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IJPM will include scientific papers submitted to the International Conference for Public Management and Politic Development and other scientific events, papers that have passed the peer-review stage and have been debated in the conference, considered to be important scientific papers for understanding and developing both the politic and the administrative field.

IJPM will become a reference journal in the field, being the first initiative of this kind in Romania, and will be published exclusively online and quarterly by the Amfiteatru Foundation. The Journal will include applicable notes on the meaning of public management and methods of increasing the performance within public institutions and organisations, along with models and studies regarding the politic development all around the world.

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CONTENTS

DOINA TATARU

Angles to Approach The Growth Strategy in a Transportation Company 7

IOANA-BIANCA BERNA, EUGEN LUNGU

Cultural Diplomacy – Inexperienced On the Line of
EU-Western Balkans Relations, Or a Peremptory Backwash? 15

IOANA-BIANCA BERNA, MARIA-BEATRICE BERNA

Human Dignity – Between the European Legalism
and the Communitarianist Tints of Asian Foliage 30

MARIA-BEATRICE BERNA

The weary conceptualization of women's rights
and the Islamic paradigm. An overview 46

IOANA-BIANCA BERNA

The European Union: Between the Pulse of Actorness
and the Writhing Knots of Diplomacy 55

ANGLES TO APPROACH THE GROWTH STRATEGY IN A TRANSPORTATION COMPANY

PhD Doina Tataru¹

Abstract

Developing an economic strategy represents a dynamic and complex process, involving plenty of quantitative and qualitative analyses, a deep knowledge of internal and external factors which may influence the entrepreneurial activity specific to transports.

The profile literature includes more models for developing an economic strategy, in general. We focus on applying these to the area of transports for services provided to the public. Cyclicity in the evolution of each mode of transport determines the existence of some phases of expansion and others of recession in the evolution, as a whole. Each new cycle of evolution of a transport mode does not start from scratch, but from the information level inherited from the previous cycle that is developing, improving and diversifying in the future expansion phases. The proper evolution depends on the management policies applied and Romanian specialists need today, more than never, to understand which are the key angles for a growth strategy proper for their organizations.

Keywords: growth strategy, financial policies, transport

General overview over transportation evolution in Romania

To understand on which economic background these national agencies and companies have developed so far and what were the trends over the last years to lead us where we stand now, we found out a few economic reference elements over time.

Transport companies generated interdependence with other branches of the national economy. Having, by their own specific, a public utility, transport enterprises always suffer and, in turn, influence the impact of changes and developments around the entire economy of a country.

Therefore, the contribution of transport activity to the added value ranged from 5.4% (in 1990) to 11.5% (in 2005), amounting to 8.2% in 2010. However, the sector effort to gross domestic product (GDP) started from 4.9% in 1990 to 10.2% in 2005 and 7.3% in 2011, which shows a lopsided trend for this period (Fistung, F.D., Istoc, M., Miroiu, R., Popescu, T., Tataru, D., 2013). Meanwhile, within the entire transport sector, the reduction of activity volume was done continuously. This trend is not consistent with the GDP / capita trend or with the rate of inflation trend.

For Romania, the prevailing transport activities since 1990 were those by road and rail. Other types of transport, as inland waterways, air and combined, were

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extremely low. While the volume of goods transported by road has continuously declined over, the distance covered by goods has significantly increased. This shows the current trend to carry low volume cargo, but with high added-value on larger and larger distances (Fistung F. D, Miroiu R., Tătaru D., Iștoc M., Popescu T., 2013). Evolution comes both amid eliminating transportation restrictions imposed by the communist regime until 1990 and because of the resettlement of economic activities as intensity, structure or locations.

Regarding the passenger services, in Romania, the trends proved to be somewhat different, as direction and intensity, to those of goods transport. Thus, in 1990, the road passenger transport represented 65.4% of total transport services for the population and the rail transport was 34.2%. Closer to the present time, in 2011, the proportions have changed, meaning that passenger transport by road has increased to 77.1% (11.7% more than in 1990), while the passenger transport on railways decreased to 19.4% (14.8% less than in 1990)(Fistung F. D, Miroiu R., Tătaru D., Iștoc M., Popescu T., 2013). In less than ten years, the level of motorization in the country almost tripled and it is true that mainly due to the increasing number of private vehicles, but the public transportation either terrestrial or underground got significant importance.

Economic strategies in steps

The process to develop an economic strategy covers four stages, also to be added the final activity to evaluate and manage the strategy.

The first stage - *Analyze the current status*, requires the identification of the company mission and the identification of the present and past strategies, respectively a diagnosis of the present and past performance.

The identification of the mission focuses on setting the level within the company responds to the target mission, if this adjusts to the new conditions or other corrections are necessary.

By identifying the present and past strategies, steps are to be made so that to realize if these have been safely implemented and responded or not to the settled objectives.

The second stage - *Examine the future perspectives*, must allow the setting of a long term objectives package. In this respect, we must start to analyze the internal situation and the environmental factors meant to provide the required pieces of information and to secure, on this basis, the relevant long term objectives package, by pointing the services to be elaborated and delivered on transport markets, the costs and prices, the new service or related products ready to be launched on the market aso.

The third stage - *Develop a set of strategic alternatives for the future and choose the strategy to be followed*, requires the development of a possible strategic alternatives package, comparing them with the priorities set and adopting the economic strategy to be applied. To develop the set of strategic alternatives for the future implies to previously develop a set of strategic alternatives at the level of a superior organization, depending on the case and several strategic alternatives at the level of the enterprise involved.

The fourth stage - *Put the adopted economic strategy into operation / implement it*, requires to set the functional strategies which are to be adopted and to specify the measures ment to influence the organizational factors so that to be generated the best conditions favourable to implement the adopted transport strategy.

The assesment of the strategy must be done based on objective criteria designed to establish:

1. compatibility;
2. consonance;
3. advantage of application;
4. feasibility.

1. *The compatibility analysis* must prove that the adopted strategy corresponds with the mission and the goals set by the company.

2. *Consonance* implies the existence of an agreement between the strategy content and the major trends that occur in the environment which could harm the economic conditions of the transport sectors where the company operates.

3. The analysis of *the application advantage* it is supposed to demonstrate that the implementation of the adopted strategy provides advantages to the company compared to the other competing enterprises in the field as regards the use of superior resources, from the material point of view, considering the potential of a highly qualified personnel and the achieving of shares on the target markets.

4. *Feasibility* for the economic strategy implies that the transportation company may successfully apply the adopted strategy, that - apart from the labor, material and financial resources - this has the required skills and competences, the coordination capacity and management to integrate and that it stimulates and provides enough incentives to the own employees for the fullfilment of the settled objectives.

Growth strategies for an transportation enterprise

Depending on the specific circumstances, the strategy is manifested through a variety of types.

The growth strategy is one of a kind *due to the dynamics of company objectives*. Considering this criterion, we can identify strategies for maintenance and growth

strategies. The latter could also be split into growth strategies *based on accumulation* and *based on innovation*.

Another classification criterion to consider is the receptivity to change, depending on which strategies are: *consolidation-oriented*, *imitative*, *innovative* or *innovating*.

If we take into consideration the type of objectives, then the strategies could be classified into: *market* strategies, *product* strategies, *organizational* strategies and *informational* strategies. In this respect, we should also identify *economic*, *technical* and *managerial* strategies.

The nature of approaching the way the objectives are accomplished might represent a classification criterion according to which strategies are divided into the following: *offensive*, *defensive* and *of maintenance*.

If considering the coverage, we have *global* and *partial* strategies.

Therefore, the growth strategy of a transportation company needs to focus on:

- a. Objectives;
- b. Methods and practical actions to follow;
- c. Necessary resources and
- d. Management.

The **objectives** of the growth strategy include concrete effective tasks to be achieved by the company within a timing horizon. The **methods and practical actions** refer specifically to the directions that should be followed to trade own products on the international market. Required **resources** refer mainly to the labor force available as number and quality as well as to the future perspective in measuring the necessary personnel, the way to recruit, select, assign and train it. The **managerial policy** focuses on the market, products and partners. The market and its evolution require a thorough research of the offer and demand, a close knowledge and a current monitoring of these so that the manager to be able to take fair decisions regarding the production of his company. Product life cycle is watched in order to renew the products and influence the consumer attitude. As concerns the business partners, both local and external partners are important for the company success.

The above factors work in close interdependence and influence each other.

Regarding the company **financial strategy**, the starting point is to analyze the current performance and to set the objectives for future. Then, the required resources should be defined, the way these could be obtained and used so that the set targets to be reached achieving the company growth.

From this perspective, the financial management should involve:

- a. Getting funds from the budget, associates or creditors (financial activities);
- b. Investing the funds into different components necessary to carry the company activities on (investment activities);
- c. Generating profits through all activities that belong as components to the value chain of the enterprise structure: supply, production, marketing, sales, service and management.

Entrepreneurs and managers evaluate business opportunities and professional activities by analyzing the financial reports and the available budgets. After a deep evaluation of the opportunity and when all necessary resources have been identified, it is the real time to analyze the type of required resources and the timing for them.

The financial strategy of a company operating in the transport field, for example a carrier dealing with cargo transport or road passenger transportation, should base on answers to questions such as:

- Do we need to get the entire funding from own resources?
- It is better to take a partner?
- How much do we lose control in this case?
- Would it be useful to make a loan? Which type of funds? How much? Could be European funds?
- Would it be recommendable to use advice from specialized experts?
- Can we share the major financial risks? Or could we avoid them?

When it comes to analyze the financial necessities, it is important to realize that the available money, the cash is the blood of any business. Any kind of company, no matter the size, operates thanks to the available cash, not due to profits.

We could say that the **operational value** of a company is determined by the available cash flows this generates. The net income of the company is important, but without cash the company should stop its activity. The dividends and wages must be paid in cash and the available money is, also, necessary in order to buy the required assets to continue activities.

Therefore, the objectives of the financial management should focus on providing the company with appropriate cash flow as well as a good margin of profit.

The financial resources are, almost always, limited. It is very important to carefully evaluate the financial resources of the company and to foresee the moment to require new funding.

The managers need to elaborate *detailed financial plans* in order to predict the type of funds to be used, the timing to use them and with what results.

Three financial policies are to be distinguished, proper to transport company, as well:

1. The *investment* policy (internal and/or external);
2. The *funding* policy (own sources and/or loans);
3. The *dividend* policy (distribution and/or reinvestment of dividends).

1. The *investment* policy. Acces to capital is a permanent problem the small and medium enterprises (SMEs) face, especially due to the fact that these cannot provide the guarantees traditionally required by creditors in most economies. In order to get this issue solved, the SMEs have been, generally, imposed to grant a favourable treatment for certain investors, as: regional funds, companies of risk capital and the so called „business angels” (persons or groups of people operating investment common activities with risk capital, who invest capital in non quoted businesses), without being in the position of losing the status of SME.

Usually, there should be recognized two main ways of financing: from personal incomes and from bank credits.

The size of the funds to be invested depends, first of all, on the scale of the business developed in transports. So, the entrepreneur must secure the necessary money to generate the three main types of capital:

- a. The *fixed* capital - representing the fixed assets – with a role of forming permanent fund company, is the infrastructure – a business support;
- b. The *circulating* capital – representing the temporary funds of the company – provides continuity of the business;
- c. The *development* capital – destined to extend the business, to change the initial purpose of the activity or to diversify this.

In the event of separating the net investment policy from the financing policy, the *basic financial principle* applicable in transports, as well, says that the financial market provides enough opportunities to obtain the necessary capital for any investment project. Based on this postulate, the main criterion elaborated for selecting the investment projects is: “maximizing the net present value (NPV)”. So that, the investment project with the highest NPV will be chosen (regardless the financing ways), assuming that in this way the economic value of the company will get maximized.

2. The *funding policy* could benefit from two decision options, using internal and external sources:

- The *internal sources* – represent the gross volume of the cash generated by company transport operations. The cash flow is vital. We could consider as internal source the sale of certain fixed assets or stocks, as well.

In other words, the internal sources come from self-financing (amortizations plus profit) and from disinvestment (disposals) of fixed assets and circulating assets.

- The *external sources* – focus on capitals taken from outside the company (the public savings, the bank capitals). In their turn, the external sources

split into *own* funds (raising capital from shareholders or associates) or *borrowed* (loans from the banks or from investors). Therefore, the external sources refer to pasive capital loans and to ventures with an equity based capital.

The selection criterion for one or another source or for a combination among these is the *company's weighted average cost of capital*, ie/namely the marginal cost of additional capitals necessary to finance the investment projects.

From this point of view, self-financing is cheeper and both for bank credits and mandatory loan could be obtained rather low costs if the debt rate is reasonable: Debts / Equity:1.

The most expensive remains to raise new capital from shareholders, although this brings the benefit of improving the financial structure (increasing the share of equity), providing in this way new possibilities for funding the development.

The innovative tendency to aggregate the financing decision with the investment decision has led to another correlation criterion in investment projects, namely the adjusted net present value (ANPV), which takes into account also the opportunities offered by the financial market.

In principle, $ANPV = \text{investment NPV} + \text{financing NPV}$

Under these circumstances, the decision alternatives multiply themselves. Thus, a negative investment NPV could be compensated by a positive financing NPV (an investment for the transport aspects in public sector – e.g. the construction of a parking lot – to be accompanied by fiscal incentives or subsidies).

3. *The dividend policy* regards the decision taken by the general assembly of associations for dividend distribution and /or reinvestment for the company development.

On one hand, the *distribution of dividends* generates the image of a profitable and remunerative for equity company, ultimately leading to increased public confidence towards the company sources and increasing the market value of the enterprise.

On the other hand, *reinvesting the net profits* leads to an increased financial autonomy, to a higher self-financing capacity, improves the capital financial structure, the organization developing in this way a superior potential in supporting its own development (through increased cash flow and the ability to call in loans).

We can say that the alternative of reinvesting entirely or partially the net profit in the financing of the company investment projects is part of the financing policy. That is why one could appreciate the dividend policy as part of the funding policy for the company growth and development.

Coming back to the general overview of the transport organization structures and their managerial policies within the whole economy development of a country like Romania, we should say that better decouple the analysis of economic growth in general from the one of the evolution of transport enterprises and market demand. By the year 2000, a permanent increase in inflation rate has led to a dramatic decrease in transport activities and even after this year, when inflation has seen a strong downtrend, work in transport hasn't experienced a revival but rather stagnation.

