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The concept of right to culture in international relations

Abstract

The notions of culturalization of human rights law and the concept of right to culture are fairly new issues, arising from the changes in the area of application and understanding of international law as well as from the signs of growing sensitivity to the sphere of culture, but also the need to take into account the broad cultural context. As a result of these changes international bodies, courts and institutions pay more attention to the role of culture in human rights. Based on this process, we can observe the emergence of the concept of the right to culture as one of the fundamental human rights. This article thus seeks to answer questions as to what the right to culture might be, how is understood, whether it is rooted in international law, and how it might be being given effect to. Considering that this is a very broad and multifaceted issue, the goals here have been limited to a very general indication of the key issues related to the emerging concept of the right to culture. Hence, due to the current debate the article's aims it to highlight the foundation of the right to culture, give overview how the right might be perceived and where we can find elements constituting the right to culture (here e.g. international bodies judgments).

Keywords: right to culture, international law, ECHR judgments, UN, international organizations

The twin notions of the culturalisation of human rights and the right to (a) culture represent new issues arising out of change as regards the application and interpretation of international law and human rights, as well as manifestations of a growing sensitivity in the cultural sphere, but also a demand that the broad context of culture be taken account of.[1] The outcome of all these changes is greater consideration given by international courts, institutions and organisations to the role culture plays in human rights. In turn, on the basis of the changes that have taken place, we are witnessing the onset of a process whereby the concept of the right to culture is clarified by way of becoming fully fledged as one of the fundamental human rights.

The foundation for the article is consideration of culture as a key indicator of state's identity.[2] Thus, right to culture, can be seen as a results of bilateral, constant interaction between the structure and the human agency (i.e. subjectivity, primacy).[3] This article thus seeks to answer questions as to what the right to culture might be, whether it is rooted in international law, and how it might be being given effect to. Considering that this is a very broad and multifaceted issue, the goals here have been limited to a very general indication

[1] In Poland so far on the subject (right to culture) or related to the subject issues wrote already: Młynarska–Sobaczewska (2018); Gierat-Bieroń (2014): 194-195; Młynarska – Sobaczewska (2013); Sobczak (2010). When it comes to international publications there are: Claridge, Xanthaki (2016); Wiesand (2016); Mężykowska (2016); Lenzerini (2014); Laaksonen (2010); Council of Europe (2012); Young (2012); Borelli, Lenzerini (2012); Shaver (2010); Shaver (2009); Stamatopoulou (2007); Wagner (2004); Donders (2002).

[2] Wendt (1996): 48.

[3] The structure has a cultural dimension when participants in international life share understanding of certain concepts. See Wojciuk (2012): 55.

of the key issues related to the emerging concept of the right to culture[4]. Thus, due to the current debate the article's aims it to highlight the foundation of the right to culture, give overview how the right might be perceived and where we can find elements constituting the right to culture (here e.g. international bodies judgments).

1. A right to culture: current debate

The idea of the culturalisation of human rights[5] – relating to the broad context in which cultural elements should be taken account of as human-rights standards are shaped via cultural conditioning – may represent a foundation for the emerging concept of the "right to culture".[6] Answers as to whether the right is operational in international law prove ambiguous. As such, a *right to culture* is not known, and conventions and international agreements arising so far form an area regulating para-cultural dimensions known as cultural rights.[7] It then needs to be recalled how for years these were rights undervalued or underappreciated, and ones whose underdevelopment engendered the perception of their being less important[8].

There is thus no anchoring in law for the right to culture, though there are a whole range of declarations, conventions and recommendations that refer to culture as such,[9]

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4 For a wider-ranging consideration of the definition of the right to culture see: Młynarska–Sobaczewska (2018), and relations between cultural rights and international law see: Franzioni (2018).

5 For broadened analysis see Lenzerini (2014).

6 Donders (2002), Donders (2016): 23-32.

7 Young (2012).

8 Elsa Stamn.

9 See Shaver (2010); Shaver (2009).

to cultural rights, to participation in cultural life, and to rights as broadly recognised from which cultural rights might also arise.

The right to culture may be related to at least two areas, and be understood in at least two ways. In the first place, the right to culture (or perhaps more suitably the right to *a* culture) relates to the free practice and pursuit of family and tribal customs, traditions, language and way of life, in accordance with the standards of the cultural group to which a person belongs, and with which they identify[10]. It is then the role of the state to guarantee freedom of expression, and to make possible the conflict-free coexistence of many cultures. In the second place, the right to culture can be a common denominator and description applying *i.a.* to traditional cultural rights included among the so-called second-generation rights. This would then entail the right to participate in cultural life, to freedom of research, to draw on the achievements of civilisational development, and to freedom of the arts/education/science.[11] Again the consequence

[10] Wiessner (2018): 333-358.

[11] A similar division may be found in the publication by Młynarska-Sobaczewska, who also emphasises the two dimensions to any understanding of the right to culture, in relation to two different interpretations or ways of comprehending the situation. The first of these relates to universal artistic culture (referred to there as prevailing or dominant), while the second is basically a right to have one's own culture preserved, with the interpretation here involving all the elements that come together in creating the identity of a given group, i.e. its unique and specific system of meanings and symbols, beliefs and habits. The author here underlines that the initial perception of the right to culture was concerned with the first of these two interpretations. In a monograph entitled The Right to Culture (2018), that author sought to determine how well-developed that right to culture might be, with the considerations therefore based around dimensions that are policy-related (revolving around state policy), related to lawmaking and legislation, or

of all of these for the state is an obligation to make it possible for the fruits and achievements of culture to be made use of; as well as a guarantee that cultural goods (be these material or non-material) should persist, with cultural undertakings co-financed to this end, museums and cultural centres established and maintained, cultural education and so on offered, and broad access to all of these ensured[12].

A "right to culture" interpreted in line with the first of the above meanings is somehow "dispersed" between many conventions and declarations, and can often be equated with the collective rights of national and ethnic minorities and indigenous peoples, or indeed the right to self-determination[13]. It is mainly a concept characterising multi-ethnic and multicultural states (of South America, Asia and Africa). The idea of a "right to (a) culture" understood in this way applies to groups for whom cultural distinctiveness and identity remain an integral part of their way of life[14].

A second interpretation of the right to culture sees it equated with such issues as cultural life; access to culture; cultural education; the protection of cultural and natural heritage; creative, literary and artistic activity – all having the greatest chance of being achieved in developed states.[15] An element

concerned with application and enforcement (i.e. the judicial protection extended to social rights), see. Młynarska – Sobaczewska (2018): 51.

12 Schreiber, Budziszewska (2014): 194-195.

13 Xanthaki (2000); Donders (2016).

14 Claridge, Xanthaki (2016); IUCN (2000); Donders (2016).

15 This leaves the "right to culture" as an unclear, imprecise and very broad formulation whose comprehension and interpretation are depend greatly on the cultural specifics of given states, and on the perception of the role culture plays in society, and the degree to which it is developed in the ethnic differentiation to which it is subject. It would thus seem that a right to culture understood in the dimension of high culture is to be exercised in the highly-developed states whose culture

to the right to culture understood in this way is the Polish initiative of the National Centre for Culture Poland and the city of Wrocław to have a "right to culture" entered into the European Convention for the Protection of Human Rights and Fundamental Freedoms[16] as well as/or the Charter of Fundamental Rights of the European Union. This Polish idea represented a call to discuss issues surrounding guaranteed access to high culture, as well as participation in cultural and artistic life.[17] In the view of the representatives of the National Centre for Culture and the City of Wrocław, this needed to be affirmed in law[18].

Unfortunately a guarantee of access to cultural goods has its economic aspect also, with questions arising as to the ongoing activity of associations, cultural institutions and local authorities whose ways of operating of necessity entail access to cultural goods being paid for. A further delicate issue

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and cultural life represent factors important enough to merit conditions for its development being put in place at state level. On the other hand, there are states that are less-developed, multicultural and required to struggle with problems that are often of a fundamental and existential nature. For the societies and regions involved in this case, the right to (a) culture will be more in the nature of a right to retain or maintain cultural ties ad identity, the freedom to follow certain given customs or traditions from one generation to the next, and so on. Medda-Windischer (2003): 249-27, see also Michałowska (2008).

16 Compare with *Polska chce zapisania w Europejskiej Konwencji Praw Człowieka prawa do kultury* – an interview with Director of the National Centre for Culture Krzysztof Dudek on the proposal from the Centre and the City of Wrocław to have a "right to culture" added to an Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms http://dzieje.pl/kultura-i-sztuka/polska-chce-zapisania-w-europejskiej-konwencji-praw-czlowieka-prawa-do-kultury [access: 13.12.2018].

17 Mężykowska (2016).

18 See http://wroclaw2016.pl/prawo-do-kultury/ [access: 10.01.2019].

raised here concerns authors' rights and the dissemination of works of culture.[19]

Equally, the idea of the rights set out in the ECHR being joined by a "right to culture" understood as a right of access to high culture has its justification[20], given the way this would confer fundamental-right status, bringing into effect mechanisms by which states as parties to the European Convention would extend guarantees. For it needs to be recalled how the European Court of Human Rights keeps guard over the asserting and exercise in practice of the rights set out in generalised form in the Convention, issuing judgments binding upon states that are party to the Convention, in response to applications brought by citizens of those states.

Nevertheless, account still needs to be taken of the fact that the right to culture goes on being unformulated, undefined, and as such unprotected by any binding instrument of international law. And, alas, there is no mention of it whatever in such key, far-reaching human-rights documents as the Council of Europe's ECHR on the one hand or the EU's Charter of Fundamental Rights on the other. Likewise, no subjective rights of any kind arise out of the other international agreements dealing in any way with cultural rights[21]. It is true that the Council of Europe's 1954 European Cultural Convention sets out certain postulates concerning the protection of the common cultural heritage of Europe, but no right to culture exercisable at the level of the individual is to be found there.

An important turning point for attempts to codify the right to culture came with Recommendation 1990 passed

19 Sobczak (2010).
20 Ibidem.
21 Młynarska – Sobaczewska (2018): 33.

in January 2012 by the Parliamentary Assembly of the Council of Europe, and concerning "The right of everyone to take part in cultural life"[22]. A key assumption underpinning this document is equal and free (in the sense of not paid for) access to culture.[23] The state is thus obliged to guarantee its citizens access to culture. Also noteworthy is the reference to a boom in digital culture and the Internet serving people as they seek to access culture. The obligations of the state and of public bodies are thus new, as is the quality of access and its promotion.[24]

The Recommendation has appended general guidelines[25] that are to serve as a basis upon which domestic policy may be formulated, and new standards set when it comes to participation in culture[26]. The Recommendation furthermore draws attention to two aspects, i.e. the potential group of recipients of the new policy that young people are deemed to represent[27], and cooperation over new policies with

[22] For more on this subject see, e.g.: Laaksonen (2010), Council of Europe (2012).

[23] This theme was also discussed during the 10th Conference of the Ministries of Culture of the Council of Europe, which took place in Moscow in April 2013, entitled: *Governance of culture – Promoting access to culture*. https://rm.coe.int/16806a2de4 [assess: 15.01.2019].

[24] Laaksonen (2010).

[25] Guidelines for developing policies to ensure effective participation in cultural life.

[26] Ibidem.

[27] Art. 7: Access to the arts is especially important for young people, in particular those aged between 15 and 25 who are at a critical time in their lives when they are building a future for themselves as adult citizens. Introducing them to cultural resources is a process that draws on their subjective sensitivity and creative imagination, and gives them considerable freedom of initiative (not sufficiently accorded to members of this age group); Art. 8: "From an intergenerational and social cohesion perspective, one of the main responsibilities of policy makers

non-state (and non-Council of Europe) actors, such as the EU and UNESCO.[28]

A key provision is contained in Arts. 12[29] and 13.3[30], given the explicit reference to the need for the right to participate in cultural life to be taken account of in other international projects, including those associated with human rights[31]. While it is true that the said Recommendation has no force of law, it does represent a further step underlining the (crucial) need for the right to culture to be systematised and protected,[32] with relevant directions of change in this regard indicated.

Indeed, the division of the right to culture into just two concepts is of itself a major simplification, with it needing

is to cultivate – especially among young people – the "desire for culture", without which – however good the cultural offer and whatever the conditions of access may be – young people will not feel engaged. In order to encourage them, policy makers need to involve them more directly in cultural activities, promote ground-breaking initiatives and raise the profile of any practices that create cultural, social and political bonds."

[28] Art. 13.5: "invite the European Union and UNESCO to this committee of experts or transversal working group and to closely involve in its work the Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe, the Conference of International Non-Governmental Organisations of the Council of Europe and the Advisory Council on Youth";

[29] Art 12: "The right to take part in cultural life is pivotal to the system of human rights. To forget that is to endanger this entire system, by depriving human beings of the opportunity to responsibly exercise their other rights, through lack of awareness of the fullness of their identity".

