It is noteworthy that these three points have not been extensively developed in this chapter since a detailed and multi-disciplinary empirical research is needed to achieve such a complex analysis. Still, I would argue that it is worth beginning the analysis by highlighting some aspects that could immediately impact upon the overall meaning that constitutionalism will have in the enlarged EU.

With regard to the first point, one of the most striking features of the constitution making process of the CEECs is represented by the interaction between the construction of a legitimate national sovereignty and the bargaining and the sharing of such a sovereignty at the transnational level. Actually, the CEECs have been integrated in a transnational order where the European Union is only one of the main sources of norm.[45] Both international law and community law—in particular at the level of the protection of human rights—have created a common legal grounding where national states share common rules. But this has also created a differentiation in the legal orders where individual rights can be expected to be enforced.[46] As a result, this could weaken or, at the very least, bind the legitimacy and strength of states in creating effective and reliable laws for sensitive policy fields. In other words, it is likely that the existence of alternative levels of seeking protection will become an opportunity to address the demands of justice differently, according to the respective right at stake.

Since the post-communist states have a weakened credibility in the protection of human rights—in particular with regard to minority rights—it might be that the protection of human rights will be framed within the transnational legal order rather than the national one. With specific regard paid to minority integration into the political and social order of the post-communist states, Popovic[47] talks about ethnic nationalism, on the basis of a comparative analysis of the perception that Central and Eastern Europeans have. He underlines that ethnic nationalism is not only present in constitutional texts, but also within administrative practices as well as day-to-day life.[48] If these elements are taken into account, it could be argued that social cognition[49] and collective representations of the relationship existing

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45 Karen Henderson, *Back to Europe: Central and Eastern Europe and the European Union* (London: UCL 1999). See also Anneli Albi, "Postmodern Versus Retrospective Sovereignty: Two Different Discourses in the EU and in the Candidate Countries", in Neil Walker (ed.), *Sovereignty in Transition* (Oxford: Hart, 2003).

46 Christophe Bertossi, *Les Frontières de la Citoyennété en Europe: Nationalité, Residence, Appartenance* (Paris: L'Harmattan, 2001).

47 Dejan Popovic, *Les Ambiguités de la Conception Postcommuniste de l'Etat-nation. Fondements Constitutionnels de l'Etat-nation*, in Slobodan Milacic (ed.), *La Réinvention de l'Etat* (Bruxelles: Bruylant, 2003), p. 74.

48 Lorent Licata *et al*, "Driving European Identification through Discourse: Do Nationals Feel more European when Told they are all Similar?", *Psychologica Belgica* (43) (2003), pp. 85–102.

49 Albert Bandura, *Social Foundations of Thought and Action: A Social Cognitive Theory* (Englewood Cliffs, NJ: Prentice-Hall, 1986).

between the national and the transnational defence of the citizenship rights will matter in the construction of a European demand for justice. While in the Western tradition individual rights are strongly linked to the status of citizens, and thus defended by the State, this is not the only option contemplated in Central and Eastern Europe. Since the State hasn't fulfilled its function of defending individual rights in the past, people either do not consider it a particularly reliable source, or see it to be less reliable than more cosmopolitan or trans-national political entities.[50] In these two cases, theoretical conceptions, classifications and cognitive tools with which people commonly talk about common problems have been created in a historically determined context. The conception of what is a good political system is situated, and makes sense, only in the context where it is endorsed. This is also due to the fact that Eastern Europeans think more in terms of ethical categories and divisions from belonging to linguistic, ethnic, religious, regional minorities[51] than Western Europeans. While national citizenship—Polish citizenship, Hungarian citizenship, etc.—impose divisions that distinguish between the society and the communities in an artificial way, European citizenship can, in some sense, solve those cognitive boundaries within the more general framework of the European community. I would argue that the legitimacy of the European Constitution depends on its evolutive, adaptive capacity. This means that the European Constitution will settle a long standing set of norms if it is able to cope with new conflicts and new coordination problems that may occur through social and economic interactions. This will also entail the capacity to provide an answer to the different demands of justice that will come out of a different social identity.

In some sense, the game "we *versus* the others", which is played in the Central and Eastern European countries amongst minorities, ethnic groups, etc. can be solved on a more general platform, where there is a "we", *European*, even if differences in culture, language, etc. are preserved.[52] Therefore, the constitutionalization of the enlarged EU can create the space for some of their social groups or communities that do not recognize themselves in the dimension of the national state, and therefore provide a new opportunity to address their demands and have their identity recognized.[53]

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50 Daniele Archibugi and David Held, *Cosmopolitan Democracy: An Agenda for a New World Order* (Cambridge: Polity Press, 1995). See also Robert Cooper, *The Post-Modern State and the World Order* (London: Demos, 1996).