Both the continued strong upward development of the value of GDP in Romania for the last decades and the inflation rate fluctuation in the same period did not affect the trend of transport activities and their growth strategies, both for goods and for people.

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CULTURAL DIPLOMACY – INEXPERIENCED ON THE LINE OF EU-WESTERN BALKANS RELATIONS, OR A PEREMPTORY BACKWASH?

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Abstract:

The volts and lashings of bilateral relations are expressed in an inherent capacity of multiple sources of information and of their implying use. One of the site-specific factors of the process of bilateral conversances is represented by cultural diplomacy.

Cultural diplomacy is a perusal established intimacy, of the freest substance of interchange, between two actors, with the purpose of confining a relation outside irksome details. As a branch of public diplomacy, cultural diplomacy is often utilized to disjoint disarticulations, arising from raw and reactive areas of bilateral interaction.

Searchingly in this article, two distinctive sections are right-handed in evaluation: one regarding a scrupulous, general encapsulation of cultural diplomacy and the second regarding the enlistment of cultural diplomacy in EU-Western Balkans relations and its aftereffects.

Keywords: Cultural diplomacy, Public diplomacy, Self-Knowledge, EU-Western Balkan Relations, Center- Stage of Interactions, EU Integration Process.

1. Cultural diplomacy – A True Pulp of Existential Conditions Of Self-Knowledge

The stirring of the sense of memory lost and of hitchhiking illusive *notions of self-perceptions* are noteworthy tasks undertaken to wipe away disorientedness and the token of unsuspected elements, interfering with the articulation of *enduring self-structures*³.

Is it simply an activity decorated along themes of historical backpack, by allowing a little dive into elements of beingness, traceable and yet not that familiar in current realities? Is like a mutant-type revelation waiting to produce change and pass on the argumentatives involved for such a superior mission?

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³ It champions the ability to counteract erosion of individual dignity in the shaping and drawing of world attention and perception of how the world attention could be involved in *the process of Self-Perception*;

It is like casting a sidelong lustful look at the reasons that entertain *the process of self-discovery*, but that have not yet been remembered as such and that have not been promised to tag along, as important prerequisites⁴?

Giving more context into these storylines: “at the level of instinct, conscious activity is minimal, and existence reduces to the two basic instincts—namely, those of survival and reproduction. Instinct is a highly formalized behavioural code which reflects the logic of organic nature. At the level of experience, the intentionality of consciousness is expressed through the functioning of the senses. The senses are oriented towards the external world, with which they connect existence. Experience is about the person finding himself in some situation, and being aware of it. At the level of intellect, reason plays an active role. Thus, the conscious mind perceives and thinks in non-linear ways and it influences perception” (Laos:2011).

Norms and ideas, as Nicolas Laos points out in the above-mentioned lines, are definitory variables in the process of creating modes and styles of communication even within contextual settings, prone to conflict-emergence.

They are remaining of an intense process of negotiation between different societal forces, even when outer prevalence imposes obstacles to *agreement-reaching*⁵. Cultural overrides are not, in the least substance of pondering, *replacements of conflict*⁶.

The desirable goals and principles, within different means of proscribe normative discipline, or of proscribe normative sharing, between different societal forces, amount for the gathering of constituting elements for tradition to be regarded and evaluated in accredited manifestation.

When greater difficulty in interaction is the ultimate force of protraction of tradition-gathering elements, then cultural specifics can encompass a broader and, at the same time, a more tender way of reasoning disputes into a more structure exchange⁷.

⁴ Meeting *the gaze of self-discovery* can convey and sometimes it actually does convey an immodest suggestive insight into past, past features and past actions;

Distorted complexions by time, by interaction and by elements of cultural existence, that did not actually pass the test of time are actually involved into the anemic build of first attempts to ponder upon the elements of unity, that are bestowed by *the culture of a nation*;

⁵ Even when shutting down windows of opportunities is not the decisive course of action;

⁶ For this to happen, the expertise of the modes of communication has to be brought into the fullest language possible, for the assessment of various comparatives to hopefully be implaced;

⁷ To note, understanding and, ultimately, negotiation, can descned as mutually acceptable outcomes when the basic tenets of cultural representatives think that such challenges are acceptable and bearable to on-going mutations;

Challenge acceptance proceeds from an interplay of perception valuation and of perception construction, at the interference between different levels of axiomatic doubt, certainty and uncertainty;

With this being said, *cultural diplomacy* is *a transfer of mentality*⁸ into the public sphere of bilateral interaction between different actors, acquiescent to a position of belonging to the international arena of world politics.

The broadcasting outlets of *cultural norms and ideations*, the increase the complexity of interaction between actors and, at the same time, the immeasurable solutions to upgrading bilateral relations is programmed within more multifarious coordination of support-production.

The variety of shapes, sizes, the rich selection of hardware for these ideations erect both imperatives to reluctance to cooperation and to acceptance of cooperation as a natural fixity in bilateral encounters.

The dilatory filibusters of cooperation can find a difficult expedition to take, when the filibusters of conflict are unable to be postponed⁹. There is some brilliance matching, that is attached to *cultural diplomacy* and to the functional interpose, that it can bring in bilateral relations¹⁰.

Cultural diplomacy can serve *the lynchpins of public interest* and of *public diplomacy*, with an unequalled aplomb: it can show, with the unnecessary support of applause, the good portion of the concentration of sameness between different elements of national existence. Their quietness can be indicative of things going wrong within a nation and of unfortunate experiencing with elements of sameness.

Without their reach, sameness between national elements can be consistently debased¹¹. The rolling-up of the delusional feelings of lack of congruity and of identicalness between different national elements becomes a case of discouraging judgment about how an actor can act, about its recourses to the protection of its national interests, about how these can be adequately defined and render into a wholesome perspective¹².

⁸ We refer here to the interconnected habituals of intellect and wits of outlook, which have the ability to prevail within a national setting;

Their overbearing actuality upon other elements within the same national context determines the quality and the state of mind of responding to conflictual situations and to best manage them, without affecting the coincidental resemblance between different forms and means of cultural reproduction; In the backwards of such an argumentation, lies a neatly trimmed *a culmination of cross-cultural and intra-national magnetism*, that could be piled up in nodes of transfer of normative content, between different societal forces;

⁹ An argumentation depicted, more or less, in a play-upon-words; It is like asking – how much intrinsic worth can one attach to the large podium of irreversible resources;

The cultural products of a nation increase the complexity of the formal character of communication and diminish intra-national aggressive accommodation to them, if they are transmitted within the right channels and, most of all, if these channels can function properly;

¹⁰ After all, *a grandiose voice does not have any need for a magnifying microphone*;

¹¹ An impairing of the tradition-gathering operations, that we have already cleared of obscurity and that we translated into rationalizing warrantings across the article;

¹² Big matches in world politics cannot be worn when the actor is stunned to silence and when identical conformance influences behavioral selection and behavioral translation into action;

Traditional embassy duty-performance is, without doubt, the peculiar course of action in bilateral dealings – the best place to assign expressions of disapproval of traits of action or of character-enhancing in foreign policy.

It actually serves the purpose of numerical values, but it does not serve the purpose of how the consequential alteration of beingness can come about and why it does not have to be construed as a negative outcome in bilateral dealings¹³.

Cultural diplomacy can palm with incentives the days of sleep of conflict and of conflicting situations – the depth of this distinguishing perception is pronounced with a medium quality of nonchalant characterization.

This nonchalant characterization takes into account the non-existence of a biased notion of contest, competition and of inborn ill-appraisal of Otherness¹⁴.

As the US Department of State wields a definitional try, *cultural diplomacy* is an active faculty of *public diplomacy*: “*Cultural diplomacy* is the lynchpin of *public diplomacy*, for it is in cultural activities, that a nation’s idea of itself is best represented. And *cultural diplomacy* can enhance our national security in subtle, wide-ranging, and sustainable ways [...] *Cultural diplomacy* reveals the soul of a nation” (Report of the Advisory Committee on *Cultural diplomacy*:2005).

The broad intellectual acuity to protect the demanded cultural diversity, into a sufficiently broad, intellectual net, can augment not only *intrinsic identicalness*, but also *identicalness between different powers of agency: Self and the Other*¹⁵.

In *cultural diplomacy*, like in *public diplomacy*, there is an important treadmill of functionalities. *Cultural diplomacy* is less amazed by the reasonable scientific underpinnings, utilized for scopes of theoritization, in comparison with *public diplomacy*¹⁶.

Cultural diplomacy was no momentary surprise, utilized in terms of bringing two actors in a sense of togetherness and mutually-shared cooperative thinking. *The*

¹³ This can be extended as *a sum of functions in bilateral dealings*, in the more formal determinations; However, the transcendental functions of *cultural diplomacy* can inverse the social occasions, in bilateral dealings, of negative divisions and of negative percipience, due to the nature of the fact that the readings of its realization are accustomed to be placed in a relationship of immediacy regarding intra-national development of beingness and of the different processes to which national identicalness is related to;

¹⁴ It takes the simulation of perceptions of the Other, into a whole new level, as the organization and the use of information, at the same time, does not depend upon the previous negotiating tables of perception - with aforementioned illustration, likened to more formal frames of reference.

¹⁵ Otherness here becomes a reduced approach for assessing the differentiation in purpose, styles of choice for purpose and means, the stark conditionality between purpose and means and the testing of the collective commanding of history;

¹⁶ It is not the fact that one of them is more interested in the murmur of the scientific audience; It is, moreover, the fact, that as far as *cultural diplomacy* is concerned, the healing and directional abilities of theorizing have not affected, to a larger and imposing degree, the areas of implementation, like in the case of *public diplomacy*;

version of public diplomacy – in a cultural groundwork – at least, at first has not been escorted with some solid foundation for application.

This is the main motivation why the roads of implementation chosen have been so many and why rarity of application has become an indistinguishable claim for observation. *Cultural diplomacy* may or may not have the prerequisite of getting in front of things – a specificity of exposure, that depends on the national context into which *cultural diplomacy* is utilized: “During the nineteenth century official *cultural diplomacy* evolved in the form of language training, national schools in foreign countries, and scholarly exchanges[...]During the twentieth century *cultural diplomacy* was strongly shaped by war and the postwar experience. This was particularly true in the case of Germany for the country twice had to overcome defeat in war--defeats that due to the nature of total war went well beyond military defeat and required diplomatic, as well as cultural reintegration into international society” (Paulmann:2007).

What are now the matching semantic assumptions onto which *cultural diplomacy* is inverted in a vertical positions¹⁷? The flagstaffs of *cultural diplomacy* have changed, as polarization itself has found new ways of unveiling for the bilateral relations, into an international system still, by and large, undismayed by the exaltation of cultural components in foreign policies¹⁸.

The programming of *cultural diplomacy* and of its introduction within the realm of exercising foreign policies is sired by the technological advances, that the current state of affairs in world politics is experiencing: “Today’s *cultural diplomacy* efforts look dramatically different than they did twenty or thirty years ago. In the post-Cold War, Internet, Twitter and Facebook era, government-sponsored cultural initiatives focus on fostering the types of cross-cultural encounters that can ultimately engender mutual understanding, and less on disseminating specific political messages or supporting defined foreign policy initiatives [...] No longer is the emphasis on

¹⁷ Specific dissemination, based upon an ever-expanding range of source;

¹⁸ The main thrust of normative-bearing in foreign politics has begun to represent a very important factor, even when dissuasive actions are concerned in entailment;

The perpendicular fabrication of cultural components upon foreign policies is not deeply affecting the systemic polarization; It is very important factor, that we wanted to underline;

With the intense once-over on Asia-Pacific security environment and on the multitude of bilateral encounters, that result, unavoidably into conflicting situations, it seems that cultural norms in foreign policies, and even in world politics, are beginning to be *elements of congeniality*;

This is a fact held in the highest of regards by the point of view of this article; So, the sonorous chiming upon the systemic polarization may not be that counterintuitive;

Still, we do not have at our disposal a theoretical gong for such distributive associations to be orchestrated with a stern theoretical reproduction;

Consequently, we will not be referring to them, throughout this article;

promoting a particular message, but rather on the human-interaction involved in the exchange” (Adamowicz:2010).

Cultural diplomacy, within the XXIst century is not about making eye-contact, blending comfortable situations, with uncomfortable ones. It is more about making outspoken conversation, so that cultural setting is no longer an entrapping context of interaction.

While during the Cold War, the spawn and public sponsoring of **public diplomacy** was utilized to produce revelatory unmaskings of the scuppering of **cultural superiority**, today’s gist of **cultural diplomacy** lays reprehensible these practices¹⁹.

Certainly, the main equivalent of making arts for public exposition is still very much entailed by the divulgence of the XXIst century, with the give-and-take of technological advance incorporated. The revelation of attaching gap-bridging between different cultures is a process of open negotiations now!

Cultural diplomacy is now a safer and a more productive manner for bilateral engagement, yet a more perilous demeanor for a panacea-effect. The mien and sake of cross-cultural reverence needs more cohesive modes of display.

Facilitating these transformations is no longer a political. More than that, it is about the developing of fast interchanging, through multiple means and arrays of transmission.

Cultural diplomacy is no longer treated, within the geostrategic conditions of the XXIst century, as the cumulative conditions for the creation of a stereotype: “**Cultural diplomacy** is regarded as forming international bridges and interactions, identifying networks and power domains within cultures and transcending national and cultural boundaries. With information technologies presence, soft power incorporates national culture including knowledge, belief, art, morals and any other capabilities and habits created by a society. The importance of **public diplomacy** has been emerging since soft power has growing out of culture, out of domestic values and policies, and out of foreign policy. It draws the significant role of **cultural diplomacy** as linchpin of **public diplomacy**” (Hwajung:2011).

Cultural diplomacy can amount for one of the most efficient instrument to surmount roadblocks, not by just blocking out invalidating information for this kind of purpose, but rather by giving it an affirmative position in a semi-transparent ground²⁰.

