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Competence, Participation and Political Loyalty in the Process of Romania's Integration in EU

Cezar AVRAM, Roxana RADU

Résumé: *Dans les circonstances créées par la chute du communisme, la vision roumaine sur l'intégration européenne a connu des changements et des évolutions radicales. Acceptant, au début, ce processus comme réalité historique et la collaboration économique bi et multilatérale avec les pays occidentaux et avec l'Union européenne, la Roumanie est arrivée à accepter l'intégration européenne et, plus important, de demander officiellement l'adhésion économique et militaire. Cela montre un changement radical de la conception et de l'attitude politique qui va de la coopération à l'intégration complète dans les structures économiques, politiques, monétaires et militaires européennes.*

Keywords : *European Union, Integration, Sovereignty, Federalism, Subsidiarity.*

The notion of "integration" has acquired another, much more comprehensive connotation in economics, politics, individual and collective mentality since the treaties of Maastricht and Helsinki.

Considering the way it was conceived and prepared from economic, political and administrative point of view, integration represented a radical change, a break of huge size starting from local and national agents and markets, multiple and diverse, from individual and national decisions to an economic institutional and decisional space, inter and suprastate, to community policies and strategies, both for the interior and the exterior. Convinced and aware of this indubitable truth, politicians have adhered, not without reservations, to the tactics of small and successive steps because it is the only way suitable for

obtaining the results desired and expected in the circumstances of the present European space. This is the explanation for the fact that the EU expanded from 6 to 12 members and will further expand from 25 to 27 members, for the fact that a single currency was introduced and how the European Constitution will certainly be adopted.

All the attempts to define the concept of "integration" were and still are situated between the meaning of cooperation and the one of creating supranational spaces and organizations.

The pluralist approach recommends a form of loose association based on the sovereignty of nation-states which envisage integration as a "pluralistic community of states" developing links of international cooperation. In this form of integration the

national states aim at “political union” by intergovernmental cooperation at the level of heads of states or government, while “the international organization has no real will of its own and no power to create a new political entity apart from the wishes of its members”¹.

The functionalist approach² argues that in the modern world the technological, economic and social forces create a complicated network of economic inter-relationships between states and cause problems of international dimensions. Therefore the objective of maximizing the economic welfare transcends the boundaries and abilities of nation-states. The pressure of these inexorable economic problems makes international cooperation unavoidable and ultimately leads to economic and political integration. For these reasons, the economic integration precedes the political one.

In the neofunctionalist approach³, the need for economic and political integration comes from the interaction of economic and political forces rather than from functional needs or technological change. Integration develops not through a predetermined process (as in the functionalist approach) but from the need to resolve the conflicts arising among competing interest groups which realize that more can be gained by cooperation rather than discord. For the neofunctionalists, the institutions of the EU constitute the beginnings of a supranational state. The “Community method” gradually unifies the national markets of the participants by negative integration, removing internal barriers to trade and by positive integration, adopting common policies. In short, neofunctionalism “is inadequate not simply because simple variants appear to be empirically disproved but because more sophisticated versions of it remain indeterminate”⁴.

The federalist approach⁵ to integration entails setting up a supranational federal

authority to regulate the behavior of the constituent states and to assume many of their sovereign rights and obligations. The way the economic, political and legal powers are shared between the member states and the federal government is decided by a “constitutional conference”⁶.

Before December 1989, Romania saw integration, almost exclusively, in the shape of economic cooperation with West-European countries and coordination of single national plans of socio-economic development with Socialist countries: “the history of the approaching between Romania and EU is a tumultuous history exposed to the wind of Cold War and of a communist regime with a development perspective depending on the will and the whims of the politics”⁷.

Romania was always afraid not of integration in West European structures, but of the peril of being transformed through socialist integration, into a Soviet republic. Its geopolitical position and status of country situated in the Soviet influence zone forced Romania to keep its balance not only in the matter of foreign policy, but also home policy.

In the circumstances created by the irreversible break with communism, Romania's vision upon European integration has known and still knows radical changes and evolutions. Starting with the acceptance of this process as historical reality and the economic collaboration, bi and multilateral, with the Western countries and the Community on the whole, Romania has come to admit European integration in the present and future form and structures and, which is more important, to officially ask the admission: both economic and military. This fact shows an obvious change of political conception and behavior that goes from the cooperation dimension to the complete integration in

the pan-European economic, political, monetary and military structures.

European integration was defined as “the process through which EU member states agree to transfer progressively a series of competences depending on the national sovereignty from national to supranational level accepting to exercise it in common (together), cooperating in the respective fields of activity in order to reach certain objectives of political, economic, social and cultural nature concerning these state's progress and development”⁸, being often identified with a decrease of the sovereign power of the member states and an increase of the influence of the supranational central authority.

EU was born on the basis of some international treaties and owns only those competences offered by the states which have remained sovereign from the international law's point of view; however, the member states agreed to the limitation of such important competence, which was practically incompatible with their constitutional dispositions which established the principle of national sovereignty. It was said that the treaties on EU, especially the ones of Maastricht and Amsterdam, affected “the essential conditions of exercising national sovereignty”. In these circumstances, the treaties could be ratified only after the Constitution revisal. Revising member states' Constitutions was equivalent to modifying the essential conditions of exercising national sovereignty.

By analysing the fundamental laws of EU member states we can observe that some of them make intentional references to the fact that state is able to transfer to the European institutions some sovereign competence or to accept exercising them in common, while others admit only indirectly the idea of exercising together the sovereign functions of national states through the settlement of EU integration

process and through treaties ratification method⁹.

The manner of settlement and wording differs from one state to another, the following expressions being met¹⁰: “transfer of sovereignty rights” (Germany¹¹), “delegation of sovereignty functions” (Denmark), “transfer of competences” (France), “the common exercise” of powers necessary for the European construction” (Portugal), “the possibility to entrust the exercise of legislative, executive and judicial powers to some institutions of international law” (Luxemburg), renouncing the decisional power “exercised by national bodies in favor of the Community ones, in certain conditions (Sweden). Only one country asserts “the limitation of state's sovereignty” necessary for integration (Italy). The use of this terminology different from one state to another reflects “a tint of the position adopted by the respective state in the problem of sovereignty's limitation”¹². It is however obvious that, no matter the terminology used, the member states accepted in one way or another, the idea of sovereignty's limitation.

Article 2 paragraph 1 of the revised Romanian Constitution stipulates that “national sovereignty belongs to Romanian people”, and Romania's adhesion to the treaties on EU, in keeping with article 148, has the “purpose of transferring some functions to community institutions, as well as exercising, in common with the other member states, the competences stipulated in these treaties”. Romania's Constitution also intentionally asserts under the circumstances of accession to EU, the principle of community law's supremacy in keeping with which the rules of community law will make any in force or future rules of national law inoperable if they are contrary, but only in the matter of community juridical relations, fact that do not hinder the application of national rules

in other relations not included in this field and in relation with which the sovereign functions of state will continue to manifest themselves¹³. It is obvious that “the constitutional changes made by Romania reconstruct the notion of sovereignty at least the notion known in the “classical law”. Nowadays sovereignty proves to be not a rigid and out-dated concept, but a new, flexible and dynamic one, a “forever young” concept, freed from xenophobia, ultra nationalism and disregard for other peoples’ rights”¹⁴.

A new concept considered by many analysts as being the most adequate to the present reality at community level is the one of “shared sovereignty”. Shared sovereignty does not involve the total loss of some functions of internal sovereignty, but enlarges the external and interdependent capacities of national sovereignty in the direction of strengthening the capacity to regulate economic and political matters (such as the free movement of persons, goods and capitals) in a more coherent, efficient and cheaper manner¹⁵.

Regarding the possibility of sharing sovereignty in the context of affiliation to the EU, it is considered that the “partition” of sovereignty or the “estrangement” of some of its parts, cannot be accepted, but only the delegation of the competence to exercise some functions related to the sovereignty of member states or their exertion in common with EU’s institutions¹⁶.

This opinion leads to “a shared exercise of sovereignty, but a sovereignty seen in a different manner than in the classical doctrine (abstract, indivisible and unalienable), a sovereignty which surpasses the quantitative approach that sees it as being territorial. This new approach considers that sovereignty is functionally divisible and therefore able to describe the functioning of an integration mechanism

whatever the result may be: “re-arrangement”, “merging” or “exertion in common” of sovereignties¹⁷.

As EU’s member states agree to exercise in common certain competences one can take into consideration neither the division of national sovereignty with other states nor the endowment of European structures with own sovereignty (the so-called “European sovereignty”¹⁸). Member states keep their national sovereignty but within other limits than before joining the EU, the notion of “relativisation” being more appropriate than the one of sovereignty partition¹⁹.

Regarding sovereignty, Romanian theorists affirmed that “national sovereignty disappears only at the same time with nation”²⁰ and “Romanian state’s sovereignty will not be diminished either by European integration or regionalism institutionalization”²¹. The new dimension the sovereignty concept will get in the context of Romania’s integration was emphasized by the practice of the Constitutional Court: “the act of integration has also the sense of dividing the exercise of these sovereign functions with the other states of the international organization. Consequently, the Constitutional Court finds that, through the agency of the acts of transferring some functions to the EU structures, the latter do not obtain a “supracompetence”, a sovereignty of its own. Actually, EU member states decided to exercise in common certain functions which are traditionally related to national sovereignty. It is obvious that, at the present stage of globalization of mankind concerns, of interstate evolution and human communication at planetary level, the concept of national sovereignty can be no more seen as an absolute and indivisible one without the risk of an unacceptable isolation”²².

In the light of the new changes having occurred at international level there is a

distinction between *sovereignty-substance* and *sovereignty-exercise*, being emphasized the fact that only the exercise of sovereignty is in fact restricted, not its substance which remains untouched. This distinction was made for the first time in a decision of the Permanent Court of International Justice (Decision nr. 1 from 17 August 1923) in the Wimbledon Ship Case. The Court showed the “refusal of considering that concluding a treaty by which a state pledges to do or not to do something means the abandonment of its sovereignty. Without any doubt, any convention which gives birth to this kind of obligation establishes a restriction of the exercise of state's sovereign rights in the sense of exercising them in a certain imposed way”²³.

Sovereignty will be seen as that assembly of member states competences defined in relation with community law. Building the sovereignty of the federation's member states will essentially be the practical issue of applying the principle of subsidiarity²⁴. This principle, well understood and applied, permits the effecting of a “reconciliation” between EU and the national Constitutions, being an important instrument of maintaining states functions, which are inseparable from national sovereignty²⁵. The adoption of the European Constitution appears to be the most adequate solution to this controversial issue.

The diversity of terms used to define, as a matter of fact, the one and the same phenomenon (transfer of competences, transfer of sovereignty, assignment of competences, limited sovereignty, shared sovereignty) reflects the importance and the interest of member states, political or juridical theorists toward this process, especially from the point of view of the dimensions and duration of the effect it might have on state's sovereignty. From this point of view, the determination of

juridical nature of community competence becomes very important.

The characteristic feature of the European construction consists in the fact that there is not a general assignment of competence, but there is specific competence, intentionally stipulated in the constitutive treaties on EU, subsidiary competence created through the acts of modifying the constitutive treaties and implicit competences, created by the Court of Justice in the activity of applying and interpreting the treaties dispositions²⁶. The recognition of implicit competences on the basis of article 308 (ex-article 235) of CEE Treaty gave rise to many juridical controversies due to the tendency of extending the community competence at the expense of national competence²⁷. The establishment of the principle of subsidiarity through the Maastricht Treaty was equivalent to the expansion of EU “implicit” or “subsidiary” competence.

On the basis of the subsidiarity principle, the Union interferes in fields that do not belong to its exclusive competence only in case of and in the extent to which the expected objectives of the action cannot be achieved in a satisfactory manner by member states and, taking into consideration the dimensions and effects of the respective action, it can be better carried out at community level²⁸. In this case, the community intervention responds to some necessity reasons. The control of observing this principle belongs to the legislator which has a large power of estimating its application and in case its application is contested the Court of Justice will get an intimation after the respective act is adopted²⁹.

Although the principle of subsidiarity is a reverse federal principle, EU still remains a political entity whose proximate species is federation. People³⁰ say that the subsidiarity principle is a reverse federal

principle because, in federal states (Germany, for example), the federation's competence is general and the competence of its members is secondary while, in the case of EU, the competence of member states is general and the one of the Union is secondary. The Union interferences only when the treaties confer on her competence in one sector or another.

The Treaty of European Constitution establishes the fundamental principles applicable to the Union's competences: the principle of competence assignment, the principle of subsidiarity and the principle of proportionality. According to the principle of competence assignment, the Union acts only on the basis of competence given by the Constitution. The principle of subsidiarity is applicable to the fields of shared or support competence where the Union acts only if and in the extent to which states' action is not sufficient. In accordance with the principle of proportionality, the exertion of Union's competences, in comparison with member states' competence, in fields of shared competence, must be proportional to the objectives likely to succeed.

The Treaty of European Constitution specifies that EU can act only in the limits of the powers and objectives established by this Constitution and classifies Union's competence in:

- a) exclusive competence of EU: customs union, establishing the rules of competence required for operating the common market, monetary policy for member states whose currency is euro, common trade policy, preserving sea's biological resources inside common fishing policies;
- b) competence shared between European institutions and member states: home-market, social policy, strengthening economic, social and territorial cohesion, agricultural and fishing policy, excepting the preservation of biological resources

of the sea; environmental policy, consumer protection, transport, trans-European networks, energy, space of liberty, security and justice, common security objectives concerning the public health;

- c) support, coordination or complementary competence: protecting and improving human health, industry, culture, tourism, education, youth policy, sport and occupational training, civil protection, administrative cooperation.

This three pillars structure of Union's competences will strengthen the principles of subsidiarity and proportionality, leaving the majority of decisions in the b) pillar, decisions which are to be taken with a qualified majority.

Separately from Union's competence there is a fourth category: the exclusive competence of member states inside of which there is the territorial administration of each European country because this issue will not be and it is not wanted to be regulated from the European level as the EU could not manage this process better than the member states themselves.

While the Treaty of Nice, admitting the fact that not all member states or future member states own the same resources, introduced the concept of "strengthened cooperation", the Project of European Constitution uses the notion of "intensified cooperation", establishing that the member states willing to set up a mechanism of intensified cooperation in the fields that EU does not own exclusive competence can use the Union's institutions and exercise certain competences by applying Constitution's dispositions, respectively if the following conditions are fulfilled:

the aim of intensified cooperation is promoting Union's interests and objectives and the strengthening of the process of integration;

- at least a third of member states are involved;
- there is the Council's permit, given in keeping with the procedures established by the Project;
- the Council considers that the cooperation objectives could not be achieved in a reasonable term by the Union on the whole.

European political integration “encompasses the noneconomic aspects of European integration, ranging from the EU institutional structure to foreign and security policy”³¹.

After signing the Treaties of Rome, the European construction focused especially on economic aspects, political cooperation in the field of international relations being often a taboo subject³². The accession of European states to NATO (1949) determined sovereignty limitation in the matter of defense³³, setting European troupes under American command. This transfer of sovereignty to NATO set many obstacles on the way of building European defense policy because “it is difficult to transfer to Europe something that is already owned by NATO”³⁴. For this reason, the problems of security and defense were initially excluded from the cooperation field.

Starting with the Single European Act (1986), the member states declared themselves ready for coordinating their positions concerning “the political and economic aspects of security”, but the first reference to the question of security and defense was made in the Treaty of Maastricht, but in very vague words, trying to come to a compromise between the supporters of defense inside NATO and the supporters of building an European identity of defense. In accordance with the same treaty, the Common Foreign and Security Policy (CFSP) represents one of the EU pillars, together with the European Community, Justice and Home Affairs.

The Maastricht Treaty established many connections between EU and Western European Union (WEU), a cooperation organization in the field of security and defense created in 1948, elevating WEU to the rank of a “constituent part of EU development” but with its own institutional autonomy. Not even the Maastricht Treaty does include more explicit references to the Common Defense Policy.

The argument in favor of building European political union was strengthened by the revelation of Europe's weakness during the Gulf War (1990-1991): “The Gulf crisis is not only double. It is subdivided into so many national crisis as countries participant or non-participant in the coalition. The Gulf conflict represents a crisis for France, as well as it is for Great Britain, Saudi Arabia, Egypt or Germany...”³⁵. The European Community intended to adopt a common position concerning the Gulf War and to act collectively regarding the civil war in ex-Yugoslavia, but these attempts failed, reflecting the divergences among the interests of member states³⁶.

The disappointment caused by this failure and the awareness of the military and political deficit of Europe led to the reorganization of Europe's program of political integration: “Kosovo turned out to be a catalyzing element in a new trans-atlantic negotiation and for a larger autonomy of Europe, reflected in the shape of a “common foreign relations and security policy” as well as “European identity of security and defense” or “the European pillar” of NATO³⁷. Thus, at the European Council in Helsinki (December 1999), EU member states decided to develop their military capacities and construct new political and military structures in order to endow the Union with an autonomous capacity to decide and, when and in the extent to which NATO is not involved in, to launch and lead military operations

under its own command in case of some international crises³⁸. Even if all NATO member states admitted the necessity for the Europeans to own military capacities independent from the USA contribution for the purpose of promoting common foreign and security policy of EU, the idea of building European army was rejected because of the fear that this idea could lead to the creation of a pure European alliance and the discrimination of European states which are NATO members but not also EU members, and also to the doubling of the duties and allocating of resources by NATO and EU³⁹. The development of Defense and Security European Identity (DSEI) inside NATO and the application of the principle of building European force “separable, but not separated”, asserted at the North-Atlantic Council in Berlin (June 1996) are meant to avoid these problems.

At least in the beginning, Romanians saw the accession to NATO as a factor of economic progress and joining the EU as a security guarantee, using two terms: “European integration” and/or “Euro-Atlantic integration”. The reflection of these two subjects in the public opinion and Romanian politics has known sinuous contra-timing evolutions, rarely having the same intensity. They advanced initially in a slow but continuous rhythm, experiencing a stage of necessary signatures on important documents, for example the Association Agreement and the Partnership for Peace. The fact that Romania was the first country signing this partnership, in January 1994, marked the first top moment in the discussions concerning Euro-Atlantic integration.

After NATO-1994 the interest in integration into the EU become priority. In 1995 the Association Agreement came into force and the National Strategy for Preparing Romania's Accession to the EU (which we can call “Snagov I” by analogy with the one from 2000) was adopted. Not

only that the negotiation place is common, but also the coordinator of the elaboration process (the academician Tudorel Postolache) and the way of showing the general support of the parliamentary political spectrum through a political statement are the same⁴⁰. In 1995 Romania's president participated for the first time in the European Council in Cannes, together with his counterparts from candidate states⁴¹.

The accession to EU and NATO are two components of the national interest, so convincingly expressed by the public opinion and political class that there is no need to be reaffirmed, two sides acting alternatively. Valentin Stan considered that the fact of Romania's integration into EU and NATO being an essential objective of the present political generation is a truism. He also brings forward the complementarity of these two processes and considers that neglecting the relation of interconditionality between NATO and EU expansion is one of the most persistent errors of the governments both before and after 1996⁴². Moreover, he thinks that Romania's leadership wrongly built separate strategies for NATO accession and EU integration.

“Agenda 2000”, a very important study on EU expansion, finished by the European Commission in 1997, shows very clearly that, although they are autonomous processes, there are important connections between EU and NATO expansion. This specification was made in the context of the appearance of DSEI idea. But Western leaders repeatedly emphasized that the fact of not being invited to one of these two organizations did not automatically involve getting compensations in the process of adhesion to the other.

It was said that “Romania and Romanians have a very developed sense of imminent political changes, especially in the foreign policy” because “a complex history during which Romanians took

advantage of the conflicts between their powerful neighbors in order to achieve their local political interests would have made them very sensitive to the progressing change of the force relation between America and the EU⁴³.

As any other South-Eastern European country, Romania was and still is in dilemma between the EU and the USA. The Iraq War from Spring 2003 confirmed once more this situation in which Romania has been for more than a decade: "Has she be on the USA's side and, thus, feel as being a part of "the new Europe" or adhere to the position of Germany and France and then be considered as "the old Europe"?⁴⁴.

More and more authorized voices affirm that the geopolitical and geo-strategical realities of the beginning of 21st century require the abandonment of "what the USA did for Europe" type of thinking and the acceptance of "what the USA will be able to do together with Europe" model⁴⁵.

The NATO membership still remains the basis of security in the Atlantic area but the integration into EU will transform Romania into a component part of "the most proficient system of economical and political construction known in history"⁴⁶.

Taking into account its population and geographical dimensions, Romania is the seventh country of an European Union with 27 members but, at the same time, it is one of those member states with a low standard of living, less efficient agricultural and food processing sectors, high rate of unemployment, a state of poverty of most of the people. On the other hand, becoming a member state of the EU signifies that Romania will become a stability factor for the whole Balkan space. Romania's inclusion in the category of EU's large states and maintaining this position means the identifying of those possibilities of alliance with EU member states, which "should enable us to achieve our objectives

through obtaining the support of the states with similar or close interests in order to obtain together the qualified majority needed for adopting the desired decision inside EU Council"⁴⁷. It is equally important the building of alliances inside the European Parliament, taking into consideration the tendency of giving it a status of absolute equality to the Council in their capacity of co-legislators.

Member states' interests coagulate around two cores: the group of great countries, dominated by French-German coalition, and the group of small countries, aware of the fact that the former want to form a "directorate of the great ones". Trying to counteract this tendency, the small states intend to create alliances with medium size countries such as Romania, especially because the present vote system inside the EU Council does not allow the constitution of a distinct category of middle states. The criteria on the basis of which these alliances are formed are: the coincidence of their interests, geographical proximity, territorial dimensions, population. Depending on these criteria, two categories of alliances rise at different levels – regional and European level, but it has to be taken into account the fact that "A regional alliance may be sufficient for developing transport networks in Eastern Europe, but an European alliance will be needed for the policy of allotting structural funds or for promoting certain priorities in the European security strategy"⁴⁸.

Right after the joining moment, it becomes extremely necessary to survey the benefits and costs generated by the status of EU member. Thus, the costs related to the increase of competitiveness in different sectors of national economy, especially in agriculture, the infrastructure modernization, the adopting of community norms and policies, the observing and implementing of European standards are

high enough. Through adopting the trade policy, Romania had more to lose than gain in its relation with third countries because, as EU member state, it was deprived of the status of developing country and the right to benefit from customs preferences by developed countries (such as USA, Canada, Japan, Australia, New Zealand)⁴⁹. As regards integration benefits, the most important are Romania's access to important community funds (especially for agriculture and regional development), reforms acceleration, support for the transition to market economy, joining the common market. However, benefits are diminished by costs and “discovering the existence of a bill will start to create a pressure on the citizens and even a reaction of rejection if the effects and costs of integration are not transparent”⁵⁰. But, taking into account that integration costs are in fact the costs of Romania's modernization, absolutely necessary, we consider that the efforts made for integration are profitable for Romania, and the joining perspective was the objective that Romania needed to achieve in this transitional period⁵¹.

Both the competence and the loyalty to the Union will be asserted by Romania when it will make its choice for the adoption of the European Constitution. The presence of the mentality of nation-state's absolute sovereignty, the modification of Romania's Constitution in 2003, but, especially the perpetuation of nationalist ambitions and vanities have led to the uncertainty of what Romania would do after becoming a EU member state. The modality of expressing itself in the concert of the new Europe will certainly be an act of loyalty, competence and political maturity.

Notes

¹ Theo Hitiris, *European Union Economics*, 4th edition, Prentice Hall, 1998, p. 39.

² *Ibidem*.

³ Desmond Dinan, *Encyclopedia of The European Union*, MACMILLAN, 2000, p. 279-280.

⁴ *Ibidem*, p. 280.

⁵ *Ibidem*, p. 278.

⁶ Theo Hitiris, *op. cit.*, p. 40.

⁷ *Romania and the European Union. Historic Chronology*, Romanian Academy, The Institute of Political Science and International Relations Publishing House, Bucharest, 2004, p. 7.

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Fundamental Changes in Romanian Trade Policy after the Accession to the European Union

Elena TOBĂ, Dalia SIMION

Résumé: *L'article présente les changements arrivés dans la politique commerciale roumaine grâce à l'adoption des principes fondamentaux du marché unique européen: la libre circulation des personnes, des biens et services, des capitaux, les droits de propriété intellectuelle et industrielle etc.*

Wordkeys: *Integration, Common Policies, Free Turnover, Free Movement.*

The adoption of EU trade policy by Romanian on multilateral, interregional, regional and bilateral plan in its relations with third countries outside the community inevitably brings **important changes in our country's foreign trade policy¹ starting from 1st of January 2007**, in the following *directions*:

- a. absolute deregulation of Romanian trade with EU;
- b. alignment of custom duties in our country, towards the third countries, to the ones in EU, which generally implies custom duties to a level sensible reduced toward the third countries compared to the level of custom duties in Romania, especially for the industrial products;
- c. adjustment with the EU agreements to OMC in the field of trading with goods and services;
- d. accession to the OMC Agreement regarding the public purchase;
- e. transformation of Romanian from a country beneficiary of SGP in a grantor country of custom preferences;
- f. retreat from the Global System of Trading Preferences (GSTP) between developing country and from the "Protocol of 16" developing countries, by abrogation of preferential trading agreements with third countries and of other agreements concluded with these countries or to adjust them to the community aquis;
- g. hold up the status of developing country and, as a consequence the advantages Romania beneficiaries from in the field of trading policy, in the virtue of this status; this fact also imply the retreat of Romania from the group of unofficial developing countries from OMC and from the "Group of 77" developing countries which acts in UN;
- h. retreat of Romania from agreements with CEFTA, AELS from the free trading agreements concluded with Turkey, Israel, from the free trading

- agreements with the countries from the Western Balkans, in case it concluded any agreements with these countries;
- i. because EU did not concluded a free trade agreement with Moldavian Republic until the date of Romanian accession to EU, starting from 1st of January 2007 the free trade agreement between Romania and Moldavian Republic had been terminated;
 - j. participation of Romania to EU preferential and non-preferential trading agreements:
 - accession of Romania to the European Economic Space (EES), to which EU and Ireland, Liechtenstein and Norway participate;
 - participation to the preferential agreements of Euro-Mediterranean partnership and to the partnership between EU and African countries, Caribbean and Pacific (ACP);
 - access of Romania to free trade agreements between EU and countries from Latin America, Persian Gulf and other countries with which EU will conclude such agreements.

Starting with 1st of January 2007, Romania adhered to EU, in this way being eliminated the last restrictions from the mutual trade with goods with the member countries of EU (this is about the fact that from 1st of January 2002 had been deregulated the trade with industrial products, and now had been deregulated the trade with agricultural products).

To create a single market represents the essence of European Union, consisting in turnover of goods, services, capital and people between the member countries. So, it reach the situation that, by the four free turnovers between the countries member of EU, to form a single market where the turnover is similar to the one developed in one country; as a result of eliminating the obstacles and opening the national

markets, the exporters from the countries member of EU succeeded to have free access to a market which reaches almost 500 millions consumers.

The single market was realized by adopting numerous Directives by the institutions in EU, where had been removed the technical barriers, the bureaucratic laws and protective and non-protective tariff laws of the member countries and it was established the free trade and free movement inside the European Union.

The fundamental principles of the EU single market which Romania compels to respect are:

1. Free turnover. Starting from the 1st of January 2007, Romania adhered to EU, in this way being eliminated the last restriction from the *mutual trade with goods with the countries member of EU* (this is about the fact that from 1st of January 2002 had been deregulated the trade with industrial products, and now had been deregulated the trade with agricultural products).

The single market allowed a development of competition between the companies inside the countries member of EU in the benefit of the consumers, because the offer of goods and services had been on one hand, bigger, and on the other hand the prices decreased.

Inside the single market, the free turnover is based on the *mutual recognition principle of single market*. This consists in a free turnover for the goods and services of one member country into other member countries, even though these are manufactured after different quality regulations and standards having the condition to strictly observe the regulation of common interest regarding the public health, environmental protection and consumerism.

A second principle which functions generally inside the single market is *the principle of origin regulation*. In this case

had been created some detailed regulation at the level of EU with the strict observance of local regional and national customs, which make available the diversity of products and services and the economical integration.

The way of respecting these principles by the member countries is being monitor by the European Committee which draws up evaluation reports every two years, by which it held conscious the member countries about the existent problems and of the imposed solutions.

Regarding the application of these principles are aimed both individual citizens and also the economic operators. The actions are developed in two directions: one at the European Committee level, and the second one at the member countries level.

The plan of actions at the European Committee level, first of all, takes into consideration the elaboration of a Guide concerning the principle of mutual recognition in the area of industrial products and of an explanative brochure for the application of Decision no 3052/95 regarding the derogatory measures from the principle of free turnover.

The plan of actions at the member countries level, which implements in practice the principle of mutual recognition, foresees among other measure the inclusion of principle of mutual recognition in the national legislation, the strengthening of the cooperation between the national administrations from the member countries, and also the preparation of periodic reports containing the implementation problems and the possible solutions.

Beginning with 1st of January 2007, since Romania became a country member of the European Union and part of the Single Market, the custom boundaries between the member states disappeared and, as a result, there are no customs

clearance (declarations) used as data source to realize the statistics regarding the intra-community trade. For replacing this data source, inside EU, instead of former customs clearance, it is used a series of additional declarations which the company have the obligation to depose regarding the intra-community transactions performed (for example, the declaration of statistics Intra-state). In this way it had been created and developed a statistic system for collecting the information directly from the companies which realize trading activities with countries member of EU. The goods which arrive into a member state are called *intra-community acquisitions*, and the goods which leave a state member of EU having the destination to another state member of the EU are called *intra-community delivery*. So, the statistics of intra-community trade is called INTRA-STATE.

2. Free turnover of services. Services are of critical importance for the common internal market of EU, because they represent between 60% and 70% of the economic activity of EU-25 and approximate the same percentage in the manpower occupied by EU-25.

The principle which governs the internal market of services has been generally called “the principle of fundamental liberty” and has been regulated in the European Community Treaty. According to this principle, the companies having the headquarters in a member state hold the freedom to establish and offer services inside the area of other member countries. The principle of free turnover of services developed along the time thorough Decisions of European Court of Justice and by regulations specialized on fields, as: financial services, telecommunications, emissions and recognition of professional qualifications.

With all these regulations in the field of free turnover of services it has not been

reached the level of performances at the level of turnover of goods. *The Summit* in Lisbon (March 2000) marked off the task for the elaboration of a strategy to eliminate the barriers which hold back the free turnover of services. It is to be noted the suppliers with services rather than big companies.

Taking into account that the small companies are upmost, in January 2004, the Committee promoted the Directive concerning the Services on the internal market of EU. This document has as objective to eliminate the discriminatory barriers, to modernize the legal and administrative frame, inclusively in the field of information technology services (IT), and to determine the member countries to cooperate more and systematically. The document consolidates in the same time the user's rights.

According to the Committee, in the last 10 years, the benefits of free turnover of services - created over 2,5 millions jobs and registered incomes over 900 billion euro. In the same time, it was noted that the competition developed, which led to an increase of quality and range of services and to the convergence of prices.

The Treaty of Romania adhesion to the European Union stipulates in Chapter 3 – The free turnover of services for a period of transition of 5 years for transporting the Directive no 97/9/CE regarding the charts of compensating the investors.

So, by derogation from the article 4, paragraph (1) from the Directive no 97/9/CE, the minimum quantum of compensation (20.000 euro) is not applied in Romania until 11th of December 2011. Romania ensures that its compensatory system for investors foresees a compensation of with a minimum value of 4.500 euro from 1st of January 2007 until 31 of December 2007, of minimum of 7.000 euro from 1st of January 2008 until 31 of December 2008, of minimum 9.000 euro from 1st of

January 2009 until 31 of December 2009, of minimum 11.000 euro from 1st of January 2010 until 31 of December 2010 and of minimum 15.000 euro from 1st of January 2011 until 31 of December 2011.

3. Free turnover of capital. The principle of free turnover of capital is one of the four basic principles established by European Community Treaty (article 677) from 1957. According to the European Community the free turnover of the capital makes possible the integration, de opening, the competition and the efficiency on the financial market and of services and brings more benefits to all parties. For the citizen, the free turnover of capital means the ability to perform more operations outside the borders, respectively opening of bank accounts, to pick up shares of foreign companies, investments in the areas which bring the biggest profit and the most advantageous real estate transactions. For companies, this principle means that they have the right to invest in foreign companies and to take part in their management.

In practice, the free turnover of capital began in 1990, as a result of adoption of Directive 88/361/EEC, which foresees the elimination of control authorities of a member country over the citizens or companies of another member country who wish to invest. The free turnover of capital was set solid by adopting the Maastricht Treaty from 1993, where all restrictions regarding the free turnover of capital and payments were eliminated between the member countries, but also between the members and third countries. With this treaty it is considered that the field of free turnover of capital the legislation is complete.

After adoption of Maastricht Treaty, also other countries outside the EU area adopted the principle of free turnover of capital, even in cases when some countries

requested period of transitions regarding the foreign citizens' right to buy a second house or land. The principle of free turnover of capital initiated by EU opened the way for cooperation in the area of capital policy and payments at the international level.

There are some exceptions concerning the free turnover of capital both inside the EU, and also with third countries which concern the areas of: taxes, prudent supervision, considerations of public policy, money laundering and financial sanctions which make the scope of external Policy and Common Safety. On these subjects, the Committee communicates with the national monitoring authorities to assure the correct appliance of these exceptions, and where there are misunderstandings; EU requests the support of European Court of Justice. The Committee considers necessary to monitor the activities specific to free turnover of capital in the scope of identification of eventual barriers and restrictions inside EU, and also to improve the fields which are moving slowly.

The Treaty of Romania adhesion to the European Union foreseen in Chapter 4 – Free turnover of capitals:

- a period of transition of 7 years to purchase land, forests and lands with forest by the EU citizens inside the European Economic Space (EES);
- a period of transition of 5 years for the right to purchase a property for secondary residence.

4. Electronic commerce. The development of electronic commerce (*e-commerce*) is one of the key factors in the effort to make the EU the most competitive and dynamic economy in the world based on knowledge. The legal frame for the *e-commerce* inside the EU market is established by the Directive regarding the electronic commerce 2000/31/EC (COM (97) 157 final) (COM

(2003) 259, the Directive regarding the electronic signature, the Directive 2002 /38/EC and the Committee Communicate (COM (1998) 374 – not published in the “Official Journal”) regarding the tax on electronic transactions.

The Directive 2003/31/EC regarding the electronic commerce eliminated the obstacles for free turnover of *online* services on the internal market of EU and it forms the legal background for businesses and consumers. The Directive establishes adjusted regulations concerning the transparency and informational requests of the suppliers of *online* services, commercial communications, electronic contracts and limitations of the suppliers' obligations for Internet services (ISP). The Directive covers all the category of services of the informational society, as for example: services between companies; services between companies and users; the free services supplied to users, the ones supplied for money or financed, as advertisements and the sponsored ones; services which allow electronic transactions (distant interactive sale of products and services and purchasing centers).

