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CUPRINS

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1. PROLEGOMENA

GENERAL CONSIDERATIONS

Europe is a dynamic reality, whose construction started many centuries ago, since ancient times. A purely legal approach of the European geopolitical concept would be at least restrictive, if not irrelevant.

Approaching the European topic without mentioning anything about its history may give the impression that it is deprived of identity. The historical development, in continuity, is based on the past values and aims at the future architecture. Yet, however, in this work it is not felt a too pressed touch of the historical approach since it assumes that the past prefigures, not configures, and the hazard and human free will determine the present and, equally, ensure continuity.

Europe, contured by geography and patterned by history, proves its existence by the created civilization since the times when Greek mythology has assigned it the name it bears to this day. The future of the European concept must be based on values that, since antiquity, and even prehistory, gradually enriched Europe through creativity in its unity and diversity, including in a wider global context.

The key problems of European history have been addressed over time in multiple aspects: economic, political, social, religious, cultural. They are the result of the long historiography tradition, starting from Herodotus and reaching the new concepts developed in Europe during the twentieth century, especially in recent decades, concepts that renewed deeply the history science.

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ANTIQUITY

Both the name of Europe and the idea which it contains, have existed since the earliest times of civilization within the territory of the old continent, since the period to which the Greek legends relate to. In the eighth century BC, for the Phoenician sailors, the term designated the sunset. At its inception, Europe was also a myth, not just a given geographic retrieval, because in the mythology we see that Europe was born somewhere in the East, in the person of the daughter of Agenor, king of Phoenicia, ancient space where today Lebanon is located. Mythology relates that Europe was abducted by Zeus, who fell in love with her. Changed into a bull, he took Europe to Crete, and from their love was born Minos, king of civilization and law maker, who after his death became one of the three judges of hell.

The Greeks were the ones who gave the name of Europeans to the inhabitants of the western extremity of the Asian continent. For the Greeks, the contrast between East and West - Europe mingling with the latter - is a potential fundamental conflict of civilizations. Thus, the opinion expressed by the famous ancient Greek physician Hippocrates (end of fifth century BC, the beginning of the fourth century BC) presented the Europeans as opposed to Asians, through the conflicts that led the Greek cities to stand up against the Persian Empire and which constituted one of the first manifestations of the antagonism West - East.

From Hippocratic statements it appears that Europeans were brave, warlike, combative, while Asians were wise, cultured, peaceful. In this context, Hippocrates said that Europeans love freedom and are willing to fight and even to sacrifice their life for it.

Another difference that emerges from the mentioned writings refers to the political regime of the two types of civilization. While for the Europeans the agreed form of state organization was democracy, for the Asians it was more convenient to accept servitude, if it brought prosperity and tranquility. In fact, this image of Orientals has persisted over time, even until the eighteenth century AD, when European enlightenment philosophers developed the theory of "enlightened despotism" as being the political system best adapted to the conditions of Asia. Following the same logic, in the nineteenth century, Marxism defined an Asian manufacturing as the base of authoritarian regimes.

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In conclusion, ancient Greece sent Europe the democratic model and the theories which emphasize the opposition between the cultural model of the West with that of Asia. In this context, among the cultural values of the Antiquity, taken later by the European culture, we distinguish four cultural emblematic elements of that period:

- the hero who turns to Christianity, becoming a martyr and saint;
- humanism, changed in its turn through the influence of Christianity;
- religious edifice, the temple being reduced to church;
- wine, that through Romans aristocracy became both the favorite beverage of aristocracy and the sacred liturgy liquid.

Also, it can be said that, from an institutional perspective, the most important Greek contributions are:

- city (polis), the forerunner of the medieval city;
- the concept of democracy, which would materialize only after the end of the Middle Ages;
- the name of Europe.

In the context of the topic that we address, it must be noted that the history that appears from the written sources of Europe reveals several characteristic aspects. First, the fact that, in the Greco-Roman antiquity, Europe means "civilized world" who lived in the largest area of the Mediterranean basin, outside it being the "Barbarians[1]", those who composed the outside world.

In other news, it was mentioned that one of the first examples of political organization in the world of ancient Hellas is the Greek cities states. They were inhabited by populations that are considered foreign to each other, but have formed a union with a military character in order to cope with the danger represented by the Persian attacks. These forms of organization specific to that period are known as amfictions[2], forms of organization that bring together states fortress into a confederation, from the military, religious , and legal perspective. Having met during this meeting, the representatives of all the Hellenic cities were sent periodically[3] to discuss issues of common interest, of religious and military

[1] The term sanskrit meaning "fool", "stupid"
[2] Corresponding to the leagues in the modern era
[3] At spring, in Delphy and at fall, in the temple of Ceres, near Termopyle.

nature. During these meetings there are judged disputes arising between them, so amfictions had the role to ensure the arbitrage between cities. Also, the activities within amfictions maintained moral ties between residents of the member city, the Greeks of various fortress meeting at the sanctuaries of the same gods, sharing the same religion, which denotes the nucleus of common identity.

Also in the spirit of collaboration between the Greek cities-fortresses there exists, within the League from Delos, a common treasure deposited in the sanctuary of Apollo. The associated fortresses (Argos, Athens, Chios, Corinth, Delos, Delphi, Epidaurus, Evia, Naxos, Olympia, Samos, Tasos, Thebes) shed a tribute or provideed military quotas and vessels. The confederate treasure was administred in Athens by a Council in which it was represented each of the associated[4] cities-fortresses.

The practical way for the cooperation within the tribes took the form of a Council of tribes. It was composed of representatives of the twelve founding tribes (Dorians, Ionians, Achaeans, etc.) and originated in a very remote period, belonging to the first Greek civilization. The historiographical sources of that time indicate a very advanced representation and decision of these formations. Each of these tribes sent their delegates to the Council by two delegates (hieromemnon and pylagore), vested with the right to vote. The reunited delegates from the founding tribes had the competences to deliberate in the Council on issues of common interest concerning religious, military, legal and financial aspects. Also in this framework is agreed upon mutual understandings protection guarantees through various bills such as concluding truces in certain situations, a commitment not to turn water into the city under siege, the exchange of wounded and others. A particular specificity of the consequences discussed in the Council is that the decisions taken by representatives of the founding tribes also influence the residents free of confederation, the Council having the necessary jurisdiction to impose the latter the performance of its decisions.

After the way he it was thought, the amfictions institution with its individualistic and also universalist characteristics would have developed and could have been the germ of Greek unity and the Council could have served as a national diet.

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[4] Irina Moroianu Zlătescu Radu C. Demetrescu – Drept instituțional european și politici comunitare (European institutional Law and community policies), Casa editorială „Calistrat Hogaș", 2001.