

Cogita

MULTIDISCIPLINARY RESEARCH JOURNAL

Vol. X, no. 3/September, 2018

Bucharest, 2018
ISSN 2068-6706

**Cogito Journal is published under the aegis of
“Dimitrie Cantemir” Christian University**

Address: 176 Splaiul Unirii, Bucharest
Phone: 021.330.79.00, 021.330.79.11,
021.330.79.14
Fax: 021.330.87.74
E-mail: cogito.ucdc@yahoo.com

*Cogito Journal is included in IDB
EBSCO, PROQUEST, CEEOL,
INDEX COPERNICUS,
HEINONLINE, DOAJ, ULRICH'S
PERIODICALS DIRECTORY, CNCS
recognized*

Cogita

MULTIDISCIPLINARY RESEARCH JOURNAL

Vol. X, no. 3/September, 2018



Every author is responsible for the originality of the article and that the text was not published previously.

CONTENTS

PHILOSOPHY AND HISTORY

LANGUAGE AND LOGIC OF MIND	7
Majid Amini, Niloufar Jafari	
THE ROLE OF PHILOSOPHY IN TWENTY-FIRST CENTURY AFRICA: ACRITIQUE OF BODUNRIN.....	21
Sunday Olaoluwa Dada	
THE FATE OF CONTEMPORARY EPISTEMOLOGY: BETWEEN EPISTEMIC REGRESS AND EPISTEMIC ABSOLUTISM	29
Balogun Babalola Joseph	
THE PLACE OF OPIUM IN ANGLO-SAXON IMPERIALISM AND MERCANTILISM IN ASIA: FRAGMENTS OF EVIDENCE FROM CHINA	42
Ihediwa Nkemjika Chimee	
PHILOSOPHY OF LAW IN THE HEGELIAN THINKING.....	58
Agata Mihaela Popescu, Andreea-Ileana Danielescu	
BOGDAN SERAI- MOLDAVIAN REPRESENTATION AT THE SUBLIME PORTE.....	66
Zeynep Sözen	

POLITICAL SCIENCES AND ECONOMIC SCIENCES

DEMOCRACY AND SUBSIDIARITY II - MODERN THEORIES ON SUBSIDIARITY –	73
Alexandrescu Radu-Michael	

RESPONSIBILITY TO PROTECT (R2P) IN THEORY AND PRACTICE – FLAWS AND CHALLENGES 84
Aurora Martin

AGAINST THE ECONOMIC CRISIS – NO OPTIMALITY ONLY HUMAN DECISIONS..... 94
Șerban-Costin Crețu

THE EVOLUTION OF LIBERAL PUBLIC DISCOURSE THE "BEGINNINGS" OF THE LIBERAL POLITICAL DISCOURSE IN ROMANIA123
Sabin Drăgulin,
Antoaneta Ancuța Brașoveanu

FOREIGN LANGUAGES AND LITERATURES

NORMAN SICILY'S CULTURAL MISCELLANIES VERSUS CULTURAL ISOMORPHISM AS REFLECTED IN THE MEDIEVAL ROMANCE *ROBERT OF CISYLE* 138
Cristina Nicolaescu

LANGUAGE AND LOGIC OF MIND

Majid Amini,*

mamini@vsu.edu

Niloufar Jafari**

jafarin3@vcu.edu

Abstract: *There is an intriguing disconnect and disengagement between two prominent nativist doctrines of mind. According to one, thinking and other cognitive mental states take place and are couched in an innately endowed language-like symbolic system realized in the brain. The idea is known as the language of thought hypothesis. According to the other doctrine labelled as mental logic hypothesis, there are hardwired reasoning skills and procedures that are cardinally concerned with the information integration processes of a logical sort that all humans share. Yet there remains to be a meaningfully direct and collaborative interaction between these two nativist hypotheses. Thus, the objective of this paper is to see whether a mutually supportive intercourse can be established between them, especially in view of the continuing criticisms that have been levelled against the language of thought hypothesis.*

Keywords: *Closure Condition, Competence/Performance Distinction, Fodor, Intentional Isomorphism, Language of Thought Hypothesis, Mental Logic, Representational Theory of Mind.*

It seems uncontroversial, if not comprehensively incontrovertible, that humans can think and entertain thoughts. But, how does the mind process and produce thinking and thoughts? It is this consequential question that forms the backdrop to Jerry Fodor's pioneering and certainly provocative psychophilosophical thesis known as the *language of thought* hypothesis. The doctrine was first published in a book of the same title in 1975 that later Fodor modestly described as a 'merely journalistic' enterprise: 'an exposition of ... an emerging, interdisciplinary consensus about how the mind works; the theory that was then just beginning to be called 'cognitive science'.' (2008, 3-4) The hypothesis, to put it succinctly, states that there is an innate code in which mental processes are carried out. Various arguments have been presented in support of this hypothesis, and what is interesting is that almost all of them bear an *empirical* facet, except possibly for one.¹

There is apparently one *a priori* argument that seems to be advanced by Fodor essentially in point of logic. Fodor's reasoning would go something like the

* **PhD., Virginia State University.**

** **PhD., Virginia Commonwealth University**

¹ Notwithstanding, however, some subsequent attempts to establish the hypothesis on *a priori* or conceptual grounds like Davies 1991, Lycan 1993, and Rey 1995. However, Fodor is adamant that the constituent components of the language of thought hypothesis are 'at best *empirical* theses'. (2008, 93)

following: being able to represent involves possessing a means in which representations can be expressed; since the best psychological theories are representational, one is therefore bound to accept the existence of an internal code.² (1976) Appearances aside, even this argument is not purely *a priori* in nature due to its empirical appeal to the premise that the best psychological theories are representational. Indeed, for this very reason, on a number of occasions, Fodor has attempted to evince that various empirical theories need explicit representations.

In support of his hypothesis, Fodor also adduces other considerations, though still empirical in alignment, like the claim that the best theory satisfying plausible *desiderata* for propositional attitudes involves an internal language. (1981) All in all, the reasons advanced for the language of thought were mostly empirical in one way or another. Clearly, the situation could not have been otherwise as a representational theory of mind is an empirical thesis after all.

However, the hypothesis has not gone unscathed since its formulation, and detractors have been quick in exposing its vulnerabilities. The increasingly stronger criticisms have showed, if nothing else, that the language of thought hypothesis is far less obvious than originally thought. Yet, the barrage of attacks would still be to the advantage of the hypothesis, should it turn out to be true. The purpose of this discussion is to consider the major criticisms of the hypothesis against the background of the theory of *mental logic* along with its empirical implications in an attempt to provide another source of evidence for the hypothesis, and possibly to shed some light on the structure of the language of thought. Clearly, the intention is to show that the criticisms play more a corrective role rather than being detrimental to the hypothesis.

At this juncture, therefore, it would not be amiss to state a brief description of the mental logic theory. The theory maintains that deductive reasoning consists of innately endowed operations on internal representations in accordance with logical rules implemented in procedures activated by the forms of mental representation. The underlying thought here is that the set of valid inferences is infinite and the subset of those that any individual will formulate or encounter in the reasoning of others is too large and too random to permit its being memorized. Humans, thus, appear to have access to a set of rules that can be combined in various ways to yield an infinite set of inferences. This means that the foundations of the logic(s) at which logicians aim, *viz.* the logical precepts and ideals, must be psychologically

² To avoid misrepresentation, a caveat is in order here. It is often stated, for example, by Elliot Sober among others, that 'cognitive processes are to be thought of in terms of inferential transformation of mental representations ... Those psychological models which now seem to be promising presuppose that perceptual judgment, memory, and language acquisition, to name some examples, take place within representational system ("the language of thought") in which information is enclosed and manipulated.' (1981, 97) In other words, representation, as Robert Cummins notes, is 'identified with what is really only one kind of representation: quasi-linguistic representation of the sort featured in Fodor's book *The Language of Thought*'. (1989, 18) However, strictly speaking this is not correct since cognitive states might involve representations of some sort without involving a language of thought. It should be said that occasionally Fodor's own way of presentation is to some extent responsible for encouraging such identifications, where, for example, he says that 'I'm much inclined to bet on a species called the Language of Thought Hypothesis ... or, alternatively, the Representational Theory of Mind'. (1988, xii)

real in the sense of being instantiated in some form in the mind. It is thereby contended that this theory has the ability to satisfy the twofold requirement of offering the best explanation for everyday deductive reasoning as well as delivering some insights into the human cognitive architecture.³

Now, as intimated earlier, the language of thought hypothesis is said to rely heavily on the doctrine of *representationalism*, but it is contended that the alleged evidence for it does not exist and the doctrine lacks empirical justification. This is one of the major criticisms that challenges the main premise common to all the arguments for the language of thought hypothesis. That is, it is not true that the best computational theories require explicit representations. The objectors point out that a large part of the original motivation for a language of thought was to make sense of how systems of rules such as the ones postulated by linguistics could be true of organisms like us. The proposed suggestion was that rules are explicitly represented and as such they are represented in the language of thought. But, the objectors claim, in fact no evidence supporting the view that the rules are explicitly represented has been really offered. The criticism is essentially saying that: even if one knows the input-output relations of a cognitive function, one still lacks a sure understanding of what happens in the intervening black box where representations of rules should be needed. Robert Matthews, for example, concludes thus:

Yet in each case the evidence adduced falls short of establishing the claim in question, and always for the same reason: the evidence adduced bears only on the input/output behavior of speakers or learners; it provides no support for hypotheses to the effect that such behavior is the product of a representation-using system. It could as well be the product of an input/output equivalent non-representation-using system. (1984, 1083)

It has even been claimed that no such evidence could be in principle provided as a matter of logic. This stronger rejectionist response is predicated on the consideration that it is a theorem of recursion theory that the same computable function has an infinite class of different indices, or names, associated to it; in particular, if in this class there is a program containing an explicit representation of a rule, there will also be another program computing the same function but not containing that rule explicitly represented. The point is equally applicable to grammars, for given a device which contains an explicit representation of a grammar, it is always possible to find another device that computes the same function but does not contain that grammar. Rules, therefore, need not be represented and by the same extension the need for a structured internal code becomes unmotivated.

It should, nevertheless, be obvious that the strong rejectionist version of the attack on *representationalism* is very much a statement of *conventionalism*. This, however, should have already rung the alarms, since the argument can easily be applied to the whole of science and the entire scientific fabric. Apart from such concerns about the integrity of science, the argument in both versions,

³ To name just a few luminaries that pioneered and produced works in the earlier stages of mental logic, one may mention Mary Henle (1962), Daniel Osherson (1975 & 1977), Martin Braine (1978 & 1990), and Lance Rips (1983 & 1994).

viz. evidential poverty and logical impossibility, still misses the target. For, even if one grants that there is yet to be a clue to the internal representation of the rules/procedures of a cognitive operation, *already the form of their input/output data may suffice to make the case for representationalism*. It is here that mental logic as a theory of deductive reasoning can offer some headway towards vindicating representationalism.

Even if one concedes that there is no need for one to hold the explicit representation of the rules of mental logic, one yet could consistently maintain that the data on which a reasoning program operate require a language of thought. The possibility becomes plausible once one looks at some basic facts about deductive reasoning.

The first thing to note is that the input to reasoning *cannot* be in a format somehow dependent on a single natural language. The reasoning here is twofold: *homophonic* and *heterophonic*. In the homophonic case, there are far too many ways of expressing the same proposition in a natural language, and as such for the same inference one would need as many different inference patterns as there are ways of expressing the component propositions in the native language. But this seems unjustifiably extravagant. With regard to the heterophonic case, reasoning in, for example, Persian is the same as reasoning in, say, Portuguese which precludes the dependence of reasoning on a single natural language format. These considerations are equally true of linguists' *logical form*, since so long as it is natural language-oriented or dependent, it will not have the right level of abstraction. As Robert May observes, although to a large extent properties of logical form seem to be invariant from language to language, one could imagine a range of differences as a function of independently varying properties of the S[Surface]-structure input to the rules deriving LF [Logical Form], for instance. (1985, 30 & 1987, 332)

The second point to consider is that direct reasoning routines are at least early available and hence, presumably, species-specific. (Braine & Romain, 1983; Braine *et al.*, 1984; Braine, 1994) For example, disjunctive and conditional phrases appear fairly early in development, typically during the third year, over several natural languages investigated; while, conjunction and negation appear even earlier. What is important to note is that when they appear, they are almost always used in a semantically appropriate way, indicating that children have an early grasp of their meaning.

Thirdly, the way mental logic procedures modify the data requires that they be formulated following a grammar that respects constituency relations. For example, if a conclusion is in conditional form, the proposed program of mental logicians like Braine and company will add its antecedent to the premise set, *but not* any arbitrary subformula or one of its incomplete parts. Also, the antecedent and consequent of the conditional sentence may themselves be complex sentences, but generally the program sees their complexity only when they have been broken up by some procedure acting on the main connective of their logical form. Consequently, the way data are stored in working memory and accessed by the routines of the program must maintain constituency and dependency relations among connectives. In fact, as Braine observes, some sort of innate

format for representing knowledge would seem to be a precondition for memory, at least for declarative memory ... if there is no format for recording something, there is no way to record it. Now, to be adequate to the task of recording information in memory, the format would need some logical structure. For example, it would need some kind of predicate-argument structure in order to distinguish properties from the entities remembered to have the properties, and relations from the objects noticed to be related. (1994, 243-4)

For the same reason, it would also need to be able to express connectives and their hierarchical dependence in a sentence.

And, for the fourth fact, it should be said that the input to a reasoning program is not the first level of semantic analyses of a linguistic signal, but a composed representation maintaining the meaning of the message in context. This fact would also be indicative of the intervening of an internal code in which reasoning processes take place.

Now, collectively all these considerations point towards the requirement that the input data for a reasoning program be written in a language different from natural language. In other words, there needs to be a language with a regimented grammar defining conditions for well-formedness as well as being sufficiently rich to express all the distinctions of, for instance, categories or constituents, to which the reasoning program would be sensitive when drawing inferences. That is, there needs to be a language of thought.

Now, if it is independently shown that mental logic as a theory is both *descriptively adequate* and *psychological real*, the existence of an internal code and some features of its structure can then be inferred from the *data structure* alone. This would obviously be contrary to the above two arguments against representationalism and indicates how they have managed to miss their intended target.

However, there is still no cause for celebration for the advocates of the representational theory of mind, since the conflict has just begun and there are other more caustic criticisms to contend with. One such objection to representationalism argues that although the hypothesis is empirical in orientation, it is at the same time empirically too vague to the extent that its claims to solve the problems it purports to solve are rather illusory and elusive. For examples, Matthews, among others, claims that 'instances of notably successful cognitive scientific theorizing that have been claimed by Representationalists to provide empirical support for their doctrine' *either* fail to provide any essential role for the theory *or* the roles on offer 'cannot plausibly be construed along the lines of the representational theory of mind. (1989, 104)

It is remarked that often than not the arguments for accepting the language of thought hypothesis depend on some or other of its alleged properties, but at the same time there is no evidence that the hypothesis *has* the property in question. Even if one grants that it does, other substantial worries arise about the structure of language of thought for which there is no clear answer. Apparently, closing a hole in one place opens a crater in another part of the hypothesis such that its advantages may be heavily overwhelmed by its shortcomings.

The concern is very genuine especially when one considers the three arguments on which so much “propaganda” for the representational theory of mind is based. Namely, the supposed parallelism between syntax and semantics, the systematicity of thoughts, and the opacity of propositional attitudes. The arguments have all been independently presented to prove the advantages of a language of thought hypothesis. But, the opponents of representationalism ask, are they simultaneously satisfiable? They have tried to capitalize on the alleged conflicts and inconsistencies to undermine the concept of a language of thought.

Take, for example, the arguments from the parallelism between syntax and semantics and the systematicity of thoughts. It is claimed that the language of thought theory is able to show jointly the parallelism between semantic relations among intentional contents and causal mental processes and why thoughts are systematic. Obviously, the two issues are tied and interrelated, but, the opponents of representationalism point out, there is a significant amount of details that need to be spelled out before accepting such assertions. And it is only in the details that one could see whether the language of thought hypothesis can really offer an explanation for them. But, it is claimed, the details are yet to emerge.

This is, however, a vague criticism since, as Fodor notes, we need a language of thought because Alan Turing’s explanation is the only explanation and for that we need a syntactic vehicle for each semantic content. Indeed, programming languages are the best existence proofs to vindicate the propriety of the language of thought: ‘Computers show us how to connect semantical with causal properties of *symbols*.’ (1988, 18) Nonetheless, to see the import of uneasiness, one may concentrate further on the notion of parallelism.

The first thing to note about the parallelism thesis is that it can be predicated at *different* levels. At one level, it could be *inter-sentential* according to which propositions are structured objects resulting from the composition of entities of different types where the parallelism thesis states that *so are* thoughts. This is the way that Kant and Frege saw the issue. That is, the thought that Adam is untidy presumably contains two tokens of different categories, the name ‘a’ and the predicate ‘U’, composed according to the predication rule into ‘U(a)’. The structure of thought mimics the semantic of the proposition, since the proposition that Adam is untidy consists of a property attributed to an object. To satisfy inter-sentential parallelism, therefore, the language of thought must have symbols for different categories, which in their turn have different semantic values.

The question, therefore, is: how can one find out whether the parallelism really holds, if there is no syntax to begin with? One way of eschewing the stalemate is to find *a theory* capable of specifying what categories exist and what laws of compositions are defined etc. Armed with such a theory, one would then be in a position to say that the language of thought hypothesis *explains* inter-sentential parallelism. Only under such circumstances can one ascertain whether it has as consequences properties of thought like systematicity.

However, we are not out of the woods yet. For, specifying conditions of well-formedness is not sufficient to explain inter-sentential parallelism, because it would be pointless to have a syntax of thought which can maintain in phase single propositions and single thoughts, but lose the contact with meaning when

propositions are chained. To illustrate the issue, consider the following example which is frequently forwarded as a proof of the explanatory power of the language of thought hypothesis. The proposition that P and Q is said to be semantically related to the proposition that Q: that is, if 'P & Q' is true, then also is 'Q'. It is stated that the language of thought theory would capture such connections by possessing a rule according to which the symbol 'P and Q' is syntactically tied to the symbol 'Q'. Yet, the parallelism is once again preserved by introducing a piece of syntax in the language of thought.

Now, for one thing, although in *logic* such a parallelism can be thoroughly respected, it is an *empirical* issue whether some of the same logical rules have counterparts in the mind; and, for another, will the additional specification of transformation of symbols in the language of thought to ensure that they *are* truth-preserving suffice for the explanation of parallelism? As regards the latter, apparently not. For, one must also make sure that these features and properties do not clash with the claims of other arguments for a representational theory of mind. In particular, it should cohere with the claim of representationalism being able to account for propositional attitudes, *inter alia*, their opacity. This is the third and one of the most often repeated arguments for the representational theory of mind.

To see whether the foregoing conditions on the language of thought square with the claims of the third argument, the problem of *opacity* of propositional attitudes needs to be addressed. Yet, the opacity of propositional attitudes and other associated issues have turned out to be rather intractable and, indeed, a constant source of inspiration, if not irritation, for theories of propositional attitudes. In fact, even elaborate relational theories like Rudolf Carnap's *intensional isomorphism*, developed and refined, for example, by David Lewis, run into difficulties. (Carnap 1988, 56ff.; Lewis 1972, 182ff.) For example, allowing substitutions of intensionally isomorphic beliefs could still lead to problems like someone believing that the Greek Tourism Office is closed without believing that the Hellenic Tourism Office is closed, where the two beliefs are not only intensionally equivalent, but also intensionally isomorphic. That is, this approach does not help distinguish a pair of belief sentences where the embedded clauses have the same syntactic structure and differ only in that one has a synonymy of the corresponding word in the other ... since the meanings of the embedded clauses (in this technical sense) will still be the same. (Dowty *et al.*, 1981, 173)

Now, can a theory of language of thought contribute in any way towards some solution to this problem? It seems that by maintaining the relational character of beliefs⁴, yet adding to the relation a place for the syntactic counterpart of a proposition in the language of thought, one can apparently

⁴ Despite a consensus, there are philosophers who take exception to it. For example, Matthews attempts to sketch 'the broad outlines of a non-relational measurement-theoretic account of propositional attitudes.' (1994, 131) However, notwithstanding his animadversions towards the theory of language of thought, Matthews readily admits that his alternative account is still 'compatible with language-of-thought hypotheses that attribute to propositional attitudes the semantic, syntactic, and inferential properties of the representation space into which they are mapped'. (1994, 144)

obtain the right degree of opacity necessary to block logical omniscience as well as many other unwanted logical consequences of held beliefs. The belief that P is not the same as its logically equivalent belief that $\neg \neg P$; the belief that Hesperus is a star is not the same as its semantically equivalent belief that Phosphorus is a star⁵; and, the belief that triangles are equilateral is not the same as the intensionally isomorphic belief that triangles are equiangular. For, in all cases, at least one member of the relation, *viz.* the syntactic parameter, is different.⁶

To give an interim conclusion, it seems that in order to account for failures of substitutivity in propositional attitude verbs, representational theory of mind proposes to introduce a syntactic parameter in the relations specifying the relevant attitudes.

However, this is not the end of the matter, since not *any* theory will do if one notes that there is also the opposite problem. To add syntax as an independent parameter for identifying beliefs may give a way to solve the problem of their opacity, but it may open another, perhaps deeper, problem: namely, the problem of making psychological laws predictively too poor. Generally, laws are in conditional forms, issuing certain predictions once the antecedents of the conditional are satisfied, and the antecedents typically contain references to people's mental states. Now, if the syntactic parameter in the intentional relations is the factor responsible to block the unwanted inferences, and the laws are sensitive to it, then one may risk the ability of predicting that two persons fall under the same laws only when they have tokens of the exact same type in their heads. The reason is that as every syntactic difference potentially counts as a difference in beliefs, the proposed theory *in principle* may block *all* the substitutions. Yet, one would like to be able to predict that Adam will leave the building if he believes that it is in flames, and Eve will leave it as well if she believes that it is burning, *regardless* of whether the actual token is of the type 'The building is burning' or 'The building is in flames'. The moral is that the theory *must* allow for a class of substitutions, but not for *all*, and here is where the difficulty lies. Since, once again, one does not know which substitutions the theory licenses unless the laws of derivations governing transformations of symbols in the language of thought have already been specified.

The story of the language of thought so far is like this: it is offered as a solution to the question of systematicity, to explain the parallelism between syntax and semantics, and to deal with the opacity of the attitudes. It was argued that in order to account for systematicity and for inter-sentential parallelism, the language of thought hypothesis must be supported by a description of its categories and of its well-formedness rules. For, without them, it does not seem able to shed any light on those issues. However, in order to account for inter-sentential parallelism, the theory must also specify the laws connecting sentences, *i.e.* it must be supported by a theory of reasoning. But, if the language of thought is going to keep all its

⁵ Assuming rigid designation, of course!

⁶ It is also possible to extend the treatment to puzzles like the ones by Saul Kripke. (1979, 119ff.) By exploiting the presence of a syntactic parameter in the analysis of propositional attitudes, Fodor shows how to deal with cases where the belief that London is pretty is not the same as the belief that *Londres* is. (1990, 168ff.; 2008, Chapter 3)

promises, it also becomes clear that, even in this case, not every theory will do.⁷ That is, it transpires that laws connecting sentences must be specified in order to account for parallelism. Yet, whether the language of thought hypothesis can also simultaneously solve the problem of the opacity of attitudes depends on how such laws turn out to be. In other words, if they are too liberal in the inferences they allow, then the purported advantages of the language of thought disappear, and if they are too strict, then the language of thought will turn out to be empirically inadequate to account for the inferences and substitutions that must be allowed for psychological categorization. In short, the naked existential statement that there is a language of thought is a blank cheque whereby it can be cashed only when one actually reads the figures written on it. This means that to put a *lower bound* condition is not sufficient, and the explanatory power of the hypothesis is very much in the thrall of the details of its development.

Yet, it should be said that the history of the development and emergence of the hypothesis has not been that conducive towards assuaging the suspicions of the critics either. In his first substantial work on the language of thought, Fodor undertook to frame at least the main lines of a theory for it by trying to gather information about its structure from empirically motivated independent theories of cognition. (1976) However, what subsequently transpired was that the defense of the hypothesis shifted towards more indirect strategies, and, for better or worse, such strategies are unlikely to throw a great deal of light on the structure of language of thought, thus making the sceptics more bullish and suspicious. (1988) The indirect evidential approach seems still to be in force in the last direct contribution of Fodor on the language of thought hypothesis. (2008)

The opponents have been thereby quick in latching on the *empirical underdetermination* of the language of thought theory and have attempted to exploit the situation to its full mileage. The problems posed by the critics could be summarized in the form of three main questions. The first question concerns the issue of why inferential practices of subjects are not closed under rationally acceptable rules of deductive inference if the hypothesis is correct. That is, although one may talk about performance failures, memory limitations, interaction effects etc., it is incumbent on one to construct an account that actually predicts and explains observed inferential practices at some point. Secondly, how can one overcome the problem of specifying the syntax of the language of thought? The second question, in turn, leads to the third issue that without the specification of a syntax for the language of thought, there is no clear and concrete proposal for the finite encoding of what advocates of the hypothesis presume to be an infinite number of beliefs. To give an actual quote, Matthews, for example, complains that,

Very little is offered by way of a characterization of the semantic relations that the causal relations are said to respect; nothing is offered by way of a characterization of the syntax in virtue of which the symbol tokens postulated by the RTM [Representational Theory of Mind] are said to interact causally. (1991, 142)

⁷ Obviously, this is not a criticism but just to highlight the additional empirical aspect of the situation.

Notwithstanding the foes of the language of thought hypothesis, even its friends have not shied away from expressing the same sentiment. Braine, for instance, remarks that,

Actually, Fodor has very little to say about the syntax of the language of thought, although it is its syntax that defines it as a system of representation, and in which its logical properties are embodied. (1994, 244)

Now, mental logic seems to be able to transform the language of thought hypothesis in much more than a naked existential way by attempting to address the above misgivings and shortcomings. To begin with the syntax problem and the connected issue of finite encoding, it is obvious that lack of the specification of a syntax for the language of thought is cause for concern. Yet, it would be unfair to ask from the hypothesis anything more than what is asked from other sciences. For, a large part of the syntax of natural language and of its semantics is not yet determined, but this is no reason to refute the current theories. What, generally, linguists attempt to do is deploy a tactic of *divide and rule* by which they try to cover syntax and semantics for increasingly more comprehensive fragments of the language under investigation. In the same way, mental logic allows one to apply the same strategy to the language of thought.

Mental logicians have been able to provide analyses of fragments of reasoning such as propositional as well as predicate and quantificational reasoning such that they can be drawn on as pieces of the syntax of the language of thought and offer information about some of the categories of basic symbols and the rules of composition that a mind must possess in order to perform even elementary deductive problems. (Braine & O'Brien, 1998; Rips, 1994) They provide fragments of the finite encoding of an infinite generative capacity that critics like Matthews demand. More importantly, they provide methodologies and strategies to extend the investigation to other domains.⁸ What is, however, significant to observe is that lack of a full determination of the syntax of language of thought is not an insurmountable obstacle, since the existing data already support conclusions about the minimal generative capacity that the system must possess in order to feed the reasoning schemata with complex sentences. Therefore, mental logic seems capable of taking care of the last two major problems that are often hurled at the language of thought hypothesis.

Now, can mental logic also take care of the first major problem posed for the language of thought theory: namely, to explain why inferential practices of subjects are not closed under rationally acceptable rules of deductive inference, if the hypothesis happens to be true as alleged by its advocates? Before making any attempt at an answer, if one, however, looks at the question more carefully, there are, in fact, three issues that have been rolled into one query. The threads would therefore need to be separated out first.

One issue directly concerns subjects' logical competence and indirectly the purported parallelism between syntax and semantics. If the reasoning system mirrors semantic connections among intentional objects, then a language of thought supporter should be able to explain why, quite aside from performance

⁸ O'Brien (2010), for example, extends the mental logic theory to another fragment of reasoning dealing with conditional propositions.

limitations, subjects are prone to comply with a valid inference in certain cases and not in others. Apparently, the inferential mechanism and the semantic connections it purportedly mirrors, somewhere, must take separate routes, and thus the language of thought must indicate exactly where and how this separation takes place. Therefore, what is demanded of the hypothesis is to spell out the *closure conditions* for the supposed inferential mechanism.

The second thread in the question concerns the *use* of a *competence/performance* distinction. The point is simply that if supporters of language of thought see fit to appeal to performance failures in attempting to account for some apparent violation of rational behavior, it well behooves them to show that their usage of the distinction does *not* beg the question. In other words, any appeal to such a distinction is made *in principle* and not just to avoid embarrassing putative counterexamples. Lastly, the third thread of the question consists of a demand for a theory with adequate predictive power. That is, to present an account that reliably predicts observed inferential practices.

The claim here is that mental logic can contribute towards the fulfilment of these conditions in support of the language of thought hypothesis. It has, in fact, been the burden of the works of mental logicians to include analyses of components and errors which permit one to predict where interaction effects should be expected and thereby allow justified appeals to the competence/performance distinction in a *principled* way. They undertake to show that so many apparent violations of *rational* inferential behavior can be explained away without resorting to dirty tricks. Indeed, in Braine *et al.*'s proposed program for propositional reasoning, one can specify subjects' logical competence and state the *minimal closure condition* along the following form: propositional reasoning is closed under application to *primary reasoning skills*.⁹ (Braine & O'Brien, 1998)

What is significant about this condition is that it allows one to specify which failures of classically acceptable inferential patterns depend on subjects' competence limitations. For example, one often refrains from accepting 'not A' even if a contradiction can be derived from 'A'. This is because unconstrained *reductio ad absurdum* strategies are not accessible for most subjects in contrast to the availability of the principle 'From a contradiction nothing follows'. Also, the minimal closure condition seems able to specify which substitutions of logically identical sentences – or, to use the syntactic mode of speech, which syntactic transformations – are allowed *within* the subjects' cognitive space and which ones are ruled out. Similarly, within its own limits, the primary reasoning skills theory is also capable of predicting observed inferential practices which constituted the third thread in the original question, *viz.* to ask for a theory with adequate predictive power.

Insofar as the problem of opacity is concerned, one may hypothesize that once the closure conditions for propositional reasoning are set, the theory would

⁹ 'Primary reasoning skills' is the title that Braine bestows on his theory of mental logic which is cardinally concerned with 'the information integration processes of a logical sort that we share with the rest of humanity, literate and illiterate.' (1990, 137) These primary routines stand in contrast to *secondary* logical reasoning skills that Braine classifies as *quasi-academic* which depend on literacy and a concern with language *qua* language. That is, such skills that require a degree of compartmentalization of information and analytic comprehension which are a matter of acquisition.

also be able to set the limits of opaqueness in intentional contexts. This, in turn, may shed light on how the language of thought hypothesis can avoid excessive logical transparency, *i.e.* the problem of logical omniscience, without introducing excessive opaqueness, *viz.* the problem of the poverty of laws. This means that subjects are not logically omniscient because their inferential system is weaker than classical logic, and, thus, not even in point of competence should one attribute to them knowledge of either all logical truths or all the logical consequences of their held beliefs.

Yet, one is not totally blind to people's systems of beliefs. One could rather safely assume that, *qua* humans, if they have a belief they will also have other occurrent or dispositional beliefs: minimally, all those that can be inferred on the basis of the innate logic in the mind. For example, if Adam believes that P and Q, then one is entitled to ascribe to him, certainly *dispositionally* if not *occurrently*, the belief that P and the belief that Q on the ground of a logical law of elimination of conjunction which applies in intentional contexts and should be part of Adam's reasoning competence. Similarly, if he believes that P and that P implies Q, and that Q implies not P, then by transparent *modus ponens* and by the principle that 'From a contradiction nothing follows' one is licensed to anticipate that Adam will start a process of revision of his beliefs. Certainly, one is not going to expect Adam to believe anything whatsoever including contradictory propositions, since *ex falso quodlibet*¹⁰ is not a theorem of natural logic, even if the procedure happens to be classically valid.

Therefore, it seems that mental logic is able to give the language of thought hypothesis the empirical basis it needs to show that it can deal with the issues it was devised for in the first place. Generally, mental logic's liaison with the hypothesis seems to secure some degree of progress for a constellation of problems in the psychophilosophy of cognition. Yet, there remains one question: although the language of thought hypothesis clearly benefits from its liaison with mental logic and the latter is able to give sustenance to it in various ways, how secure is the hypothesis on its own merits? Perhaps one should leave the last word on this matter to Fodor himself: 'Which is not to deny that there are (ahem!) certain residual technical difficulties.' (1988, 156)

References

Braine, M.D., (1978), 'On the Relation Between the Natural Logic of Reasoning and Standard Logic', *Psychological Review*, 85: 1-21.

Braine, M.D., (1990), 'The "Natural Logic" Approach to Reasoning', in *Reasoning, Necessity, and Logic: Developmental Perspectives*, ed. W. Overton, Hillsdale (NJ): Lawrence Erlbaum Associates.

Braine, M.D., (1994), 'Mental Logic and How to Discover It', in *The Logical Foundations of Cognition*, eds. J. Macnamara and G.E. Reyes, Oxford: Oxford University Press.

¹⁰ This is the *principle of explosion* that 'From falsehood anything (follows)'.

- Braine, M.D. & D.P. O'Brien (eds.) (1998), *Mental Logic*, Mahwah (NJ): Lawrence Erlbaum Associates.
- Braine, M.D., B.J. Reiser, & B. Romain, (1984), 'Some Empirical Justification for a Theory of Natural Propositional Logic', *The Psychology of Learning and Motivation*, 18: 313-71.
- Braine, M.D. & B. Romain, (1983), 'Logical Reasoning', in *Handbook of Child Psychology: Cognitive Development*, Vol. III, eds. J. Flavell and E. Markman, Chichester: John Wiley & Sons.
- Carnap, R., (1988), *Meaning and Necessity*, Second Edition, Chicago: University of Chicago Press.
- Davies, M., (1991), 'Concepts, Connectionism, and the Language of Thought', in *Philosophy and Connectionist Theory*, eds. W. Ramsey, S. Stich and D. Rumelhart, Hillsdale (NJ): Lawrence Erlbaum Associates.
- Dowty, D.R., R.E. Wall, & S. Peters, (1981), *Introduction to Montague Semantics*, Dordrecht: D. Reidel Publishing Company.
- Fodor, J.A., (1976), *The Language of Thought*, Sussex: Harvester Press.
- Fodor, J.A., (1981), *Representations*, Sussex: Harvester Press.
- Fodor, J.A., (1988), *Psychosemantics*, Cambridge (MA): MIT Press.
- Fodor, J.A., (1990), *A Theory of Content and Other Essays*, Cambridge (MA): MIT Press.
- Fodor, J.A., (2008), *LOT 2: The Language of Thought Revisited*, Oxford: Clarendon Press.
- Henle, M., (1962), 'On the Relation Between Logic and Thinking', *Psychological Review*, 69: 366-78.
- Kripke, S., (1979), 'A Puzzle About Belief', in *Meaning and Use*, ed. A. Margalit, Dordrecht: D. Reidel Publishing Company.
- Lewis, D., (1972) 'General Semantics', in *Semantics of Natural Language*, Second Edition, eds. D. Davidson and G. Harman, Dordrecht: D. Reidel Publishing Company.
- Lycan, W., (1993), 'A Deductive Argument for the Representational Theory of Thinking', *Mind and Language*, 8: 404-22.
- Matthews, R., (1989), 'The Alleged Evidence for Representationalism', in *Representation*, ed. S. Silvers, Dordrecht: Kluwer Academic Publishers.
- Matthews, R., (1991), 'Is There Vindication Through Representationalism?', in *Meaning in Mind: Fodor and His Critics*, eds. B. Loewer and G. Rey, Oxford: Blackwell.
- Matthews, R., (1994), 'The Measure of Mind', *Mind*, 103: 131-46.
- May, R., (1985), *Logical Form: Its Structure and Derivation*, Cambridge (MA): MIT Press.
- May, R., (1987), 'Logical Form as a Level of Linguistic Representation', in *New Directions in Semantics*, ed. E. LePore, London: Academic Press.
- O'Brien, D.P. & A. Manfrinati, (2010), 'The Mental Logic Theory of Conditional Propositions', in *Cognition and Conditionals: Probability and Logic in Human Thinking*, eds. M. Oaksford and N. Chater, Oxford: Oxford University Press.

Osherson, D., (1975), 'Logic and Models of Logical Thinking', in *Reasoning: Representation and Process in Children and Adults*, ed. R.J. Falmagne, Hillsdale (NJ): Lawrence Erlbaum Associates.

Osherson, D., (1977), 'Natural Connectives: A Chomskyan Approach', *Journal of Mathematical Psychology*, 16: 1-29.

Rey, G., (1995), 'A Not "Merely Empirical" Argument for a Language of Thought', *Philosophical Perspectives*, 9: 201-22.

Rips, L., (1983), 'Cognitive Processes in Propositional Reasoning', *Psychological Review*, 90: 38-71.

Rips, Lance, (1994), *The Psychology of Proof*, Cambridge (MA): MIT Press.

Sober, E., (1981), 'The Evolution of Rationality', *Synthese*, 46: 95-120.

THE ROLE OF PHILOSOPHY IN TWENTY-FIRST CENTURY AFRICA: A CRITIQUE OF BODUNRIN

Sunday Olaoluwa Dada*

sunday.dada@eksu.edu.ng

Abstract: *Philosophy in general and African Philosophy in particular is rocked by the crisis of relevance and is being called upon to justify the huge investment in it by the government. This paper attempts to examine the contribution that philosophers can make to the development of African countries given the fact that the continent suffers from the problem of development. The paper is a counter discourse to that of scholars like Bodunrin who thinks that philosophy cannot help in dealing with our present social, moral, religious and economic problems. The paper argues that the professionalization of philosophy which has led to it being treated as a theoretical inquiry does not preclude the capacity of philosophers to reason about the practical problem in the society with a view to solving them. It examines some of the ways by which African philosophers can contribute to social development in Africa such as the development of an ideology, the critique of African values and colonial legacies and the readiness to participate in practical matters so as to translate ideas and theories to social reality. The paper suggests that if philosophers are to be able to be involved in practical matters, there is the need for multi-disciplinary training for them. It concludes by suggesting a philosophy of praxis for Africa.*

Keyword: *Development, Philosophy, Praxis, Professionalisation, Relevance.*

Introduction

African philosophy as an enterprise has been bedevilled by the crisis of relevance and Africa herself also by the crisis of development. The former can be situated within the purview of professional African philosophers who, in calling for disciplinary purity and in their acceptance of the analytic mode of philosophising, want philosophy in Africa to remain theoretical. For them, it seems like the criteria for doing African philosophy are being African and philosophical. This is without thought for the myriads of problems – political instability, debt crisis, corruption, child abuse, brain drain, moral decadence and so on – that rock the boat of African societies today. In this manner, it would be a success on the part of the African philosopher if all he does is to imbibe ideas from, and/or contribute to a philosophical tradition that is not their own. On this view, African philosophy is a theoretical discipline like physics and mathematics and which has specific methods and central problems which constitute its primary preoccupation. On this view also, philosophy in Africa should be related to the core areas of Western philosophy by making contributions to the metaphysics, epistemology, ethics and logic and

* Ph.D. Ekiti State University, Ado-Ekiti, Ekiti State, Nigeria.

other areas such as philosophy of language and philosophy of science. It seems as if African philosophy is to be legitimised or delegitimised by Western philosophy. So, if African philosophy is to be so-called, it has to be an extension or a copy of Western philosophy both in contents and in method. But philosophy is a cultural activity.¹ Even what is called Western philosophy is rooted in Western culture. If African philosophers refuse to contextualise their philosophical concerns, they are susceptible to the continuation of the European epistemological ethnocentrism which, for Mudimbe,² invented Africa in the first place. Philosophy as a cultural phenomenon implies that African Philosophy has to be grounded in the cultural experience of the African.³

The latter crisis, that is, the crisis of development can be conceptualised as the consequence of, and situated within, the developmental dislocations suffered by Africa as a consequence of colonialism and its subsequent delegitimation of the traditional value system and the rupture of the African economy and politics. There is no doubt that today, even after the exit of colonial governments which gave rise to political independence of African states, Africa still continues to suffer in the hand of the colonialists to the extent that it is almost absurd to speak of the “postcolonial” as if one is to believe that colonial experience has been transcended. In the face of the hegemonic posture of Euro-American politics and economy which dictates the path of development in African states, it only seems reasonable to talk of “neo-colonialism” which is a renewed and disguised colonialism, an attempt to put former colonies under continuous servitude. It should not escape our notice, however, that Africans too share in the blame of the postcolonial woes that betide Africa today. The appropriation of the colonial legacy without due reflection has added to the many problems African states face. This failure can be summed up as the failure of leadership. The leadership of the then newly independent African states felt the exit of the colonialists and the consequent political independence of African state would automatically solve Africa’s socio-political and economic maladies. But this was not to be, and today, the leadership of Africa gropes under the problems created by these false expectations. The question to be addressed in this paper is: should African philosophers remain purely theoretical and insensitive in this twenty-first century, making no practical contribution to the rescue of Africa from her developmental predicaments, hiding under the cloak of the misrepresentation of philosophy as irrelevant in the day-to-day human affairs?

This paper attempts to examine the contribution that philosophy can make to the development of African countries given the fact that the continent suffers from the problem of development. The paper is a counter discourse to that of scholars like Bodunrin who thinks that philosophy cannot help in dealing with

Sunday Olaoluwa Dada teaches Philosophy in the Department of Philosophy, Ado-Ekiti, Ekiti State, Nigeria. His research interests include African Philosophy, Development Studies and Cultural Studies.

¹ Kwame Gyekye, *An Essay on African Philosophical Thought: The Akan Conceptual Scheme* (Philadelphia: Temple University Press, 1987), p. xxxvi.

² V.Y. Mudimbe, *The Invention of Africa: Gnosis, Philosophy, and the Order of Knowledge* (Bloomington: Indiana University Press, 1988).

³ Kwame Gyekye, *An Essay on African Philosophical Thought, op.cit.*, p. xxxvi.

our present social, moral, religious and economic problems. The paper argues that the professionalization of philosophy which has led to it being treated as a theoretical inquiry does not preclude the philosophers' capacity to reason about the practical problem in the society with a view to solving them. The paper suggests that if philosophers are to be able to participate actively in practical matters, there is the need for multi-disciplinary training for them. The paper also suggests ways by which African philosophers can contribute to the quest for development in Africa.

Bodunrin on the Role of Philosophy and the Philosopher

In a paper titled "Philosophy as Pivot in Economic, Social and Political Reorientation",⁴ Bodunrin demonstrates lack of faith in the capability of philosophy and philosophers in dealing with practical matters in the society thereby implying the irrelevance of philosophy in practical matter, which has the further implication that the governments of African states have no justification for any investment in the training of academic philosophers. He contends that:

If it is thought that a philosopher *qua* philosopher has certain competences which can make him solve our present social, moral, religious and economic problems then I think that would be a mistake.⁵

He contends further that:

We as philosophers must continue to defend the relevance of philosophy as a theoretical subject and above any claim to practical utility.⁶

This is akin to the claim of Russell that philosophy is not a discipline that lacks relevance. The non-relevance-perspective of philosophy only come from those who think from the practical and scientific point of view. Those who think that because philosophy does not cater for material needs of man. However, from the perspective of Russell, philosophy is relevant, but only as food for the mind.⁷ He writes:

It is exclusively among the goods of the mind that the value of philosophy is to be found; and only those who are not indifferent to these goods can be persuaded that the study of philosophy is not a waste of time.⁸

From this perspective, it seem like philosophy can only thrive as a theoretical and second order discipline and activity. Let us come back to Bodunrin.

One of Bodunrin's convictions for taking this position is that, in contemporary times, philosophising has become academic and professional to the extent that philosophers are not trained in areas of specialisations that could equip them with the competence to meddle in "practical problems". Secondly, he sees the job of the philosophers as merely evaluative of proposed solutions to practical problems. This shows the influence of analytic philosophy on his

⁴ *Imodoye: A Journal of African Philosophy*, Vol. 1, No. 1, 1990, pp. 1-15.

⁵ Bodunrin, P.O., "Philosophy as Pivot in Economic, Social and Political Reorientation", *Imodoye: A Journal of African Philosophy*, Vol. 1, No. 1, 1990, p. 11.

⁶ *Ibid.*, p. 14.

⁷ Bertrand Russell, *The Problem of Philosophy*, (Oxford: Oxford University Press, 1974), p. 89.

⁸ *Ibid.*, pp. 89-90.

thought. And thirdly, he believes that social life and experience are pre-reflective, meaning that men do not always act based on philosophical or theoretical reflection and that reflection only comes when we encounter problems. One must be quick to comment on these unacceptable convictions. This will help to point out the inadequacies of Bodunrin's conception of the role of philosophy and philosophers with reference to twenty-first century.

