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ARTICLES

1 Crisis Politics in the EU: Political Breakthrough against Multiple Constraints

ZHANG Yaning

It is the first time that the EU has ever been encountered with an existential test when it was undergoing the multi-crisis in the last decade. However, both traditional theories of European integration and EU legal studies have failed to provide an appropriate and coherent analytical framework for us to fully understand the essence of the present political and institutional changes. Given the increasingly clearer indications of the EU being stuck in perpetual crisis, the author argues that EU studies should be freed from these traditional frameworks and redirected towards crisis politics. To put it more precisely, the crisis politics of the EU is derived mainly from the contradictions between legal rules, values and public opinions on one side and political necessities on the other. These contradictions contribute to various modes of crisis politics, represented by “strategic tolerance of violations”, “authoritarian legitimization”, “organized hypocrisy” and “political secrecy”. However, this paper believes that crisis politics may aggravate rather than manage these crises in the long run despite its short-term effect in alleviating the crisis. What is more important is that crisis politics helps us rethink the reasonableness of some of the widely accepted arguments such as “European integration promoted by crisis” and the “irreversibility of European integration”.

23 A Study on the Judicial Review of EU's Counter-crisis Measures — and on the Competition between Various European Integration Models in the Post-crisis Era

YANG Guodong

The Eurozone debt not only encompasses financial and economic crisis, but also triggers the social and political legitimacy crisis. Although the counter-crisis measures adopted by the European Central Bank and the European Council had enabled the Eurozone to be stabilized, they undermined the political legitimacy of the European integration with the formation of administrative federalism in the Union's economic governance. Furthermore, they intensified the competition between the three models of European economic and political integration. The European Central Bank has successively adopted the OMT and the PSPP in or-

der to control the crisis, both of which have been judicially reviewed by the German Federal Constitutional Court and the European Court of Justice respectively. In the preliminary ruling procedures, the judicial review by the European Court of Justice focused on their monetary policy nature and their compatibility with the “prohibition on the monetary finance” clause, while the German Constitutional Court based its judicial review on the democratic principle enshrined in the German Basic Law. The different approaches taken by the two courts reflect the competition between different integration models, that is, the administrative federalism model represented by the EU “Economic Government” composed of the ECB and the European Council and the limited integration model of the “democratic and sovereign Member States” represented by the German Bundestag and the federal government. Faced with the Union’s democratic and legitimacy crisis brought by those counter-crisis measures, Habermas and French President Macron proposed a democratic federalism model composed of the financial and economic policy integration and a transformation of the focus of democratic legitimacy to the Union level. The 2019 European Parliamentary Election and the Commission President election will become the first ever competition between these integration models, the result of which will become a vital indication of the future European integration model.

45 Changes and Transfers of International Powers at Both the Global and Regional Levels

YU Nanping HUANG Zhengliang

As the largest economy in Europe, Germany’s economic strength stems from its position at the core of the European Union’s regional value chain, who occupies as well an important position in the global value chain. Germany has successfully transformed its economic strength into a leadership position within the EU for coping with various challenges, including the European debt crisis, refugee crisis and Ukraine crisis. In this process, Germany has basically undertaken the intra-region transfer of powers and played a greater role in the world. Combining the economic theory of “global value chain” with the concept of “power transfer” within the framework of international relations theories, this paper analyzes the reasons for which and the ways of expression in which Germany has become the dominant power in Europe and explores the intrinsic relationships between global value chain and international power.