[30] Art, 13.3.1: "duly incorporate the promotion of the right of everyone to participate in cultural life into current projects (for example, projects on education for democratic citizenship and human rights)".

[31] Ibidem.

[32] Compare with Polymenopoulou (2016).

to be recalled how each has differing component parts and elements. One of these is the aforementioned Polish initiative understood to entail the right to access high culture[33]. However, a broader analysis of the nature of the right to culture would require all international documents and agreements dealing with culture being taken account of; as it is only on that basis that the component elements of the right to culture can be listed properly.

It must be underlined however that the idea of the right to culture is not a results of current discussion. It was discussed already in the 1970s report by Boutros Ghali.[34] It also builds on the previously held debates over the content, scope and future of 'the right to a cultural identity'[35]. The former could be enforced on the basis of already existing human rights and mechanisms[36] while the latter was directly included in the text of the 2005 CoE Framework Convention on the Value of Cultural Heritage for Society (Faro Convention). All these concepts are strongly linked to human rights and disputes concerning cultural rights[37]. They focus mainly, but not exclusively, on its status (a neglected or underdeveloped category of human rights)[38] and character (universal *versus* culturally relative and scope (individual *versus* collective) [39] Despite being the subject of intense polemics, they are all perceived as indispensable for protecting human dignity. The 'right to culture' is discussed mainly here in this latest broadened conceptual perspective.

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33 Gierat-Bieroń (2014).
34 Boutros Ghali (1970).
35 Donders (2002).
36 Ibidem.
37 Borelli, Lenzerini (2012).
38 Symonides (1998).
39 Jakubowski (2016).

2. A right to culture in practice – selected examples of case-law

Awareness of the role culture plays in human rights finds its reflection in the individual judgments (and ultimately in the developed case law) of international institutions, courts and advisory bodies, which are all aware of the need for cultural conditioning to be taken account of. Given the now-extensive nature of the relevant case law internationally, the teasing-out of the separate elements of the right to culture that they contain is something that will necessitate separate studies and analyses.

All this Chapter is able to offer are a few selected, if highly pertinent, examples, one listed from Human Rights Committee, second from European Council of Human Rights, what gives universal and regional – European perspective, and the aim here is to show how cultural foundation affects judgments.

The Human Rights Committee offers a good example of an institution in which pursuit of a developed right to culture can be found[40], given the broad interpretation ascribed to Art. 27 of the International Covenant on Civil and Political Rights[41]. A review of HRC Recommendations in this

[40] Stryjkowska (2017).

[41] See also Communication 42/1977, 6 June 1983, Sandra Lovelace v. Canada; Ivan Kitok v. Sweden, Communication 197/1985, 27 July 1988; Lubikon Lake Band v. Canada, Communication 167/1984, ILMAREI Lansman et al. v. Finland, Communication 671/1995, 22 November 1996; UN doc. CCPR/C/58/D/671/1995, 22 November 1996; Apirana MAHUIKA ET AL. v. New Zealand, Communication 547/1993, 27 October 2000, UN Doc. CCPR/C/70/D/547/1993, 15 October 2000; Francis Hopu and Tepoaitu Bessert v. France, Communication 549/1993, 29 July 1997, UN Doc. CCPR/C//60/D/549/1993/Rev.1, 29 December 1997; Leonod Raihman v. Latvia, Communication 1621/2007, 28 October 2010, UN Doc. CCPR/C/100/D/1621/2007, 30 November 2010.

sphere leads in the direction of cultural rights (i.e. defined traditions and customs) of minority-status indigenous peoples being protected. A similar direction has also been taken by the Committee on Economic, Social and Cultural Rights in its commentaries[42]; as well as by such regional institutions as the Inter-American Commission on Human Rights or the African Commission on Human and Peoples' Rights. Given the considerable ethnic diversity in its region, the case law of the Commission concerns the protection of – and respect for – indigenous peoples[43], with their specific traditions and history being invoked[44].

In turn, the protection of cultural rights and culture within the European human-rights system relates

[42] *General Comment 12: The Right to Adequate Food (Art. 11 of the Covenant)*, 12 May 1999, E/C.12/1999/5), *General Comment 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10), *General Comment 15: The Right to Water (Arts. 11 and 12 of the Covenant)*, 20 January 2003, E/C.12/2002/11), *General Comment 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant)*, 11 August 2000, E/C.12/2000/4).

[43] See also Michałowska (2006), as well as Schreiber (2007): 141-160.

[44] Case law of the African Commission on Human and Peoples' Rights, *i.a.*: Communication 150/96, *Constitutional Rights Project and Civil Liberties Organisation v. Nigeria*, 1999, AHRLR (2000) 235; Communication 279/03, *Sudan Human Rights Organisation and another v. Sudan*, 2009 AHRLR (2009) 153; Communication 276/2003, *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, AHRLR (2009) 75. Case law of the Inter-American Commission on Human Rights, see *i.a.* the case *Marry and Carry Dann*, 11.140 v. United States (Report 99/99, 27 December 1999); *Maya Indigenous Communities of the Toledo District*, case 12.053 v. Belize, Report 40/04 of 12 October 2004; *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Judgment of August 31, 2001, Inter-Am. Ct. H.R., (Ser. C) 79 (2001).

mainly to the protection of minorities' rights[45]. It emerges that the stance taken by the ECtHR in its judgments vis-à-vis culture is far more restrained than those of the Human Rights Committee or the bodies associated with the regional instruments, even though culture is known to be a key sphere of European policy[46]. In the view of Lenzerini, the restraint referred to may arise out of fearfulness surrounding the conferment upon culture of a key determining role of fundamental significance; given the way that would denote an "opening of the floodgates" to a whole host of claims, including in respect of the recognition of collective rights[47]. A second cause may lie in problems of a political and social nature – with which a large number of European states are dealing (or perhaps struggling)[48]; all the more so given that the cultural diversity present in Europe may prove a source of antagonism[49]. In this context, a marginalisation of the role of culture may offer states a way of keeping the lid on multicultural societies, with a view to potential conflicts being kept in abeyance.

1.1. The Human Rights Committee and the case of Angela Poma Poma[50]

The family of Angela Poma Poma owned the "Parco-Viluyo" farm, located in the province and region of Tacna (Peru).

45 See Lenzerini (2014): 193, Popelier, Lambrecht, Lemmens (2016).
46 See Michałowska (2003): 307-325.
47 See Lenzerrini (2014): 203.
48 Ibidem.
49 Ibidem: 204.
50 Angela Poma Poma v. Peru, Communication 1457/2006, UN Doc. CCPR/C/95/D/1457/2006, 27 March 2009. This example also gained fuller presentation in the article by Schreiber, Budziszewska (2014).

The family engages in the rearing of alpacas, llamas and other smaller livestock (as its only source of upkeep). The farm covers over 350 ha of pastureland, the greater part of this located along the River Uchusuma[51]. Poma Poma is an indigenous person, as a member of the Aymara tribe living in this part of Peru for more than 2000 years now, and she joins with the rest of her family in running the farm and engaging in the raising of llamas, thanks *inter alia* to the irrigation of the land and the presence of the Uchusuma. However, following implementation of government projects to dig wells, a consequence – in the view of Poma Poma – was the onset of a process of desiccation of wetlands and degradation of the natural environment more widely, that held out the prospect of livestock-rearing by Aymara families becoming more and more difficult[52].

In the wake of a wave of protests by the Aymara[53], and following the exhaustion of domestic remedies[54], Poma Poma turned with her complain to the Human Rights Committee, invoking in that way: a) Art. 1, par. 2[55]; b) Art. 2, par. 3 (a)[56];

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51 Ibidem, par. 2.1.

52 Ibidem, par. 2.2 and 2.3.

53 Ibidem, par. 2.4 and 2.5.

54 See par. 2.6-2.13.

55 (*See par. 1.3.1. of the Complaint*): Poma Poma alleged that the State party had violated Art. 1, par. 2, because the diversion of groundwater from her land had destroyed the ecosystem [...] and caused the degradation of the land and the drying out of the wetlands. As a result, thousands of head of livestock had died and the community's only means of survival – grazing and raising llamas and alpacas – had collapsed, leaving them in poverty. In this way, it was stated, the community had been "deprived of its livelihood" (or "own means of subsistence" as the Covenant has it).

56 (*See par. 2.3.2.*): The applicant also claimed that she had been deprived of the right to an effective remedy (an alleged violation of Art. 2, par. 3(a) of the Covenant). She noted that the Criminal Code contained

c) Art. 14, par. 1[57]; and d) Art. 17 of the International Covenant on Civil and Political Rights[58].

Having acquainted itself with the case, the Committee opined that the facts presented therein raised issues associated with Art. 27 of the Covenant above all[59]:

> Art. 27 of the International Covenant on Civil and Political Rights
>
> In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

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no provision for the offence of dispossession of waters used by indigenous people for their traditional activities, and stated that she had exhausted domestic remedies.

[57] (*See par. 3.4.*): invoking Art. 14, par. 1 of the Covenant, Poma Poma maintained that the political and judicial authorities had not taken into account the arguments put forward by the Aymara community and its representatives. Given that they enjoyed the right to equality before the courts, as an indigenous people, that right had – in the view of the complainant – been violated.

[58] (*See par. 3.3.3*): According to Poma Poma, the activity of the government forming the subject of the case constituted interference in the life and activities of her family, in violation of article 17 of the Covenant. The lack of water had seriously affected their only means of subsistence, i.e. alpaca- and llama-grazing and raising. The applicant further suggested that the state party could not require a change of way of family life, or engagement in an activity that was not their own, or interfere with any desire to continue to live on traditional lands. Private and family life consists of customs, social relations, the Aymara language and methods of grazing and caring for animals. It was asserted that that had all been impeded by interference in regional water relations.

[59] Ibidem, par. 7. 1.

In its extensive opinion, the Commission indicated that certain aspects to the rights of peoples protected by virtue of that article (for example the rights to cultivate and preserve their cultures) – can be interpreted as a way of life linked closely to a given area of territory and its resources. This finds its application in the case of members of communities of indigenous peoples that constitute minorities. The comments make it clear that culture is made manifest in many forms, including in a particular or specific style of life associated with the utilisation of the land[60]. The right in question may therefore encompass such activity as traditional methods of hunting and fishing, and a right to live in a Nature Reserve. It was stressed that the exercise of such rights required particular legal remedies, with effective participation by members of a minority in decisions of relevance to them needing to be protected and assured by law.[61] In this context, the protection of rights is to ensure the persistence and further development of cultural identity[62].

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[60] Ibidem, par. 7.2.

[61] However, in the opinion of Katje Gocke, the recommendation of the Human Rights Committee in the matter of Angela Poma Poma is not an unambiguously positive one, given what he sees as an unclear definition of the minority as referred to in Art. 27 of the International Covenant. Gocke nevertheless sees the Poma Poma case as the first to entail the wording *free, prior and informed consent of the members of the community*, as well as *measures which substantially compromise and interfere with the culturally significant activities of the minority or indigenous community.* See K. Gocke, The case of Angela Poma Poma v. Peru before the Human Rights Committee. The Concept of Free Prior and Informed Consent and the Application of the International Covenant on Civil and Political Rights to the Protection and Promotion of Indigenous Peoples' Rights, http://www.mpil.de/files/pdf3/mpunyb_08_goecke_14.pdf (accessed 18.01.2019), p. 357.

[62] Angela Poma Poma v. Peru, Communication , *Ibidem*, par. 7.2.

The Committee also referred to earlier opinions in which it was held that the rights protected by virtue of Art. 27 are also rights to engage in economic and social activity forming part of the culture of a given community of society[63]. It was emphasised that Poma Poma was a member of an ethnic minority, and that the way of raising livestock practised through to that time was an important element of the culture of Aymara society, it being the source of their upkeep and a tradition handed down for generations[64]. The Committee emphasised that economic development could not infringe the rights enjoying protection under Art. 27[65] - something that had happened in the case under consideration, in the view of the Committee[66].

The Committee further opined that the choice (permissibility) of the means applied by Peru – which interfered with the pursuit of a community's core economic activity – was dependent on whether members of that community had or had not had the chance to participate in the decisionmaking process leading to the said choice; as well as whether they will still be able to pursue their traditional way of life. The Committee held that neither Poma Poma nor her community had been consulted over the project to develop wells. Furthermore, the state had not considered the impact of the well-digging on the traditional economic activity of the tribe, nor taken action to ensure that negative consequences

[63] See *inter alia* Communications Nos. 167/1984, Lubicon Lake Band v. Canada, 26 March 1990, par. 32.1; 547/1993, Mahuika et al. v. New Zealand, 27 October 2000, par. 9.2; see also: Lanzerini (2014): 116-209.

[64] Par. 7.3.

[65] See par. 7.2.

[66] See par. 8.

were minimised, and incurred damage in some way rectified or compensated for.