It is not problematic to agree with Bodunrin that philosophy has been professionalised along with other disciplines such as Economics, Anthropology, Political Science and so on.⁹ This professionalisation truly limits the range of knowledge of professionals in these disciplines. The professionalisation of philosophy which has made it more academic in nature has made it more theoretical and distance from daily life.¹⁰ Even though this has the advantage of rigour and deep analysis, it has the problem of philosophers being able to communicate only between themselves without making contributions to the problems and burning issues in the society and by implication making themselves unable to do anything that is concretely useful at all. In Lach's view:

We live in an age in which philosophy could and should make a difference: the proliferation of divergent commitment and lifestyles, our more ever problematic relation to the environment, our growing complexity and depersonalization of social life and our expanding power to change human nature itself call for better understanding and evaluation.¹¹

This shows that within the contemporary world, philosophy may lose value if it remains theoretical and addresses issues on which knowledge is impossible just for the sake of it. When we look at the problem facing African countries now, it becomes imperative to look at what philosophy could do to straighten things out. To think as, Bodunrin does, that philosophers cannot make contributions to practical problems, is to have an impoverished and minimalist conception of philosophy and the responsibility of philosophers.

It is pertinent to realise that the professionalisation of philosophy should not be a hindrance for the philosopher in dealing with practical issues. This is for the reason that the training of the philosophers which is a training in rationality that sharpens the intellect above the ordinary, equips the philosophers with a considerable amount of special insight into the economic and political problems of the people. This also equips him with the ability to make or offer insightful solutions to some of these problems. It is this insight that qualifies the philosopher to climb down from the philosophical height to delve into practical matters. This does not mean that the philosophers alone can themselves effect the changes required in decadent African societies, however, the knowledge and insight made available can be the basis for revolutionary social and political actions. Apart from this, the professionalisation of philosophy does not mean that philosophers in Africa could not train themselves to be multi-disciplinary and so equip themselves with the knowledge required to make contributions to practical

⁹ Bodunrin, "Philosophy as Pivot...", *Ibid*, pp. 10-11.

¹⁰ John Lachs, *The Relevance of Philosophy to Life*, (London: Vanderbilt University Press, 1995), p. xiii.

¹¹ *Ibid*.

problems. This is not a problem since philosophy as a second order discipline engages other discipline especially when it comes to their knowledge claims. African philosophers must not be afraid to contextualise philosophy. This point is made to silence those who may want to argue that multidisciplinary discourse in philosophy is unphilosophical or diversionary. To my mind, the relevance of philosophy lays in it being multidisciplinary and contextual. It is pertinent to suggest therefore that the curriculum of philosophy in African Universities should include courses in politics, Economics, Nation Building and History and International relations. Therefore, rather than lose faith in the philosophers on the ground of professionalisation, Bodunrin should have advocated multi-disciplinary education for them.

On the formulation of a national ideology, philosophy and economic policies, Bodunrin thinks that the involvement of the philosophers is just that of helping the society to examine itself and to help it to evaluate the merits of alternative proposed solutions.¹² If Bodunrin's position is granted, that is, that philosophers are capable of evaluating the problems generated in the society with an eye for a relevant solution to them, then we must also grant their capacity for a practical direction for the society. My position is that even in the supposedly theoretical exercise of evaluation and clarification of certain societal problems, there is always an implicit prescription of anticipated solution without which the evaluation become a mere exercise in futility.

Bodunrin's observation that actions are pre-reflective seems to relegate philosophical reflections to the background. His observation, to my mind, seems a demonstrated ignorance of the fact that problems and especially social actions, recur in such a way as to validate the fact that history repeats itself constantly. It could be argued that reflection made upon the initial occurrence of such problem in experience could help in dealing with their reoccurrence. Bodunrin also displays an ignorance of this fact.

The Task of the African Philosopher

What the above analysis demonstrates is that philosophers should not keep quiet when things go wrong in the society. If this elementary point is granted, then to argue as Oguejiofor does, that the only way philosophy can aid development in the twenty-first Century Africa is through the impartation of the *philosophic spirit* which allows for the free presentation of one's views and an engagement with the views of others is unacceptable. This attitude, for him, at least relegates dogmatism to the barest minimum in philosophical matters, and makes philosophy true to its nature.¹³ One must grant this point, for philosophy in general, even if the issue has nothing to do with Africa's development crisis. Oguejiofor later rightly argues that "philosophers should get more interested in issues that are of burning interest to the society instead of remaining in the ivory towers."¹⁴ One could only interpret this as a recognition of the relevance of the voice of the philosopher in issues of

¹² *Ibid.*, p. 11.

¹³ J.O. Oguejiofor, *Philosophy and the African Predicament* (Ibadan: Hope Publications, 2001), p. 143.

¹⁴ *Ibid.*, 146.

practical importance. To remain at the theoretical level at the expense of a practical involvement betrays a commitment to knowledge merely for its sake; a manifestation of intellectual insensitivity.¹⁵ The African philosopher should see himself as an intellectual who has a quota to contribute to Africa's search for freedom and development in the postcolonial milieu.

One other African philosopher of the professional school who demonstrates a different attitude to the task and relevance of African philosophy is Kwasi Wiredu. For him, and rightly too, the understanding of the world which philosophers seek is not an end in itself it should be a body of knowledge for the practical good of mankind.¹⁶ If this is correct, then African philosophers need to develop a tradition of philosophising that employs the tools of philosophy in dealing with some of Africa's perennial problems.

One of Wiredu's recommendations which I find quite agreeable as one of the ways in which African philosophers can contribute to the development of Africa is the need for a critical engagement, reappraisal and reconstruction of Africa's traditional conceptual scheme. This seems plausible because the appropriation of certain thoughts that developed within a particular cultural context can easily be worked with than the domestication of the thoughts that have their origin in other cultures. Such an indigenous appropriation has the added advantage of helping Africa not to lose touch with her own culture even within the necessary demands of cultural dynamism. In this vein, I would want to suggest a point towards the construction of a new metaphysics which can assist in plotting the graph for social harmony and development in Africa. This could be brought about through the reappraisal and reconstruction of the traditional African metaphysics. This is required because at the base of our perception of the world, our social existence, and our religious outlook as Africans is metaphysics. Since, in keeping with the character of philosophy, we cannot expect sameness of reconstruction from philosophers, it is still within the boundary of reason that sameness can be granted if it tends toward the same end. The end serves the purpose of being a guide for social action.

The new metaphysics, for instance, must critically engage the anomalous implications of the overflogged theory of forces which casts the Africans in an unanalytical frame of mind and presents them as only being capable of a mystical identification with, rather than a conquest of nature. It must also be constructed on the axiom that no culture, no matter, how primitive, can forfeit a critical reflection on its environment and the vicissitudes of its existence. A culture that does not reflect on these, that is, its environment and the vicissitudes of its existence, will cease from being a culture properly so-called.

Also to be engaged in the quest for development are the colonial legacies and edifices upon which African politics and economy are erected. The unreflective appropriation of colonial socio-political and economic structures calls for deconstruction because of the part they played and have continued to play in

¹⁵ Olusegun Oladipo, *The Idea of African Philosophy*, (Ibadan: Hope Publications, 2000), p. 115.

¹⁶ Kwasi Wiredu, *Philosophy and an African Culture* (Cambridge: Cambridge University Press, 1980), p. 51.

under-developing Africa. The colonial structures, such as state formation, have continued to promote disunity and ethnic rivalry, weak government and political instability. The required deconstruction cannot be left in the hands of the politicians, economists and scientists alone. In fact they are not competent to deconstruct the new form of colonialism. The reason is that they have become intellectual slaves and prisoners to the West, always joining the bandwagon of ideas developed elsewhere, however irrelevant and pernicious to the African socio-economic and political environment.¹⁷ Philosophers also have an important role to play in this direction, but that role is not to be restricted to the theoretical level. It is then that philosophy can hope to achieve relevance in constructing a new identity for postcolonial Africa.

Conclusion: Philosophy of Praxis

The crux of this paper is that philosophy matters, not only as food for the mind, or as the development of a critical spirit which allows critical evaluation, but also that philosophy can be married with action that can effect changes in the various aspects of the African societies where there are challenges. This calls for the philosophy of praxis, that is, the need to marry theory and practice in the enterprise called philosophy. At the base of this philosophy is the Marxian expectation that philosophers will not remain at the level of interpretation of reality but should move to the level of transformation. The call for African philosopher to be involved in practical matters is not a call for undue pragmatism or to be involved in pre-reflective action as some policy makers and implementers. The African philosopher is primarily a philosopher. The call for action is to ask him to find a means of translating his philosophical theorisation into action. This is germane because most philosophical conferences are not attended by those who can translate philosophical ideas that are produced in the conferences. Okafor laments this when he remarked in one of the conferences held in Nigeria that “our targeted audience, men and women who are in the position to adopt and implement the ideas canvassed by the conference, namely the political class, government bureaucrats, policy makers and administrators... were not only absent but also have deaf ears.”¹⁸ Apart from this the products of philosophising which are published in journals and books are never read by the so-called men of action. Yet until these ideas are translated to social reality, they remain in the realm of mere contemplation. Herein lies the African philosophers’ opportunity for positive action. However, in making use of this opportunity, he has to be prepared to participate rather than just be a spectator. The move from contemplation and understanding to action would deal with the marginalisation of philosophy in the public sphere and students of philosophy would no longer be afraid of what to do with philosophy.

¹⁷ Olusegun Oladipo, “Challenges of African Philosophy in the Twenty-first Century”, in *Core Issues in African Philosophy*, Olusegun Oladipo Ed. (Ibadan: Hope Publications, 2006), p. 136.

¹⁸ Fidelis Okafor, “Matching Theory with Praxis to Confront the African Condition” in *Philosophy and Praxis in Africa*, Martin F. Asiegbu and Joseph A. Agbakoba, Ed. (Ibadan: Hope Publications, 2006), p. 59.

References

- Bodunrin, P.O., (1990), "Philosophy as Pivot in Economic, Social and Political Reorientation", *Imodoye: A Journal of African Philosophy*, Vol. 1, No. 1, 1990, pp. 1-15.
- Gyekye, Kwame, (1987), *An Essay on African Philosophical Thought: The Akan Conceptual Scheme*, Philadelphia: Temple University Press.
- Lachs, John, (1995), *The Relevance of Philosophy to Life*, London: Vanderbilt University Press.
- Mudimbe, V.Y., (1988), *The Invention of Africa: Gnosis, Philosophy, and the Order of Knowledge*, Bloomington: Indiana University Press
- Oguejiofor, J.O., (2001), *Philosophy and the African Predicament*, Ibadan: Hope Publications.
- Okafor, Fidelis U., (2006), "Matching Theory with Praxis to Confront the African Condition" in *Philosophy and Praxis in Africa*, Martin F. Asiegbu and Joseph A. Agbakoba, Ed. Ibadan: Hope Publications.
- Oladijo, Olusegun, (2000), *The Idea of African Philosophy*, Ibadan: Hope Publications.
- Oladijo, Olusegun, (2006), "Challenges of African Philosophy in the Twenty-first Century", in *Core Issues in African Philosophy*, Olusegun Oladijo Ed. (Ibadan: Hope Publications, 2006).
- Russell, Bertrand, (1974), *The Problem of Philosophy*, (Oxford: Oxford University Press.
- Wiredu Kwasi, (1980), *Philosophy and an African Culture*, Cambridge: Cambridge University Press.

THE FATE OF CONTEMPORARY EPISTEMOLOGY: BETWEEN EPISTEMIC REGRESS AND EPISTEMIC ABSOLUTISM

Balogun Babalola Joseph*

talk2joey@yahoo.com

Abstract: *It seems that the central issue in contemporary epistemology is that of how best to justify our beliefs. This has plunged philosophers into an abysmal ocean of arguments and counter-arguments with no clear way of resolving the resultant epistemological controversies. Focal to this paper is the argument that the problems of epistemic justification as encountered in the contemporary epistemology are resolvable into either the problem of epistemic regress on the one hand, or the problem of epistemic absolutism, on the other. The paper concludes that, consequent upon the non-availability of the third course, the contemporary epistemology has to choose between these two extremes to remain in the business of philosophizing.*

Keywords: *Contemporary epistemology, Epistemic regress, Epistemic absolutism, Foundationalism, Coherentism.*

Introduction

One of the legacies of the traditional account of knowledge – i.e., knowledge as justified true belief – is the imperative of epistemic justification. The traditional epistemology's conception of knowledge as "justified true belief" suggests at least three necessary conditions of knowledge, namely, belief, truth, and justification. Among these three, the condition of justification has risen to the central position in contemporary discourse on knowledge for obvious reasons. On the one hand, the centrality of justification to contemporary epistemological discourse arises from the obvious failure of contemporary epistemologists to provide satisfactory response to the skeptics' demand for certainty required in knowledge analysis. As noted by John Kekes, the description of epistemology as "theory of knowledge" no longer seems to be correct because there has been a shift in scholarly discourse from knowledge to justification. As Kekes notes, "The shift from knowledge to justification results from serious doubts about the possibility of attaining the kind of certainty that knowledge has been taken to involve."¹ On the other hand, the condition of justification seems to entail other conditions of knowledge in that, "to be justified" may be interpreted to mean "to hold a true belief", so that the condition of justification renders the other two conditions redundant. In other words, it involves a basis of some sort for thinking that the proposition in question

* Department of Philosophy Obafemi Awolowo University Ile-Ife, Nigeria.

¹ John Kekes, "Recent Trends and Future Prospects in Epistemology" in *Metaphilosophy*, Vol. 8, Nos. 2&3, 1977, p. 87. See also Roderick M. Chisholm, "The Place of Epistemic Justification" in *Philosophical Topics*, Vol. XIV, No. 1, 1986, p. 85.

is true, or likely to be true, even if not necessarily the sort of separate body of information that the idea of evidence most generally suggests.²

My main interest in this paper is to critically examine the two options left to the contemporary epistemology to choose from, namely, between epistemic regress and epistemic absolutism. This range of options can be represented by the dispute between foundationalism and coherentism, where the latter supports epistemic regress and the former seeks to terminate the regress by recommending certain doxastic absolutes, which being self-justifying (or in need of no justification themselves), are held to be foundational to other beliefs through logical or quasi-logical inferential media. The paper argues that, consequent upon the non-availability of the third course, contemporary epistemology is constrained to choose between these two extremes, in spite of their theoretical inadequacies, if discourse on knowledge has to continue.

The paper is divided into four sections in all. The first section introduces the focus of the paper as has been specifically spelt out. In section two, the paper clarifies the concepts of epistemic regress and epistemic absolutism, stipulating their senses of meanings use within the context of the paper. Section three critically evaluates the dispute between foundationalism and coherentism on the choice of either regress or absolutism. The section strongly holds that the choice between these two ends is not open to foundationalism and coherentism alone. On the contrary, it does apply to any theory of epistemic justification. The fourth section concludes that, whereas the two options make knowledge inconclusive, and therefore conceptually inadequate for the analysis of knowledge, it is more in the interest of contemporary epistemology to go with epistemic absolutism than with its equally appealing alternative.

Epistemic Regress and Epistemic Absolutism

In this section, we shall be concerned with stipulating the meaning of epistemic regress and epistemic absolutism to suit our purposes in this paper. For convenience sake, we shall start with the concept of epistemic regress, then subsequently, epistemic absolutism. There are different ways of formulating the epistemic regress argument, all of them equally problematic. Roughly put, epistemic regress, or simply regress, refers to justifying a piece of belief by another belief, which is itself in need of justification by yet another belief, and so on, *ad infinitum*, so that no belief in the chain of justifications is actually justified. Schematically, this may be represented thus: belief *a* is justified only if belief *b* is justified, and belief *b* is justified if belief *c* is justified, etc. Notice that the justification of belief *a* is conditional upon the justification of belief *b*, while justification of belief *b* is also conditional upon the justification of belief *c*, and so on. Thus, none in the chain of justifications is more than merely provisionally justified. In other words, none of them is *actually* justified. Andrew D. Cling presents the problem in the following form:

To know a proposition P_0 we must have a reason P_1 that supports P_0 by providing evidence for it. A proposition, however, is a reason only if there is a

² Laurence Bonjour, *Epistemology: Classic Problems and Contemporary Responses*, 2nd ed., New York: Rowman & Littlefield Publishers, Inc., 2010, p. 37.

proposition that supports it. This requires that we have a reason P_2 that supports P_1 , and so on. The resulting sequence of reasons is endless: infinite or circular. We cannot, however, acquire support by means of endless regresses. Thus we have no knowledge.³

A popular version of the argument is due to Ernest Sosa's paper, "The Raft and the Pyramid: Coherence versus Foundations in the Theory of Knowledge." Accordingly, "the regress argument in epistemology concludes that we must countenance beliefs that are justified in the absence of the justification by other beliefs."⁴ Working in accordance with Sosa's interpretation of the problem, one may view knowledge as a species of true belief, which is not dependent for its justification on another belief, especially one which itself requires further justification.

Epistemic regress becomes a problem in epistemology because of philosophers' insistence on the provision of evidence or reason for each belief to which the name knowledge is attached. It should be noted that the evidence given for the acceptance of a belief is itself a belief, which, if it must count as sufficient enough to provide the required evidential support for any other belief, must itself be justified. Now, this second-level of justification also requires a justified belief to provide the epistemically sufficient evidence for the earlier one, and so on. Given this inferential relationship among beliefs, one may be tempted to ask the question: What might eventually happen if we continue to ask for the justification of each new belief that is cited as the reason for an earlier belief in the sequence? Laurence Bonjour provides four possible responses to this question, three of them leading to skeptical dead-ends, while the last one, a foundationalist strategy, tries to avoid the skeptical conclusion.

The first possibility considered by Bonjour is the case where justification of one belief depends on the justification of another, which itself, if it were to serve a justificatory purpose, must seek its justification from still another belief being justified, and so on. Suppose that a chain of justifications has five beliefs, e.g. belief *a* through belief *e*. We might rest the justification of belief *a* on belief *e*, but belief *e* can only play this role if it itself is justified, otherwise no member of the justificatory chain would be actually justified. As Bonjour argues, "there can be no doubt that some alleged justificatory chains do in fact end in this way, but if this were true in general, and if there were no other sort of justification available that did not rely on this way on inference on other beliefs, then we would have the skeptical result that no belief is ever justified, that we never have a good reason to think that anything is true."⁵ Certainly, a justification of this sort does not seem to accord with the epistemological dream of attaining beliefs that are actually justified.

The second possibility noted by Bonjour, similar to the first, occurs when the chain of justifications is left to continue indefinitely. In Bonjour's view, "it is at

³ Andrew D. Cling, "The Epistemic Regress Problem" in *Philosophical Studies*, Vol. 140, No.3, 2008, 401-402.

⁴ Ernest Sosa, "The Raft and the Pyramid: Coherence versus Foundations in the Theory of Knowledge" in Peter French, Theodore E. Vehling, Jr and Howard K. Wettstein (eds.) *Midwest studies in Philosophy*, Vol. V, Minneapolis: University of Minneapolis, 1980, 9-10.

⁵ Laurence Bonjour, 178.

least logically possible that the regress might continue *infinitely*, with new beliefs being appealed to at each stage that are sufficient to justify the preceding beliefs but are themselves in need of justification from one or more other new beliefs.”⁶ This way, the series of justifications stretches into infinity, without any member of the series being actually justified. This is the co-called infinite regress. A readily available objection to this possibility might be that, human mind, being itself finite, cannot produce an infinite series of justification. On the contrary, however, this does not seem to be strictly correct. In other words, it appears possible that human mind can conceive an endless series of justification. For, to use Bonjour example,

As I gaze at my bare desk, can't I believe, all at once, that there is not an armadillo sitting on it, that there not two armadillo sitting on it, that there are not three armadillo sitting on it, and so on for all the infinitely many natural numbers (positive whole numbers), thus resulting in an infinite set of beliefs? Moreover, the members of such an infinite set of beliefs might even stand in the right inferential relations to yield a justificatory chain, as is indeed true with the present example: that there is not even one armadillo is a good, indeed conclusive reason for thinking that there are not even two; that there are not even two is a conclusive reason for thinking that there are not even three; and so on.⁷

In spite of such illustration as above, it does still seem that actual justification has not been achieved. An endless stream of justifications does not accord with the epistemological dream of acquiring true beliefs which are actually justified. The reason for this is fairly obvious: merely having an infinite chain of beliefs related in the right way is not in fact sufficient for justification.

Bonjour's third possibility is that “the chain of inferential justification, if pursued far enough, would eventually circle back upon itself: that is, that some belief that has already appeared in the sequence (or perhaps a conjunction of such beliefs) would be appealed to again.”⁸ This might be properly called circular regress. Unlike infinite regress that has a linear structure, circular regress has cyclical structure; it sometimes appeals to a particular belief twice in the chain of justification. This has remained a major criticism against the third possibility, viz. that it is question-begging in a way that it deprives it of any justificatory force. Thus it does not really amount to actual justification. In all the three possibilities having been considered, a skeptical conclusion has resulted, namely, that no member of the chain of justifications is actually justified. This suggests that regress argument is substantively a skeptical move to show how far away we are from knowledge that is immune to error for being not properly justified. In the next section, we shall explore the fourth possibility as an anti-skeptical theoretical instrument at the hand of the foundationalist. But before then, what is epistemic absolutism?

The concept of epistemic absolutism, for want of a better nomenclature, is relatively less difficult to conceptualize, and will not be extensively discussed as the concept of regress. We start by asking, “What is an epistemic absolute?” What

⁶Ibidem.

⁷ Ibidem.

⁸ Ibidem,180.

does it mean for a belief to be an absolute belief? Roughly, a belief is an absolute belief if it requires no justification outside itself or it derives its justification not from the inferential relations it bears to other beliefs. A belief is also absolute if it gives justificatory support to other non-absolute beliefs, while it does not itself require such support to be justified. Epistemic absolutism will therefore be a theoretical adherence to the epistemological view that there are absolute beliefs, while the philosopher holding this view will be referred to as epistemic absolutist.

Philosophers have given different accounts of the nature of these beliefs. Some, on the one hand, have held that absolute beliefs, given their nature, are in need of no justification. This means that they are self-justifying. Descartes, a foremost holder of such view, obsessed with quest for certainty, describes these beliefs as indubitable, infallible and incorrigible. They have to be these for them to be able to provide the right sort of evidential support for other beliefs which are not so justified. According to the Cartesian version of absolutism, a belief is absolute if it is an indubitable proposition that a believer has at a particular time with no possibility of error.⁹ Absolute beliefs are impregnable to error because they derive from subjective states of minds about which one cannot be said to be in error. In other words, absolute beliefs are self-justified by appeal to sensory and introspective experience, which by Descartes' valuation, are not things about which one can be mistaken. But despite the apparent obviousness of this answer, it turns out to be more difficult than might be thought to give a clear account of the nature of absolute beliefs. We shall return to the resultant criticisms against Cartesian absolutism in the next section.

On the other hand, there are others who, having found Descartes' absolutism either too difficult or impossible to defend, have sought to justify absolute beliefs using a non-propositional or non-conceptual sensory states of the believer. The difference between this and Cartesian view lies in the question whether absolute beliefs need to be justified or not. In Descartes' view, they do not need justification because they are self-justified. To avoid the implausible skeptical implication that Cartesian absolutism leads to arbitrary justification from the point of view of the believer, a modification has been proposed by some philosophers who hold that, although these beliefs need to be justified, their justification does not derive from other beliefs, but from something more fundamental. Traditionally, this something more fundamental has been explained in terms of the special content of the belief or its special relations to the subjective experience of the believer.¹⁰ This raises the question whether beliefs getting their justification from something other than beliefs still remain absolute beliefs. They remain absolute beliefs insofar as they do not require the sort of belief-belief justification required by other kinds of belief. Rather, they base their justification on some non-propositional features of accessible states of the believer, while they, at the same time, give support to others which are not in their shoes of justification.

⁹ See Ernest Sosa, "The Raft and the Pyramid...", 5.

¹⁰ *Ibidem*, 18.

Foundationalism vs. Coherentism

The duo of foundationalism and coherentism represent the two traditional theories of epistemic justification. The two theories disagree on the choice between epistemic regress and epistemic absolutism. Foundationalism, on the one hand, rejects epistemic regress, and seeks to terminate it. We have earlier identified three possibilities arising from our discussion of regress in the previous section. The fourth of such possibilities is one advocated by the foundationalist. Bonjour explains:

It holds, first, that there at least one way (or perhaps more than one) in which beliefs can be justified that does not rely on inferential relations to other beliefs and so does not generate a regress of the sort we have been considering; and second, that any chain of alleged inferential justifications that genuinely yields justification must terminate with beliefs that are justified in this other, non-inferential way. These non-inferentially justified or *basic* beliefs are thus the *foundation* upon which justification of all other beliefs ultimately rests.¹¹

Key to the foundationalist strategy is the bifurcation of beliefs into basic (non-inferentially justified) beliefs and non-basic (or inferentially justified) beliefs. All foundationalist theories of justification subscribe to this bifurcation and the relations that hold between the two kinds of beliefs. One may then refer to the foundationalist theories as absolutist theories for holding that certain beliefs (basic or non-inferentially justified beliefs) get their justification independently from other beliefs. Cling describes the minimal claim of a foundationalist theory of justification as holding that “(i) some propositions are basic because they are justified without the support of propositions and that (ii) any non-basic proposition is justified only if it is supported by a basic proposition, and so on.”¹²

Sosa has explained the relationship between basic beliefs and non-basic beliefs using the metaphor of the pyramid. Consider the structure of a pyramid. The pyramid has a wide base/foundation upon which the superstructure rests comfortably. This base/foundation, while supporting all other layers built on it, is itself not being supported by any layer of the pyramid. Each layer supports a layer preceding it, until it gets to the last layer, which though supports other layers, bears no such supporting relation to them. Hence, schematically, “in respect to a body of knowledge K (in someone’s possession), foundationalism implies that K can be divided into parts K_1, K_2, \dots , such that there is some non-symmetric relation R (analogous to the relation of physical support) which orders those parts in such a way that there is one – call it F – that bears R to every other part while none of them bears R in turn to F.”¹³ This diagrammatic representation of foundationalist agenda is true of all foundationalist theories. Beyond this point, however, there is no agreement amongst the foundationalists.

One point that the foundationalists have disagreed about has to do with the constitutive elements as well as the size of the class of basic beliefs. If the view that basic beliefs do not depend on other beliefs to be justified is taken to be correct, then the question as to how and where do they (basic belief) get their

¹¹ Laurence Bonjour, *Epistemology*, 181.

¹² Andrew D. Cling, “The Epistemic Regress Problem”, 408.

¹³ Ernest Sosa, 5.

justification from becomes relevant. There is also the need to determine the size of basic beliefs. (This pertains to the question. What kind of beliefs qualify for basic beliefs?) At least two responses have been proposed to this question, culminating in at least two versions of epistemic foundationalism.¹⁴

The classical version is due to Descartes, the father of foundationalism. According to Descartes, basic beliefs are so-called because they are products of sensory and introspective experience, which, being indubitable, are beyond every reasonable doubt. It implies that basic beliefs, in Descartes' foundationalism, do not require justification because they are self-justified. They are somewhat immune to error. A motivation for the ascription of immunity to error to basic beliefs can be found in Kekes:

The impossibility of error in the case of basic propositions is due to the absence of a mediating agency between the knowing person and the object known. Normally, the senses mediate between the perceiver and the world. Since the senses can mislead and the information obtained through them can be misinterpreted, error can occur. But in the absence of a mediating agency there is nothing to mislead and there is no scope for misinterpretation, so basic propositions are incorrigible.¹⁵

"Since the justification of these basic beliefs is thus allegedly not dependent on that of any other empirical belief, they are uniquely able to provide secure starting-points for the justification of empirical knowledge and stopping-points for the regress of justification."¹⁶ Non-basic beliefs are inferentially justified by logical deduction from the basic beliefs. Thus, the justification of non-basic beliefs is parasitic on basic beliefs, which are themselves unjustified.

Cartesian version of foundationalism, which has been variously called radical,¹⁷ strong,¹⁸ among others, has been heavily criticized on a number of points. The most damaging of these criticisms, however, has focused on the attributes of basic beliefs as certain, infallible, indubitable or incorrigible. These attributes, which are means through which Cartesian foundationalism hopes to stop the regress of justification and give a secure foundation to empirical knowledge, have thus become a source of worry for critics. Philosophers have doubted if any belief can legitimately make a claim to any of these attributes. Beside the suspicion that it is unlikely for any belief to be basic in the sense in which Cartesian foundationalism conceives the term, Bonjour has drawn attention to the paradoxical nature of the very idea of an epistemically basic empirical belief. This paradox consists in the intuitively unfounded ability ascribed to basic beliefs, which being unjustified, provide justification for non-basic beliefs. Using Roderick Chisholm's theological analogy, Bonjour describes a basic belief as "epistemological unmoved (or self-moved) mover: it is able to confer justification on other beliefs, but apparently has

¹⁴ See William P. Alston, "Two Types of Foundationalism" in *The Journal of Philosophy*, Vol. 73 No. 7, 1976, 165-185.

¹⁵ John Kekes, 89.

¹⁶ Laurence Bonjour, "Can Empirical Knowledge have a Foundation?" in Ernest Sosa, et al (eds.) *Epistemology: An Anthology*, Oxford: Blackwell Publishing, 2008, 112.

¹⁷ Ernest Sosa, 5.

¹⁸ Laurence Bonjour, "Can Empirical Knowledge have a Foundation?" in Ernest Sosa, et al (eds.) *Epistemology: An Anthology*, 111.

no need to have justification conferred on it.”¹⁹ This point is no less worrisome in epistemology as it is in theology.

A less pronounced, but no less problematic, is the objection about how basic beliefs are to give justificatory support to non-basic beliefs. This objection derives its force from the nature of basic beliefs, which we are told, are products of sensory and introspective experience. They are, to this end, non-propositional and non-conceptual in character. The problem, succinctly stated, therefore is, how can a non-propositional and non-conceptual entities justify propositional attitude such as beliefs? Put differently, if sensory experience is indeed non-conceptual, and “given that beliefs are formulated in propositional and conceptual terms, it becomes hard to see how there can be an intelligible justificatory relation between the two.”²⁰ This question about how a propositional truth can be inferred from a non-propositional states further confirms the doubt if Cartesian foundationalism is the right answer to the question of epistemic justification.

The foregoing objections are targeted at the very heart of radical foundationalism. Given the criticisms, those to whom the central tenet of foundationalism is still appealing have to find a way of restating the theory in such a way that it avoids the Chisholm’s unmoved/self-moved mover objection. This has resulted into a modest version of foundationalism. A modest version of foundationalism accepts the defeat originating from Descartes’ notion of unjustified justifier, which is somewhat counter-intuitive, and thus may be impossible to defend. To circumvent this difficulty, the modest foundationalist reinterprets Cartesian version to mean that, although basic beliefs are truly in need of justification, they do not derive their justification from other beliefs, but rather from immediate sensory experience, which are neither propositional nor conceptual. In other words, basic beliefs are foundational not because they are indubitable, but because they are justified by direct sensory awareness of the believer. Modest foundationalism has been attributed to Chisholm.²¹

A version of modest foundationalism, called intuitionist foundationalism, has been defended by Paul K. Moser, in his *Empirical Justification*.²² The central gist of the paper is that all regresses of reason for justified empirical propositions terminate with propositions supported by sensory apprehensions or intuitions. Since having sensory intuition does not involve judging or classifying their contents, these states lack conceptual, hence propositional contents. This revelation, however, does not deter Moser from believing in the justificatory capability of intuitions. For according to him, intuition can support proposition believed in light of them. Moser attempts to avoid Cartesian problem by his concept of “epistemological given” of which he differentiates two senses, namely: EG 1. P’s are given = Df. P’s are entities about which some perceivers have immediately justified beliefs. EG2. P’s are given = Df. Beliefs about P’s are immediately justified and are the foundations for the justification of inferentially

¹⁹ Ibidem,112.

²⁰ Laurence Bonjour, *Epistemology*, 184.

²¹ Roderick Chisholm, *Theory of Knowledge*, New Jersey: Prentice-Hall, Inc., 1977.

²² Paul K. Moser, *Empirical Justification*, Dordrecht: D. Reidel, 1985. See also his “A Defense of Epistemic Intuitionism” in *Metaphilosophy*, Vol. 15, No. 3/4, 1984, 196-209.

justified beliefs (where EG means epistemological given).²³ The notion of epistemic given affords Moser to solve the problem of regress by seeking the justification of basic beliefs in some place other than among the beliefs with a coherent system. Hence, he states that “a theory is a version of epistemic intuitionism, let us say, only if it finds the solution to the epistemic regress problem in foundational beliefs justified not by reference to other beliefs, but by reference to an “intuition”, “direct awareness”, or “immediate apprehension” of the given.”²⁴ Moser’s intuitionism seems to be Chisholmian modest foundationalism in another garment.

Now, notice that the modest version of foundationalism still opens to the second objection above, for this way of talking does not, in any way, obliterate the possibility of asking how non-propositional *justified* foundational beliefs – i.e., raw feels of experience – are inferentially related to propositional attitude such as beliefs. Whether one calls it “intuition”, “direct awareness” etc., like Moser or one adopts Chisholm’s notion of “self-presenting propositions”, the point remains that what one is driving at is the claim central to all foundationalist theories, namely, that justification of some beliefs are based on self-evident nature of psychological experience of the believer. And with this comes the difficulty of explaining what relationship holds between psychological entities (i.e. immediate, sensory or intuitive entities) and propositional attitudes.

The coherentist theory of justification tries to avoid this theoretical difficulty by rejecting the absoluteness of basic beliefs. Accordingly, inasmuch as we continue to treat some beliefs as epistemologically superior to others, we would continue to encounter the foundationalist impasse. For the onus would always fall on us to explain in what inheres the superiority of basic beliefs over others, and this, as literature has amply shown, has remained a herculean task. “Indeed since only beliefs (or states enough like beliefs to make no difference) can stand in inferential relations and since the very idea of having a reason for thinking that something is true seems to essentially involve an inference of some sort from the reason to the claim in question, the apparent result is that beliefs can only be justified by other beliefs.”²⁵ If this is true, then there is need to place all beliefs on the same theoretical footing for them to be able to play justificatory role within a comprehensive system of beliefs. Thus, the central claim of the coherentist is that the sole basis for epistemic justification is relations among beliefs, rather than between beliefs and something external. More specifically, it is alleged, “what justifies beliefs is the way they fit together: the fact that they cohere with each other.”²⁶ One may then classify coherentism as a *regressivist* theory of justification.

Sosa uses a metaphor of the raft to describe coherentism. Adopting Otto Neurath’s positivism, Sosa says that “our body of knowledge is a raft that floats free of any anchor or tie; repairs must be made afloat, and though no part is untouchable, we must stand on some in order to replace or repair others.”²⁷ The metaphor of raft is apt for the description of the relations among beliefs in

²³ Paul K. Moser, *Empirical Justification*, 142.

²⁴ *Ibidem*.

²⁵ Laurence Bonjour, *Epistemology*, 186.

²⁶ *Ibidem*.

²⁷ Ernest Sosa, “The Raft and the Pyramid ...”, 6.

coherentist theory of justification. A raft is a floating web of planks held together by a common bond, so that each plank is tied to other planks, making all the planks in the raft a complete whole. This structural arrangement does not require that any particular plank be basic in the sense of the foundationalist, but rather that each, connected to others in an appropriate way, contributes to the overall support of the entire network of planks. Analogous to this metaphor, the coherentist holds that “what justifies a belief is not that it is infallible belief with an indubitable object, nor that it have been proved deductively on such a basis, but that it cohere with a comprehensive system of beliefs.”²⁸

The foregoing is a general way of characterizing coherentist theory of justification. It shows coherentism as an anti-foundationalist agenda. As noted by Bonjour, however, there are many specific positions, both historical and contemporary, that are fairly standardly identified as versions of coherentism, but it is more than a little unclear exactly what, if anything, they have in common beyond this central idea – or even that they are all entirely consistent in their adherence to it.²⁹ The consequence of this is that, it is quite uncertain if there is any clearly defined view that can be identified as coherentism. The best approach to understanding the coherentist theory therefore, is to consider some of the key issues that a standard coherentist view must face and adequately explain in order to constitute a genuine alternative to foundationalism. Bonjour highlights four of such key issues, namely, the nature of coherence, coherentist response to regress argument, coherentist explanation of perception, and the coherentist theory of truth.³⁰ We shall ignore the details involved in these legitimate issues, for lack of direct relevance for our purpose in this paper. Suffice to mean that we are most content in showing coherentism as a regressivist theory of justification.

That notwithstanding, there is need to understand what “coherence” means within the context of its use in the coherentist theory of justification. What does it mean for a belief to cohere with a system of beliefs? Several explanations have been offered, but it seems these explanations are mere substitution of “coherence” with equally nebulous other terms. The first thing that strikes one as obvious about “coherence” is that it presupposes more than one belief. It is clear that coherence is supposed to be primarily a property of a group or system of beliefs. Coherence among beliefs has been interpreted to mean agreement with each other or fitting together or “dovetailing” with each other.³¹ One way of resolving these terms into a plausible theory is by reducing them to mean “consistency”, or to quote David B. Annis, “although there has been disagreement amongst coherentists in explaining what coherence is, and specifying the special system of statements, the key elements in these explanations have been consistency, connectedness and comprehensiveness.”³² One might then understand coherent thesis to mean that a belief is justified only if it is *consistent* with the system of beliefs in which it is a member.

²⁸ Ibidem.

²⁹ Laurence Bonjour, *Epistemology*, 187.

³⁰ Ibidem, 187-193.

³¹ Ibidem, 187.

³² David B. Annis, “A Contextualist Theory of Epistemic Justification” in *American Philosophical Quarterly*, Vol. 15, No. 3, 1978, 213.

There is a problem associated with substituting coherence with consistency, however. The problem arises from the observation that mere consistency is not by itself sufficient for justification. It is not impossible to construct a system of unrelated beliefs, which is, nonetheless consistent because it consists of non-conflicting beliefs as members. “The belief that grass is green, the belief that today is Tuesday, the belief that Caesar crossed the Rubicon in 49B.C., and the belief that Matisse was a great painter” obviously form a consistent system “simply because its members make no contact with each other at all and so could not possibly conflict, but it would be odd and misleading to describe it as coherent and perhaps still odder to suggest that this mere lack of conflict provide any real justification for these beliefs, any positive reason to think that they are true.”³³

More problematic is the coherentist preclusion of the role of immediate sensory experience from his epistemological program. One of the coherentist cases against foundationalism harps on the epistemic role it allots to the sensory or introspective or intuitive experience in the business of justification. Hence, coherentism cleverly avoids the epistemic role of sense experience in order to avoid the temptation to regard beliefs originating from it as needless of justification, which would ultimately open it to the same objection against foundationalism. But this move has been shown to lead to a more damaging implication than the coherentist envisages. In the first place, such move has been criticized from the perspective of the possibility of alternative coherent systems or detachment from reality. As noted by Sosa, “from the latter perspective the body of beliefs is held constant and the surrounding world is allowed to vary, whereas from the former perspective it is the surrounding world that is held constant while the body of beliefs is allowed to vary.”³⁴ The absurd implication resulting from this is well captured in Sosa’s counter-example to the coherentist formulation.

Take my belief that I have a headache when I do have a splitting headache, and let us suppose that this does cohere within my present body of beliefs (thus I have no reason to doubt my present introspective belief, and so on. And if my belief does not cohere, so much the worse for coherentism, since my belief is surely justified.) Here then we have a perfectly justified or warranted belief. And yet such a belief may well have relevant relations of explanation, logic, or probability with at most a small set of other beliefs of mine at the time: say, that I am not free of headache, that I am in pain, that someone is in pain, and the like. If so then an equally coherent alternative is not far to seek. Let everything remain constant, including the splitting headache, except for the following: replace the belief that I have a headache with the belief that I do not have a headache, the belief that I am in pain with the belief that I am not in pain, the belief that someone is in pain with the belief that someone is not in pain, and so on. I contend that my resulting hypothetical system of beliefs would cohere as fully as does my actual system of beliefs, and yet my hypothetical belief that I do not have a headache would not therefore be justified.³⁵

The import of Sosa’s counter-example to the coherentist theory above is that, it is possible for someone to construct a logically coherent system of beliefs,

³³ Laurence Bonjour, *Epistemology*, 187-188.

³⁴ Ernest Sosa, “The Raft and the Pyramid ...”, 18.

³⁵ *Ibidem*, p. 19.

which however is out of tune with reality. A system of beliefs that does not relate to reality may be coherent, but cannot be justified. The implication of this is that, raw feels of experience, though may be non-propositional or non-conceptual, play a vital role in epistemic justification, and therefore could not be relegated to the background as irrelevant. So, the coherentist exclusion from his program of a place of direct access to introspective and other subjective awareness makes his theory prone to the Sosa type of counter-example.

Beside the foregoing, the question may be asked as to what justifies the system of beliefs to which a belief seeking justification is expected to cohere. Put differently, does the system of beliefs require justification? However this question is answered, a difficulty arises for coherentism. If it is answered in the affirmative, then there is need for the coherentist to provide a detailed analysis of how and where the system of beliefs gets this justification from. This cannot be answered using the dialectics of coherence, for such answer would be question-begging. If the coherentist, on the other hand, chooses to answer the question in the negative, he gets entrapped in the foundationalist dilemma. The point is that, except the coherentist finds a way of circumventing objections of this sort, he is faced with the allegation that he has no genuine better alternative to foundationalism.

We have established that the two traditional theories of justification enunciated above belong to each of the two radically different trends in contemporary epistemology, namely, epistemic absolutism and epistemic regress, with foundationalism connected with the former and coherentism with the latter. The relevant question at this juncture is whether there is a theory of epistemic justification which suffers neither of the two defects of absolutism and regress. The theory that readily comes to mind is contextualism. Contextualism denies that there are basic beliefs in the foundationalist's sense and that coherence is sufficient for justification. "According to contextualism, both theories overlook contextual parameters essential to justification."³⁶

Annis has spelt out what these contextualist parameters essential to justification are. These he sums up as the actual social practices and norms of justification of a culture of community of people. Contextualist theory of justification deviates from the holistic approach of the traditional theories of justification by paying attention to the social context in which a claim to knowledge is made. It is this context, properly speaking, that determines the justification of beliefs. If issue-contexts, as Annis calls them, are what give justification to beliefs, it appears therefore that these contexts are basic in their own right, although not in the sense of the foundationalist. They are basic inasmuch as asking for further reasons for them does not arise. As pointed out by Annis.

A belief is *contextually-basic* if given an issue-context the appropriate objector-group does not require the person to have reasons for the belief in order to be in a position to have knowledge. If the objector-group requires reasons, then it is not basic in the context.³⁷

It appears, given the foregoing, that contextualism is no less guilty of absolutism than foundationalism. For the contextualist may then be required to

³⁶ David B. Annis, p. 213.

³⁷ Ibidem, 216.

come up with some reason why he thinks the issue-context within which a piece of belief is justified is itself justified. Without justifying these issue-contexts, the contextualist theory of justification also runs the risk of being labelled arbitrary.

Conclusion

Our foregoing discussions have demonstrated both absolutism and regress as epistemic defects. However, they are defects contemporary epistemology has to necessarily choose from in order to remain in the business of philosophizing. The argument of this paper is that it appears epistemically more desirable to go with epistemic absolutism than with its competing epistemic regress. It seems intuitively more defensible that knowledge be given a foundation, a starting point than for it to be allowed to float about without having its own basis. Foundationalism and contextualism might have failed in locating this foundation/starting point, or might not have been able to properly articulate it, had it been found. This, however, does not make the foundation non-existent or implausible to search for. Contemporary epistemology has more to gain by taking this search further, and, who knows, a little more search may produce that which has constituted epistemological quagmire from the time of Plato's Theaetetus till date.

References

Alston [1976] – W.P. Alston, “Two Types of Foundationalism” *The Journal of Philosophy*, (73/7) .

Annis [1978] – D.B. Annis, “A Contextualist Theory of Epistemic Justification” *American Philosophical Quarterly*, (15/3) .

Bonjour [2008] – L. Bonjour, “Can Empirical Knowledge have a Foundation?” [in:] Ernest Sosa, et al (eds.) *Epistemology: An Anthology*, Oxford: Blackwell Publishing.

Bonjour [2010] – L. Bonjour, *Epistemology: Classic Problems and Contemporary Responses*, 2nd ed., New York: Rowman & Littlefield Publishers, Inc.

Chisholm [1977] – R.M. Chisholm, *Theory of Knowledge*, New Jersey: Prentice-Hall, Inc.

Chisholm [1986] – R.M. Chisholm, “The Place of Epistemic Justification” in *Philosophical Topics*, (XIV/1) .

Cling [2008] – A. D. Cling, “The Epistemic Regress Problem” *Philosophical Studies*, (140/3) .

Kekes [1986] – J. Kekes, “Recent Trends and Future Prospects in Epistemology” *Metaphilosophy*, (8/ 2&3) .

Moser [1984] – P.K. Moser, “A Defense of Epistemic Intuitionism” *Metaphilosophy*, (15/ 3/4,) .

Moser [1984] – P.K. Moser, *Empirical Justification*, Dordrecht: D. Reidel, 1985.

Sosa [1980] – E. Sosa, “The Raft and the Pyramid: Coherence versus Foundations in the Theory of Knowledge” [in:] P. French, T.E. Vehling, Jr and H. K. Wettstein (eds.) *Midwest studies in Philosophy*, Vol. V, Minneapolis: University of Minneapolis .