The areas and *online* activities covered by the Directive regarding the *e-commerce* are: *online* papers, data base, financial services, professional services (lawyers, medical, accountants, real estate agents), services for relaxation (video etc.), advertisement and direct advertising intermediary services (access to Internet, transmission and keeping of information).

The effective operation of *e-commerce* on the internal EU market is assured by the *clause of the internal market*, which means that services of the informational societies are, basically, subject to the regulations of member countries.

The Directive concerning the consume tax (VAT) for electronic commerce businesses abroad foresees that the

imposing of these businesses is applied according to the laws in the respective country where the consume takes place, and the supply of digital products will not be considered as delivery of goods.

5. The companies' law. The adjustment of regulations concerning the management of companies, of accountancy and audit is essential to create a single market in the area of turnover of goods and financial services.

The objectives of companies' law are the shareholders' protection and of contracting parties with companies; to assure the freedom to create companies on the entire territory of EU; to institute the principle of competitiveness and efficiency in business; promotion of cooperation between different member states and simulation of dialog between the member countries with regard to the modernization of the companies' law.

The Treaty of Rome, which in 2007 makes 50 years from its conclusion, mentions the following principles:

- the companies are mutually recognized in all member countries;
- the companies created legally in a member state will not be requested for formalities by other member state, except the ones that are usually requested to national companies.

Adjustment of legislation was performed gradually, based on the specific adopted Directives.

By others action plans, the European Committee explains the necessity to elaborate some new initiatives to modernize the existent legislation or to complete it, due to the following reasons: in order to create a better internal market; to create an integrated market of capital; to maximize the benefits by applying the modern technologies which introduce the use of electronic means, as compulsory regulations when creating certain types of companies;

for the success of development and to face the changes imposed by recent evolutions.

6. Public purchase. The percentage of public purchase (assets, services and public works) inside the EU is estimated to 16% of the EU PIB (approximate 1.500 billion euro in 2002). At the level of member state, the percentage is between 11% and 20% of their PIB. Taking into consideration the important value of public purchase both in the EU budget, and in the member countries one, the European funds are concerned to assure open and transparent procedures to increase the competition in the area of public purchase, in the scope of reduction of the costs paid by the governments and to increase the economies for the tax payers.

The public purchases make the object of EU regulations and international rules, but not all public purchases are the subject of these regulations. For example the purchases of military equipments for defense are excluded from these rules, but they have to observe the provisions of the international treaties in that area.

The number of Directives concerning the public purchases was approved in year 2004 by the European Parliament and has as scope to contribute to the simplification and modernization of public purchasing procedures, for example, by facilitating the electronic purchases in the public domain. The European Committee considers that the rapid implementation of the new Directive will contribute the increase of transparency in the domain of public purchases, will improve the operation of the internal market and will allow the EU to take advantage of the benefits of the enlarged internal market.

7. Right to intellectual and industrial property. *Copyright* and its associated rights, trade mark, the designs and patents (right to intellectual and industrial property) represent a stimulant for creation and investments in

new activities destined to development of protected products (music, films, media published products, broadcastings, etc.) and contribute to the increase of competitiveness, of employment places and of innovations. *Copyright* is associated with important cultural aspects, social and technical which have to be taken into account when setting out the policy in this area.

The Directive concerning the right to intellectual and industrial property was adopted in 2004. In a two years period, it permitted the adjustment of national regulations of member states of the EU, so that the barriers have been reduced regarding the free turnover on the internal market of the EU and it was created the background for new forms of exploitation of the right of property.

Nowadays there are preoccupations for adopting some complementary measures:

- to consolidate the rights, as, for example, the ones regarding the access to justice, punishment of the law breakings and remediation of the prejudices;
- on the line of management and patent of intellectual rights.

Copyright is of big importance for the European Community, because it implies media, culture and industries based on knowledge. The development of industries represents the performance indicative of a post-industrial society, especially, for those pertaining to the informational society. In the year 2000, the *copyright* industry contributed with over 1.200 billion euro to the EU-15 economy and created an added value of 450 billion euro (5,3% of the total added value of EU-15) and 5,2 million of jobs (3,1% of the manpower occupied in the EU industry).

8. Free movement of people. The possibility to work in any country of the EU represents one of the four freedoms which characterize the single market of EU.

In the list of transition periods included in the adhesion Treaty of Romania to the European Union, is mentioned in Chapter 2 – The free movement of people a period of transition of 2+3+2 years regarding the free movement of Romanian workers.

Until the end of two years period after the actual adhesion date the member countries will apply measures of internal law resulted from the bilateral agreements, which limit the access of Romanian citizens on the market of manpower from each of these countries. The actual member countries can continue to apply these measures until the expiration of a 5 years period after the adhesion date. At the end of the 5 years period, a member state can hold measures of internal law or measures which result from the bilateral agreements can continue to apply, in case when on the market of manpower from that member country has there is the risk to produce severe disturbances, also after the notification of the Committee, these measures until the end of a 7 years period from the adhesion date.

This clause is of big importance concerning the demarche of Romania to turn to profit, by competitive services, the qualities of its citizens regarding the academic and professional qualification in any member countries of the European Union.

9. The contract law. The single market offered the citizens, investors and companies the possibility to implicate in economic activities or in other activities on the area of EU in similar conditions. In case of purchasing goods or services, it is necessary to conclude a contract where are defined the conditions the transaction can take place.

The Directives adopted on the line of adjustment of legislation in the area of contracts had as scope the elimination of obstacles for the free turnover of products and services. The substantial progress had

been noted in the adjustment of contract legislation in the areas of: electronic commerce, banking and insurance, right to intellectual and industrial property, consumerism and SMB policy.

Nowadays there are concerns to increase the degree of coherence of the

provisions of contract laws and in other existent areas of activity or with development perspectives, the European Committee adopted an action plan in this respect.

Government's Role in Coordination of Decision-Making Process

Mădălina VOICAN

Résumé: *Cet article discute le rôle du Gouvernement dans la formulation des politiques publiques. La première partie présente les fondements constitutionnels et légaux de ce rôle. On analyse aussi la nécessité et la procédure de l'adoption du Programme de Gouvernement et l'importance de ce document-cadre pour le procès de formulation des politiques publiques. Les acteurs internationaux ont soutenu la création des structures institutionnelles considérées nécessaires dans cette direction: l'Unité de Politiques Publiques et les unités homologues créées au niveau de chaque ministère ou autre autorité de l'administration publique centrale. L'article conclut que la réforme dans la matière de la formulation des politiques publiques a fait des progrès importants, dont on peut voir les résultats: (i) elle offre aux membres du Gouvernement plus de possibilités de discuter les alternatives stratégiques de la manière de concevoir les politiques; (ii) elle renforce la qualité de l'analyse sur la base de laquelle on élabore les politiques; (iii) elle assure la transparence décisionnelle, en offrant aux citoyens la possibilité de participer dès le début aux discussions sur les politiques publiques.*

Keywords: *Public Administration, Public Policy, Reform, Policy Formulation, Governance Program.*

One of the ideas that seem to be central to a discussion on post-communist welfare reform is the assumption that newly democracies need significant developments in the public policy management system. In Romania public policy reform aimed to strengthening the capacity of the Government to more effectively deliver its political priorities as well as to ensure better coordination for public policy formulation.

Constitutional Framework of the Government's role on coordination of decision-making process

In its widest sense, the Government is the ruling power in a political society. The role of Government in the functionality of a State has significantly evolved during the democratic development. Government's role has gone from providing basic security to concern in religious affairs to control of national economies and eventually to providing lifelong social security. As our societies have become

more complex, governments have become more complex and powerful. On classical administrative law approach, especially in democratic and republican forms, the most noticeable work of Government is to exercise the executive power of state as a consequence the Government is seen as the entity in charge with exercise of the general management of public administration. These reflections should make us cautious, and by this study we would like to highlight another major tasked on the Government responsibility: decision-making and coordination for public policy formulation.

On the other words, the Government role goes beyond the responsibility to maintain the peace of communal life by coordinating the public administration institution. The Government includes the complex and difficult task to coordinate the process of public policies formulation by making important organizational decisions, identification of different alternatives such as programs or spending priorities, and choosing among them on the basis of the impact they will have. Policies¹ can be understood as political, management, financial, and administrative mechanisms arranged to reach explicit goals.

According with Romanian Constitution that regulates the Government Role and structure in article of 102 that states: *“The Government shall, in accordance with its governance program accepted by Parliament, ensure the implementation of the domestic and foreign policy of the country, and exercise the general management of public administration.”*

Concluding over the normative provisions the Constitution assigned the Government with three key functions:

1. To elaborate the Governance Program.
2. To ensure the implementation of the domestic and foreign policy of the country, and

3. To exercise the general management of public administration.

The first two responsibilities, listed bellow, define the Government role in decision-making and coordination for public policy formulation. The public policy process in Romania is at the beginning and in practices exist different types of policy documents such us: strategies, programs, public policy proposals, plans, memorandums, and information notes.

Legislative framework related to public policy process, including the government procedures for legislative drafting and consultation is regulated by following normative acts:

- **Laws:**
 - Law No.90 / 2001 (updated) on Romanian Government and Ministries.
 - Law No.24 /2000 (republished) on legislative techniques.
 - Law No.73 / 1993 (republished) on Legislative Council.
 - Law No.500 2002 on public finance;
 - Law No.52 /2003 on transparency of decision making process;
 - Law No 188 / 1999 the statute of civil servants;
 - Regulations of the Chamber of Deputies.
- **Government Decisions**
 - Government Decision No.50/2005 on Government procedures for drafting, endorsement and submission of draft normative acts.
 - Government Decision No.775/2005 on drafting, implementation and evaluation of public policy at central level.
 - Government Decision No.750/2005 on standing inter-ministerial councils.

The *Strategy for Accelerating the Public Administration Reform 2004- 2006* defines the main initiatives to be developed

in the field of public policy making. Problems in the field of public policy process also has been analysed within number of reports² of international organizations and counterparts on policy making and co-ordination in Romania were taken into consideration.

Governance Program and policy formulation

When working on a large and multifaceted reform, newly elected parties have to push forward reforms. The *Governance Program* offer the Cabinet a framework to summarize political goals and objectives into a structured document, as a *mission statement* /or a *vision statement* for regular 4 years electoral cycle. As any strategic planning document and decision processes, the Governance Program should reveal the objectives and the roadmap of ways to achieve those objectives that the Government engages for.

The Cabinet (Government) is headed by Prime Minister and comprises a variable number of persons³, usually 12 to 20 persons. The Prime Minister candidate is nominated by the state president. Once nominated, the candidate for the Prime Minister Portfolio forms the Cabinet and elaborates the Governance Program. In order to get the official empowerment the Parliament endorsement is needed. The candidate for Prime Minister position engages political responsibility for both the Cabinet team and their strategic planning activity, synthesized on Governance Program. The Parliament examine, as whole, the Governance Program and the Cabinet composition. If consented, the Parliament vote and empower both the Cabinet and their declared mission statement- the Governance Program. Once approved and accepted by the Parliament the Governance Program became a compulsory official document, which offers the general

framework for further specific public policies proposals.

Governance Program is the basic strategic planning document that allows the newly appointed Cabinet Government members opportunity to impose their specific policies. By Governance Program the newly party in power define its strategy/direction, in making decisions on allocating its resources to pursue this strategy, including its capital and people. As a Strategic Planning document that shapes the form of new governance for the next 4 years period of time, the Governance Program is the formal consideration of the Government's future course. All strategic planning documents deal with at least one of three key questions:

1. "What do we do?"
2. "For whom do we do it?"
3. "How do we excel?"

By the Governance Program the party or coalition of parties that won the elections often take opportunities to shape economic policies for their own electoral benefits and accordingly with their doctrinal theses. For example, a left wing party in a government might adjust policy to social measures, so purer layers of society would see that government as a friend. The right wing politicians and governors would maintain laws that reinforce companies' rights and powers, so entrepreneurs would see a right wing government as a friend. Depending on the nature of the measures predicted in the Governance Program, naturally, the exploited persons in these situations may see government *very* differently.

After the stage on which the Parliament approved Government priorities formulated in the Governance Program, those provisions has to be considered as priority tasks for line ministries to develop public policies, draft normative acts or

ensure other activities in shorter terms, with clearly defined results.

What is a public policy? There is a lack of a consensus on the definition of public policy. One of the definition proposed by professor Heckathorn states that a *public policy* is a deliberate plan of action to guide decisions and achieve rational outcome(s)⁴. Consequently, a *public policy proposal* is a policy document intended for solving specific policy problems in case if there are several possible alternatives or there is a need for a conceptual agreement on the essence of the normative regulation⁵. There could be one or several normative acts that derive from one public policy proposal. We would like to underline that a policy differs from rules or law. A law can be one of the outcomes of a public policy document. While law can compel or prohibit behaviors (e.g. a law requiring the payment of taxes on income) policy merely guides actions toward those that are most likely to achieve a desired outcome.

Institutional infrastructure for coordination of public policy formulation

To ensure the functionality of the system of public policy formulation it was necessary to build up an *institutional infrastructure*. Starting with 2003 there were several significant developments in the policy management system.

General public administration reform in Romania was supported by several international actors this is why the international influence on public policy process came in various forms and a varying degree impact. First ideas on public policy reform were put forward by the European Union and indirectly encouraged in country assessments.

The World Bank funded international consultants to work with the reformers,

most significantly the Central Unit for Public Administration Reform and Prime Minister Chancellery on developing institutional infrastructure and the legislation for Public Policy Reform.

OECD_SIGMA's⁶ preliminary review of Center of Government institutions and practices suggested that it may be possible to build on some existing ad hoc arrangements that appear to be ensuring reasonable vetting of policy proposals in the area of European Integration. Consistent with SIGMA's preliminary findings, The World Bank has proposed building on precisely those same ad hoc practices, converting them, over time, into formal, standing sub-committees of Cabinet (Government), and gradually creating similar sub-committees for each of the most important and enduring broad policy areas. The special discipline of planning was unified and transferred from the 11 sub-comities to only one: *Strategic Planning Council*⁷.

Strategic Planning Council was established to monitor the implementation of priority tasks. In that case the templates and reporting system was defined by Strategic Planning Council. The Strategic Planning Council is not an administrative body, but acts more as an ad-hoc committee. In practice the Council performs the function of ensuring harmonization and coordination among political layers of the ministries involved in decision making process.

Among first institutional measures intended to capacity building was the *setting up the Public Policy Unit* (PPU) in the General Secretariat of the Government (GSG) and staffing this unit with young and qualified specialists. As one of the departments that make up the Chancellery of Prime Minister, the seat of the PPU is at the Government office. The PPU was established by a Government Ordinance

and its organizational structure consists of a body of civil servants coordinated by a Secretary of state. PPU was established in 2003 to provide coordination to PPU counterpart units in the line ministries.

By *establishing of the PPU counterpart units in the line ministries*, representatives of Public Policy Unit of the General Secretariat of the Government on brainstorming sessions and workshop discussions with counterpart representatives of centre of Government institutions and line ministries can assure the implementation of Government priority tasks through public policies documents.

Through adoption of the regulations regarding the *procedures for designing, implementation and evaluation of public policy* at central level the PPU ensures that all ministries will comply the requirements to develop public policy proposals in a specific format for all major legal acts prior to their drafting. In respect of building an unitary practice, the PPU of GSG has also prepared *The Public Policy Manual*⁸ to assist ministries in working with the new regulation.

International influence on the Public Policy Reform came in a more direct form through formulation of the *Strategy for improving the public policy planning and formulation system at central level*, that was prepared within the PHARE Twinning PROJECT RO2003/IB/OT/ 10, 2003/005-551.03.03 “Strengthening the Romanian Government’s capacity for policy management and coordination and for decision-making” together with representatives of Public Policy Unit of the General secretariat of the Government of Romania.

All these infrastructure and regulatory measures have aimed to strengthening the capacity of the Government to more effectively deliver its political priorities as

well as to ensure better regulatory environment.

Conclusions

Over the last 5 years, the Romanian Government role on policy making and administrative accountability evolved and have a significant impact by both *improving the predictability and effectiveness of government policies* and by *bringing transparency and accountability to public life*.

The Public Policy Reform reached its aims by following achievements:

- i. *Increase effectiveness of government policies* by giving members of Government greater opportunity at an earlier stage to discuss strategic alternatives in the design of policies. Gradually ad-hoc practices on policy formulation were adapted, over time, into formal structures such as: Strategic Planning Council and Public Policies Unit.
- ii. *Strengthen the quality of analysis* upon which policies are built. Conforming to the reform improvements, the procedure for legislative solutions was changed to policy decision making, based on policy documents. Adoption of new procedures for policymaking, agreed with international assistance actors, based on Public Policy Strategy allows appending estimates of the budgetary and other impacts. Besides that the content of substantiation note shall include budgetary impact assessment, the Government has the mandate to issue a methodological norms regarding impact assessment of draft normative acts
- iii. *Ensure transparency* on decision making process by opening and distributing all draft normative acts for public comment. New procedures for policymaking give stakeholders greater opportunity at an earlier stage to participate in policy discussion

Acronyms:

CUPAR - Central Unit for Public Administration Reform
 PPU - Public Policies Unit
 GSG - General Secretariat of the Government

Notes

¹ see McCool, Daniel C. *Public Policy Theories, Models, and Concepts: An Anthology*. Englewood Cliffs, N.J.: Prentice Hall, 1995, p. 4.

² *European Commission Comprehensive Monitoring Report on Romania*, Brussels 25, October 2005, SEC (2005) 1354¹ and *Assessment report of SIGMA*, 2005.

³ Cabinet members must be persons of the highest reputation, known for their high morality, integrity and competence in the specific field.

⁴ Heckathorn, D., Maser, S., The Contractual Architecture of Public Policy: A Critical Reconstruction of Lowi's Typology, *The Journal of Politics* 52 (4), 1990, pp. 1101-1123.

⁵ ***, *The Public Policy Manual*, Public Policy Unit of the General Secretariat of the Government, 2006, p. 3.

⁶ Sigma Report: Romania Policy-Making And Co-Ordination Assessment July 2004; Sigma Report: <http://www.oecd.org/dataoecd/40/12/34990425.pdf>

⁷ The functions and role of Strategic Planning Council is defined by GD No. 750/2005.

⁸ SGG, Strategy for improving the public policy planning and formulation system at central level, <http://www.sgg.ro/docs/File/UPP/doc/STRATEGIEpoliticipublice.pdf>

Russia and the Binominal of Power

Ion DEACONESCU

Résumé: *La Russie est la principale victime de l'implosion du système communiste et de la fin de la Guerre froide, tandis que les Etats Unis en sont le principal bénéficiaire. Aujourd'hui le gouvernement de Moscou fait des efforts considérables pour regagner ses positions et pour refaire l'ancien binôme du pouvoir.*

Keywords: *Globalization, International System, Leadership, Superpower.*

It has become more and more obvious that Russia has already begun to put to practice its plan to recover a clear position in the international relations system and to re-acquire the role it once held within the balance of world power. The transition phase following 1990 has triggered off other types of equilibriums in the world, but also obvious blending in the relations among states, once extremely complicated, in the world geopolitics, which have facilitated the economic globalization, as well as the switch in the "sense" of current history (the highways of information, the financial markets, the escalation of terrorism, the religious extremism etc.).

One is familiar with the fact that economic power imposes the military power, which can become, in some circumstances, a real factor of power in the international system.

Russia has lost the most, following the implosion of the communist system and the end of the Cold War, situation from which the United States have taken

maximum advantage, thus becoming a world superpower. At present, Moscow makes considerable efforts to recover this gap and to re-establish the former USA-USSR binominal, as well as the monopoly of the "political agenda" through which to determine new subjects and actions in the current international political life.

However, the role of *leadership* now imposes a new type of behavior in the arena of international relations, and Russia is more and more active in another type of politics, especially energetic and military, looking to retrace some favorable coordinates on geographic areas as wide as possible. Some recent approaches demonstrate this vision. The expedition led by two Russian MPs, Arthur Cilingarov and Vladimir Gruzdev, in the Arctic Ocean, aimed at supporting Moscow's claim to the oil, gas and minerals in the area, in virtue of the idea that the Lomonosov Strip, a underwater formation of over 1800 km, which unites Siberia and Canada, represents the prolongation of Russia's continental platform and thus the

latter is due a much wider area of the Arctic Ocean, while the implantation of a Russian flag made of titan, 4 km under the North Pole, was not only a symbolic gesture, but one with complex meanings and with possible unpredictable meanings in the near future.

Russia's expansionist politics is known for centuries, and Russia's present vision of strength, under the rule of president Vladimir Putin, of recovering the position of world superpower, must become concerning to the world leaders.

Moscow's recent decision to suspend its participation to the Treaty regarding the limitation of conventional forces in Europe (CFE) represents another proof that the Russian politics has changed its substance and the desired effects.

The causes of this approach reside, firstly, in USA's unilateral retreat from the Treaty regarding anti-ballistic missiles (ABM), signed in 1972 by Richard Nixon and Leonid Brejnev, document through which one limited the use of the anti-ballistic systems by the two military superpowers. But the most important reason for Russia's position is represented by the American presence, near its borders, on wider areas: the establishment of military bases in Romania and Bulgaria, as well as the activation of the plan to place an anti-racket shield in Europe.

In these circumstances, Kremlin's decision to suspend the application of the CFE Treaty must be understood as a clear and determined political signal within Russia's relations with the United States and with the EU, consolidating Putin's rigid decision during the discussions with Bush at Maine, without foreseeing any partial solving to the dispute between Moscow and Washington.

The Western political analysts have avoided to consider that Putin campaigns for himself by approaching a campaign of

force in its relations with the US, still warning that the risk of some obvious deteriorations of the relations between Russia and the US, especially in the conditions in which Moscow installs, as a counter-reply, a S-400 TRIUMF anti-racket shield, with a range of action twice as long as the PATRIOT American missiles, being able to destruct targets at 400 km distance from the launching base.

If one adds the extremely acute energy issue to this, an issue managed by Russia almost with easiness and pragmatism in the relations with the partners from the EU, warned since last year of Russia's hardly calm intentions as regards the new weapon of fuels, we will surely soon witness another type of pre-figuration of the putinist Russian politics, as, paraphrasing the title of a successful movie, "Moscow don't believe in the tears" of the oil and gas consumers, subscribed to the Russian tap.

The New Democracy and Market Reforms in Latin America

Ioana ALBU, Andrew TOLETT

Résumé: *Cet article propose un débat sur la démocratisation de l'Amérique Latine, débat que l'on ne peut pas séparer des circonstances historiques particulières de l'époque d'après la Guerre froide, lorsque la gauche politique de l'Amérique Latine essaye de s'imposer et de vaincre les forces globalistes. La gauche politique est "privilégiée" dans notre approche de l'Amérique Latine, grâce au rôle central qu'elle joue dans la société et dans la politique. Pendant les dernières décennies l'Amérique Latine est devenu un "champ d'essai" pour les politiques néo-libérales de la globalisation et de la démocratie; la consolidation de la société civile et la privatisation stimulant une renaissance aux niveaux politique et intellectuel.*

Keywords: *Globalization, Post-War Transition, Structural Adjustment, Industrialization, Oppression, Peripherization, Pauperization.*

Globalization has had a great impact and is responded to in various parts of the world, such as East Asia, Middle East, Africa and Latin America. In the 1980s the main theme of Latin American debate is *democracy*¹. The Latin American intellectuals and more prominently the political left are the very basis of the democratization debate. The particular history, post-Cold War and post-modern are the ones that determine this debate and form the actual background in which Latin America finds itself going beyond globalization and neo-liberalism.

In this context, structural forces play a central role. In analyzing the Latin American societies and politics, the left-wing intellectuals have created an entity² in itself, playing a highly central role. Two

main reasons account for this, the first of which being the post-colonial domestic social structure. The social structure of the country has been characterized by two elements: a strong state and a weak civil society, displaying a few relevant aspects: political parties unrepresentative, civil institutions rather weak and nation building under way of consolidation.

According to Jorge Castaneda, from the first half of the twentieth century, the best-known Latin American intellectuals were on the left of the political spectrum³. The second aspect refers to the relationship of the intellectuals with the western world, always at the cutting edge of political theory⁴ arising from a different post-colonial tradition from that in other regions of the world. Here, the present population

from which intellectuals are of European descent [having no native roots, culture or religion so as to reflect either national identity or self-expression], whereas colonialism has strongly altered native culture and society.

The above-mentioned stand for the troubled post-war transition of Latin America from development to contemporary neo-liberalism. The individuals within this group were frequently participating in the leadership of political parties making the policies that formed the respective region, actually having the political power. According to Castaneda, these individuals played the role of mediators between the two main actors – the state and society⁵ – in the link between one another. “In the history of power in Latin America there are only military dictatorships or intellectuals”⁶.

Another important aspect related to the intellectual left is the ‘aligning’ of Latin America to the world economy, in a neo-liberal trend⁷, which has preceded the neo-liberal integration of the advanced countries. The consolidated Western democracies once presented the same pattern as Latin America, which now experiences a return to democracy and a civil society which has a new role. Thus, to those looking at social reconstruction in the old democracies the intellectuals’ reflection on the new political economy and its nature in Latin America becomes a source to be treasured.

Turning now to the position of Latin America in the world economy before World War II, one can say that it occupied a similar position to other colonial areas, the main exports being made in exchange for goods from the West. Foreign companies owned and/or controlled the mines and plantations. The national policies focused primarily on exchange rates, tariffs and taxation, all favoring export and the war that followed for a few

years imposed an emergency measure of import substitution⁸. The idea was to produce goods that could no longer be obtained from abroad. Thus a model of development was shaped after World War II, denoting a structural break with the world capitalist system. The above-mentioned model implied the process of incipient industrialization of the underdeveloped countries. The state played the leading role in making policies that vise the domestic development of the country, encouraging foreign investment whilst developing industrialization combined with import substitution. *Dependency theory* was mainly a Latin American theory of development⁹.

Postwar policies in Latin America were state-centric. Similar examples were the Soviet industrialization and the revival of the European economies after World War II, which reinforced the central role of the state in the centralized economic planning. Latin America’s exports were made expensive, whereas imports cheap¹⁰ by the whole array of public policies: consolidation of infrastructure/industry; subsidizing basic food products, imposing price controls thus keeping labor costs down in urban areas, nationalization of the key industries as well as protecting local industry against foreign competition.

The model of import substitutive industrialization transformed the region’s economies in the 1950s-1960s being quite successful even if subsequently discredited. According to A. Hoogvelt¹¹ “Latin America’s economies were growing faster than those of the industrialized West. At the political level *populism* accompanied the economic theory of the import substitutive industrialization. The ruling elite attempted at mobilizing and uniting industrialist, masses and peasants ‘instilling’ the message of nationalism and

national development, blaming the American imperialism.

However, by the second half of the 1960s, the model declined, problems worsened in all fields. At this point dependency theory came into its own analysis of underdevelopment. It was the left intellectuals who pointed out that the model had led to a deepening of dependence and underdevelopment. The reason for this was the existing class structure, colonially inherited that has determined a visible unequal distribution of income, limiting internal domestic markets. The domestic market was limited, the foreign industrial subsidiaries set into motion an inefficient system of production and an outflow of resources, contributing to the economy becoming regressive.

Further to the post-war industrialization and social development, there emerged new middle-class (working class) sectors, willing to participate in the political life of the country, their demands for rights contributing to the political crisis of the 1960s, at the same time the guerilla warfare and terrorism being developed.

The overall picture in most American countries was characterized by economic stagnation, high inflation and serious balance of payment difficulties. The only solution seen by many elites against the domination of the state by revolutionary forces was the return to authoritarian rule by military dictatorship, in an attempt at restoring the condition of social and political stability, essential condition for accumulation and economic growth¹². Thus imports of military equipment placed Latin American countries among the main importers, many of them having military governments by the middle of the 1970s. This came in contradiction with the assumption that a consolidated civilian government together with more professional armed forces trigger economic moder-

nization. A series of social-economic reforms that were imposed severely are in close connection to the international context that shaped them (the collapse of the Bretton Woods system, the acceleration of the internationalization of capital and the 'recycling of petro-dollars' the 1970s¹³). An important element to be added here is the interest of the American foreign policy in the region 'translated' into numerous actions (e.g. the armed invasion as in the Dominican Republic in 1965), the training of armies and police for peace programs (such as in Honduras, El Salvador, Nicaragua).

Examining the region's political economy of the 1970's in Latin America, it went through a change in the foreign investment. Most countries in the region needed to borrow to cover balance of trade deficits, but the new lending went to private companies and para-statal companies; relatively little covered government deficits. According to the World Bank, huge wastes of money and corruption determined a high inflation; in the early 1980s the debt burden increase massively and the dollar interest rates were extremely high.

All through this period of time, the variations in political style, economic policies and performance occurred. Regimes like Venezuela or Brazil were regarded as 'bureaucratic authoritarian'¹⁴ pursuing development programs coordinated by the state, whereas others, like Chile or Argentina were ultra-modernist, focusing on privatization and export-orientated accumulations. Some regimes recorded very high rates of economic growth (Brazil, Mexico, Chile), while others had no economic record to show.

The economic situation of the country went even more through changes and austerity measures in the 1980s, when the program imposed by the IMF and World Bank led to contraction, de-industrialization,

drastic reduction in wages, declining living standards and popular revolt in all countries of Latin America. There emerges a form of civil society which would be the center of attention, as well as the nature of the democratic rule. By understanding the dynamics of the relationship between economic and political forces in Latin America, much may be learnt about the new forms of democracy emerging there¹⁵.

The program of stabilization and structural adjustment imposed by the IMF and the World Bank and backed by the US set up the neo-liberal agenda and shaped new relationships between the state, society and the market. Thus, there take place new forms of political mobilization, democratic rights are set as a priority, the public and the private sphere is clearly delineated. The democratization process in Latin America in the late twentieth century is analyzed along the delineation political democratization-social democratization, i.e. establishing autonomy in a constitution and experimenting with different democratic mechanisms and procedures in civil society¹⁶.

Structural adjustment programs came into operation and Latin America faced a paradox: i.e. the return to civilian rule. The struggle against dictatorship took place outside the left-wing party and organizational structures. In their place new forms of human rights movements took place in Latin America. One should distinguish between the 'party left' and the 'movement left'¹⁷, the latter one being the fulcrum of the re-democratization of the region. The military regimes "returned to barracks". What is interesting is that the intellectuals from the traditional left (Marxist-Leninist) joined the grassroots movement in a struggle for electoral democracy. This support of the intellectual left for the democratically elected governments has led them to rethink the relationships between state and the market.

The overall picture now was characterized by a reversal of economic fortunes, a widening of inequalities and the deepening misery of the masses¹⁸.

Since 1980s the Latin American region has witnessed an extraordinary increase in the organizational capacity of civil society, which has been both a source of hope and an issue about post-modern social reconstruction.

The movements lead to leftist coalitions that took power at local (municipal) level, as opposed to rightist coalitions that rule the national state. Some of the larger movements developed into NGOs, financially viable and accountable. To the revival of civil society, the women's movement in Latin America takes a special place. They were very diverse and had different goals. Apart from these, the environmental groups could be included, as well as the peasant movements.

Conclusion. Globalization has led to a polarized model of accumulation in which the domestic market is no longer seen as being strategic to development. The main concern of the ruling class consisted in creating proper conditions to attract international capital, cheap labour, flexible working conditions, no taxation, leading to a cleavage between a small percentage of enriched population, and the rest turned pauper. Throughout the 1990s the region faced a continuing social decline. Latin America's wealth, its markets and its labour remain targets for exploitation. The state remains the most powerful instrument of global domination, being perceived as the locus of oppression. Quoting Ankie Hoogvelt again, one could say that the dismantling of the developmentalist model and its replacement by the neo-liberal model has thrown the region into a "spiral of peripherization and pauperization".

Notes

- ¹ F.J.Schuurmann, *Beyond the Impasse: New Directions in Development Theory* (London:Zed Books, 1993), pp.113-21 quoted by A. Hoogvelt, *Globalization and the Postcolonial World* (The New Political Economy of Development, 2-nd ed., Palgrave, 2001), p. 239.
- ² J.G. Castaneda, *Utopia Unarmed* (New York, Vintage Books, 1994), p. 177.
- ³ *Ibidem*.
- ⁴ A. Hoogvelt, *op. cit.*, p. 240.
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- ⁶ *Ibidem*, p. 196
- ⁷ *Ibidem*.
- ⁸ *Ibidem*.
- ⁹ R. Prebisch, *The Economic Development of Latin America and Its Principal Problems* (NY: Economic Commission for Latin America, 1964).
- ¹⁰ D. Green, *Silent Revolution, the Rise of Market Economics in Latin America* (London: Cassell and Latin America Bureau, 1995) p. 16, quoted by A. Hoogvelt.
- ¹¹ *Ibidem*.
- ¹² Gary W. Wynia, *The Politics of Latin American Development* (3-rd ed., Cambridge University Press, 1998), p. 104.
- ¹³ *Ibidem*, p.112.
- ¹⁴ *Ibidem*, p.230.
- ¹⁵ K. Roberts, *Democracy and the Dependent Capitalist State in Latin America*, in *Monthly Review*, Oct.1995, pp.12-26.
- ¹⁶ *Ibidem.*, p. 22.
- ¹⁷ A. Hoogvelt, p. 252.
- ¹⁸ D. Green, *op. cit.*, p. 164.

2008 US Presidential Elections: The Iraq War, Party Platforms and Social Polarization

Anca Parmena OLIMID

Résumé: *La guerre d'Irak est le principal facteur de la campagne présidentielle de 2008. Aujourd'hui elle représente le problème central de l'opinion publique Américaine. Cet article est une approche analytique intégrative de cette campagne, portant surtout trois questions: les sondages concernant les préférences des Américains pour l'élection présidentielle de 2008, le vote de la population hispanique et les déclarations des candidats sur le problème Irakien.*

Keywords: *Presidential Campaign, Poll, Hispanic Vote, Iraq Issue.*

Presidential elections are the heart of any democracy; they are the instrument for the people to choose leaders and, at the same time, they are a core public function upon which all other government responsibilities¹. Today, polls indicate that the majority of Americans lack confidence in the electoral system and the political parties are so divided concerning the major issues of the society².

The most important undertaking of the first George W. Bush administration was the war in Iraq; today, at the end of the second Bush administration, there is a growing consensus across the political spectrum that this war may be the president's most disastrous undertaking as well³.

It is also important to notice that in 2001 presidential campaign, George W. Bush offered a new approach to foreign policy and expressed strong reservations about America's undertaking nation building "*Our responsibility to history is*

clear: to answer these attacks and rid the world of evil"⁴.

Iraq issue in 2008 Polls for President

The war in Iraq is the major factor in this year's presidential campaign. It represents the major policy issue on American's minds and it has been at the top of the list on Gallup's most important problem since March 2004. The majority of Americans believe that the United States can win the war in Iraq, but only about a third think it actually will win the war in Iraq⁵.

In December 2007, a CBS News/New York Times Poll showed that the Democrats voters disapproved the way George W. Bush was handling the situation with Iraq⁶. The majority of Americans favor setting a timetable for removing US troops from Iraq. At the same time, 45% believe that the Democratic Party is more likely to make the right decisions about the war in Iraq.

