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The Two Parallel Contexts of Power: The Lisbon Treaty and the Global Crisis (new challenges for governability)

Abstract: This paper discusses the Lisbon Treaty as a new formula for power, one that both incorporates and relies upon complexity, networks, and multivalent logic. This discussion importantly draws upon the thinking of Hobbes, Locke, and Kant. It thereafter examines the suitability of the Lisbon Treaty in meeting the challenge of the global financial crisis, and its impact on civil society across Europe.

Keywords: Lisbon Treaty; European Union; multivalent logic; global crisis; power; civil society; steerability; Hobbes; Locke; Kant.

Individual and collective existence in political society is always historical existence, and therefore any theory of politics must also be a theory of history. On this premise Eric Voegelin (1952) based his project aimed at re-theoretizing political science. That project was to analyze the mechanisms pertinent to the realm of power in a historical context and show both the circumstances of their origins, as well as their subsequent functioning. The same approach was to be applied to ideas. For the dynamics of history (together with its new challenges and the periodic transformation of the very nature of power [Staniszki 2003, 2009]) modify the meaning of such concepts as “control,” “order,” and “civil society.”

Precisely such a moment is to be observed today with the two parallel contexts of power in the EU. On the one hand, this concerns the Lisbon Treaty, with its post-political functional integration and its innovative (I would say, post-Kantian) method of dealing with complexity. On the other hand is the global crisis with its return to politics of might. The pressure of the global crisis has contributed to the European Union’s currently observable turn-about from a network method for regulating processes to a return to a hierarchical formula. This concerns not only a withdrawal from post-politics (whose crowning—as I will show—was the Lisbon Treaty) and a resumption of politics understood as a struggle for leadership waged by nation states. The crisis, in weakening the communitarian dimension, has proved sufficient to bring about a return to the intergovernmental level as the primary arena for decision-making. The principle of elasticity¹ has begun to transform into a lasting geographical regionaliza-

¹ An example of solutions intended to ensure elasticity (and incorporated into the Lisbon Treaty from earlier treaties), although today facilitating disintegration, is the institutionalized ability of suspending

tion (with open expression of conflicts) and a strategy of varying speeds that increases the peripheral nature of the outer circle. What makes this process fascinating is the fact that the coalescence of hierarchy from the network is possible thanks to the same procedures which were to reproduce that network (among them, the Open Method of Coordination—OMC²). This is accompanied by a new, crisis-induced realism that lowers the standards applied by the EU in its external contacts. What is more, the hitherto functioning agencies of the EU (operating until recently within the framework of privileges delegated by the European Commission and existing outside the reach of states) began to search for new partners in the form of consortiums of companies. This, in turn, did more than just alter operating standards (and the hierarchy of objectives), for it also required a quest for a political patron in specific undertakings. This also contributed to the present reconstruction of hierarchy, politics (as it is traditionally conceived), and sometimes even hegemony.³ Postcommunist Central Europe is trapped between these two logics.

What is happening currently in the European Union in the sphere of regulation can be defined as a shift to the Post-Lisbon phase. Even if the process of ratification will go ahead, there will be no necessary trust between states.

However, in my opinion it is worth taking a closer look at the formula for power proposed by the Lisbon Treaty, together with the consequences of that formula for the vision and practice of civil society. For even if the temptations to make lasting to the EU's currently coalescing hierarchical order turned out to be strong, then the unavoidable return (after the crisis) to intensified globalization will again present the problem of complexity which the hierarchical method of regulation cannot manage. In that case the innovative formula of the Lisbon Treaty (based, as I shall show, on a new concept of power invoking elements of multi-variant logic) can prove to be helpful—even on a scale greater than that of the present European Union.

binding procedures (art. 69, para. 3, chapter 3 on the cooperation of courts). Another is the contextualization of legal norms (art. 42 on labor relations).

² The Open Method of Cooperation—OMC—initiated in 2000 rests upon voluntary cooperation in a given area between a segment of the EU bureaucracy and the relevant segment of a given country's administration. The OMC lays stress on horizontal exchange of experiences between countries. The OMC was to help ensure elasticity, and at the same time regard for the local context. This concerns not only what other EU methods address, i.e., regulating conflict and compromise, but the process of learning and the search for the best solutions. Also of importance is departure from any uniform implementation of a given policy for the whole EU. Here the role of a given country depends on the initiative of its bureaucrats, and not its politicians. This represents, therefore, a discreet form of circumventing states as the primary actors.

³ One example is a fragment of the EU's energy policy adopted in March 2009, concerning technological and institutional up-grading of the natural gas pipelines from Ukraine (with an investment of 2.5 billion euros). The goal is to prevent any future politicization of gas supplies by Russia, and any such crisis as happened in December 2008. The main actor in this policy is the western European consortium of gas distribution (which seeks co-ownership), and the *sine qua non* guarantor (in a situation of inevitable conflict with Russia) is Germany, which has the most developed relations with Russia. Such a regional system of companies and a political hegemon in a given field is beginning to curtail the hitherto role of the European Commission in the EU. This is accompanied by a fluid reorientation in favor of a new, hierarchical arrangement for agencies operating within the EU, and to date monitored and controlled by the Commission. Interestingly, just as with the British Empire in the 19th century, the same rules of the game (in requiring a hegemon) reproduce said hegemonic status.

Beyond that, the Treaty's bumpy ratification process disclosed the significance of historical heritage in the realm of ideas (Staniszki 2006).

It is obvious that that change to the formula for power and integration is but one aspect of the intellectual challenges that European societies face. For the Lisbon Treaty is also an attempt at the institutionalization of core dilemmas of the West's philosophy of the state and the law.

To begin with, the Treaty, and especially its Charter of Basic Rights, makes us powerfully aware of the consequences of the way nominalism sentences *universalia* in the normative sphere to oblivion. In so doing the Treaty confirms Hobbes' intuitive pronouncements in *Leviathan*, that the demise of said *universalia* (and the ontological grounding of moral norms) leads to arbitrary, individualized "civil teleologies." This, in turn, also requires arbitrary power as a check. The Lisbon Treaty expresses just such power in the way it lays down minimal standards. After all, those standards signify the boundary conditions of the space within which individual countries can build their own combinations of levels of effectiveness and intensity for norms and their own ways EU law may exist. On the other hand, this entails defining the boundaries of the "capacity" of European normative space. By the same token it defines the limits to EU expansion. The innovativeness of the Treaty is seen, among other areas, in the way it openly expresses this dialectic of freedom and captivity, as when the increase of individual freedom (after the riddance of *universalia*) is accompanied (for that very reason) by a weaker position of the individual vis-à-vis power.

Secondly, the Lisbon Treaty institutionalizes two strategies (both deeply rooted in Western culture) for managing with the unavoidable (in the above situation) antinomy of norms and the law. This concerns a Lockean entrusting freedom and a Kantian entrusting practical reason. The Treaty is the first to "operationalize" the tools which said "reason" may utilize. This pertains to an economy of norms and a new ontology of law. For these tools enable the particular countries to reduce the initial antinomy via the creation of individualized combinations that suit their own traditions. This is aided by the Treaty's deliberately introduced possibility of a game of indefinability.

