

Università degli Studi di Torino

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Six selected Master's theses by College of Europe students

Guest Editor

Georges Mink, Titulaire de la Chaire de Civilisation européenne
Collège d'Europe à Natolin
Directeur de Recherche émérite au C.N.R.S. (ISP)



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*The EU in a Challenging
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Special Issue - College of Europe 2021

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Introduction

De Europa et le Collège d'Europe à Natolin se lancent pour la troisième fois dans la publication des meilleurs mémoires de fin d'études réalisés par les étudiants, cette fois-ci, de la promotion 2020-2021 ayant eu pour patron « **Mário Soares** ». A chaque fois, il s'agit d'un échantillon de travaux qui se distinguent par leur qualité intrinsèque et par la diversité de leurs centres d'intérêt avec un point en commun, être réalisés dans le cadre du Programme interdisciplinaire d'études européennes de Natolin. Ainsi, on bâtit ensemble un lien académique fort, une sorte de tradition d'échanges et de partage, contribuant ainsi à la consolidation de l'espace académique européen.

Le Collège d'Europe est une institution unique, composé de deux campus, à Bruges et à Natolin. Il fait partie d'un petit nombre d'institutions universitaires qui ont produit et continue de produire un si grand nombre de spécialistes de l'Europe et cadres européens. Ses tâches principales sont d'enseigner l'UE et plus largement l'Europe dans le monde. Pour ce qui est du campus de Natolin, ses marques de fabrique et d'excellence sont :

- s'appuyer sur une riche interdisciplinarité destinée à développer tous les angles des études européennes,
- créer une culture et un savoir sur l'Europe,
- former les futurs cadres européens, citoyens imprégnés des valeurs fondatrices européennes et fins connaisseurs de l'histoire européenne et de sa civilisation.

Les mémoires de fin d'année, dont nous proposons une sélection ici, sont une forme de couronnement des efforts consacrés à l'obtention du Master en études européennes interdisciplinaires au Collège d'Europe. Ils sont tous réalisés sur le campus de Natolin.

Ces travaux ont une visée académique, mais aussi pratique, en ce qu'ils proposent des solutions et des recommandations, lorsque cela est possible. En cela, ces travaux sont une claire manifestation de l'éthos citoyen européen. Les critères auxquels ils obéissent correspondent parfaitement à des normes de qualité communément admises, théoriques et empiriques. Ils se conforment aussi à une série d'exigences méthodologiques, déontologiques et épistémologiques. Ces exigences sont consignées dans une sorte de code de bonne conduite, mais font aussi partie d'un important bloc d'enseignement appelé « Séminaire de Recherche », où sont enseignées toutes les facettes de la bonne conduite déontologique (notamment en politique d'anti-plagiat) et de rigueur épistémologique (prévention devant des erreurs logiques et des évidences ou des idées fixes).

Il est important de préciser ici le cadre de ces travaux et le format que ce cadre impose. Les cours, les ateliers thématiques, les masterclass, les jeux de simulation,

sont enseignés par plusieurs dizaine d'enseignants ou de praticiens reconnus, réputés sur le plan international et venant du monde entier. Les abondantes activités extracurriculaires, comme des conférences internationales, les exposés par des personnalités invitées, les débats thématiques, les sorties de terrain, complètent le contenu du programme interdisciplinaire. Chaque année, ce programme est mis à jour et réadapté aux évolutions contemporaines. Deux voies se dessinent devant les diplômés du campus de Natolin : ce sont surtout des études professionnalisantes ; mais un petit nombre de meilleur(e)s étudiant(e)s choisiront de poursuivre leurs études supérieures en s'inscrivant dans des cycles de PhD. Ils poursuivront ainsi, pour la plupart, une carrière académique.

La structure du programme fait que le format du mémoire de fin d'année dépend du temps court offert à l'exercice de la rédaction.

Cependant, prévenus dès le début de l'année de ce défi, les étudiants choisissent leur sujet pratiquement dès le premier semestre, puis, pour les plus sages, commencent à définir leur objet de recherche, lisent les travaux se rapportant au sujet à traiter, puis passent à la phase empirique. Cette dernière, forcément, ne peut être trop complexe ; car le temps pour la recherche empirique est relativement court. Cela n'empêche un recours fréquent à des entretiens préparés ; selon les canons des règles méthodologiques. On ne s'étonnera pas de constater qu'il s'agit, dans la plupart des cas, d'entretiens qualitatifs, semi-directifs. Le temps dédié à la vérification empirique des hypothèses de travail impose une méthodologie restreinte et bien contrôlée. Cela n'empêche pas la conformité aux règles et l'excellence des résultats. L'écriture finale intervient pendant les deux à trois mois de la fin du deuxième semestre, souvent en parallèle des activités incessantes et des cours du deuxième semestre. Et pourtant, malgré ces contraintes, un grand nombre de mémoires comportent des thèses innovantes, originales et prenant part à des débats intellectuels en cours.

L'échantillon des meilleurs mémoires que nous avons sélectionné donne une très bonne mesure et une riche représentation de la diversité des sujets choisis par nos étudiants, des objectifs ambitieux poursuivis, de l'élégance de l'écriture, du respect des normes et des règles en vigueur dans le monde académique, mais surtout du foisonnement d'idées inspirées par la qualité de nos enseignements. C'est une **vraie** gageure de bâtir une recherche qui n'a rien à envier par sa qualité aux travaux des étudiants qui consacrent, dans le cadre de Master 2, bien plus de temps à leur mémoire.

Le choix de ces mémoires n'est guidé que par leur excellence. Au lieu de constituer un corpus thématique lié par un thème commun, ou une problématique analogue, ce corpus montre la liberté de choix de sujets dans leur grande diversité thématique. Le caléidoscope des thèmes choisis recouvre aussi la pluridisciplinarité du programme de Natolin, ainsi que son caractère interdisciplinaire.

Nous présentons ainsi aux lecteurs de De Europa le mémoire de **Amira Azaiez** 'The European Union Promoting Media Freedom in Tunisia after the Arab Spring:

From Discourse and Action to Identity'. Comme le titre l'indique l'auteur s'intéresse à la promotion de la liberté des médias et l'impact de l'eupéanisation normative, dans le cadre de la politique de voisinage, sur le processus identitaire en Tunisie après le Printemps arabe. Ce mémoire a été encadré par la Chaire de Politique de Voisinage du Collège d'Europe à Natolin.

Même si l'UE en tant que pouvoir normatif est présente dans le mémoire suivant, l'objet change complètement. Son auteur, **Xavier D'Arcy**, dispose d'une expérience professionnelle de musicien, ce qui lui a permis de traiter le sujet suivant 'The Times They Are A-Changin': The Impact of Article 17 of the Copyright in the Digital Single Market Directive on Transformative Musical Creativity'. Il se pose les questions suivantes : Comment l'article 17, cité dans le titre du mémoire, influence la créativité musicale ? Quel est le statut du travail transformatif musical sous la loi de l'UE ? Quels sont les changements apportés par l'article 17 de la directive MCDD au régime de responsabilité des intermédiaires de l'UE pour les atteintes au droit d'auteur ? Quel est l'impact de l'article 17 sur l'approche des intermédiaires en ligne concernant les oeuvres transformatrices téléchargées par les utilisateurs ? En apparence, le sujet est très étroit et spécialisé. En réalité, il éclaire plus généralement le fonctionnement du droit communautaire dans un domaine qui intéresse le large public.

Avec le mémoire de **Joshua G. Honeycutt**, nous quittons le domaine juridique, mais nous ne nous éloignons pas des préoccupations liées à la validité universaliste du système politique libéral occidental qui prévaut en Europe. Le sujet se place dans le champ de la philosophie politique, comme en témoigne d'emblée l'intitulé du mémoire 'Sustainability and History of liberal Thought'. En d'autres termes, l'auteur s'interroge sur la centralité de la pensée libérale dans la philosophie politique en se posant la question majeure : est-ce que l'ordre politique libéral (occidental) au sens large est compatible avec le concept de la stabilité ou de longue durée ? Je laisse au lecteur attentif de découvrir la réponse donnée à cette question par **Joshua**.

Le mémoire d'**Emeline Ogereau** porte sur 'La représentation de **Solidarność** en Allemagne'. L'auteure a croisé dans sa démarche deux ressources de connaissance qu'elle a habilement utilisé, d'une part sa connaissance de l'Allemagne, d'autre part, la proximité du campus de Natolin avec l'histoire récente de la Pologne. L'auteure pose comme objet de sa recherche l'évolution des représentations du mouvement **Solidarność** en Allemagne. Le défi académique est très heuristique en ce que cette recherche confronte l'évolution des représentations d'un phénomène social qu'était le mouvement syndical **Solidarność** avec les stéréotypes sur la Pologne, profondément ancrés dans l'opinion publique allemande. Le fait de donner à cette observation une dimension historique de longue durée (deux Allemagnes avant 1989) permet précisément de mesurer l'impact de ce phénomène dans des contextes historiques changeants. Cette étude des représentations éclaire d'un jour intéressant la complexité des relations bilatérales entre la Pologne et l'Allemagne. Ce type d'interrogation enrichit nos connaissances sur certains pays membres de l'UE.

Le mémoire de **Wicke van den Broek** sur 'Impossible Reconciliation ? Memory, Ideology and Diplomacy in Polish – Russian relations', s'inscrit dans le même type d'interrogation ayant en son centre les questions mémorielles et leur place dans les relations internationales entre la Pologne et son voisin, cette-fois, oriental, la Russie. Pour donner au lecteur l'envie de lire ce mémoire, il suffit d'en mentionner la conclusion. Elle montre que toute relation polono-russe est prisonnière de l'accumulation, à travers l'Histoire et à travers les derniers événements tragiques, des perceptions idéologiques négatives, empêchant la renaissance, malgré des tentatives louables, du capital de confiance nécessaire à la réconciliation. Les différentes occasions opportunes se heurtent très vite aux instrumentalisation historiques. Les narrations se contredisent ne laissant pas de place à la convergence des bonnes volontés. Le fatalisme de cette situation n'est pas dû à un quelconque déterminisme historique, mais à un jeu d'acteurs politiques tirant un plus grand bénéfice du conflit et de la réactivation des gisements mémoriels que de la réconciliation. Pour comprendre comment l'auteur en arrive à cette observation, il faut lire le mémoire de Wicke.

Un exercice de comparaison internationale est toujours difficile à mener, car il vaut mieux pour cela connaître non seulement le matériau empirique mais aussi, autant qu'il se peut, avoir des connaissances linguistiques. Ces qualités caractérisent le mémoire de **Volha Zaitsava**, 'The Revival of the Belarusian Language by Exemple of the Catalan Case. Role of Language in Shaping of the Catalan and Belarusian National Identities'. Comme le titre l'indique, il s'agit de comparer le rôle de la langue dans la construction du sentiment d'appartenance identitaire à la Nation. L'objet est de déterminer la place et le rôle de la langue « locale ou/et secondaire » face à la langue « officielle », « tutélaire », dominante, imposée dans un rapport des forces historique, favorable au pouvoir central. Cela vaut, à certaines différences près, pour la comparaison de la Catalogne et du Belarus. Il s'agirait d'analyser le processus de la re (naissance) de l'identité nationale dans lequel l'affirmation du lien linguistique minoritaire forme un élément constitutif de la « imagined communities ». Questionnement, lequel, outre sa valeur académique, a une importance politique, ne serait-ce que par ses conclusions, pour les politiques linguistiques qu'il s'agisse de soutenir une langue ou d'opprimer une langue. La comparaison de deux cas, au demeurant trop distinctifs, s'avère très fructueuse pour ébaucher des réponses aux hypothèses de travail. Certes, la Catalogne n'est qu'une partie d'un Etat tutélaire, tandis que Belarus est un Etat en soi, mais les processus identitaires sont comparables par la situation linguistique, mais aussi par le désir d'affirmation identitaire, vis-à-vis du dominateur linguistique.

Voici donc un ensemble de six mémoires de fin d'études réalisés pour clore l'année académique 2020-2021, au Collège d'Europe à Natolin. Nous espérons, par leur publication, non seulement éveiller l'intérêt pour les sujets traités, mais aussi pour le cadre académique stimulant où ces travaux ont pu se déployer, à savoir le magnifique campus de Natolin.

Bonne lecture,
Professeur Dr. Georges Mink

Theses

The European Union Promoting Media Freedom in Tunisia after the Arab Spring: From Discourse and Action to Identity

Amira Azaiez

1. Introduction

Often equated with popular sovereignty, democracy constitutes an indivisible ensemble with basic rights for media performance and freedom of expression. While it is conceded that the role of media is paramount in democracy-building, since it informs citizens of public affairs and monitors governmental proceedings, this essential right has been long overlooked under the autocratic regime in Tunisia. In fact, the Ben Ali regime condemned media freedom and had full control over media channels. By 2011, the Tunisian transition from an autocratic regime where basic rights were suppressed to a democratic polity that celebrates personal freedoms has undergone an unstable process. As far as media freedom is concerned, the ratification of the new constitution expanded media-related rights and put an end to media filtering. The Jasmine Revolution has therefore provided for the upsurge of a pluralism of opinions in the media and gave Tunisian journalists the right to exercise their work activities freely.

However, this advancement did not entirely resolve underlying remnants of a suppressed media under the autocratic clan regime. Indeed, despite regulatory reforms implemented to expand media rights, media freedom still meets significant challenges in the face of a democratic transition it has not envisaged. A major handicap that has increased media partisanship during autocratic rule is the lack of professional skills on the part of Tunisian practitioners who have worked under the dictate of the ex-regime. Additionally, the feeble editorial autonomy within newsrooms paired with the interdependence of media ownership in the political sphere have made media freedom a hardly attainable ideal (El Issawi 2015: 33). Therefore, the instability of the Tunisian media system after the dismantling of the old media regime required external interference from a successful international model; The European Union.

By probing into the underlying lacuna of the Tunisian media system, the research at hand attempts to investigate the EU's role in shaping Tunisian media freedom through the conceptual triangle of rhetoric, action, and identity. The post-2011 media changes raised questions as to how media practitioners may use these freedoms in the process of democracy-building and information-reporting. The Revised European Neighbourhood Policy (2011), and the major focus it has placed on

promoting democracy and human rights in Southern neighbourhood countries represented a great benefit to Tunisia. More than that, it has advanced the professional skills of Tunisian journalists and further enshrined media freedom rights through operated projects under the framework of the Policy.

Hence, this research is expected to offer a comprehensive understanding of the three structural components of discourse, action, and identity, starting with EU verbal commitments towards Tunisia in the press and media sector and followed by the respective action of “MedMedia” implementation. Through this study, we intend to reach a match interplay between EU discourse and action; described in terms of a discourse that is aligned to undertaken action. Overall, the research primarily enquires the nature of the relationship between EU discourse and action in the post-revolutionary Tunisian media sector and seeks to reach rigid conclusions on its implications in terms of identity-construction. Ultimately, both rhetorical and practical means will be considered in our evaluation of EU identity-dissemination, whereby we will attempt to substantiate the nature of the inherently imposed identity on EU Southern neighbor; Tunisia.

The first chapter presents an overview of the EU’s stance apropos Tunisian media freedom based on the four Joint Communications of the European Commission: “A Partnership for Democracy & Shared Prosperity with the Southern Mediterranean” (Commission 3/2011), “A New Response to a Changing Neighbourhood” (Commission, 2011), “Review of the European Neighbourhood Policy” (Commission, 2015), and “Strengthening EU Support for Tunisia” (Commission, 2016). This section offers an extensive analysis of EU discourse on media rights using Fairclough’s three-dimensional framework of critical discourse analysis. Our chapter commences with an examination of textual features, followed by an analysis of discursive practises and events.

The second chapter investigates EU action in terms of media freedom advocacy using the study case of “Media and culture for development in the Southern Mediterranean region: MedMedia component”. An analysis of project success and efficiency will be conducted to evaluate the EU’s role in assisting the transition of the Tunisian media regulatory system amid the post-revolutionary period. The latter will be based on an evaluation survey following Turner and Serrador’s success and efficiency criteria and a thorough analysis of the eight-interim “MedMedia” reports.

The third chapter probes into the match/mismatch interplay between EU discourse and action regarding the promotion of press and media freedom. It accordingly investigates the various implications of EU discursive practises and activities on identity-construction and norms’ diffusion in post-revolutionary Tunisia.

2. EU Discourse on Media Freedom in Tunisia

2.1 Textual Analysis:

Researching patterns of language use in the Commission’s releases on democracy-building, media reform and the fostering of press freedom in Tunisia has posed significant challenges to this study. Indeed, throughout the chosen corpus of

analysis, we have observed indirect or almost inexistent references to press and media freedom. Therefore, our critical discourse analysis will be based on a syntactico-pragmatic approach that combines linguistic features with the context of use, i.e., while considering extra-textual dimensions of the communications on Tunisian media and press freedom. Given that literal references to media freedom promotion constitute insufficient data to our analysis, we proceeded to a pragmatic examination of the text, essentially based on the implicit mentioning of media reform and media freedom advancement. The syntactico-pragmatic approach fuses language with language use to offer a comprehensive understanding of textual pieces. This refers to a blending of the denotative aspect of grammatical structures with the socio-political context in which they occur. To achieve this, our analysis will be grounded in the linguistic theory of Speech Act, which will accordingly consider the cohesive units of person deixis. This will be further supported by Aristotle's Rhetorical Appeals of Logos and Pathos (Allen 2007: 87) as well as repetitive units to unveil extra-linguistic dimensions of EU's discourse on media freedom promotion in Tunisia.

In an investigation of the language used in "A Partnership for Democracy & Shared Prosperity with the Southern Mediterranean" (Commission 3/2011) and the two last Joint Communications of the European Neighbourhood Policy (Commission, 2011; Commission, 2015), we detect the abundant use of repetitions, all-alluding to a pathetic appeal. In fact, the repetition of the expression "our southern neighbourhood" on 25 accounts, yet using tantamount expressions like "our neighbourhood", "our southern neighbours", or "our southern Mediterranean" shows two contrasting explanations. The first explanation considers the possessive nature of the personal deixis "our", which indicates an acquisitive and proprietorial stance, and further feeds into the argument of a neo-colonial EU. The second explanation perceives the deictic word "our" as the EU constructing affinity with its Southern partners and considering its support and aid to the region as the duty of a father-like figure. In this sense, the EU exploits the pathetic appeal by capitalizing on sentiments of fatherhood and the unconditional support it provides to its Tunisian offspring. Feelings of fatherhood were further expressed in the respective 2015 and 2016 Joint Communications of "Review of the European Neighbourhood Policy", and "Strengthening EU Support for Tunisia" following the advancements made in Tunisian democracy-building during the post-revolutionary period. Therefore, we recognize that this attempt to appeal to Southern neighbours' pathos through a language fraught with feelings of fatherhood shows distinguishing features of a perlocutionary act.

Along the same line, the EU expresses its absolute support to Tunisia through the repetitive use of derivative forms of the root "support" (a total of 242 times): the noun "support" used 197 times, the gerund "supporting" used 31 times, the conjugated verb "supports" used 8 times, and the passive form "supported" used 6 times in the three mentioned documents. Additionally, syntactic forms that have akin meanings to "support" were vastly employed in the documents. These are, extensively yet not exhaustively, "cooperation" (129 times), "assistance" (54 times), and "help" (39 times). In this regard, the EU insists on its readiness to support Tunisia in all the reforms it has

undertaken after the Revolution, as well as in its preservation of individual freedoms. Indeed, the EU stresses that “supporting the implementation of Tunisia’s reforms efforts is fundamental to safeguarding ... the success of its democratic transition” (Commission 3/2011). The repetitions play a central role in EU declarations as they inherently reinforce, and to some extent systemize, the idea of support and guidance. Conspicuous to our corpus of analysis is the strong appeal to the Logos of the readers via an amply-used legislative jargon. By balancing between Logos and Pathos, the EU seems to exemplify ideal modes of communication that are simultaneously based on feelings and reasoning.

2.2 Analysis of Discursive Practises:

We acknowledge that Speech Act Theory along with deixis and repetitions reveal the core of EU declarations despite insufficiency to represent the specific discursive dimensions of EU support to media freedom. Although outspoken references to sectoral press and media in Southern neighbour Tunisia are limited, these still pragmatically reveal EU’s unconditional support to the Tunisian democratic experience. This assistance ultimately targets essential pillars of democratisation like reforming the media regulatory body and ensuring that journalists and media practitioners employ their newly-acquired rights in a way that stirs public debate and voices governmental violations. Through EU rhetoric, we may deduce that Tunisia emblemizes an offspring in discovery of its post-revolutionary identity. On the other end of the spectrum, the EU appears in the image of an experienced and democratically-successful organism, which mission is to help, assist and guide Southern neighbouring countries.

To further reinforce this idea, in its Joint Communication of “A New Response to a Changing Neighbourhood”, the EU explicitly states its support to “a free press and media” for democracy-building and institutional reform (Commission, 2011). More than that, the EU “prioritise[s] the emergence of free media” in countries of the Southern neighbourhood and seeks to assist media reform through education and financial support (Commission, 2011). In its report on EU-Tunisia relations, the European Commission lists the legal reforms undertaken in the period of 2011-2018 and insists on the role that these reforms have played in reforming the media regulatory body and advancing the rights of journalists and media practitioners (Commission, 2017-2018). Furthermore, an explicit reference to the furtherance of journalistic rights is mentioned to account for the several reinforcement programmes that the EU has conducted in the post-revolutionary period, and their grand role in achieving the former. By recognizing the “Tunisian experience ... [as] a source of hope in the countries of Europe’s immediate neighbourhood” (Commission, 2016), the EU employs its “more for more” incentive to positively reinforce Tunisia’s embracement of EU democracy and human rights’ values. This idea of positive reinforcement, expressed in terms of positive conditionality, is tantamount to a father rewarding his offspring upon good behaviour.

From a parallel standpoint, the EU has openly pledged to support Tunisia in building a democratic polity and furthering human rights, yet specific references to press and media were scarce in the studied documents. We argue that freedom of expression is a strongly targeted pillar in EU's assistance to post-revolutionary Tunisia, and by dint of being closely related to the media and press sector, we acknowledge EU's indirect referencing to supporting the latter. Indeed, the desire to guarantee freedom of thought and expression as well as an independent media find echo in the Commission's releases. Shortly after the Jasmine Revolution, the EU started taking measures towards the curtailment of distribution channels and media releases that are deemed as unacceptable by the ex-autocratic regime. According to the Commission, freedom of the press is indeed considered as a key element of functioning democracies and will be accordingly supported. Moreover, the focus that the EU has put on the pre-and-post media situation explicates the tremendous change that has occurred in the regulatory system, status of media practitioners as well as the overall role of media in the representation of the Tunisian socio-political scene (Simon 2014: 85).

2.3 Analysis of Discursive Events:

Whilst forthright EU discourse on democratic assistance sparks hope for Tunisian citizens, several readings on EU rhetoric towards the Southern Mediterranean propose the concealed drive behind EU's unconditional support to the region, mainly explicated in terms of EU norms' diffusion and identity extension. In this respect, several scholars like Panagiota Manoli vouch for EU's attempts to instruct Tunisia on what it deems as "universal and common values" of democracy and freedom through financial and cultural assistance (Manoli, 2017). While the Commission clearly states that such support aims at strengthening EU-Tunisia relations, it is ultimately believed that the European Neighbourhood Policy symbolizes a tool for external governance, whereby the European Union combines the pursuit of general foreign policy goals with the extension of its own regulatory framework. Therefore, instead of assisting Tunisia in its press reform and ensuring its media potential reach, the EU inherently aims at establishing operations of foreign institutions that are capable of enacting EU values and spreading its norms worldwide (Manoli, 2017). In this regard, it can be admissible that the EU is not supporting Tunisia, but rather aiding itself gain further power in the Euro-Mediterranean scene by pushing Southern neighbours to embrace EU values and norms.

3. From Discourse to Action: EU Action for Media Freedom Promotion:

3.1 Project Description:

Studying EU action in the domain of Tunisian media freedom requires looking into the programmes conducted to reform and improve key areas in the media sector, like enhancing journalists' reporting skills, assisting media regulatory reforms,

as well as conducting media-related seminars and workshops. Under the framework of the Revised European Neighbourhood Policy (Commission, 2011), the EU implemented several programmes aiming at enhancing press rights and ensuring media independence. For our corpus of analysis, we choose to appraise “Media and culture for development in the Southern Mediterranean region” while paying particular focus on the “MedMedia Component”.

“Media and culture for development in the Southern Mediterranean region” is a program financed by the European Neighbourhood Instrument with a budget of € 17 000 000. The programme started two years after the Tunisian Revolution and was completed in 2017. It aims at strengthening the media and culture sectors as trajectories of democratisation based on bottom-up approaches. According to the Commission, the programme is planned to revamp the media institutional framework and augment media independence by assisting Southern Mediterranean partners in their reflexion on an optimal regulation of media legislation in the post-upheaval period (Commission, 2012). The program complements bilateral actions in the scheme areas of media reform. It is founded on the policy orientations described in the two Joint Communications of the European Commission “A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean” (Commission, 2011) and “A New Response to a Changing Neighbourhood” (Commission, 2011). Moreover, the programme comprises two components: MedMedia and MedCulture. Given that our research mainly concentrates on the media and press sector, we will closely consider the first component of the programme, which was launched in 2014 and completed in 2017.

In this regard, “MedMedia” primarily focuses on the establishment of a human-rights-friendly environment encouraging media reforms in Southern neighbouring countries. Therefore, the project targets media and press legislation and seeks to develop public trust by strengthening the role of the media “as an independent watchdog and forum for democratic debate” (MedMedia, 2017).

3.2 Evaluation of Project Efficiency & Success (MedMedia as a Study Case)

3.2.1 Survey-based Evaluation:

3.2.1.1 Data Description & Collection:

To evaluate the success and efficiency of “MedMedia” and its role in reforming the Tunisian press regulatory system, we support our research with Turner and Serrador’s survey on Project Success Criteria and Factors. Based on most agreed-upon criteria of project success in the literature, the survey holds that a project is defined as successful if the outcome meets the strategic objectives of the investing organization (Serrador & Turner, 2015). Paramount to our research is the definition of Baccarini’s determiners of project success. These are classified into “Project Success Criteria” (PSCs) and “Project Success Factors” (PSFs) (Baccarini 1999: 26). Both determiners will be referred to in our evaluation of “MedMedia”. In his explanation of both concepts, Baccarini states that success criteria are used to measure success whilst success factors facilitate the achievement of success (Baccarini 1999: 26).

Moreover, the survey that Turner and Serrador rely upon represents the results of 10 leading references on the generic “Project Success and Efficiency” criteria and factors. These results were considered in the crafting of the questionnaire found in Annex 2. Our survey was initially drafted and shared in French to reach the predominant French-speaking portion of the Tunisian population. It is nevertheless important to mention that the questionnaire was translated into English for the purpose of this research. To further explain, the respondents were requested to judge success in three categories: overall project success rating, project success as perceived by four groups of stakeholders: the sponsor, the project team, and the client; and performance against the three components of project efficiency: time, cost, and scope (Baccarini 1999). The questionnaire addressed the “MedMedia” project team, Tunisian media practitioners and journalists, and The High Independent Authority of the Audiovisual Commission (HAICA) as a regulatory body. We shared the survey with two personal contacts of the “MedMedia” project team and the Tunisian regulatory body. These contacts were requested to respectively share the survey with their “MedMedia” network. As far as data collection was concerned, we accumulated responses over a period of 8 weeks, and ultimately received 58 responses.

3.2.1.2 Data Analysis & Results:

Participants: a set of 58 participants were requested to evaluate the success and efficiency of the “MedMedia” project. The subjects were (female: $n = 26$, and male: $n = 32$). The population is divided into 19 partners, 15 journalists, and 23 project managers. The ages of the participants ranged from 24 to 57 and their experiences in the sector were diverse.

Instrument: a questionnaire to evaluate the results of the project was designed. The measurement scale comprises ten dimensions that are rated on a 5-point Likert scale from strongly disagree (1 point) to strongly agree (5 points).

- The dimension of the Execution Planning Variance is measured using five questions (q1-q3-q5-q6-q23).
- The second dimension presents the Limits & Restriction of the Ecosystem through the five questions (q27 * -q28 * -q31 * -q32 * -q44 *: *the scores of this dimension will be inverted).
- The third dimension covers the Decision-making of the project, and it is measured by three questions (q4-q11-q19).
- The fourth dimension assesses the Financial Management through the questions (q29-q30-q33-q34-q35).
- The fifth dimension of Transparency is composed of five questions (q24-q39-q40-q41-q43).
- The sixth dimension assesses Information Sharing and is measured by three questions (q18-q16-q22).
- The seventh dimension presents Relations with Partners and it is composed of four questions (q10-q14-q25-q26).

- The eighth dimension evaluates the Direct Impact of the Project, and it is calculated through the questions (q2-q7-q8- q9-q15-q3-).
- The ninth dimension deals with the Indirect Impact of the Project, and it is measured through the questions (q12-q13-q36-q37).
- The last dimension assesses the Visibility of the Project through the questions (q17-q20-q21-q42).

Procedure: a self-administered questionnaire was conducted on the GOOGLE FORMS electronic platform. The questionnaire link was thereafter sent via email to the participants, who responded voluntarily, and with no consequential remuneration given. The answers were then collected on a "Google Sheets" spreadsheet to be transferred later to a statistical software.

Dimensions		Questions
1	Execution Planning Variance	1-3-5-6-23
2	Limits & Restrictions of the ecosystem ¹	27-28-31-32-44
3	Decision-making	4-11-19
4	Financial Management	29-30-33-34-35
5	Transparency	24-39-40-41-43
6	Information Sharing	18-16-22
7	Relations with Partners	10-14-25-26
8	Direct Impact of the Project	2-7-8-15-38-9
9	Indirect Impact of the Project	12-13-36-37
10	Project Visibility	17-20-21-42

Table 1. Distribution of questions for the assessed dimensions

Analysis tools: a statistical analysis was performed using IBM SPSS commercial software, "Statistical Package for the Social Sciences" for Windows version 26.0 (IBM Corp., Armonk, NY, USA; published in 2019). We also resort to descriptive statistics for project analysis and add that standard deviations and normality tests were performed for all continuous variables. The individual response scores for each participant were calculated by the average

conquered for each dimension. Simply put, they represent the sum of the points obtained on the Lickert scale over the number of items. In this regard, the single-sample Student's t-test was used to compare the dimension scores to the mean measured on the Lickert scale ($5/2 = 2.5$).

Differences between groups were examined by the one-way analysis of variance (ANOVA) test. It is important to mention that a Post-Hoc Bonferroni test will be complementary to the Anova test if the results of the latter are significant.

Results: the average scores of participants (19 Partners, 15 Journalists, and 24 Project Managers) were calculated for each topic and dimension. Table 1 shows the question numbers for each dimension.

Overall assessment: Descriptive statistics and distribution normality tests show that the mean values are distributed between 3.12 for Ecosystem Limits and Restrictions, and 3.72 for Financial Management. The standard deviations of the

⁹ Scores have been reversed for this dimension.

distributions count for less than 1. This means that the distributions are adequate to measure the dimensions and the absence of outliers (see Table 2).

	Mean	Standard Deviation	Skewness	Kurtosis	T test	Significance (p)
Execution Planning Variance	3,43	0,60	-0,01	-0,90	11,765	0,000
Limits & Restrictions of the Ecosystem	3,12	0,45	-0,48	-0,90	10,383	0,000
Decision-making	3,54	0,59	0,05	0,70	13,451	0,000
Financial Management	3,72	0,62	-0,70	-0,04	15,048	0,000
Transparency	3,24	0,66	0,35	-0,51	8,549	0,000
Information Sharing	3,17	0,52	0,05	-0,55	9,842	0,000
Relations with Partners	3,22	0,60	-0,23	-0,95	9,261	0,000
Direct Impact of the Project	3,59	0,55	-0,53	0,13	15,203	0,000
Indirect Impact of the Project	3,39	0,53	-0,38	0,27	12,820	0,000
Project Visibility	3,38	0,65	-0,43	-0,31	10,260	0,000

Table 2. The means, standard deviations, Skewness and Kurtosis coefficients of normality, and one-sample Student's t-value and its significance

The data of the participants ($n = 58$) were subsequently tested by the one-sample Student's t-test (with baseline = 2.5) to examine whether the dimension scores are significantly higher than the mean which is 2.5; taking into account that the considered Lickert scale is 5 points.

To further explain, a value of $p < 0.05$ is considered significant (i.e. a difference between the reference value and the mean of the dimension), $p < 0.01$ is considered very significant (i.e. a large difference between the reference value and the mean of the dimension) and $p < 0.001$ is considered highly significant (i.e. a very large difference between the reference value and the mean of the dimension).

In this regard, Table 2 shows the means, standard deviations, Skewness and Kurtosis coefficients of normality and one-sample Student's t-value and its significance. The results reveal highly significant differences for all dimensions compared to the reference value 2.5. Therefore, we can consider that the evaluation of the project is positive.

Evaluation by groups: a group assessment was conducted across all dimensions to examine the differences between the three groups: partners, journalists, and project managers. The one-way analysis of variance test will be used to compare the groups' responses. If a significant difference is detected, then a Post-Hoc Benfaroni test will be carried out to search for differences between groups.

For the dimension that measures the Execution Planning Variance, the results reveal means of 3.18 ± 0.52 , 3.47 ± 0.52 and 3.61 ± 0.66 for partners; journalists and project managers, respectively. The value of $F = 2.91$ is insignificant. Therefore, we

can deduce that this dimension was similarly evaluated for the three categories of evaluators (see figure 1).

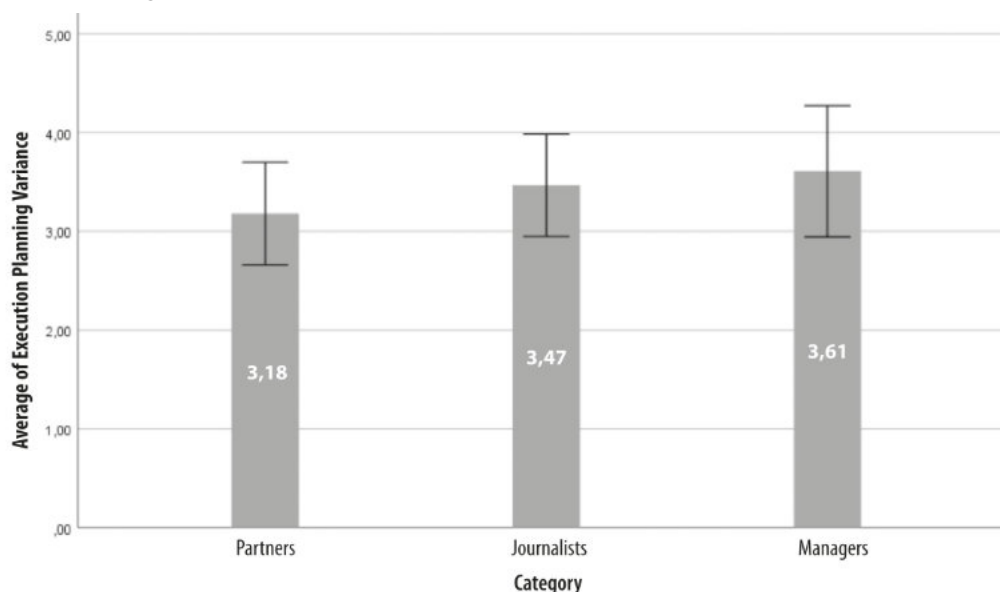


Figure 1. Assessment of the Execution Planning Variance among the three categories (partners, journalists, and managers).

As far as the Ecosystem Limits and Restrictions are concerned, the group means display high proximity, and the value of $F = 0.66$ is insignificant. This shows that the partners; journalists and managers had similar responses to the questions of this dimension (see figure 2).

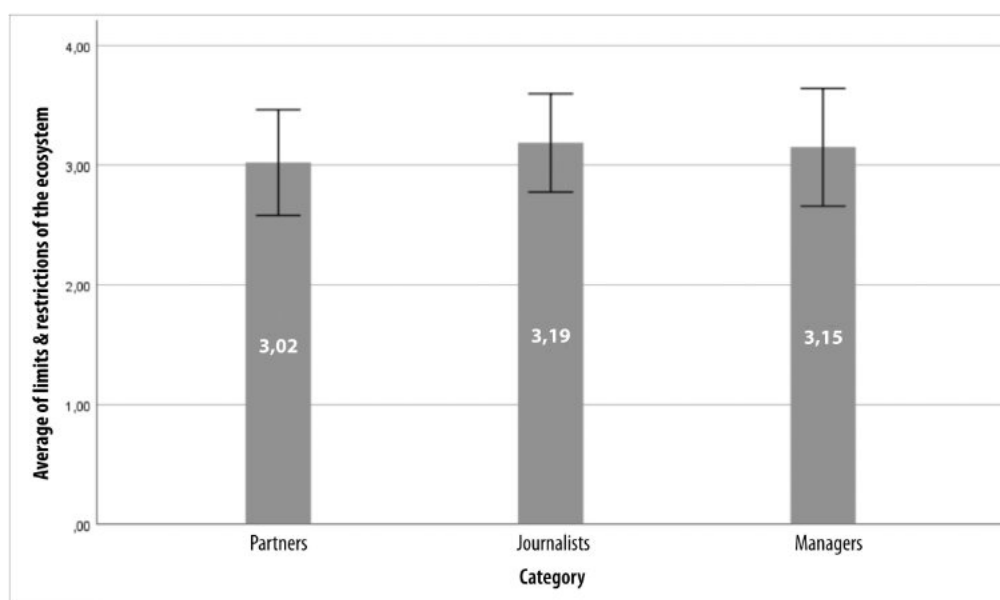


Figure 2. Assessment of ecosystem restrictions by the three categories (partners, journalists, and managers).

For the dimension that measures Decision-making within the project, the results show averages of 3.28 ± 0.48 for partners, 3.31 ± 0.54 for journalists, and 3.89 ± 0.54 for project managers. The value of $F = 9.29$ is highly significant ($p < 0.001$). Consequently, this dimension did not produce similar responses in the three

categories (see figure 3). The use of the Post-Hoc test therefore reveals that the managers present a deviation from the two other categories (see figure 3).

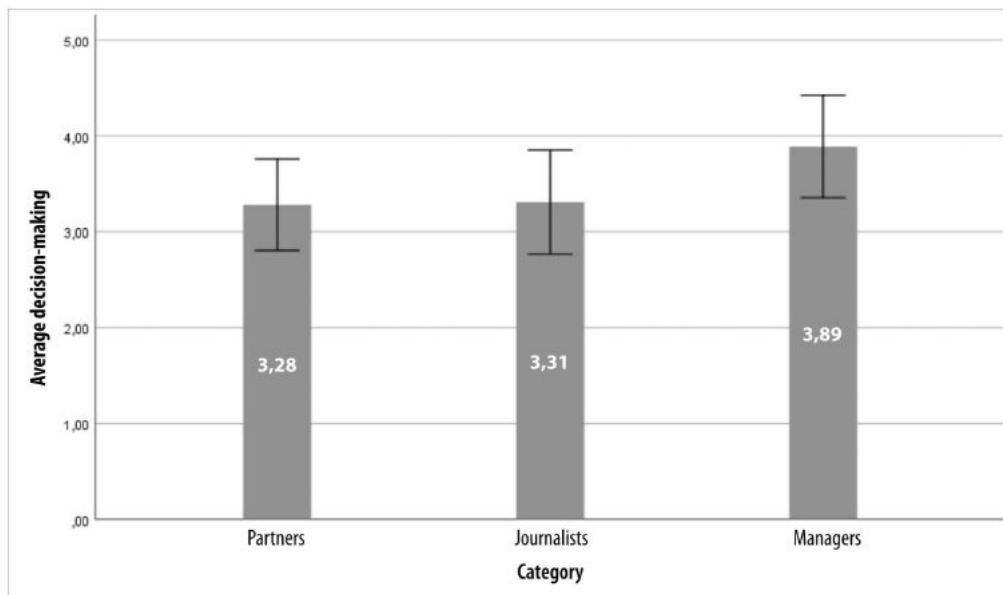


Figure 3. Assessment of decision-making by the three categories (partners, journalists, and managers).

Moreover, the results of the dimension assessing Financial Management reveal averages of 3.65 ± 0.52 ; 3.77 ± 0.60 ; and 3.74 ± 0.63 for the partners; journalists and project managers, respectively. The analysis value of the variance test at a variability factor $F = 0.18$ is insignificant. We may therefore deduce that this dimension was assessed in a similar way for the three categories of evaluators. (see figure 4).

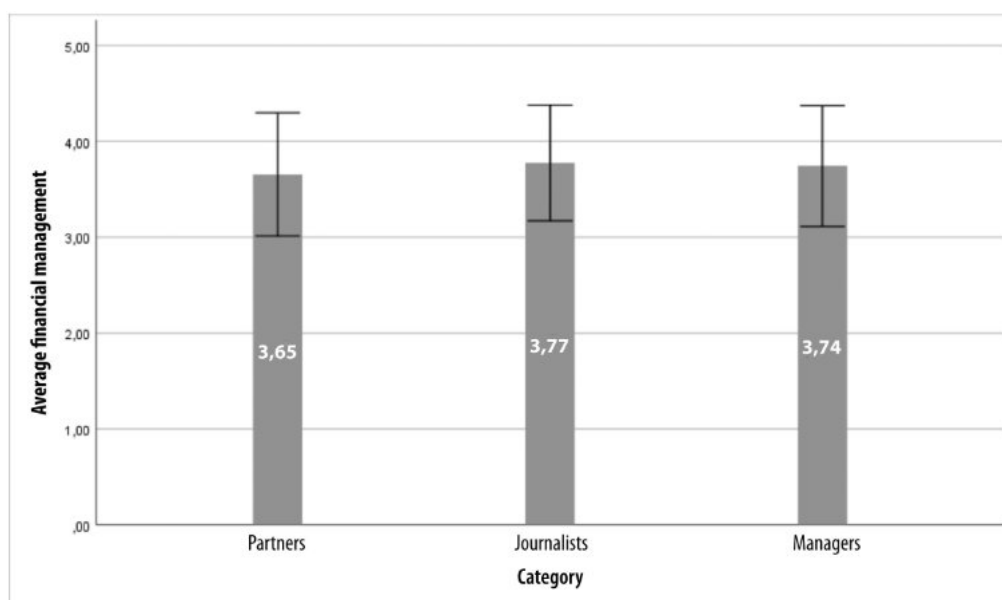


Figure 4. Assessment of financial management by the three categories (partners, journalists, and managers).

The statistical analysis of the dimension measuring Transparency within the project show close averages to 3.23 ± 0.72 for partners; 3.20 ± 0.63 for journalists; and 2.96 ± 0.53 for project managers. The value of $F = 0.15$ is insignificant. Hence, no difference is detected between the categories of respondents (see figure 5).

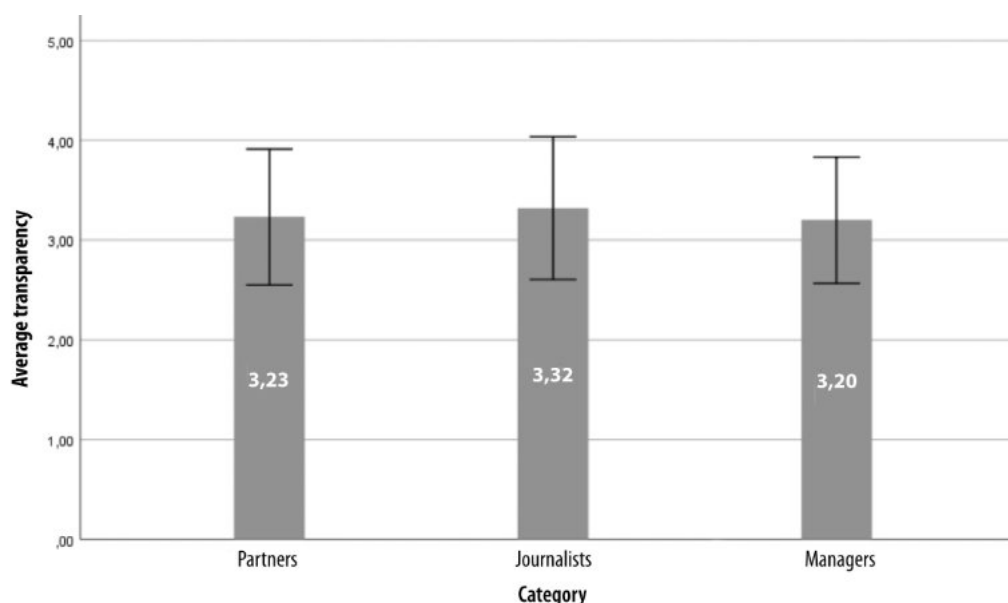


Figure 5. Assessment of transparency by the three categories (partners, journalists, and managers)

The results of the dimension that measures Information Sharing displays means of 2.96 ± 0.53 , 2.98 ± 0.37 and 3.46 ± 0.47 for partners; journalists and project managers, respectively. The one-way analysis of variance test shows a highly significant value of $F = 7.62$ ($p < 0.001$). We may therefore deduce that this dimension was assessed differently by the three categories of evaluators (see figure 1). Hence, the Post-Hoc test reveals differences between partners and journalists, and the project managers who scored the highest (see Figure 6).

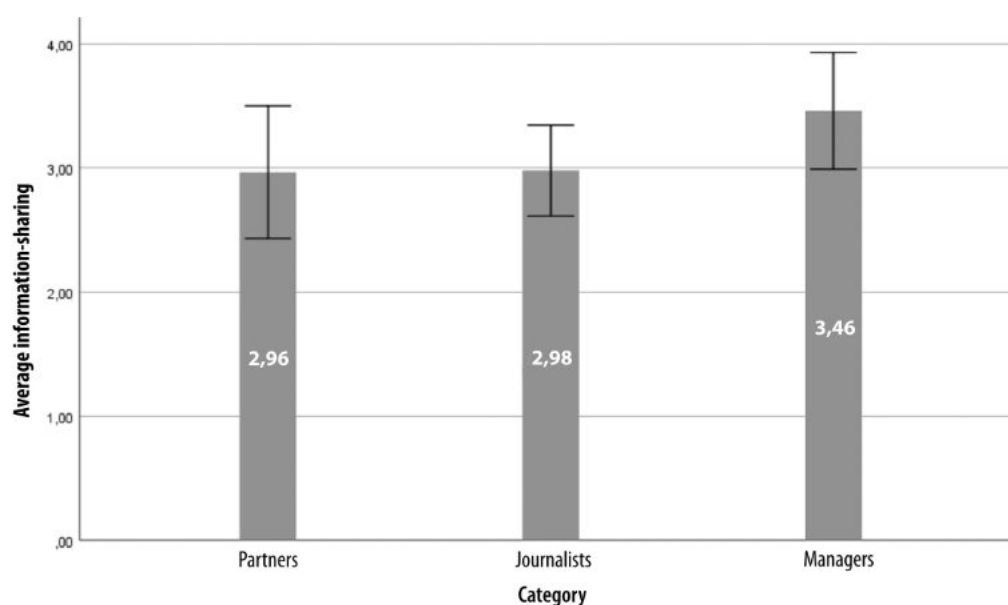


Figure 6. Assessment of information sharing by the three categories (partners, journalists, and managers).

For the Relationship with Partners, the results reveal respective means of 3.08 ± 0.62 , $3.03 \pm 0.0.55$ and 3.46 ± 0.55 for partners; journalists and project managers. The value of the analysis of variance test at a variability factor $F = 3.47$ is significant

at $p < 0.05$. The post-hoc test still shows differences in responses between the three categories (see figure 7).

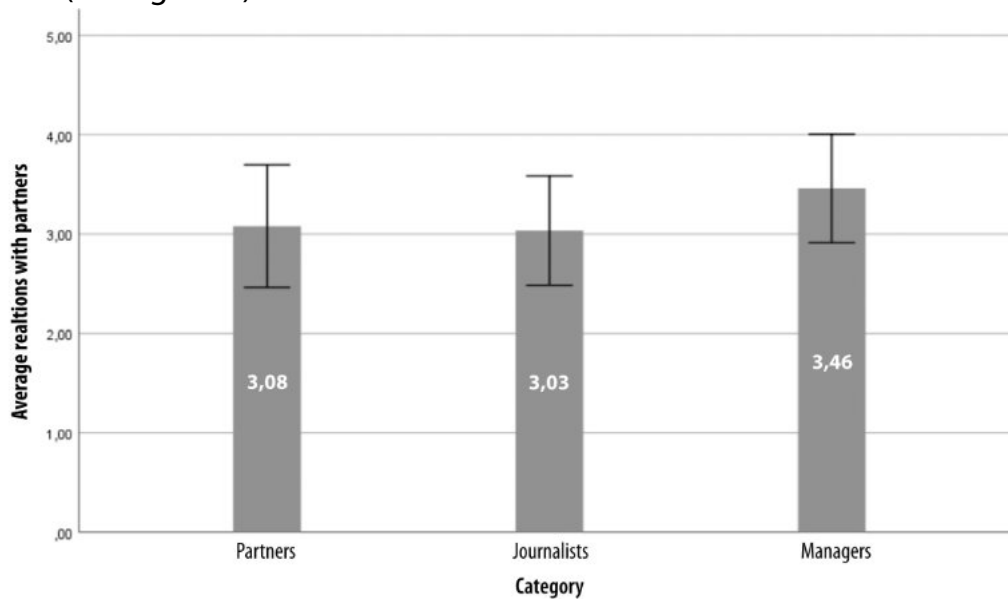


Figure 7. Assessment of relations with partners by the three categories (partners, journalists, and managers).

The results of the dimension dealing with the Direct Impact of the Project reveal averages of 3.31 ± 0.57 ; 3.63 ± 0.54 ; and 3.79 ± 0.45 for the partners; journalists and project managers, respectively. The one-way analysis of variance test shows a significant value of $F = 4.66$ ($p = 0.014$). Consequently, this dimension was not assessed in a similar way by the three categories of evaluators (see figure 1). The Post-Hoc test shows differences between partners on the one hand, and journalists and managers on the other (Figure 8).

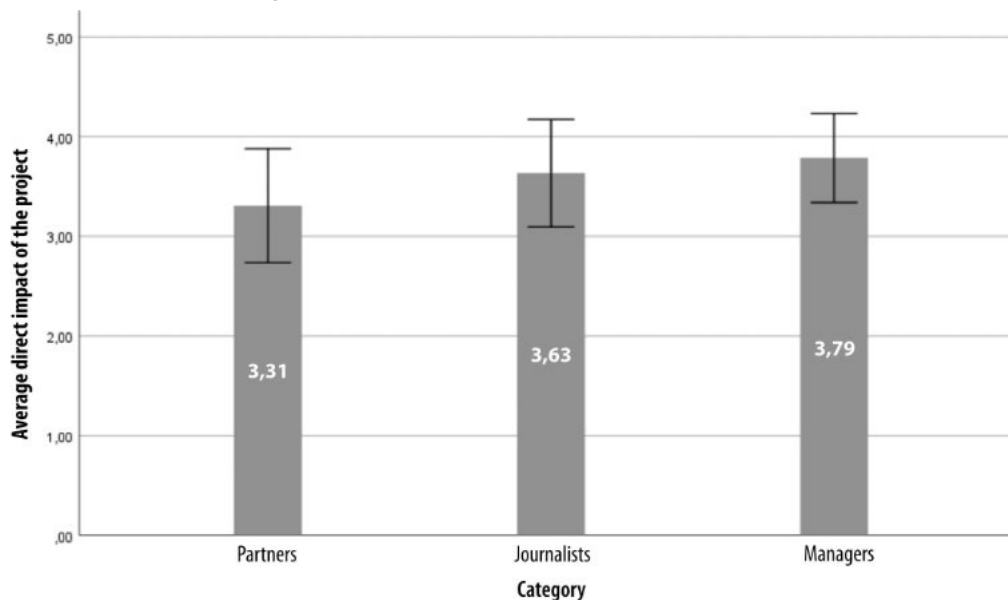


Figure 8. Assessment of the direct impact of the project by the three categories (partners, journalists, and managers).

Along the same line, the results of the Indirect Impact of the Project show an average of 3.25 ± 0.56 ; 3.63 ± 0.47 ; and 3.35 ± 0.51 for the partners; journalists and

project managers, respectively. The one-way analysis of variance test demonstrates an insignificant value of $F = 2.41$. Hence, we may affirm that this dimension was similarly assessed by all three categories of assessors (see Figure 9).

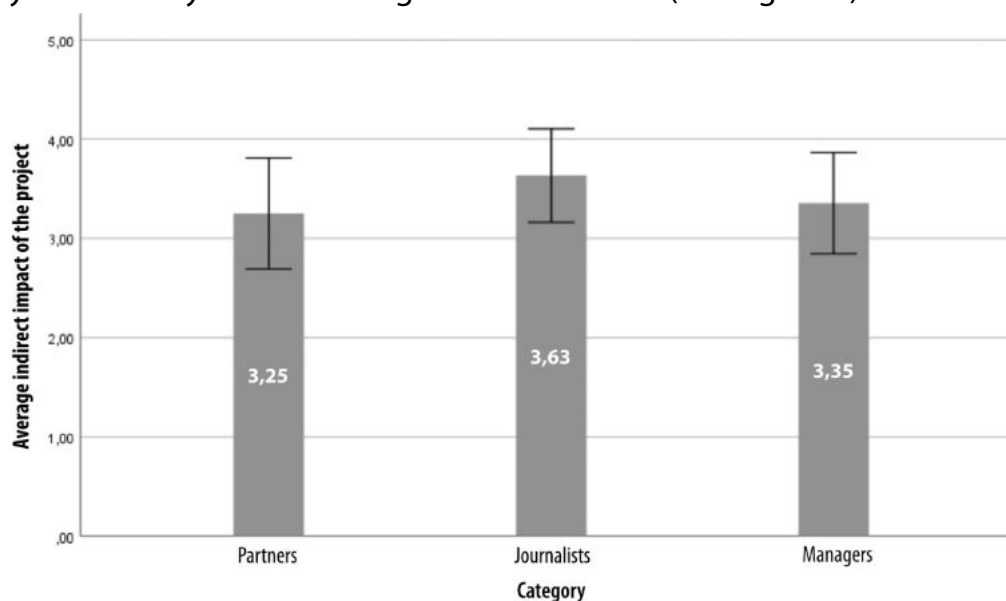


Figure 9. Assessment of the indirect impact of the project by the three categories (partners, journalists, and managers).

For the Visibility of the Project, the means of the groups were close with an insignificant value of $F = 0.75$. This shows that the partners; journalists and managers responded similarly to the questions in this dimension.

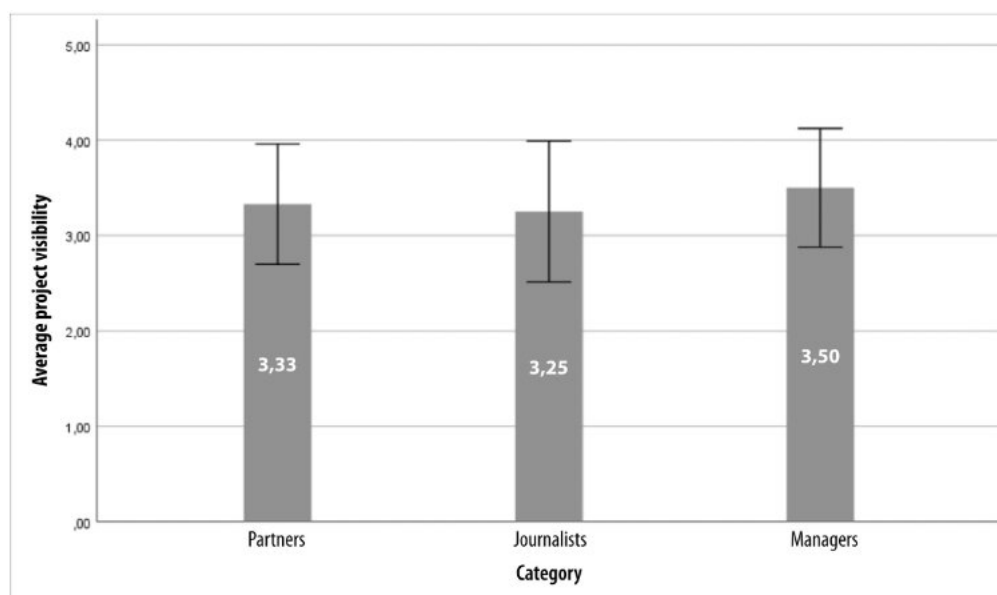


Figure 10. Assessment of the visibility of the project by the three categories (partners, journalists, and manager).

3.2.1.3 Interpretation:

Results of the “MedMedia” project indicate an overall positive appreciation across the different dimensions and by the three categories of evaluators. Indeed, journalists, partners, and project managers of “MedMedia” estimated a satisfactory

deviation between the planning and execution of project activities. This procedure of comparison between initially-fixed objectives and the final results confirms the efficiency of “MedMedia”. Moreover, external factors that are described in terms of limits and restrictions to the project environment did not negatively impact the results of “MedMedia”. Hence, for both dimensions, evaluators seem to share similar judgments on the project.

Along the same line, evaluators estimated that decision-making, financial management and transparency during project activities were adequate and in accordance with the general standards of project efficiency. Nevertheless, the decision-making dimension scored exceedingly higher than the two former categories. We deduce that “MedMedia” allocated financial, human, and logistic resources in a rational and correct manner. The latter represents a key factor of project efficiency, and further proves MedMedia’s cost-effective distribution of resources.

As far as information sharing and relations with partners are concerned, we conclude that both dimensions were generally satisfying. Yet, partners and journalists estimated lesser scores for this dimension in comparison to managers. This can be explained through the likelihood that partners and beneficiaries request greater implication in project activities. However, the latter is technically complicated and to some extent impossible.

Furthermore, both direct and indirect impacts of the project were very appreciated by the evaluators. Hence, we may assert that the project achieved its overall objectives and was successful. Additionally, since the project had a durable impact on the professional lives and environments of the individuals and groups involved, we may as well affirm that the three categories of evaluators benefited from the activities of “MedMedia”. We may also add that these two factors have contributed to the durability and perennity of “MedMedia”.

To conclude, a crucial dimension of success is related to the visibility of the project, which was ensured in a permanent manner, according to the estimation of evaluators. Overall, criteria and factors of efficiency and success were all met and guaranteed. Hence, it is admissible that “MedMedia” was both successful and efficient.

3.2.2 Report-based Evaluation:

Our qualitative evaluation of “MedMedia” is based on the eight-interim reports shared by the “MedMedia” project team network. According to the Work Package as well as the First and Final Interim Reports of the project, “MedMedia” was run in late 2014 / early 2015 until late 2017. We have chosen to focus on the peer-to-peer capacity building in our evaluation of the overall project activities, and these essentially targeted regional regulatory bodies, public service media, media schools, journalists’ unions, and policymakers. Given that “MedMedia” worked in countries of the Southern Mediterranean, it is important to narrow the scope of our analysis to

our case study of media and press advancement in the post-2011 Tunisian context. The partner institutions that participated in the peer-to-peer activities of “MedMedia” in Tunisia were La Haute Autorité Indépendente de la Communication Audiovisuelle / the High Independent Authority of the Audiovisual Commission (HAICA) and L’Institut de Presse et des Sciences de l’Information / the Institute of Press and Information Sciences (IPSI).

Based on the interim reports, “MedMedia” highlights the paramount importance of exchanging experiences across the Southern Mediterranean region to achieve greater growth in the media sector. This guideline was supported through a blend of bilateral approaches (whereby a recipient peer interacted with a peer mentor) and multilateral approaches (whereby the peers assisted group meetings where respective experiences were shared and discussed) (MedMedia 2014: 1). In addition, face-to-face interactive sessions were scheduled for peers to express their challenges and expectations in a group and receive feedback from knowledgeable European journalists and media practitioners. Finally, the project necessitated a partage of results, whereby the program output would be synthesized and presented to stakeholders from other spheres of the sector. Moreover, the Work Package of the “MedMedia” report stresses on the various measures taken to ensure the sustainability of the program’s outcomes (MedMedia 2014: 1). As far as the Tunisian context is concerned, “MedMedia” acknowledges the close ties that the Senior peer-to-peer Media Expert had with HAICA, IPSI and the EU Delegation to Tunisia to evaluate EU neighbourhood programs like Twinning and TAIEX (Technical Assistance & Information Exchange) and extend exchanges launched by the project activities (MedMedia 2014: 2).

In an initial report drafted prior to the launch of “MedMedia”, the project team sketched the various objectives of peer-to-peer exchanges. Providing a detailed account of pre-executive objectives of the project are paramount in evaluating whether these objectives were met after the completion of “MedMedia”. Overall, the peer-to-peer exchanges brought recipient peers (HAICA and IPSI) and peer mentors (Marc Janssen) from akin sectoral groups together. These essentially aimed at “establishing the foundations for a community of practice”, “ensuring a high level of peer engagement over the project cycle”, and “enabling a multilateral exchange of experience” (MedMedia 2014: 7). Ultimately, “MedMedia” targets individuals who have the direct responsibility of shaping reform processes, hence HAICA’s involvement in the project. Added to that, the peer-to-peer exchanges devised aims for overcoming perceived problems and breaking political deadlock in Tunisia. Reports of “MedMedia” also stressed on the program’s tools in ensuring that the project be complimentary to EU’s aid to Tunisia in the post-upheaval period (MedMedia 2014: 7).

The eight-interim reports presented the evolution of project activities throughout the execution period and inscribed the different changes in project missions. In the two first interim reports, “MedMedia” sets the parties involved, the objectives of the project, project guidelines, and expectations from both mentors

and participants. The reports also stressed on the role of the two parties, being the development of communication policies and strategies on the part of HAICA, and the development of a strategy that facilitates the transition from regulation to co-regulation in Tunisia on the part of HACA. Various advancements occurred in the third interim period of the project, whereby a study tour to Tunisia was organized to ensure South-to-South exchanges between different media practitioners of the region. Furthermore, updates were provided on the advancement of peer-to-peer activities targeting the Tunisian regulatory body HAICA (MedMedia 2015: 17). Former director of the Belgian regulatory authority worked closely with Nouri Lajmi, President of HAICA, to outline the principles and values which HAICA aims to represent. These were “promoting quality and independent information”, “building a wider and pluralistic media landscape”, and “working in a transparent way and encouraging public debate” (MedMedia 2015: 17). This follows that such principles of transparency and accountability were first enacted by developing internal policies that drastically restructured HAICA’s practises. These included drafting response letters to “grievances”, “inadmissible complaints”, and “requests of information” for stakeholders, and working on the restructuring of HAICA’s annual activities report as well as ensuring its wide accessibility (MedMedia 2015: 17). In this regard, the restructuring guidelines that HAICA adopted were supervised and further consulted by Marc Janssen in the following period to ensure appropriate reformation of the Tunisian media landscape.

A group meeting for Southern partner regulators was eventually organized in the side-lines of the World Press Freedom Day celebrations, and it encouraged the presentation of proposed reforms and a respective evaluation of normative regulatory systems. The group meeting reached several conclusions, all-representing areas of instantaneous or gradual adjustments in current regulatory systems. These mainly targeted the unfairness of the Tunisian prescriptive regulatory system on journalists and the threats that it poses on their freedom of practise as well as presented an intermediary solution for the reformation of the media and press sector. Overall, a special procedure was suggested allowing HAICA to point at infringements of media law while cutting on sanctions that curb the freedom of journalists. These findings were thereafter published in short press releases and made accessible to the public. Ultimately, the goal behind the intermediary solution was to play the role of a catalyst for public debate as well as stimulate internal discussion within media outlets (MedMedia 2015: 23).

“MedMedia” has tremendously aided post-uprising Tunisia in terms of press and media reform. More importantly, Tunisia has been given preference as concrete results were showcased from HAICA’s exchanges with HACA. In its reports, “MedMedia” highlights that HAICA demonstrated a high degree of motivation and was therefore offered a follow-up phase in order to consolidate the achievements of its initial engagement (MedMedia 2015: 28). In the fourth interim period, “MedMedia” started extending peer-to-peer exchanges aiming at bringing journalism curricula in line with the needs of the Tunisian media industry. The peer-to-peer initiatives were

expected to assist the reformation of journalism education. Added to this, the fourth interim period of “MedMedia” marked the 42nd meeting of the European Platform Regulatory Authorities (EPRA), whereby Nouri Lajmi shared and received feedback on thematic points of HAICA’s agenda regarding pluralism in the media (MedMedia 2015: 28). On a parallel note, the Senior peer-to-peer Media Expert launched a collaboration with *Institut de Presse et des Sciences de L’Information (IPSI)*. The partnership attempted to meet two priorities on IPSI’s list: “the development of teaching formats which allow students to gain hands-on experience during their journalistic studies” and “a revamp of the curriculum on investigative journalism” (Ayari, 2015). MedMedia responded by facilitating peer-to-peer exchanges, information sharing and journalistic trainings with *ESJ-Pro in Montpellier and Ecole Supérieure de Journalisme (ESJ)* in Lille. In addition, MedMedia organized roundtables as part of the “Mediterranean Press Days” and in partnership with COPEAM. The event focused on independent journalism in the Arab Uprising countries and attempted to provide educational ground for Tunisian journalists in the aftermath of the Revolution.

Along the same line, the Senior peer-to-peer Media Expert partnered with Bruno Montariol to provide support for HAICA’s reforms during the democratic transition. What is more, the eight-interim period of the project introduced measures of sustainability for the peer-to-peer program outcomes. As the project was reaching an endpoint, “MedMedia” recorded particularly good progress for HAICA over the first six months of the interim. These achievements were described during the three-day study tour to London and Paris, which also aimed at providing insights on research programs conducted by European regulators and the best practises in the field of audience metrics (MedMedia 2017). The event was organized in coordination with Bruno Montariol, who proposed widening the scope of EU-funded bilateral project (*Programme d’appui aux medias en Tunisie*) so as to include HAICA’s immediate capacity-building needs.

As highlighted throughout the eight-interim reports of “MedMedia” as well as on the closing report, the Tunisian regulatory body HAICA derived the greatest benefits from the peer-to-peer program. Hence, HAICA was given a follow-up phase to ensure an almost perfect adjustment to democratic regulatory bodies inspired by European countries. Additionally, it is paramount to mention that “MedMedia” has been the biggest and most impacting EU-funded initiative that provided HAICA with the professional, educational, and financial support it needed in the midst of its restructuring process (Ayari, 2015).

3.2.3 Findings:

Based on the survey and the evaluation of the eight-interim reports, we may deduce that “MedMedia” was both efficient and successful and has had a tremendous impact on the media and press sector. In fact, by blending quantitative and qualitative methods of analysis, it is irrefutable that the results of “MedMedia” project

evaluation are valid and well-grounded. More than that, by considering individuals who were directly and indirectly involved in the planning and execution of the project, but also basing our assessment on the project reports, we were able to deduce results that consider both positions and offer a comprehensive view on MedMedia's outcomes. Moreover, the success and efficiency of the project prove its colossal impact on press and media advancement in post-revolutionary Tunisia. This impact was supported by all categories of evaluators, but also stated in the concluding report on MedMedia. We acknowledge that the role "MedMedia" has played in training journalists and media practitioners, reforming the media regulatory system, and furthering press rights is important, and has found echo in current Tunisian legislature and media practises.

4. Match/Mismatch between EU Discourse & Action: Towards Identity-construction:

4.1 To Match or Not to Match?

Reflecting on the match/mismatch interplay between EU rhetoric and action necessitates a thorough study of both dimensions to build a conceptual equation: an equation based on likeness proposes a coherence in EU rhetoric and action, whilst an equation based on dissimilarity suggests a discrepancy between EU rhetoric and action. Findings of our study reveal that the EU has been exceedingly consistent in its promotion and assistance of press and media rights in post-revolutionary Tunisia. By the same token, an evaluation of EU action through our study case of "Media and culture for development in the Southern Mediterranean region: MedMedia Component" divulges efficiency and success in financially, professionally, and educationally guiding the media reformation process. Hence, we may affirm that EU rhetoric shows coherence to undertaken action in the precise domain of media advancement.

This affirmation highlights the unprecedented capability of the EU to properly enact its verbal commitments towards its Southern neighbours. Indeed, the literature has long argued that there is a serious gap between EU rhetoric versus its concrete actions and actual capabilities (Hill 1993: 305). Moreover, Mayer Hartmut asserts that conclusions about the EU being unethically-misleading in its discourse have always been and are still relevant in the post-uprising EU interference (Harmut 2008: 62). Indeed, human rights and democracy-building formed the essence of EU rhetoric towards Southern neighbouring countries after the regional turmoil and played a prominent role in EU's active engagement to assist the countries in their democratization. This pretext of the "self-perceived ethical power" that guides peoples towards democratic values is questionable and unsurprisingly ambivalent (Harmut 2008: 62).

