NGO activists and young scholars open to experiences and practices of Euro-Atlantic community. It was established at a time when Serbia faced xenophobia and ethnic hatred and this was an effort to overcome such attitudes. In the meantime the School has been developed into an active promoter of democratic values and tolerance in the region of SEE and it has become a regional Balkan School open to participants from other European countries.

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Su iniziativa di due università, l'Università di Bucarest e l'Università di Roma TRE, è stato costituito il Centro Romeno-Italiano di Studi Storici (CeRISS) operante in stretta collaborazione con l'Istituto di Scienze Politiche e Relazioni Internazionali dell'Accademia Romana. Il CeRISS è un'istituzione di ricerca e di formazione scientifica e culturale, con carattere accademico, non-governativo, apolitico e no-profit.

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Gli obiettivi del CeRISS sono i seguenti: lo svolgimento di un'attività di ricerca scientifica sulla storia d'Italia, della Romania e dei rapporti italo-romeni, sia sul piano delle relazioni politico-diplomatiche, sia su quello dei rapporti economici, sociali e culturali; l'attuazione di programmi di ricerca in collaborazione con le comunità accademiche europee e la divulgazione dei risultati conseguiti da tali ricerche tramite pubblicazioni scientifiche proprie; l'organizzazione, all'interno della Facoltà di Storia dell'Università di Bucarest, del corso opzionale di "Storia dell'Italia e dei rapporti italo-romeni" (IIRIR, tale corso ha avuto inizio fin dal 1995, con una interruzione negli anni 1998-2003); possibilità di stages di tirocinio per gli studenti delle due università coinvolte; l'organizzazione di convegni scientifici con il sostegno e il diretto coinvolgimento dell'Istituto di Studi Politici e Relazioni Internazionali dell'Accademia Romana (ISPRI) e dell'Istituto Italiano di Cultura di Bucarest; la pubblicazione di una rivista annuale, d'intesa con l'Istituto Diplomatico Romeno (titolo suggerito: "Quaderni del CeRISS"); la costituzione di una biblioteca specializzata; l'organizzazione di tavole rotonde, presentazioni di libri, mostre, proiezioni di film che abbiano come argomento la lingua e la cultura italiana ovvero romena ed i rapporti italo-romeni ecc.

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La cerimonia ufficiale di inaugurazione del CeRISS, moderata dal prof. Ion Bulei, direttore dell'ISPRI, si è svolta martedì 7 aprile 2009, alle ore 11.00, nell'aula "Ion Heliade Rădulescu" dell'Accademia Romena, con la partecipazione del accademico Dan Berindei, del prof. Francesco Guida, preside della Facoltà di Scienze Politiche dell'Università di Roma Tre, del prof. Alberto Castaldini, direttore dell'Istituto Italiano di Cultura "Vito Grasso" di Bucarest, del prof. Mircea Mihăieș, vicepresidente dell'Istituto Culturale Romeno, del prof. Vlad Nistor, preside della Facoltà di Storia dell'Università di Bucarest e direttore dell'Istituto Diplomatico Romeno, e di alcuni rappresentanti della nuova generazione di storici: Alberto Basciani, Șerban Marin, Antonio D'Alessandri, Emanuela Costantini, Carmen Burcea, Rudolf Dinu.

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A margine della cerimonia, si è svolta l'assemblea di fondazione del CeRISS.

Secondo le indicazioni delle due Università fondatrici, erano presenti i membri ordinari professori Ion Bulei e Rudolf Mihai Dinu per l'Università di Bucarest, e professori Francesco Guida e Alberto Basciani per l'Università Roma Tre. Si è registrato poi che gli altri membri ordinari dell'assemblea del CeRISS sono i professori Stefan Andreescu, Al. Barnea, Pietro Grilli di Cortona, Roberto Morozzo della Rocca. Come indicato dall'articolo 11 dello Statuto, l'assemblea è dunque composta da otto membri ordinari, quattro designati dall'Università di Bucarest e quattro dall'Università Roma Tre.

