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The European University Institute

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16 and 17 June

Simplification and Quality of Legislation: Meeting of European Working Group

On 16 and 17 June 2000 the Working Group on the quality of legislation coordinated by Hon. Luciano Violante, President of the Italian Chamber of Deputies, met at the European University Institute in Fiesole. The meetings were attended by representatives of the parliaments of Austria, Belgium, Denmark, Finland, France, Germany, Portugal, Spain and Sweden and of the European Parliament as well as by academic scholars and experts from the EU Commission and the OECD. Participants from the European University Institute were Professors Jean Blondel, Yves Mény, Gianfranco Poggi, Phillippe Schmitter, Antonio Zanardi Landi and Jacques Ziller.

The work, devoted to preparing the document on the simplification and quality of legislation that will be the main discussion point of the Conference of Presidents of European Union parliaments and the European Parliament already scheduled for 23 and 24 September in Rome, opened on the afternoon of Friday 16 June with a speech of welcome by the President of the European University Institute, Patrick Master-son, and an introduction to the themes for discussion by President Violante. President Violante reminded the audience that the guiding principles of this work originated from an awareness that stronger supranational fora and economic globalization are challenging the role of Parliament. He asserted that a fresh start is needed in order to redefine the role of political representative bodies in governance systems in a period of sweeping change. As noted in the Lisbon Conference of 21-22 May 1999, legal systems in the European Union have grown



Luciano Violante arriving at the Badia Fiesolana

ever more complex owing to the expanding, overlapping body of national law, Community legislation, and regulations adopted by autonomous and local bodies and independent authorities. These recent developments have reduced our shared understanding of the law and decreased transparency. As a result they have fuelled people's anti-parliamentary sentiment and growing disaffection with politics. President Violante emphasized the necessity for Parliaments to promote "friendly" laws (*legge amica*), i.e. laws that are easily accessible and understandable to all citizens.

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Summer 2000

There followed a speech by Yves Mény, Director of the EUI's Robert Schuman Centre for Advanced Studies, and a report on a Green paper on European parliamentary governance by Tom Burns, of the University of Uppsala. Professor Mény pointed out that globalization has increasingly threatened the coherence laboriously established between economic space, political space and social space, and that societies have changed in their nature. From closed they became open; from sought or attained homogeneity they moved to heterogeneity. To tackle this challenge,



Luciano Violante and Patrick Masterson

Mény proposed to strengthen pluralism and favour the de-sectoralization of policy making. At the same time he suggested that under the current conditions of regulative transformation it is perhaps not parliament's main function to produce legislation. Instead the European Parliament should find modes of consensus management in order to link between the different groups and territories of a heterogeneous polity. He stressed the Parliament's role in increasing public discussion that helps to articulate and crystallize public opinion. The improvement in public debate would extend the citizen's democratic influence over institutional, technological, and policy design.

Professor Burns' report explored the possibilities of reforming some of the practices of parliaments, identifying the opportunities for re-establishing its central role as a collective representative and authority in the context of contemporary societal transformations. He observed that there has emerged a variety of highly flexible and adaptable forms of 'self-governance' that make the old forms of regulation (e.g. detailed legal and administrative regulation) less applicable and less effective, particularly in the case of specialized, technically demanding sectors of modern societies. In such a de facto new political order, Burns argued that the sovereignty of experts - from such fields as engineering, natural sciences, economics and jurisprudence - complements as well as competes with parliamentary or popular sovereignty. Today there is a dispersion of authority and decision-making into specialized policy sectors in civil society (e.g. citizen groups and movements that engage themselves directly in

issues of joint concern) as well as a decentralization downwards into regions and municipalities and a centralization upwards into international institutions and networks. In order to address the challenge of the cognitive and knowledge limitation of parliamentary government, Burns stressed the importance of new data information systems, making use of innovative ways of gathering, organizing and presenting information (e.g. by establishing a European Parliamentary Research Service etc.). The regulatory limitation of the policy making-capacity of parliaments could be addressed by the development of 'integrative' approaches that should cover policy complexes that are interrelated, although they are mostly treated in large part sectorially. Burns finally pointed out that the fragmentation of modern knowledge and policy making necessitates an enhancement of parliamentary capacity to monitor and secure greater legitimacy for non-governmental agencies. In such a role a 'meta-sovereign' parliament would formulate procedures for public accountability and, in doing so, contribute to enforce general standards of governance. A lively discussion of these two speeches by experts and parliamentarians followed.

Saturday 17 June was devoted to presenting and discussing the proposed memorandum, partly on the basis of the work done at the meeting of the Presidents of Parliaments of the European Union countries which took place in Cogne last April and which identified four priorities: strengthening cooperation between the parliaments and the Institutions of the European Union (e.g. through the creation of a specific area in each parliament's website that would be devoted to the exchange of short bulletins on major developments), identifying means to check the quality of normative texts (e.g. by evaluating the final effects of new laws on the citizens), improving the quality of parliamentary action and debates (e.g. by adequate information support of parliamentarians and revitalizing parliamentary debates), and adopting an appropriate strategy for informing, documenting and updating the institutional apparatus, including the involvement of independent research institutes and international organizations. The debate on the final drafting of the memorandum focused on the importance of cooperation and exchange between national parliaments and the European Parliament in order to foster forms of parliamentary participation in the preparation of European Union law and to define methods to make Community legislation clearer, simpler, more integrated with the legislation of individual countries and more accessible to European citizens.

PATRIZIA NANZ
SPS Department

Poland Signs Co-operation Agreement with the Institute

On 17 May, 2000 a Co-operation Agreement between the Polish Office of the Committee for European Integration and the European University Institute was signed at the EUI. The Polish government was represented by Dr Jacek Saryusz-Wolski, Secretary of the Committee for European Integration, Secretary of State. He was accompanied on this occasion by Mrs Ewa OŃniecka, Director of the Cabinet and Mr Rafal Trzaskowski.



Dr Jacek Saryusz-Wolski and Dr Masterson

The agreement establishes co-operation in the area of Ph.D programmes for Polish citizens in the Human and Social Sciences and the EUI may host up to 10 Polish citizens in any given academic year. The yearly intake of Polish research students to the Institute



Dr Frijdal, Mrs Osniecka, Saryusz-Wolski and Dr Masterson

will be determined on the basis of this maximum figure and the EUI expects that about 4 research students will be admitted as of September 2000, following a selection procedure taking place between May and June.

It has also been established that in order to promote and facilitate studies on issues relating to Central and Eastern Europe (including most specifically Poland, and its integration within the European Union), a Research Laboratory will be jointly set up in Poland. It is hoped that this agreement will lead to a very fruitful cooperation between the EUI and Polish researchers.

Events



Dr Masterson and Professor Giovanni Giannotti

On the occasion of the 12th edition of the Rotary Prize 'Obiettivo Europa', the President of the Rotary Club Firenze-Nord presented Dr Patrick Masterson with the John Harris Award.



Dr Masterson, Mrs Isabel Corte-Real, then Director General, European Institute of Public Administration, Maastricht, Amb. Otto von der Gablentz, Rector, College of Europe, Bruges and Prof. Dr Gerard Druesne, then Director-General designate of EIPA on the occasion of a meeting in Maastricht in April 2000.

Economics Evaluates Itself

The Department of Economics recently issued its Self-Evaluation Report¹, in time for Research Council and High Council to assess it and take on board its recommendations. The Report comes just five years after the Department had embarked on the first phase of a new method of delivering its PhD programme. Instead of placing exclusive emphasis on seminars and thesis preparation, the Department instituted a substantial initial requirement for coursework to be undertaken, with corresponding term papers and formal examinations.

With the innovations of the last couple of years, the coursework now occupies as much as 1? years of a student's full-time attention. In bringing in this emphasis on coursework the Department was following the long-established example of North American graduate schools, increasingly copied by their European equivalents. The PhD becomes a qualification attesting to a student's wide knowledge of the techniques used in the subject and the intricacies of their application across a wide range of areas, as well as an acknowledgement that the student has contributed to knowledge in a specific area.

Some good effects of the switch to a more coursework-oriented programme seem evident in the Department's strong placement record. Nearly 60 per cent of those graduating since 1995 currently work in academia, teaching or research. Another large portion works in Central Banks (the most recent at the European Central Bank) and international policy-making institutions such as the International Monetary Fund, the World Bank or the European Commission. A most recent departmental innovation is the Careers Advisory Service it offers – this

involves a graduating student roster on the Department's webpage and practice in giving job interviews. The trial interviews are video-taped giving students the opportunity to learn some simple lessons in presentation – in a setting where the cost of a mistake is not yet high!

The Department has also tightened the procedures that lead to completion of the thesis in good time. Most important, the Department has aimed to inculcate an *esprit de corps* and a 'work-oriented'



Prof. Mike Artis, Head of the Economics Department

atmosphere that complements formal procedures in keeping track of student progress. "TTD's" (time to defence) compare well with those found in other graduate schools. Of the 85 PhD's defended in the five years to the end of 1999, 47 were completed within less than 4 years, and 66 within less than 5 years.

A high TTD combined with an overall high completion rate produces a record low value for the so-called SYC index (introduced by Bowen and Rudenstine in their book (1992). The SYC is the ratio of the sum of student years invested to the number of PhDs earned; this measure of efficiency had an average value of 8.7 among the top

five US universities in the 1970s, perhaps now raised to a figure like 10. By contrast the value of this index for the EUI Department would be as low as 4.8 for the five year period to 1999.

The Department has maintained a high quality of research output throughout. Whilst scientific studies with a comparative dimension are rare, according to one of these the EUI leads in "average journal publication quality" (the study in question was performed by the Institute for Advanced Studies (HIS) in Vienna, and appears in the HIS Newsletter, Vol. 7, N° 1, March 1999). Certainly, the faculty output of 113 articles in the five years from 1995 is considerable, over 40 of these appearing in the so-called "Diamond core" (for a discussion of the Diamond core, see the article by Burton and Phimister (1995)). There is, finally, a gratifyingly high proportion of applied research which has a European orientation, in line with the Department's policy of encouraging work of such a character.

The Department's report lists a number of problems with its own functioning:

1. *The Department is of small size for a graduate school.*

The Department's "FE index" (the ratio of the number of PhDs defended to effective faculty) as a measure of productivity is very high, at 1.9. Although it is difficult to compare this figure rigorously with the value of FE indices in other universities because most other university departments are involved in a range of non-PhD teaching, casual calculations suggest that it is comparatively high. But productivity is not all. Small size means a limitation on the range of specialities that can be made available to doctoral stu-

dents. Most important, when taken in conjunction with the Institute's "short contract" hiring policy, small size becomes linked with:

2. High turnover

High turnover is a feature which can have deleterious consequences for the continuity and quality of student supervision. The Department is vulnerable to occasional "staff implosions"; the salience of this point has been brought home by events since the writing of the Report, with the Department now seeking to make four new appointments in the next year. There is a good feature of high turnover which should not be forgotten (even if it is overwhelmed by the bad, at a sufficiently high level). High turnover can bring new faces, new ideas and experiences and prevents vegetation.

3. Market for the supply of Economics PhDs

The market for the supply of Economics PhDs is becoming more competitive. On the one hand new rival programmes have sprung up. On the other hand, in some countries the demand for PhD educa-



tion by students has fallen (the UK is the most notable and well-recorded example).

This raises a question mark about the Department's single-minded commitment to PhD teaching. Similar problems exist for the Institute as a whole and constitute a point of departure for the High Council's "Strategic Review Committee".

One direction for the future is to cater for 'super-PhD' teaching, providing Summer Schools and post-doctoral training opportunities, for example. (The Department

is offering a Summer School in 'state-space modelling' this summer – see www.iue.it/ECO/summerschool/Welcome.html in this spirit).

Another direction would be the addition of one or more MA programmes, possibly in conjunction with other departments of the EUI.

MIKE ARTIS

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Burton M.P. and E. Phimister (1995), "Core journals: a reappraisal of the Diamond list", *The Economic Journal*, 105, 361-373.

¹ "A Self-Evaluation Report", the Department of Economics, April 2000. Prepared by Mike Artis, Ramon Marimon, Karl Schlag, Simon Hough and Barbara Bonke. Doc. IUE 4/2000(R).

The Department says goodbye to...



Professor Ramon Marimon

RAMON MARIMON has been nominated Secretario de Estado de Política Científica y Tecnológica, Ministerio de Ciencia y Tecnología, Madrid



Professor Roger Farmer

ROGER FARMER returns after two years at the EUI to his home university, University of California at Los Angeles.

Information Creation and Transmission in the Consumer Credit Market

A Workshop on "Information Creation and Transmission in the Consumer Credit Market" was held on 3 May 2000 at the European University Institute in Fiesole (Italy). The Conference was organized by the "Finance and Consumption in the European Union" Programme. The organizer was Giuliana Palumbo (EUI and University of Salerno).

The workshop concentrated on the economic and institutional character of information sharing on borrowers' characteristics among credit institutions. In particular, the discussion focused on the increasing exchange of credit information among lenders in EU Member States.

The first section, on theoretical issues, comprised two presentations: "Theoretical Issues and Analogies with Trade Credit Insurance" by Prof. Christian Gollier (University of Toulouse I) and "Credit Information Sharing and the European Experience" by prof. Tullio Jappelli (University of Salerno and CEPR). Both emphasized that the added value of an efficient credit market is large because consumers wish to smooth their consumption across states/time, but face state/time-varying incomes. However, efficiency may be difficult to achieve because of asymmetric information on the borrowers' characteristics (adverse selection) and behaviour (moral hazard).

In this context, information sharing is generally welfare improving, but its ability to increase efficiency depends on the way it is designed. Private credit bureaus – based on reciprocal and voluntary information provision – run into the risk of free riding, monopoly creation and limited participation. On the other hand, public credit registers – where information reporting is compulsory – suffer from under-financing and disincentive to provide all information. More general issues relate to the dosage between black and white information, to the "memory" of the system and the enforcement of creditor rights.

The afternoon session mainly concentrated on applied issues. Prof. Umberto Filotto (University of Rome Tor Vergata and Secretary General Assofin) talked about "Availability of Risk Information and the Structure of

the Consumer Credit Market". Prof. Filotto pointed out that a prerequisite for efficient risk management is a good understanding of the structure of the consumer credit market and its evolution across time. To this end, he presented data showing how fast this market has grown in the last twenty years and illustrated the most relevant changes that have occurred during that time.

Dr. Enrico Lodi (General Director CRIF) gave a talk on "The Rise and Evolution of Risk Centralization Mechanisms in Italy: Financial, Economic and Judicial Aspects". Dr. Lodi provided a very illustrative and insightful overview of the evolution of the credit bureau system in Italy. He highlighted the benefits of a well-developed credit bureau system both in increasing the volume of financing granted and in reducing the possibility for the bad consumers to obtain credit. Dr. Lodi also stressed the importance of promoting coordination among institutions of different countries in view of the increasing number of cross-boundary transactions taking place in Europe and of the fast evolution of e-commerce.

Dr. Corrado Giannasca (Compass) examined "The Practice of Credit-Risk Data Analysis" highlighting the need for a delicate balance between the quality of the service offered and the operating costs. Minimizing enquiry time and extracting the maximum of information from a given set of data are the challenges that credit institutions are now facing. Dr. Giannasca also pointed out that privacy laws, when not properly designed, might end up favouring high-risk borrowers to the detriment of low-risk ones.

Dr. Luciano Manzo (Experian) concluded the session with a talk on "The Exchange of Information in the Consumer Credit Market: Qualitative and Quantitative Differences between Italy and other Institutional Settings". He analysed a wide range of issues related to the fact that credit institutions need sophisticated information services to manage the increase in consumer credit demand, while at the same time maintaining a low risk portfolio.

GIULIANA PALUMBO



Identità, riconoscimento e scambio: Saggi in onore di Alessandro Pizzorno

Questa raccolta di saggi è un omaggio alla persona e al lavoro di Alessandro Pizzorno, che nel 1999 ha compiuto settantacinque anni. Uno dei principali scienziati sociali in Italia, Pizzorno ha offerto contributi fondamentali alla ricerca empirica così come alla riflessione teoriche articolare attorno sul tema delle condizioni che rendono possibile politica democratica. Questa ampissima definizione copre un gran numero di interessi più specifici, dall'analisi del conflitto sociale (specialmente riguardo al conflitto industriale) a quella dei partiti politici, dalla corruzione ai movimenti sociali, dalle teorie della razionalità alla relazione tra il comprendere e lo spiegare. Dalla inchiesta sociologica sull'azione sindacale nell'autunno caldo all'analisi storico-comparata sull'evoluzione dei partiti e della classe politica i temi della identità, del riconoscimento e dello scambio—su cui si concentra questo libro—hanno assunto un ruolo fondamentale nel pensiero di Pizzorno, aprendo nuovi filoni di studio nel campo della partecipazione e della rappresentanza, delle relazioni industriali e del controllo sociale, della corruzione e della criminalità organizzata. Più di recente, identità e riconoscimento sono stati al centro anche della riflessione di Pizzorno sul lavoro stesso di comprensione e teorizzazione della realtà esterna, così come degli interventi più politici, sia di interpretazione della crisi italiana che di elaborazione di proposte concrete per riformare il sistema.

