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## Original Article

# From Brezhnev to Brussels: Transformations of sovereignty in Eastern Europe

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**Abstract** The year 1989 is widely fêted as a turning point in the history of Eastern Europe: nation-states were liberated from the tyranny of Soviet rule and regained their sovereign independence. This article challenges the conventional wisdom by arguing that the ‘limited sovereignty’ of the pre-1989 period, formally declared by Leonid Brezhnev in 1968, has been replaced by a new form of domination, this time from Brussels. However, while Eastern European states still face constraints on their political autonomy and self-government, the nature of this domination is different. Specifically, it coincides with the post-Cold War revision of the concept of sovereignty itself, where the attachment to the formal rights of sovereign independence and equality is lost. Eastern European states have found that continued limitations upon their sovereignty are today celebrated as the realization of the essence of sovereignty itself.

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## Introduction

Twenty years since the fall of the Berlin Wall, the events of 1989 have become a milestone in the history of Eastern Europe. These events are widely fêted as a turning point in the region: nation-states were liberated from the tyranny of Soviet rule and regained their sovereign independence (Garton Ash, 1990, Lacqueur, 1992, Michnik, 1999, Vachudova, 2005).<sup>1</sup> This article challenges the conventional wisdom by arguing that the ‘limited sovereignty’ of the pre-1989 period, formally declared by Leonid Brezhnev in 1968, has been replaced by a new form of domination, this time emanating from Brussels. However, though Eastern European states still face constraints on their political autonomy and self-government, the nature of this domination is different. It coincides with the



post-Cold War revision of the concept of sovereignty, which has involved a redefinition of sovereignty and in particular its attachment to the principles of independence and formal equality. The problem that Eastern European states face is that the continuing limitations upon their sovereignty today are celebrated as the realization of the essence of sovereignty itself.

The article begins with an account of sovereignty and rights. Sovereignty is defined as a distinct theory of political rule and its historical origins are located in social transformations in Western Europe. However, the origins of sovereignty are not the same as the spread of the concept over time. The analogy is drawn with the extension of domestic political and civil rights. Although the abstract universality of legal rights is often matched by various degrees of social inequality, formal rights are important as a means of identifying that inequality. Eastern Europe is an ideal case through which to explore the gap between formal rights and substantial freedoms. The article begins with an account of Eastern European history up until 1989, detailing the ways in which great powers accorded sovereign rights to Eastern European states as a function of their own interests. With some exceptions, the region as a whole has lacked the degree of autonomous social development necessary for sustained political independence.

Turning to 1989 and its aftermath, the article challenges the view of the 'Velvet Revolutions' as popular uprisings, locating the key variables outside the region, above all in Moscow. The article goes on to consider the process of European Union (EU) expansion, marked in 2004 by the entry of 10 new member states, including eight which were formerly part of the Soviet bloc. The article identifies the ways in which EU accession has served to inhibit the political development of Eastern Europe in the post-Cold War period. It concentrates on the impact of the EU on national parliaments of candidate states, on their legal systems and on the development of political parties. However, rather than raising the spectre of a new kind of 'limited sovereignty', the article argues that the EU's relationship with Eastern Europe has coincided with a redefinition of sovereignty. As a result, various forms of inequality are not recognized as such. The article's title, 'From Brezhnev to Brussels', points both to continuity and change: Eastern European states remain the objects of outside interests and powers but the nature of the relationship has been refashioned according to the specific dynamics of the post-Cold War period.

## Rights and Sovereignty

In its origins, sovereignty was a theory of political rule. As Hinsley (1966, p. 137) argued, the concept of sovereignty was clarified through struggles waged between princes and their own communities. The French political



scientist, Zaki Laïdi (2004, p. 59), notes that ‘it is not possible to think of sovereignty and its evolution without taking into account the essential transformation of the state and of politics’. In Eastern Europe, where the kinship group remained for a long time the basic social and political unit, and where the distinction between public and private law (and between public authority and land ownership) occurred much later than in Western Europe, the development of the concept of sovereignty was delayed (Hinsley, 1966, p. 129; Anderson, 1974).

In France, Bodin sought to stabilize absolutist rule through an understanding of sovereignty based on the irrevocable alienation of sovereignty by the people to the ruler. In seventeenth century England, divine right and more popular conceptions of sovereignty had proven themselves irreconcilable. In Hobbes’ formulation, political unity was only achieved through the sovereign itself: it was in the sovereign that the multitude was transformed into a people (1953, p.189). From divine right and absolutism of the feudal and early capitalist era, to the popular sovereignty from the late eighteenth century onwards, the development of social forces corresponded to a shift in the location of political authority.