CBS News/New York Times Poll, December 5-9, 2007

"Do you approve or disapprove of the way George W. Bush is handling the situation with Iraq?"

	Approve %	Disapprove %	Unsure %
ALL adults	26	69	5
Republicans	58	34	8
Democrats	7	92	1
Independents	22	73	5
10/12-16/07	26	67	7
9/14-16/07	25	70	5

"Regardless of how you usually vote, do you think the Republican Party or the Democratic Party is more likely to make the right decisions about the war in Iraq?"

	Republican %	Democratic %	Both (vol.) %	Neither (vol.) %	Unsure %
12/5-9/07	30	45	2	9	14
9/4-8/07	32	42	1	9	

Source: CBS News/New York Times Poll, December 5-9, 2007,
<http://www.pollingreport.com/iraq.htm>.

At the same time, a USA Today Gallup Poll showed that, thinking about the political parties, the Democratic Party would do a better job of dealing with this issue⁷

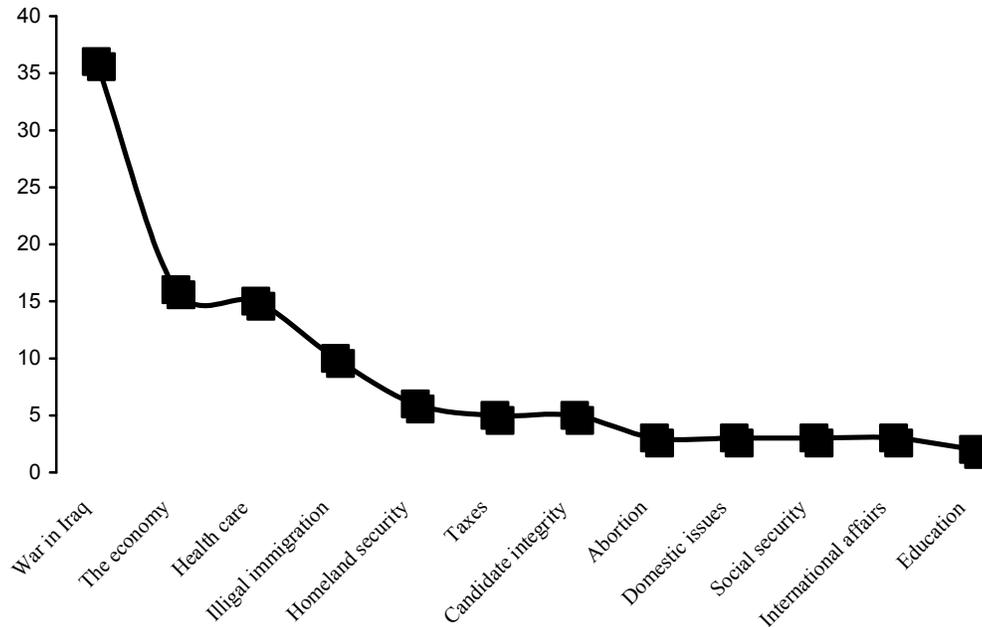
USA Today/Gallup Poll, Nov. 30-Dec. 2, 2007

"Thinking now about the political parties: Do you think the Republican Party or the Democratic Party would do a better job of dealing with each of the following issues and problems? How about the situation in Iraq?"

	Republican Party %	Democratic Party %	No Difference (vol.)/Unsure %
11/30 - 12/2/07	38	48	14
1/9-11/04	53	37	10

Source: USA Today Gallup Poll, November 30-December 2, 2007,
<http://www.usatoday.com/news/polls/tables/live/2007-12-03-politics-poll.htm>

Despite these extreme levels of concern, there is much consensus on Iraq issue. At this point, 36% of Americans think that the war in Iraq is the most important issue in determining vote for President. Only 6 % say that homeland security/defense is actually important and only 3% pay attention to the international affairs⁸.



Source: Gallup Poll, *What Voters Want*, January 3, 2008, <http://www.gallup.com/poll/103534/What-Voters-Want.aspx>

The Hispanic vote: the key to 2008 elections?

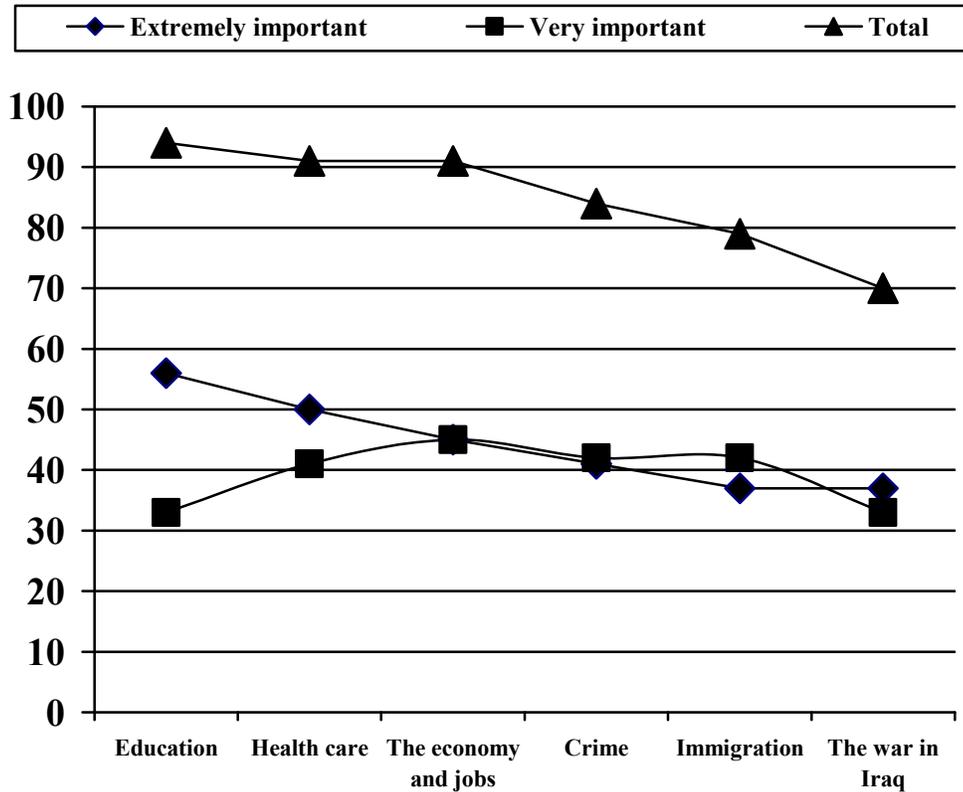
The race to replace George W. Bush results in a strange inversion of recent campaigns: Democrats and Republicans preferred to champion the idea of post-partisanship. In fact, in 2007 presidential debates, the conservative ideology on the nomination process seems imperiled.

Today, the majority of the Republicans believe the improved security in Iraq could help whoever becomes the Republican Party's presidential candidate in November 2008: John McCain, Rudy Giuliani, Mitt Romney and Fred Thompson worked desperately to present themselves as social defenders of the conservative pol of the American foreign policy.

At the same time, the Democrat's nominee will have a major advantage with independent voters going into the 2008 presidential elections.⁹ Even among Democrats,

there is no consensus about the timing of any troop withdrawal. While three-quarters want to decrease the number of troops in Iraq, only a third advocate a complete, immediate withdrawal. There is even less support for that option among independents (15 percent) and Republicans (6 percent)¹⁰.

In 2008 presidential elections, the Hispanic could become decisive. Hispanic's are the U.S. largest and fastest growing minority group: at 46 millions strong, they make about 15% of the U.S. population and in 2008, Latinos will comprise about 9% of the eligible electorate nationwide¹¹. Even though immigration has had a very high profile in the early stages of the 2008 presidential debates, the war in Iraq rise also to the top when Latinos registred voted are asked to give a list of six most important issues in this campaign.



Source: Paul Taylor, Richard Fey, *Hispanics and the 2008 Election: A Swing Vote?*, Washington, D.C.: Pew Hispanic Center, December 2007

2008 Presidential Candidates on Iraq issue

The war in Iraq remains the most important issue in the battle for the Democratic Party nomination where senator *Hillary Clinton* of New York continues to lead the debates in public opinion polls. The major part of Hillary's plan is the first: to end the U.S. military engagement in Iraq's civil war and immediately start bringing troops home. Her plan for Iraq begins with a phased redeployment of U.S. troops in 90 days. At the same time, the Hillary's strategy will include an international conference with Iraq's neighbors in order to reduce the interference in the internal affairs of Iraq.

The plan will have three specific goals: non-interference, mediation and reconstruction funding.

The central idea of senator *Barack Obama's* project is a phased redeployment of troops to the U.S., Afghanistan and other points in the Middle East no later than May 1, 2007 with the goal of final removing by March 31 this year. In this respect, Obama recommends a regional and international diplomatic initiative "involving key nations" within 60 days. He says: "I made a different judgment. I thought our priority had to be finishing the fight in Afghanistan. I spoke out against what I called 'a rash war' in Iraq. I worried about, 'an occupation of undetermined length, with undetermined costs, and

*undetermined consequences'. The full accounting of those costs and consequences will only be known to history. But the picture is beginning to come into focus*¹².

Former senator *John Edwards* accepts immediately withdraws in the next 12 to 18 months by the fall of 2008 “*without leaving behind any permanent U.S. military, U.S. military base in Iraq*”. In fact, John Edwards has done the most to carry the progressive banner, even though he initially supported the Iraq war¹³.

His recent declarations have found that the United States should keep its troops in Iraq as long as necessary until the situation there gets better. But that does not mean most Americans necessarily want a quick exit from Iraq. While the majority of the Democrats continue to support setting a timetable for withdrawing U.S. troops, John Edwards favor a gradual withdrawal: immediately withdraws 40.000 to 50.000 combat troops. At the same time, sufficient forces should remain in the region to contain the conflict and ensure stability in the region.

There are certainly obvious differences between the Democrats and Republicans perspectives concerning Iraq. The Republican Party has been especially vexed in recent nomination contests by the Iraq war issue. In fact, the Principal republican groups—big business and traditional religion—get along better, but they can still disagree¹⁴.

In order to get the party's nomination, *Rudy Giuliani's* perspective on Iraq is clear. In an interview, Giuliani said that the goal of U.S. engagement in Iraq is a secure nation where Iraqi should have the institutions they need to provide security for their country. He also says there are significant inhibitors to political progress. Although the U.S. goal remains constant: to create stability.

Mike Huckabee is supportive of decision to invade. He is also in favor of troop

increase and says that this war is one Americans cannot afford to lose. He believes the United States should continue to coordinate efforts to assist Iraq.

John McCain voted in 2002 to authorize invasion. He also agreed with the President's difficult decision to go on war in Iraq and he remains totally supportive of his determination not to leave Iraq until the freely elected government.

Costs of the war in Iraq continue to accrue for the people of the United States. Most Americans are somewhat aware of the important of this issue in the 2008 presidential debates. Iraq will unavoidably be the main subject of debate during US presidential campaign; the debates will almost certainly encompass the original decision to go on war as well as postwar political transition and reconstruction efforts in Iraq¹⁵.

Notes

¹ *Building Confidence in U.S. Elections*, Center for Democracy and Election Management, American University, supported by Carnegie Corporation of New York, The Ford Foundation, John S. and James L. Knight Foundation, Omidyar Foundation, September 2005, p. ii.

² Bruce Buchanan, *The Policy Partnership, Presidential Elections and American Democracy*, Routledge, New York, 2004, p. 18.

³ James Kurth, *Ignoring History: U.S. Democratization in the Muslim World*, Orbis, Foreign Policy Research Institute, Elsevier Limited, Philadelphia, Spring 2005, pp. 305-306; Idem, *Global Threats and American Strategies: From Communism in 1955 to Islamism in 2005*, Orbis, Foreign Policy Research Institute, Elsevier Limited, Philadelphia, Fall 2005, pp. 631-632.

⁴ Remarks, National Cathedral, September 14, 2002, <http://www.whitehouse.gov/news/releases/2001/09>.

⁵ *The People's Priorities: Gallup's Top 10*, November 2, 2007, <http://www.gallup.com/poll>

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⁶ CBS News/New York Times Poll, December 5-9, 2007, <http://www.pollingreport.com/iraq.htm>.

⁷ USA Today Gallup Poll, November 30-December 2, 2007, <http://www.usatoday.com/news/polls/tables/live/2007-12-03-politics-poll.htm>

⁸ What Voters Want, January 3, 2008, <http://www.gallup.com/poll/103534/What-Voters-Want.aspx>.

⁹ Nelson W. Polsby, Aaron Wildavsky, *Presidential Elections*, Rowman & Littlefield, Lanham, 2007, pp. 119-122.

¹⁰ Jon Cohen, Dan Balz, *Poll Finds Democrats Favored On War*, Washington Post, Tuesday, July 24, 2007, p. 1.

¹¹ Paul Taylor, Richard Fey, *Hispanics and the 2008 Election: A Swing Vote?*, Washington, D.C.: Pew Hispanic Center, December 2007, pp. i-iii.

¹² Barack Obama, *Plan for ending the war in Iraq*, Clinton, Iowa, September 12, 2007, <http://www.barackobama.com/issues/iraq/>.

¹³ Franklin Foer, *Election 2008: A Voter's Guide*, Yale University Press, London, 2008, p. 18.

¹⁴ William G. Mayer, *The Making Of The Presidential Candidates 2008*, Rowman & Littlefield, Lanham, 2007, pp. 8-9.

¹⁵ David North, *The Crisis of American Democracy. The Presidential Elections of 2000 and 2004*, Mehring Books, Sheffield, 2004, pp. 42-43.

The Role of Malta in a Unified Europe A Cultural Interpretation of a Political Reality

Oliver FRIGGIERI

Résumé : *Cet essai porte sur le rôle international que le plus petit des états de l'Union Européenne pourrait jouer aujourd'hui, en partant de l'histoire, de la culture et de la spiritualité maltaise, vues comme les sources de l'avenir de ce pays.*

Keywords: *Nation, History, Identity, Independence, Future.*

Certain factors have forcefully contributed towards the definition of Malta, at least that Malta which is immediately identifiable in terms of its objective characteristics: the unique geographical position midway between two distinct continents and constituting part of the frontier of one of them, the long colonial experience, the composite nature of its history and culture, the strong and uninterrupted religious tradition which is as ancient as its exceptionally early free standing stone buildings. Simply the oldest of this type, and yet pertaining to an unpretentious tiny rock. All this is contained within a very small space, which is also complete, constituting a whole.

Smallness and entirety: that is the first paradox, begetting the rest. God created elephants and God created ants, and He is equally marvellous in both cases, perhaps much more in the latter one. An ant involves implication, a way of 'putting it all in a nutshell'. Indeed, a living universe almost invisible, demanding knowledge and astonishment to be somehow appreciated. And that is where the idea of a novel

creeps in. Perhaps the past can be narrated also through intuition, and not only through reasoning. The heart is frequently more perceptive than the mind.

Historical research has successfully sought to identify and to describe in detail what makes such a minute stretch of land a nation, and eventually an autonomous state, as any other. An exception to the rule, to the point of eventually claiming to be a full member of a Unified Europe, an EU which will soon be simply known as Europe. The island's smallness is already an indication of something peculiar which has managed to stand the arduous test of time, to outwit the dictates of history and to finally arrive at the phase which defines a nation as fully accomplished. The fact that Malta is now the smallest member of the European Union is a significant indication of the persistency with which the Maltese have traditionally stuck to the conviction that their nationhood should be finally rewarded by all. That is Malta, the nation and the state. A will to be.

One whole story about survival

But what about the inhabitants, those few thousands of people who have persistently built themselves up into what they are today? Survival is the ultimate rule of the complex game, and continuity is the sort of process which made them reach their seasonal destination. That is why a history of Malta may be substantially distinct from a history of the Maltese. Where were they, all along, so productive – through their highly fascinating and resourceful spoken word, and their finely carved and constructed stone – and yet so conspicuously absent, unacknowledged? The land and the inhabitants: they are or have been for quite a long time two diverse entities, since history has put the people in a situation wherein they had to spend most of their life asking who they were, what right they actually had to exist, what sort of relationship could be the most convenient for them to establish with their foreign landlords. One thing they have never put in doubt: the land was theirs.

Religion (pre-Christian and Christian) and language (pre-Maltese and Maltese) have actually moulded their condition, giving shape to their frame of mind (their grammar amply testifies this). Both are intimately intertwined in a manner rarely found in the chronicles of enormously bigger countries which did not have to face the most elementary among problems: survival. Faith and language have helped the Maltese defy the incessant challenges of time. If, or when, both succumb that will be the unhappy ending of the story. The harshest onstaight of all is perhaps today's. The ultimate problem of Malta is Malta.

The challenge of overcoming extinction went hand in hand with striving to construct nationhood, to keep alive that degree of collective coherence necessary for a community to be defined as something unique and compact. For a long time it all seemed to

be important to guarantee existence at least in terms of the primeval notion of common social conviviality. In any case, whichever the complex implications of such premises, one can safely consider Malta as a very old nation, endowed with a civilisation of at least seven thousand uninterrupted years. Being Maltese, therefore, is equally a source of authentic pride and a matter of self-investigation. Being Maltese is itself a question.

That question can be answered both scientifically, through documented conclusions, and literarily, through the creative, imaginative construction of a novel. If both endeavours could be associated so as to form one unique process of discovery, then that is quite fine. Academic research provides conclusions which literary perception can then amply reorganize into a meaningful narrative.

The fundamental issue still beckons: what does it actually mean to be able to survive and to eventually define yourself as Maltese? To me it has instinctively been an equally existential and historical query, and has gone a very long way in providing me with material of various sorts for my narrative works. In academic research things could not be substantially different, but in that field matters have to be dealt with and analysed clinically, with complete detachment. In creative literature imagination and memory, the ideal and the real, have to play a simultaneous double role, and results are unpredictable since individuals do not easily fall within the predefined patterns. Even structural criticism makes an allowance for such divergences.

The essence of the Maltese soul

I have sought to explore the close quarters of the Maltese soul (religious, Mediterranean, Southern European, insular, peripheral) in my poetry, novels and short stories. Such remote and shaded territories

are normally unsung, unacknowledged, perhaps disowned, only to be considered as mere aspects of outdated, irrelevant folk life. Beyond being a Nationalist or a Labourite, there is something abysmally deeper. There is much to prove that such residues of the past, especially as may be rediscovered through fiction, betray traits of archetypal modes of perception and behaviour still enduring in the post-modern inhabitant. In spite of the Malta Labour Part-Partit Nazzjonalista persistent claim to parenthood, which is not at all unwarranted, the inhabitants of the island are inevitably and simply Maltese, a fact forcefully preceding the recent formation of our partisan grouping. This has proved to be a beneficial acquisition, an indication of how close to continental belief has been the Maltese spirit during the British period. Our modernity has been moulded in terms of a truth much deeper than itself.

Perhaps, by way of opposites, another conclusion is plausible: bipartisanship may be even older than the political parties themselves. A strong plant needs soil. The French period is already indicative of duality: for instance, Mikiel Anton Vassalli and Dun Mikiel Xerri, both exemplary in their own way, are so similar and yet so distinctly different. And there starts the long weary story of our modernity.

All this I have learned and revisited continuously in the process of constructing seven novels over about thirty eight years. The period of actual writing is much shorter, but the thinking course is incessant and occupies the whole range of time. A novel takes much longer to be felt and thought, digested, than to be designed on paper and then written down. Inner experience is thus put into shape, and I would say that a novel is nothing more, and nothing less, than the shapening of something initially vague, or else too obvious to be taken seriously. A

novel is a question. Then revision comes next, involving scrutiny of all sorts.

The central point is the reality of someone living on a tiny sunny land surrounded by the infinite ocean. The inhabitant is hardworking, stubborn, kind, determined, unrecognized, and has two constant points of reference: his God (omnipresent, eternal, almighty) and his range of land (here and now, restricted). Both have never failed him/her. The land is minute and the sea is infinite; both contradict the inhabitant's innate sense of space and preciseness. But opposites resemble each other, and so the security of faith and the pervading feeling of precariousness blend together. So it has been, and so it still is, when a whole cultural heritage is being consistently dismantled.

An island is thus seen as an open secret, an exception to the rule of the much broader spaces, a peculiar reality worth exploring which is quite different, perhaps more intriguing and inspiring, from the one a visitor may get on the mainland, the so-called 'terra ferma'. In the specific case of Malta, things are perhaps much more engaging. Here a whole continent finds its uttermost boundary. The periphery begets a special sensation. That is what can be sought within oneself and consequently through the depiction of characters and situations in a novel. At least that is what I have sought to do in my novels.

In *Fil-Parlament ma Jikbrux Fjuri* (1986) an average Maltese citizen, ironically named Karlu Manju, questions all, talks to himself and to everybody, and eventually seeks his origins in the magnificent old temples. He must have been born in the whereabouts of Mnajdra, Hagar Qim, Tarxien Temples, he who lives now, in an urbanised spot. He goes on a walk all alone on that day, preceding elections, when PN and MLP organize their own final mass, massive meeting, a real show of strength, a tough tug of war, then

dutifully followed by a silent day of reflection... or revision of choices already made. The novel seeks to discover whether Karlu Manju is actually a member of the group. There he goes, through utterly desolate streets as both mass meetings duly unfold, on his way towards the ancient temples, where his credentials for his modern claims are held, defying time. Is he a member of a third hypothetical party, or just an undercurrent within the two mainstreams?

The concept of unity, oneness, is fundamental to both major parties. Twoness would amount to imperfection. A whole tradition of thought is implied in such simplifications. Malta is indeed, albeit unconsciously, Mediterranean, in spite of itself. A study of the essential vocabulary repeatedly employed by the major political parties will easily prove this. One minimal underlying language serves them both. Where can one really strike a middle course? For instance, if the record of history cannot provide us with a unifying national day, can we, or should not we, create one artificially? Yes.

This is the essential list of elements constituting this unique exception, a diminutive island which is equally a city and a nation, a geographical dot and a formidable fortress of history, standing midway between two continents, belonging to the South of Europe and so close to North Africa, looking very far ahead from herself. A dynamic paradox? Perhaps that is what makes Malta worth narrating through novels, both as a given reality and as a paradigm of being, whoever, wherever.

I have tried to do so in my novels *Fil-Parlament ma Jikbrux Fjuri* (In Parliament no Flowers Grow, 1986), *Gizimin li Qatt ma Jiftah* (Jasmin Blossoms for all Time, 1998), *It-Tfal Jigu bil-Vapuri* (Children come by Ship, 2000), and *Koranta and Other Short Stories from Malta* (1994), all

issued by Mireva Publications. I have sought to delve even further into this matter in the sequel to *It-Tfal Jigu bil-Vapuri*, namely *La Jibbnazza Nigi Lura* (When it Clears I will Return, 2006), as well as in the third novel in the series, still unpublished, *Dik id-Dghajsa f'Nofs il-Port* (That Boat in the Middle of the Harbour). Whilst narrating through fiction the modern 'history' of a country in my own way, I found myself coming to grips with what makes it worth discovering. Indeed, 'to be' is not equivalent to 'to know'.

Gizimin li Qatt ma Jiftah is set in the late fifties, whereas *It-Tfal Jigu bil-Vapuri* and *La Jibbnazza Nigi Lura* reconstruct the early decades of the twentieth century and years later, namely phases of the British period. Everything is meant to depict a sort of Malta which is sadly no more, but which will presumably reside in the memory of various generations, enticing the younger ones to imagine and to dream of a future partially resembling the past. It is all meant to be a tribute to our foremothers and forefathers who passed away without ever being complimented for all they have done: to create a nation out of nothingness, and through sheer belief in what they were.

Is this all irrelevant to the present? Of course it is, only if a plant can survive in isolation from its roots.

Perhaps globalisation, merely substituting the previous forms of dictatorship through the unwarranted intrusion of the media on individual life, is heading towards something of this sort. So the island portrayed in these novels may actually be somewhere within us, timeless. It still persists. Is it possible that tourists choose to visit such a remote rock mainly to discover a feeling islanders inevitably experience all time? The situation in Malta during the British period may be a fitting setting to evoke such a perception. The contemporary period, which

in certain respects can be easily called 'the self-destructive period', can lend itself to much thought in this regard.

A tentative answer only begets questions, at least in literature. All these novels, I now come to understand, are inherently related to each other, based on my knowledge and experience of the British period in Malta, namely in Balzunetta, Floriana, so endearing, and fascinating, and intriguing, so colourful in the way it was experienced by our forefathers and by us who can fully recall its final fase. The portrait I can thoroughly provide is related to the Grand Harbour area and to Balzunetta, both of which I have done my best to reconstruct and to evoke in highly respectful ways. It has been quite alluring to draw on dear memory and to enliven it with imagination.

A nation built on memory

The Maltese themselves, deprived for many centuries of the recognition of their speech medium (Maltese) in official life, had to rely on memory (verbality). Our nation is actually built on our collective memory. I have tried to interpret this fact through characters who never write anything. A pre-alphabetical era, ancient, indeed modern, or even post-modern, contemporary. Spoken verbality as the national unwritten archive of a community. Does this imply that the real soul of our people has died a silent death? Indeed, words are people. An important character in these novels, Katarina, embodies all this. In other respects she is a remnant of something on its way towards extinction.

Archaeological evidence pertaining to Malta goes back to seven thousand years. Here are the oldest free standing stone buildings in the world. Its megalithic temples are a marvel, the earliest "churches" which have actually established the major feature of Maltese identity: the unity between

religious faith and national culture, predating our ancient Christianity itself. Both belief in Our Lord and love towards the country ('Religio et Patria' for the Nationalist Party and 'Malta l-ewwel u qabel kollox' for Dom Mintoff's Labour Party) have uninterruptedly flourished together in partial isolation, indeed a splendid one which has not deprived any of what is essential and common to any other anywhere else.

It then had to be St. Paul, shipwrecked and warmly welcomed, to give a different and much more distinctive mould to that preexisting conviction that heaven and earth must meet somewhere in the human soul, if both are to have any meaning at all. They do meet in the Maltese spirit, and that is quite interesting for anybody who would like to look at Malta from the inside. An X-ray instead of an average photo. That can be done through a novel.

A novel going beyond history

The inner aspect of the island resembles an unlocked mystery, whereas the outer one seems to exemplify just another segment of the complexity of the South. We are the southernmost part of the South, and a methodic comparison with northern countries yields ample proof. Only regionality (as opposed to continentalism) provides a complete definition of a country. Malta can be best understood through its belonging to a specific region, and that is definitive. We will always be Mediterranean. Characters in *It-Tfal Jigu bil-Vapuri* and *La Jibbnazza Nigi Lura* are all, including victims, the product of a long, uninterrupted tradition, insular and self-sufficient, within which they recognize themselves.

And so the long story goes... An unmarried mother, Susanna (Biblical connotation), a rigidly traditionalist father (Saverju, a typically Southern name) and an utterly submissive but patient mother

(Katarina), a saintly priest whose holiness knows no bounds and is therefore equally saintly and self-destructive (Dun Grejbel, a name denoting the locally formed diminutive of 'Gabriel'), and a distant, though vigilant, demanding, unanimous, crowd: perhaps these are the constituent elements of a conventional Southern European village, as typified in a local one. In such a remote corner, "it-tarf tad-dinja" (the edge of the world), all the predicaments of life are equally present: peace and disorder, love and hatred, life and death. Indeed, the village provides both the cradle and the tomb, birth and burial, and is therefore utterly complete, self-sufficient, in itself. A welfare state of fact, preceding the thought of it all. Indeed, the partial isolation of our foremothers/forefathers may have been a real privilege. I now do believe isolation may be a way of having the best of both worlds. Malta still stands that chance, but other choices seem to have naively taken over. A real pity for our future generations, who will have to decide whether living in Malta is viable or not.

Either directly or in disguise, the question of 'splendid isolation' and dutiful integration has always been there. It has consistently been the real cause of the bittermost encounters (Strickland, Mintoff, the Church-State relationship, the EU membership question, post-modernism, typified in the vivacious Lawrence Gonzi-Alfred Sant cultural conflict), but to date never to disagreeable degrees. The Gonzi-Sant conflict, a generational duel, may be systematically analysed and defined, for instance, in terms of the adjectives they employ in the regard of each other, and the semantic context within which such intentional adjectives are adoperated. The exercise makes me very sad, and may I leave it at that. Indeed, a thoroughly cultural encounter.

Maltese conflicts somehow reach a point and then come to a halt so as to

calm down and lead back to normality. That is due to our long standing religious tradition, to which we owe also our complete social well being. The Church-State dispute has normally illustrated this tendency. Life on an island must in any case look like a family event, an unpredictable story in itself which must then have a happy ending. Celebrations of any sort are frequent, church village festas are a continuous occurrence, whereas politics is indeed an entertainingly controversial commitment to most inhabitants. Almost every argument has a partisan connotation. All words are inevitably loaded with unintended meaning. Most of our double or triple meaning is partisan. Meaning Added Tax. Nothing in Malta is politically free. Political correctness here means political belonging. All else is either myth or death. Sad enough, but then sufficiently pleasant to narrate, to translate into a novel.

When all these ingredients are put together, the product must be contextualised isolation, a condition which is neither inferior nor superior to any other, but just different. It is intriguing to think that there may be only two spaces: *ta' Malta* (inside Malta) and *ta' barra* (outsiders). I and the other. But in actual fact it is a state of the mind, possibly everywhere, and not just a geographical fact. This can be best explained as a modified application of the ancient Mediterranean principle that reality can be best, if not only, perceived through a dualism.

In these novels I have sought to explain events and feelings through the sense of belonging, perhaps the one underlying all. The family, the parish, the district (conventionally known as either a city or a village or a suburb), the parish, etc. are aspects of how belonging is organised, structured, transformed into conviviality. In the light of a whole spate of unwritten rules, such characters constitute a sort of autonomous state long before political

awareness reached that stage. Malta lacked leaders of its own for a long time simply because it failed to look for them in the average person. A question of roots, unacknowledged, even despised. Independence is essentially mental, not constitutional.

The distinctive identity of islanders

Islanders are a peculiar breed. They tend to be inwardlooking and yet are always in search of the outer world. Local tourism, an invitation to discover what makes a rock a real nation, largely depends on the hospitality of the average people. The Maltese instinctively greet foreigners and would go out of their way to make them feel at home during their stay. That verdict is unanimous and the Maltese trace their virtue back to Biblical times (*The Acts of the Apostles*, 28:1). In St. Luke's account the key-word is perhaps 'courtesy', 'hlewwa'. (A term related to 'hlewwa' - 'ohla' - has eventually found its place even in the island's national anthem). In actual fact, this may be due to what seems to make the Maltese consistent in their perception of themselves and of the universe at large. The entrenched feeling of duality, namely a world view necessarily divisible into two is, in my opinion, essential to the whole interpretation.

It is inevitable to have to face such an interpretation in the process of writing. A human type in a novel, a general social background, an argument, all characters seen as a group, the choice of a specific 'literary' word as opposed to the more frequently used one: this sort of twoness has largely determined my way of thinking and constructing written works.

The two major political parties have for many decades shared power and support between themselves. Bipartisanship has been a workable choice from the very start. Most Maltese belong from their early years to their party, since "belonging" is

equivalent to "being" (the nominative is frequently equated with the genitive). One is born within a group, and different choices may only be made within that decisive perspective. An islander cannot easily afford to be capriciously exposed to the whims of the other, the unfathomable, the unpredictable. And "the other" is really the sea, that huge expanse larger than one's own, different, ambiguous, immobile, ferocious, challenging. It recalls the past, when sieges have left an indelible mark, mainly psychological, and it ushers the future, when the wide world will become closer with its indiscriminate dictates.

Central points move. Globalisation is indeed the new form of centralisation, succeeding the collapse of formal dictatorships, typical in diverse ways of any era, now determined by a non-political force: technology. Will it eventually lay claim to what we now consider sacred? Technology is a marvel, namely by definition incomplete, not self-sufficient. In novels formally evoking the past (such periods as pre-war, post-war, post-independence, post-colonial), the present is indirectly implied, and comparisons and contrasts are immediately drawn.

An island resembling a boat

The Maltese are quite proud of their identity and therefore they will not find it very difficult to recognize the more important truth that their party only constitutes a half, and that the sense of incompleteness must be overcome. There they are: partisan in all respects, duly critical of the opposing party, and yet ready to acknowledge that they are all survivors. Otherness, as represented by the opposite group, is necessary for the islander to be sure of his/her completeness.

Otherness is not what it is in a different context, namely where the sea is not so close and does not constitute a definitive boundary. Opposites imply and

resemble each other. Hence the islander is tied to the sea as much as to the fields. I have tried to explore this dichotomy in the novel *La Jibbnazza Nigi Lura*, where a large segment of the story occurs in the Grand Harbour area, the fanciful place of decades ago, the joy of my generation. Detailed descriptions and colourful memories help to recall and to revive the splendour of Harbour life any time of the day, any day. One only closes one's eyes to see better, through memory, the earliest, the most recent candid camera. I firmly conclude that a large portion of the creative act is made up of nostalgia, an undefineable feeling pervading all senses. Thank God for nostalgia, especially now when now-ness is almost all. That environment is perhaps the most solemn aspect of the land-sea contact and of what makes islanders what they are: people related to the ocean, always aware of its call. 'Vapuri' used to bring babies as much as they will always carry adults to other countries. Birth and departure are both a 'vapuri' affair. The islander, therefore, is anybody anywhere. An island lives within the self as well.

Let us concede that this, our, story is a tale about self-contentment. In the context of other countries, Malta's story has been a story of success. In other terms, unequivocal, relative isolation has been a privilege. There enters pride, in disguise, inhibited, and real. Much of the pride of the Maltese is derived from their profound attachment to the land and from the fact that they have an ancient language, rich, resourceful, recognized by so many remarkable foreign scholars as uniquely interesting for its intercontinentality, intimately related to the world's three major religions. Maltese is simply close to the sounds God Himself has chosen to speak to this planet. So much pride condensed within a language. In spite of our low national self-esteem, we know that Maltese is simply very close to

the medium chosen by God to disclose his plans to humankind, namely to the language of the Torah, the Gospels, the Quran. The dignity of the Maltese language is simply superlative. Therefore, the characters of a novel must naturally, albeit subconsciously, embody this feeling, this sense of security. As usual, it is all due to the most privileged aspect of our identity, faith. The Church can save whatever is still there to be saved of a whole tradition, or else it will perish like all perishables. A Church at the cross roads. The choice is hers to make, here and now.

Another stage in the process of modernised isolation is normalisation. That only involves the adoption of international criteria. The fact that the Maltese tend to be automatically divisive on most issues is only indicative of their need to discover otherness. They are aware that the ocean is a 'wall', and that the land is a sort of open harbour, embracing water on all sides. The fortress image which Malta had for so long has been assimilated as part of the people's mental apparatus. Our collective unconscious is that of a sailor, retired, remindful, nostalgic. At least this is what I had in mind when constructing *La Jibbnazza Nigi Lura*, where the Grand Harbour area is thoroughly described and explored in its varied features. There is a 'bambott' (bum boat) willing to become a 'gadraj' (ship's chandler), and there are all the nuances of an alluring environment which I very well remember and have sought to reconstruct in great detail. That stretch of sea between Valletta and Floriana, on one side, and Kottonera, on the other, typifies the condition of the rest of the island. The island's real story cannot be understood if not against the Grand Harbour's background. At least this is how I concluded that a Maltese story could actually resemble the story of any islander anywhere else. Delete any

reference to Malta, and it will still be anywhere else. So is life, just one.