In questo volume, scienziati sociali di vari paesi e specializzazioni—che sono stati allievi, colleghi o amici di Pizzorno—discutono sui concetti di identità, riconoscimento e scambio mostrandone la pertinenza, l'attualità, la rilevanza in relazione alle proprie ricerche e alla sociologia contemporanea. Dopo una introduzione dei curatori, la prima sezione, intitolata Dinamiche dell'identità e del riconoscimento, si concentra sul concetto di riconoscimento quale chiave dei processi di formazione o costruzione dell'identità del soggetto. In questa sezione, Loredana Sciolla, discute i modelli sociologici dell'identità; Alberto Melucci si concentra sulle identità individuali e collettive, in un orizzonte dell'esperienza sempre più caratterizzato dalla complessità, e dall'incertezza che l'accompagna; Davide Sparti propone una distinzione tra il riconoscimento inteso come impresa cognitiva, e il riconoscimento quale acknowledgement, in cui non la mera presenza bensì il valore positivo dell'altro viene riconosciuto.

La seconda sezione, dal titolo Identità, riconoscimento e governo, si incentra sulla problematica più specifica della relazione tra identità e politica. È un tema che comprende la questione dei limiti istituzionali alla costruzione delle identità, ma che si estende a trattare di questi stessi processi di costruzione dell'identità quali a



Alessandro Pizzorno con Raffaele Romanelli

loro volta forma di azione politica. Harvey Goldman riesamina qui i noti argomenti di Weber e di Foucault sull'emergere dell'individuo moderno "disciplinato"; Michael Donnelly analizza i rapporti tra identità e controllo; e, infine, Bernard Gbikpi discute il contributo di Pizzorno al problema dell'ordine sociale.

La terza sezione, che si intitola Identità e scambio nell'azione collettiva, porta il fulcro dell'analisi sul terreno applicato della politica organizzata e dell'economia. Qui i concetti di identità, riconoscimento e scambio vengono utilizzati per spiegare l'emergere di movimenti sociali, le dinamiche delle relazioni internazionali e delle economie europee. Il capitolo di Colin Crouch esamina le relazioni tra i movimenti sociali orientati ad una "causa" (come i partiti, o le associazioni di beneficenza) e i loro sostenitori; Marino Regini discute della utilità del concetto di "scambio politico" per analizzare le nuove esperienze europee; Margaret Somers riprende la critica di Pizzorno al concetto di razionalità.

In una parte conclusiva, Alessandro Pizzorno interviene direttamente nel dibattito aperto dai vari contributi con un saggio lungo e denso che approfondisce l'analisi dei concetti di identità, riconoscimento e scambio e delle loro interazioni. Chiude la raccolta un lungo brano autobiografico, nel quale Pizzorno stesso ripercorre la sua esperienza alla Olivetti—definita come una "seconda università"—offrendo allo stesso tempo uno squarcio interessantissimo sulla storia del nostro paese in un momento di importanti cambiamenti, ed un contributo unico per comprendere l'emergere, già in quegli anni lontani, della sua attenzione ai temi della identità, del riconoscimento e dello scambio.

Identità, riconoscimento e scambio: Saggi in onore di Alessandro Pizzorno. A cura di Donatella Della Porta, Monica Greco e Arpad Szacolkzai. Con due importanti saggi di Alessandro Pizzorno, Bari/Roma, Laterza: 2000

Science, Technology and Governance: a Tale of Two Institutions

It is common practice among both academics and laypersons to distinguish between natural and social sciences. This distinction is, however, of relatively recent origin. In fact, for centuries, scholars paid no attention to any such distinction. Early scientists were philosophers who felt just as comfortable talking about a person's soul as about geometry or physics. Aristotle, Leonardo da Vinci, Galileo Galilei or Francis Bacon would hardly fit in either category, and rightly so.

In recent times, the fast-growing body of human knowledge and the pace of human discoveries have made it impossible for scholars to reject this classification. On the contrary, belonging to either field has become akin to embracing different religions, each with their diverse preachers and practices. Successful scientists and scholars are now those that fully fit in their field, hardly hiding a certain disregard for "the other". It may be, however, that we are on the verge of another shift in the scientific paradigm. Increasing numbers of scholars and scientists have come to recognize that to fully explain and solve many of the problems of today's complex world they have to develop an appreciation and understanding of "the other side".

Interdisciplinarity has now become a "buzzword", and a concept that is gaining respect in both communities. Granted, interdisciplinarity can be more easily achieved in some areas of research than in others, but this is more a matter of developing the correct instruments than of structural unfeasibility.

In this connection the meeting in March between the Joint Research Centre (JRC), a Directorate-General of the European Commission, and the European University Institute was a timely affair if not somewhat overdue. This is particularly so given the common heritage of both institutions. Indeed, Article 9 of the Euratom Treaty signed in 1957 contained the following two provisions:

1. After obtaining the opinion of the Economic and Social Committee the Commission may, within the framework of the Joint Nuclear Research Centre, set up schools for the training of specialists, particularly in the fields of prospecting for minerals, the production of high-purity nuclear materials, the processing of irradiated fuels, nuclear engineering, health and safety and the production and use of radioisotopes. (...)

2. An institution of university status shall be established; the way in which it will function shall be determined by the Council, acting by a qualified majority on a proposal from the Commission".

It was on the basis of the first of these provisions that the Joint Research Centre (JRC) saw the light of day, becoming the Community's scientific and technical research laboratory with particular activity in the fields of the environment, information systems, food safety and nuclear security. As for the provision for an 'institution of university status' it was not until 1976 that the European University Institute was officially opened, although by that time its legal basis had changed to that of an International Convention. Nevertheless, in spite of their common heritage both institutions have grown apart over the years. Regrettable as this may be, such detachment is merely symptomatic of the growing intellectual separation between the natural and social sciences. Thus, it is in this respect that the meeting between the JRC and the EUI represented an opportune moment to overcome a rather unsatisfactory state of affairs given the increasing significance of science and technology in the policymaking process and the common heritage of both institutions.

To be sure, the attention devoted to science by EU governments is on the rise, and not just as a consequence of recent storms triggered by events such as the BSE crisis in Britain or the contaminated-blood scandal in France. In fact both these cases subsequently provided the highly-charged setting for a political drama involving the lifting of the British beef ban. Amongst the key protagonists were to be found the governments of both countries, a nascent French food agency and the Commission's Scientific Committee. In the background a hungry media jumped on the jingoistic bandwagon as trade relations between the two partners soured. Seen in this light, one can only have sympathy for the scientific community's complaints concerning the media's propensity to distort scientific matters through lack of knowledge or in an attempt to sensationalize issues.

Although we may be entering the so-called Information Age this does not always entail an improvement in the quality of the information available, particularly where the public is concerned. From human cloning to genetically modified food the progress of science overwhelms us and has outpaced our ability to make sense of what is happening. And while remarkable scientific advances have been achieved, risk and uncer-

tainty seem to be an intrinsic feature of our world. No doubt this will continue to be the case in the future.

At the same time, in a further twist, the technological juggernaut is gathering pace driving change at Internet speed. The new information and communication technologies, including the Internet, have become the hot topic of discussion. We hear about them incessantly from the press, on TV and from consultants promising us a 'virtual' utopia. In the corridors of power the term e-commerce seems to be on everyone's lips, from Prime Ministers to leading Commissioners. Indeed, so pervasive is the phenomenon that the recent European Council Lisbon Summit has been dubbed the dot.com summit. Everyone would seem to have succumbed to dot.com fever. At the other end of the spectrum the realization that cyber-terrorists are already beginning to threaten information infrastructures, with computer viruses making headline news, serves to heighten the sense of unease at the security challenges that confront us. How are we to make sense of these changes? Moreover, what is the role of our public institutions in this dynamic process, and how do they interact with these new technologies? These are not trivial questions, and to answer them we need to move beyond the rhetoric that characterizes much of the debate.

One way out of this conundrum is to attempt to breach the disciplinary wall that has emerged between the natural and the social sciences, or in other words

between 'hard' and 'soft' sciences. If the disciplinary walls between the natural sciences and economics, political science and social theory could be breached, perhaps we could produce a better analysis of the relationship between science, technology and our systems of governance. This is a formidable task, which is becoming even more problematical as science progresses and technologies mature and become more complicated. It is in this vein that the JRC and EUI meeting crystallizes the timeliness of the debate. Areas of common interest were noted which ranged from the risks and ethical values concerning biotechnology and genetically modified organisms to issues of environmental sustainability and from issues related to global governance and science to the dependability of our information systems. It is clear that closer co-operation and an exchange of information regarding research activities can only help in overcoming the walls that have grown between the two institutions, while also yielding new insights into policy options and effective governance mechanisms. In so doing they may help us make sense of the remarkable transformations that are unfolding before us.

FERNANDO MÉNDEZ and
GIAMPIERO GIACOMELLO,
SPS Department

Come democratizzare l'Unione europea e perché

Alcune centinaia di milioni di cittadini europei, eredi di secolari ed illustri tradizioni democratiche, si trovano oggi in una situazione a dir poco paradossale: aspetti sempre più numerosi e più ampi della loro esistenza e delle loro attività (relativi a politica, economia, finanza, società, sicurezza, ambiente) fanno capo a una "creatura" istituzionale ancora largamente incompleta ed instabile, viziata da un riconosciuto deficit di democrazia. Secondo Schmitter – tra i più accreditati studiosi del problema sulla scena internazionale – si può prevedere che a medio termine, cioè nell'arco dei prossimi 20 anni, l'Unione europea non sarà uno stato sovranazionale né un'organizzazione intergovernati-

va. Occorre dunque – sottolinea l'autore – un grande sforzo di immaginazione istituzionale per dare vita a nuove forme di cittadinanza, di rappresentanza e di processi decisionali a livello europeo, disinnescando il rischio concreto e incombente della delegittimazione.

Philippe C. Schmitter è docente nel Dipartimento di Scienze politiche e sociali dell'Istituto universitario europeo di Firenze. Tra le sue pubblicazioni più recenti ricordiamo "Organized Business and the New Global Order" (curato con J. Greenwood e H. Jacek, Mamillan, 1999).

Philippe C. Schmitter,
Come democratizzare l'Unione europea e perché,
Il Mulino, Bologna, 2000, pp 166,
26.000 Lit



Professor Philippe Schmitter

War and Social Theory

Reflections after Kosovo

The involvement of European States in a war waged on European territory at the end of the twentieth century has had significant repercussions in social theory, and in particular in the social theory of modernity. On the one hand, it has reminded social theorists of the fact that war and violence have by and large been neglected in the theorizing of modernity - despite some previous attempts at correcting the dominant image of largely peaceful processes of modernization and democratization. On the other, the war has provoked politico-intellectual interventions of a breadth not witnessed for a considerable period. Significantly, the positions on the NATO intervention in the conflicts in Yugoslavia cut across the apparently firmly established boundaries of intellectual debate.

While the war is over for the time being, the conflict in Yugoslavia is not. Similarly, the issues raised in the commentary on the war will stay with us and should not be forgotten. While the immediate interventions were appropriately shaped by the urgencies of the moment, concerns thus raised are of lasting importance for an understanding of the violence inherent in modernity, of the transformation of plural and diverse societies into interconnected forms of group violence, of the relation between legality and morality, and of the internationalization of human rights in a political order composed of sovereign States, among other things. The debate is now removed from the immediacy of the military conflict, but it rightly remains a thorn in the side of the smooth 'normal' development of academic exchange. The time thus seems right to bring the issues raised in these interventions back into a social theory that retains an inclination to see peace and order as the significant normality and war and violence as the negligible exception. For these reasons, a workshop on War and social theory was held at the EUI on 10-11 March 2000, organized by Heidrun Friese and Peter Wagner (both Department of Social and Political Sciences) jointly with Gerard Delanty (University of Liverpool), the editor of the *European Journal of Social Theory* in which the contributions to this workshop will be published early next year.

War and violence in social theory: a recent history of relative neglect

Rather than focusing directly and exclusively on the Kosovo conflict, the workshop aimed at identifying and specifying the significance of war and violence in contemporary societies and at discussing the implications for a social theory of modernity. It is not a gross exaggeration to state that war and violence have had only a marginal place in theorizing on the contemporary social

world over the past half-century. By and large, social theory was dominated by the image of internally pacified 'modern' societies. Modernity was seen to be not least about the civilizing of human manners and the channeling of the passions into non-violent forms of behaviour. The nation State as the prototypical modern institution and container of democracy was seen to have effectively acquired the monopoly of violence over the population on its territory and to exercise it on the basis of due legal procedure only. Intersocietal relations, i.e. relations between States, in contrast, retained a certain unpredictability since in the absence of a viable international legal regime they remained governed by power politics and were therefore always prone to what was considered to be relapse into violence. The hope was, however, that democratic polities had little inclination to engage in warfare against each other, so that any global progress in democratization would have a decrease in inter-state violence as a positive side effect.

Socio-political changes over the past two decades have shattered this peaceful representation of the contemporary social world. Tendencies towards a weakening or even dissolution of the boundaries of existing polities have often been discussed under the heading of the 'decline of the nation State'. If such a decline indeed occurred, it would weaken the two basic presuppositions for pacificity in social theory: the control of violence within State boundaries because of the weakening of the State monopoly, and the increase in inter-state violence because of the weakening of the container of democracy. Arguably, intrasocietal violence has indeed increased throughout the world, including both former socialist societies and - possibly for different reasons - so-called Western societies. At the same time, violent conflicts between States (or sometimes rather: parts of States) have occurred in former socialist societies. And Western societies have twice resorted to military interventions with the declared purpose of securing a just conflict resolution - in the case of the occupation of Kuwait by Iraq and in the case of Kosovo.

With regard to the latter intervention in particular it has been argued - for instance by Jürgen Habermas - that such a justifiable military activity may mark a step towards an effective cosmopolitan order, in which inter-state relations are subjected to an agreed and enforced legal regime. Analogously, the breaking up of organized social relations within existing States has been interpreted optimistically as the emergence of a civil society the development of which would lead to a more substantive and inclusive democracy. Both arguments have been linked in the idea of the emergence of

global civil society through which the historical processes of pacification and democratization would reach a new and unprecedented level of accomplishment.

This picture, if it held true, suggests that there may have been effective pacification, linked to democratization, in at least parts of the world over much of the post-Second World War period. The relative viability of this institutional arrangement has led social theory to neglect the possibility and potential for war and violence in the social world. The breaking up of that arrangement, in contrast, has entailed both a resurgence of war and violence and a renewed interest for it in social theory. The two main directions of the recent theorization, however, strike mainly because of their simplicity. A dramatic concern with the imminent collapse of a relatively peaceful order is matched by the optimistic suggestion that the current experience may be one of a transitional situation in the elaboration of a new viable order (as difficult as that elaboration may still be).

Three questions

Three very general sets of questions emerge from these considerations.

(1) War and violence between the nation-State regime and a cosmopolitan political order

Are the recent international military activities related to the crisis of the nation-State regime? If so, do they (or, more cautiously, can they be made to) point towards the emergence of a new international regime, one with strong elements of cosmopolitanism? Would a cosmopolitan order, in principle, be able to overcome the basic flaw of the old regime, namely the strict distinction between a domestic realm of State (and popular) sovereignty and rather unregulated inter-state relations? Or, in contrast, is any vision of a cosmopolitan order itself marked by insurmountable problems? Among the latter one may mention the doubts about a viable cosmopolitan democracy, on the one hand, and the need for a substantive grounding of any legitimate polity, on the other, a grounding that is difficult to conceive at the global level. These questions were addressed by Karl-Otto Apel (Johann Wolfgang Goethe University, Frankfurt/M) who spoke on the topic of The relationship between ethics, international law and politico-military strategy in our time: a philosophical retrospective on the Kosovo conflict and in Gerard Delanty's discussion of The limits of global civil society: a cosmopolitan critique of globalization. Zygmunt Bauman (University of Leeds), who could not attend the conference in person, contributed an essay on Wars of the globalization era, which will become part of the special issue of the European Journal of Social Theory.

(2) New forms of intrasocietal violence and the modernity of society and polity

Assuming that there has been a recent resurgence - and

possibly the emergence of novel forms - of intrasocietal violence, the two familiar ways of understanding the pacificatory tendencies of modernity are challenged. If (a) the relative peacefulness of 'modern society' depended on the effective state monopoly of violence, then the conclusion would have to be that this monopoly is either no longer existent or no longer exercised. The question then directly refers to the role of the State and the legitimacy of its action upon society. If, however, (b) the pacific nature of social life depended on an accomplished civilizing process, then the question would have to be whether this process was much less accomplished than it was often assumed to be or whether there has been a reversal of a historical tendency in 'modern societies'. In the case of either explanatory strategy, some basic assumptions of social and political theory as well as of historical sociology and anthropology are in question. These questions were taken up in the contributions by Renata Salecl (University of Ljubljana) on The arts of war and the war of arts and Howard Caygill (Goldsmiths College, London) on Perpetual war.

(3) Towards a social theory and philosophy of war and violence

As a consequence, thus, there is a need to review the ways war and violence have been dealt with in social theory in the light of the recent experience. It is possible that the historical conditions for relatively non-violent social life indeed existed but have eroded. Then the reasons for that erosion have to be analysed and possibilities for a re-establishment of similar conditions explored. It is however equally possible that the assumptions made in social theory and philosophy about the inherent peacefulness of modernity and about the background conditions for such peacefulness were flawed. In that case, the theorizing of socio-political modernity would have to be exposed to more general scrutiny. In a variety of ways, these issues were discussed by Hent de Vries (University of Amsterdam), whose paper was titled War and social theory: the return of the theologico-political, by Hans Joas (Free University of Berlin and University of Chicago), who spoke on Wars and values, and by way of conclusion by Björn Wittrock (Swedish Collegium for Advanced Study in the Social Sciences and University of Uppsala), who analysed the history of the European financial-military state and contrasted his account with the common emphasis on the cultural-liberal self-understanding of European polities.