Successivamente si è proceduto all'elezione delle cariche direttive del CeRISS. All'unanimità i soci fondatori hanno eletto alla carica di presidente il prof. Francesco Guida, a quella di vicepresidente il prof. Ion Bulei, a quella di segretario il prof. Rudolf Mihai Dinu e a quella di tesoriere il prof. Alberto Basciani. A norma del citato articolo 11 dello Statuto del CeRISS, si è poi proceduto all'ammissione di due membri associati. Essi sono la dottoressa Carmen Burcea dell'Istituto di Scienze Politiche e Relazioni Internazionali dell'Accademia Romena e il dottor Antonio D'Alessandri, del Dipartimento di Studi internazionali dell'Università Roma Tre. Il presidente ha dunque ricevuto mandato dall'assemblea di comunicare ai suddetti professori la proposta di entrare a far parte del Centro.

CeRISS

ANTHROPOLOGICAL DEBATES IN SIBIU

For 16 years Sibiu has been the host of symposiums on anthropological themes, trying to invite specialists from different fields and to discuss the issues from their perspective. The organizer is the Faculty of History and Patrimony from "Lucian Blaga" University. Along the years themes as Intolerance, Aggressiveness, Conflict; Hearth, Altar, Solar Symbol; Border: origin, evolution, symbol; Gift, Offering and Sacrifice; Human Aggressiveness and Violence Rituals; Ritual, Politics and Power; The Symbolism of Human Body; Clothing: origin, evolution, symbol; Family Universe; Graves, Funeral Monuments

and Funeral Rituals; Religion and Identity; Crafts and Craftsmen on Romanian Territory; The Universe of Habitation on Romanian territory; From Barter to the Electronic Card; The Portrait of the Other; etc., constituted the opportunity for archaeologists, ethnologists, historians, and specialists from different other fields from all over the country as well as guests from abroad to discuss and socialize. Most of the papers presented during the symposia were published in 7 volumes of the series "Istorie si traditie in spatiul romanesc" (History and Traditions on Romanian Territory). Each year is announced the theme for the next symposium and all specialists are welcomed. For 2010 the theme will be: "Food-between Necessity and Art" and intends to discuss on Food and Family, Food and Culture, Food and Customs, Food on the Future, Ways of Getting Food along History, Food and Austerity Policy, etc. After each session a trip linked to the theme was organized, in order to permit a better understanding and to continue the dialogues between the participants of the 3 sections: Archaeology, Cultural anthropology and Arts and literature.

Sultana Avram

BOOK REVIEWS

Ionas Aurelian Rus

The Electoral Patterns of the Romanian Far Right during the Interwar Years (1919-1937), Saarbrücken, Germany, VDM Verlag, 2009, 168 p.

Ionas Aurelian Rus proposes in the *The Electoral Patterns of the Romanian Far Right during the Interwar Years (1919-1937)* a historical and historiography radiography of a (still!) shadowed subject: the patterns of electoral support for two Romanian extreme nationalistic political organizations, the fascist Legion of the Archangel Michael, and the reactionary or semi-fascist National Christian Party (PNC), as well as the latter's two "parent" parties, namely the League of National Christian Defense (LANC), and the National Agrarian Party (PNA).

The Electoral Patterns of the Romanian Far Right during the Interwar Years (1919-1937) comes in the context of an unfortunate blocked in dogma Romanian theoretical approaches which enhances a sense of mechanistic synchronization, mystification and accuses-studies which have been content not to go beyond what was published in 1937-1938, or to ignore even that. As the author states, after World War II, only very few Communist works published in Romania are partial exceptions. In the West, the wave of interest in international fascism and the fascistoid right dating since the 1960's has produced a number of studies on "Romanian fascism", or the "Romanian right" (p. 10).

The innovative character of the study resides in overcoming the general(izing) tendency of Romanian political science thinking (the book was originally written as a Master of Arts thesis/essay in the Department of History at Columbia University in 1996-1997, but it was ultimately rooted in the author's previous undergraduate work in Political Science), (re)directing the common analyze, filling it with historical and objective arguments, using a different methodology, partially explained in the text, and often on different approaches, completing, and sometimes even strengthening, previous analyses rather than to either revise them for the sake of revision, or to merely restate previous conceptualizations.

(Re)thinking the research priorities, Ionas Aurelian Rus proposes a shift from the univocal analyses of the fascism and of the far-right, choosing a plural (political, historical, electoral) interwar Romania diagnosis, with different array of sources. Analytical and factual, the study uses an extensive and intensive register, considering that the historical reception, interpretation and research can not be reduced to a single angle, but must be critically (re)written, appealing to the convergent facts.