The protagonist of *Fil-Parlament ma Jikbrux Fjuri*, ironically named Karlu Manju, considers himself a full person, an example of unified duality, embodying the completeness and self-sufficiency of the emerging Maltese citizen. But even this is partly elusive since things, ideas and people in Malta must be conceived in terms of to whom they belong. Such an illusion is necessary, a sign of the times, indicating an urge which is fast gaining ground among the younger generation, even though the traditional structure will still be there for a long time to come. The predominance of the genitive case in surnames and nicknames is, for instance, only an indication of a profounder characteristic of the islander: immobility.

Mobility, however, is equally decisive. In these narratives a villager moves towards the harbour, there to start life afresh, eventually to understand that 'ships' also move outwards. A lesson which Furjana and Isla, amongst other places, forcefully impose on all. Children used to arrive happily by ship, as much as adults then used to sadly leave their abode by ships. The cruel irony of islanders. 'Lanca gejja u ohra sejra' (a boat is coming and another one is going). It is all about the variations on the theme of migration.

An island of this sort is quite unique: exceptionally small and remarkably rich in culture and traditions, an age-long colony which in the past few decades has managed to partially rebuild itself psychologically and structurally. Not completely, of course, because prejudice has been devastating, and ignorance has grossly overcome what is obvious in most countries. Whatever anywhere else is obvious, here is controversial. The process of self-reconstruction, therefore, must go on, and it is the newer challenge facing our younger teachers, all highly

qualified, all having to assume a different nature as times change and as globalisation takes its cruel toll on whatever survives and flourishes through relative isolation. Globalisation is most cruel in the regard of the small and the weak. Just another seasonal sort of totalitarianism.

There came the need, throughout the twentieth century, for Malta to rediscover itself, to evaluate its heritage and to present it to the outer world. There lies its justification for being accepted in all normal terms within the European family of nations, however unfair and inconsistent the concept of such a family can be. The fact that such an island has built itself into a state is indicative of the great amount of self-confidence the inhabitants have always had in their homeland and in themselves.

Malta still a 'colony'? To a great extent, and in a metaphysical sense, it cannot afford not to be. The irony of it all is that neo-colonialism is frequently identified with modernism, whereas references to other countries prove otherwise. But the process is still reversible, and the solution depends on how much an inverted sense of isolation can be overcome. Only international criteria favour national redemption from any sort of outdated colonial feeling.

Malta's future residing in the past

The territory as well as the mental frame are closely related to each other in the average life of an islander, especially so when the island is very tiny. Tourism has turned self-recognition into an economical necessity. As this industry assumes greater importance, it becomes more obvious that an island can only survive through going on being itself: its future somehow resides in its past. Conservation is perhaps the best form of development for realities like Malta. The novelty of the future is equivalent to the recognition of the past.

Gozo is the most glaring example of this self-evident paradox.

Narrating all this and much more in poetry and in novels has proved to me quite an inspiring experience, a labour of love and much more, a sort of duty towards that unknown compartment of our psyche which still has to discuss itself in the light of both tradition and modernity. The two have to go on hand in hand, embodying continuity. Without its past, well preserved, venerated, Malta will not enjoy any future at all. Indeed, Malta can disappear, and become an average residential area.

The Maltese character must express this compromise between what appear to be extremes. The Phoenicians, the Carthaginians, the Romans, the Arabs, the British, have all contributed towards the formation of modern man. The Knights of Malta have left an indelible mark in most sectors of culture, mainly in architecture. Napoleon took Malta within days but he said the right thing, or partly so, in the wrong way, and the uprising of the Maltese soon led to the British period. Perhaps a novel is the best medium for putting all this into meaningful shape. What will the Maltese now do of their own country?

The attainment of independence and the self-proclamation of Malta as a republic are the results of a whole process. So, finally, the small community was in a position to decide for itself. It had been a long and weary way, during which culture was enriched, and morale wandered through varying degrees.

The South is permanent

Polarisation has very deep roots. The overwhelming dualism may be looked at as a set of variations on a theme: the ruler and the ruled, the land (stability) and the sea (fluctuation), the enormous outer world and the minute inner territory, ancient tradition (defined, static) and modernity

(speedy, relentless), continuity and mobility, the regional and the continental aspect. The list may go on and on, but perhaps it will only prove the same point: islanders descend from fish. But then, according to Einstein, what does a fish know about the ocean it swims in?

Malta, the southernmost part of the South (about 100 kilometres south of Sicily), an epitome of Mediterranean culture, a point of reference to the whole history of the region, the abode of a wellmeaning people always ready to know itself better and to welcome visitors: this is perhaps the best way how to cut a very long story short. It has a happy ending. One hopes that Malta will eventually inspire Brussels to adopt a specific policy involving member states which constitute a category determined by size and regionality. But then that is another matter, and will warrant a different sort of novel. Perhaps a novel about absorption. The plea of the islander within, the claim of any island, any place on earth where humankind asks what and why.

Arabs and Palestinians in Israeli School Textbooks. Changing the Perception of the “Other”

Yohanan MANOR

Résumé: *En partant de l'idée que les programmes et les manuels scolaires peuvent être des instruments par lesquels les autorités publiques exercent une influence sur les convictions, les aspirations et les perceptions des jeunes, cet article analyse la manière dans laquelle les Musulmans, en général, et les Palestiniens, en particulier, sont présentés dans l'enseignement Israélien. L'analyse est fondée sur une étude des manuels, réalisée par le CMIP. La conclusion confirme l'observation d'un tournant au milieu des années '80, lorsqu'on a commencé une campagne éducative dans l'esprit de la coexistence pacifique avec les Palestiniens.*

Keywords: *National Identity, Education, Recrimination, Conflict, Coexistence*

Intelligence services of countries in conflict devote considerable means to finding out what are the real motives of the enemy regarding the intensification, curbing or settlement of conflicts. They often provide contradictory evaluations, and senior officials have difficulty in making up their minds as to which to adopt.

The Israeli press reported such contradictory evaluations with regard to Arafat's intentions during the Camp David negotiations, before the outbreak of the second Intifada at the end of September 2000¹. According to one of the evaluations, Arafat aspired to a peace settlement based on the creation of a Palestinian state that would recognize the state of Israel and coexist with it. According to the other he was looking to dismantle the Jewish state by resorting to terrorism and to the “demographic weapon”.

This contradiction could have largely been overcome by a thorough investigation of open official Palestinian documents, namely the school textbooks devised and produced by the Palestinian Authority (PA) under the leadership of its chairman, Y. Arafat, who, by way, was at that time also in charge of the Ministry of Education².

Textbooks give a unique insight into the convictions, aspirations, ideas and perceptions that governments and public authorities look to instil into the younger generation, by virtue of their ability to direct, orientate or simply supervise the content of educational curricula.

This ability is absolute in the case of the Palestinians, since it is the PA that is dictating the content of both the school textbooks and the teacher guides used in all Palestinian schools, be they public, private or run by UNRWA, the United

Nations Relief and Works Agency for the Palestinian refugees.

In the case of Israel, this ability is far more limited, but remains substantial through the list of textbooks that the Ministry of Education recommends for use each year. In the public sector³ 80% of the school textbooks used in primary and intermediary education as well as 50% of those used in secondary education come from this list⁴.

Many studies have been devoted to the Israeli schoolbooks, some on specific disciplines, others on different time-periods, such as before or after the creation of the State of Israel. All these works provide very useful standpoints from which to view the present situation in perspective⁵.

The present analysis is based on the findings of two surveys carried out by the Centre for Monitoring the Impact of Peace (CMIP) on 500 Israeli school textbooks that were in use in the school years 1999-2000 and 2001-2002 for all the twelve grades in the following disciplines: language, literature, communication, history, geography, civics, religious education and inter-disciplinary disciplines⁶.

CMIP works as an "observatory". It pinpoints and presents all the references relating, in one way or another, to the image of the "other". In the case of the Israeli textbooks, it had noted all the references to Muslims, Arabs and Palestinians.

The results of the CMIP analysis both corroborate and exceed the findings of other researchers, notably those of Daniel Bar-Tal and Elie Podeh. On one hand, they confirm their observation of a radical turning point that occurred in the middle of the 80s, and, on the other, they surpass them in highlighting an active preparation for coexistence with the Arabs and the Palestinians.

A Radical Change

Professor Bar-Tal, of the Department of Education of Tel-Aviv University, has noted that societies involved in intractable conflicts develop appropriate psychological conditions which enable them to cope successfully with this kind of protracted and irreconcilable conflict situation. Bar-Tal mentions several "societal beliefs" which are instilled through the educational system and are conducive to the development of these psychological conditions⁷, among them: "the justness of one's goal", "the opponent's de-legitimation", "positive self-image" and "victimization"⁸. His conclusion is that the analysis of the school textbooks for language, history, geography and civics recommended by the Ministry of Education in 1994, "showed that the content of the textbooks used in the 90s differed dramatically from those used in the 50s and the 70s. The emphasis on the societal beliefs whose function was coping with intractable conflict decreased considerably. Only a small part of the school textbooks focused on societal beliefs concerning security, positive self-image and the victimization of Jews. The de-legitimation of Arabs almost disappeared, but their negative stereotyping still continued. Some textbooks attempted even to transmit new societal beliefs which promoted the peace process and coexistence with the Arabs"⁹.

Eli Podeh, Professor of Oriental Studies at the Hebrew University of Jerusalem, has also pointed out that since the middle of the 80s there has been a radical change in the presentation of the Arab-Israeli conflict in the Israeli textbooks for history and civics. His diagnosis is even more clear-cut than Bar-Tal's, since he does not have his reservations regarding the maintaining of negative stereotyping. Podeh distinguishes three periods in the history of the Israeli textbooks: the childhood period (1948-1967), the adolescent (1967-1985)

and from 1985 the adult, during which the radical change occurred¹⁰.

During the “childhood period”, the educational system focused upon instilling Zionist values. The historical narrative was “simplistic, one-sided and often blatantly distorted” (p. 76). The textbooks of this period were clearly “filled with bias and stereotypical descriptions”, as well as with errors, misrepresentations and deliberate omissions. “Arab history, culture and language... were almost completely ignored”. (p. 74) “Savage”, “sly”, “cheat”, “thief”, “robbers”, “provocateurs” and “terrorists” were typical adjectives when describing Arabs. Their actions against the Jews were dubbed “riots” and “pogroms” or “the events” and their perpetrators labelled “bandits”. “Any information that might have marred Israel’s image or raised doubts about the Jewish right about the land of Israel was instinctively omitted” (p. 76, *History & Memory*, op. cit.).

The first seeds of change began to appear during the “adolescent period”. The historical narrative was “less biased and contained fewer (stereotyped) expressions”. “Moreover for the first time the Arabs were not treated as a monolithic group but divided into separate peoples, including the Arab Palestinian people”. The school textbooks of the second generation “were not free of prejudice”, but this was now expressed in a “more sophisticated, and therefore perhaps more dangerous, manner than in the past. If previously the text alone was used to convey erroneous facts, slanted accounts and biased opinions, now maps, pictures, caricatures and diagrams reinforced this information. Furthermore sensitive issues such as the refugee problem or the 1967 war, was treated in much the same way as before: Israel was absolved of all responsibility or blame” (pp. 80-81, *History & Memory*, op. cit.).

But the watershed in the content of the Israeli school textbooks occurred during the “adult” period, notably as a result of a directive, of February 1, 1984, sent out by the Director General of the Ministry of Education detailing the basic guidelines of an education program oriented towards “Jewish-Arab Coexistence”. There is a clear shift in the historical narrative, from a simplistic, unilateral and biased one to a far more objective and balanced one. “Generally the Arabs are no longer described in stereotypical terms. Indeed, on the whole, these textbooks seem to present a balanced picture of the Arab-Israeli conflict. Even though it is still viewed primarily from a Zionist perspective, an attempt is made to understand the Arab point of view, especially in discussions of some of the sensitive issues in the history of the conflict. While none of the new textbooks is flawless, together they reveal the extent to which Israeli society and the educational system have progressed with respect to the way the Arab-Israeli conflict and the Arabs have been portrayed in Jewish textbooks” (p. 85 *History & Memory*, op. cit.).

In addition to the above-mentioned directive, Podeh pointed out two other factors to explain this drastic change in the content of the Israeli school textbooks. “First, the appearance of a new historiography based on newly released archival material, which is more critical of Israel and the Zionist movement than before. ...Second, the improvements resulted from changes in the Israeli society with regard to the perception of the “other”. Clearly, the changes in the history curriculum and in the content of the textbooks reflect a more mature society able to regard self-criticism not as a sign of weakness but rather as a source of strength.” (p. 61 *Arab-Israeli*, op.cit.). However, in his eyes, these improvements are not

sufficient. Further progress is needed by strengthening the knowledge about the “other”, through the teaching of Arabic and of Arab history and culture.

In stressing all these factors, Podeh was actually belittling the fundamental importance of the 1984 directive, namely that it reflected a political will to transform the way to relate to the “other”. One can find clear expressions of this political will both in the guidelines of the education program toward coexistence and in their ongoing implementation by all the Israeli governments, be they from the left or from the right.

The preamble to the 1984 guidelines stressed the vital importance for both the Arab and Jewish pupils in Israel of two tightly interrelated issues: “Jewish and Arab relations in Israel as an issue of civil equality ... in a multicultural society and Israel’s relations with its Arab neighbours as an issue of relations between nations”. “There will always be Arab citizens within and among us, and there will always be neighbouring Arab peoples. Ignoring these two issues educationally means educating the young generation toward ignorance and alienation with regard to questions that will always be at the very core of our existence.”¹¹

In addition, the preamble outlined the necessity to differentiate and not to refer anymore to the Arabs as a whole as enemies:

“The polarization between us and the Arabs as enemies no longer constitutes the only pattern of relations. At present, we are witnessing different patterns of relations, and a distinction has to be made:

We have peaceful relations with Egypt since 1979. Although today this is a ‘cold peace’, it still passes two major tests that indicate peaceful relations.

Morocco facilitated the peace treaty and openly hosted Israelis. Countries like Sudan, Tunisia and Oman overtly support the peace process; According to the Camp David accords, the Arab population of Judea, Samaria and Gaza is supposed to be granted autonomy...

The Arabs of Israel are citizens of the state and constitute an integral part of it. According to the Declaration of Independence, they are entitled to equal rights and all Israeli governments ever since statehood reiterated this principle in their guidelines;

By contrast, some Arab states still continue cultivating hostility and initiate belligerent activity against us. Syria, Iraq and Libya are the most prominent of these. In addition, the PLO, in all its factions, aspires to perpetuate the conflict and continue fighting against Israel by all means, including the use of terror, until the final destruction of the Israeli state...”

Hence the inescapable conclusion:

“Therefore we can no longer educate students ... to treat the Arabs as a single entity and only in the context of the conflict.

Moreover, the preamble stressed that “the whole world is multicultural at present; the distances between various cultures, both in time and space, have been narrowed down. The Middle East too is multicultural; the Israeli state too is both a state and a multicultural society. This situation compels us to develop a new ability, the ability to maintain intercultural contact on the basis of equality and respect for the other’s culture. Imparting this ability is one of the aims of the educational system, and our ministry must help teachers find ways of doing so ... Our students must realize that a different and foreign culture is not inferior or superior to our culture, and that all peoples, religions and ethnic groups have a right to cultivate their culture, even within the boundaries of another state. Above all, we must implant in our students the firm awareness that every person is a human being, and that every human being must be respected, even if he belongs to another people, and even if he is a political enemy”.

The directive contained a detailed comprehensive plan of action to achieve these goals:

“The relationship with Arabs and their culture; Jewish-Arab relations and Israeli-Arab relations will be part and parcel of the educational process, from kindergarten and through the twelve years of study in elementary and high schools.

This relationship will be included, where possible, in all aspects of school, primarily in social activities and in the following subjects: civics, social sciences, history, geography, “moledet” [i.e. homeland] and literature.

The existing curricula (for all subjects and levels), and the textbooks authorized for use, will be evaluated with a dual aim. On the one hand to eliminate wording –if found– that connotes hatred or the existence of negative stereotypes and prejudice; and on the other to add and integrate new content that coincides with the aims that we have set for ourselves.”

One has to recall here that this directive was adopted when the Minister in charge of education was Zevulun Hammer, that is, not a member of secular or left party, but of the National Religious Party (NRP) that since 1977 had broken its “historical alliance” with the Labor party and entered in on-going alliance with the nationalist right under the leadership of the Likud. In order to understand the full meaning of this decision to change the perception of the “other”, one has to bear in mind that Hammer was considered a typical product of the generation of the *kipot srugot*, the knitted skullcaps, the head dress of modern religious which replaced hats and black skull-caps. He was instrumental in turning the NRP, from a party whose main concern was religious affairs into a movement with deep involvement in foreign affairs and security issues, while actively assisting *Gush Emunim*, the “Bloc of the faithful” and those in favor of settling Judea, Samaria and the Gaza Strip¹².

Active Preparation for Coexistence

The new educational and pedagogical policy oriented toward coexistence was carried out by all the successive Israeli governments, in spite of both the changing of coalitions’ composition, and their ensuing policies, and the inexorable deterioration in the Oslo process under the blows dealt to it by its Israeli and Palestinian opponents.

In the textbooks, this new policy was implemented by focusing and giving expression to five main themes: “Considering the “other” first as a human being”, “Overcoming suspicion, hatred and prejudices”, “Knowing and respecting Islam and the Arabs”, “Admitting the legitimacy of the opposing national movement”, “presenting the conflict in a more balanced way”.

Regarding the “Other” First as a Human Being

Several pedagogical devices have been used to further this view among the pupils. One of them consists in introducing in literary anthologies and readers short stories relating to the rescue by Jews of Arab children and adults. For example, a fourth-grade reader for state religious schools tells of Israeli soldiers in Jerusalem during the Six Day War who, on entering one home, found a blood-soaked Arab girl. One of the soldiers “ran under heavy fire with her to an ambulance and thus save her life. The girl has long since left the hospital and returned to her family and parents, but the friend who rescued her is still lying wounded”¹³. A fifth-grade textbook for state schools tells the story of a Jew who saved an Arab even though that same Arab was among rioters who attacked Jews in Baghdad in the 40s¹⁴. Of course there are also stories of Jews rescued by Arabs, such as the story of Abu Hamis, the “most

famous seaman in Jaffa” illustrated by a picture¹⁵.

Another device is to include in anthologies and readers stories written by Arab authors about the daily life of Arabs, mostly without connection with the Arab-Israeli conflict or the relationship between Jews and Arabs. The objective here is to provide the pupils with some knowledge about the customs and the concerns of Arabs in various countries¹⁶.

Legend of Picture: “Jabalya refugees camp in the Gaza strip”. “One of the largest refugees camp where residents live in very crowded and distressing conditions.”

Evoking the suffering of refugees in different places and periods is one way to arouse the empathy of the pupils for the “other”. For instance a textbook of geography and demography provide information about “the three largest groups of refugees ... created as a result of ongoing wars and political conflicts...: the Jewish refugees during WWII, the Arab and Jewish refugees resulting from the Arab-Israeli conflict, the Rwanda refugees who emerged as a result of inter-tribal wars”, with a Palestinian Refugees camp to illustrate it¹⁷.

Another way to arouse the empathy for the “others” is to bring their fears and pain through extracts from stories and tales written by Israeli writers¹⁸.

Overcoming Suspicion, Hatred and Prejudices

Most of the researchers studying Israeli textbooks have noted that since the middle of the 80s there is a steady decrease in the phenomenon of negative stereotypes and de-legitimation of Arabs, and that these disappear almost completely from the middle of the 90s. In addition to this trend, the CMIP reports have observed a notable effort to assuage the pupils’ suspicion of the Arabs, to alert them

against nurturing hatred and to help them overcome bias and prejudices¹⁹. Hence there are stories showing how suspicion can be turned into friendship.

For example, a reader for the seventh grade used in the state school system, quotes a passage from the book *Nadia* by Galina Ron-Feder, about an Arab girl who comes to a Jewish boarding school and describes her fears that the Jewish girls, one of whom lost a brother in a terrorist attack, will not want to share a room with her. Happily for her, she is warmly accepted and one of the girls asks her to share a room with her²⁰.

Or again, there is the story of a friendship that develops between an Israeli boy and an Egyptian boy who meet at an international youth conference in London. It all begins when Amir, the Jewish boy, was invited to join the Egyptian boys’ soccer team and scored a goal. Said, one of the Egyptian boys comes to Amir’s room:

- “I realized you are surprised by a visit from a boy from an enemy country...”

“I was looking for a chance to talk to you. My older brother fell in Sinai during the last war between our countries, but it would be stupid for me to be angry at you for that”.

- “If so, we’re even... because my father also died in that war. He was among those who crossed the canal. ...”

“Well, since that accursed war, I have thought, that everything must be done to ensure that it will be the last war. It may sound strange because our radio, television and newspapers, and even our textbooks feed us a diet of stories about the evil Israelis, who stole the Arabs’ homes. My teacher at school is a unique individual, who has always cautioned us about blind hatred and in his history classes, told us about the sufferings of the Jews for 2,000 years, even though there is no mention of it in the textbooks. The teacher also told us what the Nazis did to the Jews during WWII. In general, he opened our eyes to many things,

which we were used to accepting without thinking about them.”²¹

It is not easy for pupils to stand aloof and not to internalise hatred of the adversary or the enemy when this is the dominant feeling at home, at school and in the society at large. One way to take up this challenge is to remind the pupils that the world of the children is not necessarily the reproduction of the adult world. This is the way a Jewish boy describes his friendship with Abed, a Bedouin shepherd: “We did not have a common language, but the hatred of the adults also hadn’t yet attached itself to us. Children’s games don’t need words.”²²

It is relatively easier to arouse the awareness of the children against bias and prejudices. One can find an interesting device in this respect in a reader for 13 years old pupils:

“Many people think: the dove is a bird that pursues peace. This belief is incorrect; it is a prejudice: people believe it without checking it. There are lots of prejudices. For example:

The Jews control the world and exploit all those who live in it.

The blacks are inferior; they are incapable of being scientists.

The Arabs only understand the language of force.

During the year, make a long list of prejudices. Write them down and keep them in a special folder called ‘That’s what they say, but it is not true- prejudices.’ Try to find a drawing or caricature that fits each prejudice. Be ready to explain orally why these are prejudices.”²³

Knowing and Respecting Islam and the Arabs

Knowing means, first, to acknowledge that the homeland, the Promised land, to which the Jews began to return in growing numbers during the ninetieth century, was not empty: its population was not confined

to the few Jews dwelling in it, as is suggested in the maps of the early schoolbooks, before the creation of the state, which mentioned only the cities inhabited by the Jews. This approach persisted until the end of the 70s, and one can still find some remnants of its in current Israeli textbooks²⁴. The present approach is completely different, as is shown by the following excerpt from a textbook of history for the 14-15 year old pupils, which quotes the words of Arthur Ruppin, the head of the Palestinian office of the World Zionist Organization, at its eleventh congress in 1913: “At first, the Zionist movement believed that Eretz Yisrael was empty of people ... In the meantime, we have learned to see the matters in a completely different way. As of now, there are six times as many Arabs in Eretz Yisrael as there are of us...”²⁵

Knowing means also having a minimum of objective information about the “other”, about the Arabs, their customs, their history and culture.

The Israeli textbooks provide the students with some basic knowledge about Islam, its Prophet Mohammed, its five pillars, its main holy sites, the meaning of Jihad and a comparison with Judaism and Christianity. One can observe expressions of respect and even sympathy toward Islam, notably in the textbooks of the state religious sector, which outline the positive aspects of Islam and suggests that Jihad is not directed against Judaism and Christianity²⁶.

Bravery, courage and a deep sense of justice are mentioned several times as characteristic cultural traits of the Arabs. Some textbooks quote the words of Ahad Ha'am, one of the most prominent Zionist thinkers, after his first visit to Palestine in 1891: “Our brothers are correct when they say that the Arab respects only those who show him bravery and courage. When he feels that justice is with his opponent; not

so if he justifiably thinks his opponent's actions to be oppressive and stolen justice. Then, even if he also remains silent, he will restrain himself endlessly, but his anger persists in his heart and he plans revenge and bears a grudge.”²⁷

The Arabs' contribution to the development of human civilization also is mentioned in several school textbooks. For example a history textbook in use in the state run network stresses that the Arabs developed a flourishing culture: “From India to their country, and from their country to the countries of Europe, the Muslims transferred numbers, which replace Roman numerals, which were not convenient for mathematics arithmetic functions. They also translated into Arabic the rich literature of the Greeks, which dealt with philosophy, science and medicine. Afterwards, the peoples of Europe translated these books from Arabic into Latin, and thus the Arabs contributed to restoring the cultural treasures of Greece to the European peoples... However, the Arabs were not simply cultural middlemen, there were also creators of culture. For example, they were the first to discover the existence of infectious diseases. They were also the first to build public hospitals. Because of their considerable contribution to various scientific fields, there are disciplines that to this day are called by their Arabic names, such as Algebra...”²⁸

What is even more noteworthy is the express mention of the Arabs' deep attachment to the Holy land and to Jerusalem.

A geography textbook devotes a whole chapter to the attachment of Christianity and Islam to the Land of Israel, and quotes the late Professor Havah Lazarus-Yaffe, an eminent specialist of Islam:

“The Land of Israel in general, and Jerusalem in particular, have been sanctified more and

more in Islamic thought – as Islam has developed and spread both religiously and geographically. As Islam absorbed more and more of the world conquered by it, so it adapted and Islamised the values that it absorbed, including the holiness of the Land of Israel, its flora and its water, living in it, the sanctity of being buried in it and the like. All these became from that time onwards part of orthodox Islam... An expression of the holiness of the Land of Israel and Jerusalem in Islam can be found in the erection of the pair of mosques on the Temple Mount”²⁹.

In addition, after quoting this passage, the authors of this textbook go on to write:

“In the Land of Israel Islam sanctified Jerusalem because of its importance to Judaism and Christianity. According to the Muslim tradition Jerusalem is the city of the forefathers, the place of the binding [of Ishmael, not Isaac], the arena of the activity of the prophets. After the [Arab] conquest the name 'Bait al-Maqdis' – the city of the Temple – was used for the city, from which we learn that the special significance of the city was that it contained the Temple. From the eleventh century the name al-Quds – holiness – became common. Other names for the city are 'Ursalim' and 'Tzehayun' - Zion.”³⁰

Contrary to expectations, the implications of this deep, joint, and one could even say, rival, attachment to the Holy land and to Jerusalem, are not avoided or ignored, but explicitly referred to, as illustrated by the drawing and the picture mentioned below. An anthology for 15 years old pupils contains the well known poem “Jerusalem 1967” written by Yehuda Amichai, one of the most famous contemporary Israeli poets:

“The city plays hide-and-peek among her names:

Yerushalayim, Al-Quds, Salem, Jeru,
Yeru, all the while
whispering her first, Jebusite name: Y'vus
Y'vus, Y'vus, in the dark. She weeps
With longing: Ilia Capitolina, Ilis, Ilia.
She comes to any man who calls her

At night, alone. But we know
Who comes to whom”³¹.

Legend of the Drawing: “Jerusalem, the city that is sacred to the three monotheistic religions.”³²

Legend of the Picture: “The ‘Machpelah Cave’ in Hebron. This is the name of the building in the picture. According to the Book of Genesis, Abraham and Sarah, Isaac and Rebecca, Jacob and Leah are buried under the building in the picture”³³.

The text in the frame under the picture reads: “It is interesting to know: The Cave of the Patriarchs is holy not only to the Jews, but also to the Muslims and the Christians. In the building known as the ‘Cave of the Patriarchs’ there are a mosque and a synagogue”³⁴.

Admitting the Legitimacy of the Rival National Movement

For a long time, the Israeli school textbooks painstakingly avoided conferring any legitimacy on the Arab opposition to the Jewish national movement. The Arab actions against the Jews in Palestine were presented as the result of petty motivations, such as the lure of gain, greed, the desire to seize property or the thirst for power.

This approach has been replaced and now the clash between Arabs and Jews in the holy land is presented to the students as a fight between two national movements over the control of the same piece of land.

Excerpts from texts written by Zionist leaders and thinkers, who since the end of the nineteenth century had clearly perceived the nature of the conflict, that were for a long time considered “inappropriate” for school curricula by the people in charge of national education have now been introduced into the textbooks.

An instance of this is the case of the writings of Yitzhak Epstein, a famous

teacher and educator, well known for his scathing criticism, who at the beginning of the twentieth century, in Palestine under Ottoman rule, who called on his fellow Zionists to grasp, and be fully aware of, the actual nature of the problem: “In general we are mistaken in regards to a great people... This is the mightiest, most excellent people in physical attainments and in the skill of its understanding. We must not belittle its rights (those of the Arab people). The Hebrew people respects not only the personal rights of each person, but rather the national rights of each nation and tribe.”³⁵

His penetrating and famous article entitled “A Hidden Question”, published in 1907 in the Hebrew review *Hashiloah*, in which he pointed bluntly to the vital problem that the Zionist Jews in Palestine had to grapple with, is now part of the curriculum:

“Among the difficult questions connected with the idea of resurrecting our people on its land is one question that stands clearly against them all: the question of our relations with the Arabs. This question, on whose correct resolution hangs the rebirth of our national hope, has not been forgotten, but rather has vanished entirely from among the Zionists and in its true form is almost never, mentioned in the literature of our movement. The loyal Zionists have so far not touched on the question of how we should act towards the Arabs when we come to buy land in Eretz Yisrael., to establish *Moshavot* [villages], and in general to settle the land... Most of the land we buy from the large estate owners... When we buy such land, we completely remove those who previously worked on it. True, we will not send them away empty-handed, we will pay them nicely for the ruined houses and gardens, and in general we will not be stingy with gold coins during the time of the ‘exemption’. From the standpoint of accepted justice and official honesty we are completely just, entirely lawfully. However, if we do not knowingly want to deceive ourselves, let us admit that we

have dispossessed poor people from their meagre property and broken the staff of their bread. Can we really persist on such a path of purchasing land? Is it successful, does it befit our objective? A hundred times no. Members of the people that was the first to say “and the land will not be sold in perpetuity, and limited the rights of the buyer in favour of the worker, should not, cannot, expropriate their lands from the hands of its workers, who settled on it in good faith. But let us leave justice and sentimentality for a moment and look at the question from the standpoint of ability alone. Will they be silent in the face of dispossessions, calmly accepting what we have done to them? Will they not ultimately awaken to restore by force what was stripped from them by gold! ... And this people... is only a small part of the larger nation, which holds everything surrounding our country: Syria, Aram Naharayim [Iraq], Arabia and Egypt...”³⁶

A further turning point was reached when, in addition, the Arabs of Palestine were viewed not only as part of the larger Arab people, but as having a specific national identity and establishing a specific national movement.

Hence a history textbook, observing that the 1936-1939 clashes in Palestine which at the time were considered as “riots” or “disturbances” by the Jews while the Arabs called them “Arab revolt”, pointed to their national character, stresses that “contrary to 1929, this time the Arabs presented clear national demands.”³⁷ Moreover, the exercise at the end of this chapter asks the pupils the following question:

“C. The whole class should discuss whether the contention that in the Arab Revolt there was a clash between two national movements, is correct. You should give reasons for your conclusions.”³⁸

Similarly, another history textbook for grade 9 states that:

“During the 1930s, Arab nationalist movements evolved all over the Middle East. Many of the Arabs of Eretz Yisrael also began formulating a national consciousness – in other words, the perception that they are not just part of the larger Arab nation, but also Palestinians, inhabitants of Palestine. Therefore, there are some who believe that the 1930s saw the start of the fight over the land between nationalist movements: the Jewish-Zionist movement and the Arab-Palestinian movement.”³⁹

A geography textbook even claims that already before WWI this conflict has had a national character⁴⁰.

The most spectacular move to bring the Israeli pupils to admit the legitimacy of the opposing national movement came on the initiative of Yossi Sarid, Minister of Education in Ehud Barak’s government from May 1999 to January 2001. He pressed for the inclusion in the Israeli curriculum of a poem composed by Mahmud Darwish, one of the greatest contemporary Arab poets, the epic minstrel of Palestinian nationalism and the main drafter of the Palestinian declaration of Independence of November 1988. Several years before, an apparently trivial poem by Darwish had already been included in the curriculum, but this time it was a very nationalistic one.

There was a general outcry. Not only did the opposition, from the Likud (Right) to Shinui (Center-Liberal), voice their fierce opposition to Sarid’s initiative, but even PM Barak, expressed his reservations, arguing that the conditions were not yet ripe for such a move. Darwish reacted to this controversy by observing that: “The atmosphere in Israel is not ripe to deepen the understanding of the other. I followed the debate in the Knesset. I think that the extreme right is not ready to recognize the history of the Palestinian people, which is linked to this country that it loves and for which it longs.”⁴¹

The strong reservations of a large part of Israel's public opinion, motivated by its strong concern that the recognition of the enemy's national legitimacy may affect its own, underline even more the revolutionary character of the changes introduced in the Israeli curriculum.

Presenting the Conflict in a More Balanced Way

A more balanced presentation of the conflict implies, first and foremost, that the school textbooks take into account the most recent scientific literature, and do not distort or omit embarrassing or shocking matters. The first Hebrew school textbooks, both during the Mandate period and the first decades of the State of Israel, mentioned only the existence of a Jewish population, as if there were no Arabs in the country. This is no longer the case today. Several textbooks provide the pupils with data about the Arab population of Palestine both in the nineteenth and the twentieth centuries⁴². The two Brawer atlases, which are the most used in the Israeli schools, for all the grades, give detailed data about the demographic ratio between the two peoples as well as about their geographic distribution from the 30s to present⁴³. There is a series of four maps headed "Israel-Population" detailing the ratio between the Jewish and the non Jewish population, in 1931, in 1947, in 2000, and the percentage of the population living in towns and cities in 2000⁴⁴.

Secondly, the purchase of lands by the Zionist movement, and its role in the confrontation between the two populations, were finally brought to the attention of the students. However this improvement is insufficient, since generally specific data are not provided to illustrate this major factor in the confrontation between the two peoples.

The Oslo Accords, which contained the mutual recognition by the State of Israel and the PLO, and set up a Palestinian Authority to rule the Palestinian territories, are presented in detail in one the above-mentioned atlases. These accords are mentioned in several school textbooks, sometimes with their geographic and territorial representation⁴⁵. As an example of this a geography textbook for the upper grades present the Oslo Accords as follows:

"In May 1994 the areas of the Gaza Strip and Jericho from which the Israel Defense Forces were to withdraw were defined and it was agreed that there should be a transfer of authority in these areas to the Palestinian Authority. Twenty-seven years of Israeli rule came to an end...The purpose of the second Oslo Agreement was to enlarge the Palestinian independent administration in the West Bank by means of an elected ruling authority- 'The Palestinian Council'... This agreement prescribes a timetable for the redeployment of the Israel Defense Forces and the division of the area of Judea, Samaria and Gaza into Different kinds of areas:

Area A- including the six large Palestinian towns on the West Bank; in this area the Palestinian Council was to assume full responsibility for internal security, public order and civilian matters.