51 Clifford Geertz, "The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States", in Clifford Geertz (ed.), *Old Societies and New States* (London: Free Press, 1963).

52 About the search of a constitutional justice in the CEECs see Herman Schwartz, *The Struggle for Constitutional Justice in Post-Communist Europe* (Chicago: Chicago University Press, 2000).

53 Stephane Pierré-Caps, *L'Etat Postcommuniste entre Identité Nationale et Intégration Supranationale*, in Slobodan Milacic (ed.), ibid. *op. cit.* n. 47, pp. 37–53.

With regard to the second point, namely the reasons why democracy is held (or not) to be a legitimate collective procedure to solve social conflicts, a crucial issue should be mentioned. The CEECs have been shaped by the pre-accession strategy in a way strongly addressed to make them *European democracies*. As long as the communist regimes have been held to be *anti-democratic* and, accordingly, *incoherent* with the rule of the law, the political and the institutional legacies of the communist regimes have not been taken into account after all by the Western debate, neither when the pre-accession strategy was conceived nor when the European Convention began to work out its proposals. So, the main idea was that they should have been transformed and that the best way to do it was to transfer the *acquis communautaire* into them.[54] Sociological and historical research has, nevertheless, shown that a debate on democracy and the theory of a state had been developed throughout the years of the regime. These concepts were further exploited when, after the fall of communism, CEEC's faced the main hurdle of building up a political system. Several studies stress the fact that the constitutions created in those countries after 1989 were embedded in a long-standing debate which was also present during the regime.[55] In other words, people, in particular intellectuals and the political elite, in CEEC's continued to consider the conditions needed to be fulfilled for a political system to be *good*, despite the fact that the theoretical and the practical references were clearly distinct from those used in Western Europe. The first element is represented by the comparison with the recent past. Jon Elster[56] has stressed that the constitutions have not been created *ex nihilo*. He has clearly argued that the evaluation of the options taken into account by policy makers were based on different criteria, which include not only the cost-benefit analysis, but also a comparative criterion.[57]

People who lived within communism have collective preferences about what they do not want in a new political system. This idea was often stronger than a clear idea about what they want.[58] It has been shown that the Marxist ideology has been represented by a strong negative reference, in particular, with regard to the role of public authority. The idea that the state can be used as an instrumental organisation to realize private, partisan ends has been maintained in those countries. In some sense, the main frame to build a good government is related to the exploitation of shared universal principles, instead of being related to the application of the

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54 Carlo Gialdino, *op. cit.* n. 23.

55 Jon Elster (ed.), *The Roundtable Talks and the Breakdown of Communism* (Chicago: Chicago University Press, 1986).

56 For a theoretical view Jon Elster, *Ulysses Unbound* (Cambridge: Cambridge University Press, 2000).

57 Jon Elster, "Rebuilding the Boat at the Open Sea: Constitution Making in Eastern Europe", *Public Administration* (71) (1993), pp. 169–217.

58 John Dryzek and Leslie Holmes (eds.), *Post Communist Democratisation: Political Discourse Across Thirteen Countries* (Cambridge: Cambridge University Press, 2002).

"art and the craft"[59] of politics. Even if socialist law has been perceived as a false story—since it was always possible to by-pass it in order to take decisions favourable to the party—it is nevertheless believed that the Law can be over and beyond the State. So the actors involved in the enforcement of the rule of the law should be empowered due to their ability to protect citizens against the state.[60] For these people it is not so important which group or lobby has power. The real concern is to what extent this power is used arbitrarily in the political game and against the citizens.[61] In this respect, the entrenchment of norms that can bind the discretionary power of political actors is a very important element to legitimate the democratic game.[62]

According to Milacic the channel of communication between civil society and the rule of the law has by passed the level represented by the State, whose legitimacy and functional capacity has been conceived as being strongly linked to the constitutions. Dreams and expectations have been moved from the level where political power is managed to the level where the rights of citizens are protected against this political power. In other words, people are able to perceive within constitutional rules the crucial mechanisms to create a good political system, much more so than to debate the specific organisation of the model of democracy they could adopt.