There are things that need to be paid attention to here. In the case she brought, Poma Poma did not invoke Art. 27 of the Covenant (minorities' enjoyment of their culture), instead asserting that civil rights arising out of other articles had been infringed. Only after it had studied the case did the Committee rule that the source of the violation lay in lack of respect for the cultural traditions of the Aymara tribe. Furthermore, it results from the Committee's opinion that the definition of culture and cultural rights is a very broad one[67] (dealing in the case in question with the way in which livestock are raised and a concrete lifestyle associated with the use of land resources). Finally, the state's overriding obligation is seen to be to protect minorities and the customs and traditions their culture is associated with.

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[67] A similar direction was followed by the Committee on Economic, Social and Cultural Rights in its remarks. For example, in General Comment 4, *The right to adequate housing*, of 13 December 1991, as well as other Comments of the Committee, including above all General Comments Nos. 12 (*The right to adequate food*), 13 (*The right to education*), 15 (*The right to water*), 14 (*The rights to the highest attainable standard of health*), 17 (*The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literacy or artistic production of her or she is the author*), 11 (*Indigenous children and their rights under the Convention*). In each of these Comments, the Committee makes reference to cultural rights. Also interesting in this context is General Recommendation 23 on *Indigenous people*, dated 18 August 1997. In the latter, the Committee recommends that state should i.a. assure such people of the conditions needed for them to develop economically, albeit at the same time in line with specific aspects and features of their cultures; as well as assuring rights to cultivate and also revitalise cultural traditions and language.

Similarly broad conclusions were drawn by the Committee as it gave other opinions[68], e.g. in the case of Lubikon Lake Band v. Canada, wherein par. 32.2 again makes reference to the right of the individual to engage in economic and social activity if this arises out of the culture that individual belongs to[69].

Then there was the Apirana Mahuika *et al.* v New Zealand case[70]. There, in par. 9.9 of its judgment, the Committee also emphasised indirectly a duty on the part of a state to guarantee that a cultural minority can pursue its customs and traditions freely[71], *i.a.* by way of members of that minority being involved vis-à-vis decisionmaking of concern to it[72], with a view to the traditions of its own culture being further engaged in and upheld (in this case the way of catching fish)[73].

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[68] Together with the description of the judgment v. Angela Poma Poma, see also Communication 42/1977, 6 June 1983, Sandra Lovelace v. Canada; Ivan Kitok v. Sweden, Communication 197/1985, 27 July 1988; Lubikon Lake Band v. Canada, Communication 167/1984, ILMA-REI Lansman et al. v. Finland, Communication 671/1995, 22 November 1996; UN doc. CCPR/C/58/D/671/1995, 22 November 1996; Apirana Mahuika et al. v. New Zealand, Communication 547/1993, 27 October 2000, UN Doc. CCPR/C/70/D/547/1993, 15 October 2000; Francis Hopu and Tepoaitu Bessert v. France, Communication 549/1993, 29 July 1997, UN Doc. CCPR/C//60/D/549/1993/Rev.1, 29 December 1997; Leonod Raihman v. Latvia, Communication 1621/2007, 28 October 2010, UN Doc. CCPR/C/100/D/1621/2007, 30 November 2010.

[69] Lubikon Lake Band v. Canada, Communication 167/1984, par. 32.2.

[70] Apirana Mahuika *et al.* v. New Zealand, Communication 547/1993, 27 October 2000.

[71] Par. 9.9. Ibidem.

[72] Par. 9.5. Ibidem.

[73] Ibidem.

3.2. The European Court of Human Rights and the case of Sidiropoulos and Others v. Greece

Taken together with the aforementioned opinion of the Human Rights Committee, the activity of the European institutions can also be considered noteworthy. A justifiably key role is here assigned to the Council of Europe, which has the protection and promotion of cultural rights as one of its objectives.[74] Equally, a key place in the said mosaic of many and varied documents is taken by the case law of the European Court of Human Rights, given the role the Court plays in the European dimension to rights protection.[75]

Hence, the example offered by Angela Poma Poma can be supplemented by a landmark judgment of the Strasbourg-based European Court of Human Rights in respect of the case Sidiropoulos and Others v. Greece (57/1997/841/1047)[76]. These proceedings revolved around six members of the Macedonian community resident in Greece, who applied to the ECtHR maintaining that the right to freedom of association enshrined in the European Convention had been violated in their case, given a denial of their application to have registered a non–profit association and organisation under the Greek name *Stegi Makedonikou Politismou*[77]. The applicants asserted that this organisation would have dealt with the development of Macedonian culture and the preservation of the traditions

[74] See more in: Wółkowska (2014).

[75] See Viljanen, *The Role of the European Court of Human Rights as a Developer of International Human Rights Law*, (http://www.corteidh.or.cr/tablas/r26759.pdf) [assess: 05.01.2019].

[76] Case 57/1997/841/1047, Sidiropoulos and others v. Greece, judgment of July 1998.

[77] Ibidem, see par. 7 and 8.

and cultural identity of the Macedonian minority in Greece[78]. However, even after the application to Strasbourg had been lodged, the Greek court continued to refuse to register the organisation in question, referring to the political situation in the region at the time to suggest that the association would use the pretext of cultural activity to in fact engage in propaganda activity and the consequent perceived undermining of Macedonia's Greek identity. Ultimately, that was considered to call into question the very integrity of Greece from a political point of view[79].

Having heard the case, the Court of Human Rights held that a violation of Article 11 of the Convention had indeed taken place[80]. The Court notes that the aims of the association were to preserve and develop the traditions and folk culture of the Florina region[81]. "Such aims appear to the Court

[78] In point 2 of the Association's Statute: *The association's headquarters were to be at Florina. According to clause 2 of its memorandum of association, the association's objects were "(a) the cultural, intellectual and artistic development of its members and of the inhabitants of Florina in general and the fostering of a spirit of cooperation, solidarity and love between them; (b) cultural decentralisation and the preservation of intellectual and artistic endeavours and traditions and of the civilisation's monuments and, more generally, the promotion and development of [their] folk culture; and (c) the protection of the region's natural and cultural environment"*, Ibidem par. 8.

[79] See par. 42.

[80] See par. 47.

[81] See par. 44. (*The Court notes, in the first place, that the aims of the association called "Home of Macedonian Civilisation", as set out in its memorandum of association, were exclusively to preserve and develop the traditions and folk culture of the Florina region. Such aims appear to the Court to be perfectly clear and legitimate; the inhabitants of a region in a country are entitled to form associations in order to promote the region's special characteristics, for historical as well as economic reasons.*

to be perfectly clear and legitimate; the inhabitants of a region in a country are entitled to form associations in order to promote the region's special characteristics, for historical as well as economic reasons". In the justification for its judgment, the Court also noted that: "the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Section IV) of 29 June 1990 and the Charter of Paris for a New Europe of 21 November – which Greece has signed – allow them to form associations to protect their cultural and spiritual heritage"[82].

Obviously, this is only an example. Thus, according to Council of Europe report, some elements of right to culture might be found in a selection of the Court's main jurisprudence in the context of cultural rights.[83] To simplify greatly, elements of the right to culture might be found in judgments of the ECHR[84] related to the right of access to culture[85], rights

[82] Ibidem. (*Even supposing that the founders of an association like the one in the instant case assert a minority consciousness, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Section IV) of 29 June 1990 and the Charter of Paris for a New Europe of 21 November 1990 – which Greece has signed – allow them to form associations to protect their cultural and spiritual heritage*).

[83] Council of Europe report from 11 January 2017, pt. *Cultural rights in the case-law of the European Court of Human Rights*, downloaded from the following website: www.echr.coe.int (Case-Law / Case-Law Analysis / Research Reports), p. 3.

[84] See *Cultural rights in the case-law of the European Court of Human Rights*, Council of Europe/ECHR, January 2017, http://www.echr.coe.int/Documents/Research_report_cultural_rights_ENG.pdf [access: 11.01.2019].

[85] See cases Akdaş v. Turkey (41056/04, 16 February 2010, Khurshid Mustafa and Tarzibachi v. Sweden (23883/06, 16 December 2008), (Jankovskis v. Lithuania, 21575/08), Enea v. Italy [GC], 74912/01, §106, 17 September 2009), Boulois v. Luxembourg, 37575/04, §64, 14 December 2010.

to artistic expression[86], the right to cultural identity[87], linguistic rights[88], the right to the protection of cultural and natural heritage[89], the right to academic freedom[90], and the right to seek historical truth[91]. "Although neither the Convention

[86] See case of Müller and Others v. Switzerland (24 May 1988, Series A 133), *Otto-Preminger-Institut* v. Austria (20 September 1994, Series A 295-A), Karataş v. Turkey case ([GC], 23168/94, ECHR 1999-IV), Alınak v. Turkey (40287/98, 29 March 2005), Judgment in *Vereinigung Bildender Künstler* v. Austria (68354/01, 25 January 2007), Lindon, Otchakovsky-Laurens and July v. France ([GC], Nos. 21279/02 and 36448/02, ECHR 2007-IV).

[87] See Chapman v. the United Kingdom ([GC], 27238/95, ECHR 2001-I), (Muñoz Díaz v. Spain, 49151/07, 8 December 2009), Ciubotaru v. Moldova (27138/04, 27 April 2010), Sejdić and Finci v. Bosnia and Herzegovina [GC], Nos. 27996/06 and 34836/06, §43, 22 December 2009), Sinan Işık v. Turkey (21924/05, 2 February 2010), Cyprus v. Turkey [GC], 25781/94, §§241-247, ECHR 2001-IV, Cha'are Shalom Ve Tsedek v. France [GC], 27417/95, ECHR 2000-VII, Dogru v. France, 27058/05, §72, 4 December 2008, Ahmet Arslan and Others v. Turkey, 41135/98, 23 February 2010), Sidiropoulos and Others v. Greece (10 July 1998, Reports of Judgments and Decisions 1998-IV.

[88] See Senger v. Germany ((dec.), 32524/05, 3 February 2009), Baybaşın v. The Netherlands (dec.), 13600/02, 6 October 2005), Ulusoy and Others v. Turkey (34797/03, 3 May 2007), İrfan Temel and Others v. Turkey (36458/02, 3 March 2009), Catan and Others v. Moldova and Russia (Nos. 43770/04, 9 June 2009, Podkolzina v. Latvia (46726/99, ECHR 2002-II), Birk Levy v. France ((dec.), 39426/06, 21 September 2010).

[89] See Beyeler v. Italy ([GC], 33202/96, ECHR 2000-I), Debelianovi v. Bulgaria (61951/00, 29 March 2007), Kozacıoğlu v. Turkey ([GC], 2334/03, 19 February 2009), Hamer v. Belgium, 21861/03, ECHR 2007-V, Turgut and Others v. Turkey, 1411/03, §90, 8 July 2008; Depalle v. France [GC], 34044/02, §81, 29 March 2010); Hingitaq 53 and Others v. Denmark ((dec.), 18584/04, ECHR 2006-I).

[90] See Sorguç v. Turkey, 17089/03, §35, 23 June 2009), Cox v. Turkey (2933/03, 20 May 2010), Lombardi Vallauri v. Italy (39128/05, 20 October 2010).

[91] See Chauvy and Others v. France, 64915/01, § 69, ECHR 2004-VI), Monnat v. Switzerland, 73604/01, § 64, ECHR 2006-X); Lehideux and

nor the Court explicitly recognise the "right to culture" or the right to take part in cultural life, the Court's case-law provides interesting examples of how some rights falling under the notion of "cultural rights" in a broad sense can be protected under core civil rights (the right to respect for private and family life (Article 8 of the Convention), the right to freedom of expression (Article 10) and the right to education (Article 2 of Protocol 1)."[92] Thus, solid analysis of it needs further deeper case - law studies. Taking into account high number judgments of ECHR from area of cultural rights and dual definition of the concept of the right to culture, speaking very generally we can divide the judgments as below.

Isorni v. France, 23 September 1998; Garaudy v. France (dec.), 65831/01, ECHR; Orban and Others v. France, 20985/05, 15 January 2009); (Dink v. Turkey, Nos. 2668/07 and others, 14 September 2010); Kenedi v. Hungary (31475/05, §43, 26 May 2009).

[92] Ibidem. Council of Europe report. p. 3.

Elements of right to culture in ECHR judgments*

Right to culture understood as 'artistic culture'	Right to culture from 'anthropological point of view'
Right to artistic expression (including Visual arts, literary creation, satire) Access to culture (including access to culture through the Internet and television, access to culture for prisoners) Right to the protection of Cultural Heritage Right to Education Right to academic freedom	Right to cultural identity (including religious identity, freedom of association with a cultural purpose) Linguistic rights Migrants rights Right to seeking historical truth

*prepared on the basis of the Council of Europe report from 11 January 2017, pt. *Cultural rights in the case-law of the European Court of Human Rights,* downloaded from the: www.echr.coe.int (Case-Law / Case-Law Analysis / Research Reports)

Summary

The status of the right to culture in international law remains opaque, and where it is finding itself exercised this is very much down to states/public authorities, as well as international case law – which may not in fact protect the right to culture in the most direct way, but rather set certain standards that may mark the beginning of a certain foundation[93] how right to culture should be understood[94].