Discrepancies between EU rhetoric and action are further discussed in as far as textual analyses of European Neighbourhood Policy documents are concerned. One analysis conducted by Kratochvil shows the inconsistency of EU discourse as it swings between two contrasting positions: the former presenting the EU as a power

centre over the neighbourhood, and the latter reflecting its equal position to neighbouring countries (Kratochvil 2009). This contrast feeds into the conception of EU rhetoric and action as interest-driven par excellence and very hypocritical in nature. Therefore, we maintain that despite reached conclusions about EU rhetoric match to undertaken actions, such coherence is not reflective of the EU's plain support to Tunisia amid its democracy-building phase. This consistency is supplementarily believed to conceal greater interests in Tunisia, and the Southern neighbourhood region as a whole.

4.2 Interest-driven Match & Identity-construction:

Following the aforementioned, we attempt to offer base for the assumption that the EU has employed consistent rhetoric and action in Tunisia to feed its seeming advocacy for media freedom. We maintain that the EU has deployed the pretext of democracy promotion in the post-upheaval Southern Mediterranean to push for European norms and protect the region from threats to European security. As a matter of fact, the EU's exertion to assist Tunisia towards democratic values of human rights and good governance were read as interest-driven par excellence.

Prior to proceeding into an examination of the pragmatic features of post-Arab-Spring EU discourse and action, it is paramount to account for the historical shift in EU discursive characterization of the Southern Mediterranean region. Cebeci and Schumacher state that EU discourse defined and re-defined Euro-Mediterranean relations in a sense that the "normative bilateralism" (Pace 2007) of the European Neighbourhood Policy reoriented to a project-based multilateralism of the Union for the Mediterranean, and eventually to a differentiated and interest-driven approach of the Revised European Neighbourhood Policy (Cebeci & Schumacher 2017). Both scholars further argue that the EU's policy shift, mainly following the Tunisian uprisings, may be interpreted as "a boundary-drawing exercise" (Cebeci & Schumacher 2017). This is conspicuous in our earlier attempt to textually analyse EU references to the Southern Mediterranean and its recourse to the possessive person deixis. We deduced that such references were made, and accordingly re-made in different EU declarations. This constitutes a result of the occurring paradigm-shift in EU discourse and action towards its Southern Mediterranean partner.

Moreover, the use of a possessive diction all-throughout the corpus of analysis exhibits the hegemonic nature of EU discourse; correspondingly reflective of "distanciation", instead of an alleged cooperation between the EU and Tunisia. Ultimately, the initial aim behind the European Neighbourhood Policy has been to construct an alliance of countries that are geographically proximate yet do not "have the prospect of [EU] membership" (Commission of the European Communities, 2004). On that account, the fundamental rhetoric employed in the European Neighbourhood Policy documents meant to draw boundaries for EU geographical extension and further differentiate the European identity from its Southern Mediterranean counterpart. In this regard, EU's eagerness to accomplish greater

security and democracy across the Southern Mediterranean is solely valid presuming that foreign democracy-building is administered and enacted from afar (Browning & Pertti 2008: 519). This leads to the description of the European Neighbourhood Policy as “first and foremost, a boundary-drawing exercise; a political and spatial practice which does not only produce identities [...] but also subjects” (Cebeci 2017: 57). Hence, through an attempt to define what is “European” and what is not, EU’s support to Tunisia is mainly regarded as serving to its agenda, extending its sphere of influence, and creating a subjugated periphery. By affirming its spatial and political identity, the EU separates itself from the irreducible non-European “Other” (Scott 2005). This binary construction of the “Self” versus the “Other” is mainly motivated by territorial marking as well as the production of “a peaceful inside and a dangerous outside” (Cebeci & Schumacher 2017).

Along the same line, Cebeci and Schumacher note that “the interest-driven discourse in the ENP documents always goes hand in hand with the discourse of responsibility towards the neighbourhood as well as with the rhetoric of common interests with the partners” (Cebeci & Schumacher 2017). In other terms, EU’s wording of democracy-promotion after the Tunisian upheaval and its pledge for indefinite support to the democratic transition represents indirect advocacy for the supposed European norms of peace, liberty, democracy, rule of law and respect to human rights. Despite being “universal”, EU values are termed as normative when they are subjugated on third party countries, notably Tunisia (Tomos 2009: 193). This follows that EU’s interference in Tunisia after the Arab uprisings constituted an attempt to vigorously promote its norms by guiding the democratic transition. Indeed, EU’s help came at a time when Tunisians were most vulnerable and unable to cope with President Ben Ali’s fleeing of the country.

Owing to its *sui generis* nature, the EU stands in a position of power, whereby it knowledgeably imposes teachings of democracy on the newly emancipated country. For instance, the reiterated use of the term “to learn”, as pointed at Southern Mediterranean countries, reflects a Eurocentric mindset, and shows that Europeans possess the higher standards. Also, by considering the differing ends of the spectrum in Tunisia’s feeble position after the upheaval versus EU’s grand success story, we may affirm that the target of the norm promotion is helplessly affected by the EU, which in turn, takes advantage of its actor’s need for assistance. Therefore, the dissemination of democratic values signifies that the EU is exercising its power by “speaking for” rather than “giving voice to” Tunisians in the process of the democratic transition (Tomos 2009: 193). Along the same line, scholar Richard Youngs argues that the promotion of democratic and human rights values changes in accordance with EU strategic considerations; hence, democracy promotion becomes embroiled in processes of rational calculation, and EU commitments are inconsistently supported by its actions (Youngs 2004: 415). This follows that EU’s enactment of normative power is both conspicuous in rhetoric and action, as the former precedes the latter and constitutes its verbal development. This exercise of norms’ partage between EU sender and Tunisian receiver is akin to Ulla Holm’s conception of

benefactor and beneficiary, respectively. Simply put, the EU's gestures, described in terms of financial support and democracy-building programs, are gifts that Tunisia has great interest in receiving. She further adds that this binarity is diluted by the constant use of the term: 'mutual commitment to common values', which are defined by the EU (Holm 2005). The exportation of normative values is, in this sense, regarded as an interest-driven initiative which end is to ensure inner stability in centre EU and outer stability in the peripheral neighbourhood (Holm 2005).

Furthermore, Karen E. Smith outlines inconsistencies in the application of human rights' elements in EU policy, mainly apropos Tunisian democracy promotion. She highlights the hypocritic emphasis on European norms and values, and their important role in serving EU strategic and economic interests (Smith 2001: 185). This argument rests on the conceptualization of normative power as a discursive practise, and a subsequent impetus for action in the Southern Mediterranean (Tomos 2009: 196). We have found that consistency between EU rhetoric and action divulge not only its normative dimension, but its call for greater hegemonic expansion and validation for the European identity. In this sense, Brieg Tomos states that EU's choice to promote democracy in Southern Mediterranean countries reflects a particular conceptualization of the region per se (Tomos 2009: 193). We can therefore affirm that the European Neighbourhood Policy is used as a lever to extend EU influence in order to ensure stability and security beyond its borders. This postulate is based on the idea that the European Union pursues the approval of its partners, especially neighbouring countries, as a major player in international relations (Beauguitte, Richard & Guerin-Pace 2015: 853). Whilst scholars like Brieg Tomos believe that EU-Tunisia relations challenge the conception of EU normative power, we contend, through this research, that the interests of the EU in Tunisia are double-edged. A promotion of EU norms would inevitably guarantee a secure Mediterranean as norms between the centre and peripheries are shared; hence, no conflict of interest or identities is likely to arise between the EU and Tunisia. In fact, neighbours are even promised greater cooperation in regard to the relaxation of economic and cultural borders' restrictions provided that "the neighbours behave as the EU wants them to behave" (Holm 2015). Through the "more for more" incentive, the EU seems to draw Tunisia to its core, yet the recompense necessitates a compromise of values on the part of the peripheral neighbour through greater adoption of European norms.

4.3 Repercussions on the Tunisian Press Sector:

Despite the grand role the EU has played in advancing the media and press sector in post-revolutionary Tunisia, almost all reforms were inspired, if not copied, from the European social model on media and press freedom. As main assistant during the Tunisian democratic transition, the EU has had considerable influence on Tunisia's democracy-building, almost in a manner that cancels a potentially genuine dialogue between both parties so as to reach a reformation that is adequate to the current Tunisian landscape. Instead, the EU sought to impose its standards of media freedom,

hence drawing attention to the “the uglier face of the Union’s normative power as one based on domination” (Haukkala 2008: 1601). By affirming the latter, we argue that the EU is in a position of power in comparison to transitioning Tunisia. Hence, Tunisia is more likely to follow, and even copy, the democratic model of the EU. This divulges the EU’s exportation of press and media standards beyond its external borders. Indeed, the European Commission seeks to promote a certain model in the Southern Mediterranean, with a form of good governance based on freedom, democracy, the rule of law and human rights. In fact, Tunisia’s thrive to achieve higher standards in its fourth pillar of democracy is explained in Boedeltje and Van Houtum’s words as a desire to potentially rise above its current status provided that it complies with the European model (Boedeltje 2011). This predefined model, however, detracts Tunisia’s agency to build a democratic model of its own, and to decide on media laws and regulations that are adapted to its environment of practise as well as current socio-political situation. Indeed, the reinforced representation of the EU model as possessing the highest standards and values, inevitably portrays Southern neighbour Tunisia as unable to acquire these values without the support of the EU (Cebeci & Schumacher 2017). This relates to a depoliticizing tactic, whereby decisions for recipient countries are made by the EU, as upholder of “universal values”. Cebeci explicates that the latter is depoliticizing in the sense “it turns the recipient countries and their populations into self-regulating subjects”, therefore leaving no choice for debate on these norms and values (Cebeci & Schumacher 2017).

5. Conclusions:

5.1 Summary of the Main Findings:

By studying EU declarations vis-à-vis Tunisia and Southern neighbouring countries, we were able to expose EU’s unconditional support for the democratic reforms in Tunisia. This was complemented by the evaluation of MedMedia’s success and efficiency, which further proved that EU rhetoric and action are akin in their outspoken advocacy for media and press reforms in post-revolutionary Tunisia. The interplay between EU rhetoric and action hinted to a larger interpretation of consistency in relation to the third dimension of EU identity-construction. Indeed, we utilized this conceptual triangle to provide a comprehensive understanding of EU’s overt and covert motives behind its strong support of the media reformation process. We ultimately found that a coherence in EU discourse and action does not necessarily equate honest assistance, nor does it translate into free unconditional giving. In fact, EU’s guidance of the democratisation process is solely motivated by its normative extension and further assertion of its European identity beyond territorial markers.

5.2 Implications of the Study:

The value of our research lies in the originality of applying the conceptual triangle of discourse, action, and identity to EU’s role in promoting media freedom

after the Tunisian Revolution. Additionally, the concrete analysis of the biggest catalyst of media reform in Tunisia; MedMedia, was thoroughly assessed and evaluated for the first time in European research studies. We may also mention that European Affairs and International Relations researchers seldom have recourse to a quantitative method of analysis that is based on statistics; more significantly to analyse EU action in the Southern neighbourhood. Hence, an additionally valuable aspect of this study is that quantitative and qualitative research methods were combined to offer comprehensive and thorough results.

Another step forward would be to analyse a larger and less homogenous corpus; including textual pieces that are produced by different actors as well as extending the study case to several study cases on EU action in the sector of media and press.

5.3 Limitations:

Our research posed several challenges relating to the inaccessibility of documents on EU-Tunisia relations, as well as the almost inexistent reference to the press and media sector in EU declarations towards Tunisia or the Southern Neighbourhood. Hence, we attempted to apply indirect references pertaining to democracy-building, institutional reform, and human rights to the media and press sector. Moreover, since this research relied upon European Neighbourhood Policy documents in its critical discourse analysis, undifferentiated references of assisting media reforms were applied on the Tunisian context. As far as “Media and culture for development in the Southern Mediterranean region: MedMedia Component” is concerned, it is paramount to highlight that the findings of project evaluation are not fixed considering that the results of questionnaires usually rely on the extent to which participants think or feel they were successful or efficient. Hence, such quantitative technique is subjective by nature. Furthermore, given that the questionnaire was anonymous, the likelihood of single respondent bias is somewhat elevated. We sought to ensure the anonymity of single respondents to preserve the privacy of their professional and personal endeavours. While it is quite impossible to remove the single respondent bias, we attempted to offer an evaluation of the “MedMedia” reports so as to balance the potential bias of respondents with the impartial content of the project reports. It is nonetheless paramount to highlight the difficulty that our research has underwent in view of inaccessible “MedMedia” resource materials. This lacuna was remediated through a conditional access to the eight-interim “MedMedia” reports accorded by a personal contact of the project team.

Annex

Annex 1: Survey (in French)	
Ecart Planification Execution	1. Est-ce que le projet Med Media a respecté son calendrier d'exécution ?
	3. Est-ce que les ressources financières et matérielles accordées au projet ont été suffisantes ?
	5. Est-ce que le projet a atteint ses objectifs planifiés à l'avance ?
	6. Est-ce que toutes les activités du projet ont été exécutées comme planifiées ?
	23. Est-ce qu'il y'a un équilibre entre les ressources accordées aux activités et les résultats réalisés ?
Limites & Restrictions de l'Ecosystème	27. Y a-t-il des restrictions juridiques qui ont influencées les activités et les résultats du projet ?
	28. La défiance des infrastructures limitent-elles les résultats du projet ?
	31. Les activités du projet sont-elles soumises à une fiscalité excessive ?
	32. Existe-t-il des restrictions réglementaires qui ont influencé les résultats du projet ?
	44. Existe-t-il des garanties juridiques protégeant l'indépendance et l'autonomie de toute activité liée au projet ?
Prise de Décision	4. Est-ce que les ressources humaines accordées au projet sont adéquates à la réalisation des activités ?
	11. Les décisions prises par l'équipe du projet sont-elles perçues comme équitables et apolitiques ?
	19. Les lignes directrices des activités du projet sont-elles respectées ?
Gestion Financière	29. Y a-t-il des frais excessifs associés aux activités du projet ?
	30. Les procédures et les coûts d'achat de matériaux sont-ils adéquats ?
	33. Les subventions du projet "MedMedia" sont-elles attribuées équitablement ?
	34. Le budget accordé est-il en harmonie avec les activités du projet ?
	35. Les subventions du projet "MedMedia" sont-elles réparties équitablement et de manière pertinente ?
Transparence	24. Les activités du projet sont-elles transparentes, permettant ainsi aux bénéficiaires de juger l'impartialité de ces activités ?
	39. Y a-t-il un évitement de sujets avec les partenaires au cours de la réalisation du projet ?
	40. Existe-t-il une censure qui concerne les activités du projet MedMedia ?
	41. Existe-t-il des restrictions à la couverture d'activités du projet par une des parties prenantes ?
	43. Certaines questions litigieuses - telles que la corruption officielle ou l'opposition politique - sont-elles des sujets à éviter ?

Annex 1: Survey (in French)

Partage d'Informations	18. L'accès aux sources d'information liées au projet est-il libre ?
	16. Y a-t-il une culture du secret parmi le personnel du projet qui limite la communication interne et externe ?
	22. Est-ce que la réalisation des activités du projet a été faite de manière participative ?
Relations avec les Partenaires	10. Le processus de recrutement durant les activités du projet est-il transparent et représentatif des parties prenantes ?
	14. Les organisations de journalistes indépendants et autres groupes sont-ils impliqués dans les activités du projet ?
	25. Les liens avec les partenaires du projet MedMedia sont-ils exemplaires ?
	26. Est-ce que de nombreux organes de presse sont activement et équitablement impliqués dans les activités du projet ?
Impact Direct du Projet	2. Est-ce que les bénéficiaires du projet sont satisfaits des résultats réalisés ?
	8. Est-ce que le projet a eu un impact direct sur les droits à la liberté de la presse ?
	7. Est-ce que le projet a eu un impact sur les journalistes ou autres fournisseurs d'informations ?
	15. L'embauche, la promotion et le licenciement des journalistes sont-ils influencés par les résultats du projet ?
	38. Les organes d'information indépendants ont-ils généré des revenus grâce aux activités du projet ?
	9. Les droits à la liberté de la presse et d'information peuvent-ils être considérés comme un résultat du projet ?
Impact Indirect du Projet	12. Les efforts de réformation médiatique sont-ils encouragés par les activités du projet ?
	13. Les actions professionnelles ou les moyens de communication des journalistes sont-ils influencés par les résultats du projet ?
	36. Les résultats du projet peuvent-ils décourager la corruption ?
	37. Les médias sont devenus plus indépendants de l'état, des partis politiques, des grandes entreprises ou d'autres acteurs politiques grâce aux résultats du projet.
Visibilité du Projet	17. Les médias en ligne, les plateformes de médias sociaux, les pages Web présentent-ils du contenu sur les activités du projet ?
	20. Est-ce que la diffusion d'information était fluide ?
	21. Est-ce que la visibilité du projet a été assurée de manière régulière et planifiée ?
	42. Est-ce que la diffusion des informations durant les activités du projet était régulière et permanente ?

Annex 2: Survey (in English)

Execution Planning Variance	1. Did "MedMedia" respect its execution calendar?
	3. Were the financial and material resources granted for the project sufficient?
	5. Did the project achieve its objectives in advance of time?
	6. Were all the activities of the project executed as they were initially planned?
	23. Was there a balance between granted resources for the project activities and the results achieved?
Limits & Restrictions of the Ecosystem	27. Were there any judicial restrictions influencing the activities or results of the project?
	28. Did infrastructure deficits affect the results of the project?
	31. Were the activities of the project subject to excessive taxation?
	32. Were there reglementary restrictions influencing the results of the project?
	44. Were there judicial guarantees protecting the independence and autonomy of project activities?
Decision-making	4. Were the human resources allocated for the project in coherence with the execution of activities?
	11. Were decisions taken by the project team impartial and apolitical?
	19. Were the guidelines of project activities respected?
Financial Management	29. Were there any excessive costs associated to the activities of the project?
	30. Was the cost of procedures and logistics adequate?
	33. Were the subsidies of the project fairly attributed?
	34. Was the allocated budget reflective of the activities of the project?
	35. Were the grants of MedMedia allocated fairly and pertinently?
Transparency	24. Were the activities of the project transparent, hence allowing beneficiaries to judge the impartiality of the project?
	39. Were there avoided topics of conversation with partners during the execution of the project?
	40. Was there any censorship relating to the activities of the project?
	41. Were there restrictions to the coverage of project activities by the parties involved?
	43. Were certain contentious questions related to corruption or political opposition avoided?

Annex 2: Survey (in English)

Information Sharing	18. Were information resources related to the project accessible?
	16. Is there a culture of secret among project managers that limits their internal and external communication?
	22. Did activities of the project involve all parties?
Relations with Partners	10. Was the recruitment process transparent and representative of all parties involved?
	14. Were independent unions of journalists or similar unions/organizations involved in the activities of the project?
	25. Were relations with partners of the MedMedia project exemplary?
	26. Were there numerous press unions/organs actively involved in the activities of the project?
Direct Impact of the Project	2. Were beneficiaries of the project satisfied with the results?
	8. Did the project have a direct impact on freedom of the press?
	7. Did the project have an impact on journalists and media practitioners?
	15. Were the recruitment, promotion and dismissal of journalists influenced by the results of the project?
	38. Did independent bodies generate any revenues from the activities of the project?
	9. Are press rights and free access to information considered as results of the project?
Indirect Impact of the Project	12. Were media reformation efforts encouraged by MedMedia?
	13. Were the professional actions or means of communication of journalists influenced by the results of the project?
	36. Did the results of the project reduce corruption?
	37. Media became more independent from the state, political parties, big enterprises, and other political actors thanks to MedMedia.
Visibility of the Project	17. Did online media, social media platforms and related websites share content on the activities of the project?
	20. Was the diffusion of information fluid?
	21. Was the visibility of the project ensured in a regular manner?
	42. Was the diffusion of information during project activities regular and permanent?

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The Times They Are A-Changin': The Impact of Article 17 of the Copyright in the Digital Single Market Directive on Transformative Musical Creativity

Xavier D'Arcy

Introduction

In October 2018, Montero Lamar Hill bought an instrumental recording of a hip-hop beat on the website BeatStars for \$30 (ABC News 2019). The teenager proceeded to record himself singing and rapping to the track, uploading the finished song "Old Town Road (I Got the Horses in the Back)" for free on the online music platform Soundcloud in December 2018 (ABC News 2019). The song would go on to break sales records across the world; it is currently the highest certified song of all time in the United States, having sold the equivalent of 14 million units in the US alone (Billboard 2021). The song originated in Netherlands; unbeknownst to Hill, the track he bought for \$30 was made by a nineteen-year-old Dutch amateur producer called Kiowa Roukema who repurposed a piece of music released ten years earlier by American industrial rock band Nine Inch Nails (Billboard 2021). Besides being a historic commercial success, "Old Town Road" has won critical acclaim been praised as a landmark cultural combination of hip-hop and country music (Time 2019). The historic success of Hill and Roukema exemplifies two issues at the heart of this thesis; the key role of online user-generated content platforms in modern music distribution and the importance of the transformative reuse of previous works in musical creativity.

In 2015, a World Intellectual Property Organisation (WIPO) article acknowledged the advent of the "age of the remix" (WIPO magazine 2015). The report pointed to a trend "enabled by widespread access to sophisticated computer technology whereby existing works are rearranged, combined or remixed to create a new work" (WIPO magazine 2015). The re-appropriation and re-interpretation of existing works is not a new development, however; Lawrence Lessig argues that, for the majority of human history, a 'Read/Write' culture of creativity has been predominant (Lessig 2008: 33). This form of creativity involves humans engaging with or 'reading' their culture by listening to or observing it, and then adding to culture – or 'writing' – by creating and re-creating what they have experienced (Lessig 2008: 28). Lessig states that trends in regulating copyright during the latter half of the Twentieth Century, and the advent of technologies such as sound recordings, the printing press and film,

have led to a “Read Only” culture and obscured the long tradition of appropriation and re-appropriation of intellectual property that has dominated for the first few millennia of human society (Lessig 2008: 33). This Read/Write culture is now returning with the rise of digital technologies:

“Using the tools of digital technology—even the simplest tools, bundled into the most innovative modern operating systems—anyone can begin to “write” using images, or music, or video. And using the facilities of a free digital network, anyone can share that writing with anyone else.” (Lessig 2008: 69)

Music is particularly associated with ‘remix culture’; traditionally, in the absence of fixed recordings of songs, folk music was transmitted aurally, relying on reinterpretation and retransmission by other musicians. The Twentieth Century has seen the rise of new forms of creativity using existing works. Techniques such as sampling, remixes and mashups make use of previous recordings as the raw materials for new works. Music has a long tradition of interpreting and reinterpreting existing creative material; writers and artists have always relied on and repurposed what has gone before.

The Twenty-First Century has led to the rise of the ‘participative web’ or ‘Web 2.0’ (OECD, 2007); user-generated content (UGC) now permeates the internet. This has radically impacted music distribution, and the way in which listeners engage with music. The web has democratised the means of distribution, meaning that any creator has the ability to make their works available to the world in an instant. Web 2.0 has also led to users engaging with music in a new manner, reusing works to create their own UGC, and uploading it to online platforms. Many users are now consuming music through UGC and Web 2.0 is where an increasing amount of music consumption is taking place (Mulligan, Jopling 2020: 10). The economic impact of UGC is growing; in 2019, it accounted for an estimated \$1.2 billion of the global recorded music industry’s revenues (Mulligan, Jopling 2020: 6). The Covid-19 pandemic has led to unprecedented growth in the consumption of digital entertainment content; this will further boost the influence and importance of UGC (Mulligan, Jopling 2020: 6).

On 26 March 2019, the European Parliament passed the Copyright in the Digital Single Market Directive (CDSM) (European Parliament website 2019a). The Directive sought to address a number of issues relating to copyright law and the internet, as technological developments had put significant stress on the existing *acquis* in this area (European Commission website 2019). Amongst the provisions of the Directive was a significant reform of online intermediary liability for copyright infringements, contained in Article 17 of the final text. Article 17 sought to address the ‘value gap’ faced by rightsholders. UGC platforms were not directly liable for copyrighted works uploaded to their services by users; this led to rightsholders deriving significantly reduced financial value from these platforms (IFPI 2018: 23). The International Federation of the Phonographic Industry (IFPI) estimated in 2018 that UGC platforms

such as YouTube remunerated rightsholders approximately 1/20th of what they received from conventional music streaming platforms (IFPI 2018: 27). The 'value gap' remains a highly controversial concept however (Frosio 2016: 568), with many arguing that it creates a false equivalence between two fundamentally different products (Bridy 2019: 327). The European Parliament claims that the Copyright in the Digital Single Market Directive was one of the most controversial pieces of legislation ever passed by the European Union (EU):

"The directive has been the subject of intense campaigning. Some statistics inside the European Parliament show that MEPs have rarely or never been subject to a similar degree of lobbying before (through telephone calls, emails etc.)." (European Parliament website 2019b)

Article 17 CDSM will have wide-reaching consequences in EU copyright and internet law. The following thesis shall seek to assess the impact that this shift in intermediary liability will have on users' ability to re-use copyrighted works in a creative manner. There are numerous exceptions and limitations to copyright in EU law to protect citizens' rights to create such works. Shortly after the passing of Article 17, in July 2019, the Court of Justice of the European Union (CJEU) rendered its judgement in the *Pelham* case on musical sampling of copyrighted works (Court of Justice of the European Union 2019a), a landmark case in EU copyright law. These two recent developments provide an interesting impetus for research into the future of online transformative musical creativity in the European Union.

The following thesis shall use the term 'transformative works' to denote works which repurpose or re-interpret existing musical material in a creative manner; remixes, sampling, mashups, parodies and pastiches are examples of musical techniques which fall into this category. Perhaps the best definition of 'transformative' in this context was given by the Supreme Court of the United States in the landmark copyright judgement *Campbell v. Acuff-Rose Music*, which considered to what extent a new work

"...adds something new, with a further purpose or different character, altering the first with new expression, meaning, or message; it asks, in other words, whether and to what extent the new work is 'transformative.'" (Supreme Court of the United States 1994)

Methodology

In order to assess these issues, this thesis shall seek to answer the following research question:

RQ: How does Article 17 impact transformative musical creativity?

In order to gain insights into the impact of the provisions of Article 17 on transformative works, the research shall be broken down into three sub-questions, which will form the three chapters of this thesis.

The first chapter shall address the sub-question:

SQ I: What is the status of transformative musical works under EU law?

Legal doctrinal research (also referred to as 'black letter' research) shall be conducted to arrive at a positivist statement of the law concerning exceptions and limitations to copyright in the EU. Salter and Mason state that 'black letter' research "concentrates on seeking to provide a detailed and highly technical commentary upon, and systematic exposition of, the content of legal doctrine" (Slater, Mason 2007: 42). Positivist doctrinal research is suited to such research questions, which seek to "systematise legal norms, and to [analyse] the output of courts and their coherence" (Cryer et al. 2011: 38). This research shall draw upon a wide body of EU primary and secondary law, including, *inter alia*, treaties, directives, regulations and recommendations, and rulings of the CJEU. The question shall be answered so as to expose the "'essence' of both the rules followed by judges, and the underlying principles that are supposed to both underpin and authorise the rule." (Slater, Mason 2007: 56). This requires a rigorous exclusion of external factors, such as ideology, policy and moral issues (Slater, Mason 2007: 45).

The second chapter shall adopt a similar approach of doctrinal 'black letter' research to answer the following sub-question:

SQ II: What changes are brought about by Article 17 of the CDSM Directive to the EU intermediary liability regime for copyright infringements?

This second answer shall necessitate an element of historical reconstruction to complement the legal research (Slater, Mason 2007: 63). In order to show how the liability regime for online intermediaries has evolved, the rapid developments in this area of the EU *acquis* shall be outlined. This shall aid the later analysis of how platforms respond to changes in liability law.

The third chapter shall then build upon this doctrinal exposition of EU copyright law to analyse how the new liability regime, and the current state of the *acquis* regarding exceptions and limitations, will impact transformative works online.

SQ III: How does Article 17 impact online intermediaries' approach to transformative works uploaded by users?

This third sub-question shall be researched via a 'law and economics' approach. Having undertaken an extensive positivist analysis of the law, an economic framework shall be presented and applied to the EU *acquis* in this domain in order to draw out a series of conclusions about the potential impact of Article 17 on transformative works. This economic analysis of the law shall explain what behaviour the law has incentivised and predict how these incentives will change in the future (Posner 1979: 285). As Heico Kerkmeester puts it, a positivist 'law and economics' approach "explains the law, predicts its effects and thereby indicates which legal rule as a matter of fact will be efficient" (Kerkmeester 2000: 390). The law in this domain

will be analysed in relation to its tendency to produce optimal social outcomes and promote efficiency (Posner 1979: 288). The insights gained from economic analysis will be complemented by the practical example of a case study of YouTube – a platform at the heart of the Article 17 debate, which falls under the provisions of the new regime and hosts large amounts of user-uploaded transformative works.

At the time of writing, Article 17 is still awaiting implementation in Member States; the research in this thesis must therefore be treated with caution. There are numerous unknown variables, such as the behaviour of rightsholders, the progress of national implementations and the outcome of ongoing legal disputes. The goal of this thesis is not to provide definitive answers, but rather to systematise the current state of EU law and present a theoretical framework which identifies trends and likely effects to be expected whilst pointing to areas which warrant further research.

1. The status of transformative works under EU law

In the European Union, copyright is an area of shared competence between the Union and its Member States (Rosati, 2019: 73). In line with Article 2(2) of the Treaty on the Functioning of the European Union (TFEU), the Union exercising its power in an area of shared competence will act as a pre-emption upon Member States from legislating on the same exact matters which the EU has concerned itself with. This idea is otherwise referred to as the “doctrine of pre-emption” (Rosati, 2019: 73).

Over the past three decades, the development of the EU copyright *acquis* has resulted in a “mixed process of partial and full harmonisation” (Court of Justice of the European Union 2012a: para 25), in line with the doctrine of pre-emption. This first chapter shall seek to assess the status of transformative works under EU copyright law. The legal status of such works is largely reliant upon the limitations and exceptions to authors’ exclusive economic rights¹. Drawing on a distinction made by Hugenholtz and Senftleben (2011: 15), this chapter shall distinguish between limitations inside and outside the EU’s copyright *acquis*. Inside EU copyright law, exceptions and limitations were harmonised under the 2001 Directive on the harmonisation of certain aspects of copyright and related rights in the information society (InfoSoc). Outside the EU’s copyright legislation, Fundamental rights enshrined in primary Union law also provide a number of limitations to copyright.

1.1. Internal limitations and exceptions

The 2001 InfoSoc Directive was a landmark horizontal harmonisation of copyright law within the European Union. The Directive promised a “high level of protection” for rightsholders within the EU. The stated aim of the InfoSoc Directive

¹ Transformative works might also be based upon public domain works, i.e. works whose authors have waived or forfeited their rights, or the term of which has expired. In the EU, the term for copyright is fixed at the author’s life plus 70 years by the Term Directive (Directive 2006/116 on the term of copyright and certain related rights).

was to harmonise copyright and neighbouring rights in the burgeoning digital sector; the EU legislator thus sought to avoid varying national responses to technological developments in the information economy. The EU was also concerned with implementing a number of international obligations arising from the WIPO internet treaties - the WIPO Performances and Phonograms Treaty (WPPT) and the WIPO Copyright Treaty (WCT) – of which the EU was a signatory.

The InfoSoc Directive harmonised three broad rights across the EU; the reproduction right (Article 2), the right of communication and making available to the public (Articles 3(1) and 3(2) respectively) and the right of distribution (Article 4). For each of these rights, the author, performer or producer in question has the exclusive right to authorise or prohibit the use of their work. Articles 2 and 3 in particular were designed to meet the challenges posed by the 'information society'; the former is broadly formulated to account for the ease of copying works in digital form (Seville 2009: 51). The latter is also broad, and accounts not only for broadcast and cable distribution, but crucially for online on-demand distribution (Seville 2009: 52).

As well as harmonising exclusive rights, the Directive harmonised limitations and exceptions to copyright. Only the exception for "temporary acts of reproduction" in Article 5(1) is mandatory, however; Member States have free reign over which (if any) of the other provisions in Article 5 they choose to implement. Of these limitations and exceptions, two are of particular relevance to transformative works (Jütte 2014: 180); the quotation exception in Article 5(3)(d) and the exception for "caricature, parody or pastiche" in Article 5(3)(k). The parody and quotation exceptions in Articles 5(3)(d) and 5(3)(k) have not been fully transposed into the national law of all EU Member States (Kennisland 2021). This varying national implementation, along with the fact that national provisions differ in their precise language and may not correspond to the wording of the Directive, have undermined the goal of horizontal harmonisation in this domain (Rosati 2019: 129).

These limitations and exceptions are characterised by three underlying principles. Firstly, any exceptions are viewed strictly and restrictively. Secondly, their interpretation must be uniform across the EU. Thirdly, they are exhaustive, and no other limitations to the exclusive rights in Articles 2 to 4 are possible. These key underlying principles shall now be laid out and assessed.

The strict nature of the exceptions to copyright in the InfoSoc Directive flows from Recital 44, which defines a narrow scope of interpretation of the terms in question. When interpreting the impact of the provisions in Article 5 upon the exclusive rights laid out in Articles 2-4 of the InfoSoc Directive, the CJEU has referred to settled case law and held that "the provisions of a directive which derogate from a general principle established by that directive must be interpreted strictly" (Court of Justice of the European Union 2009).

Article 5(5) of the Directive places further constraints upon the possible application of any limitations, stipulating that they:

“shall only be applied in certain special cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder [sic].”

This is a transposition of the ‘Berne Three-Step Test’, first codified in the Berne Convention (Art 9(2)) and repeated in the WPPT (Art 16(2)) and WCT (Art 10). The dominant legal interpretation of the Three-Step Test (Griffiths 2009: 6) is that the three Berne criteria are to be applied cumulatively (World Trade Organization 2000: 31). Furthermore, exceptions must be narrowly and clearly defined to pass the test (World Trade Organization 2000: 33). The notion of “conflicting with a normal exploitation of the work” is interpreted broadly and applied to any present or future situation where uses permitted through exceptions and limitations could compete economically with the original work (World Trade Organization 2000: 48). The Three-Step Test has been used in the case law of the CJEU, notably in *Painer* (Court of Justice of the European Union 2011: para 110), *Infopaq* (Court of Justice of the European Union 2009: para 58), and *Spiegel Online* (Court of Justice of the European Union 2019b: para 37), with the Advocate General’s opinion (Court of Justice of the European Union 2019c: para 50), in the latter case explicitly referring to the cumulative nature of the Berne criteria.

Having outlined the restrictive nature of the provisions at hand, their uniformity shall now be considered. This emanates from Recital 32 of the InfoSoc Directive, which stresses that “Member States should arrive at a coherent application” of the exceptions and limitations contained within the Directive. When concepts in EU legislation make no reference to national legislation (as is the case for the InfoSoc Directive), they are to be interpreted as autonomous concepts of EU law and given uniform application across the Union (Rosati 2019: 42). This is an expression of the principle of autonomy of EU law and is well-established within the case law of the CJEU (Rosati 2019: 42). The varying national implementations of the derogations allowed for in Article 5 of the Directive have, however, significantly undermined this aim.

The CJEU’s case law has attempted to iron out some of the inconsistencies between national interpretations of the InfoSoc Directive. The terms of ‘parody’ and ‘quotation’ have been interpreted and defined as autonomous concepts of Union law by the Court. In *Deckmyn*, the Court defined the essential characteristics of parody as having “to evoke an existing work while being noticeably different from it, and [...] to constitute an expression of humour or mockery” (Court of Justice of the European Union 2014: para 40). The judgement in *Pelham* stated somewhat vaguely that the essential characteristics of quotation are the use of material “for the purposes of illustrating an assertion, of defending an opinion or of allowing an intellectual comparison between that work and the assertions of that user”, with the precision that the user in question must “have the intention of entering into ‘dialogue’ with that work”

(Court of Justice of the European Union 2019a: para 71). In both judgements, the court makes reference to the need to interpret the meaning and scope in terms of their “usual meaning in everyday language, while also taking into account the legislative context in which it occurs and the purposes of the rules of which it is part” (Court of Justice of the European Union 2019a: para 70. 2014: para 19). Many other provisions of the Directive remain to be defined as autonomous concepts of Union law.

Finally, the exhaustive nature of Article 5 InfoSoc has come to characterise the flexibilities available under EU copyright law. Recital 32 of the Directive states that the exceptions and limitations contained within it are exhaustive. The explanatory memorandum to the initial proposal clearly stated that after the adoption of the Directive, Member States would no longer be able to provide for exceptions other than those enumerated in Article 5 (European Commission 1997). In its judgement in *Pelham*, the Court confirmed this. The German High Court asked for the CJEU to rule on whether Member States could enact provisions which, like the German *Freie Benutzung* (‘free use’) exception (Bundesrepublik Deutschland 1965), limit the exclusive rights of phonogram producers in Article 2(c) of the InfoSoc Directive (Court of Justice of the European Union 2019a: para 25). Previously, it had been thought that the exception for *Freie Benutzung* fell under the right of adaptation, which is not harmonised under EU law (Hugenholtz, Senftleben 2011: 26). The Court answered the question in the negative, ruling that a Member State cannot lay down an exception or limitation other than those provided for in Article 5 (Court of Justice of the European Union 2019a: para 65)., and considering that the rights in Article 2 InfoSoc were broad enough in scope to encompass adaptations in the sense of §24(1) of the German copyright law.

Article 17(7) of the Copyright in the Digital Single Market Directive asks Member States to ensure that users are able to rely on exceptions for “quotation, criticism, review” and “use for the purpose of caricature, parody or pastiche”. It makes explicit reference to the fact that these are *existing* provisions; therefore, they should be interpreted in the same way as those in Article 5(3)(d) and (k) InfoSoc. Effectively, Article 17(7) renders these exceptions mandatory for users of online content-sharing services. This will iron out differences between Member States which have implemented them and those which have not. The scope of the provisions remains restrictive, however; Recital 6 of the Directive makes it clear that the exceptions in the Directive are also subject to the Three-Step Test. Interestingly, Article 25 CDSM states that further exceptions and limitations may be adopted by Member States; these must, however, be compatible with the existing *acquis*. Taking into account the CJEU’s case law in this chapter, it is doubtful that there is enough flexibility within this framework to introduce broader exceptions.

1.2. External limitations through fundamental rights?

There are a number of fundamental rights provisions in the EU *acquis* which are of relevance to copyright and transformative use. Since the entry into force of the

Treaty of Lisbon in 2009, the Charter of Fundamental Rights of the European Union (CFR) enjoys the same legal value as the treaties (Treaty on European Union 2012: Art 6(1)). Article 11(1) of the CFR enshrines the right to freedom of expression as a fundamental right, whilst Article 13 states that “the arts [...] shall be free of constraint” within the EU. The right to intellectual property is also included in the Charter, under Article 17 titled “The right to property”, paragraph 2 stating simply: “Intellectual property shall be protected”. Article 51(1) clarifies the scope of the provisions of the Charter, stating that they apply to the institutions and bodies of the Union, and the Member States “only when they are implementing Union law”.

Another key piece of fundamental rights legislation in the EU is the European Convention on Human Rights (ECHR). Article 6(3) of the Treaty on European Union (TEU) states that the fundamental rights enshrined in the ECHR shall constitute “general principles of Union law”, whilst Article 6(2) legally binds the Union to accede to the Convention. Freedom of expression is enshrined in Article 10 of the Convention. Unlike the CFR, the ECHR does not contain a specific provision referring to freedom of the arts, but the European Court of Human Rights (ECtHR) has interpreted the Article as also encompassing the freedom to artistic expression (European Court of Human Rights 1988: para 27). Similarly, the ECHR does not contain any specific references to intellectual property, but the ECtHR has stated that it is afforded protection as property under Article 1 of Protocol 1 of the Convention (European Court of Human Rights 2007).

As well as acting as general principles of Union law, or as binding upon the bodies and institutions of the EU and Member States, fundamental rights are written into the EU’s copyright *acquis*. Recital 3 of the InfoSoc Directive refers to compliance with “the fundamental principles of law and especially of property, including intellectual property, and freedom of expression and the public interest”. The CDSM Directive also makes several explicit references to fundamental rights, notably in Recitals 70 and 84.

The fundamental rights of freedom of expression and freedom of the arts have found their most important expression in EU copyright law through the case law of the CJEU. The Court has referred to the need to interpret Union copyright provisions ‘in the light of’ fundamental rights provisions (Court of Justice of the European Union 2011a: para 54, 2012a: para 52, 2019a: para 39). The CJEU has also stressed the necessity to achieve ‘a fair balance’ between the fundamental rights of parties in proceedings, in particular the right to intellectual property of rightsholders, and the freedom of the arts and expression of users of copyrighted material (Court of Justice of the European Union 2011b: para 132-135, 2014: para 34, 2019a: para 32). In the *Pelham* judgement, the Court stated that a fair balance must be struck between intellectual property rights and the freedom of expression and the arts “which [...] affords the opportunity to take part in the public exchange of cultural, political and social information of all kinds” (Court of Justice of the European Union 2019a: para

34). It goes on to state that the technique of musical sampling is covered by Article 13 CFR (Court of Justice of the European Union 2019a: para 32). The Court then argues that extending the exclusive rights of phonogram producers in Article 2 InfoSoc to cover cases where samples are “unrecognisable to the ear”, effectively banning sampling completely, would fail to meet the requirement of a fair balance (Court of Justice of the European Union 2019a: para 37).

The Court has not interpreted fundamental rights, in particular freedom of expression and freedom of the arts, as imposing *truly* external exceptions to copyright, i.e. overriding the exclusive rights of rightsholders. Rather, the court has used fundamental rights, in particular through the fair balance principle, to shape internal provisions of copyright law, such as the scope of exclusive rights, and exceptions and limitations (Geiger, Izyumenko 2020: 285). In the *Pelham* judgement, and the related *Spiegel Online* and *Funke Medien* cases, it has been made clear that the role of fundamental rights in EU copyright law is restricted to aiding the interpretation of the legislation (Jütte, Quintais 2021: 16). The Court has stated that the existing legal framework reflects a fair balance between different rights and interests through exceptions and limitations, the Three-Step Test and fundamental rights (Jütte, Quintais 2021: 16).

In its quest to strike a fair balance between copyright and fundamental rights, the CJEU has also made reference to the rulings of the ECtHR (Court of Justice of the European Union, 2019d: para 74, 2019b: para 58). However, the Strasbourg Court’s rulings take a somewhat different approach to the interplay between fundamental rights and copyright. This can be seen in particular in the *Ashby Donald* case, in which the judges stated that halting the communication of copyrighted works via the internet might be a violation of freedom of expression as enshrined in Article 10 ECHR, and it must be determined whether such a restriction is “necessary in a democratic society” (European Court of Human Rights 2013: para 37). Furthermore, it determined that copyright was an exception to freedom of expression, and exceptions and limitations to freedom of expression were to be “construed strictly” (European Court of Human Rights 2013: para 38). Through its unwillingness to consider external limitations to exclusive rights, the CJEU can be seen to contradict these conclusions of the ECtHR. The diametrically opposed approaches of both courts in this area would need to be resolved if the EU were to fulfil its legal obligation to accede to the ECHR (Geiger 2020: 11).

1.3. Sub-conclusions: the status of transformative works in the EU *acquis*

In conclusion, the system of limitations and exceptions to copyright within the European Union is consistent with the Union’s objective of achieving a high level of protection for rightsholders. Firstly, it is clear that rightsholders’ economic rights are wide in their scope. Secondly, exceptions and limitations are both narrow and strict, and leave Member States no room for manoeuvre with regards to introducing new

exceptions or widening the scope of the existing ones. Furthermore, in contrast with the ECtHR, the CJEU has refrained from applying fundamental rights as external limitations to copyright, preferring an internal balancing of rights to interpret the provisions and scope of the *acquis*. This does nonetheless introduce a (very limited) degree of flexibility into the Union's copyright regime.

More generally, the exceptions and limitations to copyright available to assess the legal status of transformative works are subject to considerable legal uncertainty. The criteria which have been used to define 'quotation' and 'parody' are subjective, as is the standard of 'being recognisable to the ear' that the CJEU relied upon in *Pelham* to create an exception for sampling. Other terms remain to be defined as autonomous concepts of Union law. The balancing act undertaken by the Court in assessing the fundamental rights of rightsholders and freedom of the arts is opaque. Decisions on the legal status of derivative works must be made on a case-by-case basis, something which undermines a uniform application and interpretation of Union copyright law.

2. The EU intermediary liability regime in the light of Article 17

The EU liability regime for copyright infringement has also been subject to a mixed process of partial and full harmonisation. Primary liability, i.e. the liability for infringing an author's exclusive economic rights, was harmonised at the Union level through the InfoSoc Directive (Angelopoulos 2021). Accessory or intermediary liability, i.e. where a party participates in or facilitates a copyright infringement which is primarily carried out by someone else, is generally viewed as not being harmonised under the EU copyright *acquis* (Angelopoulos 2021). The closest that the EU has come to harmonisation is the 'safe harbour' provisions of Articles 12-14 of the E-Commerce Directive (ECD), which create a series of liability exemptions for online intermediaries. Pan-EU accessory liability rules are not explicitly codified in any directive, and in theory at least, the national law of Member States should apply (Nordemann 2017: 21). However, as the following chapter shall show, in line with the doctrine of pre-emption, the CJEU has played a significant role in this domain; its case law has had the effect of harmonising by stealth intermediary liability at the Union level.

The following chapter shall look at the state of the liability regime for online intermediaries in the EU, specifically looking at the status of Online Content Sharing Service Providers who fall under Article 17 CDSM. Firstly, the 'safe harbour' system for hosting intermediary services under Article 14 ECD shall be laid out. Then the CJEU's case law on the online intermediary liability regime shall be assessed. Finally, the relationship of Article 17 CDSM with the existing liability framework shall be analysed. This chapter shall draw out the rules and doctrine which underlie the EU intermediary liability regime for copyright infringements and analyse to which extent they are present in the post-Article 17 regime.

2.1. The 'Safe Harbour' regime

For over 20 years, the E-Commerce Directive has been the pre-eminent piece of legislation governing the behaviour of online intermediaries in the EU. Like the InfoSoc Directive, it was adopted at the turn of the millennium, as the EU legislator sought to deal with technological developments in the digital economy. It is important to note that at the time of the Directive's adoption, major online hosts of User-Generated Content such as YouTube, Instagram and Facebook had yet to launch; *Web 2.0* was all but non-existent.

The E-Commerce Directive targeted so-called 'Information Society Service Providers' (ISSPs). ISSPs were first defined in the EU *acquis* in the 1998 Technical Standards and Regulations Directive as "any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services". Recital 18 ECD further clarifies the scope of ISSPs; services which are not directly remunerated by their users but "[represent] an economic activity" can also be included, for example.

Articles 12 to 14 of the E-Commerce Directive deal with the "liability of intermediary service providers"; Recital 50 of the directive makes it clear that this includes, *inter alia*, liability for copyright infringements. The three articles in question carve out so-called 'safe harbours' or exemptions from liability for three types of intermediary services providers, conditional upon certain duties of care in each case. Article 14 is of particular interest to the online sharing and transmission of UGC; it provides that 'hosting' intermediaries shall not be liable for the information which they store. The precise definition of 'hosting' is broad; the Article defines it as an information society service that "consists of the storage of information provided by a recipient of the service". This has proved to be a rather flexible framework; the notion of a 'host provider' has been applied to many new forms of internet intermediary which have emerged since the Directive's adoption². The 'safe harbour' for hosting intermediary services in Article 14 ECD is made conditional upon two factors, which shall now be unpacked.

In Article 14(1)(a), the Directive stipulates that the host provider in question must not have "actual knowledge of illegal activity or information" which it is hosting. The *travaux préparatoires* for the Directive make it clear that this concerns both criminal and civil liability (European Commission 1998: 29). For civil liability with regards to claims and damages, however, it suffices that the provider have constructive knowledge – i.e. they be "aware of the facts or circumstances from which the illegal activity is apparent" – to be considered liable (Hoboken, Quintais 2018: 29). Effectively, the knowledge threshold varies depending on the type of liability from which the intermediary seeks to be exempted: actual knowledge for criminal liability, and constructive knowledge for civil liability (OpenForum Europe 2015: 5).

² See section 2.2. for an overview of the CJEU's case law in this regard.

The second factor upon which the liability exemption for hosting intermediary services depends can be found in Article 14(1)(b). It requires that “*the provider, upon obtaining such knowledge or awareness [of illegal activity], acts expeditiously to remove or to disable access to the information*”. This requirement establishes a so-called ‘notice and take-down’ (NTD) regime for platforms falling under Article 14 ECD. The Directive does not specify how this notice and take-down system should operate; this is left to the Member States (Husovec 2018: 58). The result has been a varying codification of NTD measures between national systems, with statutory notice and take-down provisions existing in countries such as France, Spain and Italy (Verbiest et al. 2007: 41).

Finally, Article 14(3) ECD makes it clear that the exemptions to liability for hosting intermediary services do not extend to making such services immune from enforcement obligations through injunctions to remove copyright-infringing content from their platforms. The procedures for such injunctions are harmonised in Article 8(3) InfoSoc and Articles 9 and 11 of the Enforcement Directive. Recital 59 InfoSoc states that the conditions and modalities relating to injunctions against intermediaries should be left up to the Member States, however. Furthermore, in Recital 48 of the E-Commerce Directive, the EU also leaves the imposition of further ‘duties of care’ upon hosting intermediary services up to the Member States.

2.2. Hosting intermediary liability in the case law of the CJEU

As shown above, the safe harbour provision for hosting intermediary services in Article 14 ECD is characterised by a certain vagueness as to its scope. In the 20 years since the adoption of the Directive, it has been up to the CJEU to interpret and apply it on a case-by-case basis. The result is a complex body of case law, which has reshaped the EU’s intermediary liability regime. This case law has followed the pattern of harmonising copyright across the single market through the doctrine of pre-emption (Rosati, 2019: 71) and responded to the massive technological developments since the adoption of the E-Commerce and InfoSoc Directives. The principles and rules underlying the Court’s interpretation of the safe harbour provisions in Article 14 ECD and, by extension, the application of Articles 2 and 3(1) InfoSoc to online intermediaries shall now be analysed in turn.

In order to determine a platform’s eligibility for safe harbour, the CJEU has used a series of criteria. Most important amongst these is the notion that an intermediary must be “neutral” (Court of Justice of the European Union 2010: para 114). In *Google France*, the Court linked the concept of an ‘intermediary’ in the title of Section 4 of the E-Commerce Directive to ‘neutrality’, using the wording of Recital 42 (Court of Justice of the European Union 2010: para 113). This Recital refers to “activity of a mere technical, automatic and passive nature”. The concept of ‘neutrality’ has been made conditional upon a series of more detailed criteria. These include, *inter alia*, the idea that an intermediary should not act so as to give itself ‘control’ over the data it hosts (Court of Justice of the European Union 2010: para 120). The Court has given no clear

indication of how exactly the notion of 'control' should be interpreted; it considers concepts such as 'control' and 'knowledge' to be conditional upon a "spectrum of activities" (Van Hoboken, Quintais 2018: 33).

The Court has also developed primary liability for 'acts of communication to the public'³ under Article 3(1) of the InfoSoc Directive to encompass the actions of many online intermediaries. To decide whether a user has engaged in an act of communication to the public the Court takes into account "several complementary criteria, which are not autonomous and are interdependent" (Court of Justice of the European Union 2012b: para 30, 2020a: para 31, 2016a: para 35). The essential criteria in the CJEU's assessment are whether a) an 'act of communication' has been made to b) a 'public' (Rosati, 2019: 95). The former criterion has been broadened, with the CJEU often referring to the 'indispensable role played by the user and the deliberate nature of their intervention' (Court of Justice of the European Union 2016b: para 35, 2020a: para 32, 2020b: para 123) in making a work protected by copyright available to the public. This broadening is of particular importance in cases of *making available* to the public, where no 'act' of communication is clear; rather, the intermediary must simply intervene to give access to or facilitate access to a copyright-protected work (Rosati, 2019: 97). The Court has included numerous criteria in its reasoning in this area, despite the lack of clear textual basis for this in the directives (Court of Justice of the European Union 2017a: 97). These include, *inter alia*, a knowledge criterion: with regards to the posting of hyperlinks for profit in *GS Media*, for example, the Court held that "it must be presumed that that posting has occurred with the full knowledge of the protected nature of that work" (Court of Justice of the European Union 2016b: 51). This form of knowledge was considered by the Court to be relevant in assessing the defendant's liability under Article 3(1) InfoSoc. Similar knowledge criteria were also used in the *Ziggo* (Court of Justice of the European Union 2017a: 45) and *Filmspeler* (Court of Justice of the European Union 2017b: 41) cases.

When looking at this body of case law, two aspects stand out. The first is the proactivity of the CJEU in going above and beyond the text of the directives, particularly with regards to creating new criteria through which intermediary liability for copyright infringements should be assessed. The second is the closing of the gap between the safe harbour provisions in Article 14 ECD and acts of communication to the public in Article 3(1) InfoSoc. The criteria used by the Court to determine whether an indispensable and deliberate intervention has been made (with regards to acts of communication to the public) and those used for determining whether an online intermediary plays an 'active' role enjoy a significant overlap (Nordemann 2017: 23). This has created a "sound interface" between safe harbour and primary liability for online intermediaries (Nordemann 2017: 23). The CJEU has essentially pulled the acts of online intermediaries that were previously considered to be subject to accessory or secondary liability (under national law) into the primary liability regime (which is harmonised at Union level) (Angelopoulos 2021: 14).

³ This also includes acts of 'making available to the public'.

2.3. The Article 17 liability regime for OCSSPs

The provisions in Article 17 of the Directive on Copyright in the Digital Single Market represent a monumental shift in the online intermediary liability regime for copyright in the European Union. The following section shall look at what legal changes are brought about by the advent of this new piece of legislation. This shall be done by outlining the text of Article 17 in comparison to the limited liability regime which preceded it. The relationship of Article 17 with the existing provisions shall then be outlined.

The CDSM Directive delineates a new type of online intermediary with Union law: an 'Online Content-Sharing Service Provider' (OCSSP) is defined in Article 2(6) as

" a provider of an information society service of which the main or one of the main purposes is to store and give the public access to a large amount of copyright-protected works or other protected subject matter uploaded by its users, which it organises and promotes for profit-making purposes."

This definition is elaborated upon in Recital 62 of the Directive, which adds extra criteria such as the fact that the Directive

"should target only online services that play an important role on the online content market by competing with other online content services, such as online audio and video streaming services, for the same audiences."

Article 2(6) specifies a long list of negative carve-outs, enumerating which platforms do not fall under the provisions for OCSSPs in Article 17. It also creates exemptions for 'new' OCSSPs in Article 17(6) who do not meet certain economic and online traffic thresholds.

A teleological interpretation of the definition of OCSSPs – taking the various carve-outs and recitals into account – makes it clear that Article 17's scope is focused on for-profit platforms which host audio and video user-generated content. In particular, the description of the economic model of OCSSPs in Recital 62 appears to be directly based upon YouTube's business model (Bridy 2019: 351). The 'same audiences' criterion in the same Recital plays a vital role in excluding other platforms, who also host large amounts of UGC but primarily serve other markets than music and video streaming platforms, from the scope of Article 17 (Spindler 2019: 347). However, recital 63 stipulates that whether an intermediary is considered an OCSSP should be determined on a case-by-case basis; this somewhat undermines legal certainty.

Article 17(1) CDSM states an OCSSP "performs an act of communication to the public or an act of making available to the public [...] when it gives the public access to copyright-protected works or other protected subject matter"; intermediaries which qualify as OCSSPs are primarily liable for the copyrighted content on their platforms. Article 17(3) explicitly excludes OCSSPs from the safe harbour of Article 14

ECD for situations where they engage in acts of communication to the public in the sense of Article 17(1).

Article 17(1) also includes a licensing obligation for platforms: in order to host copyright-protected works, OCSSPs are obliged to license the content from rightsholders. Article 17(2) clarifies that such licensing agreements will extend to cover users' primary liability under Article 3 InfoSoc "when they are not acting on a commercial basis or where their activity does not generate significant revenues". Should OCSSPs fail to receive a license, Article 17(4)(a) requires that they demonstrate that they have made 'best efforts' to do so. Article 17(4)(b) and (c) binds them to a new system of 'notice and stay-down' (NSD) for copyright-infringing content; OCSSPs not only have to remove infringing content from their platforms expeditiously but must also "make best efforts to prevent their future uploads". The 'best efforts' requirements in Article 17(4)(a)(b) and (c) are made contingent upon the principle of proportionality, taking into account the size and nature of the platform, and the type of copyrighted works in question (CDSM, Art. 17(5)). According to Article 17(10), these best practices shall take account of, *inter alia*, "the need to balance fundamental rights and of the use of exceptions and limitations". Recital 66 of the Directive elaborates on the 'best efforts' requirement, stating the need to follow "high industry standards of professional diligence". Interpretations of these terms will be key in future assessments of the actions of online intermediaries under Article 17.

Article 17(9) mandates that OCSSPs must put "an effective and expeditious complaint and redress mechanism" in place to resolve disputes resulting from the removal of user-uploaded content on copyright grounds. Paragraph 9 also places a similar requirement on Member States, requesting the creation of "out-of-court redress mechanisms" for the same purposes. Finally, 17(9) asserts the necessity of making legal avenues available to users where they can claim their rights under exceptions and limitations to copyright.

For OCSSPs, Article 17 replaces the previous liability exemptions under Article 14 ECD. Article 17(3) CDSM implies that OCSSPs would previously have been eligible for safe harbour. The body of CJEU case law seems to agree; in its judgement in *SABAM v Netlog*, the Court stated that an online social networking platform was considered a hosting service provider under Article 14 ECD (Court of Justice of the European Union 2012c). A judgement is currently pending on the question of YouTube's eligibility for safe harbour status. In his opinion in the case, AG Øe suggested that the Court rule that video-sharing platforms such as YouTube can benefit from the liability exemption in Article 14 ECD (Court of Justice of the European Union 2020b: para 168). From the moment when the new Directive is transposed into national law, OCSSPs shall see their liability status fundamentally change.

Article 17's relationship with other elements of the EU *acquis* is less clear. It remains uncertain how Article 17 CDSM stands in relation to 'acts of communication

to the public' in Article 3(1) InfoSoc and the case law of the CJEU. The Commission views Article 17 as a form of *lex specialis* to Article 3 InfoSoc (European Commission 2020: 3), creating a specific form of liability for OCSSPs, but leaving other intermediaries intact. Acts of communication to the public must be interpreted in the same way in Article 17 CDSM and Article 3 InfoSoc (Angelopoulos 2021: 15); this would be in line with CJEU case law which states that the same terms in different directives should be given the same meaning (Court of Justice of the European Union 2016c: para 37, 2011c: para 188). This is subject to considerable debate, with others, including AG Øe in his opinion on *YouTube* (Court of Justice of the European Union 2020b: 168), claiming that Article 17 creates a novel regime for OCSSPs and a *sui generis* concept of acts of communication to the public. This potentially opens the door to the possible implementation of new exceptions and limitations at national level (AILA 2020: 3), undermining the harmonising capacity of the Directive. The interpretation of Article 17 as *lex specialis* also poses issues, particularly with regard to the CJEU's development of criteria for defining acts of communication to the public. It is unclear whether these criteria still apply to OCSSPs; a textual interpretation of the Directive would suggest not. Article 17 makes no mention of knowledge or intention (Angelopoulos 2021: 15). It remains to be seen whether the CJEU will use these mental criteria in applying Article 17. Recital 64 seems to leave room for this, stating that the Directive "does not affect the concept of communication to the public or of making available to the public elsewhere under Union law". This could include the case law of the CJEU (Angelopoulos 2021: 15).

2.4. Sub-conclusions: the EU liability framework before and after Article 17

The development of online intermediary liability for hosting service providers in the EU has been a long process. The most important pieces of legislation in this domain were adopted before the significant technological developments that would create *Web 2.0* and the platform economy. Although intermediary liability for hosting service providers still has to be assessed on a case-by-case basis, the CJEU's attempts to update the framework and create additional criteria to keep pace with technology have improved the legal certainty of the liability regime. This has also been achieved by a gradual closing of the gap between primary liability and safe harbour, pulling the unharmonised secondary liability system subject to national law into the primary liability *acquis* of the EU.

Article 17 of the Directive on Copyright in the Digital Single Market continues the trend of expanding the realm of primary liability into areas previously thought to be covered by accessory liability. It clarifies the liability status of major hosts of musical UGC. The provisions of the Directive are consistent with the legislator's aim of guaranteeing rightsholders a high level of protection within the Union and enforcing the preventive nature of their economic rights (Rosati 2019: 60). Although there remains significant uncertainty as to how the provisions of Article 17 stand in relation

to other parts of the *acquis*, it is clear that it represents a big shift for platforms who previously complied with the limited liability regime. The following chapter shall analyse in detail the implications of this change.

The impact of Article 17 on transformative works online

Having presented the changes to the EU intermediary liability regime through Article 17 of the Copyright in the Digital Single Market Directive, the following chapter shall develop a theoretical framework in order to assess the impact of Article 17 on the policing of transformative works online. Firstly, the main concepts of economic theory related to online intermediary liability shall be outlined, followed by a brief overview of the economics of copyright exceptions and limitations. This theoretical framework shall then be complimented by the practical example of a case study of YouTube. The insights gained from this case study and the economic analysis shall then be combined to derive a series of conclusions.

3.1. Economic theory of intermediary liability

A key starting point for an understanding of liability is deterrence theory, which “posits that when [an] act’s external harm exceeds its private gain, the act is socially undesirable and should be deterred at the lowest social cost” (Raskolnikov 2021: 2). Deterrence theory builds upon the utilitarian tradition of philosophical thought as developed by Jeremy Bentham and Cesare Beccaria; rational human agents are fundamentally motivated to obtain pleasure and avoid pain (Stafford, Goodrum 2001: 3350). In his seminal 1968 paper *Crime and Punishment: An Economic Approach*, Gary Becker applied the neoclassical theory of demand and rational choice theory to criminal behaviour (Garoupa 2014). Through microeconomic analysis, Becker derived a function relating the number of offenses a party is likely to commit to their probability of being convicted and their punishment if convicted, amongst others (Becker 1968: 177); essentially, agents engage in a cost-benefit analysis of their behaviour, as they would for any legal activity. Based upon Becker’s work, deterrence theory views economic agents as rational actors seeking to maximise their utility; they will pursue and participate in activities which have negative side-effects on others if it is in their own self-interest to do so (Fryer et al. 2013: 7). Thus, sanctions are necessary to bring a wrongdoer’s incentives in line with the interests of society; in order to achieve this, deterrence theory seeks to make agents internalise the social cost of their activities (Hamdani 2002: 910).

As stated in the previous chapter, intermediary liability refers to situations where one party is held responsible for a wrong – in this case a copyright infringement – primarily carried out by someone else (Lichtman, Posner 2006: 228). Intermediary liability is generally deemed necessary in situations where deterrence fails because too many wrongdoers remain unresponsive to legal penalties (Kraakman 1986: 56). In the case of online intermediary liability for copyright infringements, users of many

online services are considered to be unsuitable for primary liability for harms caused online for a number of reasons. Firstly, the relative anonymity of internet users renders enforcement both difficult and costly (Hamdani 2002: 910). Secondly, even when identified, these users often lack 'deep pockets', i.e. the means to pay damages for the infringements in question (Lichtman, Landes 2003: 398). Furthermore, these users rarely derive economic value from their infringements; as platforms generate income from the risks to others, they should pay for damages that occur from said activity (Fryer et al. 2013: 8). Finally, online intermediaries are in a good position to detect and prevent the bad acts which its users might commit on its platform (Lichtman, Posner 2006: 237).

Making online intermediaries liable for the behaviour of their users entails a number of potential issues, however. When tasked with regulating the behaviour of their users, platforms might be induced to overreact and enforce the rules too strictly; in the case of liability for copyright infringements, this might lead to Type I errors – the removal of content which is falsely identified as infringing but actually isn't (Lichtman, Posner 2006: 225). Assaf Hamdani conceptualised the issue of intermediary liability incentivising intermediaries ('third parties') to overreact through the *incentive-divergence thesis*:

"When the incentives of the third party diverge from those of the primary wrongdoer, imposing liability on the third party might result in overdeterrence." (Hamdani 2002: 921)

In the case of strict online intermediary liability, users and platforms face differing incentives because platform operators do not capture the full value of the content which they are charged with policing (Hamdani 2002: 921). Deterrence theory dictates that by making wrongdoers internalise the full social cost of their actions, their incentives are aligned with the interests of society at large. Yet online platforms do not internalise the full social *gain* that users and society at large derive from their activities; they cannot capture the full value of an informative or educational video hosted on their service, for example. In the presence of such positive externalities in online activities, making platforms fully internalise the social costs associated with the actions of their users can cause suboptimal outcomes through overdeterrence.

A further factor which can cause overdeterrence in relations between platforms and users is the presence of legal uncertainty. Faced with uncertainty, platforms cannot define an optimal level of investment in prevention of infringing material in order to avoid liability (Hornik, Villalera 2017: 15). Jason Scott Johnston conceptualises the legal uncertainty in his economic model of principal-agent relations by including a variable which represents the precaution that a principal will take subject to random circumstances which determine the principle's probability of harm and the cost of their effort (Hornik, Villalera 2017: 7). He underlines the influence of predicted legal consequences on agents' behaviour, pointing to the tendency of uncertainty in legal balancing tests to generate overdeterrence amongst

agents (Johnston 1991: 355). These findings are supported by others, such as Richard Craswell and John Calfee, whose economic analysis found that, dependent on the legal environment, even risk-neutral economic agents tend to overcomply when the law is somewhat uncertain (Craswell, Calfee 1986: 280).

Another relevant paradigm when assessing the impact of online intermediary liability is the 'Good Samaritan paradox'; the situation where safe harbour exceptions to intermediary liability rules disincentivise platforms from intervening in user behaviour from fear of becoming liable (Madiega 2020: 17). There is a fear that, by including knowledge standards as a threshold for liability, certain regimes of online intermediary liability might disincentivise platforms from investigating infringing material on their platforms (Nordemann 2017: 10). Van Eecke points to a series of court judgments which reinforce the incentive for certain online intermediaries to remain ignorant with regards to activities on their platforms, fearing punishment for well-intentioned behaviour (Van Eecke 2011: 1484).

Taken together, the economic approaches outlined above provide a useful toolbox and theoretical framework for analysing the impact of intermediary liability regimes. This theoretical framework shall now be complemented with an overview of the economic theory concerning limitations and exceptions to copyright.

3.2. The economics of copyright

Much like the doctrines of intermediary liability, the economic analysis of copyright law is broadly utilitarian in nature and follows an incentive-based rationale (Loren 1997: 22). Copyright doctrine grants authors, composers, and creators a monopoly right to copy, sell and distribute their works for a fixed period after their creation. Such monopoly property rights enable owners of copyright to charge a price above marginal cost for their works, thus incentivising them to make the initial fixed cost investment of creating the work in the first place (Towse et al. 2008: 3). In the absence of such monopoly rights, anybody would be free to copy, sell and distribute copyrighted works; prices would eventually fall to the marginal cost of copying, with the result being that works would not be created in the first place (Landes, Posner 1989: 328).

The attribution of monopolistic property rights to authors involves an implicit trade-off however; the incentives to create new works are generated at the social cost of less access to creative works. This 'incentives-access trade-off' (Depoorter 2021: 4) is at the very heart of the economic analysis of copyright law; it is best formulated by Landes and Posner:

"For copyright law to promote economic efficiency, its principal legal doctrines must, at least approximately, maximize the benefits from creating additional works minus both the losses from limiting access and the costs of administering copyright protection."
(Landes, Posner 1989: 326)

Landes and Posner also underline the negative relationship between the extent of copyright protection and the costs of creating new works; creating new work typically involves building upon, and adding expression to, a prior body of works. The less restrictive copyright doctrine is, the more an author can borrow or reappropriate from previous works, and thus the lower the cost of creating new work (Landes, Posner 1989: 332).