Thirdly, the process of drafting the Treaty, in departing from the earlier political project for political federation (with its subject ontology and hierarchical regulation) confirms the view of Willard Quine (1998), that a change of logic is always preceded by a change of ontological premises. Which is to say, change to what is recognized as the "reality" of power. Quine wrote that the one who introduces elements of "non-classical logic" (something the Treaty does) must first change the very object of logic—i.e., the conception of an object subsumed to systemization and regulation. The intuitive introduction into the Lisbon Treaty of elements of multivalent logic⁴ is, after all, a response to the equally intuitive reflection concerning complexity and the network character of today's world. This pertains, for instance, to the Treaty's telltale stress on the meta-language of procedures and their combination. For the meta-language

⁴ E.g., the syncretism of parallel normative systems; the checking and localizing of contradictions, albeit without hope for their elimination from the system of law; the manipulation of indefinability; the contextualization of the meaning of solutions; and, finally, the appreciation of the significance of time, sequence, process, and becoming rather than being.

allows us to recognize as a “whole” that which on the level of object language does not seem such. It is here where the Lisbon Treaty’s functional integration rests, something that has replaced the earlier mechanical uniformization of structures.

Even if the Treaty were not to come into force, this breakthrough in thinking about power has nonetheless been made. Thus, a return to hierarchical regulation can occur only provisionally.

What is more, the dispute over the Treaty shows that fundamental conflict between European nations does not concern the catalog of values, but the way they are justified. This is plainly visible today in the dispute over the Treaty’s Charter of Basic Rights (e.g., the way the idea of ‘dignity’ is strengthened). The above observation has some prognostic power when the matrix of globalization will again begin to operate at full steam in diverse cultural contexts.

Lastly, the formula for power proposed in the Lisbon Treaty changes the dilemmas facing civil society, as well. It is therefore worth addressing this matter not only in the immediate perspective of the present crisis (although I will do so in the second part of this essay), but also from the perspective of the complexity and network character of the world to be rebuilt in the future. After, that is, the present attempts to return to homogeneity and hierarchy elicited by the global crisis.

Therefore, in the first part of this essay I present the dilemmas posed before Europe’s states and societies by the formula of power contained in the Lisbon Treaty.

In the second I analyze the challenges (differing as they do in the various regions of the world) that have been created by the current global crisis.

The Lisbon Treaty and Civil Society: the New Dilemmas

Until recently, until the crisis exploded and changed everything, I had thought that the core of this essay would be drawn from Peter Winch (1990), who stated that social relations are in fact relations between ideas, and thus the tools of logic can be applied to them. I also thought I would be showing how global interconnectivity compels the steady introduction of elements of multivalent logic into administrative procedures—and that the Lisbon Treaty is a fine illustration of this. For it is based on syncretism and a paradoxical dialectic lacking synthesis⁵ that exhibits irreducible tensions between parallel systems of norms recognized as legally coequal.

Some experts claim that the Lisbon Treaty does not introduce discontinuity (Schmitter 2009). However, what I see is that the essence of the leap into the realm of regulation is in fact recombination and selection of existing elements (with a shifting of the critical mass toward post-politics). It also entails formalization of what hitherto had been discrete, and—more importantly—a change to the ontological premises regarding the EU’s very existence, with a transition from systemhood to complexity.

The cultural diversity and increased complexity of the expanded European Union has brought about a situation in which soft power has ceased to operate in its hearken-

⁵ This phrase is used by Joan Stambaugh (1990) to describe the philosophy of the Japanese Buddhist Dogen.

ing to similar institutional habits. Moreover (and paradoxically), after enlargement hierarchical order could function only by virtue of the multiplication by EU bureaucrats of exceptions and transitional periods that *de facto* variegated the manner of integration for individual countries and thereby increased the system's bureaucratic illegibility. Worse, the practice experienced in the 1990s of pursuing procedural uniformity was tantamount to "structural violence," in that it ignored disparate stages and levels of capitalist consolidation in individual countries.⁶ Indeed, this artificial flattening of historical times negatively impacted the developmental dynamic of those countries where the lack of correspondence between their own stage and the institutions being imposed on them was the greatest.⁷

However, those same EU bureaucrats, having grown ever more skeptical, rejected the hierarchical approach and the anticipation of full uniformity in the systems of norms and procedures. And so they ushered into the Lisbon Treaty a fundamentally different manner of managing complexity—namely, that the member states themselves are to construct their own individual combinations of norms (in defined areas), with the Treaty providing no more than boundary conditions and the relevant tools in the form of an economy of norms and a new ontology of law. At the same time, true power was transferred to the realm of functional integration, administered by bureaucrats—not by politicians.

This post-political formula for integration, one that concentrates on meta-reflection and functional integration, deeply alters the approach to power. It also creates new challenges for civil society.

Thus, via the Lisbon Treaty, the European Union's identity is now made up of the entire realm of possible combinations of norms,⁸ a realm delineated by inviolable minimum standards that perform the role of boundary conditions. Let us add that these standards are taken from differing normative systems, ones that are oftentimes at mutual variance.

The Lisbon Treaty also prompts us to include the time dimension in our thoughts on identity and power. For (albeit unintentionally) the Treaty, with its stress on the correspondence of procedures and developmental phases (and—by the same token—the

⁶ I have written about "structural violence" in: 2003, in *Wladza globalizacji* [The Power of Globalization].

⁷ The example of Slovakia, which did not initially submit to the rigors of integration (because of the authoritarianism of Meciar) made us aware that avoiding structural violence allowed that country to consolidate its national capital and make a leap forward. Structural violence was one of the causes of the high costs of the transformation. The region of Central and Eastern Europe returned to the level of production from 1989 not until 2006, with a prognosis (one that may be foiled by the present crisis) of crossing that level in 2009 by 25%. What is expected is that the relation of average income per capita in the region in comparison with the average in the EU 15 will be in 2009 below the level of 1989 (see: Laza Kekic 2009).

⁸ One expression of such agreement on flexibility is art. 48, para. 7 of the Lisbon Treaty. Art. 2, para. 5 declares against homogenization (which had been an instrument of "structural violence"). Art. 16, in turn, simply underlines the possibility of "a multiplicity of forms." Lastly, art. 69, para. 3, chapter 3 (concerning judicial cooperation) institutionalizes procedural syncretism. For it allows suspension of binding procedure and the search for another. It also includes the possibility of applying in this same matter divergent procedures. Art. 42, in turn, introduces a contextualization of law, permitting procedures to be conformed to situations (e.g., it allows flexibility in changing the conditions for the influx of labor force into the EU, for instance, in a crisis situation).

meaning of the proper sequence of institutionalization) presents an “ontologization of time,” something typical for trivalent logic. Indeed, it also concerns a new attitude to conflict. After all, so-called “reflexive management,” as imposed by Lisbon, treats conflicts between simultaneously binding standards as an expression of the fact that individual institutions are oriented toward divergent aspects and stages of the developmental process. Moreover, this very process compels the necessity of oscillating between varying practices within the framework of the above paradoxical dialectic, lacking as it does the possibility (and even need) of synthesis.