¹⁹ A general condemnation for the conflict arising between different cultures, from different parts of the world;

²⁰ This speaks plenty of the substantial capacity to use behavioral mannerisms as subtly underlying negotiating objects;

The most important installment, in this case, is that **cultural diplomacy provides a corrective parcelling of ethnocentric observations** and of how these observations propagate national suffusion and Otherness compartmentalization;

2. Cultural diplomacy – An Enlistment to Super-Size the EU-Western Balkans Center Stage of Interactions

Personally, there is a poignant destitution for comprehension and personal enjoyment regarding why the lively tunes of the keenest enjoyment of attributing analyses of the Western Balkan space, in connection to the European Union's policies and to EU's attention towards integrating the regional space of the Western Balkans.

Helping a poor family of countries out of the wagon of instability and international awareness is the most important mien of implementation of *EU's agency in the region of the Western Balkans*²¹.

Is the EU a fairly respected dream to chase, by the states of the Western Balkans, and the regional states shiftless dreamers, without sublime courage and unplowed endurance²²?

EU's interests has been associated with transforming the regional states into actors, worthy of being europeanized. This is an interconnected superordinate enabling by the regeneration of old trans-Atlantic conceptions of how the stability in the Balkans can be salvaged from total deterioration: "Broadly speaking, it is possible to distinguish between two types of security philosophy that have guided interventions in the Balkans. One has been the traditional geo-political approach, in which security is understood as the defence of territory. The geo-political approach tends to be top-down, using diplomatic, economic and military pressure to influence political leaders and warring parties. The other approach is cosmopolitan in which security is understood as the defence of individual human beings. This approach is bottom-up; the emphasis is on respect for human rights, support for civil society, economic assistance and regional cooperation. Top-down approaches, of course, remain important, but they are shaped by bottom-up priorities" (Siani-Davies: 2003).

With this ultimate argumentative exposition in mind, a sense of organized friction regarding the Western Balkans can be seized in the perception that the EU presses in bits and pieces of the imaginant approach.

The different networks of movements, that the states from the Western Balkans have manifested towards the EU and the amplifying of their relationship with EU

²¹ Despite the opportunity-escalation, that the attention, paid by EU to the region, has ferried across the majority of the points of view, why does the argument that the restless faring across an unwanted realm of interaction is maintained in prevalence in regard to EU's gist towards the Western Balkans?; The heritage of an infested image has been cognizant in how the EU is thought to seed knowedge for image-building in connection to the Western Balkans;

²² It like dismissing the opportunity for the Western Balkans state to become equally passable partners, from starters;

have been predominantly fatigued by the great of complacence, that the European incentives to be affected in imitation have been showing²³.

The surge for ill-equipment has been denoting a push-back dynamics as far as the EU is concerned. Within the excel of leverage, the European Union has mended a normative barbed wire concerning the Western Balkans and their competitive advantages, hurling from the discharge of accoucheusing a prerogative to change within the EU guidelines²⁴.

Worth-proving was a requirement of all new EU members. The slowness of consequence, in terms of EU integration has been transparent in the case of the Western Balkan states. The Western Balkan space –encompassing: Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo – has not been given *a renewed stakeholder place at the integration table*.

Like other countries, adjacent to *the process of European association* and in preparation for full-membership rank of repair, the Western Balkan states have commenced a process of closeness to the prerogatives and policies of the European Union, with the situation of better contextualizing their position of affairs.

The segmented process of interaction between the Western Balkan countries, on the one hand, and the EU, on the other hand, has treated the gearing of the action-reaction process to EU's incentives, as *another pattern of post-conflict reconstruction*. This created the oscillating equilibrium of the Western Balkan states in the births of progress/recess evaluation, emanated from the European Union's political elites.

On the 1st of July 2013, Croatia became officially a member of the European Union. It was a spin out period of anticipation for Croatia, for deference for the decision of duties to create new items for its national identity²⁵: “When Croatia became an independent state in 1991, this dramatic event was the fulfilment of the efforts made over a long period of time towards self-determination, and vindicated those who had argued in favour of independence from both the central European legacy of Austria-Hungary and the Balkan legacy of Yugoslavia. Clearly, as the quotations from leading politicians at the start of this chapter indicate, one of the main objectives of Croatia's recent foreign policy has been to differentiate herself from the Balkan states to the south-east. Croatia has been keen to project and emphasize her identity as a central European country, sometimes as a Mediterranean country,

²³ Inherent improvement took away an immediate infrastructure of objectives, that the EU decided to challenge in following implementation, in relation to the Western Balkans;

The software of skills has been pretended by the hardware of conditions for stability;

²⁴ This standpoint has extradited an important cunctation in regard to the process of integration of the Western Balkan states;

²⁵ So that EU's expectations for stable relationships with Croatia can find rhetorical lines of protruding;

but definitely not part of *the Balkans*. This was a central element in the creation of a separate identity for the new independent state which declared its independence from the former Yugoslavia in 1991, dominated as it had been, in the Croatian view, by *Balkan Serbia*” (Bartlett: 2002).

Croatia’s acceptance in the collective erection – represented by the European Union is, nonetheless a feat of the mentioned undertaken process of redefinition. The process of redefinition gave Croatia a balanced strength in the structure of expectations towards leaving aside the balancing points of the stat and towards concentrating upon the future international rank of renown, less permanently affected by the considerations of the fickle strategic variables of the Balkan security environment²⁶.

For Croatia, violence and instability *are demanded for perpetual capitulation*. But, what is the verifying acquirement for the rest of the Balkan countries? Have the stages of progression satisfactorily completed the image-reversion for the other Balkan countries, in respect to EU’s policies?

EU rests an actor with one of the highest powers of *the term to conspicuously oblige*, without negatively reciprocating discursive retaliatory punishments²⁷. Can *cultural diplomacy* have a de-escalatory function of EU bad-reviewing of the Western Balkan countries and which octaves of this intelligence can be best utilized?

Cultural diplomacy – compared to the edge-of-your-seat experience of EU’s expectations for compliance, without a derogatory aspiration to play other orientations – has been attended with interest, more or less, as a shadowy figure’s grip.

But, if we stick to the same comparison scheme, the main console of thought, in *cultural diplomacy* can augment a contribution for the eradication of premature reluctance and ambiguity.

Without any sense of doubt, EU’s leverage in its foreign policy and in the interaction-frameworks, with other actors, has been mostly related to the integration offerings and to the pile of advantages, that the position of a EU member-state could have held in appurtenance.

The iron-bands of normative compliance are and were not accessory, as far as the EU was concerned. They implied the showcase of gathering confidence. However, also, the pay-offs were suspicious or had such overcoming eventuality in the horizon of transformations.

²⁶ Croatia experienced a long-lasting journey towards a favorable character of public opinion;

²⁷ The mechanism of carrots and sticks – that the EU infers in the different components of its approach of tackling measures for third countries has an essential discursive transmission of coercive messages;

In the deep breath of EU's postscript of focus towards the Western Balkans, *cultural diplomacy* has the potential of being included into the accelerator handle of the monitoring mechanisms that the EU utilizes for the Western Balkans.

Like the conditionalities and the historical overview of EU's integration and enlargement processes, in the control panel of functions towards the Western Balkans, *cultural diplomacy* can flow in new corridors of appreciation, regarding the nature of sanctions applied when the circumstances afford them²⁸.

In this respect, *a special club of collective functionalities* – in the form of *an advisory and monitoring unit* – can be established with the Euro-Summits and within the infrastructures of the European Union, as well, regarding the process of enlargement and the methodical notification with countries, under process of acquiring a membership status.

In this way, the Western Balkans can benefit from many disabled links, in the process. A mounted-up perception regarding the specificities of the administrative and juridical cultures of the Western Balkans' countries can balance forward a more emphasized consciousness that different sensitivities for different diagnoses can be applied, in relation to the Western Balkans.

European Union's enlargement process is set in the mortar matter of holism. The Western Balkans countries are cut-into this perceptual immersion²⁹. The reconstruction of trust, from the vantage point of the candidate countries can be traded progressively into fading, as far as the EU is concerned: sticks have altogether a limited hallway for relation-preserving³⁰.

The potential for EU deficit-image can create much disillusionment regarding EU's global tenure: what could have been exactly the point of investing supervision into countries that did not meet the prerequisites of membership?

Attention-ignition has, nonetheless, have to be somewhat spoken in defense with potent arguments. Why has the process of candidacy been launched, in the first place? Incongruities between EU member states are a tolerable liner of heading. However, how steep can the gap be? What rational thinking has EU utilized, when launching *the process of enlargement* and of *prospective integration*?

These questions need to be thrown down in pondering assault by the EU and its authoritative corroborations. We hold the view that once the process of integration is placed underneath a long-term objective, EU has to prevail in consistency of approach, but also in not underestimating the lower decks of sanctions.

²⁸ The upper decks of EU's enlargement processes will receive more bottom-up acumens, as such;

²⁹ The same goes for other parts of the globe; In the case of the Western Balkans, the shedding of new light, regarding the recent regional perspectives and the intensifying particulars for each country, need to be made;

³⁰ They can froze communication, on the one hand, and decrease overall the relevance of EU as *a Northern Star of engagement*;

The complicated judicial process of integration and the over-reckoning of the need for integration of the Western Balkan countries should not dash out frantically in the EU's buttonhole towards the Western Balkans.

More landing approach in the integration process of the Western Balkans can be given through the specialized units in *cultural diplomacy*, that can function in institutional adjacency to the European Council.

The normative and appreciative transfer towards specific case studies of integration, from the Western Balkans, can set ashore special access to the particular feelers regarding particular countries in the region. This pursuit necessitates investing.

However, it is much better than splashing waves into the direction of the imprimatur/penalty model, that EU has applied so far³¹. The perspective we outlined regarding the unreformed aspects of EU's policies towards the Balkans are careened into by Nikolas Tzifakis also: " [...]European case-by-case policies in the Western Balkans have not been reformed to coincide with the framework of *SAP*³². A strategy for the integration of the region would have required the establishment of functional and strong-in terms of socio-political cohesion-states. However, the EU policies towards Serbia, Montenegro, and Bosnia have sought to buy stability through the perpetuation of the existence of weak and ineffective states. For some analysts, the conflicting direction of contemporary European policies highlights the difficulty of the EU to achieve the congruence and applicability of stabilization, transformation, and integration" (Tzifakis:2006).

This deftness, in our opinion, should not be idolized in *the EU-Western Balkans relations*, even though indicative signs point to such an inescapable engulfing. Specialized units for *cultural diplomacy* – attached to the functional structures of the European Council – can swerve out of the bullet's way, as far the monitoring process of the Western Balkans is concerned, a relishing of point-in-detail overview of every member country of the EU.

In effect, what better EU institutional foundation can register affective changes of the Western Balkans' countries path for EU integration also the specificity of proportion of opinion-minding regarding admission or rejection of membership? The quickest of reflexes, regarding the perception of the Western countries, can only be acquainted with knowledge, through the institutional neck-hold of the European Council.

More than that, we acquiesce the fact that the best of diligences of *cultural diplomacy* can be made, through the aegis of the European Council, as the general political directions cannot, in any place or fashion, ever be exiled from the revealing

³¹ The complexity of this ratification has beginning to de-center reassurance and has beginning to be singled-out as prodigal overweening, from the part of the EU institutions and monitoring agents;

³² With terminological correspondance to *the Stabilisation and Association Process – a compile of engagement that EU decided to implement with the Western Balkan countries*;

of features of the priorities set by the European Union. The Council of the European Union can rotate all of the points of entry, that signal the need for change of gist, or for the changing gist of the European Union, in specific areas. Once the EU develops an area-thinking, its wings melt away when the occasion comes for devising a critical stance for particularity.

This is a comforting laser of penetration, that *cultural diplomacy* can work exquisitely upon³³. In summation to the previous arguments, *cultural diplomacy* can be fitted into *the cornucopia of interactions and of attention-paying between the European Union and the Western Balkans*, if a human rights mechanism is staffed in the agreeableness of its tenure.

The outfit of human rights and their respect has never been designed for optimum maneuverability in the Western Balkans: “Human rights abuses had been committed elsewhere in the region, but Bosnia represented a profound shift in policy as well as results. The conflict explicitly targeted civilians, but in some respects human rights violations were gendered. During the conflict men and women were often separated; men were killed while women were raped and sexually abused. “Two interrelated atrocities that became the hallmarks of the conflicts in the Balkans were ethnic cleansing and the systematic rape of women” (McMahon:2003).

There is an infra-red boundary regarding the track-record for human rights in the Western Balkans. For the EU, implementing a human rights mechanism, utilized in the integration process, does not ask for preference from the Western Balkan countries.

To entrench the human rights mechanism into a more exciting abridgement for the missions ahead, a soft-security approach has to be signed for treatment in the integration process of the Western Balkans.

Undoubtedly, the contraction of rules regarding the human rights track-record applies for everyone, from the ensuring observance of the EU. But, in the case of the Western Balkans, *cultural diplomacy* can address human rights, in the manner of less unyielding security issues³⁴.

This incoming swift is also to be appreciated in coalescing with the main stay of imposing hard-line approaches, where these approaches bring in evidence deviation and in the segments of human rights diplomacy races into patrolling senses of insecurity and challenges towards security³⁵.

What better way for the EU to bespeak a normative guard towards human rights and toward the way they are implemented in the Western Balkans, than to fasten in colligation human rights and *cultural diplomacy*?

³³ By assisting aside from other types of communication;

³⁴ The clear view of *human rights track-record* as *soft diplomacy*;

³⁵ In our opinion, this is a very important instrument for grip-releasing, from the part of the European Union and for the exhibit of accomplishments, from the part of the European Union;

This is not only wired to legislative harmonizing, but also to apprehending the national prerogatives, ventilated in the national design of human rights mechanisms.

As far as the Western Balkans are concerned, there is little previous experience of fruition, in terms of *human rights track-record*: “The countries in the Western Balkans are continuously ratifying international human rights conventions and harmonising existing legislation to comply with the European standards. Still, unequal implementation of these conventions and the lack of knowledge concerning adopted laws and international human rights standards are major obstacles for the improvement of human rights situation in the region. Political instability, widespread corruption, lack of continuity in reforms, limited independence of judiciary and weak non-judicial mechanisms leave much work for human rights organisations and independent media – the sole watchdogs of the societies” (<http://www.civilrightsdefenders.org/region/western-balkans/>: 2013).

Another analytical scheme, through which the discursive practices of *cultural diplomacy* can be conversed into confuting is the fundamental importance of *peace education*. For the Western Balkan states, *peace education-related programs* can represent a better manner for outreach for *the normative humming processes of engagement with the European Union*.