The workshop was part of a series of events on the broader theme Languages of the political, organized by Heidrun Friese, focusing on the need to reconsider issues of political philosophy in the light of recent societal as well as intellectual change. The series will be continued next year with a workshop on Identities.

HEIDRUN FRIESE/PETER WAGNER

The Politics of Education, National Mobilization and State Sovereignty in the Balkans: A Forward-looking Glance at the Past

By exploiting the wide set of rights that were allowed by the Constitution of 1974, the authorities of Kosmet sought to approach Albania and to get rid of the residual Serbian control. In the most sensitive areas, such as education, science and culture, they managed completely to escape Serbian authority, moving instead under Albanian control.

N. Gacesa, D. Zivkovic, L. Radovic, Istorija, Belgrade, 1992, p. 317 (high school textbook approved by the Ministry of education of the Republic of Serbia)

A gaze at the history and genealogy of Balkan wars, both in the 19th and in the 20th century, provides evidence of the existence of a link between education policies, the dynamics of national identity formation and those state-making practices that lie at the very heart of violent conflict in this region.

Before being fought, war has to be made conceivable. Once it becomes thinkable, it has to be represented as necessary and inevitable. Both dichotomies such as self (-inclusion)/other (-exclusion) and the legitimization of violent fragmentation have much to do with linguistic and communicative acts, and therefore with cultural transmission. Authoritarian and totalitarian regimes have always deemed education to be a crucial tool for motivating and justifying the organization of collective violence, as well as for instilling convictions regarding identities and political goals to attain or defend. When this endeavour is associated

with state-making or territorial objectives, it usually postulates the existence of a virgin and untainted community tradition - i.e., a coherent and cohesive world of values and norms - while culture is conceived as a package that is transmitted from one generation to another, often via images of sacrifice along some real or imagined borders.

With Vivienne Jabri, one can say that war is not only a phenomenon resulting from the breaking down of social and political processes, but also a constitutive part of these processes.¹ While violent eruptions are commonly perceived as disruptive phenomena, the preparatory processes whereby extraordinary behaviours are no longer stigmatized but often praised are to be identified at the level of ordinary social and institutional interaction.² Trying to incorporate this viewpoint, a working hypothesis for the study of education and peace/war is that educational practices lie in between the social continuities that reproduce violent and bellicist discourses, on the one hand, and the strategic calculation of national elites on the other.

Education can be thus regarded both as a background and as a proximate factor through which violent ethnonational conflicts can be fostered (and therefore become readable). As a root cause, education is intended here to be a long-term process with clear links to the State problématique. As a proximate cause, it is regarded as an issue that, especially in the Balkan context, is endowed with a strong potential for detonation and spillover into other functional areas and arenas.

If one were to read the discursive tensions and intentions contained in texts that accompany the emergence of the various nationalist movements in the Balkans, a double intellectual genealogy, or matrix, would probably emerge. One can claim that the idea of nation that historically seems to prevail in the region results from the overlapping and mutual strengthening of French and German constructs harking back to the 19th century. From Paris, via the eastward Napoleonic campaigns, the Balkans received ideas of universal/homogeneous political obligation and administrative centrality. From the German unification process, via Herder's version of the "awakening of the Slavs", they received reactionary ideas of nation as Blut und Erde. All this was filtered through the peculiarity of the political and social Balkan context, where national struggles are led by different agents (i.e., feudal nobility, oppressed peasantry) engaged in a liberation struggle that emerges quite late and in virulent forms in comparison to other European countries.

The Albanian and Macedonian cases, the most recent national sentiments to acquire distinct contours in the peninsula, lend themselves to illustration of the close link between national aims and education system.

It was among a circle of school-teachers that the first Macedonianist nuclei emerged in 1893, under the name of MRO, the Macedonian Revolutionary Organization.³ Hardly surprising for this region, the

connubium of Church and school revealed itself as the main instrument for asserting state ambitions (e.g., Serbia, Greece, Bulgaria): at one point even Romania saw the presence of communities of quasi-Romanian-speaking Vlachs scattered in West Macedonia, Epirus and Thessaly, as a justification for claiming school subsidies.⁴

In the Albanian case, the first school using the Albanian language for Christian and Muslim males saw the light in 1885 in Korça, in the Ohrid/Prespa region, thanks to a substantial contribution by the Bucarest-based "Drita", an Albanian Cultural Society. Courses for female students were opened in the same town two years later on the initiative of British and American religious missions. Other schools would often run out of funds before the Ottoman authorities could close them. As a result, Albanians responded by forming secret societies to promote the teaching of their language, which ended up being under the crossed attack of the Ottomans and the Greek Orthodox ecclesiastical authorities.⁵ The decision to adopt the Latin alphabet was taken in 1908, at the Congress of Monastir (today in Macedonia).

While the first Albanian university was opened in Tirana only in 1957 with the help of Soviet sponsors, Enver Hoxha's increasingly paranoid and isolationist national-communism proved to be particularly afraid of student movements, possibly the only force in the country able to get organized and represent some opposition, as was to be proved by the events that took place between the demonstrations of December 1990 and the general elections of 1992. If one adds to this the strong emphasis that Enverist academia invested in forging and teaching myths about the historical continuity between the ancient Illyrians and the Albanian nation, as well as the epic deeds of Skanderbeg, the inextricable intertwining between education programmes, the cementing of a (relatively shaky) national identity, and the taking shape of claims to indepen-

dence, statehood, and sovereignty, becomes quite visible.

It should not be omitted that part of this story is also the story of colonial interference on the part of great powers. While Austria was setting up its own schools in Dürres, Rome - not very unlike what was done for Alto Adige/South Tirol - was vying for hegemony with the sending of Italian schoolteachers, whose mission also consisted in pointing their finger to Belgrade, indicating the Yugoslav Kingdom, an obstacle to Rome's appetites, as the enemy of a 'Greater Albania'.

Moving ahead in time to the Kosovo question, it has to be noted that the University of Pristina, founded in the wake of the demonstrations that swept the streets in 1968, soon became the cradle of inter-Albanian cultural exchanges in the entire Balkan region. This was possible owing not only to the substantial status of autonomy that the region enjoyed, but also to the existence of both loose ideological control and open contacts with Yugoslav universities. Following an agreement signed for the first time in 1970 with Tirana, some 224 professors from Albania were involved in teaching schemes in Pristina over the next 11 years: apart from the beginning of intellectual exchange, this meant the arrival of textbooks printed in Tirana. Following the example of Albania, Tosk was adopted as the linguistic standard. Given the fact that the population of Kosovo is Gheg, this created some tension, but certainly contributed to a deeper feeling of a national question and to the creation of a political camp.

In a period of rapid demographic increase (Pristina's Albanian students rose from 38 to 78 percent in a decade), the university became the heart of the Albanian culture and national euphoria also thanks to successes in every cultural sphere: theatre, cinema, television, literature, folk associations, historical and ethnological research, sports clubs etc. The "League of Kosovo writers" - of which Ibrahim Rugova

would one day become president - was founded as early as 1970. It is a known fact that by 1974 Pristina had one of the very few bilingual universities in Europe. Sources dif-



fer in estimating the number of students: by the early 1980s they are said to have climaxed at a level of some 50,000, with some 1,000 lecturers.⁶ Interestingly enough, the University of Pristina saw an increasing number of students gravitating around the Institute of Albanology. One of the clearest symptoms of the development of a strong form of cultural nationalism was the fact that as education in Albanian was guaranteed at all levels, an increasing number of local Albanians started to refuse the teaching of Serbo-Croat to their sons and daughters.⁷

It is all too evident that, given the socio-economic structures that characterized the Autonomous Province, the demands for jobs on the part of thousands of male grad-

uates in Albanology was bound to be frustrated. This does not amount to arguing that the Albanian Kosovar leadership deliberately pursued the strategy of creating explosive discontent among prospective freedom fighters, and that things would have been different had it not been for this learned and restless generation. As a matter of fact, both root and proximate causes as well as effects seem to overlap. What is unquestionable is the strict relevance of this dynamic to the political definition of the Kosovo question, especially if one thinks of the role of the university in articulating political demands, before and after being the hotbed of the insurrection of 1981. It is also in this light that one can read the fact that the structuring of a comprehensive 'parallel education net', whose degrees and diplomas enjoyed no recognition, was a priority during the 1990s, throughout the 10 years of latent conflict fought under the leadership of the Democratic League of Kosova (LDK). Thanks to the latter, and thanks to the self-taxation of the diaspora, elementary teaching was able to reach some 75% of the Albanian youth. In a similar way, an articulated system of university education was reorganized in the basements of private houses.

The leader of today's Kosovo Liberation Army (UÇK), Hasim Thaçi, is to be found among those students that left Pristina for Tirana. He later reappeared as a doctoral student in history in Austria, plausibly in contact with groups of co-nationals that had lived through the 1981 disorders, and that were constituting in Switzerland a faction that would converge upon the founding of the UÇK. It is quite telling that the rupture of the fragile equilibrium between the Belgrade authorities and the 'Republic of Kosova' parallel institutions coincided with the return to the streets of Pristina's students, who after the stalemate *de facto* decided at Dayton had become increasingly recalcitrant vis-à-vis the passive nonviolent strategy advocated by Rugova's leadership. It should not be forgotten that during the escalatory phase

the leader of the Independent Union of Students of the University of Pristina, Albin Kurti, became deputy spokesperson of the UÇK next to the charismatic figure of Adem Demaçi, who appointed himself to this role in the attempt to bridge the gap that cut across the mobilization of the non-LDK political field. Kurti is today under trial in mini-Yugoslavia, where he defined himself as a foreign citizen from the Republic of Kosova.



In the post-Dayton phase, the patient and successful work of track-two mediation carried out by the S. Egidio Community rested upon the persuasion that the sphere of education was crucial for channeling the Kosovo conflict positively. Notwithstanding the fact that the two distinct agreements brokered between Belgrade and Pristina's Albanian representatives in the fields of schools and university appeared to be the only success of diplomacy in the increasingly gloomy and violent Kosovo landscape, this result was left to fall into a void: virtually no helping hand, not even symbolic support, came from European universities or from the Conference of University Principals and Vice-Chancellors. Put in other terms, although a number of innovative NGO initiatives could be listed, the type of mobilization on the part of European university and student associations that took place during the war in Bosnia did not occur for Kosovo.⁸ Given this

situation, and given the little the international community did to encourage the Kosovo Albanians to make a positive contribution to the student-propelled anti-government demonstrations in Belgrade during the winter of 1996-7, it comes as no surprise that someone in Pristina may have thought that the way ahead should have been a different one, to put it euphemistically. The numerous ranks of 'agreement spoilers' could prevail relatively easily, and this opportunity sank in the spiralling of conflict, even if minimal steps forward gave hope of implementation progress well into the summer of 1998.

The situation of education in the Republic of Macedonia is another example of how in the education sphere one can see the nestling of proximate causes in root causes of ethno-political conflict. After Kosovo's outbreak of 1981, Albanian citizens of the Socialist Republic of Macedonia were faced with increasingly strict policies regarding expression of their cultural and national identity. The advent of pluripartitism which accompanied the peaceful severing of the federative tie with Belgrade did not bring about increased recognition, in spite of the participation of an Albanian sectional party in the coalition government. On the contrary, while generally speaking the organizations of the Albanian community took a quite ambivalent position toward the new State (boycotting its institutions in several instances, while demanding the status of 'constituent part', instead of 'minority') the birth of a small State endowed with a very complex ethnic composition in a very volatile regional environment saw the growth of fears and prejudices. This was mirrored in the way in which two education-related questions could act as catalyst and triggers for conflict, the reason being that, unlike other issues, education in Macedonia is able to rally around clear-cut 'ethnonational camps', especially among Albanians. The Constitution of Macedonia provides for teaching in minority language in schools, but is quite explicit in admitting only

Macedonian as the language for university education.⁹

On the one hand, during the winter of '94-'95 a unilateral initiative by some former professors from the University of Pristina resulted in the setting up of an Albanian-language university in Tetovo, the most important city for Albanian politics in Macedonia. The heavy clashes with the police dined at stopping the opening of this institutions made all Macedonian citizens hold their breath. The few attempts that were made to work on the de facto compromise that was then reached (teaching is tolerated in private buildings, without recognition) so far have not changed the situation.¹⁰ Meanwhile, the 'rector' of this institution still exposes a map of 'Greater Albania' in his office, and no data exist regarding the type of curricula or what type of teaching is imparted to the 8,000 students that this institution declares to it has registered.

On the other hand, a very divisive issue for the Macedonian public has also been the training of the teachers that are supposed to teach Albanian school classes. In the Yugoslav context this was provided for at the Faculty of Pedagogy in the State University. However, growing paranoia and virulent outbursts of Albanophobia obstructed this programme for some time. The question was promptly instrumentalized by Macedonian nationalists, who in 1997 – just a year before cutting a deal for a government coalition with the most intransigent Albanian party – were rallying behind openly racist slogans.

These illustrations witness to the central role played here by education in the state-making project. Although factual examples cannot be examined here, there exists another level at which, analytically speaking, this link can be illustrated. Contrary to widespread renditions offered in the media landscape, the politics of 'ethnic cleansing' cannot be described following

the rhetoric of 'barbaric hordes' that practice indiscriminate violence to obtain the emptying of a given territory. If the very onset of escalatory dynamics in the Balkan region is often signalled by the deterioration of controversies over educational matters, then a distinctive pattern of escalation can be identified throughout recent conflicts, beginning with intra-community 'cultural cleansing', which appears to precede 'political' and 'ethnic cleansing'.¹¹ By 'cultural cleansing' I mean the marginalization, neutralization, intimidation and often physical repression of those elements that do not appear to conform with some subservience to those ethno-political discursive practices that nationalist elites prescribe in the sphere of culture.

In this regard, one should not forget the role that blueprints such as the famous memorandum presented at the Academy of Science of Belgrade played in legitimizing the architecture of Serbian victimistic revisionism.¹² Less known, but designed to perform a similar function in the proximity of the Kosovo war, is the document entitled 'Platform for the solution of the national Albanian question' by the Academy of Science of Tirana.¹³ As the storm over Kosovo was approaching, even in Bulgaria a number of documents were circulated among nationalist circles with the explicit aim of constituting a 'Bulgarian national doctrine'.¹⁴

Moving from the field of cultural orientation to the specifics of education, an aspect that mirrors the publication of similar documents in the proximity of the outbreak of a crisis (besides the almost ritual appointment of known nationalists as Ministers of Education) is the introduction of new textbooks. This usually accompanies the phase of consolidation of (new) State power in the light of war and other disruptive events: a major example is offered by the new generation of books that appeared in Croatia, Bosnia, Albania (and, albeit more slowly, in mini-Yugoslavia and Macedonia) to celebrate State pro-

jects that tend to reify the national community, often by doing away with the very existence of social and historical discontinuities.¹⁵ No wonder should attach to the spreading of such beliefs as the existence of a 1000-year-old, internally harmonious Croatia that has suffered a number of vicissitudes and oppressive dominations - including the Venetian one.

Nor, in this context, should one ignore the importance that every regime attaches to university purges. The academic landscape of Belgrade, where most professors accused of betrayal and living under twofold attack, from government and international isolation, are giving in, while students belonging to the opposition movement 'Resistance' are arrested and the fascist leader of the radical Serbian party, Vojislav Seselj, is given a chair of International Law, is perhaps more grotesque than others, but certainly not unique.

A possible way ahead

Several times, when observing the setting of the official agenda of international organizations involved in the Balkan region, one hears a conclusive "...sure, and then cultural cooperation, exchanges, etc." The impression is that more often than not little follows up. Worse, in the few cases in which exchanges are actually organized, they usually concern universities and institutions where they prove to be less necessary from the perspective of supporting free scholarship and genuine dialogue, while opposing the degenerative dynamics described above.

This article has sought to illustrate how the organization of educational practices, especially in the Balkan context, plays a crucial role vis-à-vis hypotheses of either sustainable coexistence or vicious patterns of protracted ethno-political conflict.

A look into the past of this region, then, reveals that the sphere of edu-

continued on p. 16

continued from p. 15

cation offers a potential that should not be left hostage to ethnonational autism and predatory national projects conceived and carried out by elites via militarist verba. Once this potential is intercepted in each situation, there exist plenty of opportunities within the realm of higher education to pursue constructive peace discourses.

What appears to be highly needed, for example, to counter national self-entrenchment, intellectual despondency and the sterilization of the critical potential of universities, is a serious reflection on the merit of methodological traditions of enquiry, beginning with historical research and social science. Such an effort, which may be pursued via specially targeted seminars, conferences, joint research projects and visiting programmes, should aim at opening to public scrutiny both teaching curricula and current research. Secondly, it would be important for peace research, via peace education and other ramifications, to be placed on the agenda.

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Notes

¹ Vivienne Jabri, *Discourses on Violence. Conflict Analysis Reconsidered*, Manchester, Manchester University Press, 1996, p. 65.

² *Ibid.*, p. 30.

³ Duncan Perry, *The Politics of Terror. The Macedonian Liberation Movements, 1893-1903*, Duke University Press, 1988.

⁴ Hugh Poulton, *The Balkans. Minorities and States in Con-*

flict, London, *Minority Rights Publications*, 1993, p. 47.