71 Brexit and Reconstruction of the Relations between the UK and the EU on Data Protection

SHI Xianze

The Brexit driven by a series of highly politicized factors excludes from the UK’s choice of

its future relationship with the EU the EU membership, the Norway model or the Swiss model, while the ideal one is the “Canada model plus”, that is, an “FTA+” model. Within such a general framework, the relationship between the UK and EU on data protection is or should be reconstructed along new lines. On one hand, the UK has implemented the 2018 Data Protection Act in order to incorporate EU data protection legislations such as the GDPR and Law Enforcement Directive. On the other hand, the UK wishes to obtain the European Commission’s double adequacy decisions on trans-border data flow, with some special additional arrangements, including moderate involvement in the EU’s data protection regime, which are still faced with a number of uncertainties. Such a special arrangement can be explained plainly by the theory of external differentiated integration, which is the result of interactions among high politicization of the UK’s EU membership, strong interdependency between the UK and EU on data exchange, and weak politicization of data protection policy.

95 The Embodiment of the Basic Concept Categories of Historical Materialism in International Studies

LI Bin YANG Rongrong

The core of Marxism is historical materialism, whose main concept categories consist of economic base, superstructure and ideology. International studies with Marxist characteristics is based upon the application of the main concepts to the analysis of international affairs. What the concepts refer to in world affairs differs from those in the domestic field. By analyzing the classic texts of historical materialism by Marx and Engels, this paper proposes that economic base at international level should be the international division of labor and its corresponding social forms, namely international relation of production. The international relation of production which stresses each country’s position and role in international division of labor is as well the basis of power relations among nations. This paper holds that the international superstructure is made of international political and legal systems and institutions whose enforcement forces depend ultimately upon the power of the hegemonic state. International/global governance is an important manifestation of international superstructure. Ideologies at international level include both the philosophical and political theories and literary works in the interest of the dominant states in a given world order and the ones counterbalancing them. Those ideologies are the products of international economic base in a given era, informing the philosophy, sciences/social sciences and literatures that legitimize or criticize/resist a given world order.

113 Security Dilemma, Misperceptions and a Roadmap for Big Power Relations in Cyberspace – Taking China–EU Cyber Cooperation as an Example

LU Chuanying

Big powers cooperation in cyberspace not only faces challenges arising from their different interests, but from the in-depth challenges that cyberspace, as a new area and a new agenda, has posed to the nation states at the cognition level. In order to deal with the new issues brought about by the cyberspace, only by constructing a benign big power relationship in cyberspace based on the elimination of the misperceptions and establishment of mutual trust, could the peace, development and stability of the cyberspace be maintained. Taking the China–EU interactions in cyberspace as an example, this paper first discusses the status quo of the cyber security dilemma faced by the big powers, and then analyzes the misperceptions behind such a dilemma. At last, this paper proposes a roadmap for China–EU cooperation in cyberspace.

129 The Polish Question as a Touchstone for Carl Schmitt’s Theory of the Modern European Inter–state Order

SUN Lulu ZHANG Yongle

In his *Der Nomos der Erde*, Carl Schmitt paid his tribute for the eclipse of the golden age of *Jus Publicum Europaeum*, and regarded the evolution of international law after the First World War as a process of degeneration. The core of *Jus Publicum Europaeum* is a non-discriminatory law of war aiming at limiting rather than annihilating war. The historical experience of Poland since the early modern era could help us reflect upon the Schmittian theoretical vision. In Schmitt’s very short comment on Poland, Poland is an irregular and heterogeneous political unit to be sacrificed for the full coverage of *Jus Publicum Europaeum* in Europe. Schmitt’s comment ignores the Polish effort to build a modern state in the 18th Century, but provides sharp insights into the tensions between the national independence of Poland and the inter–state system from the late 18th Century to the First World War. The end of the golden age of *Jus Publicum Europaeum* brought about the restoration of the Polish state. Schmitt regarded Germany in the 1920s and 1930s as the oppressed state in the dysfunctional Versailles system, and attempted to invent a new international law theory based upon “*Großraum*”. However, this new theory did not support the autonomy of Poland either. The Polish case reveals the dark side of the modern European inter–state system as well as Schmitt’s theory of inter–state order, and may help Chinese scholars reach a deeper understanding of China’s disadvantaged position in the modern inter–state system.

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