This multivalence plain in the Lisbon Treaty (something intuitively discovered in the clash with complexity and interconnectivity) gives it a pronounced resemblance to ideas prevalent in Asia. At the same time, however, the Treaty returns to dilemmas constitutive of the post-nominalist West. How to deal with the multiplicity intrinsic to social reality? How to deal with the relative autonomy of form? And how, in reliance upon a Kantian practical reason,⁹ to reduce the tensions of the initial “theoretical” normative construction? In attempting to respond to that last question the Lisbon Treaty (for the first time in the history of the state and the law) institutionalized two tools which practical reason can make avail of—namely, the above-mentioned economy of norms and a manifold ontology of the law. These tools allow states to reduce the initial antinomy of parallel normative realities (contained, for instance, in the Charter of Basic Rights) via manipulating both the level of effectiveness of particular norms and the intensity of the presence of individual legal solutions.

These two ostensibly conflicting epistemological orientations found in the Lisbon Treaty selectively draw on both Western tradition and Asian multivalent logic. What conjoins them is their shared foundation in the form of the ontology of relations. For the latter seems to exclude from the Treaty a subject-oriented approach, one that hearkens to the category of “difference,” to hierarchy, and to unequivocal identities perceived in the perspective of bivalent logic. For some (e.g., Vivien Schmidt¹⁰) this is an expression of the EU’s “deontologization.” For me, in turn, this entails a shift from “substantive” ontology to a relational ontology based on new premises as per what is “real” (that is, possessing etiological power, the capability of becoming a cause).

Within the context of the ontology of relations, the “realness” of the EU, so understood, is that of the multidimensional space of permissible self-organization (limited by minimal standards within the framework of particular policies) that perform the roles of boundary conditions. This also involves the plexus of relations that are generated in that space by the segments of individual countries in cooperation with segments of the EU bureaucracy. This is based on individual decisions regarding the level of effectiveness of a given norm as extracted from a syncretic repertoire of co-equal values, ones that nonetheless are known to remain in conflict with each other.

What binds this construction is process, not structure. On the one hand this concerns functional integration, something that regulates the cooperation of bureaucrats

⁹ I. Kant, 1900.

¹⁰ A phrase used by V. A. Schmidt (2002).

on various levels. On the other this concerns a judicial system based on principles differing from those which were binding within the context of continental tradition. This pertains to introducing into EU practice the principle of “institutional reform litigation”—that is, the framework in which courts become the initiators of institutional reforms and legal change. This is modeled on American experience, “adversary legislation,” when the citizen, in wishing to force through reforms and/or demand their rights, enters into conflict with his own state or even the federal government. In so doing they supplant the administrative, hierarchical transmission between levels, such as is also to be eliminated in the Lisbon Treaty. The return, prompted by the crisis, to hierarchical order and the intergovernmental mechanism for taking key decisions (i.e., with nation states as the actors) means the return to “realness” conceived in the categories of subject ontology.

The uncertainty concerning the further fate of the Lisbon Treaty should not, however, obscure the fact that the document introduces an innovative formula of power. We need also note that the Treaty summons the classical dilemmas which the state and legal philosophy have wrestled with for centuries. The Lisbon Treaty endeavors to solve this problem by shifting the problem of power to the level of meta-reflection. And it is here that it applies a “paradoxical dialectic” which does not have the possibility (or even the need) of synthesis. For on the one hand it emphasizes the need of functioning in a situation of the internal, fixed conflict of norms, all the while touting the principle of self-limitation. On the other, it supplies instruments that allow a reduction of the initial antinomy in the course of practice. Among those instruments is an economy of norms with gradations of their effectiveness, and an altered ontology of law that distinguishes the manner of the law’s existence from less to more binding, with further variations dependent on context. It thereby denies any and all of the normative systems the status of universality, quite aware that such “institutionalized skepticism” has deep consequences in the realm of legitimacy and the “fittingness” of law.¹¹

At the same time the Lisbon Treaty offers a post-political capstone of functional integration executed by a multi-tiered and polycentric corps of civil servants. This capstone represents a pioneering realization of Hart’s principle of “second degree regulation”(1961) as the essence of power. This concerns the formalization of the ever tentative algorithms of bureaucratic decisions, and indicates the consequences of choosing any of the alternatives. The Treaty also formalizes the hitherto discrete phase of preparing decisions. The formalization of both groups of procedures is designed to secure integration, understood today as an increase of the probability of compatible undertakings, as contrasted with the earlier effort to make uniform structures.

This complicated, moving construction based on ceaseless self-organization is replete with tensions. After the change to relational ontology the Lisbon Treaty strives for neither a federalist model, nor an intergovernmental model (this is because it departs from a subject approach). Nor is a technocratic model concerned (because

¹¹ This has been insightfully discussed by J. Raz (2003).

the Treaty strongly emphasizes the role of axiology), nor is it a hybrid of the above models.

Thus, where the Lisbon Treaty speaks of levels, this concerns two levels in the sphere of norms. First is the “theoretical” level, which contains the whole field of norms remaining in mutual tension, although they are recognized in the Charter of Basic Rights as having equal status. Second is the “real” level, where individual combinations of norms exists, as created by particular states through the aid of an economy of norms. Let us add that these combinations attempt to reduce the initial state of tension.

When the EU and “state” moments are spoken of, what is meant is not the division of competence in particular spheres, but divergent dimensions of functioning—respectively, meta-regulation and self-regulation in the framework delineated by the former.

Functional integration, in turn, is not a structure today, but a regulated process, that nonetheless remains flexible and conditional.

Within the framework of the change in ontology visible in the Lisbon Treaty it has also been recognized that the European Union is not a system, but a complexity. And this has wrought fundamental change to the way of grasping such concepts as “coherence” and “integration.”

Thus, there are four important reasons why it is worth taking a closer look at the Lisbon Treaty, even though it may not come into effect.

Above all is the matter of what the Lisbon Treaty teaches us about the phenomenon of power. Before the present crisis it was obvious that the issue of power, in collision with the matrix of globalization, is shifting from the political to the post-political sphere. This is also apparent in the Treaty’s contribution of instruments for integrating a variegated group of countries. This likewise concerns the shift from control over others to an emphasis on control over oneself. In the case of the EU’s new countries this primarily concerns the capacity to counteract, in the context of integration, “structural violence.” This describes the situation wherein game rules and standards for functional integration adopted within the EU reorient the resources of a particular country on behalf of markets of a greater scale than its own, and to the neglect of forming capital within the framework of its own economy. What is important for control over oneself is therefore the capability—as the Chinese define it—of “penetration”.¹² This refers to knowing how to draw and maintain attention on one’s national interest, if only as a border condition for functional integration. For the greater the disparity (i.e., lack of correspondence) between the standards binding in the European Union and the developmental imperatives of a given country, the more dire is the structural violence and the poorer the opportunities for development. Also important for power over oneself (this time, in the meaning of the chances for maintaining one’s own identity) is that the minimal standards introduced by the Charter of Basic Rights do not collide too drastically with the traditional axiological perspective

¹² The principle of penetration is an important element of the Taoist conception of control. See: Staniszkis, (2003: 4).

of a given country. The third index of power (this time, over others) is the capability to manipulate resources of uncertainty that have crucial meaning for other members of the Union. Here, however, I am not thinking of direct power of the directive type, but uncertainty as a negotiation resource.¹³

Another crucial aspect of power over oneself, necessary for effective functioning in the Lisbon Treaty framework, is the intellectual capital of the given country and the effectiveness of the institutions that enable its mobilization. What is of essence is the specific quality of connections (including communicative) between civil servants in the multi-tiered bureaucracy. Here I am thinking of connections between the “digital” processing of information (e.g., when choosing a defined variant of action within the framework of functional integration) and “analogue” processing, when to parallel, formally divergent segments of administration the same signal is entered that allows the construction of a multi-aspect model of the situation. The flawed connections between these two realms of processing information in the state (or their complete absence) lead to low decision-making quality, just as it does in the human brain. And so here, just as in structural violence, the effectiveness of power depends on the character of relations. However, inasmuch as in the first instance we are dealing with the relation (i.e., correspondence or its lack) between imposed standards and the stage of a particular country’s development, in the second what is at issue are relations between segments of the bureaucracy.