The history of the concept of sovereignty is obviously complex. In particular, the origins of sovereignty are not the same as its spread across the globe (Hinsley, 1966, p. 159). Although the emergence of sovereignty in England and France can point us to the link between sovereignty and collective forms of human agency, the same cannot be said of sovereignty in Eastern Europe. This reflects the historically specific, social dimensions of what appear as formal legal rights. This point is well-established in Thomas Carlyle’s (1858, p. 29) discussion of the rights of man: ‘[they] vary not a little, according to time and place’, he argued, and ‘they are known to depend much on what a man’s conviction of them are’. The geographical spread of sovereignty highlights this clash between formal rights and substantial social and political freedoms. The principle of sovereign equality, asserts that all states, irrespective of the material inequality between them, are equals in terms of their rights of self-government and non-intervention. Yet, as E.H. Carr (1995, p. 167) emphasized, ‘the ultimate authority of law derives from politics’. The formal rights of sovereign equality were never matched by a concomitant shift in global power relations (Simpson, 2004). In the case of Eastern Europe, sovereignty as a legal right has often been asserted in the absence of a social basis for it. Sovereignty in this case appears as a right that is granted and taken away depending upon the interests of outside powers.

It would be wrong, however, in pointing to the clash between formal freedom and actual domination, to dismiss formal categories altogether. This is the mistake made by Stephen Krasner (1999) and Robert Jackson (1990). Krasner highlights the consistent violations of the sovereignty norm in



international politics and thus labels sovereignty a form of ‘organized hypocrisy’. Robert Jackson notes the gap between the legal rights of post-colonial states and their material capacity to exercise those rights, concluding that former colonies are mere ‘quasi-states’. That the doctrine of sovereign equality was severely limited in practice is not, however, a reason to dismiss it. We would do well, here, to recall Franz Neumann’s critique of those who do away with legal rights because they are violated in practice. Neumann argued that such a criticism only made sense if the intent was to raise society to its own legal standards that is to eradicate social inequality. Otherwise, to merely criticize legal rights in the name of social inequality is to give up the very means by which social inequality can be overcome (Neumann, 1983, pp. 162–163; Heartfield, 2002, pp. 51–52). After all, it is only in the stark disjuncture between the formal equality of the political sphere and the inequality in civil society that a full understanding of equality is possible. Formal equality serves as a standard against which society can be held and found wanting; as Kenan Malik (1996, p. 256) argued, it is ‘a measure by which we can objectively gauge historical and social progress’.

The significance of Brezhnev’s doctrine of ‘limited sovereignty’ was precisely that it jarred with the post-imperial doctrine of sovereign equality. The term itself recognizes that a fully sovereign state is self-governing and has no outside limits placed upon it, hence the need for a limitation. Since the end of the Cold War, restrictions on the political development of Eastern European states continues via the mechanisms of external regulation promulgated by the EU. However, they are no longer understood in terms of ‘limited sovereignty’. Instead, we are seeing sovereignty redefined in ways that transform these limitations into the essence of sovereignty itself. Sovereignty is no longer viewed as absolute but is reformulated as conditional (that is limited). Pointedly, this is occurring at a time when the West is celebrating Eastern Europe’s return to sovereignty and self-government. As a result, it has become increasingly difficult to identify the new kinds of political inequality and domination that exist. The remainder of the article will explore in more detail the nature of sovereignty in Eastern Europe before 1989 and its transformation in the following two decades.

## **Sovereignty and Subjection in Eastern Europe: A Brief History**

At the time when the modern sovereign state was emerging in Western Europe, Eastern Europe was already the site of significant political development. In the sixteenth century, Hungary was considered a large ‘middle power’ (Kende, 2004, p. 28). In June 1791, when Poland passed the first republican constitution in Europe, the French revolutionaries were still sharing power with Louis XVI.

Adam Burgess (1997, p. 90) reminds us that ‘Luther nailed his 95 theses to the door of a church that would later stand in East Germany, that Copernicus studied and worked in Poland [and] that Bucharest was once known as Little Paris’.

However, in the eighteenth and nineteenth centuries, the region could not match the progress of Western Europe. As the East failed to break out of own economic backwardness, the West advanced from agrarian to industrial capitalism, raising productivity and living standards in ways that consolidated national state power and redrew the map of European politics.<sup>2</sup> By the beginning of the nineteenth century, Europe’s powers were Britain, France, Prussia, Austro-Hungary and Russia. Poland had been partitioned, Hungary was more province than independent state and the remainder of Eastern Europe’s peoples were divided up between the Ottoman and Russian empires.<sup>3</sup> It was under these conditions that Frederick Engels revitalized Hegel’s category of ‘non-historic peoples’. He applied it to those nationalities that had failed to free themselves from the domination of empires and had even helped their oppressors suppress progressive rebellions, as with the role of the Croats in the Hungarian uprising and short-lived independence of 1848–1849. As such, argued Engels, these nationalities lacked any ‘historically validated existence’ (cf. Rosdolsky, 1986).

In the twentieth century, sovereignty in Eastern Europe went through a number of distinct stages. The crucial periods were that of state creation after the First World War, the resurrection of the national form after the Second World War, and the events of 1989, heralded as a return of sovereignty to Eastern Europe. Looking at these periods more closely, we can see that the assertion of sovereignty as a legal category was combined with the absence of any meaningful political autonomy. There were of course exceptions, as there had been in the past. In 1849, the Magyar Louis Kossuth was described as ‘a Danton and a Carnot in one and the same person’ (Marx and Engels, 1953, p. 56). However, these isolated incidents of heightened national consciousness were unsustainable: without an adequate socio-economic basis, the fate of Eastern Europe was decided by the will of outside powers.