The Electoral Patterns of the Romanian Far Right during the Interwar Years (1919-1937) includes fundamental concepts which enforces a coincidences between platforms — the discursive, programmatic one, the behavior in and out of power and the concrete electoral patterns, with the author's mention that the undeniably fascist Legion was more radical, with a less well-defined program than the other right-wing groups, and electoral more successful.

According to Ionas Aurelian Rus, one of the interesting characteristics of the Romanian right is the gradual moderation of some of its programmatic pronouncements by 1936-1937. The moderation of the Legion's line on some issues was more than offset by its radicalization on others, but in the case of the non-Legionary right, the change was genuine. The undeniably fascist Legion was both more radical, with a less well-defined program than the other right-wing groups, and electoral more successful (p. 26).

The Electoral Patterns of the Romanian Far Right during the Interwar Years (1919-1937) operates a definitively break up with the hegemonic theories, having as an imperative to denounce the traps of history not intending to set forth firm judgments, but to (re)activate the Romanian extreme nationalistic political organizations' electoral and political identity, placing, willingly (we

hope!) on secondary position in importance (and analyze), the different rhythm of the historical parties and the modernization / modernity as an active and (re)active factor!

The electoral and political phenomenon of the Romanian interwar years, shows a certain (pre)disposition towards recessive behavior as the principle of great oppositions, antitheses and antinomies, tolerated by — and at the same time tolerating — a relation of equally powerful and valuable prevailing over the other. Integrated in such formula, one should look at a number of nationwide patterns, with an emphasis on county-by-county electoral results. The years 1936 and 1937 witnessed the rise of the nationalistic right current, which ultimately helped the Legion.

As a methodological and operative instrument, Ionas Aurelian Rus uses the county. If, historical provinces were in most cases too large and too heterogeneous, the counties had the advantage of being the key legal, administrative and electoral units of the country. They were not periodically gerrymandered, but had constant borders (p. 30).

As the author states, in Romanian politics, the strengths and weaknesses of a county party organization, and of its leadership, affected the entire county. Perhaps even more significantly, the county-by-county electoral results have been used by previous analysts touching on our topic, and have been published fully for most interwar elections. There was also a salient long-term decline in voter turnout in national elections throughout the 1930's, partly because numerous people were turned off from parties, politics and elections (p. 35).

A book about the Romanian electoral patterns, with its worries and real important ideological debates not only as part of past history, but also, related to the (re)democratization context today.

Viorella Manolache

Perri Giovannucci

Literature and Development in North Africa. The Modernizing Mission, Routledge, Taylor & Francis Group, New York, London, 2008, 245 p.

Modernization, the critique of modernization, Orientalist or colonial discourse, globalization and development, center and periphery, First and Third worlds, Europeanization, Westernization and Americanization — all these concepts became versions of a new opportunity to (re)evaluate modernity, to “read” the signs of an epoch as indicators, recurrent terms placed in a common equation, ready to deciphering the rules of game placed under what Perri Giovannucci called, the *modernizing mission*.

Although, the modernizing mission in North Africa is a theme that attracts through its opening and (still!) actuality (used frequently as a pretext to justify or to exonerate theoretical reactions, more or less peaceful in such issues), although (literary, cultural, economic) such approaches become almost an *exceeded trend*, *Literature and Development in North Africa. The Modernizing Mission* retains its uniqueness in a theoretical assaulted landscape, especially by avoiding hard verdicts and by moving into a large (literary, political, cultural, economic) space, with (almost!) obvious (post)modern inserts (Fanon, Memmi, Sartre, Camus, Djébar, Muhammad Ali, Alhadeff, Aciman, Said, Durrell, Mahfouy, Nawal El Saadawi).

Perri Giovannucci's approach (re)thinks consecrated terms, in order to avoid the terminological usage and to question a world (re)positioned (cultural, discursive, political, economic) on new parameters.

According to Perri Giovannucci, *modernization* is a broad program of cultural, economic and political agenda, encompassing both an ideology and praxis. In this context, the civilizing mission is an ideological mandate of Western intervention in the East.

Pluralistically, *modernization, globalization and development* become more or less interchangeable discursive terms driven and led by U.S. interests. *First World* (the *West*) or the *Third World* (the *East*) imposes two central fallacies of modernization discourse, positioning them in different spheres, after the rhetoric of *versus: modern vs. traditional, center vs. peripheries, developed vs. undeveloped, first vs. third*.

