

欧洲研究

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赵怀普 赵健哲

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国内规范、国际规范与中欧规范互动

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ARTICLES

1 The Impact of the Trump Shockwave on the Relationship between the United States and Europe

ZHAO Huaipu ZHAO Jianzhe

The election of Donald Trump as President of the United States has a major impact on US-Europe relations. Trump's radical political ideas have raised concerns in Europe about the possibility of increasing uncertainty in the transatlantic relations. Under the principle of "America First", Trump will put greater pressures on Europe and take a "transactional" approach in its bargaining with Europe in a number of areas, in order to seek self-interested solutions. With the potential of rising differences and frictions, the future relationship between the United States and Europe may become more intense, which will nevertheless be contained within a certain limit acceptable to both parties. Given that the core interests of the United States in Europe remain unchanged, it is impossible for the US to withdraw completely from Europe and NATO and stability will still be the main tone of the transatlantic security and defense relations. In addition, Trump's European policy will still be subject to certain constraints from domestic factors, which will keep the transatlantic relationship on the normal track.

18 Internal and External Norms and China-EU Normative Interaction

PAN Zhongqi

Norms of an international actor should be divided into an internal-external dichotomy. While internal norms define what is regarded as appropriate behaviors of an international actor in domestic governance, external norms refer to the ideas and rules one should follow in the international sphere. The divergences between China and the EU lie not only in their normative power resources, but in their efforts to spread their norms to influence the other actors. Compared with that in the external area, the normative divergence between China and the EU is more evident in the area of internal norms, such as those concerning human rights and sovereignty. Despite the fact that the differences in norms have become an ever greater irritant in China-EU relations, it cannot be denied that normative interaction between the two parties has exerted positive influences on their strategic partnership.

37 Integration, Discourse and Representative Democracy: A Tri-dimensional Perspective of Contemporary Populism in Europe

CHU Yin

Brexit is a serious setback in the process of the European integration. However, the current populist crisis in Europe cannot be narrowly ascribed to the discomfort caused by the EU integration nor to the rebellion of the “losers” in the globalization. The anti-integration idea is a reminder of both the severe imbalance within the EU integration and the grave legitimacy crisis faced by modern Western representative democracy. There are three reasons that may explain the rising of populism in Europe, that is, the collapse of the balance in employee-employer relations, the lack of discourse due to the “end” of ideology in the post-Cold War era, and the legitimacy crisis of elite rule within the system of representative democracy resulted from the EU integration and worsened by the new media era. The ongoing crisis may either result in the emergence of a certain strong-man rule in Europe or in a new balance between the public and elite in the future political process.

52 The Latest Case—Law of the European Court of Human Rights on Prohibiting Concealment of One’s Face in Public; An Analysis of Case “S.A.S. v. France”
MAO Junxiang

The Case *S.A.S. v. France* involves the issue whether the French law prohibiting the concealment of one’s face in public places violates the European Convention of Human Rights. In its judgment of this case, the European Court of Human Rights rejects France’s argument that the law could be used to protect the values of respect for gender equality and protection of human dignity. Nevertheless, the Court applies a loose standard in approving the legitimacy and necessity review of the relevant French law. With the help of an expansive explanation of the limitation clause of the European Convention of Human Rights, the Court accepts the legitimacy of the “living together” claims by France. Meanwhile, the Court exercises a degree of restraint and gives France wide margin of appreciation when reviewing the necessity of the French law prohibiting the concealment of one’s face in public places. The combined use of the Court of both expansive explanation and judicial restraint in this case is decided by the social realities in Europe, the social policy choice in France and the relationship between the Court and the Contracting Parties.

70 A Review of the Historical Process of the European Integration— with Marxist Philosophy as the Methodology

DAI Bingran

With the help of Marxist philosophy as a methodology, this paper tries to make an exploration and analysis of the formation, process and problems of the European integration. This paper holds that regional integration represented by the European integration is one of the

stages in globalization process. A number of contradictions exist during the European integration, which is a reflection of the law of the unity of opposites, among which the most obvious is the contradiction between state and supra-state and that between enlargement and deepening.