Exceptions and limitations to copyright play a key role in achieving an economically efficient and socially optimal balance with regard to the incentives-access trade-off. Limitations which increase access to creative works are socially desirable so long as they do not negatively impact authors' incentive to create new works. They might also be socially desirable where the private costs to authors in terms of foregone earnings are lower than the social benefits created by an exemption (Depoorter 2021: 5). In the absence of exceptions, and acting in their own best interests, copyright holders block socially beneficial uses of their works.

A key market failure which exceptions and limitations to copyright address is the presence of externalities. The use of a copyrighted work might yield strong positive external effects, which exceed the private cost of the use of that work to the copyright holder. This is particularly true in the case of social or political commentary through parody or criticism, for example, which can yield strong societal benefits. The benefits which the creator of the transformative work and the owner of the copyrighted work derive are considerably smaller than advantages to society as a whole; because the agents cannot internalise these benefits in their transactions, the market yields socially deficient outcomes (Loren 1997: 49). Social interests linked to free speech, criticism, and the freedom of the arts rarely pay well in the marketplace and their utility is notoriously difficult to monetise (Gordon 1982: 1631); exceptions and limitations which enable these uses play a key role in protecting and ensuring society's interests over the private interests of copyright holders.

A second form of market failure which is addressed by limitations and exceptions to exclusive economic rights entrusted by copyright is the existence of high transaction costs rendering the ability to reach a market bargain almost impossible (Loren 1997: 26). Transaction costs can create so-called 'negative value uses' (Depoorter 2021: 6): the costs associated with reaching an agreement between the user of a copyrighted work and its owner are so prohibitively high as to render such an exchange impossible. The cost of gaining authorisation from the copyright holder is higher than the benefits that a user will derive from the transformative use of the copyrighted work. Exceptions and limitations to copyright allow desirable transfers which might not have taken place in the market due to restrictive transaction costs to go forward outside of the market (Gordon 1982: 1657). This is particularly true in the case of uses of copyrighted works which create positive externalities and do not have a negative impact on the interests of copyright holders, having no negative side-effects on the supply or demand of creative works (Depoorter 2021: 6).

Exceptions and limitations to exclusive rights are, however, not necessarily the most effective tool to correct market failures due to high transaction costs. The exceptions and limitations approach might actually 'crowd out' innovative approaches which aim to reduce transaction costs and internalise negative externalities inside the copyright market (Landes, Posner 1989: 358). Technological developments such as digital rights management might actually contribute to reducing the importance of market failures due to transaction costs (Depoorter 2021: 6).

Exceptions and limitations need not only negatively impact rightsholders' interests, however; it is not unfeasible that transformative uses of copyrighted works might create positive externalities for the supply and demand of creative works. Works protected by copyright tend to be experience goods rather than inspection goods; pre-use information through quotation, criticism and review, for example, is likely to increase demand for these products (Landes, Posner 1989: 359). Many transformative works, such as parodies, are by their very nature complementary goods; knowing the original work upon which the parody is based will have a beneficial impact on a consumer's enjoyment of the parody. In some cases, the negative cross elasticity for transformative uses and original works holds in both directions. The consumption of a positive review, or a successful pastiche might increase consumers' demand for the work it makes reference to. Yet reviews, parodies and pastiches are not always positive in their nature; in a market situation, rightsholders might have antidissemation motives. If a quotation or critique of a work points out its flaws, then demand for that work might decrease (Gordon 1982: 1635); rightsholders would have a strong incentive to ensure that this does not take place. Exceptions and limitations help avoid such potential market failures, too.

Finally, the impact of legal uncertainty on the behaviour of economic agents in this context should also be taken into account. As already noted in the previous section and observed by a spectrum of law and economics literature, vague standards tend to cause overdeterrence (Parchomovsky, Goldman 2007: 1498). In situations where transaction costs are low enough, and an agent is unsure whether they qualify under an exception to copyright, an agreement with the rightsholder might be possible. However, as already noted, if transaction costs are too high, that party might forgo their use of the copyrighted work altogether, resulting in a deadweight loss to society as a whole. James Gibson's 'doctrinal feedback loop' serves to illustrate the potential impacts of legal ambiguity (Gibson 2007: 887). Gibson argues that copyright is, by its very nature, fraught with ambiguity; when penalties for infringement are high and economic agents are risk averse (as Gibson considers the vast majority of players in copyright intensive enterprises to be), then they will prefer to license transformative works, even when they might have a good claim to a limitation or exception. This leads to steady overall expansion of copyright's scope and reach.

Copyright is designed to incentivise the production of creative works; it can, however, also generate market failures. Limits to the scope of exclusive rights and

wholesale exceptions serve to balance the interests of rightsholders with the interests of society at large. The economic analysis of copyright undertaken in this section serves as a useful framework for assessing the impact that the change in EU intermediary liability and copyright law will have on transformative works, and the welfare of society.

3.3. Case Study: OCSSPs, intermediary liability and transformative works

The case of an Online Content-Sharing Service Provider shall now be assessed as a practical example of the impact of the EU's intermediary liability regime on the policing of transformative works online. For the following case study, the example of YouTube has been chosen. The reasons for this are manifold. YouTube is one of the few platforms where there exists any degree of certainty as to their status as an OCSSP; the provisions of Article 17 and the definition of the platforms to which it applies, seem to "zero-in" on YouTube's business model (Bridy 2019: 351). Furthermore, YouTube is a dominant player in the online video streaming market; it is responsible for 83% of online music video streaming time, and 46% of music streaming as a whole (IFPI 2018). YouTube is also the operator of Content ID, an Automatic Content Recognition (ACR) system; ACR is widely considered to be essential for major platforms in implementing the provisions of Article 17 (Ministère de la Culture 2020). Explicit reference was made to ACR in the initial 2016 Commission proposal of the Copyright in the Digital Single Market Directive (European Commission 2016a: 30). YouTube also operates an extensive complaint and redress mechanism for users, as required in Article 17(9) CDSM. More generally, as the dominant player in the market, YouTube's choices and behaviour have a significant impact, dictating norms for the industry as a whole (Electronic Frontier Foundation 2020). These factors make YouTube a good case study to assess the impact of the measures at stake here.

3.3.1. Intermediary liability and transformative works before Article 17

From its launch in 2005, YouTube has always been an open platform; it has provided a simple and straightforward opportunity for users to easily upload, publish and view streaming videos through standard web browsers (Burgess, Green 2018: 14). In October 2006, YouTube was acquired by internet giant Google for \$1.65 billion. In its initial years of operation, YouTube grew at an astonishing pace; by November 2007 it was already the most popular entertainment website in the United Kingdom, for example (Burgess, Green 2018: 16).

YouTube's initial rapid growth was accompanied by a plethora of teething issues in the area of copyright. Due to the open nature of the platform, users were able to upload anything, including copyrighted content which they did not own the rights to. Whilst this abundance of copyrighted works doubtlessly contributed to the rise of

the platform (Burgess, Green 2018: 17), it also led to substantial litigation. In the EU, YouTube was subject to suits by, *inter alia*, French broadcaster TF1 (Jasserand 2012), Spanish broadcaster Telecinco (The IPKat, 2014) and German performance rights organisation GEMA (Zeit Online 2015), each seeking hundreds of millions of euros in damages for the use of copyrighted works on the platform. In each case, decided before national courts, YouTube was found not to be liable for the content uploaded by its users, in line with national laws implementing the safe harbour provisions of the E-Commerce Directive. As YouTube had cooperated with its obligations under the safe harbour rules, including removing infringing content after receipt of a notice from rightsholders, and remaining a 'passive' provider, national courts ruled that it was not liable for damages to rightsholders from the availability of copyrighted works on its platform.

However, the safe harbour regime, and by extension the notice-and-takedown system, proved to be an unsatisfactory operating framework for both YouTube and rightsholders for a number of reasons. Notwithstanding the costly litigation between the two parties, the system led to an abundance of takedown notices which were burdensome to process, and the platform's users were frustrated at not being able to access copyrighted content. This was most notably the case in Germany, where, in 2013 alone, over 60% of the thousand most-viewed videos worldwide were unavailable on YouTube due to licensing disputes (OpenDataCity 2013). Rightsholders were also unhappy with the notice-and-takedown system, which was viewed to ineffective at preventing repeated uploads of copyrighted material (9to5Google 2016).

In 2008, YouTube launched an online digital rights management service called 'Video Identification' (YouTube Advertisers 2008). Since renamed 'Content ID', it has helped mitigate the legal issues and mass takedown notices which blighted YouTube's early years. Content ID is made available by YouTube to "copyright owners [...] who own exclusive rights to a substantial body of original material that is frequently uploaded [by users]" (YouTube Help 2021a). At the heart of Content ID is a powerful matching algorithm which employs a technique called 'fingerprinting' (European Commission 2016b: 164). Videos uploaded to YouTube are analysed and the most recognisable features of the content are compared against a reference database of digital 'fingerprints' of copyrighted works (European Commission 2016b: 164).

Access to Content ID entails a licensing agreement between a rightsholder and YouTube. Rightsholders provide the platform with reference files, information on rights ownership and metadata for the works concerned (European Commission 2019). From this information, 'fingerprints' are created, against which existing and newly uploaded works are checked to ascertain whether they contain the rightsholder's copyright-protected material. As well as providing YouTube with information regarding their works, rightsholders must also provide the platform with information about how they wish to deal with content which contains their

intellectual property. The rightsholder can choose to discriminate how to license their work by geographical location, length of use of copyrighted work, and time availability (European Commission 2019). Content ID allows the rightsholder to choose between three actions (see annex I). They can: *“Block a whole video from being viewed, [monetise] the video by running ads against it [or] track the video’s viewership statistics”* (European Commission 2019). Furthermore, *“These actions can be specific to a country/region. For example, a video may be monetized in one country/region, and blocked or tracked in another”* (European Commission 2019).

YouTube claims that Content ID has averted the mass-blocking of user uploads of copyrighted content; out of the three options available, in 95% of cases, rightsholders choose to monetise their content on the platform, receiving advertising revenue in exchange for allowing their content to remain online (UK Parliament 2021a)⁴. The platform has reached such licensing agreements with all major international record labels, and many independent labels and collecting societies (UK Parliament 2021b). Besides Content ID, a webform for issuing copyright takedown notices in line with notice-and-takedown is also available; three ‘copyright strikes’ from copyright notices will result in a user being blocked from YouTube and all their content being removed from the platform (YouTube Creator Academy 2021a).

YouTube provides its users with a series of complaint and redress mechanisms if they feel that they have been wrongly served with a removal notice or their video has been wrongfully demonetised through Content ID (see annex II). The user may dispute a claim, for example, on the grounds that their work is eligible under an exception or limitation to copyright. If the rightsholder upholds their claim the user may appeal, forcing the rightsholder to issue a formal notice-and-takedown request. This entails a further dispute process, with a further opportunity for the user to appeal (see annex III). If the dispute reaches this appeal stage, rightsholders must file a lawsuit in order to remove the infringing video from the platform. Should the copyright holder fail to file legal action, the user’s content remains online (YouTube 2019). Throughout the process, there are time limits for filing appeals and disputing notices. The process can nonetheless take months before a user’s video is reinstated on the platform, by which point the video may no longer be culturally or socially relevant (Bartholomew 2015: 73). YouTube stresses that disputes are exceedingly rare; they occur in fewer than 1% of cases (European Commission 2019).

YouTube has not built any specific safeguards for transformative use into Content ID; the content recognition technology does not take account of the context in which a copyrighted work is used (European Commission 2019). YouTube has stated that the criteria for transformative works are vague, subjective, and decisions are made by courts on a case-by-case basis; this makes programming an algorithm to account for exceptions and limitations for parody, quotation, pastiche, etc. impossible (YouTube Creator Academy 2021b).

⁴ Advertising revenue is split between rightsholders and YouTube. Rightsholders receive 70%, whilst the platform keeps the remaining 30%.

YouTube has nonetheless introduced a degree of flexibility into its copyright management system. In response to what the platform referred to as “an aggressive manual claiming of very short music clips used in monetized videos” (YouTube Official Blog, 2021). YouTube announced that it would no longer allow rightsholders to monetise videos “with very short or unintentional uses of music” (YouTube Official Blog, 2021). Through the flexibility available under the safe harbour regime, YouTube has been able to develop its Content ID licensing scheme, whilst simultaneously promoting what it sees as the interests of its users (UK Parliament 2021b). This includes the *de minimis* exception above and the fact that users’ videos by default remain online if rightsholders fail to file a legal action.

3.3.2. Insights into the potential impact of Article 17

YouTube has indicated that it expects its licensing agreements to maintain broadly the same structure in the post-Article 17 liability regime (European Commission 2019); rightsholders will continue to provide reference files, and be able to choose whether to monetise, block or monitor content which uses their intellectual property through Content ID. The provisions of Article 17 will nonetheless entail a series of changes in YouTube’s approach to rights management. A first indication of this was given in March 2021, when YouTube launched its first *ex ante* copyright screening mechanism called ‘Checks’ (YouTube Help 2021b). The new feature enables users to scan their video uploads for copyrighted content before it is published, in order to mitigate de-monetisation or removal. After Article 17 comes into force, all copyrighted content will have to be licensed from the moment it appears on the platform⁵; whereas, during the previous liability regime, Content ID might have only engaged in *ex post* screening of uploaded videos, YouTube now seems to be speeding up this process.

Since 2019, the platform has been predictably unhappy with the impending entry into force of the new liability regime. During this time, in its official communications on the subject of Article 17, YouTube has stressed the issues it sees with the Article’s implementation. Among these are the difficulties associated with acquiring data relating to copyrighted works. Under the previous liability regime, rightsholders exchanged reference files and metadata for copyrighted works with YouTube under a voluntary bilateral agreement. Under Article 17, it will be imperative – subject to ‘best efforts’ – for OCSSPs to gain such information from rightsholders in order to screen their platforms for copyrighted content. On multiple occasions, YouTube has voiced concerns about identifying unknown rightsholders in order to obtain licenses for works (UK Parliament, 2021b), claiming that over 50% of music has a portion of unknown ownership (Google New Zealand 2019). The platform has stated that a lack of such data will lead to over-blocking of videos under the post-Article 17 regime (UK Parliament 2021b).

⁵ Contingent on the principle of proportionality and ‘best efforts’ on the part of OCSSPs.

More generally, YouTube has expressed concern over the vagueness of the provisions in Article 17 (YouTube Official Blog 2019); warning that the untested nature of the requirements might necessitate the blocking of content to mitigate significant legal risk (UK Parliament 2021b). The varying national implementations of Article 17 are also a cause of worry for YouTube; proposals such as the one presented in Germany (Bundesministerium der Justiz und für Verbraucherschutz 2021), which significantly diverges from the text of the original directive, contrast markedly with other Member States, who have chosen to implement the directive without major changes (COMMUNIA 2021). The resulting fragmentation of the Single Market represents increased legal uncertainty and risk for the platform.

3.4. Sub-conclusions

This chapter has presented a theoretical framework for analysing the impact of intermediary liability rules and exceptions and limitations to copyright. This was followed by a case study of an OCSSP's approach to monitoring the use of copyrighted works on its platform. These elements shall now be integrated with the legal analysis from the previous chapters to present a series of general conclusions about the impact of the EU's post-Article 17 copyright *acquis* on online platforms' approach transformative creativity.

A number of impacts upon platforms' behaviour towards transformative works can be anticipated. The first of these is that, *post-Article 17, Online Content Sharing Service Providers have an increased incentive to overregulate transformative works*. The removal of OCSSPs from the safe harbour exemptions of Article 14 of the E-Commerce Directive will significantly impact the incentives faced by platform operators. In line with deterrence theory, the imposition of primary liability for works uploaded by users will radically change the balance of the cost-benefit analysis undertaken by platforms when moderating the use of copyrighted works on their platform. This will lead to an increased tolerance for *Type I* errors – so-called 'false positives' – over *Type II* errors ('false negatives') in the identification and removal or licensing of copyrighted content online. Under the previous notice-and-takedown regime, platforms enjoyed an exemption from liability and were able to build flexibilities into their systems, perhaps tolerating marginal copyright infringements – such as YouTube's *de minimis* exceptions. With the imposition of primary liability and an obligation to license, this ability to police content in a more flexible manner is all but gone.

Previously, the ultimate burden of identifying copyright infringements was placed upon rightsholders; tools such as Content ID were simply bilateral arrangements to ease the flow of takedown notices. The burden has now fully shifted to the platforms. The legal uncertainty surrounding the provisions and national implementations of Article 17 might serve to reinforce OCSSPs' incentive to overregulate transformative works on their platforms. The impact of the provisions of Article 17 can also be modelled through the *incentive-divergence thesis*; through

the licensing obligation, OCSSPs are internalising more of the costs faced by rightsholders for the availability of transformative works on their platforms, whilst not internalising more of the benefits derived by users and society as a whole through positive externalities.

Secondly, *the expansion of intermediary liability will contribute to a copyright 'feedback loop'*. As already stated, under the new intermediary liability regime where licensing is the norm, it is likely that platforms will face an increased incentive to license or remove works which might be eligible for copyright exceptions. Many users might view the transaction costs associated with appealing the licensing and the removal of their work through complaint and redress mechanisms as too high, since the value they derive from the work might be lower than the social benefit of their work. Thus, it is conceivable that a user might accept a licensing claim, despite the fact that they have good grounds to argue for an exception. The legal uncertainty surrounding copyright exceptions and limitations and the subjective criteria involved might also discourage a user from appealing due to the unpredictability of the outcome. Thus, in line with James Gibson's 'doctrinal feedback loop', good claims to exceptions for parody, pastiche and quotation, etc. will be licensed or blocked. This will have a negative impact on expectations, perceptions of copyright law and incentives to create transformative works. This will feedback into judicial interpretations which rely on the meaning and scope of terms of their "usual meaning in everyday language" when interpreting exceptions to copyright. Rightsholders' economic rights, which are already wide in their scope, will be further broadened. Exceptions and limitations will be viewed in an increasingly narrow and strict manner.

Thirdly, *legal uncertainty surrounding limitations and exceptions to copyright in the EU causes overdeterrence by platforms; this will be reinforced by Article 17*. The complexity, uncertainty and subjectivity of the provisions of Article 5 of the InfoSoc Directive make it difficult for online intermediaries to adjudicate whether content uploaded by users falls under these exceptions to copyright. The criteria laid out by the Court of Justice of the EU in *Deckmyn* and *Pelham* facilitate the assessment of eligibility somewhat, but still require subjective, case-by-case analysis beyond the capabilities of platforms dealing with large amounts of user uploaded works on a regular basis. As already stated, legal uncertainty makes it difficult for intermediaries to ascertain the optimal level of investment in deterrence. Furthermore, the EU copyright regime is characterised by a 'high level of protection' for rightsholders, and exceptions are to be viewed strictly. This incentivises platforms to err on the side of caution when making judgements on the transformative nature of content. Because platforms do not internalise the full social value of the works they host, they also face, from a societal point of view, sub-optimal incentives for protecting transformative works. The case study has shown that platforms are not incentivised to construct copyright management systems which take account of transformative uses of copyrighted works. Post Article-17, facing increased liability, platforms are further

incentivised to be more conservative when dealing with legally uncertain outcomes, to the detriment of users' access to copyright exceptions and limitations.

Another impact of the shift in intermediary liability in the EU will be that *OCCSPs have greater incentives to engage with the content that users upload*. The end of the safe harbour provisions for certain platforms means that, for activities that fall under Article 17(1) CDSM, they are no longer subject to the provisions of Article 14 ECD, including the complex criteria developed by the CJEU to assess eligibility for safe harbour. This includes the knowledge criterion and the notion of a 'passive' operator. The removal of having to meet these criteria (the so-called 'Good Samaritan paradox'), along with increased liability for unlicensed works, might encourage platform operators to take further steps to monitor the content that users upload to their platforms, and take a more active role in its presentation.

Finally, *the post-Article 17 regime will lead to increased legal certainty for users uploading transformative works*. In line with Article 17(2) CDSM, users who "are not acting on a commercial basis or where their activity does not generate significant revenues" will no longer be primarily liable for the content that they upload. Whereas, during the previous liability regime there were – technically speaking, though rarely enforced in practice – two levels of liability, the new Directive has absolved amateur creators of the burden of any liability. This might also amount to a reduction in transaction costs for users; they no longer need to license their use of a copyrighted work if they wish to reuse it online. This increased legal certainty and reduction in transaction costs might possibly incentivise amateur creativity and reuse of copyrighted works. Users who do not wish to derive financial value from their works would no longer have to consider whether their work is eligible for an exception or limitation to copyright. Furthermore, Article 17 creates a single, relatively transparent, legal regime for copyright enforcement on a certain class of online platforms. Previous bilateral licensing agreements between rightsholders and platforms, and the enforcement policies of technologies such as Content ID distinctly lacked transparency, with users left at the whims of changes in platforms' terms and conditions.

To summarise, Article 17 will have a significant impact on online platforms' approach to transformative use. The shift in liability creates new risks for intermediaries, moving the burden for the enforcement of copyright and licensing from rightsholders (and to a lesser extent from users) to OCCSPs. The findings have been summarised in the table in annex IV. They shall be discussed, and more general inferences shall be drawn from them in the concluding chapter of this thesis.

Conclusions and discussion

This thesis has sought, through the use of legal research and economic analysis, to assess the potential impacts of Article 17 of the Copyright in the Digital Single Market Directive on transformative musical creativity in the European Union.

The economic analysis, which draws inferences from the legal analyses in chapters one and two, is no match for empirical data; the research question will only be fully answered once the Copyright in the Digital Single Market Directive has been implemented into the national law of Member States and its effects can be observed. Nonetheless, this study presents a thorough account of the current state of Union copyright law in this domain, and a theoretical framework which helps assess the incentives of intermediaries and users in the new post-Article 17 copyright regime.

The conclusions drawn at the end of the previous chapter must nonetheless be put into context; there are several sources of uncertainties which must be noted. The 'best efforts' to be undertaken by Online Content Sharing Service Providers to fulfil the various provisions of Article 17 are far from clear; the interpretation given to best practices and the application of the principle of proportionality in this domain will be key to shaping platforms' incentives to potentially over-regulate content. The Commission's implementation guidance, which is still pending at the time of writing, barely six weeks before the implementation deadline of the CDSM Directive, is expected to shed light on this issue.

A further variable which will have a significant effect on the extent to which the provisions of Article 17 will impact transformative creativity will be the willingness of OCSSPs and rightsholders to conclude licensing agreements. There is the potential for the Copyright in the Digital Single Market Directive to alter the balance of power and the dynamics of licensing agreements between platforms and rightsholders. Despite the fact that YouTube claims to have licensing agreements with most major music rights holders, this has not always been the case. The seven-year standoff with GEMA, which led to the unavailability of large amounts of copyrighted works (Zeit Online 2015), is a case in point. The impact of the entry into force of the provisions of Article 17 on licensing agreements warrants future research.

Finally, the national implementations of Article 17 are evidently going to have a considerable influence on the conclusions drawn here. At the time of writing, Article 17 has yet to enter into force in any Member State and has only been adopted in the Netherlands (Ministerie van Justitie en Veiligheid 2020). Draft laws and delegation legislation are available for numerous other Member States, however. There are significant signs of divergence between states and from the text of the Directive; most notably in Germany, where a raft of new exceptions and limitations have been proposed. These include *de minimis* exceptions from liability, including for uses of up to 15 seconds of copyrighted music, and the ability for users to 'pre-flag' their uploads as authorised (Bundesministerium der Justiz und für Verbraucherschutz 2021). The proposal has caused considerable debate, and there are questions as to its compatibility with EU law (International Federation of Film Distributors' Associations 2020). As already mentioned⁶, Article 17's status as *lex specialis* renders the

⁶ See 2.3. *The Article 17 liability regime for OCSSPs.*

implementation of new exceptions to exclusive rights in this domain problematic. The lack of horizontal direct effect for Article 17 means that national implementations (or non-implementations) of the provisions will have a significant impact.

In July 2019, the Republic of Poland filed an action with the Court of Justice of the EU for the annulment of Articles 17(4)(b) and (c). In its action, Poland claims that the provisions *de facto* impose a filtering obligation on platforms, which “undermine[s] the essence of the right to freedom of expression and information and [does] not comply with the requirement that limitations imposed on that right be proportional and necessary” (Court of Justice of the European Union 2021). The pending CJEU case could have a key influence on the impacts of Article 17.

Despite these caveats, however, the conclusions of this thesis retain their relevance as an assessment of the threat that the current state of the EU copyright *acquis* poses to the availability of transformative musical works on the internet. They provide an overview of the worrying trends in online intermediary liability, and important predictions for future developments in this domain. As already stated, the vague yet strict state of copyright law, the lack of clarity surrounding liability rules and the transaction costs associated with complaint and redress mechanisms threaten the production and availability of transformative works. The changes brought about by Article 17 will likely aggravate these trends.

The provisions built into Article 17 to protect users’ access to exceptions and limitations are likely to have little effect. In its current state, as outlined in the first chapter of this thesis, EU copyright law in this area is vague and subjective. Requiring platforms who host enormous amounts of content which is increasing on a daily basis⁷ to pass judgements on criteria that even judges find it hard to agree on is incompatible with the principle of proportionality in Article 17(5). Automatic Content Recognition technology cannot discriminate between transformative use and copyright infringement. The EU legislator has passed *de jure* protections of users’ rights and access to limitations and exceptions; this thesis has shown that they will have little *de facto* effect. The only future prospects for protecting transformative works would be significant investment in ACR technology – including developing the capability to detect humour, context and creativity – or clearer, broader, copyright exceptions for user-generated content that are enforceable on a large scale.

These trends in limitations and exceptions and intermediary liability have further worrying implications; over-regulation of copyrighted content by platforms can have a long-lasting impact on perceptions of copyright and effectively contribute to a gradual widening of exclusive economic rights by stealth. Furthermore, there is a possibility that, due to potential complementarities between transformative works created by users and the original works of rightsholders, a restriction of the creation and availability of transformative works might also have a negative impact on demand for other copyrighted works.

⁶ Over 500 hours of video are uploaded to YouTube every minute (Tubefilter, 2019).

The advent of the Article 17 regime might also contribute to increased legal certainty for users of OCSSPs, who are no longer primarily liable for using works which have been licensed to the platforms. Although this represents a new legal exception from liability, the impact of this provision on the perceptions of users should not be overstated. The mitigating impact of this single positive trend on the other mostly negative trends in the assertion of users' rights is unlikely to be too large.

If the threats posed to the production of and access to transformative works in the European Union presented here are borne out in the future, this will have a number of negative societal effects. The right to repurpose copyrighted material for parody, quotation and criticism generates social value by incentivising the creation of new artistic works; it is also a key expression of the freedom of the arts and the right to free speech. Neither rightsholders nor the creators of transformative works internalise all the gains from their works; there are significant positive externalities. Taking this into account, the current state of the *acquis* regarding exceptions to copyright, along with the changes brought about by Article 17, risk generating sub-optimal outcomes for society as a whole and negative effects on the future of the arts and free speech in the European Union. The 'incentives-access trade-off' will be impacted by such developments; although rightsholders might face increased incentives to create, there is a danger that the resulting reduction in access to copyrighted works will have an overall negative impact on society.

More generally, Article 17 moves the everyday enforcement of copyright law into the hands of online platforms. This is worrying for a number of reasons. As already outlined throughout this thesis, these actors do not take into account the full social costs and benefits of their actions. Furthermore, they are not in a position to make case-by-case decisions on copyright cases and interpret copyright law; this leads to overregulation and the chilling effects presented here. Finally, if exceptions and limitations to copyright are designed to guarantee a 'fair balance of fundamental rights' in the EU, it is highly questionable that these decisions on fundamental rights should be left to private actors.

This study has dealt with one specific branch of copyright law, and a certain sub-class of online intermediary. Yet, the Copyright in the Digital Single Market Directive and Article 17 are part of a wider EU push for regulating online platforms and intermediaries. The Digital Markets Act and the Digital Services Act are currently pending; looking to the future, studies of internet intermediary behaviour in the European Union will become increasingly important and relevant. Questions about the behaviour of online platforms will have a growing impact on all facets of society as they are entrusted with increasing legal responsibility and subjected to greater liability.

List of abbreviations

ACR - Automated Content Recognition
 CDSM - Directive on Copyright in the Digital Single Market
 CFR - Charter of Fundamental Rights of the European Union
 CJEU - Court of Justice of the European Union
 ECD - E-commerce Directive
 ECHR - European Convention on Human Rights
 ECtHR - European Court of Human Rights
 EU - European Union
 IFPI - International Federation of the Phonographic Industry
 InfoSoc - Information Society Directive
 ISSP - Information Society Service Providers
 TEU - Treaty on European Union
 TFEU - Treaty on the Functioning of the European Union
 UGC - User-generated content
 OCSSP - Online Content-Sharing Service Provider
 OECD - Organisation for Economic Co-operation and Development
 WCT - WIPO Copyright Treaty
 WIPO - World Intellectual Property Organisation
 WPPT - WIPO Performances and Phonograms Treaty
 WTO - World Trade Organization

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Annexes

Annex I: Content ID panel for rightsholders, including options to block, monetise or track.

You monetize your upload here.

Basic info | **Monetization** | Advanced settings

Usage policy

Monetize in all countries

Ad formats

Display ads ?

Overlay ads ?

Skippable video ads ?

Non-skippable video ads ?

Warning: may increase viewer abandonment

Product placements

This video contains a paid product placement ?

Enable Content ID matches ?

I have the necessary rights to claim other videos that contain this content.

Match policy

Block in all countries

Select a policy

Monetize in all countries

Block in all countries

Track in all countries

You BLOCK all other uploads here.

Asset information ?

Web

TV Episode

Music Video

Movie

ISRC:

Release Date:

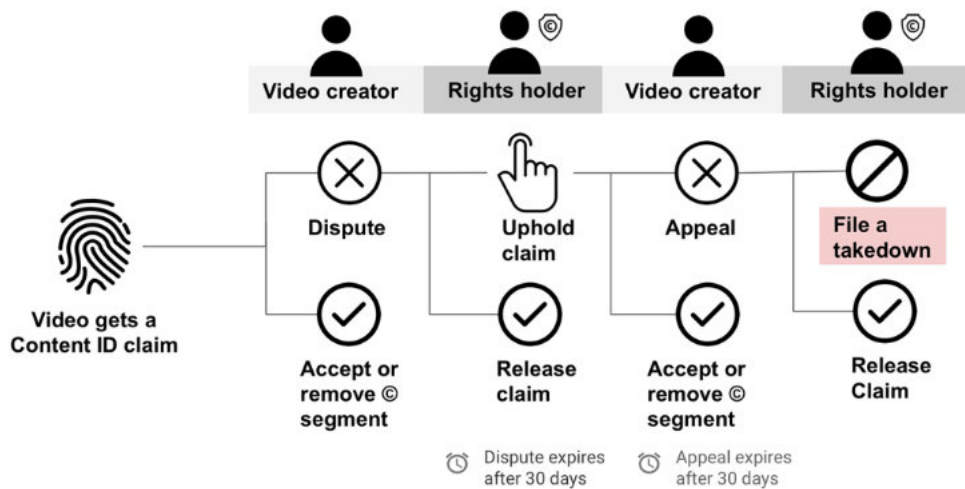
UPC:

Grid:

"YouTube's Content ID : \$375.00 Per Million Views... aka "Block In All Countries"...", The Trichordist, 2015, <https://thetrichordist.com/2015/03/04/youtubes-content-id-375-00-per-million-views-this-is-what-were-fighting-for/> (consulted on 01.05.2021)

Annex II: YouTube's complaint and redress process for Content ID disputes.

How Content ID handles disputes?

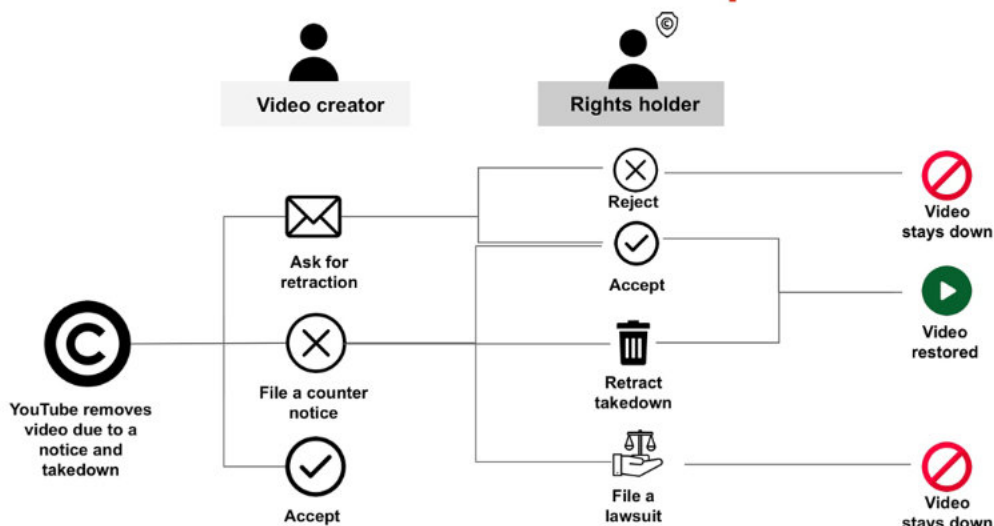


Note: The rights holder can at any time file a takedown.

YouTube, "YouTube Copyright Management Suite" (Slideshow, Third meeting of the Stakeholder Dialogue on Art 17 of the Directive on Copyright in the Digital Single Market, Brussels, 25 November 2019) https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=63443 (consulted on 26.04.2021).

Annex III: YouTube's complaint and redress process for takedown requests.

How YouTube handles takedown requests?



YouTube, "YouTube Copyright Management Suite" (Slideshow, Third meeting of the Stakeholder Dialogue on Art 17 of the Directive on Copyright in the Digital Single Market, Brussels, 25 November 2019) https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=63443 (consulted on 26.04.2021).

Annex IV: How does Article 17 impact transformative musical creativity?

Legal provisions	Impact on platforms	Impact on users	Impact on society
Lack of clarity and strictness of exceptions and limitations (InfoSoc Article 4). Subjectivity of CJEU criteria (Pelham, Deckmyn).	Cannot efficiently assess large volumes of uploaded works for eligibility with any degree of certainty.	Removal and/or licensing of user-uploaded transformative works.	Loss of societal benefits and positive externalities associated with transformative works due to lack of access or works not being created in first place.
Removal of OCSSPs from safe harbour, primary liability for copyrighted content uploaded by users (CDSM Article 17(1)).	Higher costs of unlicensed copyrighted works on platform. Higher incentive to regulate content with increased caution.	Reduced incentive to create transformative works.	
	No need to comply with previous safe harbour criteria laid down by CJEU. Ability to take more active role in control and presentation of content.	Reduced freedom to upload potentially infringing content, including transformative works. Reduced incentive to create transformative works.	
Obligation for OCSSPs to license or remove copyrighted content (CDSM Article 17(1)&(4)). Limited scope and lack of clarity of exceptions (InfoSoc Article 4).	Increased incentive to license or remove marginal transformative uses of copyrighted works.	Transaction costs of appealing licensing or removal too high. Erroneous removal of transformative works goes without appeal.	Gradual change in expectations and perceptions of copyright and transformative use. Slow expansion of exclusive rights of rightsholders.
Expansion of licensing agreements between OCSSPs and rightsholders to cover primary liability of users who upload copyrighted works whilst not acting on a commercial basis (Article 17(2)).	Increased incentive to license in order to guarantee users legal certainty.	Increased legal certainty for amateur creators who do not derive major financial value from uploads. Increased incentive to create transformative works.	Potentially increased societal benefits and positive externalities due to greater access to works.

Sustainability and the History of Liberal Thought

Joshua Giovanni Honeycutt

In this world there's room for everyone, and the good Earth is rich and can provide for everyone. The way of life can be free and beautiful [...]

Charlie Chaplin, *The Great Dictator* (1940)

1. Introduction

Liberalism as a political philosophy has been one of the most important ideologies shaping modern society. Alongside other ideologies, it has been central throughout the nineteenth and the twentieth centuries in offering solutions and in crafting institutions. Its body of ideas is vast and the political entities that have embraced it are numerous.

Since the 1960s (*cf.* Newton and van Deth 2016: 313) a growing interest for the environment has emerged and has slowly made its way into public discourse. Today, in a world which is being faced by unprecedented environmental and intergenerational challenges, many political actors are embracing ideas tied to environmentalism and sustainability, whatever ideological orientation they might have. In this context, the compatibility between pre-existing political ideologies (liberalism, socialism, conservatism, just to name the most common ones) and sustainability is often put into question by citizens in various capacities, as is the compatibility between it and different possible economic systems of the present and of the past. In particular, in relation to Western liberal democracies, the question is if liberalism, individual liberties, free-market economy, existing institutional frameworks and international institutions are adequate to tackle, among other things, the current environmental emergencies, by putting sustainability at the centre of their action, in the interest of present and future inhabitants of the planet. To be more precise and to look at the issue on a more theoretic level, the question is if the current Western liberal democratic order in a larger sense is compatible with the concept of sustainability.

In order to contribute to this on-going discussion, the aim of this Master's Thesis is to survey some important works in the history of liberalism in order to understand

if sustainability is compatible with their contents. This will be done by applying the modern concept of sustainability to the reading of some passages on themes relevant to it written by three of the most important liberal thinkers of all time, John Locke, John Stuart Mill and John Rawls, who crucially contributed to defining liberalism and therefore to shaping liberal democracies. In conducting this reading, the intent is furthermore and more generally to better understand if there are reasons to think that liberalism and sustainability are necessarily at odds with one another or rather if only certain stands or interpretations of liberal thought are.

After offering definitions of 'liberalism' and 'sustainability', the present thesis will first analyse John Locke's *Two Treatises of Government* and the concept of 'Lockean proviso' (cf. Nozick 1974: 174-178) as a feature of his labour theory of property and as a limit to the just acquisition thereof. John Stuart Mill's stationary state, as presented in his *Principles of Political Economy*, chapter VI, book IV, will then be taken into consideration, thus shedding light on Mill's ideas on the bounds relative to the increase in wealth and population in developed economies. Finally, John Rawls's *A Theory of Justice* will be put into relation to the concept of sustainability and to a trait thereof, that is intergenerational justice. The research relies upon both primary and secondary literature, in order to find relevant passages in the above-mentioned liberal thinkers where the concept of sustainability may be applied and used comparatively. The focus is to engage with original texts in a thorough manner and give them a clear interpretation in light of the aim presented above, thus contributing by means of the history of political thought to what is possibly the most crucial debate of current times: is it possible to make liberal democracies, *i.e.* one of the most important products of liberal thought, sustainable?

The two concepts central to the present analysis are 'liberalism' and 'sustainability'. Both concepts have a broad gamut of meanings but will be used in quite specific acceptations here. In order to precisely outline such acceptations some pages will be dedicated to defining each of these terms.

1.1. Liberalism

The term 'liberalism' has assumed a large variety of possible meanings and what it represents has "entered deeply into the psyche of Western nations over the last two centuries [and has shown] signs of great flexibility and durability" (Vincent 1998: 443). As Fareed Zakaria rightfully pointed out in 1997 though (cf. Zakaria 1997: 22-43), liberalism in the context of liberal democracies is living a crisis: it is in fact being put in doubt often, but not only, by more or less declared advocates of other forms of democratic yet not liberal rule, according to which the traits characterising it would make countries ineffective in tackling urgent matters or in representing the people (cf. Chopin 2018)¹, and the environmental emergency is increasingly becoming one

¹ Cf. Svensker C. Jagers, *The Case for Democracy Week: Combatting Climate Change*, organised by V-Dem Institute (25.03.2021), YouTube, 17:43-29:29. <https://www.youtube.com/watch?v=Mcew0ahVO9E> (consulted on 28.04.2021).

of the urgent matters such advocates have the possibility to point towards (*cf.* Dalla Casa 2021; *cf.* Engels 2018)², even if historical precedents related to other political models, in particular models relying on planned economies, haven't proven to be better *vis-à-vis* the environment (*cf.* Zitelmann 2021).

In coming to define the term's meaning, Kenneth Newton and Jan W. Van Deth in their textbook *Foundations of Comparative Politics* state that in

classical political theory its essence is the belief that individual liberty is the highest political value and can be preserved only by limiting the powers of the state (Newton and van Deth 2016: 303).

Limiting the power of the state – in origin against monarchy and noble privileges – in favour of the liberty of individuals, therefore, was at the heart of the emergence of liberalism and still is its central element. Such limitation has led to the definition and upholding of individual rights and therefore to the notions of rule of law and of pluralism. Furthermore, it has ushered in liberal democratic systems of government, characterised by parliamentarism and by a Montesquieu-style division of power, and free-market economy – all elements at least partially presaged by John Locke (*cf.* Locke 1988: 285-302 and 350-353).

To fully understand what limiting the power of the state means, one should indeed look at the very origin of the concept as set out by Locke in his *Two Treatises of Government* (*cf.* Locke 1988: 285-302 and 350-353). The state is hypothetically – not historically of course – founded upon a social contract aiming at guaranteeing the universal protection of individuals' natural rights to life, liberty and property through means of a government; to this end, what Max Weber would later have called "das Monopol legitimer physischer Gewaltsamkeit" (Weber 1919: 4)³ is granted to said government by the very individuals it should govern upon, who in this process effectively give up a part of their own liberty, *i.e.* that to infringe upon other individuals' abovementioned natural rights. The image of the state which emerges from this picture is that of a "nightwatchman" (Berlin 1969: 127), guaranteeing the liberty from coercion exerted by individuals on other individuals, a 'liberty from', also known as 'negative liberty' (*cf.* Berlin 1969: 127).

It is liberalism as a strain of political thought which puts at its centre negative liberty preserved by a state run by a government with limited powers which will be considered as a working definition in the present thesis for the purpose of the analysis that will be conducted in relation to the concept of sustainability⁴.

² *Cf.* Håkon Sælen, *The Case for Democracy Week: Combatting Climate Change*, organised by V-Dem Institute (25.03.2021), YouTube, 39:55-52:20. <https://www.youtube.com/watch?v=Mcew0ahVO9E> (consulted on 28.04.2021).

³ Translation of the original German: 'the monopoly of legitimate physical violence'.

⁴ I have made this choice with the explicit intention of choosing the most traditional and basic possible definition of liberalism. Other more modern and more elaborate definitions will be present in the course of the thesis, yet for the sake of the argument, this working definition will do to begin with. There will be further considerations upon this issue in the light of the entire analysis in the conclusion.

1.2. Sustainability

The origin of the notion of 'sustainability' may be traced back to the German 'Nachhaltigkeit'. As the journalist Ulrich Grober stated in 1999 (cf. Grober 1999), the first occurrence of a form of this word in literature dates back to the 1713 publication *Sylvicultura Oeconomica, oder Haußwirthliche Nachricht und Naturmäßige Anweisung zur Wilden Baum-Zucht* by Hannß Carl von Carlowitz (von Carlowitz 1713). Various authors consider this book to be the first work exclusively dedicated to forest management (cf. Huss and von Gadow 2012: 5). The intention of von Carlowitz' book is to explain how to make efficient economic use of woodland and it is for this reason that he introduces the concept of "nachhaltende Nutzung" (von Carlowitz 1713: 5), i.e. 'continuous use', when explaining how to exploit the resources of a forest so as to always have availability of wood. From this form of the adjectivized present participle 'nachhaltend', in a little less than 150 years an official formulation of the concept of sustainability would have emerged, but von Carlowitz' reflections immediately bore fruit in the practice of forest management thanks to the introduction of the notion of sustainable yield⁵, then applied also to other fields of natural resource management. As mythological as the account on von Carlowitz as the inventor of the concept of sustainability may be, since he neither was the first discoverer of the concept nor did he consider himself as such (cf. Huss and von Gadow 2012: 27-29 and 47-50), the discussion he contributed to ultimately led to the 1987 definition of sustainable development formulated in the *Report of the World Commission on Environment and Development: Our Common Future*, also known as the *Brundtland Report* (United Nations 1987; cf. Huss and von Gadow 2012: 47-50; cf. Newton and van Deth 2016: 313).

The definition the *Report* gives of sustainable development is very clear and certainly sheds light on the meaning of sustainability in general:

development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts:

- the concept of 'needs', in particular the essential needs of the world's poor, to which overriding priority should be given; and
- the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs (United Nations 1987: 41).

What is especially important here, in relation to a definition of sustainability, is what may be found in particular in the two bullet points. They either contain or imply references to the fact that, in order to be sustainable, development needs to encompass five elements, namely (1) the needs (2) of every person (3) in a certain moment in time – that is the present and the future – (4) in consideration of the

⁵ Cf. James Meadowcroft, *Encyclopedia Britannica*, online ed., s. v. "Sustainability." Chicago: Encyclopedia Britannica, 2020, <https://www.britannica.com/science/sustainability> (consulted on 05.03.2021).

current efficiency in the use of (5) limited resources present in the environment, which are used to produce, by transforming natural resources, what is necessary to meet said needs. To break it down, a thought experiment might be useful: if one imagines Earth as a closed system and imagines that he or she is able to precisely estimate the amount of every resource it contains and how much of each resource every person within the system requires to survive at current efficiency of resource transformation processes in a given moment in time (t), then she or he could calculate exactly if in a moment in time in the future (t') the system will contain enough resources to satisfy the needs of all those within it, even in the case the number of people or the efficiency of resource transformation processes change. If such a calculation reaches the conclusion that the rates of resource consumption at t leave enough resources for consumption at t' , then consumption may be considered sustainable. Since not all resources present on the planet are non-renewable but some can be naturally regenerated within the system in a given time, it should be clear that time is a crucial element to be considered in relation to sustainability, as von Carlowitz also put it when offering an example of sustainable yield: he in fact states that “man muß [sic] die Holtzung nicht eben so gebrauchen, damit man alle Tage einen gleichmäßigen Nutzen daraus heben könne” (von Carlovitz 1713: 87)⁶.

While, in relation to a forest, precisely calculating its sustainable yield and therefore the sustainable rate of use of its resources might be somewhat simpler than precisely calculating those of planet Earth as a whole (cf. Wackernagel *et al.* 2020), since ultimate knowledge of all the factors implied in such a calculation is difficult to possess, the thought experiment and forest parallel do help give the definition of sustainability under an environmental point of view⁷.

In order to offer the definition of sustainability that will be used in this thesis, though, one should not only keep the environment in mind. In fact sustainability also has an economic dimension⁸, as also recognised in the 17 Sustainable Development Goals adopted by the United Nations Member States in 2015, as a result of the process initiated by the *Brundtland Report* (United Nations 2015. “Transforming Our World: the 2030 Agenda for Sustainable Development”). Similarly to natural resources, also economic ones are limited and therefore, in order to reach economic sustainability, they have to be managed in a way that makes wealth available to everyone within a given economy in an amount which makes it so that the needs of the present can be met “without compromising the ability of future generations to meet their own” (United Nations 1987: 41). The definition of sustainability which will

⁶ Translation of the original German: ‘one must not simply use up the stock of trees, in order to be able to extract out of it a steady value every day.’

⁷ A way to try to do this is by understanding what are the “planetary boundaries within which humanity can continue to develop and thrive for generations to come” (Stockholm Resilience Centre).

⁸ Institutions such as the United Nations and the European Union, academic literature and public discourse often also mention social sustainability, despite there is no common definition thereof (cf. McGuinn *et al.*, 2020: 19-20). For this reason and because it is of limited interest in the scope of the present work, it will not be used as a concept here.

be used in this analysis therefore is: sustainability is the ability to satisfy the basic needs⁹ of all those living on the planet in the present while also being able to satisfy the ones of those living on it in the future, keeping into consideration the current efficiency of resource transformation processes, the planet's sustainable yield in relation to its renewable resources and the amount of its non-renewable ones, and the availability of economic resources.

2. Sustainability and the History Liberal Thought: John Locke, John Stuart Mill, John Rawls

Now that the definitions of liberalism and of sustainability I intend to use are clear, I will proceed with analysing some passages of the works by the authors cited in the title of this chapter, to attempt to answer the questions raised in the introduction.

2.1. John Locke and His Theory of Property

John Locke was a British philosopher who lived between 1632 and 1704. He "grew up and lived through one of the most extraordinary centuries of English political and intellectual history"¹⁰: a time of institutional conflicts between Monarchy and Parliament which passed through, among other events, the Glorious Revolution; of religious tensions between Anglicans, Catholics, and other Protestants; of foundation of colonies in North America. A time of political novelty and of redefinition of the relationships between the government and its various ramifications, and individuals. This is exactly where Locke's political reflection gains a foot. His social contract theory is laid out in his work *Two Treatises of Government*, which is seen as at "the foundation of modern [...] political liberalism"¹¹. In his vision which depicts individuals as having natural rights to life, liberty and property, this latter element has a particular status and requires justification, a justification which shall prove to be very relevant in relation to the questions posed in the introduction.

Chapter V of the *Second Treatise* (Locke 1988: 285-302) is dedicated to the illustration of Locke's theory of property. I will now offer a commented summary of it followed by a more general comment.

⁹ Defining needs is certainly not an easy task. As in the case of the definition of liberalism above, for the sake of the argument, I will define basic needs in possibly the most traditional and basic way possible, that is according to Abraham H. Maslow's pyramid of needs, in particular those relative to physical survival and the exercise of freedom, i.e. what Maslow calls "*physiological' needs*" and "*safety needs*" (cf. Maslow 1943: 372-380; the quotations come respectively from page 372 and page 376, the italics are in the original). This definition doesn't seem to differ much from what Rawls defines as "primary goods" (cf. Rawls 1999: 54-55; the quotation comes from page 54). In relation to Raymond Plant's view on the issue cf. also Espada (Espada 2016: 41-42).

¹⁰ William Uzgalis, *The Stanford Encyclopedia of Philosophy*, online ed., s. v. "John Locke." Stanford: 2021, <https://plato.stanford.edu/archives/spr2020/entries/locke/> (consulted on 03.05.2021).

¹¹ Graham A. J. Rogers, *Encyclopedia Britannica*, online ed., s. v. "John Locke." Chicago: Encyclopedia Britannica, 2021, <https://www.britannica.com/biography/John-Locke> (consulted on 01.05.2021).

The chapter begins with the statement that in state of nature God gave the world in common to all, who, having a “right to their Preservation” (Locke 1988: 285)¹² after their birth (§ 25)¹³, make use of what the world offers to their best advantage, taking what they require to survive from nature itself. God has given humans reason so that they could be able to do this. In such original state, no one has property. Yet to be able to take advantage of what the world offers, some sort of property must be established (§ 26). How this happens is what Locke sets out to explain in § 27-51.

In the first place, even in this state of nature where the world is in common, every individual has property over her or his own person and, therefore, over “[t]he *Labour* of his Body, and the *Work* of his Hands” (Locke 1988: 288)¹⁴. It is by mixing such labour with the products he or she takes from nature that property is transferred to natural elements (§ 27). Acquisition of such property, that is of already consumable products, from nature does not require the rest of humanity’s consent, since obtaining it would clearly be too cumbersome (§ 28-30). Yet one may not hoard as much as one desires, but should limit oneself, according to Locke, to what “one can make use of to any advantage of life before it spoils” (Locke 1988: 290); the rest is to be left in common. Such behaviour is inducive of absence of “Quarrels and Contentions” (Locke 1988: 290) (§ 31).

Different is the case of acquisition of land, that is of what currently one may call a means of production. In this case, claiming property requires the consent of all other individuals. The reason for this seems clear: since by cultivating land an individual mixes his or her labour into it, one has a right to it; at the same time, though, since individuals don’t consume land immediately or in a very short term as in the case of other products of nature because it is a means of production, one could argue that by taking property over a means of production such as land, while not hoarding current products, an individual is hoarding, albeit in potential, more future products than she or he requires in possible violation of what is stated in § 31. In other words, he or she is not simply satisfying his present needs but taking hold of a means to satisfy her or his predicted future needs. The trustworthiness of such a prediction, which should constitute an individual’s justification to his or her property on a piece of land, should clearly be examined and agreed upon by all (§ 32). Acquiring property over land, furthermore, is legitimate as long as and since there is enough land and of the same quality for everyone in Locke’s state of nature (§ 33-34), even if he admits that this is not true in the England of his time, where the common land left is left common by law and therefore can’t simply be acquired (§ 35). As in the case of products taken directly from nature, in this case as well individuals are to take as much land as they can work and as they need for their sustenance, this at least until the invention of money (§ 36). Writing now in historical terms, these individuals and their families, according to Locke, slowly created societies, which grew by raising

¹² The capitalisation reproduces the original; this applies to all direct quotations of Locke which follow.

¹³ I will offer a reference to Locke’s relative paragraphs after each of the summarised sections.

¹⁴ The italics reproduce the original; this applies to all direct quotations of Locke which follow.

the productivity of land thanks to people mixing their labour with it, although they were still living in a moneyless condition (§ 37-45). And it is precisely about the invention of money that Locke writes about in § 46-50.

The most useful things people need to survive are perishable, while rare earths such as “Gold, Silver, and Diamonds, are things that Fancy or Agreement hath put Value on, more than real Use” (Locke 1988: 300)¹⁵. Since, as stated in § 31, one may legitimately take from nature under one’s own property what one is able to use before it perishes, one may give or barter for something else what one has in excess, so as to avoid having things perish while at one’s own disposal. Among the things one may receive in exchange are the rare earths cited above (§ 46), which gave origin to money and therefore commerce (§ 47). The possibility to commerce pushes people to produce more than they require, thus motivating them to enlarge their possession and to work more land than they need for their own sustenance (§ 48-49). This leads to differences in the size of land property each person has, due to the fact that surpluses can be traded for money, without damaging anyone else, since rare earths cannot spoil. Money transactions, furthermore, are not regulated by the social contract, but by the simple agreement of attributing a value to said rare earths and using them as means of trade (§ 50). Before the invention of money there was no incentive to mix one’s labour to more land than what personal needs required, so there were no quarrels about the property ensuing from labour (§ 51).

Explaining the origins of property was a problem for Locke and his contemporaries (*cf.* Locke 1988: 290)¹⁶. In fact, while it is relatively simple to understand the origins of the natural rights to life and liberty that a social contract between all persons needs to uphold in order to avoid a state of war, *i.e.* what such a society has to guarantee every individual, the fact that property exists as a natural right and has to be protected by a government is less simple to grasp. Locke derives this right *de facto* both from that to life and from that to liberty: since every person has a right to his or her own preservation, *i.e.* life, in the state of nature she or he takes what he or she needs from nature in order to survive, using his or her own freedom, *i.e.* “Property in his own Person” (Locke 1988: 287) (§ 27), in the form of labour. One could argue, therefore, that property is a sort of second level right, that has the purpose of making the right to life possible and that is the result of the right to freedom. Locke’s theory of property has at least two important traits, therefore: (1) it is based on needs and (2) its value is determined by the labour which is put into acquiring it.

It is exactly the value that human labour puts into nature’s elements that according to Locke grants property rights to individuals: they created that value and therefore it is theirs to use to satisfy their needs; natural elements which haven’t been given value through labour are worthless, in other words, and remain in common.

¹⁵ The punctuation reproduces the original; this applies to all direct quotations of Locke which follow.

¹⁶ It seems to still be a problem (*cf.* Nozick 1974: 177-178).

The satisfaction of needs, furthermore, is the measure of how many natural resources an individual is allowed to put under his or her own property, since wasting natural resources by letting them spoil damages others who could have taken advantage of them and therefore appears to be completely irrational, as clarified in § 37. In this needs-based theory of property Locke clearly sets out bounds to property itself¹⁷: even though he doesn't see natural elements as limited, since the Bible says they aren't and because it is hard to imagine he could in the XVII century, yet he does think acquisition should be limited to the actual needs of individuals and to what they are actually able to acquire through their own labour. Such a situation, he states in § 31 and § 51, in the state of nature avoided conflicts between individuals over property, since no one had the incentive to work and therefore take for her- or himself more than he or she needed, as there was no way to manage to one's advantage surpluses due to the absence of money.

While no social contract was needed to regulate the right to property over the products of nature as they were needs-based and labour-acquired, agreements upon the possession of land, as stated in § 32 and § 50, were indeed required, as explained above in my summary of § 32 itself, because not being used in the short term as other products of nature were, more than one person could potentially claim property over the same plot (*cf.* also § 34). Finally, the introduction of commerce based on money, as written in § 36 and § 50, stands outside the immediate scope of the social contract and is simply based on an agreement upon money's value as an unperishable, accumulable means and leads to an unequal distribution of land, since individuals have the incentive, thanks to money, to produce surpluses, therefore extending their possessions in order to do so; it is, in other words, a sort of derivation of the right to property.

Locke's precise view in relation to the invention of money and to the unequal, non-needs-based acquisition of property it brings about is somewhat ambiguous. On one hand he seems to appreciate the pre-money state of things: in § 31 and § 51 he underlines how a needs-based limit to natural products and land acquisition is objective and avoids conflict; at the same time, across the entire text, but especially in § 37-45, he also looks towards pre-money biblical times with a sort of nostalgia for a lost mythical golden age and towards the Americas and their inhabitants with a sort of fascination as if they were still in such a mythical golden age¹⁸. On the other hand, he does not explicitly condemn the use of money and therefore the unequal distribution of property, even if he does produce an *argumentum a contrario* by saying that the pre-money state of things was nonconflictual in § 31 and § 51, leading the reader to deduce what he thinks about the actual state of affairs. Furthermore in § 36 he seems to lament the introduction of larger possession than needed thanks to the availability of money, by giving the reader the idea that land for everyone is missing because of the unequal distribution of it, as he points out is the

¹⁷ As I will explain in the next page.

¹⁸ In this latter case he clearly follows the scheme of the myth of the noble savage so common for his time.

case in England in § 35, and in “some parts of the World” (Locke 1988: 299) in § 45. This type of reasoning seems in stark contrast with what he states in § 31, where, citing the Bible, he depicts natural resources as abundant: this clearly seems not to be true in the England of his time and perhaps also for this reason he looks with so much fascination towards the untamed land of America throughout the chapter, a fascination also his involvement in the writing of *The Fundamental Constitutions of Carolina* (Locke 2008).

All this said, in relation to the concept of sustainability, it seems that Locke sets out a clearly needs-based theory of property, in which he envisages clear limits to its acquisition: an individual (1) is allowed to gather the amount of products from nature he or she can use to satisfy her or his needs before they spoil (*cf.* § 31) as long as (2) “there is enough, and as good left in common for others” (Locke 1988: 288) who also have to be able to satisfy their needs (*cf.* § 27, § 33, and § 34), and (3) pending he or she acquire it through her or his own labour (*cf.* § 27 and § 36). Of these three limits, the second one is the general norm applying in the interest of all, which Nozick defines as Locke’s “*proviso*” (Nozick 1974: 175)¹⁹, while the other two are limits referring to each individual’s behaviour, *i.e.* more specific norms applying the general one. Following the logic behind these limits and what Locke writes in § 32, but especially in § 50, where he states that “Laws regulate the right of property, and the possession of land is regulated by positive constitutions” (Locke 1988: 302)²⁰ (*cf.* § 50), it seems as though such limits are to be upheld in the philosopher’s view not merely by the respect individuals supposedly grant to natural law, which by Locke’s own admission actually applies only to the appropriation of products already made available by nature (*cf.* § 32), but also by the government established by the social contract. This, logically, is true if the *proviso* and the other two limits are to be taken as normative and not as simply descriptive in Locke’s intention: to think they are simply descriptive, as some have²¹, seems to conflict with the idea that they aim towards guaranteeing the right to life, which as Locke states in § 25, means

that Men, being once born, have a right to their Preservation, and consequently to Meat and Drink, and such other things, as Nature affords for their Subsistence (Locke 1988: 285).

How would a person be able to exercise such right if the three limits weren’t descriptive and somebody could simply take up all property for him- or herself without consequence? It wouldn’t be possible, following Locke’s theory of property, and therefore the limits are to be considered as normative.

To conclude, it seems difficult to see Locke as one of the founders of the idea of limitless capitalism, as often the *vox populi* and some scholars depict him²². While indeed it seems like commerce through monetary means falls outside the immediate

¹⁹ The italics are mine.

²⁰ Locke seems to use the words ‘property’ and ‘possession’ interchangeably.

²¹ Uzgalis, *op. cit.*.

²² *Ibid.*.

scope of the social contract (*cf.* § 50), since money *in se* actually satisfies no needs (*cf.* § 47 and § 50), and furthermore its value is simply agreed upon (*cf.* § 36, § 50) and accumulating it creates no damage in relation to others' possibility to do the same (*cf.* § 50), the property of land as a means of production of products useful for human sustenance does fall under the contract's scope, and therefore one can conclude that it needs to follow the rules set out in relation to the claiming of property and the limit thereof (*cf.* § 50). One could therefore argue that there is a large amount of correspondence between Locke's needs-based theory of property and the definition of sustainability offered in the introduction. In fact his theory contains all the elements necessary so that a distribution of resources which guarantees the satisfaction of everyone's needs be promoted by the government as established by the social contract²³ (*cf.* § 50), since this is a necessary condition, in Locke's view, to effectively grant everyone's right to life.

2.2. John Stuart Mill and "the Stationary State"

John Stuart Mill was an English philosopher and economist of the utilitarian²⁴ and liberal schools of thought who lived between 1806 and 1873. Combining the eighteenth-century Enlightenment thinking with newly emerging currents of nineteenth-century Romantic and historical philosophy, he is considered "the most influential English language philosopher of the nineteenth century"²⁵.

In addressing the questions posed in the introduction, book IV, chapter VI of Mill's *Principles of Political Economy* (Mill 1936) is useful to understand the philosopher's thought compared to the concept of sustainability (*cf.* de Gaus 2001: 33-35) and also to shed light, perhaps, on some current trends in the economic and environmental situation of the world.

The chapter in question deals with the issue of what in economics Mill calls "the stationary state" (Mill 1936: 746). This state is the opposite of what he defines as the progressive one: while the latter consists of "the progress of capital, of population and of the productive arts" (Mill 1936: 746), the former is considered by Mill as the goal of the latter, and therefore as a situation of substantial maintenance of the stability of capital and population. Analysing such state as theorised by Mill is extremely pertinent in relation to the scope of this thesis, since much of the criticism moved by those who adopt an outlook based on sustainability against liberal economic models is tied to the fact that growth is a constant feature therein. In fact, what is argued, is that economic models based on growth appear as inconceivable within the boundaries of a planet containing finite resources (*cf.* Daly 1980: 5-6).

²³ *Cf.* also Rawls' second principle of justice below, on page 21.

²⁴ A definition of this term may be found here: Brian Duignan, *Encyclopedia Britannica*, online ed., s. v. "Utilitarianism." Chicago: Encyclopedia Britannica, 2021, <https://www.britannica.com/topic/utilitarianism-philosophy> (consulted on 25.04.2021).

²⁵ Christopher MeCleod, *The Stanford Encyclopedia of Philosophy*, online ed., s. v. "John Stuart Mill." Stanford: 2021, <https://plato.stanford.edu/archives/sum2020/entries/mill/> (consulted on 08.05.2021).

Mill tackles exactly the issue of the bounds of the increase of wealth at the beginning of the chapter. The picture he offers is that of economic theorists whose reflections preceded his who disdained the fact that a stationary state, in economics, seemed unavoidable in the long run. In fact, he thinks the opposite, and that is that this unavoidable situation the economy will eventually find itself in isn't necessarily something negative, as long as sufficient material progress has taken place so that people are free from the toil ensuing from poverty (*cf.* Mill 1936: 748).

He then continues by analysing the issue of population growth: in his opinion economists should not consider it as a given, but rather keep in mind its relation to the increase in capital. Indeed, if population grows without there being sufficient growth of available capital, the conditions of the lower classes may deteriorate because of a relative reduction of the availability of jobs. Therefore, taking a utilitarian stance, he deems that rather than fostering a continuous population growth, it would be in everyone's interest, in a developed country, to restrict population trends so that there is a mere maintenance of numbers between generations (*cf.* Mill 1936: 746-748). How he thinks such a restriction should take place is not clear, even if one may argue it may be a natural process, considering current trends in developed countries around the globe (United Nations Development Programme 2020), where births per woman have dropped in recent decades²⁶. In his view, while the progressive state might imply a certain amount of struggle towards an amelioration of one's economic condition, the stationary state is an end point of it,

in which, while no one is poor, no one desires to be richer, nor has any reason to fear being thrust back by the efforts of others to push themselves forward (Mill 1936: 749).

In fact, his idea is that in a developed country "what is economically needed is a better distribution, of which one indispensable means is a stricter restraint on population" (Mill 1936: 749); another way to obtain such objective, he theorises, is a "better distribution of property" (Mill 1936: 749) through individual savings and

legislation favouring the equality of fortunes so far as is consistent with the just claim of the individual to the fruits [...] of his or her own industry (Mill 1936: 749)

in particular though the limitation of what can be inherited. Mill's objective for society is clearly a utilitarian one, in which the goal of economy is a state of well spread, over all wellbeing, and this in his opinion is easier in a stationary state, which therefore he sees as the goal of the progressive state, as stated above. He shows no appreciation for what he deems as a useless growth in population, as long as there are enough people in society to make life agreeable to all, a sort of 'economy-of-scale' view in relation to population. Behind this fact there are also reasons tied to an interest of his in the preservation of spontaneous nature and in the benefits it has on the human condition, even if he does think that there is still potential room for

²⁶ *Cf.* Max Roser, *Our World in Data*, online ed., s. v. "Fertility Rate." 2017, <https://ourworldindata.org/fertility-rate> (consulted on 10.05.2021).

population growth, if accompanied by an increase also in capital and in the quality of life (cf. Mill 1936: 750). What is important for a utilitarian as himself, is that the stationary condition, while setting a limit to population and capital growth, does in fact not limit “human improvement” (Mill 1936: 751), both in a cultural sense and in an industrial one, in the latter case with the intent to make human labour increasingly less necessary thanks to increased productivity, not with that to increase capital or population (cf. Mill 1936: 751).

Mill is clearly struck by the lack of purpose in the reflections of economists preceding him and of his time. As a utilitarian, he sees the goal of what he calls the progressive state in the stationary one, since he thinks the latter is the principle state in which human happiness and development can take place. A prerequisite for such state, according to him, seems to be a state of sufficient material development derived from a progressive state. The fact is, though, that the current world as a whole is far from being completely developed, and therefore we are still far from the possible existence of a stationary state on a global level. The problem, as pointed out by Mill in relation to the national level, may as a matter of fact be the distribution of environmental and economic resources, not on a national, but on an international level: this is where a strong connection between Mill and the definition of sustainability might be relevant, in the first place. Moreover, while the needs of everyone on the planet are currently not being satisfied, economic growth is indeed making this situation, overall, increasingly less grave, making it clear, that at least in many parts of the planet, a progressive state of the economy is still required. In fact, every year new people emerge from extreme poverty, thus adding themselves to an ever-growing number of people above the condition of extreme poverty²⁷. At the same time, though, the planet has boundaries and infinite growth seems not to be possible. So, on one hand the progressive state is economically desirable, on the other it is ecologically risky, this while developed nations generally use more resources *per capita* than they would have available if there were to be an equal distribution (cf. *Global Footprint Network* 2021). All this while having enough to live off of, without having to be coerced into a state of struggle or of material sufferance, indeed seems to be an objective of the liberal thinkers here analysed, as I have described in relation to Locke’s theory of property above and here, and as I will describe in the next few pages. Yet, also preserving the environment so it can be a place where human life can take place in a healthy way is obviously something to keep in mind, as also Mill does, albeit not out of fear for planetary limits, but out of pleasure for nature.

Mill’s reflections are very useful to define a prospect for both developed countries within their borders and for the international community of countries as a whole. A stationary state, or, rather, a state of limited economic growth, in the case of developed economies, should perhaps not be seen by political and economic leaders

²⁷ Cf. Max Roser and Esteban Ortiz-Ospina, *Our World in Data*, online ed., s. v. “Global Extreme Poverty.” 2019, <https://ourworldindata.org/extreme-poverty> (consulted on 10.05.2021).

as a problem, but as something to manage, while working on productivity. Such a condition, regardless of the favour it may have received, has been quite common in many developed countries in recent decades. Moreover, what Mill thinks can continuously grow, in economic terms, is productivity, thanks to technological development. This proves to be an extremely current issue, in a world in which technology is perhaps the best instrument to reduce not only the need for human labour, something also Mill looked forward to, but also the impact humanity has on nature. This addresses the role his reflections play in relation to the prospects pertaining the international community: if a progressive state indeed seems important in many parts of the world to enable people currently in extreme poverty to emerge therefrom, then reducing the impact production has on the environment might make it so such 'necessary' economic growth be increasingly less detrimental to it; moreover the reduction of the impact of already developed countries on the environment, as has been happening, even if not fast enough, can automatically foster a more equal distribution of resources, another point important for Mill (cf. United Nations Statistics Division, 2021)²⁸. At the same time, to keep to what Mill writes but projecting it on an international level, also making economic resources available to developing countries seems desirable to foster the emergence of a global stationary state.