[93] See Brems (2007).
[94] Młynarska- Sobaczewska (2018): 207.

Elements to the protection of the right to culture are to be found in international conventions, though also in the more practical dimension of the case law of international courts, as well as in quasi-judicial institutions that quite often assign to culture a decisive role where the outcome of a case is concerned. The legal sanctioning of a right to culture is held back by a very complex mosaic of diverse interpretations of the concept itself, and the rights arising from it. The chances of a "right to culture" coming to be exercisable and enforceable, and the form in which this is so, are matters solely within the purview of the will of given states and their public authorities, who may – or may not – be inclined to attribute the role of fundamental right.

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Joanna Hetnarowicz

"Paradigms in European studies"

Abstract

The purpose of this paper is to determine, which of the independent scientific disciplines dealing with issues related to the European Union offers the research approach most apt for constructing theories of European integration and whether the basic theoretical paradigms of this discipline are sufficient to construct them. In order to achieve this, the following four perspectives of scientific disciplines have been analysed: political sciences, law, economics and sociology. The results of these considerations indicate that political sciences has the greatest influence on shaping the theories of European integration. Next, in order to the decide, whether the basic theoretical paradigms of political sciences are sufficient to construct theories of European integration, such theories as federalism, functionalism and intergovernmental approach have been analysed. To conclude, it can be said that in the case of federalism and intergovernmental approach – they are, and in the case of functionalism they are not

Keywords: European studies; paradigms; scientific disciplines; scientific theories.

According to the definition contained in the Polish Language Dictionary, European studies can mean *"the field of knowledge covering all issues related to the European Union"*[1], as well as a *"faculty at university including studies in this field"*[2]. However, according to the current Regulation of the Minister of Science and Higher Education regarding knowledge, science and art, as well as scientific and artistic disciplines[3], European studies are not included in the three-level division (covering areas, fields and disciplines) of sciences existing in Poland. It means that European studies can function as a field of study, but it is not an independent scientific discipline. Such situation raises questions of a methodological nature, which all researchers dealing with European integration must ask. Do they have to use the methods developed by representatives of other scientific disciplines and, more importantly, do they must create new theories basing on the paradigms that they have developed?

The purpose of this paper is to try to answer the two fundamental questions for all Europeanists. The first of these is: **which of the independent scientific disciplines dealing with issues related to the European Union offers the research approach most apt for researchers in the process of European integration, allowing to create theories of European integration?** The second question, which should be asked next, is **whether the basic theoretical paradigms of this discipline are sufficient to construct theories of European integration?**

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1 Drabik (2011): 198–199.

2 Ibidem.

3 Rozporządzeniem Ministra Nauki i Szkolnictwa Wyższego z dnia 8 sierpnia 2011 roku w sprawie obszarów wiedzy, dziedzin nauki i sztuki oraz dyscyplin naukowych i artystycznych (Dz. U. 2011 Nr 179, poz. 1065).

The beginnings of European integration are based on the need to strengthen economic cooperation between individual members of the Communities, which makes it understandable that it has been the subject of research by numerous economists. Considering, however, that theories and models of integration concern not only the economic but also its political dimension, it seems reasonable to say that also political science can offer Europeanists adequate methods to conduct research. Legal acts regulating the functioning of the European Communities and the European Union have become the subject of lawyers' deliberations, and since European integration has begun to have an increasing impact on societies, sociologists have also been interested in it. However, due to the nature of this process, for the purposes of this paper, the first of thesis (which is at the same time an attempt to answer the first research question) is formulated as follows: **it is political science as an independent scientific discipline that offers the most accurate research approach for the Europeanists, allowing create theories of European integration**. The second thesis specifies the first one and constitutes an attempt to answer the second of the research questions, by being formulated as follows: **the basic theoretical paradigms in political science, of which international relations are a part, constitute a sufficient basis for constructing theories of European integration.**

In order to prove or to refute these thesis, this paper contains content on the conceptualization of the basic concepts mentioned above, analysis of methods offered by independent scientific disciplines, which are also interested in issues related to the process of European integration and also a discussion about basic assumptions of traditional theories of European integration, with reference to the conclusions

contained in the previous parts of the paper. At the end there is also a summary together with the conclusions.

1. Conceptualization of basic concepts

In order to answer the research questions raised in this paper and to prove the truth or falseness of the theses, it is necessary to define the basic concepts relevant to the subject, such as scientific discipline, paradigm and scientific theory. For the purposes of this paper, it seemed appropriate to use not only the above mentioned official three-level division adopted by polish Ministry of Science and Higher Education, but also to use definitions proposed by philosophers of science.

1.1. Area of knowledge, branch of science and scientific discipline

According to the above mentioned Regulation of the Minister of Science and Higher Education regarding knowledge, science and art, as well as scientific and artistic disciplines, the current three-tier division in the area of knowledge in social sciences looks as follows:

Table 1. The tabular specification for area of knowledge, branches of science and scientific disciplines within the area of knowledge, which is social science.

AREA OF KNOWLEDGE	BRANCHES OF SCIENCE	SCIETIFIC DISCIPLINES
Social sciences	Social sciences	1) Security sciences 2) Defence sciences 3) Media sciences 4) Political sciences 5) Public policy sciences 6) Cognition and social communication sciences 7) Pedagogy 8) Psychology 9) Sociology
	Economic sciences	1) Economics 2) Finances 3) Management studies 4) Commodity sciences
	Legal sciences	1) Administration studies 2) Law 3) Canon law

Source: Own elaboration on the basis of Regulation of the Minister of Science and Higher Education regarding knowledge, science and art, as well as scientific and artistic disciplines.

Branches of science can be distinguished from scientific disciplines by specifying their level of detail by means of:

- subject differences (research problems, research objects),
- methodological differences (research methods, developed theories),

- language differences (properties of the scientific language)[4].

In addition to assessing the level of detail, it is equally important to maintain consistency between the three aspects listed above. It is necessary that a given branch of science or a scientific discipline could form a coherent whole.

Stanisław Pabias and Małgorzata Jaros formulated following definitions on the basis of the assumptions made above:

> Branch of science – "*a coherent knowledge system containing common laws, theories and methods of its disciplines, used to create scientific knowledge of the field*"[5].
>
> Scientific discipline – *"a detailed knowledge system (...) used to solve specific scientific problems and increasing the knowledge of the branch to which it belongs"*[6].

In this context, the scientific specialty, such an European studies, appears as singled out due to the thematic narrowing. At the same time it is worth noticing that, considering the above, it can be part of one or several scientific disciplines.

1.2. Paradigm and scientific theory

The concept of paradigm is used today in the scientific world in the sense proposed by the philosopher Thomas Khun in his work entitled *The Structure of Scientific Revolutions*, published in 1962. According to it, the primary function of a paradigm is to determine what should be studied, how to formulate research questions and how to interpret their results.

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4 S. Pabis, M. Jaros (2009): 22.
5 Ibidem.
6 Ibidem.

The typical components of a paradigm include:

- clearly formulated laws and theoretical assumptions,
- typical ways of applying basic rights in a variety of theoretical situations,
- scientific instruments and technical ways of relating the paradigm's laws to the real conditions,
- general, metaphysical principles guiding work within the paradigm.[7].

Important in the further considerations contained in this paper is to point out that the paradigm is not given once and for all. As Thomas Khun stressed: *"Failure of existing rules is the prelude to a search for new ones"*[8]. He added also, that *"Once it has achieved the status of paradigm, a scientific theory is declared invalid only if an alternate candidate is available to take its place"*[9]. Such statements make it legitimate to ask about the current "sufficiency" of paradigms, which are used by representatives of such sciences as political sciences, economics, law or sociology, in relation to the science of broadly understood European integration.

Scientific theory is a slightly narrower concept, than a paradigm, because it aims to explain the reasons, describe the course and predict the effects of a given phenomenon. Kuhn pointed out that a good scientific theory should:

- be precise (in the sense that the consequences resulting from it should remain in the scope of its validity in accordance with known experimental results),

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7 Chalmers (1997): 123-124.
8 Kuhn (1970): 68.
9 Ibidem: 77.

- be consistent both internally and with other commonly accepted theories,
- be useful in a wide range (in particular, its consequences should go beyond individual cases, individual rights or sub-themes to which the explanation was originally established),
- be simple (Kuhn emphasizes that a good scientific theory should introduce order to phenomena that would be unconnected and incomprehensible without it),
- bring new discoveries[10].

Having recognised the five features of a good scientific theory – preciseness, consistency, generality, simplicity and fruitfulness, and earlier also features and the role of paradigms in science, in the further part of this paper consideration will be given to whether or not theoretical paradigms borrowed from the closest to European studies scientific disciplines are sufficient in terms of the construction of scientific theories.

2. Perspectives of scientific disciplines in which areas of interest are issues related to the European Union

In this chapter, the perspectives of four scientific disciplines, in which the subject of European integration and related aspects are of interest, will be discussed. They include political sciences, economics, law and sociology. The analysis of issues in this chapter is aimed at trying to answer the first of the research questions presented in this paper, which reads as follows: **which of the independent scientific disciplines dealing with issues related to the European Union offers the research**

[10] Kuhn (1973).

approach most apt for researchers in the process of European integration, allowing to create theories of European integration?

2.1. Political sciences

Regardless of the many years of disputes regarding the identity of political sciences and the role of international relations within them[11], political scientists commonly recognize that relations between states describe the so-called the paradigm of international relations. It is based on the conviction that the state is the most important actor shaping the international reality. Sometimes this paradigm is supplemented also by the theory of games and international negotiations[12].

The consequence of the above assumption is recognition of the role of the European Communities and the European Union as subordinate to the Member States that constitute them, and the assuming *a priori* that they are the main driving force (or brake) of European integration. Nevertheless, based on this approach, many integration theories have arisen, which have their supporters up to this day. A somewhat modified version of the paradigm of international relations is an approach in which not states literally, but the so-called states' interests and the bargaining power of their defenders count in the "EU game" the most.

Described above "state-centric approach" was repeatedly negated, mainly by the functionalists who spoke about the so-called *spill-over* - the effect of the spill of integration over time over all areas. Nevertheless, the research approach offered to Europeanists by political scientists seems to be

[11] Żukowski (2006); Klementewicz (2010).
[12] Gagatek (2012): 159.

accurate - on its basis, many theories of European integration were created, which successfully meet the five requirements of good scientific theory, characterized by Kuhn. What is more, many researchers say that European studies should become strictly a part of political science, because of these theoretical inspirations[13].

2.2. Law

Due to the fact that the European Union has been perceived as an international organization for a long time, it has been the subject of studies of specialists in international law. Lawyers were primarily interested in the nature of its legal order and institutions as well as the decision-making process. They devoted not less attention to the Common Market, in particular to the freedom of movement and a competition law.

The research approach of lawyers interested in the abovementioned aspects of European integration was typical of the representatives of their field – it was based on the exegesis of legal acts and commenting on the case law of the European Court of Justice[14].

In the context of the possibility of developing new theories thanks to the research approach offered by lawyers, the unsolved issue is whether lawyers should develop new theories or rather apply a general analysis of European law. Most of the representatives of this discipline opt for the second of these solutions[15], which obviously do not give as much opportunities as the first. However, the reason for taking such position is quite understandable - European law has a hybrid

13 Wierzchowska (2010): 22–26.
14 Arnull (2010): 168–188.
15 Walker (2005): 581.

nature and its interpretation is based on the different legal systems of the member states of the Union (they are their "starting points"). This kind of approach is obviously limiting for creating new theories.

2.3. Economics

Speaking about the European Union, it is impossible not to mention the genesis of its creation, which is closely related to economic motivations. The founding fathers wanted to avoid another great war in Europe by linking key European industries. To achieve this goal, they felt that it is necessary to liberalize trade[16]. In this way, the strictly political goal was to be achieved thanks to the tools and methods offered by economists.

The attempt to create a free trade zone was nothing new for representatives of economic sciences. During the first years of the existence of the Communities, it provided economists only with research materials and did not inspire them to create new theories. This situation changed, however, with the deepening of European integration and the emergence of its later stages, unprecedented so far - especially on the occasion of the emergence of plans to create a European Single Market and the Economic and Monetary Union. Various economists have tried to analyse the Eurozone in the context of the optimal currency area[17], or to unravel why so many countries decided to abandon their monetary policy (and thus an important component of their sovereignty) in favor of the euro currency - it was inconceivable especially in the eyes of supporters traditional realistic theories.

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16 Curzon (1974).

17 Bukowski (2007).

The contribution of many economists was very valuable, especially in the practical aspect of the construction of the Economic and Monetary Union, but economics as a scientific discipline did not provide its own specific theories of European integration. Usually it derived from achievements of the political sciences, which is a kind of paradox, because they were based on premises of an economic nature, such as previously mentioned desire to defend the so-called state national interests.