The central dynamic behind the creation of nation-states in Eastern Europe after 1918 was Great Power competition. On the one hand, the victors of the war wanted to ensure that Germany would not reassert itself as a power in Europe. This was to be achieved by maximising Germany’s territorial concessions to its new Eastern neighbours. On the other, the Allies were deeply troubled by the 1917 Revolution in Russia, and their main concern was to prevent the westward spread of Bolshevism. This second theme was an important negotiating tactic used by leaders in the East hoping to maximise gains from the Versailles negotiations. All of them played to the concerns of the great powers in making their claims for national self-determination.



Károlyi of Hungary 'forewarned the Allies that they could yield to Romania's and Czechoslovakia's extreme territorial demands only at the grave risk of enthroning Bolshevism in Hungary' (Mayer, 1968, p. 521). Beneš and Krama of Czechoslovakia 'not only kept reminding the Big Four of the Czech Legion's dutiful service in Russia but also commended Czechoslovakia as a vital bastion of political and economic stability in Bolshevik-infested Central Europe' (Mayer, 1968, p. 522). The final territorial settlements that were agreed reflected the Allies' preoccupations. In A.J.P. Taylor's words (1991, p. 233), the French viewed the newly created Eastern European states as 'assets which they could supinely enjoy, not gains which they must fiercely defend'. The new sovereign states of Eastern Europe were the tools by which the Allies sought to dismember the pre-1914 empires (Carr, 1995). As Baranovsky and Spanger note, in this period Eastern Europe was more an object than a subject of world politics (1992, p. 277).

This situation repeated itself during the Second World War. Czechoslovakia was cynically sacrificed by the West at Munich in 1938. On 6 October 1939, Poland capitulated; the country was promptly divided up between Germany and the USSR, and Soviet foreign minister, Molotov, declared that Poland 'had ceased to exist'. Hungary, after 2 years of neutrality, entered the war in 1941 on the German side. Its contribution to the German war effort was marked by its very own Stalingrad, the battle of Vorenej in 1942. In the Nazi 'New Order', Eastern Europe's role was as a source of material wealth for the Reich. As one Italian diplomat put it (in Mazower, 1998, p. 139) on his return from Berlin in 1942, Germans have a 'purely mechanical and materialistic conception of European order. To organize Europe for them means deciding how much of this or that mineral should be produced and how many workers should be utilized' (also see Mazower, 2008).

After the dismantling of state sovereignty in Eastern Europe in the Second World War, the national form was revived after 1945 in the guise of Peoples' Democracies. The revival of the national form post-1945 was driven by the political, economic and social vacuum that existed in Eastern Europe more than by popular demand. Csepeli writes of Stalin's 'border fetishism', noticeable at Yalta where Stalin argued for a resurrection of the nation state in the region instead of a 'Sovietization' of Eastern Europe (1998, p. 135). Stalin felt this was necessary for stability in the same way that Communist parties in Western Europe were discouraged to seek power in any bid for post-war stabilization (Kolko, 1969; Lacqueur, 1992, p. 44). Yet Stalin's room for manoeuvre ultimately arose from the vacuum that existed in Eastern Europe as a result of the war.

In Hungary, any semblance of political autonomy developed during the interwar period under General Horthy was lost in the course of the war. The country's regime was gradually eviscerated, until Horthy himself was pushed



aside by Hungarian fascists after he declared Hungary's withdrawal from the war and its subsequent neutrality. An even greater vacuum existed in Poland, where any kind of ruling elite capable of taking up the reigns of government after the war was destroyed by the Germans and subsequently by Stalin. Davies (2001, p. 71) writes that 'Jewish, German and Ukrainian communities, forming over a quarter of the pre-war population, had been murdered or banished; the intelligentsia had been decimated, the propertied classes dispossessed ... all as a result of the war itself, not of some post-war social revolution'. Davies' fondness for Poland has him painting a rather partial picture of suppliant Eastern Europe and a rapacious Red Army. A more accurate picture is of Stalin filling a vacuum. The Soviet Union itself was barely able to re-establish much order across the continent and could not have managed without a constant supply of American goods (Butler, 2006). In *The Truce*, Primo Levi (1987, p. 289) described the 'inscrutable Soviet bureaucracy' that was running things after the war as 'an obscure and gigantic power, not ill-intentional towards us, but suspicious, negligent, stupid, contradictory and in effect as blind as the forces of nature'.

This account is not to suggest that throughout its history Eastern Europe has had no role whatsoever. The history of the Second World War would be incomplete without the Yugoslav Partisans, led by Josip Broz Tito. Tito challenged the relations of subservience between East and West. Victory against the German battalions and their Ustashe and Chetnik supporters released the Partisans from their 'German complex – their obsessive belief in the innate superiority of the German armed forces' (Djilas, 2000, p. 25). It is no coincidence that Yugoslavia went on to break with Moscow after the war: Tito's sense of autonomy had its roots in the Partisan victory. Post-war Yugoslavia, however, remained a testimony to the difficulty of transforming moments of collective political struggle into anything more sustainable: a collective effort during the war was, in the space of a few years, reduced to Tito and his idiosyncrasies as a leader.