For the European Union, this would also be a job of embassy, for the tasks of insight and also for the monitoring endeavors of the regional states. One of the research goals of this article of this article calls for encouraging the problematizing of present understanding of EU’s policy objectives in the Western Balkans.

The sense of *peace education* can flash into memory more weightiness than the sanctioning culture, it applied with retaining jibing³⁶. Pertaining to the framework of its conception: “The term *peace education* can cover many areas, from advocacy to law reform, from basic education to social justice. It is generally agreed that there is a difference between *peace education* and *peace building*. *Peace education* is an attempt to change people’s behaviours; *peace building* incorporates social and economic justice (and legal reform where necessary). Both try to make *a reality of human rights*” (Baxter, Ikobwa:2005).

More detailed eligibility can be enhanced in *EU-Western Balkan relations*, through the coordinated sequence of *peace education* and *cultural diplomacy*. Strict restriction-adherence should not be internalized as *a vital process*.

More fully trained commitment can be given from the part of EU to this coordinated sequence, as *peace education* is acknowledged as a language of instruction

³⁶ It is something considered *a free-agent in foreign policy* and its orientations; However, this is another putative area, where a combination with *the concept of cultural diplomacy* can emphasize a special symmetry;

into the national environment, with psychological distinguishing mannerisms of the country in question.

Tout ensemble, *EU's engines of assiduity and vigilance* did not ran full-force in consideration with the Western Balkan countries. Within this demonstration, the regular use of EU's framework of engagement can suppose *a more comfortable faculty of attending the development of cultural diplomacy* – as *a new model of normative and interactional topography in bilateral dealings*.

Inoculating Final Arguments

In *EU-Western Balkan relations*, *cultural diplomacy* has to reveal a more concrete and residential appearance. Roaring across the sidewalk of past engagements, *cultural diplomacy* involves multiple appraisals, in inchoate standards and functional homerooms.

EU's loom of completed past engagements has been thrusting in normative segregation, normative statements, past incentives and pulled back punitive headlights in the case of the Western Balkan states.

It was and still is an endeavor irrespective of particularities. *Cultural diplomacy* has the unique location of being the depository of many missing links of this process. There is a kind of *environmental scarcity*³⁷ regarding the dealings of integration for the states of the Western Balkans.

Hereunder, *the revelatory role of cultural diplomacy in bilateral EU-Western Balkans constructs* is more than energy-adequate.

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HUMAN DIGNITY – BETWEEN THE EUROPEAN LEGALISM AND THE COMMUNITARIANIST TINTS OF ASIAN FOLIAGE

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Abstract:

Human dignity is a sign of civilization and progress. Comprised in legal provisions or promoted by means of cultural resources, human dignity is a constant for a moral life syle. Furthermore, when refering to human dignity, we approach formal and informal paradigms, we assess juridical and cultural elements. Alike to this statement, the European context of analysis of the concept of human dignity will be asseses through a juridical gamut, and the Asian array of argumentation regarding human dignity, through a political-cultural one.

In light of this assertion, our paper is divided into two different sections that we dedicate to the study of the peculiarities of the concept of human dignity, as they unfold in the European legal framework and in the Asian context.

The juridical section of the paper is designed to accomodate the conceptualizing method of human dignity empowered by means of the European Convention of Human Rights and Fundamental Freedoms. Our focus resides in article 3 – the legal text that mentions the proper conduct that legal subjects must follow in order to guarantee human dignity. We will underline the challenges implied by the textual analysis of article 3 and the numerous exegeses which can be extracted from this article.

To boot an alternative extent, the broach of human dignity in the Asian context is not a case of ideational, exercised robbery. As we will be pointing out, human dignity cannot be the same content-lipogram for the Asian context, as it is for the Western one. In the Asian context, it has a noticeable precursory of the soporific effect of local elements, that lose in translation the persuasive content-arguments, deducted from the Western context.

Keywords: Legal Exegesis, The European Convention of Human Rights and Fundamental Freedoms, Torture, Inhuman Treatments, Degrading Treatments, Asian Context, Asian Values, Content-Lipogram, Legiferation, Constitutional Status.

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1. A. Some References Regarding The Concept Of *Human dignity* In Light Of Article 3 Of The European Convention Of Human Rights And Fundamental Freedoms

Discussing about Europe without emphasizing the role of the individual it's paradoxical; discussing about the individual extracted from Europe's context is *an over-simplified paradigm*. The sole solution to this matter would be promoting human rights through specific actions and instruments.

Of all juridical instruments, we deem as relevant *The European Convention of Human Rights and Fundamental Freedoms*³, and of all juridical actions we consider as a prime point *the protection of human dignity*.

Signed at Rome, on 4 November 1950 and entered into force on 3 September 1953, The ECHR is the most distinguished creation of the Council of Europe, addressed to obtain the protection and the development of human rights and fundamental freedoms.

Inspired by the ideas proclaimed as immutable values by the *Universal Declaration of Human Rights*, the ECHR recognizes the urgent need to ensure a concret framework for the fulfillment of human rights. In the Convention's preamble is stated: (...) *Being resolved, as the governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain rights stated in the Universal Declaration.*

Although laconic characterized in article 3 of the European Convention of Human Rights and Fundamental Freedoms, the concept of *human dignity* is acknowledged as the foundation in the analysis of human rights. (Callewaert: 1995). In fact, *article 3* expresses in a simple and concise manner: *No one shall be subjected to torture or to inhuman or degrading treatment or punishment*—hence, the concept of *human dignity* is present in the alternative plan. *Article 3* inbreeds a guise of simplicity; this concrete expression pursues the individual protection against any kind of act that might be committed against his dignity. (Olteanu: 2006). *Human dignity* is a concept that should be approached with the needed attention if we take into account that, the underlying value of natural law is the dignified life-independent, in its inner essence and free in its exterior manifestation. This kind of existence is possible by means of pledging, in favor of all individuals, a dignified spiritual life. (Hennette-Vauchez and Girard: 2004) Thus, the complex significance of the concept of *human dignity* is the element that completes the meaning of *article 3* and leads our analysis.

³ Within this article, we will address the European Convention of Human Rights and Fundamental Freedoms with the acronym *ECHR* or with the expressions *the Convention* or *the European Convention*;

The brilliant wording of *article 3* is to be admired. By imposing rigour, this absolute and imperative formulation doesn't leave place to flexible human behavior. Therefore, within its spirit, the European norm establishes an universal rule that applies to every individual by virtue of his humanity: ***one cannot be submitted to torture, inhuman or degrading treatment or punishment.*** (Chiriță: 2008) Qualifying the restriction traced by article 3 as imperative and absolute will attract at least unusual consequences...

The nature of article 3 was demonstrated but then, such a demonstration is deficient and inapplicable, in absence of explaining its content. We pursue to thoroughly articulate our ideas so, to this end, we are ought to define the content of the following notions: ***torture, inhuman treatment, degrading treatment.***

The difficulty of a correct linguistic categorization emerges from the lack of determination in relation to the notions used by the Convention. In absence of specific provisions, it is legitimate to develop definitions following the path of jurisprudence. Using as a model the ***United Nations Convention againts Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment***, the meaning of torture was deliniated.

According to UN's legal instrument, torture is explained as: ***any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.***

Even though the definition of torture is ample, it shows the criteria according to which, acts of torture may be identified:

- ***Acts of torture bring pain or physical and mental suffering***
- ***Torture is caused intentionally***
- ***Acts of torture usually come from a servant of the public force or from a person that acts at the instigation of the public official or by virtue of the tacit consent of the public official***
- ***The purpose of acts of torture consists in: obtaining information or testimonials, punishing a person (the victim) or punishing a third party for committing reprehensible deeds, exercising pressure on the victim or on a third party.*** (Cliquennois:1997)

The penalty criteria of the above mentioned notions do not emanate from one single exegesis; it is rather a discussion upon the fusing between the definition of torture as it is stated in the UN Convention and the re-styling of the definition of torture by the competent bodies of the European Convention.

The intensity of the pain and *the form of guilt* are the main criteria which serve to a distinctive conceptual delimitation that segregates the notion of *torture, inhuman treatment and degrading treatment*.

The junction between *International* and *European law* is the factor that brings unity and coherence in elucidating the issue of torture. For instance, the *European Court of Human Rights* appreciated the position that the *International Criminal Tribunal for the former Yugoslavia* had on the issue of torture when solving the *Furundzija* cause: *the principle of banning torture has become an imperative regulation of jus cogens – meaning a regulation that is higher situated in the hierarchy of international rules than conventional law and than customary law.* (Bârsan:2010)

The definition of torture has been established by the jurisprudence of the European Court of Human Rights at the time when the cause *Aksoy vs. Turkey* was researched.

In connection to this case, the Court retains the following facts: during the preventive arrest, the complainant was subjected by the authorities to the *Palestinian Hangman* – a treatment that involves the undressing and the trussing of the victim and the suspension of arms so that the victim wouldn't have ground support.

In the legal framework of analysis, the Court takes into account article 3 of the European Convention of Human Rights and stipulates that high forms of ill-treatments can be qualified as torture. Reporting to this peculiar case, The Court stated that, the treatment applied by the authorities can be qualified as torture in view of the following arguments: *the treatment is deliberately applied – the practice implies preparation; by applying this treatment, the authorities aim to obtain from the plaintiff information and testimonials. Besides these arguments, during the trial, there were administrated medical evidence that prove the temporary paralysis of the victim's arms as a result of the treatment.* (Cause Aksoy vs. Turkey:2000)

The Convention's vacuum regulator extends to the concepts of *inhuman treatment* and *degrading treatment*.

Once again, the path of jurisprudence will unfold the meaning of the concepts. *The threshold of severity* is the criteria offered by jurisprudence by means of which is established that the mere brutality is not necessarily an inhuman or degrading treatment.

The act that ingringes *human dignity* must have a minimum degree of severity and the degree of severity that is presented can be appraised according to: *the duration of its application, the physical and mental effects produced on the victim, the gender, the age of the victim.* (Cause Kudla vs. Poland:2000)

The relative appreciation of the gravity of ill-treatment is another criterion extracted from case-law that is associated with the criterion of *the severity threshold*.

Together, the two criteria attempt to underline the difference between inhuman and degrading treatments. The relative appreciation of the gravity of ill-treatment offers to the European judge the freedom of action, though and interpretation.

All the same, the relative appreciation doesn't empower the judge with unreal competencies, it merely assures in favor of the judge a margin of appreciation.

This demarche persuades the European judge to qualify as inhuman *or* degrading, or as *both* inhuman *and* degrading treatments, all the ill treatments applied to every individual by public agents (police, armed forces, prison staff) regardless the fact that the use of violence was organized or not. (Sudre:2006)

Familiar with ill-treatments as persistent legal reality, the European Court of Human Rights defines for the first time the concept of *inhuman treatments* in the solving of the case *Ireland vs. the United Kingdom*.

According to the pronouncement of the Court, *inhuman treatments are acts that cause the victim injuries or physical and moral suffering likely to produce strong mental disorders*.

The Court's contribution to the issue of inhuman treatments is not reduced to theoretical characterization, it is extended to practical problems regarding the identification of inhuman treatments in the cases that were brought to justice.

In the case *Selçuk and Asker vs. Turkey*, the plaintiffs argued in front of the Court that the right to dignity stipulated in article 3 of the European Convention of Human Rights has been infringed.

Also, they argued that they were subjected to inhuman treatments by public authorities. The main facts of the case are : *the plaintiffs Selçuk and Asker aged 54 and 60 lived in a village in Turkey's Kurdish region; police have destroyed their homes and and most of their goods, depriving them of their means of existence and forcing them to leave their houses; the plaintiffs were not informed in advance with regard to the authorities' actions and they didn't receive any support of their part. Considering article 3 of the European Convention of Human Rights, the Court deemed that the acts of public authorities are against human dignity and qualify as inhuman treatment*. (Cause Selçuk and Asker vs. Turkey:1998)

We cannot find an explicit point of view regarding the *definition of degrading treatments*. Degrading treatments are framed, in an abstract sense, in the category of *despicable behaviours* ; in practice, degrading treatments can be identified with the help of some malleable landmarks such as: *sex, age, health status of the victim, the circumstances of the case*. We qualify these landmarks as *malleable* because they lack the objectiveness that we need for the corectness of the definition.

Virtually, degrading treatments occupy the lowest segment in the structure of ill-treatments; as the European Court stated, degrading treatments *are actions that generate feelings of fear, axiety, inferiority that by nature can humble and defeat*

the physical and moral resistance of the victim. (Cause Ireland vs. The United Kingdom:1978)

From the last paragraph arises the idea that, in qualifying degrading treatments, the main aspect that we must consider is to what extent the victim's psyche is touched.

Some aspects like: *the aggressor's premeditating the actions; the purpose of humiliating the victim; the public or private character of the degrading acts – are not decisive in qualifying as degrading a certain treatment. What really matters is the intensity of the acts that have touched the victim's personality.*

In the cause *Khadjialiyeu vs. Russia* the plaintiffs plead in front of the Court that the disappearance and killing of their relatives – committed by the Russian armed forces- have caused them degrading treatments as provided by article 3 of the European Convention.

The Court has established that the remains of human bodies which were discovered after 6 months from the abduction belong to the members of the families of the plaintiffs. In relation with the question if the plaintiffs' moral suffering can be identified with degrading treatments, the Courts answers affirmatively.

Nevertheless, the Court brings an amendment: if the missing person was found deceased, the moral suffering of the family is not considered as degrading treatment, excepting the case in which the period of disappearance was long.

The court assesses as exceptional the circumstances of the case: the bodies of the missing persons that were found deceased were beheaded and dismembered; the disappearance period was of 6 years; the plaintiffs couldn't bury their family members. Referring to the legal aspects of the case, the Court appraises that, there has been an infringement of article 3 of the European Convention, in the sense that, the plaintiffs were subjected to deep and continuous suffering and thus, they were subjected to degrading treatments.

The process of assigning meanings to the concepts depicted by article 3 of the Convention doesn't stop to this point. It is desirable to clarify each concept separately, without excepting from the analysis the expressions *inhuman punishment* and *degrading punishment*.

To this respect, doctrinary studies were very critical as they implied that, the concepts of *inhuman punishment* and *degrading punishment* are repetitive and strengthen the meaning of *inhuman* and *degrading treatments* (Velu and Ergec:1990).