2.4. Sociology

For a long time, European integration could not be counted among the interests of sociologists. Only when it ceased to be a process controlled and understood by political elites only, representatives of this discipline joined the debate on its essence. Virginie Guiraudon and Adrian Favella explain the lack of original interest in European integration by sociologists not being able to accept European Communities and later the European Union's significant influence on the social attitudes of many people.

Sociologists joined the discussion, critically emphasizing the previous achievements in the field of European studies. They were reluctant to address the approach developed by political scientists and lawyers considering the process of European integration - in their opinion, it was too formal, based only on the analysis of the institutions, and therefore too narrow, as it was founded only on the theory of rational choice[18]. Thus, the existing analyses of European integration completely neglected its intangible aspects (cultural models,

[18] Jenson, Merand (2010): 76-79.

cognitive scripts, etc.), which, after all, also had to influence this process[19].

Sociologists have definitely broadened current research agenda and deepened many aspects of knowledge about European integration. In a sense, they may even seem to have challenged political scientists, lawyers and economists, wanting all previous "dogmas" to be rejected and to look at the this process once again. Nevertheless, the representatives of this scientific discipline most often use the politicalological perspective and base their research on its approach. This is not without a reason - at least until the 1970s, political science was closely related to sociology, both in the construction of theories and research methods. The best example will be the systemic method, developed thanks to the influence of functionalism on sociology and transactionism on political science[20].

Having examined the content contained in the second subchapter, one can easily conclude that among the four scientific disciplines of political science, law, economics and sociology, the first one has the greatest influence on shaping the theories of European integration. This is mainly because the other sciences derive from it and construct their research agenda based on solutions developed by political scientists. Therefore, the answer to the first of the research questions raised in this paper, which is: **which of the independent scientific disciplines dealing with issues related to the European Union offers the research approach most apt for researchers in the process of European integration, allowing to create theories of European integration?** is: political sciences.

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19 Fligstein (2008): 9.

20 Buzan (2003).

3. Theoretical paradigms of political sciences in theories of European integration

In the last subsection of this paper theories of European integration, to which reserchears refer most often, will be analysed. They include such theories as federalism, functionalism and intergovernmental approach. Reflections on them will be carried out in the context of the basic paradigm used by political scientists to describe phenomena occurring between states, i.e. to the paradigm of international relations, assuming a state-centric approach. It has already been briefly discussed in the second subsection of this paper.

In order to fully illustrate the current state of knowledge and methods used by political scientists, two aspects of above mentioned paradigm should be mentioned. The first is realism – it assumes that countries on the international arena strive foremost to defend their national interests, often at the expense of other states[21]. The second one is liberalism, also called idealism - it assumes that international relations are inherently peaceful, and common interests do not divide states, but combine them, making them willing to compromise and self-limit in the name of achieving mutual benefit[22].

The analysis of both the aforementioned theoretical approaches in relation to the basic models of European integration is an attempt to answer the second of the research questions raised in this paper, which is: **whether the basic theoretical paradigms of political sciences are sufficient to construct theories of European integration?**

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21 Jackson, Sorensen (2006): 69-108.

22 Borkowski (2007): 45.

3.1. Federalism

The origins of federalism date back to the 18th and 19th centuries, when they became popular mainly in Germany and the United States. This idea was born on the basis of the need to find a balance between the need for unity and security, as well as autonomy of individuals. In the simplest terms, it is a form of organization of the unit enriched by co-management.

Federalism is the first of theories of European integration. For the first time it was mentioned by Spinelli, in the 1940s. He was predicting that by opposing the atrocities of war, European societies will put pressure on the governments of individual European states and initiate the common constitutional process. This theory was not strictly reflected in reality, but similar model, developed by Monnet in the 1950s, was close to it. It assumed gradual building of a federalist Europe, sector by sector. Thanks to the gradual transfer of competences across countries to the transnational level, the integration process was supposed to continue to deepen.

In the current discourse on the future of the European Union, advocates of federalism speak of it as a skilful combination of regional and national interests, which in a complex structure, is designed to guarantee stability and maintain a political balance in Europe. This approach appears as a concept that not only guarantees Europeans' security but also protects their cultural identity. In the era of universal crisis, covering many aspects of integration (from political to economic), supporters of such an approach remain few, but the fact is that this is the only interpretation explaining the beginnings of the European Communities, approved by the researchers interested in European studies.

3.2. Functionalism

In opposition to the federalist concept in the 1940s, Mitrany developed a functional theory. It is based on a liberal vision of reality and thus refers to the idealistic trend of the paradigm of international relations. One of the basic concepts for functionalists is the social needs around which a new model of integration would function. The main assumption of the functionalists is the establishment of supranational institutions that would fulfill the functions reserved so far only for national states. Mitrany postulated that first of all, that activities within each branch of the economy should be managed separately from their nature. He believed that economic issues are of a universal character, as opposed to political ones, which will always be related to the desire to exercise power[23].

As Popowicz notes, functionalism is one of the first theories questioning the position of the state as the basis of international order. In a situation of deepening integration, they would lose their usefulness - when their representatives would focus on competition for power, numerous specialized agencies would focus on ensuring social order and prosperity, acting on a functional basis.

Without going into the details of Mitrany's theory, one can safely say that to a large extent it explains European integration processes, at the same time denying the basic assumptions of the international relations paradigm, even in its liberal version.

[23] Popowicz (2004): 11-12.

3.3. Intergovernmental approach

In the 1960s, the so-called an intergovernmental approach based on state-centered assumptions gained popularity. It was born on the basis of criticism of functionalism. Hoffman, - the creator of the concept, pointed strong role of states in the integration process as primarily initiators and coordinators of this process, what underlines their priority role. He argued that the interests of individual member states will always be different and thus contradict each other, because each of them reacts differently to changes in the external environment[24].

Hoffman's theory, later refined by Haas and Lindberg, was met with both favor and criticism, especially from the scientific community, which accused it of being non-scientific[25]. There is no doubt, however, that it fits into the basic assumptions of the international relations paradigm and has many supporters to this day, especially among, obviously, the representatives of the governments of national member states of the European Union.

Summing up, in the third subsection of this paper, three traditional theories of European integration were discussed: federalism, functionalism and intergovernmental approach. On their grounds, a dozen or so other popular and probably dozens of less known theories have been created.

The intergovernmental approach clearly fits into the realistic, while federalism into the idealistic trend of the international relations paradigm. Both refer to the state as a basic actor in international relations, though in a different context.

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[24] Borkowski (2007): 114.

[25] Jackson, Sorensen (2006): 256.

On the other hand, the assumptions of functionalism clearly contradict the basic rules of both the first and the second approach – as it ascribes to the national states a secondary meaning. Therefore, trying to answer the second of the research questions posed in this paper, which is: **whether the basic theoretical paradigms of political sciences are sufficient to construct theories of European integration?**, it can be said that in the case of federalism and intergovernmental approach – they do, and in the case of functionalism they do not.

Summary and conclusions

As European studies are not an independent scientific discipline, but rather an interdisciplinary thematic specialty, all researchers interested in the process of European integration are forced to use methodological solutions developed by representatives of such sciences as political sciences, economics, law or sociology. Therefore, the fundamental are two questions: **which of the independent scientific disciplines dealing with issues related to the European Union offers the research approach most apt for researchers in the process of European integration, allowing to create theories of European integration?** and **whether the basic theoretical paradigms of this discipline are sufficient to construct theories of European integration?**

In the introduction of this paper, two thesis were proposed. The first of them was formulated as follows: formulated as follows: **it is political science as an independent scientific discipline that offers the most accurate research approach for the Europeanists, allowing create theories of European integration**. Thanks to analysys carried out in the second chapter, this thesis was proved, because it turned out that both lawyers and economists, as well as the representative

of sociological sciences, considering the process of European integration, derive from achievements of political scientists in this field.

The second thesis proposed in this paper was formulated as follows: **the basic theoretical paradigms in political science, of which international relations are a part, constitute a sufficient basis for constructing theories of European integration.** Thanks to analysys carried out in the third chapter, this thesis was partially confirmed. Federalism successfully fits into the liberal trend international relations paradigm, serving political scientists in explaining phenomena occurring on the international arena, while the intergovernmental approach fits into its realistic branch. Both approaches assume that the basic actor on the international stage are national states. The third of the discussed theories - functionalism, completely contradicts this. Functionalists stand in the position that the state plays a completely secondary role in the process. This means that the paradigm of international relations is not applicable here - neither in its realistic nor liberal strand. Therefore the second thesis has been confirmed only partially.

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Selected controversies over the political writings of Immanuel Kant

Abstract

The article presents the discrepancies in the interpretation of Immanuel Kant's practical philosophy. First of all, Marek J. Siemek's interpretation emphasising the intersubjective character of Kant's thought is presented. It has been confronted with other contemporary receptions of the Critiques' author's work, including, among others, the socio-political interpretation by Hannah Arendt. While in the end, the criticism made by Theodor Adorno has been outlined, which shows the irremovable contradictions underlying Kant's thought.

Keywords: Progress, dignity, state, society, cosmopolitanism, morality, ethics, imperative

The article presents Marek J. Siemek's reception of Immanuel Kant's political writings and it juxtaposes it with other contemporary interpreters: Theodor Adorno and Hannah Arendt. In the first part of the article, through Siemek's interpretation, the communicative, autonomous and universalist, and thus modern character of Kant's practical philosophy will be shown. Next, Siemek's point of view will be compared with Arendt's, who explicates some inaccuracies in the Koenigsberg philosopher's concept, mainly the heterogeneity of the conviction about human dignity. The last part of the text will be devoted to criticism made by Adorno, who, admittedly, finds numerous antinomies present in the Kantian philosophical system, but at the same time, in my opinion, they do not remove the practical value of the Critiques' author's idea.

Siemek assumes that the treatise titled *Perpetual Peace* constitutes the complement of the Kantian philosophical system. In his opinion, this text should not be read literally and selectively. He notes that "the issue of war and peace is a place where, as in a lens, there focuses the entire ethos of rational autonomy and communication dialogue, which the Kantian philosophy of freedom presents".[1] Thus, if in the project of *Perpetual Peace*, the thesis also contained in *Critique of Practical Reason* is explicated, namely, that the basic principle of ethics is the universality of applicability of just law, the question arises: If this law is of *a priori* character, then how does it manifest itself, is it discovered, constructed, or perhaps because of the existence of an overt public sphere – developed? While Arendt warns against treating Kant's

[1] Siemek (2002): 111-112. (author's translation)

political writings as the "fourth Critique".[2] In her opinion, the ironic tone of *Perpetual Peace* reveals that the author did not treat these writings seriously.

Siemek takes a different stand, emphasising the convergence of *Rechtsprinzip* (categorical imperative of politics) presented in *Perpetual Peace* with the categorical imperative contained in *Critique of Practical Reason*. Moreover, in the project of *Perpetual Peace*, there is a new approach to categorical imperative that "sets the transcendental framework for the necessary preconditions of both ethical good and political justice".[3] It is to secure "universal 'form of publicity' also called by Kant '*transcendental concept* of public right'".[4] A breach against universal publicity is an unethical act, because it serves only private and therefore particularist interests, and in Kant's view, what is individual is of nonrational character. Thanks to the universality of law, it assigns moral duties to the individual, thanks to which one becomes the author of ethically good (rational) actions. And vice versa: if someone deliberately makes an exception to the common, universal rule, then one commits morally wrong deeds, counter to rationality. Kant challenges the existing ethical systems, arguing that they cannot claim the right to universality. For none of them is rational, but based on random, individual emotions, making moral judgment dependent on instincts dependent on laws of nature governed by necessity or accidental conditioning of cultural norms.

Not without reason did Kant give the name of Critiques to his three life works, thus using the negative connotation of the word. Undoubtedly, he attributes to Critiques the task

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2 Arendt (1982): 7.

3 Siemek (2002): 116.

4 Ibidem: 115.

of cleansing the minds of superstitions, pre-judgments and misconceptions, and moreover, wanted to make "his attempt to derive the duty of mutual respect from a law of reason (...)".[5] Arendt draws attention to the fact that "Kant became aware of the political as distinguished from the social, as part and parcel of man's condition in the world, rather late in life".[6] Perhaps that is why he acknowledged the importance of direct translation of his philosophical concept into political thought. In his opinion, autonomous human reason, deprived of blind faith in authority, as a legislator, sets out the universal rules of action, thereby liberating the human being from the power of nature-bound necessity. This means that the human as a rational being is free, as long as one is subject to the laws of which one is the creator. He saw democracy as legitimate tyranny of the crowd. According to the Koenigsberg philosopher, progress can be achieved through gradual, regular improvement of citizens, raising their level of rationality and morality, *inter alia*, by observing the universal law based on reason. Only then can a culture of developmental character emerge that will supplant tyranny and superstition thus creating a space for autonomous thinking.[7]

Thus, the human being gains the rank of an autonomous legislator inhabiting the realm of ends, is able to act in accordance with the moral law, thanks to which one has an inalienable dignity. As Siemek observes , "the thought that every violation of the moral law consists, in the final count, in the internal *self-contradiction* that occurs in the very person, as a result of which one's maxims and norms 'annihilate' or 'lift' each other and the connections of meanings

5 Horkheimer, Adorno (2002): 67.
6 Arend (1982): 9.
7 Kant (1989): 54-60.

they unite disintegrate, remains the unchanging leitmotiv of Kant's transcendental ethics".[8] Importantly, reason and its rules, without referring to subjective factors, inherent in feelings, provide a criterion of purposefulness and generality for the moral law. Therefore, reason does not only give the human being the freedom[9] to self-determine, but also gives one dignity, bypassing one's random social status.