THE PLACE OF OPIUM IN ANGLO-SAXON IMPERIALISM AND MERCANTILISM IN ASIA: FRAGMENTS OF EVIDENCE FROM CHINA

Ihediwa Nkemjika Chimee*

Chimee2002ng@yahoo.com

Abstract: *European adventurism into Asia in the 16th Century had both political and economic undertones. At the initial stage, commercial and economic interests far outweighed their desire for political control; however, with the passage of time, the desire to assert political and territorial controls became evident for these powers in Asia. Over the centuries Opium had spread from its home in eastern Mediterranean to China where it served the recreational appetite of the populace. In India, where refined opium was grown, it assumed a prominent status as a recreational and medicinal drug. Over the years, British trading overtures to China had been rebuffed though the limited Chinese trading permission to the British on the Port city of Guangzhou in articles like Tea, Silk, and Porcelain brought huge profits to the companies that were able to acquire these items; thus yielding huge profits to China. Unfortunately, the downside of this economic situation was that China desired nothing from Britain for trade. Nothing except for one commodity, that commodity being that the Chinese demanded payment in Silver. Britain was in a dilemma paying out huge sums in silver to the Chinese without getting any thing back into their treasury. This situation obviously negated the principles of imperialism and mercantilism, and Britain had to make recourse to opium as a way out to the loss inherent in their mercantile mission in China. It was in an attempt to balance the objectives of imperialism that Britain declared war on China over its refusal to allow its Opium trade. The paper intends to examine the place of Opium in Anglo-Saxon imperialism and mercantilism in China, showing how Opium conducted imperial interests and policy options in Britain's relations in Asia.*

Keywords: *Opium, Anglo-Saxon, Imperialism, Mercantilism, Asia.*

1. Introduction

Generally speaking by the fifteenth century, Europe's navigational skills had exposed her beyond her frontiers into far-flung ends of the world-in this sense, into the Americas, Asia and Africa. One consequence of this feat was that by the early 1600s they had woven a network of communications all the way around the earth, and had established the economic dominance that would shape the modern world. The burst of European expansion no doubt was made possible by a combination of factors. One was her technical skill which made it possible for her to adapt coastal ships to the challenges of the boundless ocean; the other was weaponry, which

-
- PhD. Candidate, Department of History & International Studies, University of Nigeria, Nsukka

fortified her against hostile and well-armed natives. Added to this is also the economic base which supported exploration missions as well as die-hard and exceptional determination to pursue the unknown.¹ However, one reinforcing impetus for every European endeavour beyond her frontiers was the attendant economic and material benefits such endeavour would yield. This is the case with Africa; the Portuguese contact with the Congo region in the fifteenth century, was to produce and influence the course of Atlantic slave trade, which pillaged Africa and left her in ruins in many facets. In Asia, the Europeans came with little fanfare; though their presence there was not commonplace, there were other visitors in various cities in China both before and after Marco Polo's trip there in 1592-1593. The Europeans who came to the region, arrived with mixed objectives and strategies designed to enhance commercial power; and their strategies changed frequently. At times, their major objectives could change; but the economic significance of colonial policies was obvious and cannot be overstated.² The European penetration of the Far East was the work of four nations of Western Europe, all of which have sea boards on the Atlantic coast; the fifth power, Spain had her activities confined to the Philippine Islands. Written agreements and earlier Papal blessing left the Portuguese supreme in the Indian Ocean and Southeast Asia; though other sister nations, refused to accept this agreement. What attracted all these powers to the region was the economic opportunities offered then by the spice trade. However, the British did not enter into the struggle until the beginning of the seventeenth century, and confined their main effort to India until the end of the eighteenth century.³ Despite the high costs and enormous potential for total loss, the rewards of the colonial mission were high that by 1518, some 35 percent of royal income in Portugal was more than the Crown's income from metropolitan Portugal.⁴ From this time onwards, it became clear that the Europeans meant to dominate the trading system in the East, and that "the period of unarmed trading was over in the Indian Ocean."⁵

Notwithstanding the isolation policies of the Chinese rulers with respect to trade and other forms of interaction, private trade continued however with many parts of Southeast Asia, especially after the restrictions were lifted in 1684. By this date, the great majority of trade between China and her neighbours was in Chinese hands, organized by networks of Chinese merchants resident throughout the region and shipped in Chinese junks. The principal ports involved in this trade were categorised as 'non-tributary trading countries.'⁶ However, the Qing dynasty's aversion to direct contact with countries of the 'western Ocean' could

¹ Thomas E. Skidmore, and Peter H. Smith, *Modern Latin America*, (Second Edition), (New York: Oxford University Press), 1989, 15-16.

² For an excellent discussion on Portuguese involvement in Africa and the slave trade, see James Duffy, *Portuguese Africa*, (Cambridge Massachusetts: Harvard University Press, 1961).

³ G. P. Fitzgerald, *A Concise History of East Asia*, (London: Penguin Books, 1978), 288.

⁴ M. N. Pearson, "Merchants and States", in *The Political Economy of Merchant Empires*, (ed.) James D. Tracy, (Cambridge: Cambridge University Press, 1991), 77.

⁵ K. N. Chaudhuri, *Trade and Civilization in Indian Ocean: An Economic History from the Rise of Islam to 1750*, (Cambridge: Cambridge University Press, 1993), 68.

⁶ Martin Stuart Fox, *A Short History of China and Southeast Asia: Tribute, Trade and Influence*, (London: Allen and Unwin, 2003), 110.

not continue for too long. It received its first official mission from Portugal in 1670, and 1678, Holland in 1656, 1667, 1668, all these missions increased trading rights, for which they were prepared to go by Chinese terms and to accept nominal tributary status. These nations were not successful; the only European nation with which the Qing dynasty entered into negotiations leading to a treaty was Russia, in 1689. This Treaty of Nerchinsk was intended to keep a Central Asia foe at arms length, and to control trade.⁷ Apart from Russia, the two eighteenth-century European powers to have been received at the Qing's court was Portugal in two periods-1727 and 1753, and England under Lord MaCartney in 1793. This mission was described in Chinese records as a tributary mission, and all attempts by Macartney to enter into any meaningful negotiations were blocked by the emperor, who stated in response that "we possess all things; I set no value on objects strange or ingenious, and have no use for your country's manufactures". His second edict, rejecting any liberalisation of trade, also made the point that the Chinese capital was not a place to conduct trade; that all trade would be done at Canton, and no new ports would be opened, and no British barbarian merchants would be permitted to establish a factory in Chinese soil.⁸ The Dutch also pressed on with a mission following MaCartney, and this was about the last in that order for imperial mission, till 1816, when a second British mission was dismissed when the envoy Lord Amherst refused to conform to Chinese ceremonial rules.

By the beginning of the eighteenth century, Britain had consolidated on her Indian empire and aggressively looking for trade and commodities transaction for her East India Company. Because of the imperialist and mercantilist inclinations of Britain, it desired trade with China. Things like Tea, Silk, and Porcelain, brought huge profits to companies that could acquire them; but the down side of this trade was that China desired nothing from Britain for trade, except for one commodity-payment in silver. Suddenly, Britain discovered a solution to this dilemma; and that solution was opium. The British merchants began to influence the Chinese into accepting opium, though the Chinese were familiar with opium as a medicinal substance, but by the 1800s, opium began to be consumed by the Chinese population as a recreational drug, and turned around to become a money spinner for the British merchants as well as the English East India Company. It was the opium trade at this time that turned around the economy of Britain, relieving it from woes, and filling her coffers with more Silver. Opium and British imperialistic mercantilism radically altered the status quo in East Asia and as Timothy and Tadashi observed, "Opium thrust the states of East Asia, and imperial Qing state most of all, into the 'modern' world of unequal treaties and gunboat diplomacy. It gave foreign powers the financial wherewithal to make colonial empire-building feasible".⁹ The paper intends to examine the place of Opium in Anglo-Saxon

⁷ Martin Stuart Fox, *A Short History of China and Southeast Asia: Tribute, Trade and Influence*, (London: Allen and Unwin, 2003), 111.

⁸ Martin Stuart Fox, *A Short History of China and Southeast Asia: Tribute, Trade and Influence*, (London: Allen and Unwin, 2003), 115-116.

⁹ Timothy Brook and Bob Tadashi Wakabayashi, "Opium's History in China", in Timothy Brook and Bob Tadashi Wakabayashi (eds.), *Opium Regimes: China, Britain and Japan, 1839-1952*, (California: University of California) Press, 2000), 1.

imperialism and mercantilism in China, showing how Opium conduced imperial interests and policy options in Britain's relations in Asia.

2. Imperial England and opium trade in China

Opium was not unknown to the Chinese people; traditional use of the substance as effective antidotes to treat dysentery, cholera, and other diseases, dated back to the 1400s. During these periods, there were no reports of opium problems among the Chinese, not until the 1700s, when opium became commodified, that by 1729, Chinese imperial authorities became alarmed at the growing numbers of opium users and the debilitating effect on users that they prohibited the sale of opium-laced tobacco and banned opium dens.¹⁰ Canton was reserved as the only trading port for outsiders wishing to transact business in China, and under strict supervision. As early as 1652, Chinese tea had been exported to Britain, through Canton, and by the early eighteen and nineteen century, traders from newly industrialised Britain were importing millions of pounds of tea from China. They had hoped to trade finished goods such as textile for tea and silk without having to go through the emperor's middle men; but that was not to happen because imperial China had no need for foreign products and imported virtually nothing from Europe. The British East India Company, which was established by a Royal Charter by Queen Elizabeth I, in early seventeenth century, was already responsible for trade in the East under a royal monopoly. The company had built up huge debt for silk, tea and lacquerware imported from China, and the unfavourable balance of trade between Britain and China as well as the resentment over the latter's restrictive trading practices were to lead to war. Since the Chinese imperial authority did not want to trade with Britain, the latter began to smuggle in opium grown in India as a medium of exchange, else the cardinal logic of imperialism would fail if profit is not maximized. The social problems and its concomitant destructive effects on Chinese society was not the concern of Britain; what mattered was trading whatever that could yield amazing profits to them and damning the consequences. No wonder Kaku, who served as the head of the opium monopoly bureau of the government of Formosa, observed that "opium constitutes such a grave danger not only to the welfare of humanity but to the peace of the East that it has become a problem for the world at large."¹¹ The illegal opium trafficking into China and its consumption by the Chinese, became a source of balancing the 'business' and 'filling' the gaps in trade to the British.

From the very beginning, the reaction of the Chinese authorities against opium importation into China was sharp and strict; both the Ming and early Manchu authorities reacted with alarm, thus yielding the imperial edict of 1729, which outlawed opium smoking and all associated activities with it-which though did not have much effect on the developing habit among the Chinese.¹² The Ch'ing dynasty ran into trouble bordering on the expanding and enveloping trade in opium and it's consumption-leading to social challenges whose tone was pointing to the direction

¹⁰. Andrew Cherry, "China", in *Substance Abuse: A Global View*, (eds.), Andrew Cherry, Mary E. Dillon, and Douglas Rugh, (Connecticut: Greenwood Press, 2002), 40.

¹¹. Kaku Sagataro, *Opium Policy in Japan*, (Geneva: Albert Kundig, 19240), 1-10.

¹². Wakeman Fredrick, *The Fall of Imperial China*, (New York: The Free press, 1975), 125.

of undermining of the regime and its authority. For the extraction of revenue by officials from the traders for the Manchu government was a critical point of contradiction in the fight against opium trading and consumption.¹³ At the centre of this whole episode of disorder, was the East India Company, operating from Bengal under an imperial monopoly granted in 1773, the company's agents probed the limits of the China market through the seasonal trading system at Canton, which had long enriched dynastic bureaucrats.¹⁴ The company developed a refined system of smuggling privately produced opium from Western India by 1830. Some British firms like Jardine Matheson and Company stationed in Canton were handling such transactions.¹⁵ The quantity of opium moved by the East India Company to Canton between 1820 and 1834 when its monopoly ceased, was for the former date 5, 000 chests of opium weighing 145 pounds, while for the latter date, it was about 20, 000 chests,¹⁶ showing the rate of consumption of the substance, and the reason for deepening of the trade. This illegal trade profited the Chinese officials, harbour police, as well as British traders, and the British government, which was why the latter posited every justification for the trade and actions taken in furtherance of it. The end of the monopoly of the East India Company marked a turning point in China, as it served as a springboard for the emergence of chronic competition between British merchants in Canton, thus calling for a controlling authority and necessitating the appointment of Lord Napier. He was determined to have China concede recognition and equal status to the mission, but died before this could be accomplished.¹⁷ The exposure of the Chinese populace to opium consumption led to increased demand for it notwithstanding the earlier ban placed on it in 1729; imports increased tremendously in 1800, raising fears on the futility of the prohibition. By the eve of the opium war, China with about 10 million addicts, was spending nearly half of its total revenue on opium; as established, the 'demand for opium had been built up by the Chinese rather than foreign distributors'¹⁸

The opium war of 1839 was a mere pretext designed by the British to expand their mercantile empire in the East. The precursor to the controversy was the continued rise in both opium importation and consumption averaging in the year of the war 17, 000 chests per annum, and the inability of the British to abide by the ban imposed on the substance. The Chinese authorities did not have any choice than to create an enforcement mission under Lin Tse-su to enforce the prohibition. Before he was appointed imperial maritime commissioner in 1838 to stop the opium trade, the annual flow of the drug into China had risen to well

¹³. For a better understanding of this position, see Fay P. Ward, *The Opium War 1840-1842*, (New York: W. W. Norton and Company, 1976), 41-45.

¹⁴. William O. Walker III, *Opium and Foreign Policy: The Anglo-American Search for Order in Asia, 1912-1954*, (North Carolina: University of North Carolina Press, 1991), 4.

¹⁵. Fay P. Ward, *The Opium War 1840-1842*, 44-49.

¹⁶. Wu Wea-tsao, *Chinese Opium Question in British Opinion and Action*, quoted in William O. Walker III, *Opium and Foreign Policy: The Anglo-Saxon Search for Order in Asia*, 4.

¹⁷. Frederick Whyte, *China and Foreign powers: An Historical Review of their Relations*, (London: Oxford University press, 1927), 3.

¹⁸. Fay P. Ward, *Opium War 1840-1842*, 54-55.

over thirty thousand chests.¹⁹ His confiscation of 20, 000 chests of illegal opium in possession of British Captain Elliot, and its subsequent destruction produced circumstances that could not avoid war. It was said that Lin's proclamation of August 31, 1839, which incited the Chinese populace to attack the English led to the affray in which M. S. *Volage and Hyacinth* fired opening shots of the war.²⁰ British ships sent to Hong Kong from India protected the opium carrying British merchant vessels in and out of the port, and the Chinese junks sent against them were no match. The war waged on China caused untold death and casualties; the British destroyed plundered, looted, and raped cities and towns along the coast of China. Compassion in mankind was swept away like the Chinese junk to allow the continued unrestricted flow of enormous profit from sale of opium.²¹ Apart from the looting of Chinese homes, and the destruction of property, the opium war ended in August 29, 1842, with the Treaty of Nanking, which had severe consequences on imperial China. It signified equality of status, and the beginning of formal treaty relations between China and the Western powers, as much as it was a proof to China that the West could enforce its demands. Secondly, it laid the foundations of European policy in China. But the true text of it all was that (a) it led to the cession of Hong Kong, (b) it led to the opening of Amoy, Foochow, Ningpo, and Shanghai, as well as Canton-practically the whole of South China, (c) it imposed a war indemnity of \$15 million on China; (d) it led to a pledge of equal status in official intercourse, (e) it led to the enactment of (in British mind), 'fair and regular tariff' and finally (f) it led to the abolition of Co-Hong monopolies.²² These concessions no doubt further frustrated Chinese official attempts to reduce imports of the dreaded but profitable British trade, and made China more vulnerable to the political and economic whims of Britain.

The war in China was part of that grand conspiracy Europe adopted in pushing across its desire for world domination in an age of increasing mercantilism. From the sixteenth century on, conditions in Europe were chronic, series of wars fought and the continued struggle for internal domination among the various 'Courts' had left the coffers of the states dry, thus expanding outside its maritime frontiers became the only viable option for their economic survival. That was why the race for territorial conquest of new and virgin lands and settling Europeans in such places resulting in mixed societies, became a noble objective, and the Crown backed same.²³ From the fifteenth century on, the various European powers, notably Spain, Portugal and later France and Britain moved into the Americas in search of wealth, leading to the destruction of the indigenous peoples and cultures

¹⁹. Timothy Brook and Bob Tadashi Wakabayashi, "Opium's History in China", in Timothy Brook and Bob Tadashi Wakabayashi (eds.), *Opium Regimes: China, Britain and Japan, 1839-1952*, 6.

²⁰. Frederick Whyte, *China and Foreign powers: An Historical Review of their Relations*, 4.

²¹. Andrew Cherry, "China", in *Substance Abuse: A Global View*, (eds.), Andrew Cherry, Mary E. Dillon, and Douglas Rugh, 41.

²². Frederick Whyte, *China and Foreign powers: An Historical Review of their Relations*, 3-4.

²³. See for an illustration of mixed society Richard M. Morse, "The Heritage of Latin America", in Louise Hartz, (ed.), *The Founding of New Societies*, (New York: Harcourt Brace and World, 1964), 138.

and the emergence of the heinous Atlantic slave trade.²⁴ Morality did not matter to the Europeans when economic questions are raised, that was why the Atlantic slave trade was justified, even with the approval of the Catholic Church, for black Africans to be enslaved.²⁵ By the time that institution was abolished, England the leading abolitionist country began to advance humanitarian arguments as necessitating the abolition. And looking at such argument, one would ask where their humanity had gone to in the last four hundred years the inhuman trade operated, enriching the British coffers with precious metals. Now on this, it was as a result of the declining fortunes of her sugar colonies in the Americas as well as the falling price of sugar on the world market that pushed her to make a case for abolition, so that products of their factories could be sold to new and expanding markets they had created overseas²⁶ in Africa, the Americas and Asia. So mercantile capitalism had been at the root cause of her expansion abroad. The extension of European colonialism in Africa and the subsequent partitioning of African territories among the contending European powers in what was termed Berlin West African Conference of 1884,²⁷ falls in line with the argument being posited—that economic and material benefits were responsible for European adventurism; particularly the British Empire. Looking at the map of England for example, one can easily notice that the area is one over time denuded with resources, and that must have reinforced the aggressive drive of the British to see economic fortunes abroad and to set up colonies.

The first opium war thus became the precursor for the emergence of European domineering mercantilism and the ultimate dislocation of the Chinese traditional systems. It also opened the door for other ambitious European nations, who had been kept far off by the Chinese emperor. Thus France, Norway and Sweden reaped their own harvest in various treaties; while Belgium received benefits of Imperial rescript in 1845. Added to these was Emperor Tao Kuang's revival of religious tolerance in his edict of 1844, allowing the preaching of Christian gospel prohibited in 1724 by Emperor Yung Cheng. Disappointingly, all the concessions granted to Britain by the Chinese authorities, did not solve the problem of fair dealings in the ports, where many European criminal traders had increased in number during the period, and even created a dislike for foreigners on the native population. Britain became more frustrated as bilateral trade between her and China did not grow, more so when China trailed behind the United States and France among suppliers of import to an overtaxed Great Britain by 1854; and the value of goods mainly silk

²⁴. Carl Degler, *Neither Black Nor White: Slavery and Race Relations in Brazil and the United States*, (New York: Macmillan, 1970).

²⁵. An aid to a detailed understanding of the arguments on slavery and the operations of that institution in the New World, see, Sidney Mintz, "Review of Stanley M. Elkins' *Slavery*", *American Anthropologist*, 43, (June 1961), 579-587, Arnold A. Sio, "Interpretation of Slavery: The Slave Status in the Americas", *Comparative Studies in Society and History*, 7 (1965), 289-308.

²⁶. Imediwa N. Chimee, "Challenges of Liberal Ideas, Revolution, and Social Crisis: Correlates in Supporting the Abolition of the Trans Atlantic Slave Trade," A paper presented at the International Conference on 'Abolishing Bondage from Ancient times to the present: Transition in Normative Orders' held in Goethe Universitat Frankfurt am Main Germany, 9-10 July, 2010, 3-10.

²⁷. A.I. Asiwaju, (ed.), *Partitioned Africans: Ethnic Relations Across Africa's International Boundaries 1884-1984*, (London: C. Hurst and Company, 1984), 1-18.

and tea from China imported into Britain was more than nine times the value of British exports to China. This gap Britain reasoned could only be filled by India's opium, without which Britain could not shift the balance of payments with China, nor could she sustain her deepening presence in India or even pay for her imperial adventures in Singapore and Hong Kong.²⁸ This was the delicate and troubling position Britain found herself, and everything must be done to tilt the balance to her favour. The internal conditions in China after the first opium war were crisis ridden, the court had to contend with rebellious elements against its legitimacy, it was in this situation that War broke out, partly on account of opium and partly because the Treaty of Nanking had done little to remove the real grievances of Europeans in China. The situation that finally occasioned the 'Arrow War' later called the second opium war-for the incident was tangentially connected to opium. The impetus for the conflict involved a merchant ship called the Arrow, which was docked in the Chinese city of Canton. The British authorities had had this ship registered in Hong Kong for over one year past, and the Chinese authorities pursuing pirates, thought they were on board the Arrow, and searched it without gaining permission from Britain first. The British looking for an opportunity to extract more concessions from China and control the opium trade allied with France and attacked China. France had joined in retaliation for the death of French missionaries in China, thus the second opium war ensued and China after heavy military losses capitulated and yielded to a set of further treaties and concessions-all to favour British and European trading in China-particularly the British opium trade.

The 1856-1860 war saw the weakening of China and produced consequences that changed both the character of regional and international politics in Asia. The Tientsin Treaties signed during the course of the war, denuded China more of her all-encompassing powers and the invading powers for the first time created bases to conduct diplomatic affairs thereafter in China. Ten more ports were opened for trade with foreign European powers. The treaties signed did not become effective until the Convention of Peking in 1860. These treaties, guaranteed the right of Foreign Diplomatic Mission to reside in Peking, the explicit recognition of extraterritoriality, the right of travel with a passport; protection of missionaries by treaty, the cession of Kowloon to Britain, and an indemnity to Britain and France of 8, 000.000 taels apiece for the damages done on their interests during the war.²⁹ Opium was also legalized by the terms of the treaties. China became a huge pie for consumption by European courts. Constantly, the authorities would be threatened by Britain for every little provocation. For example, the murder of a British Consular Officer Mr. Margary in 1874, in Yunnan, enraged the British so much so that bombardment would have ensued out of it, but indemnity was extracted from the Chinese and that saved the latter from another naval attack. This became the lot of China during this era of aggressive mercantilism by Britain and her sister European nations. The second opium war altered deeply the bargaining strength of China and progressively saw her dwindling both regionally and internationally.

²⁸. Timothy Brook and Bob Tadashi Wakabayashi, "Opium's History in China", in Timothy Brook and Bob Tadashi Wakabayashi (eds.), *Opium Regimes: China, Britain and Japan, 1839-1952*, 7.

²⁹. Frederick Whyte, *China and Foreign powers: An Historical Review of their Relations*, 5.

Russia had also secured a treaty of Aigun in 1858, which brought her to the Pacific at Nikolaievsk, and three years later to Vladivostok. Her suzerainty over Annam was also lost to France in 1874, and Japan challenged her predominance in Korea; Britain annexed Burma, bringing Chinese suzerainty there to an end. She fought a war with Japan over Korea in 1894, and by the treaty of Shimonoseki of 1895, she ceded Liaotung Peninsula (Port Arthur and Taiwan), Formosa and Pescadores; she acknowledged the independence of Korea, paid an indemnity and a separate treaty with Japan gave the latter extraterritorial privileges in China.³⁰ All these challenges came about as a result of British intervention in her affairs which consequently betrayed her military vulnerability, leading to the ravaging of her territories by greedy European powers and the reformist Japan.

3. British profit in opium trade and its aftermath in Asia

In this segment of the paper, China is examined alongside her neighbours and finally Britain. For China, the British opium trade and its devastating effects awakened the consciousness of reform-minded elements in China which later produced radical nationalism that had a tinge of xenophobia. Just as globalization is dragging every nation today along its wheel, the opium trade introduced broke the seclusion of China and dragged her into the complex world of international politics, thus making her become a state party in the series of international conventions on opium; while also giving her the insight into articulating the legal frameworks on internal opium control. The massive importation and trading of opium as a single import article of the British and the concomitant consumption of the substance by virtually all strata of the Chinese society, particularly after it began to be cultivated in China, created severe social challenges to the Chinese authorities. In provinces like Shanxi, seventy percent of the people, men and women smoked opium, and the same applied to other provinces in that vast country. The problem of addiction and the challenges it posed continued in China well into the twentieth century when the communist regime began to deploy decisive measures against opium growing and consumption. The opium trade says Cherry, “was extremely lucrative for the British, but it destroyed the lives of millions of Chinese citizens.”³¹ Ironically too, poppy production in the remote regions also altered the economies of individuals. It created a somewhat golden opportunity for peasant farmers who had subsisted marginally to elevate their income; thus facilitating capital accumulation by previously impoverished circle of farmers, expanded money supply and knitted internal trade networks and redistributed wealth away from its usual base at the coast.³² In China for example, while the central government received relatively little from taxes on the cultivation and sale of domestic opium, revenue from the drug trade became a mainstay of the provincial economy. In 1875 over 33 percent of the farmable land of Yunnan Province was planted in opium poppy. Opium was

³⁰. Frederick Whyte, *China and Foreign powers: An Historical Review of their Relations*, 6-9.

³¹. Andrew Cherry, “China”, in *Substance Abuse: A Global View*, (eds.), Andrew Cherry, Mary E. Dillon, and Douglas Rugh, 40.

³². Hao Yen-P'ing, *Commercial Revolution in Nineteenth Century China: The Rise of Sino-Western Capitalism*, (Los Angeles: University of California Press, 1986), 64-69.

Yunnan's most important product in total exports by 1903.³³ Opium which in the eighteenth and nineteenth century China was a single-import article of Britain, reversed the trend in economic relations between the two empires with the defeat of China in the two opium wars, and became a 'fiscal' nourishment to Britain while draining Chinese coffers of its silver, and every argument for its suppression became merely a moral one to the British.³⁴ No wonder it was said that "from the 1780s to the eve of the First World War, the opium trade was instrumental in integrating China into the world market and in harnessing that country to the institutions of European, and especially British, colonialism".³⁵ Opium became a menace not only in China but in all Southeast Asia, where syndicates emerged in the forms of secrete societies, protecting their interests and the cultivation and peddling of opium. The colonial regimes in the region could not stop this, because it was alleged that the Chinese settlers in these states could not do without opium, in other words, they would not be productive at work without the routine and regular consumption of opium.³⁶ The cartels continued to exist well after the colonial era, and have constituted a major problem to the security of these states.

The realisation by neighbouring states that China was a fertile ground for the sale and distribution of opium made matters worse for the Chinese government with respect to control of both consumption and distribution of the substance. Japanese empire discovered the allure and irresistible power of opium to accumulate capital during its occupation Taiwan and later Korea and Manchuria. As early as 1890s her subjects were smuggling opium into China, and making huge profit. Also the imperial government smuggled not just opium, but also refined drugs in violation of the treaties she signed. Overall, the importance of opium to Japan increased exponentially.³⁷ Looking at the profit margins generated by opium trafficking in China, the Japanese government believed very strongly that it was a commodity worth its trouble and that profitability made Britain to hold its position on importation very tightly. So she indulged in it to raise the necessary funds needed to support its undercover operations, as well as to finance series of its increasingly expensive client states it occupied in China. That marked the beginning of the involvement of the Japanese government in illegal opium trade in China. For example, in supporting its illegitimate regime in Manchuria after its occupation, the Japanese government expended 300 million Yuan on the Manchukuo (for that was what that regime in Manchuria was named by the occupying state), huge sum considering the worth of money then, and

³³. Inglis, B., *The Forbidden Game*, (New York: Charles Scribner's Sons, 1975), 10-30.

³⁴. Lodwick L. Kathleen, *Crusaders against opium: Protestant Missionaries in China, 1874-1917*, (Lexington Kentucky: University of Kentucky Press, 1996), 24.

³⁵. Gregory Blue, "Opium for China: The British Connection", in Timothy Brook and Bob Tadashi Wakabayashi (eds.), *Opium Regimes: China, Britain and Japan, 1839-1952*, 31.

³⁶. Carl, A. Trocki, "Drugs, Taxes and Chinese capitalism in southeast Asia", in Timothy Brook and Bob Tadashi Wakabayashi, "Opium's History in China", in Timothy Brook and Bob Tadashi Wakabayashi (eds.), *Opium Regimes: China, Britain and Japan, 1839-1952*, 90-94.

³⁷. Timothy Brook and Bob Tadashi Wakabayashi, "Opium's History in China", in Timothy Brook and Bob Tadashi Wakabayashi (eds.), *Opium Regimes: China, Britain and Japan, 1839-1952*, 15.

derived from opium trafficking.³⁸ Japan also intensified Chinese drug problems by the involvement of her government in illegal opium trade to raise badly needed capital to support her imperial adventures in the east, just as Britain relied on opium money raised from trade with China to support her imperial expansion and consolidation in the East. The Chinese treaty ports were used by the Japanese as channels through which opium was smuggled into China. This opportunity came as a result of the extraterritorial treaty Japanese subjects enjoyed in these ports. As early as 1910, the volume of drugs trafficked through this channel much; of over fifteen thousand kilograms worth of morphine bought from Britain, much of those were sold to consumers in China, using the cover of extraterritoriality.³⁹ Much of the Japanese settlers in Chinese territory from 1900, dealt on opium and their government was aware of this situation, and did not stop it because she was also involved. So the British exposure of the Chinese population to opium addiction, and the tempting fiscal benefits exposed China to her neighbours, with the result that China became a sees pit for drug dumping and consumption to her detriment.

For Britain, opium production in India and exportation into China did not contravene any principle it held dear, so long as the desired economic benefits were there. This position is rooted in the spirit that informed imperialism and mercantile capitalism. After the British victories at Plassey in 1757 and Buxar in 1764, the East India Company gained de facto sovereignty over Bengal, Bihar, and Orissa, and thereby acquired effective control over some of India's major opium-producing regions. Consequently, the monopoly of opium trade and trade generally was appropriated by the company in favour of the British government. At the initial stages of the monopoly of East India Company, it granted its officials and British merchants the privilege to use the trade to build their own fortunes, but with the passage of India Act in 1781, a new system geared towards increasing East India Company revenue with the aim of using the China trade to improve on the Company's precarious accounts⁴⁰ eased off the earlier practices. The British government had benefited from revenue accruing from opium trade to maintain its economy when there were threats against her economy during the American Revolution, and even when she faced pressures of war from France. The monopoly initiated by the East India Company over opium cultivation as well as sale in other parts of her Indian empire,⁴¹ had the effect of keeping the price of the substance high in China the final destination of the export. So opium was used by Britain as a balancing tool at a time of both political and economic difficulties. This trade monopoly was calculated by Britain as necessary in giving her the full control of trading activities in the East viewed as one of the promising zones of economic

³⁸. Aisin-Guro Pu Yi, *From Emperor to Citizen*, (Translated by), W.J.F. Jenner, (London: Oxford University Press, 1987). The volume makes an interesting reading especially on the link between that regime in Japan and opium drug trafficking in China.

³⁹. William O. Walker III, *Opium and Foreign Policy: The Anglo-Saxon Search for Order in Asia*, 30.

⁴⁰. Gregory Blue, "Opium for China: The British Connection", in Timothy Brook and Bob Tadashi Wakabayashi (eds.), *Opium Regimes: China, Britain and Japan, 1839-1952*, 32.

⁴¹. Dodwell, H.H., *Indian Empire, 1858-1918, Vol. 5. Cambridge History of the British Empire*, (Cambridge: University of Cambridge Press, 1962), 86.

activity. Marx generally criticised the monopoly of the East India Company as “incompatible with the development of legitimate commerce.”⁴² Because the British Crown had argued in the early nineteenth century that the abolition of the Trans Atlantic Slave Trade was going to give in to the development of legitimate commerce, where everyone would be free to trade without limitations or restrictions. But coming then to monopolise trade in the East was a contravention of the spirit that arguably informed legitimate commerce.

The British India Company had to devise every means to protect the economic interest of Britain in the East from the competition emanating from outsiders. One of such means was lowering of prices and increase of export from territories under its control; this was a strategy of winning a greater market share of the commodity.⁴³ The Company also gained increased control over the previously competing supply of opium produced in Western India called as well as the Persian opium through series of arm-twisting strategies including the extension of areas under its direct control in.⁴⁴ Of all the most advantages of the British East India Company to the British Empire in the east, was that it succeeded in providing revenues necessary for the military campaigns of the British Crown in India, a feat it sustained all through the colonial period. Notwithstanding any arguments to the contrary on the economic imperatives of British wars in China, the fact that Britain got Hong Kong ceded to her for over a century, is a clear vindication of the economic thesis and the role of British India Company in using opium to raise capital and prospects of economic advantages for the British government in the East. Opium gave the lee way for the colonization of a strategic territory of China, whose advantageous position and harbours provided the inflow of capital to Britain. When the problems of opium addiction became chronic in China and the British intellectuals and humanitarians began to criticize the role of British government in the evil trade, demanding the stoppage of the trade. In response to the condemnation, the British government established the British Royal Commission on Opium, and in 1894 the commission concluded with a report that declared that prohibiting cultivation of opium would place a considerable financial burden on the Indian taxpayer, who would have to compensate the government for loss of opium revenue. It concluded that it would not help for Britain to stop opium production as long as China’s government was too weak to suppress the demand for opium.⁴⁵ They held this dangerous position until an international control was adopted in 1925-there was really a nexus between colonial revenue and drug in Asia.⁴⁶ While condemnation was on against British opium trade, the Governor-General of India was busy taking measures for extending the cultivation of poppy

⁴². Karl Marx, “The Opium Trade”, in Karl Marx and Friedrich Engels on *Colonialism and Other Writings*, (New York: International Publishers, 1972), 241.

⁴³. Gregory Blue, “Opium for China: The British Connection”, in Timothy Brook and Bob Tadashi Wakabayashi (eds.), *Opium Regimes: China, Britain and Japan, 1839-1952*, 33.

⁴⁴. Henry Beveridge, *A Comprehensive History of India Civil, Military and Social, in 3 Vols.* (London and Glasgow: Blackie and Sons), pp. 196-199.

⁴⁵. Andrew Cherry, “China”, in *Substance Abuse: A Global View*, (eds.), Andrew Cherry, Mary E. Dillon, and Douglas Rugh, 42.

⁴⁶. M. Emdad-Ul Haq, *Drugs in South Asia: From the Opium Trade to the Present*, (London: Macmillan Press Ltd, 2000), ix.

with a view to increasing the supply of opium⁴⁷ for consumption in China. Because of the fiscal benefits attached to opium production and sale, the British government was ready to defend its evils on the Chinese society to any length. One intriguing point to note about the spirit of colonialism is its inherent shamelessness and hypocrisy. The same British government that argued in favour of opium, had the importation of it banned in England in 1856, this a clear evidence of double-standard!⁴⁸

In Southeast Asia for instance, opium farming profited all the colonial interlopers in that region including Britain. Because this system was so closely tied to commodity production by the Asian masses (whether Chinese coolie or Javanese or Vietnamese peasant made no difference), opium farming had the effect of bringing products to market far more cheaply than would have been possible otherwise. The effect this had on the system was to enhance the marketability of Southeast Asian products in the West; it also saved the Europeans from taxation,⁴⁹ which they wanted most during the era of colonialism. This explains why to the British “opium was too profitable to be abandoned”⁵⁰ Looking at the British government and its opium trade in her Hong Kong colony, one would see the series of ups and downs in the process of granting leases to farmers and challenges posed by smugglers and other competing European states in the trade. But in all, towards the end of the nineteenth century, the governor of the colony was able to organise partners with whom the colonial government was happy to do business with. Surprisingly by 1910, when the last opium farmer signed his contract, the government was receiving an annual rent of \$1,183,200, or the equivalent of 17 percent of its annual revenue.⁵¹This is an indication of the type of profit opium trade generated for the British crown in the period.

The British colonial government in India profited immensely from opium cultivation and trade. As the table of the Bengal government opium monopoly shows below.⁵²

Table 1.1 Bengal government opium monopoly, 1844-55

Year	Total exports (in metric tons)	Total receipts (in million Rs)
1845-6	1572	26.68

47. Tho' Mas, K., “Opium War: Britain Stole Hong Kong from China”, accessed from workers world at <http://www.workers.org>

48. Timothy Brook and Bob Tadashi Wakabayashi, “Opium’s History in China”, in Timothy Brook and Bob Tadashi Wakabayashi (eds.), *Opium Regimes: China, Britain and Japan, 1839-1952*, 7

49. Timothy Brook and Bob Tadashi Wakabayashi, “Opium’s History in China”, in Timothy Brook and Bob Tadashi Wakabayashi (eds.), *Opium Regimes: China, Britain and Japan, 1839-1952*, 7.

50. Inglis B., *The Forbidden Game*, 28-34.

51. Miners N. J., “Hong Kong Government Opium monopoly, 1914-1941”, *Journal of Imperial and Commonwealth History*, 11, No. 3, (May 1983), 276.

52. M. Emdad-Ul Haq, *Drugs in South Asia: From the Opium Trade to the Present*, 28.

Year	Total exports (in metric tons)	Total receipts (in million Rs)
1846-7	1577	27.80
1847-8	2230	27.26
1848-9	2612	35.47
1849-50	2500	35.72
1850-1	2334	32.62
1851-2	2213	37.74
1852-3	2557	38.73
1853-4	3144	37.22
1854-5	3241	37.11

Opium revenue was very important in the working of colonial economy in Asia. For example in most of the Asia states including Singapore and Hong Kong, the governments depended upon opium farms for the major portions of their revenue.⁵³ The structure of colonial economy was heavily dependant on the expropriation of capital from the colony to the metropolis, and that has been the pattern right from antiquity. The British economy in the period after the abolition of the Atlantic slave trade retained all the features of exploitation. As I have discussed earlier, the lengthy time the British had with opium trade obfuscated them to the point that the authorities saw the end of the 'destructive' business as harmful to their overall colonial agenda. That was why during the Shanghai opium conference their unwillingness to quit the trade made them to back out of the conference thus making the conference to accomplish little.⁵⁴ Just like it took them time to realise the moral evils of the slave trade, it also took them time to relinquish their grip on the trade. But with the doggedness of the humanitarian Christians, changes began to be made in the official attitude of the government over opium trade, leading to its eventual delegitimation. By the time this was achieved, the harm had already been done, and it was not only china and Asia that became trapped by the drug 'fever' Europe and America had been deeply affected.

4. Conclusion

Opium trade which began in Muhal India was to spread from its original point of cultivation to domicile in China, where its heavy consumption became a source to balance the trade deficit suffered by the British in their trade relationship with china, leading eventually to wars of domination and exploitation. As a result of the First Opium War of 1839-42, opium exports from India to China increased tremendously by the mid-nineteenth century. In 1857

⁵³. Carl Trocki, 'The Collapse of Singapore's Great Syndicate', in *The Rise and Fall of Revenue Farming: Business Elites and the Emergence of the Modern State in Southeast Asia*, (ed), John Butcher and Howard Dick (London: St. Martin's, Press, 1993), 166-81

⁵⁴. Vladimir Kusevic, "Drug Abuse Control and International Treaties", *Journal of Drug Issues*, volume 7, No. 1, (1977), 35-36.

Matheson indicated that opium exports rose from 127 metric tons in 1800, to 2,485 metric tons in 1837, but following the First Opium War it rose to 6,372 metric tons in 1857,⁵⁵ indicating the nature of profit opium trade engendered. During the 18th century, when it first emerged as a commodity, opium production grew as one part of a rising long-distance trade in natural stimulants--coffee, tea, tobacco, and coca--that tied First World consumers and Third World producers together in a global commerce. Opium thus became an important commodity for in the hands of European merchants and colonialists, thereby raising its consumption to an all-time highest level in its history. It became a commodity that tied the heart of Europe to Asia and one that encouraged war. The history of Europeans in Asia and particularly that of Britain will remain incomplete without a discussion on the role of opium in fostering colonialism in the region. The revenue it yielded, exempted the metropolitan citizens from taxation to fund colonial wars and administration, and that helped deepen the reluctance in abandoning it as a medium of exchange and revenue generation. What one has tried to argue here is that opium was very essential in the colonial economy of England and cannot be divorced from it at any time, based on available historical evidences.

References

- Asiwaju A.I., (ed.), (1984), *Partitioned Africans: Ethnic Relations Across Africa's International Boundaries 1884-1984*, (London: C. Hurst and Company).
- Brook T., & Bob T.W., (eds.), (2000), *Opium Regimes: China, Britain and Japan, 1839-1952*, (California: University of California Press).
- Blue G., "Opium for China: The British Connection", in Brook T., & Bob T.W. (eds.), (2000), *Opium Regimes: China, Britain and Japan, 1839-1952*, (California: University of California Press).
- Beveridge H., (1962), *A Comprehensive History of India Civil, Military and Social, in 3 Vols.* (London and Glasgow: Blackie and Sons).
- Chaudhuri K.N., (1993), *Trade and Civilization in Indian Ocean: An Economic History from the Rise of Islam to 1750*, (Cambridge: Cambridge University Press).
- Cherry A., "China", in Cherry A., Mary E. D, & Douglas R., (eds.), (2002), *Substance Abuse: A Global View*, (Connecticut: Greenwood Press).
- Degler C., (1970), *Neither Black Nor White: Slavery and Race Relations in Brazil and the United States*, (New York: Macmillan).
- Dodwell, H.H., (1962), *Indian Empire, 1858-1918, (Vol. 5), Cambridge History of the British Empire*, (Cambridge: University of Cambridge Press).
- Duffy J., (1961), *Portuguese Africa*, (Cambridge Massachusetts: Harvard University Press).
- Fox M.S., (2003), *A Short History of China and Southeast Asia: Tribute, Trade and Influence*, (London: Allen and Unwin).

⁵⁵. Donald Matheson, *What is Opium Trade?*, (Edinburgh: Thomas Constable and Co., 1857),

- Fitzgerald G.P., (1978), *A Concise History of East Asia*, (London: Penguin Books).
- Fredrick W., (1975), *The Fall of Imperial China*, (New York: The Free press).
- Hartz L., (ed.), (1964), *The Founding of New Societies*, (New York: Harcourt Brace and World).
- Haq M.E.U., (2000), *Drugs in South Asia: From the Opium Trade to the Present*, (London: Macmillan Press Ltd).
- Inglis, B., (1975), *The Forbidden Game*, (New York: Charles Scribner's Sons).
- Kathleen L., (1996), *Crusaders against opium: Protestant Missionaries in China, 1874-1917*, (Lexington Kentucky: University of Kentucky Press).
- Kusevic V., (1977), "Drug Abuse Control and International Treaties", *Journal of Drug Issues*, volume 7, No. 1.
- Morse R.M., "The Heritage of Latin America", in Louise H., (ed.), (1964), *The Founding of New Societies*, (New York: Harcourt Brace and World).
- Marx Karl., (1972), "The Opium Trade", in Karl Marx and Friedrich Engels on *Colonialism and Other Writings*, (New York: International Publishers).
- Miners N.J., (1983), "Hong Kong Government Opium monopoly, 1914-1941", *Journal of Imperial and Commonwealth History*, 11, No. 3.
- Matheson D., (1857), *What is Opium Trade?*, (Edinburgh: Thomas Constable and Co.).
- Pearson M.N., "Merchants and States", in James D. T., (ed.), (1991), *The Political Economy of Merchant Empires*, (Cambridge: Cambridge University Press).
- Pu Yi A., (1987), *From Emperor to Citizen*, (Translated by), W.J.F. Jenner, (London: Oxford University Press).
- Sidney Mintz S., (1961), "Review of Stanley M. Elkins' Slavery", *American Anthropologist*, 43.
- Sio A.A., (1965), "Interpretation of Slavery: The Slave Status in the Americas", *Comparative Studies in Society and History*, 7.
- Skidmore, T.E., & Peter H.S., (1989), *Modern Latin America*, (Second Edition), (New York: Oxford University Press).
- Sagataro K., (1924), *Opium Policy in Japan*, (Geneva: Albert Kundig).
- Ward F.P., (1976), *The Opium War 1840-1842*, (New York: W.W.W. Norton and Company).
- Trocki C.A., "Drugs, Taxes and Chinese capitalism in southeast Asia", in Brook T., & Bob T.W. (eds.), (2000), *Opium Regimes: China, Britain and Japan, 1839-1952*, (California: University of California Press).
- Tho' Mas, K., "Opium War: Britain Stole Hong Kong from China", accessed from workers world at <http://www.workers.org>. Accessed June, 2018.
- Walker W.O. III., (1991), *Opium and Foreign Policy: The Anglo-American Search for Order in Asia, 1912-1954*, (North Carolina: University of North Carolina Press).
- Whyte F., (1927), *China and Foreign powers: An Historical Review of their Relations*, (London: Oxford University press).
- Yen-P'ing H., (1986), *Commercial Revolution in Nineteenth Century China: The Rise of Sino-Western Capitalism*, (Los Angeles: University of California Press).