⁵ Miranda Vickers, *The Albanians. A Modern History*, IB Tauris, London, 1995, p. 45

⁶ The figure of 50,000 is probably an exaggeration that can be explained by the attempt to receive more federal subsidies. A more realistic estimate would suggest the presence of some 40,000 students. Marco Dogo (*Albanesi e Serbi. Le radici del Conflitto*, p. 340) quotes in this regard the study by Horvat Banko.

⁷ Jean-Michel De Waele and Kolë Gjeshaj, "Universités et question national en Albanie," *Le Nouvelle Alternative*, no. 47, June 1997, p. 9.

⁸ During the years 1994-6, I was personally involved in some of these Europe-wide initiatives, which encompassed some attempts at track-two diplomacy between students in Pristina and Belgrade.

⁹ Ethnic Albanians have access to a quota system conceived so as to guarantee proportional representation to minorities on the basis of the (contested) demographic census.

¹⁰ A proposal for the recognition of a transformed and trilingual private college was advanced by Max Van der Stoel, the OSCE High Commissioner on National Minorities, in early 1998. While the proposal is heavily criticized by the local "academic senate," the Macedonian government is expected to take a position by June 2000.

¹¹ See also Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, Polity Press, 1999.

¹² For a reading of the intellectual parabola of Serbian intellectuals versus Yugoslavism, see Laura Secor, "Testaments Betrayed. Yugoslavian intellectuals and the road to war", *Lingua Franca*, September 1999.

¹³ Platform for the solution of the national Albanian question, Tirana, Shkenca, October 1998.

¹⁴ Andrea Ferrario, "La 'dottrina nazionale bulgara': il 'memorandum' dei nazionalisti di Sofia," *Notizie Est* n. 119, 7 December 1998.

¹⁵ See the detailed analysis contained in "Piccoli balcanici crescono," *Limes*, no. 3, 1998.

Fratelli di mafia

Fratellanze occulte e polifunzionali, Cosa Nostra e 'Ndrangheta si compongono ciascuna di un centinaio di 'famiglie'. Queste ultime si fondano su legami di parentela artificiali creati attraverso 'cerimnie' di affiliazione. Le cosche, dunque, sono caratterizzate dalla condivisione di un apparato simbolico, rituale e normativo, basato sul segreto e sulla violenza. Il loro scopo principale non è la massimizzazione del profitto economico, ma l'esercizio di una signoria politica all'interno della comunità, che si esplica prevalentemente tramite l'esazione di 'tributi'. Ripiegate sul proprio territorio, le organizzazioni mafiose tradizionali trovano cre-

scenti difficoltà - per carenza di attitudini, competenze, strumenti - ad operare sui mercati illeciti internazionali, come dimostra il declino di Cosa Nostra americana e la sua emarginazione dai commerci illegali più lucrosi. Come chiarisce l'autrice in questa approfondita e originale ricerca, oggi a Milano come a Francoforte, a Roma come a New York, le associazioni mafiose si scontrano con la concorrenza sempre più agguerrita di imprenditori criminali non tradizionali, dalle diverse origini etniche, determinati ad usare il crimine come canale di mobilità sociale.

Letizia Paoli, *Fratelli di mafia - Cosa Nostra e 'Ndrangheta*, il Mulino, Bologna, 2000, pp 356, Lit 35.000

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Das Fach Rechtswissenschaften am Europäischen Hochschulinstitut

Manchmal, gar nicht einmal selten, und auch während wir diesen Bericht niederschreiben, scheint es wie im Paradies: Der Frühlingsbeginn richtet sich nach den kalendarischen Vorgaben; die Bäume blühen in frischen Farben, und die Sonne strahlt über die Hügel von Fiesole nach Florenz hinunter. Neue Studenten aus ganz Europa, die zu Auswahlgesprächen eingeladen worden sind, strömen durch die Badia Fiesolana, ein altes Kloster, und lassen die Schönheiten der Gebäude und der sie umgebenden Gärten auf sich einwirken. Diejenigen, die schon dazu gehören, lächeln freundlich und stolz.

Die Neuen sind über Plakate, Erzählungen und Broschüren auf das Europäische Hochschulinstitut Florenz aufmerksam geworden und haben sich auch über dessen Website¹ gut informieren können. Jedes Jahr nimmt die Abteilung Rechtswissenschaft – eine neben den drei anderen, Geschichte und Kulturgeschichte, Politik- und Gesellschaftswissenschaften und Wirtschaftswissenschaften – insgesamt etwa 40 neue Universitätsabsolventen auf, von denen mindestens 30 das auf drei Jahre bemessene Doktorandenstudium antreten, während die anderen binnen eines Jahres einen LL.M. erwerben werden. Elf Vollzeit- und drei Teilzeit-Professoren forschen und lehren in der Abteilung Rechtswissenschaft (wenn alle Positionen besetzt sind). Insgesamt 130 Doktoranden und LL.M.-Studenten sind eingeschrieben....

„Aha! Ein hochprivilegiertes Ort, an dem sich eine transnationale Toskana-Fraktion ein feines Leben macht!“ – Solche Urteile sind, einmal gefällt, kaum noch verrückbar. Aber die Wirklichkeit ist nicht so schlicht. Wir möchten ihrer Vielschichtigkeit dadurch gerecht(er) werden, daß wir das Institut aus zwei Richtungen in den Blick nehmen. In dem von Christian Joerges verfaßten ersten Abschnitt wird die Instituts-„Wirklichkeit“ aus der Sicht der (eines!) Lehrenden dargestellt; in dem von Christoph Schmid verfaßten zweiten Abschnitt aus der Sicht der (eines) (Post-)Doktoranden.

I.

Die deutschen Universitäten und ihre Professoren stehen im europäischen Vergleich gut da. Aber die Privilegien, die das Europäische Hochschulinstitut bietet, erscheinen unerhört: Erwartet wird vor allem Forschung, möglichst in interdisziplinärer und internationaler Zusammenarbeit. Die Lehrverpflichtung beschränkt sich auf ein Seminar. Betreut werden handverlesene und hoch motivierte Graduierte. Solche Daten klingen fast unwirklich. Ihr Glanz verblaßt im tagtäglichen Anfall einer Unsumme von Erledigungen ein wenig: Die insgesamt etwa 130 Doktoranden und



Villa Schifanoia, in der die Juristen „untergebracht“ sind

LL.M-Studenten werden nach angelsächsischen Maßstäben betreut; sie produzieren auf dem Wege zu ihren Abschlußarbeiten Papiere über Papiere, die gelesen sein wollen. Das markanteste Merkmal des Instituts, der ständige Wechsel der Professoren, Fellows und Studierenden, nötigt zu Auswahlverfahren ohne Atempausen. Und weil die Lehrenden und Studierenden verschiedene akademischen Traditionen mitbringen, ist das EHI eine Institution mit Kurzzeitgedächtnis und wenig Routinen – alles

muß immer wieder neu entschieden werden, und jede Entscheidung stellt sich als Harmonisierungsübung im Kleinen dar. Dabei ist die personelle Ausstattung durchaus bescheiden (drei Professoren teilen sich eine Sekretärin; die Sach- und Personalmittel beschränken sich auf ca. DM 40.000 jährlich). All dies ändert nichts daran, daß die Chancen, die sich in der Lehre und Forschung am Institut bieten, einzigartig sind.

1. Welche Lehrinhalte können und sollen Doktoranden aus allen Ländern Europas interessieren und welche Art von Forschungsvorhaben soll das EHI fördern? Wie sind Seminare zu gestalten? Welche weiteren Arbeitsformen und Fortbildungschancen sollten gefördert werden? Das Spezifikum des Lehrprogramms, so heißt es seit langem in vielen Verlautbarungen aus der Abteilung Rechtswissenschaften, sei seine europäische und internationale, komparative und kontextuelle (interdisziplinär-rechtstheoretische) Orientierung. Dies alles sind, um einen europarechtlichen Terminus aufzugrei-

fen, gleichsam Querschnittsklauseln, die bei der Entwicklung der Lehrveranstaltungen berücksichtigt und präzisiert werden sollen. Europäisierungs-, Internationalisierungs- und/oder Globalisierungsprozesse sind keine absonderbaren Teildisziplinen sondern betreffen die Rechtssysteme als Ganze. Die Rechtsvergleichung



Christian Joerges und Christoph Schmidt

kann nicht mehr von mehr oder weniger autarken Rechtsordnungen ausgehen, sondern muß sich mit den Phänomenen der Entstaatlichung und wechselseitigen Durchdringung (Pluralisierung) der Rechtsordnungen befassen und die Herausbildung von Mehrebenensystemen zur Kenntnis nehmen. Interdisziplinärität schließlich ist keine politische Programmatik oder Modeerscheinung, sondern eine Reaktion auf Anforderungen an die Qualität von Rechtsentscheidungen, die in den Gesamtkontext einer entschiedeneren Hinwendung zu theoretischen Fundierungen der Rechtsarbeit gehört und angesichts der verblässenden Orientierungskraft der klassischen rechtswissenschaftlichen Methodologien unvermeidbar wird.

In den Broschüren des Instituts findet man eine Trivalfassung all dieser Vorsätze. Danach bilden Seminare in „Europäischem Recht, Völkerrecht, Rechtsvergleichung, Rechtstheorie und Recht im Kontext“ den Kern des Lehrprogramms. Diese Übersetzung der gerade umschriebenen Querschnittsklauseln in rechtswissenschaftliche Fächer ist allzu schlicht. Sie hinkt denn auch der Praxis der Lehre hinterher. So wird in dem Einführungssemester dem Europarecht zwar ein prominenter Stellenwert zugewiesen. Aber die einschlägigen Wahlpflicht-Seminare etwa des Jahres 1999 stellten das Europarecht nicht als ein abgesondertes Fach vor, sondern behandelten das „Recht der Europäischen Verfassung“, das „Recht der Europäischen Wirtschaft“, die „Außenbeziehungen der EU“ – kurzum also das Europarecht in spezifischen Perspektiven seiner „Konstitutionalisierung“; daneben stellen sie auch die Interdependenzen nationalen und europäischen Rechts bei der Marktintegration und ihrer Verregelung in den Mittel-

punkt. Die genannten Orientierungen müssen überdies ständig überprüft und fortentwickelt werden. Es gibt innerhalb der Abteilung zwar keine systematisch vorgehende curriculare Planung, aber doch eine kontinuierliche Diskussion, in der die Auswirkungen von Internationalisierungs(Globalisierungs-)prozessen auf das Europarecht, Gewichtsverlagerungen im Verhältnis von Privatrecht und Öffentlichem Recht sowie die Gründe und Implikationen der „Verwissenschaftlichung“ der Jurisprudenz zur Sprache kommen. Dies geschieht im Zuge der Entwicklung und Vorstellung neuer Seminare, vor allem der Forschungsseminare des zweiten Trimesters, die sich auf Forschungsprojekte der Professoren beziehen und/oder die Themen der Promotionsvorhaben integrieren. Beispiele sind interdisziplinäre Ansätze der Integrationsforschung, der Risikoregulierung oder der Juridifizierung der Globalisierung.

2. Seinem Selbstverständnis nach ist das EHI eine Forschungsinstitution. Zweimal im Jahr stellen die Professoren dem Forschungsbeirat ihre „Projekte“ vor. Der Beirat verteilt Mittel im oben schon bezifferten bescheidenen Umfang, der für Konferenzen und die Vergütung von wissenschaftlicher Zuarbeit ausreichen muß. Solche Zahlen vermitteln jedoch kein angemessenes Bild. Zwar hat der mittlerweile legendäre, von Mauro Cappelletti initiierte und von Joseph Weiler und Monica Seccombe betreute Vergleich des Europäischen Integrationsprojekts mit dem amerikanischen Föderalismus² keine ähnlich spektakulären Nachfolger gefunden. Aber eine Vielzahl vielbeachteter und weiterwirkender Initiativen lassen sich nennen. Erwähnt seien aus dem rechtswissenschaftlichen Bereich die von Gunther Teubner in vielen Facetten ausgearbeitete autopoietische Rechtstheorie sowie die Programmatik einer modernen Völkerrechtswissenschaft und einer interdisziplinären Europarechtswissenschaft, die ihre Fora im *European Journal of International Law* (seit 1990) und im *European Law Journal* (seit 1995) gefunden haben. Daneben gibt die rechtswissenschaftliche Abteilung eine Reihe eigener Arbeitspapiere heraus, in die nicht bloß die Publikationen der Professoren, sondern auch Aufsätze und kleinere Monographien der Doktoranden Eingang finden.³ Und hinzu kommt: Die Rechtswissenschaft des EHI ist intensiv mit den Aktivitäten des Robert-Schuman-Zentrums, eines interdisziplinären Forschungszentrums, das an das EHI angegliedert ist, verbunden; sie hat deswegen an verschiedenen europäischen und internationalen Forschungs- und Beratungsprojekten Anteil.⁴ Das EHI darf sich insgesamt somit als ein transnationales Forum der Europäisierung und Internationalisierung der Rechtswissenschaft darstellen.

II.

Wie schon angekungen, werden vom EHI im Fach Rechtswissenschaften ein einjähriger Master und ein dreijähriges Doktorat (Ph.D) angeboten, das nationalen Promotionen rechtlich gleichgestellt ist. Für diese Programme stellt jeder Mitgliedstaat ein grob festgelegtes Kontingent von Teilnehmern.⁵ Die deutschen Stipendia

stammen vom Deutschen Akademischen Austauschdienst (DAAD); nur das dritte Studienjahr des Doktorats wird aus institutseigenen Mitteln finanziert. Für Postdoktoranden besteht die Möglichkeit, als Research Fellow für einen freien Forschungsaufenthalt ans Institut zu kommen. Förderungsmöglichkeiten hierfür bieten etwa die Jean Monnet Stipendia des Instituts oder auch Programme der EG-Kommission.

Master- und Ph.D.- Programm sind primär forschungsorientiert; Prüfungen finden nicht statt. Im wesentlichen beinhalten sie die Anfertigung einer eigenen wissenschaftlichen Arbeit, die meist in einem der genannten Forschungsschwerpunkte der Fakultät liegt und im Fall des Doktorats vor einer international besetzten Jury zu verteidigen ist. Deutsche Bewerber ziehen meist das kürzere Master-Programm vor, was gewiß darauf zurückzuführen ist, daß Jurastudium und Referendariat in Deutschland im europäischen Vergleich recht lange dauern und ein Doktorat im Inland oft auch in kürzerer Zeit erworben werden kann. Pflichtprogramm für alle Master- und Ph.D.- Studenten sind die im ersten und zweiten Trimester jedes Jahres von den Professoren veranstalteten Seminare. Dort sind z.Zt. drei Seminararbeiten im ersten und eine im zweiten Jahr zu verfassen sind. Ebenso wie die Master- und Doktoratsarbeiten selbst werden diese nur mit „passed“ oder „failed“ bewertet; Notenstufen existieren nicht. Alle Arbeiten werden von einem selbst ausgewählten oder vom Institut zugewiesenen Professor betreut. Anforderungen und Interesse des Betreuers sowie Stil und Qualität der Betreuung variieren erheblich. Insgesamt ergibt sich aus diesem Studienaufbau ein erheblicher akademischer Freiraum, der naturgemäß Chancen und Gefahren gleichermaßen mit sich bringt.

Als „akademische Infrastruktur“ steht den Studenten eine mit Büchern und Zeitschriften aus allen Mitgliedsstaaten recht gut ausgestattete Bibliothek, ein Computer- und ein Sprachenzentrum zur Verfügung. Da für sämtliche juristische Neuerscheinungen aller EU-Mitgliedsstaaten Raum und Budget nicht ausreichen würden, bestellt die Bibliothek neben spezifisch europarechtlichen Beständen und nationalen Klassikern andere Bücher nur auf Wunsch von Professoren oder Studenten – man kann sich sozusagen für das jeweilige Thema seinen eigenen Handapparat zusammenstellen. Daneben bestehen hervorragende Möglichkeiten zur online-Recherche auf vielen Datenbanken sowie ein großer Bestand an Mikrofiches und CD-ROM.⁶ Das Computerzentrum betreut den beträchtlichen PC-Bestand des Instituts und gibt viele Kurse über die Anwendung von Software, die zu Forschungszwecken genutzt wird. Das Sprachenzentrum bietet für Anfänger und Fortgeschrittene Kurse in allen großen europäischen Sprachen. Besonders wichtig sind Italienischkurse (nicht verpflichtend, aber als Hilfe im Alltag für Studierende ohne Vorkenntnisse kaum verzichtbar) und Englisch. In dieser Sprache werden die meisten Forschungsarbeiten verfaßt, auch Arbeiten in allen anderen Sprachen werden jedoch angenommen. Für auf Eng-

lisch (und Französisch) verfaßte Arbeiten bieten die Mitarbeiter des Sprachenzentrums die erforderliche Hilfe bei den Korrekturen an.

Das Institut verfügt darüber hinaus über Kontakte zu amerikanischen Universitäten (Berkeley, Columbia, New York University, Madison), an denen Austauschsemester verbracht werden können. Weiterhin vermittelt das Institut Praktika bei den europäischen Institutionen, vor allem bei der Kommission, die sehr beliebt sind. Schließlich werden auch kürzere Forschungsaufenthalte an wissenschaftlichen Einrichtungen in anderen Ländern oder Konferenzbesuche vom Institut teilweise mitfinanziert.