Abstracting political rights from the random ones, entangled in the culture as well as economic and social condition of the state, makes Kant's philosophy universal, thus making it a fertile ground for the perspective of cosmopolitan politics. The inalienable asset of this politics is giving the person a rank as a human being and not as a representative of an ethnic group. For Kant, external freedom in the form of the law "'is the right through which I require not to obey any external laws except those to which I could have given my consent'. In exactly the same way, external (legal) equality in a state is that relation of the subjects in consequence of which no individual can legally bind or oblige another to anything, without at the same time submitting himself to the law (...)".[10] Only in a state, thanks to a universally valid law, what is ethical becomes political and the will gains autonomy. Thanks to a legal status, an individual gains "'mature' communication competence of every individual entity, because of which one voluntarily subordinates the spontaneity of one's free actions and failures to the immanent logic

[8] Siemek (2002): 118.

[9] Adorno believes otherwise, stating that the Kantian idea of freedom is irrational, because it "becomes (...) incorporated into the causality of the world of appearance, which is incompatible with its Kantian concept", he even notices the explicated in *Foundation for a Metaphysic of Morals* oxymoron: "causality through freedom" , Adorno (1970).

[10] Kant (1917).

of common rules of the game based on universal *reciprocity*".[11] A unitary, individual ethical entity co-exists with others in society, creating intersubjectivity.[12] Kant believes that "In Man (as the only rational creature on earth), those natural capacities which are directed towards the use of his reason are such that they could be fully developed only in the species, but not in the individual".[13]

In Kant's view, the natural, intrinsic purpose of development does not lead to a predetermined goal, like in the teleological Hegelian dialectics of history, but rather to the full development of the predispositions of individuals. This is, perhaps, where a discontinuity in the progress of the human being comes from; on the one hand, "if nature is not to be accused of having failed, by permitting descent from different ancestors, to take the most appropriate measures to promote sociability as the principal end of human destiny",[14] on the other hand, the antagonisms already present at the beginning of human history allowed for the development of universal rights and, consequently, intersubjective communities. Thus, the conflict was constructive and ultimately led to the condition that enabled the existence of sociability as a purpose. In this context, it is important that a person is dependent on other people not because of biological condition, but by innate sociability, which is indispensable, because of the needs of the mind – the power of judgment, which needs the environment of others, the perspective of another person. This aspect is clearly explicated by Kant in *Critique of Judgement*: "Empirically the Beautiful interests

11 Siemek (2002): 119.
12 Ibidem: 120-121.
13 Kant (1989): 42.
14 Kant (1989b): 222.

only in society. If we admit the impulse to society as natural to man, and his fitness for it, and his propension towards it, i.e. sociability, as a requisite for man as a being destined for society, and so as a property belonging to humanity, we cannot escape from regarding taste as a faculty for judging everything in respect of which we can communicate our feeling to all other men, and so as a means of furthering that which every one's natural inclination desires".[15] Therefore, what is also important for the Koenigsberg philosopher is for "a right of visitation. This right to present themselves to society [which – K. Z.] belongs to all mankind" to be inscribed even in the international law.[16]

In Kant's philosophical system, there are two orders: accidental, subjective, individual, and hence unreasonable, nature facts, and a universal, ethical and political order based on the system of laws. As it was mentioned above, the conflict makes people strive to develop a universal law, the Koenigsberg philosopher states that "the means which nature employs to bring about the developments of innate capacities is that of antagonism within society, in so far as this antagonism becomes in the long run the cause of a law-governed social order".[17] Even a war, despite its destructive power, can have a constructive character, in *An Old Question Raised Again: Is the Human Race Constantly Progressing?* Kant states: "However, the painful consequences of the present war can compel the political prophet to confess a very imminent turn of humanity toward the better that is even now in prospect".[18] In this respect, Kant's views seem to be almost inspired

15 Kant (1914): 173.
16 Kant (1917): 138.
17 Kant (1989): 47.
18 Kant (2001): 309.

by Hobbesian or even Machiavellian conviction that it is not the human who is good, but the law that compels one to be so.[19] He notes: "A good political constitution, however, is not to be expected as a result of progress in morality; but rather, conversely, the good moral condition of a nation is to be looked for, as one of the first fruits of such a constitution".[20] In modern civil society, it is not morality that is the most important thing, but autonomous freedom, reason that is able to reduce particularistic motives for the sake of the common good. According to Kant, "the problem of the formation of the state, hard as it may sound, is not insoluble, even for a [p. 154] race of devils" because "it deals, not with the moral reformation of mankind, but only with the mechanism of nature; and the problem is to learn how this mechanism of nature can be applied to men, in order so to regulate the antagonism of conflicting interests in a people that they may even compel one another to submit to compulsory laws and thus necessarily bring about the state of peace in which laws have force".[21] Even beings with such a flawed nature as humans and exactly thanks to it, through universal law, can create a kingdom of freedom. The inclination of people to take a privileged position while having to live in one society, this famous Kantian "unsocial sociability" is not an obstacle to the creation of a political community but is indeed rooted in it.[22]

What also is important from this perspective, Kant calls nature "the great artist", because its work is embodied

[19] Kant's view also seems to coincide with Aristotle's conviction that a good person can be a good citizen only in a good state.

[20] Kant, (1917): 154-155.

[21] Ibidem: 153-154.

[22] Kant (1989): 44.

in a republic, for which the legal system is essential, substantially universal, and therefore rational. Therefore, the republican system can be the cornerstone of a perpetual international peace. It should be based on three principles: the freedom of members of society, the subordination of all subjects to one legislation and their equality as citizens.[23] These principles exclude anachronisms, such as state privileges and those that prevent the development of human predispositions and abilities.[24] According to Siemek, in this structure one can see "the antique unity of ethics and politics described by Aristotle", moreover, in the categorical imperative of morality, in contrast to practical-technical hypothetical imperatives, Aristotelian distinction can be noticed between *praxis* (occupying the public arena of "beautiful deeds") *and poiesies* (existing in the private sphere).[25] In this context, it is worth mentioning that in *Dialectic of Enlightenment*, the Kantian categorical imperative has been identified with the Nietzschean will of the overman, because both are despotic in seeking to make people independent of external powers, and thus allowing to reach maturity which is the essence of enlightenment.[26]

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[23] Kant (1917): 143.

[24] Adorno emphasises that in Kant's ethical system "every individual is to be respected as the representative of the socialised species humanity, no mere function of the exchange-process. The decisive distinction urged by Kant between means and ends is social, that between subjects as commodities of labour-power, out of which value is economically produced, and the human beings who even as such commodities remain subjects, for whose sake the entire operation, which forgets them and only incidentally satisfies them, is set into motion" – Adorno (1970): 256.

[25] Siemek (2002): 126.

[26] Horkheimer, Adorno (2002): 90.

The Kantian idea of progress seems to be in a sense a reflection of Rousseau's thought. In the view of the philosopher from Geneva, the course of history begins with "one's release from the womb of nature", which is tantamount to a person being "from the harmless and secure condition of a protected childhood (...) thrust (...) out into the world, where so many cares, labours, and unknown evils awaited him".[27] However, in Kant's approach, moving from childhood into adulthood is a "transition from a rude and purely animal existence to a state of humanity, from the leading-strings of instinct to the guidance of reason",[28] which means that a human can only enter the state in which one gains freedom, unlike in the Rousseau's concept, in which in this situation an individual loses this freedom. With the reservation that Rousseau, of course, also does not exclude the possibility of regaining freedom by establishing a political system in which the universal will can be realised.

For Kant, the change is positive in itself – in *The End of All Things* he notes: "Even assuming a person's moral-physical state here in life at its best – namely as a constant progression and approach to the highest good (marked out for him as a goal) – , he still (even with a consciousness of the unalterability of his disposition) cannot combine it with the prospect of satisfaction in an eternally enduring alteration of his state (the moral as well as the physical). For the state in which he now is will always remain an ill (...)".[29] The pursuit is good because it is the forging of reason and universal legislation. Even the fact that an individual or nation realises the desire to pursue something – is the use of reason. Recognising

[27] Kant (1989b): 226.
[28] Ibidem.
[29] Kant (1794): 227.

the necessity of respecting universal legislation based on reason is in itself a qualitative leap, from barbarity and infancy into adulthood.

In the text of *The Idea for a Universal History with a Cosmopolitan Purpose*, Kant anticipates the rational development of nature, up to a "situation in which all germs implanted by nature can be developed fully, and in which man's destiny can be fulfilled here on earth".[30] In this passage, it is clear that the Koenigsberg philosopher thinks about progress in terms of the whole humanity, not just an individual. The sphere of the individualism permeates with universality, the subjects persist in the relation of reciprocity. It is impossible to think about an individual in isolation from the whole, also the progress, in order to be fully realised must concern the whole species, not an individual. Citizens, members of the community, despite their autonomy, remain with each other in close relationships. As Siemek observes, "this is a thoroughly *political* ethics. Kant's 'realm of ends' as a model of the intersubjective system of ethical freedom has its roots (...) in the civic ethos of Greek *koinonia politike* or the Roman *res publica*".[31] The evolution of national states towards cosmopolitanism is the next necessary stage in the development of history. Because for Kant what is important is autonomy, which is also a guarantee of equality before the law, which does not only fit into the tradition of the Enlightenment, but thanks to the theoretical basis for deriving it from the rules of reason is extremely progressive. Proportionally, like individual progress on the whole society, the maturity developed by autonomous nations translates into an international community,

[30] Kant (1989): 52-53.
[31] Siemek (2002): 125.

and categorical imperative refers to a nation (having its dignity) exactly to the same extent as to an individual. What is more, the establishment of a perfect civic system depends on the rule of law in the relations between states.[32] Hence, annexation, occupation, the peddling of nations by rulers or taking decisions on their behalf without their consent is not a political barbarism.[33]

The Kantian peaceful union of nations *foedus pacificum*[34] assumes autonomy and political sovereignty, which is why it must support itself on international law. As I mentioned above, it is important for the states that belong to it to have a republican system, because it guarantees social control over the authority and the superiority of law over the particularism of an individual or a group. Violence in international relations to the same extent as in relations between people appears as barbarity which should be exited voluntarily by complying with international law. Just as in social ethics, also in a cosmopolitan perspective, being subject to law is an expression of political freedom, because it is rational as it has been co-created and adopted by every rationally organised nation.

However, ambiguity arises: if the federation of states is to be free from the authority of an international government, for what reason should its members observe the pannational law? What helps to solve this dilemma might be the idea of progress which fits in Kant's philosophy in the aspect that cosmopolitanism combines with the evolutionism typical of the Enlightenment, assuming that humanity in its essence has a moral predisposition, and the task of rational

32 Kant (1989): 47.
33 Kant (1917): 143.
34 Ibidem.

politics is to spark them off. Arendt states that "one judges always as a member of a community, guided by one's community sense, one's *sensus communis.* But in the last analysis, one is a member of a world community by the sheer fact of being human; this is one's 'cosmopolitan existence'.[35] Leo Strauss, in turn, perceives in such an approach, the idea which assumes that history is a continuum – what comes later must be more mature, rational and wiser than what happens earlier. It is, therefore, historicism replacing the philosophy of politics with the history of politics.[36] Strauss also believes that "modern thought is in all its forms, directly and indirectly, determined by the idea of progress. This idea implies that the most elementary questions can be settled once and for all so that future generations can dispense with their further discussion, but can erect on the foundation once laid an ever-growing structure. In this way, the foundations are covered up".[37]

It must be admitted that Kant fits into so captured historicism, since indeed the individual, due to one's mortality is not able to fully reveal one's innate intellectual and moral endowment during one's fragile life, so it is indispensable for a person to develop their predispositions in the generational dimension.[38] Kant hopes that "after many revolutions, with all their transforming effects, the highest purpose of nature, a universal *cosmopolitan existence*, will at last be realised as the matrix within which all the original capacities of the human race may develop"[39]. On the other hand,

35 Arendt (1982): 75.
36 Strauss: 33.
37 Ibidem: 49.
38 Kant (1989): 44.
39 Ibidem: 51.

however, Arendt thinks that "In Kant, the story's or event's importance lies precisely not at its end but in its opening up new horizons for the future".[40] What is equally important for the philosopher, "progress is perpetual; there is never an end to it. Hence, there is no end to history",[41] and humanity develops proportionally to the individual's personal development. In this sense, it is important that the Koenigsberg philosopher does not exclude the creation of a philosophy of history,[42] which will be not so much a collection of empirical data, information about events, but history captured in the context of the historical process of the development of rationality – searching for the very essence of history, and not collecting historical data, which later Hegel used so effectively, criticising already in the introduction to *Lectures on the Philosophy of History* the previous historiography as a barren collection of detailed data devoid of intuition about the purpose of history.