The tangible gains of East European regimes that marked them out in the 1950s and 1960s are also worth noting. For all the limits on political freedom, the high growth rates, good public transport systems and well-regarded health-care systems compared favourably with developments in West European capitalist states. Such gains were important but did not constitute a viable alternative to market economies. In the late 1940s and 1950s, industrialisation in Eastern Europe was made possible by the widespread use of indentured labour. In the 1950s, work camps sprang up around Eastern Europe, with at least 70 in Bulgaria, holding up to 100 000 inmates, most of them in a notorious camp known as 'Little Siberia'. 40 000 prisoners were used to complete the Danube-Black Sea canal. In Romania, prison labour was institutionalized through the Romanian Directorate of Labour Reserves, in Bulgaria it was the



Bulgarian Labour Army (Mazower, 1998, p. 271). Consumer goods, wages and housing stock were sacrificed for industrial expansion. Opposition to forced industrialisation broke out across the region. The strike of East Berlin workers in 1953 gave rise to Berthold Brecht's famous lines about dissolving the people and re-electing another. Further reaction against the Stalinist policies of the late 1940s/early 1950s occurred in Hungary, where a popular uprising led to 30 000 dead as the Red Army occupied Budapest in 1956 (Knight, 1991, p. 83).

Some historians paint the 1950s and 1960s as decades when there was some popular wind in the sails of Stalinist rule in Eastern Europe. After the Warsaw Pact invasion of Czechoslovakia in 1968, 'Communism in Eastern Europe staggered on, sustained by an unlikely alliance of foreign loans and Russian bayonets: the rotting carcass was finally carried away only in 1989. But the soul of Communism had died 20 years before: in Prague, in August 1968 (Judt, 2005, p. 447; Hobsbawm, 1994, p. 399). In fact, this credits such regimes with more support than they really had. By 1945, ruling elites from across the political spectrum had been wiped out. The gap was filled with individuals who were committed to the Party for practical and pragmatic rather than political reasons (Knight, 1991, p. 81).

## **Towards 1989**

In the post-war period, the bureaucracy consolidated its power while the working class was depoliticized. This led to the highly privatized nature of life in Stalinist regimes. Collective movements that would traditionally organize around the workplace were illegal and each regime had its own secret police and network of spies that prevented any collective activities independent of the state and the Party. Energies were redirected from the sphere of production towards the individuated sphere of consumption: time was spent finding essential consumer goods and developing individual plots of land (Furedi, 1986). Kadar's 'goulash socialism', which introduced some market-based exchange in Hungary in the late 1950s, was a product of economic necessity but it also served to direct people's energies away from challenging state authority. This kind of depoliticization and privatization contrasts with what Herbert Marcuse identified in the Western context (1974). Economic necessity and the search for subsistence removed the Eastern European working classes from political activity; in the West the retreat from public life occurred alongside growing material prosperity. The exception which proves the rule in Eastern Europe was Solidarity in Poland, a movement based on the collective organization of Polish workers. Political challenges to authority, when they did occur such as in Hungary in 1956, struggled to win broad-based support.

By 1989, these features of Eastern European societies under Stalinist rule asserted themselves powerfully in the context of regime collapse across the continent. Looking in detail at the events of 1989, a role was certainly played by popular mobilisation and protest. For a month or so in East Germany, protesters chanted the slogan ‘we are the people’, though this was soon changed to ‘we are *one* people’ (Offe, 1996, p. 15). However, these popular protests had a limited causal role in bringing down the regimes in 1989: they were important but not decisive, as political atrophy had set in long before 1989 (Knight, 1991, p. 75). As already noted, society itself was highly privatized and depoliticized. In the 1980s, added to this was the decline of the Communist Parties themselves. In 1981 in Poland, there was a shift from civilian to military rule. This was the first time in the post-war period that an Eastern European state was run by a military, rather than political figure, an indication of the weakness of the Polish Workers’ Party, the PUPW. A sign of political atrophy was the quality of political leadership. Most of the ‘little Stalins’ of the region were ‘arthritic geriatrics’: by 1985, Husak in Czechoslovakia was 76, Zhivkov of Bulgaria was 74, and when he died in 1980 Tito was 88. At 67, Ceausescu was relatively young, as was General Jaruzelski, only 66 in 1989. Honecker of the GDR, having taken power in 1971, was 77 in 1989.

These trends were reproduced in the dissident movements themselves, above all in their explicitly ‘anti-political’ nature. The goal of the dissident movements was not to seize control of the state in order to implement a new vision of society. Rather, dissidence meant challenging this ‘transformative’ conception of politics, what Havel (1988, p. 387) dismissed as the ‘theory of politics as a rational technology of power’. We can see this in the dissidents’ concern with rights. The focus on rights was a way of distancing the individual from the state, and expressed a desire to carve out some autonomy within civil society. This made a virtue out of the retreat of the individual from public life. As Tony Judt noted, ‘rights detotalize ... They are things possessed by the individual, not the state ... They are in their very existence witness to the space between individuals and the state, and are thus constitutive of civil society, or bourgeois society’ (Judt, 1988, p. 193). Michnik expressed this retreat from political confrontation when he argued that the question is not ‘how should the system of government be changed?’ but rather ‘how should we defend ourselves against the system?’ (cited in Judt, 1988, p. 196).