This is the reason why the debate on the kind of democracy characterising the EU is of central importance to Western Europe, whereas the debate on the role of the charter of the fundamental rights in the constitutional discourse is most crucial to the new incoming states.[63]

The third point I wish to stress is the relationship between national and European identity of the CEECs' citizens. Here, the differences in the historical conditions matter too. In contrast with the official assumption of the western institutions according to which the most prominent features of the candidate countries were common features—for example they do not have democratic assets, they have limited reliable bureaucracies, their market economies are not well-functioning, etc.—it could be argued that the most important elements in this context are represented by

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59 Aaron Wildavsky, *Speaking Truth to Power: The Art and the Craft of Policy Analysis* (New Brunswick: Transaction Publishers, 1987).

60 Slobodan Milacic, *Les Ambuiguïtés du Constitutionnalisme Postcommuniste*, in Jean-Claude Colliard and Yves Jegouzo (eds.), *Le Noveau Constitutionnalisme. Mèlanges en l'honneur de Géranrd Conac* (Paris: Economica, 2001), pp. 339–356.

61 Lorent Licata, "Representing the future of the European Union: consequences on national and European identification", *Papers on social representations* (5) (2003), http://www.psr.jku.at/psrindex.htm.

62 William Mishler and Richard Rose, "Trajectories of Fear and Hope: Support for Democracy in Post Communist Europe", *Comparative political studies* (28) (1996), pp. 553–581.

63 Wojciech Sadurski, "Constitutionalization of the EU and the Sovereignty Concerns of the New Accession States: The Role of the Charter of Rights", *EUI Working Paper*, LAW 2003/11 (Florence: European University Institute, 2003).

the different features that these countries have, depending on different historical traditions. Furthermore, the transition from the communist regime to the democratic and constitutional regimes has differed from one country to the next. Therefore, these different transitional patterns are likely to be crucial for the integration and the application of the norms coming in the domestic systems. The differences in the transition matter also in the way citizens' identities have been shaped through that transition. The participation in the transition itself and the ideas put forward to oppose the communist regime have been represented as the first social ground upon which to build a collective identity.

Although communist regimes have generally pursued similar social and economic policies, the effects of communist rules have varied among countries and have contributed to different national patterns of post-communist political change. At each stage in the transition from communism, the course of events has been shaped by the strength of the ruling elite *vis-à-vis* political opposition, and by the relative strength of groups hostile to compromise and those favouring compromise for the sake of peaceful change. The dynamics of change have also been affected by the presence or the absence of a vigorous dissent movement which has sometimes exerted an indirect, but powerful long-term influence on both elite and mass attitudes towards democratisation.[64] According to Milacic, it is not by chance that Romania and Bulgaria have adopted new constitutions by fiat, while in the Czech Republic and in Hungary a process of revision of the previous constitutions has been preferred. In Hungary policy makers have decided to go on through amendments, basing their decision on the common feeling that that the previous constitutional apparatus was enough to be used to modify by an inside-procedure the organisation of the state.[65]

The experience of the constitutionalization of Poland is quite interesting too. The constitutional debate has been animated by several proposals of constitutional treaties (after the 1991), both by political parties and by the constitutional committee of the senate. In 1992, the *Little Constitution* was adopted. One of the main issues in the debate, opened after the adoption of that constitution, concerned the role of the Church in the organisation of Polish society and more generally the weight of the catholic values in the constitution. Even if the constitutional asset chosen at the end of the debate seems to favour the *status quo*, allowing an incremental process of change, the debate has nevertheless manifested the core of values of Polish society.[66] The debate has also been so extended and animated because at

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64 Mary Kaldor and Ivan Vejvoda, *Democratization in Central and Eastern Europe* (London: Pinter, 1999).

65 Slobodan Milacic, *La Démocratie Constitutionnelle en Europe Centrale et Orientale. Bilans et Perspectives* (Bruxelles: Bruylant, 1998).

66 See the position of Poland in the IGC related to the integration of Catholic values in the Constitutional Treaty of the EU. See the Polish government's website where the forum on the IGC was organized http://www.futurum.gov.pl/futurum.nsf/main

the basis of the discourse some common rules and ideas resulting from a historical process that began long before communism "grew up." In Poland democracy has been viewed as part of the country's historical legacy dating back to the Commonwealth of Poland-Lithuania of the 16th to the 18th century and to the experience of the Second Republic between the two World Wars. It has often been synonymous with Polish aspirations to rejoin the West. For the majority of Poles, economic prosperity was also associated with democratic institutions. The Poles have regarded democracy as the culmination of their historical struggle for self-determination and independence. The Third Republic has been seen as the direct progeny of the sixteenth to eighteenth century Polish-Lithuanian Commonwealth and the Second Republic of 1918–1939, though in fact, it is quite different from both. More importantly, the Poles have regarded the establishment of democracy as the prerequisite for becoming a "normal state", that is, one built on the systemic principles derived from the West and forming the necessary preconditions for joining western political, economic[67] and social institutions.[68]