PHILOSOPHY OF LAW IN THE HEGELIAN THINKING

Agata Mihaela Popescu,*

av.agata@yahoo.com

Andreea-Ileana Danielescu**

andreeadanielescu@hotmail.com

Abstract: *It is amazing how simple and how present Hegel's philosophy of law principles seem to be, principles developed in a textbook which went beyond the academic lecture room, and which at the middle of the 19th century, were addressed to both the world of science and the large audience. It is about a legal structure of reality and of the state, about a series of "natural law and State science" elements that the great philosopher built within an accurate, close, and yet subtle philosophical architecture, specific to his method of "Science of Logic". In his approach, Hegel also focused on some kind of fight between certain truths and other truths "of the same kind, spread from other parts". Yet, within the state law and ethics, truth is as old as the public morals and religion. Bringing back to the forefront, in the modern epoch, an analysis of the principles Hegel wrote about means a privilege to understanding the national accents of the present legal world in Romania and its interconnections with the rest of the world.*

Keywords: *jurisprudence, natural law, reality, truth, law.*

Hegel could not miss either the impeccable but very complicated logic of law or the meanders of a reality which should appeal to natural simplicity to be understood. Hegel's principles developed in his famous work pointed out that huge principle of the world jurisprudence, meaning that law was not a mega world, not a super-world, but was the transposition of the world reality in norms to rule existence, ontology, gnoseology, and logic.

The work on the "*Principles of the philosophy of law*" is, actually, a more systemic taking back of the issues already presented in the "*Encyclopedia of the philosophic sciences*" (Heidelberg, 1817), containing Hegel's lectures on that topic. A philosophic work should "be taken from the beginning every day", which thing cannot be achieved in a textbook like in the "*Principles of the philosophy of law*", published by the great philosopher by the help of his students, in 1854.

* Assoc. Professor of Faculty of Law, Dimitrie Cantemir Christian University.

**Translated - Senior research officer- Dept of International Relations, Dimitrie Cantemir Christian University.

¹ Georg Wilhelm Friedrich Hegel, "*Principles of the philosophy of law*" (*Philosophie des Rechts, oder Naturrecht und Staatswissenschaft in Grundrisse*), Academiei RSR Publishing House, Bucharest 1969, translated by Virgil Bogdan and Constantin Floru, p. 6.

From the very Foreword, Hegel spoke about the necessity of unbinding philosophy from its “shameful fall it reached to date”². It was about acknowledging the insufficiency of the old logic rules, particularly that of definition, division and deduction, those rules of knowing by means of the intellect, an issue also considered by Descartes. At that point, Hegel precisely stated he would only touch on ideas and deduction here and there, as he had already been greatly concerned with those things in the *Science of Logic*. Even from the *Foreword*, Hegel underlined that “both the whole and the development of its parts are based on the logical spirit”.³ The treatise Hegel pointed at - *Principles of the philosophy of law*- was written in that logical spirit, while the author himself stressed that, in the given spirit, it should be both understood and judged at the same time. The target of the one who wrote that, the philosopher inclusively, was to “discover truths, tell truths, spread truths and fair concepts”⁴. In that treatise, said Hegel, it was about science, and always in science the contents was essentially dependent, and consequently, linked in form. Some considered that form was just an exterior side, while the importance of a thing consisted in the respective thing, in the thing itself. Many spoke in one way or another about those things, about those truths, but their essence became real only by means of science.

Hegel underlined that “in jurisprudence, ethics, state, truth were as old as shown and known in public laws, in public morals and in religion”.⁵ In fact, the variety of opinions, feelings and attitudes does not represent the essence of law, of its universality, but, unfortunately, only subjective and self-seeking modalities to understand, and mostly to use one aspect or another, which thing generates more confusion, instead of clearness. The result is that most often those who second one or other feelings, perceptions and what they consider it is right in law, actually want nothing but what is universally valid and acknowledged as such. That “universally valid” thing is fundamentally the law substance, its own core. There, in the subjectivity from that objectivity side there are a series of interests which do not do anything else but look for support to make the objective subjective, that is to put first and foremost what they wish in reality, out of interest, vanity or other reasons. Weren’t it like that or didn’t they mind about the objective truth or the law core, they would stay at the “substantial right”, that is at the norms of ethics and of state, and they would live according to them⁶. That conception could be also met at Socrate. The difficulty resides in the fact the human being thinks, and hence his liberty of thinking, as the ground of morality. Or, by diving into the liberty of thinking, law, whatever high and divine it might be, becomes unjust. In other words, the liberty of thinking does not generate universality, it mostly generates particularity. So, at the end of the 19th century and the beginning of the 20th, there was –and there has still persisted- the idea

² *Ibidem*.

³ *Ibidem*.

⁴ *Ibidem*, p. 7.

⁵ *Ibidem*.

⁶ *Ibidem*, p. 8.

that the liberty of thinking lies in non-conformism and even hostility against what is publicly acknowledged.

That is why, both before and nowadays, free thinking and the norms of law in the conception of those who neglected the rules -and thought that everything should be built as if nothing had ever been before, as if no communities, no customary laws, norms, morals, laws, or settled life- go beyond understanding. And that attitude, lacking references, norms and customary laws could produce either wonders or monstrosity. Respecting proportions, almost similar things take place nowadays. He who is a government member today, will contest what the previous governments did, or, even worse, accuses them for all the evil on the Earth, thus taking all laws – or the most important ones or those that are according to their interests- from the very beginning, by destroying the most important logical spirit of the law: essentiality, objectivity, continuity and consonance.

By Hegel, there are two kinds of laws: those of nature and those of jurisdiction⁷. Those of nature are absolute, and thus immutable. Nobody could deny them, nobody could contest or change them. They do not depend on the human being; the human being depends on them, and that is why he should learn them, know them and submit to them. By no means, they are a model for the human being, but he does not always take into account that model when writing laws for society, and for jurisdiction. Yet, even by knowing the laws of nature, Man could understand them in a wrong way and could build false images and ideas.

Naturae enim non imperator, nisi parendo, wrote Francis Bacon. One should submit to nature's will, or otherwise there is no way to know it or submit to it. More precisely, one should know it to understand, respect and apply its laws. One could not amplify, nor could one change nature's laws, as they are laws beyond us, while we are inside them, as its subjects, without any power to retort or to answer, having no quality or competence to change them. Laws come from people, they are made for people and belong to people. Laws do not have the insufficient quality to exist- they exist as far as people make them, acknowledge, and accept them- they have the quality to follow nature and human being's meanders. That is why, existence and the effect of law depend on human's inner inside, on every human being's criteria, on his knowledge, that is on everything he knows, as well as on his will and consciousness. Hence, that might come out a conflict between what there is and what should be. The conflict is between the fact that law exists in itself and for itself- what is unchangeable forever, as it is determined by the nature of the human existence- and the arbitrary subjectivity of determining value in itself, that is what that value should rightfully have. The conflict belongs to the spirit, and that is why when it appears, one is obliged so often to get back to what life requires, to what nature requires. There, in nature, one can find the needed model. Man should take into account what is rational in law.

Hegel spoke about the difference between the old age when the law was really a law (it really existed, with full respect for the existing law), and Hegel's epoch, when the culture of law was changed, by placing thinking above nature and above deeds. In other words, even since the great meditations time, with

⁷ *Ibidem*, p. 9.

great progress in knowledge, great achievements in mathematics, physics, psychology as well as in philosophical deep thinking, a time that rose above the threshold of scholastic speculations ever since Descartes, Bacon, Locke and Spinoza, and which was ever more grounded on science, the first long-lasting foundation was settled, to erect a society which nowadays is considered to be based on knowledge.

Within that type of society, the abstracting level is so high, as it determines its own ontology, gnoseology and logic to itself; it has its own nature, a law detached from the so called natural law, or, in any case, one to constitute and institute its own nature.

Now, some theories are opposed to the real existence and they want to assume the law of existence to be fair, sufficient and necessary. In other words, one needs to know, and at the same time to conceive the philosophy of law. This ontology of thinking emphasizes the fact that thoughts reached their essential form, and such an essence emphasizes and imposes law as a thought. This attitude sanctions the thought to be more than a product, than a meditation, to be a reality, a nature- the human nature- which is no longer so simple in its inner inside or in exteriority; Man himself is a universe in himself.

Law as a thinking is not the law to thinking, it is the law itself generated by the thinking nature, by the essence of thinking. It is about the real thinking, unaltered by various interests, meanders, peculiarities or ephemeral constructions. The thinking that generates laws and, consequently, laws as thinking, cannot be an idea, an opinion, thus a subjective projection about law, taken as an absolute, immutable and faultless law, but the concept of the thing, a concept which does not come from nature, it comes from the human environment, from the human nature whose essence is thinking. Also, it comes from the co-lateral side which results from the thinking effect, from subjectivity, amely from the human personality peculiarity.

Each of us has a stock of words; we can write and read, knowing the grammar rules and even some elements of literary theory and stylistics, mathematics and drawing, as well as a series of tools such as pens, ink, paper sheets, ruler, compasses, square, computer...Yet, that does not mean that each of us is *ab initio* a poet, an architect or a mathematician. To become one of them, one needs *knowledge*, experience and science, apart from predispositions, skills, and a lot of useful and necessary tools. This concept requires educated thinking, knowledge, experience, schooling, hence science. Thinking laws results from the essence of thinking, and the essence of thinking is shaped and validated by science.

Philosophy is, after all, a science and a method of thinking. Hegel showed that when one sees what philosophy of time produced for the state in Hegel's time (the author's remark), through the law norms, one might find out that everybody could consider himself a philosopher or a truth holder of the ethical things, mostly about the state, government and constitution.⁸ What has never been said, especially for the younger generation, is that God gives His people, during their

⁸ *Ibidem*, p. 11.

sleep, everything they should know. So, without any effort, everybody who sleeps considered himself a chosen being.

*“This is the main sense of superficiality: to set science not on the development of thinking and concept, but mostly on the immediate perception and the fortuitous imagination which let the rich articulation of ethics dissolve in itself; this is the state, the architecture of its rationality which through the precise differentiation of the public life circles, and of their justifications and the strictness of the measures which maintain every pillar, every arch and every effort makes possible the spring of the entire force from the harmony of its limbs, to leave this learned construction to dissolve itself in the heart, friendship and enthusiasm juice”.*⁹ The millennial work of reason and of its intellect cannot be let on account of the feeling. Nor even piety which is essentially pure in its interiority, when it comes out from its essence, from that interiority, could despise moral order and law objectivity.

The state needs a solid culture and a more profound understanding, which are achieved through science. Superficiality in ethics, law and duty leads to a similar conception to that of the sophists, also met with Plato, according to which law is situated and founded on the subjective goals and ideas, on the subjective feeling and private convictions. These principles lead towards the destruction of the interior morality, honest consciousness and jurisdiction. Law is not grounded on subjectivity, feelings and convictions, it is grounded on essence, and consolidated values confirmed by science and culture. Culture itself needs the science support. To support this idea, Hegel tells an old joke: „He to whom God gives a position, also gives him a brain”. But, said Hegel “nowadays, nobody takes it seriously”.¹⁰ Treaties, wrote Hegel, “are founded on the reality that the states have to one another. That is why the fundamental principle of the peoples’ right consists of the obligation of the states to respect these treaties as such. But the relations among states have their sovereignty as a principle¹¹, which means that the natural state of their relations is based on reality of the private will, everybody’s will, not a general will, constituted as a power above them”. Unfortunately, both before and nowadays, that is behind “must”, as a simple ethical imperative. Hegel refers to the Kantian conception of a states’ league, acknowledged by each state, which could eliminate any misunderstanding, thus making war an impossible solution, but which needs the agreement of all states. In the 20th century, such a league was created after the First World War, but it could not prevent the Second World War. Neither the United Nations Organization, created after the Second World War, could prevent the great wars of our era; moreover, it can manage with great difficulty the warlike endogen conflicts of this world, although following the UNO article 51 of the UNO Charter, wars of aggression are against the law.

History after Hegel confirmed as clear as could be the reasoning of the great philosopher. “A state- wrote Hegel- could place its infinity and honor in each of its singularities (...), being tempted, after a long silence, to search outside the

⁹ *Ibidem*, p. 12.

¹⁰ *Ibidem*, pp. 14-15.

¹¹ *Ibidem*, p. 376.

substance of its action”.¹² And that substance, as it is very well known, is menace. Vulnerability comes in addition. At the intersection between menace and vulnerability, there resides the risk of the world in which we have been living from the beginning of the Earth.

The state substantial intrinsic worth is its goodness as a particular state, and that is reflected in treaties. Thus, the government is presented like a particular wisdom, not as a universal providence, and the cause of treaties and of wars (as a solution) is not a universal philanthropic thought, it is the state substantial worth endangered in a real way and threatened in its determined peculiarity, namely in its sacred identity.

Thus, the states recognized one another, their identity is, as we have already underlined, an essential issue, while the other aspects- among which the war- are transient. In war, said Hegel, peace possibility should be maintained. The European nations- Hegel wrote- are a family, according to their general principle of legislation, culture, morals. Yet, the state relations remain insecure, although they respect certain principles. This uncertainty resides in the fluctuations of peculiarities, of virtues, passions, interests, ambitions etc. The peoples' principles are limited, given their characteristics. Through them, the universal world spirit, in its quality of the world tribunal, is created unlimited by itself. The universal spirit in arts is intuition and imagination, it is image and feeling in religion, and free thinking, pure thinking in philosophy.

Hegel thought that history should be understood, like an embodiment of spirit in the shape of formation.¹³

A people makes not a state initially. Passing towards a state stage means the formal achievement of idea in general. Without a state as a civic substance, in its self-awareness, the people is deprived of objectivity, of the quality to possess laws, as determinants, as a sense of a universal experience, being valid for themselves and for others only in the way in which it is well known and understood. The people, as a state, is not recognized, and its independence, if it exists, could not be called sovereignty. Without the consciousness of universality and of itself as a product, it could not be recognized. It is the main reason for which some civilized nations treat others like being barbarians, or uncivilized. Such a thing happened a long time ago, in the epoch of shepherds and migrations, but they continue to happen -in one form or another- even today. The wars of those epochs were mostly wars for recognition, for hierarchy, for a certain order. What is important is the evolution of consciousness, from thinking through itself, to its objectivity in nature and its turning back to itself, enriched by means the forms of the absolute knowledge. There are – wrote Hegel-four principles of metamorphosis of the self-awareness on its way to liberation¹⁴:

- immediate revelation;
- knowing the substantial spirit, representing the self being as a vivid form, like the positive ethical individuality, the embodiment of beauty;

¹² *Ibidem*, p. 376.

¹³ *Ibidem*, p. 382.

¹⁴ *Ibidem*, p. 385.

- deepening the being in itself for the self-knowledge, which allows reaching the abstract universality, and through that, reaching the opposition towards the objectivity abandoned by the spirit;
- over-throwing the spirit opposition which accepts, in its interiority, the truth and its concrete essence (which permits to be objective and conciliated); thus, back from the infinite opposition, the spirit can produce and know its truth, as thinking and as a reality world subject to laws.

Of course, these four principles would help the great philosopher to classify the universal-historical empires: 1) oriental; 2) Greek; 3) Roman; 4) German.

Each of these empires is explained by Hegel.

The first one – *the oriental empire*- represents a global vision, undivided in itself, which has its origin in the patriarchal natural unit. The world government is theocratic, the suzerain is a high priest or is God, the state and the legislation are, at the same time, religion, customs are the laws of the state and of jurisdiction. The individual personality has no rights, the exterior nature is divine, and history is real poetry. Haughty ceremonies take place, and hazard of the personal power and superstitions take place. The oriental state is insensible, life is simple.

The second one- *the Greek state*- has that finite- infinite unity, but just a as a remembrance, as a mysterious foundation. The spirit-which in that stage of coming into differentiation by rising to the light of knowledge-transfigures it into beauty, in a universe of free and clear ethics. The personal individuality, as a principle, opens to the exterior; yet, it is not a self –awareness, it is higher than that.

The third one- *the Roman state*- goes to the end and generates a private personal self-awareness and an abstract universality. The degradation of superstitions and affirmation of force take place. A dissolution of the end finishes in unhappiness and in the death of the ethical life. The peoples' individualities dissolve themselves in the Pantheon unity, while the individuals are kept together only by an abstract will.

The fourth part- *the German empire*- is characterized by the principle of the divine and human nature unity, by the objective liberty manifested in the self-awareness interior, and by subjectivity. This form of reconciliation was entrusted to the German peoples' northern principle.

The rational self-awareness belongs to the worldly empire, settled on feelings, fidelity, and friendship among free people. But this empire opposes the intellectual empire, which was settled on the truth of its spirit as well as on its quality of constraint, without liberty. The universal history turned into the Hegelian thinking, inside a progressive process in which the human values and ideals act as powerful causes that transform the world.

The most comprehensive conclusion of the Hegelian system could be found in the following assertion: *Everything is spirit; only the spirit matters*. From this perspective, the State becomes a condition and a way to achieve the "Absolute spirit". Hegel was convinced that the spiritual personality will develop only inside a State. Yet, the Hegelian conception is liable to criticism, because the author of the *Philosophy of Law* tackles the relation between the State and the Individual

from the perspective of a State theory which proved to be dangerous in the universal, modern, and contemporary history. We appreciate that the way in which a philosopher conceives the relation between the individual and the collectivity in a State is decisive for the general spirit animating his political doctrine. The nature of that relation determines even the coherent theory detailed ideas. Of course, Hegel's contribution to the field of philosophy of law remains pertinent due to the way in which he demonstrated the relations of law inside principles, the determinants of the people's thinking and generating law, in both people's universality and, mainly, ubiquity found in their individualization and their characterization for the dynamic construction of law norms.

References

Hegel George Wilhelm Friedrich, *Principles of the philosophy of law*, translated by Virgil Bogdan and Constantin Floru, Academiei Publishing House, Bucharest, 1969.

History of the philosophy of law- lecture commentaries by Valeriu Capcelea Phd. hab. in law, senior lecturer; Oleg Sedletchi, lecturer. http://www.usem.md/uploads/files/Note_de_curs_drept_ciclul_1/009- Istoria_filosofiei_dreptului.pdf.

BOGDAN SERAI- MOLDAVIAN REPRESENTATION AT THE SUBLIME PORTE

Zeynep Sözen*

azsozen@medipol.edu.tr

Abstract: *Both Moldavia and Wallachia enjoyed a privileged and special status as tributary states of the Ottoman Empire. As such, the representation system of the principalities was unique: Both Moldavia and Wallachia kept permanent envoys titled capukehaie in Istanbul. The envoys resided in Bogdan Serai (Moldavian Palace) and Eflak Serai (Wallachian Palace) in the Fatih and Phanar regions, respectively.*

The present paper shall focus on the residence of the Moldavian envoys, Bogdan Serai, which consisted of a main residence and a funerary chapel. Unfortunately almost nothing remains from the Serai today.

There are quite a number of unanswered questions about the date of construction, architectural history and the residents of the building. The residences of the envoys deserve a comprehensive architectural survey, legal protection and restoration as architectural monuments that are identified with the lives of historical personages and connected with events significant in the cultural, political, and social history of Turkey and Romania.

Keywords: *Bogdan Serai, capukehaie, Moldavian envoys, diplomacy.*

INTRODUCTION

The diplomats and ambassadors of European powers, such as Venice, France, Austria and England played significant roles in the history of the Ottoman Empire. Many of these prominent figures are known through their notes, diaries or political interventions. The Venetians had a resident ambassador in Istanbul as early as 1454, that is one year after the conquest of the city.

Wallachia and Moldavia, however, had a special status: Were they part of the Empire or were they outside the boundaries of the Empire? This question has preoccupied the minds of many historians and researchers.

The principalities acquired their special status through ahd-names, in other words, contracts by which both parties undertook oaths to do or refrain from doing certain things. In general, the obligations of the principalities could be summarized as being “to be a friend to a friend and a foe to a foe”.¹ In return, the Principalities preserved the right to elect their own Christian princes and to maintain the laws and faith of their country². The Principalities in turn, agreed to pay tribute and gifts to the Porte.

* **Head of Department of Architecture, School of Fine Arts, Design and Architecture, Istanbul Medipol University.**

¹ Maxim, M., *Romano-Ottomanica Essays & Documents from the Turkish Archives*, Isis, Istanbul, 2001, p. 12.

² *Ibid*, p. 21.

The Wallachian and Moldavian princes or voivodes were thus allowed semi-autonomy. This brought the question of representation of the states at the Sublime Porte.

The representative was called a *capukechaia*, *capichehaia*, sometimes *chehaia* or *kapikethüdası*. The *kapikethüdası* was an institution peculiar to the Ottoman administrative system³.

Capu (Kapı) is a word of Turkic origin and stands for a gateway, or door, signifying the Sublime Porte, that is the state. The Persian word *ched*, means a house and *huda* stands for a master. Thus *kapikethüdası* refers to the master of a household.

Among the variants of the word is also *chehaia* or *kiaya* (*kahya*), a steward, or warden to whom the task of representing a community to the Porte was delegated. The guilds also had *chehaias*, officeholders.

In the 16th century, the representatives of Wallachia and Moldavia were also called “*adem*” or “*merdüman*” (man or men), the word *kahya* emerging later⁴. Maxim refers to the title “*merdüman*” (men) of the Wallachian and Moldavian principalities in the fiscal year 1573-1574, among the ambassadors (*elçıyan*) of European Powers⁵.

Among influential *capikehaias* of the principalities were Gheorghe Ghica (1600-1664), Prince of Moldavia (1658-1659), Prince of Wallachia (1659-1660), who served as *capukehaia* to the Porte under the reign of Vasile Lupu, after serving as *vornic*; Nicolae Milescu (1636-1708), Moldavian writer, traveller, diplomat, who served as *capukehaia* to the Portebetween 1660-1664, Ienachi Porphyrita, *capukehaia* of Constantin Brancoveanu, who was present at Carlowitz pre-conference meetings and negotiations and Dimitrie Cantemir, who during the reign of his brother Antioch, served as *capukehaia* to the Portebetween 1695-1700.

I. THE SYSTEM OF REPRESENTATION AT THE PORTE

The Moldo-Wallachian representation system was unique according to Karman:

„The vast majority of issues were taken care of by the resident envoys (sing. *capuchehaia*), of whom there were at least two, but sometimes even four at the same time at the Sublime Porte - a method unknown in Transylvania.”⁶

Diplomatic legations could be temporary or permanent. Permanent legations have been regarded as a symbol of sovereignty.⁷

³ Düşünmez, D., *Tanzimat Devrinde Kapı Kethüdalığı Müessesesi Hakkında Temel Bilgiler*, Selçuk Üniversitesi Türkiyat Araştırmaları Dergisi, (28), 2010, 375-401.

⁴ *Ibid*, p. 379.

⁵ Maxim, M., *L'Empire ottoman au nord du Danube et l'autonomie des Principautés roumaines au XVIe siècle, Études et documents*, Isis, Istanbul, 1999, p. 132.

⁶ Karman, G., *Sovereignty and Representation: Tributary States in the Seventeenth-century Diplomatic System of the Ottoman Empire*, in *The European Tributary States of the Ottoman Empire in the Sixteenth and Seventeenth Centuries*, eds. Gábor Kármán and Lovro Kunčević, BRILL, 2013, p. 162.

⁷ Mattingly, G., *The First Resident Embassies: Medieval Italian Origins of Modern Diplomacy*, *Speculum: A Journal of Medieval Studies*, Vol. XII, Oct., 1937, No. 4, p. 423.

„The latter example points to a functional divide between the two roles: kapı kehayası/kethüdası would mean a resident envoy or ambassador, whereas an elçi would be an ad hoc delegate who returned to his ruler after having accomplished his specific mission. The fact that during the seventeenth century, the Transylvanian chief envoys—in contrast to the resident orators—were called elçi in Turkish documents also supports this conclusion.”⁸

According to Ion Matei, permanent ambassadors of Wallachia and Moldavia appeared in the first half of the 16th century.⁹ Because of the privileged status of Wallachia and Moldavia the capukehaia could be appointed by the Prince as opposed to other tributaries such as Egypt and Tunis, whose capukehaias were officials appointed by the Porte.

According to the Ottoman diplomatic tradition, the ambassadors were subsidized by the Porte. The permanent ambassadors were paid for the first six months of their residence, this tradition being abandoned after 1794.¹⁰ Maxim refers to the budget for the fiscal year 1609-1610 containing payments of 17.700 akches once every three months¹¹. Moreover, there must have been one başkethüda or başcapukehaia in addition to 5-6 six kethüdas¹².

II. THE RESIDENCE OF THE MOLDAVIAN ENVOYS

But where did the envoys live? The Wallachian residence was called Eflak Sarayı (Wallachian Palace) and was located in Phanar. There is evidence of an Erdel Sarayı (Transylvanian Palace), the traces of which were found by the Turcologist Karacson on Macarlar Yokuşu Sokak (the Street of the Hungarians).¹³

There is conflicting and incomplete information about the Moldavian residence in Istanbul. The residence is known as Bogdan Sarayı (Bogdan Saray, Bogdan Serai, Moldavian Palace) and is located in the district of Fatih, on Draman (Dragoman) Street, in the vicinity of Chora and Kefeli Mosque, both former Byzantine churches.

The Moldavian residence was mentioned by the Venetian bailo (ambassador) as early as 1610:

„...casa antica qui dei principi di Moldavia”¹⁴

We have little information about the construction of the building. According to Cantemir, the residence was built by Teutal Longophetes (or Tautul Logofatul),

⁸ Karman, G., *op.cit.*, 1937, p. 166.

⁹ Maxim, M., *op.cit.*, 1999, p. 133, footnote 1.

¹⁰ Düzbakar, Ö., *XV-XVIII. Yüzyıllarda Osmanlı Devleti'nde Elçilik Geleneği ve Elçi İşlerinin Karşılanmasında Bursa'nın Yeri*, Uluslararası Sosyal Araştırmalar Dergisi, Volume 2/6, Winter 2009, p. 184.

¹¹ Maxim, M., *op.cit.*, 1999, p. 133.

¹² *Ibid.*

¹³ Karman, G., *op.cit.*, p. 168.

¹⁴ Luca, C., *Le rappresentanze diplomatiche dei Principati Romeni presso la Porta Ottomana nei secoli XVI-XVII*, Mélanges de l'école française de Rome, Année 2007, tome 119, no. 1, 2007, p. 100.

who was sent by Bogdan in embassy to Suleiman the Magnificent with offered terms:

„He built at Constantinople Palace call'd at this day *Bogdan Serai*, the Moldavian Palace, in which is a church dedicated to *St. Nicholas*.”¹⁵

According to Millingen, the Moldavian residence must have been „an attractive house” with a large estate.¹⁶ The house had a magnificent view of the Golden Horne and the city. A chapel was annexed to the main building at the northwestern end. Millingen refers to Gerlach for the origins of the residence. In Gerlach's version, the house belonged to Raoul, who after his emigration to Russia in 1518, sold the house to Michael Cantacuzene for the residence of Moldavian representatives. Michael Cantacuzene was a very wealthy and powerful archon, who controlled the salt and fur trades in the Ottoman Empire.¹⁷

Janin identified the Moldavian palace with the House of Raoul visited by Stefan Gerlach, who was in Istanbul between 1573-1578 as a preacher¹⁸.

Another conflicting view is the identification of the church with the English Varangians in Constantinople. According to certain scholars, a group of Anglo-Saxons left England following the Norman Conquest in 1066 with numerous ships and sailed into the Mediterranean. After raiding and plundering, they sailed to Constantinople and entered the service of the Byzantine Emperor. They were invited to the Varangian Guard of the Emperor and took part in naval and land campaigns.¹⁹

The Varangian guard possessed two churches in Constantinople, one of which was close to St. Sophia and the other, the church of St. Nicholas and St. Augustine of Canterbury. It is with the latter that the church of Bogdan Serai is identified. Gravestones of English Varangians found near the church provided the most substantial evidence for the identification. The British Embassy attempted to remove the tombstones to the English Cemetery in Üsküdar (Scutari) in 1865.²⁰

The request was refused by the Turkish government and the tombstones were subsequently used as building materials (in the construction of the Selimiye orphanage according to some sources).²¹ A church at Lower Kingswood in Surrey currently possesses a 13-14th century marble column capital reputedly from the St. Nicholas Church.²²

The copies of the tombstones were burnt during the fire of 1870.²³

¹⁵ Cantemir, D., *The History of the Growth and Decay of the Othman Empire*, Nicholas Tindal, J.J., and P. Knapton, part I, p. 189, annotation 28.

¹⁶ Millingen, A., *Byzantine Churches in Constantinople*, BoD, 2018, p. 294.

¹⁷ *Ibid.*

¹⁸ Ousterhout, R.G., *The Architecture of the Kariye Camii in Istanbul*, Dumbarton Oaks, 1987, p. 113.

¹⁹ Allen, R.B., Allen, R.A., Chibnall, M., *Proceedings of the Battle Conference on Anglo-Norman Studies, I*, Boydell & Brewer, 1978, p. 72.

²⁰ *Ibid.*

²¹ K.N. Ciggaar, K.N., (1974), *L'émigration anglaise à Byzance après 1066*, *Revue des Etudes Byzantines* 32, 1974, pp. 301-342.

²² Buckton, D., *Byzantium: Treasures of Byzantine Art and Culture from British Collections*, British Museum: London Catalogue no. 211, 1994.

²³ Allen, R.B., Allen, R.A., Chibnall, M., *Ibid.*

III. RESIDENTS OF BOGDAN SERAI

According to Condurachi, Moldavia was represented by a capukehaia as early as the sixteenth century. The first envoy was Duca, representative of Petru Șchiopul.²⁴ We do not know whether the first envoy resided in Bogdan Serai as there is insufficient information about the date of the building. Did the Moldavian hostages also reside in the building? This is another question that remains to be answered.

During the sixteenth century, ambassadors of the Habsburg emperor resided temporarily in Elçi Hanı (Ambassadors' Inn) located on Divanyolu, close to Sultanahmet. Envoys from Moldavia, Wallachia and Transylvania are also known to have been accommodated in the same Han in the same century. Elçi Hanı was a large but it was inappropriate in terms of comfort for the high ranking dignitaries. Nothing remains of the inn today.

After 1606, the Habsburg representatives chose other places, most of them preferring the Phanar area. Other ambassadors, among them Polish and Swedish were housed in Boğdan Sarayı during the seventeenth century.²⁵ Claes Ralamb, who led a Swedish embassy to the Sublime Porte, was first placed in a house in the Balat area upon his arrival in Istanbul. Finding the house uncomfortable, the ambassador was then moved to Bogdan Serai, which he rented at his own expense. The first envoy to Constantinople Paul Strassburg, sent by King Gustaf Adolf II to Murad IV had also stayed here in 1634.²⁶ This stirred a debate among scholars about the ownership of the building. Was the Bogdan Serai confiscated from the Moldavian capuchehaias by the Sublime Porte in the seventeenth century?

Ottaviano Bon, Venetian Ambassador in Constantinople, however, did refer to the residences of Moldavia, Wallachia and Transylvania in 1609:

[...] in Costantinopoli vi è residenza delli ambasciatori
[occidentali] [...] come tengono un agente [...] il Bogdano [Moldavo],
il Valacco et il Transilvano²⁷

The date of confiscation by the Ottoman state was much later according to Eyice. Eyice argues that confiscation took place after 1711 following Dimitrie Cantemir's change to the Russian side in the Russo-Turkish war. In 1760 the building was endowed to the Russian monastery of St. Pantaleon on Mount Athos by John Callimachi²⁸.

IV. ARCHITECTURE

Bogdan Serai consists of two buildings: the main residence and the chapel. A comprehensive survey was undertaken by Millingen when the chapel was relatively

²⁴ Prodan, D., *Preocupări de orientalistică - turcologie în România De la Marea Unire până la instaurarea regimului comunist (1918-1948)*, (*Concerns with a view to Turkish-Orientalism in Romania. From the Great till the Communist Regime*), Acta Moldaviae Septentrionalis, ed. Chiricheș, C., Dorian, G., AXA Publishing House, Botoșani, 2004, p. 109.

²⁵ Karman, G., *op.cit.*, p. 171.

²⁶ Adahl, K., *The Sultan's procession: the Swedish Embassy to Sultan Mehmed IV in 1657-1658 and the Rålamb paintings*, Swedish Research Institute in Istanbul, Istanbul :London, 2006, p. 14.

²⁷ Luca, C., *op.cit.*, p. 100.

²⁸ Eyice, S., *Boğdan Sarayı*, TDV İslâm Ansiklopedisi, Vol. 6, 1992, pp. 271-272.

intact. The chapel was a two storey building, measuring 8.80 x 3,70 m. During World War I, a German excavation in the lower storey revealed three sarcophagi and an inscription. These findings together with the north south orientation of the chapel (churches in Istanbul were almost invariably oriented in east-west direction) led to the conclusion that Bogdan Sarayı was a funerary chapel.²⁹ A photograph taken before 1912 shows the chapel with two storey's and a dome.³⁰

Millingen and Ousterhout agree that the building could be a Byzantine mansion.³¹ Ousterhout describes the chapel as a single aisled and domed „Paleologan” church serving a private residence.³²

Şentürk and Urfalıoğlu date the building to the Late Byzantine Period, that is the dates between 726-1204. The brickwork consisted of courses of three or four rows of white stones alternating with a row of red bricks, which was typical of the period.³³

What remains of Bogdan saray today is scanty. The main building was burnt down in the great fire of 1784 and the vast estate was converted into vegetable gardens. The barely visible ruins are now under a tyre storage depot.

V. CONCLUSIONS

Official residences of Moldo-Wallachian and Transylvanian envoys are reminders of Istanbul's historic fabric and complexity. The buildings have deep significance for the cultural and political relationships between the Ottoman Empire and Romania. Regretfully Bogdan Serai has been damaged beyond repair. There is no trace of the Transylvanian Palace. The Wallachian Palace is the best preserved one of these valuable monuments.

There are many unanswered questions about the dates, the architectural histories and the usage of the residences of Moldavia, Wallachia and Transylvania as well as Elçi Han. The buildings merit a comprehensive historical/architectural survey, legal protection and restoration as architectural monuments that are identified with the lives of historical personages and connected with events significant in the cultural, political, and social histories of Turkey and Romania.

References

Adahl, K., (2006), *The Sultan's procession: the Swedish Embassy to Sultan Mehmed IV in 1657-1658 and the Rålamb paintings*, Swedish Research Institute in Istanbul, Istanbul: London.

Allen, R.B., Allen, R.A., Chibnall, M., (1978), *Proceedings of the Battle Conference on Anglo-Norman Studies*, I, Boydell & Brewer.

²⁹ Millingen, *op.cit.*

³⁰ Mamboury, E., *Constantinople: Tourists' Guide*, 1st edition, Rizzo and Son, Constantinople, 1925.

³¹ Millingen, *ibid.*; Ousterhout, *ibid.*

³² Ousterhout, p. 113.

³³ Şentürk, H., Urfalıoğlu, N., *İstanbul'da Bulunan Son Dönem Bizans Yapılarında Cephe Bezemeleri*, Omer Halisdemir University Journal of Engineering Sciences, Volume 6, Issue 2, 2017, p. 764.

Buckton, D., (1994), *Byzantium: Treasures of Byzantine Art and Culture from British Collections*, British Museum: London Catalogue no. 211.

Cantemir, D., *The History of the Growth and Decay of the Othman Empire*, Nicholas Tindal, J.J., and P. Knapton.

Ciggaar, K.N., (1974), *L'émigration anglaise à Byzance après 1066*, *Revue des Etudes Byzantines* 32.

Düşünmez, D., (2010), *Tanzimat Devrinde Kapı Kethüдахğı Müessesesi Hakkında Temel Bilgiler*, *Selçuk Üniversitesi Türkiyat Araştırmaları Dergisi*, (28.

Düzbakar, Ö., (2009), *XV-XVIII. Yüzyıllarda Osmanlı Devleti'nde Elçilik Geleneđi ve Elçi İaşelerinin Karşılanmasında Bursa'nın Yeri*, *Uluslararası Sosyal Araştırmalar*.

Dergisi, Volume 2/6, Winter 2009.

Eyice, S., (1992), *Bođdan Sarayı*, TDV İslâm Ansiklopedisi, Vol. 6.

Karman, G., (2013), *Sovereignty and Representation: Tributary States in the Seventeenth-century Diplomatic System of the Ottoman Empire*, in *The European Tributary States of the Ottoman Empire in the Sixteenth and Seventeenth Centuries*, eds. Gábor Kármán and Lovro Kunčević, BRILL.

Luca, C., (2007), *Le rappresentanze diplomatiche dei Principati Romeni presso la Porta Ottomana nei secoli XVI-XVII*, *Mélanges de l'école française de Rome*, Année 2007, tome 119, no.1.

Mamboury, E., (1925), *Constantinople: Tourists' Guide*, 1st edition, Rizzo and Son, Constantinople.

Mattingly, G., (1937), *The First Resident Embassies: Medieval Italian Origins of Modern Diplomacy*, *Speculum: A Journal of Medieval Studies*, Vol. XII.

Maxim, M., (1999), *L'Empire ottoman au nord du Danube et l'autonomie des Principautés roumaines au XVIe siècle. Études et documents*, Isis, Istanbul.

Maxim, M., (2001), *Romano-Ottomanica Essays & Documents from the Turkish Archives*, Isis, Istanbul.

Millingen, A., (2018), *Byzantine Churches in Constantinople*, BoD.

Ousterhout, R.G., (1987), *The Architecture of the Kariye Camii in Istanbul*, *Dumbarton Oaks*.

Prodan, D., (2004), *Concerns with a view to Turkish-Orientalism in Romania. From the Great till the Communist Regim e (1918-1948)*. *Acta Moldaviae Septentrionalis*, ed. Chiricheş, C, Dorian, G., Botoşani. AXA Publishing House.

Şentürk, H., Urfalıođlu, N., (2017), *İstanbul'da Bulunan Son Dönem Bizans Yapılarında Cephe Bezemeleri*, *Omer Halisdemir University Journal of Engineering Sciences*, Volume 6, Issue 2.

DEMOCRACY AND SUBSIDIARITY II - MODERN THEORIES ON SUBSIDIARITY –

Radu-Michael Alexandrescu*

alexandrescu.michael@gmail.com

Abstract: *The second and final part of this research investigates the modern theories of subsidiarity: Althusius' theory, the federalist one, fiscal and liberal ones. I highlight that every theory makes a contribution to clarify the functional role of subsidiarity in the mechanism of democracy: for assuring the sovereignty of the communities, respectively of the individuals, for guaranteeing fair justice for all and for making possible a good fiscal policy. Each of these problems are very important for a democratic regime and the subsidiarity is essential in finding the correct answer for them.*

Keywords: *subsidiarity, democracy, community, individual, fiscal policy.*

Introductory chapter

The first part of this study – which can be read separately as well in the previous issue of *Cogito* – after presenting a thorough investigation of the genesis of the concept of subsidiarity and an analysis of the first explicit statement of the principle of subsidiarity, ended with a reflection on the way in which in catholic theology the principle of subsidiarity is valorised both at a theoretical level and, or mostly, in its practical application, both in the organisation of the church and of the society (as the Church views this organisation). This part of the discussion on democracy and subsidiarity – which can also be read separately – is focused on modern theories on subsidiarity; theories in which its structure and functioning are explicitly described, however without – at least in most cases – the term *per se* being used. This time however, the theorization on subsidiarity, even in the absence of the term, is intentionally attained and completed. We are thus able to depict in the analysis below several functional characteristics of subsidiarity, which we shall underline at the end of this study, characteristics that, both viewed separately and as a whole, show why subsidiarity is important to the functioning of democracy.

Althusius and the need for subsidiarity

In order to avoid *l'embarras du choix*, we shall examine the choice made by a reputed expert, Føllesdal. He published over the course of almost two decades, starting from 1998, five versions¹ – with minor distinctions dictated by the editorial

* PhD. student at Faculty of Political Science – University of Bucharest.

¹ Andreas Føllesdal, *Subsidiarity in The Journal of Political Philosophy*, 6 (1998) 2: 231-259, the pages we are interested in are 240-259; the author refers to Althusius, to American Confederate views (Madison is invoked), to fiscal federalism (the invoked authors are: Wallace Oates and Tommaso Padou-Schioppa), Catholic personalism with reference to Mounier besides the Encyclical *Quadragesimo Anno* and the Kantian liberal contractualist tradition (Rawls, Scanlon, Habermas);

sphere and, to a lesser extent, by the evolution of the author's thinking and/or the needs of the topic (the gathering) – of the same study (or focal point of the study) on the theories of subsidiarity. Føllesdal kept in any of the five versions the analyses on Althusius' theory and of the catholic theory; as far as we are concerned, we have already analysed the catholic perspective, so we shall look at Althusius' theory, as well as the confederate, liberal and fiscal-federal ones. Repeatedly, in the examination of this topic subsidiarity in the various theories, Føllesdal, in a manner we deem pertinent, reflected on the criterion whereby the utility of the principle of subsidiarity should be assessed, on the Pareto optimisation, human rights, the just redistribution²; we shall discuss these aspects below.

As Føllesdal³ shows, Althusius' theory on subsidiarity should be understood in the more general context of the consociationalism he promotes. Althusius' view of the state as a consociation between multiple local associations originated as a means of protection against the Lutheran religious and political imperial pressures adopted by several Calvinist city states. This means that a fundamental role in the understanding of subsidiarity was played by the manner in which Althusius, influenced by Calvinism, viewed the individual, i.e. as dependent upon the other individuals within the community, so that together they could lead a life both prosperous and in the spirit of religious teachings. This view on the individual results in what we may consider to be one of the essential characteristics of Althusius' thinking, i.e. that these associations, local

the author briefly resumes the political ideas in each case and shows what the connotations of subsidiarity are in each of these cases; I disagree with one of the instruments he uses, i.e. the distinction between the prohibitive (or negative) use and the normative (or positive) one, as it is clear that being a relation of order, subsidiarity prohibits certain actions, while encouraging others; in other words, it simultaneously operates in both directions.

Andreas Føllesdal, *The Principle of Subsidiarity as a Constitutional Principle in International Law in Global Constitutionalism* (2013), 2:1, 37– 62, the relevant pages being 41 to 50; the study discusses subsidiarity in exactly the same cases/theories as in 1998; in fact, it is only a rephrasing of the ideas from the article published 15 years before, accompanied by some modifications of content particularly of the level of the examples – for instance, Maritain, and not Mounier is referred to in Catholic personalism; fiscal federalism is discussed mostly related to the European Union, without economists being invoked; we discuss these theories in our study only from Føllesdal.

Andreas Føllesdal, *Competing Conceptions of Subsidiarity in PluriCourts Research Paper No. 13-05*, 2013 p. 1-12 (the relevant pages are pp. 1-5) republished as such in *Federalism and Subsidiarity*, James E. Fleming, Jacob T. Levy (eds), New York University Press, New York, 2014, pp. 214-230 (the relevant pages are pp. 214-220); in a briefer but also denser manner, Føllesdal discusses subsidiarity from the perspective of Althusius, of the American confederates, of fiscal federalism (this time on a marked institutionalist note), of Catholicism (without the accent on personalism); the examination of the Kantian liberal contractualist perspective is not present in these two contributions of Føllesdal (most probably due to limited space).

Andreas Føllesdal, *Subsidiarity and the Global Order in Global Perspectives on Subsidiarity*, A. Zimmerman, M. Evans (eds), Springer, Dordrecht, 2014, p. 207-220 (relevant are pp. 209-213); in an equally brief and dense manner, the author studies the connotations of subsidiarity in the theories of Althusius, of catholicism and Kantian liberal contractualism; the latter and the Catholic theory are discussed less briefly.

² For instance, Andreas Føllesdal, *Subsidiarity and Global Order in Global Perspectives on Subsidiarity, op.cit.*, p. 214-216

³ cf. Cf. *Ibidem* p. 216 Føllesdal presents these conditions more densely and somewhat differently.

communities or city states are the basic political units, each of them autonomous in relation to the others with which it bears a federative agreement (the others being in Althusius' view the neighbouring city states) in order to form the state. From this we may deduct that the state, formed based on these autonomous and fundamentally self-sufficient communities is nothing else than an instrument of the various associations made so that they could peacefully coexist and, if necessary, make a collective defence against external forces. In Althusius' view, the state does not have absolute sovereignty, as it is conditioned by the fact that it is delegated by the communities. The communities are sovereign, in charge of the sovereignty of the people. Thus, the political reality that is essential to Althusius is the city state, the community; both the state that exists though the will of the communities, with the power delegated by them and the individuals forming the communities are subordinated to these communities. Here is what Althusius wrote on the decision-making process within the state: "the right to decide belongs to the judgment and vote of a majority of the members [of the state]"⁴, meaning that the decisions are not made at a central level and imposed on the communities, but they are made by the will of the communities; moreover, he adds "that which requires the skill, manpower and blood of everyone, that should be made through consensus of everyone"⁵. This means that decisions are made at the level of the state through the consensus of the majority of the citizens, but, moreover, it means that if the citizens are invited to participate in a certain initiative, the decision must be made with their consent on the issue in which they are invited to participate. It is obvious that the final decision is held by the city states and not on the state, this aspect clearly deriving from the manner in which the individuals forming the city state view it. It is relevant to mention what Althusius writes referring to the very leader of the city state: "the prefect is superior in the implementation of the law of the citizens in the community...the citizens as individuals, not as the citizens as a community"⁶. Alain de Benoist notices: "this latter aspect is obviously essential: it governs Althusius' entire theory on the subsidiarity of authority and sovereignty"⁷; in fact, as we showed above, the manner in which the state, the city state and the individual – but mostly the state – are understood stands as the theoretical context in which we can understand the relation of subsidiarity in Althusius' view, even if the term is not mentioned. So the city state is presented as that whereby the individual is fully accomplished, similar to the view of Aristotle; hence the role of the city state in relation to the individual is more than subsidiary. Indeed, the state has in relation to the city state only a subsidiary role in the establishment of the peaceful relations among the city states and in their common defence. In Føllesdal's interpretation, this view on subsidiarity "is limited to the respect for the immunity of the comprising units and

⁴ Iohannis Althusii, *Politica*, Excudebat Iohannes Radaeus, Groningae, 1610, p. 190, *Jus decidendi vero est penes suffragia et sententias plurimorum membrorum*.