If *Chapter One, Modernization and its Discontents* examines the fallacies of modernization discourse and its relationship to the rise of American influence in global politics after World War

Two, *Chapter Two*, refers to the *North Africa and the Anti-Colonial Critics: Fanon, Memmi, Sartre, Camus*, establishing that the structural nature of peripheral society facilitated and maintained colonial oppression.

Apparently not preoccupied by the relation *modernity-modernization* (a relation which makes no distinct priority of analyze, although it can give a solution to many problematized issues!), for Perri Giovannucci, the critique of modernization as neocolonial suggests, is not so much any kind of uniformity or universality, but rather, variations on a theme.

Chapter Three — Camus, Djebbar and the “Non-Color” of Nonviolence considers that the central-periphery model views the classic methods of colonialism, foreign occupation and military violence, in tandem with an economic violence of imperialism. The peripheral economic role impacted the shape of local society, of social formation.

The example of *Egypt* in *Chapter Four*, reviews some of the modern productive history, which is typically elided by modernization theory, dealing with the local reforms, secularism, industry, sovereignty, the “westernized” Elites in a cosmopolitan Egypt.

Chapter Five, Letter of a Lost Generation, considers how religious, national, ethnic and cultural signifiers all figured materially within Egyptian society.

Chapter Six, Radical Surgery approaches the various incarnations and understandings of “native” identity, Egyptian identity and Arab nationalism — concepts emerged because of the contesting claims to authority and legitimacy which characterize colonial society.

Organized as an response to the consecrated theories (S. Huntington, F. Braudel, Fr. Hartmann, B. Lewis, S. Waltz) *Literature and Development in North Africa. The Modernizing Mission* uncovers the cultural, political, economic mechanism of the West and the East, dedoxificateing and decanonizateing the *development* formula applied in the North Africa as a *modernizing mission*.

In spite of some schismatically solutions (*Westernization vs. Americanization*) one can not deny that the modernizing mission is a reactive model, an experiment or a montage, to which Perri Giovannucci shows a maximal disponibility, avoiding the traps of some analytical naiveté, of the exemplary values, inventorying the political and economic models in an alternative cultural and historical paradigm.

Revitalizing the interest for sources, luring the *center* towards the *peripheries*, *Literature and Development in North Africa. The Modernizing Mission* shows that, from a (post)modern point of view, avoiding the abuse of the prefabricated formulae, there can be no separation between the literary and the historical!

Viorella Manolache

Bogdan M. Popescu

Qualia și filosofia științei, Antet, București, 2007, 200 p.

Qualia și filosofia științei [Qualia and the Philosophy of Science], a volume signed by Bogdan M. Popescu and published in Bucharest at Antet Publishing House in 2007, represents the only synthesis of the theories and approaches concerning the matter of consciousness from a philosophical and cognitive sciences perspective, accomplished by a Romanian philosopher. The declared aim of this book is to retrieve “the affiliation of ideas” for the contemporary concepts of the field “within an effort to reconstitute the original philosophical and psychological theories that have systematically investigated the matter of the phenomena related to consciousness and phenomenal properties”. (p. 7) Yet, the book is much more relevant than that. The rational reconstruction of the arguments formulated within contemporary theories and approaches from this cutting edge field in philosophical and psychological research concerning consciousness is doubled as well by a critical attitude as by a constructive one, both leading to an outcome of conclusions and suggestions that render the author rather a powerful conversational partner within the researched debates, than an analyst, even one extremely sensitive to the details of the arguments investigated. In my opinion, antireductionism, anti-dualism and anti-essentialism constitute the main referential of the critique developed by B.M.

Popescu against the philosophical and psychological theories he investigates. From the point of view of the “viable suggestions for the configuration of the future study within a broader inter — and trans-disciplinary project concerning the phenomena related to consciousness”, (p. 8) probably, the most interesting and thought provoking phrasing is that “a socio-neural approach where social constructionism and cognitive neuroscience mutually complete and sustain each other would be an appropriated starting point for a comprehensive project of a hybrid psychology of the human beings” (p. 175). The philosophical foundation and justification for this option is that as well subjectivity as the conscious human action “generated via the neural path and socially constructed” (p. 175).