For the CEECs, the development of a democratic culture depends not only on the presence of democratic institutions and the rise of civil society, but also on the willingness of citizens to view the emerging democratic framework as historically legitimate. This legitimacy is based on the reconstruction of a common identity, which will be a condition that the Europeanization of the New Members can affect, but not totally abolish or neglect. The cognitive and the culture boundaries determined by the meaning that common identity has for the citizens of CEECs will interfere with the meaning that common identity has for European citizens. This interference will turn out to be an innovative process, in the sense that it will take place in a different manner and with different outcomes, along the differences that the history of democratic transition has in each of these countries.

5. Conclusion

I have tried to show how the constitutional discourses of new Member States will have an impact on EU constitutionalism. The chapter has discussed why an evolutionary approach is better equipped to understand the rationale of the constitutional discourse of the enlarged EU. Taking this approach, scholars and policy makers should pay attention to the value attributed, through the interpretation and the use of norms and principles, to the different normative sources they have within a European legal order. Therefore, I have introduced the idea that the meaning of

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[67] Stephen Whitefield and Geoffrey Evans, "Attitudes towards the East, Democracy and the Market", in Jan Zielonka and Alex Pravda (eds.), *Democratic Consolidation in Eastern Europe*, Vol. 2 (Oxford: Oxford University Press, 2001), pp. 231–253.

[68] Andrew Michta, "Democratic Consolidation in Poland after 1989", in Karen Dawisha and Bruce Parrott, *The Consolidation of Democracy in East-Central Europe*, Vol. 1 (Cambridge: Cambridge University Press, 1997), p. 69.

constitutionalism in an enlarged Union can be understood only in accounting for the impact that the normative frameworks of new Member States will have in the EU on the whole. This is the reason why the normative value—namely the legitimacy and the normative meaning actually reached in social situations—of the European constitutional principles will be discovered step by step, as the constitutional discourse of the enlarged EU will be faced with new types of problems and situations. Along this path, constitutional principles and values will be assessed against their contextual pertinence in solving social conflicts and against the legitimacy they have for citizens as well.

In this view, the differentiation and the pluralism coming from the new Member States could present an opportunity rather than a challenge to the constitutionalization of the EU. This joins, in some sense, the position taken by Montesquieu when talking about norms. If every society has its own norms that make social coordination possible, then the legal order that might be introduced into a society will make sense only matching the conditions and the boundaries that people draw from norms and principles—even implicitly—shared.

10. Constitutional Tolerance and EU Enlargement: The Politics of Dissent?

*Miriam Aziz**

1. Introduction

The successful conclusion of accession negotiations at the Copenhagen summit in December 2002 meant that ten countries joined the European Union (EU) in the biggest wave of enlargement it has ever witnessed after which the Union now contains 25 members. The accession Treaty, which is the legal basis for enlargement, was signed on 16 April 2003 under the Greek Presidency in Athens after which the Member States and the candidates undertook to ratify the Treaty in order to enable the accessions to proceed as planned on 1 May 2004. EU enlargement, the increasing drive towards constitutionalization of the Union as promoted *inter alia* by the European Convention[1] and the entering into force of the Nice Treaty on 1 February 2003 have generated considerable innovations to the institutional architecture of the Union and the values contained therein,[2] latterly embodied in the Draft Treaty establishing a Constitution for Europe delivered to the European Council meeting in Thessaloniki on 20 June 2003 and later submitted to the President of the European Council in Rome on 18 July 2003.[3] A number of theories have been canvassed as to why the Draft Constitutional Treaty initially failed. Ostensibly, however, the disquiet over voting rights in the Council in the period of

* I wish to thank James Hughes and Neil Walker for their comments concerning earlier versions of this paper as well as the participants to the *Sovereignty and the Constitutional Dimension of Enlargement* Workshop held at the Robert Schumann Centre for Advanced Studies of the EUI on 27 May 2002. Further thanks goes to the participants of a conference held at the European Centre Natolin, Warsaw, Poland on 31 January, 1 February 2003 entitled *Enlargement and the European Constitutional Process*. The usual disclaimer applies. This research was financially supported by the Marie Curie Fellowship which is financed by the European Commission's Framework 5 Programme. An earlier version of this article appeared in the *Annual of German and European Law*, 2003.