⁵ *Ibidem*, p. 190, *Quod omnium facultates, vires auxilia et sanguinem requirit, id quoque eorundem consensu communi fieri debet*.

⁶ *Ibidem*, p. 47, *Superior praefectus ex civibus universitatis hic est...in singulos, non universos cives jus exercens*.

⁷ Alain de Benoist, *Johannes Althusius (1557-1638)*, p. 8 in https://s3-eu-west-1.amazonaws.com/alaindebenoist/pdf/the_first_federalist_althusius.pdf

to Pareto optimisations among these units”⁸, without it contributing to redistributions among units or to the defence of human rights. This interpretation is correct, but it depends not on a special definition of subsidiarity, but on the general theoretical context proposed by Althusius.

We showed that the criteria proposed by Føllesdal in order to understand how exactly subsidiarity is understood and employed in the various theories seem relevant, but employed in a different manner than the one he adopts. We might believe that to Føllesdal one or another of the theories on subsidiarity is incomplete as it does not meet all the criteria. In fact, each of the theories needs to meet only one criterion for an employment of the principle of subsidiarity to exist, i.e. establishing a relation of order in the exercise of competencies. In other words, subsidiarity is a purely formal relation. When we focus our attention on its content, ingrained in the fields in which it is applied, there three criteria to which we can add others are useful. It is easy to understand this if we refer to the subsidiarity in the ECHR: from a purely procedural and formal perspective, it establishes a relation of order between the competencies of national instances which are the first to be exercised, and the competencies of the ECHR which are exercised only subsidiarily, that is only when it is necessary and after the domestic procedures are exhausted; from the perspective of the content, it is very clear that the proceedings of the ECHR only refers to human rights, having nothing to do with neither the Pareto optimisation (either of the standpoint of the citizens or of the one of various states), nor with the redistribution. The matters in which the competencies of the ECHR are exercised, i.e. human rights, are specified in the Convention; the fact that these competencies are to be exercised in a subsidiary manner is also written in the Convention. This shows that, of course, in case the fundamental document of an organisation mentions these aspects, subsidiarity may appear and manifest itself in multiple fields, especially in the three mentioned in the above. In the constitutions of the states that grant a role to intermediary institutions, granting central authorities only a subsidiary role, i.e. when subsidiarity is specified, it can extend to the topic of the protection of human rights in case local authority do not ensure enough protection, it may refer to a subsidiary intervention, central to ensuring the redistribution of income which cannot be made at a local and intermediary level and can be an attempt of Pareto optimisation made, for example, by the Government in relation to the various local and intermediary entities from that particular state.

By these mentions we can better understand not only Althusius’ theory on subsidiarity, but also the other theories we examine in this study. When it comes to Althusius’ theory, we should first notice that in accordance with its fundamental ideas, 1) the individual, as in Aristotle’s view, is fulfilled only in the city state, so it is out of the question that the state may act subsidiarily in relation to the city state on the matter of human rights; 2) the city state is self-sufficient and autonomous and eventually it makes the decisions on the matters that concern it; consequently, redistributions (of resources, of income etc.) among city states being made by the state in a subsidiary manner are out of the question; 3)

⁸ Andreas Føllesdal, *Competing Conceptions of Subsidiarity*, *op.cit.*, p. 216.

the state has a subsidiary role of providing assistance to the city state, but only regarding the relations among the city states in order to ensure their peaceful interaction, respectively to ensure a common defence against external enemies; hence, we must attentively discuss what we can understand through the fact that the state has subsidiary action that manifests itself as a Pareto optimisation.

The Pareto optimisation is defined as “an allocation of resources so that nobody can take advantage without somebody else being disadvantaged”⁹, wherefrom we understand that it is an economic term, in particular from the *welfare economics* which is extendible to other fields, but this extension needs to be made in a careful manner. Pareto optimisation means that “at least one person from a community ends up better without somebody else ending up worse”¹⁰. In other words, when a redistribution of resources is made, if the resources are constant at the level of the community, a Pareto optimisation cannot exist; for somebody to end up better, somebody else needs to end up worse. It is obvious that the Pareto optimisation can take place only in case a growth of resources occurs, and this growth is not distributed so that only some people can take advantage of it, and the others cannot. Simply put, a Pareto optimisation is a change at the level of resources and income wherefrom nobody ends up worse than in the previous condition. As we easily notice, the Pareto optimisation *stricto sensu* refers precisely to the distribution of common resources, which Føllesdal stated was not occurring for Althusius. And he was right. Then, if no redistribution of resources takes place, the Pareto optimisation is actually invoked as an extended use, i.e. for the field of the political relations among the city states and between the their ensemble and the other states: 1) each ends up better than in the previous condition due to the peaceful relations among them; 2) each ends up better than in the previous condition due to the better security when faced with external threats. The Pareto optimisation, accomplished through the application of the principle of subsidiarity in the relation between the state and the city states, should be understood in this manner¹¹.

The Founding Fathers of the United States, on Subsidiarity

Another theory on subsidiarity that Føllesdal examines is the one he calls *confederate*, which he attributes to the Founding Fathers of the United States, in particular to Madison¹². In his opinion, this theory is influenced by Montesquieu's ideas and would be based on the belief that the granting of enhanced powers to local and intermediary entities (the states within the United States) better ensures the respect of the rights of the individual. Here lies the remarkable difference as compared to Althusius' view on the importance granted to the

⁹ Donald Rutherford, *Routledge Dictionary of Economics*, Routledge, London, 2002, p. 439.

¹⁰ *Ibidem*, p. 439.

¹¹ The severe extent to which the statement of Føllesdal cited in note 8 is erroneous can be easily noticed: the Pareto optimisation refers precisely to the consolidation of the autonomy (the independence) of each of the city states, and by no means to optimisations among the units, which would imply transfers, redistributions; it is saddening how a renowned specialist, a PhD. at Harvard, deals with elementary issues.

¹² See, for example, Andreas Føllesdal, *Subsidiarity, op.cit.*, p. 15-17 or Andreas Føllesdal *The Principle of Subsidiarity as a Constitutional Principle in International Law, op.cit.*, p. 43-44.

individuals (consequence which Føllesdal highlights only indirectly). The main source of the adoption of the principle of subsidiarity by American confederates is one of their views on tyranny, regardless if we refer to the tyranny of a minority or of the majority; any faction risks to become tyrannical and thus the issue becomes either to eliminate the causes of this inclination – which Madison believes is impossible –, or to eliminate the effects of this temptation – which Madison believe is possible: “among the numerous advantages posed by a well-built Union, none is more worthy of being clearly developed than its inclination to defeat and control the violence of a faction”¹³. To Føllesdal, this opinion of Madison is rather an issue to the manner in which the American confederates understood the principle of subsidiarity, meaning “with the subunits, holding the power of veto”¹⁴. However, the impression created by his cited statement of Madison according to which the Federal Government held attributions that allowed it to decide for the states should not be in any way understood (as Føllesdal seems to) as a rule that destroys subsidiarity; on the contrary, at the end of the same study, Madison writes that the central authority needs to be exercised only in order to eliminate the unwanted effects of the situations in which a certain faction somehow manages to control one of the states: “hence, at the scale and structure of the Union, we hold a *remedium republica* to the most frequent illnesses of republican governing”¹⁵. Moreover, Madison notices that the application of the principle of subsidiarity is deeply rooted in the mentality of the citizens: “the attention and devotion of the people have once again turned [after the first Conventions] to their own particular governments; the federal council was never the idol of popular favor”¹⁶.

Considering the aspects we outlined, we can now examine how the principle of subsidiarity is understood by the American confederates. Unlike Althusius, to them the individual and his rights are fundamental. The small local communities are more susceptible to be homogenous and to the exercise of power in accordance with the individual rights; in turn, the states fulfil these conditions better than the Union. As a result, the local and state authorities must have total freedom to decide in issue that concern themselves and themselves only; in this regard the right of veto in relation to superior decisions comes into place. As this exercise does not eliminate the risk of factions and tyranny, the Union holds the main subsidiary role of protecting the intermediary powers from the risk of tyranny. Although Føllesdal admits that this is the main regard in which the principle of subsidiarity needs to function in the view of American confederates, he is somewhat reserved, even criticising this minimalistic manner of understanding subsidiarity and the fact that it is not used in matters of distribution and redistribution as well.

¹³ James Madison, *The Federalist*, 10 in Alexander Hamilton, James Madison, John Jay, *The Federalist Papers*, Oxford University Press, Oxford, 2008, p. 48.

¹⁴ Andreas Føllesdal, *Subsidiarity*, *op.cit.*, p. 16.

¹⁵ James Madison, *op.cit.*, p. 55.

¹⁶ James Madison, *The Federalist*, 51 in Alexander Hamilton, James Madison, John Jay, *op.cit.*, p.

Unlike Føllesdal, we analyse the position of the American confederates according to the distinction we made between the formal, defining aspect of subsidiarity and the aspect of the content of the fields to which it is applied. We must first notice that formally, subsidiarity is present to confederates throughout the entire chain of the relations individual-local authority-state-Union; each of the superior authorities needs to interfere only in case the inferior ones fail to ensure the functioning of the relevant fields. Secondly, we notice that the relevant field is neither the optimisation of the situation of the states (although Føllesdal refers to it, however only indirectly), nor the redistribution (which Føllesdal notices, but considers its absence negatively), the relevant field being the respect for human rights. The local authorities, the state, the Union are justified in their subsidiary, helpful interference, only so that they can ensure the respect for human rights. In the opinion of the Founding Fathers, the American commonwealth, at any of its levels, needs to be a society of freedom. This way of thinking is the basis of the establishment of the United States of America and authorities from various levels have been acting against it, step by step, for over 200 years, based on the natural contradiction between power and freedom. From this perspective, the Union is justified in its subsidiary intervention only when the risk of tyranny occurs at the inferior levels and they are helpless against it, thus human rights being in peril. The analogy with the role played by the ECHR is obvious; of course, the analogy to what to Founding Fathers thought, not to the much more integrated and centralist manner in which the Union functions nowadays.

A theory on subsidiarity built on the argument of fiscal federalism

Another theory on subsidiarity presented by Føllesdal is the fiscal federalism; he presents it by stating: “the fiscal federalism states that the powers and responsibility of the creation of public goods must pertain to the population benefiting from them”¹⁷; then he mentions that the decisive thing in this case is the efficiency of the distribution of competencies in fiscal matters; he concludes by mentioning some issues generated by the application of this theory of subsidiarity (the difficulty of establishing the more effective level of decision-making, the non-homogenous character of the fields of decision of each level etc.)¹⁸.

If we want to correctly understand the way in which the principle of subsidiarity is applied to fiscal matters, we need to reiterate what we stated above, i.e. in this case as well, subsidiarity is a relation of order regarding competencies, the central unit being subsidiary in relation to the local and intermediary ones, whereas the application of subsidiarity to fiscal matters is a matter of content, if the field in which it functions. We also need to show that “fiscal federalism refers to the development of a centralised budgetary system that includes all the members of a federation or of a federal government”¹⁹, which explains the very necessity for the introduction of the principle of subsidiarity, as

¹⁷ Andreas Føllesdal, *Subsidiarity*, op.cit., p. 17.

¹⁸ cf. *Ibidem*, p. 18-19.

¹⁹ Philip Whyman, Mark Baimbridge, *Fiscal federalism and EMU: an appraisal in Fiscal Federalism and European Economic Integration*, Mark Baimbridge, Philip Whyman (eds.), Routledge, London, 2004, p. 1.

there are subunits (for instance, the German federal lands or the member states of the American Union), respectively a federation²⁰. Now we can understand that by the application of subsidiarity to the fiscal field in the relation between the regional/state authority the principle stated by Føllesdal is taken into account, according to which the burden of fiscality should be held at the level at which public spending is made, but we may understand more than this, meaning the fact that subsidiarity is a useful tool for answering questions such as who should collect the taxes? What actions should be taken by each level? How to deal with local budgetary imbalances? How are the adjustments between various subunits made and with what limitations?²¹ Is it necessary to have rules for the loans made by the subunits²².

We can notice that in accordance with its definition, subsidiarity means that the subunits need to collect the taxes necessary for the accomplishment of the public policies specific to that subunit; correlatively to tax collection, subsidiarity also means that the subunits need to implement the public policies that cannot be implemented at their level; at the same time, subsidiarity imposes that the central Government collects the taxes that are necessary to the fulfilment of public policies at a federal and correlative level, and it also means that the federal Government implements these public policies. Subsidiarity also means that the subunits can freely take loans, provided they allow the federal government to collect taxes that could cover the possible inability to pay of the subunits and the transfers among subunits. Here is how applied to the fiscal field, subsidiarity is a good instrument for settling the relations between the federal Government and the states; it is true that especially when it comes to loans, the statistics show that there is the risk of overindebtedness of the subunits, but the principle of subsidiarity shows that “eventually, the subnational debt is the implicit bearer or a federal guarantee”²³, which also means the bearer of federal control. It is understood that applied to the field of fiscal federalism, subsidiarity contributes to redistributions and, through this, to the very insurance of the social rights of the individuals and also to Pareto optimisations at the level of the subunits.

The Liberal Theory on Subsidiarity

The last theory on subsidiarity analysed by Føllesdal²⁴ is in fact an attempt he makes of laying the principle of subsidiarity within some liberal theories, contractualist, Kantian-inspired, on social arrangements and justice; theories as, for example, those of Rawls or Brian Barry (the latter being rather a commentary on the

²⁰ From the manner in which Føllesdal had introduced the concept of fiscal federalism it was not clearly understood that it involves a relation between a federal government and state/land authorities.

²¹ Notice that in fiscal federalism such adjustments are part of the concept – which was not clear from Føllesdal’s statements –, the only issue is how comprehensive they need to be.

²² Richard M. Bird, François Vaillancourt, *Introduction and Summary in Perspectives on Fiscal Federalism*, Richard M. Bird, François Vaillancourt (eds.), The World Bank, Washington DC, 2006, p. 2

²³ Jonathan A. Rodden, *Hamilton’s Paradox. The Promise and Peril of Fiscal Federalism*, Cambridge University Press, Cambridge, 2006, p. 273.

²⁴ Andreas Føllesdal, *Subsidiarity*, *op.cit.*, p. 22-26 and Andreas Føllesdal, *Subsidiarity and the Global Order*, *op.cit.*, p. 211-213.

former). Føllesdal notices, firstly, that to those theories the individual is at the centre, and politics and social arrangements serve in satisfying the interests of the individuals in a manner that excludes domination. This aspect positions subsidiarity as one of the means whereby this finality is fulfilled. To him, subsidiarity is a means not only to regulate the power and its action, but also to educate individuals for deliberation, thus contributing to the formation of their character. As the distributions and redistributions among individuals are introduced by the very stipulations of the contract among them – essentially through the arrangements deriving from the definition of justice proposed by those theories – and, also, as these redistributions need to contribute to Pareto optimisations, what subsidiarity needs to further guarantee is the respect for human rights²⁵.

In fact, it is difficult, if not impossible – and in an incident manner Føllesdal admits to it –, to introduce subsidiarity in this type of contractualist liberal theories; not because these theories would propose a centralist view of the state (rather unitary and only as a consequence of what we shall express below), as Føllesdal states, but because the definition of the justice present in the social contract is applied in a homogenous manner to the level of the entire social body, meaning to all individuals as in a sort of horizontal line. Barry clearly states it, commenting on Rawls: “the essence of liberalism as I define it herein is the vision of society being comprised of autonomous independent units that cooperate only when the terms of the cooperation are as much as they manage to promote each party’s interests”²⁶. Of course, such an arrangement does not exclude the subsidiarity; although society should function based on a universal definition of justice, it is not excluded that the violations of this definition are not sanctioned by the intermediary instances, making the interference of a last subsidiary instance necessary, an instance which by restoring justice only promotes the respect for human rights and, with this, satisfies the very essence of liberalism as Barry understands it. Of course, by doing this, such an instance indirectly contributes to the redistribution in accordance with the accepted definition of justice and thus even contributes to a Pareto optimisation. This however – even though there are developments that greatly resemble the subsidiarity in the relation between the ECHR and the national courts – is not directly stated in none of the liberal theories mentioned by Føllesdal. Probably one of Rawls’s texts that is closest to the idea of subsidiarity is the one in which he expresses out need to cooperate for the accomplishment of individual goals: “people have, in fact, shared finalities and they appreciate institutions and activities as good in and of themselves; we need one another as partners... and the successes and satisfactions of others are necessary and complementary to our own wellbeing”²⁷. It is understood that in such a complex arrangement to society there may be deviations from the principle of the greatest freedom, equal to all the participants in the contract, respectively deviations from the principle that the inequalities

²⁵ Føllesdal’s argument is not as clear as herein, but on a benevolent reading of his texts we can consider that these are his arguments.

²⁶ Brian Barry, *The Liberal Theory of Justice*, Clarendon Press, Oxford, 1975, p. 166.

²⁷ John Rawls, *A Theory of Justice*, The Belknap Press of Harvard University Press, Cambridge, MA, 1999, p. 458.

resulting from the occupations of positions need to be in the advantage of everyone²⁸, deviations which can be corrected by the interference of subsidiarity.

As it can be seen, we did not analyse the manner in which Føllesdal presents the understanding of the principle of subsidiarity within the social doctrine of the Catholic Church; the reason why is obvious, i.e. as we made our own presentation which is – as anybody who read the texts of Føllesdal²⁹ may notice – more comprehensive and better structured. This presentation (see our study *Democracy and Subsidiarity I*), allows us to relate the manner in which subsidiarity is understood in the Catholic theory with the manners in which it is presented the other theories we discussed; the necessary observation is that in all cases we notice a mainly explicit and at times only implicit (actually only in the case of liberalism) definition of subsidiarity through its formal aspect as a relation of order among the competencies of various organisational levels; we also notice that except for the Catholic doctrine on subsidiarity which theorises its application in various fields, in fact in all social fields, the other theories mention its application in one or two social fields, depending on the focus of those theories. Being so, we consider that Føllesdal makes a category error when he refers to the conflicting conclusions³⁰ of the manner in which subsidiarity is understood by different theories, when in fact the issue only refers to the different fields of application specific to each of the theories (if Althusius is interested in communities, it cannot be considered homogenous to the confederate view, which is interested in individuals); this category error is due to another more profound error, the confusion between the formal defining aspect of subsidiarity, and the content aspect, its field of application.

Conclusion

Just like the first study, this study also ends with the highlighting of several ideas on subsidiarity and on its importance to democracy, ideas that offer opportunities for continuing the research and for finding answers to the stressful issue of the last decades, the deficit of democracy. We see how Althusius, to whom sovereignty belongs to communities, uses subsidiarity to ensure them the right to decide in a manner similar to that guaranteed by the much discussed Ostromian polycentrism. In the mirror, we notice how the theory of the Founding Fathers uses subsidiarity to ensure the sovereignty of individuals. In liberal theories subsidiarity is thought as an important instrument to the accommodation of a universal definition of justice, specific to liberalism, with the inherent differences between individuals and communities on the different levels of integration in society. Lastly, a fundamental field of the application of subsidiarity is that of the collection and spending of resources, the fiscal field, which is intimately interrelated to social justice and to the respect for the rights of individuals and the specificity of communities. All these four fields are important – each separately and as a whole – to the existence and quality of democracy; in

²⁸ cf. *Ibidem*, p. 53.

²⁹ we reiterate that references to the social Catholic doctrine can be found in all the texts of Føllesdal that we mentioned.

³⁰ Cf. Andreas Føllesdal, *Competing Conceptions of Subsidiarity*, *op.cit.*, p. 219-224.

all four, as we have seen, subsidiarity is an essential instrument that ensures the proper functioning; in other words, subsidiarity is essential to democracy, as we showed in these two studies.

References

- Althusii, Iohannis, (1610), *Politica*, Excudebat Ioannes Radius, Groningen.
- Barry, Brian, (1975), *The Liberal Theory of Justice*, Clarendon Press, Oxford.
- Benoist de, Alain, *Johannes Althusius (1557-1638)*, on https://s3-eu-west-1.amazonaws.com/alaindebenoist/pdf/the_first_federalist_althusius.pdf
- Bird, Richard M., Vaillancourt, François, (2006), *Introduction and Summary* in *Perspectives on Fiscal Federalism*, eds. Richard M. Bird, François Vaillancourt, The World Bank, Washington DC.
- Føllesdal, Andreas, (November 2013), *Competing Conceptions of Subsidiarity* in *PluriCourts Research Paper* No. 13-05.
- Føllesdal, Andreas, (2014), *Subsidiarity and the Global Order* in *Global Perspectives on Subsidiarity*, eds. A. Zimmerman, M. Evans, Dordrecht, Springer.
- Føllesdal, Andreas, (1998), *Subsidiarity* in *The Journal of Political Philosophy*, 6 No.2, pp. 231-259.
- Føllesdal, Andreas, (March 2013), *The Principle of Subsidiarity as a Constitutional Principle in International Law* in *Global Constitutionalism*, volume 2, issue 1, pp. 37– 62.
- Madison, James, (2008), *The Federalist* in Alexander Hamilton, James Madison, John Jay, *The Federalist Papers*, Oxford University Press, Oxford.
- Rawls, John, (1999), *A Theory of Justice*, The Belknap Press of Harvard University Press, Cambridge, MA.
- Rodden, Jonathan A., (2006), *Hamilton's Paradox. The Promise and Peril of Fiscal Federalism*, Cambridge University Press, Cambridge.
- Rutherford, Donald, (2002), *Routledge Dictionary of Economics*, Routledge, London.
- Whyman, Philip, Baimbridge, Mark, (2004), *Fiscal Federalism and EMU: An Appraisal* in *Fiscal Federalism and European Economic Integration*, eds. Mark Baimbridge, Philip Whyman, Routledge, London.

RESPONSIBILITY TO PROTECT (R2P) IN THEORY AND PRACTICE – FLAWS AND CHALLENGES

Aurora Martin*

maurora.osaka@gmail.com

Abstract: After defining the concept of **Responsibility to Protect (R2P)** and presenting a theoretical framework in the previous work, **Human Security: from Humanitarian Intervention to Responsibility to Protect (1)** this article will step forward from theory to practice. In this respect, taking in consideration that **R2P** is an important milestone in understanding sovereignty, intervention, and human rights, I shall make an overview on how is it dealt in the **International Commission on Intervention and State Sovereignty's report** and in the UN Secretary General report during the General Assembly at the 2005 World Summit. The ICISS report was built on three dimensions of R2P – the responsibility to prevent, the responsibility to react and the responsibility to rebuild, meanwhile the UN Summit Outcome suggests that the R2P rests on three Pillars: Pillar one - The protection responsibilities of the State, Pillar two - International assistance and capacity-building and Pillar three - Timely and decisive response. Finally, a study case: Darfur

Keywords: Responsibility to Protect (R2P), **International Commission on Intervention and State Sovereignty (ICISS)**, Responsibility to Prevent/React/Rebuild, Darfur.

A SNAPSHOT ON R2P THEORY

As previously mentioned in the first part of the article **Human Security: from Humanitarian Intervention to Responsibility to Protect (1)**, the **Responsibility to Protect** was first presented in the report of the **International Commission on Intervention and State Sovereignty (ICISS) in December 2001**. Building on Francis Deng's idea of *sovereignty as responsibility*, the Commission addressed the question of when state sovereignty – a fundamental principle of international law – must yield to protection against the most egregious violations of humanitarian and international law, including genocide, ethnic cleansing and crimes against humanity.

First of all, the ICISS report was built on three dimensions of R2P – the responsibility to prevent, the responsibility to react and the responsibility to rebuild. **The responsibility to prevent** is oriented toward addressing both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk. **The responsibility to react** refers to the response to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in

* Aurora Martin, Head of Unit, National Agency for Equal Opportunities, Ministry of Labour and Social Justice; European Center for Security Studies G.C. Marshall alumna.

extreme cases military intervention. **The responsibility to rebuild** is aimed to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert.¹

Secondly, the ICISS report synthesized the **core principles** of R2P, especially for the cases of military interventions. **Military intervention for human protection purposes is an exceptional and extraordinary measure to be taken in extreme situations** and in order to be warranted, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur, of the following kind: genocide, war crimes, crimes against humanity and ethnic cleansing.

There are also some **precautionary principles**, which are essential and needed to be taken into account before any military action in an R2P situation.

A right intention is, of course, the primary purpose of the intervention, whatever other motives intervening states may have and must be directed to the clear purpose of halting or avoiding human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned.

When every non-military option for the prevention or peaceful resolution of the crisis has been explored, and there are reasonable grounds for believing lesser measures would not have succeeded, military intervention can be considered as a justified **last resort**.

Proportional means, namely the scale, duration and intensity of the planned military intervention should be the minimum necessity in order to secure the defined human protection objective. Of course, there should be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.

Right authority is another of the key points to be analyzed, in order find the right way, to go through all necessary steps. We have to agree to the fact that there is no better or more appropriate body than the United Nations Security Council, which is entitled to authorize military intervention for human protection purposes. It is the Security Council's task to deal promptly with any request for authority to intervene where intervene allegations of large-scale loss of human life or, alternatively, ethnic cleansing. Adequate verification of facts or conditions on the ground that might support a military intervention should be looked into for, in this context.

The second milestone, even though the term was adopted in other reports within the UN Secretary General², was represented by the unanimous embrace of the responsibility to protect principle by the General Assembly at the 2005 World Summit. The endorsement of R2P, in this context, was a very major achievement and one of only a small handful of real achievements from the whole occasion (along with

¹ www.responsibilitytoprotect.org

² High-level Panel on Threats, Challenges and Change Report: *A More Secure World: Our Shared Responsibility* (December 2004), UN Secretary General's Report: *In Larger Freedom: Towards Development, Security and Human Rights for All* (March 2005).

the creation of the Peace building Commission and the agreement to replace the dysfunctional Commission on Human Rights with a new Human Rights Council).

The provisions of paragraphs 138 and 139 of the Summit Outcome suggest that the responsibility to protect rests on the following three pillars:

1. Pillar one: The protection responsibilities of the State refers to the enduring responsibility of the State to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.

2. Pillar two: International assistance and capacity-building is the commitment of the international community to assist States in meeting those obligations. It seeks to draw on the cooperation of Member States, regional and subregional arrangements, civil society and the private sector, as well as on the institutional strengths and comparative advantages of the United Nations system.

3. Pillar three: Timely and decisive response is the responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection.

Additionally, the 2005 World Summit outcome document stipulated that **the responsibility to protect applies**, until Member States decide otherwise, **only to the four specified crimes and violations**: genocide, war crimes, ethnic cleansing and crimes against humanity.

The third milestone, namely the UN Secretary General report on *Implementing the responsibility to protect* (January 2009), brought at the table some practical solutions in addressing the three pillars emphasized during the 2005 World Summit. Still, in relation with the crimes associated to the R2P, the report explicitly mentions that “...to try to extend it to cover other calamities, such as HIV/AIDS, climate change or the response to natural disasters, **would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility**”.

In connection with the pillar 1, the 2009 Secretary General report provides for the states to assist the Human Rights Council in sharpening its focus as a forum for considering ways to encourage states to meet their obligations relating to the responsibility to protect and to monitor, on a universal and apolitical basis, their performance in this regard. States should also become parties to the relevant international instruments on human rights, international humanitarian law and refugee law, as well as to the Rome Statute of the International Criminal Court.

Additionally, state-to-state learning processes are considered to promote the transfer of best/good practices, to introduce criteria relating to the responsibility to protect into peer review mechanisms. Similarly, one of the keys to preventing small crimes from becoming large ones, as well as to ending such affronts to human dignity altogether, is to foster individual responsibility.

With regard to the pillar 2, the report considers helping to build the civilian capacities of regional and subregional organizations to prevent crimes and violations relating to the responsibility to protect could be a wise investment. There have also been a lot of proposals by Governments and civil society alike for creating a standing or standby rapid-response civilian and police capacity for such emergencies.

Still, what is most needed, from the perspective of the responsibility to protect, are assistance programmes that are carefully targeted to build specific capacities within societies that would make them less likely to travel the path to crimes relating to the responsibility to protect. The United Nations and its Member States should encourage and support geographically broad-based research networks that seek to gain a better understanding, case by case, of why some states have taken one path and other states a different path. To strengthen pillar two, a cumulative process of country-to-country, region-to-region and agency-to-agency learning is needed on prevention, capacity-building and protection strategies in order to gain a keener and more fine-tuned sense of how various strategies, doctrines and practices have fared over the years.

In support of the pillar 2, at least **five capacities can be identified as critical**: (a) **Conflict-sensitive development analysis** (analyze emerging issues and tensions together, as part of development planning), (b) **Indigenous mediation capacity** (forming or strengthening credible institutions and processes that can help find internal solutions to disputes, promote reconciliation and mediate on specific matters), (c) **Consensus and dialogue** (building capacities for inclusive and participatory processes of dialogue, and providing neutral spaces and forums for addressing contentious issues through such dialogues), (d) **Local dispute resolution capacity** (building a peace infrastructure, at both the national and local levels) (e) **Capacity to replicate capacity** (absorbing the capacities defined above in societies).

Last but not least, the United Nations and regional organizations should undertake region-to-region learning and lessons-learned processes concerning assistance relating to the responsibility to protect, given how new this field is.

The tenets of pillar 3 states that, in a rapidly unfolding emergency situation, the United Nations, regional, subregional and national decision makers must remain focused on saving lives through “timely and decisive” action, not on following arbitrary, sequential or graduated policy ladders that prize procedure over substance and process over results.

In this case, particular attention should be paid to restricting the flow of arms or police equipment, which could be misused by repressive regimes that are manifestly failing to meet their core responsibilities under paragraph 138 of the Summit Outcome, or in situations where an ongoing conflict threatens to escalate into the perpetration by one side or another of large-scale crimes and violations relating to the responsibility to protect. At the same time, targeted sanctions, such as on travel, financial transfers, luxury goods and arms, should also be considered by the Security Council, on a case-by-case basis and in cooperation with relevant regional organizations, as appropriate.

There are also political implications – within the Security Council, the five permanent members bear particular responsibility because of the privileges of tenure and the veto power they have been granted under the Charter.

Regarding the use of military force, Member states may consider the principles, rules and doctrine that should guide the application of coercive force in extreme situations relating to the responsibility to protect. Despite years of study and public discussion, the United Nations is still far from developing the

kind of rapid-response military capacity most needed to handle the sort of rapidly unfolding atrocity crimes referred to in paragraph 139 of the Summit Outcome.

Better modes of collaboration between the United Nations and regional and subregional arrangements are also needed. Moreover, global-regional collaboration is a key plank of UN strategy for operationalizing the responsibility to protect, including for establishing the early warning capability mandated in paragraph 138 of the Summit Outcome, and it deserves our full and unambiguous support.

The UN Secretary recommendations following the 2009 report are laying the grounds for a further development of R2P by focusing on three main aspects: address **ways to define and develop the partnerships between States and the international community** (under pillar two, “International assistance and capacity-building”), consider whether and, if so, how to conduct a **periodic review of what Member States have done to implement the responsibility to protect** and determine how best to **exercise UN oversight of the Secretariat’s efforts** to implement the responsibility to protect.

The idea of making the UN Secretariat accountable for R2P implementation – through annual or biennial reports – creates a mechanism allowing a more rapid development of the concept and opens the door for a better understanding of its implications.

R2P IN ACTION: DARFUR

The nature of the current conflicts that the international community has to respond to makes it adherent to the R2P development, by all means that is necessary to stop genocide, to respond to the widespread human rights violations and to provide the needed humanitarian assistance.

However, Darfur illustrates a pattern where the international community did not succeed in stopping the killing; it was rather to limit the genocide consequences.

In February 2003, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) attacked and captured Gulu, the district headquarters of Jebel Marra in central Darfur. This attack internationalized the conflict that has been part of Western Sudan for decades.

Prior to 2003, the conflicts that existed in Darfur which took the nature of inter-racial and inter-ethnic were more about access to local resources – mainly grazing land and water. Equally, they had always been resolved through an established traditional conflict resolution mechanism.

The internationalization of the conflict was not necessarily due to the attack, but more due to the response of the Sudanese government. The government responded to the attack by using its regular armed forces, but failed to restore order in the area, and, therefore, introduced the *Janjaweed* militia to intimidate and attack the civilian population directly. The use of militia presents an opportunity for the government to disown its actions where such actions have shocked the world. Media reports indicated that at least 300,000 civilians have lost their lives and over 2.5 million people have either been internally displaced or are refugees since the beginning of the conflict in 2003.

And yet the world’s response to Darfur’s crisis was apathetic. Military intervention in Darfur was not even seriously considered until

late July 2004, a full year after the outbreak of large-scale violence. An extensive protection force, the African Union (AU) Mission in the Sudan (AMIS), was authorized by the AU on 20 October 2004 and strengthened on 28 April 2005, but its capacity to halt atrocities remained weak. AMIS appeared a grossly inadequate response to the enormous humanitarian disaster. By July 2005, at least 50,000 civilians had been killed in Darfur. Malnutrition and disease had increased the number of casualties to 180,000³. Moreover, nearly 2 million internally displaced persons remained in Darfur while more than 200,000 refugees had fled to neighboring Chad⁴.

While the AU struggled to assemble its envisaged force, the UN Security Council adopted an ambiguous position. On the one hand, it failed to impose serious sanctions on Sudanese officials and did not publicly contemplate using force to protect civilians or humanitarian aid. On the other hand, it (eventually) placed limited sanctions on specific individuals, authorized an arms embargo and no-fly zone, and took the momentous step of referring the Darfur case to the International Criminal Court (ICC).

Resolution 1556 (2004) imposed a thirty-day deadline for the GoS to comply with the Security Council's demands and threatened sanctions if it failed to do so. Although there was an emerging Security Council consensus against intervention, the United States continued to push for stronger measures, propelled by its finding that the government and its allies were committing genocide in Darfur. In mid-September 2004 it circulated a draft resolution finding Sudan to be in material breach of Resolution 1556 and calling for an expanded AU force, international overflights to monitor the situation, moves to prosecute those responsible for genocide, a no-fly zone for Sudanese military aircraft, and targeted sanctions (such as travel bans) against the ruling elite. The resulting Resolution 1564 (2004) contained some of these measures but in much-diluted forms. It called for an expanded AU presence, reiterated earlier demands for all sides to respect the ceasefire and for the government to disarm and prosecute the Janjaweed, invited the UN Secretary-General to create a commission of inquiry to investigate reported crimes and indicated the Council's intention to 'consider' further measures if the government failed to comply. Significantly, however, the resolution failed to find Sudan in breach of Resolution 1556, impose measures upon it, or even criticize the government explicitly.

The situation in Darfur deteriorated soon after Resolution 1564 was passed. As noted earlier, evidence grew of AMIS's inability to protect civilians throughout Darfur or deter renewed clashes between rebels and government forces (see Human Rights Watch 2004).

From this point on the debate about sanctions within the Council was complicated by two further interrelated issues. First, **a debate emerged over**

³ Edith M. Lederer, "Darfur Violence Drops but Rape Persists," Associated Press, available at http://news.yahoo.com/news?tmpl=story&u=/ap/20050721/ap_on_re_af/un_sudan_darfur_2 (accessed 22 July 2005).

⁴ United Nations, *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General Pursuant to Security Council Resolution 1564 of 18 September 2004* (Geneva: United Nations, 25 January 2005), p. 3.

whether to refer Darfur to the ICC. Second, the conclusion of a Comprehensive Peace Agreement between the Government of Sudan and the SPLM/A started a debate about whether **the UN force created to police the agreement**, the UN mission in Sudan (UNMIS), **would also deploy to Darfur and assist AMIS with its operations.**

On 25 January 2005, a UN Commission of Inquiry concluded that while the Sudanese government did not have a policy of genocide, it was implicated in numerous war crimes and crimes against humanity. Nonetheless, the Commission judged that only a competent court would be able to determine whether specific crimes were genocidal.

The report sparked a heated debate about the appropriate venue in which to prosecute accused war criminals. EU states, including the UK, argued that the Security Council should refer the matter to the ICC. The US, on the other hand, argued that the Security Council should create a special tribunal in Arusha to indict and prosecute war criminals. For more than two months, this debate impeded the efforts to create a UN peace operation, as the Europeans insisted on the ICC referral being part of any authorizing resolution. The deadlock was finally broken in late March 2005 when the two issues were decoupled and the Council passed Resolution 1593 referring Darfur to the ICC.

The debate about the role and nature of the UN mission to Sudan was similarly long-winded with states particularly divided over whether UNMIS could be ‘rerouted’ to Darfur. In the end, Resolution 1590 authorized a 10,000 strong peace operation mandated to support the implementation of the Comprehensive Peace Agreement, including (acting under Chapter VII of the UN Charter) the “protection of civilians under imminent threat of physical violence”. The resolution avoided pronouncing on whether UNMIS would be deployed to Darfur and invited the Secretary-General to investigate the types of assistance that UNMIS could offer to AMIS, identifying ‘technical and logistical’ assistance as two potential areas.

Between March and August 2005, less than 1,200 of the authorized 10,000 military personnel had been deployed and it gradually became apparent that UNMIS would not take on much of a role in Darfur. However, the secretary-general had been actively seeking support for months both from individual states and two major regional organizations in the developed world, namely, the EU and NATO, to back up the AU’s military operation⁵. The EU chose to provide a financial support package worth \$120 million to AMIS, which covered almost half the costs of the operation. Similarly, NATO decided to airlift additional AU troops to Sudan⁶.

No consensus emerged on the question of sanctions, however. In mid-February 2005, the United States circulated a draft resolution coupling UNMIS and oil sanctions. After a protracted round of informal consultations, the US dropped the oil embargo in favour of the imposition of travel bans and asset

⁵ United Nations press release, “*Secretary-General Welcomes NATO, EU Airlift of African Union Peacekeepers into Darfur; Also Welcomes Resumption of Negotiations on Political Settlement*”, UN Doc. SG/SM/9925, AFR/1190, 10 June 2005.

⁶ “NATO Considers Helping African Union Force in Darfur,” *USA Today*, 27 April 2005, available at www.usatoday.com/news/world/2005-04-27-nato-darfur_x.htm?csp=36.

freezing on suspected war criminals. Russia and China, however, rejected both the asset freezing and the linkage between sanctions and UNMIS. The US revised its draft further, and on 29 March 2005, the Security Council passed Resolution 1591 imposing a travel ban on suspected war criminals.

Along with the debates, at least two of the permanent members (China and Russia) and a number of non-permanent members **consistently refused to acknowledge the idea that consideration for human rights should affect sovereignty**, despite the very clear evidence that the situation in Darfur was characterized by mass murder, ethnic cleansing and potentially genocide. **This raises the question of whether only absolutely clear-cut cases of genocide would elicit Security Council consensus on action.**

During this time the African Union force expanded further, but it continued to be ineffective in stopping the violence. Pressure continued to mount for the Security Council to take further action. Rather than mount a military operation that might stop the fighting, however, Western states focused on peace talks leading to an agreement in May 2006 which was not signed by all the parties to the conflict (most rebels factions declined to sign) and did not, in the end, lead to much of a decline in government attacks – not surprising given the duplicity of the government.

The Security Council agreed to expand the mandate of UNMIS to Darfur with Resolution 1706 in August 2006. **While referring to the responsibility to protect provisions in the 2005 World Summit outcome document, and providing a Chapter VII mandate to “protect civilians under the threat of physical violence”, it also indicated that the consent of the government would be required.** Predictably, the government impeded the progress of this mission and it was never deployed. So, even while recognizing the genocidal (or at least crimes against humanity) nature of the conflict in Darfur, and recognizing the responsibility to protect on the part of the international community, **the Security Council failed to implement that responsibility in a robust manner.**

In July 2007, after much resistance and dithering, the Security Council has finally approved a mixed AU-UN force – **the United Nations-African Union Mission in Darfur (UNAMID)**. With only a couple of exceptions, the force was comprised of troops from African countries – many of the same countries that contributed to the failed African Union force, due to Khartoum’s opposition. This mission was also confronted with a lack of essential items, with lack of permission from Khartoum to conduct night flights and didn’t deploy more than one third of its strength.

At the time of speaking (October 2010), the situation in Sudan is still under pressure. The UNAMID has 22,000 troops and police deployed and its work it is still hampered by the Sudanese government.

The only palpable result of the international efforts was the deference of Sudan's president Omar al-Bashir to the International Criminal Court and its charging for orchestrating Darfur genocide (July, 2010).

However, since Sudan is not a state party to the Rome Statute (which it signed but didn't ratify), al-Bashir will not face trial in The Hague until he will travel to a country which accepts the ICC's jurisdiction. Moreover, the Arab

League has announced its solidarity with al-Bashir. Since the ICC's warrant, he has visited Qatar and Egypt. Both countries have refused to arrest him. The African Union also condemned the arrest warrant.

Some analysts also think that the ICC indictment is counterproductive and harms the peace process. Only days after the ICC indictment, al-Bashir expelled 13 international aid organization from Darfur and disbanded three domestic aid organizations.

Based on Darfur illustration, we can generally display one major cause for the failure or limited effects of international community intervention: **the lack of the three C's (consensus, capabilities and cooperation)**.

The frequent failure of UN Security Council to reach **consensus** in addressing worldwide human security crisis is determined by the preponderance of national interests in regard to the monitored conflict areas. In the case of Darfur, there were two of the permanent members on the Security Council having interests in the region – on the one hand China, which received 500,000 barrels of oil each day from Sudan and, on the other hand Russia, which was selling arms to the Sudanese government.

The lack of **cooperation** is a major issue and it especially refers to the cooperation amongst all the capable security actors in addressing a crisis. The lack of a coherent network of relations between, in some cases, hundreds of actors involved in addressing a crisis, has a significant influence on its settlement.

Last but not least, UN looks to member states for **capabilities** because it does not have its own high-readiness standing force. Having said that, we can imagine the difficulties UN has to face in building a multi-national, multi-cultural and in the same time “coherent” force. Beyond nations’ reluctance to provide troops, UN has to solve also the financial problems connected to the deployment of these troops in the theatres of operations.

References

Amouyel, Alexandra, „What is Human Security?” (2006), *Revue de Sécurité Humaine / Human Security Journal* - Issue 1 – April.

Bannon, Alicia L., (2006) „The Responsibility to Protect: The UN World Summit and the Question of Unilateralism”, *The Yale Law Journal* 115: 1156–1165.

"Humanitarian Intervention? How Can We Do It Better?" (2001), conference held at Wilton Park, Sussex, U.K., February 19-22.

Kofi Annan, (2000), « Secretary General Salutes International Workshop on Human Security in Mongolia ». Two day session in Ulaanbatar, May 8-10, in Harvard University list of definitions.

Stedman, Stephen J., (2007), *UN Transformation in an Era of Soft Balancing*, *International Affairs* 83(5).

Tharoor, Shashi, Daws, Sam, (2001), „Humanitarian Intervention: Getting Past the Reefs”, *World Policy Journal*, Summer.

Bellamy, Alex, (2009), *Responsibility to Protect, The Global Effort to End Mass Atrocities*, Polity Press.

Legro, Josef, (1977), „Which norms matter? Revisiting the failure of the internationalism”, *International Organization*, 51(1).

UN High Level Panel on Threats, (2004), *Challenges and Change*, “A more secure world: Our shared responsibility”, A/59/565, 2 December.

Online resources:

UN Secretary General, Kofi Annan, *Millennium Report*, Chapter 3, pp. 43-44 in Harvard University list of definitions http://www.hsph.harvard.edu/hpcr/events/hsworkshop/list_definitions.pdf;

United Nations Human Development Report, New York, Oxford, Oxford University Press, 1994, http://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf.

http://www.allacademic.com/meta/p_mla_apa_research_citation/0/9/8/0/9/p98097_index.html.