An antireductionist philosophy

Stating that “consciousness phenomena entertain a status and a nature that are irreducible and thus they cannot be explained exclusively in the terms of the neural or functional system” and that, in general, “consciousness is not to be reduced to a group of neurons”, as “it belongs to an organism, to a human being”, B.M. Popescu rejects what is typical for a host of scientific researches concerning the nature of the consciousness, that is, in the words of Francis Crick, “the scientific belief” that mind can be explained by an appeal to the “interaction of the nervous cells (and of other cells) and of the molecules associated with them” (quoted at p. 67). Rejecting thus the *reductionism* typical for the majority of the scientific approaches, B.M. Popescu also rejects the possibility that consciousness phenomena were described in a unique language, namely the language of science, and not the fact that “science might help considerably to the understanding of a multitude of aspects of the consciousness’s phenomena”. (p. 7)

One manner to make this option more intuitive is provided by the suggestion of Daniel Dennett (analyzed by B.M Popescu at p. 44 *sqq*) and by those made as well by other cognitive philosophers and scientists to replace the Cartesian and empiricist metaphors with models of analysis centered on the distinction between the computer *hardware* and *software*. To say that this technical language of science is not sufficient for a pragmatic description of the conscious behavior means to say that a description of the manner in which our brain works is not going to say much about the manner in which the mind works, as well as no satisfactory description of the manner in which computer *hardware* functions is not going to be also a satisfactory description of the manner in which *software* functions. The two types of descriptions are going to be fairly different.

An anti-dualist philosophy

Anti-dualism determines the author to formulate a pragmatic conclusion concerning the continuation of the debates on the question of consciousness in the epistemological notion of the so-called “*qualia*”. As B.M. Popescu notices, “the phenomenal properties (“*qualia*”), as they are termed within the main contemporary theoretical programs, are not of the nature to push forward the philosophical investigation, maybe to a new level of the understanding of these matters, but rather to deepen the existing divergences”. (p. 185)

The importance of the observation made by B.M Popescu does not stay in emphasizing, as Max Bennett and Peter Hacker did among others (p. 18), that the notion of “*qualia*” is incoherent, which could mean that the identification of the sources of this incoherence and eventually their elimination, would contribute somehow to the repositioning of the term in a more fruitful direction. Opting for the interpretation that perceives the theories about “*qualia*” as “re-statements of the traditional dispute concerning the relationship mind-body, with the means and the terms confirmed within the present-day philosophical use” (p. 19), the author opts to a similar extent also for the rejection of the matter represented by “*qualia*” and of the distinction mind-body, as pseudo-matters in philosophy. Therefore, he situates himself, at least partially, within a tradition that begins with Gilbert Ryle, Wilfrid Sellars and continues with Quine, Donald Davidson, Richard Brandom and Richard Rorty. This is a tradition that agrees, sometime implicitly and other time explicitly, with the critique of Sellars, to what he names the “myth of given” — the idea of the existence of some elements that are given, in Tim Crane’s perspective, “in the immediate experience” (quoted at p. 24), an idea that was common to the most of the theoretical approaches of the matter of phenomenal properties. Sellars shows that this idea and this myth are the fruit of a confusion, between, as Rorty expressed

it, “the relationships of justification that take place among the sentences and the causal relations taking place among events” (*Philosophy as Cultural Politics*, Cambridge University Press, 2007, p. 9-10). In other words, one should not consider the fact that some of the causal events can produce in our mind certain ideas and opinions, as justification for these ideas and opinions. This tradition undertakes the critique elaborated by Ryle related to introspection and to the idea of consciousness as an immaterial entity, because it accepts the critique of the a privileged access and of the presupposition that the mind is, in B.M. Popescu’s terms “constantly conscious of the entities populating its private scene”, or that “mind can research through some sort of non-sensorial perception at least some of its internal states and operations”. (p. 134)

This critique is coherent with the one proposed by Wittgenstein for the “reification of the consciousness” (p. 130), for the possibility of existence for the private language and the critique of the “completely private [character of] subjectivity” (p. 131). In other words, this tradition accepts that, as Ryle states, “when we describe people as exercising their mind qualities, we do not refer to certain occult episodes, whose public acts and utterances are effects; but we refer to these public acts and utterances” (*The Concept of Mind*, quoted at p. 26), as he accepts, along with Sellars, that the entire matter of the consciousness is in fact a matter of language (“*All awareness is a linguistic affair*”). And since, following Wittgenstein, this tradition considers that language has essentially a social character, the investigation of the consciousness and of the acts of consciousness presupposes, as proved by Richard Rorty, as well a study of the social practices involving people. In other words, it presupposes an examination of the type affirmed by the representatives of the social constructionism, analyzed by B.M. Popescu in his book. Accepting these theses is, as well, coherent with the acknowledgement of the idea of Daniel Dennett that we should see the conscious self as a center of narrative gravity or, the way B.M. Popescu describes Dennett’s position, the idea is coherent with the accept of the “important role of the natural language in generating consciousness” (p. 45), and with Davidson’s suggestion that one should not distinguish sharply between language and our manner of existence in the world, in general.