We think that, regardless how fragile are the differences between treatment and punishment, those differences exist and are relevant.

From a simpler point of view, punishment implies a different type of behaviour than inhuman or degrading treatment; punishment is a social remedy directed against a person who has committed a reprobable deed. (Bârsan:2010).

Therefore, punishments are not naturally inhuman or degrading deeds but they can be easily transformed according to: the circumstances of the case, the nature of the punishment, the context in which the punishment is applied, the manner of executing the punishment (Charrier:2000).

By comparison, inhuman or degrading treatments consist in states, circumstances meanwhile punishments are born of institutionalized acts such as laws or customary law. (Ibidem)

Even though the decryption of the meaning of the terms comprized in article 3 of ECHR is a very toilsome process, it helps to optimize the implementation of the Convention. Once undertook this endeavor, the next problem that arises consists in the method of testing of the forbidden treatments that are specified in article 3.

The principle of law established in judicial probation: *onus probandi incumbit actori* is modified by the Court through case-law. Taking from the common law system the criterion of juridical probation beyond any reasonable doubt, the European Court establishes that *the allowable probation must result from indissoluble assumption*, sufficiently serious, precise and concordant.

It is doubtless that, it is a high degree of difficulty in proving the facts that represent ill-treatments. The shortage of judicial probation resides in: the lack of witnesses, the fear of victims/of witnesses of suffering reprisals from part of the authorities, the solidarity of the representatives of the involved authorities. (Bârsan: 2010)

The comments upon the hermetic meaning of the Convention's provisions, the exegesis of the concepts stipulated in article 3, the tracing of the rules to abide by in case of juridical probation – are important but not global! Even though it is not over-idealistic, article 3 of the European Convention transposes into reality the elevating aspirations of the defense and promotion of human rights.

From this perspective, the ECHR fulfills Europe's millennial tradition of perceiving man as its center of reflection and action. On the background of the express prohibition of ill treatments, torture, inhuman or degrading treatments- the issue of *human dignity* is aggravating ; it becomes the standard from which no European deviation is allowed.

2. Human Dignity in Asia – A Limited Expanse for Content-Lipogram

In Asia, *concept-thinking* is a universe of an outside atmosphere! Asia is a space, where the conundrum of worldwide ambitions of power and of great-power recollections have a very smooth encountering with the past!

The future was a whole other story and its narrations did not seem to be responsive for this kind of a turn-out. After World War II, the Asian states occupied the position of being *unpaid demonstrators for the unveiling features of the*

international legislation, under terms of preparation⁴. The Asian states were not at all impatient riders!

The only manufactured dislike could be placed over the squinches and cringes of pompous speeches, but not of actions connected with the merits of the case in question. The by-stander position meant that they had also a behindhand issue of thought and reflection.

In our opinion, this had to do with the succeeding conflicts, that tormented the continent, oppressed for its diminished indefeasible rights of being co-opted in the structuring frameworks of world politics: " Fifty years ago, a tangle of intellectual and diplomatic puzzles blocked the world from agreeing on a universal code of human rights. In the years 1945-1948 the world was emerging only slowly from the devastation of the war that had burned through Asia and Europe. The largest nation of all, China, was in the midst of a bitter civil war, and Communists both there and in the Soviet Union harbored worldwide ambitions. Although consciences on all sides had been shocked by the bloodshed, the newly discovered death camps, and the tens of millions of displaced persons and refugees, no one way of thinking about moral issues commanded consensus. People seemed more divided about right and wrong after the war than they had seemed before it" (Novak:1999).

Startingly, the Asian countries' **remoteness from the process of elaboration of international norms and principles** instilled the feeling of alienation from such products of prescriptive standard behavior⁵.

⁴ How can the study of the sake of accomplishment be attributed to the Asian states, if **the intellectual laboratories of norm-production** were deprived of roles, in the endeavour of accounting for the worthwhile location of **an international code of behavior**;

The remonstrance in parts was not the only solution, for the adoption of norms, that will guide foreign policy behaviors to maturity and improve the connective selfhoods;

The Asian states, immediately after World War II, could only wince at the prospect of having to respect norms and principles – to which their participatory prerogatives were cancelled, from the starters;

⁵ They did not steady a sharp invite to criticism, as all of them hoped that **non-interference** would, eventually prevail, their statehood will be thoroughly ensured and that they could, as time passed by, be called **participants, with equal conventions of privileges to the new world order**;

When pressures for the admittance in the domestic surrounding of such norms and principles began to spend in constant throbbing and pulsating against such measures, then the problem was seen within the distant folds of the distant individuality of the states, that actually took part at the masterminding of norms and principles, with all-round earmarking for inclusiveness in application;

What is the image of the perfect intrigant and how could such incentives be interpreted in the form and manner of digression into irrelevant details?; This question already bends the course for offering just answers; And, just answers undergo an argumentative diffraction, that does not extrapolate intrinsic timing from the purpose of acquiring the ennobled knowledge of the racecourse of events;

The implying symbolism of human dignity was awarded *a constitutional status* in most constitutions and organic laws, starting with the convergent example of the Western space.

The laggards' position was not evaluated and understood cross-culturally⁶! The Asian states felt like the *occasional childs of a work*, that had only a disciplinary factoring for their domestic accounts.

It was both a form-of-play and an up-and-doing activity, that discarded the call-upon elements of specific cultural enclosure. To extract practical reasons for the universality of the prescribed norms and principles ordained, some largess of interpretation was needed, that was, in the immediate period after World War II, hard to reach.

Most of Asia, before World War II, learned to *co-exist under the banner of extraneous elements* – in the habitual twitching of *Colonialism* and *Imperialism*. It was not a peculiar manner and style, carried to excess and to a vicious behavioral attribute. Instead, it was a worthwhile lesson, learned the very-hard-way⁷.

The preciosities of such a lesson were not in agreement with the normative occupancy, that the Western space was able to give to the value of *human dignity*. The degree of normative lightness attached to *human dignity* was not at all complacent with the Asian view. In the Western space, *human dignity* was, first and foremost, *an appreciative axiological transportation*.

It did not need to be demonstrated, but embraced and cherished as such. Its existence should not be denied, nor its kudos of condition be interpreted in less than compulsive terms. The relativeness of its societal repairs was highly objectionable⁸.

Only later, did *human dignity* become a prescribed requirement⁹. If in the Western space, *human dignity* became a particular determination, subjected to

⁶ It was, at first, a punitive sanction of response to the non-adoption of norms and rules, internationally settled and agreed, without the necessity triggered by the cultural toilings for *self-preservation* and *re-enactment*, where *self-preservation* was not lost, but constrained to subsist to the mystification of extraneous elements;

⁷ The foibles of which did not accept adaptation to submission in Asia, after World War II;

⁸ This happened before the normative onrush started to build its institutional ramifications in Western societies; Only later, did *human dignity* began to be construed as *an useful appendage for policies and for public action*; It became also a juridical argument, that harbored a commanded consensus between different actors within Western societies;

In some cases, it became an ornament; However, despite all this whimsical ficklenesses, *human dignity* continued to be *a reference value for law and a juridical statute of ordinances*;

⁹ As we have already stated, in Western thinking, the compulsory aspects of its essence are not given by the juridical executive approval of its existence, as a behavioral reference;

Human dignity was not a result of deliberations, in the domestic milieu of the Western space; It was, moreover adjoined, as a per se value, under whose bylaws, the edicts of rightfulness will put into decisions of evaluation;

the normative process, the Asian continent postponed such an equivalent ply for guarantee¹⁰.

Not any word in the Western dictionary of foundational institutionalization would break in the walls of domestic reconstruction in Asia¹¹. Ingraining the role of a negator and putting a full-stop at the finale of such a sentencing is eronus and undeserving of Asia`s cultural heritage, trafficked by history, by the passage of different encounters and by the mental make-up, that produced Asian wit, in the junction with the concept of *human dignity*. Asia did not see, on the other hand, *human dignity* as a quality of an action, trialed by a standard.

This is something not concretely embodied in the detailed objectives and purpose of action of the outstanding legislators that primed the tenure of international law and of *human dignity*, in the pantheon of the integrity of the great works of humanity: „The drafters of *the Universal Declaration of Human Rights (1948)* did manage to cut both these Gordian knots. While protecting the ability of diverse consciences to disagree radically about the premises and principles of ethical theory, they found a way to emphasize a number of basic findings of practical reason, to which a sufficient majority of peoples around the world had been driven, whether by the terrors of the first half of the twentieth century or the wisdom of the previous three millennia. Many had been led, under the pressure of extreme suffering, down a sort of *via negativa*. Having seen the awful consequences of a world without universal standards, they were now ready to agree about certain practices that must not be done, not ever again. Where agreement about the whys and wherefores was still not possible, agreement about a few practical *don'ts* was almost universally sustained. Some of these standards might be stated as goals to be striven for in societies not yet fully developed, and thus be worded in positive terms. But virtually every one of the thirty principles of the final draft rested on bitter memories of recent abuses” (Novak:1999).

At this bald wordliness of memorizing the past, the Asian contribution was cut short¹². As not the true keels of the vessel, *the Asian perspective upon human dignity* was not an unquestioned degree of credence and of an unbiased endorsement. *The self-acceptance of human dignity*, from the perspective of

¹⁰ The business of engaging into the drafting of new constitutional inception implied a reasoned attribution of state prerogatives and of precautionary measures, that nothing would ever restrict the state`s ability to act, within a specified territory and with the right delivery of services, for its citizens and for the other societal segments, residing within its borders;

¹¹ The position was paramount; Asia was determined not to be associated with *the older image of normative outer-inhabitation*, that was construed before the Japanese occupation of the major parts of Asia was infused with incalculation;

It was a manifest of spirit and culture; However, this was not the only imbing overwing, that engendered *the clivage between Asia and the Western space* –the Western space being designed, with the ominous representation of the trans-Atlantic actors;

¹² The Asian contribution was left withe avidity for inquiring;

accepting it as a norm and as a value, is that *human dignity* was, from the Asian standpoint, a concept of *intersubjective testing*. Compared to *the indoctrinate of non-interference* and of unimpeached statehood, *human dignity* was *a laissez-faire virtue of implementation* – it had a relative, understated nature, that made it open to authoritative circumcision¹³.

Asia did not see this concept as the one emancipating a sort of free will position for its holder. The ethical force of such a concept was diluted from the state-building enterprises, after World War II. As Asia saw it, the concept of *human dignity* was ecologically mind-blowing¹⁴. The Asian state did not retribute thank you`s to people for its existence.

It was an ultimate value, under whose directions, the most important values for the people of the state in question were sentiented to lasting truths. The place for the striking individual characters of values were left aside in the formative years of the Asian post-World War II years of independence and of national-identity building.

Constructively, these individual characters could be ushered in, even if only for the purpose of experimenting concerns, and with the ones used chiefly in *the preceding euphonies of collectiveness* and of the *greater good and benefit*, arising from *collective existence*: „In the 1990s, the debate revolved around the notion of *Asian Values*, a term devised by several Asian officials and their supporters for the purpose of challenging Western-style civil and political freedoms. Asians, they claim, place special emphasis upon family and social harmony, with the implication that those in *the chaotic and crumbling societies of the West* should think twice about intervening in Asia for the sake of promoting human rights and democracy. As Singapore’s Lee Kuan Yew put it, Asians have „little doubt that a society with *communitarian values* where the interests of society take precedence over that of the individual suits them better than *the individualism of America*’ ” (Bell: 2004).

The self-elations of Asian Values couple *culture*¹⁵ as *an equally varied factor*¹⁶. Supporters of such a view understand *human dignity* not as a natural feature of a

¹³ The instrumental apparel for its implementation was of complete particular disposal; One could accept it, as a principle and as a doctrine or, on the contrary, when superior principles were affected, such a prerequisite would not be maintained in an unquestionable evangel;

¹⁴ *Ecologically* – as it influenced negatively *the strategic environment of domestic independence*; Domestic chaos in the post-World War II period was something that the Asian governments strived to counteract; Freedom – in *an unrestricted axiological mission* – would be undermining to the state`s position to protect its *sovereignty* within its borders; The care for the ethical purpose of *human dignity* could be given an overarching guarantee, if, within this scope, the people of a certain state would decide to do away with the statal existence;

¹⁵ Understood as the meridian for cultivation *an ensemble of norms, principles, of different operations of disciplining of an intellectual nature, for the refining of common experiences and backgrounds*;

¹⁶ There is the belief that chromosomal alteration of a cultural setting cannot transgress easily; Actually, the main issue is that, with this end in view, there is no potentiality for the chromosomal

political-juridical model, but rather as a means of modifying the naturalness of a cultural environment, with utensils by personal choosing.

This means *self-emancipation from the universality of human dignity* – to which the Western space adheres to. For backers of *Asian Values*, universal devotees cannot exist in reality. No norm can claim *universality* as *universality* is obsessive with hierarchy and with the matching effect of superiority transpiring¹⁷.

There is no singular steady glow of truth, from this point of view! The noxious undertakings of *universality* are ill-fated for preservation of cultural diversity.

If they are applied as such into mediums, that did not grow accustomed to their belonging, not only cultural indigestion will rebel in result, but also a stifling crampedness for elements of local cultures will become apparent.

A culture can have upper reaches, but cultures between themselves cannot have upper reaches. Once elements of *a culture* are freely chosen by its bearers, then why the need for more freedom, a freedom that can work in disruptive terms¹⁸?

Asian Values –are designated as values that constantly stand in the path of *universality* – as this approach cannot work as a local istorian of practices, of facts, of intra-socially agreed norms, of cultural interaction: „When primal traditions, oral cultures without scriptures and philosophies but with close bonds to land and nature, are affected by progress, development, and globalization, *the universality of rights* language becomes dubious, because it is precisely *the universality of Western norms* that is invoked to justify such interventions. *The concept of universality* demands more discussion than we can give it here, but it is closely bound up with the mind’s capacity for abstraction and generalization” (May:2006).

Only *particularism* can turn out to be craving instruction for not using worn-out notions. Within such a glide slope, the attendance given to the greater good of society and to the greater *sense of collectivity* is mandatory.