AGAINST THE ECONOMIC CRISIS – NO OPTIMALITY ONLY HUMAN DECISIONS¹

Șerban-Costin Crețu*

cretuserbancostin@gmail.com

Abstract: *"In this article I present the anti-crisis policies adopted beginning with 2008 in different economic areas significant for their dimensions and roles in triggering the crisis and, especially, for the capitalist structures (varieties) existent in those areas. I insist on the US TARP, on the double language of the EU's nucleus (i.e. Germany and France) regarding the anti-crisis measures, on the negative influence of the IMF-EU-World Bank Troika on combating the crisis in Eastern Europe's emerging economies; I also study, as exemplary, those organizations' influence in deepening the Greek disaster. Moreover, I investigate the crisis' influence and the measures taken against it in*

¹ In the following, I will present a series of three articles that can be placed under the generic title *Too-big-to-fail or for whom public policies are made*. Each of the three articles can be read and understood independently of the others, but the central ideas of each can be better understood by reading of them all. These three articles are based on the last chapter of my PhD thesis entitled *Too-big-to-fail and the modern capitalist society* that I will defend this autumn at SNSPA. This chapter – as well as this series of articles – presents in a systematic manner the results of a research based on a substantial collection and analysis of data regarding capitalism's crises. For this reason, those who want to know more about the ideas of these articles are directed to the text of the PhD thesis that will be available in the SNSPA Library from September. Some clarifications are necessary for the correct understanding of these articles: (1) capitalism is studied in its historical evolution (commercial, industrial and financial) and in its contemporary varieties (state-led, oligarchic, of large firms and entrepreneurial); (2) capitalism is primarily an economic phenomenon oriented by its nature towards profit (with a constant tension between quantity and sustainability); (3) capitalism entails economy, society and politics (market, welfare and democracy in the definition for the contemporary one); (4) the regulation of the mechanics inside and between these areas can be better understood by analyzing the crises (the economic ones because this area is essential for capitalism), capitalism's moments of fragility.

The first article widely explores the measures taken to tackle the recent crisis by different actors according to the variety of capitalism in the respective states, the severity of the crisis, the resources they had available, including the institutional ones. This study provides a picture of the relationship between the market, the standard of living and public policy; it highlights the constraints on public policies, the importance of political decision quality. The second article develops – on the basis of the measures described in the first – a three-dimensional model for assessing these measures; its main merit is that it allows us to firmly affirm that the level of public policies plays an essential role in triggering / fighting crises. In the third article, there are various considerations about the need for policy coherence (whether pro-market or pro-regulation) and the risks induced by the incoherence of those who prior to the crisis supported pro-market policies and, after its onset, proposed regulatory policies.

The articles have in their content a pronounced character of political economy, technical issues that could not be bypassed in the solving of the problems discussed. However, they contain many references to the social implications of the economic processes, as they repeatedly highlight the importance of politics in particular through the promoted public policies. The concern was to provide a good foundation for supporting the most important idea, the need for public policy coherence in the long run; this has placed before any consideration regarding the facility of reception.

* **PhD. candidate at the National University of Political Studies and Public Administration, Bucharest.**

important economies that did not directly participate in triggering and developing the crisis: Russia, South Korea and China. I formulate answers – that will be refined in the following articles – to the question: for whom work the governments, their policies?"

Keywords: *economical structures, crisis, anti-crisis measures, international organizations, public policies.*

Taking into account some of key facts – the genesis of the recent financial crisis in the American economy, the weight of this economy in the world, the importance of the American financial sector in the globalized economy, the traditions of American politics, its institutional levers and its international relevance – it is only natural we begin with the analysis of the measures taken against the financial crisis with those from the United States. In doing so, we must bear in mind two aspects that correlate these descriptions and analyses of American measures on the one hand with the causes of the crisis and², on the other hand, with measures taken in other states³. With regard to the first aspect, once the measures are presented, there will be sufficient material to ask ourselves whether they have only treated the symptoms of the crisis or whether have they responded to the causes previously studied and formulated by the various specialists. With regard to the second aspect, we draw attention to two actions; the first one is a natural comparison which results from the presentations we make between the measures adopted by the various states and, in particular, between those taken by other states and the US; the second is a more difficult move to do and, for this reason, we will make some suggestions for understanding it, such as highlighting the links between the conditionalities of each economy and the measures taken by those states against the crisis. With this warning in mind, it is easy to see that *quod licet Jovis, non licet bovis*, since a single state has the exorbitant and essential privilege for the financial industry of sheltering the only bank that prints dollars.

Analyzing how the United States came out of the crisis of 1929-1933, we notice that the economic intervention and recovery measures took longer in the US than in Germany, because the US free market economy had to be supplied not with an adequate regulatory legislation, but even with the institutions needed to propose and implement it. Independent of how impetuous the wave of deregulation was in the 1980s, in the 2000s the US was in a completely different situation, it had an entire institutional network – beyond the main actors, the Treasury and the Federal Reserve – to decide what policies should be followed and implement them. However, the good American liberal tradition, reinforced by reagonomics, did not even think of the scenarios for the economical-financial crisis, and even less, did not consider legislating such measures. Regarding the second aspect, Alan Blinder, recognizing the lack of preparedness, states “legislation had to be drafted and

² cf. Șerban-Costin Crețu, *Too-bit-to-fail and the modern capitalist society*, PhD. Thesis (forthcoming), National University for Political Studies and Public Administration, Bucharest, 2018, Chapter III, Section 2.

³ *Ibidem*.

approved (after being voted first) in a great rush, with the details made on the run”⁴. These are the remarks of an important economist on a serious problem posed by the legislature and experts of the most important democracy, at the same time the world’s largest capitalist economy. The American attachment for freedom and private initiative has to be praised, and it has gone so far as to consider the development of alternative forecasts and scenarios of development as dangerously approaching the socialist tendencies of centralized planning. Obviously, this is a biting irony, unfortunately bitter, because, as we will immediately see, such ideas really were in the minds of political decision-makers and were used as arguments, amongst few others, to reject a certain solution proposed by the Chairman of the Fed, Ben Bernanke, if not to help impose the one supported by Treasury Secretary Henry Paulson and eventually adopted.

Just as they woke up late during the crisis of 1929-1933 in regards to institutional design, the American specialists also awakened late during the 2007-2009 concerning the forecast, the possible scenarios. Of course, there were voices that announced the crisis, there were even proponents of solutions to a possible crisis. They were economists and a few market players, but they all made such observations not from the position of insiders of the institutions with tasks in the economic and financial field, and even less from the position of coordinating such institutions in order to produce policy scenarios in response to a possible crisis. That is precisely why these proposals – they continued to appear even after the crisis had ended – being formulated ante-crisis were rather principles and desiderata on how the crisis could be avoided – after the crisis struck such considerations had the character of a critique regarding the lack of an etiological response from the authorities.

The crisis itself began in 2007, and in spring 2008, the rescue of the Bear Stearns investment bank was already needed. It was in those circumstances that Treasury Secretary Henry Paulson instructed two of his assistants, Neel Kashkari and Phillip Swagel, to draft the so-called *Break-the-Glass Memo*, an emergency note in case of fires – as if someone was sitting at a desk drafting instructions for the firefighters who had to put out the fire in the adjoining office. This memorandum included a recommended and four secondary scenarios for a possible intervention in order to combat the effects of the crisis primarily at the level of banks, although some of the proposed solutions also concerned other entities, such as insurance companies or even the initial debtors; or, in the description of the developers of the memorandum: “Off-the-shelf plan for the USG [United States Government] to recapitalize the banking sector by purchasing illiquid mortgage-related assets. This plan has been drafted for contingency purposes only. It is designed to help banks resume lending and help stabilize the housing and mortgage markets.”⁵ It is worth noting that the writers of these scenarios were working on behalf of the government because they worked from

⁴ Alan S. Blinder, *After the Music Stopped: The Financial Crisis, the Response, and the Work Ahead*, New York, Penguin Group, 2014, p. 177.

⁵ Neel Kashkari and Phillip Swagel, “*Break the Glass*” *Bank Recapitalization Plan*, Washington DC., US Department of the Treasury, p. 1 in <http://www.andrewrossorkin.com/?p=368>.

the Secretary of the Treasury, who carries out US financial policies on behalf of the President. At the same time, it should be stressed that although the document was not of a secret nature, it was for internal use and only for emergencies. Obviously, many precautions had been taken to avoid further uncertainty in the financial-banking market.

The memorandum – written inside the Treasury – contained, as already stated, five scenarios⁶, of which one was preferred. This first scenario, the main one, essentially provided “Treasury purchases \$500 bn of mortgage-backed securities from financial institutions”⁷, but had an elaborate structure of the intervention. Firstly, these securities would have been paid in Treasury bonds, not in cash, so that the Fed should not have to issue new currency and, especially, to sterilize it. Financial institutions would have had access to the bonds on the basis of an auction, and then they would have had to convert them into liquidities on the open market. In addition to the advantage of not forcing the Fed to issue currency or the Treasury to go beyond the permitted limit of governmental debt (of which on that date there was a reserve of \$ 400 billion⁸), this federal-bonds based solution also had the one that it stimulated the leaders of the banks to get involved in the program. However, in order to be completed, the process would have needed, in the estimation of the memorandum’s authors, about ten years⁹. This basic scenario was also accompanied by an analysis of the legislation to be addressed, the financial institutions to be supported and the type of mortgages that could have been purchased, as well as an estimate of the extent of the necessary intervention. Based on the idea that at the time of the memorandum the banks had already lost \$ 300 billion, the authors of the analysis believed that this number could double over the program duration; taking into account that the banks themselves were able to increase their capital by \$100 billion and having in view the possible evolution, they proposed a program of \$ 500 billion¹⁰. It will be instructive to see that Blinder uses a wordplay, *guesstimated*, for this process of estimation, but even this is a euphemism, as Paulson and the authors of the memorandum themselves never found an argument for the 700 billion that they will eventually claim in what will be called TARP¹¹.

The secondary scenarios were as follows:

A. The Treasury would have sold insurance to the owners of the mortgage-backed securities, situation in which the rating of these derivatives would have been given considering the trust in the Treasury. By using an auction process, the insurance policies thus contracted would have reflected to some extent the quality of the mortgage-backed securities. The main difficulty in implementing this program that eliminated market uncertainty was the need for legislative changes difficult to be made in the short term¹².

⁶ Surprisingly, Blinder (*op.cit.*, p. 179) only presents four of them.

⁷ Neel Kashkari and Phillip Swagel, *op.cit.*, p. 2.

⁸ From where, taking into account the \$ 500 billion proposed in the memorandum as the total intervention, the Fed would have had to supply the other \$100 billion by printing currency.

⁹ Neel Kashkari and Phillip Swagel, *op.cit.*, pp. 2-4.

¹⁰ *Ibidem*, p. 5.

¹¹ Alan S. Blinder, *op.cit.*, pp. 184-185.

¹² Neel Kashkari and Phillip Swagel *op.cit.*, p. 8.

B. The Fed would have provided loans guaranteed only through the properties offered as collateral for them – not through other assets owned by the borrower. Although the measure had the advantage of being very expedient, it also had the disadvantage that the Fed would have had to increase its money supply and subsequently would be compelled to sterilize that currency thus created¹³.

C. In this scenario, the Federal Housing Agency would have refinanced individual loans on the basis of each loan's analysis. The advantage was that this program helped both the borrowers, the homeowners, and the banks with the great disadvantage that the program would have been a great time consumer and would have been risky given the quality of the loans¹⁴.

D. Treasury would have injected capital directly into banks by buying shares in them by way of an auction. The advantage would have been that it would have helped the banks without buying their toxic assets, but the major disadvantage was the difficulty of adopting the legislation needed. In addition, the toxic assets would have remained in the banks' balances even if the state became part owner of them¹⁵.

As can be easily seen, the scenarios presented in the document in question were primarily focused on the financial and banking sectors, with a special emphasis on creditors rather than on debtors, and, secondly, they investigated the measures that could be taken immediately, even if it would have taken more time for them to work. In reality, the interventions were much more complex than the scenarios predicted. This happened because the scope of the financial and economic dysfunctions was much broader than initially estimated and because the taking of said measures imposed compliance with real requirements and the appeal to political negotiation. In other words, the problem of intervention was not a strictly technical one, of cognitive competence in the economy and, especially, in finance; it was, at least equally, a matter of legality and legitimacy, that is, not only of respecting the legal framework, but also of legitimacy, to entitle the politicians to take those measures.

Then, taking into account both aspects of economic-financial competence and political legitimacy, there was the question of an all-encompassing reaction to the crisis considering also the inter-temporal impact of those measures. This is why, by presenting the two main sets of measures taken, the *Troubled Asset Relief Program* (TARP) and, on the other hand, the quantitative easing policy introduced by the Fed, we will not only refer to the measures taken immediately, but to the necessary extent we will keep track of their temporal evolution.

The introduction of the first set of measures, TARP, which constituted the first reaction – but which extended over time, continuing even to this day – is a very good revealer of the ongoing tensions in the public policy decision making process between the aspects of cognitive competence, on one hand, and those of legality and especially of political legitimacy, on the other. Blinder presents in a very vivid manner the dispute between an academic, the Fed's Chairman Ben Bernanke, and

¹³ *Ibidem*, p. 9.

¹⁴ *Ibidem*, p. 10.

¹⁵ *Ibidem*, p. 10.

a politician coming from the financial environment, the Secretary of Treasury Henry Paulson, about the measures to be taken on the basis of the scenarios described in *Break the Glass*¹⁶. This dispute, with its stakes at the moment of crisis, is an additional confirmation of our hypothesis that such moments of fragility allow for a better understanding not only of the functioning of the capitalist economy but also of the whole society. Bernanke, the academic specialist in the Great Crisis, supported the scenario of direct money injection into banks by buying shares, thinking that any dollar added to a bank's capital could lead to 10-times in loans provided by it. His position was supported not only by academics such as Paul Krugman or Joseph Stiglitz, but also by speculative investors such as George Soros. Paulson's position, as the primary responsible regarding the US financial policy on behalf of the President, was very strongly determined politically, and therefore interested in the legitimacy of the decision-making process – because it was assumed that legality would have been respected in any scenario of response adopted. Therefore, he rejected the former solution as being opened to interpretation as socialist, at least by Republicans, and being considered as a free gift to bankers by the general public. Consequently, Paulson supported, at least initially, the primary solution from the memorandum, the purchase of toxic assets. We will immediately see that both the proposal made to Congress for the adoption of TARP and the law through which this proposal was adopted provided Paulson with a wide margin of maneuver so that we should not be surprised that in almost ten years of its operation¹⁷, TARP used measures taken from all five scenarios. Paulson's success was normal, since, in adopting any public policy, the political factor usually takes precedence over the technical one, the latter having the main task of facilitating the implementation of political decisions.

It has almost become an urban legend that in the very hot autumn of 2008 a significant number of US immensely rich men, beginning with Warren Buffet, offered to give up half of their wealth for the benefit of the state. Even if this did not materialize, this offer coming from several persons specialized and financially interested in the state of the economy shows that they were thinking about the possibility of a collapse that would nullify their wealth. A much clearer picture of the immense threat to the US financial system, first to all the banks, and then to

¹⁶ Alan S. Blinder, *op.cit.*, pp. 180-181.

¹⁷ TARP as such and the various component programs, introducing money in various sectors of the US economy from banks on the basis of the *Emergency Economic Stabilization Act of 2008* (US Congress, *An Act To provide authority for the Federal Government to purchase and insure certain types of troubled assets for the purposes of providing stability to and preventing disruption in the economy and financial system and protecting taxpayers, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes*, Public Law 110-343, 122 Stat. 3765-3933, Washington DC., 2008, in

<https://www.congress.gov/110/plaws/publ343/PLAW-110publ343.pdf>), automobile industry and insurance, operated for two years between October 3 2008 and 3 October 2010 (Katalina Bianco, *A Retrospective of the Troubled Asset Relief Program*, Alphen aan den Rijn, Wolters Kluwer Law & Business, 2011, p. 16 in

<https://business.cch.com/bankingFinance/focus/News/TARPwhitepaper.pdf>). Instead, the institutions linked to it, which we will immediately describe, still function, as the Treasury still receives money from the aid provided in 2008-2010.

the US economy at large – clearer because it came from high-level political decision-makers with an incontestable experience in financial-banking, as was Paulson – we can get from the famous three-page proposal submitted on September 20, 2008 by the White House to Congress, but obviously originated from the Treasury. In Section 2.a of the proposal it was stated, no more or less, that the Secretary of the Treasury was authorized to buy in the terms he wished any mortgage-backed security from any US-based financial institution. Under Section 2.b., he was empowered to designate any persons or institutions, public or private, in order to carry out this task, having the freedom to enter into the contracts as he wished, with the financial vehicles he thought fit and even to lay down regulations in this sense. Section 6 of the proposal showed that the Treasury Secretary’s authority was for the amount of \$ 700 billion payable at any time¹⁸.

This unexpected, shocking and particularly relevant proposal for the gravity of the situation was all the more unfamiliar to the Senate and the US House of Representatives; Blinder reproduces the advice of Paulson’s assistant Jim Wilkinson before a meeting between him and the Fed Chairman with the main congressional leaders, “it will work if you scare the shit out of [the members of the Congress]”¹⁹, as well as the Treasury Secretary’s disposition when entering the meeting, confessed to Bernanke: “they’ll will kill me up there. I will be hung to dry”²⁰. Indeed, as expected, although Congress was presented this time with a well-drafted legislative proposal, the draft of the Emergency Economic Stabilization Act was rejected by the House of Representatives on the first ballot of 29 September 2008 with 205 Yeas and 228 Nays and was finally adopted four days later, on October 3, with a comfortable majority of 263 to 171, as in these few days the Standard and Poor’s 500 index fell by 9%, which meant the disappearance of \$ 1.25 trillion in market capitalization, almost double the value of TARP²¹.

This document, *Public Law 110-343*, had as the most important component its first division, the *Emergency Economic Stabilization Act of 2008* (EESA), which, while paying much attention in its Section 103²² to protecting the interests of taxpayers, to the stability of financial markets, to helping families to keep their homes, to buying toxic assets and selecting beneficiary financial institutions, and returning money invested to the Treasury left the main provisions of the almost scandalous three-page proposal essentially untouched. Thus, on the basis of

¹⁸ CNN, *Treasury's bailout proposal. The legislative proposal was sent by the White House overnight to lawmakers*, 2008 in http://money.cnn.com/2008/09/20/news/economy/treasury_proposal/index.htm.

¹⁹ Alan S. Blinder, *op.cit.*, p. 182.

²⁰ *Ibidem*, p. 182.

²¹ *Ibidem*, pp. 192-193.

²² US Congress, *An Act To provide authority for the Federal Government to purchase and insure certain types of troubled assets for the purposes of providing stability to and preventing disruption in the economy and financial system and protecting taxpayers, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes*, Public Law 110-343. 122 Stat. 3765-3933, Washington DC., 2008, p. 3770 in <https://www.congress.gov/110/plaws/publ343/PLAW-110publ343.pdf>.

Section 115, the Treasury Secretary gained the right to gradually carry out financial operations amounting to \$ 700 billion, with the first 250 billion at any time under his authority, another 100 billion at any time, but with the written announcement to Congress and, finally, the remaining 350 billion with the written notice to Congress and with a waiting period of 15 days²³. Relevant is not only the size of the amount at Paulson's disposal, but also the fact that in Section 119, although it was stipulated that decisions of the Secretary of the Treasury were subject to legal review (unlike the original three pages proposal stating that the decisions were not subject to any legal review²⁴), contained two fundamental limitations to the possible revision; the first was that for any attempt to review, the law contained a character of expedience, a court decision in less than three days, in order not to impede the function of TARP; the second limitation was more significant because it excluded the legal review of the Secretary's actions set out in Sections 101, 102, 106 and 109. These were the sections that set out the most important actions of TARP that were at the discretion of the Treasury Secretary. By enumerating them further, we show, on the one hand, what were initially the main directions of TARP at least at the legislative level – anyway more than Paulson and Bernanke's positions in their dispute – and, on the other hand, we see that the nucleus of the three-page initial proposal had been preserved in the Bill passed by Congress²⁵. Also, by making this enumeration, we have a good material to compare with how TARP has evolved over the next ten years. Section 101 empowered the Secretary of the Treasury to create TARP with the primary aim of buying toxic assets from the financial institutions he was considering and under the conditions considered by him²⁶. Section 102 gave the Secretary the right to use TARP to guarantee toxic assets, including mortgage-backed securities²⁷. Section 106 gave the Secretary permission to exercise full rights in regard to the purchased toxic assets, to administer them as he saw fit, to sell them so that all incomes generated would enter the Treasury in order to reduce the public debt²⁸. Section 109 allowed the Secretary to make a plan so as to help homeowners in regard to mortgages, mortgage-backed securities and any other related assets; in this sense, he was even allowed to change the terms of the initial mortgage contracts²⁹. Regarding TARP's funding, section 118³⁰ provided that this would be made by way of any security issued under the provisions of Chapter 31 of Title 31 of the US Code, namely § 3102, where it is stated that the Secretary of the Treasury may, with the

²³ *Ibidem*, pp. 3780-3783.

²⁴ CNN, *op.cit.*

²⁵ *Ibidem*, pp. 3787-3788.

²⁶ US Congress, *An Act To provide authority for the Federal Government to purchase and insure certain types of troubled assets for the purposes of providing stability to and preventing disruption in the economy and financial system and protecting taxpayers, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes*, Public Law 110-343. 122 Stat. 3765-3933, Washington DC., 2008, in <https://www.congress.gov/110/plaws/publ343/PLAW-110publ343.pdf>, pp. 3767-3768.

²⁷ *Ibidem*, pp. 3768-3770.

²⁸ *Ibidem*, p. 3773.

²⁹ *Ibidem*, pp. 3774-3775.

³⁰ *Ibidem*, p. 3786.

approval of the President, make transactions using any kind of government securities (i.e. bonds) in order to obtain loans on the free market, primarily from US citizens, within the limits provided by § 3101 A for public debt³¹. In short, TARP money was gathered from American citizens who received safe securities with certain annual interest and the return of their principal on maturity (the moment of the bond's redeeming); The Secretary of the Treasury used, as we have shown, that money and we will immediately show what were the main TARP expenditures and what was received back.

The Emergency Economic Stabilization Act of 2008 contained three categories of provisions concerning the implementation and control of the TARP and, more generally, the measures to be taken to remedy the US financial and banking market. With regard to TARP, section 116 showed that the Director of the Government Accountability Office – an agency of the legislative branch established in 1921 and responsible for verifying government accounting – received among its tasks to determine whether TARP would help to solve problems, reduce costs and protect taxpayers; to this end, the Office's representatives had free access to all Treasury documents on TARP, as they had to receive any information requested and once every 60 days had to report to Congress and annually audit TARP, while the Treasury had the obligation to remedy the reported deficiencies³². Section 121 provided for the establishment of a distinct office, the Special Inspector General for the Troubled Asset Relief Program (SIGTARP), which was to function from the moment the provisions of Sections 101 and 102 regarding the purchase or insurance of toxic assets were put into operation. Its main task was to audit the actions of the Secretary of the Treasury on the basis of the two sections mentioned and to make a summary of all these activities. The Inspector General also had the freedom to structure his office and hire staff, but also to establish contracts with any third party, private or public, in order to facilitate his TARP auditing work³³. The Inspector General was charged with producing quarterly reports that he had to submit to the Congressional TARP Oversight Panel. The latter was established by section 125 as part of the legislative, but with broader powers than those strictly related to TARP – although these were essential – namely, the obligation to analyze, oversee and review the current state of financial markets as well as their regulatory system and report to Congress, inter alia, on Treasury Secretary's actions and on their impact and the effectiveness of TARP. Reports on this issue would be presented monthly. Also, within four months, the Commission had to submit to Congress an

³¹ U.S. Code, 31 U.S. Code Subchapter I - BORROWING AUTHORITY, 2018, in <https://www.law.cornell.edu/uscode/text/31/subtitle-III/chapter-31/subchapter-I>.

³² US Congress, *An Act To provide authority for the Federal Government to purchase and insure certain types of troubled assets for the purposes of providing stability to and preventing disruption in the economy and financial system and protecting taxpayers, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes*, Public Law 110-343, 122 Stat. 3765-3933, Washington DC., 2008, pp. 3783-3786 in https://www.congress.gov/110/plaws/publ_343/PLAW-110publ343.pdf.

³³ *Ibidem*, pp. 3788-3790.

analysis of the state of the financial market's regulation and the extent to which it contributed to consumer protection³⁴.

As large as the margin of maneuver left to the Secretary of the Treasury was ex ante, so much he has controlled ex-post. No matter how surprising the procedure looks, and whatever the real reasons were – their intelligent and well-suited design, Paulson's self-censorship as he was scared by the situation, the receptiveness of the actors, etc. – all of the data we will immediately show confirms Blinder's appreciation that although several years after its entry into force, TARP had a negative fame, in fact it had been an unexpected success even for its initiators³⁵.

We have already shown that TARP was actually a set of programs and we have noticed that it is subject to periodic analysis and reporting by several institutions. Given this arborescence, it is appropriate to specify that three aspects need to be distinguished in the analysis of TARP in order to have a fair picture of it: the types of operations, the companies considered for being supported and the timing of the reporting. From this perspective, the EASA provided primarily for the purchase of toxic assets or their guarantee, while allowing the Secretary of the Treasury to achieve these goals through the ways and actions that he consider necessary. This explains why some TARP programs did not consist in buying or securing toxic assets, but in capital injections, plain and simple, by buying preferential shares³⁶. TARP was conducted in four directions, i.e. it supported companies working in these four sectors, and able to rebalance each of them: (1) capital purchases and other types of support to financial institutions; (2) financial assistance to the automotive industry; (3) capital injection into private firms in order to enhance the liquidity of credit-based securities market and (4) mortgage programs. As it can be seen, this list is not only about the sectors in which TARP intervened, but also about the ways of intervention: purchase of capital, i.e. shares, guarantee of certain assets, etc.³⁷

The first subset of TARP's programs, which focused on capital purchases and other forms of support for financial institutions, was the Capital Purchase Program (CPP). As part of it, \$ 204.89 billion had been spent until December 31, 2017 with an estimated cost (i.e. losses) of \$ 16.32 billion, of which the vast majority of money, i.e. \$ 165.33 billion, (with a loss of 10.24 billion) was for Citigroup³⁸; 707 financial institutions entered the CPP³⁹. Two other programs in this subset were the Targeted Investment Program (TIP), with a total of \$ 40 billion paid and \$ 4 billion in losses, respectively the Asset Guarantee Program, with 5 billion paid and

³⁴ *Ibidem*, pp. 3791-3793.

³⁵ Alan S. Blinder, *op.cit.*, p. 178.

³⁶ Preferred stocks are property rights whose dividends are paid first, whose rights in the event of bankruptcy are satisfied first but are usually not accompanied by voting rights.

³⁷ Congressional Budget Office, *Report on the Troubled Asset Relief Program—June 2017*, Washington DC., p. 2. in <https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52840-tarp.pdf>

³⁸ The Congressional Budget Office (*op.cit.*, p. 3) estimates that, when completed, the program will generate \$ 16 billion in revenues because of the dividends and interests accumulated. See also US Department of the Treasury, *Troubled Asset Relief Program Monthly Report to Congress December 2017*, Washington DC., 2018a, p. 5.

³⁹ Congressional Budget Office, *op.cit.*, pp. 2 3.

4 billion lost⁴⁰; it is worth mentioning that Citigroup and Bank of America have received money both through CPP and the other two programs. In fact, the \$ 40 billion from TIPs were directed exclusively and equally, 20 billion each, to Citigroup and Bank of America⁴¹. In the same subset of programs there was also the Community Development Capital Initiative (CDCI), which had been allocated \$ 0.57 billion (with losses of \$ 0.07 billion⁴²), designed to aid the financial institutions with implications in community development⁴³. The last important program in this first subset was that dedicated to saving the American International Group⁴⁴ – classified in other reports as a separate program – through which the Treasury provided \$ 67, 88 billion at a cost of 15.18 billion⁴⁵.

The second subset of programs was the Automotive Industry Financing Program (AIFP), with a total of \$ 79.69 billion and losses of 12.16 billion⁴⁶. This subset included the programs for helping General Motors and Chrysler, and the support program for the financial intermediaries – the divisions of the two corporations which gave loans for car purchases⁴⁷.

The third subset of the programs referred to capital injections into private firms in order to enhance the liquidity of credit-based securities market. Inside it, TALF – the Term Asset-Backed Securities Loan Facility⁴⁸, gave \$ 200 billion in loans between 2009 and 2010, amounts that were repaid until 2014 and were funded mainly by the Federal Reserve Bank of New York⁴⁹, the Treasury paying the first 20 billion⁵⁰; at the end of 2017, TALF's costs to TARP were \$ 0.61 billion⁵¹. Another program was the Public Private Investment Program (PPIP), designed with a \$ 19 billion contribution by the Treasury⁵²; at the end of 2017, the program's losses were \$ 2.73 billion. Finally, the Securities Guaranteed by the Small Business Administration (SBA) received \$ 0.37 billion and its losses were 0⁵³.

The fourth subset of programs was designed of as a 100% rate subsidy system, that is, without expecting the return of the money loaned, namely for mortgage programs. The first of these was Making Home Affordable, for which \$ 18.4 billion was spent; the second was Hardest Hit Fund, which received \$ 8.72 billion; the last and smallest program was the Federal Home Administration Refinance which

⁴⁰ US Department of the Treasury, *op.cit.*, p. 5.

⁴¹ Congressional Budget Office, *op.cit.*, p. 4.

⁴² US Department of the Treasury, *op.cit.*, p. 5.

⁴³ The size of the help clearly shows that these financial institutions were more responsible than the big banks.

⁴⁴ Congressional Budget Office, *op.cit.*, p. 5.

⁴⁵ US Department of the Treasury, *op.cit.*, p. 5.

⁴⁶ *Ibidem*, p. 5.

⁴⁷ Congressional Budget Office, *op.cit.*, p. 5.

⁴⁸ *Ibidem*, p. 5.

⁴⁹ Federal Reserve, *Term Asset-Backed Securities Loan Facility*, Washington DC., 2017, in <https://www.federalreserve.gov/monetarypolicy/talf.htm>.

⁵⁰ Congressional Budget Office, *op.cit.*, p. 5.

⁵¹ US Department of the Treasury, *op.cit.*, p. 5.

⁵² Congressional Budget Office, *op.cit.*, p. 6.

⁵³ US Department of the Treasury, *op.cit.*, p. 5.

received \$ 0.03 billion. Although the total spending for this subset of programs was 27.14 billion, its cost was higher, of \$ 32.6 billion, given the administration costs⁵⁴.

Following the passing, on July 21 2010, of the *Dodd-Frank Act*, the Treasury Secretary's authority to buy toxic assets was reduced from 700 billion to 475 billion⁵⁵. This was rather an obsolete measure since then most of the sums needed for the programs submitted had already been spent. In addition, after the completion of TARP's composing programs – including some payments that continued for a few years – on 3 October 2010, it was found that the total expenditures of TARP did not reach the Dodd-Frank Act level, but were \$ 438.86 billion, with a total cost of \$ 14.80 billion⁵⁶. Overall, although TARP has had a bad name in the US public opinion, the program can be considered a success because it stimulated the supply for loans, putting the US economy's engines into operation at a relatively low cost. The examples of AIG, Chrysler, or General Motors that have returned to the floating line show that not only banks, but also insurance and even industrial firms have been able to capitalize on the public policy called TARP, despite the skepticism and fear of its initiators.

If TARP was a set of emergency programs that involved interventions in the first two years of the crisis (October 3, 2008 – October 3, 2010 for the financial allocations), relatively limited in quantity – about 2 percent of US GDP in 2008 – designed, in particular, to keep banks, financial institutions and two car-making corporations afloat – so that they were able to resume profitable activity – the second set of measures had entirely different financial and temporal dimensions, as well as other actors and other legal conditions. This was the generic measure called *quantitative easing* (QE); it is a measure whose main actor was the Federal Reserve, whose main task– like that of any other central bank – is to keep inflation under control and to ensure full use of the labor force. There is a set of traditional policies at the disposal of a central bank: manipulation of the interest rates, open market operations for the purchase or sale of government bonds, increase or decrease of the required reserves and influence of the market perception by announcements of the central bank⁵⁷. When the interest rate is 0% or close to this value, the central bank loses its principal instrument of influencing the market's level of monetary liquidity. In times of crisis when a central bank is interested in stimulating lending, it lowers its interest rate⁵⁸; if it reaches 0% and yet banks remain reserved regarding lending precisely because the economy is in crisis and there are major risks of borrowers' defaults, the central bank is forced to resort to unconventional liquidity control measures such

⁵⁴ US Department of the Treasury, *TARP Tracker from November 2008 to December 2017*, Washington DC, 2018b in <https://www.treasury.gov/initiatives/financial-stability/reports/Pages/TARP-Tracker.aspx#All>.

⁵⁵ US Congress, *Dodd–Frank Wall Street Reform and Consumer Protection Act*, Public Law 111–203. 124 Stat. 1376–2223, Washington DC., 2010, p. 2133 in <https://www.gpo.gov/fdsys/pkg/PLAW-111publ203/pdf/PLAW-111publ203.pdf>.

⁵⁶ This estimate is smaller than the costs of certain subsets of programs because there are still reimbursements to be made and assets that the Treasury still owns because of TARP.

⁵⁷ Eric Petroff, *The Fed's Tools for Influencing the Economy*, Investopedia, 2017 in <https://www.investopedia.com/articles/economics/08/monetary-policy-recession.asp>.

⁵⁸ The so called *federal funds rate* in the case of the Fed.

as, firstly, quantitative easing⁵⁹. This involves capital injection into the market, which can be achieved in two main ways: the purchase of assets, in the case of the Fed, mortgage-backed securities (MBS), and the purchase of government bonds, in the case of the Fed, Treasury bonds. In both cases, what is expected is not only the increase of the market's liquidity, but also the reduction in risk premiums, which means increasing the confidence in such securities (MBS's and bonds) and thus encouraging their market⁶⁰. Like any bank, the Fed maintains an accounting balance sheet that needs to be balanced. On a column there are the assets in which those titles are registered, and, on the other column there are the liabilities, which consist of the currency placed on the market. For the Fed, the relevant monetary measure is the monetary base or MO, the so-called *fiat money*, the dollars emitted by the Fed, their mass having to correspond to the value of the assets maintained by it. The mass of liquidity is important because, depending on it, we can talk about the liquidity effect, i.e. the encouragement of exchanges and of the economy in the short term or we can talk about the risk of inflation in the medium term. In short, Fed decision-makers must maintain a fine balance between their attempt to boost the economy and to keep inflation in check.

In response to the crisis started in 2007-2008, the US Federal Reserve has taken three quantitative easing measures: the first (QE1) in November 2008, when it introduced money on the market by buying mortgage-backed securities, the second one (QE2) in November 2010, when the liquidity injection was made by buying long term Treasury bonds, and the third (QE3) in September 2012, when a new wave of mortgage-backed securities buying took place⁶¹. As a result of these measures, the monetary base, i.e. the total of the dollars in circulation, increased from about \$ 850 billion in September 2008 to \$ 4 trillion by mid-2015, i.e. from 6.6% of GDP to 22 % of GDP⁶², declining insignificantly at the end of 2017 to \$ 3.85 trillion⁶³.

The effects of the three waves of quantitative easing are assessed as mixed: "There is a broad consensus that QE1 made a big difference, intervening in a dysfunctional market, the Fed limiting the premiums. The effects of Q2 and Q3 through which the Fed intervened in markets that were no longer dysfunctional are more controversial"⁶⁴. Indeed, QE2 has only brought a 0.5% interest rate drop in long term bonds and QE3 has intervened on an already balanced mortgage market. On the whole, however, the most important positive outcome was the avoidance of deflation, which hit so hard during the Great Depression of 1929-1933⁶⁵. Following this experience of the Fed it has been considered that, although quantitative easing works more complicated, it still represents a useful monetary

⁵⁹ Olivier Blanchard, David H. Johnson, *Macroeconomics. 6th Edition*, New York, Pearson, 2013, p. 365.

⁶⁰ Olivier Blanchard, *Macroeconomics. 7th Global Edition*, London, Pearson, 2017, p. 508.

⁶¹ *Ibidem*, pp. 508-509.

⁶² *Ibidem*, p. 509.

⁶³ Federal Reserve, *H.3 Statistical Release*, Washington DC., 2018, in <https://www.federalreserve.gov/datadownload/Chart.aspx?rel=H3&series=41af2aa5d82023be755331a73467dco8&lastobs=&from=01/01/2005&to=02/07/2018&filetype=csv&label=include&layout=seriescolumn&pp=Download>.

⁶⁴ Olivier Blanchard, *op.cit.*, p. 509.

⁶⁵ Olivier Blanchard, David H. Johnson, *op.cit.*, p. 366.

policy instrument to break out of the liquidity trap when zero lower bound interest rate persists. In other words, in the end, this Fed policy was regarded positively by economists⁶⁶. Quantitative relaxation has confirmed – in the short term, as forecasted – the liquidity effect, the increase in production without generating dangerous inflation, even avoiding deflation, as Milton Friedman had predicted in his classic work *The Optimum Quantity of Money*⁶⁷.

For the time being, it is enough to note that the United States response to the crisis has had some characteristics. First it was well coordinated and executed by two main institutions, the Department of the Treasury and the Federal Reserve. Secondly, their intervention had the same Keynesian essence as in 1929-1933, by stimulating the demand in order to stimulate the supply and avoid deflation. Thirdly, despite this fact, the way of realizing this was quite different from that of 1929-1933, which consisted mainly of public works generating demand, this time monetary instruments being preferred, the indirect injection of capital into banking and financial institutions. This kind of intervention reflects the specific type of financial capitalism, unlike the former, industrial one. Fourthly, this kind of intervention presents two rather important risks, the first being that in the short term the institutions in which liquidity was injected did not lend them further and, in the long run, it is difficult to sterilize the liquidity in excess, thus generating inflation, inter-temporal imbalances, or affecting the entire international financial and economic environment by devaluing the dollar. The measures taken in 1929-1933 presented such risks to a much lesser extent. Fifthly, the need for these measures has attracted much more attention to what we can call *market illusion*, namely the illusory belief that financial economic activities are in capitalism entirely market-driven; in reality, as in the case of monetary illusion, where there is a still nominal amount of money available to an economic actor, but it needs to be adjusted with inflation, so in the case of the market illusion, it needs to be adjusted with public policy interventions⁶⁸.

The measures taken by the Treasury and the US Fed positively appreciated by most economists in spite of TARP's bad reputation and of the basic reservations regarding quantitative monetary easing ultimately led to a recovery of the US economy. However, it is worth pointing out that, in a similar manner to that of 1929-1933, at the level of GDP, the US economy needed a longer recovery period than the German one, most affected by the crisis at this indicator; so, the level of GDP in 2007 was reached again only in 2014 in the United States, unlike in 2011 in Germany⁶⁹. As this time the United States did not lack the institutions needed, like in 1929-1933, it is quite clear that the differences could be generated either by the nature of the intervention or by the different economic structure. As the latter is rather superior in the US from the point of view of

⁶⁶ Olivier Blanchard, *op.cit.*, p. 509.

⁶⁷ Milton Friedman, *The Optimum Quantity of Money*, New Brunswick and London, Aldine Transaction, 2009, pp. 138-139.

⁶⁸ This is not the object of this article, but it could be a significant direction in a research regarding the Free Market Index made by *The Heritage Foundation* (cf. Heritage Foundation, *Index of Economic Freedom*, 2018 in <https://www.heritage.org/index/>).

⁶⁹ cf. World Bank, *World Bank Data World Development Indicators*, 2017 in <http://databank.worldbank.org/data/reports.aspx?ReportId=49206&Type=Table#advancedDownloadOptions>.

competitiveness, the only explanation is that the measures taken by Germany against the crisis were more effective.

We will clarify this issue immediately by analyzing how other states have reacted to the economic and financial crisis; for reasons not only of space but also because these economies did not have the decisive role in triggering the crisis as the American one had, because they did not have the latter's size, we will treat the reactions of the various state actors in less detail. In line with the proposed typology for capitalism, with its contemporary varieties, but especially, on the one hand, with the areas of special interest for the world economy in general, and, on the other hand, for us as Eastern Europeans, we will treat the responses to the crisis coming from three main areas: Western Europe's developed countries, Eastern Europe's emerging countries and the Asian countries, in particular China but also South Korea and Russia (following the literature's approach).

Together, the banks from the eurozone and from the UK had in 2008 losses of over \$ 900 billion⁷⁰; these banks were also responsible for 73.4% of the \$ 4.6 trillion borrowed by the emerging economies (which have suffered greatly during the crisis), compared to the exposure of the US banks, that was only 0.3%⁷¹. In other words, the position of many Western banks involved both in the US subprime mortgage crisis and in the fragile economies of emerging countries was even worse than the American ones⁷². It should also be noted the different responses to the crisis even between different Western countries, primarily between the UK and continental Europe, especially Germany and France, and secondly that in mainland Europe there were differences between countries like Germany, France, Italy or Spain.

On October 10, 2008 – one week after the final vote for TARP – Washington hosted a meeting of the G7 finance ministers, and, despite the insistence of Americans that Europeans adopt bail-out measures, the latter maintained their status quo, that is, they rejected the idea⁷³. Despite this position – especially supported by the finance ministers of the eurozone's G7 members – UK, Spain and Ireland accepted the increase in the budget deficit in order to finance the support for the banks. Thus, of the major European economies, the United Kingdom, contrary to the European Central Bank's policy and because it enjoyed control over its own currency, practiced the same quantitative easing policy as the US and, moreover, adopted a policy of massive depreciation of the sterling pound of 25% against the dollar and 15% against the euro⁷⁴. At the same time, unlike the US, the British government nationalized 8 banks⁷⁵ in order to avoid a repetition of the Northern Rock situation, where the British cabinet was accused of inept

⁷⁰ United Nations, *The Global Economic and Financial Crisis Regional Impacts, Responses and Solutions*, New York, United Nations, 2009, p. 34.

⁷¹ cf. Șerban-Costin Crețu, *Too-bit-to-fail and the modern capitalist society*, PhD. Thesis (forthcoming), National University for Political Studies and Public Administration, Bucharest, 2018, Chapter III, Section 2.

⁷² *Ibidem* regarding the GDP reduction of those economies.

⁷³ Wolfgang Münchau, *The meltdown years: The unfolding of the global economic crisis*, New York, McGraw-Hill Education, 2010, p. 144.

⁷⁴ United Nations, *op.cit.*, p. 39.

⁷⁵ Wolfgang Münchau, *op.cit.*, pp. 143-144.

administration and lack of an effective deposits insurance system⁷⁶. The root cause of this unique situation in which depositors, not shareholders or management, lost their money was that in the British system the supervision was not done by the lender of last resort, so the Bank of England had no idea what Northern Rock's situation was, if the bank was insolvent or only unable to pay its debts⁷⁷.

However, even on October 11, fearing a massive fall of the markets, Germany and France changed their minds and intervened to counteract the effects of the crisis. A measure different from the British nationalization of banks was to fully guarantee all the banks' debts for a period of 5 years so that they could borrow on the market again. As a last resort, this measure was applied to all euro area banks. Secondly, the Germans and the French decided to recapitalize the banks, Germany offering a package of up to 500 billion euros, of which the first hundred immediately. It is significant that the government from Berlin had decided to keep this money out of the national balance. France acted somewhat differently, setting up two institutions, one with the task of recapitalizing banks by offering loans and the second being a kind of artificial money market. It is understood what the latter was if we take into account that not only in Germany and France, but throughout the euro area, banks gave up at the time to keep their accounts at the market value of their assets and liabilities. Thus, on the respective market in France – and generally in the euro area – the central banks were allowed to buy toxic assets at their nominal value or, at the same time, to borrow, accepting as collateral these toxic assets at their nominal value⁷⁸. We can see that in spite of the protests of these states over the idea of bail-out, they did in different forms what the Americans had achieved by quantitative easing, apparently without the ECB printing euros. In fact, with the exception of Germany that enjoys a huge trade surplus, all other states either increased their public debt, either increased their budget deficits or, in most cases, both. This circumstance makes it clear that, although according to their initial intentions the big Western economies wanted to spend only a few percent of GDP to remedy the crisis, they finally spent only in 2008-2009 47.5% of GDP in the UK, 21.7% in the case of Germany and 19.7% in the case of France, of which immediate intervention, by government financing, represented 19.8% of GDP in the UK, 3.7% in Germany and 1.5% in France. Nevertheless, figures are very small compared to the 73.7% of GDP that represented the US government's intervention (with 6.3% of GDP representing the immediate intervention) and to the 263% of GDP in Ireland (with of 5.3% of GDP immediate one)⁷⁹. We will show immediately why these differences between the two figures exist for each state, describing how and by what institutions the interventions were made, but we must remember that the third set of measures decided by France and Germany and subsequently implemented at the level of

⁷⁶ *Ibidem*, p. 108.

⁷⁷ United Nations, *op.cit.*, p. 35.

⁷⁸ Wolfgang Münchau, *op.cit.*, pp. 145-146.

⁷⁹ cf. OECD, *The Financial Crisis REFORM AND EXIT STRATEGIES*, Paris, OECD, 2009, p.

the entire euro area was represented by the strengthening of the financial and banking regulations previously established at the national level⁸⁰.