Cognition sciences and social constructionism

A social constructionist approach in what concerns the consciousness presupposes the rejection of essentialism and thus, of any metaphysics that, maintaining the distinction between substance and properties, limit[s], as shown by B.M. Popescu, “the possible variants of ontology to versions of materialism and mentalism”. (p. 185) The social advantage of social constructionism consists especially in this placement of the accent on the social and historical dimension of subjectivity and on the conscious human behavior, which is inaccessible to materialist and reductionism variants or for the mentalist ones, therefore opening many perspectives in the inter — and trans-disciplinary study of consciousness. In the versions that the author analyzes — D.J. Nightingale, J. Cromby, and so on, and so forth —, social constructionist researches are interested “by the manner in which subjectivity is constituted within the social interaction and ... the power relations”, by the “influences of the factors concerning ... the socio-personal histories on the social situations and the individual activity”, the factors of a material nature that determine and constrain social constructions, “the power of the institutions, of the governments and of the multinational corporations, as well as the inequalities derived from the structure of societies”. (p. 173)

But, in perspective, the main challenge of the programs such as these suggested by the author — combining the cognitive approaches, constructing descriptions of the conscious behavior in terms of neurophysiology, for instance, with the social constructionist studies, appealing to descriptions in the terms of the social and power relations experienced by the individuals — is probably the explanation of the relationship between the two types of description. The challenge is all the more interesting as, considering the philosophical presuppositions assumed by this investigation programs — the physicalist anti-reductionism, anti-essentialism and the metaphysical anti-dualism —, the two types of description are neither necessarily incompatible, nor necessarily compatible. This means that their value is going to depend, as it is natural in matters of such importance, first of all, on the practical outcomes and on the empirical consequences of research.

Cătălin Stănciulescu

Viorella Manolache

Elite în marș, Sibiu, Techno Media, 2009, 364 p.

This book investigates the dismantlement of the grand narrative of history as progress, in relation with the historical developments of the Romanian elites. In my perspective, this thesis along with the elitist *démarche*, starting from the conceptualization of the Romanian elites as presented in *Elite în marș* by Viorella Manolache, represents a novel interpretation of the subject matter.

Historical reality appears in this volume as a political construct, both modern and postmodern, accomplished with and by the elites. This point may be highlighted, for instance, in relation to Françoise Thom's *Les fins du communisme, Mobilitatea elitelor în România secolului XX* (coordinated by Mihai Dinu Gheorghiu and by Mihăiță Lupu), to chose just two of the newer approaches.

In my lecture, the book sustains the idea of the legitimating *démarche* of the elites and that of the specific mechanism of elitist legitimation within the relationship between the elites and the Other.

I emphasize that the argument proposed in the volume considers the hypothesis of history, seen either as a progressive accomplishment of humanity or as a unified process, less credible than before. The reason presented by the author relates to the Orwellianism of the Central and South-Eastern Europe. The metanarrative of the Romanian elites portrays a realm where the democratic, equalitarian and liberal model proved to be abortive, severely damaged by the residues of mentality, layer after layer marked by the fetishism of bureaucratic rationality, doubled by the parallel proliferation of the pressure of the clientage phenomenon.

Romanian elites activate in relation to a corrupt model of a (decadent) modernity, placed by Viorella Manolache under the sign of the "hybrid", emphasizing the contradictions between essence and appearance within intricate historical events.

Historical approach is doubled by the philosophical and cultural one, the inventory of such political, cultural, social and economic residues, layer after layer, highlighting the different interpretations and attempts to either implement the Western model of modernity or stubbornly to oppose it. Therefore, the author arrives at the interpretation that the Romanian modern project has rather failed, for reasons unfolding variously from the lack of a democratic tradition, to the lack of well-adjusted reciprocity between the governors and the governed, or to the complexity of the relationships among categories identified as the "elites", the "anti-elites" and the "citizens".