For these reasons, the events of 1989 were not driven by an alternative set of ideas about how to run society but simply by the collapse of an existing elite. As Offe put it, ‘1989 was not a “revolution” if that term implies the construction of a new order built upon new ideas, but just the crumbling of an old regime ... The most striking thing about 1989 was the absence of new ideas’ (Offe, 1996 p. 187). This was evident in the difficulty the dissident movements had once they had come to power after the collapse of the Stalinist regimes. Havel was an exception as pre-1989 opposition movements soon



returned the reigns of power to the old Stalinist elite, re-invented as Social Democratic parties. Anna Grzymala-Busse (2002) recounts in detail the success with which Stalinist parties transformed themselves into effective, non-ideological, vote-winning machines. In countries like Romania and Bulgaria, 1989 saw a change in the elite but very little change at any deeper level. In other countries, like Hungary, Poland and the Czech Republic, opposition movements took power then found themselves voted out a few years later, replaced by members of the pre-1989 elite. On the collapse of Solidarity, Timothy Garton Ash observed that ‘recent history offers few spectacles sadder than this one of friends and comrades who had gone through so much together, with such dignity, humour, wit and yes, solidarity, now belabouring each other with rusty clubs and blows below the belt’ (1999, p. 82).

The events of 1989 thus heralded an end rather than a new beginning. Stalinist regimes ‘rotted away’, to use Lenin’s phrase, instead of being definitely overthrown. This was well illustrated in a satirical cartoon published in a Hungarian newspaper in the late 1980s: the cartoon is of Lenin’s ghost and the caption reads: ‘the Hungarian government is indeed revolutionary, and if it goes on like this it could soon overthrow itself’. Crucial determinants of the events of 1989 lay outside the region. It was the USSR’s refusal to serve as ‘re-insurer of the state socialist order’ (Offe’s term), as it had done in 1953, 1956 and 1968, that exposed the fragility of political rule in Eastern Europe. Negotiations in Poland between Jaruzelski and Solidarity began *after* a change in policy in Moscow (Garton Ash, 1999, p. 77). There was also a marked absence of autonomous national programs: in 1989, the model to follow was a Western one. In Offe’s words, ‘the post-Communist regimes are all objects of “paternalistic” Western strategies in the political, economic and military domain and share a belief that the prospects for their future development are by and large defined by this *status as objects*’ (Offe, 1996, p. 136, italics added). Contingent factors also played their part. The decision by Hungary to liberalize its border controls in response to a dispute with Romania prompted an exodus of East Germans to Austria, via Hungary, a development entirely unexpected by either the Hungarians or the GDR authorities. 1989 was no radical break with the past. Moreover, it laid the basis for the kind of ‘dependent development’ that was to occur in the post-1989 period under the influence of the EU.

## Eastern Europe and EU Accession

Something has ended  
nothing wants to begin  
Perhaps it has already begun<sup>4</sup>

In the aftermath of 1989, there was great enthusiasm about Eastern European states finally being able to determine their own fate. However, as the previous section noted, 1989 was a collapse of the old guard rather than the refashioning of anything new. In the 1990s, the political autonomy required to go beyond the mere formalities of statehood has remained largely absent in Eastern Europe. At the same time, their formal rights as independent states have been redefined in line with contemporary notions of sovereignty.

Eastern European states have since 1989 continued to look beyond their own borders for solutions and assistance. Václav Havel's first state visit as President of the newly independent Czech Republic was not to its new neighbour, Slovakia, but rather to Germany. In the elections of the early 1990s, international monitors in Romania had better access to the electoral process than Romania's own journalists and monitoring officials (Burgess, 1997, p. 112). A feature of the period was also a struggle over the boundaries between East and West. This was obvious in the ex-Yugoslavia, where Slovenia and Croatia rallied against the appellation Western Balkans, which lumped together all ex-Yugoslav republics with Albania and Macedonia. As Slavoj Žižek observed in 1992, 'every participant [in relations with Western Europe] ... tries to legitimise their place "inside" by presenting themselves as the last bastion of European civilization ... in the face of Oriental barbarism' (cited in Burgess, 1997, p. 112).

The most developed example of this ongoing outward orientation has been the EU's accession process. Particularly noteworthy has been the way this process has inhibited the development of the key institutions of popular self-government, namely parliaments, the legal system and political parties. Popular sovereignty would demand that these institutions be *of* society, rather than independent of it or dependent upon outside authorities. In the theory of self-rule, national parliaments serve as a key institution where some degree of collective self-reflection is possible, laws are ultimately matters of *self*-legislation by citizens and political parties have their roots in society and their strength depends upon the breadth and depth of their social base. The accession process has distanced these institutions from society, leaving political elites far removed from their own populations. One member of the Czech EU enlargement negotiation team expressed regret at the end of the accession process in 2004, saying that it would be more difficult to pass laws and to implement their programs now that the Czech Republic was a member of the EU. Clearly, such individuals forged a much closer relationship with the Brussels-based institutions than they did with their own population, whose interests they were meant to be representing. More recently, the Bulgarian government has suggested that European Commission officials should be involved in dealing with the country's corruption problems, replacing partnership programmes with a form of joint government. This prompted



*The Economist* (2009, p. 43) to observe that while this was an unprecedented move for the EU, Bulgaria had already experienced such a scheme when Soviet advisors arrived in the country in 1944.