An economic sector that had a steep fall across the European Union was car manufacturing, between January 2008 and January 2009 the sector contracting with 60%; in Germany, between February 2008 and February 2009, the fall was 65%⁸¹. However, European carmakers did not face the specter of bankruptcy, like the American ones did, but there was a risk that it would emerge if no measures were taken. Consequently, the Italian, Spanish, Swedish and British Governments provided direct aid to this sector. In France, 6 billion euros were offered to Renault and Peugeot provided that these two companies do not shut down any of their French factories over the consequent five years. In Germany, the intervention was somewhat different, the government enacting a 1.5 billion-euro non-reimbursable subsidy program for buyers of a new cars if they replaced the old one⁸². Although the German and European tradition of limiting deficits and indebtedness was imposed and despite the fact that European legislation prohibited state aid, both France and Germany offered not only direct aids to auto companies, but also subsidies for car purchases, and intervened in a more direct way in order to stimulate production and the market through state investments in public projects amounting to 8 billion euros in Germany and 11 billion euros in France⁸³. Even if this could be considered as state aid, the adoption of this mode of encouraging aggregate demand was not due to a backwardness of the German and French economies to the American one, but to the desire to achieve a few targeted objectives: to directly restart the markets, to help some productive areas, and to solve some social problems, given that in France most of these funds went to construction of affordable housing.

These – the financial and banking institutions, the automotive industry and the real estate and transport sectors – are the main directions in which the Europeans' money have been spent; it is also significant to see how much of each country's GDP was used in the first year, i.e. February 2008 – February 2009, but especially by what instruments and, implicitly, in what proportions. Amounting to a total of 21.7% of GDP, of which 3.7% was the immediate government funding, Germany had allocated 3.7% to capital injections, 0.4% for the purchase of assets through the Ministry of Finance, and 17, 6% in the form of guarantees. Amounting to a total of 19% of GDP, of which 1.5% was given by the government, France allocated 1.2% for capital injections, 1.3% for asset purchases and 16.4% for guarantees. Amounting to a total of 47.5% of GDP, of which 19.8% came from the government, the United Kingdom allocated 3.5% for capital injections, 13.8% for Treasury purchase, 12.9% represented money offered as loans by the Bank of England under the Treasury guarantee and 17.4% for guarantees. Italy was an exception because its first year's total effort was only 3.8% of GDP, 1.3% being allocated by the government as capital injections and 2.5% as cash provided with other forms of support by the Central Bank. By comparison, the 263% of GDP

⁸⁰ United Nations, *op.cit.*, p. 35.

⁸¹ *Ibidem*, p. 33.

⁸² *Ibidem*, p. 40.

⁸³ *Ibidem*, p. 38.

allocated by Ireland consisted of 5.3% offered by the government as capital injections and 257% represented guarantees⁸⁴.

From this simple inspection of the economic recovery measures adopted by Western countries, particularly by the EU Member States, it can be noticed that there was a common essence to them, i.e. the bail-outs used in the United States and Western Europe, with the important difference that the US and the UK had shown themselves more willing to use quantitative easing and increasing deficits than eurozone countries and, especially, Germany⁸⁵. Over the course of a few years, these policies have worked in Germany even faster than in the US. This does not necessarily mean that the pro-cyclical policy of restrictions and controls was better than the anti-cyclical policy of the Americans and the British, but only that the resources owed to Germany's trade surpluses were important, but especially that the relationship between the government and the German banks, on the one hand, and between government and consumers, on the other hand, were stronger – not necessarily better – than those in the US and the UK. The same austerity policy imposed by Germany on other states, in particular those from Eastern Europe, has yielded, as we will see, other results.

In the analyses of the recent crisis, Russia was usually studied together with Asian countries, especially with China and Korea, not only because of its geographic position but also because it shared with the first the condition of an important emerging economy and because its Central Bank had substantial international reserves – even if not as big as China's. In addition, both Russia and China and Korea have been affected, albeit differently, indirectly by the crisis. Korea and, above all, China, because the demand for manufactured products made by them declined, Russia, because the demand for raw materials and energy from industrialized countries, especially from Germany, also declined sharply⁸⁶. Although the profitability of the Russian and Chinese economies decreased by 70% and 60% in 2008 compared to 2007⁸⁷, in 2008 Russia's economic decline was only of about 6%⁸⁸ and the Chinese economy did not decrease at all and, moreover, it was expected to be one of the engines of global economic recovery in 2009⁸⁹. South Korea, whose economic profitability declined by 55% in 2008⁹⁰, had a foreign investment portfolio of 140% of GDP in 2008, investments which at the beginning of the crisis left the country. Korean banks were thus deprived of capital and the Central Bank had to protect them by injecting capital⁹¹.

As the commitments of the banks from the countries in this area on the US mortgage market were absent and on the domestic markets the highest exposure of the three was in China (12% of GDP compared to 105% in the US⁹²), the actual

⁸⁴ cf. OECD, *op.cit.*, p. 75.

⁸⁵ United Nations, *op.cit.*, p. 35.

⁸⁶ United Nations, *op.cit.*, pp. 58-60.

⁸⁷ UNCTAD Secretariat Task Force, *The global economic crisis: Systemic failures and multilateral remedies*, New York, United Nations, 2009, p. 18.

⁸⁸ United Nations, *op.cit.*, p. 32.

⁸⁹ *Ibidem*, p. 57.

⁹⁰ UNCTAD Secretariat Task Force, *op.cit.*, p. 18.

⁹¹ United Nations, *op.cit.*, p. 58.

⁹² cf. *Ibidem*, p. 60.

contagion of the financial crisis did not exist; in these states only its indirect economic effects manifested themselves by the decrease in exports of manufactured products and, respectively, natural resources. For example, in Russia, from February 2008 to February 2009, exports declined by 47.5% and imports by 36.5%⁹³. But, given the already surplus trade balance and the small budget deficit, this was not a major danger. In the case of China, during the same period, exports decreased by 25%⁹⁴. However, as we have already seen, analysts had high expectations and, in these circumstances, the countries in the region did not have the same financial and economic pressures, nor did they have the same political urgency to formulate a plan consisting of various anti-crisis measures, staging, etc. On the other hand, as we have seen, between February 2008 and February 2009, Korea had been content to inject money into banks and to provide guarantees for existing loans made by banks, amounting to a total of 14.3% of GDP, meaning 2.5% of GDP direct capital injections, 1.2% purchase of assets and 10.6% guarantees⁹⁵. Russia offered a package with a total value of 7.1% of GDP, meaning 0.1% of GDP capital injections, 0.4% asset purchase, 2.9% support provided by the Central Bank with Treasury's guarantee, 3, 2% liquidity provided by the Central Bank and 0.5% guarantees⁹⁶. In the same period, China spent only 0.5% of GDP as a direct injection of capital into banks⁹⁷. However, for the period from December 2008 to December 2009, the percentages had changed significantly, with Korea spending only 4% of GDP on anti-crisis measures, Russia only 1.5% (which shows that the first wave of measures proved, in the opinion of political decision-makers, already effective), while China had taken measures worth over 12% of GDP – measures taken late due to a late crisis and, obviously, more substantial given the size of the economy and the fact that the crisis was hitting even the productive sector⁹⁸. In the case of China, this aid package amounted to approximately \$ 586 billion (the world's second largest after the US), mainly directed to state, infrastructure, housing and health orders designed to ease the impact of the crisis on underprivileged areas⁹⁹. This kind of measures resemble the most with those taken by the Americans during the Great Depression of 1929-1933; they are explained by the fact that the Chinese manufacturing sector has been struck by a massive decline in exports but also by the importance of this sector in China's economic structure rather than by the Communist ideology of its leaders¹⁰⁰.

The last group of states whose recovery we analyze is the one made up from the economies in the East of the European Union that had just completed the transition to the free market economy before the crisis. Some features are

⁹³ *Ibidem*, p. 33.

⁹⁴ *Ibidem*, p. 67.

⁹⁵ OECD, *op.cit.*, p. 75.

⁹⁶ *Ibidem*, p. 76.

⁹⁷ *Ibidem*, p. 76.

⁹⁸ United Nations, *op.cit.*, p. 65.

⁹⁹ *Ibidem*, p. 9.

¹⁰⁰ Taking into account the rentability of the various economic sectors it can be argued that the Chinese like the Americans acted rationally, concentrating in saving the manufacturing sector, just like in the US the main concern was the saving of the banking sector.

common to this area; first of all, that these economies did not directly participate in the crisis triggered in the US; secondly, that they did not have a crisis induced by mortgage lending; thirdly, their crisis was generated by some strictly Western influences, or rather, the epiphenomena of the Western financial crisis. This category includes: (1) a significant presence of hedge funds on the markets of these countries under the conditions of global financial exuberance in the years before the crisis, (2) the increase in direct investment as a result of the integration of these countries into the Single European Market and in the international trade mechanisms (3) the massive inflow of low-interest currencies stimulated by the presence of the majority of Western banks in these markets. Under these conditions, when the crisis broke out in the West and strongly influenced the major banking players in the Eastern Europe, there were also several movements common to all the countries in the region: (1) the decline in foreign direct investment, (2) the departure of hedge funds to safer areas, (3) the withdrawal of banks from lending activity. All these facts had made the money more expensive, especially the price of foreign currencies, raised interest rates and, eventually, (4) declined the productivity and diminished the GDP¹⁰¹.

Even in these conditions, there were economies such as those of Poland, Czech Republic, Slovakia and Slovenia which, although suffered significant currency depreciations between 2000 and 2010, and deficits of 5-7 percent of the GDP, were not overheated previously because they an appreciation of the nominal exchange rate with 30 to 40% between 2003 and 2008; thus, the depreciation of their national currencies was easier to bear. Also, these countries had generally enjoyed higher and more stable investment. In short, even if the EU had given the signal of austerity measures – at least for those countries that were not able to support their recovery – Poland, the Czech Republic, Slovakia and Slovenia were not obliged to take austerity measures¹⁰². However, Poland has, for example, taken some measures such as doubling the deposit guarantee ceiling for banks, co-financing measures for European funds, granting guarantees for loans and even creating an aid fund worth 10 billion euros designed in particular for SMEs¹⁰³. Thus, Poland has not only gone through the crisis without feeling it but has also taken measures to stimulate the economy.

The other Eastern European countries have been hit by the crisis, albeit in different degrees, more severely than those in the category just discussed. But there is also a difference between the countries that have accepted the IMF's intervention in order to end the crisis, such as Latvia, Hungary and Romania, which have implemented drastic measures of austerity against their own

¹⁰¹ cf. Minko Karatchomakov, *Bulgaria: The Deferred Crisis in Financial Crisis in Eastern Europe Road to Recovery* eds. Jens Jungmann and Berndt Sagemann, Wiesbaden, Gabler Verlag, 2011, pp. 65-108; Jens Jungmann, *Poland: (Po)Land of Opportunity in Financial Crisis in Eastern Europe Road to Recovery* eds. Jens Jungmann and Berndt Sagemann, Wiesbaden, Gabler Verlag, 2011, pp. 315-376; Joerg Gulden, *Romania: Politics do matter in Financial Crisis in Eastern Europe Road to Recovery* eds. Jens Jungmann and Berndt Sagemann, Wiesbaden, Gabler Verlag, 2011, pp. 377-412 and Anders Aslund, *The Last Shall Be the First. The East European Financial Crisis*, Washington DC., Peterson Institute for International Economics, 2010, pp. 33-43.

¹⁰² Anders Aslund, *op.cit.*, pp. 42-43.

¹⁰³ Jens Jungmann, *op.cit.*, p. 354.

population (Hungary only until Viktor Orban came to power in the spring of 2010) and, on the other hand, states such as Lithuania, Estonia and Bulgaria that have refused the Fund's intervention and, although they had adopted much more mild austerity measures (or perhaps precisely because of that), have achieved better results in economic recovery than those supported by the IMF¹⁰⁴.

As for Hungary, the Socialist government led by Ferencz Gyurcsány requested a total credit of 19.8 billion euros in October 2008, of which 12.3 billion from the IMF, 6.5 billion from the EC and 1 billion from the World Bank. The loan was accompanied by a policy of austerity, spending cuts in Health, Education, Administration, retirement funds and other forms of social assistance¹⁰⁵. Under the impact of the IMF, unemployment benefits were reduced, the government changed its pension and social security systems, liberalized the labor market and made it more flexible¹⁰⁶, eliminated the thirteenth salary and froze public sector wages¹⁰⁷. It is worth noting that Felkai considers that the country had been hit hard by the crisis and the measures were quite mild. Moreover, when the Orban government came to power, it did not pull the last two tranches from the IMF and was able to successfully ignore the Fund's requirements, financing the budget by selling state bonds at a reasonable price. When the relations with the IMF were finally restored, they were placed on quite different terms¹⁰⁸.

By comparison, about Romania, a country with substantial economic growth from 2000 to 2008, with deficits and debts under the Maastricht targets, it was said by analysts that the political mattered in the development of the crisis¹⁰⁹ and even that the crisis was entirely politically induced¹¹⁰. All that has been said about the objective causes of the crisis in Romania was that the rapid increase of the public and private level of indebtedness (the first statement not being true) caused a superheat of the economy. As soon as the crisis started and the capital flows (both direct investments or speculative capital) began to shrink, the lack of money made itself felt and caused the economic downturn and the need for drastic austerity measures¹¹¹. Given the significant presence of some Greek bank subsidiaries in the Romanian financial sector, it has been argued that a cause for the crisis has also been the contagion from the Greek crisis¹¹². If we are to be fair, there are very few real domestic reasons that have justified the negative developments started in 2009 and continued in 2010-2011. Rather, as the quoted authors admit, given the sensitivity of the real economy to the political situation and the monetary policy measures, it is quite likely that: (1) President Traian Băsescu's campaign interests in 2009 were a powerful catalyst of the crisis, generally through the pro-cyclical policies of denying the risks of the global crisis,

¹⁰⁴ Anders Aslund, *op.cit.*, pp. 35-42.

¹⁰⁵ *Ibidem*, pp. 33-35.

¹⁰⁶ Roland Felkai, *Hungary: A Country Hit Hard in Financial Crisis in Eastern Europe Road to Recovery* eds. Jens Jungmann and Berndt Sagemann, Wiesbaden, Gabler Verlag, 2011, pp. 245-246.

¹⁰⁷ *Ibidem*, p. 248.

¹⁰⁸ Anders Aslund, *op.cit.*, p. 35.

¹⁰⁹ Joerg Gulden, *op.cit.*, p. 377.

¹¹⁰ Anders Aslund, *op.cit.*, p. 38.

¹¹¹ Joerg Gulden, *op.cit.*, p. 390.

¹¹² Anders Aslund, *op.cit.*, p. 39.

and, at a later stage, through the hurry after the victory in the elections to introduce the harshest austerity program and to please the IMF in order to obtain external support in the context of the lack of internal support. (2) In the spring of 2009 in Vienna, the NBR acquiesced to the position of foreign banks to lower mandatory minimum reserves, which, however, were excessive and one of the main arguments for borrowing from the IMF and the European Commission was precisely the need for compensation; it was hoped that the new funds put at the disposal of the banks would be injected into the Romanian economy, while they were actually returned to the central offices of the banks¹¹³. This phenomenon has been maintained over time, so that in 2016 the exposure of foreign banks to Romania was 40% lower than in 2009¹¹⁴. In the light of these findings made by specialists, it is not surprising that – just as it was the case for the Great Depression of 1929-1933 – over half a century, at least in foreign literature, it will be recognized that there was no crisis in Romania in the real sense of the word, and that it was more likely to be induced by the useless austerity measures and the borrowing from international bodies for which until now we have no report regarding how, where and when it was spent. Although we know them, it is instructing to mention the main austerity measures adopted: cutting 25% of all public-sector salaries, trying to cut pensions by 15% (measure subsequently declared unconstitutional and substituted with pension's taxation), blocking public-sector enrolment and reducing the number of these employees by 20%, increasing VAT with 5 percent, hospital closures, pension freezes, etc.¹¹⁵ All these measures have accentuated the crisis, being pro-cyclical, further diminishing demand in an already gripped economy, exactly the opposite of what Americans and Germans have done, for example.

Many of the causes of the crisis in Bulgaria, highlighted primarily in the literature, are the same as in Romania: the decline in foreign direct investment, the leaving of speculative capital and the influence of the Greek crisis by way of the banks¹¹⁶. These have led in 2009 to a fall in GDP of 5%, in industrial production of 7.5% and the rise of the number of unemployed by around 100,000 people; in the same year, domestic consumption decreased by 8%¹¹⁷. Overall, Bulgaria was in the same financial and economic situation as Romania, the only major difference being that Bulgaria had firmly refused to involve the IMF in dealing with the effects of the crisis. In 2010, Bulgaria even resorted to an increase in budget spending due to the release of some of the national bank's reserve in amount of about one billion euros. At the same time, measures to reduce capital expenditures (by 4.5%) had been taken, but health spending was increased by 14%. The Bulgarians also tried to discourage early retirement. The

¹¹³ Daniela Gabor, *Central Banking and Financialization a Romanian Account of how Eastern Europe Became Subprime*, London, Palgrave Macmillan, 2011, p. 195.

¹¹⁴ Claudia Medrega, *Seven years after the "Vienna Initiative": The main foreign banks have reduced their exposure to Romania by over 40% in seven years*, Ziarul financiar 2016, in <http://www.zf.ro/banci-si-asigurari/bilant-la-sapte-ani-de-la-aparitia-initiativei-de-la-viena-principalele-banci-straine-si-au-redus-expunerea-pe-romania-cu-pest-40-in-sapte-ani-15374991>.

¹¹⁵ Joerg Gulden, *op.cit.*, pp. 395-396.

¹¹⁶ Minko Karatchomakov, *op.cit.*, p. 90.

¹¹⁷ *Ibidem*, pp. 84-85.

list of 60 measures taken by the Sofia government include, among other things, the sale of a share of the country's CO₂ emissions, the privatization of parts of certain state-owned enterprises, the more rigorous control of privately owned properties, the temporary suspension of duty-free regime and of VAT reduction for special products, the increase of the level of dividends the state got from its companies from 50 to 80% of the profit, the increase of taxes for buildings with a declared value of over 150,000 euros, for cars more expensive than 35,000 euros and the doubling of the taxes on yachts, the reduction of sick leave days from 75 to 30 days, the reduction of funding of political parties by 15% or the reduction of staff expenditure in the state budget by 10%¹¹⁸. With such numerous measures, diversified, spread and implemented throughout the whole social system, the Bulgarians managed to cope with the crisis without borrowing from the IMF or the EC. Such a success of politicians in Bulgaria shows both their degree of commitment to the country and the competence they had. Compared with them, the Romanian decision-makers are in a very embarrassing position, giving us a plausible explanation of why Bulgaria has recovered much from the gap it had behind Romania, consolidating our position as a negative example (more and more Western officials draw attention that their country is not Romania).

By analyzing how different authorities of important economies have acted against the crisis, it is relevant to give some attention to the causes, deployment and crisis response as they have unfolded in Greece. Not so much because the Greek example is an interest in itself, but because its brief analysis illustrates several of the themes we have already discussed: what happened in the crisis with the eurozone states, especially those that were not so well-prepared to be part of it; what are the chances of a country that, in more than half of its history as an independent state, was incapable of maintaining financial balance¹¹⁹; what lessons can the eastern countries draw from the Greek experience; what relationships exist between creditor and debtor countries; are there innocents in the Greek adventure.

Greece is in theory a parliamentary democracy with rule of law, political pluralism and market economy. In fact, during the post-war period, Greece was a country with strong left preferences that owed its seat to the Western camp only to Churchill's geostrategic inspiration that Britain would have to maintain a bridgehead in Eastern Mediterranean, in order to influence the situation regarding the Straits and the Suez Canal. Under the same objective, Greece had been tolerated with a military dictatorial regime and, over the last decades, with some "ruling families" (Papandreou, Karamanlis). Its entry into the EU and in the euro area has been made exactly under the same auspices, with the Greek clientelist system having this particularly unfamiliar feature of trying to please all internal and external actors: the foreign banks and international bodies, and in particular European ones, had pumped money in Greece even when it already had a large sovereign debt, a large part of these sums returning to where they left,

¹¹⁸ *Ibidem*, pp. 96-101.

¹¹⁹ Tim Worstall, *Greece Has Been in Default For 50% Of Its Time as An Independent Country*, Forbes, 2015 in <https://www.forbes.com/sites/timworstall/2015/07/01/greece-has-been-in-default-for-50-of-its-time-as-an-independent-country/#4f5fb3a13bc5>.

especially to Germany and France, for the purchase of various goods, mainly military ones; another share of this money was distributed between the Greek leaders and the Greek citizens, the latter also receiving 14 salaries, with a national average of over 1500 euros and a higher average pension than in Germany. All this in the context of a very lax attitude toward tax collection¹²⁰. In short, this is the story of Greece before the crisis. Technically, in the short term, the inclusion of high inflation countries in the euro area, such as Greece, has been a success because it produced price stability; in the long run and in terms of its low productivity¹²¹, cheap capital infusion had masked for a while the difficulties of the Greek economy.

But with the onset of the crisis, Greece having a budget deficit of nearly 9%, a government debt of 125% of GDP, with foreign debt reaching 99% of GDP and debt service accounting for 15% of GDP per year¹²² it became clear that, as private banks withdrew their support, the country was practically bankrupt. According to the Fund's above-mentioned analysis, Greece contributed only 8.8% to economic issues in the euro area, while Austria's contribution was 16.7%, Ireland's 12.3%, Netherland's 12.2% and Italy's 11.4% - it is true, 8.8% seems to be much higher than 5.3% as it was in the case of Germany. Moreover, Greece's negative influence was 7.8% on France and 8.4% on Germany, while the reverse influence was 7% (France's on Greece) and 5.3% (Germany's on Greece)¹²³. The following year, 2009-2010, these reports changed dramatically: Greece's contribution to the economic issues in the euro area was 21.4% (the highest), to those of Germany 19.8% and those of France 18.2% %. Reverse influence was 4.1% from Germany to Greece and 7.5 from France to Greece¹²⁴. Nor is it irrelevant that between March 2004 and October 2009 the Greek prime minister was Kostas Karamanlis from the right-wing *New Democracy Party* founded by his uncle, Konstantinos Karamanlis, and replaced in October 2011 by Georgios Papandreou from the *Pan-Socialist Hellenic Movement*, a left-wing party long led by his father, Andreas Papandreou, himself prime minister between 1993 and 1996. As can be seen from the figures mentioned, none of them had done anything to correct the situation that was deteriorating even more; so, the domestic crisis-cutting plan whereby Greece allocated 11.6% of GDP in 2008-2009, i.e. 2.1% of GDP in direct capital injections, 3.3% for the purchase of assets and loans granted by Treasury and 6.2% guarantees, was necessary¹²⁵. Since May 2010, and then since July 2011, Greece had become one of the main directions for the 440 billion euros plan designed by the European Financial Stability Facility to recapitalize the banks from the euro area, followed in July 2012 by The European Stability Mechanism

¹²⁰ Minko Karatchomakov, *op.cit.*, pp. 65-66.

¹²¹ Brendan Brown, *Euro Crash. The Implications of Monetary Failure in Europe*, London, Palgrave Macmillan, 2010, p. 125.

¹²² International Monetary Fund, *Global Financial Stability Report. Meeting New Challenges to Stability and Building a Safer System*, Washington DC., International Monetary Fund, 2010, p. 5.

¹²³ *Ibidem*, p. 8.

¹²⁴ *Ibidem*, p. 8.

¹²⁵ cf. OECD, *op.cit.*, p. 75.

and the Fiscal Compact¹²⁶. However, the attempt to help Greece through the ESM met in September 2012 a strong opposition from the German Parliament¹²⁷. Since then, Greece has been in the special situation that all the decisions concerning it, though theoretically taken in Brussels, in the European Council, were in fact taken by the Germany, through its Finance Minister.

Greece's response to the crisis was special because the country was over-indebted, on the verge of bankruptcy, and therefore did not have its own resources to equilibrate its economy and to secure the liquidity demanded by the market and the debt service; so it was necessary to come to an agreement with the Troika made up of the European Commission, the World Bank and the IMF. This agreement, which was established in 2010, is still ongoing (July 2018), unlike those between the Troika and Ireland, Portugal, Spain and Cyprus already concluded¹²⁸. During this period, Greece received three aid packages that were close to 250 billion euros; however, at present, Greece's debt is about 320 billion euros, although it had previously an extremely interesting development: in 2010, the year of the agreement with the Troika, it was 146 billion, rising in 2011 to 156 billion¹²⁹.

As for Greece, there are three levels of error highlighted by Greek economists. The first is that due to the differences in competitiveness, Greece entered the euro area and the Single Market unprepared, with disastrous effects for the economic growth and fiscal policy of the state. There have been and still are countries with similar levels of indebtedness as Greece, but without the competitiveness problems of the Greek economy and without being deprived of the possibility to decide autonomously on monetary and fiscal policies¹³⁰. The second level is that of the austerity policies – massive decreases in pensions and wages, cuts in social spending, drastic cuts in the number of state employees, etc. Such measures taken in waves in Greece, without being accompanied by an investment plan and increased competitiveness – despite the privatization of 3,000 out of the 5,000 public enterprises – could not produce the exit from the crisis. Especially since Greece was denied any support for growing the liquidity, practically being forced to turn an austerity into recession¹³¹. Last but not least, the European Central Bank, the Commission, the main national creditors of Greece (i.e. Germany, Finland, France) refused to give up on any part of its debt,

¹²⁶ Fabio Bassan and Carlo D. Mottura, *From Saviour to Guarantor EU Member States' Economic Intervention during the Financial Crisis*, London, Palgrave Macmillan, 2015, pp. 5-6.

¹²⁷ Fabio Bassan and Carlo D. Mottura, *op.cit.*, p. 147, n. 17.

¹²⁸ Giannoula Karamichailidou, Dimitris Margaritis, David G. Mayes, *Asymmetry, Austerity and Anxiety: The Approach to the Greek Debt Crisis in The Greek Debt Crisis in Quest of Growth in Times of Austerity* eds. Christos Floros, Ioannis Chatziantoniou, London: Palgrave Macmillan, 2017, p. 48.

¹²⁹ Yanis Varoufakis, *DIE GANZE GESCHICHTE. Meine Auseinandersetzung mit Europas Establishment*. München, Verlag Antje Kunstmann, 2017, p. 51.

¹³⁰ Michael Wickens, *Macroeconomic Perspective on the Greek Debt Crisis in Political Economy Perspectives on the Greek Crisis Debt, Austerity and Unemployment* eds. Ioannis Bournakis, Christopher Tsoukis, Dimitris K. Christopoulos, Theodore Palivos, London, Palgrave Macmillan, 2017, pp. 173-174.

¹³¹ Dimitris G. Kirikos, *Debt Supercycle in Greece and Secular Stagnation in the Eurozone: Implications for Policy in The Greek Debt Crisis in Quest of Growth in Times of Austerity* eds. Christos Floros, Ioannis Chatziantoniou, London, Palgrave Macmillan, 2017, pp. 104-105.

even when the IMF had recommended this. Significant in this respect was the fact that Greece requested in 2015 that 2 billion euros it had to receive as interest payments on ECB bonds be transferred to the IMF in order that the Hellenic State didn't default to the Fund; the ECB's President Mario Draghi, refused, arguing that he couldn't decide this without the consent of the politicians, that is to say of the European Council¹³². In the same context, the German Finance Minister Wolfgang Schäuble said that Greece was doomed to exit the eurozone, that it was preferable for it to be able to declare bankruptcy and re-introduce the drachma with its own monetary and fiscal policies rather than a restructuring of the Greek debt to take place¹³³. In other words, Schäuble knew that the financial problems of Ireland (2013), Portugal and Spain (2014) had already been resolved – only Cyprus still having problems (which would be resolved later in 2016¹³⁴) – so that an exit of Greece from the eurozone did not pose the risk of contagion, as Varoufakis considers¹³⁵.

This presentation of the Greek situation was made in more detail in order to highlight some of its lessons. The first and most important thing is of a political nature and refers to the responsibility of the representatives of the citizens to interact with them in such a way that the whole development of the society is healthy, subject to as little risk as possible. If we work only with two states, Germany and Greece, this observation applies to politicians in both countries. Greek politicians had encouraged citizens and themselves to live far beyond the resources of the economy, that is, on debt. At the same time, the German politicians, when the economy was growing, did not observe the behavior of the Greek debtors because much of the money returned to the German economy and even to the German citizen. During the economic crisis, Germany could have even allowed Greece to get out of the EU so the German taxpayer could not think that gifts were being made to the Greeks. Greek politicians, even those who came to power by refusing austerity (i.e. *Siriza*), have accepted ultra-austerity policies.

The difference between these two options, that of the German politicians and that of Greek ones, leads us to the second important lesson, namely that the size, structure and viability of the economy, its degree of independence, the ability to survive in crisis, matter in a fundamental way when it comes to the options left to politicians.

The third lesson, a more complicated one, is about the functioning of the capitalist society as a whole: nothing from the social body lives in isolation, and when it comes to variables of important dimensions such as major political decisions or essential economic parameters, the articulation between the policies adopted and the market, the real economy and the financial component matter overwhelmingly, unavoidably. This is a lesson for any political leader as he depends on his voters: he must not give the means of securing the long-term welfare of his people in the hands of foreign entities for a momentary and deceptive general advantage. These foreign entities are in no way bad in themselves, but, even if they

¹³² Yanis Varoufakis, *op.cit.*, pp. 410-411.

¹³³ *Ibidem*, pp. 414-415.

¹³⁴ cf. Karamichailidou et. all, *op.cit.*, p. 48.

¹³⁵ Yanis Varoufakis, *op.cit.*, pp. 415-416.

are just economic ones, are subjected to the pressures exerted by the citizens of their countries of origin. As long as the capitalist society is a complex of economy and politics, not just a global market without political influence, national interests will not only exist, but will be paramount. And the firms will support these national interests because the states can provide services, for example the so-called *economic diplomacy*, when it is not outright *gunboat diplomacy*.

We have reviewed the measures taken in different countries – insisting on the United States given its importance both in the genesis of the crisis and in the world economy – by focusing on the specific aspects of crisis response measures in different economic areas. We have tried to face up to the analysis of the causes and the manifestation of the crisis with the measures against it. We were also concerned to highlight, if necessary, that anti-crisis measures were influenced by the specificity of the respective variety of capitalism. Finally, we have exposed these measures in such a way that it is easy to relate them to the model we have developed for the causes: depth, intermediate and immediate ones. The presentation of this model as the main instrument for assessing the responses to the crisis is the subject of the second of this suite of three articles.

References

Aslund, Anders, (2010), *The Last Shall Be the First. The East European Financial Crisis*, Washington DC., Peterson Institute for International Economics.

Bassan, Fabio, Mottura, Carlo D., (2015), *From Saviour to Guarantor EU Member States' Economic Intervention during the Financial Crisis*, London, Palgrave Macmillan.

Bianco, Katalina, (2011), *A Retrospective of the Troubled Asset Relief Program*, Alphen aan den Rijn, Wolters Kluwer Law & Business in <https://business.cch.com/bankingFinance/focus/News/TARPwhitepaper.pdf>.

Blanchard, Olivier, (2017), *Macroeconomics. 7th Global Edition*, London, Pearson.

Blanchard, Olivier, Johnson, David H., (2013), *Macroeconomics. 6th Edition*, New York, Pearson.

Blinder, Alan S., (2014), *After the Music Stopped: The Financial Crisis, the Response, and the Work Ahead*, New York, Penguin Group.

Brown, Brendan, (2010), *Euro Crash. The Implications of Monetary Failure in Europe*, London, Palgrave Macmillan.

CNN, (2008), *Treasury's bailout proposal. The legislative proposal was sent by the White House overnight to lawmakers* in http://money.cnn.com/2008/09/20/news/economy/treasury_proposal/index.htm.

Congressional Budget Office (CBO), (2017), *Report on the Troubled Asset Relief Program—June 2017*, Washington DC in <https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52840-tarp.pdf>.

Crețu, Șerban-Costin, (2018), *Too-bit-to-fail and the modern capitalist society*, PhD Thesis (forthcoming), National University for Political Studies and Public Administration, Bucharest.

Federal Reserve, (2017), *Term Asset-Backed Securities Loan Facility*, Washington DC. in <https://www.federalreserve.gov/monetarypolicy/talf.htm>.

Federal Reserve, (2018), *H.3 Statistical Release*, Washington DC. in <https://www.federalreserve.gov/datadownload/Chart.aspx?rel=H3&series=41af2aa5d82023be755331a73467dc08&lastobs=&from=01/01/2005&to=02/07/2018&filetype=csv&label=include&layout=seriescolumn&pp=Download>.

Felkai, Roland, (2011). *Hungary: A Country Hit Hard in Financial Crisis in Eastern Europe Road to Recovery* eds. Jens Jungmann and Berndt Sagemann, Wiesbaden, Gabler Verlag, pp. 177-256.

Friedman, Milton, (2009), *The Optimum Quantity of Money*, New Brunswick and London, Aldine Transaction.

Gabor, Daniela, (2011), *Central Banking and Financialization. A Romanian Account of how Eastern Europe became Subprime*, London, Palgrave Macmillan.

Gulden, Joerg, (2011), *Romania: Politics do matter in Financial Crisis in Eastern Europe Road to Recovery* eds. Jens Jungmann and Berndt Sagemann, Wiesbaden, Gabler Verlag, pp. 377-412.

Heritage Foundation, (2018), *Index of Economic Freedom* in <https://www.heritage.org/index/>.

International Monetary Fund, (2010), *Global Financial Stability Report. Meeting New Challenges to Stability and Building a Safer System*, Washington DC., International Monetary Fund.

Jungmann, Jens, (2011), *Poland: (Po)Land of Opportunity in Financial Crisis in Eastern Europe Road to Recovery* eds. Jens Jungmann and Berndt Sagemann, Wiesbaden, Gabler Verlag, pp. 315-376.

Karamichailidou, Giannoula, Margaritis, Dimitris, Mayes, David G., (2017), *Asymmetry, Austerity and Anxiety: The Approach to the Greek Debt Crisis in The Greek Debt Crisis in Quest of Growth in Times of Austerity* eds. Christos Floros, Ioannis Chatziantoniou, London, Palgrave Macmillan, pp. 37-83.

Karatchomakov, Minko, (2011), *Bulgaria: The Deferred Crisis in Financial Crisis in Eastern Europe Road to Recovery* eds. Jens Jungmann and Berndt Sagemann, Wiesbaden, Gabler Verlag, pp. 65-108.

Kashkari, Neel, Swagel, Phillip, 2008, *"Break the Glass" Bank Recapitalization Plan*, Washington, US Treasury Department in <http://www.andrewrossorkin.com/?p=368>.

Kirikos, Dimitris G., (2017), *Debt Supercycle in Greece and Secular Stagnation in the Eurozone: Implications for in Policy in The Greek Debt Crisis in Quest of Growth in Times of Austerity* eds. Christos Floros, Ioannis Chatziantoniou, London, Palgrave Macmillan, pp. 85-108.

Medrega, Claudia, (2016), *Seven years after the "Vienna Initiative": The main foreign banks have reduced their exposure to Romania by over 40% in seven years*, Ziarul Financiar ,in <http://www.zf.ro/banci-si-asigurari/bilant-la-sapte-ani-de-la-aparitia-initiativei-de-la-viena-principalele-banci-straine-si-auredu-expunerea-pe-romania-cu-pestea-40-in-sapte-ani-15374991>.

Münchau, Wolfgang, (2010), *The meltdown years: The unfolding of the global economic crisis*, New York, McGraw-Hill Education.

Petroff, Eric, (2017), *The Fed's Tools for Influencing the Economy*, Investopedia in <https://www.investopedia.com/articles/economics/08/monetary-policy-recession.asp>.

The Organization for Economic Co-operation and Development (OECD), (2009), *The Financial Crisis REFORM AND EXIT STRATEGIES*, Paris, OECD.

UNCTAD Secretariat Task Force, (2009), *The global economic crisis: Systemic failures and multilateral remedies*, New York, United Nations.

United Nations, (2009), *The Global Economic and Financial Crisis Regional Impacts, Responses and Solutions*, New York, United Nations.

US Code, (2018), *31 U.S. Code Subchapter I - BORROWING AUTHORITY* in <https://www.law.cornell.edu/uscode/text/31/subtitle-III/chapter-31/subchapter-I>.

US Congress, (2008), *An Act To provide authority for the Federal Government to purchase and insure certain types of troubled assets for the purposes of providing stability to and preventing disruption in the economy and financial system and protecting taxpayers, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes*, Public Law 110–343. 122 Stat. 3765-3933, passed October 3rd 2008, Washington DC in <https://www.congress.gov/110/plaws/publ343/PLAW-110publ343.pdf>.

US Congress, (2010), *Dodd–Frank Wall Street Reform and Consumer Protection Act*, Public Law 111–203. 124 Stat. 1376-2223, passed July 21st 2010, Washington DC. in <https://www.gpo.gov/fdsys/pkg/PLAW-111publ203/pdf/PLAW-111publ203.pdf>.

US Department of the Treasury, (2018a), *Troubled Asset Relief Program Monthly Report to Congress December 2017*, Washington DC in <https://www.treasury.gov/initiatives/financial-stability/reports/Documents/2017.12%20December%20Monthly%20Report%20to%20Congress.pdf>.

US Department of the Treasury, (2018b), *TARP Tracker from November 2008 to December 2017*, Washington DC. in <https://www.treasury.gov/initiatives/financial-stability/reports/Pages/TARP-Tracker.aspx#All>.

Varoufakis, Yanis, (2017), *DIE GANZE GESCHICHTE. Meine Auseinandersetzung mit Europas Establishment*. München, Verlag Antje Kunstmann.

Wickens, Michael, (2017), *Macroeconomic Perspective on the Greek Debt Crisis in Political Economy Perspectives on the Greek Crisis Debt, Austerity and Unemployment* eds. Ioannis Bournakis, Christopher Tsoukis, Dimitris K. Christopoulos, Theodore Palivos, London, Palgrave Macmillan, pp. 157-176.

World Bank, (2017), *World Bank Data World Development Indicators* in <http://databank.worldbank.org/data/reports.aspx?ReportId=49206&Type=Table#advancedDownloadOptions>.

Worstell, Tim, (2015), *Greece Has Been in Default For 50% Of Its Time as An Independent Country*, Forbes in <https://www.forbes.com/sites/timworstell/2015/07/01/greece-has-been-in-default-for-50-of-its-time-as-an-independent-country/#4f5fb3a13bc5>.

THE EVOLUTION OF LIBERAL PUBLIC DISCOURSE; THE "BEGINNINGS" OF THE LIBERAL POLITICAL DISCOURSE IN ROMANIA

Sabin Drăgulin,*

dragulinsabin@yahoo.com

Antoaneta Ancuța Brașoveanu**

antoanetaancuta@gmail.com

Abstract: *The creation of the state and of the Romanian nation can be analysed not only by studying historical events but also by studying the language used by the relevant political actors of the moment. This study aims to analyse from a rhetorical pragmatic perspective, considering the context, argumentation, rhetorical figures, and key words, archaisms and neologisms, three speeches namely: C.A. Rosetti in 1848 at the opening of the "Peasant Commission", Mihail Kogalniceanu on the "Unification of the Principalities" in 1857 and Vasile Boerescu on "Union" in 1859. The analysis will highlight the evolution of political discourse in the 19-th century, focussing on these three instances because they are significant for the early moments of the creation of the state and of the Romanian nation.*

Keywords: *Speech, language, state, nation, political man, citizen.*

Introduction

Our research project, which will be published in the successive releases of the Cogito magazine, deals with the study of the evolution of the Romanian liberal political language from the second half of the 19th century to the second half of the 20th century from a pragma-ideological rhetoric perspective.

The studies aim to combine two types of analysis, which are specific to two areas of research: one is semantics and pragmatics, reflected in the theoretical field of speech analysis, in this case the political one, where we will highlight the options the discourses bring to the fore, by interpreting emblematic samples of liberal public speeches (this part is made by AntoanetaBrașoveanu) and the other is the historical-political-ideological field (Sabin Dragulin).

The authors considered that a combination of these areas would allow interested readers to have a much more complex and complete picture of a fundamental moment in the history of the creation of the Romanian state and nation, namely the beginnings of the modernization process in the Romanian Principalities.

* Prof. PhD., The Faculty of Political Sciences and Administration, „Petre Andrei” University, Iași.

** PhD. Student, Philology, “Ovidius” University, Constanța.

From the point of view of the period, the whole project will have as its starting point the year of the 1848 Revolution, and, as a conclusion the year 1948, when the National Liberal Party split in NLP-Bratianu and NLP-Tatarescu, the first self-dissolving in November 1948, and the second, under the leadership of Petre Bejan, after participating in the April 1948 vote with the seven deputies of the new Constitution, will slip vertiginously to disappearance, following the fate of all democratic parties, namely the banning decided by the communist totalitarian regime.

It is necessary to specify that these studies, which we propose to publish, represent a pioneering activity, given that the analysis of the speeches of the great liberal orators over a century of existence is not summed up in any work. Although some of the previous linguistic research projects had as their object the study of some fragments or aspects of emblematic liberal speeches, in research on either Romanian political rhetoric¹ or pragma-rhetoric², the evolution of Liberal discourse as a unitary activity from 1848 to 1948 was not a subject of detailed research.

Our paper aims to examine the language of the liberal speeches either in Parliament or in front of the electorate for over 100 years, starting with the first liberal ideas, continuing with the formation of the National Liberal Party and ending with the dissolution of the Liberal party by the communist regime. Both aspects related to the political life of the time, and to the cultural and social life in this great age of the formation of the modern Romanian state will be taken into consideration.

The state of research

The first rhetorical treaty in Romania, "the proper teaching and writing of beautiful speech"³, as a product of the humanistic Transylvanian School, demonstrates a knowledge of the classics, quoting Aristotle, Cicero and Quintilian.

The Romanian rhetoric studies, regarded as an art of "public debates"⁴, provide us with a series of rules of fairness and efficiency and with the methods to be followed in a speech to persuade the interlocutor by giving him "a powerful speech"⁵. These methods can be developed by studying the theory of argumentation, combining contemporary and traditional rhetoric.

Another Romanian study of discourse brings a synthesis of discourse analysis, following "hypotheses and hypostases".⁶The paper is divided into two parts, the first one looking at the approaches, the concepts and the fundamentals of the discourse analysis, the second exemplifying the analysis of the advertising, the media and the

¹ Constantin Slăvăstru, *The Art of Public Debates*, Tritonic Publishing House, Bucharest, 2009.

² Ruxăndoiu, Liliana -Ionescu (coordinator), *Parliamentary discourses across cultures: interdisciplinary approaches*. Newcastle upon Tyne, Cambridge Scholars Publishing, 2012.

³ Ion Piuaru Molnar, *Rhetorica, proper teaching and writing of beautiful speeches*, the Orientalice printing press of the University of Pitești, 1798.

⁴ Constantin Slăvăstru, *The Art of Public Debates*, Tritonic Publishing House, Bucharest, 2009.

⁵ *Ibidem*.

⁶ Roventă-Frumușani, Daniela, *Analysis of speech. Hypotheses and hypostases*, ed. Revised and Added, Tritonic Publishing House, Bucharest, 2004.

scientific discourse, concluding that "by analysing the discourse as social interaction we can effectively contribute to the activation of the social change".⁷

The analysis of the link between "language and politics"⁸ has as reference material the period following 1989, in four chapters, dealing with the effects of politics on literary texts, but also of political clichés. In the first part a description of the political language was made, then in the second one was analysed the political language of the 20th century, starting from the language of the communist totalitarian regime, the wooden language. The third part described the post-December 1989 language of the electoral campaigns and the last part discussed upon the violence of language in Romanian politics.

The aspects of the "current Romanian political language"⁹ are offered in a paper that focused on the approach of specialized terminology and the pragmatics and stylistics of the public discourse. The volume is divided into two chapters, the first one examining the lexicon, and the second the discourse.

Also, following the international conference on parliamentary discourse, in Bucharest, September 2011, there is a volume in English that presents a selection of papers, on "parliamentary discourses"¹⁰ within the conference, analysed through an interdisciplinary approach.¹¹ The volume made an analysis of the political discourse as a landmark on the parliamentary one. Speeches from Europe, the European Parliament ones, but also from outside Europe, were being analysed, focusing on local specifics, social history and psychology as factors of influence. They were subject to analysis: anti-Semitism, minority discrimination, nationalism in speeches from a pragma-rhetorical perspective and positioned in close connection with the project that had had the same title.

Sources

In the research of as many speeches as possible, a series of direct sources will be considered, such as: the Official Gazette editions, the newspapers of the time, the Romanian, as well as volumes of speeches selected by each politician, and indirect ones such as anthologies.

Romanian politicians had begun to comprehend since the 19th century the importance of the art of eloquence for their evolution. Gheorghe Grigore Cantacuzino was the supporter of the publication of Parliamentary Annals of Romania on March 15, 1890 as President of the Assembly of Deputies, which included speeches starting with 1837. At the same time, there was interest in the selection of the speeches, some choosing to popularize them through the newspapers of the times and others gathering them in volumes of „conferences

⁷ *Ibidem*, p. 211.