Secondly, it is well worth analyzing the Lisbon Treaty with regard to what its emergence teaches us about social change. For it turns out that the beginning of the whole process was the perception of the EU’s complexity, the network character of its processes, and the recognition, as early as in 2005, that the Union’s political integration was not possible.¹⁴ The shift to post-political functional integration, as well as to a bi-level construction of norms (with the possibility of the practical individualization of the combination of norms and ways for the law’s existence at the level of states) became possible only when conclusions were drawn concerning the complexity (civilizational, as well) of the expanded European Union. This reflection, in turn, caused a change in epistemological perspective as regards the character of concepts and the tools for control suitable to said complexity. The above supports Quine’s thesis that a change of logic is always preceded by a change of ontology. Interestingly, this revolution in thinking was carried out on the level of practice, not theory, and without full awareness of the surpassing character of the change. One important aspect of it was the introduction of solutions that *de facto* hearken to multivalent logic. This concerns, for instance, the syncretism of parallel normative systems and the possibility allowed by the Lisbon Treaty for the individualization of combinations of norms in particular countries. This will lead to the emergence of collections of individual “suchnesses” (as in Zen). And that will make utilization of the category of “difference” and other tools from the repertoire of bivalent logic “impractical.”

¹³ The control of spheres of uncertainty as a resource of power is analyzed in: Michel Crozier (1967).

¹⁴ Jean-Claude Piriš (2005) has written about the discussions following the failure to ratify the Constitution for the European Union (2005).

A further step, albeit one not yet taken, would no doubt be a new selection and interpretation of themes from the Western philosophy of law and theory of power, in the search for tools (and a rationalization) suitable for this new (one might say, “Asian”) epistemology of control. When reading the Lisbon Treaty one can sense its indebtedness to the Aristotelian conception of the state as a set of relations (and politics as the moral reflection of societies on themselves). One also senses Nicolas of Cusa, with his treating identity as a process of “becoming” in response to tensions inherent in the initial construction. Precisely such reduction of the initial tensions of the normative, “theoretical” construction of the Charter of Basic Rights, with the use of the tools supplied by the Treaty (the new ontology of law and economy of norms), permits particular countries’ divergent variations for eliminating antinomy via Kantian “practical reason.” Thus, the Lisbon Treaty, with its pioneering institutionalization of “becoming” entails above all a bow to Kant.

The above is accompanied by the Lisbon Treaty’s striking final departure from the Platonic dictate of ideas (basing institutions of power and the law on ideology or obligations borne by the status it ascribes to itself in the order of ideas—e.g., being an empire¹⁵), and shift to the dictate of form. And let us add that this is a form perceived in the perspective of multivalent, not bivalent logic.

The path of radical intellectual change observed in the context of the Lisbon Treaty is distinct both from “creation by negation and external shock,” and from the evolutionary concept of saltationism in the sphere of ideas, as elicited by “a continuum of Abstraction and Reflexivity” (Collins 1998). After all, the Lisbon Treaty is an example of a third path, namely, that of the rising skepticism of practitioners themselves concerning the utility of tools of control hearkening to hierarchical order and homogenization of structures. In the background what has been achieved (intuitively) is a change to the logical foundations of thinking about power. This type of change (with its forced reinterpretation of ontological premises, and with its skepticism regarding hitherto utilized tools of control as a vehicle) recalls the movement of ideas that appeared in ancient China during the formation of the School of Names and procedural logic based on paradox (Chan 1963; Fung Yu-lan 1952–53; Graham 1978). There, too, the rationality of control and practice were the starting points, and the associations with cosmology (with its principle of “correspondence” between levels) came later, as a rationalization. Therefore, in China, too, the change of ontology and skepticism became instruments for a new selection and interpretation of tradition. Moreover, reflection on the challenges in the realm of practice preceded theoretical considerations.

The third reason why examination of the Lisbon Treaty is worthwhile is the fact that this document, and the philosophy of power behind it (albeit as implicit knowledge), makes us cognizant of how significant for the course of European integration is the path of the Intellectual experience of a given country. The Lisbon Treaty is—quite plainly—a post-nominalist text. For it is difficult to grasp its basis without awareness of the multi-tiered character of social reality and the autonomy of form.

¹⁵ See the “Melian Dialogue” in *The History of the Peloponnesian War*, Thucydides.

It was the nominalist breakthrough which, in finally rejecting the Thomist remains of Platonism (present, for instance, in the concept of “natural law”), introduced a new metaphysics of the state as an endless search for correspondence between the divergent levels of matter and form. The Sisyphus character of that toil gave impulse to Locke’s (1959) liberalism. John Locke’s functionalization of freedom as a cognitive situation that allows the resolution—in imagination—of the antinomy of nominalist ontology constituted the modern state. Kant’s proposal, in turn, which advanced to the foreground not freedom, as Locke did, but practical reason as the basic tool for dealing with said antinomy, represents a divergent grasp of the same problem from the perspective of the conservative German Enlightenment.

The Lisbon Treaty is none other than the child of that dispute between the idea of freedom and the concept of instrumental rationality, as two ways for dealing with an antinomian post-nominalist ontology. That dispute so obviously represents the foundation of Western European thinking on the state and the law, that there is not even any real need to openly refer to the two traditions. However, the vast majority of the European Union’s new member countries (like Poland, being steeped in Thomist tradition,¹⁶ with its natural law approach and neo-Platonist lack of appreciation for the autonomy of form) never experienced the nominalist breakthrough. There is also the Orthodox tradition to consider, with its ontology of conflicting opposites that, in their very struggle, mutually “produce” each other, at the same time as they create a complementary whole. The antinomy of that cultural construction is reduced not by freedom or practical reason, but by the properly chosen prime idea. In both of these contexts (Central European Catholicism and Eastern European Orthodoxy) there was no movement of ideas attempting to resolve the nominalist tension, whether through Locke’s liberalism or Kant’s pragmatism. In Central and Eastern Europe both these directions functioned only on the surface, most often in the sphere of political slogans, and not in a new ontology. In natural law tradition, something still strong in the Catholic countries of the new Union, it is also difficult to accept the Lisbon Treaty’s ever so central refusal of any and all normative system’s universality, and therefore to accept the economy of norms with the graduated level of their effectiveness. Without experience of the nominalist autonomy of form it is also difficult to comprehend the problematic characteristic for interconnectivity of “internal rationality,” as referred to the initial premises of a given form. Turning to the Orthodox tradition on the southern flank of the EU, here we are dealing with an extreme dictate of ideas—something fundamentally foreign to the philosophy of power borne by the Lisbon Treaty. In Orthodox tradition proper naming (and thereby, resolving the antinomy of an initial construction), something close to the Platonic idea, represents the foundation upon which concrete institutions are built. In Tsarist Russia such a “prime idea” was the idea of autocracy, which expressed the paradox of an absolute power whose single limitation was the inability of the Tsar to accept any limitations with regard to obligations vis-à-vis the idea he represented. For this very reason constitutionalism and the rule of law were rejected in Russia. A similar such

¹⁶ I have written about this in 2006.

role as a prime idea is played today by Putin's construct of "sovereign democracy," which expresses the antinomy of elements that mutually curb each other across a fluid boundary.

