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Questioning Europe



SLOVENSKA AKADEMIJA ZNANOSTI IN UMETNOSTI

ZNANSTVENORAZISKOVALNI CENTER SAZU

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# Contents

- 7 *Questioning Europe*
- 13 *Hauke Brunkhorst*, Staatsbürgeruniversalismus contra Nationalstaat
- 21 *Aleš Erjavec & Marina Gržinić*, Mythical Discoveries, Utopian Spaces and Post-Socialist Culture
- 35 *John Keane*, Nations, Nationalism and the European Citizen
- 57 *Gorazd Korošec*, Social Contract and Public Opinion – Two Political Concepts of the Enlightenment
- 83 *Tomaž Mastnak*, The Birth of War out of the Spirit of Peace
- 121 *Aletta J. Norval*, Minoritarian Politics and the Pluralisation of Democracy
- 141 *J. G. A. Pocock*, Vous autres Européens – or Inventing Europe
- 159 *Rado Riha*, Europa und wir Anderen
- 179 *Braco Rotar*, Le revers de l'Europe
- 213 *Jelica Šumič-Riha*, Liberalismus und Partikularismus im neuen Europa
- 226 *Notes on Contributors*
- 227 *Abstracts – Povzetki*



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## Questioning Europe

*The so-called unification of Europe appears to be carried out with little thought. Moreover, the imposition and promotion of the new international reality seems to be a substitute for an understanding of the nature of this reality. As things are, Europe is a self-evident value, its 'integration' an unquestionable good, and the united Europe le meilleur des mondes possibles. The integrative processes are praised as historical progress and self-congratulatory Euro-politicians have won the day - with the majority of intellectuals lined up behind them vociferously or tacitly subscribing to the fashionable formulae.*

*It is not for the first time that Europe is uniting, yet this has never been marked by such a poverty of ideas and lack of reflection. The articulation of the new European order after the World War II, for example, was accompanied by a number of books dealing with the idea of Europe. Today, nothing parallels the intellectual efforts of the mainly Italian, German and Scottish authors of the fifties and early sixties: it is as if the reality which dictated an East Central European novelist to talk about the 'Biafra of the spirit' had to disappear for that gloomy metaphor to come true in the Europe of the 'end of history'.*

*It would appear that one has to come from the other side of the world to find it necessary to challenge the 'mystique' of Europe, as J. G. A. Pocock has recently done. He uttered his critique from the standpoint of one outside that entity yet not belonging to another civilisation: 'I am not a European because I am an Antipodean; yet I speak the same language, I live by the same values and I have at least some of the same historic memories as many of you. What then does it mean to learn that I am not »European«, and what is this »Europe« to which I do not belong?'*

*We find ourselves in a similar 'inside/outside' position, in some aspects closer to Europe and in others more far away. Up until three years ago, we were 'outside' because we lived in a communist country. In Slovenia, as in Czechoslovakia, Poland, Hungary and the Baltic States, asserting that we were Europeans meant criticising communism and the imperial structures imposed on us. We accepted the European identity game only to realise that, in the end,*



*we could only lose. When communism collapsed, we continued to be excluded from the Europe in which we live culturally, politically, economically, historically. Europe had needed communism more than we did; and when we freed ourselves from it Europe kept us in the position of the Other, only the reasons for that have changed: ideological and political considerations are being succeeded by racial ones.*

*The post-communist exclusion we have experienced as citizens of Slovenia and neighbours to war torn Croatia and Bosnia, made us think about Europe. What we have learned since the late eighties, from observing and analysing the European 'Yugoslav policy', conflicted with our positive prejudices about Europe. We were put into a position in which we had to lose our illusions. They are gradually being replaced by what we regard as a more realistic understanding.*

*We would like to introduce the questions we wish to ask by summarising some of those observations.*

*Europe having declared the nation-state obsolete was opposed to the formation of new nation-states. However, no alternative has been found yet for that framework which the nation-state has provided (even if imperfectly) for individuals to be able to act as citizens; European citizenship is a conceptual swindle, and at best, can only be a privilege for the powerful and well-off. The refusal to recognise new nation-states was more than a negation of the principle of self-determination: it was a denial of the right to political existence and citizenship. Paradoxically Europe, while acting this way, accused those who strived to institute the conditions for their civic existence of nationalism and alleged hostility to the very notion of citizen. At the same time, European states, in their opposition to new nation-states, acted on the least attractive principles of an international order based on nation-states. Is it by accident that dreams of 'empire' have recently been invoked, and that Europe supported a unitary Yugoslav state when it was obvious that this was just a disguise for a Serbian Reich (and has continued to support the creation of that 'monstrum' when this started to proceed without any disguise)? Is a post-modern imperium to become the alternative for the nation-state? What is the political constitution of Europe? If any? For Europe may be becoming an huge Gesellschaft mit begrenzter Hoffnung – and limitless ambitions?*