According to Arendt, "the very idea of progress (...) contradicts Kant's notion of man's dignity (...). Progress, moreover, means that the story never has an end. The end of the story itself is in infinity. There is no point at which we might stand still and look back with the backward glance of the historian".[43] If it is acknowledged that dignity belongs to the individual as a rational and free being, simultaneously the same individual as a rational and free being is subject to development, a doubt arises about at which point and at what stage this dignity is realised. Dignity then reveals as something potential, dormant, unattainable, even though people have

40 Arendt (1982): 56.
41 Ibidem: 57.
42 Kant (1989): 53.
43 Arendt (1982): 77.

the ability to acquire it and start enjoying freedom. Since the idea of progress develops in infinity, it is difficult to talk about the final stage. So, how is it possible to judge whether an individual and a community of which one is a part use reason to a degree to be entitled to dignity, and thus autonomy in intersubjective space? The weaknesses in the concept of the Koenigsberg philosopher apart from Arendt are also emphasised by Adorno who points out Kant's "freedom, to be established in its full dimensions solely under social conditions of an unfettered plenitude of goods".[44] Therefore, it is not immanence but externality, i. e., society that determines whether an entity is free or unfree, the entity is thus determined, dependent on contemporary social conditions. In this context, the following question is important: "whether society permits the individuated to be as free, as the former promises the latter; thereby also, as to whether the former is itself so".[45] This, in turn, entails another antinomy: "The more freedom the subject, and the community of subjects, ascribes to itself, the greater its responsibility, and before the latter it fails in a bourgeois life, whose praxis has never vouchsafed the undiminished autonomy to subjects which it was accorded in theory". However, Adorno concludes that this leads to a situation in which the entity feels guilty,[46] so it can be concluded that this fact has undoubtedly prosocial consequences.

Apart from the inconsistency in Kant's assumptions on a purely speculative plane, such as deriving the universality of metaphysics conceived after all subjectively (by a concrete, individual mind), which Adorno emphasises, he also

44 Adorno (1970): 218-219.
45 Ibidem: 129.
46 Ibidem: 130.

sees practical cracks, such as the repressiveness of a seemingly conflict free concept of freedom. Firstly, the concepts that appear in *Critique of Practical Reason,* related to freedom, i.e. law, violence, respect, duty are of a repressive nature, moreover, its fragile internal ethics requires the use of punishment. The imperative imposes coercion, which excludes freedom.[47] Adorno sees antinomy in Kant's doctrine of freedom also in that "the moral law counts as rational for it and as not rational; rational, because it reduces itself to pure logical reason without content; not rational, because it would be accepted as a given fact".[48] What is important in the political aspect, "in the realm of socially existent subjects unfreedom is preponderant over freedom to this day. (...) as schizophrenia, subjective freedom is something destructive, which only incorporates human beings under the bane of nature that much more",[49] so the aspect of maintaining the well-being of the community comes first in Kant's ethics.

Secondly, Adorno sees repression also in Kant's hegemony of universality over individuality. He notes that one cannot talk about freedom "in the countries which today monopolise the name of socialism, an immediate collectivism is commanded as the subordination of the individual to society".[50] Moreover, unlike Siemek, Adorno notes that "the moral categories of the individuated are more than only individual. What becomes evident in them, in keeping with the model of the Kantian concept of law, as what is universal, is secretly something social".[51] In addition, conscience derives

47 Ibidem: 231, 257-258.
48 Ibidem: 152.
49 Ibidem: 140-141.
50 Ibidem: 164.
51 Ibidem: 163.

its objectivity from the objectivity of society, and more precisely from its repressive character: the coercion and idea of solidarity heteronomously dormant in society. Namely, the rule which the conscience absorbs from society in an unconscious way, thanks to the repressive form of conscience, runs from particularity to universality. In other words: "only in its [conscience's – K. Z.] repressive form does the solidaristic one form, which sublates the former".[52] This would mean that even the theoretical grounding of Kant's ethics does not free it from being entangled in accidental, because time- and territory-dependent, culture norms.

From among many antinomies in Kant's thought, which Adorno presents in *Negative Dialectics*, special attention should be paid to the one based on giving privilege to practical reason with regard to the pure one; namely, *praxis* (necessary to realise the idea of freedom) cannot exist without theoretical consciousness. Logic, as pure consciousness in a sense imposes the negation of will, it is an autarkic field requiring a contemplative attitude, i.e. a behaviour that does not want anything, and so theory and practice become antagonistic towards each other.[53] Furthermore, this contradiction, according to the Frankfurter, is also based on a different field: "the epitome of acts which would satisfy the idea of freedom, requires indeed full theoretical consciousness. The decisionism which cancels out reason in the transition to the action delivers this over to the automatism of domination: the unreflective freedom, which it adjusts to, becomes the servant of total unfreedom". This is evidenced by the totalitarianisms of the twentieth century, for instance, Hitler's realm.[54]

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52 Ibidem.

53 Ibidem: 134-136.

54 Ibidem: 134.

However, Arendt's questions, which cannot be answered by reading Kant's political writings literally and Adorno's doubts, do not undo the Koenigsberg's philosopher project, but decide about its importance for modern and contemporary philosophical anthropology and political philosophy. In addition, they clearly show the path on which humanity can progress towards achieving peace, harmony and prosperity, while maintaining a constant, gradual development of moral predispositions of the human being, which translates into a social ground, then the condition of the nation, and finally the world order, what often accent Siemek. Adorno himself, while criticising Kant's concept of freedom, in which the repressive element is inscribed, finally admits: "The horizon of a condition of freedom, which would need no repression and no morality, because the drive would no longer have to express itself destructively, is veiled in gloom".[55] Despite the controversies and cracks or unprovable assumptions, the concept of Kant's philosophy of morality and politics has a unquestionably practical value. Its proof is even the *Universal Declaration of Human Rights*, still valid today, and containing assumptions, articles and postulates based on Kant's philosophical thought. This testifies to its being up-to-date for over two centuries, but also to the fact that the concept of the Koenigsberg philosopher is undoubtedly guided by the idea of progress.

[55] Ibidem: 164.

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K. Kim, *Stosunki Polski z Państwami Półwyspu Koreańskiego*, Wydawnictwo Instytutu Nauki o Polityce, Warszawa 2018, ISBN: 978-83-950685-4-6, s. 212. (recenzja – Mateusz Danielewski)

Monografia Stosunki Polski z państwami Półwyspu Koreańskiego autorstwa Kyunama Kima stanowi pokłosie napisanej pracy doktorskiej o tym samym tytule obronionej w 2016 roku na Wydziale Nauk Politycznych i Studiów Międzynarodowych Uniwersytetu Warszawskiego. Jest to pierwsza obszerna publikacja o wzajemnych relacjach Polski z państwami koreańskimi. Publikacja liczy 213 stron, z czego 25 to aneksy zawierające mapy, tabele i wykresy. Na dużą uwagę zasługuje 14-stronnicowa bibliografia zawierająca źródła polskie, angielskie, jak i koreańskie, która może świadczyć o dużej liczbie cytowań.

Recenzowana monografia składa się ze wstępu, trzech rozdziałów i zakończenia. Rozdziały obejmują takie tematy jak: historia kontaktów polsko-koreańskich do 1948 roku; Koreańska Republika Ludowo-Demokratyczna (dalej KRL-D) w polityce zagranicznej Polski; Republika Korei (dalej RK) w polityce zagranicznej Polski.

Publikację rozpoczyna wstęp, zawierający cel i główne zagadnienia badawcze, opis struktury pracy oraz omówienie znaczenia zawartych źródeł.

Autor na początku swojego wprowadzenia definiuje takie pojęcia jak stosunki międzynarodowe i polityka zagraniczna. Już we wstępie porównuje państwa koreańskie do Polski, słusznie argumentując znaczenie ich buforowości w kontekście gry politycznej światowych mocarstw.

W pracy poddano analizie nie tylko wzajemnym stosunkom między Polską, a państwami Półwyspu Koreańskiego, ale też zmiany polityki zagranicznej trzech stron pod kątem przemian na arenie międzynarodowej oraz polityki wewnętrznej. Treść monografii skupia się głównie na okresie postzimnowojennym, lecz nie zabrakło również odniesień historycznych, opisujących relacje Polskiej Rzeczpospolitej Ludowej (dalej PRL) z państwami koreańskimi. Według Autora stosunki między państwami wpływają na politykę zagraniczną trzech omawianych stron, co stanowi hipotezę. Ponadto, podjął próbę odpowiedzi na następujące pytania badawcze: w jaki sposób i z wykorzystaniem jakich instrumentów Polska utrzymuje relacje z państwami koreańskimi? W celu odpowiedzi na niniejsze pytanie badawcze oraz przeprowadzenia analizy Autor postanowił wykorzystać szereg metod badawczych, na który składa się metoda analityczno-opisowa, porównawcza, historyczno-opisowa, funkcjonalna oraz analiza determinantów polityki zagranicznej. Autor pokusił się również o prognozę kierunku polityki zagranicznej obu państw koreańskich.

Przechodząc do merytorycznej części pracy Autor w pierwszym rozdziale postanowił poruszyć problematykę kontaktów polsko-koreańskich do 1948 roku. Autor już na początku postanowił poinformować czytelnika o braku stosunków

dyplomatycznych między Polską i obiema Koreami do połowy XX wieku, wyjaśniając przy tym problemy wynikające z okupacją japońską na Półwyspie Koreańskim oraz okresem rozbiorowym w Polsce. Należy zaznaczyć, że strony, mimo braków relacji o charakterze dyplomatycznym, prowadziły kontakty nieoficjalne. Autor pokusił się o przedstawienie polskiej inteligencji, która przebywała w Korei od 1885 do (minimum) 1916 roku w celach studyjnych i zawodowych. Byli to kolejno: Jan Kalinowski, Władysław Kotwicz, Wacław Sieroszewski, Ferdynand Ossendowski, Kazimierz Grochowski, Remigiusz Kwiatkowski, Stefan Bryła, Aleksander Janowski i Józef Giejsztor. Pierwszy kontakt na szczeblu oficjalnym odbył się w 1896 roku, kiedy to delegacja Cesarstwa Korei odwiedziła Warszawę w drodze na koronację Mikołaja II Romanowa w Moskwie. Autor próbował przekazać w jakim celu, podczas okupacji japońskiej, Koreańczycy obierali Polskę za cel wyemigrowania. Brakuje informacji o oficjalnym stanowisku Polski wobec okupacji Korei przez Japonię, co mogłoby stanowić wartość dodatnią dla pierwszego rozdziału.

W drugim rozdziale poruszono miejsce KRL-D w polityce zagranicznej Polski oraz obustronnym stosunkom od 1948 do 2014 roku. Przed poświęceniem uwagi wobec niniejszego tematu Autor postanowił przytoczyć podobnych doświadczeń, które spotkały Polskę i Koreę: a) obie strony były ofiarami agresji niemieckiej i radzieckiej oraz okupacji japońskiej; b) obie strony poniosły straty ludzkie, terytorialne oraz materialne; c) ludność obu stron doświadczyła masowych zsyłek do Związku Radzieckiego (dalej ZSRR); d) o losach Polski i Korei pod koniec II wojny światowej decydowały mocarstwa. Nastąpiła zmiana granic Polski, a Korea została podzielona na dwie części – północną (pod protektoratem

ZSRR) i południową (pod protektoratem Stanów Zjednoczonych (dalej USA)).

Przechodząc do charakterystyki stosunków Polski z KRL-D w czasie „zimnej wojny" (1948-1989) Autor pisze o ich oficjalnym nawiązaniu 16 października 1948 roku. Słusznie zauważa, że wtedy Polska nie posiadała rzetelnej wiedzy o nowym partnerze, ponieważ wszystkie źródła o Półwyspie Koreańskim, które były dostępne dla rządu Polskiego, wywodziły się z ZSRR. W 1950 roku Polska zdecydowała się dołączyć do koalicji przeciwko USA i RK podczas wojny koreańskiej (1950-1953), będąc zmuszonym przez władze radzieckie do zaangażowania, aktywizując się na polu pomocy humanitarnej do Pjongjangu (utworzenie polskich szpitali w KRL-D oraz przyjęcie grupy sierot koreańskich w Gołotczyźnie, Świdrze i Płaskowicach). Należy podkreślić, że z punktu widzenia Polski powyższa decyzja oraz konflikt koreański nie były korzystne z powodu własnych problemów wewnętrznych, czego Autor nie zawarł w swojej monografii. Ponadto, obie Koree nie były priorytetem w polskiej polityce zagranicznej, a zaangażowanie Polski w pracach Komisji Nadzorczej Państw Neutralnych nie dowodzi jej wysiłków na rzecz stosunków z KRL-D. Celem uczestnictwa Polski w Komisji była promocja wizerunku międzynarodowego, nie poprawa relacji obustronnych.