To conclude one could argue that what Mill wants to promote is economic sustainability, especially since his aim in the chapter is to demonstrate that growth is not necessarily a synonym of development, a concept which also seems to apply in the case of environmental sustainability: it is perhaps not by chance that the *Brundtland Report* uses the expression 'sustainable development' and not 'sustainable growth' (cf. United Nations 1987: 41).

2.3. John Rawls: A Theory of Justice

The U.S. American philosopher John Rawls was born in Baltimore, Maryland in 1921. His main intellectual focus was theorising a just liberal society. It is easy to see how his biography might have influenced this interest, since his childhood was marked by the inequalities provoked by the Great Depression and he witnessed first-handedly as a soldier the horrors of the Second World War. It was discrimination in the context of

the draft for the Vietnam war [...] against black and poor Americans [...] [that] impelled [...] [him] to analyze [*sic*] the defects in the American political system that led it to prosecute so ruthlessly what he saw as an unjust war, and to consider how citizens could conscientiously resist their government's aggressive policies²⁹.

²⁸ Developed countries, though, are often democracies, and research suggests that democracies seem to have been keen on exporting polluting productions in recent decades (cf. Thomas Bernauer, *The Case for Democracy Week: Combatting Climate Change*, organised by V-Dem Institute (25.03.2021), YouTube, 06:19-17:08. <https://www.youtube.com/watch?v=Mcew0ahVO9E> (consulted on 11.05.2021); cf. Helm 11.05.2021).

²⁹ Leif Wenar, *The Stanford Encyclopedia of Philosophy*, online ed., s. v. "John Rawls." Stanford, 2021, <https://plato.stanford.edu/entries/rawls/> (consulted on 08.05.2021).

With this in mind he elaborates the theory according to which a just liberal society is one where justice equates to fairness. An intellectual endeavour which may appear as the completion of the process initiated by Locke: the latter's social contract's aim was to limit the scope of government and introduce a sphere of individual, inviolable rights; in the United States of America Rawls lived in, in the second part of the XX century, liberal democracy, based on Locke's social contract, certainly was a thing, but Rawls' mission was to find a way to make the terms of that contract, and thus society, less unjust³⁰.

The book in which he sets out his new contractualist theory was *A Theory of Justice* (Rawls 1999), which was first published in 1971; it then came out again in a revised edition in 1999. Rawls summarizes the aim he pursued with his book in the preface of the 1971 edition by stating it represents an attempt to surpass utilitarianism³¹ by generalising and further abstracting "the traditional theory of the social contract as represented by Locke, Rousseau, and Kant" (Rawls 1999: xviii). What emerges from the social contract is the object the book focuses on, *i.e.* social justice, that

is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation (Rawls 1999: 6).

The intellectual operation of generalization and further abstraction he conducts leads him to take a different stance on the characteristics of the social contract than his mentioned predecessors. In fact, he states that

we are not to think of the original contract as one to enter a particular society or to set up a particular form of government. Rather, the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call justice as fairness (Rawls 1999: 10).

The initial position of equality must be understood as a "purely hypothetical situation" (Rawls 1999: 10) in which all parties are behind a veil of ignorance in relation to their actual starting place in society: he calls this position "original position" (Rawls 1999: 15). This obviously leads such parties, which for the sake of the argument are considered as rational, to all agree upon terms that would be fair whatever the conditions in which they find themselves in reality actually are. It is a way to reach, in other words, a minimum standard upon which a consensus may be

³⁰ An interesting summary of Rawls' contractualist view is contained in this video by The School of Life (The School of Life 2015).

³¹ Cf. footnote 24 for a definition thereof.

reached. This minimum standard, in Rawls's view, leads to two principles of justice as fairness. The first one states that

[e]ach person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all (Rawls 1999: 220).

The second principle, on the other hand, is the following:

[s]ocial and economic inequalities are to be arranged so that they are both:

- a. to the greatest benefit of the least advantaged, consistent with the just savings principle³², and
- b. attached to offices and positions open to all under conditions of fair equality of opportunity (Rawls 1999: 266).

Such principles restrain arbitrary advantages or disadvantages in actual personal conditions in society from being factors which would impede the social collaboration beneficial to all parties which the social contract is based upon.

His aim to surpass utilitarianism, to begin with, goes much in the direction of sustainability as defined in this paper. In fact, Rawls' main accomplishment is to find a replacement for the utilitarian concept of justice, the latter consisting of deeming as just a society whose "major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all the individuals belonging to it" (Rawls 1999: 20), incompatible with the traits of what he calls the original position. The new concept of justice he replaces it with consists, on the other hand, of deeming as just a society whose major institutions act in order not to make the most disadvantaged worse off; this, in other words, means making the least advantaged the benchmark to judge if an action or a potential action is just. Therefore, if one were to take the planet as one single society and consider those who are unable to satisfy their basic needs, as defined in the introduction, as certainly at least among the most disadvantaged, since they are *de facto* unable to sustain their own life, this most certainly would mean that, in this view of justice, there would need to be attention towards the satisfaction of the basic needs of all those living on the planet. Furthermore, one may argue that, overall, this inability is generally due to inequalities in relation to starting places in society. In Rawls' view it is such inequalities within the structure of society that the principles of social justice should first be applied to, since they are no fault of those who are born worse off in relation to starting places (*cf.* Rawls 1999: 7). In fact all rational persons, in the original position, certainly agree that justice must imply the limitation of the effects of arbitrary distinctions between persons in their individual starting places, since the veil of ignorance renders it impossible for each individual to know if he or she will be indeed disadvantaged at her or his starting place in life.

Among the disadvantages arbitrarily attributed to people there are those tied to bad health. Rawls classifies health as a primary natural good, together with "vigor,

³² An explanation of this principle is provided below on page 100-101.

intelligence and imagination" (Rawls 1999: 54): Such goods are only partially under the control of society, which therefore cannot distribute them, as it does with "primary social goods" (Rawls 1999: 79), but rather can only favour conditions for them to be available. At the same time, though, individuals' health can be damaged by bad environmental conditions, which often are man-made, such as in the cases of air or water pollution. For this reason, Tim Hayward in the book *Sustaining Liberal Democracy. Ecological Challenges and Opportunities* (Hayward 2001: 117-135) argues that among the liberties which should fall under Rawls' first principle of justice there should be freedom from environmental harm. Since environmental harm derives from damage provoked to the environment by individuals, such damage should be limited by society, in application of Rawls' "duty not to harm" (Rawls 1999: 98)³³ and in consideration of the fact that natural resources are moderately scarce and therefore are easily depleted, polluted or consumed to potentially everyone's detriment (cf. Rawls 1999: 110). Environmental damage is indeed stated by Rawls as

public harm, [...] [the] costs [of which] are not normally reckoned with by the market, so that the commodities produced are sold at much less than their marginal social costs. There is a divergence between private and social accounting that the market fails to register. One essential task of law and government is to institute the necessary corrections (Rawls 1999: 237)³⁴.

Rawls, therefore, justifies the fact that society must correct market failures in relation to unconsidered social costs provoked by environmental damage under the first principle, since no one in the original position would want to be harmed by damage he or she has little or no fault for. Furthermore, if indeed as Hayward suggests a liberty from environmental harm were to be taken into account under the first principle, then also the consumption of even only moderately scarce natural resources should be limited by society. This would, according to Hayward, under the second principle, call for a sort of compensation for the relatively economically worse off because a raise in prices due to an increased scarcity of goods caused by limiting natural resource consumption would make them more absolutely disadvantaged in relation to economic inequalities (cf. Hayward 2001: 123-124). Furthermore, one could also easily reach the conclusion that this would appear as a case in which a calculation of a sustainable rate of resource consumption according to the planet's sustainable yield would be necessary, in order to understand at what rate it would be sustainable to produce what is necessary to meet everyone's needs both in the

³³ Such duty, as others, derives from the fact that in the original position, behind the veil of ignorance, all agree that no one should harm anyone else.

³⁴ On the same page, slightly above, Rawls writes about "industries who sully and erode the natural environment". I think this view on environmental damage might be a child of its time since it is now clear that industries are not the sole responsible parties in relation to pollution but, to different degrees according to lifestyles, individual choices on the part of consumers on what goods to buy and how to use them also play a large part in pollution. It is indeed not only the production of commodities which implies uncalculated "social costs", but also the way such commodities are used and disposed of by consumers. The problem of environmental degradation, to sum up, is not centred on industries but on the entirety of linear economic models which implies actions by industries and consumers.

present and at least potentially in the future, and therefore also what the impact on prices might look like (cf. Rawls 1999: 239).

A second argument could also be raised in relation to health. It is necessary, according to Rawls' second principle of justice, that there be resources in place so that everyone's good health be promoted, since it is something that for a large part is outside of people's control and therefore constitutes an arbitrary disadvantage, that everyone in the original position would agree to collectively take care of, regardless of starting places: health is, in other words, a "public good" (Rawls 1999: 236). In order for there to be sufficient resources to promote everyone's health through efficient healthcare systems, one could argue in favour of the necessity for a sustainable management of collective finances, something which seems to be in stark contrast with some of the conditions current government budgets are in, which are rather bulging in public debt, a problem especially in countries where health systems are at least partly run by the government. Furthermore, the sustainability of such debt is dubious and paying it back will someday fall upon the shoulders of people who have little or nothing to do with it in the first place – yet another possible disadvantage at the starting place which risks to be something against the basic features of economic sustainability and a case of injustice between generations, in Rawlsian terms.

Regarding precisely relations between generations, as stated in the introduction, sustainability has a time component, that is it focuses on the needs of both those who currently are on the planet but also on the ones of those who will inhabit it in the future. While these may well be the same individuals, just taken in different moments in time, they may clearly also be different individuals, that is people belonging to different generations.

In *A Theory of Justice* Rawls also tackles the issue of justice between generations (Rawls 1999: 251-258). In fact the definition of justice as fairness must in his view also stand the test of exactly this sort of justice, to be considered as definitely valid. The view presented on what this consists of, in consideration of his two principle of justice, is that

[e]ach generation must not only preserve the gains of culture and civilization, and maintain intact those just institutions that have been established, but it must also put aside in each period of time a suitable amount of real capital accumulation (Rawls 1999: 252).

The first part of this definition should be clear in its reasoning: behind the veil of ignorance everyone agrees that he or she should have the possibility to take advantage of not only the same starting point as everyone else in her or his generation, but also that such a starting point must correspond at least to the point the previous generation has reached, since otherwise the new generation would be disadvantaged in relation to the previous one and this would constitute a violation of both principles of justice. The second part, on the other hand, appears to be based

more specifically on the second principle of justice: “real capital accumulation” (Rawls 1999: 252) is the social arrangement the second principle in this case calls upon so that inequalities be to the benefit of the worst off in society, and those who are newly born are clearly relatively worse off in a material sense than those who bore them, since they come to the world virtually possessing nothing; “real capital accumulation” (Rawls 1999: 252) is, in other words, what the members of the following generation require to be able to put in practice the set of liberties granted by the first principle. The question opened here though is what “a suitable amount of real capital accumulation” (Rawls 1999: 252) equates to. Rawls calls the answer to this question the “just savings principle” (Rawls 1999: 252)³⁵, which is also stated, as mentioned above, as part of the second principle of justice. The just savings principle corresponds to a balance between what all parties in the original position deem correct the generation they belong receive from the preceding one and what they feel a generation they shall belong to is in the position to set aside for the future one. Since people in the original position do not know what generation they will be born into, they clearly find an agreement on this, since it is in everyone’s potential interest. Thus, justice as fairness is also something that can take place on an intergenerational level. One could furthermore also argue that it is in one’s generation’s interest to set aside sufficient means for the following one to be able to start life and contribute to sustaining society and therefore also preceding generations which are growing older in age: a form of investment on the future which guarantees the smooth functioning of society, regardless of the aging of specific generations (cf. Wissenburg 2001: 197-198).

To conclude, the notion of intergenerational justice is also useful in relation to “natural resources and the environment of nature” (Rawls 1999: 118-119): similarly to capital saving, in the original position every party considers in its own interest that he or she be able to acquire enough natural resources and to live in a healthy environment. Since indeed no one knows, behind the veil of ignorance, when one will be born, it must follow that all will consider it necessary that such resources and the environment be preserved by society.

Albeit without a systematic approach which perhaps was hardly expectable considering the *Zeitgeist* of his time, *A Theory of Justice* certainly contains the elements necessary to tackle the issues of environmental and economic sustainability: Rawls’ theory of justice as fairness certainly opens a large window of possibility to see how liberal thought may be compatible with environmental and economic sustainability, by posing liberally defined limits to individual actions.

3. Conclusion

In the light of the analysis conducted I will in the first place pose a question: is the purposely basic definition of liberalism in the introduction enough to successfully

³⁵ Rawls clarifies that such capital “may take various forms from net investment in machinery and other means of production to investment in learning and education”.

reach conclusions regarding the possible compatibility between liberal thought and sustainability? I think the analyses contained thus far have proven the answer to be affirmative. In fact, even sticking to it, if indeed everyone, in the social contract, is to see his or her individual rights protected by a government, *i.e.* is to be protected from coercion, then, in a world with limited resources, everyone should be protected from not having enough of what he or she needs to live³⁶, unless not having enough were one's own free choice. Since this seems to be a rare occurrence, that is of individuals willingly wanting not to satisfy the needs their life depends upon, and since the social contract intitles the government to protect individuals from coercion by other individuals, one must conclude that a government as established by the social contract has to impede the fact that individuals do not have access to enough of what they need to survive, as already Locke's theory of property demanded³⁷. To be more concrete, a person not having, for example, healthy air to breathe because of man-made pollution is being coerced by those who have polluted into breathing unhealthy air. There may be a possible contestation of this last statement: it may well be that the person living such condition also contributes to pollution. While this may be true, it is also true that she or he might not contribute to it proportionally to the damage he or she suffers due to the polluted air. Since this is incalculable with precision and therefore there is presumably a number of people coerced into breathing polluted air at least a percentage of whose pollution they have not contributed to, the government has to put in place measures to end such coercion. Such environmental damage, furthermore, is in Rawls view a public harm that society has to make sure is computed into the costs of products, even if the market fails to do so, as reported above (Rawls 1999: 237). This would also seem to be quite a good way to somehow communicate to each individual how much he or she is contributing to pollution (Helm 16.02.2021; Helm 29.03.2021). Indeed, in a world where many goods are shared globally and are limited, societies truly inspired by liberal values, therefore *in primis* liberal democracies, should limit each individual's consumption of such goods to an amount compatible either with the sufficient consumption of the same by all other individuals so that all can satisfy their needs (*cf.* Berlin 1969: 123 and 125) or with the principle of not damaging other individuals, according to the type of good, as the analysis above shows respectively Locke and Rawls argued. This consumption doesn't necessarily need to be considered as direct, but may also be indirect, since many such goods, like for instance clean air and drinkable water, effectively constantly get consumed in product production cycles.

While all this in theory is quite easy to state, it is more difficult to understand how governments as defined by liberal thought might be able to implement such limits in a not illiberally restrictive way, *i.e.* not limiting individuals liberties more than necessary in order to uphold other individuals' rights. All three the thinkers I engaged with in this thesis offer prospects on this: Locke quite clearly states how "Laws regulate the right to property, and the possession of land is determined by positive

³⁶ *Cf.* footnote 9 in relation to the definition of 'basic needs'.

³⁷ *Cf.* the V chapter in Locke (Locke 1988: 285-302).

constitutions" (Locke 1988: 302) (§ 51); Mill, albeit not out of fear for the limitedness of available resources, suggests a halt in capital and population growth in developed economies, seeing in what he calls "the stationary state" (Mill 1936: 746-751) the best way to promote overall wellbeing, while also suggesting the promotion of a more equal distribution of wealth so as to make everyone, overall, better off; Rawls' attention towards fairness leads him to suggest that "law and government" (Rawls 1999: 237) need to correct the fact that the market does not take into account the costs of environmental damage, and, quite similarly to Mill, postulates the need to promote a situation where social or economic differences are set up in order to be to the advantage of the relatively more disadvantaged³⁸. The idea of limiting consumption in consideration of the needs of all is furthermore also something the *Brundtland Report* contemplates:

Living standards that go beyond the basic minimum are sustainable only if consumption standards everywhere have regard for long-term sustainability. Yet many of us live beyond the world's ecological means, for instance in our patterns of energy use. Perceived needs are socially and culturally determined, and sustainable development requires the promotion of values that encourage consumption standards that are within the bounds of the ecological possible and to which all can reasonably aspire (United Nations 1987: 42).

This introduces the difficult issue of how to regulate the use of globally shared goods, so important to satisfy the basic needs of all those who are on the planet and will be in the future and therefore protect all from coercion, when policies are implemented primarily on a merely national level. Environmental damage and its consequences, indeed, have no borders, and what is done in one corner of the planet very well might have consequences on what happens in any other corner of it: this means that the planet and its resources, as a whole, somehow must be managed in an integrated way to effectively implement meaningful measures to avoid people be harmed by others' actions.

Finding ways to at least coordinate national policies, when it comes to global environmental issues, is one of the challenges of our time. It seems like the most effective way to deal with such problem may be found in multilateralism and in efficient international institutions, who one could argue need to have the ability to effectively uphold individual rights on a planetwide level (*cf.* Newton and van Deth 2016: 313) in the face of transnational threats such as climate change, since even liberal democratic countries taken individually seem unable to efficiently protect the environment beyond their national borders, although they seem to be the best political systems at tackling environmental issues within them (*cf. The Case for Democracy Week: Combatting Climate Change* 2021: 06:19-29:29). Yet, as I have attempted to prove, the respect for individual rights theorised by liberal thought, the protection, that is, of at least negative liberty, which liberal democracies by definition promote, offers a solid platform also for the promotion of sustainability, since all in all

³⁸ This is his second principle of justice (*cf.* Rawls 1999: 266).

protecting people from environmental harm and safeguarding their access to the natural and economic resources they need to live is something liberal democratic societies are compelled to do under even the most basic social contract theorised by Locke. Therefore, in dealing with global issues requiring global solutions, liberal democracies are destined, at least with time, to have to collaborate to put such global solutions in place, in the interest of the citizens whose individual rights they are charged of and have no choice but to protect: in the theoretical setting I have constructed in this thesis this seems inevitable. Such global solutions are indeed already emerging: international organisations such as the European Union³⁹, agreements such as the one signed in Paris in 2015 (United Nations 2015. “The Paris Agreement”) or discussions about perhaps more compelling solutions such as carbon taxes and carbon border adjustments, are all elements which actually or potentially project national environmental policies on an international stage and have international consequences; such consequences seem especially promising in the cases in which an adjustment of market conditions takes place, as Dieter Helm points out in particular relatively to carbon border adjustments (*cf.* Helm 11.05.2021), which would put a price on environmental damage, something also Rawls suggested (*cf.* Rawls 1999: 237). Furthermore, putting a price on environmental damage, beyond setting the stage to better assessing the weight of and thus limiting consumption, also promotes technological developments, which, as argued above, can lead to more efficient ways of sourcing and of using resources, thus making the share of them available to each individual on the planet more relatively abundant, as Mill underlines in the chapter analysed above in relation to the reduction of human labour thanks to enhanced productivity⁴⁰, and as Helm also suggests (*cf.* Helm 29.03.2021). Such increase in efficiency is certainly the most promising solution to maintain the standard of living in developed countries, promote a better one in all other countries and at the same time live within the means the planet offers (*cf.* Asafu-Adjaye *et al.* 2015). It also has the advantage of being based on the market, which, if competitive, will strive to furnish solutions to reduce costs, thus potentially favouring less polluting productions, if costs on environmental harm are indeed put in place (*cf.* Helm 11.05.2021; *cf.* Mario Calderini *et al.* 2021).

To conclude, if read in the light of current environmental and economic challenges to individuals’ freedoms, the three authors analysed in this thesis offer all the evidence necessary to state that the traits of liberalism and sustainability, as defined in the introduction, are not necessarily at odds: not only do liberal democracies, which are founded on the tradition of liberal thought, have all the theoretical instruments to act to protect the needs of all (*cf.* Corbellini 2021), but they

³⁹ *Cf.* what was said by Ana Paula Zacarias and by Dubravka Šuica (*EU leaders launch Conference on the Future of Europe* 09.05.2021: 1:43:00-1:49:37).

⁴⁰ There technically could be two other solutions, *i.e.* the colonisation of other planets and the reduction of world population. While Mill (Mill 1936: 746-748) does propose halting population growth, this seems unobtainable without overly infringing upon individual choices and the same seems true in the case of reducing population; moreover, a reduction in births per woman, as shown above, seems to be a constant feature of countries once they develop. All this considered, discussing these issues goes beyond the scope of the present thesis.

also indeed must do their best to do so if they are to effectively uphold individual rights. The challenges tied to sustainability which threaten the satisfaction of everyone's needs are great and urgent, and time is of the essence: liberal democracies should find policy solutions to put in practice such theoretical instruments swiftly, effectively, and in the manner which limits individual freedom the least possible, in the interest of those currently living on the planet and of those yet to be born.

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La représentation de Solidarność en Allemagne. De l'émergence du mouvement aux commémorations de la fin des régimes communistes en Europe

Emeline Ogereau

Introduction

Le 7 août 1980 est le jour de la naissance du mouvement ouvrier syndicaliste Solidarność au sein de la Pologne communiste, dirigée par Edward Gierek. Le licenciement d'une ouvrière des chantiers navals de Gdansk, Anna Walentynowicz, 5 jours avant sa retraite a entraîné des manifestations massives (Kubow 2013: 9). L'un des co-organisateurs, Lech Wałęsa, un électricien de formation, devint la figure symbolique du mouvement. Alors que le gouvernement propose une augmentation de salaire aux grévistes au cours du mois d'août 1980, les ouvriers décident de créer un comité de grèves interentreprises : le MKS (Mink 2015: 355). Ils rédigent un programme comprenant 21 revendications, mentionnant des principes comme la liberté d'expression. Le KOR (*Komitet Obrony Robotników*, Comité de défense des ouvriers) arrive à orienter les demandes populaires autour d'une stratégie se reposant sur la négociation, notamment pour éviter l'intervention de l'URSS (Mink 2015: 363). Une commission d'experts s'établit alors avec des intellectuels catholiques et des représentants du TKN (*Towarzystwo Kursów Naukowych*, Association pour les cours scientifiques) (Mink 2015: 344)¹. Ces grèves vont sonner le glas de la dominance soviétique installée depuis 1945 en Pologne et vont engendrer la plus profonde crise de déssoviétisation (Mink 1997: 136). Ce terme qualifie les perturbations plus ou moins longues qui ont joué dans la stabilité des régimes soviétiques. Plusieurs crises ont en effet été présentes en Pologne, comme en 1956, 1970 ou bien 1976 (Mink 1997: 115).

Cela marque le début de Solidarność, instituant la mise en place d'un syndicat libre et la légalisation du droit de grève (Mink 2015: 364). Les accords de Gdansk vont être ensuite signés entre les représentants des grévistes et le gouvernement le 31 août 1980. Ce changement majeur marque le début du syndicat (Mink 2015: 364). Ce mouvement Solidarność a été pionnier en Europe centrale : une politique d'auto-organisation sociale qui a permis la négociation de la transition du communisme, qui a réuni 10 millions de membres (Garton Ash 1999: 134). En 1981, l'arrivée au pouvoir du Général Jaruzelski produit une radicalisation, avec le 13 décembre 1981 la

proclamation de l'état de guerre (Mink 2017: 373). La période suivra va être alors marquée par la répression envers les membres de Solidarność, avec l'enfermement par de Lech Wałęsa, libéré ensuite en 1982 (Mink 2015: 374 and 387). En 1984, l'aumônier de Solidarność, le père Popielusko va être assassiné (Mink 2015: 398). Il faudra attendre 1986 pour une amnistie des membres du syndicat. Le syndicat va alors se retrouver dans un période de clandestinité (Mink 2015: 407). Avec le tournant gorbatchévien de 1985 et les nouvelles grèves de 1988 demandant la re-légalisation du syndicat, des négociations vont être mises en place entre les représentants du syndicat et le gouvernement : le processus de la Table ronde sera initié (février 1989 et avril 1989) (Mink 1997: 136). Vu par le parti du gouvernement comme une étape qui devait mener vers une démocratisation partielle, l'opposition considère cela comme le moyen d'établir une démocratisation rampante pour conduire à un régime démocratique pluraliste (Mink 1997: 137). Comme l'ancien premier ministre, Donald Tusk, le souligne, « ces négociations ont permis d'établir la démocratie sans effusion de sang ni de terreur » (Mink 2015: 431). Solidarność n'est pas seulement un mouvement de libération, mais a aussi affirmé une communauté nationale et sociale s'opposant à un régime autoritaire. Les objectifs étaient de restaurer la démocratie à travers l'économie, la politique et la culture (Touraine 1983: 58).

Selon Timothy Garton Ash, il a fallu 10 ans en Pologne, 10 mois en Hongrie, 10 semaines en République-Tchèque et 10 jours à Berlin (Mink 1997: 135). La Pologne a ainsi lancé la voie au processus de négociations dans les pays du bloc de l'Est. Pour autant, sa contribution au processus de démocratisation reste relativement peu représentée. Une place Solidarność a été inaugurée en 2011 au cœur du quartier européen (Parlement européen 2011). Dans la Maison de l'Histoire européenne, le syndicat et ses actions ont été, par exemple, représenté avec des objets du quotidien (La Maison de l'Histoire européenne 2021)². En 2019, la chaîne franco-allemande ARTE a réalisé un documentaire intitulé « Solidarność : la chute du mur commence en Pologne » en 2019, par l'historienne Ania Szczepanska (Szczepanska 2019). Cette dernière explique que ce film a pour objectif d'offrir différentes images du mouvement, en faisant appel à des archives redécouvertes. Le documentaire confronte les « images nouvelles » avec celles iconiques. Il s'agit d'un moyen de s'interroger sur les hors-champs, les parties un peu camouflées et ainsi présenter une autre facette de ce mouvement et sa place au sein de l'Histoire européenne (François 2021).

En nous intéressant à l'image de Solidarność et de sa représentation, nous devons tout d'abord faire un point sur ce qu'est une représentation. Il s'agit d'un phénomène qui définit l'action de présenter un objet, une personne au moyen d'une image, d'un symbole ou bien d'un signe (Dictionnaire Larousse)³. Elle caractérise aussi l'action: la représentation c'est aussi une image, un symbole d'un objet, d'une personne. Elle est donc à la fois le procédé et un objet fini. En histoire, elle se caractérise comme un moyen de mesurer des valeurs et schémas sociaux (Ricoeur

² Consulté le 02.02.21.

³ Consulté le 04.03.21.

2000: 280). Nous distinguons ainsi la notion de mentalité et de représentation, à travers le fait que cette dernière introduit des caractéristiques dialectiques et de jeux d'échelles.

À l'occasion des 40 ans de l'anniversaire du syndicat, la chancelière allemande, Angela Merkel, a tenu un discours important (Merkel 2020). Au sein de ce dernier, elle a qualifié les membres du syndicat comme les héros européens de la liberté, sans qui la fin des régimes communistes en Europe n'aurait pas eu lieu. C'est la première fois qu'un représentant du gouvernement allemand tient un discours présentant les dissidents polonais comme tels. Dans son allocution, elle présente ce mouvement comme ayant permis tracer le chemin qui a conduit dix ans plus tard à la chute du mur (Merkel 2020).

On peut considérer ces projets, le projet ARTE sur *Solidarność* et le récent discours de la chancelière allemande, comme des moyens de présenter le mouvement « différemment ». En nous intéressant à la manière dont *Solidarność* est représentée, nous devons intégrer notre réflexion autour des concepts liés à la mémoire. Selon le sociologue Maurice Halbwachs, la mémoire a une fonction sociale qui consiste à sélectionner des événements et à en supprimer d'autres dans les discours publics afin de créer une mémoire commune dépassant les expériences individuelles (Halbwachs 1925).

Dans l'ouvrage *l'Europe et ses passés douloureux*, Georges Mink présente les stratégies historicisantes qui constituent « une variante d'actions et des politiques symboliques qui s'appuie sur la conviction que certaines représentations de faits historiques ont un potentiel de mobilisation collective » (Mink&Bonnard 2010: 19). Ces actions sur la mémoire peuvent avoir pour objectif de pacifier des relations ou bien d'attiser des aspects difficiles ou effacés de la mémoire collective, au niveau interne ou supranational. Les gisements mémoriels servent de matériels à ces stratégies (Mink&Bonnard 2010, 23). Ces actions portées sur la mémoire collective s'inscrivent aussi dans le contexte des relations internationales (Rosoux 2001).

À partir de 1989, d'importantes déstabilisations au sein de la mémoire et des identités collectives ont vu le jour (Mink&Bonnard 2010: 11). Des formes de compétitions intra-mémorielles se jouent au niveau binational ou international. Par exemple, lors du 20^e anniversaire de la fin du communisme en 2009, la Pologne a voulu inscrire l'idée que la chute du mur avait commencée à Gdansk avec *Solidarność*, ravivant aussi le passé de la Seconde Guerre mondiale avec l'entrée des Allemands dans cette même ville (Mink&Bonnard 2010: 30). Bien que l'intégration européenne se soit mise en place avec une réconciliation normative, l'expérience du totalitarisme soviétique reste encore un enjeu dans une mémoire européenne où l'Holocauste fait partie intégrante de l'acquis communautaire.

Cette asymétrie se retrouve ainsi dans les pays de l'Europe centrale. Le chercheur allemand Dieter Bingen explique que l'asymétrie entre la Pologne et l'Allemagne

conduit à une forme d'omission du passé polonais au sein de l'histoire allemande (Bingen 2021). Selon Georges Mink, il s'agit « de la conditionnalité et de l'asymétrie géopolitique comme ressource de domination mémorielle » (Mink&Bonnard 2010: 25). La représentation du mouvement Solidarność relèverait ainsi non seulement de la difficulté de son interprétation et des négociations autour de la Table ronde mais aussi de celle d'être perçue comme importante en Allemagne (Mink 2015: 431). Il s'agit ainsi de nous interroger de la place de Solidarność au sein de la mémoire allemande sur la fin des régimes communistes : dans quelle mesure l'Histoire et la mémoire entre les deux pays ont influencé la représentation du syndicat ouvrier polonais, Solidarność ? Quel type de représentation demeure ? Quels sont les déterminants internes aux relations germano-polonaises qui influent sur la réception positive ou négative du syndicat ?

Nous pouvons établir une première hypothèse qui consiste à considérer que le mouvement ouvrier n'est pas représenté dans la mémoire collective allemande, du fait du passé conflictuel entre l'Allemagne et la Pologne. Les conséquences de la Seconde Guerre mondiale auraient été la source des principaux débats au cours des relations germano-polonaises, notamment à la fin des régimes communistes avec un retour de la mémoire nationale. Malgré le processus de normalisation et de réconciliation, des gisements mémoriels seraient réactivés continuellement par des acteurs politiques. Ces actions empêcheraient l'intégration des pans de l'histoire polonaise, comme celui du syndicat, au sein de l'histoire allemande. De ce fait, la réception de Solidarność aurait été impactée par ces réactivations du passé. La représentation évoluerait ainsi en fonction du contexte politique, depuis son émergence en 1980.

Notre analyse se fonde sur une approche interdisciplinaire, avec des grilles de lecture historique, politique et sociologique. Afin de comprendre la perception et la réception du mouvement au sein de l'Allemagne, nous avons décidé d'interroger quatre experts de l'histoire et de la politique entre l'Allemagne et la Pologne. Nous nous sommes ainsi entretenues avec M. Robert Traba, historien et politologue polonais, spécialiste de l'Histoire germano-polonaise à l'Institut historique allemand de Varsovie, M. Basil Kerski, politologue, directeur du Centre européen de la solidarité (*Europejskie Centrum Solidarności*) à Gdansk et rédacteur en chef du magazine germano-polonais DIALOG et M. Dieter Bingen, chercheur allemand en sciences politiques, ancien directeur de l'Institut Deutsch-Polens de Darmstadt et M. Manfred Mack chercheur au même Institut. Les entretiens ont été réalisés en langue allemande et traduits par nos soins. Pour la clarté de la lecture, nous précisons que nous allons qualifier le syndicat Solidarność, par les termes : syndicat et mouvement. Cela nous permettra d'intégrer l'ensemble des actions.

Pour notre étude empirique d'un type de représentation, nous avons pris le cas du documentaire d'ARTE, « Solidarność : la chute du mur commence en Pologne ». Nous avons pu interroger le réalisateur du film, Ania Szczepanska, Maître de

conférences en histoire du cinéma à l'Université Paris 1, Peter Gottschalk, journaliste et chargé de programmes chez ARTE GEIE, Christin Schutta productrice créative pour la société LOOKS film.

Dans notre premier chapitre, nous aborderons le contexte historique dans lequel a émergé le mouvement Solidarność en 1980. Dans ce chapitre, nous présenterons les points importants de la relation germano-polonaise ainsi que les différentes évolutions entre la Pologne, la RFA et la RDA.

Dans notre deuxième chapitre, nous nous concentrerons sur la réception de Solidarność et sa représentation au sein de l'Allemagne au niveau du gouvernement et au niveau de la société. Nos entretiens nous apporteront une grille de lecture et de points de repère pour analyser les raisons d'une telle réception. Enfin, nous effectuerons une étude du documentaire sur Solidarność d'ARTE, et des entretiens.

Section 1 :

L'analyse du poids du passé dans l'étude de la réception de Solidarność en Allemagne

1. L'Histoire dans les relations bilatérales germano-polonaises

Dans cette partie, nous allons présenter les différents facteurs qui ont joué un rôle dans les relations germano-polonaises. Pour comprendre la manière dont le syndicat libre polonais a été représenté en Allemagne, il convient d'établir le contexte historique dans lequel est apparu le mouvement. Nous allons présenter l'histoire des relations germano-polonaises et nous étudierons ensuite la manière dont les relations se sont développées au cours du 20e siècle.

A) Le poids du passé dans les relations inter-étatiques

L'approche de la théorie des relations internationales s'est développée au lendemain de la Première Guerre mondiale, avec la remise en question de l'ordre européen et du nouveau statut des États-Unis dans l'ordre international (Roche 2010). La théorie des relations internationales est constituée de différentes approches (Roche 2010). Dans notre travail, nous avons décidé d'aborder les relations germano-polonaises en nous appuyant sur la théorie constructiviste. Cette dernière se repose sur plusieurs domaines : sciences politiques, sociologie et anthropologie. La relation entre la production et la reproduction des pratiques sociales est analysée en prenant en compte le contexte telle qu'historique ou bien encore géographique. L'analyse constructiviste se préoccupe d'identifier les événements, les causalités et le contexte autour d'une approche liée à un processus historique (Klotz&Lynch 1999: 54). Les acteurs sont des agents issus d'un processus historique de représentation et de valeurs, avec comme toile de fonds le contexte historique et social des deux Allemagnes et de la Pologne.

Dans son analyse de l'importance du passé dans les relations germano-polonaises, Dorota Dakowska, présente en deux parties les relations entre ces deux pays (Dakowska 2006: 125). La première période, au début des années 1990, est marquée par une tentative de rapprochement et de réconciliation⁴. À partir des années 1998, des tensions sont apparues à la suite de l'instrumentalisation du passé par les agents des deux pays. L'un des points de tensions était le débat porté autour du Centre des expulsés allemands par la Fédération des expulsés (*Bund der Vertriebenen*, BdV) qui concernait les déplacements de population dans la région Est de l'Allemagne, au cours de la Seconde Guerre mondiale. Les débats suscités autour de ce centre ont été analysés comme un point de rupture dans le processus de réconciliation, avec un retour fracassant du passé dans le présent. Le facteur historique dans les relations de ces deux pays semble ainsi être très manifeste.

Cependant, l'Histoire est à prendre en compte mais la réapparition de ce facteur est aussi liée à la relecture qui en est faite de son usage. Dorota Darowska explique ainsi que « dans cette perspective, on peut opposer à la notion du « poids du passé » celle du « choix du passé », dans la mesure où l'instrumentalisation de l'histoire participe à des logiques de légitimation ou de délégitimation » (Dakowska 2006: 126). Le passé historique entre deux pays est en tant que tel un facteur qui influence, lié aux souvenirs positifs ou négatifs liés à la mémoire collective. Il est dans le même temps un élément de réappropriation tel un gisement mémoriel, qui peut être utilisé et réutilisé par les agents sociaux à des fins politiques (Mink&Bonnard 2010: 25).

La relation germano-polonaise a été ponctuée de ces usages politiques depuis la fin des régimes communistes en Europe et l'intégration de la Pologne au sein de l'Union européenne. Christian Schülke présente les principaux usages politiques qui sont profondément marqués par l'héritage de la Seconde Guerre mondiale (Schülke 2009). Les questions de réparations liées aux populations déplacées sont les principaux éléments (Schülke 2009: 50)⁵. Pour comprendre de quelle manière s'est constituée cette instrumentalisation de faits historiques, il nous semble en effet essentiel de présenter les principaux événements historiques entre la Pologne et l'Allemagne au sein de l'Histoire moderne. Comprendre la représentation de *Solidarność* doit en effet s'intégrer dans une dimension plus large historiquement.

Il faut aussi souligner que les personnes qui ont constitué le mouvement du syndicat libre avaient en eux, de manière plus ou moins consciente, le poids du passé: les actions des personnes qui ont combattu et sont mortes lors du soulèvement de Varsovie en 1944, en 1956, à Gdynia et à Gdansk en 1970 (Krasnodębski, Garsztecki & Ritter 2012: 26)⁶. L'émergence du mouvement est aussi issue du retour de la

⁴ L'un des symboles forts de cette réconciliation est la signature du Traité de bon voisinage et de coopération en 1990-1991.

⁵ L'Allemagne a ainsi donné 500 Deutsch Mark à la nouvelle fondation pour la réconciliation germano-polonaise.

⁶ Aussi au cours de l'entretien avec Basil Kerski, directeur du Centre de la solidarité européenne (Europejskie Centrum Solidarności) à Gdansk et rédacteur en chef du magazine germano-polonais DIALOG, vidéoconférence, Varsovie, 14.04.2021. Il nous a notamment expliqué que la figure de Marek Edelman, survivant du ghetto de Varsovie avait notamment contribué à l'idée de la mise en place d'un mouvement pacifique.

mémoire supprimée sous le gouvernement communiste, comme par exemple la manière dont avait été envahie la Pologne en 1939, avec la clause secrète du Pacte Ribbentrop-Molotov (Mink 2010: 611)⁷.

Dès la création de ce syndicat, la place de l'Histoire a joué une place centrale. Nous allons ainsi nous intéresser à un point particulier de cet usage politique : leur frontière commune.

B) La frontière : point stratégique

Comme le rappelle Peter Benden, la question des relations germano-polonaises ne peut être que comprise que si on prend en compte l'Histoire (Reinke 2011: 15). Il considère que les événements de la Seconde Guerre mondiale ont eu des conséquences sur les populations discriminées au sein des régions orientales et des questions sur les nouvelles frontières (Reinke 2011: 15). Il est ainsi nécessaire de comprendre le contexte géographique et l'ancrage des questions liées aux régions orientales et communes entre l'Allemagne et la Pologne.

La situation géographique entre ces deux pays a conduit à des points de contacts réguliers dans l'Histoire. La frontière commune a souvent menée à une forme de « voisinage forcé », comme le rappelle le directeur de l'Institut germano-polonais à Darmstadt, Peter Oliver Loew (Traba&Hahn 2015: 16). Si on observe l'histoire Prussienne et polonaise, notamment au 18^e siècle, lors du partage du Royaume polonais entre 1772 et 1795, la place de la Pologne a d'ores et déjà exercé une influence importante dans la politique intérieure de la Prusse (Traba&Hahn 2015: 16)⁸. Dieter Bingen nous a ainsi confié l'importance de l'héritage de la domination prussienne sur la Pologne. Les deux cents ans sans État ont été un traumatisme pour la Pologne, notamment par une politique de domination culturelle politique de la part de la Prusse (Bingen 2021)⁹. Cette dernière a été victime de nombreuses discriminations autour de la désignation « ennemi de l'empire » (Traba&Hahn 2015: 25). La politique de germanisation de la République de Weimar a fortement contribué à renforcer une perception hiérarchique entre les Polonais et Allemands, avec une politique anticatholique et anti-polonaise. Cette politique anti-polonaise a fortement été utilisée sous l'occupation allemande au cours de la Seconde Guerre mondiale (Bingen 2021).

De plus, un autre élément dans la construction de l'imaginaire allemand se trouve dans l'établissement de l'État polonais. Le renouveau de la Pologne au

⁷ Adolf Hitler a envahi à l'Ouest, le 1er septembre 1939. Le Pacte Ribbentrop-Molotov a permis l'annexion, par les Soviétiques de la partie à l'Est de la Pologne, le 17 septembre 1939.

⁸ Notons que la question de cette région, devenue après la dissolution de l'empire, un état libre a été finalement redéfinie au lendemain de la Seconde Guerre mondiale par les Alliés. Par ailleurs, au cours du 19^e siècle, des discriminations administratives ont été perpétuées sur les populations polonaises.

⁹ La Pologne avait été en effet divisée par l'empire Prusse, l'empire Russe et l'empire des Habsbourg. Il faudra attendre 1918 et la nouvelle constitution polonaise en 1921 pour le rétablissement de l'État polonais avec la figure de Józef Piłsudski.

lendemain de la Première guerre constitue un tournant important, et demeure aujourd'hui encore un point de référence (Bundestag für politische Bildung 2018)¹⁰. Elle marque la fin de la répartition de la Pologne et le retour de la souveraineté. Elle constitue dans le même temps en Allemagne le tournant de la fin de l'empire prussien. La création de l'État polonais suite des partages a ainsi constitué un point important pour les Polonais mais aussi une étape importante dans la perception des Allemands sur les Polonais.

Le poids de la disparition de l'État polonais sous le partage des trois empires, et la politique de domination culturelle envers la Pologne » va marquer les relations germano-polonaises, tant sur les conséquences physiques avec la question des frontières mais aussi au niveau des perceptions entre les deux pays (Bingen 2020: 20)¹¹. Nous allons désormais nous intéresser à l'héritage de la Seconde Guerre mondiale et la manière dont elle a redéfini les relations germano-polonaises.

2. Les conséquences de la Seconde Guerre mondiale sur les relations entre les deux Allemagnes et la Pologne

Au lendemain de la Seconde Guerre mondiale, les relations germano-polonaises entre la République fédérale allemande, la République démocratique allemande et la Pologne ont été marquées par les conséquences de la guerre tant du point de vue interétatique mais aussi au niveau de la société civile. Les différentes actions du IIIe Reich, notamment au niveau de la frontière, ont posé des problèmes dans le processus de réconciliation, qui ont été finalement résolus bien des années plus tard. Une ombre s'était ainsi comme posée sur les relations civiles et diplomatiques (Ruchniewicz 2016: 2).

A) Vers un processus de normalisation ?

Le poids du passé nazi était encore très présent au lendemain de la guerre. Le processus de normalisation a été marqué par ces expériences communes (Eberwein&Kerski 2001: 35). La République fédérale allemande a eu une certaine vision vis-à-vis des Polonais, qualifié par le chercheur de Klaus Zernack de « politique négative ». Cette conception s'est ensuite traduite durant la période de la Guerre froide par un antibolchevisme et anticommunisme envers la Pologne (Bingen 2020: 24).

Dans le processus de normalisation, la question de la réparation et la question des territoires occupés sous l'Allemagne nazie étaient les principaux éléments. Tout d'abord, la conférence de Potsdam avait laissé la question des réparations de la Pologne aux mains de l'Union soviétique (Bingen 2001: 63). Au cours des années 50, la RDA a ainsi dû donner une réparation à la Pologne, laquelle avait annoncé

¹⁰ Consulté le 27.03.2018.

¹¹ L'imaginaire de l'Empire prussien a en effet été repris par le IIIe Reich pour leur ambition territoriale à l'Est ainsi que dans la perception sur les habitants de ces régions-là, conséquence du processus de germanisation.

renoncer à une nouvelle demande de réparation. La RDA et la Pologne ont donc signé un accord de reconnaissance des frontières, le Traité Görlitz, dans la logique de l'amitié entre pays socialistes. Dans cette logique de socialisme international, ces questions ont été résolues, comme un trait tiré sur l'Histoire (Bingen 2001: 63). Elle met sous silence les questions des déplacements forcés dans les régions anciennement allemandes ainsi que les questions liées à l'occupation soviétique de 1939 (Bundeszentrale für politische Bildung 2009)¹².

Parallèlement à cela, la politique du chancelier de l'Allemagne de l'Ouest, Konrad Adenauer, était marquée par une orientation atlantiste, avec la reconnaissance de la frontière inexistante (Weber 2007: 59). Le chancelier de la nouvelle République fédérale décide de ne pas résoudre la question des frontières en indiquant que leur établissement définitif devra être réglé, par l'ensemble de l'Allemagne et en toute liberté (Konrad Adenauer Stiftung)¹³. Cette prise de position est due à l'ancrage des idées révisionnistes dans la société allemande, malgré le renoncement des revendications révisionnistes principales telles que l'association centrale des Allemands expulsés (*Zentralverband vertriebener Deutscher, ZvD*) et les associations unies des Allemands de l'Est (*Vereinigte Ostdeutsche Landsmannschaften, VOL*) (Bingen 2001: 63). La non-reconnaissance de l'Allemagne de l'Ouest a contribué à placer la RDA comme partenaire essentiel pour la Pologne, en appuyant un discours antiallemand de l'Ouest et donc à occulter le passé dérangeant (Bingen 2001: 64). Un fort ressentiment envers les Allemands a ainsi été développé, avec une mise en valeur de certains aspects de la guerre comme le rôle de l'armée soviétique et une omission d'autres aspects comme la répression par le NKWD (Commissariat du peuple aux Affaires intérieures russe) lors de l'occupation soviétique en Pologne (Bingen 2001: 64).

Cette propagande est renforcée par la place assez limitée des commémorations relatives aux événements de la Seconde Guerre mondiale. Des premières commémorations sont mises en place, notamment par les anciens prisonniers polonais au sein des anciens lieux des camps de concentrations comme à Bergen-Belsen (Bundeszentrale für politische Bildung 2020)¹⁴. Cependant, les municipalités de l'Allemagne de l'Ouest mettent cependant plusieurs années avant d'ériger des mémoriaux plus importants. En 1964, un monument est érigé à Francfort sur le Main pour les victimes du national-socialisme, sur lequel de nombreux polonais y figuraient (Bundeszentrale für politische Bildung 2020). Il en était de même au sein de la jeune République démocratique allemande, il existe peu de lieux de commémorations : on peut voir en 1951 un mur dans le cimetière d'Eberswalde-Finow dans le Brandebourg est érigé avec l'inscription « Ici reposent 109 citoyens de l'Union soviétique, 39 filles et fils de la Pologne populaire » (Deutsches Polen Institut 2020)¹⁵.

¹² Consulté le 20.04.21.

¹³ Consulté le 04.04.21.

¹⁴ Consulté le 06.04.21.

¹⁵ Consulté le 08.04.21.

Ce manque de commémorations pour les victimes, notamment polonaises correspondant à une forme de représentation des victimes principales de la Seconde Guerre mondiale. Au sein d'une étude intitulée *Unfähigkeit zu trauern* de 1967, Alexander Mitscherlich présente la difficulté des Allemands de se positionner vis-à-vis du passé nazi (Bingen 2020: 12). Il y aurait une forme de catégorisation des Polonais en tant que victime de seconde zone. Parmi beaucoup de fonctionnaires du Reich, qui ont commis des crimes qui n'ont pas des questions en relations avec l'Holocauste presque aucun n'ont été condamné. Le responsable du massacre de Wola, Heinz Reinefarth, qui a coûté la vie à 50 000 civiles en une semaine dans un quartier de Varsovie, a continué sa carrière politique après la guerre. La place de l'Holocauste et des victimes des bombardements a été le centre de l'attention des Allemands au lendemain de la guerre, laissant un discours autour de la répression sur les Polonais moins discuté (Bingen 2021).

L'ampleur de l'occupation allemande en Pologne a été principalement ravivée au cours de la période de répression et du procès d'Auschwitz de 1963 à 1966. En Pologne, les différentes générations ont lu les récits de Tadeusz Borowski sur Auschwitz (Garsztecki 2018: 2). Entre la RDA et la Pologne, le sujet des dommages de la guerre demeure un tabou voire censuré, malgré la tentative des deux États d'entamer des échanges entre les populations (Mädge 2011: 134)¹⁶.

Pour autant les conséquences comme les réparations liées aux crimes de guerre vont encore demeurer très vivaces dans les mémoires même après la réunification (Garsztecki 2018: 4)¹⁷.

Nous allons ainsi nous intéresser désormais à la manière les relations diplomatiques entre les deux Allemagnes et la Pologne ont été mises en place dans ce contexte.

B) Du révisionnisme à une politique de mouvement ?

Alors que les relations économiques se sont avérées être maintenues depuis les années 40 entre la République fédérale d'Allemagne et la Pologne, les relations diplomatiques ont été plus difficilement mises sur pied (Bingen 2001)¹⁸.

L'orientation diplomatique de l'Allemagne de l'Ouest a été basée sur la doctrine Hallstein, mise en œuvre par le Secrétaire d'État du chancelier Konrad Adenauer (Bundeszentrale für politische Bildung 2017)¹⁹. Cette doctrine établit la politique envers les pays du bloc de l'Est, en soulignant par exemple la non-reconnaissance de la RDA (Bundeszentrale für politische Bildung 2017). De 1955 et 1970, elle va définir les relations germano-polonaises. Les événements de 1956 à Poznań vont permettre

¹⁶ L'exemple de cette politique est la création de l'association Gerlach Gesellschaft.

¹⁷ La reprise des débats sur la question des réparations est notamment apparue dans les années 2000 avec la mise en discours de la victimisation des allemands avec la création de l'association der Prussische Treuhand.

¹⁸ Il faudra d'ailleurs attendre 1995 pour l'officialisation des échanges économiques entre la RFA et la Pologne.

¹⁹ Consulté le 05.04.2021.

une certaine ouverture et libéralisation du pays, avec une reprise des échanges diplomatiques entre la Pologne et les partenaires occidentaux (États-Unis et RFA) et une condamnation de la part du gouvernement est-allemand (Weber 2007: 78). Plusieurs tentatives de rapprochement vont ainsi être initiées, comme en 1963 avec la politique de mouvement du le ministre des Affaires étrangère, Gerard Schröder (Bingen 2001: 41 et Weber 2007: 78). La nouvelle coalition de 1963 menée par le groupe politique SPD souhaite mettre en place une nouvelle Ostpolitik tournée vers le rapprochement (Weber 2007: 86)²⁰. Le chancelier Kiesinger a la volonté politique mais la réalisation est difficilement mise en place, notamment du fait des groupes politiques de la coalition (CDU, SPD et CSU) et de la pression exercée par Moscou pour la reconnaissance de la RDA.

En effet, l'Union soviétique place la reconnaissance de la RDA comme point majeur pour la normalisation des relations avec les pays de l'Europe de l'Est. Au cours de la conférence des Ministères des Affaires étrangères, Bonn va appuyer la doctrine dite Ulbricht qui défend une normalisation par la reconnaissance de la RDA. Le Traité d'assistance de 1967 entre la Pologne et la RDA oblige la Pologne à suivre la doctrine Ulbricht (Weber 2007: 86). Malgré le discours du Président allemand de l'époque, Gustave Heinemann, sur les souffrances infligées aux Polonais et sur la nécessité de résoudre les douleurs du passé, les questions des frontières demeurent en suspens (Bingen 2001: 44). Des tensions entre la RDA et la Pologne vont quand même être ravivées, comme le traité sur les eaux frontalières, avec l'embouchure de l'Oder (Weber 2007: 78). Des dirigeants comme Wilhelm Pieck souhaitaient récupérer cette partie de la frontière.

La normalisation des relations avec l'Allemagne de l'Ouest et les pays de l'Est demeure inexistante. Des tentatives au niveau économique existent, en 1962 avec l'envoi d'une délégation à Varsovie (Bingen 2001: 41). Du côté de la relation RDA-Pologne, malgré les positions officielles demandées par l'Union soviétique, des tensions entre les deux pays restent perceptibles et démontrent de l'importance de cette frontière. Les tentatives ouest-allemandes traduisent une certaine ouverture au niveau de la société civile, au sein de différents milieux dès 1960, dans laquelle l'Église va jouer un rôle important.

C) L'Église : acteur du rapprochement germano-polonais

Dans cette partie, nous allons nous intéresser à la manière dont l'Église a joué un rôle au lendemain de la Guerre, dans la commémoration et la mise en dialogue du peuple allemand et polonais. Les rencontres entre les Polonais et Allemands de l'Ouest et de l'Est va fortement être coordonné par l'intermédiaire de l'Église. Sa prise de position au niveau d'un rapprochement germano-polonais va être

²⁰ Le 15 juillet 1963, Egon Bahr, le porte-parole du gouvernement présente cette nouvelle doctrine intégrant le concept de nécessité au sein de l'académie protestante de Tutzing, avec la formule: du changement par le rapprochement.

personnifiée par le Pape Jean Paul II et son soutien de la création du mouvement du syndicat libre (Kerski 2021).

Les initiatives de l'Église au niveau de la société civile ont été déterminantes, notamment avec les groupes religieux qui vont jouer un rôle important dans le processus de rapprochement. Il s'agit du KIK (*Kluby Inteligencji Katolickiej*) en Pologne (Eberwein&Kerski 2001: 77)²¹. En RFA, le Cercle de Bensberg va être créé, un groupe libéral catholique allemand. En RDA, cela sera l'association « *Aktion der Sühnezeichen* » (Eberwein&Kerski 2001: 77). Dès 1958, cette association mettait en place des visites en Pologne des camps de concentrations, à Auschwitz par exemple (Mack 2021). L'objectif était de travailler sur la mémoire du national-socialisme, avec une démarche de repentance à travers des signes de paix et de demandes de pardon (Eberwein&Kerski 2001: 64). Sous l'égide de l'Église protestante, des échanges ont ainsi pu être établis entre les Allemands de l'Ouest et les Polonais, avec la branche polonaise *Znak* (Eberwein&Kerski 2001: 64)²². Les gouvernements des pays du bloc de l'Est, dû à la politique officielle de l'amitié entre les pays socialistes, ont rejeté ces initiatives en les jugeant inutiles (Kerski 2011: 78). Ces actions ont permis la mise en place de premiers contacts comme les échanges entre représentants du clergé (Mack 2021)²³.

Cette mise en relation des Églises allemandes et polonaises contrastait énormément avec la position officielle de l'Église en Pologne. Elle empruntait en effet le discours de la propagande communiste, en ravivant les velléités autour de la frontière Oder-Neisse (Kerski 2011: 59). Cette posture contribuait dans le même temps à transmettre l'image d'une Église polonaise nationaliste et anti-allemande, dont les conséquences entraînaient une réaction de défiance de la part des Allemands (Kerski 2011: 59).

Il faudrait ainsi attendre le milieu des années 1960 pour voir une réelle mise en action de l'Église dans l'action politique (Bingen 2021). En octobre 1965, l'Église protestante allemande de la RFA publie un mémorandum sur la situation de l'intégration des déplacés dans l'Allemagne de l'Ouest (Weber 2007: 86). Cette initiative avait pour but de donner une nouvelle impulsion dans les relations germano-polonaises, à travers une position relativement critique au regard de la politique attentiste du gouvernement ouest-allemand : Nous pardonnons et nous demandons pardon (Weber 2007 87)²⁴. Quelques mois après, lors du concile du Vatican II, l'Église catholique polonaise transmet à l'épiscopat ouest-allemand une lettre en allemand en faveur de la réconciliation (Weber 2007: 87). Il faudra attendre 1968 pour avoir une réponse de la branche catholique allemande, *Pax Christi*, du

²¹ On retrouve ainsi l'évêque de Cracovie, Karol Wojtyła (Jean Paul II).

²² Issue de la branche KIK dont la période du dégel de Khrouchtchev a permis l'intégration de ce groupe au Parlement polonais (Sejm).

²³ En effet, le chercheur Manfred Mack du Deutsch-Polens Institut nous a expliqué qu'au cours de ces rencontres, les groupes évangéliques rencontraient à Cracovie les représentants de l'Église catholique polonaise.

²⁴ L'ensemble des personnes interrogées ont fait référence à ces échanges de lettres comme un événement majeur dans les relations germano-polonaises.

Cercle de Bensberg (Kerski 2011: 76)²⁵. Une initiative qui va être par la suite bien reçue par l'Église catholique polonaise.

La réaction plutôt timorée de la part de l'Église catholique allemande de l'Ouest s'explique par le contexte politique au sein de l'Allemagne de l'Ouest. L'importance des groupes politiques tels que la CDU et le CSU n'ont pas permis une vraie prise de position au regard de la reconnaissance de la frontière. L'Église catholique polonaise et protestante allemande ont agi au niveau des citoyens mais aussi au niveau politique. Les évêques allemands auraient ainsi poussé à l'élection du Pape polonais. Quelques années après, Jean Paul II fera ensuite figure du rapprochement germano-polonais et de soutien au mouvement ouvrier polonais (Bingen 2021)²⁶.

Nous allons dans la partie suivante nous intéresser à la manière dont le politique et la société se sont engagés vers un processus de normalisation des rapports.

3. Vers un processus de normalisation

Le processus de normalisation entre la Pologne et l'Allemagne a réellement pris un tournant avec la politique du chancelier Willy Brandt, avec une forme de détente de la part de la politique du parti social libéral ouest-allemand (Mack 2021). Avec le geste symbolique du chancelier s'agenouillant devant le mémorial du Ghetto de Varsovie, la République fédérale d'Allemagne entame une nouvelle page dans les relations germano-polonaises (Euronews 2020)²⁷.

A) Le changement vers une politique de rapprochement

A la fin des années 1960, du fait de la distanciation concernant la question des expulsés et par conséquent de la non-reconnaissance de la frontière Oder-Neisse, les différents gouvernements successifs Adenauer, Erhard ainsi que Kiesinger n'ont pas réussi à engager un véritable contact avec la Pologne (Reinke 2011: 32).

Il faudra attendre le gouvernement de Willy Brandt (1969-1974) pour un changement de politique (Weber 2007:112)²⁸. Pour prendre en compte ce changement, il faut tenir compte des actions antérieures. L'homme politique Herbert Wehner, en charge des questions allemandes de 1949 à 1966, avait émis en 1957 la nécessité d'établir des relations avec le bloc de l'Ouest. Dans son discours, il présente la politique des petits pas (Bundeszentrale für politische Bildung 2013)²⁹. Cependant le discours qui caractérise le changement de la pensée allemande est

²⁵ 60 intellectuels ont participé à ce mémorandum. A noter que ce groupe catholique très favorable au rapprochement RFA-Pologne a aussi mis en place des voyages à Auschwitz et à Majdanek qui étaient les premiers voyages de groupes d'Allemands catholiques depuis la Seconde Guerre mondiale. Le groupe ASZ a aussi organisé des voyages. Ces voyages étaient à l'avant-garde de la réconciliation au sein du Catholicisme allemand.

²⁶ Selon Dieter Bingen, l'élection du Pape polonais a aussi été très bien reçue en Allemagne et bien couverte de la part des journalistes allemands.

²⁷ Consulté le 10.04.21.

²⁸ Dès 1967, Willy Brandt s'était engagé dans la mise en dialogue avec son homologue polonais Rapacki.

²⁹ Consulté le 08.04.21.

celui d'Egon Bahr (Bingen 2001: 42). Au cours du milieu des années 60, la République fédérale allemande va inaugurer une nouvelle voie de discussion avec la Pologne, marquée par une intensification de l'Ostpolitik (Bingen 2001: 42). Cette politique se traduit par un intérêt porté tout particulièrement pour la question des frontières.

Les différentes caractéristiques de la nouvelle Ostpolitik se traduisent en plusieurs points. Cela consistait à l'amélioration et à l'intensification des contacts (Becher, Borodziej&Meier 2001: 97)³⁰. Il s'agissait de normaliser les relations avec la Pologne, notamment pour se charger de la situation des minorités dans les territoires anciennement occupés et les dédommagements pour les déplacés : le Traité de bon voisinage (*Deutsch-Polnischer Nachbarschaftsvertrag*) va ainsi constituer une pierre angulaire de cette nouvelle politique (Weber 2007: 114)³¹. Le 13 septembre 1972, les deux Allemagnes vont signer le Traité fondamental. Ces traités vont jeter les bases pour une coopération dans le domaine scientifique, universitaire et économiques (Defrance 2016)³². Dans le même temps, la RDA considérait cette politique un moyen de collaborer de manière pacifique, sans pour autant vouloir rapprocher les peuples³³.

B) Une réception contrastée du changement narratif de la RFA envers le bloc de l'Est

Les réactions au sein de la société face au changement de rapports avec la Pologne et la RFA vont constituer plusieurs réactions antagonistes, reflétant les divisions internes dans les différentes parties des pays.

Tout d'abord, la prise de position par le Cercle de Bensberg lors du mémorandum de 1968, en faveur d'un rapprochement germano-polonais, va être reprise de manière assez virulente par les associations des expulsés (Ruchniewicz 2016: 5). Des analogismes vont être faits à la première guerre mondiale, justifiant d'un défaitisme (Ruchniewicz 2016: 5). Etant donnée la proximité de l'Église avec les groupes politiques notamment CDU et CSU, la réponse de 1965 aux évêques polonais avait été mitigée du fait de la prise conscience du sujet délicat et dans le respect de la ligne politique du gouvernement. Il va en être de même au sein de la République populaire de Pologne, lors de la publication de la lettre de l'Église catholique polonaise, avec une vive campagne anticléricale par le gouvernement

³⁰ Le rapprochement avec la RDA résultait aussi de la peur de la perte de chose commune avec l'autre partie de l'Allemagne : on peut résumer cet objectif par le fait que la durabilité d'une identité collective se révèle précisément dans sa capacité d'échange.

³¹ Le rapprochement avec la RDA résultait aussi de la peur de la perte d'une identité commune entre les deux Allemagnes.

³² Dans la même année, la Commission pour les manuels scolaires germano-polonais va être lancée par l'impulsion de l'UNESCO, permettant la rencontre d'historiens germano-polonais.

³³ En Allemagne, on parle de Friedliche Koexistenz, qui se traduit par coexistence pacifique. C'est d'ailleurs dans cette même veine que va être initiée la conférence d'Helsinki mise en place par Moscou, avec la troisième corbeille va avoir des conséquences importantes dans la libéralisation des sociétés du bloc de l'Est.

communiste. Malgré les ouvertures des sociétés, en RDA, il demeure encore certaines difficultés dans la mise en contact avec la RFA et la Pologne. Les infiltrations au sein de la société est-allemande restent encore compliquées (Becher, Borodziej&Meier 2001: 66).

Cependant, la place des associations et leur mise en interaction avec la société civile entre les deux Allemagnes et le peuple contribuent à établir aussi une forme de rapprochement venue de la société civile (Weber 2007). On peut par exemple citer des organisations pacifiques, non religieuses comme *Deutsche Frieden Union* (Union allemande pour la paix) ou bien du *Hessische Friedensbewegung* (Mouvement de paix de Hesse), qui ont organisé en 1967 un cortège pour la paix en direction de Moscou, regroupant des participants ouest et est-allemands (Weber 2007: 103)³⁴. Dieter Bingen et Basil Kerski soulignent aussi l'importance des échanges culturels, en citant le jazz polonais et sa diffusion à l'Ouest. Ces interactions ont permis la transmission de la culture polonaise en Allemagne de l'Ouest et l'établissement d'un dialogue (Kerski 2021)³⁵.

Le changement de politique de la part de la RFA va ainsi conduire plusieurs formes de contestation principalement au sein des gouvernements communistes qui y voient une perte dans leur politique interne, comme celle liée au revanchisme allemand. Les différentes initiatives tant de l'Église que de la société civile démontrent une prise en charge du dialogue avec la Pologne et entre les deux Allemagnes éloignées des velléités politiques.

Dans cette partie, nous avons voulu établir le contexte historique afin de présenter le cadre politique, mental et historique dans lequel est apparu le syndicat libre polonais. Comme nous avons pu le démontrer, le poids de la Seconde Guerre mondiale et ses conséquences ont laissé des sortes de plaies ouvertes au sein des sociétés germano-polonaises, lesquelles vont conduire à une certaine fébrilité des gouvernements ouest-allemands à reprendre le dialogue avec la Pologne. Bien que le gouvernement de Willy Brandt ait amorcé une forme de normalisation avec le Bloc de l'Est avec la nouvelle Ostpolitik, nous avons pu démontrer la place centrale de l'Église et des sociétés dans leurs actions pionnières pour la réconciliation avec la Pologne.

Nous allons nous intéresser désormais à la manière dont Solidarność a été reçu au sein de l'Allemagne, de son émergence en 1980 en passant par le tournant de la fin des régimes communistes avec de la Tables ronde jusqu'à la période de l'intégration européenne.

³⁴ Selon le chercheur Pierre-Frédéric Weber, cette organisation avait reçu une certaine méfiance de la part du gouvernement ouest-allemand. Il faut ainsi rappeler que des organisations financées par les gouvernements communistes existaient afin de propager leur propagande en RFA, comme la *Deutsche Gesellschaft für Kultur und Wirtschaftsaustausch mit Polen*.

³⁵ Basil Kerski nous a aussi expliqué que ces échanges ont perduré notamment au cours des grèves de Solidarność. Il nous a aussi donné l'exemple d'échanges entre les réalisateurs Luis Buñuel et Andrzej Wajda sur le mouvement Solidarność.

Section 2: Solidarność entre réception et représentation

The morality and politics of the German Polish past have been debated ever since the end of the Second World War, but in the period after 1989, the field of collective memory as well as the very discourse of memory on both sides of the border has shifted and old questions are being reexamined from within a new political and cultural context.

(Kopp& Niżyńska 2012: 3)

Dans cette partie, nous allons nous intéresser à la manière dont Solidarność a été reçu au sein des sociétés allemandes, à partir de son émergence en 1980. A travers l'analyse de nos entretiens, nous déterminerons la manière dont il a été représenté. Par ailleurs, nous verrons les différents facteurs contextuels, historiques, sociétaux et politiques qui ont influencé la représentation de Solidarność à travers l'analyse des entretiens. Cette analyse nous permettra ensuite de réfléchir aux conditions pour la mise en place de la mémoire. Notre dernière partie se concentrera sur l'analyse du récent documentaire sur Solidarność.

1. Réception de *Solidarność* : une solidarité divisée

Solidarność est un mouvement qui change en permanence, à travers les interprétations et les interactions qui le composent. Les significations sont multiples : elles peuvent référer aux mouvements ouvriers polonais de 1956 et de 1970 (Hałas 2010: 226). Le lieu même où se sont déroulées les grèves, peut aussi rappeler un autre pan important de l'histoire polonaise (Bingen 2020: 9)³⁶. La multiplicité des interactions et des acteurs conduit ainsi à une différente perception du mouvement. La notion du temps et du contexte sont aussi des paramètres à prendre en compte dans notre analyse.

Cette première partie est ainsi consacrée aux interprétations des personnes interrogées sur la manière dont Solidarność a été reçu et puis représenté au sein des sociétés allemandes de l'Ouest et de l'Est.

Afin de comprendre la réception du mouvement, nous devons nous intéresser à la manière dont celui-ci est apparu, en nous intéressant au contexte et aux facteurs sociétaux et politiques. Des évolutions majeures vont apparaître au sein de la société polonaise et au sein de la communauté internationale, au sein desquelles va s'imbriquer un jeu d'échanges entre les dirigeants de l'Ouest, les dirigeants du bloc soviétique et la société civile entre 1970 et 1980.

³⁶ Gdansk est devenue non seulement le lieu du début de la Seconde Guerre mondiale avec la bataille du Westerplatte, et l'entrée des troupes soviétiques mais aussi le lieu où les combattants pour la liberté se sont réunis en dessous de la bannière de Solidarność en 1980.