80 The Latest Progresses in European Tax Law: Taxation Integration with the help of BEPS

LI Na

Since the fundamental Treaties granted the EU with different powers in different fields, it has to take a sector-intervention approach in the areas of customs duty, indirect tax and direct tax when carrying out taxation integration, which leads to divergences and gaps in the intervention mechanisms and in the degree of integration, with direct tax being the bottleneck. Since 2013, with the help of the BEPS project, the EU has promulgated a series of soft law measures as guidance for its member states to counterfeit tax avoidance. In June 2016, the EU passed the Anti-Tax Avoidance Directive, which includes principles all the member states must comply with when enacting their own anti-tax avoidance measures. Despite the setback Brexit has brought about to the future of the European integration, the mutual interests among the member states in increasing fiscal revenue, fighting against tax avoidance and enhancing the EU's voice in enacting international tax rules still remain unchanged, which provides opportunity for the EU to advance tax integration in the future.

95 An Analysis of the Effectiveness of German Leadership in the EU Crisis—with Leadership Theory as an Analytical Framework

CHEN Fei

With the effectiveness of leadership as its focus, the leadership theory originates in the field of enterprise management and extends later to organizational behavior science, psychology, sociology and political science. Although interaction between leaders and followers is commonplace in the EU governance, the application of leadership theory in this area is very rare. At present, the EU is facing multiple crises and Germany is viewed as the main power in leading the EU member states to overcome the crisis. With the theory of leadership as the analytical framework to study the European integration, the EU governance and the effectiveness of German leadership, it could help us break through the traditional stereotype in the way of thinking and enhance our ability to explain complex phenomena.

110 Public Private Partnership in Germany during the Financial Crisis—from the perspective of the government's role transition

LI Yisuo

The 2008 worldwide financial crisis, initiated by the subprime mortgage crisis and widely

believed to be a consequence of market failure, has led to a rising call for a powerful big government. Taking the practice of public private partnership (PPP) in its before and after the financial crisis as a subject, this paper analyzes the role transition of the German government in the post-war period and the impact of the ensuring state concept on public goods and service provided by the government. It concludes that government failure does not necessarily prove the omnipotence of market, while market failure does not legitimize the necessity of a return of an omnipotent big-government. This paper suggests that PPP per se is an appropriate approach to implement the concept of ensuring state and realize a balance between free market and big government. In a systematic financial crisis, instead of being rejected simply due to its tendency of Neoliberalism, PPP should be further advanced and optimized.

126 On the Latest Trends of Germany's Security Policy

ZHENG Chunrong

On July 13, 2016, the German federal government issued a new White Paper on security policy. Combined with its recent actions in the field of foreign, security and defence policy, it shows that Germany is actively seeking to take more responsibilities and play a leading role in international politics, including international security. This is an extension of the move of Germany's foreign and security policy from adherence to the "restraint culture" to a more active one, with the announcement of the "Munich Consensus" in January 2014 as the starting point. Based on the concept of *Zivilmacht*, this paper analyzes the content of the White Paper and Germany's recent practice in the field of security policy. It holds that in the future, Germany will engage more actively and frequently in resolving international crises and conflicts. Moreover, we will see a limited increase of the flexible use of military means by Germany, which is more likely to occur in the framework of ad-hoc-cooperation. However, Germany's role as a *Zivilmacht* has not been and will not be fundamentally changed due to the restrictions of domestic political and legal realities and its public opinions.

ACADEMIC ACTIVITIES

144 The Symposium of Think-Tanks of China and CEEC and Closing Ceremony of China-CEEC People to People Exchange Year

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149 Book Launch of *Annual Report on Development of the United Kingdom*(2015-2016) and Forum on "Brexit and China-UK Relations"

XIA Tian

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