*Europe has given no help or support to the democratization in Yugoslavia, on the contrary, it has consistently supported the center of anti-democracy. It consented to the Serbian apartheid in Kosovo while it was frustrating the potentials for democratic development in Slovenia and Croatia. The Bosnian state, founded on modern democratic concepts, has been destroyed by European diplomacy as much as by Serbian warfare. Meanwhile the Serbian*



*chieftainry in Bosnia, which calls itself a democracy, has come into being not only with help from Belgrade but also from London and Paris. The regime in Serbia is regarded as democratic because it originates in people, because it is the opposite of nationalism. Indeed, it is the Volkwerdung der Nation, to use the term invented in a similar situation sixty years ago. Slovenia may have much more liberal-democratic institutions and political culture, but it is 'nationalist' and therefore 'anti-democratic'. So what is the meaning of democracy, for Europe, in the post-Cold-War world? And what is European democracy? Does the state of Europe suggest that the 'end of history' thesis is actually an attempt to evade the recognition of the end of liberal democracy? Does it still make sense, in this Europe, to refer to democracy?*

*Europe encouraged the forces in Yugoslavia which led the country to war. Moreover, in the Bosnian case, it provided the blueprint for Serbian aggression and the Serbo-Croat partition of Bosnia. The European 'peace plans' were a recipe for 'ethnic cleansing'; while 'peace talks' are a means of prolonging the war until genocide is accomplished. What does Europe mean by peace? What is 'European peace' if war is peace?*

*Europe has failed to confront Serbian fascism. It has only strived to make peace with it. But Europe has never been able to confront and defeat fascism symbolically, that is, politically, and it is not for the first time that it is appeasing fascists. In World War II fascism was finally militarily destroyed. Today, the two 'most democratic' European countries seem to have been successful in preventing a military confrontation with Serbian fascism, and in one of them the desire to rehabilitate the pre-war appeasement-with-Hitler-politics is more than an exercise in historical revisionism. Does the failure to confront Serbian fascism mean that Europe is anxious not to face fascism within itself? Would this endanger its innermost identity? And does the rise of English and French germanophobia mean that historical animosities exist precisely in those countries which are most determined to explain the war in the Balkans in terms of alleged 'historical animosities'? Who is actually haunted by demons of history?*

*Europe has not tried to prevent the genocide of the muslim population in Bosnia. It not only has the capacity to live its normal life with the full knowledge of genocide happening, as it were, on its doorstep. It is responsible for its smooth accomplishment. It is preventing the Bosnian government from purchasing arms to defend its population while it is at the same time refusing to defend this government and its people. Europe is creating and preserving a situation in which the aggressor can kill and destroy safely. It is tolerating concentration camps and crimes against humanity and promoting their originators as statesmen. What remains of the jus gentium when a gens is*

*exterminated; of international law, when the international community with cool head (and cold heart) agrees to the destruction of a nation which it had just recognised? And what becomes of the international community when the international law is torn apart? What are the laws of the 'European society'?*

*Europe has made 'muslims' out of Bosnians. It has diplomatically dissolved the legal government: it treated Bosnian Croats who were represented in, and by, that government as a separate entity, and because Serbian warmongers, losing the political battle, had already withdrawn from it, the government could subsequently be declared a 'muslim government', representing solely 'muslims'. Next it was styled a 'warring faction', equated with the self-styled Croatian leaders and Serbian war criminals. No serious attempt has been made in Europe to explain that Bosnian muslims are all but 'islamic fundamentalists'; that Bosnian society was a largely secularized society; that Bosnian towns which are falling victim to the urbocidal Serbian mob were historical centres of cultural pluralism and tolerance. What was generated was the image of the warring muslim, the Urangst of the Christian, cultured and civilized Europe. Is Europe accomplishing the history started in Clermont, 1095?*

*We have argued that the so-called unification of Europe is carried out with little thought. We would like to conclude this invitation by articulating the problem in philosophical terms.*