In this respect, in the volume the religious residues are as well investigated from the perspective of the incomplete secularization of all the categories above mentioned and involved in the process of modernization in Romania. The incomplete secularization entangled certain specific values and attitudes incompatible with the modernity model, sustaining a rather oppressive and arbitrary administrative system, a traditionalist and peasant-like discourse of collective identity, and the deficit of development within the rural areas. The study underlines that all such sediments of mentality relate to historical events as factors upon which the *new elites* and *anti-elites* equally have consolidated and sustained their political power, in the detriment of modernization.

Within this interpretative frame the Romanian communism is construed as a "reverse historical scheme". The author explains how Romanian communism imposed a misrepresentation of events and a politics of "deducting the historical time from their current acts of political violation". She underlines that *the new elites* operated the transformation of pre-capitalist heterogeneity into *anti-capitalist syncretism* and that the nature of this double social and political organization had imposed the superposition of the social syncretism over the power syncretism. (p. 264-265, *sqq*)

Thus, the "construct of democracy" and "the Europeanization of the Romanian political elites", represent a rather pretentious display overlapped on the "exceptionalism" of the Romanian democracy and characterized by the oscillating institutional frame and an "apparently stable" democratic system. The "exceptionalism" is actualized as a minimal democracy though sufficiently engaged toward democratic consolidation.

In conclusion, the author characterizes the Romanian democratic space, as a realm of intersection for the former elites and of the sub-elites, but also as a "common meeting place for the divided stakes". The argument emphasizes that the mechanisms of recruitment, the channels of access, the proceedings and the selection criteria for the younger elites become the hallmarks of the renewal rhythm of the Romanian society; a process submersed either in a "convulsive process", or in consensus, when is not a *démarche* against the old elite.

Henrieta Anișoara Șerban

Paul R. Abramson

Romance in the Ivory Tower: The Rights and Liberty of Conscience, The MIT Press, Cambridge, Massachusetts, London, England, 2007, 172 p.

Romance in the Ivory Tower: The Rights and Liberty of Conscience is organized as an argument for the erosion of the *rights of privacy and conscience*, of what Pascal Quignard considered as *earthquakes* — threatening flooding which change the erotic anguish into *fascinatio* and the sarcastic erotic laughter into *ludibrium*.

Paul R. Abramson puts in the same equation, what Quignard qualified as *sex* and *panic*, with the mention that for Quignard, putting *sex* and *conscience* in a common frame, means that aleatory sexual reproduction, selection, individual and periodical conscience, represents *one thing*, seen in *one moment*.

The demarche is an older one, but its permutation is new. Let's not forget that Julius Evola¹ used the term of *metaphysics of sex* as the *first principles* of a thing and as a *science that goes beyond the physical*. Having as a source the myth of the birth of Eros to Poros and Penia, Evola makes the point that Eros is the product of *rationality* and *irrationality*, *being* and *emptiness*. For Evola the failure of individual men and women to embody their divine character is the result of the fall, because, profane love is love (and sex) which does not have transcendence or unity as its object.

Paul R. Abramson takes aim at university policies that forbid relationships between faculty members and students, launching that the issue of faculty-student romance goes beyond trivial matters (Evola's concept of *profane!*), because the human being has a constitutional right to make intimate choices, has a *right to romance*: the freedom to make choices (to work, make a political speech, fall in love) is fundamental.

Power is unquestionably within the province of the individual and the *conscience* a concept which refers to the internal process by which right is distinguished from wrong. The author takes in account the First Amendment, the great rights invoked by Madison, the Ninth Amendment in order to resolve "unpleasant" cases as the romance between professors and students. Because, to constrain lunch seating is no less and abridgment of liberty than it is to restrict whom to romance — both represent governing bodies making preemptive constraints on choice.

First of all, *the rights of conscience* are a constituent part of the bedrock of the constitutional heritage; second, *the rights of conscience* are distinct from and ultimately supersede the freedoms associated with religion. Lastly, *the rights of conscience* can be extended to all matters of substance that require serious deliberations about right and wrong, consensual sex and romance included (p. 81).

In the service of the book hypothesis, Paul R. Abramson introduces three different perspectives on liberty: Mill, Berlin and Rawls, in order to establish reasonable solutions for *our own good in our own way* (Mill), *positive and negative liberty* (Berlin) or *protection, the absence of legal restrictions* for particular thoughts and actions, *the simultaneous legal duty not to interfere* with particular thoughts and actions (Rawls). The proper solution combines all these perspectives and states that "you have liberty, when you are legally entitled to make fundamental choices about your life, and you are legally protected from governmental or institutional interference" (p. 103).