⁸ Rodica Zafiu, *Language and Politics*, University Publishing House of Bucharest, Bucharest, 2007.

⁹ Domnița Tomescu, (coordinator), *Romanian Current Political Language*, Petroleum-Gas University Publishing House of Ploiești, Ploiești, 2009.

¹⁰ Liliana Ionescu-Ruxăndoiu (coordinator), *Parliamentary discourses across cultures: interdisciplinary approaches*, Newcastle upon Tyne, Cambridge Scholars Publishing, 2012.

¹¹ *Ibidem*.

and speeches” or „parliamentary debates” in „political speeches”¹², considering insufficient their simple recording in the Official Journal.

The book "100 years Anniversary of the Birth"¹³ of C.A. Rosetti tried to sketch, in 417 pages, his role in the constitution of the Romanian state. Starting from the two prefaces written by Emil Costinescu and I.G. Bibicescu, the volume is a eulogy to the life of the great man Constantin A. Rosetti. Divided into three chapters, the first chapter presenting a critical biography by A. Ștefănescu-Galati of CA Rosetti's life followed by a second chapter with "acts and fragments" in which we find letters, appeals, speeches, proclamations, speeches, intimate notes, manifested articles, and then a third chapter which produces "unprecedented correspondence"¹⁴, by publishing Rosetti's letters to the important political people of the time, the volume brings to the forefront the struggle for creation and modernization the Romanian state. The volume is part of the fundamental bibliography of the proposed work, representing a significant historiographical source, which presents in full chronological order, documents, letters, speeches, predominantly of Rosetti.

Also, in an attempt to give as many speeches as possible to Romanian politicians, volumes of anthologies appeared.

A first attempt to collect representative speeches of „the Romanian orators”¹⁵ can be considered a pioneering work. Unfortunately, among the speakers of the passover period, Simion Bărnuțiu appears, although the texts of the political orators circulated together in terms of the year "one thousand eight hundred and forty-eight in the Romanian Principalities. Papers and documents published with the help of the document for the monument Ion C. Bratianu", published between 1902-1910. Analysing more closely, one can notice that the author ignored the activity of liberals compared to that of conservative colleagues. At the same time, those mentioned in anthology such as Take Ionescu, C.C. Arion, Alexandru Djuvara, may be seen as the orators of the twentieth century, with their mature political activity being presented, when Take Ionescu had already left the liberals for the conservatives, and not considering their representative influence in the world politics of the nineteenth century.

A second publication on "Romanian oratories and eloquence"¹⁶ is of significant importance. The volume is quite well outlined, divided into chapters, starting with the "precursors", followed by examples of speeches of the 48' Revolution initiators, such as Simion Bărnuțiu and Ion Heliade Rădulescu, and those of the union, Mihail Kogălniceanu, Ion C. Bratianu, Constantin Alexandru Rosetti and Ion I.C. Bratianu, followed by a dedicated chapter to "parliamentary speakers", where we find Spiru C. Haret and Take Ionescu, the "Junimea orators" taking place of honour, ending with "pathetic or visionary orators". However, in

¹² B. Boerescu, *Political Speeches, 1859-1883*, Bucharest, Graphic Works Socec & Co., Anonima Society, 1910.

¹³ C.A. Rosetti, *100 years since his birth, commemorative volume dedicated to "Democracy"*, Bucharest, 1916.

¹⁴ *Ibidem*.

¹⁵ V. Vasile Haneș, *Anthology of Romanian Speakers*, Ed. Socec, Bucharest, 1944.

¹⁶ Vistian Goia, *Orators and the Romanian eloquence*, Ed. Albatros, Bucharest, 1985.

the anthology, the emphasis is on the personality of the orator and less on the oratory art itself.

Another remarkable step in this regard is the volume that referred to the period between 1864 and 2004, where the most important "parliamentary speeches and debates"¹⁷ were selected, wanting to show through it the evolution of the parliamentary institution itself.

Methodology of research

The Romanians' national history during the period 1848-1948 had experienced important transformations and evolutions. The process of modernization encompassed the state through all its forms of organization. Also, the Romanian political discourse, during the above mentioned period, presented distinct features, its effectiveness being transposed more in the electoral zone than in the deliberative one.

The proposed research will have as its starting point the year 1848, and will include parliamentary public speeches and proclamations, protests, appeals, toasts, speeches in relevant "personal records".

Liberal ideology is based on concepts such as: citizens' freedom and equality, individualism.

This concept was born between the seventeenth and eighteenth centuries when philosopher Thomas Hobbes stated that man was selfish, and the instinct made him pursue his own interests, hence the need for state legitimacy, the sovereign and the individual, the relationship between them, and law. It was also considered that the welfare of the individual is provided by agriculture, but by free initiative, the *laissez-faire* concept and a competitive market economy.

In the nineteenth century Bentham supported the idea of happiness for as many people as possible, and J.S. Mill highlighted the concept by which force in social relations is only accepted when it is intended to prevent injuries to others. Thus the government of a state promotes freedom and ensures equality. The Neoclassicals, on the other hand, did not want the intervention of the state, based on the concept by which only the strong ones succeeded, the weak ones doing nothing but hindering the idea of progress.

In Romania, liberalism occurs in the nineteenth century, being associated with indigenous social needs, falling into the European stream.¹⁸

As we mentioned above, the liberal thinking was taken over¹⁹ by the children of the Romanian boyars who were studying in the capital of France, which led to the formation of a group of young fighters guided by the same hope for the country, the gaining of freedom and the affirmation of Romanian nationality, by the desire of evolution of the Romanian people. The small-scale meetings began

¹⁷ Gheorghe Buzatu, *Speeches and parliamentary debates (1864-2004)*, Mica Valahie, Bucharest, 2006.

¹⁸ Sabin Drăgulin, "Freedom, Fundamental Liberalism as the Main Political Actor of the Modernization of the Romanian State", Sorin Adam Matei, Caius Dobrescu, Emanuel Copilaș, *Identity and Practice of Liberalism*, Adenium Publishing House, Iași, 2016.

¹⁹ Sabin Drăgulin, Antoaneta Ancuța Brașoveanu, „ROMANIAN STATE “WESTERNISATION” FROM DINICU TO ‘48”, in *Cogito*, Vol. X, no. 1/March, 2018, pp. 228-36.

to grow, becoming a gathering of all Romanian students in Paris, and thus the "Romanian Students Society" was born, headed by Ion Ghica, as president, C.A. Rosetti, secretary, and among the founding members were the brothers Ion Brătianu and Dumitru Brătianu, Dimitrie Bolintineanu, Mihail Kogălniceanu and Nicolae Balcescu.²⁰ In all the calls published by society, "We believe that the Romanians ... will rush to walk with their hearts to the light. It remains for the youth to prepare for the mission to which they are called, and remember that their mission is only moral and intellectual; that they must seek to awaken, strengthen, exalt the great soul of Romania, shedding the light that will make it know the law of duty, the law of justice and love"²¹, their aspirations towards a united and powerful country. The young boyars managed to find allies in French politicians, even in the French press, to support them in the intense propaganda in favour of Romania. Returning to the country, they realized and contributed to the 1848 tumult.²²

Liberalism in Romania was synonymous with the modernization of our society, with the struggle for the creation of the Romanian nation, starting from the necessity of a language, a Latin alphabet, the Romanians being descendants of Daco-Romans, Orthodox religion, the unity of the Principalities, having as its starting point the revolutionary moment of 1848. In a speech in 1857 Ion C. Brătianu defined the liberal ideas that would guide him throughout his entire political career: "We want the Romanian to restore his own eyes as a human being and to join in all his rights so that he can live by the laws of his nature, evolving, perfecting and fulfilling his mission in society with all glory and virtue of which he is capable. We want to have a homeland where everyone has the same rights and the same debts and a whole part and a fit for the national life - a family they will deserve by their love and morality - a property, if they will work. We want each to be the master of the fruits of his labour, without anyone being able to take a straw at least for the thorns of mankind."²³ Another important moment of Romanian liberalism took place under the reign of Alexandru Ioan Cuza when the Wallachian Principalities union with Moldova took place, followed by his abdication in 1866 because of the attempt to establish a personal reign / dictatorship, suppressing the autonomous press and the political meetings, and the installation of Carol I.

Romanian language was also subjected to an intense process of modernization, Westernization, especially since the second half of the nineteenth century, initially through loans. At the beginning of the 19-th century the Romanian language was based on many words taken from the Greek language, and Ion C. Brătianu himself stated: "The Greek language had stifled our mother tongue, the lower classes were disdained for the language of their parents [i.e.

²⁰ Idem, „THE '48 GENERATION OF YOUNG WALLACHIANS - THE PROMOTER OF LIBERAL IDEAS AFTER THE FOUNDING OF THE PARIS SOCIETY”, in *Ibidem*, Vol. X, no. 2/June, 2018, pp. 48-51.

²¹ C.A. Rosetti, *100 years since his birth, commemorative volume dedicated to "Democracy"*, Bucharest, 1916, p. 69.

²² Sabin Dragulin, *The History of Romanian Political Thought 1848-1948*, Pro Universitaria Publishing House, Bucharest, 2010.

²³ The newspaper Aradu, 19/31 Maiu 1881, p. 4.

Romanian], and the name of the Romanian had become a name for contempt; the Greek language commands the rights and duties of men near the Throne, Greek teachers occupied the churches and the schools, and hymns in Greek were raising to the sky, while the Romanian was hardly ever heard across the fields, in the monologue of the ploughman who drives the oxen.”²⁴

By the middle of the century, most words used were of Latin, French and Italian origin, especially in Wallachia and Moldavia, thanks to the young boyars returning from studies from France, while in Transylvania were also used many words of German origin. Initially, "French" learned to coexist with "Greek" and "Turkish", "the evolution" of the language being compared by Heliade Rădulescu with the work of fashion designers: "Many kinds of tailors are now running to dress it [the Romanian language], some with colourful clothes, some of them wider, shorter, longer, and inappropriate ... Where are those to leave what is hers and fit her body out of her mother's large and rich store?".²⁵

The political discourse begins to modernize, to undergo transformations at the same pace with the major historical events. In the revolutionary language of the Izlaz Proclamation spoken by Simion Bărnuțiu, then in the speeches of the liberal precursors, especially those from 1848, such as Vasile Alecsandri, Ion Heliade Rădulescu, C.A. Rosetti and others, we still find popular language, archaisms and religious terms (many "paleologisms", for, "archaism is a dead leaf preserved in a hierarchy, paleologism - a deadly sheet that falls in the fall. The first is gone, the second vanishing"²⁶), along with neologisms, meant to capture the attention of a wide audience, coming from different social classes, to reach to their souls, and especially to urge the struggle for freedom.

The theoretical framework

The discourse is regarded as "a whole verbal sequence, ordered, written or oral, by a speaker, around a theme that ensures consistency" according to the New Encyclopaedic Dictionary of Language Sciences.²⁷ It occurs either in dialogue or monologue, orally, but also in writing²⁸. Here is also a delimitation of the term "speech", referring to the verbal document, to the dialogue, and the monologue and transcription in the "text".

Emile Benveniste²⁹ defines, from a pragmatic perspective, the discourse as a representation of the act of enunciation of a verbal sequence involving a speaker, an auditor and the intention of the speaker to influence in a certain way the interlocutor.

Regarding rhetorically, through the speech, using different strategies, the speaker captures the attention of the audience, sending a message: "the

²⁴ Ștefan Cazimir, *Transitional Alphabet*, Second Edition, revised, Humanitas, Bucharest, 2006, p. 85.

²⁵ *Ibidem*.

²⁶ *Ibidem*, p. 91.

²⁷ Oswald Ducrot, Jean-Marie Schaffer, *The new encyclopaedic dictionary of the language*, trad. Foucault, Michel, L'ordre du discours, Gallimard, Paris, 1971.

²⁸ Deborah Schiffrin, *Discourse markers*, Cambridge University Press, 26 feb. 1988.

²⁹ Émile Benveniste, *Problems of general linguistics*, Military Publishing House TeoraPanimisComimex SRL, Bucharest, 2000, p. 93.

orientation towards the change of opinions, the relation between logos and emotional (pathos), the building way of the image of the speaker (ethos)".³⁰ The discourse can also be defined as a series of sentences"³¹ or as "any language unity beyond the sentence (phrase)".³²

The Classical Elocution highlights three types of communication: Judiciary, Deliberative and Epidictic, with five phases of elaboration: inventio, dispositio, elocutio, memory and action pronuntiatio.

The political discourse sums up the political activity of the speaker and marks more significantly, compared to other types of speech, the interlocutor. The speaker does not communicate in his own name, but is a representative of a group, party, and the intention is to transform, modify, actions, attitudes, concepts, to persuade the audience.

If political discourse is a set of linguistic strategies used in certain situations, with a clearly defined purpose, political language does not have a clearly defined stability of any linguistic code that can easily be recognized outside of typical communication contexts. It does not have typical characteristics, often identified with standard language, resembles and assumes from the legal and administrative vocabulary in institutionalized parliamentary activity, confusing itself with journalism in persuasion, when the speaker tries to identify himself with the audience. Although difficult to determine by associating with a number of linguistic features, political language can be identified by referring to the field of use and communication, which determines the association of a specific vocabulary with a series of discursive strategies, having specific features of persuasion and ideological content.³³

The political discourse is spoken in Parliament or in public assemblies, and before the installation of communist totalitarian regime in Romania was called a message or address when was delivered by the Head of State, the reply to the message or address was made by the MPs, the interpellation, the polemic discourse, hereby parliamentarians asked the Minister for clarification of facts that were in the sphere of political decisions, the proclamation was made in front of a group and aimed political and social change. Proclamation is the product of revolutions. The marked years in the Romanian space are the revolution of 1821 of Tudor Vladimirescu, then in 1848 the '48 revolution that claimed the independence and unity of the Principalities through the voice of Simion Bărnuțiu, then in 1859 Vasile Boerescu was the voice in which Cuza's choice was held, in 1877 the declaration of independence by Mihail Kogălniceanu and in 1918 Vasile Goldiș addressed the folk assembly in Alba Iulia. The declaration - proclamation urges action to enforce change, the struggle for the national rebirth, initially, in 1821 and 1848 against the feudal regime, and subsequently after the appearance of the

³⁰ Rodica Zafiu, *Language and Politics*, University Publishing House of Bucharest, Bucharest, 2007, p. 22.

³¹ Charles, Goodwin, *Conversational Organization: Interaction Between Speakers and Hearers*, January 1981, Academic Press, p. 8.

³² Deborah Schiffrin, *Discourse markers*, Cambridge University Press, 26 feb. 1988, p. 253.

³³ Rodica Zafiu, *Language and Politics*, University Publishing House of Bucharest, Bucharest, 2007.

parliamentary institution, whenever power required the support of society for the realization of an idea belonging to the national ideal. It included the revolutionary program in its content, prophetic content, including religious terms (God, Faith, etc.), family (mother, brothers, parents, etc.), the second person plural being used predominantly, rarely I, the speaker identifying with the gathering in front of which he was speaking, constantly appealing to emotion.

Parliamentary discourse, institutionalized, aims not only at convincing the audience, negotiating, forming opinion in accordance with ideology or party directives, but also the speaker's individually promoting along with the desire to spoil the credibility of political opponents.

The analysis of political discourse is often based on the establishment of its effect on the interlocutor, being viewed as a discourse of influence from the point of view of the changes that it has on the thinking of the audience and on its future actions in social terms. Plato believed that speech is a force when used with skill. "Speaking is considered to the extent that it serves a purposeful and persuasive construction".³⁴

The political discourse includes a less personal and more group-based vision of society, the way it needs to evolve, the values and beliefs that it must follow, namely, an ideology. Ideology is a conglomerate of ideas, principles, a social philosophy that seeks to identify citizens' needs and then satisfy them.

It includes ministerial statements, debates, and interpellations. Ministers present the government's decisions on various topics of national and international interest, draft laws under discussion and are being interrogated by the opposition to provide additional information. The parliamentary discourse is official, obeying to impose institutional rules: the orator enrolls to speak announcing the theme of the speech, and if a MP feels his official capacity attacked, it intervenes in personal matters, all under the close supervision of the President of the Chamber who has the right to intervene and stop if the rules are not respected.

Analysis

In the first half of the nineteenth century due to the demographic growth, the detachment of agriculture by industry and commerce began. However, the biggest problem that triggered the revolution was agrarian, the assignment of rights and liberties to the Romanian peasant, the appropriation, the removal of him from the feudal yoke. In all major European cities, Paris, Vienna, Berlin, Palermo and Bucharest, peasants revolted. The members of the Romanian Students' Society in Paris, the brothers Brătianu, Ion and Dumitru, together with Bălcescu, N. Ionescu, Mihail Kogălniceanu, C.A. Rosetti and Scarlat Varnav, a society under the patronage of Edgar Quinet, Alphonse de Lamartine and Jules Michelet, immediately after participating actively in the Parisian revolution in February 1848, returned to the country in April 1848 to set out the details of the Romanian revolution. Although defeated in Romania, the revolution represented the assertion of national conscience, giving a heavy blow to feudalism, this being the precursor to the unity of the Principalities; and the above-mentioned elites of the three

³⁴ Oswald Ducrot, J.M. Schaeffer, *The new encyclopedic dictionary of language sciences*, the Babel publishing house, Bucharest, 1996, p. 110.

Principalities will be continuously present in the Romanian political life until the end of the nineteenth century becoming the founding fathers of modern Romania.

In the first speeches, the attempt to emancipate the Romanian political discourse, through the influences of the French oratory acquired by the Romanian youth following the studies in Paris, as well as the preservation of the tradition of the religious oratorio, is clear.

Although, in the language of the day, archaisms and popular terms can still be found in the Vow of Blaj: "I, NN swear in the name of the Father and of the Son and of the Holy Spirit, the living God, that I will always be faithful to the Emperor of Austria and the great prince Ferdinand I and the great Austrian house. Her Majesty's friends and motherland I will be friend, and to the enemies enemy. That as a Romanian I will always support our Romanian nation in the right and legitimate way and I will defend it with all the powers..."³⁵ a new linguistic culture emerged, the elites, elite turned from studies abroad, the new linguistic forms being having as source the Roman loans, especially those of French origin that transformed both the social and the cultural vocabulary.

Discourses of the above-mentioned period we considered to be the debut of the orators who would succeed in changing the history of Romania through the "power" of eloquence. In this study were selected the speeches of C.A. Rosetti from 1848 since the opening of the Property Commission, Mihail Kogălniceanu on the Unification of the Principalities from 1857 and Vasile Boerescu about the union from 1859.

The Property Commission was set up by Nicolae Balcescu to offer a solution to the need of appropriation. It resisted only until June 1848 and was subsequently suspended due to the threat of the sultan who sent the Ottoman troops to restore order, and within it was trying to negotiate between the conservative boyars who did not in any way want to give up property and peasants who avoided working until their rights were respected.

C.A. Rosetti speech, held in a calm and conciliatory tone, tried to create a negotiations bridge between the two camps, to convince the boyars of peasants' needs and the peasants of the need for labour, and the possibility of negotiation would be the formula more likely to benefit both sides.

Mihail Kogălniceanu's speech, one of the greatest speakers, the speaker who made his voice recognized in the speeches held since the meetings of the ad hoc Divan of Moldova, then those in the Central Commission and ending with the ones in the Assembly of Deputies had as main theme the union of Principalities, the legislative framework in which would implement and the rules of the chambers that would enact it.

The speech of October 7, 1857, was a polemic one, against the great opposition owners of the union, Alecu Balș and Nectarie Hermeziu.

In 1859, in Wallachia the Elective assembly was still divided between the two aspirants to the Throne, Gheorghe Bibescu and Barbu Știrbei, who were supported by different camps.³⁶ Boerescu, a representative of the nationalist party, came with

³⁵ The newspaper *Transylvania*, May 1848, p. 162.

³⁶ Anastasie Iordache, *Romanian Principalities in the Modern Age*, vol. I-II, Albatros Publishing House, Bucharest, 1996.

the proposal to support Alexandru Ioan Cuza at the reign, basically to have the same ruler in the two Principalities of Moldova and Wallachia. He claimed that the decision was imposed both at the level of the elites and the masses. Because, apart from the already known candidatures, others appeared, the Assembly decided to hold a secret meeting to discuss all the new proposals that had appeared. During this meeting Boerescu's speech militated for union, which by its rhetorical force changed both the decision of the deputies and the history of the Principalities. Following this discourse, preceded by others that completed the idea of union, it was voted that Alexandru Ioan Cuza be the candidate elected ruler in both Principalities.

The pathetic argument is present in all three speeches selected in order to persuade, manipulate the audience by appealing to emotion. This is done with the help of antithesis, the rhetorical question, the romantic metaphor, the appeal to religion and history and, last but not least, the identification of the orator with the audience.

The key words in all three selected speeches are: union, nationality, freedom, Romanians, Europe.

The first orator uses the past antithesis, 18 centuries of suffering, unhealed wound, the tomb - present, today, happiness, the tears of joy, the sky of liberty, recalling the sufferings through which the people passed to win their freedom.³⁷

"I think it is redundancy, gentlemen, to remind you of our sufferings when each of you has at least one unhealed wound yet ... the tomb from which we came out is empty yet, and we are all still at its inlet."³⁸

"... there is no heart in this minute that is not happy, there is no eye that is not damp by the tears of joy, for this gathering is the first rainbow of happiness that has appeared on the sky of liberty."³⁹

Although the requirements of the two camps, boyars and peasants are different, the orator recalls that the idea of freedom is desirable for all and that "The only cloud that has darkened our freedom has been the affair of property."⁴⁰

Another past antithesis - we also find ourselves in the second selected speech, "the honourable deputy of Putna and the holy Roman lieutenant" oppose the Assembly, the first being followers of the old form of organization, and the latter promoting the ideas of modern Europe, freedom of speech, "misfortunes and abuses that make its sad history, the evil of our country is told to us by history, the suffering of the people... Every page of our annals if we squeeze, blood and tears will flow. The evil of our country its old to us by the voice of the people through a proverb: "The change of gentlemen, the joy of fools!" opposes the respect for the secular rights of the Principalities, the Union, the foreign prince, and all other wishes, the Union and the Union, and the barren ground describing the territory in the past, opposes a large and beautiful orchard.⁴¹

The third speech presents antithesis from the beginning. This time the antithesis is today / future, we / you, disunity / union.

³⁷ C.A. Rosetti at the opening of the Property Commission in June 1848.

³⁸ *Ibidem.*

³⁹ *Ibidem.*

⁴⁰ *Ibidem.*

⁴¹ Mihai Kogălniceanu's speech on the unification of the Principalities of 7 October 1857.

"Why are we divided into two fields? What do we call ourselves and yourselvesfor? "We declare that we have no candidate; do you have any one? "From this discordance results our discredit. But to unite ourselves under one principle, we can unite, especially when this principle is the greatest of our nationality. This principle is the Union."⁴²

Identifying the orator with the audience is also found in all three speeches: villagers, all of us⁴³, us⁴⁴, we.⁴⁵

Epanalepse, a rhetorical devise of persuasion, is highlighted throughout the chapter.

First, in the first speech, it emphasizes the first meeting of the Property Commission, where the landowners, the privileged landowners, the peasants, the oppressors, "the first word in the first gathering of Romanians, and the first word to be worthy of this I repeat the first words of the proclamation."⁴⁶

Then, in the second speech, the Assembly, a term referring to the Assembly of Deputies, equates in the orator's discourse with the form of modern European organization, "The Honourable Deputy Member's proposal, however, in the entire Assembly, found only one and the Assembly nevertheless approved the reading of these proposals and its inclusion in the protocol of the day. I thank and congratulate the Assembly. "And the indecisive pronoun another reveals the contradiction in the affirmations and deeds of the Roman priest, discrediting him," Another man is, others I work in four eyes, and I am another man, and I work others in public ; that I have a signature in four eyes and I have another one in my eyes. "The Orator emphasizes that the past only flowed blood and tears, and the Putna deputy, alone in this assembly, alone in the country, does not want the change, the evolution of the nation, but he is fighting for the preservation of the old formulas of organization: "to be different from what we were, that is, trampled by all the nations, kneeling in weakness, attacked by the gang of corruption, trapped in the garbage of abuses."⁴⁷

In the third speech, all emphasize the idea of nationality and the need to make a joint decision for the welfare of the country: "Or do we not all have the same homeland? Or are we not all sons of the same mother? Do we not all have the same love, do we not feel the same feelings for our common mother? But none of us I think has come here with determination to make his candidate unique by all means. Are we all Romanians, Can we all unite on the same candidate?", And the contention opposes union underscores also the need for unanimous decisions:" But contention exists, for not all think the same. From this contention results our discredit. How to reject anarchy? How to stop strangers? Making the contention disappear ...".⁴⁸

⁴² Vasile Boerescu's speech "The Union of the Principalities" on January 24, 1859.

⁴³ C.A. Rosetti at the opening of the Property Commission in June 1848.

⁴⁴ Mihai Kogălniceanu's speech on the unification of the Principalities of 7 October 1857.

⁴⁵ Vasile Boerescu's speech "The Union of the Principalities" on January 24, 1859.

⁴⁶ C.A. Rosetti at the opening of the Property Commission in June 1848.

⁴⁷ Mihai Kogălniceanu's speech on the unification of the Principalities of 7 October 1857.

⁴⁸ Vasile Boerescu's speech "The Union of the Principalities" on January 24, 1859.

The rhetorical question is only highlighted in two of the three speeches, namely in the second and third speeches.

In the second speech, the orator reiterates, through questioning and answer, the common struggle for a strong and free state: "Do I have to repeat those words said and re-said? Does not the whole heart feel, do not they judge all their minds? Is not the law said of every people what wants to be? Let us be masters in our country".⁴⁹

The third speech is made up of 50% of questions and answers of the orator, who very well masters the technique of convincing the interlocutor, the speech representing the cornerstone in Cuza's choice in Wallachia: "Why are we divided into two fields? What do we call ourselves for? Or do we all have the same homeland? Or are not we all sons of the same mother? Why do we say us and you? Why not let us know the Romanians? Do not we all have the same love, do not we feel the same feelings for our common mother? What is the cause of our division? What is the contention between us? ... We declare that we have no candidate; do you have one? May be.... Is it possible to join everyone on the same candidate? I think not."⁵⁰

The call to faith, to God, to religious terms, specific to both the 1848 language, the language of the proclamations, and, later on, we will see later, liberal ideology, promoting Orthodoxy, is manifested in all the speeches of this chapter.

The first speech abounds in religious terms: the book of righteousness, the book of God, the ladder of God, the words of Jesus, the law of God, God made the earth for all.⁵¹

The second speech even presents a reinterpretation of a church parable, using the prosopopoeia, the parable of the new: "Lazarus, the Romanian people, asleep for three centuries in a sleep as deep as death, a new saviour. The Treaty of Paris came and said to him, "Get up and come after me," and Lazarus, and the Romanian people rose, threw his shrouds away, and showed up a young, lively and future-born nation."⁵²

In the third discourse, the appeal to religion begins to fade, highlighting the lightly departure of proclamation formulation, but without completely disappearing: revive, blessed nationality, religiously fulfil a holy duty, the altar of the homeland⁵³.

Remembrance of historical events is only found in the second discourse, the call to history being, moreover, specific to the orator's speeches. Using prosopopoeia, it evokes the image of Stephen the Great on the deathbed, his desire to conclude a capitulation with the High Gate, but not to violate the dignity of the people by "shameful conditions, for the only solution would then be better dying by the sword of him, rather than to look upon the oppression and wickedness of your land".⁵⁴

The romantic type of metaphor, the revolutionary messianism, specific to the 1848 revolutionary language, can be found in all the selected speeches in different proportions: the first rainbow of happiness, the sky of freedom, the grave from

⁴⁹ Mihai Kogălniceanu's speech on the unification of the Principalities of 7 October 1857.

⁵⁰ Vasile Boerescu's speech "The Union of the Principalities" on January 24, 1859.

⁵¹ C.A. Rosetti at the opening of the Property Commission in June 1848.

⁵² Mihai Kogălniceanu's speech on the unification of the Principalities of 7 October 1857.

⁵³ Vasile Boerescu's speech "The Union of the Principalities" on January 24, 1859.

⁵⁴ Mihai Kogălniceanu's speech on the unification of the Principalities of 7 October 1857

which we go, the cloud that darkened freedom, the chains of bondage, the thread of life, the cross of salvation⁵⁵, the mourning slumber, the gang of corruption, the rubbish of the abuses, the clouds that threatened the country's essence, the strong and invincible hand, the rainbow of peace, the new Lazarus⁵⁶, the discordant apple, blood, revive nationality, the veil of forgetfulness and violation.⁵⁷

The popular terms and archaisms still make their presence felt in the language of the orators: the sense, the lace, the former issue, that the bread does not remain⁵⁸, congratulate, express, cement, thank and congratulate⁵⁹, is the cause of his division, his convictions, he revives nationality, thus, desolation of reconciliation.⁶⁰

Conclusions

In this research we wanted to study the beginnings of the liberal political discourse. The speeches proposed were analysed from the rhetorical pragmatic perspective, following the context, the argumentation, the use of rhetorical figures, as well as the key words, archaisms and neologisms. Our approach took into account the socio-historical context of the emergence and constitution of the Romanian state.

The first steps for the creation of the Romanian state and of the Romanian nation are seen in the speeches we have analysed. Promoting the idea of freedom / liberty, individualism, introducing institutional reforms, creating the citizenship, allotment of the peasants, liberty of expression, and especially the Romanians' union are the main themes debated by the three orators.

The evolution of language can be observed throughout the analysed period; initially it was composed largely of ancient, religious terms, from archaisms, and later became similar to the current political language.

The evolution of the political discourse highlights the shift from argumentation abounding in rhetorical figures, the most used being: metaphor, epanalepses, antithesis, parable and rhetorical question, to logical argumentation. The religious and historical parables gradually fade; the same thing happens with romantic metaphors, epanalepses and prosopopoeia.

References

Benveniste, Émile, (2000), *Problems of general linguistics*, Military Publishing House Teora Panimis Comimex SRL, Bucharest.

Boerescu, B., (1910), *Political Speeches, 1859-1883*, Graphic WorksSocec& Co., Anonima Society, Bucharest.

Buzatu, Gheorghe, (2006), *Speeches and parliamentary debates (1864-2004)*, Mica Valahie, Bucharest.

⁵⁵ C.A. Rosetti at the opening of the Property Commission in June 1848.

⁵⁶ Mihai Kogălniceanu's speech on the unification of the Principalities of 7 October 1857.

⁵⁷ Vasile Boerescu's speech "The Union of the Principalities" on January 24, 1859.

⁵⁸ C.A. Rosetti at the opening of the Property Commission in June 1848.

⁵⁹ Mihai Kogălniceanu's speech on the unification of the Principalities of 7 October 1857.

⁶⁰ Vasile Boerescu's speech "The Union of the Principalities" on January 24, 1859.

Cazimir, Ștefan, (2006), *Transitional Alphabet*, Second Edition, revised, Editura Humanitas, Bucharest.

Drăgulin, Sabin, (2010), *The History of Romanian Political Thought 1848-1948*, Pro Universitaria Publishing House, Bucharest.

Drăgulin Sabin, (2006), "Freedom, Fundamental Liberalism as the Main Political Actor of the Modernization of the Romanian State", in Sorin Adam Matei, Caius Dobrescu, Emanuel Copilaș, *Identity and Practice of Liberalism*, Adenium Publishing House, Iași.

Antoaneta Ancuța Brașoveanu, „Romanian state “WESTERNISATION” From Dinicu to ’48”, in *Cogito*, Vol. X, no. 1/March, 2018, pp. 228-36.

„The ’48 generation of young wallachians - the promoter of liberal ideas after the founding of the Paris society”, in *Cogito*, Vol. X, no. 2/June, 2018, pp.48-51.

Ducrot, Oswald, Schaeffer, Jean-Marie, *The new encyclopedic dictionary of language sciences, the Babel publishing house*, Bucharest, 1996.

The new encyclopaedic dictionary of the language, trad. Foucault, Michel, L'ordre du discours, Gallimard, Paris, 1971.

Goia, Vistian, *Orators and the Romanian eloquence*, ed. Albatros, Bucharest, 1985.

Goodwin, Charles, (January 1981), *Conversational Organization: Interaction Between Speakers and Hearers*, Academic Press.

Haneș, V. Vasile, (1944), *Anthology of Romanian Speakers*, Ed. Socec, Bucharest.

Iordache, Anastasie, (1996), *Romanian Principalities in the Modern Age*, vol. I-II, Albatros Publishing House, Bucharest.

Ionescu-Ruxăndoiu, Liliiana (coordinator), (2012), *Parliamentary discourses across cultures: interdisciplinary approaches. Newcastle upon Tyn*, Cambridge Scholars Publishing.

Piuaru, Molnar, Ion, (1798), *Rhetorica, proper teaching and writing of the beautiful speeches*, the Orientalice printing press of the University of Pitești.

Rosetti, C.A., (1916), *100 years since his birth, commemorative volume dedicated to "Democracy"*, Bucharest.

Rovența-Frumușani, Daniela, (2004), *Analysis of speech. Hypotheses and hypostases*, ed. Revised and Added, Tritonic, Bucharest.

Schiffrin, Deborah, (26 feb. 1988), *Discourse markers*, Cambridge University Press.

Slăvăstru, Constantin, (2009), *The Art of Public Debates*, Tritonic, Bucharest.

Tomescu, Domnița (coordinator), (2009), *Romanian Current Political Language*, Ploiești, Petroleum-Gas University Publishing House of Ploiești.

Zafiu, Rodica, (2007), *Language and Politics*, University Publishing House of Bucharest.

The newspaper

** Aradu, 19/31 Maiu 1881

***Transylvania, May 1848

NORMAN SICILY'S CULTURAL MISCELLANIES VERSUS CULTURAL ISOMORPHISM AS REFLECTED IN THE MEDIEVAL ROMANCE *ROBERT OF CISYLE*

Cristina Nicolaescu*

chris2013x@yahoo.com

Abstract: *Robert of Cisyle* is one of the most intriguing cases of exemplum that, even though it attracted scholarly attention, it has not been actually studied until recently, partly for the difficulty to reconstruct the puzzle of its cultural context, and partly for having been shadowed by more popular romances. The story is simple and in line with the Christian beliefs of the Middle Ages concerning human values and men's relation with God, but at the same time it has the depth of a philosophical poem concerning the vanity of earthly power, that people are invited to be aware about. Robert gets the hardest lesson of life on his way from glory to humiliation and then to sanctity, in which it appears clearly that God's punishment was salvation to him. This paper looks into Robert's meandering life events from the cultural perspective to understand the role of miscellanies and isomorphism in Norman Sicily in times of historical changes and how they affected the literary theme of this romance. On this background, Robert's identity remains a mystery that we can only try to decipher with historical, political and particularly cultural arguments available to us to date.

Keywords: multicultural, identity, medieval romance

Medieval Sicily under Norman rule was highly eclectic and multicultural for many reasons. First, its location in a strategic area allowed the interference of several cultures around the Mediterranean basin, some resident and others only exerting their influence, on trade and military settlements. Secondly, the art performed by craftsmen from Byzantium, Egypt, Italy and France incorporated the traditions of Latin Christians, Greek Christians and Muslims. This was a direct consequence of different ethnic groups having been accepted by the tolerant rule of the Sicilian Kings. Therefore, the cultural mixing embodied by Norman Sicily gives evidence of all the communities participating in the creation of such culture. Through its distinctive cosmopolitan features, the society displayed various ethnic identities that can be differentiated by the unique impression they left through the cultural history of this region. Undoubtedly, all medieval forms of art reflect this peculiar eclectism, especially visible in architecture and literature.

The focus of analysis will be *Robert of Cisyle*, a metrical penance romance and exemplum on the pious idea of implacable downfall of the proud and mighty ones. The reversal of status through psychological humiliation and physical change was to become a popular theme in both religious texts and secular literature of all times. The tale is based on a tragic irony of proud men being brought low by God

* Associate Prof. PhD. at Yozgat Bozok University, Turkey.

through his holy messengers and kept into this situation until they become repentant and admit that they are only fools. As a matter of fact, this is a fundamental theme in Christian teaching as well as a widespread belief in all religions, whereby pride is considered a capital sin, one of the most dangerous types, which used to be called a “deadly sin” in Medieval times.

Therefore this romance is a synthesis of folklore, history and Biblical exegesis that acquired the power of legend. Penance is important for getting forgiveness. Robert is punished by God for his arrogance to trust worldly power more than the spiritual ones. From this perspective, there are hagiographical connotations in the sense that some critics compare Robert’s ordeal to the one of Jesus Christ, even if the reason why they go through this trial is not the same. Other Scriptural affinities were Solomon and Job.

The descent of Robert, King of Sicily, from a proud and powerful king to a humble fool is absolutely necessary for his soul’s salvation and spiritual transformation, after which his status is restored. While being a fool he understands the vanity of this world and its lack of value, since it was actually the world that fooled him not to recognise God’s power and through it, the chance of redemption.

As Donna B. Hamilton suggests, Robert is “helpless either to regain his former identity or to locate a new one” and she adds that: the “life of a fool is one of the most startling and traditional metaphors for the man who is separated from worldly values”¹. In this sense Robert’s tale has been compared by medievalist scholars to the ones of Sir Gowter and Sir Isumbras, heroes that just like him suffer patiently and are humiliated for their sins, a situation that will be reversed by their regaining the status they had before. The above name romances have been considered secular by those scholars, even if their shared message is obviously pious. Therefore the contemporary readership should be considered, an idea pointed out by Raluca Rădulescu, who calls it “a reflection of medieval audiences”.²

The conclusion that seems apparent is that the romantic chivalric heroes are aware of religious within the scope of the knighthood code. I argue hereto that this scope is enlarged in *Robert*, since his status of a king and a “chivalry flower” knight are challenged by the usurper angel. ‘Thow art my fol,’ seide the angel,/‘Thou schal be schoren everichdel,/Lych a fool, a fool to be,/Wher is now thi dignité?’³

The didactic message of the poem is constructed around his figure and his suffering. All the stages of these disturbing experiences once with losing his rank, name, power and wealth showed him how vulnerable he was in front of God’s will and he understood his limitation and punishment in a more mature and spiritual manner.

The indistinctiveness of the borderline between romance and pious tale, however, or between chivalric epic in the service of one’s earthly and heavenly

¹ Hamilton, Donna B. 1974, “Some Romance Sources for *King Lear*: Robert of Sicily and Robert the Devil”, *Studies in Philology*, 71.2, pp. 173.

² Rădulescu, L. Raluca, 2013, *Romance and its Contexts in Fifteenth-Century England. Politics, Piety and Penitence*, D.S. Brewer, pp. 331.

³ Bodleian 3938, *English Poetry A.1* (Vernon), at the Bodleian Library, Oxford University. Fols. 300r-301r, lines 43-46.

lord, presents any attempt to make a clear division either in the later Middle Ages or now.⁴

The type of labels given by modern scholars to popular romance about a spiritual journey transformative of the protagonist, from penitence to holiness after a long suffering is “hagiographic romance”. The penitential tale of Robert is homiletic and highly intertextual in the sense of combining folkloric, liturgical and political issues. The models of biblical figures such as Jesus Christ and Job and even King Solomon can sustain parallels to the plotline of this romance. A direct reference is made to the Magnificat, an important part of vespers that praise Virgin Mary. The famous line cited in the original Latin from Luke 1:52 “*Deposuit potentes de sede/ Et exaltauit humiles*” triggers the series of pains the protagonist has to endure for his pride, as God’s punishment. He does not understand it and demands translation. When he hears what it means he has a strong scornful reaction to the idea that God brings down the mighty and exalts the poor, as he thinks about himself as being invulnerable.

The hagiographic features of this romance have made comparisons possible with Gowther and Isumbras, heroes that suffer and become humble before being reinstated to their status and roles. But from the secular perspective, *Robert of Cisely* is a narrative poem and didactic romance about the king’s and his subjects’ responsibilities, and according to Raluca L. Rădulescu, it also allows a political reading. For the lack of chivalric adventures, Robert may be regarded more as an exemplum than as a proper romance. Most probably, the contemporary events must have incited interest for the course of politics in the context of the War of the Roses.

Two highly reputed scholars, Joan Baker and Stephen Powell, have examined the manuscript versions to reveal the significant differences, Powell paying a special attention to the manuscript context as well, finding them quite similar, arguing that: “there is little in any of these manuscripts that does not point to a reception environment that is primarily religious and didactic”. Indeed, out of the ten extant manuscripts, eight of them are complete and two are shorter and incomplete, all the versions lacking a critical edition. The emphasis given by the compiler/scribe varies from didactic to political and religious. In this romance the focus is on Robert, his story of falling and rising after experiencing divine punishment: *In Cisyle was a noble kyng /Fair and strong and sumdel y yng*.⁵

The most challenging aspect is therefore to establish the hero’s identity from the direct and indirect characterization. He is the flower of chivalry, a young man of high birth, and brother of two renowned men: Valemoude, the Roman Emperor and Pope Urban in the Christian World. His youth accounts for his ignorance and pride: *The kyng thoughte, he hedde no peerhad/In al the worlde, fer no neer;/And in his thought he hedde pryde/For he was nounpeer in uch a syde*.⁶

Since Robert does not perform his duties as a king in a good manner, he is estranged from his own court and shares his food with dogs. As he is replaced by a

⁴ David Wallace, *The Cambridge History of Medieval English Literature*, CUP, 2008, pp. 697.

⁵ Bodleian 3938, *English Poetry A.1* (Vernon), at the Bodleian Library, Oxford University. Fols. 300r-301r, lines 1-2.

⁶ *Idem*, lines 3-6.

look-alike angel, Robert becomes the king's fool and is accompanied by an ape. His sinfulness is punished by humiliation, and he loses everything that he ever possessed on earth: a name, a high status, wealth, family, so that he can realise the vanity of this world and its false values he used to believe in strongly. Fools in literature hold an important place in the construction of message, more often than not they speak wisely and courageously in a way that the other characters do not venture to do. Hence, the fool is not always a synonym to a madman, even if he may behave as such at times. For this reasons, the others may fail to understand them and treat them as inferior or just ignore him. As readers, the relevance of the fool character in the plot is crucial for a wider perspective over life itself. In the Christian religion to be a "fool for Christ" means to be a saint-like, which is to get to a wise understanding of the world through faith and to see the real, eternal values that only matter. Without taking a spiritual journey no one can develop his personality in the good direction. John Simons dates the events described in this poem in the eleventh century, which allows an association between Robert and the historical figures of those times. His arguments are presented in consideration of the cultural, political and religious context of the poem, corresponding to the real historical background that the anonymous author drew inspiration from as a model for the late fourteenth and fifteenth century audience.

The referents to be found in the text suggest a connection of Robert's identity with one of the most memorable figures in the eleventh century: Robert Guiscard, Roger Borsa (his son) and Roger I, count of Sicily. Although it cannot be proved that these real historical figures were the model for Robert in the poem, this hypothesis cannot be denied either, particularly if we expand the analysis of the other names mentioned, such as Pope Urban, who may be identified in the person of Urban II. More doubts are raised by the fictional name Valemonde, the Emperor. John Simons suggests that this is in fact Bohemund, with a pronunciation modified by the Greek transmission, which makes also acceptable the presumption that the name Roger changed into Robert for the same reason. Actually, this scholar's perspective over the historical events that occurred in Norman Sicily favours the idea of a Byzantine identity for Robert that would explain the reference to Saracens and the religious material specific to Greek liturgy.

If this is the case, only at a time after the Great Schism, which is the separation of the Latin Church from the Orthodox one, could such a situation occur concerning the change from the eastern to the western worship, a fact that must have caused resentment at the enforced replacement of the liturgical language?⁷

Indeed, Robert does not understand Latin and shows resentment at such a change. As a conclusion, Robert's identity is hard to establish due to the variety of possibilities revealed by the history books, if we maintain the original bottom idea supported by most studies on this romance, that Robert is a figure inspired by a real person, a king that ruled in Norman Sicily, most probably between the 10th-11th centuries. That was the presumed model for the proud king in the romance under analysis, whose penance stands out as an example not only of the sin of

⁷ Simons, John, 2002, "A Byzantine Identity for Robert of Cisyle", in *The Matter of Identity in Medieval Romance*, ed. Phillipa Hardman (Cambridge), pp. 108.

pride but also of how a man can change if he returns to faith in God, a strong message that has crossed the centuries up to our age.

References

Bodleian 3938, *English Poetry A.1* (Vernon), at the Bodleian Library, Oxford University. Fols. 300r-301r. [c. 1390. 444 lines.]

Hamilton, Donna B., (1974), "Some Romance Sources for *King Lear*: Robert of Sicily and Robert the Devil", *Studies in Philology*.

Rădulescu, L. Raluca, (2013), *Romance and its Contexts in Fifteenth-Century England. Politics, Piety and Penitence*, D.S. Brewer, (Ch. Spiritual Journeys through Political Realities: the "Pious" Romances – Robert of Sicily: the king's penitence).

Simons, John, (2002), "A Byzantine Identity for Robert of Cisyle", in *The Matter of Identity in Medieval Romance*, ed. Phillipa Hardman (Cambridge).

Wallace, David, (2008), *The Cambridge History of Medieval English Literature*, CUP.