Due to this compulsion, an individual cannot and should not desist from building intricate links with the social environment, that, in turn, it actually provides cultural expression.

alteration of a cultural setting to come forth, with naturalness of action;

It can come forth if pressures set in an ensemble of challenges for *the elements of local culture*;

¹⁷ The existence, for instance of *a universal human rights discourse* and of the absence of ratification of naturally flowing diversities, among different cultures, is not a desirable outcome, according to this view; Conceptions of clarification should allow the springboards of relativism to understate their complementary express duties upon international instruments, that encourage a universal acceptance, in the form and manner, rendered by the propounding cramped dogmatic international circumscriptions, that exist today;

¹⁸ This is exactly the explanation according to which a strict reported adhesiveness to *human rights discourse* should be enjoined with the necessary authority to *local obligingness*; *If what works for me is more than possible to only work for me*, the suitability to *change elements of local culture* can only be met with resistance;

A social environment is not seen just as *a unification of different Selves*, but as a n imperious and inescapable reaction to solitary living¹⁹. *The thesis of Asian Values is not of a young enthusiasm*. It has *an old sense of decorum – Asian Culture and Civilization* are at the forefront of this line of theoretical and ideological parsons.

Asian Values teach us that *human dignity is a possession*, but not a remarkably full possession. It has an immanent preferment for *community* and *community-living*²⁰.

The mimicry of Other`s cultural values can only have superficial repercussions²¹. As *Asian Values* put it, the Universe is composed of different particularities and these particularities should be left to arrange a self-fashioned karma of adaptation to it.

Asian Values sprang from the cultural surroundings of East Asia: „In the 1990s, the debate revolved around the notion of ‘Asian values’, a term devised by several Asian officials and their supporters for the purpose of challenging Western-style civil and political freedoms. Asians, they claim, place special emphasis upon family and social harmony, with the implication that those in the chaotic and crumbling societies of the West should think twice about intervening in Asia for the sake of promoting human rights and democracy. As Singapore’s Lee Kuan Yew put it, *Asians have little doubt that a society with communitarian values where the interests of society take precedence over that of the individual suits them better than the individualism of America*” (stanford.edu:2001).

Their interpretations were tantamount for the existing materials of authoritarianism, that were brought into light in East Asia. Besides this, they performed for the East Asian states, the functions of cultural distinctiveness quite well.

Human dignity is a recording instrumentation, within this ideational coterie, based on the pack and pair of *the adversative model of Otherness-designation*²². The different positions do not suggest the intervention of only opositeness²³.

The matching against other cultural models is an instinctual move against the ill-effects of generality-induction, in different cultural settings across the globe. Speaking in broad generalities is not revelatory of *Asian Values*!

¹⁹ No self-denying belonging to the social environment can be introduced by individuals, if the social environment is the best creation possible for them and if it over-exceeds them with social advantages; Furthermore, the attempts to create the social environment are too strenuous to be poured off into the crisp ellision of social structures, structures that are derived from the primary creation of the social environment;

²⁰ The adress of individual living can only be interpreted within such a conex relationship;

²¹ And denote cultural fragility; Once culture becomes fragile, then forms of superior replacement can only be agreed for, by local elements; More than likely, the local elements would select, in such a random opportunity, also a structure, that is made to have a superior standing and license more corporate capacities, than individual ones;

²² With the specific of *the American cultural antagonistic model*;

²³ Even if some ungradable elements stand to reason;

Asian Values are not the only leeways for Asia's cultural distinctiveness. However, they are the first adventurers to ever having been granted a latitude of performance for implementation. In and of itself, their ruminations upon the link to *human dignity* have to speculate special pouting in analyses²⁴.

Human dignity has entered such an ideational catalogue not axiomatically, becoming, in striking paradox²⁵, a norm, without prior becoming a value, a value that needs no collateral indication for its existence²⁶.

It is an example of *an angular velocity*, as *Asian Values* need to establish associations with other cultures, without embracing elements of them. Within the cusp of *cultural purity*, *human dignity* rests only a contraption of instrumentation and not a contraption of valuation, within the elbowroom of *Asian Values*.

Labels of Cessation

The European and the Asian oars depict the concept of *human dignity*, but in different ways. The European framework comprehends *human dignity* as a *social model* and as a *juridical standard* in comparison with the Asian framework which enhances a more formal and legal-orientated pattern.

The *European Convention of Human Rights and Fundamental Freedoms* brings under regulation the concept of *human dignity* with the aim of highlighting the value of each individual. The Convention's member states are aware of the legal conquest brought by regulating the value of *human dignity* and advance *human dignity* at the scale of an autonomous norm which stands for a common source of inspiration.

In the Asian context, the furtherest concern for *human dignity* has been meant to decode extraneous swindling of the gratifying of *human dignity* with a paramount normative and axiological status.

Here and there, but all too scarcely, the Asian context has been pursuing an explorative concern and behavior for the incorporation of *human dignity* into the arrange of norms. Yet, the puzzling equivocation remains within its axiological matter-of-factness! For this case in question, within the Asian context, *human dignity* still employs an instrumentative orthography!

²⁴ Commonly, their sulking is a practical object of anxious and forlorn attention in Cultural Studies;

²⁵ Currently, due to outside pressures, it has begun to receive some sort of legitimation, whether in mere legislative formalities, or in constitutional embedding, without being attached the keenest energetic substance, as the Western space has been coiffuring for centuries;

²⁶ Despite the fact that some sings of discursive coinage have been made iridescent towards such an orientation; How much has actually changed in perception is an instance for measuring; We contrive the fact that *human dignity* has never been vacillated as *an inchoate value within the firmament of Asian Values*.

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THE WEARY CONCEPTUALIZATION OF WOMEN'S RIGHTS AND THE ISLAMIC PARADIGM. AN OVERVIEW

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Abstract:

Women's rights represent a thorny reality of the modern world. Whether we talk about East or West, whether we accept the preeminence of the cultural or of the legal factor, whether we hope for a better world or we repudiate fair and square the current situation, we must take into account that women's rights are juridical facts that must be avouched by officials and by clergymen. Women's rights – as a peculiar aspect of human rights- enjoy a status of universality which means women's rights are bound to be placed above any mysticism, tradition, cultural beliefs, immemorial practices.

In fact, the topic of women's rights is adequate to validate any discussion about the freedom of thought, the freedom of speech, about gender equality. We cannot allow ourselves to be caught in the critical paradigm which puts the equal sign between freedom and libertinage or between feminism and the protection of women's rights.

The idea that Islam takes a different perspective upon human rights and especially, upon women's rights is very articulated. Islam propels a unique variant of construing women's right, combining the religious, the cultural and the traditional aspect.

Of all these, the religious factor is the focus in foreshadowing women's rights. The Holy Koran and the Law of Sharia are the religious woks involved in molding the parameters of the juridical display of women's rights.

Despite the fact that the Holy Koran and the Law of Sharia are self-proclaimed democratic documents which theoretically advocate for the protection of women's rights, the legal situation that results consists in applying degrading treatments to the female population.

We've established Islam as the main benchmark of our paper considering the peculiarities shown in drawing the sphere of women's rights.

The syncretism, the contradictions between the Islamic culture, Islamic religious theory and the precepts of natural law, describe a quaint situation for women's rights that reclaims proper assessing and adjustment.

Keywords: juridical syncretism, The Law of Sharia, The Holy Koran, feminine identities, women's rights.

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Women's Rights Between Islamic Law and Doctrine

Characterized by mysticism, the prerequisites for setting up the Arab States, create the image of a State-structure originated in a period that is, apparently, outside the reach of time. In fact, far from being an agnostic reality, the growth of Arab States must be pursued within the process of breaking up kinship groups and forming social classes.

Secondly, the ideological attestation of the Arab society and the speeding up of the formation of unified Arab State were determined by Mohammedanism or Islamism. (Manolescu:1980)

Arising within the Arab State, as a virulent reaction against polytheism and against foreign domination, Islamism was tagged as a radical religious reform that was reluctant to present ascetical reminiscences and was focused around two quintessential elements: *a purely spiritual element* (the revelation) and *a human element* (the desire of liberation and expansion). (Stan and Rus:1991)

Despite the radical accents in which is believed Islam was born, we consider that, in light of a thorough analysis, Islamism makes reference to humanistic values that are accepted by the Western world.

Etymologically, the term of *Islam* comes from the word *salama* which is translated into *submission*. From this point also derives the word *Moslem* which stands for *the one who received Islam*. We take less interest in the linguistic form of the concept: we can refer to the Persian form of the concept - *Musalman* or to the Turkish form of the concept - *Moslem*.

Regardless of the form of expression, the meaning of the term is the same: God's subject, the one who is unconditionally subjected to Allah. On the other hand, in Abraham's monotheist tradition, the concept of *Islam* indicates the religion of reconciliation with God.

This religious tradition is considered debased and falsified by the Jewish or Christian predecessors. Muhammad understood Islam in terms of a new religion that integrated and reformulated the message of previous religions - Judaism and Christianity. (La Rousse:1997)

The Islamic doctrine is striking through flexibility and syncretism, appearing like a blend of religious elements that have a different meaning and origin, a great part of these elements being taken from Judaism, Bible, Talmud, Christianity, Persian folklore, Arabic traditions. (Vasilescu:1991) Summarized in a clear formula (*Shahada - There is no God but Allah and Muhammad is his Prophet*), the Mohammedan theology defines the central pylon of the Islamic faith by means of its component elements: *God, Holy Books, Angels and Prophets*.

The fundamental thesis of Islam is the uniqueness of God and, in this sense, the confession of faith (*La ilaha illa Allah, Muhammadu-r-rasul Allah*) is a paramount obligation in the spiritual life of each follower.

In the Islamic faith, the deity's role is magnified because Allah is portrayed as The Absolute Creator, The Sustainer of All Things, The Master, The Destroyer, The Reminder of All Creatures. Furthermore, God is the Creator of mankind, assuming various roles: *He Who Rises (Al-rafi)*, *He Who Honors (Al-mu-izz)*, *He Who descends (Al mudhill)*, *He Who Forgives (Al-rahman)*. (Cristian:2002)

The secondary Islamic dogmas reside in: (1) *the faith in the holy books* (The Koran is the sacred book of the Muslims – the synthesis of Allah's unchanged word; it starts with the formula *In the name of merciful God* and it contains 6236 verses.) (Drâmba:1998) ; (2) *the worshiping of angels* (according to the Islamic faith, angels are beings that God made from light and that have the ability to send to the believers God's word); (3) *the veneration of the prophets* (prophets are man chosen by Allah; they are divided into two groups: the *nabi group* – who has the mission of keeping or renewing the Islamic faith and the *rasul group* – who has the task to transmit the divine revelation.); (Banciu:2003) (4) *the pure dogma* (recognizes as basis of life after death the idea presented in verse LXXV: *after separating from the body, the soul is longtime unconscious, dreaming the dream of death until The Great Inquest*).

The Islamic law is inextricably linked to religious practice and doctrine, - hence, rules and regulations and spiritual norms are in a relationship of conditioning. Nevertheless, a draught of the two frameworks is possible as we acknowledge 4 systems of case-law:

- *The Hanefi case-law system* – drafted by Abu Hanefi Numan Ibin Sabit, Abu Yusuf, Zufar;
- *The Safi case-law system* – founded by Muhammed Ibni Idris-es Safii;
- *The Malika case-law system* – founded by Malika Iban Anas;
- *The Hambali case-law system* – conceived by Ahmed Ibin Hanbel.

The cohesion of these 4 systems is ensured by the *Islamic law of Sharia* which classifies human actions as *compulsory, recommended, blamable, forbidden*. In the category of compulsory human acts there are 5 ritual-obligations which are regulated as legally binding : *the profession of faith – shahada, the 5 daily prayers –salat, the beneficence – zakat, the fasting – saum* and *the pilgrimage to Mecca*. (Banciu:2003)

Feminine Identities in the Islamic World

By virtue of its doctrinal and legislative peculiarities, Islam outlines a controversial framework of women's rights which can be differently assimilated, considering the axiological and cultural attractions that human societies share at a certain point.

In this field, the conceptualizations are antagonistic, revealing controversies: the Western World perceives Islam as the symbol of stating the regress of women's rights

meanwhile, Islam claims to implement a comprehensive and functional system in favor of the protection of women's rights. (Sherif Abdel Aziym:2008)

The inconsistency between the practical and the theoretical framework doesn't invalidate the ideas that Islam has to offer to the issue of women's rights. Still, it is assumed that the Islamic faith preaches gender equality by means of an enjoyable exegesis of the Koran's rules.

Certainly, the modern exegesis of the Islamic religious works suggests a spiritual equilibrium between men and women. Consequently, in the Islamic faith, both men and women *have the benefit of dignity and honor (We have honored the sons of Adam and we chose them prior to other sons that we've created)* (Amr Khaled:2008); men and women *have the same origin (Oh, you people! Be afraid of God who has made you from one being! God made man and woman from one being and then spread on the face of the Earth many men and women)* (Koran:4:1); both men and women *share the same ideal (To all Muslims, men or women, to all believers, men or women, to all subjects, men or women, God has prepared forgiveness and retribution)* (Koran:33:35).

Fearful to establish in a palpable manner the principle of gender equality, the Islamic doctrine captures the arguable version of female status: *even if woman is man's equal in the religious paradigm, woman is also tributary to many further duties that enfold from assuming the role of mother, wife and daughter.* The setting of women's rights within the Islamic dogma is dominated by confusion which extends the sphere of arguments that can be brought against the principle of gender equality.

Islam uses motherhood to demonstrate the protection that society offers to the female population. The idyllic image of the mother is promoted at the dogmatic level and this image tends to overtake the importance attached to the male factor.

As the Koran stipulates: *We've advised man to do right by his parents, his mother bore him supporting for him weakness after weakness.* (Koran 31:14) The novelty of the maternity protection is reflected in the child's *obligation to provide the same treatment for the faithful and for the unfaithful mother.* The primacy of maternity in front of the dogma, transforms the Islamic space in the West's formidable rival with regard to women's rights. (Armstrong:1999)

Unlike the maternity status, the role of the daughter has not always presented rights and privileges that are imposed by religion or custom.