A) Une réception de la société civile

Les échanges issus de la société civile sont les facteurs qui, selon nos personnes interrogées, ont été essentielles dans la réception des événements polonais. D'une certaine manière, les échanges mis en place durant la période de détente ont été l'occasion de rencontres et de prises de conscience de la situation dans laquelle se trouvait la Pologne, où la dissidence et la place de la religion devenaient de plus en plus importantes.

Ainsi, comme nous avons pu le présenter dans notre partie consacrée au contexte historique dans lequel a émergé le mouvement au début des années 1980, des échanges entre jeunes avaient commencé à être mis en place. Au cours de la période entre 1978 et 1984, plus de trois millions de jeunes avaient participé à des voyages entre la Pologne et la RDA (Opilowska 2019: 39). Ces échanges étaient pour les participants est-allemands comme une ouverture vers l'Ouest et ont profondément marqué les participants (Traba 2021)³⁷. Manfred Mack souligne le même point, en précisant l'importance des associations germano-polonaises. Il souligne par ailleurs le rôle précurseur de l'Église dans la mise en relation du peuple et sur la discussion autour des points épineux entre la Pologne et la RFA (Mack 2021). De manière plus limitée, le directeur du Centre européen de la solidarité a mis l'accent sur les échanges culturels entre les artistes qui ont, selon lui, servi de passerelles entre les deux blocs mais aussi ont contribué à la compréhension des manifestations de l'année 1980 (Kerski 2021).

Ainsi l'un des exemples de l'Ostpolitik est le développement d'échanges au sein de la société, avec les groupes intellectuels, religieux et culturels. L'historien Robert Traba nous a ainsi présenté le travail de la Commission pour les livres pour enfants, créée en 1972 et qui avait pour objectif de développer un travail historiographique autour de l'histoire germano-polonaise. En soulignant bien les limites du projet, ces échanges entre historiens ouest-allemands et polonais étaient les seules rencontres scientifiques entre les deux pays et ont permis une rapide coopération à la fin du régime communiste (Traba 2021)³⁸. Il existait aussi de nombreux partenariats entre villes ouest-allemandes et polonaises qui ont contribué au rapprochement des deux peuples. L'évènement qui symbolise ces échanges entre les sociétés et la mise en coopération est l'action humanitaire d'envoi de paquets de l'Allemagne de l'Ouest en Pologne, environ 30 millions (Deutschlandfunk 2011)³⁹. Cette action représente l'une des plus grandes actions humanitaires de l'Allemagne. La politologue Basil Kerski nous a ainsi expliqué que ce fut un véritable élan de solidarité venue de toute l'Allemagne ;

³⁷ Il cite par exemple la journaliste Gabrielle Lesser, qui est désormais journaliste en Allemagne sur les questions des relations germano-polonaises.

³⁸ Il a bien insisté sur le fait que les répercussions au sein de la société étaient assez limitées. Il a aussi rappelé que les historiens de la Commission étaient désignés par les gouvernements. Cependant comme il le rappelle, au lendemain de l'ouverture du mur, l'institut de l'Histoire allemand a pu être mis de manière assez rapide, grâce à ce réseau déjà bien établi.

³⁹ Consulté le 02.05.21. Cette opération a été organisée avec la Croix Rouge.

en réaction à la récession économique de la Pologne (Kerski 2021). Cette réaction de la part de la société ouest-allemande peut ainsi être perçue comme résultat d'une décennie d'échanges et mise en dialogue entre les populations (Traba 2021)⁴⁰. Ce geste de solidarité relèverait d'une forme de réparation morale (Bingen 2020).

Les années qui ont précédé l'arrivée de Solidarność en 1981 ont donc été ponctuées d'échanges entre la société civile polonaise, ouest-allemande et est-allemande. Comme le souligne le chercheur Dieter Bingen, les journalistes ont manifesté un grand intérêt pour les événements en Pologne, avec des reportages à Gdansk. La société civile éprouvait généralement une grande sympathie pour les événements polonais (Bingen 2021). L'implication de certains citoyens concerne un pan de la société et de ses acteurs. A travers l'étude des réactions du politique, nous allons voir que les réactions étaient plus réservées, particulièrement au niveau des gouvernements et des principaux partis politiques.

B) Entre l'espoir et la peur : kann das gehen ?

Dans ce processus de normalisation, le mouvement Solidarność apparaît dans ce contexte de normalisation comme une forme de perturbation, de trouble tant au niveau du gouvernement polonais mais que pour la République fédérale allemande (Weber 2007: 346). Un certain scepticisme apparaît au moment des événements de grève à Gdansk (Bingen 2021). De 1980 à 1989 des évolutions de positionnement gouvernemental et politique sont perceptibles. Les premières années du mouvement vont être marquées par une certaine fébrilité et un essoufflement dans les relations est-ouest (Weber 2007: 547). L'arrivée de Gorbatchev et la mise en place de la politique Sinatra joue un rôle considérable dans le changement de politique du gouvernement Jaruzelski avec la recherche du compromis (Garton Ash 1991: 364).

Il faut rappeler qu'avec la mise en place de la nouvelle Ostpolitik, les échanges économiques et politiques entre la RFA, la RDA et le bloc de l'Est s'accroissent (Wentker 2009: 27)⁴¹. L'Ostpolitik a eu une certaine incidence sur l'ébranlement du régime. Les changements internes, principalement au niveau du domaine économique, ont ainsi une incidence forte sur l'évolution de la situation politique en Pologne (Touraine 1983: 40)⁴². L'apparition du mouvement du syndicat libre en septembre 1980 renverrait ainsi non seulement les contradictions internes du système communiste mais aussi les contradictions internes de la détente (Garton Ash 1991: 336). Les réformes du gouvernement en réaction à la politique d'ouverture de l'Ouest vont ainsi entraîner une radicalisation de la société polonaise (Wnuk-Lipiński & Huterer 2009: 9).

⁴⁰ L'historien Robert Traba a par ailleurs fait une analogie avec la fête de Hambach, dont le souvenir de ce mouvement aurait été manifeste dans l'action des colis.

⁴¹ Le plan économique du gouvernement Edward Gierek va se solder par une crise financière au sein de la Pologne.

⁴² Cette nouvelle phase de coopération entre l'Allemagne de l'Ouest et la Pologne se retrouve dans l'accord Gierek-Schmidt, concernant les réparations aux victimes de la Seconde Guerre mondiale.

Cette radicalisation de la société polonaise va se constituer autour de groupes dissidents, comme le KOR. La conscience de la société polonaise demeure toujours importante : « La Pologne telle qu'elle est aujourd'hui, un pays occupé mais un pays de gens libres, qui savent exactement ce qu'ils veulent, et qui n'abandonneront pas leur lutte. - la minorité est constituée des dirigeants communistes » (Garton Ash 1991: 317). L'accroissement de la proportion des dissidents va être important non seulement dans la mise en échec du gouvernement polonais mais aussi comme élément de transmetteur de modèle d'action en RDA. Beaucoup de groupes dissidents seront issus de groupes religieux. En Pologne, le groupe politique Znak sera composé de membres actifs qui vont se retrouver dans les groupes de dissidents comme Tadeusz Mazowiecki (Kerski 2021).

Ainsi, bien que des réactions positives soient manifestées par des acteurs importants, les réactions au sein des gouvernements ouest-allemands et est-allemands vont être plutôt craintives ((Wnuk-Lipiński & Huterer 2009: 9)⁴³. Le gouvernement Schmidt est en effet hostile dans un premier au mouvement Solidarność. Cette réaction s'explique par une certaine peur d'une mise en danger de l'Ostpolitik, et du rapprochement entre l'Allemagne de l'Ouest et de l'Est (Krasnodębski, Garsztecki & Ritter 2012: 28). La politique de la RFA était en effet principalement dirigée vers la RDA et l'Union soviétique (Bingen 2021). Cette orientation s'explique par la recherche de la stabilité en Europe et à la conservation de la paix par une relation apaisée avec le grand frère du bloc communiste.

La réaction du gouvernement de l'Allemagne de l'Est, qui appelle à l'ingérence de Moscou, démontre les crispations autour des événements en Pologne. Le gouvernement Honecker considère effectivement que ce mouvement est une véritable pandémie et met en place une campagne anti-polonaise (Kerski 2021). Le ministère de la Sécurité d'Etat de la RDA, la Stasi, aurait ainsi lancée des blagues anti-polonaises (Kerski 2021). Elles s'inspiraient de clichés, par exemple sur l'économie polonaise et l'instabilité polonaise, tels qu'il n'y aurait que des grèves et que les Polonais ne travailleraient pas. Ces campagnes anti-polonaises visent à différencier les deux systèmes de gouvernements communistes, en justifiant que ce sont les comportements des Polonais qui conduisent à une instabilité économique (Kerski 2021). La réception négative est aussi due à un pan de la société est-allemande très athéiste et qui face à la présence manifeste de la religion a du mal à se positionner de manière positive (Kerski 2021).

L'ambiguïté du mouvement par sa constitution va ainsi entraîner une certaine fébrilité, aussi au sein des principaux partis politiques en RFA. Die Linke ne va pas, dans un premier temps manifester un véritable soutien au mouvement (Mack 2021). Il en sera de même pour la CDU et la CSU, proches du gouvernement. La politique du gouvernement est en effet d'organiser une solidarité pacifiquement avec un minimum d'échanges diplomatiques (Bingen 2021). Le soutien en RFA émerge d'un

⁴³ On peut donner l'exemple de la visite du Pape Jean Paul II en Pologne.

nouveau groupe politique : *Die Grünen*. En effet, la figure d'Heinrich Böll a été importante pour la réception positive et le soutien envers les dissidents polonais (Kerski 2021). Il faudra attendre le gouvernement Kohl pour voir un changement au sein des relations germano-polonaises, avec une démonstration de soutien au peuple polonais. Le chancelier fédéral allemand a ainsi condamné l'interdiction de Solidarność et s'est exprimé en faveur de la libération des prisonniers (Reinke 2007: 71). Le tournant du gouvernement conservateur s'explique par une perspective plus en plus claire d'une réunification possible (Reinke 2007: 71). Ainsi, au moment de la Table ronde et des élections semi-libres, le gouvernement Kohl va faire un acte symbolique, en se rendant en Pologne lors de la messe à Krzyżowa/ Kreisau (Matějka 2019: 125).

Les gouvernements tant à l'Ouest qu'à l'Est vont, dans un premier temps, se positionner de manière craintive et réservée. Il en résulte que les principales formes de soutien sont venues d'agents extérieurs ou bien de nouveaux groupes politiques dont leur certaine indépendance permettait une réception plus positive au mouvement Solidarność (Kerski 2021 et Traba 2021)⁴⁴.

Au moment du tournant de la chute du mur et la mise en place de la réunification allemande, on va constater le retour de l'histoire nationale au sein des pays européens. Dans cette réémergence du passé national, omis notamment durant les régimes communistes, la place de Solidarność va en être tributaire.

C) Une révolution, mouvement réformateur, une « refolution » ?

À la suite à la fin des régimes communistes après 1989 et la procédure d'intégration européenne, l'Allemagne nouvellement réunifiée et la Pologne se sont tournées vers la démocratisation. La chute de l'Union soviétique a marqué la fin « d'une époque coloniale avec la dissolution d'un Empire et la réapparition du sentiment national » (Dulphy&Manigand 2008: 5). Les deux pays se sont alors très vite orientés vers un processus de démocratisation scellé à travers le traité de réconciliation entre eux, réglant ainsi la question des frontières, comme une coïncidence miraculeuse pour la relation germano-polonaise (Bingen 2021). Dans ce processus, la représentation des groupes et personnes dissidentes du bloc communiste va être quelque peu mise de côté.

Dans les années 90, le mouvement ouvrier est en effet très peu présenté comme ayant contribué à l'unification allemande. L'une des raisons se trouve au sein de la figure de Mikhaïl Gorbatchev, le dernier Président de l'Union des républiques socialistes soviétiques (Bingen 2021). Du côté de l'Allemagne, l'ancien président russe est perçu comme ayant joué un rôle central dans la réunification de l'Allemagne. Par exemple, au cours de la commémoration de la fin du régime

⁴⁴ Notamment mis en avant pour Jean Paul II durant l'entretien avec Robert Traba, op.cit. Précisons que sous le gouvernement H. Schmidt des formes de solidarité existaient mais elles étaient beaucoup plus 'cachées'.

communiste allemand en 1990, à Berlin, ce dernier fut invité et applaudi par la foule. Il s'en est suivi d'autres commémorations avec la présence de la Russie et non de la Pologne, suscitant une incompréhension dans ce pays (Bingen 2021). Cela entraîne une perception chez le politique et au sein de la société de l'importance de cette figure au détriment du mouvement polonais.

Cette difficulté à considérer le syndicat ouvrier s'explique par les nombreuses discussions autour de l'importance de Solidarność. Dieter Bingen explique en effet qu'au sein de l'Allemagne, il y a la perception que les changements politiques de Gorbatchev ont eu une incidence plus significative (Bingen 2021). Timothy Garton Ash fait le même constat en présentant une forme de réécriture de l'histoire dans les années 1990, où les politiques de l'Ouest déclaraient qu'ils avaient anticipé la chute du mur : toutes les personnes qui ont vécu à l'Est devenaient alors des dissidents (Garton Ash 1999: 160). Les événements de 1989 étaient ainsi vus avec un certain déterminisme : ils étaient inévitables. De ce fait, l'inscription du mouvement Solidarność comme essentiel en Allemagne soulève encore des discussions.

Cette interprétation se retrouve aussi dans la difficulté de qualifier le syndicat. La signification est multiple du fait de la large mobilisation d'individus, de groupes comme ceux intellectuels et religieux. Le syndicat est intrinsèquement lié à la traduction des mouvements sociaux au sein de la Pologne communiste, en 1956, 1970 ou 1976 (Hałas 2010: 225). Dans le même temps, il rompt avec la fin tragique de ces événements : Solidarność ne s'est pas terminé en effusion de sang. Cela est l'une des rares fois qu'un mouvement pour la liberté réussit en Europe (Bingen 2021). Du fait de cette multiplicité et de cet étirement dans le temps, cette révolution ne s'intègre pas dans un schéma de pensée précis. Timothy Garton Ash a ainsi utilisé un néologisme « reolution » pour qualifier cette révolution par réformes (Garton Ash 1991). L'inscription de ce mouvement au sein de commémorations s'avère ainsi compliquée. Le fait qu'il n'y ait pas de journée nationale dédiée à ce syndicat en Allemagne rend difficile son souvenir dans l'imaginaire allemand (Bingen 2021). Il faudra attendre 2009 pour inviter la figure de Lech Wałęsa dans une mise en scène de la fin des régimes communistes, symboliquement représentée par des dominos (Kerski 1991: 93). La difficulté d'inscrire Solidarność au sein de la Pologne peut s'expliquer par le fait qu'en Pologne celui-ci demeure la source encore d'interprétations.

De plus, les figures majeures du mouvement font elles-mêmes l'expérience de plusieurs interprétations. La figure de Lech Wałęsa, est le symbole du mouvement, lequel est ainsi fortement lié aux caractères de ce personnage (Hałas 2010: 227). Il a subi de la part des historiens proches du gouvernement conservateur polonais des accusations comme celle de collaboration avec les communistes (Behr 2018: 133). De plus, les autres acteurs principaux comme Lech Wałęsa, Bronisław Geremek, Tadeusz Mazowiecki ont été effacés par un grand trait noir au profit de figures secondaires par le gouvernement polonais conservateur. La multiplicité des acteurs et la personnification du mouvement rendent son interprétation compliquée aussi en Pologne.

Après 1989, les multiples réécritures des événements de 1990 ont conduit à une certaine relativisation de l'importance des événements et des actions sociales dans les pays communistes. Le fait que les actions du syndicat n'ont pas été marquées par un jour en particulier, dans une image comme celle d'un mur qui tombe, rend sa représentation moins évidente. Il faut bien en effet relativiser ce point, en soulignant que l'asymétrie entre la Pologne et l'Allemagne reste toujours présente, notamment depuis l'entrée dans l'Union européenne de la Pologne en 2004 : un manque d'intérêts de la part du politique allemand et une maladresse polonaise conduisent à une reconnaissance relative de l'importance du mouvement dans l'histoire allemande.

2. Les raisons d'une telle réception de Solidarność

*Le passé n'est jamais complètement figé :
le sens de ce qui est arrivé n'est jamais fixé. (Rosoux 2001: 3)*

W. Faulkner

Les cadres sociaux de la mémoire définissent la manière dont vont s'inscrire les mémoires collectives, liées aux mémoires individuelles. Les différentes conditions soit au niveau national, soit au niveau supranational concourent au changement des représentations du passé par les acteurs politiques. Cela correspond intrinsèquement au caractère de la mémoire (Halbwachs 1925). Réfléchir à la manière de représenter un événement prend aussi en compte le procédé dans lequel se forme cette dernière.

Nous allons nous intéresser à trois facteurs : le contexte, les acteurs et les mémoires constamment réactivées. La dernière partie sera en effet consacrée à la difficulté d'établir une mémoire apaisée entre l'Allemagne et la Pologne.

Le contexte actuel

Le tournant de la fin des régimes communistes a aussi changé profondément la politique interne polonaise. La Pologne et les nouveaux membres du gouvernement se sont tournés vers l'intégration européenne, mettant en place une politique néolibérale afin de s'intégrer dans une économie de marché (Tagesschau 2020)⁴⁵. Ce changement a fait que les politiques internes se sont éloignées des causes ouvrières. Le tournant de l'entrée au sein de l'Union européenne a conduit à un accroissement d'un certain désintérêt en Allemagne pour la question polonaise. Les évolutions politiques et économiques européennes ont conduit à une résurgence du nationalisme au sein de la Pologne, notamment depuis 2005 avec le gouvernement conservateur (Behr 2015: 21).

Aujourd'hui le mouvement fait face dans une réutilisation de son histoire à des fins politiques. Le syndicat s'inscrit dans une forme de souveraineté nationale

⁴⁵ Consulté le 04.04.21.

retrouvée (Bundeszentrale für politische Bildung 2018). Le contexte actuel est dans une forme de réécriture de l'histoire à des fins politiques (Góra&Mach 2017: 65). Dans un accroissement d'une vision nationale du mouvement, la volonté de s'inscrire Solidarność dans une dimension européenne par les personnes que nous avons pu interroger contrebalance cette perspective nationale.

A) Les cadres sociaux de la mémoire : entre mémoire individuelle et mémoire collective

L'analyse de la réception de Solidarność par l'étude des entretiens réalisés nous conduit à s'interroger sur la place de ces individus dans la société allemande. Les personnes sont issues de la société civile et ont leur propre expérience qui définit leur perception. La manière dont ils perçoivent Solidarność est ainsi à prendre en compte à travers leur milieu social et leur fonction professionnelle.

Selon la théorie de Halbwachs, la mémoire ne peut exister sans des cadres sociaux dans lesquels les hommes et femmes d'une société agissent en construisant et établissent leur mémoire. La mémoire est conditionnée par la socialisation de l'individu (Halbwachs 1925). Ce dernier peut ainsi influencer sa sensibilité à travailler sur un sujet en particulier. En étudiant les personnes en charge de la commission des livres scolaires germano-polonais, Emmanuel Herbert met en avant le fait que chaque individu a son propre rapport à l'histoire. L'historien Robert Traba met ainsi en avant qu'il est issu d'une région anciennement sous gouvernement communiste est-allemand. Son travail sur les mémoires locales en comparaison à celle de la capitale lui confère une connaissance approfondie des mouvements sociaux locaux (Herbert 2019: 3)⁴⁶. Le chercheur Manfred Mack a lui été investi au sein du comité de Solidarité pour Solidarność (Hartschuh 2020). Monsieur Kerski, en tant que rédacteur en chef du magazine germano-polonais DIALOG et Dieter Bingen ancien directeur du Deutsch-Polens Institut à Darmstadt, sont tous les deux investis pour leur mise en dialogue entre les Polonais et les Allemands⁴⁷. Les personnes interrogées ont tous été investies de manière importante dans les relations germano-polonaises.

De plus, ils sont des spécialistes dans leur domaine. Dans leur action au sein de leur recherche et travail au quotidien, ils contribuent à la mise en relation entre les Polonais et les Allemands qui contribuent au processus de réconciliation. Ce procédé est multidimensionnel et requiert l'action des agents publics et des agents issus de la société civile, avec une pluralité de niveaux (local, régional national) (Bazin 2016: 45). On retrouve ces acteurs dans tous des domaines comme Willy Brandt lors de sa venue à Varsovie, qui s'inscrit dans une dimension binationale impactant la société polonaise est historique. Basil Kerski est un exemple du domaine micro sociétal. Il

⁴⁶ Il donne aussi l'exemple de Georg Eckert, militant social-démocrate, passé au NDSAP et fondateur de l'institut de recherche éponyme.

⁴⁷ Basil Kerski travaille depuis plusieurs années en tant que rédacteur en chef du magazine germano-polonais DIALOG et Dieter Bingen du Deutsch-Polens Institut à Darmstadt en Allemagne.

s'inscrit en effet dans une dimension liée principalement autour des relations culturelles et historiques, à travers son travail avec le magazine DIALOG et au Centre de la solidarité européenne (*Europejskie Centrum Solidarności*). Sa fonction au sein de la société allemande fait évoluer la mémoire germano-polonaise lui confère une connaissance approfondie, qui lui donne le rôle actif pour la réception et la diffusion du souvenir de Solidarność.

Nous avons ainsi constaté que leur expérience et leur connaissance des sociétés germano-polonaise leur permettent d'avoir un certain regard sur le rôle du mouvement. Les canaux de diffusion détenus par les personnes interrogées sont principalement académiques. Il y a certes une mise en application des dispositions du domaine politique, comme pour la commission pour les livres scolaires. Comme nous avons pu le voir, la représentation est aussi un processus, qui prend en compte les échanges entre les différents acteurs (Gensburger&Lavabre 2012: 13). L'étude de la représentation offre la possibilité de présenter le pouvoir des institutions, des acteurs publics et leur efficacité dans le domaine de la construction des images d'un groupe social (Le Goff 2000: 294).

De ce fait, le rôle et la fonction des personnes qui nous présentaient leur perception de Solidarność en tant qu'acteur de la réconciliation germano-polonaise nous amène à nous interroger sur la place de leur perception et sa diffusion face aux autres acteurs. Il convient ainsi de s'interroger sur le pouvoir de coercition de ces acteurs dans la diffusion d'une telle représentation.

B) Une mémoire apaisée impossible ?

Pour les 20 ans de commémoration de la chute du mur, Dorota Arciszewska-Mielewczyk, députée polonaise du syndicat de Solidarność explique que la Pologne a perdu la bataille de la mémoire (Hermann 2013: 9). Le souvenir de Solidarność comme combattant de la liberté contre le communisme aurait été effacé face au 9 novembre 1989. Cette concurrence se joue au sein de stratégies historicisantes, qui peuvent être des actions publiques pour la pacification des relations. Ces interventions au sein de l'histoire peuvent aussi être de rouvrir certains aspects de l'histoire pour leur reconnaissance symbolique ou leur intégration dans l'histoire nationale. Il s'agit ici de s'interroger alors sur quelles mémoires prédominent dans les représentations du passé autour de la fin des régimes communistes (Mink&Bonnard 2010: 11). En sociologie, on parle de mémoire réactive, des mémoires que les acteurs politiques choisissent au sein des stratégies historicisantes pour des buts politiques (Mink&Bonnard 2010: 19).

Il existe différents acteurs de ces politiques. Sarah Gensburger qualifie d'entrepreneurs mémoriels les personnes qui mettent en place des actions pour construire une mémoire, tout particulièrement celle européenne (Gensburger&Lavabre 2012). En appliquant ce terme dans le cadre de notre étude

sur le syndicat polonais, on observe aussi des acteurs gouvernementaux entre la Pologne et l'Allemagne qui se chargent de construire une stratégie historicisante. Au cours de l'année qui a suivi la fin des régimes communistes, les acteurs politiques allemands et polonais ont lancé une stratégie visant à mettre en place un processus de réconciliation. Ce processus avait pour but notamment d'apaiser les mémoires de la Seconde Guerre mondiale. Cette nouvelle orientation des relations germano-polonaises s'est construite sur la reconnaissance des accords de Potsdam, avec le Traité germano-polonais sur la frontière (*Deutsch-polnischer Grenzvertrag*), signé en 1990 (Serrier&Weber 2019: 9). Ce traité décrète la frontière comme faisant partie d'une « mémoire partagée » (Niewiedział 2010: 124). Il s'agissait notamment d'attribuer des compensations aux personnes ayant subi des dommages lors de cette période (Mildenberger 2001: 133).

Pour autant, selon Thomas Jäger, les deux pays sont loin du processus de réconciliation, avec la présence de conflits constamment « remués » (Bundeszentrale für politische Bildung 2009)⁴⁸. Il donne en effet l'exemple du gouvernement Kaczynski, qui pour les élections de 2005 a réutilisé ces mémoires autour des expulsés allemands pour susciter la peur envers les Allemands. Ce type de mémoire n'est pas statique dans le passé, mais est une sorte de réserve dans laquelle piochent des acteurs politiques à des fins nationales ou internationales. Georges Mink les qualifie ainsi de gisements mémoriels : « entendu comme un stock de matériaux symboliques que les acteurs recycleraient dans les compétitions politiques nationales, mais aussi internationales » (Behr 2011: 257). En Pologne et en Allemagne, les préjudices de la Seconde Guerre mondiale constituent ainsi un vivier d'actions autour de la mémoire pour valoriser une histoire nationale. Cela se fait notamment en opposition avec des historiens (Serrier 2019: 106).

Bien que cette politique de réconciliation souhaite freiner le développement de discours nationaux haineux de part et d'autre de la frontière, les politiques ont ainsi dû faire face « au poids de l'expérience vécue » (Rosoux 2007: 227). La mémoire opprimée de certains groupes devient alors une partie du jeu mémoriel mis en avant par de nouveaux entrepreneurs mémoriels issus de la société civile, inscrivant ainsi une dynamique de concurrence mémorielle entre une approche bottom up/ ou top/ down (Gensburger&Lavabre 2012). On retrouve l'association des expulsés allemands, avec la figure d'Erika Steinbach (Kopp&Niżyńska 2012: 2). Dès le début des années 2000, l'association réactive la mémoire autour de ces déplacements forcés avec le projet du Centre contre les expulsions de la Fédération des réfugiés allemands (BdV) à Berlin (Niewiedział 2010: 125)⁴⁹. Ce projet accapare la scène politique polonaise au moment de l'intégration européenne. Malgré la proposition du député Markus Meckel pour établir de projet à Wrocław (Breslau) et ériger le centre en tant que lieu de mémoire, des revendications de la *Preussische Treuhand* (Le Trust Prussien) ont ravivé le débat et ce projet est perçu comme privilégiant seulement la mémoire allemande

⁴⁸ Consulté le 20.02.21.

⁴⁹ Cela fait suite aux demandes de réparations en 1998, malgré la politique de pacification.

(Magazin DIALOG 2021)⁵⁰. On voit ainsi en Allemagne une réactivation constante de la mémoire liée aux expulsés allemands de la Seconde Guerre mondiale.

De ce fait, nous pouvons ainsi voir une forme d'oblitération des représentations du fait d'une mémoire autour de la Seconde Guerre mondiale très présente au sein des relations germano-polonaises. Ce passé douloureux a été omis sous le communisme et a constitué une source de revendication, comme notamment au sein du syndicat polonais ouvrier (Serrier 2019: 96). Ainsi le manque de dialogue entre les Allemands et les Polonais durant la Guerre froide a conduit ces mémoires à être des ressources de revendication identitaire. Le processus de réconciliation développé par l'Allemagne a été principalement mené dans le cadre de sa propre lecture de l'héritage communiste en RDA, sans prise en compte de l'histoire des autres pays européens (Bazin 2016: 50). Cette politique de pacification autour du passé mise en place par l'Allemagne, est selon Anne Bazin, assez limitée (Bazin 2016: 51). Elle s'inscrit seulement dans une dimension interne. Cette dynamique devrait ainsi inclure l'ensemble des européens, avec leur interprétation (Bazin 2016: 51). Dans cette perspective, l'histoire de Solidarność pourrait être discutée autour de la mémoire communiste en Allemagne.

Par ailleurs, ce processus de réconciliation a été associé à une fuite en avant de la part des Polonais, avec la politique du gros trait noir sur le passé communisme (Bingen 2021). Le seul symbole de ce processus entre les partis communistes et ouvriers a été préservé avec la Table ronde (Linhart&Mink 2005). Cette mémoire reste ainsi très controversée en Pologne. Il en résulte que les héros de la lutte contre le communisme en Pologne demeurent peu connus en Europe. Des mémoires positives comme le travail du ministre Skubieszowski pour le dialogue franco-allemand polonais demeurent ainsi peu mis en avant.

De cette volonté, au lendemain de la Guerre froide, de faire un grand pas en avant a conduit à une omission du travail autour de la mémoire du passé communiste en Pologne et à la mémoire de Solidarność dans ce procédé.

3. Etude de la représentation de Solidarność au sein du documentaire, Solidarność : la chute du mur a commencé en Pologne.

*The struggle of man against power is the
struggle of memory against forgetting*

Milan Kundera (Garton Ash 1991: 355)

En 2019, le documentaire intitulé « Solidarność, la chute du mur commence en Pologne », par ARTE a été diffusé dans le cadre des 30 ans de la chute du Mur en Allemagne. Ce documentaire retrace le développement du mouvement syndicaliste

⁵⁰ Consulté le 20.04.21. *Preussische Treuhand* a été créée en 2000 par certains descendants d'expulsés allemands.

polonais depuis 1980 jusqu'à l'organisation de la Table ronde en 1989 et la chute du mur. Ce jeu d'images entre ressources de l'IPN (*Instytut Pamięci Narodowej*, Institut pour la mémoire nationale) issues de la police secrète polonaise, de collections privées et d'images iconiques nous permet un champ de réflexion dans lequel nous étudierons la représentation de Solidarność.

Dans le cadre de notre analyse, nous avons interviewé trois personnes qui ont participé au processus d'élaboration du projet : Ania Szczepanska, Maître de conférences en histoire du cinéma à l'Université Paris 1, réalisatrice du documentaire, Peter Gottschalk, journaliste et chargé de programmes chez ARTE GEIE, Christin Schutta productrice créative pour la société LOOKS film. Dans un premier temps, nous nous intéresserons à l'origine et aux initiateurs du projet, puis aux images choisies. En dernière partie, nous intégrerons cette analyse à la question de la mémoire de Solidarność dans la mémoire collective allemande.

A) L'origine du projet sur Solidarność

Lors des entretiens réalisés, nos trois interlocuteurs nous ont expliqué que l'origine du projet est issue du facteur temporel. Peter Gottschalk nous explique que les dates d'anniversaire sont toujours des points de référence qui ponctuent la programmation d'ARTE. Par exemple à l'occasion de la Grande Guerre, ARTE avait développé des programmes à partir de 2010. Après avoir développé l'idée en tant que chargé de programme ARTE, un projet a été lancé avec la mise en contact d'Ania Szczepanska et Peter Gottschalk. Le projet avait ensuite été coordonné par le comité d'éditeur au siège d'ARTE-Strasbourg, coordonnée avec NRD (Norddeutschen Rundfunks, Radio-télédiffuseur de l'Allemagne du Nord), une chaîne allemande.

On identifie clairement l'origine du programme par une nécessité de programme du fait des 30 ans de la chute du Mur. Le facteur temporel est ainsi important.

Pour mieux comprendre la direction du projet, nous allons nous intéresser à deux niveaux des acteurs : au niveau institutionnel avec le travail d'ARTE et au niveau individuel en nous intéressant à la biographie des agents.

ARTE : une chaîne de télévision au service de l'histoire transnationale

Selon Sarah Gensburger, le processus d'eupéanisation de la mémoire correspond à une forme de transmission entre les connaissances et la pratique dans le domaine de la représentation mémorielle. Ce procédé correspond aussi aux sens donnés au niveau national et transnational ainsi qu'aux différents types de personnes investies dans la construction de la mémoire européenne. Il s'inscrit aussi dans une dimension d'échanges entre des approches de bas en haut (Gensburger&Lavabre 2012: 10).

Lors de la création d'ARTE en 1992 l'objectif est de présenter des contenus binationaux, en tant que chaîne franco-allemande créée autour de la culture, de l'histoire, de la politique (Kloss&Wyrzykowska-Novi 2021). ARTE peut être ainsi vue

comme une sorte de ponts entre les deux pays, comme un biais de dialogue. Au moment de sa création, Peter Gottschalk explique en effet que les principales chaînes de télévisions dans chaque pays européen avaient une ligne nationale, sans une approche intégrant la perspective ou les événements du voisin (Gottschalk 2021). Dès son origine, elle était la seule chaîne en Europe qui offrait la diffusion en deux langues en permanence, en offrant un regard transnational.

Par ailleurs, ARTE en tant qu'institution a un certain pouvoir coercitif, par son audimat et le réseau des chaînes européennes avec lesquelles elle collabore. Le chargé de programme nous explique par exemple que le documentaire avait été diffusé en prime time, ce qui correspond à environ à 2 millions de spectateurs (Gottschalk 2021). Cela offre ainsi un certain rayonnement de cette histoire au sein des citoyens européens. De plus, la responsable de création nous a expliqué que des chaînes en collaboration avec ARTE peuvent acheter et le diffuser, ce qui a été le cas pour *Deutsche Welle*, une chaîne allemande.

Du fait de sa configuration, la stratégie d'ARTE diffère du discours national. Il faut ainsi prendre en compte qu'ARTE fonctionne de manière indépendante, bénéficiant de fonds européens, allemands et français (Gottschalk 2021). Ce regard transnational inspire ainsi au niveau international, par exemple Peter Gottschalk nous explique que le producteur italien du documentaire, qui travaille souvent pour ARTE, a notamment fait des interventions au Japon (Gottschalk 2021). L'approche de la chaîne permet ainsi une mise en perspective éloignée du cadre national et joue d'une certaine manière le rôle de médiateur, en apportant un autre regard. La chaîne est ainsi considérée comme un modèle dans le processus de réconciliation.

L'approche est ainsi résolument européenne, centrée autour du public franco-allemand. Le projet est issu de la rédaction d'ARTE, une rédaction européenne avec un objectif clair lié à une demande de programmation à l'occasion de la date d'anniversaire des événements de 1989. L'expérience et la biographie des réalisateurs du projet nécessitent par ailleurs une étude.

La polyvalence des acteurs engagés : Une initiative allemande ou européenne ?

L'environnement dans lequel nous évoluons inclut nos perceptions et nos représentations. Maurice Halbwachs explique que cet environnement, aussi appelé cadre social confère une forme de structure dans laquelle s'inscrivent la mémoire individuelle puis collective (Halbwachs 1925). L'expérience des protagonistes nous semble ainsi former un des piliers de leur mémoire et ainsi de leur représentation. Dans l'étude du documentaire d'ARTE, il convient de s'interroger sur les cadres dans lesquels ont évolué les entrepreneurs du projet. Les deux personnes à l'initiative de ce projet sont deux Allemands : Ulrike Dotzer, journaliste et rédactrice pour la télévision, elle est chargée du service d'ARTE pour NRD et Peter Gottschalk, chargé des programmes d'ARTE GEIE, à Strasbourg.

Dans le cadre des 30 ans de la chute du mur, en tant que chargé des programmes d'ARTE, Peter Gottschalk explique avoir réfléchi à une manière de commémorer cet anniversaire. Bien qu'il soit souligné que ce projet soit issu du besoin de la chaîne d'ARTE, il exprime assez clairement que ce projet vient de sa « tête » (Gottschalk 2021). En tant qu'allemand et né dans les années 50, il connaît bien l'histoire de la Pologne communiste. Il explique en effet que par un concours de circonstances, il était présent durant les grèves à Gdansk. Cette expérience personnelle l'a ainsi influencé dans le développement de son idée. La productrice créative l'explique clairement en disant que Peter Gottschalk connaît l'histoire de la Pologne et y était même présent au moment des faits. Il y a ainsi une forme de mémoire sensible. La rédactrice Ulrike Dotzer, née en 1961 en Allemagne du Nord, a aussi vécu en Allemagne et ensuite déménagé à Leipzig juste après la fin du régime Est-allemand.

De plus, Ania Szczepanska en tant que française d'origine polonaise, spécialiste de l'histoire du cinéma a permis d'offrir une perspective nouvelle à ce documentaire. Avec la connaissance de la langue et son expérience en France, une autre dimension a ainsi été apportée, un peu plus éloignée d'une perspective seulement allemande (Gottschalk 2021). La chercheuse exprime aussi le fait que son expérience en tant que chercheuse, son expérience académique et sa place en tant que femme ont eu des effets sur sa manière de travailler sur ce sujet, qui diffère de la représentation donnée il y a 40 ans.

Par conséquent, ARTE en tant que chaîne de télévision est un nouvel acteur : agent de la mémoire européenne. Dans le sens du processus d'eupéanisation tel que présenté par Sarah Gensburger, la programmation d'ARTE s'inscrit dans ces interactions autour de l'histoire et la mémoire européenne dont les agents issus de la société civile font émerger des approches distinctes du discours national, issues de leur expérience individuelle (Gensburger&Lavabre 2012). Cette approche va se retrouver dans la mise en image du mouvement syndicaliste polonais.

B) La mise en images de Solidarność

Dans l'imaginaire de l'histoire polonaise, on retrouve des images iconiques telles que Willy Brandt s'agenouillant devant le monument du Ghetto de Varsovie et le chancelier Kohl avec le Premier ministre polonais Tadeusz Mazowiecki se prenant dans les bras. Ces images deviennent iconiques du fait de leur pouvoir émotionnel, et de leur réception au niveau national voir international (Kleinmann 2021). Des images iconiques sont telles des « *leitbilder* » qui marquent une culture (Kleinmann 2021). Le cœur du travail autour de Solidarność est de confronter ces images iconiques, symboliques du mouvement avec des images découvertes au sein des archives ou bien issues du domaine privé. Comme le souligne la directrice du projet, l'idée est de confronter ces images afin d'offrir une nouvelle perspective, non seulement dans la représentation de Solidarność mais aussi présenter une autre histoire de la fin des régimes communistes, autre que la chute du mur (Szczepanska 2021).

Une image permet d'ancrer un événement dans le temps, à travers non seulement l'objet photographié mais aussi à travers le processus d'interprétation. Une image offre plusieurs perspectives d'interprétation (Szczepanska 2021). Elle évolue à travers le temps, elle se construit. Confronter les images iconiques permet de réfléchir à notre relation entre les images et les événements. Par exemple, Lech Wałęsa est très présent dans les images symboliques sur Solidarność. Dans le documentaire, il y a une juxtaposition d'images de la police secrète où on peut voir par exemple des répressions sur les manifestants lors de l'état de guerre en 1981 (Szczepanska 2019). On retrouve aussi des images que l'on pourrait qualifier de quotidiennes, un peu comme une arrière-scène avec des manifestants se reposant. Ainsi, le choix de ces images traduit une volonté de se questionner sur la manière dont Solidarność a été mis en scène 40 ans plus tôt et les autres perspectives que l'on peut dégager.

En effet, la perspective voulue pour ce documentaire diffère par les ressources à disposition et par le point de vue de la réalisatrice. Ania Szczepanska explique que son choix est ainsi très lié à son expérience en tant que spécialiste de l'histoire du cinéma, et aussi en tant que femme d'origine polonaise (Szczepanska 2021). Elle avait un besoin de représenter différemment le mouvement par rapport à des anciennes représentations de journaliste de l'Ouest de cette époque. Elle inscrit un mouvement dont la femme joue un rôle important. Peter Gottschalk nous rappelle qu'à l'origine de ce mouvement, c'était une femme ; il y a ainsi une sorte de réhabilitation des femmes dans l'histoire de Solidarność.

Comme les travaux du réalisateur polonais Andrzej Wajda qui a donné de la consistance à l'imaginaire polonais, ce documentaire offre une nouvelle représentation du mouvement (Szczepanska 2017: 237). Il intègre une perspective plus réaliste en montrant des moments du quotidien sous le communisme.

Pour autant ce projet a été le fruit de plusieurs compromis, entre les différents acteurs de ce projet. Les différentes volontés de mise en image se sont confrontées à la réalité des besoins d'ARTE.

Une mémoire recouverte : de nouveau au grand jour ?

L'objectif du projet comme nous avons pu le présenter précédemment consiste à une volonté de commémorer la fin des régimes communistes en présentant le processus en se focalisant sur le mouvement Solidarność.

Pour autant, la fin du documentaire se finit par une image de la chute du mur de Berlin. Christin Schutta nous explique ainsi que le comité éditorial d'ARTE souhaitait une image de la chute du mur de Berlin pour finir le film alors que l'idée initiale de la réalisatrice était de se concentrer principalement sur la Pologne, notamment la relation avec l'Allemagne de l'Est (Schutta 2021)⁵¹. Le compromis a ainsi été de

⁵¹ Des images des manifestations à Leipzig apparaissent aussi à la fin du film.

travailler sur la révolution à partir des années 70 et de montrer l'isolation des dissidents. L'accord sur la manière de présenter le film se retrouve aussi dans le choix du titre et les variations qui existent en fonction du public (En allemand : Solidarność, der Mauerfall begann in Polen et en anglais : Solidarność, How Solidarity changed Europe).

Ce travail de compromis tend à montrer la prédisposition que l'on peut qualifier d'intuitive de devoir représenter la chute du mur, dans un documentaire qui à l'origine devait se concentrer sur un pan de l'histoire polonaise. Ce compromis se retrouve aussi au sein du titre. On retrouve ainsi des images du mur, où l'on peut voir des personnes en fête. Cette référence constante à cette image peut être considérée comme un gisement mémoriel positif dans lequel les acteurs de la mémoire puisent de manière régulière. Un référentiel qui au fil des années concentre les mémoires positives relatives à l'Union européenne.

Ce film donne une facette du mouvement et démontre que son interprétation est plurielle. La volonté européenne, principalement issue de l'initiative allemande, montre une volonté de changer de perspective. Elle démontre aussi l'ancrage du mur dans la mémoire européenne et la difficile place de Solidarność dans celle-ci.

Dans cette partie, nous avons ainsi présenté la manière dont Solidarność a été reçu et perçu lors de son émergence en Allemagne, à travers les yeux de spécialistes des relations germano-polonaises. Nous avons ainsi pu comparer les différents acteurs de la société civile et politique au sein de l'Allemagne et leur positionnement vis-à-vis du syndicat. L'Église et la population allemande ont été les principaux acteurs de la renonciation et ont eu une posture engagée dès le début du syndicat, qui contrastait avec les premières réactions gouvernementales. L'expérience et les connaissances des personnes interrogées expliquent leur manière de percevoir le mouvement. Notre étude du documentaire ARTE démontre la variété de possibilités de représenter le syndicat ainsi que la place de la chute du mur en tant que référentiel constant.

Conclusion

Au cours de notre recherche, nous avons essayé de comprendre la manière dont Solidarność avait été représenté en Allemagne, de son émergence à l'intégration européenne. Ce syndicat ouvrier est apparu en Pologne communiste, sa configuration exceptionnelle pour le bloc de l'Est a permis une transition vers la démocratisation, sans effusion de sang. Solidarność fait partie de l'histoire des pays de l'Europe centrale et ainsi de celle de l'Union européenne. Il s'agissait donc de comprendre pourquoi il a fallu plusieurs années pour représenter la Pologne au sein des commémorations de la fin des régimes communistes en Allemagne.

La représentation de Solidarność au sein de l'histoire allemande ne peut pas être intégrée sans prendre en compte l'histoire commune entre la Pologne et l'Allemagne. Nous avons ainsi pris comme point de départ la division de l'État polonais au cours

du 18^e siècle, avec la « politique négative » en direction des Polonais. Cette perception a profondément marqué les relations entre les deux pays, et a pris plusieurs formes comme au cours de la Seconde Guerre mondiale avec les répressions commises sur la population polonaise. Ce passé douloureux a ensuite été difficilement retravaillé au lendemain de la Seconde Guerre mondiale : entre omission par le parti communiste allemand en RDA et en Pologne et fébrilité au sein du gouvernement de la RFA. Les acteurs de la société civile ont été les précurseurs du dialogue et de la réconciliation. Un vrai dialogue sera possible à la fin des régimes communistes et au cours des années 1990 entre les gouvernements : entre mémoire nationale retrouvée et politique de réconciliation.

Le syndicat Solidarność et son héritage se trouvent au sein d'une configuration particulière : une région où le poids du passé demeure encore très présent. Des groupes divers puisent dans ces plaies restées à vif, et ravivent le passé négatif pour des intérêts politiques. Nous avons ainsi mis en évidence que cela rend difficile la narration d'un passé positif autour de la fin de cette période communiste. Les mémoires de la Seconde Guerre mondiale sont toujours présentes. L'asymétrie de la mémoire communiste vis-à-vis de la mémoire liée à l'Holocauste demeure en Allemagne et en Pologne. Ce passé a joué sur la réception positive du syndicat.

Le bond en avant, avec l'intégration européenne, a limité la réflexion autour de la transition démocratique. Dans les années 1990, le point de vue d'intellectuels et de politiques sur la fin évidente du bloc soviétique, a minimisée le rôle des acteurs qui ont permis son effondrement.

L'évolution de Solidarność dans le temps a aussi rendu compliquée son interprétation. La représentation du mouvement est multiple. Il s'agit d'un syndicat qui a été créé en 1980, à la suite des conditions économiques difficiles en Pologne. Plusieurs pans de la société se sont retrouvés : les ouvriers, l'Église catholique, les intellectuels, les étudiants. Le processus de la Table ronde en 1989 fait suite à une période dans laquelle la Pologne avait été placée en état de guerre, avec un changement de gouvernement. La clandestinité, le changement de génération puis la prise de pouvoir sont tous autant d'éléments qui rendent l'interprétation multiple.

De plus, le syndicat et les négociations de la Table ronde deviennent des ressources pour la politique mémorielle du parti conservateur polonais. Les principaux acteurs de ce changement démocratique sont omis pour laisser la place à des acteurs secondaires. Cela complique la diffusion de leur rôle à l'international.

Nos entretiens portés sur la représentation du mouvement, nous ont conduits à donner une représentation de Solidarność à travers le regard d'acteurs engagés au sein des relations germano-polonaises. Leur point de vue concordait sur l'importance des actions de la société civile et de l'Église. Ils ont tous relativisé l'importance de l'influence gorbatchévienne. Leur expérience et domaine d'expertise ont mis en avant certains types d'acteurs politiques et de secteurs.

Dans notre étude du documentaire ARTE « Solidarność, la chute du mur commence en Pologne », nous avons constaté la volonté d'acteurs allemands d'intégrer le mouvement au sein de la mémoire européenne de la fin des régimes communistes. Le regard porté est subjectif et correspond à l'expérience de ses auteurs ; comme sur le rôle des femmes et du quotidien des grévistes. L'usage des images connues et nouvelles nous a permis de nous rendre compte des images iconiques qui symbolisent le mouvement. Dans le même temps, la référence à la chute du mur, voulue par le comité d'ARTE, démontre l'importance de ce point de référence mémoriel pour la fin du totalitarisme soviétique.

Dans son livre *Denk mal an Polen*, Dieter Bingen présente la décision du Parlement allemand d'ériger un monument polonais ainsi qu'un centre de documentation autour de l'occupation allemande entre 1939-1945 (Bingen 2020: 72). Selon lui, le projet de Peter Oliver Loew et Uwe Neumärker permettrait de compléter cette initiative. En tant que « Gedenk-ensemble », les deux spécialistes des relations germano-polonaises souhaiteraient rajouter un parcours qui débiterait à partir de 1989. La création de ce monument nécessiterait un réel travail autour des événements post-1989. Est-ce que cela permettrait de rendre visible la mémoire de Solidarność au sein du politique et de la société allemande ? Comment représenter un mouvement dans la « pierre » ? N'y a-t-il pas une impossibilité d'établir une image figée du syndicat ? La représentation et l'interprétation de Solidarność dans la mémoire collective allemande et européenne est toujours en cours. Les futurs travaux portés sur la mémoire collective autour de la fin des régimes communistes doivent comprendre davantage les événements qui ont mené à ce changement. Les diverses perspectives des pays doivent être prises en compte. Il faut en effet que l'Histoire européenne ne se fige dans une seule image, mais vers une diversité des représentations (Rosoux 2001: 230).

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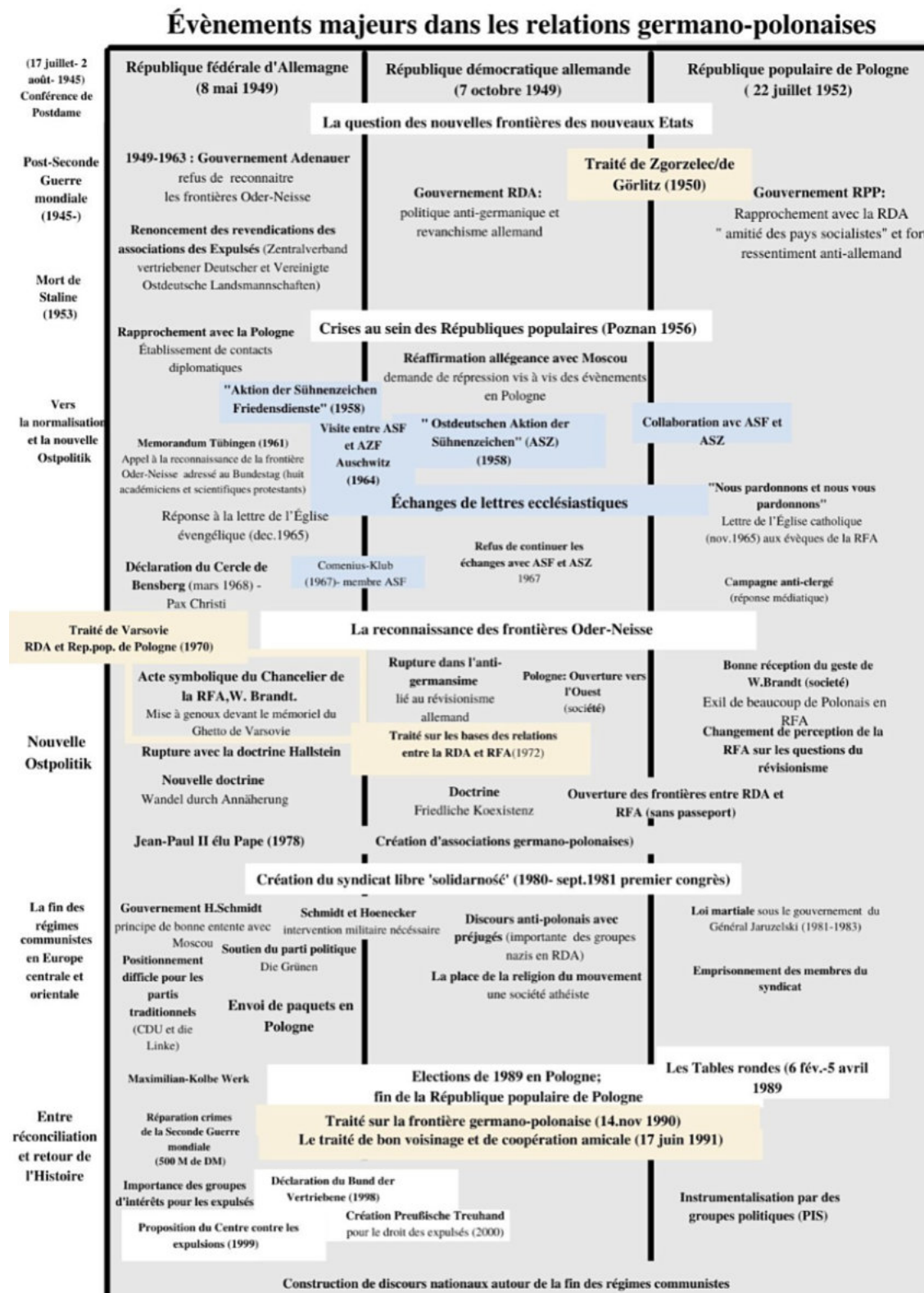
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Annexes

Annexe 1 : Tableau présentant les évènements majeurs historiques de l'Histoire entre l'Allemagne et la Pologne depuis 1945 à 1980.



Entretiens pour l'analyse de la représentation de Solidarność

Annexe 2 : Entretien Robert Traba, 22/03/2021, 15h00 – 45 min, Varsovie, appel téléphonique.

E.O Selon vous, quels ont été les principaux facteurs qui ont influencé la perception de Solidarność (facteur gouvernemental, géopolitique, historique, institutionnel) ?

R.T : Après le tournant de 1989, dans chaque ville en Pologne, en Allemagne, en République Tchèque, on essaye de retravailler sa propre histoire. Cette concurrence nationale du souvenir est très importante pour la réception de Solidarność. En Allemagne, leur tournant en 1989 est défini comme révolutionnaire et leur chute du mur comme le plus important pour la réalisation de cette révolution. Dans ce contexte, les événements en Pologne en 1980 et l'expérience de la Table ronde n'ont pas été perçus comme importants.

Selon de nombreux historiens comme Timothy Garton Ash et beaucoup d'historiens allemands, les Polonais étaient les vrais révolutionnaires. Les représentants de l'opposition en RDA ont souvent parlé que la Table ronde et l'expérience polonaise étaient un exemple pour eux. Ils ont appris du modèle de la Pologne prise pour ensuite la mettre en place.

Les souvenirs de Solidarność et les discours autour de 1989 : il faut comprendre que cela s'est créé sur les discours nationaux. Ces processus, sont pour moi la raison pour laquelle les événements de 1980 ne sont pas intégrés dans l'histoire européenne, qu'il n'y a pas d'histoire de l'Europe centrale intégrée dans le tournant de 1989. [...] Pour les commémorations de 2009, Lech Wałęsa a bougé le premier domino, c'était un symbole du rôle inspirant de Solidarność et il était la figure du début de la révolution.

J'ai l'impression comme témoin, que la vraie révolution est la découverte d'une telle histoire politique. Ça signifie qu'il faut un certain volontarisme dans la mémoire. Quand quelqu'un fait une révolution libératrice, c'est difficile à discuter. Les discussions à Gdansk ou Stalingrad sont des événements qui ont la capacité d'être intégrés, d'avoir une prédominance (*Durchsetzungskraft*) dans la mémoire. La chute du mur a aussi cette capacité. Ensuite, il s'agit de la manière dont se construit la mémoire. Cette valeur symbolique a une grande force et une forte signification émotionnelle. En Allemagne, on apprend à l'école ce qu'est Solidarność mais sans aucune émotion. Si on prend des notions de psychologie, il est naturel de se souvenir des choses qui nous ont touchées et que l'on ont vécues. Solidarność est présent dans la mémoire dans le récit allemand, mais la chute du mur et la révolution pacifique domine du fait que beaucoup d'Allemands l'ont vécue. [...]

La vraie révolution est celle de 1989. Au début de 1980, c'était un spectacle politique des deux côtés de l'Europe dans lequel prenaient parti plusieurs acteurs. La peur du délabrement, de la désagrégation du bloc de l'Est et de l'ordre de l'Europe joue un rôle. D'un côté nous avons les politiques de l'Allemagne et la Pologne, qui ont toujours eu des difficultés à dialoguer, par exemple sous le gouvernement Helmut Schmidt. Il était d'ailleurs très critiqué en Pologne et ne voulait pas soutenir Solidarność.

Dans la même période, après la Seconde Guerre, un des gros plus élan d'amitié de solidarité a été mis en place en direction de la Pologne, avec des milliers de paquets envoyés. De

nombreuses personnes ont vu des points de similarités avec ce qui s'est passé en 1831 : les Polonais après le soulèvement de novembre ont fui en direction de l'Ouest. Il s'agit de la fête de Hambach, les Allemands ont accueilli les Polonais en les embrassant. Au 19^e siècle, pour les Allemands et les Français, les révolutionnaires polonais étaient comme des héros de la liberté, de la liberté en Europe.

Beaucoup disent que le deuxième moment important entre l'Allemagne et la Pologne était dans les années 80, entre les sociétés, pas dans le domaine politique. Des cercles d'amitiés sont apparus. Je suis venu la première fois en Allemagne lorsque j'ai participé à une initiative venue du « bas » avec une initiative étudiante.

En fait, il y a deux facteurs principaux à la réception de Solidarność : ceux issus du politique et de la société.

La réception n'est pas seulement politique, c'est pour cela qu'il est important de se concentrer sur la réaction de la société de l'Allemagne de l'Ouest. Dans la RDA, il y avait le plus fort système autoritaire du bloc de l'Est mais pour construire la relation germano-polonaise, une grande action sera mise en place avec des échanges entre les Jeunes. Plus de 3 millions de jeunes ont fait des échanges (1978-1984), au-delà du travail qui devaient faire, ils ont aussi visité les pays dans en Pologne et en Allemagne. La fascination pour les personnes de la RDA pour la Pologne est liée au goût de « liberté » qu'ils ont vécue. C'était un moment important pour ces jeunes.

E.O Dans quelle mesure le travail de la Commission du livre pour enfants germano-polonais a-t-elle joué dans la représentation de la Pologne et du syndicat libre ? Quels sont les principaux défis que vous avez rencontrés dans la réalisation de son écriture et pourquoi ?

R.T : L'histoire de la commission est une histoire en tant que telle. C'est une initiative de l'Ostpolitik par Schmidt : un produit de la politique étrangère allemande.

Le rôle de la commission est incontestablement important mais il faut souligner que ce n'est pas un électron libre. Chaque pays devait nommer une personne, en Pologne communiste par exemple. Il est devenu, avec le temps, une sorte de cercle libre où les deux côtés voulaient changer les choses. Mais on ne doit pas surestimer la place de la commission, car c'était un forum et l'impact du livre pour les écoles était assez limité. Mais c'est un processus. Grâce à ces échanges, en 1990 il était possible de créer rapidement l'Institut historique allemand, (Deutsches Historisches Institut Warschau), à Varsovie.

Annexe 3 : Entretien Manfred Mack, 25/03/2021, 9h30 – 40 min, Varsovie, vidéoconférence.

M.M : Tous les facteurs sont importants, non seulement le niveau politique, mais aussi les divers groupes sociaux. Les initiatives de l'église à cette époque ont donné beaucoup aux sociétés allemandes. Par exemple, *Aktion Sühnezeichen* a fait preuve d'une certaine créativité, et il faut absolument tenir compte de ces niches. Par exemple, ils se rendaient en Pologne pour visiter les camps de concentration comme par Auschwitz. Il y avait ainsi des échanges organisés par l'Église évangélique en RDA, repris ensuite en RFA et en Pologne. Durant cette période, il y avait donc des rencontres entre représentants de l'Église catholique et évangélique à Cracovie. Cela contrastait avec la politique officielle des gouvernements communistes. [...]

Des discussions étaient déjà en cours sur la question de la frontière et de la culpabilité allemande dès les années 60/70 par la société civile. Des associations germano-polonaises (*Deutsch-polnische Gesellschaften- DGP*) se développent.

Dans les années 70, le gouvernement de la RFA entame une politique de détente sous Willy Brandt avec la Pologne. Une discussion sur la reconnaissance de la frontière est mise en place. Ce qu'il faut savoir que la Pologne était le pays le plus libéral à ce moment-là du bloc. La mise à genoux de Willy Brandt devant le ghetto de Varsovie a eu une grande influence, largement dans la société. Des initiatives de la société en RFA vont alors se mettre en place comme des actions de l'association de Maximilian Kolbe pour les survivants des camps de concentrations.

C'est dans cette période que la Commission pour les scolaires livres germano-polonais d'histoire a été mise en place. [...]

La politique de détente se manifeste aussi par en bas avec l'envoi de paquets en Pologne, pour apporter son soutien à la société polonaise.

En RDA, le soutien se trouve seulement au sein de petits groupes de la société. En 1980, en RFA, la position est assez critique de la part du gouvernement Schmidt avec la figure d'Herbert Wehner envers le syndicat polonais et préfère une solidarité craintive. [...]

La Fédération des expulsés (*Bund der Vertriebenen, BdV*) est très présente et bien installée en Allemagne de l'Ouest. Mais comme la rappelait Lech Wałęsa, si on compare l'aide apportée sous le gouvernement Schmidt, avec par exemple par l'envoi d'imprimantes, l'aide est assez importante. On dit souvent que la France a le plus contribué mais la différence entre la France et la RFA n'est pas si importante. L'Allemagne de l'Ouest a aussi été très généreuse. Il faut ainsi faire la différence entre la réalité et les déclarations officielles. C'était une forme de solidarité avec la Pologne mais pas avec Solidarność. Ce qui est dommage, c'est qu'en Pologne, la perception du groupe politique SPD est souvent très unilatérale. BdV donne aussi une mauvaise image en Pologne. [...]

En RFA, l'anticommunisme était aussi très présent. Ainsi il y a eu différentes réactions et réceptions vis-à-vis du mouvement au sein de la société ouest-allemande : on peut dire qu'elle était multi plurielle. Mais sans doute, la représentation de Solidarność est liée à la représentation des Polonais. Le positionnement des Allemands est assez ambivalent, car il y a le retour des questions liées à la Seconde Guerre mondiale et à la culpabilité allemande.

Dans le même temps, la Pologne est perçue comme plus libérale que la RDA. Il existe donc le potentiel d'un contre-courant et le côté positif d'une voie nationale. [...]

Pour certains groupes politiques, sorte de manque de prise en compte du potentiel de Solidarność. Cela est notamment dû au fait que comme die Linke en RFA, il est difficile de percevoir l'importance du mouvement. Il y a une idée que le mouvement ne rentre pas dans le cadre traditionnel d'une révolution avec la place importante de l'Église, du Catholicisme. Cette dernière joue un rôle dans la réception car ne rentre pas dans la conception des parties de gauche.

Ce qui est un peu davantage, c'est que la Pologne est peu regardée comme acteur important et les similarités entre l'Allemagne et la Pologne sont souvent peu perçues par les deux côtés respectifs.

Annexe 4: Entretien Basil Kerski, 14/04/202, 12h00- 75 min, Varsovie, vidéoconférence.

B.S : Tout d'abord, on peut souligner que pour fêter les 30 ans de la révolution pacifique, ARTE a réalisé un documentaire, avec NRD un film sur Solidarność. Ce dernier s'intitule «Solidarność, la chute du mur commence en Pologne. Ce film a été réalisé avec une Française, Ania Szczepanska, avec des origines polonaises.

Solidarność, ce n'était pas une simple érosion mais un processus. Je crois qu'il y a une citation de Timothy Garton Ash (10 ans en Pologne) qui explique bien cela. Ce documentaire a projeté et suivi par une soirée à Berlin. C'est le résultat aussi du mouvement pacifique de Solidarność : la chute du mur.

Il y a aussi un film avec ARTE sur l'état de guerre en Pologne. Ce sont des signes positifs que des historiens, des chercheurs veulent donner d'autres narrations pour l'Europe.

Ces réalisateurs savent qu'ils font ces films car Solidarność était peu repris et présent dans la mémoire collective, dans la mémoire populaire. On veut une histoire européenne mais les changements, au niveau politique par exemple sont principalement consacrés sur des discours nationaux. Les Polonais sont aussi très focalisés par l'écriture de leur perspective nationale. Beaucoup ne savent pas ou ne souviennent pas qu'il y a 30 ans, Helmut Kohl et Tadeusz Mazowiecki avaient pour seul objectif de faire partir les troupes soviétiques.

On a aussi un problème au niveau européen. L'Union européenne est principalement consacrée autour des années 50 ans avec le Traité de Rome.

Par exemple, il y a très peu de personnalités de l'Europe de l'Est qui ont joué un rôle dans l'Histoire dans la réconciliation européenne, comme Bronisław Geremek, Lech Wałęsa, Wolf Biermann. [...]

Solidarność c'est seulement un mot, une surface comme l'Esplanade au Parlement européen.

Si on revient dans l'Histoire, avec l'indépendance de la Pologne et la réconciliation franco-allemande, la Pologne ne serait pas souveraine, ne serait pas sortie du Traité de Varsovie sans l'Allemagne et la réunification allemande n'aurait pas été possible sans la question polonaise. La réunification allemande était intégrée avec la question de la reconnaissance

de la frontière germano-polonaise. Le processus ne s'était pas fini avec la chute du mur, seulement au niveau interne mais les différents traités sur la question des frontières en novembre en 1990 et sur le traité de voisinage en juillet en 1991, avec l'exemple du traité de réconciliation du traité franco-allemand ont joué aussi un rôle déterminant. C'était sensationnel. [...]

Les partenaires les plus importants sont pour l'Allemagne : la France et la Pologne, bien sûr il y a Israël et les États-Unis mais ces deux premiers pays sont très importants, font partie de la même communauté.

L'ancien ministre des Affaires étrangères, Krzysztof Skubiszewski, le partenaire de Dumas et Genscher, a consacré sa vie à la question des frontières et un acteur du traité de voisinage. D'ailleurs, le traité de Weimar entre l'Allemagne, la Pologne et la France est l'exemple de cette coopération. Le traité de voisinage a été signé sous le gouvernement de Solidarność, qui fait ainsi partie de la philosophie de Solidarność. [...]

La réconciliation, l'indépendance de la Pologne et les facteurs qui ont contribué sont connus par les chercheurs mais pas la société. Ils ne sont pas connus et ne sont pas considérés comme important. En Allemagne, en France ou bien en Pologne, on ne les retrouve pas dans les manuels scolaires. Encore en Allemagne, cela reste inconnu aussi pour certains politiques, notamment l'ensemble du processus. Pourtant la Pologne avec les autres pays de l'Europe centrale, ils sont plus importants que la Chine, que les États-Unis. [...] D'une certaine façon, les révolutions pour la paix ont joué un rôle aussi pour l'économie allemande, pour les entreprises.

Alors que la Pologne représente un partenaire important au niveau économique, pourtant même maintenant, son rôle demeure sous-estimé ou peu connu de la société. La place des partenaires de l'Europe centrale est aussi due à ces révolutions qui ont contribué à placer ces pays des partenaires privilégiés de l'Allemagne. On a aujourd'hui une grande disproportion entre la réalité et la prise de conscience. [...]

L'Église catholique en Pologne a été l'auteur du changement pacifique. Lech Wałęsa n'aurait pas trouvé de compromis avec les Communistes sans l'aide de l'Église, sans un tournant pacifique. C'est de cela dont parle Timothy Garton Ash dans son livre sur Solidarność : « Révolution ». Ce dernier est l'acronyme pour réforme et révolution, car en effet une révolution des petits pas. L'Église avait une dimension politique, un pouvoir avec la personnalité de Jean Paul II qui était indépendant et était à la tête d'un État. Au niveau international, Jean Paul II apportait un soutien à Solidarność. Ça veut dire que l'Église catholique fait aussi partie de l'héritage de Solidarność. Aujourd'hui, l'Église catholique soutient une histoire nationale de Solidarność. De l'autre côté, on a des politiques comme Lech Wałęsa avec une autre version. L'histoire de Solidarność est donc aujourd'hui divisée. [...]

Alain Touraine, le sociologue a très bien catégorisé Solidarność : c'est aussi la question de la valeur, de l'universalité. Je ne parle pas seulement de moi mais aussi de l'humanité.

Il existe le concept de l'antipolitique de György Konrad. Nous devons parler une autre langue, un autre discours qui diffère du politique, nous devrions nous occuper de la question morale.

Les communistes ne devaient pas seulement voir des personnes dans la rue mais aussi faire face à un changement de mentalité dans la société.

Dans les années 70, les jeunes ont cherché des alternatives à vivre. Cette culture de contreculture recherchait l'universalité.

Cette langue universelle était l'évènement le plus important. Solidarność était ainsi un nouveau mouvement social qui avait une visée au-delà de la Pologne. En été 1981, plus de 10 millions de personnes se sont inscrites. Ce n'est pas une organisation nationale mais une fédération c'était aussi un signe contre la centralisation du communisme. Il faut aussi dire que c'était un évènement de la Jeunesse qui a aussi inspiré en France, en Allemagne, même au Japon. [...]

La génération de la Seconde Guerre mondiale a aussi joué un rôle dans le mouvement. Marek Edelman, le survivant du ghetto de Varsovie a voulu que Solidarność soit pacifique car la génération de la Guerre voulait un mouvement social pacifique. [...]

En Allemagne, on doit vraiment différencier entre l'Ouest et l'Est. A l'Ouest, les intellectuels, les artistes étaient fascinés par Solidarność. Ce mouvement les a beaucoup marqués : c'est l'expérience d'une génération.