Area B- including Palestinian townships and villages (in which some 68% of the total Palestinian population lives). In this area the Council was to be responsible for the preservation of public order and Israel was to be the supreme authority in matters of security, so that it should be able to safeguard the well being of its citizens and fight terror.

Area C- including the uninhabited areas, the regions where there were Israeli settlements and locations that were strategically important for Israel. In this area Israel was to retain full responsibility."⁴⁶

This presentation is not accurate and complete since it does not refer explicitly to Palestinian territories, and does not mentions the powers of each of the parties

in civilian matters in Area B. The Brawer atlas is more accurate and concise. It provides a map indicating by different colours these areas with a legend entitled "Territories of the Palestinian Authority", which enables the pupil to grasp the territorial and political meaning of these accords.

It is unfortunate that the textbooks themselves do not include any map of this kind, even in a more simplified form. In the best case one can only find evasive descriptions such as: "The name Palestine serves today, particularly among the Arabs, to denote all the territory of the land of Israel west of the Jordan. Nevertheless the Authority aspires to establish the 'State of Palestine' in the major part of Judea and Samaria."⁴⁷ The lack of maps illustrating the Oslo accords is a serious lacuna that should be amended, as CMIP stressed in 2003 before the Council of Europe⁴⁸.

The issue of the Palestinian refugees is now also dealt with in a more objective way. Till the end of the 80s this issue was referred to indirectly, by mentioning demographic changes in the region without further explanations, or by explaining that this problem was created by the Arabs themselves, since they had fled their towns and villages as a result of the fighting, for fear of having to live under Jewish rule or at their leaders' instigation. Since the beginning of the 90s, the responsibility of the Israeli forces is also mentioned.

For example, a history textbook used by state-run high schools, which devotes an entire chapter to the creation of this issue, starts by recapitulating the usual reasons for the Arabs' flight:

1. The flight of the leadership and wealthy class already at the beginning of the war.
2. The deterioration of security and order in the Arab towns and villages.
3. In any civil war there are necessarily unplanned 'population exchange' with no

guiding force behind them. A civilian population concerned about its fate, justly or not, moves to areas where soldiers of their own people or religion are in control.

4. The organized appeal of the leaders of Arab countries to the Arabs in Eretz Israel.

5. The horror propaganda broadcast by the Arab media about incidents in which the Jewish forces compelled Arab residents to leave and harmed the civilian Arab population."⁴⁹

Alongside these reasons the author mentions a new historical explanation offered by one of the so-called "new historians", Benny Morris. According to him "the main catalyst for the flight was the attacks by the Hagana, Ezel, Lehi and Israel Defense Forces and not the calls or instructions of the leaders of Arab countries or of the Supreme Arab Council and the Mufti."⁵⁰

A more recent geography textbook includes naturally this explanation among the reasons for the Arabs' flight:

"During the war of Independence, between 500,000 and 900,000 Arab refugees left their homes. They left behind their possessions and planned to return to their homes after the fighting ended. There were a variety of reasons for their departure: some sought to distance themselves from the dangers of war, some listened to the directives of their leaders who called on them to leave their residences and thereby facilitate the Arab armies' conquest of Israel, and some were expelled during the fighting by various Israeli elements."⁵¹

This explanation is of course also included in the renowned school textbook by Eyal Naveh, issued in 1999:

"During the fighting, many of the local Arabs were expelled. Some of them fled before the Jews reached a village or Arab neighbourhood in a city, and other were expelled by the conquering force. Tens of thousands fled to neighbouring countries – primarily to Jordan, Lebanon and Syria – in the hope that, with the

help of these countries, they will one day return to their previous places of residence. Many became refugees in camps set up in the Gaza Strip, West banks and neighbouring countries”⁵².

Any objective presentation of a conflict in textbooks requires not only that the pupils be taught correctly, honestly and completely with its basic elements, but that they also be informed of the point of view of the other side on the conflict, preferably in its own words, quoting its own documents, as once recommended by UNESCO⁵³. In order to inform the pupils about the point of view of the nascent Arab national movement on Zionism, at a time when the ruler was the Ottoman Empire, one textbook quotes from an article published in those years in an Arab newspaper:

“Palestine is a pure Arab country... surrounded on all sides by pure Arab countries. The national yearnings started emerging and intensifying among the Arab nation that resides contiguously in its territory. The only people in these Arab countries are Arabs ... there is no possibility of another people, with an independent language, different customs and traditions and a contradictory political ambition living with them”⁵⁴.

A more recent school textbook gives excerpts from an appeal to the Ottoman authorities, published on September 16, 1911, in *Filastin*, a Christian Jaffa-based newspaper calling them “to fulfill their obligation and not to allow Jewish immigrants to remain in the country”⁵⁵.

A history textbook for high school students, used both in state and state religious schools, presents in full another Arab appeal by “The Centres for Justice”, voiced soon after the Balfour Declaration (November 2, 1917) and the Feisal-Weizman agreement (January 3, 1919):

“A voice is Calling to the Arab People in Southern Syria (Palestine)

The Jews are trying to separate Palestine from Syria and the rest of the Arab countries, in order to become the rulers of this country.

Palestine is a natural part of Syria, there is nothing separating them; the residents of Syria are like us, their leaders are like our leaders and their interests are connected with ours. Uniting Palestine with Syria and the rest of the Arab states is the only way to happiness for the Arab nation and the Arab countries...

There are only 60,000 Jews in our country and they have not even the slightest right to our land and have no connection to it. We, the Arabs, number more than a million people here, and therefore the land belongs to us. Therefore, protect your country, your honor, your spirit and your property. Demand that Palestine and Syria be one, free, Arab state; and that foreigners have no influence in this country.”⁵⁶

For a long time, the Israeli school textbooks used to describe as “riots” and “disturbances” perpetrated by “gangs of marauders and outlaws” what the Palestinians consider as a national uprising. A history textbook brings this Arab Palestinian view to the attention of the pupils in quoting verbatim the text of a resolution adopted by the Arab High Committee, a body set up on April 25 1936, to coordinate the activities of the various factions among the Arabs of Palestine: “In April 1936, local national committees were organized in all Arab cities around the Istiklal [independence] Party, and the Arab Higher Committee was established. The committee declared a general strike that would paralyse economic life in the country. Its purpose: to exert pressure on the British government to fulfil the committee's demands: 1. Prohibit Jewish immigration; 2. Prohibit the transfer of lands to Jews; 3. Establish a national government that would be responsible to a representative council. If these demands are not met ...the general

strike will continue, until the British government fundamentally changes its current policy, the first step being the halting of Jewish immigration”⁵⁷.

Another device to enable the students to grasp both the views and feelings of the adversary, is to invite them to try and “enter into its mind”, to contemplate events and developments from his point of view and to attempt to imagine his feelings. For this purpose, a history textbook suggests the following exercise:

“4. Divide into groups representing Jewish journalists and Palestinian journalists who have been sent to cover the discussion in the United Nations Organization leading to the Partition resolution. A. Prepare a report that will include details about the discussion in the UN, the position of some of the states participating in it and the results of the discussion, the vote and the reactions to the resolution...C. Discuss with the whole class the differences between the reports of the Jewish journalists and those of the Palestinian ones.”⁵⁸

Similarly, an interdisciplinary textbook, devoted to the socio-demographic, technological, climatic, topographical, political and economical aspects of water, as a vital resource for the whole region of the Middle East, proposes a simulation game, with the explicit purpose of reaching

“the maximum regional cooperation that will ensure by peaceful means a fair division of water, to understand the special needs of each country in the region...The class is to be divided into groups of 9 pupils each. Each pupil in a group will be the representative of one of the countries in the Middle East participating in the peace conference... The parties participating in the discussion must reach a rational arrangement that is in accord with the treaties on water rights. The condition for the approval of the arrangement for the division of water is its acceptability to the representatives of all the countries participating. The arrangement is to be approved by the

United Nations... The game continues until arrangements have been reached with all the countries.”⁵⁹

Conclusion

What is perhaps the most striking and impressive trait of the Israeli school programs and textbooks is that they do not seek to build the national identity of the Jews of Israel upon the rejection of identity and national legitimacy of the Palestinians. It seems rather that their objective is to prepare the pupils to accept this concurrent legitimacy.

The Israeli textbooks bear witness to the efforts made for more than twenty years to change the perception by young Israelis of the Arabs and the Palestinians, to perceive them both as individual human beings who should not be labelled – who, like the Jews have among them “nasty people and decent people”⁶⁰ – and as a people having a legitimate national movement, despite the illegitimate means to which it resorts against the Jewish state and its citizens. These efforts have not been halted by the steady deterioration in the process set in motion by the 1993 Oslo Accord sealing their mutual recognition and the renunciation of violence and terror as a means to resolve the conflict between the two peoples. As stressed above, these changes were the result of a political decision, and are manifest above all in the state general network and in the state religious network, but not to the same extent in the *haredi* [ultra-orthodox] sector, whose textbooks are still marred by some offending and condescending expressions⁶¹.

Yet, some recriminations have been voiced against Israeli textbooks. What do they assert? A thorough examination of these recriminations shows that they have no serious grounds. For instance Maureen Meehan refers to outdated research or to children's literature, a complete different

area which is not under the control or responsibility of the government⁶². Nathan Brown's criticism is based on unofficial texts circulated in some classes and on oral comments supposed to have been voiced by teachers⁶³. The EU Commissioner in charge of External Relations, Chris Patten, was not able to substantiate his insinuation that Israeli textbooks were also marred by intolerance and incitement⁶⁴.

Till now, the radical change monitored in Israeli textbooks regarding the image of Palestinians and the legitimacy of their national movement has not been emulated by the Palestinian schoolbooks. The major flaw of the later is their implicit incitement against the Jews and Israel by denying their nationhood and by building Palestinian national identity on the rejection of the legitimacy of Jewish national movement⁶⁵.

The international community, particularly the European Union, can play a decisive role in convincing the Palestinians that they too have to turn the page.

Notes

¹ See Ha'arev, June 15 2004, June 16 2004, June 18, 2004 and Maariv, June 15, 2004 reporting the controversy between General Amos Malka and General Amos Gilad, who in 2000 were respectively the head and the director of research of the Military Intelligence.

² The textbooks produced by the PA did not express any recognition of Israel or any aspiration to coexist with it. See CMIP's report *Jews, Israel and Peace in Palestinian School Textbooks 2000-2001 and 2001-2002*, November 2001 and also Y. Manor *Les manuels scolaires palestiniens: une génération sacrifiée*, Paris, Berg International, October 2003. One of these textbooks, *The Palestinian Society-Demographic Education, Grade 11(2000)*, p. 29, called explicitly for resort to demographic weapon to win the Arab-Israeli conflict.

³ The public sector is divided in three sub-sectors: *mamlachti* (state) 54% of the pupils, *mamalachti dati* (religious recognized by the state) 18% of the pupils and Arab, 18% of the pupils. The private or "independent" sector although receiving public

funding, is solely responsible for the content of its textbooks and the recruitment of its teachers; it contains mainly the ultra-orthodox 'haredi' networks of the Agudat Yisrael and Shas parties.

⁴ See Report No 49 of the State Controller, Mevaker Hamedinah, April 1999, pp. 209-210.

⁵ For instance Binyamin Kalman, "The Image of the Arab in the Eyes of the Young. What has changed in the last 15 years" (Hebrew) in *Iyunim baH'inukh*, No. 27, 1980, pp. 65-74; Ruth Firer, *The Influence of Zionist Values on Schoolbooks in the Hebrew Language Dealing with the History of the People of Israel in the Land of Israel 1900-1980*, (Hebrew), PhD, Hebrew University of Jerusalem; Daniel Bar-Tal et al., *The Image of the Arab in Readers: The Development of Political Knowledge*, (Hebrew) Tel-Aviv, H'amoul 1985; Binyamin Herzl, *The Presentation of Arab-Jewish Relationships in History Textbooks With Regard to the Arab-Israeli Conflict*, (Hebrew) Tel-Aviv University, Department of Psychology, 1987; Daniel Bar-Tal & Shmuel Zoltak "Representations of the Image of the Arab and of the Relationships between Jews and Arabs in Readers" (Hebrew) in *Megamot*, vol. 32, (3), 1989, pp. 301-317; Yoram Bar-Gal, "The Image of the Palestinians in Geography Textbooks in Israel", *Journal of Geography*, 1994, 93, (5), pp.224-232; Polish-Israeli Committee on School Textbooks, *Recommendations for Correcting History and Literature Textbooks in Israel and Poland*, Jerusalem and Warsaw, 1995; Daniel Bar-Tal, "The Rocky Road toward Peace: Beliefs on Conflicts in Israeli Textbooks" in *Journal of Peace Research*, vol. 35, No. 6, 1998, pp. 723-742; *Ibidem.*, "Societal Beliefs in Times of Intractable Conflict: The Israeli Case", *The international Journal of Conflict Management*, 1998, vol. 9, no. 1, (January) p.23; Orit Ichilov, "Citizenship education in a Divided Society: The Case of Israel" in Judith Tomey-Putra, John Schwille & Jo-Ann Amadeo (ed), *Civic Education Across Countries: Twenty-four National Case Studies from the IEA Civic Education project*, Amsterdam, 1999; Orit Ichilov & Idit Livne, *Civics in Israeli Middle schools: Analysis of Curricula, Schoolbooks and Teachers' Guides*. Research Report. (Hebrew), Tel Aviv University, Sociology of Education and Community, March 2002; Orit Ichilov, *Political Learning and Citizenship Education under Conflict*, London & New York Routledge, 2004; Elie Podeh, *The Arab-Israeli Conflict in Israeli School History and Civics Textbooks 1953-1995*, (Hebrew), Truman Institute, Peace Publications, No. 9, Jerusalem, 1997 and "History and Memory in the

Israeli Education System”, *History and Memory*, vol. 12, 2000, pp. 65-100, and “The Arab-Israeli Conflict in Israeli History Textbooks, 1948-2000”, Westport/Connecticut & London, 2002.

⁶ CMIP, *Arabs and Palestinians in Israeli Textbooks*, September 2000; CMIP *Arabs, Palestinians, Islam & Peace in Israeli School Textbooks*, July 2002. These reports are hereinafter referred to as CMIP, 2000, and CMIP, 2002, respectively.

⁷ Daniel Bar-Tal, “Societal Beliefs...”, *op. cit.*, p. 23.

⁸ *Ibidem*. pp. 25-29.

⁹ *Ibidem*. p. 44.

¹⁰ Elie Podeh, “History and Memory”, *op. cit.*, pp. 74-85, and *Arab-Israeli Conflict*, *op. cit.*, pp. 26-74.

¹¹ For the English translation of this directive, except two technical paragraphs, see Podeh, *Arab-Israeli Conflict*, *op. cit.*, pp. 157-160.

¹² See Susan Hatis Rolef (ed.), *Political Dictionary of the State of Israel*, New York & London, Macmillan, 1987, p. 139. Gush Emunim was founded in February 1974 as an extra-parliamentary religious Zionist movement, which advocated the extension of Israeli sovereignty over Judea, Samaria and the Gaza Strip.

¹³ Esther Columbus et al., *Open the Gate*, Reader for Grade 4, (Hebrew) 1993, Tal, Ministry of Education, p. 186.

¹⁴ Nathan Perski, *The New Israel Readers*, (Hebrew), 1987, Massada, pp. 181-184.

¹⁵ Ilana Arieli-Meir, *Journey to the First Settlements*, Reader, (Hebrew), Tal, Ministry of Education, 1992, p. 66. Hamis’ story is taken from Avraham Cohen, *Did I Understand?* (Hebrew), Reches, 1993, p. 222.

¹⁶ Rina Tzadka, *Reading Selections for Eight Grade*, 1992 (Hebrew), Horev, pp. 76-84; P. Shirav et al. *Nuances [Migvan]*, Literary Reader, for Grade 7, (Hebrew), Neta, Maalot, 1994, pp. 150-151; Mira Levinger & Bracha Abecassis, *Leaves of Literature*, Reader for Grade 9, (Hebrew), Modan, 1998, pp.112-115.

¹⁷ A. Rapp & Z. Fein, *People in the Expanse-Studies in the Geography of the World’s Population*, (Hebrew), Matah, Ministry of Education, 1997, p. 154.

¹⁸ Miri Baruch & Dalia Stein, *Strings*, Reader for Grade Six, (Hebrew), Massade, 1997, pp. 224-227.

¹⁹ See CMIP, 2000, p. 7 and CMIP, 2002, p. 2.

²⁰ Baruch & Stein, *Strings*, *op. cit.*, pp. 264-267; Dalia Korach-Segev & Varda Weinberg, *Literature-Fiction*, Reader for Grade Seven, (Hebrew), Modan, n.d., pp. 103-106.

²¹ Rivka Giladi, *Story and Song- Let's Get acquainted*, (Hebrew), Grade 6, Zak, 1985, pp. 360-361.

²² Miri Baruch & Dalia Stein, *Strings for Grade 5*, (Hebrew), Massada, 1994, p. 43.

²³ Avraham Cohen, *Op. cit.*, p. 259.

²⁴ See Chapter 28 “Statistical data” and Chapter 29 “Maps” in CMIP, 2000, pp. 111-123.

²⁵ E. Domka (ed), *The World and the Jews in Recent Generations*, Part I, 1870-1920, (Hebrew), Zalman Shazar Institute, 1998, p. 230.

²⁶ On all these aspects, see CMIP, 2000, pp. 14-25.

²⁷ Tsipi Elder & Lili Yaffe, *From Conservatism to Progress*, History for Eighth Grade, (Hebrew), Maalot, Ministry of Education, 1998, p. 374; E. Domka (ed), *Op. cit.*, p. 229.

²⁸ Akiva Doron, Hava Frankel, Kizia Tabibian & Malka Kaz, *From Generation to Generation. Lessons in History for the State Religious Schools*, Part II, (Hebrew), Maalot, Ministry of Education, 1994, p. 220. See also detailed chapters on these topics in M. Zimmerman et al., *Lessons in History for State Schools*, Part II: *From the Rise of Rome to the End of the Middle Ages*, (Hebrew), Maalot, Ministry of Education, 1987, pp. 213-219. Rabbi Dr. Moshe Auerbach, *History of Israel, from the Destruction of the First Temple to the Present*, Vol. 2, Part II: *From the Crusades to the Expulsion from Spain*, (Hebrew), Yeshurun, 1993. Dr. S. Shavit (ed), *History of Israel and the Nations*. Part I: *From the Rise of the Roman Empire to the Messianic Movement Led by Shabbetai Zvi*, (Hebrew), Maalot, Ministry of Education, 1987, pp. 204-218.

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³⁰ *Ibidem*.

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- ³⁴ Ibidem.
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- ⁴² CMIP, (2000), pp. 111-113.
- ⁴³ Moshe Braver, *Atlas for the Elementary and Middle Schools*, (Hebrew), Yavne, 11th edition, 1999; *Physical, Political and Economic Atlas*, (Hebrew), Yavne, 11th edition, 2000.
- ⁴⁴ Reproduced in CMIP, 2002, p. 46.
- ⁴⁵ See CMIP, 2000, pp. 101-105 and CMIP, 2002, pp. 7-10.
- ⁴⁶ G. Zohar, H. Leon & R. Peleg, op. cit., p. 8.
- ⁴⁷ Ibidem, p. 4.
- ⁴⁸ "The case of the Israeli textbooks", a paper presented to the session of the sub-committee of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe, devoted to "The Suppression of Provocative Language and Incitement to Hatred and Violence in Israeli and Palestinian Textbooks", October 24, 2003, Paris.
- ⁴⁹ David Shachar, *From Exile to Independence–The history of the Jewish People in Recent Generation*, vol. 2, (Hebrew), Idan, 1989, pp. 308-312.
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- ⁶² M. Meehan, "Special Report. Israel Textbooks and Children's Literature Promote Racism and Hatred towards the Palestinians" in *Washington Report on Middle East Affairs*, 1999, pp. 19-20.
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- ⁶⁴ See Yohanan Manor, *Les manuels scolaires palestiniens Une génération sacrifiée*. Berg International, 2003, pp 134-136.
- ⁶⁵ On the content of Palestinian schoolbooks, see. Y. Manor, op. cit., and also the six reports issued by CMIP, the first two relating to Egyptian and Jordanian textbooks adopted by the PA and the remainder to the new textbooks authored and produced by the PA to replace the Egyptian and Jordanian books: *Palestinian Authority School Textbooks* (1998); *Palestinian Authority Teacher's Guide* (2000); *Jews, Israel and Peace in Palestinian School Textbooks 2000-2001 and 2001-2002* (2001); *Jews, Israel and Peace in Palestinian School Textbooks and High School Examinations 2000-2001 and 2001-2002* (2002); *Jews, Israel and Peace in Palestinian School Textbooks. The New Textbooks for Grade 3 and 8* (2003); *Jews, Israel and Peace in Palestinian School Textbooks. The New Textbooks for Grade 4 and 9* (2004).

The Implications of the Commercial Transactions through Settling Up in the Conditions of International Economical Globalization

Ion-Viorel MATEI

Résumé: *La tendance de passer de l'internationalisation à la globalisation de la vie économique a été un des aspects essentiels de l'évolution mondiale pendant le XXe siècle. Cette tendance a été observable dans le domaine des échanges commerciaux, des investissements étrangers et des structures organisationnelles d'affaires.*

Keywords: *Globalization, Internationalization, Production, Commercial Operation*

A characteristic feature of the business medium's evolution on a world scale – in the second half of the XX century, has built the tendency to pass from internalization to globalizing the economic life. This tendency has subscribed also in the commercial transaction domain (the world commerce expansion), of investments in foreign countries (product internationalization), of organizational business structures (the company's internationalization).

In the last decade, under the influence of numerous factors of economic, technologic and politic nature, the internationalization process has entered a new phase, that of emerging a global economy, built on an interdependence system in commerce, production, services and the financial domain.

Actual world economy is characterized by a new technological base, by extending and intensifying international commercial

transactions, modifying the rapports of force in the economical and political-military plan and a new modality of defining the relation between national and international.

Showing the economic relationships on a world plan and creating an international business medium was realized by two big processes: the growing world commerce and fast development of the investments in foreign countries.

International commerce has known, in the past two decades, a powerful and almost constant expansion, devastating the growth of the industrial production, and PIB on a world scale. This way, in 1950-1998, the world commerce has grown (in constant prices) for 87 times, while the industrial production has grown 9,5 times, and PIB by 8,5 times. This means that, for the world countries, a large part of production is realized by exports and imports, that the interdependence of the

national economy in the productive and commercial domain has intensified.

Accentuating international interdependences by the commercial fluxes results from a major mutation, which has taken place in the world commerce domain: the pass from structures and reports of base products type contrary to manufactured products (intersectorial interdependences) and than to changing the products in a frame of branches and under branches of industry or in the frame of a group of products (intraindustrial interdependences). The developing of the intraindustrial commerce reflects the process of progressive deepness of the international division of work in the decades after closing the last world configuration.

On the other hand, statistic dates concerning the geographic distribution of world commerce shows us that the internationalization process has not developed in a homogenous way in the frame of the world economy. Indeed, in the year 1998, the different procedures of groups of countries in the international commerce was the following: developed countries 66,6%, countries still developing 29,6%, countries with an economy in transition 3,8%. The difference between the groups of countries is more accentuated if we refer to the changes in the manufactured/industrial products; in this case, the numbers are the following: (Export:) developed countries 71%, countries in development 25,7%, countries in transition 2,9%.

And so, the internationalization process was realized integrally on the globe, a powerful concentration of the interdependence between the developed countries being manifested, in the race in frame of the USA "triads" – Occidental Europe – Japan. The weight of the three in the world commerce in the year 1997 was the following: occidental Europe 37%, USA 14,7%, Japan 7%.

Developing the commercial relationships in the contemporaneous period was the result of numerous factors, in which we remind:

- Technical progress, which has had direct impact and over the international commerce. If since the '60s it was talking about the pass from industrial society to the post-industrial society, hardly in the past two decades the nature and accounts of this become to be visible. In the economic domain, these are synthesized in the "informational economy" collocation, which is based on new technologies.

Technical progress determinates in a direct way the depth of the international division of work, studying more and more the intra-industrial and intra-product type specialization; on the other hand, this impact is limited to the countries and zones in which is affirmed and valued the technological advance. In other words, the international commerce is extended there where conditions needed exist for manufacturing the technical progress. On the other hand, actual technological developments, especially in the industry domain of elaboration, tend to modify the premises to compete in the international businesses. So, the countries which are based on intensive industrial exports in manual labor risk losing, in terms of competitive position, in the new conditions on the world market. Concomitantly, the new material industry departures the natural limits of the growth and reduce the rent associated to some products considered irreproducible.

- The accentuated production of international commerce, in the second half of the XX century was owed to tendencies of imposing liberalism. The economical performances obtained in the occidental countries by promoting the market economy and, in contrast,

economic failure of the command at the end of the '80s, have represented a clear argue and economic doctrine.

The fast development of the international commerce was valorized by the freechangable orientation of the commercial politics in the main countries participating at the world market. At the same time, following the export successful example of Southern-East Asia (Japan, South Coreea, Taiwan, etc.) a huge number of developing countries have adopted economic growth strategies based on the export stimulation.

An essential role in eliminating the tariff and untariffed barriers from the international commerce way has revert GATT/OMC. In exchange, the United Nations Conference for Commerce and Development, which has purposed to contribute to the instauration of some more equitable relations between North and South Coreea and promote an international commerce put in the growth and development service, has entered, after a period of intense militates, in the '70s, in a persistent cone of shadow.

- Liberalization of commerce in the last decades of the XX century, it is shown in the following distinctive characteristics: it has a starting point the developed "center" of the world economy, constitutes a dominant tendency on a world scale, even if the elements of protectionism are meet in the realities North-North and even in North-South; they have a base institutionalized on a world level, represented usually by OMC and other organizations of global or regional vocation; it is applied not only in the commercial relations domain, but also in the one of financial international relationships.
- Another contributing factor to the development of international commerce is represented by the processes of

economic regional integration. If these processes have been taken in different forms and at different intensities in the developed world and in those in transition, the greatest example is represented by the integration of the East European countries in the European Union.

The integrationist organization has proven that, in a short historical period, a special capacity of training new members, which reflects the expansion tendency of the project at a continental scale. More to that, the European Union's performances demonstrate the deep progressive integration in the intra-communitarian space and, in parallel, the growing role of the Union as a centre of economic and commercial power in the world economy. Statistic dates confirm those above. This way, the ponderation of the European Union in the world commerce was 40,4% in 1991 and 37,6% in 1998.

In what concerns the outer investments we can appreciate that these differ from the international commerce by many aspects. If the commercial relationships presume interdependence between parts of money-product relationships (supply-market), outer investments create and develop direct reports in the production domain. Economically, an investment in a foreign country implies an option for internationalizing the economical activity, in the character of products, goods and services.

Analyzing direct outer investments, we observe that these purpose the implication of the investor in the company's management in the host country, him taking part of the apportionment of the profits and the business risks. This can be realized by funding a new company, or buying a set of actions from a company of the foreign country. In a conventional way it is considered that the acquisition of a

cote of over 10% of the social capital of a foreign company represents a direct investment.

If the commercial operations are based on the relation of type debtor-creditor, the outer investments lead to the stabilization between partners of some reports based on the spirit of association.

The partners are associates, not buyers or sellers, and have in the background of the company a position determined usually by the cote owned in the social capital. And so, the business relationships don't have an impermanent or strict character limited by time, but to gain a durability and permanence character.

As it is known in the second half of the XX century, the process that indicates the increasing of economic interdependences has carried on in more stages: the 50'-70's, characterized by the expansion of the international commerce; the 70'-80's, in which the international financial relationships gain a special importance; the 90's, in which the passing from internationalization towards globalization in world economy takes place.

A series of aspects of the social-economic life from our days reflect the process of globalization: the global nature of science and technology; even if the main sources of the technical progress are concentrated in the developed world, the scientific research is based on global resources, and putting the technology to application concerns global interests; the global marketing: the marketing strategy of the companies respond to the globalization requests and promote this process (universal marks, ("focusing" the consume, advertising culture etc.); the world financial system: the "symbolic" world economy is based on a network that implicates, at a global scale, the bank institutions and the capital market agents, national reglementation systems, international

finance systems etc.; the communication infrastructure: the technical progress has permitted to perfect the material communication systems (transports), the realization of a mass-media cover at a world scale (CNN) and, especially, instituting a global network of transmission /reception of information (INTERNET); the world institutional frame: a series of organizations of governmental nature (the ONU system) or nongovernmental (ONG) promote the discussions and actions that concern the global problematic: pollution, criminality, sub-development etc.

The main economic processes that sustain the tendency of globalization are manifested in the domains of production and services (generally, financial); and the fundamental promoter force is the multinational society.

Under the impact of the determinant factors of the internationalization process it has been produced a growing expansion of the international division of work, with the tendency to construct a system of interdependences on a global scale.

Even if in the post-war years it has been determined a zone of large concentration of exchanges – "the triad" – in the world work division network there have been attracted progressively new states and groups of states: the new industrialized countries, and, in the last decade, the Middle and East Europe countries. This state of things demonstrates that globalization is the formation of a global economy that involves regional specificity.

The process of globalization is simulated also by the interdependent development of international commerce and the outer investments in foreign countries. Compared to other historic times, at the present more and more companies, and firstly the multinational societies, adopt business strategies that involve directly the

global state, the world market in ensemble. In the frame of these strategies, there are practiced different forms of international transactions – from the category of commerce, of cooperation or forms of implantation – or combinations of these.

Globalization is helped by the creation of commerce effects too, which are generated by different regional integrationist groups or institutional arrangements – or multilateral. These because in the conditions in which there is manifested a strong tendency of fond towards globalization, all the regional concentration zones of commerce or international arrangements made to simulate the companies to compete tend to be attracted in the world commercial circuit and to be subordinated to the dominant trend.

The essential role of globalization is constituted by the multinational society. By the available data in the middle of the past decade of the XX century, in an average of 45% of the total selling of the multinational societies are represented by exports; these societies control almost totally the international commerce with base products; and the finite industrial product markets are mostly global (meaning electronics, the main powerful industry in the productive annual system).

On the other hand, since over two decades ago a substantial cote from the developed countries exports (above 50% from the American exports, almost 80% of the Britannic exports) and of the new industrialized states (over 90% for Singapore, above 40% from Brazil) are generated by multinational societies. From where the conclusion that “world economy is formed so by the process of market globalization”.

If the development of the international commerce reflects the extension process of the international division of work and market globalization, the remarkable growth

of the importance of intra-industrial commerce (in the frame of some industrial subsidies, of some groups of products or intra-product) expresses the process of depth of international division of work.

To this process correspond tendencies of world integration of production, which is generated and controlled by the multinational societies. The cote from the internationalized production (estimated on the base of the multinational societies activities volume in the country of origin and the selling of their subsidiaries in foreign countries) reached in 1998 32% of PNB for USA, 24% for Japan and 42% for Holland.

The main mechanisms of internationalization and globalization of production are represented by: the productive valuing of a technology in foreign countries by license or other forms of transfer of technology towards mixed societies, subsidiaries or branches from third countries; delocalization of production by sub-contracting and creating an international productive system of cooperation in productions at an international scale; realizing fusions and acquisitions constituted by large industrial groups at a global scale.

The internationalization of production is doubled by the internationalization of services, in a process that reflects in the world economic circuit the post-war tendency of growth of the third sectors importance again, in report with the secondary sector, in economy. And in this process the multinational societies play the role of driving forces. These processes are tightly bounded, so that we can talk about a kind of third-industrial global complex. The new technologies tend to industrialize the production of services and to thiven the productivity of goods. Two categories of services have contributed in a decisive way, especially in the years 80’ and 90’, at

globalizing the business relationships: the consulting and financial ones.

The third and multinational societies have begun implicated more and more in transactions by the financial international markets; they are diversified towards financial activities, they are “financializing”. Even this diversity of activities – industrial, third, financial – integrated in a network of conglomerate gives the specific of global multinationals.

On the other hand, the financial operations of the large international banks and the multinational societies drive to integrating the international financial markets, and the capitals movement tends to become in a large state autonomous, in report with the finance of production and exchanges.

A financial global private system is in course of becoming a structure, including the network of multinationals, commercial and investment banks, Euromarkets, markets of derived financial products, the large financial world markets, which show generally the process of internationalization and globalization of international commercial transactions with all the consequences for the participants at the stages.

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4. MATEI V., NEȚOIU L., *Tranzacțiile Comerciale Internaționale*, Editura Universitaria, Craiova, 2002.

Terrorism – Motivation or Violation of Human Rights

Adrian BOGDAN

Résumé: *Le terrorisme est un des phénomènes les plus grave qui menacent la paix et la sécurité mondiale. Cet article est une approche juridique de ce phénomène, présentant les normes nationales et internationales qui le condamnent.*

Keywords: *Terrorism, Human Rights, Conflict, International Law.*

Introduction

Nowadays, terrorism represents an important problem; given the proportion of the phenomenon, it endangers even the international peace and security.

Boutros Boutros Ghali emphasized the connection between the human rights and the international security, showing that: “Observance of the human rights is, clearly, an important factor in maintaining the international peace and security and also the social and economic development”¹. Thus, terrorism affects the very international security and peace.

This crime is very serious since violent methods are used, putting in danger innocent people’s lives. The methods include: murder, arsons, explosions, kidnapping, etc.

A recrudescence, of the terrorist acts has been noticed lately. The terrorist danger has become more and more serious.

Romania took the first steps in the fight against the terrorism in 1926, where

in the League of Nations, it supported the necessity of an international action against the terrorism.

In 1935, the Romanian doctrinaire Vespasian V. Pella elaborated a project of convention concerning the foundation of an international law court which should punish the terrorist acts.

The Convention in 1937 referring to the prevention and repressing of the terrorism stipulated that it is every state’s duty to avoid any act meant so favour the terrorist activities against another state and to prevent the terrorist actions.

For a better understanding of this phenomenon we should start from its causes.

The UN documents concerning the international terrorism mention two categories of causes: economic and political or ideological causes. The economic causes are: poverty, suffering and despair of certain human communities who using these radical solutions try to attract people’s attention to certain situations

which require to be urgently solved. The political and ideological causes are the fanaticism and the extremist or nationalist state interests².

Etymologically the term “terror” comes from the Latin terror³.

The concept of terrorist is of Arabian origin, designating a hashish consumer, who under the drug influence and being a member of a fanatic Muslim sect was used by the leaders of the group to strike terror and panic into the unfaithful heart through violence and crime⁴.

Now, an important problem is represented by the so called “nuclear terrorism” which means the use of the nuclear materials for terrorist goals.

Mass-media tried to attract public’s attention, showing that some radioactive materials were removed from the former Soviet Union. It is about of the almost 100 “nuclear suitcases” which disappeared from the military warehouses and which could destroy a whole town.

Taking this into account it is necessary that the security of the nuclear plants should be strengthened.

The terrorists’ access to the nuclear materials would give them the possibility to put in danger the whole community only by spreading these materials.