Initially, Arabic traditions made themselves noticed by a high degree of cruelty: the father could bury his daughters on grounds of poverty and dishonor; also, he could sell or give away his daughters. (Yusuf Al-Qaradawy:2008). Later, the tradition was reformed by religion, the Prophet Muhammad himself revealing a humanist perspective: *Anyone who has had three daughters and showed patience in raising and gratifying them, will be rewarded by God for his mercy with the Paradise.*

By assuming the role of the wife, woman celebrates the mission that was designed for her as it is described in the Law of Sharia and in Koran: *Among the signs of God is your creation out of dust and then, here you are, men who spread on Earth (...) God created you from a single soul and from this soul God created man's pair, next to whom he can find peace.* (Koran:7:189, Koran:30:21). And yet the prospects are not so simple! By adopting the marital status, Sharia regulates in a discriminatory manner the distribution of social rights: man acquires the leading position as he is the holder of the economic, political and civil rights while woman has the exclusive obligations of child birth, children education, home care and unconditional obedience to her husband.

In light of the above-mentioned arguments, the informal rules of Islam converge towards an apparent affirmation of non-discrimination on the sex criteria. The equality in rights and obligations is not stated in the Holy Koran by reference to men and women; on the contrary, the references regarding the equality in rights and obligations concern the female status in the sense that women have equal rights according to their obligations. (Koran 2:228). It is not stated that women have the same rights and obligations as men. In this context, gender equity becomes a virtual reality. Moreover, if the woman's main duty consists in the unconditional obedience to her husband, the balance of rights and duties is incoherently applied. The possibility of re-thinking this kind of social model can be only estimated because a sure forecasting is not an option...

Women's rights in Islam – Guaranteed, Pseudo-Guaranteed Or Mystified?

Human rights are more than just the sum of individual credentials on the basis of which men can meet the needs of physical development and spiritual fulfillment; the initiation of human rights must be conceived in broader and more generous terms and their purpose must be more comprehensive.

Women's rights – a creation which is detached from the larger work of human rights- are accepted in Islam in the forms that are stipulated in dogma and in Islamic law. For some rights, the systematization is more rigorous, for other rights, flexibility is the rule.

Muslims right to work – stipulated and regulated by The Law of Sharia, contains some references concerning women's statute. One of the binding principles mentioned in the law is the financial support given to women by their fathers, husbands, brothers or by other male relative. Per a contrario, Sharia severely restricts women's right to work, as the sole activities that women could undertake are household activities.

Women's systematic discouragement to work outside of home is accentuated by the conditions which must be cumulatively met in order to exercise a profession: *(1) the work must be legal and moral from the Islamic point of view* (the work

should not be banned by Islam – *haram* and it shouldn't be likely to lead to what is prohibited), (2) ***the work should not be in opposition with other essential duties like the duty towards the husband and towards the children.*** (Al-Qaradawy:2008) Disregarding the trajectory of success that the Western legislator brought in respect to the right to work by documents like *The Universal Declaration of Human Rights, The European Social Charter, The Treaty of Amsterdam*, Islam repeats discriminatory practices by denying women's creative and rational capabilities and by confining women's right to work.

Surprising and difficult for the Western mindset to understand is the fact that, women's deprivation of one of their fundamental rights, doesn't train a domino effect upon other similar rights. For instance, Islam guarantees ***women's right to property*** in both women's family of origin and after acquiring the marital status.

Once married, the woman receives from the groom the wedding gift – which is her exclusive property. Except the bride, no one can benefit from the wedding gift not even the groom, the groom's family nor the bride's family. Furthermore, the bride keeps the wedding gift if divorce occurs. (Lang:1994) The Islamic faith guarantees woman's right of property, waiving the uneven tendencies advanced in regard to women's right to work. At this point, the husband is not allowed to take the wife's goods or values unless she consents to this. (Sabiq:1994). In this issue, the Koran and the Sharia both agree that: ***men must provide the dowry to their women and only if women are willing to waive it, men can spend it as they wish.***

The woman has complete independence upon exercising her right of ownership by controlling the income and the wealth that she possesses. The husband has the responsibility to support his wife and children. If the spouse's patrimony exceeds the husband patrimony, the wife can chose to participate in supporting the family by making acts of charity (*sadaqua*) towards her husband and children. (Badawi:1994)

Closely linked to the right to ownership is ***women's right to inheritance*** which is stipulated in the Holy Koran. The inheritance procedure is based on the following rules:

- ***Men and women can exert in equal conditions the right to inheritance. Men should be part of the inheritance; likewise, women should be part of the inheritance of their parents and relatives.*** (Koran:4:7)
- ***It's a question of principle that the woman's part of the inheritance is half of the man's part of the inheritance. God commands you, in respect to your children legacy, that a son has the part of two daughters.*** (Koran:4:11)
- ***Parents inherit their children in equal parts: each parent receives the sixth part of the deceased's heritage if the deceased had a child.*** (Koran:4:11)

Remaining in the same spectrum of economic, social and cultural rights, *the woman's right to education* is recognized in the Islamic law due to the contribution of Prophet Muhammad, and of jurisprudential authorities. Starting from the premise that *acquiring knowledge is the duty of every Muslim*, the Muslim woman has the fundamental duty of knowing God's teachings about what is allowed and forbidden, moral and immoral. Without being referred to the institutions that provide formal education for practicing a profession (as we've already showed, woman's right to work is severely restricted), women's training is limited to knowing the Koran. The highest degree of erudition in learning the Koran is touched with the acquisition of the title *ijtihad* – which mean *independent judge on religious matters*. (Al-Qaradawy:2008)

Shifting the interest of our paper towards *women's juridical rights*, we discover two major issues: (1) *the extent to which woman's oath it is taken into account as evidence in the trial*; (2) *the admissibility of women witnesses in the trail*.

With regard to the first aspect, Islam provides mandatory legal force for woman's oath. *The oath given as evidence in a dispute has a personal character* - the man may not conclude an oath in name of his daughter or wife; the annulment of the oath given by female relatives is not a male prerogative. (Aziym:2008)

Regarding the second concern, the Koran stipulates in favor of the woman's witness only if it is confirmed by a man – man's confirmation is enlightening in commercial causes. In commercial causes, the judge can accept two male witnesses or two female witnesses and a male. There are however, some exceptions to the rule conveyed above. *For example, if the husband doesn't believe in his wife chastity, he must to swear five times declaring that his wife is guilty* but, *if his wife also swears five times that she is innocent, the wife is believed and is declared innocent*. (Aziym:2008)

On the other hand, *the right to be marriage* and *the right to divorce* are regulated in the Holy Koran. There are many ways to exert the right to be marriage: the Act of marriage is controlled by the groom and by the bride's father; the bride's father contracts on her behalf and expresses on behalf of the woman her consent to marriage after consulting her in advance.

Divorce as a legal institution calls into question other aspects.

Unlike marriage, divorce can be initiated by the husband (*talaq*) and by the wife (*khulu*) but it will be easier for the husband to get a divorce according to rules sanctioned by Sharia. The wife's initiative to divorce must be justified by criteria such as: *unjustified abandonment, ill-treatment, cruelty*. (Amram:2006)

The brief foray into the dogmatic and legislative system proposed by Islam with the finality of protecting women's rights is a satisfactory aspect for analyzing the dilemma that subdues both oriental and occidental worlds: *Are Women's rights in Islam – guaranteed, pseudo-guaranteed or mystified?*

Koran's exegesis and Sharia's provisions suggest a noble treatment of Islamic female believers but reality brings another perspective. With regard to the woman's rights issue, the Islamic world is not consistent. Although the Islamic dogma and legislation are universal, different behaviors are manifested toward women in different societies or within the same society. The Islamic ideal of women's protection is defeated by the attachment to pre-Islamic rules. Contained in normative and custom, women's rights in Islam express the compromise between **guaranteeing** (there is an Islamic official position), **pseudo-guaranteeing** (the rules that defend women's rights are vague and cryptic) and **mystifying** (some Islamic communities cannot accept women's rights and are still practicing inhuman treatments).

FINAL REMARKS

First of all, **human rights** is a universal and intricate concept and for its fulfillment is necessary the cooperation between all official pylons (the legislative pylon, the juridical pylon, the administrative pylon, the executive pylon) and informal actors (media, non-profit organizations); this collaboration must be endorsed by the ceaseless re-evaluation of the society's axiological and cultural systems.

The need for improvement of practices, procedures and legal instruments is certain if we consider the hypothesis of coordinating a coherent and stable system of human rights. Yet, this alone cannot be deemed as a study-hypothesis.

If we were to agree to a purely legal approach in developing the protection of human rights, failure would be imminent. In light of this revelation, connecting legal efforts to the constant process of analyzing national institutions and standards, allows the detailed insight of the problem and the proper handling of information.

Giving life to women's rights doesn't mean the adding of practical value to some ideals without background; it means the universalization of the rules of justice, equity, non-discrimination.

We do not aim, through our paper, to treat in an exhaustive manner the complex problem of women's rights, nor do we imagine as feasible such an objective. By commenting upon women's condition in Islam, we want to disclose a flexible research alternative.

Islam finds a unique approach to women's rights by using the responsiveness of individuals to culture and tradition. Understanding that women's rights are a cultural element and that, promoting women's rights is a fact caused by the evolution of the cultural phenomenon, Islam refuses the legal system of gigantic dimensions.

Sharia and Koran – the first pylons in framing human rights- are defined according to the Islamic culture.

No matter what is the analysis framework, when studying women's rights, the paradigm must be flexible so that the results are transformed in appropriate answers.

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THE EUROPEAN UNION: BETWEEN THE PULSE OF ACTORNESS AND THE WRITHING KNOTS OF DIPLOMACY

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Abstract:

This article shoots for the presentation of the stages of evolution of EU's actorness, by crossing off the differences that exist between the commencing steps, made by the Founding Fathers of the European Union for customizing EU's world-wide capability of being an actor and nowadays' extraordinary circumstances that make EU's actorness a realness of distinction from its past.

Furthermore, the article deliberates upon the tactical use of EU's diplomacy for the girth and shred of global actorness.

Keywords: Actorness, Stream of Actorness, Global Actorness, Diplomacy.

1. A Doorway to the European Union's Stream of Actorness

The European Union was able to pull its disappearing act from power politics that has characterized its history for decades on end and to transcend towards a self-conceived image of an actor that utilizes peace-enhancing factors in its dealings with third parties, potential members and full-fledged members alike.

The consensus towards such an end was instilled because of the fact that the European continent was able to survive the longest walk of its political-historical life, trespassing two harsh and bloody world wars, withholding a sense of tightening *the armor of diplomacy* in order to get a better read of its future.

The beat of diplomacy is something all-too used in EU's policies, as Simon Duke and Aurélie Courtier point out: "The concept of *public diplomacy* is not new to the EU but the term has not been widely used in EU's external communications. Although there are a few exceptions, where reference is made to public diplomacy it is more often than not confused with related activities such as communication or information dissemination which, while certainly aspects of public diplomacy, do not in and of themselves constitute public diplomacy. At its most basic public diplomacy implies 'creating a supportive foreign environment for a country's foreign policy by understanding, informing and influencing an external audience'"(Duke, Courtier:2011).

The undertakings of *public diplomacy* has a transformative transferor for the foreign publics, with rather intrinsic convincing qualities, as Cristopher Ross underlines in his study on *US public diplomacy*: "The disciplines of persuasive

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communication are inescapable, and the realm of foreign policy is no exception” (Ross:2003).

Nationalism² - sometimes portrayed in an ethnic phenotype – with ethnic traits, combined with ferocious competition between the states of Europe for resources and for economic and geopolitical primacy in the continent and outside its geographical boundaries³, the appetite for military prowess – seen as a means of forwarding the corresponding intentions of hegemony, were the primary sources of inter-state conflict in Europe, that multiplied and resulted into two world conflagrations.

The launching pad of the **European Union’s actorness**⁴ was set to be the endeavor to provide a concoction of negotiations for the insecurities that distinguished and qualified inter-state relations in the continent, immediately after World War II.

It was clear that, in order for the consensual feelings towards peace not to be usurped, the scope of the objectives set, had to be transnational⁵.

After World War II, Europe understood that the coalescence of national interests had to be the scale-unit of its self-centeredness⁶. Europe was exercising a departure from the jejune politics of its past, in a **process of reinvention**⁷.

² With violent expressage and frame;

³ With reference to the rivalries for the colonial architecture of Asia and Africa;

⁴ By the term of **actorness** – we mean the capacity of a member of the international community to assume and to act accordingly to the principles enshrined in the international legislation and to contribute to the adoption of norms and principles for the betterment of the international community; We utilize this capacity, throughout this article as a belonging of these actors, that engage in interactions within the international community, and that do not maintain a disjunct posture from other actors; We understand this term as a capability not only beheld, but also expressed;

⁵ The article will not go into associating with one of the main theoretical explanations provided for the emergence of the European Union;

Whether it was for the sake of collective post-war reconstruction, with the purpose of protecting national interests or with the aim to give attendance to a historically deep-rooted image of a united Europe, we contend that **the seeds of actorness** for the European Union were planted immediately after World War II; More than that, the European Union strived for promulgating its **exceptional image** even back then; The **European Exceptionalism** was projected to gain plenty of momentum;

It embraced the fact that Europe was a continent that could stand out by itself and that unity can be filtered down even in nationalist feelings of economic and political mightiness;

European Exceptionalism alluded to the fact that the image of Europe as a continent, that incorporated the world’s most powerful nations, would resurrect as a belief formed by the lived experience of the states of Europe;

If, in the past, Europe was **the old continent of the world**, where the comparative historical circumstances made way to different national spirits and to a display of the most potent actors in the global arena, in the future, this image will rise again, but not based on the high-levels of rivalry and fixture, but on **a self-seeking concern for togetherness**;

⁶ Being united in an age when the center of the global arena was shifting from the European continent to the American one;

⁷ **History** has a static material quality about it; As such, the usefulness of history in **the dynamic process of reinvention** is quite limited;

In it, Europe, designed the attribute of *actorness* for *the sui-generis instauration* that was considered to be the *European Union*. This *sui-generis instauration* was designed to give a more transparent coverage to national intentions and interests and to foster the accomplishing of economic feats, without the dependable assistance of the United States, which has accompanied Europe's post-war reconstruction from the beginning.

The focus of the United States on Europe's post-war development was both welcome and unwavering! However, the states of Europe were determined to disinherit the droplets of a financially backed-up continent from the image of Europe and promote the anomalous sterling traits of the political creation that was thought to be the *European Union*.