Dans les années 70, en Allemagne de l'Est, le gouvernement a ouvert les frontières et les Allemands de l'Est pouvaient se rendre en Pologne sans passeport. Cette ouverture a renforcé le changement culturel. Et beaucoup de jeunes ont bénéficié des échanges, et étaient fortement anti-communistes. C'est intéressant avec Solidarność, les frontières étaient fermées, car Heinrich Honecker avait peur du chaos, d'une pandémie. Pour soutenir Solidarność, la Stasi a lancé des blagues anti-polonaises et les racines de ces blagues ont pris leur origine dans des clichés/ stéréotypes polonais : avec l'économie polonaise et l'instabilité polonaise, en disant qu'il y avait toujours des grèves et que les Polonais ne travaillaient pas. [...]

Dans les années 80, la RDA avait beaucoup de problèmes avec les nazis. Les Allemands utilisent une autre narrative : celle de la Prusse. Ils utilisent l'anti polonais et des préjugés sur les Polonais pour éloigner les Allemands de Solidarność. Un autre aspect de la société allemande de l'Est est très athéiste et protestant. Le rôle de l'Église catholique dans Solidarność était aussi un problème dans l'acceptation en Allemagne de l'Est : c'est plus un aspect culturel.

Dans la RFA, ce qui est intéressant c'est le nouveau mouvement social les Verts /Die Grünen. Ils se sont beaucoup investis pour Solidarność. Ce nouveau mouvement social avait une visée universelle comme le mouvement syndicat. Beaucoup d'hommes politiques des Verts ont eu des contacts avec Solidarność. L'icône des Verts, Petra Kelly, a été très fascinée par Solidarność. Les Verts à travers leur combat écologique étaient aussi pour une émancipation des peuples. Heinrich Böll, a été un des seuls intellectuels qui a soutenu Solidarność. Il a été une voix importante pour Solidarność en Allemagne de l'Ouest.

La sympathie pour Solidarność s'est retrouvée dans plusieurs strates de la société, chez les journalistes, chez les historiens de manière très différente. A l'époque de Solidarność, la société allemande était très divisée sur la réception de ce mouvement. Une partie avait peur que ce mouvement empêche la paix en Europe. Une partie voulait parler avec le pouvoir pour stabiliser et ils n'avaient pas confiance en la politique polonaise, et beaucoup pensaient que la Pologne n'était suffisamment stable et que c'était un danger. Une autre partie de la société, politique, avait une grosse sympathie et voyait cela comme une chance de dialogue de réconciliation.

Il y a eu des manifestations racistes envers les migrants de l'Est. [...] On ne peut pas comprendre l'Allemagne sans le facteur de la Pologne.

L'action des paquets, c'est aussi important de parler de la manière dont la poste allemande fonctionnait. La poste était une entreprise nationale et c'est le gouvernement allemand qui s'est chargé de l'envoi des colis. Un Allemand qui envoyait un paquet pour la Pologne ne devait pas payer, c'était gratuit. Le chancelier Schmidt a mis en place cette procédure puis le chancelier Kohl a prolongé durant 2 ou 3 ans. Ce qui se passait, c'est que des gens qui n'avaient pas de connaissance en Pologne, ils demandaient à leur voisin s'ils connaissaient des personnes pour leur envoyer. Il y avait donc une solidarité entre Allemands à des Polonais anonymes. Ils ont aussi organisé des transferts pour les hôpitaux. C'était un choc, ça venait du cœur. La Pologne était isolée avec l'État de guerre, et l'action était l'une des plus grosses aides humanitaires. C'est un peu oublié la dimension que cela avait, surtout du fait du changement du fonctionnement de la poste. Il y a donc eu une aide du gouvernement allemand, de manière indirecte.

[...]

La RFA devait de nous faire face aux problèmes de frontières et le déplacement des personnes à l'Est, et cela a joué un rôle dans l'après-guerre. Et le sentiment négatif envers la Pologne a été réutilisé : c'est une sorte de terreau fertile.

L'Allemagne de l'Ouest a aussi mis beaucoup de temps à mettre en place un dialogue avec la Pologne, notamment avec la question des expulsés.

La culture a aussi joué un rôle, dans les années 70, la musique, l'art et la littérature étaient innovatrices et inspirantes pour le bloc. Le meilleur exemple est Andrzej Wajda. L'art polonais avait un pouvoir important. Le pouvoir de l'art a aussi eu une influence au sein de l'Allemagne, avec le jazz polonais. [...]

Solidarność est très manipulé maintenant aujourd'hui. Mais en Europe on a besoin d'une narration, d'icônes communs et que Solidarność c'est intéressant car beaucoup de personnes connaissent et c'est positif. La place nationale est très présente en Europe, aussi dans les livres, dans l'histoire et c'est difficile de construire une narration commune européenne.

Annexe 5 : Entretien Dieter Bingen, 05/05/2021, 15h00 – 75 min, Varsovie, vidéoconférence.

D.B : L'héritage historique entre l'Allemagne et la Pologne remonte au moins à l'époque avant la division de la Pologne, c'est-à-dire une politique anti-polonaise des élites prussiennes en particulier. Puis, la Prusse a participé aux partages puis à la destruction de l'État polonais à la fin du 18e siècle.

Dans cette disparition de la Pologne de la carte politique de l'Europe, la force motrice était le roi de Prusse Frédéric II et qui a mis en place une politique anti-polonaise, dite négative, envers la Pologne. Cette posture envers la Pologne a été présente pendant plusieurs décennies puis elle s'est intensifiée dans la seconde moitié du 19ème siècle, avec la politique de germanisation (*Germanisierung*). Cette dernière consistait notamment à attaquer la culture et la langue polonaise. Sous Bismarck, il y avait aussi un fort sentiment anticatholique. L'identité culturelle de la Pologne était remise en question. L'apothéose de toute cette politique anti-polonaise était après la restauration de l'État polonais. Presque toute l'élite culturelle politique en Allemagne avant 1933 n'était, avec quelques exceptions en face de la Pologne, pas amicale. Ce sentiment est apparu alors uniformément dans la période de 1939 à 1945.

Après il faut dire qu'il a fallu traiter cet héritage historique. Après 45, il y avait juste deux pays allemands. Ce « patrimoine commun » a ensuite dû être traité, à la fois en RFA, capitaliste libérale ainsi que dans la RDA communiste stalinienne. Au départ, la RDA ne s'est pas occupée de cet héritage, car elle a dit « Nous sommes quelque chose de nouveau, et cela a été la guerre avec un régime fasciste, et nous sommes maintenant les communistes et les libérateurs, nous construisons une nouvelle Allemagne. »

En République fédérale également, il y a eu cette confrontation, tout d'abord, depuis les années 1960, et elle est venue très fortement de l'intérieur de la société. C'est-à-dire qu'il y a eu une révision, du moins théoriquement et dans l'abstrait et puis aussi dans la pratique à travers les connexions à travers la RDA, précisément alors à une certaine ouverture vers la Pologne, mais un dialogue qui bien sûr ne pouvait pas être aussi ouvert qu'il aurait dû l'être. En comparaison, avec les relations allemandes et ouest-allemandes-françaises après 1945, il y avait une situation compliquée mais elle n'était pas non plus aussi dévastatrice que la situation qu'elle était dans les relations germano-polonaises. A l'Ouest, dans les territoires occupés, la politique d'occupation à leur égard des Français non juifs ou des Italiens non juifs était beaucoup moins asservissante et terroriste, bien qu'elle l'ait été à l'égard des Slaves et surtout alors du premier voisin la Pologne. Il y a eu un mouvement antijuif Polonais, contre les Juifs, les Juifs polonais et contre les Polonais catholiques. Les premières victimes dans la mémoire allemande sont les Juifs et les millions de morts Allemands, tués par les bombardements. Il y a aussi la perte de plus de 20% du territoire allemand a fait que les premières victimes étaient Allemandes, et ont été la toute première pensée. [...]

Dans les années 60, il y a eu aussi une normalisation partielle. Les premiers contacts sociaux et une ouverture culturelle existaient déjà depuis la fin des années 50, avec la déstalinisation de 56 et le printemps polonais (culture polonaise du jazz, la littérature). Il y avait une certaine ouverture des églises, des organisations de jeunesse, aussi de la jeunesse socialiste, et aussi de l'église protestante Maximilian Kolbe Werk.[...]

Du côté polonais, il y avait également une volonté. La chose remarquable était la lettre des évêques polonais qui en fait une certaine première percée. [...]

Comment se peut-il qu'en octobre 1958 un homme issu d'un pays communiste a été élu pape ? Il y a eu de nombreux contacts entre la Conférence épiscopale allemande et la Conférence épiscopale polonaise et on dit que l'influence des évêques allemands a été très grande pour élire un Polonais comme pape lors du conclave, ce qui a bien sûr fait sensation. La Pologne a ainsi été le sujet de beaucoup de médias publics allemands. Beaucoup ont fait des reportages en Pologne, du fait de l'élection du Pape et sa visite en Pologne. L'émergence de Solidarność a aussi été suivie avec une grande attention. Les journalistes étaient sur place, ils étaient sur le chantier naval.

Je me souviens très bien qu'ils parlaient de ce qui se passait en Pologne avec beaucoup de sympathie, mais toujours avec la question "Est-ce que cela peut bien se passer ? Est-ce que ça peut aller ? Il y avait une joie et du respect pour ce courage, mais on se disait dans le même temps mais « ils sont devenus fous, les Polonais ? » Il y avait déjà les premiers doutes sur le fait que ça allait même aboutir à cet affranchissement. On arrive à cet accord de Gdansk. Le 31 août 1980, j'étais à une réception d'un mariage. On discutait de ces accords et on se disait, « Non, ils ne signeront pas le traité, il n'y aura pas de traité, les communistes ne peuvent pas signer ça ». Mais ils l'ont signé, ce qui a suscité beaucoup d'étonnement, voire de scepticisme, quant au fait qu'ils aient cédé mais toujours de l'inquiétude : les Soviétiques ne viendront-ils pas après tout ? Qu'est-ce qui se passera si cela continue en Pologne ? Quelles conséquences pour les relations germano-allemandes et pour la politique en RDA ? La politique de l'Allemagne fédérale a toujours été la relation germano-allemande et donc la crainte que s'il y a une crise en Pologne, cela devienne une crise systémique, l'agitation politique, l'occupation soviétique, en d'autres termes, l'ensemble de la politique de détente dans la zone germano-allemande s'effondrerait et provoquerait une situation très instable en Europe centrale était juste aussi une chose très difficile pour la politique ouest-allemande, pour le chancelier Schmidt. [...]

Que signifie la solidarité avec Solidarność ? C'est ce qu'a fait l'Allemagne, la rhétorique du gouvernement allemand a toujours été la même, mais elle doit se dérouler pacifiquement, sans usage de la force. Il y a eu un minimum de contacts maintenus, avec le régime, même en partie, et la solidarité avec le peuple, en partie avec l'humanitaire.

C'est surtout l'action de ce paquet qui a été déterminante. Il s'agissait d'une tentative, bien sûr, d'une action globale de réparation morale pour ce que vous ne pouvez pas compenser, mais un signe, un signe de la société allemande sur la Pologne qu'ils sont là et qu'ils aident ces pauvres gens polonais. C'est-à-dire que, bien sûr, il y a toujours une asymétrie dans toute cette relation. Les Allemands aident les Polonais. [...] C'est un grand sujet Solidarność sans le Solidarność, il n'y aurait pas eu l'effondrement du système soviétique dans ce court laps de temps, parce que c'est quasi, c'est vraiment, c'est rampant en fait la fatigue, la fatigue et l'incapacité par fonctionnalité du système socialiste réel. La révision est venue par Gorbatchev, qu'il a dit « Je veux sauver le système socialiste, mais plus avec les anciens moyens ». C'est-à-dire plus avec une intervention dans un autre pays, plus d'intervention pour les communistes en Pologne, et c'était l'arrêt de mort pour les communistes polonais, ils le savaient, c'est pourquoi le parti polonais a dû s'asseoir à la Table ronde avec Solidarność. Ensuite, ils ont traité en particulier avec l'Allemagne, pour aller dans la voie de la démocratie en Europe et de la communauté de valeurs occidentale.

Le premier pays à l'Ouest est l'Allemagne et est perçu comme un pont et un partenaire, pour ainsi dire, sans lequel, à long terme, la nouvelle Pologne ne pourra pas voir le jour. C'est-à-dire qu'il y avait une coïncidence presque miraculeuse, jamais imaginée auparavant, et une quasi-coïncidence des intérêts, des intérêts des Allemands, d'une démocratie allemande et d'un mouvement démocratique polonais, qu'ils ne pouvaient être réalisés qu'ensemble, que l'objectif numéro un était la raison d'état de la Pologne et la raison d'état allemande, c'est-à-dire l'unité allemande ne pouvait être réalisée qu'ensemble. Bien sûr, ce n'était pas aussi facile qu'il n'y paraît maintenant, car il fallait régler définitivement la question de la frontière. Il s'agissait de la signature finale, du fait qu'il y a bien sûr encore beaucoup de méfiance vis-à-vis de l'Allemagne, parce qu'il n'y a pas eu d'expériences positives. La contribution de la Pologne à l'unification, par exemple, a été en fait jusqu'à la fin des années 90, jusqu'au tournant du millénaire, très peu exposée. Les Allemands, et pas seulement les Allemands de l'Est, mais aussi les Allemands de l'Ouest, ont toujours été reconnaissants à Gorbatchev, qui a apporté la réunification allemande. La contribution de Solidarność à l'unité germano-allemande a été beaucoup plus importante et sans le consentement de la Pologne, il n'aurait pas été possible de réaliser cette unité dans une période très courte de dix mois, de dix mois ou d'un an, ce qui est inimaginable. Seuls les Allemands ont fait une fixation très forte sur la Russie. En 1990, Que se passe-t-il sous nos yeux ? Les gens descendent dans la rue et applaudissent Gorbatchev. Il était très populaire en République fédérale d'Allemagne et les Polonais étaient très fâchés, après 1989-1990, que la contribution de la Pologne à la réunification allemande ne soit pas considérée de la même manière. En outre, lors des anniversaires après 1990, le ministre des Affaires étrangères polonais ou le président polonais n'ont pas été invités. [...]

Nous avons compris combien l'importance du syndicat bien plus tard en 2009, avec la cérémonie avec le lâché de dominos. Le paternalisme, la dépendance objective de la Pologne est présente car il est perçu que sans l'aide de l'Allemagne il n'y aurait eu ni l'adhésion à l'UE dans ce court laps de temps l'Allemagne a été après 1990 le pays, le pays le plus décisif, qui a passé l'adhésion à l'UE des Européens centraux et surtout la Pologne. L'Allemagne est devenue maintenant active et en fait visiblement comme le pays, qui était présent alors aussi comme jamais auparavant dans les pays de l'Europe centrale orientale. Si la France s'était davantage impliquée, la Pologne n'aurait pas été aussi dépendante de Bonn ou de Berlin dans le cadre de cette intégration à l'Ouest. Il y a aussi beaucoup de raisons pour cela, c'est simplement le pays le plus proche et la France a juste plus au sud-ouest de l'Europe et au sud de l'Europe. [...]

Maintenant la Pologne cherche sa propre place, c'est le sujet d'aujourd'hui, quels amis on cherche et quelle conception de l'Europe ? [...]

Pour la Pologne, le grand traumatisme est de 39 à 45. Ce que les Allemands ont fait aux Juifs et c'est un point de mire si fort que l'empathie envers la Pologne, des Polonais non-juifs sur les non-juifs, pas très forte, si forte et vous ne savez même pas ce que la politique d'occupation allemande envers toute l'histoire culturelle de la nation polonaise signifie pour le peuple polonais, à la terreur quotidienne l'horreur quotidienne non seulement envers les Juifs polonais, mais aussi envers les civils polonais.

Jusqu'à présent, il n'y a aucun signe, donc cette expression de sympathie, d'empathie, de respect, ce sont des actes symboliques qui, bien sûr, sont aussi ou seraient aussi des choses

matérielles. Donc ça veut dire restitution et paiements concernant également les victimes survivantes. Tout cela est arrivé très tard, de la République fédérale d'Allemagne et donc c'est aussi relativement peu par rapport aux autres. Il faudrait probablement un signe envers les Polonais, un monument par exemple. L'Allemagne, c'est le pays dont vous avez peur durant 250 ans, et dans le même temps que vous admirez pour certaines vertus secondaires, pour son développement civilisationnel, l'économie allemande et et la force et l'efficacité. Dans ce cas, dans un monument aurait une symbolique. La France n'a pas besoin de cela, la Russie n'en a pas besoin non plus. Les Russes ont toujours gagné, les Soviétiques, ils font des monuments pour les vainqueurs.

Pour la relation germano-polonaise d'avoir un tel lieu symbolique à Berlin, serait très important. Il y a des monuments pour plusieurs groupes de victimes mais il n'y a pas pour les Polonais, et c'est pourquoi que beaucoup d'Allemands ne comprennent pas jusqu'à aujourd'hui. Beaucoup d'Allemands disent alors : Oui, nous en avons déjà assez, nous avons perdu 20% de terres, nous avons, nous avons perdu tant de millions de personnes, nous avons, nous avons aussi donné des milliards à la Pologne, et ne voulez-vous pas enfin vous reposer. Puis autre chose, mais alors ils pleurnichent, et c'est un peu agaçant.

Et la façon dont la Pologne s'y prend parfois n'est pas vraiment utile non plus. Mais il y a un déficit allemand. [...]

La tragédie, c'est le drame en ce moment, c'est que l'histoire de Solidarność, par le gouvernement conservateur cléricale nationaliste, remet en question le seul moment positif d'une révolution pacifique, qui s'est déroulée sans effusion de sang. Ce n'était pas pas une révolution, mais un changement. Ce mouvement Solidarność est la première victoire d'un mouvement de liberté, tous les autres mouvements de liberté ont échoué, comme Kosciuszko donc la lutte pour la liberté ou en 1956 (Poznań). Le syndicat est la première victoire et l'élite politique actuelle et les historiens dans le service du gouvernement détruisent les personnes et les demandes substituent des héros et les personnes comme Bronisław Geremek. Ils ont été si décisifs et maintenant et ils sont noircis et à la place alors on chantera un héros alternatif, qui n'avait qu'une importance secondaire, Lech Kaczyński.

Oui, c'est ça Solidarność, c'est déconstruit par la politique actuelle, déconstruit en fait et il n'a jamais été perçu par nous dans son importance. Et pour les Allemands, ils regardent la chute du mur. Solidarność n'est pas non plus un jour précis. [...] Le symbole de l'effondrement de l'ancien est le 9 novembre, pas le 3 octobre 1990 ; la vraie fête nationale est en fait le 9 novembre.

La Pologne n'a pas de jour. Il y a eu le processus de la Table ronde de février à avril, puis des élections le 4 janvier et le 18 juin, puis un changement de gouvernement en septembre. Quand commence-t-on ? Ensuite, il y a eu la première élection parlementaire libre et totalement libre seulement en 1999. Quel est le point de départ ? Il n'y a pas de date et les Allemands ont une date, donc c'est plus facile, c'est plus facile à célébrer. Oui, c'est plus facile pour les Allemands aussi. Tout d'abord, parce que pour les Allemands, l'Allemagne est plus importante que la Pologne, et ils savent aussi que c'est plus difficile pour eux, notamment avec le récit officiel, qui rend encore plus difficile la remise en question de cet héritage

Entretiens : Etude documentaire « Solidarność, la chute du mur commence en Pologne », ARTE

Annexe 7 : Entretien Peter Gottschalk, 16/03/2021, 11h00 – 60 min, Varsovie, vidéoconférence.

P.G : Le projet vient d'ARTE GEIE, une chaîne européenne et d'une équipe internationale. Pour ce projet, le producteur est allemand mais le projet vient d'ARTE, donc c'est un projet pas seulement allemand.

Quand on parle des projets à ARTE par exemple, si on traite d'un sujet tel que la politique secrète Stasi ou la Guerre d'Algérie, on va essayer de donner une perspective franco-française ou germano-allemande. Dans le même temps, le réalisateur doit aussi penser aussi aux autres nationalités. On doit pouvoir expliquer le sujet au taxi marseillais ou à sa grand-mère. [...]

L'idée vient de ma tête, mais ce n'est pas mon projet, c'est un projet européen, d'ARTE. A chaque date d'anniversaire, on se pose toujours cette question : comment va-t-on commémorer ? Cela a été le cas en 2011 pour début de la Grande guerre. C'était le cas pour le film d'Ania. En 2017, on a réfléchi pour les 30 ans après la chute du mur. En mai, on va faire un programme sur Napoléon. [...]

Mon idée, c'était de présenter ce qui s'était passé avant 1989. On retrouve cette idée dans le titre. La chute du mur a commencé en Pologne 10ans même 20 auparavant. Par hasard, je me trouvais à Gdansk au moment où il y avait les grèves. Tout le monde était nerveux.

J'ai connu la Pologne durant le communisme, j'ai en RDA et URSS (quand Gorbatchev était le nouveau président). Je me souviens que j'avais ce sentiment que ça allait s'arrêter. [...]

Avec le producteur, on a eu l'idée de ce documentaire. On a ensuite cherché les réalisateurs et c'est là qu'il a demandé à Ania. On s'est rencontrés à Theresienstadt on s'est rencontrés là-bas et depuis on est devenus des amis. [...] On fait des films pour le public européen.

En Pologne, on était capables de sentir qu'il allait se passer quelque chose. Le début du syndicat est lié aux événements de 1970. Il y a eu des premiers soulèvements ouvriers et tué par les militaires. En 1980, l'une des revendications était de créer un monument pour les morts de 1978. Au début, le syndicat était représenté par une figure féminine. Mais après, les Polonais ont décidé de prendre quelqu'un qui semblait plus fort. Ils ont alors choisi Lech Wałęsa qui est devenu le leader. [...]

Au début en 1992, ARTE était la seule chaîne à diffuser en deux langues en permanence et qui a essayé un regard transnational sur l'histoire.

Quand vous regardiez France télévision ou la télé en Pologne, il y avait toujours une dimension nationale. Le producteur du documentaire est souvent invité à l'étranger. Par, il a participé a des discussions et panels. Il y présente cette perspective transnationale qui n'est pas si évidente pour beaucoup de pays. Par exemple, entre l'Allemagne et la Pologne, dans les années 50, le regard sur l'histoire était très difficile. C'est venu vers 1985, avec une longue période de mise en dialogue. Pour autant, à ARTE, on n'est pas des missionnaires. [...]

Le documentaire a été diffusé en prime time donc on parle de 2/ 3 millions de spectateurs. Il faut que ça soit captivant, bien raconté, pas seulement la philosophie mais aussi visuelle. C'est juste un aspect mais oui ARTE fait quelque chose pour l'Europe. [...]

Annexe 8 : Entretien Ania Szczepanska, 18/03/2021, 14h00 – 45 min, Varsovie, appel téléphonique.

E.O : Vous avez travaillé sur la réalisation d'un documentaire Solidarność, initié par la section ARTE allemande. Tout d'abord, quels ont été les attentes et les objectifs pour ce film ?

A.S : La commande était très ouverte, l'idée principale était de revenir sur l'épopée de Solidarność, sur ce que ça avait été durant les années 1980. Les personnes à l'origine du projet, dont Ulrike Dotzer, considéraient que c'était une page de l'Histoire européenne moins transmise. Elle avait comme recouverte par les autres événements des années 90 et par la suite, l'intégration européenne. C'était une révolution qui n'a pas été transmise par les médias ni les livres. Au moment des événements, il y a eu un emballement dans les médias mais après les années 90, il s'est épuisé. On peut considérer que le retour de l'Europe est d'intégrer cette page de l'Histoire, de l'exploiter et de la raconter.

Afin par exemple, que nous ne considérons plus 1989 en tant que seulement une ville et une nuit, mais de l'intégrer dans un temps plus long : comprendre de l'importance du mouvement démocratique dans l'Europe centrale et orientale. On m'a donc donné un sujet très large et donc il fallait réfléchir comment raconter cet événement.

Plusieurs angles étaient possibles car un sujet historique et politique ne fait pas un film. Il fallait trouver un questionnement. Etant une historienne de l'image, spécialiste des questions liées à l'audiovisuelle et spécialiste de cette période, j'ai souhaité confronter les images, confronter les regards et voir comment la photo et l'image peuvent participer à l'éveil des consciences et l'éveil politique. C'est pour cela que je ne suis pas seulement allée chercher les images de la police militaire, qui se trouvent maintenant à l'UPN, mais aussi celle des images des opposants, des journalistes, des photographes liés au mouvement. Je considérais ce travail comme un moyen de raconter une histoire pour confronter le regard, pour montrer le processus politique.

Avec une société si iconophile, l'image a une place devenue si importante dans la mobilisation et dans l'imagerie, que je trouvais intéressant de faire ce jeu de confrontation. Je me suis posée la question par exemple : De quelle manière étaient utilisées les images médiatiques ?

Ceux qui ont commandé le projet avaient ces images de Lech Wałęsa en tête, qui étaient très présentes au moment des événements. Ils voulaient ainsi retrouver ces images mais on voulait aussi apporter d'autres images, pas celle des journalistes de l'Europe de l'Ouest mais aussi celles des Polonais. Il y a eu aussi un peu cette idée de faire revivre ces images. Ce nouveau regard conduisait à une myriade de vue. Dans ce travail, il était aussi important de prendre en compte de l'écoulement du temps. Cet événement avait commencé il y a 40 ans. On ne peut plus raconter de la même manière.

Il faut aussi prendre en compte que je suis aussi influencée par ma propre mentalité et mes sensibilités, du fait même de ma génération par exemple du fait que je sois une femme. C'est une histoire qui pourrait être racontée différemment en fonction d'autres mentalités. Moi par exemple, ce qui m'intéressait, c'était les traces visuelles que je me suis posée telles que la mobilisation politique, le pragmatisme de la mobilisation, de l'union, de la mobilisation

des intellectuels, des ouvriers et la place des femmes, mais aussi la clandestinité après l'État de guerre. Cet aspect de Solidarność a d'ailleurs mis beaucoup de temps à être rassemblé. Des vidéos tournées dans les années 80 ont ensuite été réutilisées pour ce film. On a voulu réutiliser ces images non pas les journalistes de l'Ouest à l'époque mais aussi rajouter ces images de clandestinité. Ce travail nous a permis de nous interroger sur le récit dominant, dans les années 80 et la manière dont il a été construit.

E.O : Vous parlez en effet, dans votre interview accordé au journal La Croix que ce mouvement, du moins en Pologne, est repris par les différentes fractions qui en ont fait partie. Vous qualifiez à travers la force des images la possibilité de donner un exemple pour une union possible dans un pays déchiré par l'Histoire

A.S : Oui, ce mouvement montre qu'au-delà des divisions, à un moment donné, les différences ont été affaiblies un peu comme étant mis en sourdine, car elles étaient moins importantes que la cause commune. Les divergences ont après explosé au grand jour avec par exemple l'Eglise catholique et sur la manière de venir à la Liberté. Mais oui ce moment montre que la Pologne est capable d'un moment d'union.

E.O : Récemment, la chancelière Angela Merkel a mentionné dans son discours du 29 aout 2020, les hommes et femmes de Solidarność comme les héros de la liberté européen. Elle présente le mouvement comme le chemin qui a tracé la voie, 10 ans auparavant, à la fin des régimes communistes. On peut voir un véritable changement dans le discours de l'Allemagne. Quelle est la volonté des représentants allemands derrière tel usage ? Est-elle liée au contexte politique, en Allemagne ou bien à la situation polonaise ces dernières années ?

A.S : En Pologne, on se trouve en effet dans un moment de confinement avec un repli sur soi, avec la promotion d'une identité homogène, homophobe qui essaye de construire un modèle de la polonité. Solidarność permet d'offrir un autre modèle, un modèle aspirant qui a été un succès politique.

Il faut aussi rappeler que l'Allemagne n'a pas été éprouvée par les conséquences des années 90, comme le plongeon économique dans le marché unique. On peut en effet trouver une volonté de contrebalancer le modèle actuel du gouvernement polonais. Mais PIS essaye aussi de récupérer le mythe de Solidarność pour servir son idéologie. Par exemple, les 21 revendications de Solidarność, il y a eu une bataille pour les récupérer entre le Centre Solidarność et un centre dirigé par PIS. Le CES est pro-européen, pro-libérale et PIS conservateur. L'interprétation de ce monument montre en réalité un exemple des conflits européens et internes en Pologne.

Annexe 9 : Entretien Christin Schutta, 25/03/2021, 14h15 – 45min, Varsovie, vidéoconférence

Il existe trois versions : Allemagne et française et anglaise.

Le communauté d'éditeurs est composé de la chaîne NRD en Allemagne – ARTE – structuré en France et en Allemagne. Cette dernière comprend un important réseau de TV. [...]

Pour la formation d'un programme, il y a une commission d'éditeurs par les deux côtés.

Idée initiale vient de Gottschalk et d'Ulrike Dotzer.

Étant donné les 30 ans de la chute du mur, ils voulaient donner une nouvelle perspective.

Ils voulaient présenter Solidarność et la Pologne pour être que tout le monde soit d'accord, il fallait intégrer une connexion avec la chute du mur.

Un conflit avec la commission éditeur (plus du côté français qu'allemand).

Au début, Ania voulait faire un film sur la Pologne (place de la relation entre la DDR et la Pologne) mais il y a eu un désaccord. Il y a donc eu une discussion sur la manière de représentation, un compromis a été retrouvé et ce dernier se trouve aussi dans le titre.

Le fait que Peter Gottschalk connaisse bien l'histoire polonaise et allemande a influencé ce choix de représenter Solidarność. Il fait facilement les connexions entre la DDR et la Pologne.

Les 30 ans sont ainsi l'opportunité de donner une autre perspective. Il est intéressant de remarquer que la version anglaise se concentre seulement sur le syndicat et la dimension européenne.

Le concept autour des images – c'est grâce à Ania et son utilisation de son expérience avec les archives de l'IPN et ses recherches en Pologne. Elle a aussi apporté une réflexion académique, la manière dont les images ont été développées.

Dans le documentaire, on utilise une image au chantier naval. On a ainsi une utilisation d'images privées et publiques et de la polices secrète (ces images étaient importantes pour Ulrike Dotzer) . Le film a aussi été distribué par une chaîne allemande, *Deutsche Welle*.

Ce documentaire est un peu comme une porte qui permettrait de raconter une histoire que l'on ne connaît pas.

Impossible Reconciliation? Memory, ideology and diplomacy in Polish – Russian relations

Wicke van den Broek

1. Introduction

*That happy, poor and narrow country,
Which – as the world belongs to God – belonged to us!
Everything that was there was ours!
As we remember, everything which surrounded us,
From a lime, which had cast a shadow
Over the whole village with its crown,
Up to every stream, every stone,
Every corner of the land was known to us,
Up to the border, up to the neighbours' houses!
And only the citizens' of that country,
Remained our friends,
And – so far – our only true allies!
For who lived there? – Mother, brothers relatives,
And the good neighbours.*

Mr. Thaddeus, The Epilogue, by Adam Mickiewicz (Dulik & Waldemar 2010)

What place does a 19th century poem written by Poland's national poet Adam Mickiewicz have in a thesis about 21st century Polish-Russian diplomatic relations? This thesis is about the reconciliation and reactivation of trauma in Polish-Russian relations. I chose this topic because of the apparent resurgence of importance of history in politics in Central and Eastern Europe, because of previous studies I pursued in Central Europe, and through personal encounters with politicians and people alike. In a way, these encounters seemed to point at a certain direction: history is important for people, and thus for politicians. But, history can be instrumentalised: parallels can be drawn when they should not, and be turned into myths and an ideological narrative. As Veyne (Moore-Rinvolucris 1973: 8-9) notes, events and history do not repeat themselves. However, they can be linked through our memory.

Memory, a concept I explain later with drawing on the works of Georges Mink, can be individual and collective. Collectively, memory becomes part of a national culture and shared notions on how to view the past of that nation. If these notions

are strong enough, and shared by enough people, they become interesting and useful for politicians. As such, history is important. Yet, building further on Veyne (Moore-Rivoluciri 1973; 12), history seeks only truth, and does not have method. This truth is important: as I explain later with the help of Jan-Werner Müller, the need of populist politicians to tell the true story of the true people, makes that history becomes a battleground *par excellence* for politicians.

History and politics. On a domestic level, we tend to speak the same language and share a common view on the past and the good and bad deeds of our state and nation. On the international level however, a good deed for one country might be an attack for another. In this thesis, I investigate exactly that: the nexus of historical memory, politics and international relations. It questions the role of memory in both domestic and international relations. The specific angle I take in my research is the ideological point of view. I aim to show the continuation of ideology, built up over the lifespan of states and nations, in conflict and reconciliation over the trauma and the memory of that trauma between states. The main research question is why governments reactivate memory of traumatic national experiences and turn this into a conflict with other states. My hypothesis is, without being deterministic, that ideology creates the political and cultural basis for conflicting narratives about the history of and between states.

I have chosen Poland and Russia as a case study to the above hypothesis. Grajewski and Bukharin note that

tensions in Polish-Russian relations have [partly] been a consequence of the policies pursued by the two states with regard to historical events. In both Poland and Russia, that sphere became an instrument of domestic and international policy (2015: 597)

Furthermore, both Central and Eastern Europe and its history are understudied or at least underappreciated in my home country, the Netherlands. Through this thesis, I am able to combat historical ignorance and the political consequences thereof. Furthermore, taking a historical angle on a bilateral conflict, rather than highlighting the importance of the economy or security, allows for a deep dive in the sources, going beyond the mainstream talk of the day about sanctions or troop manoeuvres. Finally, I go beyond the normative assessment of populist discourse. As I show later, parts of the populist strategy are a cynical exercise of getting votes. However, I suggest that even populist discourse is based on more than catchy phrases, and I reveal the persistence of long-lasting ideologies.

With this approach, the Mickiewicz's poem becomes relevant: what if the land 'that belonged to us' no longer belongs to you, and is the place where the elite of your country has faced its elimination, both in the 20th and in the 21st century? What if the citizens of that country, are no longer good neighbours, or if they never were? And what if another country saw and sees this land, as theirs? In this thesis, I explore these questions through the cases of the massacre at Katyn in 1940 and the air crash at Smolensk in 2010. The structure of my thesis is as follows. First, I provide the

theoretical background and concepts to establish the triangle of history and memory, politics and international relations. Secondly, I explain my methodology and case selection. Thirdly, I outline the ideologies of Russia and Poland which are important for my thesis, and the shared historical timeline where these two countries and their narratives have clashed. Fourthly, I bring this conflict to the present day by analysing the linkage of Katyn and Smolensk in Polish-Russian relations, and how competing national discourses hinder dialogue and provide fertile ground for ongoing conflict. Finally, I conclude the thesis by setting the Polish-Russian case in a broader European perspective, leaving room for other explanations and future research.

2. Theoretical framework and concepts

In this chapter I set out the theoretical underpinnings of my thesis, notably the connections between memory, ideology and foreign policy. First, I outline the theory of a domestically driven foreign policy. Second, I explain the concepts that are needed to draw the link between memory, history and foreign policy. Third, I connect ideologies and populism and how these draw on the narrative of a 'real people' with a 'real history', and how this can be externalised in foreign policy.

2.1 Domestic politics and foreign policy

Domestic politics matter a great deal in foreign policy. Among others, Pehe (1998: 64) argues that the state administration is being replaced as the principal conductor of foreign policy under conventional theories by political parties. This means that these political parties, being elected, need to take the preferences of their voters into account. Fearon provides us with various concepts to assess foreign policy. Important for my thesis is the domestic-political explanation. It opposes a structural or systemic explanation – popular in realism and intergovernmentalism – and focuses rather on “state characteristics other than relative power” (Fearon 1998: 292). As he continues, “differences in states’ political institutions, cultures, economic structures, or leadership goals unrelated to relative power are causally relevant to explaining different foreign policy choices” (Fearon 1998: 302). Hence, according to Fearon, analysing domestic politics is important if one wishes to explain foreign policy, with a focus on the “unit-level attributes of states” (Fearon 1998: 300), namely regime types or particular goals of the political parties. In my thesis, I indeed assume that political parties are the main formulator of foreign policy and that these parties’ goals are the main drivers of foreign policy.

To theorise how this is possible, it is worth bringing in Risse-Kappen, who in the 1990s wrote about domestic politics and its connection to foreign policy. Even though he focuses on liberal democracies, I believe that the concepts he uses are useful and relevant both for Poland and Russia, since illiberal or autocratic regimes also face the necessity to legitimise themselves. Most importantly,

public opinion and societal groups may influence the policy-making process in several ways and at different stages. They can directly affect the choices of top decision makers by changing policy goals or how those goals are prioritized, by narrowing the range of options and/or means to implement goals, or by winning symbolic concessions in the sense of changed rhetoric rather than policy reforms (Risse-Kappen 1991: 482).

Public opinion and societal groups also constitute a power base and help the incumbent stay in power (Risse-Kappen 1991: 511). Therefore, there is a clear incentive for the government to tailor its foreign policy to the domestic audience's needs. Indeed, I base part of my argument on the notion that "there is strong empirical evidence that domestic structures are the intervening variable between public opinion and foreign policy" (Risse-Kappen 1991: 511).

I want to emphasise at this point that I do not aim to pursue a normative thesis, assessing whether the Polish and Russian foreign policy towards each other is indeed suboptimal as Pehe argues. Rather, following Fearon (Fearon 1998: 309), there are no obvious normative standards, and it is precisely the aim of my thesis to show that while a foreign policy line taken by a government might seem erratic and destructive for outsiders, it makes sense ideologically, electorally and perhaps even historically – if the memory is instrumentalised – for insiders and the domestic audience.

Building further on the domestic drivers of foreign policy, Raymond Taras emphasises the nexus of foreign policy, culture and fear. Trauma and fear could be used by policy makers in such a way that "treatment of such traumas may require recourse to past shared experiences entailing a reconstruction of previous traumatic or glorious events. They may serve as powerful identity signifiers to counter a sudden sense of insecurity and vulnerability. Authorities can exploit the public's need for security by normalizing the exclusionary positioning of perceived out-groups" (Taras 2015: 9). In a foreign-policy context, this can result in "a confrontational policy towards a distrusted nation" (Taras 2015: 19). National identity and culture, on the other hand, "serve as the repositories of state interests, making them salient, if not decisive, in the making of foreign policy" (Taras 2015: 42).

In this part I have outlined the importance of national politics and domestic structures. I have hinted at the actors that might weaponise trauma and fear and gear their foreign policy to meet the domestic needs, which are based on national culture, identity and ideology. As I have shown above, the notion of *la politique du dehors avec les raisons du dedans* – foreign policy with domestic reasons – is worth unpacking. In the next section, I delve deeper into the concepts that are needed in order to do this (Van den Broek 2019).

2.2 Memory and politics

First and foremost, Polish and Russian relations clash over memory. I draw upon various concepts established by Mink and Neumayer, who have identified various developments in Central and Eastern Europe connected with history, memory and

politics. Three of them are important for my thesis. To start with, the fact that “conflicted memory is reactivated and memory-related representations used politically” (Mink & Neumayer 2013: 1). Secondly, they identify an increase in memory politics, namely that memory is becoming more important in various parts of state-policy, among others in foreign policy (Mink & Neumayer 2013: 2). Employed by politicians, these policies serve “the interests they [the party] defend and the strategies they devise to define, maintain or improve their position in society” (Mink & Neumayer 2013: 5). Finally, and important for my argument, is the fact that governments engage in the “shifting of memory games from the national framework to the extra-national arenas” (Mink & Neumayer 2013: 3).

Concretely, this means that the history and memory thereof play not only a part in domestic politics but that this is externalised to the international arena: memory policies are therefore put in place to strengthen the incumbent and they are aimed at governments and public abroad. This is important for my thesis, as I argue that the bilateral relationship between Poland and Russia is a clinical case of both internal and external use of memory and ideology.

2.3 Sources of memory and actors

The question now arises how and in what way is this memory invoked and instrumentalised, and who does this exactly. For this, it is worth looking at the concepts of *lieux des mémoires* from Pierre Nora, *gisements mémoriels* from Georges Mink and mnemonic warriors from Bernhard and Kubik.

Pierre Nora’s seminal work on memory and history (Nora 1989) established the concept *Lieux des mémoires*, or ‘places of memory’. These are events, places or people in history that have historical significance in contemporary public memory. In other words, these ‘places’ constitute the events, people and sites where something traumatic, heroic or significant happened for the identity and culture of a given community. Building on these *lieux*, Mink (Mink 2010) refines this concept into a *gisement mémoriel*, or ‘memory deposit’. This deposit is the symbolic material that actors, who I will identify later, can ‘mine’ and recycle in domestic and international competitions. These ‘deposits’ may be dormant or not salient at the time, and actors can choose to bring publicise and put a spotlight on them again, in order to gain support or serve its political narrative.

Bernard and Kubik (2014) identify and conceptualise the actors that utilise and ‘mine’ these *lieux des mémoires* and *gisements mémoriels*. They identify so-called ‘mnemonic actors’, such as teachers, historians, artists and politicians (Bernard & Kubik 2014: 9). I use the politicians as the main actors for my thesis. These politicians employ strategies in order to “make others remember in certain, specific ways” (Bernard & Kubik 2014: 7) with the aim of reformulating collective identities and introducing or reinvigorating the principles of legitimising power (Bernard & Kubik 2014: 8). In other words, politicians employ memory to legitimise themselves and their narrative. Mnemonic warriors, as all actors, “think about how a (mnemonic)

action enhances political support from the electorate” (Bernard & Kubik 2014: 11) and what the cultural consequences of their actions might be. As such, they assess and employ the cultural and historical memory of the population.

The specific group of mnemonic actors that I focus on are mnemonic warriors. These actors propagate a vision of the present, saturated with the spirit of the past: they employ an us versus them narrative, memory is non-negotiable and with only one true vision of the past, which is mythical and part and parcel of present-day politics (Bernard & Kubik 2014: 15). Furthermore, the mnemonic warriors of my thesis – politicians – are able to create the official field of memory, that is, the “participation of state institutions and political society” in translating the collective memory into state-sanctioned policy and narrative (Bernard & Kubik 2014: 16). This can be done through the layering of different *lieux des mémoires*, namely that one combines or mixes on thing with another (Bernard & Kubik 2014: 28). This is the case, as I show, with the traumas of Katyn and Smolensk. Finally, mnemonic warriors see themselves as those who will be the ones who set right a wrong and unjust past – which needs to be “delegitimised or destroyed” (Bernard & Kubik 2014: 13). As I show in this thesis, the actions of Putin and *Prawo i Sprawiedliwość*, - Poland’s ruling party (PiS), place them firmly in this typology, with the conflict over memory and history between Russian and Poland as the international battleground (Van den Broek 2019).

2.4 Ideologies and populism in history and foreign policy

Previously I highlighted the importance of domestic politics in foreign policy, how memory plays a role in official narratives of governments and political parties, and which actors exploit the memory deposits that are present in societies for political ends. However, I argue that this is not purely a cynical political enterprise in order to legitimise oneself and delegitimise the ‘other’. Rather, it is a style of politics that can be defined as populism which is firmly based in long-running historical ideologies. In this section, I show how ideologies and populism are linked to history and foreign policy, thus completing the triangle of ideology, history and foreign policy in which is the heart of my argument.

Simon Tormey, building on the works of Hannah Arendt, defines ideology as

the logic of an idea, [which] subject matter is history, to which the ‘idea’ is applied; the result of this application is not a body of statements about something that is, but the unfolding of a process which is in constant change (Tormey 1995: 40).

The injection of this flexible ideology into the present, but based on the past, is done through analogical reasoning, as established by Mumford. Similar to the layering of commemoration, this involves drawing moral lessons from history, and invoking these to justify actions in the present. This fulfils an ideological function since it becomes a “tool of trenchant ideologically informed policy justification” (Mumford 2015: 3). Analogies are appealing as they provide both shortcuts and the linkage of events fitting a specific narrative or ideology. As such, they are frequently used by politicians, policy-makers and historians (Mumford 2015: 6).

Which lessons are then drawn and from which narrative? Populism answers this question. As Müller (Müller 2016, 2018) established, populist politicians can come from all sides of the political spectrum, but they all share some characteristics. First and foremost, they claim that “they and they alone represent [...] the ‘real people’” (Müller 2018: 68). This claim to a moral monopoly results in identity politics which are exclusionary: us versus them. Following this, they project an image of a homogenous people “in whose name they had been speaking all along” (Müller 2018: 77). The success depends on the national context, a domestic – or international – culture war and past grievances towards a so called ‘elite’ or ‘other’ (Müller 2018: 78-79). When combined with history, populist politicians fit the suit of mnemonic warriors perfectly: they create the ‘right’ narrative of history and memory tailored to the ‘right’ people. Here, the link between populism, memory and domestic politics is present. While populism is broader than the aspects I just described, there is a distinct historical and memorial part of the populist narrative. In my thesis, I do not go into an analysis of populism in Poland or Russia, but I highlight the importance of history and memory presented in only one possible way: there is only one truth, and that is the truth of the nation, of the ‘real people’ – as opposed to foreign and foreign-friendly narratives.

In a national context, I follow the line of Wojtas (2015: 163-165), that Polish politics has long been dominated by populism. He holds that both Józef Piłsudski and Solidarity¹ had populist tendencies, in their aim of teaching the true Polish history to Poles, as opposed to the ‘false’ narrative or the Empires or the USSR. In the international memory context, the populist discourse of ‘us versus them’ works as well. As Orlevych (2018: 336) notes,

every nation, referring to its past, prefers to describe it in bright colour, or on the contrary, emphasises its own unsuccessful historical destiny: a certain enemy force that spoils ‘its history’ [...] is usually blamed.

In the international arena, it is precisely those grievances – trauma, *lieux des mémoires*, *gisements mémoriels* – which are put forward against the narrative of other states, in which both governments hold that they alone tell the ‘true story’ and reinforce their domestic positions. However, I believe it is not merely a populist discourse that prevails. In the case of Poland and Russia, their memory conflict are about more than past grievances alone: they are also about ideology. In this thesis, I show how this is true.

Finally, I wish to highlight the importance of the concept of reconciliation in the international context. Reconciliation, to follow the line of thinking of Hannah Arendt, can be understood as “an act of political judgement affirming solidarity in response to a wrong” (Berkowitz 2017: 14). This means that the victim of the ‘wrong’ needs to stop insisting that the wrong has occurred, while the perpetrator needs to show willingness to correct his wrongdoing (Berkowitz 2017: 15). This process is strongly linked to the present, past and future, as Berkowitz notes that: “Reconciliation and

¹ Piłsudski can be seen as the founding father of regained Polish independence in 1918, while the Solidarity movement broke the exclusive political power of the Communist Party in Poland in the 1980s, leading to a transition into democracy and a market economy from 1989.

non-reconciliation both are judgments made on the battlegrounds of past and future and thought and action” (Berkowitz 2017: 33). Reconciliation therefore requires overcoming the past and a revaluation of the present in order to move forward with a joint narrative on history. This stands in fundamental conflict with the populist discourse of one true narrative, as it acknowledges the value and legitimacy of other narratives of other people. Hence, theoretically speaking, the notion of reconciliation and a populist style of politics is hard to reconcile.

In this part of the thesis, I have outlined the theoretical framework of a domestically driven foreign policy, based on a populist strategy of instrumentalising and externalising national memory, or its painful past vis-à-vis other countries, to international arenas in order to gain domestic support. In the next part, I explain and justify the case study of Katyn and Smolensk as a prime example of layering and instrumentalising a *gisement mémoriel*. In a later part of my thesis, I show which ideologies are part and parcel of the bilateral relations between Poland and Russia, which painful moments are present and still utilised today, and how they prevent the two countries from reconciliation.

3. Case selection and methodology

In this short chapter I present my case selection, the sources and methodology utilised.

3.1 Katyn and Smolensk

The cases I selected to analyse for my thesis are the Katyn massacres of 1940 and the aircraft disaster of Smolensk in 2010. In both cases, the Polish elite was the victim, and both cases were shrouded in mystery from the outset. However, it is not just the layering of Smolensk onto Katyn as a ‘second Katyn’ that make them both worthwhile to analyse.

Polish and Russian ideologies have long been in conflict with each other: both countries historically had a civilisational, military and political mission in the *Kresy*², to speak with the Poles, or the ‘near abroad’, to go with the Russian term. The *Kresy* is the geographical area that “runs between the Baltic and the Black Sea through Central and Eastern Europe” (Gross 1978: 3). Hence, their respective national struggles and identity-building in that region were in stark opposition to the efforts of the other. This cultural and civilisational conflict sometimes resulted in war, and war resulted in trauma and atrocities, with Katyn and the Stalinist deportations (Snyder 2010) as some of the more nefarious examples.

However, Katyn and Smolensk happened precisely in that area of Polish-Russian competition, and both disasters could be viewed – certainly from the Polish side – as a decapitation of the Polish elite – a necessary social group in a cultural and civilisational mission. Furthermore, reconciliation over these cases goes against the idea of your nation representing the only ‘true history’: should Russia admit full

² A map of the *Kresy* can be found in annex 1

responsibility for Katyn, it would go against its rehabilitation of the USSR. Similarly, should Poland accept that the Smolensk crash was an accident and not foul play, it would go against the rhetoric of PiS trying to bring the truth about the crash to the surface. Finally, the respective Russian and Polish ideologies that I outline in chapter 4, coupled with the trauma that happened in an area of civilisational competition means that a continuing battle for the 'truth' and the worthiness of both countries still rages on. I thus chose to analyse Katyn and Smolensk because they are linked with ideology, history and with diplomatic relations between the two countries at hand.

The 'layering' of Katyn and Smolensk is another reason why they are worth analysing. It allows for a better understanding and appreciation of the international, geopolitical and, through my thesis, ideological dimension of memorial tensions, which are still studied little to date. However, I acknowledge that other cases are appropriate to analyse as well. For instance, the conflict of over who actually started the Second World War is, surprisingly enough, still not closed. Another case, which I will refer to in this thesis but not as extensively as Katyn and Smolensk, is the 1920-1921 Polish-Bolshevik war. This is seen in Russia as Polish aggression, whereas Poles see it purely as a war of self-defence and protection of democracy in Europe.

3.2 Methods & sources

The most important sources which I analyse are the public statements, speeches and declarations of the mnemonic warriors, namely the politicians in Poland and Russia. I analyse their narrative through discourse analysis, backed up by opinion polls, academic literature and think tank pieces on history, ideology and foreign policy.

The primary sources used in my thesis to analyse the current diplomatic disputes over Katyn and Smolensk, in a broader historical context, consist of Politico, Russia Today and the lesser internationally known PolandIn. I chose Politico because they are well-regarded and as a third-country owned outlet can provide an outsider-perspective to events, while at the same time going beyond the brief reporting of international press agencies such as Reuters. On the other hand, PolandIn is the English outlet of the state's broadcaster, *Telewizja Polska* (TVP). Over the years, TVP's broadcasting has been shifting with those in power, although since 2015 the coverage has turned heavily in favour of PiS. Russia Today meanwhile, can be seen as the official broadcaster of the Russian government's point of view abroad. As such, the political 'colour' of all news portals is different and therefore it is worth it to use when they report on the same matter.

PolandIn began as 'Poland in English' but changed its name to 'PolandIn' in November 2018, coinciding with the 100 years anniversary of Polish independence. No names of editors or the writer of the articles are presented, while TVP Info and the Polish Press Agency (PAP) are frequently cited. As it is part of TVP, it broadcasts the Polish perspectives³. The main aim is to inform non-Polish speakers about Poland and allow them to

³ I have used PolandIn and Politico in an earlier thesis: Wicke van den Broek, 2019

discover everything that is most interesting in our country, what we are famous for, what we are proud of and what is new. We want to show Poland, which they probably do not know. As it is in reality. [Following] the slogan 'The best of Poland' (Dziadul 12.11.2018).

Russia Today, no matter the accusations of propaganda or even fake news (Mannteufel 16.05.2019) still fits the purpose for my analysis: it accurately and explicitly conveys the point of view of the Russian government regarding international and historical issues.

I use content and discourse analysis in this thesis. Going beyond description of the events, analysing what politicians, policy-makers, thinkers and press agencies of the two states say and publish is useful as it emphasises to the message they seek to convey to the outside world. Content and discourse analysis allows for detail. In order to triangulate, I examine the coverage of Politico, Russia Today and PolandIn – or other sources where coverage is absent – from the mid-2000s to the present day. Placing this analysis, which includes various perspectives, against the literature that already exists on these topics, I achieve triangulation, allowing me to demonstrate the consistency of ideology in the case studies explored. The pattern of re-appearing narratives in Polish and Russian news, political statements and policy-outcomes form the basis underlying my arguments in support of my hypotheses.

4. Ideologies and history of Poland and Russia

In this section, I outline the history and ideology of Russia and Poland, and how the ideologies of the two countries have been mutually exclusive in the past. I start with analysing the notion of Empire in Russian ideological thinking, followed by the rehabilitation of Stalin and the synthesis of Empire, the 'Russian world', the 'Near Abroad' and Russia as the heir of the Soviet-Union. Regarding Poland, I show the importance of the idea of *Kresy* – or eastern borderlands –, the 2nd Polish Republic and its founding fathers in the persons of Roman Dmowski and Józef Piłsudski, and the recent emergence of the notion of the 4th Polish Republic. Third and finally, I highlight the painful past of Russia and Poland, specifically its conflict and competition in the *Kresy*. In doing so, I emphasise the importance of ideology and struggle between Poland and Russia, and the fact that this is a centuries-old, ongoing conflict'.

4.1 Russia – the Empire, Stalin and Putin's synthesis

Russia's imperial ideology took flight under Peter the Great, who sought for Russia to learn from the West, and to ultimately surpass it. Regarding Russia's relations with the Polish Lithuanian Commonwealth, he "assumed that it had to be disenfranchised – as an object rather than an actor of the international arena" (Nowak 2008: 20). Here, we can see the first example of Russian-Polish antagonism expressed in an imperial setting. It was not just about territory or power, but about the removal of the other players from the board. Catherine the Great, in the 18th century, sought to subject both Asia and Central and Eastern Europe to Russia's supremacy, in order

to reunite the 'Land of Rus' with Russia – this includes present-day Belarus and Ukraine (Nowak 2008: 21).

In this endeavour, it was, according to the 19th century historian Karamzin, seriously hindered by the presence of Poland. He saw the activity of

undermining the absolute value of the European models, eliminating Poland as Russia's rival in Eastern Europe as the guarantee of Russia's greatness and to compete with and isolate from the other European powers (Nowak 2008: 26).

The addition of the idea of Pan-Slavism, as promoted by Danilevskii and others (Nowak 2008: 30), made it so that the Russian Empire saw itself, in the words of Rozanov, as the benevolent hegemon "that grants them [Poland, Ukraine, Belarus and Lithuania] its organisation, civilising work, great culture. The Empire is a unique chance for each annexed periphery" (Nowak 2011: 33). This notion of Russia as a benevolent force, bringing order and peace to all Central and Eastern Europe, remained in place right until the end of the Russian Empire in 1917. If one carries this through to today, the fact that the Empire saw itself as a civilising mission bringing stability means that breakaways lead to disorder, weakening of the cultural unity of Russians, providing fertile ground for irredentism.

The USSR first broke with the Russian Empire, but the idea of Empire was revived before, during and after the Second World War with the USSR being the successor state of the Russian Empire, while Russian nationalism was revived (Nowak 2008: 236). Meanwhile, in contemporary Russia, Putin's official memory policies rehabilitate the person of Stalin and hail the Second World War as the Great Patriotic War, in which Russia saved Europe from tyranny. This means concretely that

any criticism of [Stalin] (from Russian citizens and civil society organisations as well as the international community) is seen as an attack on contemporary Russia and its present government which presents itself as the heir to the USSR's and Stalin's accomplishments and victories (Chawryło 2017).

Furthermore, the idea of the 'Land of Rus' has been making a comeback since the early 2000s in Russian political identity discourse. There is the explicit "recognition of the post-Soviet area as a sphere of exclusive influence, alongside the privileged interests of Russia" (Domanska 2019), with the 'Russian world' being a single space of language, culture, historical experience, united in the "brotherhood of arms during the Great Patriotic War" (Domanska 2019). Finally, Putin is brought into play as the restorer, inheriting the structure created by the architect Stalin. the inheritor of Stalin (Nowak 2008: 242). Hence, any and all mention of crimes of both the Russian Empire as well as the Soviet Union are these days refuted by Russia, as I show later in this thesis.

Both the Russian Empire and the USSR are synthesised in Russia since the early 2000s. First and foremost, the idea that Russia constitutes a distinct civilisation, different from Asia and Europe – as defended by Panarin (Van Herpen 2013: 82)⁴ and Dugin (Tostoy & McCaffray 2015)⁵, two radical but influential thinkers – has been

⁴ Igor Panarin is Dean at the Diplomatic Academy of the Russian Ministry of Foreign Affairs.

⁵ Alexander Dugin is an influential political thinker with Putin's backing

revived (Nowak 2008: 289). Second, the restoration of the Empire in geographical and symbolical terms is under way. This is evident in the vocal narrative of Russia as the heir state to the USSR (Nowak 2008: 283), the recognition of 20 million Russians living outside Russia in the 'near abroad' as Russian citizens, and replacing the Red Star with the Imperial double-headed eagle as the official emblem of the state in 2000 (Nowak 2008: 284). Meanwhile, the historical memory of Empire form the basis of "a new mission/idea to cover *the entire civilisation* that provides its cultural basis" (Nowak 2008: 203) – that is, the Russian world.

Indeed, in the period since the fall of the Soviet Union, the "very centre of political power in Russia, [has] gradually returned to the idea of [a liberal, stabilising and culturally superior] empire" (Nowak 2008: 300). The current national narrative therefore puts contemporary Russia as the direct and only successor state of the Russian Empire, with its imperial ideological thinking, and the USSR, with its hegemony of Central and Eastern Europe.

4.2 Poland – The 2nd Polish Republic, Kresy, and the 4th Republic

Within Polish geopolitical thinking in the late 19th and 20th century, there are broadly two sides. It is worth noting that both these concepts and visions were born out of a time when Poland did not exist on the political map of Europe, having been subject to a three way partition between the Prussian, Austro-Hungarian and Russian empires from the end of the 18th century. First, the Piast Concept, named after the Piast dynasty. The idea behind the Piast Concept is that Poland during this dynasty's reign was stable, homogenous and able to withstand foreign pressure. Its main focus is on the heartlands of Poland, where the cultural unity is the strongest (Davies 1997: 152). One of the main of Polish independence in 1918, Roman Dmowski, fits in with this tradition. The main threat to the Polish nation and independence, as conceived by Dmowski in the Piast tradition, was Germany (Sanford 2003: 187; Johnson 1996: 184).

Józef Piłsudski, in a Jagiellonian fashion (Sanford 2003: 187), represents the second side. The Jagiellonian dynasty focused their expansionist and cultural efforts mainly on the territories of present-day Belarus, Ukraine and Lithuania, uniting the people living there under a Polish multinational state (Davies 1997: 152). Piłsudski emulated this in the 1920s and 1930s, his main ideas were Polish independence at the expense of Russia, promoting the independence of and alliance with the countries between Russia and Poland, namely Ukraine, Belarus and Lithuania (Johnson 1996: 185-189). He even went so far as to promote a revival of the Polish-Lithuanian Commonwealth, the state most alien and hostile to Russia and its political ideologies. Therefore, although Dmowski and Piłsudski had opposite visions, they shared the principle to take an uncompromising stance on the independence of the Polish state and defend the borders of Poland against external threats, whether German, Soviet, or Russian. Their joint visions led, in 1918, to the independence of Poland.

One concrete example of the Dmowski – Piłsudski debate is the Treaty of Riga, concluded in 1921. At the time of the negotiations, Roman Dmowski led the most powerful group in the Polish parliament (Malec 2009: 17), while Piłsudski was head of the state and thus in charge of the army. The Polish military advance into the USSR reached as far Minsk and Kiev, and could thus theoretically been added to Poland. After the Treaty of Riga, the border shifted westwards, however, to include almost half of present-day Belarus and East Galicia with Lviv (Lwów) as the most important city (Wandycz 1969). The negotiation power of the National Democrats, who believed that the eastern territories would be impossible for Poland to control as they did not belong to the Polish cultural and political heartland, could be an explanation for the westward shift of the Polish border after the Treaty⁶.

Both in the Polish-Lithuanian Commonwealth and during the Second Republic in the interwar period, a strong emphasis of foreign policy, expansion and civilising mission lay in the lands between Russia and Poland. This is the area that the Poles call *Kresy*, or eastern borderlands. Mickiewicz aptly describes the sentiment of Poles towards the *Kresy* in the poem I quote in the introduction: everything that was there, is theirs, and it is good to live there. Indeed, the area between Lviv, Kiev, Vilnius and Smolensk was regarded as the area in which Poles had a civilising mission, but also where they suffered crimes from the people they were civilising (Kalishchuk 2019: 219). It is this idyllic borderland, the area of competition between Russian and Polish civilisation, between Europe and Eurasia, between Latin and Orthodox Christianity, that formed the geopolitical and ideological ideas that Poland was partly founded on again in 1918, carrying these ideas into the interwar and well into the Second World War. After the war, the idea of *Kresy* was further internalised as *Kresy Poles*, many who had been ousted from their homes and deported to Siberia, with those who survived the war being forcibly moved into the newly acquired territories in western Poland – with these streams of refugees, the idea of yet another crime bestowed onto Poles from the *Kresy* was reinforced (Zhurzhenko 2013: 176-177).

The idea of *Kresy* is also present in current Polish diplomatic initiatives. The Three Seas Initiative, which covers the countries between the Adriatic, Baltic and Black seas, is strongly rooted in Polish geopolitical tradition. It harks back to Piłsudski's idea a system of states between Germany and Russia: Belarus, Ukraine, the Baltic States and Romania (Zaborowski, & Longhurst 2007: 8). In the 1930s, this *Intermarium*, from the Latin 'Between-Seas', was meant to balance the region against the Soviet-Union and Nazi-Germany – an idea that Dmowski also supported (Johnson 1996: 184), assuring an arm-length approach to both totalitarian states. Under the Three Seas Initiative, this idea was revamped and this *Intermarium 2.0* has become an "integral part of Polish geopolitical tradition" (Ištok et. al. 2021: 2). The idea of geopolitical cooperation with dignity, Polish leadership and sovereignty at the helm, has obvious historical and ideological roots.

Following the fall of the Iron Curtain, the security environment of Poland shifted 180 degrees. While Poland was able to conduct an independent foreign policy and

⁶ See Annex 2: a map of the frontlines and the final settlement of the border

make a geopolitical and ideological shift, it stood for a variety of historical challenges. The main ideological features of Poland in the 1990s were first the idea that Poland had always been part of the European civilisation, rather than belonging to Eastern European – or Russian – civilisation (Sanford 2003: 181). Furthermore, through the so-called 'ULB doctrine' of Giedroyc and Mieroszewski, reconciliation with its eastern neighbours was possible. This allowed for a new Poland which distinguished itself from the Russian sphere of influence was taking form, and a post-communist Europe forming itself in opposition to Russia (Mieroszewski 1972; 1973; 1974; Sanford 2003: 183).

Regarding Russia, a two-track approach was taken in the 1990s. This meant that Poland dealt cautiously, but conciliatory, with the new states in the east while maintaining a relationship with the USSR and later the Russian Federation. As such, "one of the most important challenges for the Polish diplomacy after 1989 was development of economic and political relationships with the Russian Federation" (Chełmiński, & Kotowicz 2012: 53). For Russia however, the Central and Eastern European region was not a top priority region at the time (Fedorowicz 2007: 452). Still, there were increasing differences among Poland and Russia in the course of the 1990s regarding European security and mutual relations (Fedorowicz 2007: 452). Therefore, since the early 1990s, a strong Atlanticist strain of thinking has prevailed in Poland (Longhurst 2013: 365), with the United States as the main security guarantor against Russia and a focus on integration into the EU and NATO confirming the Polish idea that it belongs firmly to the Western civilisation, political system and security environment. This Atlanticism can be regarded as an ideology with fundamentals that are in opposition to Russia. However, the key tenets of this way of thinking – pro-Western and close relations with Ukraine, Lithuania and Belarus, both in fundamental opposition to Russia – were in place long before (Van den Broek 2019).

While Russia rehabilitates its Soviet past, the Polish government is doing the opposite. Here, the populist logic of representing the 'real people' means that the *ancien régime*, that is the Polish People's Republic, is illegitimate. As per the notion of a 'negotiated revolution', where the old elites remain a force in the power structure of the country rather than being replaced entirely, created the idea that the move from a socialist to a democratic Poland was not completed (Brier 2009). The parties coming to power after the Communists, and subsequently not addressed the issue of continued Communist power, are therefore portrayed by the current government as illegitimate, as they continued to allow the dictatorial networks, favouring those who had links to the old communist system, to exist.

For PiS, the Third Republic needs to be replaced by a Fourth Republic, as "in their view, instead of a genuine revolution, Poland fell victim to a creeping counterrevolution" (Brier 2009: 78). This Fourth Republic does not have the corrupt elite of the previous governments or even the Communists present in the state structures (Raimundo 2013: 142) and instead represents the completion of decommunisation. The idea of the Fourth Republic is the only legitimately justified state concept after 1989 among the ruling party. It is also deeply anti-Soviet, and

therefore anti-Russian. The nation, its culture, and all the policies that go along with this, including foreign policy, are then the fields “on which the most important political struggles take place” (Brier 2009: 64).

4.3 Russia and Poland – national struggles and competition

In order to firmly place my analysis of Katyn and Smolensk in a historical context, I outline the main struggles between Poland and Russia in this section. I focus on the time of the Polish-Lithuanian Commonwealth, the Partitions, the Polish Uprisings of the 19th century, the Polish-Bolshevik war of 1920-21 and the Second World War, and from communist Central and Eastern Europe to the 1990s.

The Polish-Lithuanian Commonwealth struggled with Russia – Muscovy and the Empire – for control of the *Kresy*. The closest the Commonwealth came to dominion over Russia was during what in Russia is known as the ‘Times of Troubles’. Beginning in 1598, this period of anarchy led to a Polish-Lithuanian conquest of Moscow and the instalment of a Commonwealth-backed tsar. However, in 1612 a Russian rebellion ousted the Poles from the Kremlin, and the Romanov dynasty took the throne. This period is still significant in Russian political thinking, as it cements the idea that Russia is under perpetual attack by external forces, among others by Poland (Nowak 2011: 113-114).

Following the relative decline of the Polish-Lithuanian Commonwealth, Russia, Prussia and Austria partitioned the country threeway, with the final partition taking place in 1795 (Davies 2015). The rise of Napoleon, the Polish legions and Polish participation in the French expedition into Russia in 1812 kept Polish-Russian animosity alive (Nowak 2008: 237). Indeed, the Russian elite viewed Poland after the second and third partition as “the hotbed of Republicanism in Central and Eastern Europe” (Nowak 2008: 24) and thus fundamentally hostile to the Russian Empire. The subsequent cementing of Russian power at the Congress of Vienna was viewed as a liberation. Russia, in a way, was “spreading a shelter [of order and stability] over a wild circle of nations” (Nowak 2011: 125).

The Poles, however, did not appreciate this ‘shelter’. During the three Polish uprisings in 1794, 1830-31 and 1863-64, the main aim was to restore the independent statehood of Poland at the expense of the Russian Empire. These uprisings have rightly been viewed as anti-Russian in Russia, and this view is returning nowadays (Grajewski & Bukharin 2015: 606). Creating an atmosphere of a besieged Empire, the uprisings also led to repression against the Polish people. Emperor Nicholas I attempted to stabilise the Russian Empire through de-Polonisation and terror from 1831 onwards (Nowak 2011: 23-28; Sanford 2005: 6). In Poland meanwhile, the attempts to de-Polonise the country alongside the creation of the Polish resistance, worked to fuel the romantic image “of the homeland as a besieged fortress; of lonely freedom fighters and guerrillas” (Średnicka 2018: 120).