Sexual and romantic rights (Christian morality, polygamy, the Mormon doctrine, sequential marriage, sexual relationship between slaves and owners, female prostitution) become for Paul R. Abramson the pretext to demonstrate the relation between *freedom of conscience* — *morality* — and *consensual romantic choice*.

The final chapter of the book is directed to the use of the term of *liberty conscience* (with its corollary, *the rights of conscience*) in the U.S. constitutional archives: *the right to make romantic choices* is consistent with the manner in which the liberty and rights of conscience were conceived. The U.S. Constitution and jurisprudence were both built on a limited form of government that recognized substantial rights and liberty retained to the people. Through co-opted religion, it returns to the people, most notably including consenting adults on college campuses (p. 153).

Romance in the Ivory Tower: The Rights and Liberty of Conscience argues that the acknowledgment and broadening of the liberty of conscience is another instance of a general trend toward the expansion of personal autonomy, designating the process of evaluation and interpretation as the *conscience!*

Viorella Manolache

¹ Julius Evola, Pascal Quignard, Pascal Bruckner or Alain Finkielkraut are some of the consecrated authors ignored by the study for (we hope!) methodological reasons, the book trying to approximate (only!) the fluid path between psychology — law — and educational sciences!

REVIEW OF REVIEWS

AMERICAN, BRITISH AND CANADIAN STUDIES, vol. 12, June 2009, Lucian Blaga University Press, Sibiu, ISSN 1841-1489 (224 p.), is a biannual, peer reviewed journal. Although this publication was established by The Academic Anglophone Society of Romania, the studies and the articles, written in English, are not exclusively authored by the members of this Society. There are multiple domains of interest of the journal, such as: Cultural Studies, Postcolonial Theory, Political and Social Science, Anthropology, Area Studies. The structure of the current issue is the following: In Memoriam; Retrospections/Introspections; Scenes of Writing/Reading: Text, Image, Performance; In-Process; In-Labs; Reviews; Notes on Contributors; Call for Papers; and Call for Membership.

To be mentioned are the proximal contributions to the field of political sciences and political philosophy from this issue of the journal. Thus, within the presented issue noticeable are the medallions “In Memoriam” Emory Elliot, 1942-2009, American literary historian, humanist, a champion supporter of the discipline “Women’s Studies” and of the promotion of the equality of chance (Cristina Șandru, Northampton University) and Wilton Sankawulo (1937-2009), Liberian writer, researcher, folklorist, journalist and politician (Eric Gilder, Lucian Blaga University, Sibiu). Also, in the field of Cultural Studies, History, but also of Political Philosophy is the study signed by Mihaela Irimia from Bucharest University (p. 14-25), which, in a Foucaultian manner, the author analyzes the modality in which literature makes history, the impact of literature as cultural institution, and the modernity of disciplinary separation, within the context of the increased interdisciplinary tendency in the socio-humanities, following the literary specificity and the interdisciplinary play of power from the perspective of an archaeology of the humanistic and historical knowledge, beyond simplicity and reductionism, as a history of cultural identity.

The article “Atonement: A Case of Traumatic Authorship” by Ana-Karina Schneider (Lucian Blaga University, Sibiu) is interesting from the perspective of postmodernism, metanarrative, representation of subjectivity, ethics and intertextuality. The essay investigates these aspects in the novel *Atonement* by Ian McEwan, where humanity is a characteristic to be affirmed within the intricate representation of subjectivity, eventually validated by human error.

Another study, interesting in relation to the theme of institutional reform, especially the reform of education in the European Union — “Bologna ‘Unplugged’: Uncovering the Base Track of a Major European-Wide Higher Education Reform Initiative”, by Peter J. Wells (UNESCO-CEPES) and Eric Gilder (Lucian Blaga University, Sibiu). The paper explains critically the so-called “Bologna Process” and its effects, some of them potentially positive and some potentially negative, in what concerns the assurance of the quality of the higher education, curriculum, graduate employability, learning outcomes, Life-Long Learning, etc.

As a whole, the journal is a symbolic interdisciplinary editorial phenomenon for the complex and multi-directional development of the socio-humanities nowadays.

Henrieta Anișoara Șerban

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