The creation of the European Union was a modern-age age tool to pour the contents of old perceptual rarities into a more current and extant can. It was also a means of preservation of the factual genuineness that Europe was home to noteworthy nations, with a categorical and certain hold upon world's affairs.

The ground position line was still to be held by the European states. Europe had to prove, also, to the world, that it could produce enough immune-stimulating power for inter-state incongruities. It was a conscious face-lift, in contradistinction with the past⁸!

The European Union had to understand how to play the *thespian-role* and how to project common strategies and mechanisms for this purpose. Also, with this purpose in mind, the European Union (EU) had to find enough opportunities to replace divergences within the national structures of its establishment.

At first, the economic sphere was the basis for the ground-breaking steps of coming together and acting as one. In this formative period, EU aimed at becoming an economic anchor for its member states, and at the fact that the habit-forming behaviors within its structures would render it more credibility.

The state of concatenation on an external power – namely the United States – was not a habituation that the most powerful states of Europe were able to put up with permanently. *The European Coal and Steel Community*, as well as *the European Economic Community* were prime examples of how the European states understood to advance ideas full of generous feelings towards conjoint thinking.

These ideas made their debut in the economic realm, as it was the easiest manner to deduce the strived for consequences.

Despite this, the creeks of history had to be seen with needful attention *in the process of reinvention*, as they represent the platform which catapults it;

⁸ The past was a rich repository of conflict and misunderstanding – an image that cannot be erased; The national interests could no longer afford to lag behind the interests of a *super-structure* that was *the European Union*;

The tackle-box had to

This envisioning for economic management was transmuted into a mass of principles and norms for the formation of *a common political European spirit*. If conflict-transcending would have maintained the posture of *actorness* through *economic administering*, then the results would have had only a partial bearing on the skillful treatment of inter-state discords.

The process of turning *EU's actorness* into a normative one was prolonged by the structural conditions of the Cold War security setting, in which the European Union was born. The systemic competition between the two colossuses was keeping the *European Union into a lingering inactivity*⁹.

The EU was not quick to refer to a premeditated and purposive definition of its prescriptive standing. During the Cold War, the EU's material capabilities showed a scarcity of elements for action. Obviously, the EU could not properly pave a road for itself as far as these capabilities are concerned.

The EU could have fancied an expectancy of how it foresaw its structures to act and to react within the systemic conditions provided. Inasmuch, *the prediction of role-visualizing* for itself and for its member states lacked a specific framing and definition¹⁰.

In the waning years of the Cold War, the EU implemented the kind of *multilateralism* where its mark of *actorness* was and is still being applied. The Founding Fathers of the European Union looked ahead not only at a jointure of economic and security interests, but also at a jointure of merger-prescriptions for inter-state behavior.

Unification meant substantive patents for decision-making – a gantry where all the European states could voice over complaints, ideas, opinions, and opinion-making features and additions.

The typical assumptions of strife in agreement – in a structural edifice where there are so many voices to listen to – have been reduced, without the potential shaking of the European Union's structures.

⁹ We do not mean that during this whole period, the European Union did nothing as far its institutional edifice is concerned;

Clearly, the need for institutionalized arrangements for its structures to function was both felt and met accordingly;

We mean that the European Union acted later than scheduled as far as the language of development of the *normative groundwork for its actorness is concerned*;

¹⁰ The systemic vibrations were incommensurable during the Cold War and it was hard for the EU to act in harmony of sentiment and action within the global arena;

The EU encountered many hindrances in the definitions that had to be ascribed for its global standing; *What did the EU really stand for? What were the limits of its normative dimensions of actorness?* – These were the questions that did EU did not address in frank and plain terms during the Cold War;

With the likelihood for inter-state conflict between EU's members given a smaller and smaller position in EU's strategy planning¹¹, the EU had to prove that its *exceptionalism* could not undergo any meiosis. This meant EU's policies could not be exercised within the same extremes.

Some countries were able to solve their wandering as far as the EU was concerned. In the early '70s¹², other European states began to feel so blinded to *the European idealities*.

Looming up over the accounts of endogenous norm-making and norm-proliferation, soon after the decision to expand its membership, the prospect no longer felt that prosaic and the EU had to settle the conditional ties towards becoming a EU member. This period coincided with the realization that there could be no longer exerted an unconditional acceptance of members.

Before the Cold War, the conditional ties towards EU's membership did not have *the sweet cage syndrome* that they attained, after the Cold War. Yes, at first, the EU was expected to enlarge. As enlargement began to be thought of as more and more inclusive, the idea of introducing the membership criteria began to be more and more blotted.

Dissimilarities between the states that wanted to become EU members were more pronounced than ever. Moreover, EU had no longer to pay attention to the systemic competition that quivered its global stance during the Cold War.

Consequently, *actorness* through *normative handicraft, distribution* and *consumption* began to be an unduly complicated issue.

The process of producing the normative commodities needed was both creative and strenuous! Transforming *the candidate countries* into *European countries*¹³ had to be both a manner of act and a manner of speech, both of them constant, both of them in constant effectuation and performance.

This formula was and is a daunting one! If transfer is procured as something permanent, relegated to a superior forum, then how can the member states recover an outward show of control in certain domains that have been handed over formally to the EU?

The EU was able to produce answers to these questions¹⁴ by calling upon *the normative appealingness of its actorness*: "Nonetheless, the EU has been constructed

¹¹ This goal was already accomplished, in this respect;

The question was if the European states could ever know how to trust each other fully; This was an issue of much debate, as differences in opinion all too often sparked, sometimes leaving the decision-making mechanisms crippled;

Nonetheless, territorial conflict between EU's members was pushed farthest away by the submission shown to the legislated principles and norms;

¹² With reference to the period when EU's expansion stages began;

¹³ With conceptual reference to *the process of Europeanisation*;

¹⁴ Some of them with a more facetious expression than others;

through the transfer of legitimacy and authority from the nation state to a new centre. New discourses have elevated and perpetuated the new position of power of this centre, which in the end gave birth to new patterns of domination significantly different from the ones that the EU was set to challenge” (Nițoiu:2012).

After the Cold War and in the current unveilings, the EU is pursuing another type of reconciliation. Certain wistfulness can be marked, especially regarding the sense of futility from the part of the member states, regarding the EU and the handling of the EU policies.

Current talks about the re-nationalization of certain policies make more and more member states become convinced about the direct intuition of the blurring of boundaries between the national policies and the common policies’ assemblage. This new rank and repair of *EU’s actorness* has plenty of repercussion effects on the gleaming network of *EU’s diplomacy*.

2. The Writhing Knots of EU’s Diplomacy

The medium and agency of *EU’s contemporary actorness* is in direct cohesion with the way *EU actorness* carries on its tactical trestle from the public diplomacy that EU supports.

The normative standing of EU in the global arena has received the ocular angle of the introduction of a series of mechanisms that restructure the cloak-and-dagger of EU’s institutional architecture in the field of foreign policy.

If in the past, when engaging to other actors, EU suffered from a surreptitious degree of institutional default, amends have been, at the moment, taken in order to dismiss *EU’s image* from such faulty lines¹⁵.

*The European Neighborhood Policy*¹⁶ and, even in a much more prolix manner, *the Treaty of Lisbon*¹⁷ have given the EU the kind of enlightened institutional establishment necessary to follow eagerly the ultimate goal of being *a global actor*:

“Even though it remains a contested issue, the EU has clearly moved beyond its traditional role as a normative power in international security and politics. Just as the

¹⁵ The normative vehicles that the EU used for engaging with other actors were numerous; Among them, *human rights and civil liberties* were registered with an utmost priority amongst the criteria imposed by the EU, both with third parties and with candidate states;

The institutional building of EU’s actorness was unsettled and ambiguous, and was trying to be compensated with the protraction of the normative *actorness* in different fields of engaging; For instance, commercial ties were conditioned by *the normative restrictions of engagement*; Nowadays, EU’s institutional landscape, especially as far as foreign policy is concerned, no longer has a hazy outline;

The normative stipulation of ailments is enhanced by the institutional-building that is being engineered for the structures of *EU’s diplomacy*;

¹⁶ Launched in 2004;

¹⁷ Which started producing legal effects from December 2009 onwards;

EU made strides that took it beyond the confines of *normative instrumentality*, the EU has proven that it can play a central role in transforming the present international system and the multilateralism that defines it [...] Europe has demonstrated its ambition to play a greater role in the world system for some time now. This is strongly demonstrated in the EU first pillar zone, which includes interregional networks, trade, social policy, economic and monetary issues, and community integration practices, among other domains. The Lisbon Treaty has been a fundamental step that not only significantly enhanced the EU's global aspirations but was vital in allowing the EU to realize those aspirations" (Romaniuk Scot:2011).

EU actorness has important pillars of representation, especially in the field of foreign policy. The creation of *the European External Action Service*, the institution of *the High Representative of the Union for Foreign Affairs and Security Policy* have reasoned a concerted action in the field of foreign policy, giving also more defray to the inclusion of more prerogatives in the first pillar zone of the EU.

This indorse seemed not to deceive the peals of optimism that accompanied such decisions. However, the possibility of corruption of such ideas tagged along their overflow. The lengthiness of the global recession, both in its causal effects and modal recoil¹⁸, provoked some intra-European disinclination towards the idea of intra-mural *more Europe concept*¹⁹.

No doubt, this impairment of consciousness will not time lag, so that it will not be translated into the field of foreign policy. The tactical smooth rock face of *EU diplomacy* is suffering many challenges: "Developing long-term relations with other countries in the world and promoting a set of important objectives and norms (such as democracy, human rights, rule of law, and good governance, free market economy) are at the heart of *EU diplomacy* [...] A first major lesson is the crucial importance of a comprehensive approach, an essential requirement for achieving lasting and sustainable effects. Comprehensiveness implies that the *EU's structural diplomacy* has to take into account the overlapping nature of the structures in various relevant, interrelated sectors (political, legal, social, economic, financial, security, etc.) and levels (the state, individual, societal, regional and global levels). Structures in various sectors and on various levels are not isolated from each other, but are closely interconnected, and this demands a cross-sectional analysis" (Keukeleire, Justaert:2012)²⁰.

¹⁸ With economic rescue plans, within the EU, that were approached with disrelish or, at least, with a tiny amount of confidence into the reforms they aimed to implement;

¹⁹ *The concept of more Europe* is dealing with the charm-like conjuration that EU's presence has to revitalized in all fields of the communitarian policies, as well as outside the embankment of the communitarian policies and outside EU's regional space; Likewise, it is dealing with both European and extra-European concerns for *EU's actorness*;

²⁰ A very important mentioning point is the fact that these authors utilize the term of *structural diplomacy*, in order to designate the process of interaction between the EU and third countries

We utilize the terminology of *diplomacy* in order to dub evidence to the artfulness for prospecting „opportunities and avenues for feedback and dialogue[...] [in order to] *to inform, engage, and influence* foreign publics” (Ross:2003). In addition to this, we utilize this term in order to highlight the importance of *transforming the aforementioned avenues for feedback and dialogue* in the intra-European context.

The question which arises is the following: which orbit-optimization strategy must EU utilize, in order to chart upward combinations of possibilities for its *actorness*, through the use of its *structural diplomacy*? We regard the following scopes of occasion as the most important opportunity-creating factors:

- Enhancing an active support to the discourse foundations of the aims established in foreign policy and in the communitarian policies – this is an important prerequisite for the European Union to obtain a credible portrayal worldwide;

This means that the pace of institutionalization in the field of foreign policy and in the field of empowering much more prerogatives for the communitarian policies must not be forestalled;

There is a current legitimation crisis that the European Union is crossing, especially as far as the monetary and financial policies are concerned;

The due respect towards the objectives decreed, especially in the realm of foreign policy, will only *augment the credibility deficit of EU's actorness* globally;

- Contemplate the possibility of adjourning *membership expansion*, for the purpose of intra-mural solidification, and also, remain rooted in the *normative dialogues* with third countries;

These dialogues are producing a rate of cultural usefulness in the bilateral interactions; In this way, the EU will not be viewed as an actor which extracts unilateral advantages from its bilateral relations, but rather as an actor that puts the normative aspects of its *actorness* first;

- Esteem in the high-ranking of possibilities the one relating to the incorporation of civil servants *in the European External Action Service*, based only on meritocratic criteria;

This would mean the formal disavowal of the detachment possibilities of recruitment; In this way, *the European External Action Service* will be more professionalized;

- Combine the normative limitation of engagements with third countries with areas where mutual interests may thrive;

and the domestic changes inferred in their national social and economic structures, as an executing operation of this interaction; Mostly, the term of *structural diplomacy* hints at a supplement of leverage that the EU has in the interactions with third countries;

In this way, the exceptional image of *EU's actorness* will not receive bad reviews and *the circle of close acquaintances*, that EU wants to create at its peripheries, will not be broken²¹;

- Contemplate the experimentation of tailoring specific messages for prospective engagements with countries that rest in isolation from the global arena²²;

This does not mean that the normative dialogues have to be removed from the interactions that will be triggered;

However, if EU wants to be a *global actor*, then its *actorness* has to prove a far more snapping attitude;

For instance, the EU can mediate the reintegration into the international community of countries, that have either been ousted from it, or that have chosen to test *seclusion* as *a strategy*²³.

Marginal Comments

At the present moment, EU is stumbling across new, as well as improved, obstacles for the enlarging and refining of its *actorness*. EU can, in this lot of contingencies, use its diplomacy, both in order to satisfy the preferences for bilateral engagements of its member states, as well as in order to secure a stable security environment at the outskirts of its geographical stint. First and foremost, in whatever degree, the EU has to coordinate responsibly the internal mechanisms, with the highest degrees of accountability for its communitarian policies and for its foreign policy, identically.

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²¹ EU has also referred to *this circle of acquaintances* with the appellation of *the ring of friends*;

²² A discussion can be made for the case of North Korea; The bilateral links are very brittle at this moment, but the EU can try to ponder upon areas where engagement can surface; The list should stop in this point of reference; The EU has also to reorient its strategies towards partnerships that have been back-breaking in the past and that are still operose nowadays; *The partnership with China* can be tasked as a specimen, in this case; If *EU diplomacy* can find a more open way of engaging China, then, it is possible for *EU diplomacy* to cobble the way for the interactions between China and US, for instance;

²³ As a power who is transgressing the initial stages of developing military immunities for its structures, it will suit the EU well to play *the mediator part* in such cases.

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