Thirteen cases of the sale of the nuclear materials which could be used for weapons have been recorded in this period: 5 cases in Russia, 3 in Czech Republic, 3 in Germany, 1 case in Lithuania, 1 case in Italy⁵.

Unfortunately, an international definition of terrorism could not be formulated up to now.

Although, there are more national definitions, these differ from one institution to another.

For instance, in the USA the terrorism is defined by the FBI as the “the illicit use of force or violence against persons or premises in order to intimidate or force a

government, the civil population or a part of this for the accomplishment of certain political or social objectives”⁶. On the other hand, the State Department defines the terrorism as “premeditated violence, politically motivated, against the civil population, used by the sub national or surreptitious agents, usually intended to influence the public opinion”⁷.

Terrorism – motivation for the observance of human rights

The international defining of the terrorism is difficult since terrorist acts can be regarded from two points of view.

One perspective is that of a state victim of the aggression which considers these types of actions as crime.

This point of view is shared by most Western countries and by the U.S.A.

The opposite point of view is based on the confusion between terrorist acts and the right to self – determination of the nations.

The supporters of terrorism consider any activity of this type as a patriotic duty necessary to obtain the independence of that territory.

There have been cases when certain terrorist organization claimed that their actions aimed at the respecting of the human rights. But their means contradict their claims based on a false motivation.

Thus, the self-determination right cannot be invoked in case of group or national minorities as it is in case of nations.

Most adepts of this doctrine have considered it absurd to give the right to self-determination to national minorities since they are part of a nation.

A favourable answer to this question would mean creating a series of international conflicts caused by territorial claims laid by national minorities.

The result of such an action would be the dividing of the existing countries into a

multitude of smaller states since no nation is “pure”, but includes minorities.

Nicolae Titulescu mentioned that “the duty of a state towards its minorities is universal, both legally and morally ... Goodwill must be a characteristic of the mutual relations between a nation and its minorities.”⁸

Another motivation for terrorist acts is revenge meant to cause a prejudice against a source of material or moral offence.

Both national and international laws forbid these actions considered crimes.

There are legal means so be used the prejudiced, and violence is not on of them.

Terrorism seen as a violation of human rights

The international community has repeatedly condemned terrorism as a violation of human rights.

Within the legislation focused on the above mentioned phenomenon we mention:

1. UN General Assembly Resolution number 49/185 of December, 23, 1994⁹.
2. The International Treaty on civil and political rights.
3. The International Convention against hostage-taking in 1979.
4. The European Convention against terrorism in 1977.
5. The Hague Convention against plane hijacking in 1970.
6. The International Convention against terrorism financial support in 1999.

The effects of terrorist acts violate the right to life and integrity guaranteed by a series of human rights documents.

Murder is incriminated by all legislations because infringes upon the most important human rights - life.

This rights has also a social dimension since society world cease to exist if this rights were not guaranteed.

A type of society which world allows the right of every individual to kill is unimaginable because in this case, self-preservation instinct would make him isolate himself which would lead to the dissolution of the human society.

Conclusions

Since terrorism manifests more and more aggressively a concerted action of all the states is necessary to eradicate this phenomenon which defies human life.

Such acts cannot be justified since they bluntly break the international laws, no international provision allowing the use of violence.

Notes

¹ Boutros Boutros Ghali, *Report upon the activity of the UNO General Assembly*, New York, 1992, p. 45.

² Vasile Ciuvat, *Public International Law*, Universitaria Publishing House, Craiova, 2002, page 172-173.

³ Which means *frighten, terror, panic*.

⁴ Oleg Balan, *Terrorism – international crime*, Chisinau, 1998, p. 7.

⁵ Oleg Balan, *Nuclear terrorism – myth or reality*, Law and Life Magazin no.11, 1998, p. 26.

⁶ Cristian Jura, *The International Terrorism*, All Beck Publishing House, Bucharest, 2004, p. 20.

⁷ Cristian Jura, *The International Terrorism*, All Beck Publishing House, Bucharest, 2004, p. 20.

⁸ Nicolae Titulescu, *Pleadings for Peace*, The Encyclopedic Publishing House, Bucharest, 1996, p. 121.

⁹ Which mentions that: all the terrorist acts and methods are clearly incriminated since they represent activities which infringe upon human rights, fundamental freedom and democracy, endanger territorial integrity and state security, undermine legal governs and the pluralist civil society and have a negative impact on the social and economic development of the states.

A Strategy for the Conservation of the Participative Democracy Real Character

Cristina PIGUI

Résumé: *Après la chute du régime communiste roumain, l'approfondissement de la fosse entre les elites le peuple a eu pour résultat une fréquente non représentation des citoyens dans le processus législatif et dans plusieurs autres circonstances. Cet article discute les possibilités de régler les contradictions intérieures de la société roumaine par l'intermédiaire de certains instruments de la démocratie participative.*

Keywords: *Participatory Process, Elites, Citizens, Community.*

The engagement of the national community in the decision making process and in the governmental policies means the validation of the governmental elite conducts (often legitimated through vote) by the citizens.

The interaction citizens – national elites (called participative democracy or participatory democracy) is a means for maintaining the social cohesion and avoiding the breakage of the equilibrium between legitimization and social justice¹. Marc Crépon, Bernard Stiegler showed that the participatory democracy is not a pleonasm. The participatory democracy as a “direct democracy” may be opposed to representative democracy, but it musn’t misinterpreted as a form of populism².

After the communist regime collapse, the augmentation of the precipice between Romanian elites and citizens (the lack of the political coherence, stability and the political partisan tendencies, etc.) determined that national elites do not represent, sometimes,

the citizens, in the law-making national process or in other circumstances³. The regulation of the contradictions inside the Romanian society will be done through the instruments of the participatory process (democracy) enlarged by the local to national level⁴.

The premise of the engagement of the participative democracy process is the citizens’ motivation to take part in the decision making process. Three reasons motivate the citizens to preoccupy themselves by the problems of the society they belong to and to be free by their personal troubles:

- A. Order.
- B. Direction.
- C. Protection (Security).

Point A means the normal and real performance of the institutions of society and it represents the premise of the control of interactions between the representants (elected) and the represented people. The author of this study contends that it is

necessary to introduce a new concept: *The Concept of the Minimal Public Order* of the society in which the participative democracy is able to perform⁵. This concept supposes the fulfillment of the objectives of society institutions at least in so little/big coefficient as to secure the existence and performance of the entire social system.

Point B signifies the direction and tendencies followed by Romanian elites that must represent, as much it is possible, the assimilation of the personal tendencies of each of the society members.

Point C reflects the life level of the citizens: social security, unemployment, etc. In this context, it is necessary to adopt a common consensus regarding the significance of the term of *decent life* in the present conditions of civilization, on the international arena.

The citizens' implication in the political decisions making process is possible only in decent conditions of life; on the contrary, it may be affected by the distrust, selfishness, ignorance and indifference due to their poverty.

The politicians wondered themselves how real the citizens' representation is in the participative democracy⁶. Despite the fact that, only the final effects of this process can show us whether the representation was true real nevertheless the education and the ignorance level or the false political willingness (the *vide rhetoric*) can undermine the real character of the participative democracy. In these conditions, we propose a decisional strategy axed on the three pylons:

The first step: the dissemination of the information towards the audience concerning the political problem debated. There is a descendent interaction at this stage (authorities towards citizens).

The second step: the accumulation of the public opinions through the specific

means: debates, media, reunions, etc. There is an ascendant interaction at this stage (citizens towards authorities).

The third step: the chosen of the optimal variant from the citizens' views and its promotion (the propaganda);

The fourth step: the evaluation of the effects of this variant in the social relations, after the propaganda;

The fifth step: the compulsory behaviors prescribed by the authoritative national organs.

The first and the second step represent the vertical interaction citizens-Romanian elites (authoritative organs) and it must realize them in a transparent manner based on:

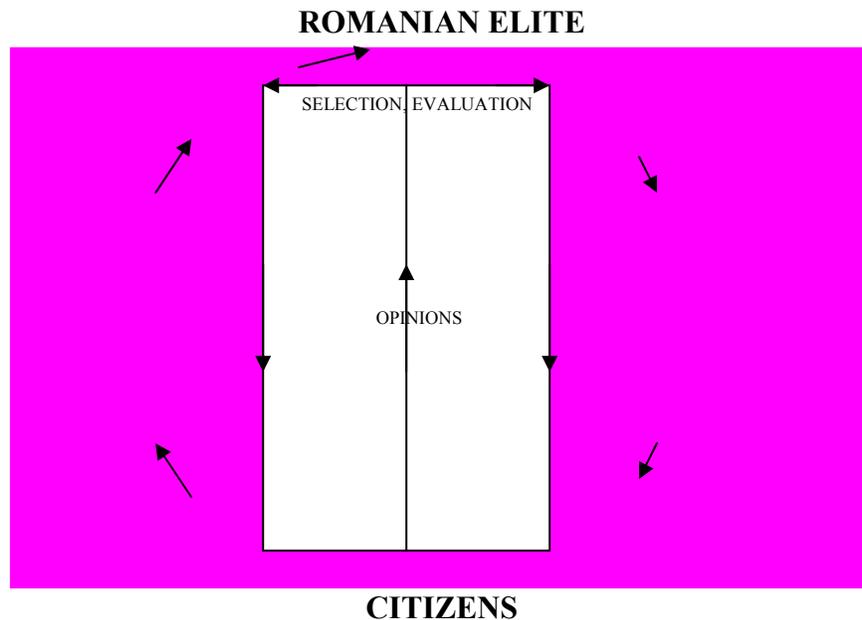
- a) Consistency.
- b) Accessibility (the equitable chances of participation).
- c) Continuity.
- d) Complete cognition of the problem details .

The third step is a very important instrument for attaining the principal aim of the debates: obtaining the viable solutions considering a minimal level of life.

The propaganda is a strategic means for gaining the common profit. It seems to be the same as the publicity in the respect of its persuasive power of suggestion.

The use of the propaganda without the coverage of the first and the second step degenerates into dictatorship, but, at the same time, a democracy is deficient if it is not aware of the power of this instrument to move the masses.

The evaluation of the effects after the promotion (the propaganda) of the optimal variant chosen as a result of the community consultation will determine the passage towards the fifth step –to render the binding decision- or the recurrence of the entire process, commencing with the first step. The recurrence of the entire process is not expensive because the second cycle may involve a limited consultation at the expert level.



The decision equation often presents many variables divided into two categories:

1. the variables regarding the organizers;
2. the variables concerning the citizens.

Regarding point 1, the capacities of Romanian elites differ relatively to their vision and profundity or other personal characteristics as the administrative and managerial skills, etc.

The community of citizens, who take part at the decisional process, can confront itself with the subjectivism in the appreciation of the best alternative of the solutions following from the differences existing between their mentalities and values, their life experience, etc.

These variables have to be known at the beginning of the deliberative process for a correct and representative selection of the target group, who will take part to deliberation. Their cognition permits to avoid the risks in solving the problems debated. The supplementary advantages in the decision making process through the

public consultation are: courage, energy, originality, etc.

The elite attention must focus for each public consultation process the extraction of the following unknown:

- the values shared by *the majority* of the citizens and their corroboration with the desires of *the minority*;
- a greater fulfillment of the goals of the majority considering the aspirations of the minority (*the compromise*);
- the obtaining of the social cohesion majority-minority through *an adequate distribution* of the national resources in the decision content;
- The stipulation of the express and exhaustive exceptions and, also, of all the particularities that consolidate the rule from decision;
- The anticipation of a determined period of the decision enforce according to the evolutionary stage that claim it (its limits).

This linkage will permit to complete the lack of stability in Romanian politics

and to achieve a vision for a coherent development.

Each system or microstructure is interested in the accumulation of its own benefices. The adoption of the unpopular decisions out of the participatory process will suppose the formation, remuneration and instruction costs of a repressive machine entitled to enforce them. This alternative is more expensive than to promote a sustained policy of education and social protection in a adequate and gradual way.

Concluding, the unpopular decision adoption will determine a lack of balance between the costs implied over the benefices gained.

The predominance of the advantages over the risks of the participatory democracy consolidates the allegations aforementioned; the advantages of this process are⁷:

- The integration of the conducts of Romanian governmental elites with the community aspirations in a functional mechanism.
- The control of the evolutions of the community goals and their domains of manifestations.
- The coordination of the power movements, the reconciliation of the electoral masses of governmental power and opposition.
- The consecration of the state that based its politics on the participative process as a more credible and powerful actor on the international arena.

In other words, the participative democracy is the fundamental premise of power – for its existence, conservation and development.

The Romanian governmental elites must avoid the subsequent risks of the

participatory process, mentioned below as an alarm signal⁸:

- The dissipation of the solutions of problem debated in many variants difficult to follow.
- The prolongation of the time necessary for the decision adoption.
- The insufficiency of the resources allocated for the beginning and overseeing the debate process.
- The organization of the debates having the exclusive motivation of using the special funds afforded or promoting the false impression of the popularity of a certain governmental program though there is not a real intention to consult the citizens.

Patricia White wrote in her book *Beyond Domination: An Essay in the Political Philosophy of Education*⁹ that the participatory democracy is based on the fundamental moral presumption of the equality of all human beings as choosers. Nevertheless, it is also true that the people tend to participate politically if they believe that their participation will affect significantly the outcome. A common feature of the contemporary societies is that many people contend that they have better things to do than vote or involving in the participatory process because they can do nothing to change the reality of corruption, bureaucracy, etc. In this kind, the autocratic elements are protected against the progress.

Many scholars¹⁰ theorized that a society with periodic plebiscites would be structurally depoliticized. In fact, the initiatives and efforts of the citizens to share the governmental responsibilities threaten the replacement of the politics with the corruption.

Notes

¹ The JJ Roseau, GDH Cole, JS Mill theories of the participative democracy are described in «*Participation and Democratic Theory*» de Carole Pateman; Cambridge University Press; pp. 22-45, (1970)

² Marc Crépon, Bernard Stiegler, «*De la démocratie participative: Fondements et limites*» Edited by : Mille et une nuits, p. 5-20 (8 march 2007).

³ Patricia White, *Beyond Domination: An Essay in the Political Philosophy of Education*, Routledge, p. 13-19, 87-91 (1983).

⁴ Jean-Jacques Degrange, "Construisons une Démocratie Participative", Alotime Editions, p. 20-45 (2006) presents the convergent vision of the different current approaches (e-democracy, direct democracy, local democracy), in a harmonized frame.

⁵ The New Haven school - Professors Mc Dougal and Reisman, advanced the concept of public minimal order on the universal plan.

⁶ Blondiaux, Loïc. 11 November 2004 «*Démocratie délibérative et démocratie participative : une lecture critique*», *Conférences de la Chaire MCD*. This author dilemmas regarding the participative debates are :

a. the dilemma of representativeness : the statistic representativeness or the politic representativeness ?

b. the dilemma of the equality : integration places or political exclusion factories ?

c. the dilemma of the scald : policy of proximity or incitation to augmentation, anyway ?

d. the dilemma of the competence : rational argumentation vs profane expertise.

e. the dilemma of the conflict : factories of consensus or places of controversies ?

f. the dilemma of the decision : the illusions of democracy or sharing the responsibilities?

⁷ Before the power, it is clear that only the source of the participative democracy will be capable to give life of a more humane vision to money (Michel CHOSSUDOVSKY, «*La mondialisation de la pauvreté*», Edition Ecosociété, Montréal, p. 207, 1998).

⁸ In 1925, Walter Lippmann published his book «*Phantom Public*». The Lippmann book is a ferocity critic of the government of public opinion because he affirms that the citizens have not the sense of reality objective and he plaids in favor of a representative government assisted by the experts councils. In the next years, John Dewey wrote his book "*Le public et ses problèmes*" and he redefined the public itself, distinguishing the citizens informed by the manipulable citizens according to Lippmann. For Dewey, the first category of citizens are a part of "public".

⁹ See supra note 3, p. 14-17 (1983)

¹⁰ Jürgen Habermas, *The Concept of Political Participation*, International Political Science Association, p. 37 (1967)

The Media and the Representation of Politics

Călin SINESCU

Résumé: Cet article discute la manière dans laquelle le politique est représenté dans les médias. Les points principaux de la discussion sont: les délimitations conceptuelles, les formes du discours politique dans les médias, la présentation des événements politiques quotidiens, le rôle des médias dans la création de la conscience politique et des configurations politiques nouvelles.

Keywords: *Medias, Political Discourse, Political Configuration, Dramatization, Personalization*

Media: conceptual delimitations

The term „media” – whose French version comes into circulation in 1973 under the name „les média”, with its roots in the expression „mass media”, introduced in France in the ’50s, is open to multiple significations and interpretations.

Le Petit Larousse Dictionary gives the term media the following definition: “any support for spreading the information (radio, television, written press, books, PCs, video, satellite telecommunication, etc) that forms in the same time a way of expression and an intermediary that conveys a message addressed to a group.”

The terminological shift and the hesitation expressed by it over the last decades prove that sometimes was taken into consideration the support and the channel of transmission, sometimes the use and the meaning value produced by it.

This statement is illustrated by two arguments: One of Francis Balle (1985), that maintains as correct a definition centered in the same time on the sender and on the ways of expression that it authorizes, as well as on the usage of its role: *Media represents in the first place a way – an instrument, a technique or an intermediary that allows people to express themselves and to communicate with others this expression, no matter the object or the shape of this expression. A media way defines itself in the same time through its utility, which defines a role or a function that succeeded imposing themselves, as well as the best means of fulfilling this role or this function.*

Second definition belongs to Dominique Wolton (1997), that insists on the values, references and conceptions of communication, usually propagated by the media. He states that “*the existence of a media way sends always to the existence of a community, of a vision of the reports*

between the individual and the collective stage and to a certain representation of the public eye.

The media should be in the first place seen as a whole of production technology and of transmitting messages through a channel, or support (journal, paper, Hertz waves, cable, etc) towards a terminal (receiver, screen, etc) or as a main product of this technique (journals, books, shows, etc). Secondly, they should be seen as an economic, social and symbolic organization (with its functioning modalities and multiple social actors) that treat these messages and make way to multiple uses. Assuming the role relies not only in the transmission of the messages or as an interface with the user, but also in calculating the entire process from the sender to the receivers. This way, the media has a technical (material) dimension, as well as a social (representations) one, that evolves over time, considering the space and the social groups that make use of it.

Nowadays, the expression „media” names a variety of supports and enterprises, which are not, as a matter of fact, a homogeneous universe, but a pluralist one, well differentiated and at times fragmented.

In reality, this word – often used as anodyne as well – hides strong disparities among supporters, sensible differences in the positioning towards the public, inequalities on the internal scale of legitimacy, as well as a great heterogeneity of professional environments that encompasses.

To speak about the media generally constitutes an ease in facilitating a language that does not really take into account the diversity of objects and situations that this term actually covers. This approach leads not only to underestimating the particularities of diverse information supports (written or audio-visual) but even to ignoring the differences of “aiming” recipients.

Politics and the Media

In Bernard Lamizet’s opinion (2003), the media means are major actors of the political space, giving it its language, esthetics, forms and logic through which the engagements, political options, decisions or debates acquire a symbolic consistency.

Subscribing itself into these stabilized frameworks of representation, the political fact receives through the media a certain consistency and signification. As long as there is no discourse and no symbolic representation, which supply its substance, the politic has no symbolic consistency and no significance aside which the public opinion could situate itself. In reference to this, the representation must be conceived in its two significances: the simultaneous existence of representations that personify the political fact in the exercise of its mandate and the elaboration of representations that give its consistency and significance of constitutive symbolic practices of the public space.

Information represents, nevertheless, the primary process of the formation of political space; from the moment of elaboration and spreading the information regarding the actors of the power zone, we are witnessing the birth of the public space in its symbolic consistency (images, discourse, representations) as well as its real one (media broadcasting assures the presence of information on an entire territory that becomes really a public space). It is understood that for the citizens to acquire a political conscience, to allow them to assure a critical and judgmental functioning, the media must communicate to them ahead of time the information needed for feeding the public space.

Media, under its various shapes, hands political significance to institutional activities and events that in succession form the political community life. This becomes,

through them, an object of information placed under public debate.

Through the spreading of information into the public space, media gains a double role: on one hand, cuts spreading the rumor, stabilizing the information into a real discourse, known being the fact that once the object of information takes a written or broadcasted word or image, the politic gains shape that is no longer transformed by the process of broadcasting. On the other hand, subscribing the politic under the molds of language, make it interpretable, in a certain way that it gains an interpretable consistency of a symbolic system of representations.

Media presents in the same time to a large audience the action modalities of political actors, allowing users to form an opinion of their own not only on the basis of presenting events and activities from the public space, but also through the staging of representations of actors in the political space that by acquiring a certain notoriety and media visibility, become real identities, across which one can express a preferential position.

The Forms of Political Discourse in the Media

The Media hold essentially political discourses that carry in the whole a certain orientation and a political commitment, concretized in a number of headlines and columns in a journal, or in the sequence of moments when we talk about written press or the audio-visual.

The Editorial text is, by excellence, the place where it is announced the political positioning of the media outlet and therefore of its identity, fact that justifies its apparition in a specific format under the signature of the Director or that of the Editor in Chief. The editorial text turns the media into a political actor, determining it to express a specific option,

to build an identity that will distinguish it from other media outlets from the public space and makes it militant.

The Chronicle is another type of engagement, slightly different from the editorial, whose author could be or not part of the journal's staff members. The author's option represents an option of that particular journal, the chronicle being placed at a certain distance from the event or daily fact it comments. This position of a distant commentary confers the chronicle the statute of a political discourse.

The Review for institutions is a discourse about an event, but in this case the event is of political nature and therefore needs, basically, a political review. This review and the narrative discourse of the political life represents for the media privileged political discourse enunciations, while these activities are using specific political vocabulary and language build on databases and political information and for initiating an activity of information, which although wasn't formulated explicitly, raises the awareness and implication of the readers or audience and, consequently, builds a type of communication politics.

The Portrait of political actors represents a type of enunciation whose form and object are essentially political; through these portraits, media produces a representation of the political fact, contributing to its staging and imagistic representation.

The Media Presentation of the political actors reveals media's theatrical political role, as well as the modality in which these actors interpret their imaginative roles.

Media and the Daily Political Factor

Through the regularity of its apparition, the media inscribes the political fact into a daily temporality. Via this daily becoming, the media acquired the role it has today: marks the development of political life, renders a certain rhythm by

synchronizing with this symbolic temporality, a “temporal media-broadcasting” and building this way a continuation over time of the political factor.

This rhythm is necessary for the creation of the political mediation that will allow intelligibility, agreement among communication subjects and sociability, as well as the formation of their citizenship on the basis of a real “social divided time”. This construction of the political time by the media renders visibility to institutional life events. The existence of a political life calendar allows the integration of political time in social temporality in the same way in which the rituals inscribe religious time in daily temporality of believers, for ensuring their engagement and sense of belonging.

This highlight of the daily fact by the political life, due to events and communication practices, allows everyone to take part to institutional life and fully assume citizenship.

Media and Political Conscience

It is well known the fact that the media played an essential role in the formation of political conscience, especially around the end of the 18th Century and the beginning of the 19th. Due to their diffusing and penetration in the social space as a whole, the media contributed to its closer positioning to the mass of citizens, turning the political communication into a common one, a regular activity of symbolic life, like all other preoccupations we have, that mark our everyday life. Through this daily highlight of information, through relating this way to the facts of all social life events, a true political culture could be build practically, a political perception of the constitutive events of sociability as a whole.

This way, the media participates at the formation of the political thought and at its

closeness to citizens in the process of acquiring a political conscience. By elaborating and suggesting modalities of understanding and interpretation through integration of the discourse on events and political facts in an entity of information aiming at the daily knowledge accumulated, the media proposes means of understanding the world that will fill it with significance. It catches our attention and raises our anxiety, incites our curiosity and tests our vigilance, turning us into active and consequently aware citizens.

The media diminishes the dimensions of the world, making it more familiar and, consequently integrating in our political conscience all events, actions and sociability forms out of which the media is made. Political thought is build, due to the media, in all its complexity of forms and implications and therefore we are able to understand all the events presented to us, aiming to produce the evolution of the belonging to our institutions and in the end, of our political sociability.

Distancing from - and rejecting of - the media

The distancing of the subject of communication from the media corresponds actually to the lack of interest manifested by the public in what the media is concerned and especially toward the political event it carries. This disgust or boredom that the reproducing or interpreting of a political fact produces makes also reference (in B. Lamizet’s opinion) to a cultural lack among audiences, unprepared to receive the nature of information, as well as the lack of its political engagement desire.

Given the conditions, media will proceed to a re direction of the political discourse, pushing it away from the citizen’s engagement and from the political fact, with the purpose of regaining

the attention of the audience eager to receive the message.

Although this distancing of the audience means also a distancing of the media itself towards the political space, sometimes it tries to regain the reader's interest. This way, the birth of a new kind of printed press took place – that of the miscellaneous events and so called general information, without explicit involvement (which does not exclude any type of engagement) and without an open political discourse. This way, the predictions are that we are going to witness a split in two of the public space, further and further from one another: one of the information and public debate and a second one of the entertainment and sensation.

The distancing from the media and the political fact has a lot to do also with the rejecting attitude manifested by the political actors. The rejection of communication and their mistrust in the media and journalists could be closely tied to the scandals or excesses provoked by the so called investigating journalism, that aims explicitly at the privacy of high political figures. This distancing is also associated with some sort of embarrassment or difficulty that they might have when exposed to the threat the media represents, for being evaluated, misjudged and rejected by those and by other actors of communication. Finally, the rejection of the media could be owed to its refusal to see the politics reduced to the dimensions of a show without any engagements, implications or significance.

Media and the New Political Configuration

The estimation of the media influence in political matters presupposes a new approach, achieved first in Radio and TV studios, and under an entirely new perspective in which these instruments are

no longer reduced to simple communication technologies, capable of affecting the functioning of democracy and to transform modalities of expression belonging to public debates.

In Remy Rieffel's opinion (2005), there is a new configuration in which one further step is made from a game reduced to only two actors (political figures and citizens) to a more complex one, with four participants: political figures, polling institutes, journalists and citizens.

Between the political stage protagonists there is a fluctuating level of battle force that incites to the precise noticing of the actor that leads/dominates the game. This game not only defines the fight or the existent cooperation between various interventionists acting on the political arena, but also the one organized on a symbolic level, starting with the current representations on the recent electoral stage.

This presents itself (in J. Gerstlé's opinion) like a *privileged sequence of the political reality construction to which all actors contribute, in proportion to their resources and interests... Political people look to impose the domination of their definition through a series of symbols, like words, images, movies, stories and arguments, speeches, phrases, pictures, posters, video clips, books, professions of faith, written materials, music, etc.* The other characters/protagonists – journalists, the people doing the polls or even simple citizens – issue judgments themselves or suggest images, becoming at their turn, vectors of a different or antagonistic interpretation.

Following the same thought pattern, the electoral communication at stake would resume itself to a competition with the purpose of controlling what the general public perceives as events developing and what they understand from the political

battles through the media or in a confrontation of definitions, where every single one of them intends imposing their domination, for having more credibility in the perception of the electoral campaign in development.

In this context, we have to mention that the mediated variable cannot be presented on its own, but in a relational logic, interpretable jointly with the other actors of the political arena, exposed to the same modifications or interferences, specific to the current situation.

The enunciation of these introductory elements brings in discussion the issue of the role and real importance of the media in today's political life. In this framework, some possible questions arise: is the media turning into a determining tool of the democratic life of a country or in a secondary variable – definitely important – but not decisive, for the well functioning of the public debate? Who would then hold the supremacy of the communication-politics binomial?

The debate is not final yet, because clear cut, true/false issues are a rarity in this field, with the exception of a single element of diagnosis that reveals unanimity: media exerts pressure and such high fascination on the actors of power, that, without any doubts, influences the political discourse and behavior.

Media Influence on Political Practice

Two recent affirmations made in the French specialty literature come to fully confirm the issues discussed: „The media pressure on political people is very powerful” (Luc Ferry) and „to be able to govern well means over 50% to be able to communicate well” (François Baroin). In this context, it is mentioned that the growing potential of television during the 1995 electoral elections in France, determined all candidates to utilize mass

media technique of communication for better organize their interventions, making use of media logic. In the same time, the growing professionalism of the political profession is mentioned, conjugated with the accelerated protrusion of the media and the intensification of the convention between the elected ones and journalists, transforms the perfecting of political life, as well as the media strategies in force.

Personalization, dramatization, esthetics

As per Remy Rieffel, the accent placed on the psychological characteristics of candidates shifted the borderlines between public and private, contributed to the appreciation of certain character traits (like open, easygoing, energetic, warm, etc) and underlined the intimacy of the political figure/character (photographs and videos with family members: spouse, children, etc). Such a strategy forces the politicians to build themselves a character, legitimizes their decasualization and neglects the political stakes, which are taken out of context, reducing the electoral campaigns to simple fight between personalities.

Raising the awareness of the general public on less known politicians' life events, even character traits and preferences, passions and hobbies, without any particular importance themselves, brings them closer to the electors, making them more human, creating the illusion that they are closer to the people. Encouraged by communication specialists (consultants, image advisors, experts in political communication), which beside necessary advising organize media training sessions, devise electoral posters and interpret polls, politicians find themselves in the situation of being forced to adopt new political conducts, if they really want to convince electors.

Making a referral to the progressive transformation of political shows during the '80s, Erik Neveu (1995) underlined the posture changes recorded during that period of time for French political leaders of the era, highlighting the fact that the television started occupying a center stage in their strategies.

Some shows stood out in this context, taking advantage of the principle of interviewing the guest in scenery imitating agora and the interaction with the viewers through instant polls; they intruded in the intimacy of highly placed politicians, by presenting them during their private everyday life, contributing this way to the psychology of politics; it was favored a certain diluted climate of politics, in which the actors of power are incited to talk – generally – about that particular week's political events, sometimes without having all the data concerning the latest developments, etc.

This valorization of the political personalities' benevolence and the revealing of their personal intimacy weren't – it seems so – sufficient for giving a plus of intelligibility to the political issues of the day. Television constraints politicians to continuously adapt to the media patterns, exerting a real constraint on their communication practices. In this context, one could say slightly exaggerating that if the media doesn't have any influential power on viewers, definitely has it, without question, on politicians.

Dramatization of political life means to assimilate the politics of a show. This way, it is mentioned that the scope of the political show became so big that started producing confusion among citizen's perceptions, made to perceive more and more of the candidate's competencies, in proportion with their performance in front of the camera.

Fragmentation of political messages becomes a natural consequence of it. It is a presentation of facts and stakes under the shape of an „information-capsule”; in the capacity of fragmenting the problems in adopting the clip type effect, meaning to react instantaneously to certain questions asked by journalists; to accept the reduction of the speech time even to a couple of phrases or small formulae, and to be capable of producing speeches that summarize thoughts in 30 seconds or 2 minutes, as per the pattern imposed by the moderator.

This way, we can say that the rhetoric of politics became the art of small sentences, of the capitulation and seduction of the viewer through an associative rationale and not with a hypothetical-deductive one. This policy encourages a speech that addresses everybody in the same time and that is not meant to displease anyone. Christian Le Bart (1998) brings up a hypothesis that states that the audio-visual media accelerated the homogeneity of political discourse.

Given today's contexts, the political discourse acquires more and more a drama dimension, because the social actor – the political figure – must build itself – as per Erving Goffman (1959) – a self image, a “façade”, often in conformity with its public's expectance. Considering all this, would be wrong to believe in the complete newness of this political communication or in the perfect unity of the seduction and persuasion techniques utilized by the contemporary political leaders, under the media effect. In this case, specialists say that it is a matter of originality rather than intensity, in the context in which some practices must be evoked, especially the personality and theatrical effect existed always.

Personalization of Politics

One interpretation – somewhat similar to the problematic approached, but with local pertinent nuances - makes Maria Luisa Pasella (2004). In connection with the given issues, the author underlines the following important aspects:

- In latest years, the television became the principal tool of political communication, essentially contributing to the re-dimensioning of the local electoral debate factor and to the advancing into the spotlight of the political candidate, whose personal qualities become the essential content of the political proposal and therefore the central/core element of the electoral communication.
- Television is considered responsible for the process of leadership personalization that favors the diffusion of individual symbols of power and the transformation of personalities involved in subjects of the political power; this personalization created a situation of complex governing, in which only certain individuals are in the position and condition of operating selections in the name of a collectivity, tied to the institutions through a strong bond of trust.
- Charismatic leaders of the current political arena are presently considered to be „figures” that can generate consensus, due to a wise image construction, gained through a political marketing strategy at the basis of which is the important conviction of the importance of the spectacular and of the necessary personification of it, as a specific internal component of the political game.
- This personification of the electoral political communication constitutes a phenomenon that marks and will continue marking the Italian political process, on the background of a more accentuated emerging of the leader.

Referring to the influence that this kind of policy-show exerts on the TV spectator- citizen, we can say that the scarcity of the investigations concerning the reception of such transmissions impedes the formulation of precise conclusions in this respect. At the same time, it is to mention that there isn't an unanimity of views in this sense. Consequently, Eric Neveu (1995) asserts that the mediated form becomes a guarantor of the civic bond and encourages a depoliticizing of the public, because of its tendency to excessively vulgarize the political activity. Other more optimistic authors as Kees Brants (2003) declare that these transmissions contribute directly to the enrichment of the political competence of the citizens. His thesis has the merit to be based on an European comparative study, without being reduced to a strictly national vision. At his turn, Jay G. Blumler (1995), unlike some of his colleagues, that signal out a crisis of the popular communication, under the influence of the commercial television, considers that the penetration force of the infotainment is relative and much more ambiguous than we can believe, suggesting that this mixture of détente and serious discussion which can be found in the talk-shows could reconcile both popular and political element.

From the party campaign to the candidate's campaign

The disappearance or the decline of the impersonal character of the party image brought to forefront the leader figure and to his progressive superposition with the party image. This process is a result of an ascending mediation, that led to an erosion of the party fidelity, to a privilege of image personalization and finally the attraction of spectator interest.

In Italy, the first sign of this mutation of a linguistic order appeared on the occasion of 2001 elections, when a series of electoral lists were countersigned with a proper name: Italia dei Valori – Di Pietro, Democrazia Europea – D’Antoni etc. In this case, the proper name tends to substitute to the abstract one, indicates, in fact an idea of membership, representing an indicator of link between the leader and his sustainers.

Another proof of this link of fidelity which is created by the intermediary of language is the transformation of the proper name in epithet.

Words like *berlusconiano*, *bosiano*, *prodiano* make in fact reference to the potential destiny of the political leader produced by media.

All these changes could be interpreted as an adaptation of the Italian policy to the existing style, according to which elections are rather a challenge between two persons than an ideas debate. This passage from *we* to *I* represents a change in the political structure, because it implies a re dimension of the party roles and of their decision organs in the favor of the individual responsibility of the leader, as well as in the communication field. The passage from the competition of programs to that of persons, implies a series of consequences on the political communication, on the way the candidates present themselves in front of the electorate, gain its confidence and succeed to convince it. Consequently, the role of the political communication in a personalized situation is to act in order to create that confidence.