Wie ebenfalls schon angedeutet, ist die Fakultät einer großen personellen Fluktuation unterworfen, da die Deputate der Professoren auf ⁸ Jahre beschränkt sind. Dies kann auch den Nachteil mit sich bringen, daß ein zugewiesener Betreuer vor Abschluß des Doktorats das Institut verläßt (wobei dann allerdings für diesen die Verpflichtung besteht, die Arbeit weiterzubetreuen, wozu das Institut auch Besuche mehrmals im Jahr ermöglicht). Trotzdem ist es der Fakultät gelungen, in



Wojciech Sadurski and Jacques Ziller

ihren genannten Schwerpunktbereichen eine gewisse Kontinuität zu wahren. Der damit angesprochene interdisziplinäre und vergleichende Ansatz, in dem rechtssoziologische, rechtstheoretische, politikwissenschaftliche und auch ökonomische Erkenntnisse in die Jurisprudenz einbezogen werden, wird von den meisten europäischen Studenten, deren Ausbildung nicht nur in Deutschland und Österreich von eher positivistisch beeinflussten Studienordnungen und Examina geprägt ist, als großer Gewinn empfunden. Allerdings ist er in der Fakultät selbst nicht unumstritten – not „law in context“, but „context without law“ lautet ein prominenter Vorwurf von Professorenmenseite. Ein weiteres Charakteristikum ist die völlig unterschiedliche juristische Vorbildung, die die Studenten aus den verschiedenen Ländern regelmäßig mitbringen. So treffen 21-jährige Englän-

der, die nach drei Jahren einen Bachelor erworben haben, auf 28-jährige Deutsche, die bereits das Referendar- oder Assessorexamen hinter sich haben. Im



Antonio Cassese, Renaud Dehousse, Gunther Teubner, Brian Bercusson, Francis Snyder, Yota Kravaritou (1994)

Hinblick auf diese Unterschiede werden Bestrebungen zur Einführung eines einheitlicheren Grundlagenprogramms im ersten Jahr verfolgt. Diese sind aber noch nicht durchgedrungen – wie auch ansonsten die Organisation der Fakultät ebenso wie die des gesamten Instituts von einer gewissen Schwerfälligkeit und Undurchsichtigkeit geprägt ist, die man internationalen Organisationen oft zuschreibt. In den Lehrveranstaltungen selbst treten die großen nationalen Unterschiede in Aufbau und Stil stark zutage. So können „Nordeuropäer“ bisweilen dem stark rhetorisch geprägten Stil von Südeuropäern wenig abgewinnen, bei dem namentlich Fallbesprechungen nach wie vor kaum vorkommen. Auch andere nationale Besonderheiten wie der in Frankreich nahezu obligatorische dreigliedrige Aufbau juristischer Darstellungen stoßen teilweise auf Unverständnis. Für weitere Verwirrung sorgt häufig auch die Verwendung der englischen Sprache in den Seminaren (mit Ausnahme vor allem der französischen Professoren, die regelmäßig die französische Sprache, neben Englisch die zweite Verwaltungssprache des Instituts, vorziehen). Dieses „EUI-English“, auch „Euro-Speak“ oder „Modern Latin“ betitelt, das nur von einer kleinen Gruppe von englischen und irischen Muttersprachlern geschliffen und korrigiert wird, führt vor allem bei juristischen Details angesichts der Verwurzelung der Studenten in den unterschiedlichen nationalen Rechtsordnungen und Rechtskulturen zu gelegentlichen Verständnisschwierigkeiten.

Positiv gewendet bringen diese Eigenheiten aber auch die eindrucksvollste Erfahrung zum Vorschein, die das Institut zu vermitteln vermag: das im akademischen Alltag mühelos vollzogene gleichberechtigte Zusammenleben und –arbeiten der verschiedenen europäischen Nationen, bei der Sachthemen und –argumente, und nicht die Herkunft der Beteiligten entscheidend sind. Sehr oft steht die Ausbildung am Institut auch am Anfang einer beruflichen Laufbahn in anderen europä-

schen Ländern. Vorbildhaft ist hier die Offenheit des englischen akademischen Systems zu nennen, in dem viele Absolventen des Instituts erste Anstellungen finden. Durch diese Vorzüge leistet das Institut auch einen Beitrag zur Entstehung einer transnationalen europäischen „epistemic community“ der Juristen. Und gerade solche transnationalen „communities“ in verschiedenen Arbeits- und Lebensbereichen bieten wohl eine Chance zur allmählichen Entwicklung eines europäischen Demos.

III.

Und wie steht es schließlich um das Europäische Privatrecht? Bei der Antwort auf diese Frage lohnen sich historische Rück- und rechtsvergleichend-systematische Seitenblicke. Anno 1976, als das Institut eröffnet wurde, konnte von einer wirklich internationalen Rechtswissenschaft eigentlich nur in den Spezialdisziplinen der Rechtstheorie und Rechtssoziologie die Rede sein; Rechtsvergleichung und IPR galten als die positivrechtlichen Kernmaterien eines die Nationalstaaten transzendierenden Privatrechts par excellence. Bei der rechtswissenschaftlichen Behandlung der Integration Europas ging es um dessen öffentlich-rechtliche Institutionen einerseits und das Wirtschaftsrecht der Marktintegration andererseits. In der Profilierung der Professorenstellen am EHI spiegelt sich diese Sicht der Dinge bis heute wieder: Im Europarecht dominieren nach wie vor die Institutionisten (Christoph Sasse/ Joseph H.H. Weiler/ Jürgen Schwarze/ Francis Snyder/ Renaud Dehousse/ Jean-Victor Louis/ Gráinne de Búrca/ Bruno de Witte/ Neil Walker); das Recht der Wirtschaft wird, wenn seine Vertreter aus Deutschland kommen, von Privat- und Wirtschaftsrechtlern (Klaus



Jean-Victor Louis, Giuliano Amato, Massimo La Torre, Marie-Jeanne Campana

J. Hopt/ Gunther Teubner/ Christian Joerges), sonst von Öffentlichrechtlern (Terence Daintith/ Giuliano Amato, aber auch Claus-Dieter Ehlermann) vertreten. Die Problematik der sozialen Integration wird zuerst im Arbeitsrecht aufgegriffen (Brian Bercusson/ Yota Kravaritou/ Silvana Sciarra). Das Privatrecht kommt manchmal im Rahmen von Rechtsvergleichung und



Renaud Dehousse, Philip Alston, Silvana Sciarra

IPR (Mauro Cappelletti/ René David/ Hans-Ullrich Jesurun d'Oliveira/ Marie-Jeanne Campana) oder aber neben der Rechtstheorie zum Zuge (Gunther Teubner), ist aber keineswegs ein exklusives Dominium dieser Disziplinen (Luis Díez-Picazo/ Karl-Heinz Ladeur/ Patrick Nerhot/ Massimo LaTorre). Im Rahmen der jetzigen Hinwendung zu Internationalisierungs- und Globalisierungsprozessen kommt das Völkerrecht (Antonio Cassese/ Philipp Alston/ Pierre-Marie Dupuy) in Zukunft auch als Wirtschaftsvölkerrecht zum Zuge (Petros Mavroidis/ Ernst-Ulrich Petersmann) – aber es verbleibt bei Exponenten des öffentlichen Rechts. Das EHI hat die Europäisierung des Privatrechts gleichwohl nicht verschlafen. Seit 1995 hat es hierzu regelmäßig Konferenzen und entsprechende Publikationen gegeben, in den Jahren 1997 und 1998 auch Seminare (Marie-Jeanne Campana/ Christian Joerges), die zur Etablierung einer Arbeitsgruppe für Privatrecht geführt haben.⁷ Auch wenn die Verfasser dies für wichtig erklären möchten, bleibt dann nicht doch die privatrechtliche Stellen-Bilanz des EHI (2 von 12 Positionen) defizitär? Eine angemessene Antwort auf diese Frage müßte auf die schwierige Renaissance des Privatrechts eingehen: auf den Umstand, daß spätestens seit den 70er Jahren die vielbeschworene „Veröffentlichlichmachung“ des Privatrechts durch gegenläufige Bewegungen einer Erosion jener öffentlich-rechtlichen Elemente, durch De-Regulierungen und Privatisierungen abgelöst worden sind; daß nun allerdings Privatisierungen auf „politische“ Anstöße zurückgehen und regelmäßig von erstaunlich intensiven Re-Regulierung begleitet werden, an denen häufig staatliche wie private Akteure beteiligt sind, die aber auch als sich selbst organisierende Regime im privaten Sektor begegnen. Welche Problemlösungsfähigkeiten, welche normative Qualitäten werden in solchen Konstellationen dem Privatrecht abverlangt? Das ist, um Fontane zu zitieren, ein weites Feld, für dessen ordentliche Bestellung mehr disziplinäre Ausgewogenheit wünschenswert wäre.

Wir schließen diesen Bericht parteilich. Das EHI ist kein Forschungszentrum nach dem Modell der Max-Planck-Institute (obwohl es mit wichtigen Forschungseinrichtungen und Universitäten einen regen Austausch pflegt und inzwischen die Mehrzahl seiner Absolventen eine Universitätslaufbahn einschlagen); es ist kein pro-

fessioneller Ausbildungsbetrieb für europäische Institutionen, internationale Organisationen oder Anwaltsfirmen (obwohl eine beträchtliche Anzahl seiner Absolventen dort Karriere macht). Es ist eine wahrhaft kosmopolitische Gemeinschaft, in der Studenten zu Lehrenden und Professoren zu Lernenden werden, in der es forschendes Lernen und Lehren wirklich gibt – am Ende vielleicht doch ein kleines Paradies.

CHRISTIAN JOERGES und CHRISTOPH SCHMID

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Anmerkungen

¹ <http://www.iue.it>

² *Integration through Law: Europe and the American Federal Experience*, 5 Bd., 1986.

³ Diese können vom Publications Officer zugesandt werden und sind größtenteils auch direkt auf dem Internet verfügbar (<http://www.iue.it/pub>).

⁴ Vgl. zuletzt u.a. *A Unified and Simplified Model of the European Communities Treaties and the Treaty on European Union in Just One Treaty*, EP, DG IV-Veröffentlichungen, Rechtsfragen W9, 1996; Konsolidierung und Kohärenz des Primärrechts der Europäischen Union nach Amsterdam, EP, DG IV-Veröffentlichungen, JURI 102 [ebenfalls in v. Bogdandy/Ehlermann (Hrsg.), *Europarecht* 1998, Beiheft 2]; Amato/Bribosia (eds.), *Quelle Charte Constitutionnelle pour l' Union Européenne, Stratégies et Options pour renforcer le caractère constitutionnel des traités, Rapport pour le Parlement Européen*, Centre Robert Schuman, 1999.

⁵ Für Deutschland gibt es derzeit jährlich ca. 4, für Österreich und die Schweiz (die ebenfalls am Institut beteiligt ist), je ca. 2 Plätze. Bewerber konkurrieren nur auf nationaler Basis.

⁶ Diese Angebote stehen teilweise auch externen Benutzern offen, vgl. <http://biblio.iue.it>.

⁷ Vgl. in der letzten Zeit Joerges/Gerstenberg (eds.), *Private Governance, Democratic Constitutionism and Supranationalism*, European Commission Cost A7, EUR 18340 EN; Sonderheft ERPL 1/2000; aus der Privatrechtsarbeitsgruppe vgl. Feiden/C. Schmid (eds.), *Evolutionary Perspectives and Projects on Harmonization of Private Law in Europe*, EUI Working Paper LAW 99/7.

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Perceptions of Europe and Perspectives on a European Order in Legal Scholarship During the Era of Fascism and National Socialism

Workshop at the European University Institute,
Friday 29 September – Saturday, 30 September 2000

Villa Schifanoia

organised by

Christian Joerges

with the assistance of

Navraj Singh Ghaleigh

This workshop explores the relationship between National Socialist and Fascist legal theory and contemporary European thought. Although those creeds are often thought of as solely nationalistic, both comprised developed visions of Europe which, in various ways, continue to resonate.

This project has its origins in a series of seminars organised by Christian Joerges and Massimo LaTorre in 1999 on “The National Socialist and Fascist Heritage of Legal Thought in Europe”. It was the objective of that seminar series to establish a forum of continuous debate and pertinent research activities on a topic which, in the view of the organisers, did not just concern Germans and Italians but Europe as a whole and even many nations outside the EU. The upcoming workshop is the next stage in the larger project.

The present focus on Europe reduces the scope of the inquiries originally envisaged considerably and can most easily be under-

taken as a contribution to legal history. Yet analyses of pertinent exponents will have to reach into broader contexts. Neither can issues of political philosophy be left out nor reflections on the *Wirkungsgeschichte* of their concepts be avoided.

The response to the latest initiative has been very positive with leading scholars (lawyers, political scientists and historians) presenting papers on such subjects as Culture and the Rationality of Law from Weimar to Maastricht (J. Peter Burgess), Carl Schmitt and Europe (John P. McCormick) and Formalist and Anti-Formalist Traditions in Germany and France (Vivian Grosswald Curran). Indeed the interest generated by has led to thoughts of a follow-up event to be held later in the year.

The – in some respects still provisional – programme of the September workshop reads as follows.

Anybody interested in participating or receiving further information should contact Ghaleigh@iue.it or Joerges@iue.it

Programme

Friday, 29 September

CHRISTIAN JOERGES, EUI:

Why Explore this Past and How? An Introduction

Panel 1: Perceptions of Europe: Carl Schmitt and his Contemporaries

JOHN MCCORMICK, Yale University:

Carl Schmitt's Conceptions of Europe

Discussant: NAVRAJ SINGH GHALEIGH

INGO HUECK, MPI Frankfurt a.M.,

Staaten - Reiche - Grossräume: Die Völkerrechtsschulen und

Europaideen im "Dritten Reich

CHRISTIAN JOERGES, EUI:

Conceptualising Public Governance for a European Grossraum

Panel 2: Ideological Linkages and Controversies

MASSIMO LA TORRE, Università di Catanzaro:

The German Impact on Fascist Public Law Doctrine

PIER GIUSEPPE MONATERI & ALESSANDRO SOMMA, Università di Torino:

The Fascist Theory of Contract

Discussant: TOMMI RALLI, EUI

Agustin José Menendez, Madrid/Oslo:

Spanish Legal Dogmatics under Franco Dictatorship: The Unexpected

Tension between Fascism and Reactionary Catholicism

Saturday, 30 September

Panel 3: Legal Methodology and Culture

J. PETER BURGESS, RSC-EUI/ARENA, Oslo:

Culture and the Rationality of Law from Weimar to Maastricht

DISCUSSANT: Willfried Spohn, EUI-RSC

VIVIAN G. CURRAN, University of Pittsburgh Law

Formalist and Anti-Formalist Legal Traditions in Germany and France

Discussant: MATTHIAS MAHLMANN, Freie Universität, Berlin

Panel 4: Public Domain of Individual Autonomy

GABRIELA EAKIN, MPI Frankfurt a.M.:

Conceptualising Political Control of the Economy

in the Twenties and Thirties

Discussant: BO STRÅTH, EUI

JAMES WHITMAN, Yale Law School: From Fascist 'Honour' to

European 'Human Dignity' ?

Discussant: FLORIAN HOFFMAN, EUI

«Une discussion fructueuse!»

Les 22 et 23 mai 2000, Joachim Wuermeling, député européen, est venu rencontrer les chercheurs et professeurs de l'Institut universitaire européen à Florence pour une discussion sur le rôle du Parlement européen dans l'harmonisation du droit privé. Les deux conférences qu'il a tenu, «The Angst of National Law for Europe», et «The work at the Committee on Legal Affairs and the Internal Market – a report of experience», dans le cadre du séminaire animé par les professeurs Christian Joerges et Jacques Ziller, ont engagé une discussion des plus fructueuses. En effet, le député a l'intention de proposer à la commission des affaires juridiques du Parlement européen un projet de résolution reprenant certaines des idées échangées lors de ces deux journées.



Jacques Ziller, Joachim Wuermeling et Christian Joerges

Joachim Wuermeling a été élu au Parlement européen en juin 1999. Il est membre de la commission des affaires juridiques, du marché intérieur et des questions constitutionnelles. Il est également suppléant aux commissions de l'industrie, du commerce extérieur, de la recherche et de l'énergie. Premier vice-président de l'«Europa-Union-Germany», il représente la région «Oberfranken» frontalière de la République tchèque. Après un LLM de droit européen à l'IUE sous la direction de Jürgen Schwarze¹, il a exercé diverses fonctions au ministère de la Bavière, puis au cabinet du commissaire européen Peter Schmidhuber à Bruxelles, ainsi qu'à la Chancellerie de Bavière comme conseiller du premier ministre Edmund Stoiber. Le jeune député se plaît à dire que dans chacune des ses activités professionnelles ou politiques, et en particulier aujourd'hui, «je bénéficie du know how acquis à l'Institut universitaire européen». Un des objectifs de sa visite à l'IUE était d'avoir un échange de vues sur l'harmonisation du droit privé en Europe.

Une législation «parcellaire» du droit privé européen

M. Wuermeling explique la faiblesse actuelle de la législation européenne en matière de droit privé par la grande divergence d'intérêts au sein du Parlement européen où sont représentés 170 partis politiques divisés en 8 groupes. Cette forte disparité d'intérêts nationaux serait aggravée par l'influence de groupes de pression

très puissants. La cohérence juridique d'un texte, initialement élaboré par une commission telle que celle des affaires juridiques, composée en grande partie de juristes, s'amenuiserait sous le coup d'amendements en Session plénière inspirés par un lobbying particulièrement actif. La législation qui en résulte ne peut donc pas, selon lui, constituer une réglementation exhaustive de l'ensemble d'un domaine du droit privé, comme la responsabilité civile par exemple, et ne concerne que des domaines très limités liés à des intérêts particuliers, sans vision d'ensemble. Cette législation parcellaire risque de tomber dans l'inefficacité, elle peut même parfois menacer la relative cohérence des ordres juridiques nationaux.