The First World War saw Central Europe generally siding with the Central Powers. Vis-à-vis Russia, “Poles, Lithuanians, Jews and Ukrainians stressed the

universality of Russian pathologies (scheming, drunk, Asian, conservatist)” (Górny 2018: 33). The resurrection of Poland at the expense of the three collapsing partitioning imperial powers combined with the formation of Bolshevik Russia reinvigorated the old stereotypes of a Polish nobles’ republic pitted against a universalist Russian Empire – this time a Communist one. This competition, with Piłsudski’s aim to expand Polish territory and influence in the *Kresy*, and the Bolsheviks’ intention of holding on to as much of the fallen Empire as possible and spreading the Communist revolution into Europe, led to the Polish-Bolshevik war in 1920 (Johnson 1996: 189). After initial Polish overextension in Ukraine, a Russian counterattack was halted during the ‘Miracle at the Vistula’ in Warsaw, a battle that can be regarded as having prevented the Communist revolution from spreading in Europe (Johnson 1996: 189). Putin, incidentally, “in reaction to calls for apologies for Katyn in 2009, [...] instead equates it with the fate of Soviet soldiers during [this war]” (Gretskiy 2017: 172). This war therefore still functions as a powerful *lieu de mémoire* in both Polish and Russian thinking, and is linkable to other points of conflict between the two countries.

While formally there was peace between Poland and the USSR between 1921 and 1939, mutual hostilities nevertheless remained. Especially under Stalin in the second half of the 1930s,

the most persecuted European national minority in the second half of the 1930s was not the four hundred thousand or so German Jews [...] but the six hundred thousand or so Soviet Poles (Snyder 2010: 89).

The Soviet secret police framed the so-called ‘Polish Military Operation’ – which did not exist – as saboteurs, infiltrators and instigators of Ukrainian nationalism and famine (Snyder 2010: 89-99). Hence, the USSR regarded the Poles as a harmful part of society that needed to be eliminated. Foreshadowing the Great Terror of 1937-1938, “Polish peasants had suffered heavy repression and mass deportation to Kazakhstan after 1928 due to their strong opposition to collectivisation” (Sanford 2005: 13). During the actual Great Terror, the NKVD was able to prosecute, deport and execute without scrutiny or oversight. Throughout the Great Terror, one in eight victims was Polish (Snyder 2010: 94-104).

Poland’s main aim was to keep the Versailles system together, as the country was one of the main beneficiaries of this new order (Dębski 2015: 104-105). While diplomacy and exchange with Germany was more intense in the 1930s than with the USSR – Adolf Hitler attended Piłsudski’s funeral in 1935⁷ – Poland conducted non-aggression pacts both with the USSR in 1932 and Germany in 1934 (Kornat 2009: 773). The USSR perceived the latter as a direct threat against its security. The USSR’s concern about joint German-Polish aggression against the USSR did not come to fruition, as history has proven: for Hitler and Stalin, the Versailles system was something that should be overthrown – they were both excluded from the agreements and lost territory because of it – and as such “Stalin, seeking to bring

⁷ See Annex 3: Hitler attending Piłsudski’s funeral

down the Versailles system, had to root for Hitler" (Dębski 2015: 112). Poland stood between the ambitions of both rising totalitarian powers. Rapprochement and the cooperation between the USSR and Nazi-Germany proved to be fatal for Poland. With the Molotov-Ribbentrop Pact, the two states found common ground in

their mutual aspiration to destroy Poland. Once Hitler had abandoned his hope of recruiting Poland to fight the Soviet Union, Nazi and Soviet rhetoric about the country were difficult to distinguish (Snyder 2010: 116).

The realities of war and politics should not be underestimated. After the invasion of USSR by Nazi-Germany, alliances quickly shifted and the Polish government in exile, following strong pressure and insistence from the British government, signed the Sikorski-Maiski Pact in July 1941, establishing diplomatic ties and mutual aid in the war against Nazi-Germany (Cienciala 1996: 401)⁸.

The Molotov-Ribbentrop pact, the congress of Yalta and the subsequent division of Europe into an American and Soviet sphere of influence meant that Poland stood once again on the side-lines when it concerned its own statehood. As such, relations between Poland and the USSR were strained "not only throughout World War II but also during the entire post-war period of Communist "fraternal cooperation" between the two countries" (Johnson 1996: 227). While for Poland the Warsaw Pact and the spread of socialism in Central and Eastern Europe meant a loss of sovereignty and continuation of foreign occupation, for the USSR it meant a restoration of the Russian Empire to its former borders.

After the fall of the Iron Curtain, relations between Poland and Russia were no longer concerning the competition of one state at the expense of the other. However, as Fedorowicz notes, Polish support of Belarus, Ukraine and later Lithuania can be seen in the light of that

a pivotal theme of all Polish eastern policy [i.e.] Russia and the potential threat of Russian neo-imperialism. As can be seen by twentieth-century history, such expansion is treated seriously in Poland. Therefore, a natural barrier against the Russian *Reconquista* will be the independent, democratic post-Soviet states—which are viewed as Poland's natural allies (Fedorowicz 2007: 549).

However, the 1990s and 2000s also saw the persistence of Russophobia in Poland, while at the same time "the Russians did develop a feeling of superiority over the Poles" (Grajewski & Bukharin 2015: 613). As such, mutual animosity remains and given the overview of conflict, by no means exhaustive, there is potential for a reactivation of trauma and conflict in present-day bilateral relations.

4.4 Concluding Polish-Russian sentiments

Mutually-exclusive national identities and ideologies and a history ridden with conflict make Polish and Russian bilateral relations complex, difficult and at times

⁸ While on the outlook negative for Poland, the agreement granted amnesty to Poles deported by the USSR to Siberia between 1939 and 1941.

painful. First and foremost, to quote Gretskiy (2017: 173): “past relations inform future fears. Consequently, Russian–Polish contradictions are mostly driven by collective needs and fears, and are about justice, identity, and self-respect”. Second, Russia suffers from a syndrome of loss due to the fall of the Empire and Versailles, while there is a notion that they too are victims of Communism, a notion to sympathise with from a human point of view (Gretskiy 2017: 174). Third, Polish demands for the ‘truth’ and its historical policy are perceived as “a threat to Russian identity” by the Russian political elite (Gretskiy 2017: 176). It is precisely these significant differences in points of view that leads to a misunderstanding and non-appreciation among Poles regarding the harm and humiliation experienced by the Russian people under the Tsars and the totalitarian Communist system, while at the same time there is a feeling for the need to restore the Empire to reclaim the dignity and rightful status of the heir to the Empire and the USSR (Nowak 2008: 232). This ‘age-old antagonism’ takes form, as I have shown above, in a “historical struggle between different civilisations for political, economic and religious control and, consequently, cultural hegemony over the vast contested borderlands lying between them” (Sanford 2005: 5).

To illustrate this and more, a couple of quotes are appropriate. In 2005, Konstantin Zatulin, the head of the Institute for the CIS countries in Moscow noted that

if Ukraine, even being independent, is not part of the special, ally relations with Russia, under its newly acquired statehood, an anti-Russian fundament is installed and thus it turns into a second Poland. That is into a cultural and historical project, a Kulturtrager alien to Russia (Nowak 2008: 297).

Furthermore, in reflecting on the Russian perception of a besieged country, Nowak notes that

Russia constantly fell victim to [outside] enemies, but also constantly fought heroically against them: Great Patriotic Wars, against the French in 1812, against the Germans in 1941, and, for 400 years, against the Poles”(Nowak 2008: 237).

This shows the mutually exclusive mindset that permeates Polish-Russian relations, aptly captured by Johnson (1996: 229) who remarks that

before 1989, Poles used to illustrate Poland's geopolitical predicament and their bitter feelings about Germans and Russians with a caustic joke. Question: ‘If Poland were to be invaded again by German and the Soviet Union, in which direction should one shoot first?’ Answer: “To the west: first business, then pleasure!.

General Smigly-Rydz, in interwar Poland, held a similar sentiment: “With the Germans, we risk our liberty, with the Russians our soul” (Sanford 2005: 15).

5. Reactivation of Katyn, Smolensk, and the incompatibility of narratives

Nowadays, the massacres at Katyn and the aircraft disaster at Smolensk are the two historic events that shape Polish-Russian relations. Regarding both events, the

acknowledgement of responsibility and the creation of a common narrative has gone up and down, depending on those in power and the needs of those in power. I start this section by briefly outlining the history around Katyn, after which I show how Russia changes its narrative on the Katyn massacres, while the Polish narrative has proven consistent since the 1990s. Second, I show the instrumentalisation of the disaster at Smolensk and how it is layered upon the Katyn massacre in Poland. Finally, I explain the mutually-exclusive narratives of both events, and I provide a nuance to my argument.

5.1 Katyn

Soviet policy during the Great Terror and later in the occupied Polish territory from 1939 to 1941 was, to quote Sanford, “destroy Polish political, social and cultural influence entirely, and to disperse the Polish population throughout the USSR” (Sanford 2005: 24). This would eliminate and replace Polish control of the borderlands, ‘solving’ the historical struggle for that control in favour of Russia. Through mass deportations, forced labour and mass arrest, the NKVD decapitated the Polish elite, its organisational core and their friends, relatives and allies (Sanford 2005: 25). The massacre of Polish officers and intelligentsia in the woods near Katyn fits in this policy.

Przewoznik and Lebedeva (2015) support the argument that the massacre was carried out to eliminate the Polish national elite and leadership of the young Polish state which had regained its independence just two decades prior. The Institute of National Remembrance in Poland today puts the Katyn massacre as a direct consequence of the Molotov-Ribbentrop pact (PolandIn 05.03.2020). The debate about the number of victims executed at Katyn and in surrounding forests still exists, but I follow Przewoznik and Lebedeva (2015: 211), who use the number of 25.700 individuals.

From the start, Katyn was shrouded in mystery. Following the occupation by Nazi-Germany of western USSR, the mass graves around Katyn were discovered in 1943, after locals informed the German army about their existence (Bielawski 2016). From the outset, Goebbels knew that he was dealing with a propaganda opportunity (Sanford 2005: 135). As such, he allowed the Polish Red Cross, led by Ferdynand Goetel and Kazimierz Skarzynski, to conduct autopsies between April and May of 1943. The findings were, secretly or not, transmitted through the Polish Home Army (AK) to the Polish government in exile (Sanford 2005: 132). The fact that Nazi-Germany, as the regime conducting the Holocaust, broadcasted these findings did not add to its credibility.

The Soviets established therefore a counter-narrative in late 1943. This Special Commission led by Nikolai Burdenko, to “establish their truth about Katyn” (Sanford 2005: 132). Their version was that Nazi-Germany shot the Polish officers during their advance into Poland and the USSR in the spring of 1941. This ‘official’ version of Katyn was upheld in socialist Poland, where under the influence of Moscow “there was a

ban on diverting from the official propaganda line or censorship rules when speaking publicly or writing about Katyn” (Przewoznik & Lebedeva 2015: 213).

Gorbachev, Perestroika and the 1990s changed everything. In the atmosphere of accords and treaties of good neighbourliness among Poland, Russia and Ukraine (Przewoznik & Lebedeva 2015: 225), the Soviet Union admitted the guilt on April 13, 1990, 50 years after the massacre (Jazborowska 2008: 142). Indeed, the undisclosed archival NKVD documents “revealed [...] how the massacre was planned and how the evacuation [...] to the killing sites was implemented” (Sanford 2005: 133). Although the Russian military-historical complex initially put a break on the investigation of Katyn in January 1990 (Jazborowska 2008: 144), the negative attitude of the Soviet public prosecutors changed after diplomatic interventions by the Polish side (Przewoznik & Lebedeva 2015: 239). Furthermore, the Russian leadership stopped apologising for Soviet atrocities after 1993, in a political context riven with nostalgia for the USSR amidst the consequences of market reforms. This made the notion of reconciliation unpopular (Gretskiy 2017: 170).

The newly opened Russian, Ukrainian and Belarusian investigation yielded positive results until the mid-1990s. The slowing of the pace of the investigation and the exhumation, partly due to a change in the political climate in Russia and Belarus, meant that by the early 2000s, after a decade of possible reconciliation, several issues were still open. These issues, such as the moral assessment of the crime, compensation for the families of the victims, and a fitting commemoration, distorted Polish-Russian relations (Przewoznik & Lebedeva 2015: 240-243). After Putin came power, an official Russian legal position was formed in September 2004, outlining that Stalin and the Politburo were not responsible for the massacre, and that no recognition of individual prisoners as individual victims was possible (Guryanov 2013: 698-699). On the same day, 21 September 2004, the Russian prosecutor finished its investigation, classified the documents and denied further access and copying rights (Przewoznik & Lebedeva 2015: 241). Adding insult to injury for the Polish side, “scholars, [Russian] diplomats and directors of various institutions linked the issue with the 1920 Polish-Bolshevik war and demanded apologies from the Poles” (Jazborowska 2008: 147-149).

The rehabilitation of Stalin, emphasis of Russian innocence and focusing solely on the victory of World War 2 therefore led to an apologetic approach, or even denial of the crimes conducted by the USSR against the Poles. While Putin did express mild regret over Soviet crimes during a visit in Gdansk in 2009, Russia kept refusing to open the archives, while the Russian Ministry of Defence “claimed that Poland’s unreasonable behaviour towards Nazi Germany had justified Hitler’s attack” (Politico 02.09.2009).

By the late 2000s, however, the situation changed again on the Russian side. Under president Medvedev, at the end of 2009, Russia’s State Duma adopted a resolution that acknowledged Soviet responsibility for the Katyn massacre (Politico 01.12.2010). In this resolution, Stalin and his associates were deemed to be personally responsible for the Katyn massacre (Guryanov 2013: 702). Just before the commemoration of Katyn in Russia, the movie by Andrzej Wajda ‘Katyn’ was

broadcasted on Russian TV (Russia Today 21.10.2013). The tragedy at Smolensk would provide for another window of opportunity for the reconciliation of the narratives between Russia and Poland, which I will analyse in a following section. However, by the mid-2010s, issues such as the recognition of victims of the Katyn massacres and compensation still remain unresolved. For Russia, acknowledgement seems to be enough. For Poland, Russia brushed the serious issue aside too easily (PolandIn 03.03.2020). The difference in coverage between Russia Today and PolandIn is striking. Where PolandIn reports on ongoing Russian downplaying of Katyn and the fact that the intentions for the events at Katyn stemmed from the Molotov-Ribbentrop Pact, the Russian sources and even Politico hint at signs of reconciliation and an acceptance of continued Russian responsibility to hold a dialogue over Katyn.

5.2 Smolensk

As I have shown, the process of reconciliation with Russia over Katyn has wavered over the years, depending on the Russian attitudes towards the Soviet Union and to what extent Stalin is rehabilitated or not in the national narrative. However with the disaster at Smolensk in which the Polish President and other important officials were killed, the reactivation of the memory of Katyn from the Polish side and its subsequent instrumentalisation took place. A brief introduction on Smolensk is appropriate. On the 10th of April 2010, a Polish governmental airplane carrying President Lech Kaczynski, his wife and “dozens of senior figures from Poland’s military, financial and political establishment” crashed in the foggy woods of Smolensk near Katyn (Gardner 10.04.2020). The president and his entourage were on their way to the commemoration of the 70th anniversary of the Katyn massacres, on the invitation of the Russian government.

The parallels between Katyn and Smolensk are striking. In both events, the elite of the Polish nation died. Both happened in the geographic region of the *Kresy*. Both feature a fierce debate over responsibility and accountability of Russia in the matter. It is in this atmosphere of viewing the disaster at Smolensk as a ‘second Katyn’ that – immediately after the crash – the process of layering begins. The late president and his wife were buried in the Wawel royal castle in Krakow, an honour previously reserved for the greatest heroes, kings and leaders of Poland (Politico 28.04.2010) – Marshall Piłsudski being the last person buried in the crypts⁹. Throughout Poland, next to various monuments to the Katyn victims, plaques or second statues were erected in the memory of the victims of Smolensk (Hjorth et. al. 15.11.2021)¹⁰. Layering with conscious acts of martyrdom, such as the Warsaw Uprising, also took place. In 2016, for instance, “commemorations of the 1944 Warsaw Uprising in 2016

⁹ See Annex 4: Piłsudski in the Wawel crypts.

¹⁰ A quick note on the language of these monuments: the words used to describe the victims are *ofara* (victim) and *poległy* (killed in action, in battle). For other crashes, whether by plane or car, these words would not be used. In this way, it is implied that the victims of Smolensk died in a heroic deed of martyrdom – like those killed in Katyn, or the Warsaw Uprising of 1944 – rather than a tragic accident.

were mired in controversy, and they illustrated the forging of a link between the Uprising and the Smolensk air crash of 2010” (Darasz 2018: 157). Smolensk and Katyn are present in popular culture as well. For example, in the movie “Smolensk”, the ghosts of the victims of Katyn and Smolensk ‘meet’ and shake hands at the end of the movie, as if in agreement (Krauze 2016: 1 hour, 48th minute). Smolensk also reinforced the strong emphasis of commemoration of death and those that died for Poland in Polish political culture. Death continued to be an “ideological foundation of the Polish collective imagination” (Czaja 2017: 170), in which the old layers and ‘heroes’ of the Polish nation still have their influence on the contemporary community.

In domestic politics, monthly marches at the Presidential palace in Warsaw were held until April 2018 (PolandIn 10.04.2018) during which Jarosław Kaczyński would appeal to the above mentioned sentiments and the responsibility of the crash. The crash proved to be divisive. From the beginning, PiS officials implicated Prime Minister Donald Tusk’s responsibility, holding him accountable to the crash. More recently, PolandIn went so far as to claim that the opposition benefitted from the crash while PiS lost “its soul” (PolandIn 10.04.2019). In March and April of 2021, the state broadcaster TVP revealed tapes of Tusk discussing the Smolensk crash, further supposedly implicating him (PolandIn 19.03.2021; 09.04.2021).

Smolensk as such is one of the foundations of the ideology of PiS. Indeed, “the disaster [that] killed politicians, military top brass and others from across the political spectrum, [...] has become a touchstone of PiS’ political identity” (Chapman 10.04.2019). Jarosław Kaczyński, the current leader of PiS, lost his twin brother in the crash and has since been personally invested to find out what happened exactly. However, the grief also means that

he has blended the personal with the political. From the moment of his brother’s death, he has nurtured a mythology of martyrdom and aggrieved nationalism around the Smolensk crash, using the tragedy as a narrative to try to reshape Polish identity (Santora 16.06.2018).

The parallels with Katyn were quickly drawn, as Lech Kaczyński is put on the same level as those that were killed in the forests in 1940:

Indeed, many say that Mr. Kaczyński is trying to use the Smolensk crash to reshape historical memory, placing his dead brother at the centre of the country’s hard march to freedom, and himself as the guiding force leading it into its next chapter (Santora 16.06.2018).

The mythification is accompanied by a search for the ‘truth’. This ‘truth’ is the real reason why the crash happened, who was involved and how it fits in the historical experience of Poland as a nation of martyrs. Through reactivation of memory of the crash, PiS can delegitimise its main rival PO (*Platforma Obywatelska*, Civic Platform) as

over the years, theories about Tusk’s involvement have served as political ammunition against him and Civic Platform, [and] Tusk has been called on repeatedly to testify in cases relating to the plane crash (Chapman 10.04.2019).

In this way, an international diplomatic efforts become a domestic political battle. In the international arena, both Poland and Russia Today accuse the other of false accusations. While Russia withholds information – according to Poland – Poland is looking for explanations that are simply unfeasible and conspiracy-driven – according to Russia (Kroet 04.02.2016; Završnik 10.04.2017; Russia Today 28.12.2016; 23.08.2018; 31.08.2018; 16.09.2020). The difference in reporting on Smolensk between the Polish sources and Russian sources is clear. While the Polish sources hint at foul play – either by Russia or figures in Polish politics –, withheld evidence and the closing of the archives, the Russian sources emphasise that the new theories are purely Polish speculation and that the investigations were closed previously in cooperation with the Polish authorities.

All in all, it is clear that Katyn and Smolensk bear a resemblance, albeit some of it coincidental. In Polish politics and national political culture, the layering of Katyn and Smolensk reinforces the image of Poland as a country of martyrdom, under constant attack, and engaged in a mutually exclusive competition with Russia. While the battle for influence may have shifted from the territorial to the informational, it nonetheless takes place. The case of Katyn is closed in the eyes of Poland – as it is clear who did it and why – but Russia is withholding information (Kancelaria Premiera (13.04.2021). In Russia there is a cyclical movement of recognition and various degrees of denial of the massacre. This juxtaposition of arguments is telling. Regarding Smolensk, Russia plays the steadfast card and regards the case as closed, while the governing party in Poland keeps the case open, actively emphasising time and again the importance of both Katyn and Smolensk for the Polish nation (PolandIn 13.04.2019; 13.04.2020; Wazilewski 03.04.2020; Davies 04.12.2019).

5.3 A mutually exclusive narrative, with a silver lining

The mutually exclusive ideologies of Poland and Russia manifest themselves in the cases of Katyn and Smolensk. From time to time, Russian leadership presents the Russian Federation as the successor-state of both the Russian Empire and the USSR, downplaying the significance of the crimes of these states or obscuring the process of dialogue and reconciliation. As Jazborowska highlights,

despite the fact that Russian historians have proved that the Katyn crime was committed by the Stalinist government, there are still certain social-political circles in Russia which, exploiting the cooling of Russian Polish political relations [in 2005-2007], tried again to shift the guilt to the German Fascists and to whitewash the Stalin leadership (Jazborowska 2008: 156).

However, one should note that there have been moments of dialogue and real progress. The establishment of the Polish-Russian Group on Difficult Matters of History in 2002, was promising in this regard. Yet, it did not hold its first meeting until 2005. With PiS coming to power in Poland at this time, dialogue slowed down, only to be picked up again in 2007 when PO took over from PiS. Since 2013, no more

meetings have been held (Gretskiy 2017: 177). This happened, according to the Polish ambassador in Russia, because of “declining relations between Poland and Russia [...] because both governments were unwilling to move forward” (Gretskiy 2017: 178). A similar case of this rollercoaster of relations are the Centres for Russian-Polish Dialogue and Understanding, established both in Warsaw and Moscow. Both launched in 2011, although the Russia based centre only began operating in September 2012. Since then this centre “conducts few its own projects, as it mainly co-finances the events already supported by the Russian Foreign Ministry, or Russian agencies abroad” (Gretskiy 2017: 180). The Warsaw-based centre does carry out series of activities, albeit more from a Polish perspective, thereby going against the original idea of a mutually-inclusive dialogue.

The tragedy at Smolensk provided a window of opportunity for reconciliation (Bobinski 14.10.2010; Politico 03.11.2010; 01.12.2010; Russia Today 05.04.2010; 28.10.2010; 10.04.2011; 25.05.2011). This was acknowledged by both the Russian and the Polish side. Common commemorations to the victims took place, and the above-mentioned centres for dialogue opened. It shows that although I present a pessimistic view on reconciliation in this thesis, with changes of government and the creation of ‘new history’ – which Smolensk is – dialogue and reconciliation is possible.

Yet, this new history can become an instrument of conflict too. While diplomatic conflicts over the start of the Second World War, the Polish-Bolshevik war of 1920 and the commemoration of the victory over Nazi-Germany endure (Russia Today 01.09.2009; 16.05.2011; 27.04.2015; 23.09.2017), current relations between Poland and Russia are deteriorating (PolandIn 08.10.2018; Wilczek 28.04.2021), partly over Smolensk (PolandIn 09.04.2021), partly over the spread of ‘misinformation’ about Katyn, Smolensk, the Second World War or otherwise (Onet Wiadomości 04.05.2021). Both Russia Today and PolandIn highlight the difficulties the countries face in their relationship over history, issues of memory and memorials. The incompatibility of historical narratives comes to the fore in these articles, which is not just about Katyn or Smolensk, but permeates the bilateral relations horizontally. This is backed up by surveys in Russia and Poland. As Mazurkiewicz (2020: 26) highlights in his analysis of a June 2020 survey conducted among Russians:

Above all the survey shows the high effectiveness in Russia of the creation and promotion of a particular interpretation of history used both for domestic and for international purposes, including pressure on Poland. [...] 10% of Russians follow the Kremlin leadership in saying that in acting with Germany Poland shared responsibility. Opinions about the liberating role of the Red Army in Poland are firm among Russians. Only a small proportion of Russian respondents (some 10%) agree that the wartime and post-war actions of the Soviet Union were aggressive and oppressive towards Poland. Most Russians are unaware of the truth about the crime against Polish officers in Katyn. Even those who have heard about Katyn tend to repeat the belief that the Nazis orchestrated the massacre.

In Poland too, scepticism towards Russia prevails. In a September and October 2020 survey, Daniel Milo notes the continued perception of Russia as a threat and an

aggressor, a self-identification with the West and a disagreement that Russia was the main actor in defeating Fascism during the Second World War among a strong majority of Poles (Milo 2021). These surveys confirm the potency of historical education in both countries, and the points of view promoted by Russia Today and PolandIn. As such, the bumpy ride of reconciliation and reactivation of conflict continues, with ideology playing its part¹¹.

6. Conclusion and a broader European perspective

As Polish and Russian bilateral relations continue to deteriorate, I set out to analyse why governments reactivate memory of traumatic national experiences, and turn this into a conflict with other states. My hypothesis was that ideology creates the political and cultural basis for conflicting narratives about the history of and between states. I outlined those ideologies and the painful past of Poland and Russia, and examined the coverage and language on Katyn and Smolensk in both countries.

Indeed, Polish and Russian ideologies are to a large extent mutually-exclusive. The brief analysis I presented on their shared history shows a “historical struggle between different civilisations for political, economic and religious control and, consequently, cultural hegemony over the vast contested borderlands lying between them” (Sanford 2005: 5). It is over these borderlands, the *Kresy* or Near Abroad that Polish and Russian narratives clash.

In the case of Katyn and Smolensk, this mutually-exclusive ideological narrative comes once again to the fore. Where PolandIn reports on the idea that Katyn stemmed from the Molotov-Ribbentrop pact and on ongoing Russian downplaying of the massacre at Katyn, the Russian sources and even Politico hint at signs of reconciliation and an acceptance of continued Russian responsibility to hold a dialogue over Katyn. These lines are broadly followed by the leaders of both countries, as I have shown. Regarding Smolensk, reactivation of memory on the Polish side and its subsequent instrumentalisation took place. The parallels between Katyn and Smolensk are striking. In both events, the elite of the Polish nation died. Both happened in the *Kresy*. Both feature a fierce debate over responsibility and accountability of Russia in the matter. Smolensk as a ‘Second Katyn’ is strengthened by the fact that the late president and his wife are buried in Wawel Castle and that next to monuments to Katyn throughout Poland, a plaques and statues are erected in the honour of the victims of Smolensk.

The populist narrative of presenting the only historical truth, with ideological ideas and a history of trauma and conflict to back it up, prevents to a large extent the process of reconciliation from taking place. However, moments of dialogue and real progress exist. Smolensk initially provided for a window of opportunity of shared grief, rather than the trauma being one-sided. Furthermore, with governmental changes in Poland and shifting priorities for Putin, episodes of reconciliation took

¹¹ For a table overviewing the periods of reconciliation and conflict over memory between Poland and Russia, see Annex 5

place. As such, ideology and history are not deterministic: with the changing of society, politicians move as well. Even though the reactivation of memory proves to be a potent strategy in politics, the question remains how long this is feasible and salient.

I would like to place the Polish-Russian case in a broader perspective before concluding this thesis. In a European context, the position of Poland is of utmost importance. While it does not belong to the biggest countries, it can create powerful blocking minorities and slow down European action. Therefore, in the issue of memory and reconciliation, the ethos of Poland is important to understand in a broader framework. It is also important to highlight other cases to nuance my own. First and foremost, I observe a general trend of reactivation of memory in Polish multilateral relations. In a previous thesis I analysed the memory conflicts plaguing Polish-German relations, which partly arose over war reparations (Van den Broek 2019). While these conflicts flare up from time to time, there is political and societal dialogue. Reconciliation, especially on a societal level, with intensive personal connections, economic activity and educational exchange, seems to have been completed between Germany and Poland.

Another case that shows that Poland is able to overcome the painful past is the reconciliation with Lithuania. Łukasik shows that the Poles and Lithuanians are able to embark on a historical dialogue which includes

a democratic, multi-voice nature of bilateral debate, emancipation and articulation of such emotions as feelings of harm, loss or injustice; voting for the victim; internationalization process; and the joint anniversary celebration (Łukasik 2020: 16-17).

This allows for a joint narrative on history and for reconciliation. Focusing on the Polish-Lithuanian borderlands in the Sejny area, Namiotko and Konaszewski (2017) emphasise the importance of borderland experiences, stories and dialogue, which differ from and are more nuanced than the national(ist) narrative. Related to my thesis, Poland and Lithuania also both acknowledge the common threat coming from Russia, especially after the events in Ukraine in 2014 (Łukasik 2020: 16). Indeed, the Polish-Ukrainian case is one that deserves mention here too. While the painful past between Ukrainians and Poles exists – such as with neighbours killing each other in the Volhynia region (Kalishchuk 2019) – and conflict over the way this is remembered sometimes flares up, Poland was and remains a strong advocate for Ukrainian accession to the EU and the Western security structures, and Ukrainians work and study in Poland in ever increasing numbers. In both the Lithuanian and Ukrainian case, the ULB doctrine' of Giedroyc and Mieroszewski is clearly visible.

Where does this leave us in terms of future research? It seems that, in a more EU or western-oriented context, Poland is able to reconcile with their interlocutors, however harsh or salient the painful past has been. A comparative analysis between various reconciliation processes and the reactivation of memory in this process could provide us with clues as to why reconciliation works in some cases and not in other.

Another project could address the extent to which societies actually believe their politicians in the reactivation. How salient and alive are those issues that politicians reactivate, and when does it work best to get the votes? The aim of this thesis was not to address these issues. Rather, I wanted to highlight the importance of long recurring themes, ideologies and history in what seems from the outside a shallow pursuit of votes and agitation among the population. The understanding of history and a just assessment of its place in a given society and political culture is of utmost importance if one wishes to play an active rather than reactive part in the game, both for insiders and, in my case, outsiders.

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Annexes

Annex 1¹²

Map of the *Kresy*. The map is from 1918, drawn up by Woodrow Wilson, and neatly (although overlooking nuances) shows the linguistic divisions in pre-independent Poland of 1918. Note how From Grodno and Volhynia eastward, Poles no longer constitute the majority of speakers but east-Slavic speakers – ones closer to Russia's cultural heritage – do.



¹² Last accessed on 10.05.2021 via: <https://www.loc.gov/item/80695246/>

Annex 2¹³

Map of the advance of the Red Army, the Polish army and the final settlement of the borders at the Treaty of Riga (1921).



¹³ Last accessed on 10.05.2021 via:

<http://www.conflicts.rem33.com/images/Poland/revolution%20and%20rebirth.htm>

Annex 3¹⁴

Hitler attending the funeral of Józef Piłsudski in 1935.



¹⁴ Last accessed on 10.05.2021 via: <https://wiadomosci.onet.pl/kraj/85-rocznica-smierci-Jozefa-Pilsudskiego-zaloba-w-iii-rzeszy-to-popularny-mit/jlvcwtj>

Annex 4¹⁵

Józef Piłsudski buried in the crypts of Wawel Castle, Krakow, 1935.



¹⁵ Last accessed on 10.05.2021 via: <https://wyborcza.pl/alehistoria/7,121681,23379445,tu-ma-lezec-marszalek-czy-worki-z-ziemniakami-abp-sapieha.html?disableRedirects=true>

Annex 5

Overview of conflict and reconciliation between the Polish and Russian governments over memory and history. The periods follow government changes in Poland or Russia. On the top two rows, without going into detail, I outline the leading parties or people in the government of Poland and Russia. Below that, I rank the relations over memory and history on a three point scale: reconciliation, stagnation, conflict. On the bottom row, I highlight significant events possibly pertaining to these changes in relations. This overview came together via my own research.

PERIOD	1989 - 1991	1991-1999	2000- 2004	2005-2007	2008-2014	2014-2015	2015-NOW
POLAND	Various post-Solidarity	Various. SLD from 1993	AWS 1997-2001 SLD 2001-2004	PiS	PO-PSL	PO-PSL	PiS
RUSSIA	Gorbachev	Yeltsin Putin from 1999	Putin	Putin	Putin Medvedev from 2008-2012	Putin	Putin
RECONCILIATION OR TENSION	Reconciliation: window of opportunity	Stagnation	Stagnation	Conflict	Reconciliation and stagnation	Conflict	Conflict
SIGNIFICANT EVENTS	Perestroika Democratisation	Russian nostalgia towards USSR	EU accession for Poland	PiS foreshadows its historical policy	Poland as a constructive European power; Smolensk as a window of opportunity	Annexation of Crimea spurs Russian historical revisionism	Tension over Katyn and Smolensk, fired up both by PiS and Russian relativisation

AWS: *Akcja Wyborcza Solidarność*, Solidarity Electoral Action

PiS: *Prawo i Sprawiedliwość*, Law & Justice

PO: *Platforma Obywatelska*, Civic Platform

PSL: *Polskie Stronnictwo Ludowe*, Polish People's Party

SLD: *Sojusz Lewicy Demokratycznej*, Democratic Left Alliance

The revival of the Belarusian language by example of the Catalan case. Role of language in shaping of the Catalan and Belarusian national identities.

Volha Zaitsava

For inspiring Catalans who are relentless in proving that there is no nation without a language.
For courageous Belarusians whose fight for linguistic and national identity is unarrested.

1. Introduction

Catalonia is often called “a nation without a state” (Webber&Strubell 1991: 1) and Belarus – “a nation without a language.” Located almost 3,000 km away from each other, Catalonia and Belarus look back at completely different histories that rarely intertwined, and yet, as this thesis argues, their struggles and challenges related to national and linguistic identities are remarkably similar.

The territory where Catalan is potentially spoken houses 13 million people, and this includes Catalonia, Valencia, Balearic Islands, parts of Aragon, and Murcia Region (Arnau 2013: 1). It is also the state language of Andorra, and the city of Alghero in Italian Sardinia (Arnau 2013: 1). For the purpose of this research, I will be looking only into Catalonia proper (Catalunya Nord), where the Catalan nation-building was taking place. Catalan is the autochthonous language (*llengua pròpia*) of Catalonia; however Castilian Spanish (hereafter, Castilian) is the official language of Spain. Meanwhile, Belarusian is one of the two official languages in Belarus, on par with Russian. A country with a predominantly Belarusian population (Belarus census 2019: 31), Belarus is one of the few states in Europe that is officially bilingual. Paradoxically, here collective bilingualism does not guarantee linguistic equality but rather bolsters the dominant position of the Russian language and contributes to the decline of Belarusian. While 61.2 % of ethnic Belarusians (4,893,139) call Belarusian their mother tongue, only 28.5% (2,275,243) actively use it in their daily life (Belarus census 2019: 36-43).

In 2003 Belarusian was classified as “Vulnerable” in the UNESCO Atlas of the World’s Languages in Danger (UNESCO 2010), which means there is a threat that it might not be passed to the next generation. Under the Franco dictatorship Catalan was banned from schools, administrations, and businesses. In fact, the only way to

maintain it was through oral communication at home. Though largely neglected, Belarusian still remains one of the state languages and is taught in schools. However, while Catalan has seemingly overcome its linguistic challenges, Belarusian faces a continuous decline.

Different regimes that ruled over ethnic Belarusians and Catalans focused on suppression of nationalist sentiments, any manifestation of which, was condemned and policed. Nevertheless, national movements always managed to regain vigor. In order to understand the link between the Belarusian and Catalan languages and national identity, it is important to trace the evolution of these languages in the historical context, look into national movements throughout decades, and see where they are at today.

For the purpose of this study, I will mainly focus on the events and facts that I believe to be most important for the evolution of the two languages and their role in the construction of national identity. Recognizing this study's spatio-temporal limitations, I will concentrate upon language policies and planning, without prejudice to cultural policies, as well as I will not strictly follow the chronology of historic events.

And so, this thesis will look at the fate of the Catalan and Belarusian languages through the prism of their historical roots, periods of linguistic discrimination, and continuously renewed struggles for self-determination. I will also have a close look at the measures and policies that have been implemented in post-Franco Spain to revive the Catalan language and see to what extent the Catalan policies may help the Belarusian language to escape extinction.

1. The case justification and research question

At first glance, the pairing of Catalan and Belarusian linguistic situations might seem arbitrary. True, Belarus is a full-fledged state, while Catalonia is an autonomous region within Spain. The two languages have different linguistic structures and belong to different language families. The languages and their histories seemingly do not have anything in common. However, multiple common features that Belarusian and Catalan share, if we take their sociolinguistic development, allowed me to examine the two cases comparatively.

Despite the difference in the status, Catalonia and Belarus have similar population sizes (7.5mln in Catalonia and 9.5mln in Belarus), Catalan is similar to Castilian, almost to the same extent that Belarusian is similar to Russian. Both languages have deep historical roots and have been at the heart of every national "awakening" or revival as symbols, but also as the main justification for the nation's right to a unique identity. Both Catalan and Belarusian have been minoritized throughout history by dominant languages that were imposed on their territories for a number of reasons that will be discussed in Chapters 1 and 2.

Attempts to belittle Catalan and Belarusian have been made before the Francoist regime in Spain and Lukashenko's in Belarus. It is during the aforementioned regimes that the language situations significantly deteriorated. Arguably, Catalan was in a far worse situation under Franco than Belarusian is today. However due to the elaborate language policy, the former was resituated in the public sphere and managed to regain steam. Similar policy was adopted in Belarus in the 1990s but was promptly aborted, which reversed its apparent achievements. And so, by analyzing the successes and failures of the Catalan language policy, we can have a better understanding of how the linguistic situation in Belarus could unravel with proper government support. It is also worth looking at the relatable challenges that Catalan faces today, in particular how it is losing its value as a symbol of the fight against oppression, while in this regard, Belarusian only gains momentum. Both examples are illustrative of how language can be used as a primary instrument for reinforcing the sense of national identity.

All things considered, I argue that it is only reasonable to compare the Belarusian and Catalan cases: it makes sense to parallel past and current relations of these two minoritized languages and hegemonic Castilian and Russian, in order to trace how the two withstood oppressive regimes in the past, whether they managed to develop the sense of national identity, and what paths they currently follow.

Taking into consideration the peculiarities of the evolution of Belarusian and Catalan languages and national revival movements in Belarus and Catalonia, this thesis will seek to answer the following questions:

- 1) To what extent does the language help shape the Catalan and Belarusian national identities?
- 2) What role has the language played in the promotion of the national consciousness and the unity of the Catalan and Belarusian people against repression?
- 3) How can the language reforms put in place in Catalonia after the fall of the Francoist regime be applicable for Belarus?

2. The research method

To draw a bigger picture about the role that language plays in the shaping of the national identity, I approached the above languages through the prism of sociolinguistics. I turned to a host of literature, academic articles, advice of prominent historians, interviews, public opinion polls, and other statistical data to give languages a wider historical context.

Comparative analysis in this particular case allowed me to identify parallels or certain contrasting developments in similar situations, elucidate similarities, pinpoint alternative scenarios, and set up wider patterns historically speaking.

In order to attempt to effectively compare the two cases, the following features are especially characteristic of my research: 1) focus on the historical context in which each language developed; 2) an overview of social and political backgrounds which impacted the fate of each language; 3) interviews conducted with prominent historians, politicians, philologists, journalists, civil activists; 4) the exertion of empirical data and documentation.

The interviews are complimentary for this research, as I carried them out to broaden my perspective on language questions in Catalonia and Belarus and listen to some personal takes on the role that languages played and continue to play for people's understanding of their national identity. I also sought to expand my understanding of language policies and nationalist movements in both Catalonia and Belarus, their strengths and weaknesses. I found it useful to get the story behind the interviewees' experiences and merge both my findings and personal recollections into one coherent narrative.

I carried out eight one-on-one semi-structured interviews that were either recorded or written down with the consent of the interviewees. I contrasted the interviews with related findings, such as public opinion polls, media posts, census analysis, and relevant academic works to provide an in-depth understanding of the topic.

List of interviewees

Name, Last name	Position	Duration	Date
Vitaly Tsyhankou	Belarusian journalist and political observer at Belsat and Radio Liberty , and co-founder of BelaPAN information agency	1h06min	10.03.2021
Andrei Sannikau	Coordinator of European Belarus civic campaign, former Belarusian diplomat, co-founder of Charter97 pro-human rights website, former presidential candidate and political prisoner	30min23sec	11.03.2021
Aleh Trusau	Belarusian archeologist and civic activist, and former Chairman of the Belarusian Language Society	43min21sec	13.03.2021
Vincuk Viačorka	Belarusian politician, linguist, ex-leader of the Belarusian National Front , and former political prisoner	1h25min	13.03.2021
Miquel Strubell i Trueta	Catalan sociolinguist, MA MSc at Universitat Oberta de Catalunya , former language planner in the field of promotion of Catalan for the Catalan Government	57min55sec	23.04.2021
Txus Rico	Catalan philologist at Inlingua	Written responses	15.03.2021
Montse Babí	Catalan philologist and translator at Filolalia	Written responses	17.03.2021
Eloi Babí	Catalan philologist at INS Mollet del Vallès	Written responses	17.03.2021

3. The structure of this thesis

To address the aforementioned research questions, my study is structured in four chapters. The introductory chapter presents the research questions and rationale, the state of the art, and methodology applied.

Chapter 2 looks into the origins of the Catalan language, provides a historic context for its evolution, and assesses the role of Catalan in advancing national revivals. It also analyzes its language policies together with the changing social attitudes towards the language and addresses some of the current challenges.

Chapter 3 builds upon the evolution of the Belarusian language through the prism of its historical roots, sociolinguistic twists and turns that contributed to the advent of the nationalist movement that set out to shape Belarusian national identity. It provides a glance at past language policies and the current fate of the language.

Chapter 4 synthesizes findings from two previous chapters and evaluates differences and similarities between Catalan and Belarusian historical and social backgrounds. It assesses the role of these languages in national movements and compares the significance of language policies for language revival.

The research will end with some final remarks and evaluation of the research questions.

4. Nations, nationalism, and national identity

In order to talk about nationalism and national identity, one needs to define the nation first. Though it is not an easy task, Renan saw it as a political community founded on free speech and democracy (Bhabha 1990: 8-23). As for Kohn, it is an emotional concept, which is close to an ethnic community with shared history and cultural heritage (Kohn 1965: 9-13). Smith somewhat supported this idea claiming that nations have ancient roots (Smith&Gellner 1996: 361). On the other hand, Anderson adhered to the idea that nations were cultivated, or "imagined" specifically through print culture in vernacular languages (Anderson 2006: 146). In this regard, Hobsbawm observed that in France, for example, a state predated the French nation as such, since it united fragmented communities who, in 50% cases, did not even speak French (Hobsbawm 1992: 60).

Meanwhile, nationalism is a comparatively recent phenomenon that arose in eighteenth century in the Western Europe and was built around the already existing states and state structures (Schöpflin 2000: 118). While the preceding system of states was previously founded on the allegiance to the monarch, in the modern era it was based on the idea of nationhood (Schöpflin 2000: 118). With regard to this, as Schöpflin put it, "the coming of nationalism was expressly democratic" (Schöpflin 2000: 118). Sovereign nation-states came forth to replace non-national states, such as empires, which were becoming obsolete.

The ideas of nation-states and nationalism, in turn, gave birth to a new social category – intellectual elites, who became central to the new “interpretation and the shaping of social and cultural values, independently of church and monarch” (Anderson 2006: 116). And, thus, nationalism was seen as “an idea, belief or principle” (Barrington 1997: 713). Anderson claimed that nationalism could be driven by genuine enthusiasm, and at the same time be imposed upon communities through an ideology (Anderson 2006: 113-114).

It could also be seen as a trigger, a reaction to marginalization of certain national communities by a dominant community (Conquest 2017: 131-150).

But while nationalism is a relatively novel concept, for Lloberta, “a rudimentary national identity” or consciousness had already existed in the Middle Ages (Lloberta 1994: 220). Back then, it manifested itself in the loyalty to the sovereign. As Hastings further noted, this pre-patriotic national consciousness built the foundation for “a narrative of national construction” that often stood on the shoulders of elaborated historical and cultural narratives that a newly founded nation adopts and abides by (Dowling 2013: 10). Hroch accurately covered the three phases of development of any nationalist movement: 1) the diffusion of historical, linguistic and cultural narratives; 2) national “awakening from sleep” and a Golden Age narrative usually by a group of intellectual elites; 3) the advent of mass movements (Anderson 2006: 116; Balakrishnan 1996: 78-98).

What starts as a cultural movement eventually becomes politicized. To strengthen the national sentiment, intellectual elites often construct their narratives around a shared past, local folklore, and origins of languages. Incidentally, as this study will show, both Belarus and Catalonia underwent the same stages in the end of the nineteenth–beginning of the twentieth century.

To sum up, even though nations could be viewed as “imagined communities”, and national identity as a social construct, they can also be seen as products of an inevitable split from obsolete political orders. The two concepts do not necessarily contradict each other. And, according to Anderson, Hroch, Hobsbawm, and Gellner, language revival was an inseparable part of this process.

5 Language and national identity

If nations are social constructs, is it also true for languages? After all, to create new nation-states, intellectual elites were endowed with a role to select “a national language”, in a sense monopolizing it. And, as Anne-Marie Thiesse observed, prior to the nationalist movements in the nineteenth century, the majority of national languages did not exist at all (Thiesse 2001: 61).

To quote Anderson, “the nation was conceived in language” (Anderson 2006: 145). We can claim that particular historical background led to the development of various

tongues. Lledó-Guillem calls this the “process of naturalization” during which the languages of the Church, e.g. Latin, Slavonic, etc. were transformed into languages that were based on local vernaculars and were perceived as more familiar by the general public, as they “essentially followed a natural process that respected the natural divisions of humanity” (Lledó-Guillem 2018: 2). Political and intellectual elites reclaimed popular dialects that became national languages (Judt&Lacorne 2004: 4).

The process of state-building and national awakening in Europe alluded to define standard languages that would distinguish a nation from all others (Flora 1999: 170). As Schöpflin pointed out: “Those who spoke or could be made to speak a particular language [...] were the usable material of the nation, its members in whose name power could be claimed” (Schöpflin 2000: 121). The “legitimizing formula” held that one nation ought to have one language (Schöpflin 2000: 121). Where populations were largely homogenous, the central language of the territory usually became the standard (Portugal, Sweden), and where there were multi-ethnic populations, a high cultural language mostly evolved from the “dialect of the core area” (Italy, France, England) (Flora 1999: 176).

It should be kept in mind that it often was political dominance that “determined the status of a language as a lingua franca” (Minasyan 2014: 273). In a situation where dominant powers colonized the adjacent regions, that were not linguistically homogenous, without taking into account local vernaculars, as it happened in Brittany and Alsace, the “colonized” languages ended up minoritized and marginalized (Minasyan 2014: 273). Although France proclaimed itself an indivisible nation-state, in reality it was its “ideological expression of a strong will to unify” talking (Flora 1999: 198). In practice, it inherited a linguistically fragmented state (Flora 1999: 198). Regardless of that, France forced all its territories, even those with very distant Celtic and Germanic dialects (Breton, Alsatian, and Lorrain), to adopt its linguistic standard, that stemmed from the Île de France dialect (Flora 1999: 166). France often used coercive means to justify the “Frenchness” of these regions. As another example, Spain continues to be a state rather than a nation, as Flora put it (Flora 1999: 164), whose periphery (Galicia, Catalonia, the Basque Country) for centuries resisted its dominance on many levels, but in particular refusing to embrace its language and culture as their own.

In particular, communities with no developed written languages, lower education levels and poorer economies, became an easy target for dominant powers. They could, of course, continue to use their unrecognized dialects, but all education and written communication was in the hegemonic language. Nevertheless, the questions of distinct linguistic and national identities are hard to settle, and the resistance remained and, in certain cases, accelerated with time. Local vernaculars together with memories of a shared past, folklore, common customs and traditions are all markers of community’s collective identity that, to a certain extent, guarantee its continuity (Assmann 2008: 32; Bhabha 1990: 8-23).

It is worth noting, however, that a state that houses multiple language groups can still succeed at building a unifying national identity, but only if it finds a way to respect all linguistic differences and construct a common national idea. Switzerland remains one of the few examples of an imagined community that managed to build a uniform identity based on a principle of linguistic equality between four various language communities (Anderson 2006: 139). The Norwegian example also stands out. Danish was the only written language there when Norway became independent in 1814. However, the need for identification prevailed, and this is how *nynorsk*, based on Norwegian vernaculars, came into being and was caught on by the “rising peasant intelligentsia” (Flora 1999: 187). Diglossia is still present, however, the national identity is founded on *nynorsk*. Also, Iceland can be seen as a positive example of linguistic unity, because it managed to preserve its literary traditions since the Middle Ages and achieve mass literacy early on, so, “there was no serious threat of submersion under an alien culture” (Flora 1999: 165).

Meanwhile, in Central and Eastern Europe, where the ruling empires sought to homogenize multiethnic communities, language became the most effective tool for mobilizing the people (Schöpflin 2000: 120). Unlike failed attempts to build a nation “on a geographical rather than a cultural-linguistic base,” language, coupled with cultural peculiarities, became the uniting force used to construct new nations (Schöpflin 2000: 120). There, languages and nations became two synonymous concepts. Many states took to local vernaculars as examples of most pure and unspoiled linguistic forms and used them as a foundation for the new linguistic standards of newly established nation-states.

It is, however, incorrect to assume that language can naturally develop on its own. Its evolution is predetermined by “the political, economic and social conjunctions of an area” (Minasyan 2014: 272) and an elaborate language policy which becomes a useful tool to promote and negotiate the controlling positions of this or that language.

To conclude, as opposed to nations that can be seen as social constructs or “imagined communities,” languages were not artificially created (with a few exceptions, e.g. Esperanto). Despite the fact that many of them had to be “identified, codified and imposed” (Schöpflin 2000: 122) by a group of intellectuals, which was true for most European languages, they were still products of evolution of diverse dialects that existed on this or that territory before they merged into a standard. And so, while nations can be imagined, national languages stem from vernaculars, and, therefore, may be considered primordial.

And finally, I have not found principled exceptions to the idea that language and identity are interconnected. As Gyula Illyés once said: “The nation lives in its language” (Schöpflin 2000: 121). When nation-state and language are coterminous, language certainly plays a symbolic role as a unifying factor in the nation-building process. When, however, a dominant language is selected as a single standard that is

imposed upon minority communities, it might turn into a lasting bone of contention, as was precisely the case with Belarus and Catalonia.

2. Case of Catalonia

“Hi ha gent a qui no li agrada que es parle, s'escriga o es pense en català. És la mateixa gent a qui no li agrada que es parle, s'escriga o es pense” (Universitat de Barcelona).

“There are people who don't like to speak, write or think in Catalan. It's the same people who don't like to speak, write or think.”

Ovidi Montllor

2.1. History of the language

2.1.1. Origins of the Catalan language

Catalan is a Romance language that originated between the eighth and ninth centuries. It is closest to Castilian, Occitan, French, and Italian (Arnau 2013: 1). A standardized, self-sufficient Romance language, it is derived from Vulgar Latin. Its structural evolution is similar to that of Castilian, French, Romanian, Italian, and Portuguese (Arnau 2013: 1).

Catalonia developed its ethnic and linguistic features “from the Roman and Visigoth cultural legacies” (Rees 1996: 313). As the Catalan counts were moving to the west, taking part in the expulsion of the Muslims alongside the Franks, their language, with strong French influences, moved along with them, until they finally settled and established the County of Barcelona (Rees 1996: 313).

There are no surviving written records in Catalan until the eleventh century, when Catalan elements started appearing in certain Latin texts (Moran 2004: 37-38). By the end of the eleventh century, historians already came across documents written in Catalan, in whole or in part. The “Grievances of Guitard Isard”, circa 1080, is considered one of the first documents ever written in this language (Moran 2004: 37-38).

Until late nineteenth century, Catalan was deemed to be a dialect of Occitan (or Provençal), a language spoken in certain areas of Spain, France, Italy, and Monaco (Woolard 1989: 145). Today, most linguists agree that Catalan is a distinctive Romance language in its own right and its unique identity is not up for debate (Lledó-Guillem 2018: 3). Professor of History of the Catalan language August Rafanell produced a list of phonetic and lexical differences between Occitan and Catalan that prove that they are two separate languages (Rafanell 2000).

As Lledó-Guillem observed, there were rare cases of “linguistic nationalism of social elites” (Lledó-Guillem 2018: 2) as far back as the thirteenth century, when “some of the Romance languages were given a specific written name for the first time” (Lledó-

Guillem 2018: 2). This was also the case for Catalan. He continued saying that the thirteenth century established the division of Occitan and Catalan (Lledó-Guillem 2018: 3). The Occitan speaking territories became part of the Kingdom of France, whilst Barcelona turned into “the political and linguistic center of a Romance language, very similar to Occitan,” which received the name *catalanesch* (Lledó-Guillem 2018: 3). At that time, Occitan became the language used on the territory of France, whereas Catalan was spoken on the territory that belonged to the crown of Aragon.

2.1.2. Medieval crown of Aragon

The golden age of Catalan falls on the late Middle Ages, which is reflected in the first major literary work in the language by Ramon Llull - *Blanquerna* written circa 1283, the Valencian school of poetry, and the Occitan and Catalan lyric poetry of troubadours (Tisdall 2003: 40).

Principality of Catalonia was an integral part of the medieval Crown of Aragon (Dowling 2013: 2), with its own legislative and administrative bodies. Catalan became the standardized literary language and one of the state languages of Aragon alongside Aragonese and Latin (Arnau 2013: 2). One of the oldest collections of the codified naval laws in the world called *Llibre del Consolat del Mar* from 1484 (Book of the Maritime Consulate), as well as the *Constituciones catalanes* (Catalan Constitutions), which compiled the laws of the Principality of Catalonia, were written in Catalan (Gimeno&Chacón 2003). At its height in the fourteenth and fifteenth century, the Crown controlled vast parts of today’s Spain in the east, parts of France and Greece, the Balearics, Sicily and Sardinia, the south of Italy and Malta. Hence, it was one of the most significant powers in medieval Europe.

In 1469, the Crown united with the Kingdom of Castile through the marriage of Ferdinand of Aragon and Isabela of Castile. In his book, Wheeler argued that it was during this period onwards that Castilian gained in popularity and prestige, which meant the onset of the decline for Catalan (Wheeler 1999: 190-191). Dowling, meanwhile, stated that this precise theory was a popular myth that was spread during Franco’s dictatorship to emphasize the superiority of the Spanish language (Dowling 2013: 2). The 1469 unification, Dowling claimed, did not yet imply forceful cultural or linguistic assimilation of the Catalan language by the Castilian (Dowling 2013: 2). He also continued that: “Catalan language retained its high status as did Catalan literary and cultural expressions. To progress socially required the knowledge of Catalan” (Dowling 2013: 2).

Later, in the sixteenth century, Spanish monarchs domineered Europe, and Castile was already five times bigger than Aragon in terms of population (Dowling 2013: 2). During this period, the prestige of the Catalan language started to decline, particularly due to a period of turmoil in Catalonia that eventually led to the economic and social stagnation in the region (Dowling 2013: 2). Next, in the seventeenth century,

Catalonia came out against Castile, however, was vanquished and lost its northern counties, with one-fifth of its population (Rees 1996: 313). The final blow came in in 1714 when Catalonia became a province in a very centralized Spanish monarchy.

2.1.3. A unified Spain

To quote Aizpúru: "Spain, as a unified political entity, dates from approximately 1715" (Lannon&Pretson 1990: 37). It in itself was rather weak, as it was France that installed their own Philip V of the Bourbon dynasty as Spain's king. Philip immediately introduced a uniform administration across Spain, following the example of France. For Aragon, and specifically Catalonia, it meant the abolishment of *Generalitat* and other political institutions, suppression of its own Constitutions, privileges, and rights of self-determination. In the words of Dowling: "From this period onwards, the major political and economic decisions concerning Catalonia were made in Madrid" (Dowling 2013: 2). Of course, this greatly affected the Catalan language, too, to the extent that it led to its literary decadence.

During the rest of the eighteenth century and up to circa mid-nineteenth century, the Catalan language was neglected, although, as Nopka noted, noteworthy literary pieces were still produced, e.g. playwright Joan Ramis's *Lucrecia* or Baró de Maldà's *Calaix de sastre* (Nopka 2016).

By the 1830s, however, Catalonia experienced economic growth and became an industrial heart of Spain, chiefly due to its blooming textile industry and Spain's protectionist laws (Dowling 2013: 13). By doing so, Catalonia left the rest of Spain behind at a time when the latter already could not keep up with the leading European powers that were expanding overseas and gradually built modern nation states (Dowling 2013: 8). The so-called European Age of Nationalism was already looming on the horizon.

Consequently, Spain found itself quite isolated and economically backward, not able to create "a modern, coherent project of national unity" (Dowling 2013: 8) and its unitarization project was failing. Catalonia, on the contrary, became a dynamic industrial and cultural center.

For the purpose of this research, it is an important mention, since, to this day, Catalonia remains one of Spain's most economically successful regions. This, in turn, has created a precedent for promoting the idea of autonomy by the Catalans. From the mid-nineteenth century onwards, different movements demanded either autonomy or full independence from Spain.

2.1.4. The emergence of Catalan nationalism

The period from 1790 to 1840 marked "the emergence of the national consciousness among the Catalan bourgeoisie that self-established itself as the ruling class whose interests coincided with the national interests" (Capdevila 2017: 116-117).

A period that received the name *Renaixença* (Renaissance) began around the mid-nineteenth century and was characterized by the revival of the Catalan literature, culture and language after their lasting decline. The colors of the old flag of the crown of Aragon (red and yellow) have been recovered as symbols of ancient history and the glorious past of Catalonia.

At the outset of the revival, the majority of the Catalan-speaking population was still rural, and the majority of the urban middle class mostly spoke Castilian, which was seen as a more progressive and useful language (Dowling 2013: 15). Hence, trying to revive the language, the intellectual elites focused on the countryside, with its kaleidoscope of dialects which, like in other European countries at that time, became important for language standardization.

The Middle Ages became Catalonia's Golden Age. The period was highly praised, and all its alleged achievements romanticized. As a result, medieval arts and literature contests gained a second wind. For example, the last time the troubadours contest called *Jocs Floral* (Floral Games) was held in the Principality of Catalonia was the 15th century (Enciclopèdia Catalana). Its participants recited religious texts or troubadour-kind love poems, and the best ones received floral awards – a tradition, which was fully revitalized in 1859 Barcelona (Enciclopèdia Catalana). During the same period, Wales revived its medieval Eisteddfod Fest and Scotland – the Highland Games (Enciclopèdia Catalana).

During this time, literature was largely used to legitimize the Catalan identity. Linguists and writers attempted to standardize the Catalan language by adapting its grammar and vocabulary to the current reality. Capdevila i Marfany named the literary works which were most representative of this period: Catalan-Castilian-Latin Dictionary by Joaquim Esteve, Catalan Grammar by Josep Pau Ballot, a number of articles on regionalism and Catalan literature review articles by Pere Codina (Capdevila 2017: 116-117).

The beginning of the twentieth century brought about “the emergence and consolidation of Catalan nationalism” (Dowling 2013: 3). It was seen as a major challenge for Spanish authorities – the threat to “the unity of a Spanish State” (Dowling 2013: 3). Although, certain steps had been made towards the Catalan autonomy, such as the establishment of *Mancomunitat* (Commonwealth), Catalonia ended up immersed, like the rest of Spain, into the dictatorship of Primo de Rivera (Dowling 2013: 19). During his rule, Catalan culture and language were marginalized, which triggered nationalist sentiment and also drew the attention of Spanish Republicans and other Spanish intellectuals to the question of Catalonia's autonomy for the first time.

After the death of Primo de Rivera, the *Generalitat de Catalunya* (an autonomous government of Catalonia) was established, giving Catalan its own official language. Catalan autonomy lasted, however, only until 1939, when the victory of the rightist Spanish nationalists, led by Franco in the Spanish Civil War, put an end to it and opened one of the darkest pages in the modern history of Catalan.

2.2. Catalan under Franco's dictatorship

Franco's regime was the product of the European recession that began with the First World War. Revolutions that took place across Europe resulted in the change of the existing order and economic stagnation, which was often dealt with using military force (Vinen 2000: 179-180). The fact that Spain was a multinational state made its situation more complex. The advent of the Catalan nationalism and its autonomy claim needed to be avoided by all means. Hence, after the end of the Civil War, Catalan autonomy was abolished, and its four provinces ended up governed from Madrid. Castilian became the only recognized language, and Spain itself yarely turned into an autarky.

1939-1945 are considered to be the most brutal years of Franco's regime, during which the Spanish nationalists imposed total control on the Catalan people who were seen as "disloyal betrayals of Spain" and their separatist ideas – as a "damned plant that needed to be pulled up by the roots from Catalan soil" (Vinen 2000: 179-180). The persecution of Catalans was primarily culture and language focused. Franco's regime basically committed what Dowling called "a cultural genocide" (Vinen 2000: 179-180). The Catalan language stopped being recognized, although 80% of the population still actively used it in their daily lives (Vinen 2000: 179-180). In addition to prohibiting its use, everything, including publications and advertisements, the naming of toponyms, local culture, business and education institutions needed to be "harmonized" with the Spanish reality, and that reality was Castilian. Those who refused to conform were either persecuted or penalized. Members of Catalan intelligentsia were either expelled or executed or ended up in prison.

Eventually, because it was impossible to control every home, the Catalan language was confined to private households (Vinen 2000: 39). This reality was reflected in the quote by one of the heads of the then Catalan administration:

...the Caudillo Franco affirms his solemn promise to respect everything authentic and intimate of [Catalan] being...that does not encourage separatist pretensions [...] Be assured, Catalans, that your mode of speech [*lenguaje*] in private and informal usage, will not be persecuted (Vinen 2000: 39).

As a result, almost all Catalans born after 1936 did not have the opportunity to formally study the language. Families continued to speak Catalan at home, but few could master writing skills (Cramer 2008: 22). To the extent that when Catalan authors were free to publish their work in the 1980s, for example, Manuel de Pedrolo, their writing skills were often criticized (Dowling 2013: 23).

Franco's regime propagated the idea that Catalan was nothing but a mere "worthless dialect and an unchristian way of speaking" (Dowling 2013: 22). Thus, there were people who chose to abandon Catalan as the easy way out, or because by not doing so they could jeopardize their "personal prospects," this particularly was true for the upper class who ended up partially supporting the regime (Dowling 2013: 22).

However, for the majority of the Catalan middle class, the language was still passed on to the next generations as a mother tongue despite all hurdles. Rural inhabitants also continued to actively use Catalan, but because their knowledge of Castilian remained quite poor. Cramerer speculated that some middle-class Castilian speakers adopted Catalan, too, "as a form of resistance to the regime" (Dowling 2013: 22). Furthermore, as sociolinguists Strubell i Trueta, Hoffmann, Woolard and others noted, such suppression only consolidated the opposition and reinforced the resistance against the dictatorship (Hoffmann 2000: 53). Amidst terror, resistance manifested itself in the form of underground activities, such as leaflet distribution, graffiti painting, and Catalan flag hanging (Dowling 2013: 50).

The role of the Catalan Catholic Church has also been invaluable to keeping Catalanism, especially the language, alive. As early as 1939, Catalan was allowed in churches, as long as it was used only in a religious context. At first used only in sermons, it later became the language of parish leaflets, pamphlets, books and magazines that were the only authorized Catalan publications. One of them, *Serra d'Or*, published by the Monserrat monastery, eventually turned into the public forum of Catalan nationalists (Dowling 2013: 4). It proceeded as a clandestine activity, until the Spanish Ministry for Tourism decided to look into it in 1960 to conclude that: "...the magazine is not religious...taking advantage of Catholic feeling, it is acting with ends that appear to be political" (Dowling 2013: 76). In the mid-50s the Church also was home to the Catalan boy scout movement. Its members learnt about Catalan history, language and culture and were later branded as "dangerous separatists" (Dowling 2013: 66).

In 1957 Spain was forced to abandon the economic autarky model, which effectively ended its isolation (Dowling 2013: 73-74). It launched structural reforms, and eventually experienced an economic boom on par with other western European countries (Marglin&Schor 1990). Mass immigration of Castilian speakers from other Spanish regions, encouraged by the regime, especially in the 1960s, brought in a great number of Castilian-speaking immigrants. It greatly changed the composition of the Catalan population and became an additional challenge for the future revival of the Catalan language.

Conversely, and more positively, the country, that was now open to the rest of the world, also saw an influx of foreign cultural trends, which, coupled with the change of generation and economic development, revitalized the Catalan national movement. This, in turn, triggered the activity of student protest movements, offered a new chance to businesses and artistic people, be they singers, writers or publishers (Dowling 2013: 75). *La Vanguardia Española*, primarily used for Spanish propaganda, now shed some light on Catalan culture. The *Nova Cançó* (New Song) Catalan language song movement particularly stands out, as it played a pivotal role in the popularization of the Catalan language (Dowling 2013: 77). Among many others, it has produced the legendary song *L'Estaca* (The Stake) originally performed by Lluís

Llach in 1968. The song was initially banned but later translated into many languages, including Belarusian, becoming the symbol of protest against oppressive regimes.

During that period, the economic force of the region once again laid the foundation for the Catalan national project, together with the idea of the language and culture focused national identity. Catalan business class, represented by activist Jordi Pujol, was supportive of the cultural revival and vice versa, e.g. *Banca Catalana* was actively sponsoring the Catalan publishing houses in the late 1960s (Dowling 2013: 90), and regular individuals were willing to give up part of their profit to support “the cause.”

Thus, starting with small cautious steps, Catalan cultural expression became a phenomenon, the force to be reckoned with. The regime, aware of the threat it presented, tried to keep it under control and often used it for self-legitimization. For example, it permitted the Catalans to selectively use their folklore, customs and traditions, like the building of *castells* (human towers), at state-level events in Catalonia (Dowling 2013: 75-76). Yet still, the process of language restoration and its subsequent revival appeared to be irreversible. The 1960s produced “a golden age in theatre, literature and publishing” (Dowling 2013: 78) in Catalonia, as well as it began to be called the *Segona Renaixença* (Second Renaissance). Eventually the regime had to make concessions, e.g. permit the production of the Catalan language television program or the public acknowledgement of the linguistic diversity of Spain on state television and other minor yet symbolic changes (Dowling 2013: 92).

The Catalan language-based culture, thus, was revived to a significant extent nearly a decade before the death of Franco, as its expression was no longer severely constrained. By 1975, the year of Franco’s death, 66,000 students, including adults, followed Catalan language courses (Dowling 2013: 107). However, Castilian continued to be the main language of instruction in all Catalan schools.

Till his last breath, Franco held true to his dogmas and rejected the idea of an autonomous Catalan state. Hence, Catalanism fully gained its momentum only after Franco’s passing.

2.3. Revival and language policy

Shortly after Franco’s death, Spain stepped onto the path to democratic transition. Catalan *Generalitat* was reinstated and the new *Estatut d'Autonomia de Catalunya* (Statute of Autonomy) got approved. The latter designated Catalonia as a “nationality” and gave Catalan co-official status with Castilian. The leader of *Convergència i Unió* (CiU) center-right nationalist coalition Jordi Pujol became the twenty-sixth president of *Generalitat*. CiU then became in charge of developing and implementing the language policy (hereafter, language policy is the process of decision-making, whereas language planning is the implementation of the language policy) (Molinero 2000: 150-151). Its main goal was to promote and protect culture and the use of the Catalan language.

Shortly after, the government took the list of steps to start the so-called “linguistic normalization process,” which re-introduced Catalan in education, public administration, business and media.

The first steps towards the institutional language rehabilitation were initiated circa 1978 (Webber&Strubell, 1991: 1), which is reflected in Article 3 of the Spanish Constitution (Spanish Constitution 1978). Castilian was declared the official language of the state, and other languages of Spain also became “official in the respective Autonomous Communities” and were declared a cultural heritage to be protected (Spanish Constitution 1978).

However, the measures taken by both Castilian and Catalan governments were considered highly insufficient (Webber&Strubell, 1991: 1). Consequently, in Article 3 of the Statute the importance of Catalonia’s *llengua pròpia* (autochthonous language), and its equal official status with Castilian were emphasized (Crameri 2008: 51). The language was still in a vulnerable position, and this awareness eventually led to an updated and more decisive Linguistic Normalization Act which was finally passed in 1983, with no votes cast against it (Crameri 2008: 25). It introduced a specific groundwork for change along the lines of a series of minimum conditions and requirements. “Public awareness and sympathy” played a decisive role in the adopting of a “fully comprehensive linguistic normalization” (Crameri 2008: 25).

Language planning focused on the standardization of Catalan vocabulary and grammar. This task was facilitated by the fact that the writers’ unit had attempted to develop a standard form of vocabulary and grammar decades earlier. Language was quite successfully preserved in literature primarily through efforts of the intellectual elite. Literary works produced during the period of mass persecutions gained momentum, and, thus, giving them their rightful niche was key.

