

[*Europe and Its Borders*]

ANTÓNIO VITORINO

20 **New Order for Europe**

Along with uncertainty concerning the future of the Constitutional Treaty we face an urgent need to rebuild the trust of EU citizens for the European Project. Eurobarometer polls clearly demonstrate that the citizens of the 25 member states consider justice and home affairs to be the priority area of cooperation. The results of these polls indicate that the Union should do more in order to fight terrorism and organized crime as well as better manage asylum and immigration on our continent.

JEF HUYSMANS

27 **A Foucaultian View on Spill-over: Freedom and Security in the EU**

How do we interpret the nature and reach of the spill-over of the internal market into an internal security field? How do we account for the construction of a European modality of government that regulates free movement through the administration of its dangers? In this article the author proposes a Foucaultian conceptual framework that emphasizes the constitutive role of technologies of government. It directs attention to how the development and application of technological devices – such as European visa and databases – professional knowledge and skills, and technocratic routines structure the relations between freedom and security.

KEES GROENENDIJK

6I Reinstatement of Controls at the Internal Borders of Europe – Why and Against Whom?

Each of the successive arrangements on abolition of controls at the internal borders in Europe provided for the possibility of temporary reinstatement of order controls. The actual use of this power may tell us about the functions of border controls. This article analyses on which occasions the governments of the Schengen states did actually use this power after 1995, and what is known about the effects of those temporary controls. It appears that the actual use varied considerably in time and between the member states. In most cases the temporary controls were aimed not at reducing illegal immigration or preventing serious crimes, but at protection of meetings of political leaders. The individuals checked or stopped at the borders are predominantly Union citizens, not third-country nationals.



[*Fight with Terrorism and Organized Crime*]

DIDIER BIGO

165 **The Anti-Terrorist Policies After the March 2004 Attack – European Perspective**

A lot has already been said about the influence that the attacks of the 11 of September 2001 had on the change of the US strategy to fight terrorism, which is now conducted in the shadow of the President George Bush's dictum that 'You are either with United States or against them'. The implications of that shift in policy are more than significant and their impact can be felt well beyond the American context. The attitude towards fighting terrorism was changed also in Europe. In response to terrorist threat new, hitherto unthinkable, forms of cooperation and information exchange were initiated within the EU.

AGNIESZKA GRZELAK

183 **Does European Penal Law Exist in Reality?**

The author starts out with a negative response to the above-mentioned dilemma. European penal law, understood in similar terms as in domestic legal system, does not exist. None of the international organizations developed material grounds for penalizing individuals for any deeds, it is the member states who are obliged to include such provisions in their penal systems. International courts judge individuals solely on the basis of such domestic provisions. There are, however, enough reasons to start ponder on the eventuality of European penal law development as a separate branch of law.





[*Poland and the Area of Freedom, Security and Justice*]

ARTUR GRUSZCZAK, KAROL RECZKIN

208 **The Area of Freedom, Security and Justice – Perspectives for Poland**

The process of the reform of the cooperation in the area of freedom, security and justice within the EU, initiated in Amsterdam 1997 coincided with the beginning of the accession negotiations with Poland. The drive to enlarge and deepen the free movement of people within the EU paired with the new methods of managing internal security influenced the Polish stance on the EU policy in the area of justice and home affairs. The authors of the article aim at characterizing the nature of the Polish position on the issue.

[*Essays on Europe*]

ALEXANDRE KOJÈVE

232 **Latin Empire, The Synopsis of the French European Policy Doctrine**

In August 1945 Alexandre Kojève presented General de Gaulle with the report concerning situation of France in Europe in the aftermath of the World War II. The text of the popular Hegelian philosopher sketched out the main challenges that France faced in the new post-war, bipolar reality, dominated by the United States and Soviet Union. Kojève postulated the creation of a „Latin” block of states led by France. The document constitutes not only an interesting historical testimony, it highlights the main motivations of French diplomacy, which after World War II engaged itself fully in fostering European integration.

RAYMOND ARON

289 **Great Plan of the General**

In his memoirs Aron quite often commented on the position of France in Europe and on the beginnings of European integration. General de Gaulle and his attitude towards Great Britain and the United States play a key role in his reflections.

[Reviews]

JOANNA BANACH-GUTIERREZ

299 Polish Compendium

FILIP JASIŃSKI I KATARZYNA SMOTER (red.), *Obszar wolności, bezpieczeństwa i sprawiedliwości Unii Europejskiej. Geneza, stan i perspektywy rozwoju*, (*The Area of Freedom, Security and Justice in the European Union, Genesis, Status Quo and the Perspective of Development*) UKIE, Warszawa 2005.

KATARZYNA STRĄK

303 The Europe of Freedom, Security and Justice

NEIL WALKER (red.), *Europe's Area of Freedom, Security and Justice*, Oxford University Press, Oxford 2004.

JUSTYN PISKORSKI

306 The Perspectives of European Penal Law

ADAM GÓRSKI I ANDRZEJ SAKOWICZ (red.), *Zwalczanie przestępczości w Unii Europejskiej. Współpraca sądowa i policyjna w sprawach karnych*, (*Fighting Organized Crime in the European Union, the Police and Judicial Cooperation in Penal Matters*) Wydawnictwo Prawnicze LexisNexis, Warszawa 2006.

310 [Notes on the Contributors]