Autor słusznie zauważa, iż po wojnie koreańskiej Polacy udzielili pomocy gospodarczej KRL-D (nieodpłatny kredyt) i technicznej (maszyn w zakresie odbudowy miast i uzbrojenia, jak i sprzętu wojskowego), co było bardzo poważnym wysiłkiem na tle odbudowy Polski po zniszczeniach kraju w czasie II wojny światowej.

Polska w czasie „zimnej wojny" była jednym z ważniejszych partnerów gospodarczych KRL-D, jednakże nie

oznaczało to obopólnej korzyści. Pjongjang liczył na większe zaangażowanie Warszawy w pomoc gospodarczą, która w tamtym czasie była już dość duża. Należy jednocześnie podkreślić, iż Polska nie osiągała dużych przychodów z handlu z KRL-D.

Lata 70. XX wieku Autor monografii ocenił jako okres najlepszych relacji między obiema stronami (KRL-D i Polska), jednocześnie określając je jako „dobre". Argumentował to dużą ilością spotkań na wysokim szczeblu, podpisaniem umów o charakterze gospodarczym i politycznym. Polska popierała zjednoczenie pod egidą KRL-D oraz wycofanie wojsk USA z RK, a KRL-D promowała działalność Polski w ramach Komisji Nadzorczej Państw Neutralnych w Panmundżonie. Autor jednak za najważniejsze wydarzenie w relacjach wzajemnych uważa wizytę Kim Il-sunga w Polsce w maju 1984 roku. Celem tej wizyty było uzyskanie pomocy Państw Europy Wschodniej w związku z pjongjańgskim kryzysem ekonomicznym.

Stosunki polsko-północnokoreańskie uległy diametralnej zmianie po rozpadzie Związku Radzieckiego w 1991 roku. Polska obrała kierunek polityki zagranicznej ku państwom kapitalistycznym, takim jak Stany Zjednoczone i Republika Korei oraz wstąpiła do Światowej Organizacji Handlu, realizując interes narodowy. KRL-D natomiast kontynuowała dyktatorską władzę oraz realizację założeń ideologii Juche, doprowadzając kraj do „klęski głodu" od 1995 do 1999 roku. Śmiało autor stwierdza, iż kryzysem w stosunkach między obiema stronami po „zimnej wojnie" było odwołanie w 1995 roku przez KRL-D polskich obserwatorów pełniących misję pokojową w Komisji Nadzorczej Państw Neutralnych. Nie wpłynęło to jednak na obroty handlowe między obiema stronami, gdyż w latach 1995-1998 to Polska była

jej największym partnerem handlowym w Europie Środkowej.

Autor przekonuje o pozytywnej kontynuacji stosunków Polski z KRL-D, głównie na polu kultury i nauki. Według Autora Polska stara się wpłynąć na proces przemian w KRL-D, nie podkreślając, iż znaczenie Polski w tej materii pozostaje marginalne. Brakuje również opisu znaczenia posiadania oficjalnej placówki dyplomatycznej Polski w Pjongjangu, która jest jedną z nielicznych na świecie. Fakt ten jest zaprzepaszczany w celach polityki zagranicznej RP wobec Azji i Pacyfiku. Dzięki oficjalnym stosunkom z KRL-D Polska jest w stanie zaangażować się politycznie w dialog międzykoreański oraz potencjalne szczyty z udziałem KRL-D i USA, dzięki czemu mogłaby pomóc w normalizacji sytuacji na Półwyspie Koreańskim oraz liberalizacji Północy.

W ostatnim, **trzecim rozdziale**, Autor poruszył temat Republiki Korei w polityce zagranicznej Polski oraz ich wzajemnych relacji podczas „zimnej wojny" i czasów współczesnych. Szczególnie jego pierwsza część wydaje się trudniejsza, ponieważ panuje powszechna opinia o kompletnym braku kontaktów dyplomatycznych między obiema stronami podczas konfliktu zimnowojennego. Prawdą jest, że Republika Korei po wojnie koreańskiej nie utrzymywała stosunków z państwami komunistycznymi oraz tych, które sojuszniczyły z KRL-D, jednak lata 70. XX wieku pokazały, iż Polska, jak i RK będą dążyć do inicjacji rozmów na polu gospodarczym, które torowały drogę do kontaktów politycznych.

Autor rozpoczyna rozdział od przypomnienia o poparciu stanowiska KRL-D przez PRL, która uznała za zasadne stanowisko ZSRR i Chin wobec konfliktu koreańskiego w 1950 roku. Podkreśla tym fakt wrogich relacji polsko-południowokoreańskich. Ponadto, już jako członek Komisji

Nadzorczej Państw Neutralnych, Polska zarzucała władzom z RK zainteresowanie następną agresją na Północną część Półwyspu Koreańskiego.

Na nieco więcej uwagi zasługuje uczestnictwo w Komisji Nadzorczej Państw Neutralnych w kontekście stosunków Polski z RK. Autor podkreśla, iż większość informacji o Południu Polska posiadała od północnokoreańskich towarzyszy w ramach prac Komisji. Polscy przedstawiciele byli w tamtym czasie pewni o większej atrakcyjności gospodarczej KRL-D względem RK (do czego Autor się nie odniósł[1]) oraz większych perspektywach relacji z Północą, która w zamian za uznanie reprezentacji Pjongjangu za jedynego rządu Korei, popierała polskie stanowisko w sprawie granicy na Odrze i Nysie.

Komisja Nadzorcza Państw Neutralnych, jak słusznie wskazuje Autor, służyła Polsce w zakresie promocji kraju w Azji Północno-Wschodniej. Popularność Polski wzrastała wraz z jej aktywnością i inicjatywami na rzecz prac komisji nadzorujących rozejm w Indochinach i Korei. Działało to wtedy na korzyść wizerunkową dyplomacji PRL, dzięki czemu mogła próbować rozszerzyć swoje zaangażowanie w Azji.

W latach 70. XX wieku, dzięki Détente między stronami „zimnej wojny", Seul, jak i Warszawa rozpoczęły wzajemny handel. W celu ukazania obrotów handlowych w latach 70-tych między obiema stronami Autor pokusił się o przygotowanie tabeli, która ukazywała niewielkie rozmiary wymiany.

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[1] Stan gospodarka KRL-D był lepiej oceniany od tej w RK do lat 80. XX wieku. Później zaś to Republika Korei mogła pochwalić się lepszymi wynikami gospodarczymi, m.in. przez czynne uczestnictwo w handlu międzynarodowym, czego KRL-D odmawiała, doprowadzając do stagnacji.

Autor jednak wskazuje na pozytywną konsekwencję polsko-południowokoreańskiego handlu jaką są dalsze kroki torujące drogę do kontaktów politycznych. Między obiema stronami dochodziło następnie do współpracy o charakterze sportowym i naukowym.

Szwecja, która była nowym mediatorem międzykoreańskim[2], proponowała Polsce uznanie RK na arenie międzynarodowej, tłumacząc, że wszystkie państwa socjalistyczne zmierzają do podobnego kroku. Dodatkowo, Edward Gierek w 1973 roku podczas rozmów polsko-bułgarskich w Komitecie Centralnym PZPR zauważył, że zjednoczenie tak odmiennych stron na Półwyspie Koreańskim jest niemożliwe. Autor podkreślił, iż Polski rząd wtedy dążył do realizacji swojej polityki zagranicznej w kierunku rozwoju stosunków z RK w związku z jej rozwojem gospodarczym. Słusznie jednak wskazuje o utrudnieniach z powodu podziału blokowego. Autor wyjaśnił, iż Warszawa postanowiła rozwijać „cichą" dyplomację wobec Seulu, osiągając w 1988 roku bilans handlowy szacujący 42 tysiące dolarów. Oznaczało to, że Polska planuje intensyfikować stosunki z RK, która była w tamtym czasie postrzegana jako obiecujący partner gospodarczy. Zainteresowanie Południem przez państwa socjalistyczne powodowało rosnącą izolację reżimu KRL-D i zmianę podejścia wobec tego kraju.

Dnia 1 listopada 1989 roku zostały nawiązane oficjalne stosunki dyplomatyczne między Polską, a RK. Największym jednak sukcesem Seulu, jak słusznie wskazuje autor, było nawiązanie relacji z ZSRR (a później Federacją Rosyjską) i Chinami, co było również sukcesem polityki południowokoreańskiej wobec Pjongjangu. Izolacja KRL-D się pogłębiała,

[2] Szwecja nawiązała stosunki dyplomatyczne z KRL-D w 1973 roku.

a RK postawiła na dyplomację czterostronną obejmującą USA, ZSRR/Rosję, Chiny i Japonię.

Według Autora, priorytetem polityki zagranicznej strony koreańskiej wobec Polski była współpraca gospodarcza. Po inauguracji prezydentury Lecha Wałęsy i zmianie rządu w Polsce, oba Państwa jako pierwszy podpisali konwencję w sprawie unikania podwójnego opodatkowania i zapobiegania uchylaniu się od opodatkowania w zakresie podatków od dochodu, służącą zwiększeniu napływu koreańskich inwestycji w kraju. Nie oznacza to, że obie strony nie rozwijały kontaktów o charakterze politycznym, Jako pierwszą przesłankę Autor wymienia przyjęcie przez Polskę zaproszenia na ćwiczenia „Team Spirit" w 1991 roku w RK. Podkreśla również, że było to kolejną przyczyną ochłodzenia stosunków pomiędzy Warszawą, a Pjongjangiem.

Polska, po wstąpieniu w 2004 roku w szeregi Unii Europejskiej, potrzebowała przepływu nowych inwestycji, a RK inwestycje za granicą traktowała jako impuls rozwoju gospodarczego. W tym samym roku w Warszawie odbyły się rozmowy z udziałem grupy szefów biznesmenów obu państw. Autor również podkreśla fakt wzrostu w kolejnych latach dalszych obrotów między obiema stronami w szybkim tempie. Dodatkowo, rynek polski stał się atrakcyjny dla gospodarki RK, ponieważ Polska znajduje się w centrum Europy i dysponuje siłą roboczą zdolną pracować za niższą pensję w porównaniu do tej z państw zachodnich.

Autor za ważne wydarzenie w stosunkach polsko-południowokoreańskich uznał spotkanie prezydenta RP Bronisława Komorowskiego z prezydent RK Park Geun-hye w 2013 roku. Obie strony podpisały porozumienie o współpracy obronnej oraz podniesiono rangę stosunków

do „strategicznego partnerstwa", których Autor znaczenia nie pokusił się wyjaśnić.

Oceniając stan współczesnych stosunków między Polską, a RK Autor podkreśla znaczenie dalszych wysiłków na rzecz rozszerzenia współpracy w perspektywicznych dziedzinach na rzecz intensywnych relacji. Wydaje się, że za najważniejszą sferę uważa poznanie kultury i sztuki obu stron, podkreślając istotę wymian kulturalnych i naukowych, której był beneficjentem. Autor nie zapomina omówić problemów w stosunkach wzajemnych do rozwiązania, podkreślając nagłośnioną przez media w Seulu kwestię północnokoreańskich robotników w Polsce.

W zakończeniu Autor podsumował całą treść zawartą w pracy z dodaniem paru wzmianek odnoszących się do przyszłości stosunków polsko-koreańskich. Podkreśla, iż polityka Warszawy wobec Półwyspu Koreańskiego musi uwzględniać różne scenariusze rozwoju sytuacji. Ponadto uważa, iż Polska będzie miała większe znaczenie w kontekście Półwyspu Koreańskiego, jeżeli utrzyma dobre stosunki z Chinami, Japonią, USA oraz poprawi relacje z Rosją, której znaczenie wobec Korei jest z roku na rok coraz ważniejsze. Za równie ważny czynnik Autor uważa polskie uczestnictwo w Komisji Nadzorczej Państw Neutralnych i doświadczenie transformacji systemowo-ustrojowej, które może posłużyć jako wzór w wypadku przemian w KRL-D. Według Autora RK powinna rozszerzyć zakres współpracy z Polską z powodu potencjalnych możliwości rozwoju gospodarczego oraz podobieństwa geograficznego i geostrategicznego, słusznie podkreślając znaczenie buforowości obu stron.

Podsumowując niniejszą recenzję, należy podkreślić, że poruszana w książce tematyka dotyczy historycznych i bieżących oraz kluczowych kwestii w stosunkach polsko-koreańskich.

Stosunki Polski z Państwami Półwyspu Koreańskiego Kyunama Kima zasługuje na popularyzację ze względu na walory poznawcze. Uzupełnia wiedzę o Półwyspie Koreańskim o ważny komponent stosunków państw koreańskich z Polską.