For all this continuity, an important change in the post-Cold War period has taken place over the extent to which sovereignty in Eastern Europe can still be characterised as fundamentally 'limited'. Here, the most important shift is that sovereignty is being redefined to the extent that what was previously understood as limits is today recast as the very essence of sovereignty itself. These redefinitions not only mask continuing relations of domination; they also deprive us of a notion of formal equality against which can be judged various kinds of political and social dependence. In its analysis of the EU accession process, this article considers its impact upon national parliaments, legal systems and political parties in Eastern Europe.

### **EU accession and national parliaments**

A trend in the early 1990s in Eastern Europe was the development of 'governing parliaments' (Agh, 1999, p. 89). This signified an attempt to demarcate the post-1989 period from that of 'limited sovereignty', which preceded it. Parliaments were empowered over the executive in a wave of enthusiasm for representative politics. This trend, however, was not sustained. One reason for this was that parliaments ultimately reflect society as it is and Eastern Europe was marked by the depoliticization of the pre-1989 period. EU accession, however, was another key factor in the reversal of this trend. The accession process strengthened the executive arm of government, with parliaments often serving as rubber-stamping authorities. Heather Grabbe (2001, p. 1017) described the ways in which accession negotiations created 'islands of excellence' within candidate state governments. Resources were concentrated in particular within EU integration bureaux set up to oversee the accession process, leaving parliaments isolated. Such a shift of power towards the executive put a strain on personnel, with the legislative and judicial arms of government losing out to the more urgent demands of the accession calendar. The World Bank (2000, p. 21) reported that, 'because of limited resources, EU talent has largely been siphoned off from core public administration tasks. Continuing demand for EU skills will further deplete professionals from the government administration'.

Attila Agh provided a detailed account of this process in Hungary. In 1996, Hungary created a European Integration cabinet, headed by the Prime Minister and five ministers, an Integration State Secretariat and a Strategic Task Force on integration. All government departments were ordered to set up their own European Integration offices. The result was a severe stretching of



the executive and its agencies, and an under-utilisation of the national parliament. In Agh's words, '[Hungary] cannot yet adequately represent its national interest at the negotiations, since on the Hungarian side there is too small an elite team of negotiators, without enough assistance from the large group of [elected] representatives who could channel the particular interests of social strata into the national interest' (Agh, 1999, p. 851). The national interest – the outward projections of a sovereign's goals and ambitions – rests upon, in Kratochwil's (1982) words, a clear conception of the 'public interest'. Without the institutional mechanisms for defining the public interest, of which the national parliament is a key player, it is difficult for a state to have a national interest at all. Eastern European populations were left feeling powerless: able to change *governments* but not, as Ivan Krastev (2007, p. 59) puts it, to change *policies*.

### Law-making

The marginalization of national parliaments had an important impact upon law-making. This was most obvious in the emergence of 'fast-tracking' – exceptional legislative mechanisms through which governments met the legal demands of accession. These demands were extensive, with candidate states expected to incorporate into domestic law all the 80 000 pages of EU rules and regulations, the so-called EU *acquis communautaire*. Malova and Haughton (2002) argued that 'fast-tracking' undermined the 'procedural culture' of parliaments. They identified bargaining and consensus-building as features of parliamentary life that were missing due to the fast-tracking procedures. The vitality of political life was lost as elected representatives no longer engaged in meaningful debate and argument.

This, in turn, had a major impact on the effectiveness of the legal system. Antoaneta Dimitrova (2002) pointed to the case of civil service reform in the Czech Republic and Bulgaria, where reform laws were passed without the building of any prior consensus. This made implementation of the reforms difficult as government departments, not having any input into the laws themselves, were unfamiliar with the new system they were expected to put into place. Difficulties with implementation have been such a common experience for candidate states that the EU has become much stricter with post-2004 applicants. The EU Commission found that many laws which were on the statute books of candidate states had not been implemented, or were being implemented only haphazardly. For Romania and Bulgaria, successful implementation in some areas was made a pre-condition for membership. This did not prevent the countries from experiencing major implementation difficulties (Mungiu-Pippidi, 2007). In July 2008, the European Commission



suspended millions of Euros of EU funds to Bulgaria, claiming that the country had not done enough to combat corruption (Guardian, 2008).

Estonia usefully illustrates this point. In response to the rules and regulations introduced as part of Estonia's membership of the EU, Estonians resorted to 'double-think', a practice common during Soviet times which involved the formal adoption of rules but without really believing or supporting the laws put in place (Raik, 2004, pp. 585–586). A similar trend was noted by Hughes *et al* (2002, p. 356) in their study of local and regional elites in Hungary, Slovenia and Estonia. They pointed out that '[local elites] are highly adept at window-dressing and paying lip service while doing the opposite or at least doing the minimum. Non-fulfilment, or poor fulfilment is, after all, a classic "weapon of the weak" strategy of resistance as well as a sign of alienation from a decision-making process elsewhere'.