Such a manner of thinking about power (and—reducing antinomy) is at complete variance with the post-nominalist (and the Lisbon Treaty's) dictate of form. This concerns, among other things, identity defined via the minimal standards below which none may go: for today in the EU it is better known what one does not wish to become, than where one is headed.

Power, in accord with the Lisbon Treaty, is to be made real primarily in the post-political space of functional integration. I say post-political, because the disputes over procedures and standards for integration concern especially the realm of meta-regulation, whose subject (and object, as well) is the corps of civil servants. What is more, there is always a conditional here: if... then...—which additionally encumbers translating a formula for power so realized into the language of political struggle (of course primarily based on a strongly contrasted identity politics). One can say that relational ontology is, in that sense, post-political *per se*. But integration also has a normative dimension: this concerns emphasizing the uniqueness of Europe via calling for a set of inviolable minimum standards that perform the role of boundary conditions. And here appears the space for civil society. This spells a return to politics in the meaning ascribed to that term by Aristotle, as a sphere for collective reflection into one's own moral condition. This would take place when creating—on the scale of states—an optimal (from the perspective of their traditions and identities) combination of levels of effectiveness of norms and ways for law to exist (of course, in the framework of the EU boundary conditions, which said reflection need also concern).

The creation, at the state-level, of individual configurations regarding the intensity of norms and the way European law is present (in the context of shared space delineated by unencroachable minimum standards) was also possible in the past. The determinations of the subsequent treaties did not precisely define procedural rules for including community norms which had always been determined by national understandings of the legal system.¹⁷ However, the Lisbon Treaty has now made one of these hitherto discrete principles its main axis.

The Lisbon Treaty's shifting of the problematic of power to "power over oneself" also places new challenges before civil society. No longer the struggle with the state in the Gramscian formula, or the passiveness of the Hegelian formula for civil society, limited to recognizing—on behalf of its own interest—the necessity of the state and the law, but rather the support of weakening states via society's self-organization and creation of innovative institutions. For today it is above all institutions and the quality of ties between them that determine the opportunities for concentrating the energy dispersed by globalization and avoiding structural violence. If, as in the case of the "new" postcommunist Europe, we are dealing with a divergence of intellectual tradition (encumbering both understanding and making use of the Treaty's post-nominalist formula in its own interest), then one important aspect of civil society

¹⁷ See *Internationale Handelgesellschaft* 11/70.

becomes that of sharing knowledge for overcoming that barrier. And not by any mechanical rejection of one's own tradition, but through getting to know its ontological and epistemological limitations in confrontation with a situation of complexity and interconnectivity that does not submit itself to a hierarchical formula for establishing order.

To sum up: the new formula for civil society in the European Union, in the face of the challenges created by the Lisbon Treaty, is, above all, the successive strengthening of the social infrastructure of power in the weakening states. But also readiness to reflect on oneself, and—finally—share knowledge in the aim of overcoming dysfunctionality of the cognitive perspective of one's own tradition, though without losing identity.

The Global Crisis and the New Challenges for Governability

However, the above considerations on the Lisbon Treaty (along with wondering how this new formula for power is changing civil society) were interrupted by the current global crisis on financial markets that has gradually been passing to everyday life. For this crisis is becoming a catalyst of a new order, one that is visibly weakening the logic of integration proposed by the Treaty. The fact that the Treaty was not ratified by all countries has thus become a convenient pretext for weakening the integration (and solidarity) of the expanded Union and for concentrating on the euro zone and building shared institutional solutions within the setting of the highly developed West (including the US).¹⁸ The peripheries and the majority of post-communist states (such as Poland), in remaining outside the euro zone (although they do of course operate within its orbit) will now become marginalized to an even greater degree. In some countries, e.g., the US and China, the present crisis is being treated as an opportunity for macro-regulation at the structural level. At the same time, this new order being catalyzed by the crisis will likely increase the opportunities for the highly developed West in its economic competition with Asia. For what accompanies the present crisis is the seemingly unstoppable degradation of the status of the middle class in developed countries. We see this, for instance, with regard to the diminution of its size (due to the concentration of power and capital) in step with the lowering of its capacities to consume and its self-imposed discipline in response to the uncertainty part and parcel to the crisis. However, this degradation may be expected to accelerate the overhaul of the present model of capitalism and its global architecture.

We may also anticipate change in the character of investment and commerce, with a shift from consumption goods to investment goods in the realm of new technologies.

¹⁸ Under discussion is the introduction of shared reserves, a corridor limiting the fluctuation of the dollar-euro exchange rate (the proposal of Angela Merkel positively appraised by P. Volker), and of shared standards for managing crisis. Also the global institutions for regulating (e.g. by the strengthened IMF), where the power of a given country's say-so will be directly proportional to the amount of capital of it inputs into a given financial institution (see the proposals of Harold James in "The rise of the Chinese model," in: *Foreign Affairs*, January/February 2009). All these proposals reduce the role of the countries outside the euro zone and depart from the EU principle of "one country—one vote."

This reduces the number of workplaces in Asia and postcommunist Europe and reconstructs them in the highly developed countries of the West. Nonetheless, in reliance on other, higher qualifications, this will connect with a generational change in managerial elites. Hope will also increase for yet another technological leap forward in the upcoming future (whether in the energy field, biotechnology, or new materials), in part thanks to new public-private centers for disposing of capital as have arisen during the crisis, with states having actively entered the sector of private financial services. For however much America's Keynesian economics of the 1930–60s served three primary goals (namely, the creation of an alternative form of developmental state to that of communism, with its state ownership; the construction of economic foundations for peace between the classes; and the increase of total output Goldthorpe 1987), the Keynesian economics of 2008/09 has completely different goals. For today its purpose is to overhaul the model of capitalism, and in such a way as will violate the interests of all its actors (Marx 1979). This overhaul is to buttress the hegemony of the West vis-à-vis Asia and enable a new technological revolution. The new power over capital flows that states are gaining during the present crisis is not only to support growth, but also to carry out a sectoral and technological restructuring of economies, in the hope that the fear accompanying the crisis will in and of itself prompt discipline and maintain class peace. The potentially associated formula of the capitalist garrison state¹⁹ may, paradoxically, lead to a convergence of forms of power in various regions of the world. Because of the present crisis, what James Burnham in his *Managerial revolution* declared concerning communism (and capitalism) will take place between various versions and stages of capitalism, including post-communist capitalism.

Perhaps the new institutions for managing risk and financial flows in the framework of the above military formula without militaristic content will be modeled on institutions known since the 1950s in Japan. Here I have in mind so-called “asymptomatic militarization,” based on regulated and coordinated purchases of dual-application technologies (e.g., civilian and military),²⁰ with a network of concessions and a unique financing system made possible through specialized banks and guided by a time-horizon for decisions longer than that of the democratic election cycle.