Quels remèdes peut-on imaginer?

Pour remédier à ce «pointillisme» législatif, le Parlement européen avait proposé en 1989 et 1994, la création d'un code civil européen. Mais selon M. Wuermeling, il semble que le PE, renouvelé de moitié en 1999, n'ait plus forcément la même ambition. Le professeur Christian Joerges a exprimé également ses doutes sur la faisabilité et l'efficacité d'un tel code, «le droit privé n'a pas besoin d'une législation politique imposée aux États membres. Il faut imaginer autre chose. Par exemple, est-ce qu'une commission permanente sur le modèle de la commission temporaire d'enquête lors de la crise de l'ESB, qui a démontré sa capacité d'indépendance et de contrôle, ne serait pas une solution ?»

M. Wuermeling a rappelé que des «intergroupes parlementaires» jouent déjà ce rôle de façon très efficace sur des dossiers techniques. Il a estimé que «ce qui manque avant tout, c'est une Direction Générale à la Commission européenne, spécialement chargée des questions d'harmonisation juridique, qui pourrait jouer un rôle de watchdog capable de contrôler a priori la législation européenne».

Christoph Schmid, chercheur à l'IUE, a suggéré de s'inspirer des efforts d'harmonisation entrepris depuis plus d'un siècle par les États-Unis, notamment avec l'American Law Institute. Les objectifs de cet institut qui semblent comparables aux préoccupations européennes: «promouvoir la clarification et la simplifica-

tion du droit et son adaptation aux besoins sociaux, assurer une meilleure administration de la justice et encourager ou réaliser des travaux juridiques scientifiques», ont été poursuivis à travers sa principale activité : la rédaction de Restatements et de modèles de lois unificables. L'équivalent européen d'une telle institution, un «Institut européen du droit», constitué de professeurs et de professionnels juristes, universitaires et praticiens, pourrait ainsi fournir une structure institutionnelle plus adéquate pour préparer une législation de droit privé. Mais sa fonction essentielle serait l'élaboration de Restatements constituées d'une part, des législations européennes et internationales déjà existantes et, d'autre part, de propositions non législatives, fruits d'une synthèse des solutions juridiques nationales².

Cette idée a beaucoup intéressé le député européen qui a l'intention de proposer un projet de résolution à la

commission des affaires juridiques allant dans ce sens.

La conversation s'est poursuivie tard dans la soirée autour de quelques antipasti et de bouteilles de Chianti dans la sala Bandiere, ce qui a sans doute rappelé à M. Wuermeling les douceurs toscanes de son année d'étude à la Villa Schifanoia.

¹Joachim Wuermeling, Mémoire de LLM, *Legislativer Trilog im institutionellen Dreieck der Europaischen Gemeinschaft*, EUI Working papers in Law, WP Fa9 EUR 1990.

² Pour un développement sur cette idée, C. Schmid "The emergence of a transnational legal science in Europe" *Oxford Journal of Legal Studies* 1999, p. 673.

ANTHONY CHAMBOREDON

We The Court

The need to balance power between the Member States and the Union, and between public power and the market has created powerful constitutional dilemmas for the European Union. Adopting an inter-disciplinary approach and drawing upon the jurisprudence developed around Article 30 (now Article 28), this book offers both a descriptive and a normative analysis of the European Economic Constitution and discusses the role of the European Court of Justice in its development and in the review of State and Community legislation.

The book is particularly relevant in view of the present debates on the European Constitution and the reform of the regulatory State. The book starts by describing the process of judicial development of a European Economic Constitution and relates the present constitutional dilemmas of the European Union to this process and the search for legitimacy by the European Court of Justice and European Community law. From this, it highlights and discusses the fundamental normative dilemma underlying the debate on the European Economic Constitution and the classical readings of the European Court of Justice case-law: Neo-Liberalism (and economic due process) versus Anti-Protectionism. In the process, it proposes a new reading of the European Court of Justice case-law on the Economic Constitution which reveals a peculiar type of activism described as majoritarian activism.

The last two chapters move into a normative analysis and proposals for the European Constitution. Three

alternative models of the European Economic Constitution are reviewed and discussed: Decentralized (State regulation under non-discrimination), Centralized (harmonisation) and Competitive (competition among rules). These models are related to different goals, institutional frameworks and sources of legitimacy.



Luis Miguel Poiars Pesoa Maduro

The book ends by arguing that the future of the European Economic Constitution will lie in a permanent discourse involving those different models. What lawyers should do is to concentrate on the shaping of this discourse and on developing constitutional criteria to choose among those models and their different institutions (the State, the Community Political Process and the Market). For this, it is essential to work on the notion of the legitimacy of European law. In this regard, it is argued that best source of legitimacy

for European law is the provision of new forms of representation and participation helping to reform both the market and the State. In particular, the book stresses the role of European law as a tool to promote participation and representation of all European Union citizens in national political processes.

Luís Miguel Maduro, *We The Court, The European Court of Justice and the European Economic Constitution – An Alternative Reading of Article 30 of EC Treaty*. Hart Publishing, Oxford, 1998 (reprinted 1999).

This book is based on Dr Maduro's thesis, defended at the EUI in 1996 for which Dr Maduro was awarded this year's Rotary Prize. (See also page 67 below.)

Negative Freiheitsrechte und gesellschaftliche Selbstorganisation

Die negativen Freiheitsrechte werden in der rechts- und sozialwissenschaftlichen Literatur häufig als Schutzrechte des 'egoistischen Individuums' vor dem Staat dargestellt. Dies wird entweder in den verschiedenen Lesearten des methodologischen Individualismus als notwendiger Ausdruck des Respekts vor der Autonomie des Individuums legitimiert oder es wird kritisch als Verkürzung der menschlichen Freiheit um ihre kollektive Komponente angesehen. In der kritischen Perspektive bedarf es der Ergänzung der negativen Freiheitsrechte um ein 'positives' Pendant, das erst 'wirkliche' Freiheit ermöglicht.

Karl-Heinz Ladeur zeigt, daß die verbreitete Konstruktion negativer Freiheit als 'Abwehrrecht' gesellschaftliche Selbstorganisation nicht ermöglicht. Nur auf dieser Grundlage liegt der Gedanke nahe, daß die Emanzipation von privater Interessenorientierung, die sich ausdrücklich im öffentlichen Raum vollzieht, eine rationale Ordnungsbildung erlaubt. Demgegenüber sollte der Gebrauch negativer Freiheitsrechte seinerseits Effekte erzeugen, die umfassend genutzt werden können. So entsteht einerseits ein Wissen, das nicht nur privat angeeignet werden kann. Zum anderen ermöglichen die negativen Freiheitsrechte den Aufbau eines produktiven Netzwerks von Erwartungen und Konventionen. Wissen und Netzwerk bilden ein soziales Kapital, das allgemein genutzt werden kann.

Karl-Heinz Ladeur, seit 1996 Professor für Öffentliches Recht an der Universität Hamburg, seit 1999 auch am Europäischen Hochschulinstitut.



Karl-Heinz Ladeur

Karl-Heinz Ladeur, *Negative Freiheitsrechte und gesellschaftliche Selbstorganisation. Zur Erzeugung von Sozialkapital durch gesellschaftliche Institutionen.* Mohr Siebeck, Tübingen 2000, 349 Seiten

Karl-Heinz Ladeur, *Negative Rights of Individual Liberty and Social Self-Organization. The Production of Social Capital by Social Institutions.*

In the literature written for and by members of the legal or social sciences professions, negative rights of individual liberty are often presented as privileges that protect the 'egoistical individual' from the state. In the various versions of methodological individualism, this is either justified as a necessary expression of respect for the autonomy of the individual, or it is looked upon critically as a reduction of human freedom by its collective component. From a critical point of view, what is needed is a supplementation of the negative rights of individual liberty with a 'positive' counterpart in order to enable 'real' freedom.

The Law Department says goodbye to ...



Prof. MARIE-JEANNE CAMPANA is leaving the Department after four years to return to her home university Paris X – Nanterre.

Prof. FRANCIS SNYDER, who is leaving after eight years, will be Visiting Fellow at the Wissenschaftskolleg in Berlin during the next Academic Year. He has a joint appointment as Professor at the Université d'Aix-Marseille III), and Centennial Professor in the Department of Law at the London School of Economics.



History of Police, Legal Institutions, Criminology, and Crime

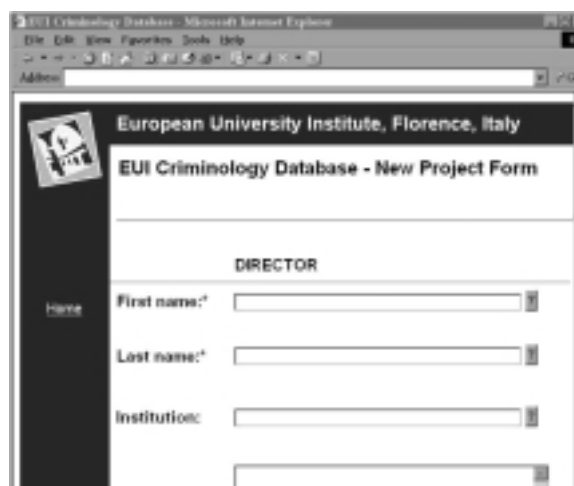
The history of crime, crime detection, criminology, and penal law continues to attract a fair number of scholars all over the world. Even though there are several institutions providing a more or less formalized network for scholarly exchange, the availability of new forms of communication can provide additional, decentralized platforms for discussion. This database, which is created and maintained within the project of Professor Peter Becker at the history department of the European University Institute, intends to fill this void. It will function as a clearing-house for ongoing and recently completed projects; it will be made possible by the contributions of scholars all over the world, who are invited to complete a pre-structured form to enter the details of their projects. As soon as this offer is accepted from the scholarly community, it will provide orientation within a burgeoning field of scholarship and further collaboration with colleagues whose work is related to one's own project. At this moment, several days after the launch of the project, we have already received about twenty entries.

Orientation in these domains is currently provided only through specialized periodicals, such as *Crime, History & Society*, edited by René Levy in Paris, by the newsletter of the Paris-based European network GERN, and by the meetings of the Crime History Network of the Social Science History Association in the US. Exchange of information is in these cases still based on more 'traditional' means of communication and they are not as easily approachable by the novices as our database project. It is quite telling that most of the entries we have received so far, have been submitted by younger scholars.

The first idea for this project emerged during the organization of a conference on the history of criminology, when the conveners found themselves confronted with a high number of exceptionally good and interesting paper proposals from all over the world. In using the Internet for the call for papers, a truly international community of scholars was addressed and responded. It turned out that cultural-studies and history-of-science approaches to criminology and criminal law, and an ongoing interest in penal practices and the social history of crime, are provoking an increasing interest in discursive and institutional practices related to criminals as representing 'otherness' within society. As they are based on comparable conceptual frameworks, the focus of projects from South American and European scholars turned out to be sometimes overlapping. For this reason, different means of communication are deemed to be necessary in order to provide orientation within a global network of scholars. The database is intended to

be an appropriate tool for this end. The usefulness of this project depends fully on the support of the scholarly community, which has to make use of the offer by providing and retrieving information.

This project has turned out to be challenging also in technical terms, not least because it was the first attempt of its kind at the EUI. The solutions finally adopted can therefore be used as guidelines for comparable initiatives. For our purposes, we had to provide, first, an open and at the same time restricted system for the entry of data, second, an automated routine to administrate the databank, and, third, a retrieval technology for easy yet



still differentiated access to the records. The first challenge was met by restricting access to users with a specific password. The second problem was addressed by developing a carefully structured form, designed to minimize possible errors and to provide guidelines for the user. In particular, a standardized classification of projects was made possible through the definition of two related sets of keywords, which can be obtained through pull-down menus for both data entry and retrieval. The third question was dealt with by defining an interface enabling the user easily to formulate simple to complex searches.

Summarizing our experiences with this project until now, I would like to emphasize that a Web database as a public resource needs special attention in design and administration. If carefully planned and accepted by scholars around the world, it can become a node within shifting scholarly networks and be one of the main technological solutions for a quickly expanding and geographically dispersed scholarly community.

GIUSEPPE LAURICELLA

AMERICAN DREAMS

The European film industry from dominance to decline

“You can take Hollywood for granted like I did, or you can dismiss it with the contempt we reserve for what we don’t understand. It can be understood too, but only dimly and in flashes. Not half a dozen men have ever been able to keep the whole equation of pictures in their heads.”

F. Scott Fitzgerald, *The last tycoon*. An unfinished novel (1941), p. 10.

Imagine Americans watching only European movies. The cinema they visit shows European pictures, the newspaper they buy contains advertisements for European films, the interviews they read are with European actors and, when they sleep, they dream about European stars. At the same time, many American citizens complain about the immorality and plain commercialness of European movies. They call for restrictions on the showing of these films full of sex and violence, aimed at the lowest common denominator.

This may seem science fiction, but it is actually the past. In the first decades of the last century, European films were hugely popular in the United States. Euro-



Pearl White in *Plunder* (1923)

A weak film industry which can hardly compete with its American counterpart is a feature all European countries have in common. Today, it seems something typically European. However, Europe has not always been a loser in film production. Gerben Bakker takes you back to a long forgotten period in which the European film industry was the strongest in the world. He writes about its downfall in a brief spell of disaster and the subsequent century of futile attempts to regain control of the world’s film markets.

pean film companies had large American subsidiaries and international distribution networks, just as the Hollywood studios have today. In Europe itself, American films were only a marginal part of all films shown. New film formats such as the newsreel, cartoon, serial and feature film all had their origin in Europe.

Today, it is easy to forget about this period. It is generally assumed that Europe has always been weak in commercial amusement, and that mass-entertainment films come from America, like some God-given law of nature. Even numerous studies commissioned by the European Union start their research at the very earliest in the late 1960s, which must be absolute prehistory for consultants working today. By focusing on an industry that is already in a perpetual state of decline, they fail to address an essential question which could be the key to the answer they are looking for: how could the European film industry initially have been so successful, and how could it collapse and never after recover?

The author’s research exactly focuses on this period and tries to answer this question using economic theory. It thus fills a major gap in the research on the explanations for the current state of the European film industry. Instead of tediously summarizing the author’s research findings, this article will just broadly sketch the main business developments in the European film industry during the last century, addressing its period of boom and zooming in on its attempts to regain control after its disastrous collapse, in which most of the movie business shifted across the Atlantic to America.

Danish-Italian spectacles

The rapid growth of the European film industry, and its expansion into the American market, took place in several waves. Around the turn of the century, British films were very popular in the US, although exact figures are lacking. The European market share reached an all-time-high in 1907, with about 50 - 60 % of all films shown European. The popularity of British films had declined and most of these films now were French. French companies such as Méliès, Pathé, Gaumont and Eclair set up their own subsidiaries in the US, and introduced new formats like the newsreel, the cartoon, early colour and sound film, and the serial, a film in instalments, the forerunner of the present-day TV-series.

Italian companies entered the American market only a few years later, around 1910. They made lavish historical-spectacle films like *Quo Vadis* and *The last days of Pompeii*, which popularized classical themes. The films were different from anything else made at the time: they used expensive costumes, elaborate sets and mass scenes with thousands of extras. While the average length of a film in the US at that time was about fifteen minutes, the Italian films often lasted longer than an hour, and were shown at premium prices.

Around the same time the Danish Nordisk company became the dominant player in the Scandinavian, Central and East European markets, and started to export films to America. It made quite an effort to adapt its films to the American taste. While for Eastern European markets it made a sad, dramatic ending to its movies, for Western European and American audiences, Nordisk shot a different, happy ending for what were otherwise exactly the same films. Nordisk also started to make longer films, and together with the Italian spectacle dramas pointed the way to the feature film as we now know it: a film 90 - 120 minutes long with a narrative dramatic structure, crafted around famous stars and based on famous stories.

Besides all these innovations in film formats, European companies also pioneered new business practices in the early film industry, such as renting films to exhibitors instead of selling them, vertically integrating production with distribution and exhibition, and 'block-booking'; forcing exhibitors to buy a whole block of films at a time, both bad and good ones.

The French company Pathé was the Microsoft of the early film industry. According to contemporary estimates, it held an 80 % share of the European film market and at least half of the world film market. The company started from a technological base producing film cameras, projectors and raw film stock, and initially made films to drive up demand for its equipment. In rapid pace, it set up distribution offices in all European countries and on every continent, to which it supplied every day a steady amount of new films, from studios in Paris, Moscow and New Jersey, among others. It was



Asta Nielsen

the largest film supplier in the U.S. market. The motto of Charles Pathé, 'I did not invent cinema, but I industrialized it', might have come from the mouth of a Bill Gates.

In 1910, no one could have dreamed that one day soon most films Europeans watched would be American. It was hardly believable that the mighty European film industry would be brought to its knees, and would never after be able to stand up by itself again.