1 Established by the Laeken Declaration on the Future of the European Union, available at http://european-convention.eu.int/pdf/LKNEN.pdf. See generally J. Ziller, *La Nouvelle Constitution Européene* (Paris: La Decouverte 2003).

2 See Neil Walker, 'Constitutionalising Enlargement, Enlarging Constitutionalism', (2003) 9 *European Law Journal* 365.

3 CONV 820/03. This text was revised twice. (CONV 820/1/03 REV 1, CONV 820/1/03 REV 2). See also CONV 847/03, CONV 848/03.

Wojciech Sadurski et al. (ed.), Spreading Democracy and the Rule of Law?, 237–261.

post-accession obstructed the adoption of a unanimous consensus regarding the Treaty. Among the main "dissenters" was one of the new Member States, namely Poland, presumably because of the malaise which it has felt at being treated as a "second class citizen", a sentiment which is shared by some of the other new Member States.

A new enlargement creates tensions given the challenge of incorporating and assimilating legal systems and cultures of former socialist economies and societies into the EU; which the EC, as it was then, experienced in previous waves of enlargement (as in, for example, the case of Spain and Portugal); but never on such a vast scale. The question of the *viability* of the adoption of the *acquis communautaire*, or what is now referred to as the *acquis de l'Union* which extends to approximately 80,000 pages,[4] and modes of implementing the rights arising therefrom through law and governance is of a particular relevance for the transformation of the societies, legal systems and administrative practices, economies and polities of the new Member States. Moreover, issues of implementation arise in ways from which lessons may be learned by all of the EU Member States which are faced with the double challenge of Europeanization and transition.[5] This topic is particularly relevant as regards contemporaneous developments in the EU such as the Convention on the Future of Europe, the subsequent Intergovernmental Conference in 2004 and further Treaty revisions.

The purpose of this chapter is to address the issue of legal norms and the adaptive capacity of Central and East European Candidate Countries (CEECs) for enlargement. There is a need to distinguish between the formal process of implementation (the adoption of the *acquis*) and the legal norms and legal culture which will inform the implementation of the *acquis* in the day to day process.[6] One way of looking at this issue is to consider the nature of the legal norms, the legal cultures and traditions which inform the constitutional practice in existing Member States. It is arguable that unless these can be defined, that we cannot really say much about the adaptive capacity of the candidates. Raising this issue appears simple enough. The difficulties arise when one starts to address it, particularly as the question would appear to presuppose the existence of a unified legal culture in the current Member States of the Union. As regards constitutional practice in the face of the challenge posed by European Union law, it is clear that one ignores the importance

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4 Which have been divided into 31 Chapters for the purpose of the negotiations.

5 See Miriam Aziz, *The Impact of European Rights on National Legal Cultures* (Oxford: Hart 2004).

6 See generally the Commission White Paper on the Preparation of the associated countries of Central and Eastern Europe for integration into the internal market of the Union, COM (95) 163. For a general overview of the process of adoption of the *acquis*, see Andrea Ott and Kirstyn Inglis (eds.) *Handbook on European Enlargement*, (The Hague: Asser Press, 2002).

of differentiation at one's peril.[7] This question has a corollary in the context of enlargement of the EU, namely, should one not also differentiate between the legal norms and cultures of the respective CEECs? The purpose of this article is to explore this issue by using the German experience concerning the juridical challenge to state sovereignty posed by European law in view of its history and the special position occupied by sovereignty in its legal order, but also given the influence the German legal order has had on the legal systems of those of the CEECs.[8]

2. DIFFERENTIATED AND NON-DIFFERENTIATED APPROACHES TO THE CEEC'S

A common general EU trend is to talk about the candidate countries as a bloc. At the same time, the European Commission negotiates with each of the candidate countries separately.[9] The concept of differentiation in this respect is difficult to analyze as the negotiations are not transparent. We can only assume that the terms of reference of the negotiations with the CEECs are roughly the same, relatively speaking. A consequence of a non-differentiated approach as regards law and legal culture is that the CEECs are viewed through the prism of their communist legacy as though there was only one legacy. Even if it is accepted that communism provided a sort of "shared legacy", it is clear that regional experiences differed markedly,[10] particularly as regards sovereignty.