### Political parties

Political formations in Eastern Europe post-1989 have struggled to retain their coherence. The Communist Parties of Eastern Europe lacked legitimacy but have firm roots in some elements of society. In the late 1940s, Stalin consciously built up support for the new Parties, actively recruiting new members through the promise of status and privilege. Relatively quickly, a bureaucratic layer within society emerged that provided the parties with a social base. No such base existed for the new political formations of the 1990s. Marked by their evanescence, these political formations have come and gone, with old elites returning under new names, or new figures arriving on the political scene from nowhere. The 1990 presidential election in Poland was a case in point: thrown open by a mysterious candidate who proposed a 'third way' for Poland, Tyminski, of Party X, was a Polish Canadian, unknown to either Canadians or Poles, and was 'almost certainly a wild card thrown in by the secret policy' (Davies, 2001, p. 422). He came second in the first round, humiliating the prominent dissident Catholic politician, Tadeusz Mazowiecki, and was only beaten by Lech Wałęsa, the Solidarity leader, by a relatively small margin. Turnout for the election, only a year after the fall of the old regime, was 53 per cent, and Davies notes that in the course of the 1990s, 'Polish parties rapidly attracted the degree of popular apathy that was familiar enough in the West' (2001, p. 427). Though the legacy of 1989 played an important role in this state of affairs, the EU accession process discouraged any indigenous political development. Anna Gryzmala-Busse and Abby Innes argued in 2003 that the non-negotiable nature of the terms of accession 'eradicated both detailed and ideological debates over many areas of public policy' (2003, p. 64). EU accession was a 'valence issue' – one that all political parties across the



spectrum agreed upon. Given the breadth of policy covered by accession obligations, this left few issues of substance over which political parties could disagree. The result was that people were left without any politically articulated or institutionally accommodated vehicle with which to express disagreement or opposition. The transition period in Eastern Europe, writes Krastev (2007, pp. 58–59), ‘was marked by excessive elite control over political processes and by a fear of mass politics’. And underlying this elitism and fear was EU accession, a process which ‘virtually institutionalized elite hegemony over the democratic process’.

The fall-out from emasculated parliaments, externally driven policy agendas and a convergence of political parties towards a pro-EU bias has been the collapse of liberal politics in Eastern Europe. Today, the region is marked by political immobilism and the emergence of populism as the dominant political form. Hungary in 2006 was marked by street riots as its prime minister admitted lying to voters and the country remains in a state of ‘cold civil war’ (Krastev, 2007, p. 56). The Czech Republic has been unable to form a long-lasting governing coalition, with the last government falling in the middle of the country’s EU presidency. Romania, Bulgaria, Slovakia and Poland are all marked by the mainstreaming of illiberal politics. Whether one believes or not that this ‘populist turn’ can be good for democracy in Eastern Europe (cf. Laclau, 2005; Rosanvallon, 2006; Krastev, 2007; Žižek, 2008), there is no doubting that the region is marked by political fragility, a fragility enabled by EU expansion. Even enthusiasts of enlargement have conceded, like *The Economist* (2008), that ‘one force that may have stunted political development in the new member states is the process of enlargement itself’. ‘With the best of intentions’, it continues, ‘EU officials and Western diplomats emasculated governments in the ex-communist block, hemming them in with action plans and targets so that it barely mattered which party was in office’.

## **Redefining Sovereignty**

The above suggest that people’s alienation from their own institutions, and the dominance of an external orientation towards the EU at the expense of national programmes, are critical to understanding contemporary Eastern Europe. Some isolated instances of mobilisation against external impositions and constraints exist. When a number of candidate states decided to support the British, Spanish and Italian position on the Iraq war in 2003, in opposition to the anti-war stance taken by France and Germany, President Chirac’s response was that new member states had missed a good opportunity to ‘shut up’. The Czech daily, *Mlada Fronta Dnes*, fulminated against French arrogance, arguing that ‘if Chirac wants to revive the spirit of Leonid



Brezhnev and renew the doctrine of limited sovereignty, which means fewer rights for some countries, it is his own affair' (BBC, 2003). More recently, Franco-Czech tensions re-emerged over the matter of the Czech Presidency of the EU. French president, Nicolas Sarkozy, felt that the Czech government needed a guiding hand and suggested he chair a Eurozone council. This sparked a row between the two countries, with the Czech government arguing that it questioned the capacity of small states to manage on their own the pressures of the EU Presidency.