Yet, in the mid-1910s, during the few short years when Europe was at war, the feature film emerged as the dominant format in the American market, and European market share in the US fell rapidly. Not long after, as American troops hit the shores of France, the same happened in the European market. Gradually, the American companies copied all the formats and business practices pioneered in Europe, transformed them to their own advantage, and exported them back to the Old Continent.

Cinematographic Hiroshima

In the early 1920s, hardly any European films were shown in America, and mostly American films were shown in Europe. Everywhere in Europe film companies went bankrupt, dissolved or continued a marginal existence. Pathé sold its American business, left film-making and concentrated on distribution and exhibition in France. Other French companies did the same or

went bankrupt. Nordisk continued as an insignificant Danish film company, and eventually went into receivership. The eleven largest Italian film producers formed a trust, which failed terribly, and one by one they fell into financial disaster. In the United Kingdom, no British films at all were being made by late 1924.



Cover of *Internationale Filmschau*, 1 June 1921

This cinematographic Hiroshima ignited a strong response by European governments. They introduced special laws to limit the number of foreign films that distributors could offer and cinemas could show. It was not enough to simply restrict the import of foreign films by the use of tariffs and import quotas, because film negatives could be copied inside European markets, and the number of film tickets sold per copy could not be taxed at entry in the country. Although the collapse of the domestic film industries constituted one of the first pan-European problems, the reactions of the European governments to it were not very pan-European. They all introduced the protectionist laws at about the same time, imitating parts of each others' legislation. This effectively closed their markets to each others' film industries, thus aggravating the problem.

The film industry did develop a pan-European reaction, reflected in the emergence of the 'Film-Europe' movement in the mid-1920s, in which independent film companies formed combines to co-produce films and thus increase the size of the 'domestic' market. The idea was that a film producer anywhere in Europe would have access to the whole European market. The combines took several different forms, such as mergers, takeovers, temporary joint ventures, co-productions and alliances, but in the end 'Film Europe' never became a

huge commercial success, and the movement declined with the rise of totalitarian regimes.

The protective legislation did keep the European film industry afloat for a while, but did not result in a strong exporting industry that could stand by itself in the long run. Since then, European companies have made numerous attempts to win back part of the international film market, but at the end of the day, all these efforts proved short-lived.

Before the Second World War the brief flashes of life in the European film industry were the German and Swedish industries in the early 1920s, and Britain in the 1930s. The Weimar Republic had two big advantages: first, because of German hyperinflation their films could be sold cheap on foreign markets, and second, they had a large pool of highly specialized creative talent, such as cameramen, lighting specialists, make-up artists, set designers, actors, actresses, directors – many of them Jewish. The first advantage disappeared after stabilization of the mark, and the rise of Fascism literally drove the second advantage across the Atlantic to Hollywood.

The coming of sound film in 1928 initially gave the European industries an advantage, as Europeans preferred to watch films in their mother tongue. But once the Hollywood studios had mastered dubbing and subtitling this advantage quickly diminished to a small niche in the domestic market. The strong rise in production costs caused by sound technology made this niche difficult to maintain, and in the early 1930s the European film industry was back where it was in the early 1920s. In France the two biggest companies, Pathé and Gaumont, both went into receivership.



Marlene Dietrich and Clive Brook in *Shanghai Express* (1932)

At the same time, the British film industry briefly boomed, due to strong government protection which forced quotas of British films upon exhibitors and distributors, long-term distribution contracts for the US market, and possibly because it was culturally close to the US, which made British sound films easier to ex-

port. Despite some blockbuster period dramas, such as *The Private Life of Henry VIII* and *Don Juan* (interestingly, not produced by a Brit, but by a Jewish-Hungarian immigrant) the success was not consistent. After a



Alexander Korda and Vivien Leigh

short investment boom and big bust in 1937, the film industry heavily concentrated under the management of J. Arthur Rank, but soon lost ground to the Americans.

Disco-films and cocaine

After the War, in the 1950s and 1960s, Europe experienced a rise in cinema-going, while in America suburbanization caused a sharp drop in cinema attendance. The result was that the European film industry experienced a relative boom, while the Hollywood studios were brought into turmoil, and started to shoot many films in Europe because of the expanding market, cheap production costs, presence of skilled cinema labour and advantageous tax constructions.

The late 1970s saw a new, short-lived European attempt to enter big-time film production, this time by the Dutch company Polygram, then the biggest record company in the world. It invested in several joint ventures with music producers such as Robert Stigwood and Neil Bogart of Casablanca Film and Records. Many of the films were tied to the disco music in which Polygram specialized at the time. Initially Stigwood had a few successes with *Saturday Night Fever* and *Grease*, and Casablanca – which had musical acts like Kiss, Donna Summer and The Village People – with *Thank God it's Friday*. However, management of the subsidiaries proved difficult. At Casablanca, for example, lots of money was wasted on luxury cars and cocaine. When the disco craze declined in the early 1980s Polygram's film ventures soon became a bottomless pit, and were all closed by 1985.

However successful the European production companies could sometimes be in the short run, in the longer term they always faced the same problem: usually banks will only finance film production if a certain

amount of revenue is guaranteed. A film producer therefore first goes with the script and the stars to a major distributor, who guarantees international distribution and a minimum amount of revenue, in return for a share in profits. The producer can then discount this 'minimum guarantee' at a bank to pay for the production costs, provided that the film has 'bankable' stars and a good script, preferably based on a famous story. In practice, this construction meant that the distributor received the lion's share of profits.

Since all international distributors were American, this simply meant that most profits disappeared into the pockets of the American film industry, and this made it difficult for European companies to flourish in the long run. At the start of the twentieth century, several European companies had had their own international networks, but by the early 1920s most of them were closed or sold, as the Hollywood studios brought their international distribution networks into place.

This meant that European companies had difficulties in getting regular and guaranteed access to foreign distribution. Foreign distributors did want to distribute films that looked like fail-safe successes, but avoided films of which the success was more uncertain. The American studios, on the other hand, could make large portfolios of films every year, for which foreign distribution was guaranteed. Their distribution outlets could force cinemas to buy their movies: if they wanted to have a Chaplin, a Pickford or a Garbo, they also had to rent the fifteen other films.

If European producers concluded long-term contracts with foreign distributors, this meant that a large chunk of the profits would go to the foreign distributor. In the end these contracts did not help to create a viable British industry in the 1930s.

Connery and Bardot

In the early 1920s, the 'Film Europe' movement tried to set up an alternative international distribution system to the Hollywood studios, but failed. The late 1960s saw a new attempt to counter the power of the Hollywood distributors with the founding of the International Film Consortium. Instead of the guarantee of one major (American) distributor, this organization collected the guarantees of not less than 33 distributors in different countries, which were then presented to a bank to get money. A London management company (headed by Anthony Zanardi Landi - a very distant relative of the Institute's Secretary General) developed the screenplays and then transferred them to participating production companies, a Paris office collected all the distributors' guarantees, and American banks provided the finance. The headquarters were conveniently based in the Bahamas.

Sixteen films were financed this way. Only the first one, *Shalako*, a western with Sean Connery and Brigitte

Bardot, made a profit; all the other ones did not. The Paris office did not always manage to assess the various national distribution guarantees rightly, and failed to get enough clear guarantees that covered all production costs. When the company that guaranteed the American distribution went bankrupt, new film production stopped. The bank Morgan Grenfell, the main bank behind the consortium, ended up with a huge loss.

In the early 1990s, Polygram re-entered the film business, this time not concentrating on film production, but aiming to build an international distribution organization. It distributed feature films for cinemas, as well as television programmes and videotapes. The distribution machine was fed by films from a variety of production companies, comparable with 'labels' in the music industry. These were based in Britain, France and the US, and were often only partly owned by Polygram, to spread production risk. Polygram also started to buy up rights to catalogues of old films and television pro-



Anne Parrillaud in Luc Besson's *Nikita* (1990)

grammes to feed its distribution network.

The adventure came to an end when Philips Electronics, the parent company of Polygram, sold it to Universal, and its film division was folded into Universal's. How successful Polygram's second attempt might have been is difficult to assess. In nine years, it sank about one billion dollars in its film division, and produced a few moderate hits, such as *Four Weddings and a Funeral*, and *Priscilla, Queen of the Desert*. It was close to break-even, and seems to have had a fair chance of becoming the first 'European' major in three quarters of a century.

Thus, all the attempts by European film companies to re-enter major film production or film distribution eventually failed. European governments tried to help the domestic industries through regulations and subsidies, but did not make much of a difference in the end. Directly after the Second World War, Europe's States

were short of foreign currency and largely blocked the transfer to America of money made by US distributors in Europe. In 1947 the Hollywood studios even boycotted Britain – their most important foreign market – for seven months, to protest the blocking of their deposits. The studios became quite creative at finding alternative ways to get their money back throughout the fifties and sixties. Film producer David Puttnam writes how in one case a Hollywood studio bought a sunken tanker off the coast of France, paid for its salvage in francs, and then sold it for dollars to an American oil company.

In the 1960s, many European governments introduced new subsidies and protection to the domestic industries. However, the intention might not always have been to create a strong European entertainment industry. Half-hidden between the lines of a recent book written by film industry consultant Martin Dale, *The Movie Game*, an interesting thought can be found. In the 1960s, the European film industry was in a relatively healthy condition: it was quite alive and vibrant. Given the strong popular protests in Europe during the 1960s, some interest groups in European nation States might have been afraid of a strong energetic European film industry, whose political engagement might be less easily controlled than that of the Hollywood studios. They feared that, in theory, a strong, independent European film industry could rouse the masses and aggravate popular unrest. The creation of powerful independent film distributors would undermine the ability of nation States to control cultural expression.

A toothless film industry

To these groups, it might have been a comforting thought that commissions of respected and trusted people were to decide who was going to get the money to make a film and who wasn't. This way, film-making could be controlled, and it was made sure that the European film industry would remain toothless. Besides, economic interest groups such as media conglomerates, distributors and cinemas were quite happy with the current situation because they received a steady and predictable flow of quite predictable films, with on the whole, for whole blocks of films at a time, a predictable quality and audience appeal. Moreover, any economic concern at the import of Hollywood films was probably limited, since the imported films generated a lot of employment at local distributors and cinemas.

In the 1980s, the European Union set up a subsidy programme on a European basis, the so-called MEDIA programme. The subsidies were mostly aimed at developing creative talent and at individual films rather than companies, and sought to compel co-operation between the different national film industries. This led to numerous bureaucratic requirements, and to the emergence of a genre which was called the 'Europudding film', a film which is for example about a Greek painter living in Paris being kidnapped by Danish Hell's Angels to an

Irish refuge where he gets romantically involved with a German girl – all with Italian popular music in the background.

One member of the MEDIA program claimed that about a third of the funds were used for administrative expenses, such as staff salaries, promotional material, meetings in expensive hotels, airline tickets, etc. Optimists commented that for a European subsidy programme, this might be quite a low percentage.



Maria Callas in Pier Paolo Pasolini's *Medea* (1970)

The focusing of the European subsidy system on individual creative talent and individual films leads to a guild-like way of film production, writes Peter Bart, editor of *Variety*, America's leading trade magazine on the entertainment industry: 'In Hollywood an array of multinational corporations have honed the studio system into an extravagantly quirky but hugely productive assembly line of mass entertainment for the world markets. In Europe, by contrast, the economic structure of film-making seems to be retreating into a sort of medieval guild system.' The MEDIA office has somewhat responded to the critique, since its latest programme has a strong focus on distribution, but it is again aimed at individual films about which bureaucrats decide.

A problem with giving subsidies is often market definition. The film market and film production sector is often considered as one market. In reality however the structure of the market comes closer to a dual market structure, in which there is one huge mass market for commercial bulk entertainment, carefully crafted to audience taste, and one smaller niche market for films that may come closer to art than to entertainment. European subsidies often amounted to giving money to films in the second category with the expectation that they could compete in the first.

The mere fact of having commissions of respectable and established cultural persons with reputations to lose

decide over who gets money to make a film already biases subsidies towards these second markets. Moreover, spending public money on highly commercial mass-market films would be difficult to explain to taxpayers.

Since the late 1980s, at least some 700 million euros of EU public money have been pumped into European film production, besides the subsidies from individual governments. The average European film is now 70-80 % financed with government money, most of it allocated by committees. At present about twice as many films are made in the European Union as in the United States, for approx. 1.4 billion euros, about 30 % of the total US production costs. The average European film now grosses about 800,000 euros world-wide, and reaches an audience of 150,000 persons. The average Hollywood movie grosses 58 million world-wide, and reaches an audience of 10.5 million persons.

Martin Dale observes that the MEDIA programme at least succeeded in one task: it brought together all the closed national cultural elites that controlled national film production, and merged them into a Europe-wide closed cultural establishment, providing 'a co-ordinating structure designed to link together the cultural control mechanisms of the Member States'.

Do not enter

If they are to work at all, the subsidies for the first market which work best are 'automatic' subsidies in the form of tax breaks to producing and distributing companies, with no special requirements for each individual film, a system which the US government has successfully applied. In theory, subsidies for films in the second category could be decided for individual films, but even then the question is how desirable it is to have bureaucrats and cultural officials decide which films get made. Especially since these films come closer to art than mass-market films, it is important that they be innovative, provocative and challenging and unhampered by a cultural establishment.

A French commentator, Gilles Jacob, writes: 'In France, there are five people who decide which films get made, and always the same fifteen directors. There is plenty of other talent. We must rescue the underdog and not hang up a sign – as at the beginning of *Citizen Kane* – saying "Do not enter".'

One should not forget that Hollywood too received substantial government subsidies and assistance. Certain laws allowed American studios to cooperate in foreign markets, something which was illegal inside the US market. Furthermore, from the early 1970s to 1985, American film companies received substantial tax breaks. A special investment tax credit introduced by Nixon in the 1970s gave the studios a massive 400 million dollars at once in tax breaks, and after that they could get back tax annually. Another law, introduced at

the same time, enabled the Hollywood studios to receive half of their export earnings tax free. And if this was not enough, still another law gave private investors in individual films a 100 % tax write-off. By the mid-1980s, when the American film industry was flourishing again, most of these regulations were terminated. Coincidentally, that was when the European MEDIA programme started.

Big Brother

Will Europeans ever again enjoy the situation depicted at the outset of this article, with a strong European mass-entertainment industry? Recently, European companies have been successful in some niche markets.



Pedro Almodóvar directing Victoria Abril in *Tacones lejanos* (1991)

The German company EM.TV, for example, tries to dominate the market for children's television. It has exclusive rights to many American TV programmes, owns animation studios and recently bought the Muppet Show. The firm saw its market value multiply fifty-fold in recent years.

The Dutch company Endemol, recently bought by the Spanish Telefónica for about 3 billion euro, on the other hand, excels in formulas for game shows, integrated with Internet services. It has subsidiaries in Scandinavia, Britain, Germany, France, Spain, America and South Africa among others, which all try to exploit game-show formulas locally. Its Big Brother show was a huge hit around the world. Both Endemol and EM.TV hardly receive any subsidies, and their managers are definitely not part of the European cultural establishment. Although outside the film industry, the companies show Europe can compete in entertainment without subsidies.

However, a future European film industry, even if it will not produce films in the US, will always have to take Hollywood into account as the international mar-

ket-place for entertainment professionals. Since the film industry is highly specialized, it is convenient for all the companies and artists to be close together. Nowadays, even for films not made or distributed by the Hollywood majors, deals are struck in Hollywood, since that is where all the creative, technical and commercial talent meets. It is easiest to do this meeting all in one place, and if that place happens to be Hollywood, why change it? Even if Europe were eventually to get large international film producers/distributors of its own, it still would not be able to get around Hollywood-as-a-market-place.

Ploughshares into films

One factor that inhibits the flourishing of a European entertainment industry lies outside the reach of governments and companies, but instead involves Europe's universities. While the media and communications industry is now the fastest growing sector of the economy, many European economists and economic historians are still frantically studying subjects like banks, railways, iron, textiles and other manufacturing industries, which all originated long before the twentieth century started. Economists often regard the entertainment and media industries as businesses that in no way matter to economic growth and social-economic development. Sometimes they are even called 'parasitic industries', profiting from the surpluses generated by other, supposedly more worthy industries.

At American universities these new industries have long been taken seriously. They receive careful attention, as the author experienced during a recent stay at New York University. Already in the early 1930s, for example, Harvard University was organizing research and courses in the management of entertainment companies. Since Europe risks losing out big-time in these industries, more research on them would be a bare necessity and an urgent one.

The author's research on the economics of the dominance of Hollywood films in Europe is therefore relevant. It tries to answer the essential question that most people forget to ask: how could the booming European film industry have become eternally damned in just a few years? This question is not only of academic and historical interest, but vitally important for the future of Europe.

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Far Right Populism and Democracy in a European Context: The Case of Austria

On 31 March and 1 April over 20 intellectuals met at the European University Institute to exchange ideas on the newly formed Austrian government, which includes the right-wing populist FPÖ (Freiheitliche Partei Österreichs) under the helm of Jörg Haider.

In the conference Far Right Populism and Democracy in a European Context: The Austrian Case—made possible by the generous support of the four departments at the EUI and the Austrian Cultural Institutes in Rome and Milan—confrontations with two issues were of central importance: Firstly, the far reaching implications of responses to the new government by the European Union including an exclusion of bilateral and informal contacts with the new Austrian government, the “sanctions”. Secondly the uniqueness or general relevance of

the Austrian case, as exhibited by the results of the last election in Austria and the government that was formed in its wake as well as the implications of these events for the European Union. The implementation of these sanctions and debates in the European Union point to a silent transformation of the Union from a utilitarian, economic unit to an active value-based political community.