Another variant might be the civilian crisis state, with radical growth of the power of the executive branch and president (this being something known in the history of the modern West [Lowi 1979]). This would be connected with an intensification of undertakings based on administrative legislation and individual statutes for specific agencies that are outside the control of elected political bodies. This would involve the development of dual budgeting, with the executive's own budget outside political purview.

¹⁹ With a military form, but not necessarily with a militaristic content, evincing but military logistics and thinking about control. I have written about this in: *Post-communism: the Emerging Enigma* (2000).

²⁰ Asymptomatic militarization in Japan is based on dual-application technologies, and is conjoined with a specialized system of banks, purchasing consultation, and supra-party agreement (exceeding the election cycle) on the thrusts of investment policy.

Both these models of order, ones catalyzed by the crisis, along with the model based on reflexive management proposed by the Lisbon Treaty, create fundamentally divergent challenges for civil society.

The post-political Lisbon Treaty, had it come into effect, would open a space for a classical “republican” type of activity, one that would be public-minded, though being neither political nor private. This would most pertain to the realm of institution-building, for here—within the framework of functional integration—is where power is located. The Lisbon Treaty would also compel a return to “politics” in Aristotle’s meaning, as a society’s reflection into its own moral condition. Another important sphere for social activism would be that of public education. After all, the tensions surrounding ratification of the Lisbon Treaty disclosed the crucial role of the resources of intellectual traditions in individual countries, traditions that oftentimes entailed a barrier to comprehending the new formula for power contained in the Treaty.²¹

The civilian crisis state, in turn, places before civil society the exigency of defending democracy and transparency, and thereby draws attention to the appearance in those very societies of symptoms of “escaping from freedom” (Fromm 1969).

However, the crisis version of the garrison state, with its axis of development determined by militarization²² and dual-application technologies, will require an albeit ritual conflict in the international realm as a rationalization. In the context of the crisis this will go hand in hand with the withdrawal of the highly developed countries from involvement in real efforts to reduce poverty within the framework of the “arc of instability”.²³ The primary task for civil society in this case will become that of the struggle with geopolitical hypocrisy. Another related struggle will be waged against the structure of public outlays, with programmatic pauperization being (in the view of those with power) the price for maintaining the technological hegemony of the West. We might even imagine that the concentration of real power at the conjunction of the state and the private sector in the economy will be accompanied by a further withdrawal of the state from the realm of social policy. Perhaps even the Nozick (1974) vision of the ultraminimalist state will come to pass. This would concern a state that guarantees services (education, local protection, etc.) only to an extent delineated by the value of bonuses received by individual citizens as an equivalent of taxes paid, and with a minimum of redistribution. In this scenario the task of civil society—even in advanced countries—becomes that of undertaking challenges already today

²¹ I have written about this in *Structural Violence and Divergent Ontologies of Power: Post-Communist Europe In the Face of EU Accession* (2006).

²² In 2009 the US plans to spend on defense 4.6% of its GDP—and thus more than over the final year of the Bush administration, and more than any year since WWII. The Germans also are increasing military production, and are becoming the world’s third largest exporter, after the US (with 1/3 of that trade) and Russia (with 1/4). China has increased defense spending by 15% for 2009 (data from “Forum,” April 6, 2009). In all these countries such increases are not only a method to fight the crisis, but a way to stimulate via public funds technological breakthrough. At the same time, however we see the degradation of Central Europe’s arms industry, because of underinvestment and attempts to push the region out of the market. See: Tomasz Hybki (2009).

²³ A formulation found in: T. P. M. Barnett (2004).

observed in “stateless” societies, with strong pressures on self-organization, self-help, and non-commercial forms of exchange (e.g., time banks).

We may also hypothesize that once closer integration is achieved between the countries of the highly developed West, the European Union will *de facto* undergo division. For the countries that fail to meet the high technological demands, and thereby prove unable to actively participate in the new model of capitalism, will be treated not as partners, but as a resource. By that token the EU’s ever so important principle of solidarity will be weakened. The European Commission, hitherto the guardian of both that principle and the principle of equal treatment for all EU members, will be downgraded to the role of administrator of the European segment of the new bloc with the US.

Moreover, the innovative way to deal with complexity that the Lisbon Treaty devised for the Commission will be made avail of only on a selective basis. Also lost will be the Treaty’s key element concerning the autonomy of civil servants, who would otherwise wield the tools for managing the thrusts of the most powerful states, if they were to try to violate the interest of the EU as a whole. “Reflexive management” will also vanish—and this will spell a return to politics in the Aristotelian sense, as the moral self-scrutiny of societies. Moreover, there will be no Aristotelian interpretation of the state in the perspective of relational ontology, as a ceaseless endeavor to combine “multiplicity” and “entirety” (*Politics*): for that is how the Lisbon Treaty understands the Union.

Finally, without the Treaty, there will be no chance of rediscovering forgotten themes from Western tradition. This includes both the pioneering works of Nicolas of Cusa in the field of relational ontology (with his conception of identity as the entire realm of possible transformations elicited by initial “correspondence gaps”), as well as new appreciation of the topicality of Kant’s thought concerning practical reason as a tool for reducing antinomy.

After all, if the crisis, and not systemic reflection into complexity and interconnectivity, becomes the catalyst for order, we may well have to face panic and the chaotic creation of institutional hybrids.

The crisis (and the new type of order emerging along with it) place before civil societies a unique set of challenges. Some of them are pressing in from all sides, if only to mention the reconstruction of social solidarity in a situation of new threats. Others depend on the regional character of the crisis and regional strategies applied by governments.

In the highly developed countries this will no doubt be connected with a return to the republican tradition of a citizens’ society, this being a broader formula than the political vision of civil society. For citizens’ society is not only a realm for autonomous self-organization (in step with the withdrawal of the state from certain areas), but also pressure on the quality of the public sphere (and of goods defined as public, because they are available independently of the size of the financial input of individual citizens). Of further relevance is recognition of economic laws as essential human rights, also in the sphere of protecting small holdings that are threatened by the progressing concentration of power and capital underway with the crisis. In the face

of the crisis order emerging in those countries (an order based on the garrison state or the expansion of executive power) the crucial sphere for civil society will include the monitoring of forms of power created by cooption, and not choice (various agencies and funds intentionally acting in reliance on regulations specially created for them, at the conjunction of the state and the market). Also of great significance will be standing up against various forms of manipulating collective emotions in the aim of maintaining tensions in the framework of ritualized geopolitical conflict. I say “ritualized” because it serves primarily as a rationalization for concentration of investment outlays in the realm of dual-application technologies. At the same time this is a conflict that can easily transform into reality. I think of the new role of China in stabilizing the “arc of instability.”²⁴ For that role—once effectively performed—can become a new source of power for China, a source other countries will deem a threat.

The syndrome of an “abandoned society,” with the state rolling back the social policy programs it had run, compels (also in the highly developed countries) a reaching for various forms of social solidarity, including what experience wrought in the post-communist societies. Especially important will be self-organization in the area of education for extracting new sources of social capital, with regard to overhauling the model of capitalism and the crisis of the middle class. Such capital should also include knowledge of institutions that allows people to discern the logic in the seeming chaos borne by the crisis. That same knowledge also allows understanding of the new forms of power (based on the ontology of relations and multivalent logic). And—in the European Union—it allows understanding the results of the collision of two orders: the one proposed by the Lisbon Treaty, and the order being catalyzed by the global crisis.