The personalization of the political communication requires the necessity to demonstrate that policy is the only way to achieve one’s personality and consequently to conquer his right to govern by his own actions.

One of the main missions belonging to the political communication in this context is its capacity to build up the candidate’s „story” and to reproduce it coherently by the communicated content. In a competition for obtaining the largest electoral consensus, the opposition among candidates simplifies a dispute that sometimes could be interpreted as difficult. This candidate’s role is obviously pointed out during a campaign aiming to obtain a personal power position, without a direct reference to the party, which remains somewhere on a second plan.

In the campaigns centered on the candidate the relevance report between the candidate and the party is inverted and it could happen to have a candidate imposed by himself, without a party or to have the party as a candidate. Consequently, the personalization appears as the most characteristic result of the new epoch and the relation with the electorate isn’t more mediated by the society, but directed to and consumed by the intermediary of media, which warrants it by a system of concepts accessible to the large public. In consequence, the author considers that these modern electoral campaigns can be faced and could lead sometimes to the victory, counting on the opportunities offered by media systems, which benefit of all these useful elements for positioning the candidate on the electorate market. In this context, the party, situated somewhere behind the scene, could even not exist: what is fundamental is the existence of media and especially of television.

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Statistical Evaluation of Events in the Mixing Models

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Résumé: Cet article continue l'étude dans le domaine du mixage turbulent et il est fondé sur une technologie vortex, réalisée par des recherches interdisciplinaires concernant l'aérodynamique et la biologie végétale. L'installation consiste d'un tube vortex qui est une version modifiée, à basse pression (environ 0,1 bar), d'un tube Ranque-Hilsch. A l'extrémité close on réalise une structure vortique annulaire où la période de rotation (vitesse tangentielle/vitesse axiale) atteint son maximum. La modélisation mathématique d'un flux complexe (non périodique) à plusieurs phases créée dans l'installation implique une évaluation de l'intensité du mixage turbulent qui est fondée sur quelques relations mathématiques de l'effort – déformation cinématique de l'environnement déterministe. Le calcul numérique a montré que l'efficacité du mixage en longueur et déformation hausse avec le temps dans les premiers moments du mixage, fait confirmé par les expériences. On a étudié très peu de cas statistiques pour le cas non périodique (environ 60). On a réalisé une comparaison avec les cas périodiques. Les conclusions fournissent des informations utiles concernant la fréquence des événements rares, dans les cas périodiques aussi bien que dans ceux non-périodiques.

Keywords : Vortex Phenomena, Turbulent Mixing, Stretching, Folding, Rare Event.

1. Introduction

The turbulence term can be defined as "chaotic behavior of far from equilibrium systems, with very few freedom degrees". In this area there are two important theories:

- a) The transition theory from smooth laminar flows to chaotic flows, characteristic to turbulence.
- b) Statistic studies of the complete turbulent systems.

The statistical idea of flow is represented by the map:

$$(1) \quad x = \Phi_t(X), \quad X = \Phi_{t=0}(X)$$

In the continuum mechanics the relation (1) is named *flow*, and it must be a diffeomorphism of class C^k .

Moreover, (1) must satisfy the relation:

$$(2) \quad 0 < J < \infty, \quad J = \det \left(\frac{\partial x_i}{\partial X_j} \right)$$

where D denotes the derivation with respect to the reference configuration, in this case \mathbf{X} . The relation (2) implies two particles, X_1 and X_2 , which occupy the same position \mathbf{x} at a moment. Non-topological behavior (like break up, for

example) is not allowed.

The basic measure for the deformation with respect to \mathbf{X} is the deformation gradient, \mathbf{F} :

$$(3) \mathbf{F} = (\nabla_{\mathbf{X}} \Phi_t(\mathbf{X}))^T, F_{ij} = \left(\frac{\partial x_i}{\partial X_j} \right)$$

where $\nabla_{\mathbf{X}}$ denotes differentiation with respect to \mathbf{X} . According to (2), \mathbf{F} is non singular. The basic measure for the deformation with respect to \mathbf{x} is the *velocity gradient*.

The above relations allow the definition of the basic deformation for a material filament and for the area of an infinitesimal material surface [1].

Let us define the basic deformation measures: the length deformation λ and surface deformation η , with the relations [1]:

$$(4) \lambda = \lim_{|d\mathbf{X}| \rightarrow 0} \frac{|d\mathbf{x}|}{|d\mathbf{X}|}, \eta = \lim_{|d\mathbf{A}| \rightarrow 0} \frac{|d\mathbf{a}|}{|d\mathbf{A}|}$$

which are obtained from

$$(5) \lambda = (\mathbf{C} : \mathbf{M}\mathbf{M})^{1/2}, \eta = (\det F) \cdot (\mathbf{C}^{-1} : \mathbf{N}\mathbf{N})^{1/2}$$

with $\mathbf{C} (= \mathbf{F}^T \cdot \mathbf{F})$ the Cauchy-Green deformation tensor, and the length and surface vectors \mathbf{M}, \mathbf{N} defined by

$$(6) \mathbf{M} = \frac{d\mathbf{X}}{|d\mathbf{X}|}, \mathbf{N} = \frac{d\mathbf{A}}{|d\mathbf{A}|}$$

The relation (5) has the scalar form:

$$(7) \lambda^2 = C_{ij} \cdot M_i \cdot N_j, \eta^2 = (\det F) \cdot C_{ij}^{-1} \cdot M_i \cdot N_j$$

with $\sum M_i^2 = I, \sum N_j^2 = I$, the condition for the versors.

In this framework the mixing concept implies the *stretching* and *folding* of the material elements. If in an initial location P there is a material filament $d\mathbf{X}$ and an area element $d\mathbf{A}$, the specific length and surface deformations are given by the relations:

$$(8) \frac{D(\ln \lambda)}{Dt} = \mathbf{D} : \mathbf{m}\mathbf{m}, \frac{D(\ln \eta)}{Dt} = \nabla_{\mathbf{v}} - \mathbf{D} : \mathbf{n}\mathbf{n}$$

where \mathbf{D} is the deformation tensor, obtained

by decomposing the velocity gradient in its symmetric and non-symmetric part.

We say that the flow $\mathbf{x} = \Phi_t(\mathbf{X})$ has a *good mixing* if the mean values $D(\ln \lambda)/Dt$ and $D(\ln \eta)/Dt$ are not decreasing to zero, for any initial position P and any initial orientations \mathbf{M} and \mathbf{N} .

As the above two quantities are bounded, the deformation efficiency can be naturally quantified. Thus, there is defined [1] the *deformation efficiency in length*, $e_\lambda = e_\lambda(\mathbf{X}, \mathbf{M}, t)$ of the material element $d\mathbf{X}$, as:

$$(9) e_\lambda = \frac{D(\ln \lambda)/Dt}{(\mathbf{D} : \mathbf{D})^{1/2}} \leq 1$$

and similarly, the *deformation efficiency in surface*, $e_\eta = e_\eta(\mathbf{X}, \mathbf{N}, t)$ of the area element $d\mathbf{A}$: in the case of an isochoric flow (the jacobian equal 1), we have:

$$(10) e_\eta = \frac{D(\ln \eta)/Dt}{(\mathbf{D} : \mathbf{D})^{1/2}} \leq 1$$

2. Experimental modeling

The modeling is based on a technology, which concerns the investigation of turbulent mixing in a "Tornado" vortex installation, and is able to process the polluted fluids and to provide new useful materials. The installation consists of a vortex tube which is a modified version, at a low pressure (approx. 0.1 bar) of a Ranque-Hilsch tube. The application area is very large, including *collecting, separation and aggregation of the particles* [2, 3]. The spatial and temporal scales proved that the domains can vary, from the laboratory domains to dissipative ones (corresponding to fine structures).

Three specific applications were performed as fluid waste management:

- the agglomeration of short fibers (aerodynamic spinning);
- the retention of particles under $5\mu\text{m}$ without any material filter;
- the breakout of cell membranes of the

phytoplankton from polluted waters and the providing of a cell content solution *with important bio-stimulating features*.

One end of the tube is completely closed and the air is tangentially introduced by the aspiration operating at the other end of the tube. The air enters the installation through the tangential entries and leaves it by the exit to the aspiration source. It is worth noting the air enters the tube as a *swirling flow*. Near the closed end an *annular vortex structure* generates, where the swirling ratio number (tangential velocity /axial velocity) attains its maximum. We have to mention this particular swirling flow control by comparison to the cyclones, centrifuges or other generators of swirling flow.

Special results were obtained by processing the biological fluids, namely using a aquatic algae – *Spirulina Platensis*. The basic effect of the vortexation refers to the fragmentation, at *very small spatial scales*, of the biological material. The gradual fragmentation was performed in the vortex tube ad an appropriate parameter [3, 4] allows the representation of the *degree of fragmentation* depending on the non-dimensional parameter, for various experimental results.

Going further with the vortexation time, the cell membrane *was broken out* and a homogeneous solution of cell contents was obtained. That's what we named *rare event*. It is worth noting that, in addition to the cell wall breaking, this type of vortexation is able to mix the processed liquid and to provide a homogeneous solution.

The mathematical modeling has confirmed the experiments [4]. The mathematical model associated to the vortex phenomena is the 3D version of the widespread isochoric two-dimensional flow [1]

$$(11) \begin{cases} \frac{dx_1}{dt} = G * x_2 \\ \frac{dx_2}{dt} = K * G * x_1 \end{cases}, -1 < K < 1$$

with the velocity axis (the z-axis) constant. The calculus was quite complex, involving large expressions for the length and surface deformations. There were studied very few statistical cases (about 60) for the non-periodic case [4]. Calculating the efficiency of mixing provided few *rare events*, since the interruption of the simulation program matched the event of break up of the material filaments. A very important fact is that the mixing, and especially the turbulent mixing, occurs at *irrational values* $\sqrt{2}, \sqrt{3}, \sqrt{5}$ of the parameters and versors. This is not surprising, since $\sqrt{2}, \sqrt{3}, \sqrt{5}$ etc can be considered themselves as *random values*. Therefore, the approaching of *random distributed events* is favorable for the vortex phenomena and the turbulent mixing.

3. Results

In order to study the qualitative features of the turbulent mixing, a recent target is to compare the behavior of non periodic and periodic flows, namely the issue of rare events for 3D and 2D flows.

Two-dimensional flows increase their length by forming two basic kinds of structures: *tendrils* and *whorls* and their combinations. In complex two-dimensional fluid flows we can encounter tendrils within tendrils, whorls within whorls, and all other possible combinations. A widespread periodic flow is the *tendril-whorl flow* (TW). Introduced by Khakhar, Rising and Ottino (1987), it is a discontinuous succession of extensional flows and twist maps. In the simplest case all the flows are identical and the period of alternation extensional/ rotational is also constant. The physical motivation for this

flow is that locally, a velocity field can be decomposed into extension and rotation. [1].

In the simplest form of the TW model, the velocity field over a single period is given by its *extensional* part:

$$(12) \begin{cases} v_x = -\varepsilon \cdot x \\ v_y = \varepsilon \cdot y \end{cases}, \quad 0 < t < T_{ext}$$

and its *rotational* part:

$$(13) \begin{cases} v_r = 0 \\ v_\theta = -\omega(r) \end{cases}, \quad T_{ext} < t < T_{ext} + T_{rot}$$

where T_{ext} denotes the duration of the extensional component and T_{rot} the duration of rotational component. The model consists of vortices producing whorls which are periodically squeezed by the hyperbolic flow leading to the formation of tendrils, and the process repeats. The function $\omega(r)$ is positive and specifies the rate of rotation.

For the beginning it was studied the extensional part of the TW model. The associated Cauchy problem:

$$(14) \begin{cases} v_x = -\varepsilon \cdot x \\ v_y = \varepsilon \cdot y \end{cases}, \quad 0 < t < T_{ext}, \\ x(0) = X, \quad y(0) = Y$$

has the solution:

$$(15) \begin{cases} x = X \cdot \exp(-\varepsilon \cdot T_{ext}) \\ y = Y \cdot \exp(\varepsilon \cdot T_{ext}) \end{cases},$$

which is much more easier to approach than the solution of the 3D model. Following this solution, the basic deformation tensors \mathbf{F} , \mathbf{C} and \mathbf{C}^{-1} have been calculated [5]. As their expressions are quite simple, the deformations in length and surface follow immediately. It was found [5], that the deformations in length and surface *are less complex than for three-dimensional (non periodic) flow. Moreover, the expressions in length and surface are quite similar.* But the likeness does not maintain for the deformation efficiencies. The expressions (9) and (10) are in this case:

$$(16) e_\lambda = 2 \cdot \varepsilon \cdot \left(1 - \frac{2 \cdot \exp(-2\varepsilon \cdot T_{ext}) \cdot M_1^2}{\exp(-2\varepsilon \cdot T_{ext}) \cdot M_1^2 + \exp(2\varepsilon \cdot T_{ext}) \cdot M_2^2} \right)$$

$$(17) e_\eta = 2 \cdot \varepsilon \cdot \left(1 - \frac{2 \cdot \exp(-2\varepsilon \cdot T_{ext}) \cdot N_2^2}{\exp(-2\varepsilon \cdot T_{ext}) \cdot N_2^2 + \exp(2\varepsilon \cdot T_{ext}) \cdot N_1^2} \right)$$

with the versor conditions:

$$M_1^2 + M_2^2 = 1, \quad N_1^2 + N_2^2 = 1.$$

The above differential equations were analyzed from a qualitative standpoint. There were considered few sets of *equal irrational values* for the length and surface versors:

$$a) (M_1, M_2) = (N_1, N_2) = \left(-\frac{1}{\sqrt{2}}, \frac{1}{\sqrt{2}} \right);$$

$$b) (M_1, M_2) = (N_1, N_2) = \left(\frac{1}{\sqrt{3}}, \frac{\sqrt{2}}{\sqrt{3}} \right);$$

$$c) (M_1, M_2) = (N_1, N_2) = \left(\frac{1}{\sqrt{5}}, \frac{2}{\sqrt{5}} \right);$$

$$d) (M_1, M_2) = (N_1, N_2) = \left(\frac{1}{\sqrt{7}}, \frac{\sqrt{6}}{\sqrt{7}} \right).$$

Furthermore, the parameter $0 < \varepsilon < 1$ was taken as $\varepsilon = 0.05$ for the moment and the discrete time behavior of e_λ, e_η was analyzed.

For each of the above eight cases the Maple numeric procedure *Dsolve* was applied. The discrete values of T_{ext} (the duration of the extensional component) are not very few (about 20), but sufficiently for outlining the linearity/ nonlinearity of the case.

Although the statistical cases are much fewer than in the 3D (non periodic) case, *the distribution of the events is the same* as in the vortex phenomena: a half of the situations are *nonlinear*. Moreover, it can be realized, like for the 3D flow, the following classification of the flows:

- i) positive linear flow;
- ii) negative linear flow;
- iii) mixing phenomena;
- iv) rare events.

The following table synthesizes the comparison between a periodic and a non-periodic flow, from the turbulent mixing standpoint:

Table 1

Versor Value	Periodic flow		Non-periodic flow	
	Legth Deff. e_λ	Surface Deff. e_η	Legth Deff. e_λ	Surface Deff. e_η
$\left(-\frac{1}{\sqrt{2}}, \frac{1}{\sqrt{2}}\right)$	Non-linear	Non-linear	Linear	Rare event
$\left(\frac{1}{\sqrt{3}}, \frac{\sqrt{2}}{\sqrt{3}}\right)$	Positive Non-linear	Neg. Non-linear	Neg. Non-linear	Linear
$\left(\frac{1}{\sqrt{5}}, \frac{2}{\sqrt{5}}\right)$	Linear	Neg. Non-linear	Linear	Positive Non-linear
$\left(\frac{1}{\sqrt{7}}, \frac{\sqrt{6}}{\sqrt{7}}\right)$	Linear	Posit. Non-linear	Linear	Rare event
(1,0)	Linear	Linear	Non-linear	Non-linear

4. Discussions

Analyzing the statistical situations for the periodic and non periodic flow behavior, a basic conclusion imposes: although the calculus is easier, the periodic TW flow exhibits also a far from equilibrium behavior, giving rise to rare events. Some remarks are important to outline:

1. Both the periodic and non periodic flow behavior become nonlinear at *random values* of the versors, as it can be seen from the Table 1. In these situations the turbulent mixing appears and the probability of rare events is high.
2. The turbulence appears at *small values* of time units (in the model), and also at the beginning of the experiments. So, one more time, *the modeling matches the experiment*.
3. The above cases are not representing *all* the situations possible. Going further with the test cases, it has been found a statistical growth of rare event cases, which confirms the modeling quality.
4. More accurate properties will be established for e_λ, e_η , when taking into account more irrational versor values, and also more values for ε . Also, the function

$\omega(r)$ of the rotational component will be introduced in the analysis, for searching new qualitative features of the model.

5. It must be noted that e_λ, e_η can be approached both as differential equations and as functions of time and some parameters. This fact provides new fields of research both of analytic and experimental standpoint.

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The Impact of the Financial Politics on the Electorate's Behaviour

Daniel TOBĂ, Laurențiu DRAGOMIR

Résumé: *La politique financière est le résultat de la conception doctrinaire de la force politique dominante à un certain moment. Après avoir appliqué les mesures concrètes de telle ou telle politique, il est essentiel d'évaluer leur impact pour savoir comment conserver ou, au contraire, réviser les programmes politiques en vue des élections à venir.*

Keywords: *Economical System, Political System, Ideology, Electors.*

Every party, movement or formation with a political character elaborates its own programme that establishes the directing lines of its activity with the purpose of arriving to power or of keeping and consolidating it. The political programme defines the objectives followed by the respective party, the means and the methods, which it intends using for their accomplishment, the social categories (groups) to which it addresses and their interests that it defends: the position towards the internal and international main problems of the moment.

The programme of a party, elaborated in view of the elections, outlines the alternative offered by it to the electorate, for the solving of the problems with which the country fights at the respective moment. The programme of the party that wins the elections (or the parties that form the governmental coalition) becomes the government party and that is why it must be submitted to the Parliament debate.

The programme accepted by the legislative forum establishes the economical, social and of other nature objectives, which are to be realized by the governmental team during the period for which it was invested, the necessary means for their realization, as well as the measures to be taken for this purpose. In other words, the governmental programme defines the state politics, both on the internal and the external level.

As part of the *internal politics*, a special place occupies the economic and social objectives:

- the rhythm of the economical growth in the immediate and further perspective;
- the proportions and the direction of the raw capital investments;
- the consumption dimension in the reference period;
- the relations between the public and the private sector;
- the unemployment curve;
- the index of prices and costs;

- the evolution of salaries, pensions and other population fixed incomes;
- the foreseen actions to be realized in education and instruction, medical defence and social protection, etc.

At these are added the objectives and the actions linked to the national defence, the growth of the efficiency of the activity carried on by the discipline organs, civil security and administration.

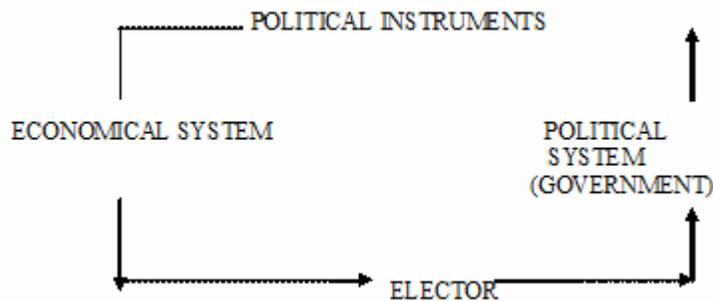
On the *external level*, there are defined the political, economical, technico-scientific, cultural, military and of other nature relations with the neighbouring states, with the other states from the continent and other regions on the globe; the intentions of collaboration and co-operation, the attitude to the economical unions, military alliances and other international organisms; the adopted position in the problems regarding the peace maintaining, the diminishing of the tension in the hot areas of the globe, the under-development abolishment, the environment protection on the planetary scale, the fight against terrorism and drug traffic, etc.

The accomplishment of the foreseen objectives supposes, beside the insurance of the necessary public financial resources, the state intervention in economy with the help of the economical levers and of the instruments, institutions, financial organs and regulations. The concrete methods and means concerning the obtaining and the directing of the financial resources, as of for influencing the economical processes the instruments, institutions, financial

organs and regulations used by the state and social relations, in a determined stage, forms the components of its financial politics.

The study of the government's performances, of the public options politics and of the multiple aspects, which are supposed by the process of adopting decisions, has always been a main objective of the fight for power. Political power favoured the appearance, the development and the decline of economical systems, the promotion of democracy or, on the contrary, the protection of dictatorship, the instauration of the competitive spirit or its miming, the taking place of more or less free elections. Political relations take place, every time, in a system of political institutions and organizations, on the basis of a political consciousness and behaviour, through the entire mechanism of direct and mediate relations between leaders and subjects, on the basis of political decisions and juridical rules.

Studying the interdependences between the political and the economical domains, it appeared the question if the economical decisions are determined by the political influences, and the political decisions depend on the economical factors. Thus, in the specialty literature, it was built a model of politico-economical interdependence, in which the economy state influences the elector's decision to vote, as it may be observed from the following scheme:



In this way, two American specialists (A. Downs and, afterwards D. Black) develop a theory of the political voting process. Although we have an important realization of these specialists, the model in itself doesn't have a complex character, because it simplifies the analysis of the political phenomenon, limiting its economical way; the two American's opinion is in accord with the earlier statement of the French economist L'öic Philip¹ according to which, "from a historical point of view, the fight for financial power confounds with the fight for political power".

We consider that this conceptual superposition is right from a certain point of view when, before the elections, the political forces are conscious that, once they are arrived at government, they will also manage the state finances. So, they will automatically get, beside the political power, also the financial power. That is why we think that *financial power is conditioned by the obtaining of the political power*, even if, in the electoral campaign, it is necessary, beside a remarkable political force, a particular financial force, to cover the inherent expenses.

In this way, in the elections process, not everybody wins, the stake is extremely high, because, in case of victory, the political formation will obtain complete power, both *political* and *financial* (fiscal, budgetary and control over public finances).

If we take into consideration the rule of the vote of a majority, the minority of electors is forced to accept actions that cannot prevent and for which it cannot even pretend compensations, in the eventuality of damages registration. That is why, it can be stated that the political process resembles with the economical one, in which the competition facilitates the success of the most skilful businessman, realizing a selection of the economical agents, a real social Darwinism.

Thus, the votes get an economical dimension. "The economical value of votes is confirmed by the selling and buying of the individuals' activity, in cases of corruption, but the models founded on this kind of immoral behaviour weren't considered useful in the analysis of the political behaviour."²

In other words, we appreciate that the study of the economical side of votes doesn't necessarily have to have a negative basis, generated by a climate of misunderstanding and dishonesty.

The individuals' votes have an economical value, because they are materialized in collective decisions, which have effects on the population's incomes and wealth, over the time, which makes that the political interest to be connected to the economical one and the other way around.

In the big political entities, the institutional manifestation of active promotion of economical interest consists in *the pressure group*.

Even the reason of the existence of these groups lies in their capacity to promote and advance, through the political option processes, the represented private functional interests. Although its presence compromises the public interest or the general wealth, the importance of the pressure group has greatly raised in the last half a century. This has on its basis a certain decline of the public moral, determined by the "anticipated gains" in the political process by the functional groups.

Other groups of interests, observing the success of the firsts, will gain the courage to make known their points of view, their complaints, ending by investing significant resources in the political organization of society.

The pressure groups influence more and more the process of taking decisions, inclusively in the financial sphere.

The importance of the group's interest in the economical politics and, implicitly

the financial one has also increased because of the devaluation of some concepts, as “social wealth”, “common well-being”, “public interest”. The bankruptcy of socialist societies in the Central and Eastern European countries demonstrated that the postulates of the complete equality of chances, of the co-proprietor of the big and unique state propriety are just simple ideals, impossible to touch.

Although “social wealth” or “public interest” exist as something particular and independent of the special group’s interests, it cannot be ignored J. Buchanan’s statement, according to which “the group’s interest is what the individuals say it is”.

Though the function of “social wealth” puts, on the hierarchical system, in a conceptual way, all the possible states of the society and takes into consideration the best alternative, it can be realized only respecting the following:

- to be ignored the extreme opinions in a group;
- there are “the best” only those modifications that are noticed to be approved unanimously by all the group members;
- any change that obtains the unanimously support is, clearly, “desirable” and we can say that it is for the “public interest”;
- for any change for the public interest it can be obtained unanimous support; in other words, all persons can improve their living standard, through any modification that generates sufficient improvements to facilitate the reciprocal advantage;
- “the public interest” has sense only from the perspective of the decisions taking rules functioning; or, the decisions are adopted on the basis of some option rules characterized by the lack of unanimity.

The satisfaction of the “public interest” compromises the group interest: “Although less probably and without considerable historical validity, we can imagine a government that makes only those activities that offer general earnings for all individuals and all groups and that are financed from general income taxes. In these conditions, it would be a relatively small stimulus for the private individual groups, to be organized in associations destined to obtain special advantages, through governmental action.”³

The public-private conflict from the economical sphere influences the way of governing and, implicitly, the financial politics.

The financial politics is the resultant of the doctrinarian concept of the leading political force in society at a certain moment. After the application of the financial politics measures, it is important to be analysed their *impact* on the former electors citizens, if their efficiency was high or, on the contrary, if a failure was registered.

According to the results, the politicians are ready to adjust their politics, to revise their government programmes, while waiting for some favourable reactions from their electors.

“Four united institutions: *the economy, the electors, the government and the bureaucracy* form a closed circle of the interaction between politics and economy. The electors evaluate the economy performance and express their satisfaction or dissatisfaction towards the party that has the power. On the other hand, the government and the bureaucracy establish the instruments of economical politics, which affects the economy state and their way of use.”⁴

The success or the failure of a financial politics puts its mark on the *re-election*. Generally, all politicians want to

be re-elected and thus they create a pre-electoral economical boom, thinking that this helps them to remain in their functions.

The electorate's vote has a fundamental importance in the promotion and the support of a certain financial politics. But, it remains unpredictable, although the entire population wants in fact, the obtaining of a certain living standard. Generally, the electors support those political formations that have managed to improve certain economical indicators at a macro-economical level.

At the same time, the political parties are different from the point of view of the own economical politics desiderata; *the right-wing parties* declare in favour of low levels of fiscality and inflation, of modest and levelled budgets; they oppose to the equality of incomes and prefer to raise the rate of unemployment, to keep the inflation at a low level. The left-wing parties, in contrast, favour the equality of incomes and the reduction of unemployment, prefer big budgets (although, implicitly, a high volume of public expenses) and accept the raise of the inflation rate to reduce the unemployment.

In this context, it is considered that the economical politics and, implicitly, the financial one are influenced at a macro level by the *economy state*, but also by the *ideology of the party that has the power*.

The economical doctrine puts its mark on the financial politics put into practice by the formation that governs a country or that intends to accede to this, no matter if we have or not a state by right. To thus insure the sovereignty and the legitimacy of the public power, it is necessary that the elections to take place *freely*.

The democracy in itself realizes through elections, opposing, in this way, to the Marxist economy, in which it has a minimum role. To speak today about democracy means

to speak about a system of the political competition or, in other words, the competition result is the democracy, because the power of decision between competitors is in the electors' hands.

Thus, any political party that has or doesn't have the power, tries to convince the electors that it deserves their trust. According to the *economical theory of the democracy*, every government that collects the incomes and makes public expenses in a manner in which it can maximize its chances at the future elections.

Public expenses and incomes are the main components of the financial politics of governments and that is why they are prepared to increase their efficiency. Thus, the leading of a party begins from the budget, and, in this context, there are deduced three *models of budgetary behaviour* of the government:

1. Governments tend to re-distribute the incomes from rich to poor people. This strategy has as purpose the votes' maximization hoping for a re-election, the poor ones being numerous and so, possibly to be won as allies. But the government cannot be sure of the fact that the proportion of the resources' re-distribution will make it more popular towards the electorate.
2. Governments have the tendency to favour the producers to the prejudice of the consumers' interests. If we suppose that the respective economy is a market one, based on the demand-offer proportion, we don't have to lose from our sight the fact that the majority of the population has an only source of income, and so, it must have its interests protected.
3. The critic of the actual budget, starting from the fact that the size of the budget doesn't always correspond to the real necessities of the economy. As a rule, the notion of "right budget"

is used to put into inferiority the actual budget. To catalogue a budget as being “too small” or “too big”, it’s not sufficient to analyse the way for the resources’ distribution. But, the electors are directly interested by this thing because they want that the money paid under the form of incomes and taxes to be spend in the best way by the winning party, and even to obtain certain benefits from its budgetary strategy.

Notes

¹ Philip, L., *Finances publiques, Troisième édition*, (Public Finances, Third edition), Cujas, Paris, 1989, p. 115.

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The Public Opinion and its Role in the Electoral system

Călin SINESCU

Résumé : *Le concept d'opinion publique est lié à une telle compréhension scientifique de la société, compte tenu pas surtout de la fréquence de son usage scientifique, mais plutôt de sa connexion avec les sondages et avec le système électoral. C'est pour cela que les spécialistes dans le domaine ont largement présenté tout une série d'opinions pour ou contre l'utilité des sondages. Cette étude est structurée en deux parties, l'une concernant la notion d'opinion publique et l'autre les conséquences de l'utilisation des sondages dans la vie publique.*

Keywords : *Opinion, Public Opinion, Public Space, Polls.*

Definitions and interpretation of the public opinion

The concept of public opinion is indissolubly linked to a certain theoretical understanding of the society which became obvious in various moments of history. The studies initiated in this field unanimously ascertain a certain paradox that this term engenders, due to the contrast between the frequency of its scientific and political utilizations and the difficulties provoked by its own definition. It is very relevant, in this respect, the registration in a manual from the mid of 60's, entitled „Public Opinion” and belonging to Harwood Childs, of no less than 50 definitions granted to the respective term, from which some were partially irreducible or confounded, as plastically E. Noelle-Henmann said, barometer with weather. *Thus, the public opinion consists of individuals' reactions to assertions*

*or questions with pre-established form in an interview circumstances, or in another acceptance, the public opinion doesn't represent the denomination of something, but a classification of an entire series of „something”, which shows from a statistically point of view, and after distributions of frequency, states or quantitative proportions arousing attention and interest. This difficulty of defining the term is also mentioned in the *International Encyclopaedia of Social Sciences* (1968), in which the specialized editor W. Phillips Davison shows that *there isn't a definition generally accepted of the public opinion, although the term is increasingly used since it entered in the popular speech, during the French revolution, as well as in the *Encyclopaedia Universalis*, where it is specified that the opinion is part of the social, apparently obvious, phenomena but which eludes analysis when it aims the scientific precision.**

Another relevant example that leads this time to the beginning period of the exact sciences is linked to a round table organized in 1924 by „The American Association of Political Sciences” at the end of which, after an agitated meeting, given the absence of an agreement concerning the definition of the public opinion and especially of an instrument that could measure it correctly, the participants decided to avoid, as much as possible, in the future the use of the respective term.

Among the attempts to define and measure the public opinion, Loïc Blondiaux (1997) mentions the existence of another paradox that finds its origins in the American politician’s assertion Ph. Converse (1987), according to which *this vulgar directing of the individual opinions (denounced by the critics) routinely carried out by the polls imposed itself by consensus all over the world as a basic definition of the public opinion*. Arguing that in the academic world there is no consensus regarding this definition and that the Gallup’s postulate according to which *public opinion is nothing else but what the polls measure* is purely a challenge, Blondiaux declares firmly against this interpretation. The paradox invoked by the French author can be found in his firm assertion according to which the polls don’t measure the public opinion and their successful outcome is due to the fact that the measurement doesn’t regard at all this opinion.

In his approach respecting the „critical essence” of the public opinion concept, Blondiaux considers that its defining elements, with regard to the polls could be grouped together around four criteria:

- a criterion of rationalization, in which the public opinion is (or should be) a conscious and collective opinion;

- a criterion of publicity, according to which the public opinion is (or should be) a concerted opinion;
- a criterion of effectiveness , which makes appeal to the organized character of the public opinion;
- a criterion of authenticity, according to which the public opinion is (or should be) a spontaneous opinion;

The analysis of the arguments accompanying all these criteria makes obvious the existence of a critical essence of the public opinion, that has nothing to do with the public opinion measured by the poll. A historical approach of the concept of public opinion with the aim to arbitrate or to cut the controversy engendered by its definition and evolution outlines a complex image of the respective term. Patrick Champagne (2002) mentions in this respect the three states of the public opinion that are in closed relation with the successive structuring of the political field and define spaces of public debate more and more extensive, the concept of public opinion delimiting, in fact, the legitimate participants to the political game. The first state of the notion, that lasts, generally, from the French revolution up to the second half of the 19-th century sends to a very restrictive sense linked to the logic of the qualification vote, which dominated in that time the political environment. The term of political opinion which appeared in the political life at the end of the 18-th century, designated, in a way, the opinion of social elites in the field of the open political fight and of the electoral competition for nominating the representatives in the legislative meetings and aimed, in fact, to legitimate the political presence of a new social section, that of intellectual bourgeoisie. Consequently, the public opinion represented the opinion of those chosen by the people and had two main characteristics:

- firstly, it was the political elites opinion, that considered as legitimate only an opinion sufficiently formed, without taking into consideration the spontaneous, unprocessed opinions which are related to prejudices;
- such an opinion is not conceived as a simple gathering of authorized individual opinions; it results from the discussions of those people whose opinions deserve to be made public. Therefore, we assist at a filtration and retranslation of the people voice taken over, interpreted and then assumed by elites in their own interest and for the nation sake. During the second half of the 19-th century such a vision will be modified by the direct implication of the people in the political game, by its participation to the vote and the development of some collective forms of protest, as an expression of popular will and of journalist's, in defining the public opinion. The power of building up such an opinion is strongly linked during the second „state” to the radio development, becoming thus the product of a struggle developed among three different actors: the politicians, the journalists and the voters.

The third state comes after the years 50's, at the same time with the apparition of the poll institutes and especially during the presidential elections from France, in 1965, when these institutes will be known by their operations of estimating the poll results. They granted in fact a precise and practical content to the notion of public opinion, thanks to the technological progress and the social sciences (the sample and the questionnaire theories). The polls, whose scientific content is very low are not intended to answer a scientific question and neither to realize a proper opinion inventory but only to offer answers to some questions linked to opinion.

In P. Champagne's vision, the answers obtained in the opinion investigations have not a peculiar scientific signification and describe rather the unusual relationship established by an investigation and collaterally the political logics than what the investigated individuals do really think. In change, the polls have of their own the entire force of the political, democratic space and are legitimate because they are presented as a form of direct democracy, permitting, at the same time, a rationalization of the strategies in the social space.

Despite the criticism of scientific order that could be addressed to the poll policy, the public opinion would represent, politically speaking, a positive fact, being invoked in this respect the conception of some analysts, concerning the role of the public opinion in the regulation of the political life.