Beginning in the 1920s and 1930s Austria has understood itself to be an, if not the, virtuous victim of political forces beyond its own control, a victim of an unjust peace and then the first victim of Nazi aggression. This widely accepted

self-perception provided comfort and almost universal, non-controversial identity to post-war generations, while preventing any systematic efforts to come to terms with a Nazi past. As Walter Manoschek and commentators to



the panel on Political and Historical Reflections of the Austrian Case pointed out, this lack of readiness and necessity to confront unpleasant aspects of the country's past was by no stretch of the imagination restricted to the Austrian right. Until very recently, it was a strategy shared by Austrian political actors of all colours. The first impetus for change can be placed in the discussions that accompanied the election of Kurt Waldheim to the Austrian presidency.

This Austrian innocence is and was manifested in representations and perceptions of Austria as pristine, untouched, white landscapes of mountains, forests, and

lakes—the paradise for sport and recreation, the antithesis of modern industrial society, despite the technology upon which sport and recreation are dependant. Austria's pride, in fact is in the creation of these cultural landscapes, where

nature and technology are bound in partnership, making paradise available while preserving it. This was one of Armin Thurnher's arguments on post-war Austria's self-representation. Its presence in Austrian marketing strategies is evident in the image (left), selected from an Austrian tourist brochure. It juxtaposes an almost virgin snow-bank with the modern technology that makes it accessible. In its centre, we find the sportsman, experiencing the pleasure and thrilling adventure that Austria promises its guests.

The trope of the athlete is one of the most commonly used images of Jörg Haider to represent success, dynamism and future. The snowboarding athlete in this advertisement could very easily be mistaken for Haider. This corresponds with a second argument made by Armin Thurnher in his reflection on Populism and Austrian Culture, where he introduces sports, nature and cultural heritage as the most important elements in the denial of Austria's Nazi past.

The success of Jörg Haider is ascribed in part to the subtle exploitation of the multi-layered image of the homo austriacus, a winning athlete, understanding friend, obedient son and coura-

geous rebel fighting for the just cause all wrapped up in one. This contradictory self-presentation correlates to somewhat contradictory political statements, which are outlined by Peter Ulram through an analysis of the political programs exploited by the FPÖ following Haider's domination of the party leadership. These contradictions became obvious in the most recent election campaigns of the FPÖ (1998-2000) through the fusion of right-wing populism against foreigners, of left-wing populism for welfare policies, of liberal economic policy and, finally, of a more general urge for political change. Within this ideological cacophony Sonja Puntschner-Riekman identifies a more coherent political program. It is based on the reception of conservative political ideas from other European countries and the United States to promote economic liberalism, while striving to build a strong authoritarian state. In this scheme, the market is intended to pacify consumers and the state to provide a safe haven for an uprooted middle class.

Although Haider's image and the party's programmes play an important role, they are not solely responsible for the successes of the right in Austria. The discussions at the workshop emphasised a need to employ a far wider perspective. Equally important to our understanding of the successes of far-right populism in Austria were the peculiarities of its two-party-system and its social partnership, which have been fundamental to the political and economic life of Austrians over the past fifty years. In his contribution Gerhard Botz pointed to the discontent that has fermented in many Austrians due to the stable if not stagnant political situation as an important factor in the success of right wing populism in Austria. Although right-wing populism openly attacks the

polarisation within Austria's political spectrum as a result of persisting "camp" ideology it is one of the system's greatest exploiters. Haider's successes with right-wing populism are also rooted in the lack of systematic integration of foreign workers, according to Rainer Münz. Using a comparative perspective, he outlined two distinct paths of social integration in Austria and Germany. He perceived differences in recruitment and employment strategies and the implications of these policies on a political and social level.

Among the many policy issues discussed at the workshop, xenophobia, gender policy and the eastern enlargement of the European Union received the most attention. Ironically for the first time, women are well represented in an Austrian government. They hold important portfolios, which may be seen in a positive light, yet the female ministers within the current government are explicitly opposed to the feminist movement, which made their very ascent possible. Instead they advance traditional "family values", as Sylvia Hahn stated.

Attitudes of the new government toward eastern enlargement of the European Union were analysed by Janos Kovacs, from a rather pessimistic perspective. In a discourse analysis of political and academic statements on eastern enlargement, he detected a widespread belief in the backwardness of Austria's eastern neighbours. This conception of the political, economic, and cultural inferiority of the potentially new member states transcends party lines and appears to support reactionary and isolationist attitudes within Austria.

What sense can we then make of the rich and often controversial discussions at the workshop? First, the commentators from within the EUI (Jacques Ziller, Bo Stråth,

Willfried Spohn, and Michael Minkenberg) placed the Austrian case into the wider European framework. The success of populist movements all over Europe, the lack of reflection on the involvement in the Nazi past, and the widespread welfare chauvinism are among the connecting elements to other European countries. Second, the sanctions, the most pressing concern of the Austrian government as well as an interesting constitutional issue were discussed from the very beginning of the workshop.

Philippe Schmitter saw them from a rather critical perspective, if they are perceived to be an end in themselves. In the discussion of his argument however, positive results of the political discourse on the sanctions were stressed, including the readiness to engage in the discussion of the fundamental political values providing the basis for the European Community as well as the promotion of a civil society in Austria.

Closing, it should be stressed that this workshop demonstrated the importance of an interdisciplinary super-national European environment to address central issues of today's political situation. Practically free of politicized arguments and enriched by the availability of expertise on a variety of different issues, the controversial discussions at and around this workshop provided new insights into Austrian politics, the threat posed by populist movements and shifting self-perceptions within the European Community.

JAMES KAYE

History and DigitalMedia: Possibilities and Problems

A Discussion at the Institute

Revolution, old and new, change, end of an era. These words have been pronounced not in a radical demonstration, but in the Sala del Teatro of the EUI, referring to history and historical research.

The Internet and the new media have been identified as responsible for this strong movement that is supposed to be affecting historical research. The new media are having an impact on history at different levels: language, sources, structure of the text, ways of reading, reception and transmission. Currently, public discourse is emphasizing that the era of the book is coming to an end and that the digital era has already started, defining and disciplining almost all aspects of everyday-life. Behind these simplifications there is a complex and often contradictory situation of the Web and of digital communication, that is more in grey shades than in an easy and comforting black and white vision. Historians, working with discourses and practices, are trying to cope with these issues, which are probably challenging the very identity of the historical profession.

The Professional Seminar of SISSCO, (Società Italiana per lo Studio della Storia Contemporanea), held on 6 April at the European University Institute and 7 April at the University of Florence in the Aula Magna of Palazzo Fenzi, offered an interesting opportunity to discuss all these problems. The Seminar was organized by SISSCO and its website, SISSCOWEB, [www.iue.it/LIB/SISSCO/Welcome.html, where it is possible to find a dossier concerning the whole seminar] in collaboration with the Department of Historical and Geographical Studies of the University of Florence.

The two full days of discussion presented a large and problematic picture of the complex impact of new technologies of communication on historical research. The exponential growth of databases, the selection, definition and verification of sources in the digital era, the writing of history, and also technical problems or political investments on the Web: all these issues were raised by the speakers, who suggested various solutions and different ways of confronting the technological challenge.

The Conference was opened by the President of SISSCO, Raffaele Romanelli and by Serge Noiret, organizer of the seminar. The first session was dedicated to language and communications between historians.

Peppino Ortoleva (Cliomedia, University of Siena) opened the discussion with a clear and brilliant analy-



Raffaele Romanelli and Serge Noiret

sis of the impact of the Internet on the definition of the profession of historians. The Web is, in Ortoleva's view, challenging the old distinction between "pure" professional research and unscientific reconstruction of the past, on which for more than a century the profession of historian has been based. This challenge is focused in three specific points: communication and confrontation on-line are less formal and more dynamic, offering the possibility to move beyond the current fossilization of debate. E-discussion might produce and increase conflict, which is one of the defining elements of a scientific community. Besides, the wider potential audience of net-users is forcing historians to confront not just professional colleagues, but also a larger and more heterogeneous public. Last but not least, digital working implies collaboration and the bringing together of different skills. It obliges historians to learn team working, abandoning the lonely process of writing history.

The identification of the author became more difficult in this perspective, and Laura Parolin clearly underlined how the unique attribution of a text to a single author is almost impossible with hypertexts. They present a multiple and pyramidal structure, in which the different levels are not isolated from each other. This means a problem with defining the responsible author, which is still the main path to recognition of scientific authority, as well as to an academic career.



Luisa Passerini and Enrica Capussotti

In the second session, dedicated to historical sites and historical research methodology on the Web, Serge Noiret, starting from his experience as webmaster of SISCOWEB, analysed the possibility of the presence and activity of historians on the Internet. In Noiret's view the change in the way of communication is so deep that historians must and can, confront the implications of this transformation. The work of historians is not finished. It has to be applied to the new medium, which presents in a different form the same problems as a "traditional" source: distinction, validation, analysis, interpretation. In the last part of the session some interesting examples of digitization of sources in various historical field were presented, clarifying a lot of the possibilities of the Web for historical research.



Professors Romanelli, Passerini and Dr De Quirico

The Friday session was opened with one of the few examples of web publishing of historical research. Robert Darnton (University of Princeton, President of the American Historical Association) presented his research entitled "An early information society: news and media in Eighteenth-Century Paris" published online, [<http://www.indiana.edu/~ahr/darnton.>] This article is an exemplification of the possibility of web publishing. Darnton and his team have constructed a pyramidal book, which offers the fascinating possibility of

viewing and listening to the object of the research: discussion in the Parisian café, and the most widespread songs of the period. In Darnton's perspective the e-book can be a complex object, multilevel, with various kinds of information for different kinds of readers. The Web allows incomparably more information than the "traditional" book, and the economic implications are also relevant.

Web-publishing should give a solution for the economic problems of traditional publishing, reducing costs and giving a wider number of people the possibility to publish. This intervention stimulated an interesting debate, opened by Raffaele Romanelli, who underlined a possible implicit risk in Darnton's approach: the idea of reconstructing the history through the web-multiple level, which enables a sort



Stefania Baroncelli and Professor Soldani

of positivistic idea of history in which the reader enters into the past.

The last session was dedicated to actual experience of Web publishing. Enrica Capussotti (EUI) analysed e-publishing from two perspectives: the possibilities it gives to young researchers of publishing their works, and the necessity for the "academic community" to intervene in order to discuss rules and standards that valorize e-publications within the academic context. The audience had the chance at the end to listen different opinions and strategies of old and new Italian publishers.

During these two days of intense discussion the complex and problematic relationships amongst digital media, History and historians were depicted from different angles. None of the problems have been solved, but we now have new important points to start from in order to use the rich possibilities of these new media for historical research.

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Homeland

Over the last century and a half the concept “homeland” has become a dominant paradigm in uncountable debates on the politics of Identity. The exploration of possible explanations for the inception, perpetuation, and spread of this phenomenon, as well as of the enduring attraction of “the Homeland” – which paradoxically suggests clear and stable demarcations, in- and exclusion in a matrix that apparently harbours diametric trends—were central to the workshop Homeland. This workshop, co-sponsored by the University of Haifa and the European University Institute under the direction of professors Ron Robin and Bo Stråth, took its point of departure in the meanings of “homeland”, as both a

geopolitical space and imagined community in the Palestinian-Israeli conflict. It then broadened its scope and contextualised the problem, implying an inherent comparison, by taking the illusive German and Swedish concepts of Heimat and Hembygd into consideration.

The workshop which dealt more specifically with such divergent issues as Arabic term watan, Zionist poetics, necrogeography, gendered construction of Nation and the significance of exile, was characterised by intensive discussion and debate on the mobilising power of loss and recuperation, belonging and foreignness, immutability and adaptation, are

all central themes informing the notion of “Homeland” in the Middle-East and beyond. These themes, in turn, are constructed upon a foundation of binary oppositions of premodern-modern, sacred-secular, expulsion-return, tangible-abstract in the midst of the accelerating rate of change that is ascribed to modernity. The vivacious and productive debates that ensued motivated the decision a reconsideration of the results in view of a publication in 2001. Additional information as well as the abstracts of the contributions are available at <http://www.iue.it/Personal/Strath/Conferences/homeland.htm>.

JAMES KAYE

1848 Memory and Oblivion in Europe

How have the various countries of Europe addressed their 1848 revolutions over the course of the last 150 years? Contributions from France, Belgium, Germany, Austria, Poland, Denmark, and Norway follow the ever-changing history of remembering and forgetting a historical event whose impulses experiences and perceptions more than any other previous episode suggest a European character. The revolutions of 1848 present an ideal comparative case study of the cultures of memory, where the European, national, local as well as political and social expectations and memories fuse and compete with each other.

This collection of essays focuses on the question of how historical consciousness functions as well as examining which factors influence it and to what degree it is subject to a country's political vacillations.



CHARLOTTE TACKE received her Ph.D. from the European University Institute in 1993 with a comparative study on German and French national monuments in the 19th century. She has authored several articles on general questions of nationalism and national symbols in Europe, and is currently working

on her “Habilitation” at the University of Bielefeld on a comparative history of hunting in Germany and Italy in the 20th century.

Contributors:

Gita Deneckere, Bart De Wilde, Steen Bo Frandsen, Manfred Hettling, James Kaye, Czeslaw Majorek, Isabella Matauscek, Jean-Luc Mayaud, Arve T. Thorsen, Henryk Zalinski

Charlotte TackeE (ed.)1848. *Memory and Oblivion in Europe*, P.I.E.-Peter Lang, Bruxelles, 2000, 183 pp

4-6 May

Psychosocial and Trauma Response in Kosovo

On 4-6 May 2000 the “Seminar on Psychosocial and Trauma Response in Kosovo”, organized by Professor Luisa Passerini in collaboration with the International Organization for Migration (IOM) and with support from the Department of History and Civilization, the Schuman Centre and the Office of the President, was held in the Sala Teatro

The aim of the seminar was to offer a space for exchanging and discussing the work of various projects being done in Kosovo by IOM, a large non-governmental organization. The “Psychosocial and Trauma Response” project provides for the development of an extra-curricular, inter-faculty University training course on psychosocial and trauma response. The course involves the University of Pristina – the Faculty of Medicine and the Faculty of Philosophy and Sociology – and 40 students being trained to become interdisciplinary professionals providing qualitative and timely response to psychosocial needs of people who have experienced trauma. The overall objective is to enhance the capacity of Kosovo to respond to the population’s psychosocial problems and needs, with particular reference to psychological traumas experienced during the recent conflict and the forced displacement/exile.

The seminar was held at the EUI as part of collaboration between the project “Memories of Migration in Europe” - organized under the supervision of Prof. Passerini - and one of the modules - called “Archives of Memory: from an individual to a collective experience” - of the IOM project in Pristina.

The “Memories of Migration in Europe” project consists in the collection of testimonies of Kosovar refugees and immigrants who are living in Italy. The interviewees include Kosovars of various ethnic origins who reached Italy at various points in time, so as to document both recent and old migration. Particular attention is given to Kosovar Roma, because of their specific political location during the recent conflict and because they are those subjected to the heaviest racist prejudices. The interviews are centred on the experience of migration within a lifestory context, giving attention to certain crucial themes such as interethnic relations and the war.

The starting point of the project lies in the opinion that the intense internal migration might help Europeans to conceptualize a larger and more closely knit Europe, which if not understood may induce them to internalize and prolong the strong conflict which almost always accompanies the movements of large masses of differ-

ent populations. The theme of “European identity” is very controversial and has often been used to justify colonization and exclusion. The recent migrations could help in criticizing fixed identities based on exclusion and in opening to the potentiality of a dynamic multiculturalism, in which “being European” includes multiple meanings and opens to the possibility of “becoming European” in new ways. The migration of Kosovars to Italy, with the specificity of the situation in the former Yugoslavia and the recent war, is a crucial example of the process, with its tensions and possibility in communication. The project is supervised by Prof. Luisa Passerini, with who collaborate four researchers – Enrica Capussotti, co-ordinator, (EUI), Laura Corradi (University of Trieste), Beppe De Sario (University of Torino) and Patricia Ruiz (University of Bologna).

The interviews with Kosovars collected in the North, Central and South areas of Italy will be part of the “Archives of Memory” to be opened in various places in Kosovo. The Archives will include a variety of materials – interviews, pictures, videos, drawings, etc.- collected among the different cultural groups that were living in Kosovo before the war. The “Archives of Memory” project has a double aim: it is both a module within the project for the training of psycho-social counselors and a space thought to represent the multicultural situation of pre-war Kosovo and to be used by citizens.

The seminar started with Michele Losi of the association “Altrimenti”, who explained the work that he and his colleagues are doing in Pristina. They are working at the project called “The exiled body”, which consists in using theatre to create an archive of memories about the war trauma. During the seminar they showed a video of their theatrical experience with a group of Kosovar Albanians in Pristina; and also some pieces of videos produced by the group around such themes as freedom, violence and memory. Steve Reisner, psychoanalyst, actor and professor at New York University, commented on the work presented by Altrimenti giving some important criticism about the difficulties of linking theatre and actual training of counsellors.

Some researchers from the Centre Georges Devereux of Université Paris 8 shared with the audience their experience of ethnopsychiatry. The Devereux group collaborates at different levels at the project but their main area of intervention is with training the counsellors. In their speeches they stressed the importance of an approach which prefers to focus on the collective dimension rather than the individual one. They showed the piece of a video about the meaning of death in the