Directorate General for Linguistic Policy became the driver of language policy and planning. It was part of the Department for Culture comprising additional units for Sociolinguistics, Linguistic Normalization and Advice Services. Although I mentioned earlier that cultural policy will not be the focus of this study, in the Catalan case, it became and remains inseparable from the language policy. Hence, any cultural form that implied the use of the language, became part of the linguistic normalization process.

The 1983 Act was founded on the idea of official bilingualism. It was enshrined in the Constitution and reflected in the Statute, as both documents guaranteed “all citizens the right to use either language” (Crameri 2008: 52). The Act sought to give Catalan equal status with Castilian. The former, however, became the sole language of *Generalitat* and its public corporations, local and territorial administrations, the language of regional media and that of education (together with Castilian). Complete Catalan immersion only spread to kindergartens (Rees 1996: 315). In 1978, only 3% of those used Catalan as the main language, and by 1990, already 90% of kindergartens

and 50% of secondary schools used Catalan as the vehicular language (Arnau 2013: 4). Students reserved the right to study in Castilian, if their parents applied for it (Arnau 2013: 4). However, e.g., out of 248,000 children who were legally entitled to study in Castilian, only 79 preferred to do so (Rees 1996: 316). The opposition to the new development was rather scarce and ultimately inefficient (Crameri 2008: 53).

Soon Catalan became the preferred language of instruction in schools, and the immersion policies were largely expanded. Based on Decree of 1992, Catalan officially became the vehicular language in schools for all subjects, ranging from physics to history (Crameri 2008: 53). Therefore, all students enrolling in a Catalan school, regardless of their country of origin, started their education in Catalan for all subjects, except for Castilian lessons and foreign language classes. It was not only the Catalan speakers who fiercely supported the new policy. The majority of Castilian speakers living in Catalonia made a deliberate choice for their children to learn Catalan in order to “facilitate their integration into Catalan society” (Dowling 2013: 76) and speak the same language as the autochthons, mainly because they sympathized with the Catalan situation.

Despite the fact that the language became institutionalized, there were still concerns that the 1983 language planning has not been effective. Castilian still dominated everyday life and there was no palpable progress. This led the CiU to revise the language legislation to give it more weight and to extend the scope of its use. This, in turn, triggered resistance, notably, of some Catalan intellectuals-members of the *Foro Babel* organization that supported functional bilingualism (Crameri 2008: 54). Nonetheless, the Policy was adopted in 1998, although certain compromises had to be made.

The new policy featured the main elements of the 1983 Act and the 1992 Decree on education, and other decrees which reinforced the Catalan positions in public administration and media (Crameri 2008: 55). It also obliged private and public businesses to issue bills and product labels in Catalan (along with Castilian if needed), respond to enquiries in the language of the enquiry, be it Catalan or Castilian, as well as respond to the customers’ questions in the language that they are addressed in. According to the 1999 survey, Catalans reacted mostly positively to these amendments, with only 15% of completely negative reactions (Crameri 2008: 56).

However, the anti-Catalan sentiment among the Castilian speakers seems to have grown over the years. Occasionally, it manifests itself in the form of politicized debates, namely about language. As an example, in 2010 the Spanish Constitutional Court declared that Castilian should be re-introduced as a language of instruction and have equal status with Catalan in schools. *Generalitat* responded that “nothing should (or would) be changed” in the linguistic model (Arnau 2013: 5).

Strubell recalls that until the early ‘90s, the Catalan language revival was very strong, as it didn’t need to justify itself, because it was associated with the recovery of

democracy and democratic values: “In the ‘90s we start getting Spanish nationalist organizations, such as *Tolerància* (Tolerance), *Babel*, *Competència* (Competence), that questioned this. The Catalan government decided to ignore them. I think that was a mistake” (Interview Strubell).

To continue his thought, in the 1990s the discourse about the language policies came into public eye, particularly in Spain, and by the time the 1998 Law came into being, the anti-Catalan movement was already strong. Specifically, the legislation has been attacked as being discriminatory by the Spanish political forces.

Despite the criticism, people’s competence in Catalan had greatly improved over the years mainly due to the efficient language planning. In 1981, about half of the Catalans could speak the language, and only 15% could write in it (Siguán 1992: 303-305). The below table illustrates the impressive progress (Cramer 2008: 57):

People’s competence in Catalan by year

Catalans who...	1981	1991	2001
Understand Catalan	74%	89%	95%
Speak Catalan	53%	71%	75%
Write Catalan	15%	51%	50%

In just twenty years, significant progress has been made. Catalans improved their comprehension and speaking skills by more than 20% and their writing skills by 35%.

To my question: “What predetermined the effectiveness of the 1998 language policy?”, I received the following answers:

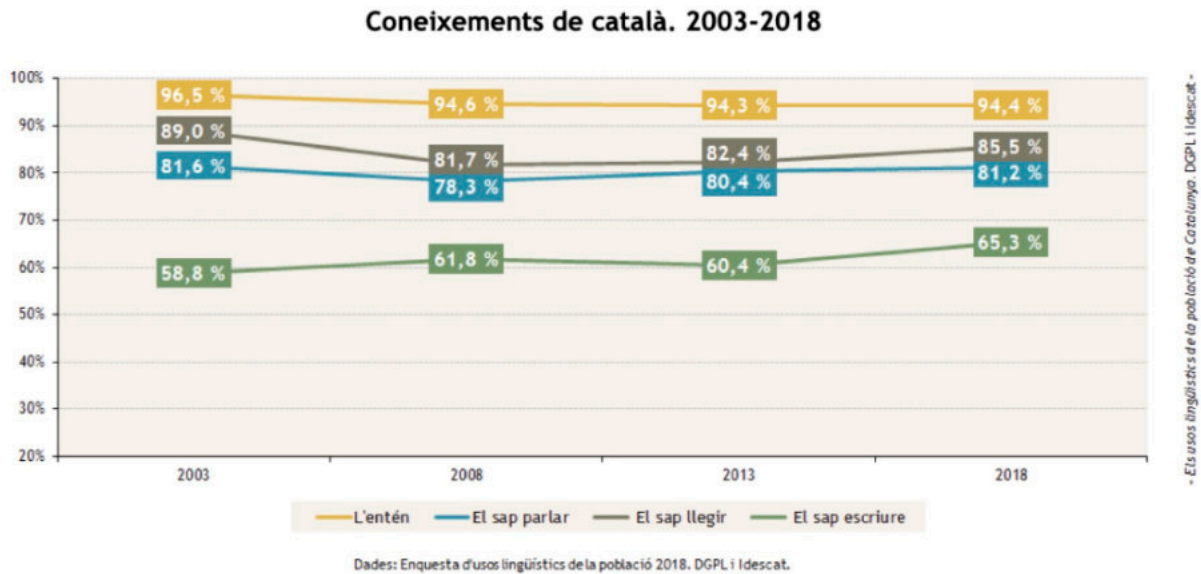
Montse Babí: “Immersion in schools. That was 90% of the success” (Interview Montse Babí).

Txus Rico: “At that time, Catalan was synonymous with freedom” (Interview Rico).

Eloi Babí: “...the key factor of the success was the wide consciousness among Catalan people of being an ancient and persecuted nation” (Interview Eloi Babí).

To sum up their responses and my findings, one can argue that the success was indeed dictated by the symbolic role given to the language coupled with efficient language planning.

The below graph from 2018 shows even more impressive results: 94.4% of the population of Catalonia understands Catalan, 81.2% can speak it, 85.5% can read it and 65.3% can write it (Resultados de l’Enquesta 2018: 18):



These numbers show that linguistic policies have been effective, although not to the extent initially planned. The problem with this was that some Castilian-speaking students of “immigrant descent” (Woolard 2013: 210) were not as ready to embrace the Catalan language and their newly found identity, as the Catalans. Partial resistance to learning Catalan from ethnic Spaniards became a matter of concern and, to a certain extent, remains one of the many challenges that the Catalan language faces today.

2.4. Current challenges

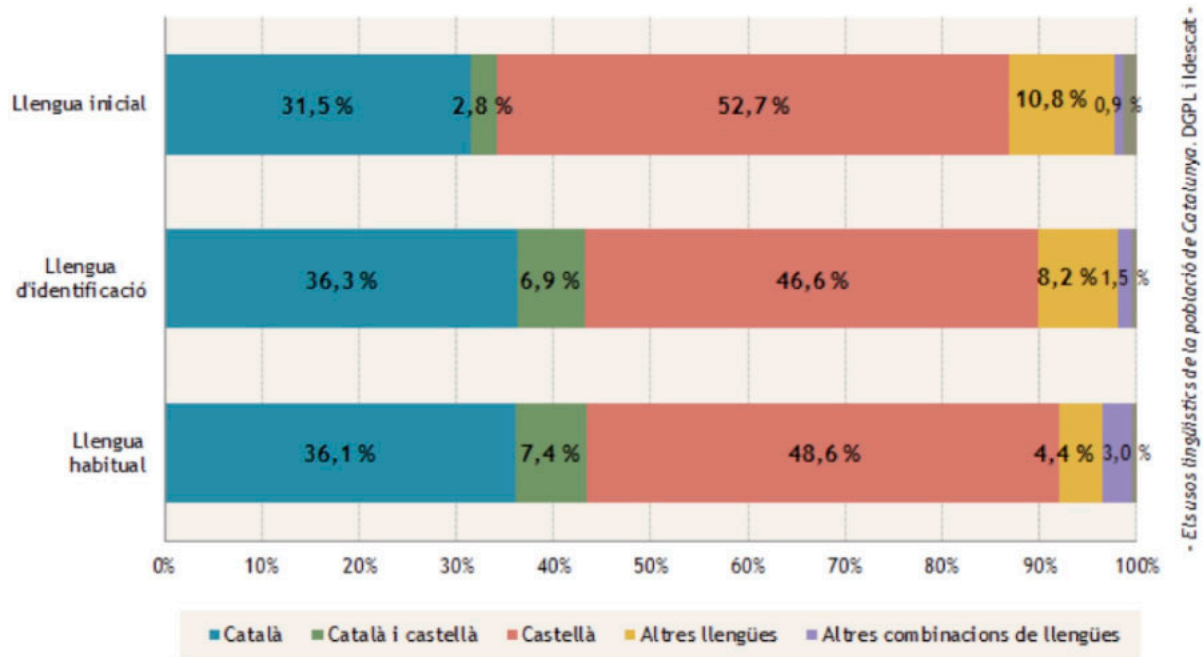
Paradoxically, the fact that Catalanists “perceived their language as the vehicle of a centuries-old literary tradition” to a certain extent prevented the development of alternative cultural forms and halted linguistic experimentation (Rees 1996: 213; Cramer 2008: 74). After all, the 1980s-1990s were about television, cinema, pop and rock music, video games, and, finally, the Internet, whereas “high cultural forms” were not a “mainstream”. So, instead of trying to promote Catalan on TV, for example, the national elites focused more on the promotion of literature, opera, and theatre. Edensor believes that that timing should have been used as an opportunity to bring the language to the masses by popularizing it more, instead of focusing so much on its “high status” (Edensor 2002: 15). By contrast, Strubell mentions that the main problem was the absence of state-level campaigns to encourage people to actually use the language in everyday situations (Interview Strubell). Montse Babí built up on this thought, saying that many Catalan speakers tend to switch to Castilian whenever they speak to Castilian-speaking Catalans (Interview Montse Babí). According to her, Catalans are exposed to Castilian every day, and it is rarely possible to get through the day without using it at least once (Edensor 2002: 15).

The below graph shows that in 2018, 48.6% of respondents named Castilian as their “habitual language” against 36,1% of those who said for them it was Catalan.

The revival of the Belarusian language by example of the Catalan case.
 Role of language in shaping of the Catalan and Belarusian national identities.

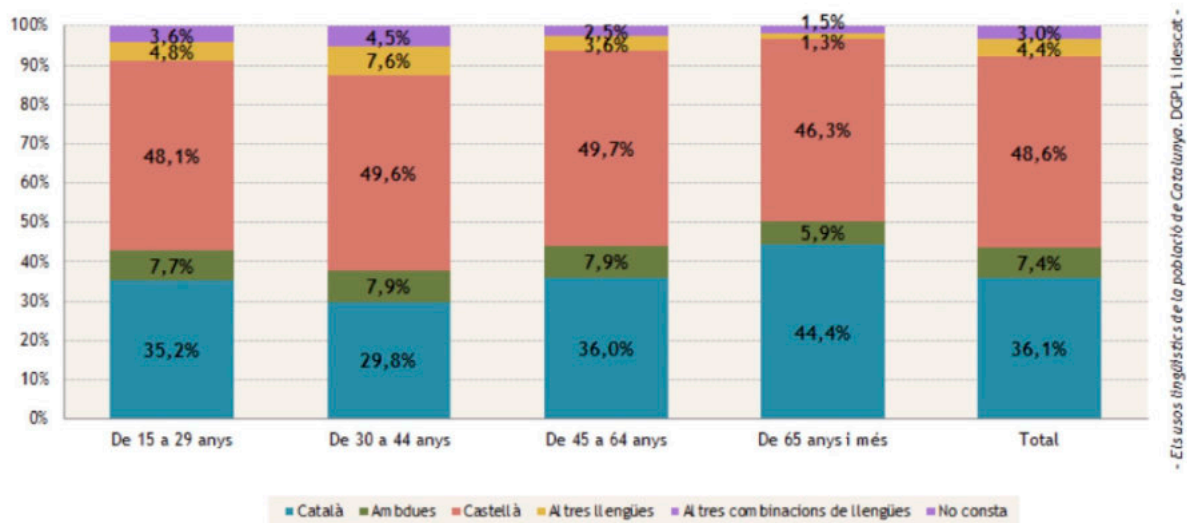
Out of these 52.7% called Castilian their “initial language” and 31.5% said it was Catalan. 36.3% said Catalan was their “identity language”, and 46.6% said it was Castilian.

Initial, identity and habitual language, 2018 (Resultados de l’Enquesta 2018: 13-14):



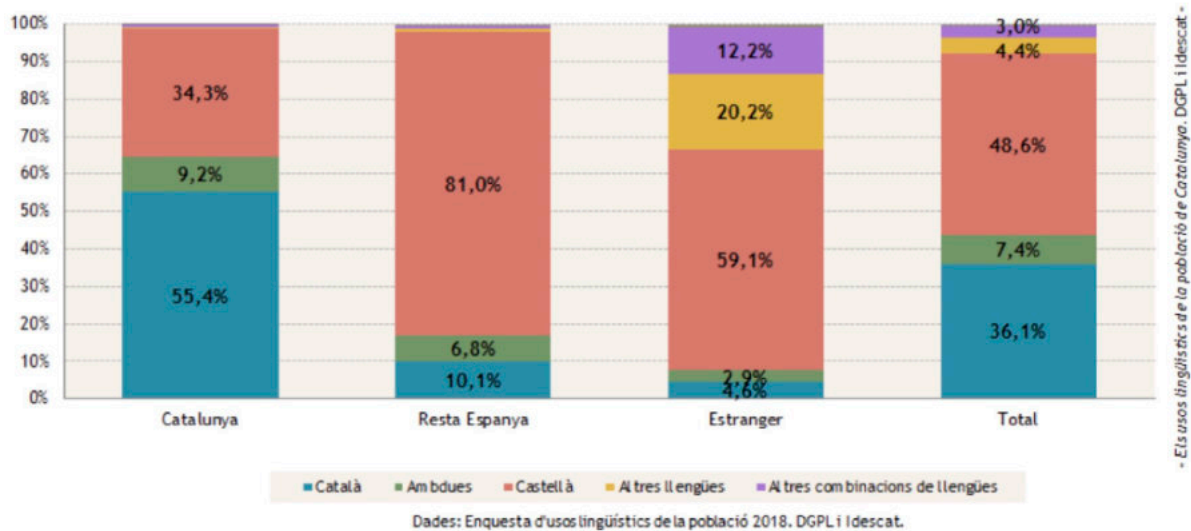
Dades: Enquesta d'usos lingüístics de la població 2018. DGPL i Idescat.

Another graph (Resultados de l’Enquesta 2018: 16) shows that the older generation is more inclined to use Catalan in their everyday life, compared to those aged 15 to 44:



Dades: Enquesta d'usos lingüístics de la població 2018. DGPL i Idescat.

And, finally, the last graph shows the habitual language preferences of Catalan residents according to the place of birth (Resultados de l'Enquesta 2018: 17):



55.4% of people who were born in Catalonia use Catalan in their daily life, whilst only 10.1% of those born in the rest of Spain preferred Catalan. This number is even lower for those who came to Catalonia from other countries (4.6%).

In that regard, Eloi Babí believes that Catalan politicians and the *Generalitat* have not done enough to help the immigrants – be they from the rest of Spain or from elsewhere – to integrate into the Catalan-speaking society “in a more effective way” (Interview Eloi Babí).

Certain language promotion campaigns have been adopted to address these issues. An initiative run by volunteers, and later taken over by the Consortium for the Language Normalization called *Apparella't* (Linguistic Couples), designed to help new learners is a good example of that (Website of the Apparella't app). The film dubbing and subtitling industry in Catalonia has also been important – hundreds of films have already been dubbed into Catalan. And the statistics also show that Catalans prefer Catalan radio stations over the Spanish ones (Cramer 2008: 59). And, lastly, in 2003 Catalonia received its own domain *.cat* that gave prominence to Catalan language Internet resources.

Nevertheless, all interviewees agreed that, at present, the Castilian language continues to dominate the Spanish Internet, press, mobile applications, computer games, and cinema. Castilian still remains the main language of television: technically, Catalonia has only one national channel (TV3) against thirty-four Spanish ones (Pettit 2021). All in all, a wider range of cultural products is available in Castilian than in Catalan. So, if no Catalan alternative exists, people cannot just stay true to their linguistic preferences, but would rather opt for a more visible and easily accessible Castilian version.

Crameri observed that in order to effectively promote Catalan in education, it is important to show that the language can be actively used in everyday life (Crameri 2008: 59-60). The Àngels Viladot survey (Viladot survey 1993), for example, showed that Catalan teenagers thought little about the importance the language plays for self-identification and overall did not consider the language to be a vital part of cultural identity. Crameri concluded that the overall institutionalization of Catalan has certainly improved the status and visibility of the language. However, it has also turned Catalan into “just another academic subject to love and hate” (Crameri 2008: 61). Being also the main language of *Generalitat*, local administrations, Catalan might have lost its symbolism as the language of resistance and the symbol of freedom from oppression. Instead, it is “the language of bureaucracy, election campaigns, the gas bill and university entrance exams” (Crameri 2008: 62). Rico pointed out that especially the newcomers perceive speaking Catalan as a duty and therefore often reject it (Interview Rico).

Among all Catalan provinces, Barcelona, which is more multicultural and multiethnic, ranks bottom in terms of exclusive use of Catalan. This result stems from a related challenge that Catalonia faces today, which is globalization.

Coupled with economic and social changes, the problem of globalization has become central to the survival of the Catalan language and cultural identity. Strubell observes that waves of immigrants from the rest of Spain made Catalonia much less linguistically homogeneous (Interview Strubell). Currently, the Latin Americans give their weight to Castilian in Catalonia and make the use of Catalan less visibly advantageous, and that affects the motivation of school learners, as well.

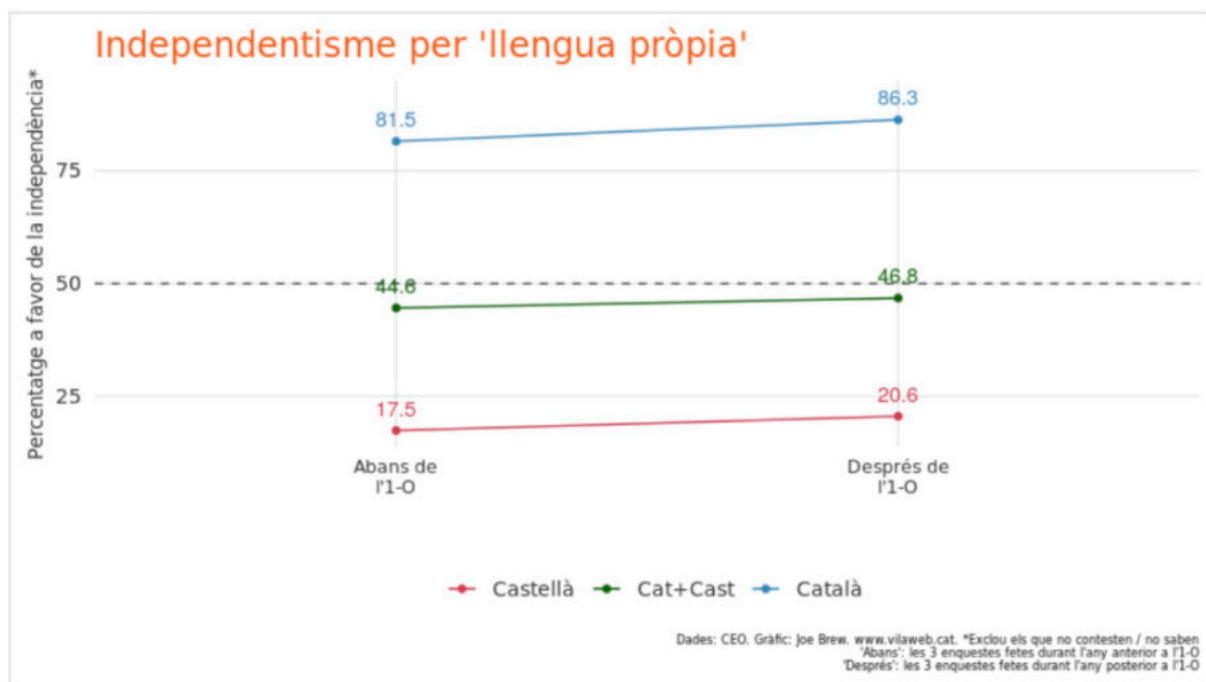
The latest new waves of non-Hispanic immigration brought in diverse cultures, religions, and languages to an extent not previously experienced (Crameri 2008: 174). Hence, immersion programs in schools had to be rethought and new linguistic solutions introduced. As Strubell notes, the quality of at least public-school education declined, because now there are too many children who are completely unfamiliar with Catalan (Interview Strubell). This presents a serious challenge to the preservation of the language, as Catalonia continues to receive 120,000-140,000 of immigrants every year, and, according to the findings of Carme Figueras, 300 spoken languages are recorded in Catalonia at present (GELA Grup). Apart from that, current linguistic challenges in Catalonia, amongst other things, are also connected to demographic shortfall.

Lastly, the Catalan independence movement renewed in 2009, eventually creating the pro-independence majority in the Catalan parliament in 2012. For the Catalan language, the question about the status of Catalonia remains urgent. As Strubell and Webber note: “...as just one of Spain's autonomous regions, Catalonia cannot dispense with use of the official state language, Castilian, however conflictive or damaging the effects of 'co-officiality' may be perceived to be” (Webber&Strubell 1991: 11).

The independence referendum, deemed binding by the Catalan side and illegal by the Spanish side, was held in 2017 amid violent police crackdowns and arrests. Article 155 of the Spanish Constitution (Spanish Constitution 1978) allowed it to intervene into the running of one of its autonomous regions, which forced the president of Catalonia to go into exile.

To this day, the Spanish government remains vocal about refusing to support the idea of Catalan independence. These events left a mark on the language question as well. According to Strubell, the anti-Catalan sentiment among the Castilian speakers is strong, as the language issue was used to summon up fear about Catalan independence (Interview Strubell). It does not come as a surprise that most Catalan speakers support the idea of independence (see the below chart) (Brew 2019):

Independence sentiment according to autochthonous language



“The language that everyone considers their own is one of the strongest predictors of support for independence” (Brew 2019).

In conclusion, whether language is a defining feature of the national identity, in the case of Catalonia, seems like a rhetorical question. All my interviewees unanimously agree that the two are inseparable:

Strubell: “To me language and identity are related. [...] I find it very awkward if I come across someone who says: ‘Yo soy muy Catalan!, [“I am very Catalanian” in Castilian]. National identity is also a very personal thing. [...] Ultimately, it is up to individuals to say if they are Catalan, i.e. if they feel they belong to Catalan people” (Interview Strubell).

Eloi Babí: “When it comes to national identity, which is in itself something artificial, it can be considered that Catalan language becomes essential, especially in a little and historically mistreated autonomous region as Catalonia” (Interview Eloi Babí).

Montse Babí: “A language defines a culture, a way of thinking and acting as a community, the way we connect with each other in different contexts” (Interview Montse Babí).

Rico: “Identity cannot be understood without the language. The language shows, through its vocabulary and idioms, the character of the identity” (Interview Rico).

As seen from this chapter, language undeniably played a key role in the promotion of national consciousness of the Catalans, and it is hard to imagine any other nation that has been more vocal about the direct link between language and national identity. And, not unlike the Catalan case, the history of the Belarusian language is not a straightforward one either, which follows from the next chapter.

3. Case of Belarus

«Не пакідайце ж мовы нашай беларускай, каб ня ўмёрлі ...» (Giger 2008: 318).

“Do not relinquish our Belarusian language, so that we won’t perish.”

Frantsyszek Boguszewicz

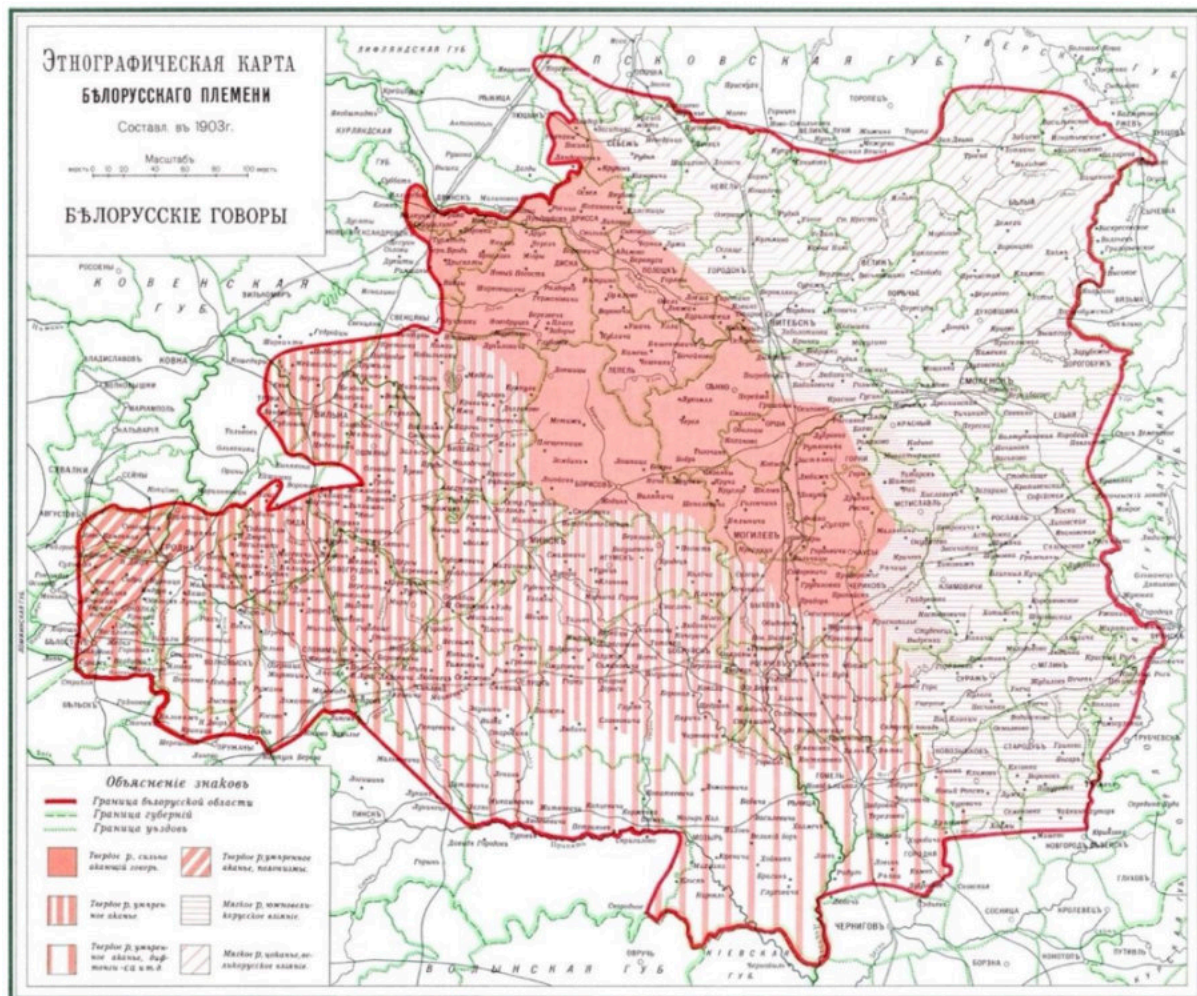
3.1. History of the Language

3.1.1. Tracing the Belarusian language to its roots

The literature is rather limited when it comes to tracing the origins of the Belarusian language. The most popular narrative supports the idea that Old Russian language is the ancestor of Russian, Ukrainian, and Belarusian. The ancestor of the Belarusian language was Old Ruthenian (hereafter, Ruthenian) or Chancery Slavonic (Snyder 2003: 18). Such modern philologists, like Ragauskienė, Shakun, Smułkowa refer to its northern variety as Old Belarusian. Its southern variety is often called Old Ukrainian, while Church Slavonic is defined as the “common standard ecclesiastical language” for both of them (Kamusella 2013: 817; Danylenko 2017: 44-45). It is no wonder that modern Ukrainian is the closest language to Belarusian (Ethnologue). However, all three (including Russian) belong to the same Indo-European language family, specifically to the Eastern subgroup of its Slavic branch.

That said, a theory that there is one ancestor language “to rule them all” raises more questions than answers. To this very day, this theory is widely used to justify Russia’s claim on the Belarusian and Ukrainian cultural and linguistic heritage. Furthermore, the narrative that Belarusian is just a ‘polonized’ Russian was widely spread across the Tsarist Russia, and later used by Lenin, Stalin and Brezhnev for their propaganda efforts (Institute of Belarusian History and Culture 2014).

Then again, there is a different narrative. Belarusian philologist Fiodar Yankousky distinguished 27 phonetical, 43 morphological and over 20 syntactical differences between Belarusian and Russian, without taking into account lexicology and etymology (Yankousky 1983: 21-38). This fact certainly contradicts the popular Russian opinion that Belarusian is a mere dialect of Russian.



Ethnographic map of Belarusian tribes according to their dialects, designed by Yefim Karsky in 1903 (Karsky 1916)

The above map, designed by Belarusian linguist-Slavist, ethnographer and the forefather of Belarusian linguistics Yefim Karsky, shed light on the diversity of dialects that he came across during his ethnographic trips around Belarus. In fact, the way Belarusian dialects are grouped today mirrors the location of the first settlements mentioned by Karsky (Natatnik 2018).

Arguably, it was Karsky who gave scientific credence to the existence of the national identity of Belarusians as an independent people with its own rich history and distinct cultural traditions. Karsky wrote about the uniqueness of the Belarusian dialects, their phonetical and grammatical structure, and carefully compared folk-

dialects with the modern literary language. In his books he also highlighted well-defined and distinguishable folklore, beliefs, language, worldview, mythology, rites etc. that the local tribes possessed. He underlined the peculiarities and the etymology of Belarusian sayings, proverbs, fables, riddles and songs. And most importantly, he analyzed ancient Belarusian written artifacts of the fourteenth-eighteenth centuries that demonstrate the rich literary heritage of the Belarusians (Karsky 1916).

3.1.2. Grand Duchy of Lithuania

The European state called the Grand Duchy of Lithuania (hereafter, GDL), which came into being in the twelfth century, and existed until 1795, comprised the entire territory of today's Belarus, almost all of modern Lithuania, and parts of contemporary Ukraine, Russia, Poland, Latvia, Estonia, and Moldova, and was dominant in eastern Europe.

Litviny, i.e. residents of the GDL, were the inhabitants of the geographic area at that time known as Litva. Polish historian Feliks Koneczny, noted, that it was important to distinguish between the modern-day state of Lietuva and historic Litwa (Koneczny 1903: 102-105): "...the Belarusian language used to be called "litewski" [eng. Lithuanian] [...] when Jogaila was crowned King of Poland, it wasn't the letuwski [ancestor of modern Lithuanian] that he brought to Poland, but Belarusian" (Koneczny 1903: 102-105). And Butterwick-Pawlikowski further notes that: "Ruthenian [...] had since the end of the tenth century been a written language of high status" (Butterwick 2021: 2-5). It differed from the language used by the Muscovy elite, who used to translate it and refer to it as *litouska* or *belorusinska* language (Snyder 2003: 15-30). Although, the GDL was a multilingual state, if we speak about its "speech community" (Danylenko 2017: 12). Its complex linguistic blend at different points in time included, but was not limited to, Latin, German, Italian, Polish, Yiddish, Hebrew (for sacred scribes), Scottish, Aukštaitian, Samogitian, and Arabic (Butterwick 2021: 2-5; Danylenko 2017: 32).

Nevertheless, it was Ruthenian that was widely spoken by the *beau monde* of the Duchy at the Grand Ducal court in Vilnius. Moreover, prominent philologists and historians consider this period onwards to be the *siecle d'or* of the Belarusian language, when most of the documents issued by the state chancery were written in Ruthenian (the vocabulary also showed Old Church Slavonic, Latin and Polish influences), including the Statute of the GDL of 1588 (Barysionak 1927). There is evidence that Duke Algerd was fluent in German, but always addressed the ambassadors of the Teutonic Order in Ruthenian through a translator (Arlou 2010). Until the 1569 Union of Lublin, diet resolutions were written in the language of Belarusian ancestors.

Thus, the ancestor of the Belarusian language can be considered one of the oldest languages of administration, law, and high culture in Europe.

3.1.3. Period of Polonization

Up until the end of the seventeenth century, the Kingdom of Poland and the Great Dutchy had different official languages of administration: Old Belarusian in the latter, and Latin in the former. Polish became the language of literature in the sixteenth century replacing Latin, it is when it gained popularity among the Lithuanian and Ruthenian elites (Butterwick 2021: 2-5).

Following a series of unfortunate defeats during the Livonian War, which significantly weakened the GDL, the latter was forced to enter into the Union of Lublin (1569) with the Kingdom of Poland, consequently forming the Polish-Lithuanian Commonwealth in order to protect itself from the Russian threat. De iure the GDL remained to a large extent autonomous: with its own military, chancellery, administration, judicial, and legislative system within the new federative state called Rzeczpospolita. De facto, however, Lithuanian higher nobility was partially Polonized, which led to the eventual vanishing of standard Ruthenian "in the milieu of local elite" (Danylenko 2017: 44). The peasantry and *šliachta* (lower nobility) continued speaking vernacular Ruthenian (Danylenko 2017: 44). In addition, many nobles saw Poland as more progressive culturally speaking, with better education, more advanced city life, and more liberal social establishments (Gella 1998: 13). Therefore, Polish became the hegemonic language in the cities and the main language of the chancellery of the Commonwealth (since 1697). Therefore, it is fair to say, that the Union of Lublin put an end to the *siècle d'or* of the Ruthenian language and its future became blurred.

3.1.4. Tsarist Russia and the Russification

As a result of the partition of Polish-Lithuanian Commonwealth in the second half of the eighteenth century, Belarusian territories west of River Dnieper became part of Russia. In accordance with Russian ideology, both Belarusians and Ukrainians were seen as fellow descendants of Kievan Rus. Russian rulers set its mind to deny Belarusians an alternative identity, the difference in languages was simply explained by the Polish influence. Belarusian was largely stigmatized as a "peasant" language as it was widely referred to as the language of the rural population. These factors triggered the promotion of the Belarusian national idea, which roughly coincided with the nation building processes across Europe.

During the times of writing his epic poem *Pan Tadeusz*, Adam Mickiewicz was still searching for dialectic peculiarities attempting to collect ethnographic folklore of the historical Litva. In his 1841 College de France speech he already mentioned the term "Biała Rus" (Belarus) and underlined a historical link between the Belarusian language and the GDL:

The language of Biała Rus, called *ruski* or *litewsko-ruski*, is spoken [...] by less than 10 million; it is by far the richest and purest language, it was used during the times

when Lithuania was separate, grand dukes used it in diplomatic correspondence (Tokć 2005: 69).

The idea of a distinct Belarusian national identity stemmed from the local folklore collected by university students and professors, among whom we can name great scholars like Jan Barszewski (1790-1851) and Jan Czeczot (1796-1847) (Ioffe 2003: 1241-1272). Just like in Catalonia, the shaping of the modern Belarusian literary language on the basis of local dialects, can be traced back to the 1850s (Hlebka 1957: 17). Playwright Wincent Dunin-Marcinkevicz was the first to use Belarusian literary language in his works, as well as he put an emphasis on the cultural and historic legacy that the land inherited from the GDL (Ablameika 2020: 17). He was among the first to emphasize that Belarusians should be distinguished from both Poles and Russians, and saw Belarusian literature as the means that could unite locals of different status and confessions.

The political birth of modern Belarus is associated with the name of Kastus Kalinousky, one of the leaders of the anti-Russian uprising of 1863-1864 (Ablameika 2020: 9). Polish historian Józef Janowski referred to him as “the genuine apostle of Belarusian people” (Ablameika 2020: 101), and Belarusian historians call him the “father of the Belarusian nation” (Ablameika 2020: 12). Kalinousky made a linguistic choice by addressing the Belarusian people in Belarusian *latinka* (the use of Latin letters instead of Cyrillic to be understood by both Belarusian Catholics and Orthodox), in the illegal newspaper *Muzyckaja prauda* under the pen-name *Jaško haspadar z-pad Wilni* (Yaska Host from Wilno).

Both Dunin-Marcinkevicz and Kalinouski came from families with roots in the nobility of the GDL. Therefore, they were sensitive both to the dialects spoken by peasants and to the Ruthenian of the former GDL.

The message that flows from his *Listy z-pad šybenicy* (“Letters from under the gallows”) – Kalinouski’s national and political manifesto (Ablameika 2020: 87) – that he writes prior to his execution, calls for the Belarusian people to unite around the national idea and create its own state that will be “prosperous, equal and independent” from Russia (Ablameika 2020: 100). The national idea shaped by Kalinouski resonates with the Belarusian people today. Even though the rebellion was suppressed, and its leaders executed, 1863-1864 events prompted the subsequent allocation of Belarusian and Lithuanian nationalisms from all-Polish movements (Ablameika 2020: 72).

Around the same time, poet Frantsyszek Boguszewicz marked the beginning of the “cultural nationalism” period, appealing to his Belarusian countrymen to embrace their Belarusian identity and preserve the language, hence making the latter an identity criteria.

When trying to retrace the evolution of the Belarusian nationalism, Nelly Bekus speculated whether it originated among the nobles and intelligentsia or the

peasantry (Bekus 2010: 835). She concluded that most likely the impoverished nobility (or bourgeois) robbed of their lands was the driver of that process. This way they wanted to create their own independent state with the support of popular masses (Bekus 2010: 831). *Muzyckaja prauda* appealed to the local peasantry to join the rebellion by lamenting about their heavy lot, tragic fate of the land and heritage in general (Bekus 2010: 831). Hence, even though the local bourgeoisie would have preferred to construct a national project, it had to heavily rely on the idea of social liberation. In other words, as Babkou puts it,

...the national interests of Belarusian people were parallel to the interests of social liberation [...] It was also significant that the "national" distinction for the common people was reflected in [...] the status of the **Belarusian language**, or rather a ban on it. At that time it **was practically the sole recognizable form of Belarusians' distinction that remained intact**, on which national "awakeners" could lean (Bekus 2010: 831).

Thus, language was one of the main building blocks of the resistance. The sentiment is reflected in the 1897 census that shows that despite intense Russification that followed the 1863-1864 uprising, 73.3% of the population still claimed to be Belarusian speakers (Latysheva 2009: 134-142).

3.1.5. Belarusian Soviet Socialist Republic and continuous Russification

In 1918, members of the Belarusian nationalist movement established the Belarusian People's Republic (BPR) on the territory of Belarus. Despite its short existence (till 1919), the BPR achieved success in the fields of culture and education: it published Belarusian books, magazines, and newspapers, thus reviving the recent nationalist movement. To combat illiteracy, up to 350 Belarusian schools and one university emerged (Hadavik 2016). Lack of international support, poor organization and lack of funds forced the BPR government into exile where it remains to this day.

In the aftermath of the Polish-Soviet War of 1919-1921, the territory of Belarus was partitioned between Russia and Poland, and the western part of Belarus became part of Poland. Initially there were liberal reforms and a promise of "Belarusian cultural autonomy" (Rudling 2010: 126), but after 1927 the process of Polish cultural expansion was accelerated and assumed coercive forms (Vabishevich 2009: 66). In 1927, the authorities accelerated the Polonization of the Orthodox Church (Mironowicz, Antoni 2014: 489-516), introducing Polish in sermons and ecclesiastical life (Vabishevich 2009: 69) and launched "a policy of assimilation in relation to minorities [...] mostly comprised of rural inhabitants" (Mironowicz, Antoni 2014: 515). The 1933 project on the "Belarus question" called for limiting the number of Belarusian schools, as a result of which Navahrudak Belarusian Gymnasium was liquidated, Belarusian was also banned in a number of schools (Mironowicz, Eugeniusz 1999). Almost all parties and public associations, such as Belarus School Society, Belarusian Institute of Economy and Culture and Belarusian National

Committee were closed between 1936 and 1938 (Mironowicz, Eugeniusz 1999). All in all, the policies pursued in the eastern parts of Poland with regard to Belarusians were rarely consistent, but usually discriminatory, repressive and (from the Polish standpoint) eventually counter-productive (Mędrzecki 2018).

In Eastern Belarus in the beginning of the 1920s, the Bolsheviks permitted the promotion and popularization of small local tongues, and their integration into the educational system. Markava explains such liberties by the initial weakness of the Bolshevik party, lack of the rigid boundaries, and an additional means to push socialist ideas (Markava 2016: 19, 94).

Taking advantage of an opportunity, Belarusian intelligentsia, including the BPR leadership in exile, jumped at the chance to promote the national language, culture, and education (Markava 2016: 41). Many former Bolshevik opponents – intelligentsia, prominent scientists, politicians – even returned to Belarus, some moved from the western Belarus, because they believed they were given an opportunity to develop Belarusian culture and statehood (Golubev 2003: 69-86).

The movement consequently collapsed in the 1930s with the beginning of Stalin repressions, but also, as Markava suggests, it was connected to the poorly coordinated political decisions, low level of education of the majority of population and social communication. Belarusization can, thus, serve as an empirical example of the fact that a nation is not a primordial category, but also that its formation depends on a number of factors, and cannot be constructed when guided solely by a national idea. National efforts in Belarus have not yet been strong enough to withstand repressions.

In the early 1930s, the Soviet Union counted 130 distinct languages, by the beginning of the 1980s this figure was down by half. Due to the bilingualism policy, the number of people who were fluent in Russian grew rapidly (Conquest 2017: 391-392). Learning of the Russian language became compulsory for all non-Russian ethnic communities. The communist regime sought to re-educate, or rather, discipline the masses, in order to effectively homogenize the territories.

By setting out to create a homo sovieticus, i.e. the new man, Stalin emphasized that there were special conditions under which the existence of national languages wouldn't contradict this idea. The Soviet people were allowed to stick to their very select cultural and linguistic traditions, as long as they followed the road down to merging into one people, or *narod*. The language and culture were, thus, permitted in a form of folklore. The higher the level of culture, the more it was seen as nationalist movement, which can consequently pose a threat to the newly founded system, therefore it was largely persecuted (Conquest 2017: 1-14).

The biggest tragedy for the Belarusian language and culture was the liquidation of 90% of the predominantly Belarusian-speaking intelligentsia, among which were poets, writers, during the purges in the 1930s. The mass grave in *Kurapaty* remains a symbol of those events.

In the 1960s, the majority of Belarusian native speakers were rural inhabitants, or first-generation city-dwellers. From the late 1950s onwards, the state initiated a strong mechanism aimed at decreasing the prestige of the Belarusian language. Ludmila Maksimenka, 64, recalls:

In my village school Belarusian was a vehicular language for all subjects. When I enrolled into a vocational school in the city, the sole language of instruction there was Russian. And often I couldn't understand what the teachers were talking about. And so, from an A student I turned into an underachiever (Audio from personal archives).

Similarly, in his diary, Valery Zaitsau, 59, writes: "In the early 70s, I, a country boy, moved to the city to study [...] I immediately felt like an alien. They called me *kalkhoznik* ("collective farmer") for my rural accent" (Diary 2014).

Vincuk Viačorka describes these countrywide experiences, as nothing but "traumatic" (Interview Viačorka). The youngsters who moved to the city from the country had a desire to permanently move to the city and did their best to eradicate any remnants of the Belarusian language and especially their accent, which was the hardest part, since the two languages are very different phonetically. By the end of the 1970s the Belarusian language already hit the rock bottom in terms of language prestige.

The older national elite mostly kept lowkey, intimidated by continuous purges. The works of such titans of Belarusian literature as Kolas, Kupala, Hilevich, Bykau, Panchanka, Karatkevich, Krapiva, and Tank were strictly censored. The elite was cautious and mostly working in the privacy of their workrooms. The change of generation that was educated, unscared and longing for change became the solution.

And this is exactly what happened in 1981, when new young associations got formed, e.g. *Talaka*, *Belaruskaya Maistrounia* (Belarusian Workshop) – initiatives officially dedicated to the restoration of folk tradition and culture (Dubaveć 2012: 2-10). Furthermore, Belarusian rock band *Mroya* played a pivotal role in combating language-related insecurities and certainly laid the groundwork for the popularization of the Belarusian language.

These initiatives changed the very perception of the Belarusian language, they aspired to convert the popular opinion that Belarusian was a dying and non-prestigious language of the countryside. Once educated people from the city started using the language, its prestige skyrocketed.

The then member of *Maistrounia* youth organization Viačorka recalls an anecdote:

The organization was actively trying to return the functional use of the Belarusian language. In 1983, we went to the Minsk district Sliapianka. We had a questionnaire with a single question: "Do you want to have a Belarusian school in your neighborhood?" In the course of a month, until the KGB took interest in what we were doing, we collected 1000 signatures in favor of creation of a school where

Belarusian should be the main language of instruction. It was a miracle considering that for ten years there was not a single Belarusian school in the capital (Interview Viačorka).

This anecdote is telling, given that in 1980 there was only one student (Natalia Lisitsyna) who was studying in the Belarusian language in all Minsk (Martinovič 2020).

By 1988, this new wave of language renaissance was directly linked to the political revival. This fact alone reformed people's mindsets. Thus, to a large extent due to Gorbachev's *glasnost*, which helped reduce censorship, Belarusians put political reforms in line with language reforms. People viewed it as a complex question that needs to be addressed together.

From autumn 1988, the Belarusian National Front (BNF) largely supported by former youth organizations mentioned earlier, within two months became an all-Belarusian social and political phenomenon. Several of its members founded the Belarusian Language Society named after Frantsichak Skaryna, also featuring those who initially feared the politicization of the language question, such as BSU professor and national poet Nil Gilevich, who eventually became the first Chair of the Society.

Aleh Trusau, who chaired the Society from 1999 to 2017, recalls that it was quite revolutionary that, due to this linguistic shift, the then completely pro-communist Supreme Council of the 11th convocation, decided to give Belarusian the status of a state language (Interview Trusau).

The events of the 1980s signified that in the end, the communists failed to assimilate different ethnic minorities. Even though the latter were forcefully deprived of their languages, collective memory didn't allow them to lose sight of their identity.

3.2. Revival and language policy

On the eve of the Soviet Union collapse and, once again, due to *glasnost*, the recovered truth about Chernobyl fueled the national movements further. The Kurapaty burial was discovered in 1988 and was widely publicized, once again bringing back revivalist ideas.

According to the 1989 USSR census, the overall atmosphere could be considered generally favorable for the popularization of the Belarusian language. 77.6% of the Belarusian population claimed their native language was Belarusian (Koryakov), and this is after decades of intense Russification, when almost all newspapers, books and magazines were published in Russian. In light of this, it is debatable whether such high numbers in favor of the Belarusian language could be explained by the improved linguistic knowledge or rather by a wave of enthusiasm and hope for change happening in 1989, and that people were genuinely supportive of the linguistic changes. As Sannikau recalls: "Even those parents who didn't speak Belarusian wanted their children to know it" (Interview Sannikau).

Growing popularity of Belarusian can be explained by the increased prestige of the language, and by the impact of nationalist movements in the neighboring countries, especially Poland and the Baltic states.

Tsyhankou recalls: "At the end of the '80s the change was perceived, firstly, as an alternative to the Soviet system. Secondly, it was seen as a rebirth, a rapprochement to Europe where everybody speaks their own languages" (Interview Tsyhankou).

According to the Language Law adopted in 1990, Belarusian became the only state language in the country, and its old historical symbols were re-adopted (the flag and the coat of arms). The process of belarussification was launched primarily in education, culture and administration. Russian was preserved as the main language of communication, and all my interviewees concur that there was no 'forceful Belarussification'.

In the '90s, the Belarusian language started to renew its functional roles, and, by 1999, the number of people who actively used Belarusian rose by 10%.

Both Trusau and Viačorka, who were among those drafting the new Language Policy, assert that the law implied a gradual 10-year transition to the Belarusian language in administration and education, which was the mildest immersion policy compared to the "cold-turkey" Baltic states language planning, which alluded to much faster switches (Interviews Trusau; Viačorka). Belarusian language was restored as the sole language of instruction in more than 3,500 schools (66.7%), while another 1,600 continued in Russian (Ulasiuk 2011: 4). Finally, for the first time Belarusian was introduced as a language of instruction in universities (Ulasiuk 2011: 9).

3.3. Belarusian language under Aleksander Lukashenko

Of course, it is worth mentioning that the country found itself amidst an economic recession which overshadowed the enthusiasm for national rebirth. And, although the success of the newly adopted language policy gradually started to bear fruit, it did not last long. Alexander Lukashenko, who came to power in 1994, spoke against any kind of ethnic or national model of state. Lukashenko reinstated an old communist establishment and set out to create the Union State with neighboring Russia.

Not before long, following a referendum of 1995, Russian received the status of the official language, and the old Soviet symbols were reintroduced as a national flag and coat of arms. According to the new wording of Art.26 of the Law on Languages: "In the Republic of Belarus, Belarusian OR Russian are the languages in the field of culture" (Law on Languages Belarus 1998). As a follow-up, history textbooks adopted a different narrative as well, where Belarus was no longer shown as part of the European civilization, but rather the emphasis was made on the fact that the country shares common history with Russia (Smok 2013: 11).

But, most importantly, we can observe that the number of Belarusian-language schools started dramatically decreasing. The percentage of children who studied in Belarusian fell from 66.7% in 1991 to 38% by 1995 (Ulasiuk 2011: 7). It drops further to 32% in 1996 even in rural areas (which never happened before, even in Soviet times) (Ulasiuk 2011: 7). The percentage of first-graders studying in Russian, on the contrary, grew from 25% to 62% by 1995 (Ulasiuk 2011: 7). Already by 2005-2006 academic year, only 21.5% of children attended Belarusian language schools (Ulasiuk 2011: 7). By 2016-2017, this number corresponded to 13.3% (Ulasiuk 2011: 7). There is not a single university that operates in Belarusian. An attempt taken by the Hrodna university students to convert the courses for their cohort into Belarusian failed, and initiators were accused of “nationalism” and penalized (Koryakov).

Formally, the choice of language of education required parental consent. However, in practice parents did not stand much choice or were exposed to pressure (Koryakov). Also, from a pragmatic standpoint, since Belarusian was officially removed from vocational schools and universities, some parents claimed it was more logical for their children to study in Russian to be better prepared for universities (Koryakov). At the same time, right now, the number of Belarusian language schools is not enough to meet the demand. Every year, dozens of parents stay overnight in front of Belarusian language schools to be the first in line to sign their children up, e.g. grammar schools №4 and №23 in Minsk (Nasha Niva 2020; 2016).

And, so, without any tangible state support for the Belarusian language, Russian quickly became the dominant language of education, mass media, court, army, business, culture and administration (Smok 2013: 9). According to Lukashenko, the Belarusian language question “was settled once and for all in 1996. If you want to speak Belarusian, there’s no law against it” (Smok 2015).

Censuses conducted every 10 years allow us to trace the dynamics of the Belarusian language popularity and demand throughout the years.



Positive linguistic dynamics can be observed in the years following 1920s Belarusization and in 1989, on the eve of the dissolution of the Soviet Union. A dramatic decline that can be traced starting from 1999 can be explained by an intense Russification that outstripped even that of the nineteenth century Tsarist Russia.

However, the changing geopolitical situation in 2014, namely the Ukraine crisis, triggered by the Russian invasion to the eastern Ukraine, made the regime take a U-turn in its language and national identity course.

In April 2014 in his annual address to the nation, Lukashenko pushed for national unity and expressed his concerns over the potential loss of sovereignty. The following quote especially stands out: "If we lose our ability to speak Belarusian, we will cease to be a nation" (Smok 2015). Interestingly, Lukashenko himself publicly uses Belarusian only during his inauguration once in five years. He is also known for occasionally using Belarusian words, such as *zmagary* (fighters) or *sviadomyia* (aforethought) when trying to undermine the opposition (Viačorka, Belsat 2019).

As mentioned earlier, Belarusian has been neglected for two decades and the state support for the language promotion was next to nothing. And so, Belarus leadership decided to reconsider its Russification policies and relax the grip on the Belarusian language and any manifestations of national identity. This period can be seen as an attempt at rebirth of the national identity or, as Trusau calls it, "soft Belarusization."

Mainly this meant that numerous private initiatives were no longer constrained to use Belarusian in culture, business, and popularization of the Belarusian language. Here are a few examples where private initiatives "went Belarusian": free mass public events, such as classic and jazz music evenings at Minsk City Hall; *Mova Nanova* popular free Belarusian language courses; numerous businesses, e.g. the largest petrol station network *A-100* started using Belarusian for the signs and communication with clients; shops were allowed to sell national symbols, including merchandise featuring the 1990s flag and coat of arms; trendy restaurants and clubs switched their signs and menus into Belarusian. Many foreign companies that used Belarusian in their commercials, e.g. Samsung, McDonalds, Adidas made bumper profits (Smok 2015). These are illustrative examples of bottom-up linguistic initiatives that became extremely popular among the locals (Smok 2015).

This tendency, however, has been reversed after a brutal crackdown of protests in the wake of the rigged 2020 elections. Belarusian speakers are once again seen as a threat to the regime. Some people reported that, when taken into custody, they were marked with red dye for speaking Belarusian (Belpartisan 2020). 15 female senior citizens were detained on the train for reading Belarusian classic literature (Prokopieva 2021). Performances by Belarusian-speaking musicians are once again banned and imprisoned (Troianovski 2020). People are penalized for displaying old historical symbols, and basically any objects that contain white-red-white colors

(Onliner 2021). As Tsyhankou notes, if the person uses Belarusian, it by default means they do not support the current regime, with only a few exceptions (Interview Tsyhankou). A troop of 58 actors of the Belarusian language theatre quitting in solidarity with their director who was fired was participating in protests is a good example of his words (Naviny 2020).

On the other hand, similar to the Catalan case, the longer such persecution continues the more likely people will be willing to use Belarusian language in an act of protest against the oppressive regime, the trend that's been observed throughout the years of Lukashenko's rule. In Trusau's words: "Belarus prison turns inmates into national patriots. Every single day that keeps Lukashenko in power contributes to the promising future of Belarusization" (Interview Trusau).

Finally, when asked "What role does the Belarusian language play in the shaping of the national identity," my interviewees think that its role is invaluable:

Tsyhankou: "Language is like an icon we put in the corner. Even if you do not pray every day, it is always there. Even people who do not see Belarusian as something important, still have it as part of their identity" (Interview Tsyhankou).

Sannikau: "There is no identity without language [...]. It was something we were deprived of. After the Union collapsed, we realized that our history was richer than we could ever imagine" (Interview Sannikau).

Viačorka: "According to our tradition, our mother tongue is the language of identity, esthetic understanding of attachment to own land and nation" (Interview Viačorka).

Trusau: "For Belarusians, religion can be seen as a dividing factor at times, while language can unite, and, thus, should be considered the main building block of our identity" (Interview Trusau).

4. Synthesis

Having looked into the evolution of the Belarusian and Catalan languages separately, it is now appropriate to evaluate differences and similarities between the two cases. Throughout its history, Catalan balanced between its official and outlawed statuses. Belarusian, on the other hand, was given a symbolic niche for most of the time. Paradoxically, although Catalonia is now an autonomous region "confined" inside Spain, the national language of sovereign Belarus is arguably in a far worse condition than Catalan. Catalan speakers may be a linguistic minority group, but Belarusian is a language that is minoritized by the dominant language as a result of a dysfunctional state-level bilingualism.

Looking at their past, national ideas in Catalonia and Belarus fell back on a similar background. During the European Age of Nationalism, both Catalan and Belarusian

intellectual elites tended to romanticize their “glorious” medieval past, using it to legitimize the rights of nations for self-determination. Specifically, they brought up the concept of collective conscience that is rooted in the past periods of national rebirth and great accomplishments. The elites emphasized the ancient roots of the languages and their old literary traditions. The crown of Aragon period, the first and second *Renaixença* are considered to be the Golden Age of the Catalan language. For Belarusian it is the GDL, Kalinouski uprising, 1920s Belarusization and the end of 1980s-beginning of the 1990s. This complies with Hroch’s theory regarding the significance of a Golden Age for national rebirth. The GDL and the Crown of Aragon were used to accentuate the belonging to the ancient history and high culture. It became part of the national narrative that promoted the sense of pride and belonging to something grander than the situations that Catalonia and Belarus found themselves in. The same revivalist ideas are still strong today.

Dictatorial regimes that ruled over Catalonia and Belarus sought to eradicate national movements, their linguistic and cultural identities. Therefore, language has always been the unifying symbol of resistance to oppression. Although official statements about respect for the national identity have been made in the past – both by Stalin or Franco – in practice, the idea of a “national unity”, or “one people” fluent in the same hegemonic language prevailed and became the main condition for the alleged peaceful co-existence with the authorities. Any manifestations of the nationalist sentiment were perceived as a threat. To the extent that the ruling powers pursued their own narratives, specifically about the “historically contingent” superiority of dominant languages.

Notwithstanding the coercive practices, the two languages persevered, namely through the efforts of intelligentsia, bourgeoisie (in Catalonia) and impoverished gentry (in Belarus) who cherished the idea of a distinct identity that could be maintained through language. Not least of all, the languages continued to be actively used by rural communities that, unknowingly and, we can even say, effortlessly, managed to keep them alive.

In both cases, a long history of oppression prompted resistance and consolidated opposition. Once the regimes loosened the grip, the national movements won mass support and renewed interest in national culture and languages. Catalan and Belarusian became symbols of change and drivers of both cultural and socio-political revivals. The fact that languages started to be actively used by students, musicians, writers, poets and actors, played a pivotal role in the popularization of Catalan and Belarusian. Language revival in both cases was associated with the recovery of democracy and the democratic values, and a breakaway from oppression and stagnation.

However, during the defining moment of revival, Catalonia had something that Belarus was missing. Catalan nationalism was also driven by the fact that Catalonia was one of the most economically progressive regions in Spain. It gave and continues

to give an impetus to the Catalan national movement. To the extent that it has never been focused solely on linguistic and cultural revival. Whereas in Belarus, severe economic downturns, in the wake of the dissolution of the Soviet Union, deflected people's attention from "sophisticated" ideas about the national language and identity to more pressing economic issues. Additionally, the Church in Catalonia played an important role for the promotion of the language, whereas in Belarus the mixture of Orthodox and Catholic religions in addition to the atheist Soviet legacy could hardly act as the uniting force.

To effectively promote the language, national movements resorted to language policies as their primary tools. Language legislation reflects on the official status of the language, emphasizing its link to identity, prestige and formal legalization at a state level. As can be seen from this thesis, both Catalan and Belarusian initial language policies, adopted after the transition to democracy, were constructed around the national identity sentiment. Adopted less than a decade apart, both emphasized the importance of making the national language the language of education and public administration as their key priorities. And most importantly, the national languages were given official statuses in both Catalonia and Belarus.

Looking back on the decades of active language planning in Catalonia, one can draw conclusions about its successes and challenges. The key areas it covered are easily comparable to the 1990 Law on Languages in Belarus. Although, the Belarusian Law was arguably less definitive than the Catalan, since it implied longer immersion period and more freedoms for the hegemonic language, de facto giving Russian an almost equal status with the minority Belarusian. In the Catalan case, despite some differences of opinion, Catalan language policy makers did not compromise Catalan's sole official language status in favor of Castilian. In Belarus, however, at the behest of Lukashenko, such changes did take place, and Belarusian received co-official status with Russian, which triggered further decline of the former.

When asked: "How can we reverse the drastic consequences of this decision?", the interviewees gave the following responses:

Sannikau: "A Belarusian Hollywood film would be a great way to start. Language and history should be made fashionable. [...] And we desperately need a Belarusian language university" (interview Sannikau).

Trusau: "Immediately bring back the 1990 Law on Languages. [...] The number of hours for learning Russian should be halved and, at their expense, hours of foreign languages should be increased" (Interview Trusau).

Viačorka: "Open enough Belarusian language educational institutions to meet the demand, legally renew the status of the Belarusian language" (Interview Viačorka).

Tsyhankou: "It should be gradual, due to our specificities. The state should give the green light to the activists, sure, but it is also the state that must engage in language policy and planning to protect the language" (Interview Tsyhankou).

Indeed, the Belarusian case is peculiar, and yet Catalan approach to language policy, its principles and best practices may be still applicable to today's Belarus.

Firstly, both cases show that, as a result of official bilingualism, the declining minority language is doomed to be downgraded by the dominant one. The equilibrium, which diglossia entails, is therefore false and ultimately detrimental for the minority language. Therefore, in order to raise the prestige of the national language it needs to become the only official language in Belarus, by the example of Catalonia, given that this had already been the case for Belarus. Neither in Catalonia, nor in Belarus did it entail dramatic conversion into the national language, but rather implied a gradual transition to making it the official language of administration and entailed a few more switches discussed in detail in sub-chapters 2.2 and 3.2.

Secondly, there is the lack of real pragmatic incentives to learn Belarusian: it is not necessary for obtaining good employment, its knowledge is not required in universities, and, finally, it is not important for daily communication, as the absolute majority can understand Russian. Bringing back on demand instruction in the Belarusian language to universities and adopting Catalan-style language immersion practices in Belarusian language schools could endow the language with its real functional powers.

Thirdly, since some still perceive Belarusian as futile and unattractive, more focus should be given to its promotion through modern culture and business. It could incentivize the dormant users of the language and motivate the young people. The only way to do so, is to make the language more fashionable. Certain steps in this direction proved to be effective in the past, and that knowledge and experience might certainly come in handy in the future. Both Catalan and Belarusian cases demonstrate that a decrease in linguistic repression leads to re-emergence of active movements in support of national identity. On the other hand, the reinforcement of repression, as it happened in the 1940s under Franco and repeatedly under Lukashenko, only decreases the level of activism and makes people afraid to use the language in public.

Lastly, the language needs to be revived on a national level through the efforts of the government and effective language planning, private initiatives are not enough. Numerous state agencies (mentioned in Chapter 2) are tasked with delivering and controlling the language planning in Catalonia. Belarus clearly lacks such institutions, BLS being literally the only one.

All things considered, it cannot go unnoticed that, regardless of the successful language planning, Catalan also still faces challenges. First and foremost, they are linked to the effects of globalization, low birth rates and the ever-present Castilian that still dominates most spheres of life in Catalonia. Although, arguably, Catalan is in a much better position than Belarusian, it still needs to find ways to stay current, especially when it comes to newcomers who need to be incentivized to linguistically

integrate into the Catalan-speaking society. Having become the main language of education, administration and local government, Catalan is often associated with bureaucracy and institutionalization, and less so with identity-based values. It is no longer perceived as a symbol of resistance to dictatorial oppression, and, thus, might be deemed less attractive. In that sense, Belarusian is in a better position, since it remains one of the symbols of resistance and of alternative to the existing regime. And this fact alone has the potential to win people's support for the effective promotion of the Belarusian language, when an opportunity presents itself.

Conclusion

In this master's thesis, I sought to answer the following questions: "To what extent does the language help shape the Catalan and Belarusian national identities?", "What role has the language played in the promotion of the national consciousness and unity of the Catalan and Belarusian people against repression?", and "How can the language reforms put in place in Catalonia be applicable for Belarus?"

To create a context for addressing these questions, I: 1) looked into the concepts of national identity, nationalism and nations, and analyzed what role the language plays in the shaping of national identity; 2) sought to find links between the Catalan and Belarusian languages, and evaluated their historical significance for the national idea formation in Catalonia and Belarus; 3) reflected on the Catalan language policy experience and its relevance for the Belarusian language strategy, taking into account the peculiarities of the latter. I have come to several conclusions with respect to these three points.

Firstly, I found that language, by all means, is the cornerstone of national identity, whether we choose to consider the latter either primordial or imagined. Even when its functional role is undermined, language can still provide insight into a nation's history as it signifies attachment to one's land, people, and common past. In both Catalonia and Belarus, the uniform literary language was created in order to unite the people and promote the national idea using Golden Age and "national awakening" narratives, putting an emphasis on long-term oppression from hegemonic powers. And, as censuses and public opinion polls, analyzed for the purpose of this study, suggest, the majority of people chose to identify with Catalan or Belarusian even when they were not fluent speakers. This way they emphasized belonging to and support for this or that nation. Language, therefore, has played a pivotal role in the shaping of national identity in both cases. Ultimately, language, just like the sense of national identity, is the property of every individual. It is a symbol of sorts that can be separate from practical linguistic behavior.

Secondly, I came to the conclusion that collective memory is more resilient than one can expect. Even if nations come off as seemingly flexible about favoring dominant languages, linguistic memories and traditions are relatively hard to break.

It partially explains how certain languages managed to survive against all odds, under oppression and discrimination. Throughout decades of Russification of Belarusians and Castilianization of Catalans, both nations continued to correlate native languages with their ethnic origin. When the active use of Belarusian and Catalan was in forceful decline, the languages acquired a symbolic role. Catalans and Belarusians often saw it as an alternative to the existing regimes that they opposed. Specifically, language became an inseparable part of underground resistance movements and was actively used to promote national ideas. In the long run, surprisingly so, both languages proved to be resilient to pressure and active linguistic. Three factors contributed to this: 1) support and preservation of the language by groups of intelligentsia, bourgeoisie, or impoverished gentry; 2) active use of languages by rural inhabitants; 3) relative closeness of Catalan to Castilian and Belarusian to Russian. During the rules of Franco's dictatorship and of Lukashenko, the languages became symbols of protest against the respective regimes and were often seen as an inseparable part of political, social and even economic change. Furthermore, now that Catalan regained its functional roles and is no longer perceived as a symbol of resistance, it is arguably losing its attraction. The popularity of Belarusian is on a similar rise. The stronger the resistance, the more popular the language seems to become.

Thirdly and finally, active language planning has proved to be an effective tool in reviving the functional knowledge of the language in Catalonia. The principles of which can be easily applicable to Belarus. In compliance with Catalonia's best practices, special focus should be placed on: single official status of Belarusian; language popularization; reforms in education where Belarusian will be given a genuine, as opposed to its current passive, role; and, lastly, all the changes need to take place with full governmental support and participation.

The Belarusian language, therefore, still has the potential to reclaim its linguo-functional role in Belarusian society, in addition to its purely symbolic one. And one of the best ways to achieve that, might be by learning from Catalan linguistic successes and challenges.

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N.B: all translations from Catalan, Spanish, Belarusian and Russian are my own.

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De Europa et le Collège d'Europe à Natolin se lancent pour la troisième fois consécutive dans la publication de meilleurs mémoires de fin d'études réalisés par les étudiants cette fois-ci de la promotion 2020-2021 ayant eu pour patron « Mario Soares ». Chaque fois il s'agit d'un échantillon de travaux qui se distinguent par leur qualité intrinsèque et par la diversité de centres d'intérêt avec un point en commun, d'être réalisés dans le cadre du Programme interdisciplinaire d'études européennes de Natolin.



On bâtit ainsi ensemble un lien académique fort, une sorte de tradition d'échanges et de partage, contribuant ainsi à la consolidation de l'espace académique européen.