Tensions over the 'pooling sovereignty' in the EU also arose in the course of the accession process, in particular over the ambivalent treatment given to the EU in some Eastern European constitutions (Albi, 2005). In these constitutions, the EU was defined as an international organization, which 'forms a psychologically important bridge with regard to moving from constitutional silence on international cooperation to membership of a deeply integrated supranational organization' (Albi, 2005, p. 409). Albi observes that Eastern European states are still attached to certain sense of their own independence, what she labels the archaism of 'retrospective sovereignty'; Western European states, in contrast, appear to have embraced 'post-modern sovereignty'. However, the most striking dimension of post-1989 developments has not been the clash between competing understandings of sovereignty. Rather, we have seen a marked convergence, East and West, towards a view of sovereignty that elides the tension between internal self-determination and external limitation. Sovereignty in general is a vexed question and Justin Rosenberg rightly notes that 'students often find the whole issue of sovereignty deeply enigmatical: an absolute form of rule which seems never to be absolute in practice even though, for some reason, the formal constitution of the international system rests upon the assumption that it is so' (1994, p. 127). Nonetheless, we can say that redefinitions of sovereignty today move beyond the attachment to even the most formal aspects of equality and independence (Bickerton *et al*, 2007). Robert Keohane argues that sovereignty is changing as world politics evolves from an anarchical system to that of 'complex interdependence'. The EU, according to Keohane, is 'an unprecedented hybrid, for which the traditional conception of sovereignty is no longer applicable' (1995, p. 175). Within the EU, but also outside of it, states no longer have 'effective supremacy' over their borders. As a result, 'sovereignty is less a territorially defined barrier than a bargaining resource for a politics characterized by complex transnational networks' (Keohane (1995, p. 175); see also Chayes and Chayes (1995); Slaughter (2004)).

On this view of sovereignty, Eastern European states entering the EU are not surrendering their sovereignty. On the contrary, they are being integrated into a new world of cross-border networks which today is the *condition for the exercise of sovereignty*. Various authors have popularized Keohane's notion of



sovereignty as a ‘bargaining resource’. Robert Cooper distinguishes between the post-modern world and the modern and pre-modern, what Keohane has called ‘zones of conflict’. For Cooper, sovereignty in the post-modern world of the EU amounts to ‘a seat at the table’. By being able to negotiate with other states over the pooling of authority and resources, states are expressing their power as sovereigns (Cooper, 2004, p. 72). EU membership is thus the apotheosis of, not a limitation upon, ‘post-modern’ sovereignty.

Such redefinitions of sovereignty are misleading. In essence, they ask Eastern European states to give up their claim to *political* autonomy and self-government, in the name of a *material interdependence* of nation-states that has been a feature of European development for centuries. European states have never been autarkic entities: their development as individual sovereign states has been through their relations – peaceful and violent – with other states. The point about sovereignty was that it reflected a growing ability, on the part of individual societies, to bring anarchic social developments under some kind of conscious, political, control. The doctrine of sovereignty expresses the supreme authority of politics, that is of human artifice, over the seemingly necessitous economic relations of civil society. When Keohane and others define sovereignty as a bargaining resource and highlight the need to ‘pool’ sovereignty in order to retain it, they rationalize a narrowing of political possibilities and a diminished sense of human agency which pervades politics today, both in Europe and further afield. These contemporary accounts of sovereignty collapse the distinction between freedom and necessity, which was the foundation of the original meaning of sovereignty.

Eastern European states have replaced the ‘limited sovereignty’ of the Brezhnev era with another set of limits and constraints that are today viewed as the essence of sovereignty as a ‘bargaining resource’. The irony is that while the former was widely acknowledged as a constraint, the latter is being fêted as liberation. This removes from Eastern European states the possibility of contrasting their formal rights and freedoms with the reality of subjection. Without a language with which the reality of domination can be expressed, the liberal consensus of the post-1989 era has given way to the populist backlash that marks the current age of political disenchantment in Eastern Europe (Bickerton, 2008; Ost, 2005; Rosanvallon, 2008). In short, Eastern Europe populations have not been authors of their own fate. Indeed, in Eastern Europe, formal rights and substantial freedoms have more often than not been prised apart. These formal rights, in the absence of social forces capable of translating legally stipulated independence into the political *fact* of self-governance, have been granted, taken away and exchanged by *outside* powers. 1989 is conventionally seen as a turning point in this story – the moment when Eastern Europe was finally able to rule itself. Looking in detail at the events of 1989 themselves, and at the development in the 1990s of the EU’s accession



process, 1989 is not the watershed moment that it is often assumed to be. Before 1989, the domination of Eastern Europe by Moscow was formalized in the Brezhnev doctrine of 'limited sovereignty'; post-1989 we have seen a redefining of sovereignty in ways that blur the distinction between legal rights and real freedoms. New definitions of sovereignty abandon even the attachment to formal sovereign equality between otherwise unequal states. While the Brezhnev doctrine had the merit of candour, the EU's own version is heralded as the highpoint of twenty-first century understandings of sovereignty. Gombar (1998, p. 7) is surely right to observe that for Eastern European states, 'by the time sovereignty fell into our laps, it was obsolete'.

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### Notes

- 1 Judt (1994) usefully differentiates between Western and Eastern European illusions about 1989 and its aftermath.
- 2 See, for instance, Marx and Engels' lament on Poland's retreat from its own strength and vitality in the course of the eighteenth century (1953, p. 102).
- 3 In 1526, at the battle of Mohacs, then in 1541 with the occupation of Pecs, Hungary was overrun by the Ottomans and Transylvania became a vassal of the Sultan.
- 4 A poem by Polish poet, Różewicz, on post-1989 transition. Cited in Davies (2001, p. 430).

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