2.1. The CEECs and the Legacy of Communism on the Sovereignty Debate

As regards the legacy of communism, each CEE has its own story to tell which influences *inter alia* the respective approaches and indeed the position of sovereignty in the constitutions of the CEECs.[11] Within the communist systems in Eastern

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7 See generally Anne-Marie Slaughter, Alec Stone Sweet and Joseph H.H. Weiler (eds.), *The European Court and National Courts-Doctrine and Jurisprudence. Legal Change in Its Social Context*, (Oxford: Hart 1998).

8 As in the case of Hungary, for example, and the Czech Republic. See, for example, Ian Slosarcik, 'The Reform of the Constitutional Systems of Czechoslovakia and the Czech Republic in 1990–2000', *European Public Law* 7 (2001), pp. 529, 534.

9 According to Article 49 of the Treaty of European Union (TEU) accession of new members to the EU requires the unanimous approval of the Council and an absolute majority of the European Parliament. The Opinion of the European Commission is pivotal in assessing whether a candidate country meets the requirements for membership.

10 See Report of the Reflection Group on The Political Dimension of EU Enlargement: *Looking Towards Post-Accession*, The Robert Schuman Centre for Advanced Studies, European University Institute with the Group of Policy Advisors (2001), p. 55.

11 See Anneli Albi, 'Postmodern Versus Retrospective Sovereignty: Two Different Discourses in the EU and the Candidate Countries', in Neil Walker (ed.), *Sovereignty in Transition*, (Oxford: Hart Publishing 2003), 401.

Europe, communism operated differently and was received differently by elites and populations, while relations between these countries and the Soviet Union also varied. Countries like Hungary after 1956, Czechoslovakia after 1968, Poland from 1945, the German Democratic Republic (GDR), Romania and Bulgaria were all distinct in the way in which the communist system(s) operated, the way they were perceived by elites and populations and the way these communist states interacted with the Soviet Union. They were all sovereign states but subject to limited sovereignty by virtue of the *Brezhnev* doctrine.[12]

Briefly stated, the *Brezhnev* doctrine was embedded in Article 30 of the 1977 Soviet Constitution (the so-called "*Brezhnev* Constitution"), which committed the Soviet Union to "friendship, cooperation and comradely mutual assistance" in accordance with the principle of "socialist internationalism" and also to participate in "economic integration". Accordingly, important principles of equality, territorial integrity, independence, non-interference in domestic affairs were subject to particular interpretation in the interests of "fraternal assistance" towards other Eastern bloc countries. In other words, support for Soviet interventionism was justified on the grounds of the need to protect the socialist community of states. This self-imposed limitation on state sovereignty in the socialist bloc was a device to cloak Soviet interventionism to sustain its hegemony in Eastern Europe, and in particular its military occupation of the German Democratic Republic.[13] The Soviet Union, as its interventions in Hungary and Czechoslovakia illustrate, was unable to accept a "national" form of communism. To do so would have called into question its hegemony over the socialist bloc and even its leadership of the Warsaw Pact.[14] Consequently, in the aftermath of the crushing of the Hungarian revolution of 1956, the Soviet Union imposed a doctrine of limited sovereignty on the socialist bloc of

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[12] For a discussion of the Brezhnev doctrine and its demise under Gorbachev see Charles Gati, *The Bloc that Failed Soviet-East European Relations in Transition*, (Bloomington: Indiana University Press, 1990) at pp. 71–79. For an exposition of the doctrine in Brezhnev's own words see the extract from his "Speech to the Fifth Congress of the Polish United Workers Party" (November 12, 1968), *Current Digest of the Soviet Press* 20 (46), 1968 at pp. 3–5.

[13] The Soviet military interventions in Hungary in 1956, Czechoslovakia in 1968, Afghanistan in 1979, and the pressures on Poland in 1980, were seen as legitimate measures to defend the socialist bloc. Those socialist states which did not accede to the hegemony of the Soviet Union, such as Yugoslavia (which broke with Moscow under Tito in 1948) and Albania, were isolated on the grounds that they had pursued the road of "nationalism"—the ultimate form of deviation from the socialist cause. Note that a "special relationship" which was maintained until the end as the discussions between Gorbachev and Honecker illustrate. See Daniel Küchenmeister (ed.)*, Honecker-Gorbatschow. Vieraugengespräche*, (Berlin: Dietz 1993) at pp. 92–93. See also Hagen Schulze, *Staat und Nation in der Europäischen Geschichte*, (München: Beck 1994), at p. 323.

[14] *Ibid*.