When it comes to the regional uniqueness of the activity of civil society, then—for example, in the new EU member countries, ones strongly penetrated by international financial institutions, one of the tasks before civil society will be that of supporting its own government, ever demanding of governmental institutions application of the principle of fairness (if only in the sphere of credit policy).²⁵ Characteristic for these societies is the large capacity to survive through limiting needs, something acquired in communist times (but also rooted in their peasant character, of course, in the meaning of mentality and not present social structure). This capacity makes these societies surprisingly stable (and even optimistic), despite the imposition upon them at the beginning of the transformation of “structural violence,” something that reoriented their resources (and their demand so long kept on hold) to work of behalf of markets not their own. The crisis has deepened this paradox, making more visible the capacity of postcommunist societies to maintain balance, despite their low capacity for carrying out a modernizing leap forward, and despite the erosion of European integration. The

²⁴ Since mid-2008 we may observe the ever greater involvement of China in countries that are logistically involved with NATO operations in Afghanistan (Pakistan, Kyrgyzstan). Earlier we saw China’s replacement of Western countries in Africa as a source of weapons and capital.

²⁵ The second half of 2008 showed that, in connection with the intensifying crisis, banks based on foreign capital not only transfer funds to their mother countries, but apply a significantly more restrictive credit policy to emerging markets (despite their relatively more stable economies), wishing to maintain fluidity in ownership countries.

institutional effects of the crisis in the form of a visible disintegration and emergence of new divisions in the Union (ones that make of the “new” countries a resource, not a partner) are entwined in the ‘new Europe’ with the dramatic structural outcomes of the crisis, in regard to the dependent character of their development. Already before the crisis we could observe in those countries the dramatic effects of their rapid re-orientation in the direction and type of dependence. The recovery of state freedom and the exit from the Soviet Empire (with its autarkic economy) and the opening to unequal competition with global capital—these factors were accompanied (especially in the initial phase) by an accelerated de-industrialization and de-technicization²⁶ (together with addiction to imports)²⁷ and a drop in incomes. The latter indeed rose significantly after 2000, but the current crisis has already started to devour those gains.

Today, together with the contraction of globalization, both in the financial sphere and the real sphere, we may observe in the postcommunist countries an accelerated withdrawal of foreign capital, a curtailing of the activity of foreign banks (which control the majority of financial operations), as well as a shrinking of logistics centers. This not only immobilizes the factors of production, but also threatens a lasting structural regression. This places new challenges before both the politicians and civil societies of those countries.

For these countries were structurally deformed both by political dependence (focused on the arms industry) within the framework of the Soviet Bloc—and later (in the 1990s) by the mechanisms of “structural violence.”²⁸ Therefore, today they can reasonably opt for merely one or another form of dependent development. For without such dependence, they are capable only of existing at a sustenance level. However, following the crisis, the economic structure of those countries will not only become even less compatible with developed economies, but also even more deprived of the capability of accumulating capital. Structural regression will further exacerbate dependence on EU funding, transfers from people working abroad, and commissions on the operations of foreign subjects. Social redistribution will also suffer. And the rebuilding of their “systemhood” can be achieved only at the price of further technological regression and greater reliance on the shadow economy.

The Chinese model of Keynesian economics, emerging in the context of the present crisis, is also very unique. The commencement in 2008 of the long postponed

²⁶ De-technicization is connected with a reduction (in the postcommunist countries) of the number of research centers in industry (with regard to their inclusion into international corporations) and the appearance of islands of modern technologies that make avail of their own cooperators abroad. On a domestic scale this lowers the average technical level). We can already see the effects of this in social structure, with a reduction in the number of qualified workers and an increase in number of unqualified workers (Domański 2008).

²⁷ In the case of Poland, with her present economic structure based on dependent development, it has been estimated that growth in GDP above 3% automatically causes a growth in the deficit of current turnover. The cause is that of the addiction to cooperative export from the euro zone and the withering of the production of national substitutes.

²⁸ “Structural violence” means the grafting or inserting into the institutional vacuum left by communism’s collapse of institutions and procedures that did not correlate with those countries’ developmental level. What this did was to re-orient their factors for growth (including stifled demand) to work on behalf of other markets (and centers for the accumulation of capital), namely, those whence those institutions originated. I have written about this at length in 2003.

agricultural reform (through allowing a long-term law on using the land), the attempt to release the savings accumulated in the event of sickness and old-age (through the state's improving the level of health care and retirement pensions) are only two of the activities designed to mobilize social energy and revitalize domestic demand. One's own backwardness and hibernating energy is treated here as a resource. This is an approach having much in common with Krugmann's idea of a "recession economy," in which one can mobilize (at minimal cost) latent resources. The effect of this strategy for struggling with the crisis may, however, be a new dynamic in societal stratification. The success of this strategy will be determined by cooperation and know-how in terms of sharing knowledge, but also the risk-buffering "pillow" of community and family solidarity. These three virtues, deeply rooted in the cultures of Asia, can become a regional brand of civil society for times of crisis.

Conclusion

We therefore have two versions of order arising from the present crisis. The first would integrate only the highly developed countries. The second is that of the Lisbon Treaty, which attempts to introduce an order suitable for the complexity of today's EU, and in so doing to address its divergent developmental levels while maintaining the principle of solidarity. But in the upcoming years it is in the space between these two versions that a new formula (or formulae) for civil society will emerge. However, the chances for securing the order proposed in the Lisbon Treaty seem none too great, if only because the Treaty does not contain crisis solutions, and that leads straight into a return to the domination of the nation-state and hierarchical perspective. After all, the Treaty lacks the principle of "dynamic constitutionalism" (Fallon 2004) forged in the US that permits a smooth shift to special solutions in times of crisis.

Both of the above outlined models of order (together with the divergent formulae for civil society that accompany them)—that is, the model proposed by the Lisbon Treaty and the one being catalyzed by the global crisis—on the surface seem at odds with each other. But from the perspective of the developed countries of the West they can (and must) coexist. However, in that coexistence they erode and limit each other. What particularly suffers is the "logical" purity of the Treaty and its conscious execution of a new formula for power, with strong emphasis on self-reflection. At the same time, both models of order are conjoined by the fact that they reject the principle of hierarchical order as impractical and indeed impossible in conditions of complexity and network interconnectedness. And although the crisis order *de facto* divides the European Union by proposing for the EU-15 a return a more uniform (concerning the level of development) cluster of integration, one that resembles the model proposed in 1989 by the Committee headed by Jacques Delors.²⁹ For here, similarly as in the Lisbon Treaty, there is no hegemon (both in the subject sense and hat of a single vision of order recognized by all). For the crisis manner of coordination

²⁹ Committee for the Study of Economic and Monetary Union, "Report on Economic and Monetary Union in the European Community," Brussels 1989.

gravitates rather to the “netcentric” formula. That is, to a self-organizing network that operates without a plan or a clearly defined center. The presently observed rebuilding of hierarchical order is, hopefully, only temporary.

Both models are also joined by the awareness that the feeling of chaos is primarily caused by the collapse of the previously applied ontology and by the emergence of a new one. Together with that, what also changes is the epistemology of control, that is, the way of conceptualizing power and the very idea of order.

This is why, in agreeing with Pierre Hassner (2009), that the definition “critical phase” well suits to describe the present state of world development, that phrase having once been used by August Comte, I am more optimistic than he is. For I believe that society’s imagination (and that of politicians) will accept the change both in ontology and the epistemology of power. And that this will allow people to discern that order need not necessarily be identified with hierarchy, and that we must learn to comprehend the logic of situations today regarded as chaos.