A historical approach of the public opinion notion needs, naturally, to signal out some notable moments in the matter. In this respect, it is to mention that in the Anglo-Saxon literature from the end of the 19-th century up to the Second World War a classic philosophy of the public opinion, impregnated with an ideal of the public space characteristic to the 18-th century, makes its way in Europe and finds one of his best correspondents in the person of James Bryce (1888). According to this interpretation, James T. Young (1923) another American researcher noticed that *the public opinion is a social judgment made by a community conscious of itself on a question of general interest, after a rational and public discussion.*

An alternative model of public opinion, inspired from *The Crowd Psychology* (Le Bon and Tarde) is offered by the Walter Lippmann's studies (1922, 1925). Referring to these studies, (Blondiaux, 2003) asserts that *the image of the opinion as presented*

by this author is that of an isolated, indifferent instable, incompetent, public entirely submitted to the disposal of media, which built up the world for him and to whom he is blindly obedient. In the American sociology, immediately after the war, more attempts are signaled out, trying to classify the respective concept, on the basis of an opposition between *societies of publics and mass societies* (Mills, 1981), or between the notion of public and that of mass (H. Blumer, 1948).

The term „masse”, is scientifically used for the first time by Robert E. Park (1904), for designating a social state characterized by heterogeneity, absence of conducting rules and traditions, in which the numerous and isolated individuals don't interact and don't communicate among them. In his opinion, the „mass” was passive and represented a force with relevant characteristics, among which the amplitude, the heterogeneity and the anonymity. For Blumler, the term of „public” should be used for designating a group of people who is confronted with a certain stake, who are divided on the modalities to resolve it and are engaged in a discussion over this stake.

At its turn, „the mass” would be composed by anonymous individuals, who don't interact each other and who are weakly organized.

In the G. Tarde's opinion, the concept of public could be defined as *a desperate crowd, in which the influence of some spirits on the others became a distance action and the opinion, as a resultant of all these distance or contact actions has for crowds or publics the same signification as the thought for the body*. (apud Petcu, 2001). In this situation, even if it is a matter of individuals separated by distance, they have in common the consumption of the same type of messages and some common views that facilitate the

conversation and implicitly the sharing of the same opinions. Consequently, the linear model proposed by G. Tarde for illustrating the relationship communication-society, in which the public becomes more and more active, could be represented in this way: Communication – Conversation – Option – Action.

J. Habermas (1989) analyzed, at the beginning of the 18-th century, the apparition of the ideal type of bourgeois „public sphere” in Great Britain, France and Germany and demonstrated the role of the printed works in the transition to the liberal-democrat regimes and in the articulation of a critical public opinion, underlining that the modern society is characterized by a new category of influence named „mediating power”. He considers this „public sphere”, structured and dominated by mass-media, transformed itself in a private arena of power, in the framework of which there is a fight for influence and for an efficient directing of the communication flux. (apud Petcu, 2001). In Habermas vision, the modern societies engender and develop two processes: producing, from the communication point of view, legitimate power and monopolizing the mass-media power in order to create a mass loyalty to the political existing system.

The analysis of the relationship communication-society, realized by C.W. Mills (1981) shows that the problem of the so-called public is due in the western society to the transformation of the traditions and the conventional consensus of the medieval society, reaching today its culmination in the idea of the mass society. In this respect, what in XVIII-XIX century was called „publics” is on the point to become a „mass society”. The author realizes a fundamental distinction between public and mass, but at the same time considers that in a modern society „public”

and „mass” could be reversible, depending on the concrete, specific conditions. The notion of „public”, long time in use in the literature of specialty, has its roots in the XIV century and defined the state activities and, respectively, those separated from the public zone. Later, „public” meant „open” or at the „public disposal”.

Concerning the notion of „public opinion”, it was used for the first time in 1792, being initially identified as a reaction to a problem. The term changes then its meaning to „attitude”, for signifying later *the behavior of a social group confronted with a problem x or with a number of x problems*. At present, in one of its modern interpretations, (M. Petcu, 2001), *the public opinion represents a common state of consciousness in which the constant or the continuity of the social attitude blends with the momentary and discontinuous reactions faced with phenomena and socio- economic and political processes*.

Regarding the theories that we tried to present, it is difficult to find a specific constant to the public opinion, given the different conditions and moments that generated these definitions. Consequently, L. Blondiaux suggests us to find the truth of this notion in ambivalence or contradiction, underlining that this complexity of the public opinion offers a large space to approach some aspects concerning the number of individuals involved in the formation process of the public opinion, their competence to entering the public space, or aspects of autonomy or proceedings.

In consequence, the difficulty of debating the notion of public opinion in the light of the above theories results especially from the necessity of using two forms of discourse concerning the phenomena specific to this notion: a type of discourse that justify the intervention of the people into the course of the public action and another one that denounce it; one that

correspond to the affirmation of an ideal and another one that answer an implicit or explicit criticism of a perverted reality.

In this framework, a special analysis of the public opinion concept, but not taken out from the context, is offered by Elisabeth Noelle-Neumann (2001), with her „spiral of silence”.

On the basis of her theory, there would be, in the author’s vision, a conception of the public opinion as form of social control, whose activation is due to people capacity to feel the dominant opinions manifested around them at a certain moment. These opinions influence and model behaviors, in the sense of homogenizing the personal opinion and the personal behavior with that group of dominant opinions. In her approach, the author insists not only on the social notion but also on the pressure the social environment exerts on the individual, which tries to project a favorable light on the conformist, imitative behavior and the tendency of „being in fashion” or of „taking into consideration what will people say”. In Neumann’s opinion, these tendencies, even if they are despised or considered with arrogance are appreciated as essential for the surviving of the community.

When she is referring to the public opinion, the author takes into consideration the ideas of „consensus”, „average”, „agreement”: public opinion refers to „opinions and behaviors that you can publicly have, without producing isolation”. When old traditions, morals and norms of the society are at stake, public opinion means *those convictions and behaviors which you must publicly express or adopt, in order to avoid the risk of isolation*. In fact, the public opinion plays the role of a real trial, of an „anonymous” instance, permanently open, which manifests

too little consideration or affection for the individual.

For a better understanding of the German author's approach, we present a „minimum” guide that she conceived for testing the public opinion, which is known under the name of the „spiral of silence”. According to this guide that indicates what would be necessary to know for analyzing the public opinion, it must be established:

how are distributed the population's opinions, on a certain theme, by using the means of an ordinary investigation;

- how is estimated the opinions climate, in the sense of *What the most of us are thinking about this?*, fact that can lead to the apparition of an entirely new image of the respective problem;
- how is considered the future evolution into a certain controversy(e. g.): what side will be the winner/ what side will be in the decline?

At the same time:

- in certain public situations, it is necessary to have a control on the expression availability and to keep silence on the respective matter; on the other hand, it must be verified if the emotional charge of the theme corresponds to the moment or is associated with moral judgments, because otherwise, without a valuable charge, the necessary pressure specific to the public opinion and consequently to the spiral of silence won't be produced;
- it must be established what are the most influent mass-media and which side is supported by them, given the assistance they could offer to other journalists or to the supporters of a certain side and the consequences of this action on the public opinion process.

The polls and the public opinion

The analysis of this matter in such a context could seem rather strange. On the one hand, because sometimes the polls

represent, obviously, an efficient measure, if not the most justified measure of the public opinion. On the other hand, because, if we proceed to an analysis of the constitutive elements of the polls, we'll find that no one corresponds to the senses assigned to the public opinion, resulting that the polls don't measure at all the public opinion .

According to Loïc Blondiaux (2003), given the actual conditions, it is difficult to sustain that the polls measure or reflect the public opinion. In fact they only realized to outline this opinion, making especially an appeal to the primary sense of the term, namely, presenting as a concrete reality something that doesn't exist but in the mental representation of the individual.

Underlining the low scientific interest of the polls, Patrick Champagne (2002) asserts that *they represent rather a political collecting than scientific of the opinions* and that they do not aim to surprise the opinions of the investigated individuals and to understand their foundation but to produce from one day to another political information, according to the logic of the political game and destined to come back again to the politics.

At their turn, the investigated people aren't asked about what do they think in connection with a certain subject, but to approve or disapprove a certain opinion, already formulated which is proposed to them, like to the elections. It is to mention that the questions are put in such a way that anybody could answer something, resorting exclusively to the technique of the closed questions, which strongly restrict the participation of the investigated person, reduced to a simple reaction of approval or refuse, without knowing, consequently, the concrete reference of this reaction.

This interpretation makes reference to the Pierre Bourdieu's (1970) remarks, who

noted in this respect that the simple fact to ask a closed question, reflecting the opinion of a representative sample of population implied the existence of three postulates that couldn't be verified by facts:

- to ask everybody an opinion question it is to suppose that everybody can have personal opinions, that is to confound the right of having an opinion with the capacity to use this right;
- to ask an opinion question it is to suppose that the investigated people are asking themselves the same question and are using the same terms in formulating it. But the pure verbal understanding of a question doesn't imply either its practical understanding or that of the practical meanings of the stakes;
- the gathering of the answers and their presentation under the form of a percentage means to estimate that all the opinions have a social value; if we take into consideration only the facts, we must assert that the gathering of the answers, without knowing the concrete meaning of the question they make reference to, and without noticing the social and cultural characteristics of the investigated people, means to suppose that all the answers formally identical are effectively identical. But it is to mention that in this concrete situation the facts contradict such a vision, the opinion having a share that depends of the social or the political importance of the individuals.

In the framework of this complex relation between the public opinion and the polls they say that the polls have on their side the proper force specific to the democrat political field. They are legitimate, because a form of direct democracy, and they permit, at the same time, a rationalization of the strategies in the social space, based on the election system with majority of votes. The direct

criticism of the polls, especially by the political actors, could engender a series of problems, inclusively the risk of criticizing the democracy. Since the polls suppose finally to vote, it seems that the political people don't remain indifferent to the results provided by these investigations, which can offer a certain idea about the electoral tendencies at the future elections. This belief in the scientific character of the polls explains in a way their ascension as an instrument of political legitimacy, because they permit, apparently, to know the will of the people. In these circumstances, the journalistic field became the major strategic place where this symbolic struggle, of a new type is carried out, whose results are registered by the polls and where „the public opinion” is made.

In spite of the scientific criticism that can be addressed to the poll practice, the public opinion created by the poll operators would remain, from a political point of view, an useful thing, in proportion as it would play a role of regulation of the political life. In this context, it is to mention that the poll operators contributed to the creation of a new space of game- the market of the public opinions- that pushes the different actors of the dominant political class to a public debate, in order to convince the big public, placed, generally in a position of simple spectator. At present, the political people cannot govern if they declare against this opinion measured by the poll operators. They must rend clear and acceptable by the people their decisions, because this political work leads in a compulsory way to public debate, that is bringing the major aspects of a matter in a public space. The democrat formation of a public opinion could be situated in the center of the public space, where the universal suffrage meant, practically, for a long time, the only means of public

measurement, and the elected assemblies or the parties the representation of this phenomenon. Causes or effects, the massive practice of the polls and the role of popular mass-media in the political information accompanied the crisis of representativity in the system.

The increasing of the social visibility of the public opinion seems to attest an enlargement of the public space, although the legitimacy of the production and diffusion forms of the public opinion continues to remain a problem. In this case could we say, for instance, that the democracy is better defended if the decision factors try to convince a majority of citizens, even by the intermediary of a poll, and on its duration, about the pertinence of their decisions?

Which would be then, in the created framework, the best variant of analyzing or interpreting the public opinion?

That offered by Pierre Bourdieu, according to which the public opinion doesn't exist?

The D. Wolton's conception, according to which the public opinion represents the relatively true reflection of the different currents of opinion that are crossing the contemporary society and the most democratic means of regulating the choice made by the citizen?

Or to share the P.Champagne's idea according to which the public opinion is the resultant of the opinions built up in various social fields, by the reproduction of their social function?

Whatever variant of approach or interpretation of the public opinion, or of the dichotomy public opinion-poll would be in discussion, the multiple possibilities offered by the social casuistry in an ever larger and more complex public space enrich permanently the debating framework of the problem.

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Public-Private Partnerships and the New Public Procurement Directive

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Résumé: *Le Partenariat public-privé est un type d'arrangement contractuel qui est apparu dans les relations entre les autorités publiques et les opérateurs économiques dès le début des années '90. Les autorités publiques tirent des bénéfices de cette coopération car elle peuvent surpasser les contraintes budgétaires qui empêchent leurs activités et, en même temps, elles utilisent l'expertise du secteur privé. Les autorités publiques reconnaissent que le PPP peut devenir un bon moyen pour améliorer la compétitivité et la qualité des services d'utilité publique, il va réduire les couts généraux des projets et, en même temps, il va créer de revenus additionnels pour les entités activant dans le secteur privé. Cet article présente la nécessité d'un cadre juridique du PPP au niveau européen qui pourrait contribuer au développement de ce type de coopération. Ainsi, la Commission européenne a fait les démarches pour combiner les trois anciennes directives concernant les travaux, les fournitures et les services publiques, dans un seul acte, la directive 2004/18/CE du Parlement européen et du Conseil du 31 mars 2004 relative à la coordination des procédures de passation des marchés publics de travaux, de fournitures et de services .*

Keywords: *Public Authorities, Private Entities, Cooperation, Contractual Arrangement, Legislation.*

The transition to market economies of the Central and Eastern European countries has put to the test the ability of the central and local public authorities to adapt to the new economic, political and social environment which is constantly evolving. The public authorities had to find new resources to cope to the reality of a changing world that struggled to deploy the Western pattern in an effort to attract sustainable growth. Thus the aim of increasing the ability of public authorities to better respond to domestic demands for

services and products found one of its solutions in the area of Public-Private Partnerships.

Public authorities acknowledged that fostering Public-Private Partnerships could become a means of improving both the competitiveness and quality of public utility services, a means of reducing the costs of projects as a whole, while, at the same time, these types of partnerships could generate additional incomes for the entities operating in the private sector. None the least, Public-Private Partnerships

have proven their capacity to inflict a speeding up in the delivery of the final services and in the accomplishment of the programed infrastructure projects.

Public-Private Partnerships (PPPs) are a type of contractual arrangements that have been spreading in the relations between the public authorities and the economic operators since the beginning of the 1990s. The public authorities benefit from this cooperation as they can surpass the budgetary constraints which hamper their activities, while, at the same time, gain access to the private sector know-how. Public authorities also derive profit from this type of contractual arrangement since the PPPs effect certain savings as they deal with the particular project from the early phase of design till the last phase of reaping the full benefits of the project.

Moreover, the increase in the desire of the private sector to embark upon a series of responsibilities and risks on the one hand, and, on the other hand, the desire of the public sector to privatize some of the public utility services has been translated into an escalation of the efforts to consider the solution of Public-Private Partnerships to the issue of achieving economic and social goals in our country. This merge between PPPs and the need to provide some efficient public utility services constitutes a new dimension in the discussion on the margin of the role of national authorities, as they evolve from the posture of direct operator to the position where they merely systematize, regulate and controll the political, economic and social sphere¹. However, “*relevant authorities in Candidate Countries and Member States have the final responsibility for deciding on whether to use PPP or other financing vehicles*”².

Notwithstanding the fact that public sector organizations embarking upon this type of contractual arrangement still have to manage the proposed objectives in the

public interest³, by resorting to PPPs, they will be able to ensure the accomplishment of the public utility project turning to private sector resources. At Community level, PPPs not only foster the dialogue on services of general interest, but are also committed to the achievement of the European Initiative for Growth and of the trans-European transport networks⁴.

At international level, promoting PPPs translates into three main trends: increasing investments in infrastructure, boosting the efficiency of financial resources, increasing the rate of return of the funds invested. The financial return of the investments appears to be a key issue for the success of the promotion of this cooperation between the public and the private sectors, as it represents a major risk that normally would have to be undertaken by the private investor alone for certain public utility services. National authorities also take into account the possible externalities when considering whether to embark upon a PPPs as opposed to private operators, thus increasing the chances of these public authorities to start a project of general utility no matter the level of the financial return⁵.

However, it has been argued for the necessity of a specific legal framework for Public-Private Partnerships at European level which would contribute to the development of this type of cooperation between the public authority and the economic agents from the private domain. The European officials thus launched a public consultation through the 1996 *Green Paper on public-private partnerships and Community law on public contracts and concessions*⁶ on the manner in which to expand the climate of competition and legal transparency in which the PPPs operate. This consultation was aimed at collecting opinions on topics such as the framework of the procedures for selecting the private partner, the establishment of private initiative PPPs, the

contractual framework and any changes made in the course of a PPP, sub-contracting, the importance of effective competition in the case of institutionalised PPPs, best practices⁷ etc.

Risks of Public-Private Partnerships

The need for legal transparency also had a second justification materialized in the need to control the possible risks that might occur. The fact is that it is impossible to predict with absolute certainty that a contractual agreement of this size, length in time and value operates without the menacing perspective of a future risk. The risks that might appear in the unfolding of a PPP contract are defined as facts, events or influences which threaten the accomplishment of a project at a desired time, cost and/or quality. That is why a huge part in the success of a PPP project is allocated to the ability to predict and obviate any possible risk. Also, the capacity to share the perspectives and costs of any possible risk between the two partners – public authorities and private entities – represents a major step forward in the establishing of a climate of confidence and transparency that allows the carrying out of the project in the best circumstances. However, it is not always easy to share the perspective of a risk and also the part which is most capable of assuming and administering it does not always wish to assume that risk. Ideally, that entity, be it public or private, which has the capacity to handle any future inconvenient of this sort, should also assume it⁸.

Most often, it is the private part that has that ability to cope with the lack of predictability in the business environment because of its more flexible structure and its orientation towards change, thus being able to innovate, to assume any risks and to constantly improve its structure⁹. The public system is characterized by a different

sort of organizational culture, as it is centered on dealing with the social demands, the excessive bureaucracy, the respect of the law, punctuality etc. This set of cultural values has been inflicted in the public system since its formation. This is why the public system is characterized by a great deal of rigor, conservatism, rules, procedures, constraints, be they budgetary or of a different nature, the perpetration of its structures, the resistance to change.

This type of hierarchical and centralized system is centered on control, thus showing little tendency of cooperation, coordination or consultation with the public. As it is oriented towards the protection of its status-quo, the public system obstinately avoids risks and making mistakes¹⁰. On the other hand, the private environment is more dynamic, as it has some market objects established, profitability, economic supremacy, competitiveness, the quality of the services rendered, efficiency, increased speed of reaction etc.

As a result, that part in the PPP project most capable of handling any risk that might occur is the private one. Consequently, most risks are transferred to the private entity. This operation has multiple advantages: some costs are decreased, the quality of the services that are to be provided is increased, the prediction of all future expenses is eased, the part is compensated through diverse stimulants in order to reach the assumed obligations etc. However, *“the preliminary allocation of risk should reflect the specific characteristics of the project and the underlying strengths and capacities of each party. The degree of risk transfer to the private sector will vary on a project by project basis and will be informed by the precedent reviews and analysis and the selected PPP relationship”*¹¹.

As a result, the parts involved in the public-private cooperation are likely to encounter one or several of the following

risk categories. Firstly, the risks associated with PPPs projects are that more important as they are most often associated with severe financial implications. Thus, there is the risk resulting from the recovery of the investment, the lack of guarantees and the level of use and tariff being invoked in this case. This risk of income achievement from the exploitation of the leased public services can also result from possible future fluctuations in the currency course. Moreover, there is the risk of not remaining within the anticipated costs, in terms of overpaying due to the increase in prices. Another error occurs when short-term projects are chosen in the detriment of long-term, high-value projects, which involve a serious strategy. Short-term projects are preferred because of the false conception that the investment will be more rapidly recovered. Further, there is the risk that one of the partners abandons the partnership in an advanced phase of the project, when heavy investments have already been deployed.

Secondly, there is the risk of choosing the partner from the private sector in terms of incompetence and/or incapacity, or, on the contrary, in terms of governmental involvement, the risk of weak participation of the representatives of the national public authorities. Also, there are disadvantages resulting from the inability to assume the necessary responsibility by the public administration. Again, in case of exceptional situations, one of the parts can opt for not respecting the obligations stipulated in the contract which leads to a difficult coordination of the project.

Thirdly, there are political risks, arriving from the stability of institutions and fiscal policies, and environmental and archeological risk, resulting from the environment protection and the importance of archeological sites, which could hamper the unfolding of the project. A project might also be affected

by the risk of hidden protectionism which most often results from the lack of confidence in foreign contractors. Moreover, regardless the numerous regulations on PPPs, they might encourage the appearance of private interest groups in the detriment of others.

Fourthly, one acknowledges the risk of public acceptance as it is sometimes difficult, if not impossible, to integrate a project within the community if the population is unwilling to pay for the services provided through the project. Also, the condition of the pre-existing infrastructure systems results in a risk of latent deficiency.

Finally, there is still another issue that few acknowledged as constituting a real menace for the evolution of this cooperation between the public authorities and the private economic operators, that of possible legal loopholes. Efficient regulation was required so that the objectives of both the public and private organization meet within a common denominator¹². Still, this alledged insufficient legal certainty¹³ was considered by some as being in fact too complicated arguing for the merge of the three former directives on public works, supplies and services into a single piece of legislation. Some were convinced that this lack of legal certainty resulted from the fact that PPP projects are in fact very numerous and all have their peculiarities and specific identity.

Thus, this sort of contractual arrangement complicates the economic climate as, regardless of the fact that are all styled as being forms of public procurement, not all projects from the ever growing number of PPPs can be included within the limits of the legislation – the New Procurement Directive – which stipulates explicit definitions and treatments for public contracts, works concessions and services concessions¹⁴. In fact it was the European Commission that expressed its concerns on the fact that in

the initial phase it is difficult to frame a project as being either a public contract or a concession¹⁵ and that there were cases in which negotiations led to changes in the initial definition¹⁶. Moreover, the European Commission acknowledged that “the consultation revealed significant stakeholder opposition

to a regulatory regime covering all contractual PPPs, irrespective of whether these are designated as contracts or concessions. Therefore, the Commission does not envisage making them subject to identical award arrangements”¹⁷.

Previous Directives

- Directive [98/4/EC](#) of the European Parliament and of the Council of 16 February 1998 amending Directive 93/38/EEC coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors.
 - European Parliament and Council Directive [97/52/EC](#) of 13 October 1997 amending Directives 92/50/EEC, 93/36/EEC and 93/37/EEC concerning the coordination of procedures for the award of public service contracts, public supply contracts and public works contracts respectively.
 - Council Directive [93/36/EEC](#) of 14 June 1993 coordinating procedures for the award of public supply contracts.
 - Council Directive [93/37/EEC](#) of 14 June 1993 concerning the coordination of procedures for the award of public works contracts.
 - Council Directive [93/38/EEC](#) of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors.
 - Council Directive [92/50/EEC](#) of 18 June 1992 relating to the coordination of procedures for the award of public service contracts.
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New Directives for supply, services and works

On January 2nd, 2004, following the conciliation agreement on simplified and modernized legislation, two Directives were adopted: Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts¹⁸ and Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sector¹⁹. The Directives came into force by their publication in The Official Journal (OJ) on the 30th of April 2004 and had to be

implemented in the Member States within a period of 21 months.

The new Public Sector Directive as it is currently styled gathered the three existing Directives for public works, supplies and services into a single piece of legislation which kept most of the basic provisions of the three former Directives. Yet, new articles have found place so that to reconcile the modern procurement methods and developments in best practice. Thus, each Member State can opt for one of the following new procedures and techniques for the award of each contract: competitive dialogue, framework agreements, central purchasing bodies, new electronic purchasing systems or electronic auction²⁰. New general and explicit provisions focus on the following issues: the creation of a normative product and service nomenclature,

the appearance of additional selection criteria, the specification of award criteria, the establishment of a national specification system for enterprises, the possibility to make public certain pieces of information on special national conditions, the introduction of some minor adjustments to the threshold values etc.

Article 1 (11c) stipulates the definition of competitive dialogue: it represents “a procedure in which any economic operator may request to participate and whereby the contracting authority conducts a dialogue with the candidates admitted to that procedure, with the aim of developing one or more suitable alternatives capable of meeting its requirements, and on the basis of which the candidates chosen are invited to tender”. Article 29 (1) stipulates that this procedure can be preferred for the existing open, restricted and negotiated procedures in case of very complex contracts where the open or restricted procedures will not result in the award of the contract, by permitting the dialogue of alternative solutions in the discussion phase of the tender process with short-listed bidders before calling for final bids²¹.

Notes

¹ *Green Paper on Public-Private Partnerships and Community law on public contracts and concessions*, source: <http://europa.eu/scadplus/leg/en/lvb/l22012.htm>

² *Guidelines for successful Public-Private Partnerships*, European Commission, Directorate - General for Regional Policy, March 2003, p. 10.

³ Ronan McIvor, *The Outsourcing Process: Strategies for Evaluation and Management*, Cambridge University Press, 2005, p. 34.

⁴ <http://europa.eu/scadplus/leg/en/lvb/l22012.htm>.

⁵ Ecmt, (Paris) European Conference of Ministers, *Key Issues for Transport Beyond 2000: Introductory Reports and Summary of Discussions*, Source OECD (Online service), 2002, p. 256.

⁶ *Green Paper on public-private partnerships and Community law on public contracts and concessions* COM (2004) 327, European Commission, April 2004.

⁷ *Ibidem*.

⁸ “The vast majority of PPP approaches fall in the middle of spectrum, with risks and responsibilities shared between the public sector and its private partners according to their strengths and weaknesses”, source: *Guidelines for successful Public-Private Partnerships*, European Commission, Directorate-General for Regional Policy, March 2003, p. 13.

⁹ From the Bureaucratic to the Post-Bureaucratic Organization, source: Kenneth Kernaghan, Sandford F. Borins, Brian Marson, *The New Public Organization*, Institute of Public Administration of Canada, 2000, p. 3.

¹⁰ *Ibidem*.

¹¹ *Guidelines for successful Public-Private Partnerships*, p. 88.

¹² Ronan McIvor, *op. cit.*, p. 34.

¹³ Michael Burnett, *Beyond the New Public Procurement Directive – The Future of Public Private Partnerships (PPP)*, EIPA Scope 2005/3, Maastricht, pp. 21-25.

¹⁴ *Ibidem*, p. 22.

¹⁵ In case of concessions the European Commission's *Interpretative Communication on concessions under Community law* [Official Journal C 121 of 29 April 2000] stipulates on the obligations of the national public authorities when selecting the applicants to whom concessions are granted as there are no stipulations on concessions in the European directives on public procurement.

¹⁶ Michael Burnett, *op. cit.*, p. 22, citing a conclusion of the European Commission from the *Green Paper on public-private partnerships and Community law on public contracts and concessions* COM(2004) 327, European Commission, April 2004, p. 12. Moreover, Burnett argues that “in the new Directive works concessions are less regulated than public works contracts, while service concessions remain entirely outside the scope of the Directive and are governed only by the need to apply EU Treaty principles”.

¹⁷ *Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions on Public-Private Partnerships and Community Law on Public Procurement and Concessions*, COM (2005) 569, European Commission, November 2005.

¹⁸ OJ L 134/114.

¹⁹ OJ L 134/1.

²⁰ Leif Raun, EU Working Group Public Procurement, EIC Aarhus, Denmark, May 2004.

²¹ Directive 2004/18/EC, Article 29.

Lisbon 2007: Advance or Regression in Europe?

Lucian PÎRVU

Résumé: *En décembre 2007, les chefs d'états et de gouvernements des 27 pays membres de l'UE ont signé, à Lisbonne, un nouveau traité qui fait quelques pas dans la direction de la construction d'une identité politique européenne. Bien que les progrès soient assez timides, le nouveau traité a un grand avantage par rapport au projet antérieur: on n'emploie plus le mot constitution pour désigner un document qu n'est, en fait, qu'un traité international. Plusieurs auteurs ont considéré que l'adoption d'un tel traité est une „révolution tranquille”.*

Keywords: *Treaty, European Constitution, European Institutions, Identity.*

Europe is not the same place it was 50 years ago, and nor is the rest of the world. In a constantly changing, ever more interconnected world, Europe is grappling with new issues: globalization, demographic shifts, climate change, the need for sustainable energy sources and new security threats. These are the challenges facing Europe in the 21st century.

Borders count for very little in the light of these challenges. The EU countries cannot meet them alone. But acting as one, Europe can deliver results and respond to the concerns of the public. For this, Europe needs to modernise. The EU has recently expanded from 15 to 27 members; it needs effective, coherent tools so it can work properly and respond to the rapid changes of the world. That means rethinking some of the ground rules for working together.

After more than two years of institutional crisis, the heads of state and of government of the European countries,

came to an concord on a new constitutional agreement. The signature of the Agreement of Lisbon will reach a long process of pitfalls and suspense in the EU after the rejection, for the Frenchmen and Dutches of the project of European Constitution that became ratified by 18 States after his signature in Rome in October, 2004.

In December 13, 2007, in Lisbon, the heads of state and of government of 27 member states signed the new agreement. Romania, one of the last two countries that joined to UE, confirm once again his european commitment, being between the first countries which approved the new agreement. The Agreement will have to be ratified also for all the associates of the EU before coming into force in 2009, but in this occasion everything indicates that only Ireland, which must do it for law, will put it to the test of a referendum.

With it there has been finished to the debate concerning badly called European

Constitution, which in the last years had caused sour polemics and has made to cover rivers of ink. Earlier there had never happened so openly the deep truth of the famous dictum of Julius von Kirchmann: "Only one grinder word of the legislator turns entire libraries into garbage".

The intensely studies and alive scientific discussions concerning the constitutional and political value - legal transcendental of so called "Treated by that a Constitution is established for Europe" have remained put aside and shut up in the quarter of the old useless equipment. Now the Agreement of Reform comes, or Agreement of Lisbon, one more from those than is added to the vast set that is integrating the material constitution from the functionals agreements of the 50s of last century.

Calm revolution

Nevertheless, this agreement presents us like an authentic calm revolution, receiving those elements of the frustrated Constitution that turn out to be acceptable for all and essential for galvanizing the EU and prepare her for the times that approach. It is still very early to value if these targets will be really covered across an instrument as this one, but yes it is convenient to stop, to reflect on a circumstance: from the point of view of the project of European integration at all the levels: is it gained or gets lost with this agreement, particularly as regards the previous Constitution?

Previous project

It is clear that the previous project, although it was far away from being very much a real constitutional letter (in the measurement in which it was trumping the basic premise of the existence of one let's give recognizable European as constituent entity) and was presenting serious technical shortcomings, at least was showing some distinctive signs of what should be a political

Europe and was offering rules of performance that they could lead to the attainment of common targets of wide scope, as soon as that was talking each other about a text inspired by beginning universal. On the contrary, the new agreement is clearly imbued with an intergovernmental logic and sovereign tendencies. Not only there has been extirpated of his text all kinds of references to the constitutional character of the agreement, but also any external sign that he makes think, at least remotely, about the possibility of a medium-term improvement of the anachronistic division of Europe about sovereign States.

New step

Finally, in Lisbon a new step backwards has been staged in the construction of a political European identity, not so much for what in his own contains the new agreement (that is better than what now exists), but especially for what he supposes of wasted occasion and of clamorous resignation.

Only a positive thing can be said in favor of the new agreement with regard to the previous project: at least, the mental violence will save us of having to call Constitution to what it wasn't but a new international agreement that was capturing the powerlessness of Europe to raise a serious alternative to the hegemonic power of this encompassed world.

With this text, the community associates think about how to improve and to make working his institutions more effective adapting them to the new dimensions after the arrival of twelve new members. For that, it will join, from new 2014, one system of voting, in which the most inhabited countries – as Germany – gain weight. It includes also the elimination of the right of veto in 40 areas, between them the political ones of immigration and police and judicial cooperation. They try to

provide also the EU of a major cohesion and proper personality at the time of acting in the international scene, incorporating the figure of a permanent president and of a species of the Secretary of State, which formally the main representative will keep on calling. To be able to be approved by all, to this Agreement of reform there have been eliminated him the denominations and difficult paragraphs included in the project of Constitution.

Shy advances

It is true that the agreement contains some of the shy of integration advances of the previous project as the most important: the merger of the current three props in the Union provided with juridical proper personality, even at the cost of the disappearance of the noble and evocative name of European Community.

Nevertheless, it does not prevent to see cosmetic changes, in the measurement in which they keep on prevailing, elements that leave in hands of the States (or rather it would be necessary to say of the executives of the States) the definition of the main political ones of the Union, across the functioning of the beginning of subsidiarity and proportionality (very defensive at state, but not like that level to European scale); the demand of unanimity for performances in so sensitive matters for the citizenship as political social, fiscal and financial (what leaves in the air the effectiveness of the proclaimed beginning of solidarity); or the authorization of numerous clauses of opting out in favor of the Member states (even in a basic area as it is that of the fundamental rights). All this, not long ago believable the existence of an authentic will to advance for the route of a major real integration.

The European Union, as soon as the Agreement of Lisbon was signed, easily breathed, after a long situation of impasse

which supposed a big wear. With everything: attention! – the ratifications of the Agreement are absent, in the national Parliaments and, at least in case of Ireland, by means of referendum. Let's do votes – and make an effort - so that the worst thing does not happen. It would be fatal for the collective future of the European Union and for his exterior credibility.

Meanwhile, and in spite of these positive symptoms, this year, 2008, does not seem of good patronage. The signs of the financial crisis that affects the world Stock Exchanges, can drive, with certain probability, to an important economic crisis, with inevitable reflexes in Europe. The financial and speculative capitalism – removed from the real productive economy and without possible control – it seems to have lost the head, according to Stiglitz. In fact, it is causing serious obstacles for the global development, which it affects to the emergent countries as China.

On the other hand, the social inequalities are more deeper, both in the rich countries and in the poor countries. Hence the tension of many countries and the important riots of the population, even in the most developed States. The neo-liberalism – an ideology that in the last years so many influence reached in the United States, his cradle, as well as in some emergent countries and in the proper European Union, even in countries which Governments were sending to the social democracy, to the Labour Movement and to the democratic socialism – seems to be today in routes of depletion. In spite of everything, consistent alternatives still will not arise and with certain theoretical intrinsic coherence. It is known that only the economic globalization must surrender to the ethical rules and acquire a social and environmental dimension, so that a catastrophe could be avoided. Nevertheless, for it is a necessary political will – and

value - on the part of whom they direct the world.

Before such a panorama, with so many current wars and so many worrying signs – in the economic, institutional and religious areas – it is very difficult to do forecasts. Nevertheless, a sign of hope exists: the fact that there is arising a world informed public opinion, which is getting accustomed to comprising the events beyond the appearances. This opinion starts being able to demonstrate and counting in the complicated strategic world balances.

With all this, the majority think that Europe went out of his institutional crisis and is ready to confront with the new provocations of the future. The new agreement brings some new elements that will form the engine of the institutional reform of the European Union.

This way, EU stretches from now on the juridical personality and has the capacity of representation as his 27 members.

We can believe that United Europe enters in a new stage of evolution once with this agreement. That's why, we greet the Agreement of Lisbon, like an expression of the European prosperity, of his progress institutional and in the same time, of our own progress, as member-state of this „big family”.

Sources: *The Spanish daily „El Pais”, the spanish daily „El Mundo”, the site of European Committee (ec.europa.eu), the site of the Rumanian government (www.gov.ro), The European Parliament, the site of European Union (http://europa.eu).*