From the perspective of the ontology of relations (whose important element is the ontologization of time, which draws attention to the meaning of correspondence and sequence), chaos is not so much a breakdown of hierarchical order, as (for example) “injecting” a more complex structure into a space requiring a simpler structure (or other standards) because of its developmental phase. It is precisely this kind of mechanism, causing chaos in post-communist economies undergoing transformation, that I call “structural violence.” Chaos from this perspective is the disruption of a defined sequence in the course of building market institutions, with forgetting that the market is a historical phenomenon. Also forgotten is that earlier forms are to serve to buffer the risks (and absorb the benefits) of later forms, ones more complex. As the present crisis shows (and as Randall Collins (1990) described many years ago) chaos may also be identified as an inordinately large gap and interruption in the correspondence between the sphere of meta-exchange and material exchange. It is also the lack of effective tools for managing looming threats. Further, chaos is also an expression of the feverish search on the part of weakening states for methods capable of securing steerability. The entropic overlap of institutional peculiarities and boundaries is in this situation the result of institutions exchanging functions (e.g., the realization of state tasks via the help of commercial agencies). Entropy seems to mean chaos, but after all we need bear in mind that that very entropy, in weakening the internal coherence of institutions, can facilitate self-organization and the coalescence of a new order.

By accepting the perspective of a relational ontology we will be able to discern the patterns within what otherwise seems to be chaos. Moreover, we will discern the internal contradiction in Hassner’s statement that “co-dependence is becoming greater and greater, and control smaller.” For co-dependence indeed is a form of control. Of course, only when we manage to hammer out the boundary conditions for activities and the field for institutional changeability that permit an individualization of solutions on the scale of particular countries. Moreover, we also predicate success in providing instruments allowing us to create individual combinations, if only in the form of the economy of norms and the new ontology of law proposed by the Lisbon Treaty.

In this way the Lisbon Treaty, despite the fact that it is losing with forms borne by the crisis (and despite the fact that the EU seems to be collapsing), in a certain way emerges victorious. Its innovative formula for power without hierarchy, hearkening to relational ontology and multivalent logic, will be continued.

Spengler in *The Decline of the West*, published in the aftermath of World War I, wrote that determinism is not a “natural” state and characterizes only constructs and theories created by humans. For the human is too much the simpleton to build something that would operate unpredictably. This is why, in Spengler’s view, we are drawing near to the end of the Faustian phase of Western civilization, when people (placed before the dilemma of freedom) long for internal metamorphosis. This concerns dilemmas like those described by Locke, wherein freedom truly allows us to conjoin in imagination spheres ontologically disjoined, but at the price of the person losing continuity and connection with themselves. In Spengler’s opinion the West’s Faustian culture has exhausted itself not so much because of people’s disillusionment over freedom, but disillusionment with themselves.

But Spengler was writing before the historical experience of great enslavements by communism and fascism, when those who lived through them could testify how the lack of freedom degrades a person, making him numb, even toward himself as a moral subject. Thus, once again the yearning for an order based on freedom sprang to life.

This is why the search for a new formula for power in the Lisbon Treaty is so attractive, in that it represents an innovative proposal for conjoining the idea of order and the idea of freedom. It surrenders linearity and hierarchy, seeking support in institutionalized skepticism—and in the hope that there will be success in maintaining if only minimal standards in the sphere of values, treated as the boundary conditions of self-organization. This is therefore a bold attempt to cross the barrier of fear of rejecting deterministic forms of order.

And so we may well hope that the presently coalescing order, one catalyzed by the global crisis, will not subvert that tendency. And that civil society will be its guarantor.

Nonetheless, I need stress that the present crisis is not an instance of cyclical self-regulation. On the contrary: it shows that self-regulation has failed to work. The moment has come of Weberian “disenchantment,” for the obviousness taken for granted has evaporated. What had seemed a non-problematic automatism itself proved to be the problem.

Crisis is a situation when it seems to us that there is no return to the *status quo ante*. Either change—or catastrophe. And catastrophe, that is, the chaotic struggle to survive, treating others as a resource, turning away from globalization, a fragmentation reducing the effectiveness of markets, the closing up of societies in local, oftentimes authoritarian crisis regimes, and sometimes the search for the guilty party (this slogan resounds in anti-crisis pronouncements of labor unions in Central Europe, but also, for instance, in France)—all this strikingly resembles the attacks on international financiers in the 1930s. As Rene Thom (1976) stated, crisis does not always destroy its subject. However, we know it degrades it and/or models it in a new way.

It has been said that in a crisis situation what happens is a sudden shift from long-term concepts rooted in the future to short-term concepts pertaining only to the local here and now.

Nonetheless, crisis is also opportunity. It compels pondering over just what in processes and market institutions (and political ones—for geo-economics has become so entwined with geopolitics, that the “free market” no longer exists—and perhaps this has caused the global crisis) has led to blocking the fluid “phase shift” (as physicists say). Is this an inaccurate concept? Is it a game of interests? Perhaps crisis is necessary for the radical rebuilding of the structure of power and the model of capitalism, by shouldering society with the costs? The good side of the crisis is, however, the very awareness that the world is still ours, that we can still rule over it, for self-regulation has turned out to be a myth. But are we correct in so thinking? Perhaps the system can simply regroup, sacrificing powerful interest groups, or even the rhetoric that has hitherto legitimized it?

Civil society will be but a fiction if we avoid responding to these questions.

On the other hand, perhaps our lot is to live in permanent crisis and recognize it as *snafu*—situation normal? After all, the situation of irreducible existential crisis represents the core and axis of the vision of the human person in all cultures. And what is more, it is none other than this intrinsic tragedy, in searching (unsuccessfully) for a solution (or even a rationalization), that is the main source of dynamism in the realm of ideas.

And so perhaps the world of economic institutions should also comport itself to that cultural canon and recognize a life in crisis as the norm? Global processes have become so complicated that their internal logic demands the simultaneous pursuit of endeavors at odds with each other. Maybe what is necessary is a change of perspective and recognition that the same process of generating (and realizing) profit in the globalized world contains irreducible tensions we simply have to learn to live with. Individual stages of this process are carried out in markets that are found in divergent phases of capitalist consolidation, such that their standards of rationality (and developmental imperatives) are diverse—even contradictory. The nervous system of the global economy, in the form of supranational financial, production, and consulting institutions, seems not to notice that particular links require differing undertakings. Worse, that world still applies a linear approach and uniformization. This is why it transmits and multiplies the initial shock.

Perhaps therefore the solution to the present crisis should be sought above all in the realm of ideas? Husserl(1985) has drawn attention to the intellectual dimension of crisis situations and the fact that sometimes at issue is more than a change in the epistemology being applied. Indeed, sometimes crisis has a transcendental character (as, in my opinion, at present), as it implicates the ultimate foundations of knowledge. In this way it is present in the currently underway departure from bivalent logic and substantive ontology on behalf of multivalence and relational ontology. In the sphere of power the first such proposal was the Lisbon Treaty. The global crisis forces a similar step in the sphere of market institutions. In this situation the global

challenge for civil society in various regions of the world is to produce and transmit knowledge.

Translated by: Philip Earl Steele

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