*European unification, which has gone on surprisingly free from thinking and reflection, has often been presented as the long awaited answer to the question Was ist Aufklärung? However, while Kant modestly suggested to his contemporaries that they should be content to simply know that they live in the 'era of Enlightenment', our contemporaries, lacking any humility, declare the united Europe the advent of the 'enlightened era', the final and ultimate realization of the project of the Enlightened modernity. Initially, the project was characterised by the simultaneity of political and intellectual event, by the inseparable intertwinement of the democratic invention and the Enlightened philosophy; what does it mean, then, that, at its end, the project seems to be realized by forgetting and suppressing its own intellectual origins? Is a united Europe abdicating from reflection because through its political project the reign of the Enlightened philosophical reason is coming true? Or does the abandoning of reflection, on the contrary, indicate that, what is suppressed and lost in the present constitution of Europe, is precisely that which many hold to be the most valuable inheritance of Enlightened philosophy: its emancipatory dimension, its attempt to conceptualize the inconceivable without accommodating it to the concepts used?*



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*If by thinking we understand, slightly unzeitgemäß, thinking in the strict sense of the word, we raise the question of whether a philosophy of united Europe is possible at all; and if so, how is it possible? In what ways does the rational knowledge on which the present project of a united Europe is founded relate to the key philosophical concepts of the European modernity: Reason, Subjectivity, Truth, Being an others, if it still relates to them at all? Is the united Europe still an heir of the ambivalent Enlightenment heritage, and if so, in what ways? Who is, for example, the subject of the utterance: 'We Europeans'? Which identity concept, which identification mechanisms, constitute this 'we'; in what relation to the other and different, diverse, is it constituted? Which constitutively excluded Other is the condition for European identity? If a possible philosophy of united Europe is defined by concepts of universality, dialogue, rationality, consensuality, what do the dissolution of Yugoslavia, the Soviet Union and Czechoslovakia, war in the Balkans, and skirmishes in the former Soviet Union, mean for the united Europe?*

*We do not claim that the above observations of a particular aspect of European reality from a particular standpoint are generally valid. However, we do think that they require a serious rethinking of what is generally held to be Europe, and of the values customarily attached to this entity. Our observations and questions suggest a pessimistic, or at least highly sceptical, view of what is Europe. We do not expect such a view to be widely shared. We would hope, however, to be able to exchange ideas and reflections about what is Europe, focussing on the question: What are the social, political and philosophical articulations of European identity today and what historical constructs of Europe underpin them?*

*Tomaž Mastnak  
Jelica Šumič-Riha*



# Staatsbürgeruniversalismus contra Nationalstaat

Hauke Brunkhorst

Der Widerspruch des Nationalstaats ist der Widerspruch zwischen dem Partikularismus eines bürokratisch organisierten Selbstbehauptungssystems und dem staatsbürgerlichen Universalismus der modernen Demokratie. Der schon bei Hegel durchbrechende Machtstaatsrealismus mit dem de facto Vorrang äußerer Souveränität hatte dem allzu höhnischen Kritiker von Kants Schrift über den ewigen Frieden das späte Lob Carl Schmitts gesichert. Doch Hegel ist anders als Carl Schmitt ein Theoretiker des heterogenen Nationalstaats und der *heterogene Nationalstaat* verhält sich anders zu jenem Widerspruch als der nach dem Muster der politischen Tugendgemeinschaft *homogenisierte Nationalstaat*.

Meine These ist, daß das Selbsttransformationspotential des heterogenen Nationalstaats im Universalismus der Staatsbürgerschaft steckt. *Jeder* hat das Recht, Staatsbürger zu sein. »Am Anfang steht der Mensch. Nicht dessen territorialhoheitliche Einverleibung, sondern die willentliche Vereinigung bilden alsdann aus den Vielen ein Volk und aus diesem den Grund des Staates.«<sup>1</sup> Staatsbürgerschaft ist nichts anderes als die »staatsbildende Kraft des Individuums«.<sup>2</sup> Das Menschenrecht auf Staatsbürgerschaft nennt Hegel das absolute Recht auf Rechte. Dieses Recht *konstituiert* den *heterogenen Nationalstaat*.

Es ist dies die wichtigste normative Implikation der funktionalen Differenzierung von Staat und Gesellschaft. Hegel schreibt sie dem »tieferen Trieb« der »Sittlichkeit« als das Recht der »freien unendlichen Persönlichkeit« zu, das aus »der Wechselbeziehung der Bedürfnisse und der Arbeit« als »*allgemein Anerkannten, Gewußtes und Gewolltes*« hervortritt: »Es gehört der Bildung, dem *Denken* als Bewußtsein des Einzelnen in Form der Allgemeinheit, daß ich als *allgemeine* Person aufgefaßt werde, worin *Alle* identisch sind. Der *Mensch gilt so, weil er Mensch ist*, nicht weil er Jude, Katholik, Protestant, Deutscher, Italiener u.s.f. ist.«<sup>3</sup>

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1. R. Grawert, »Staatsangehörigkeit und Staatsbürgerschaft«, in: *Der Staat* 23/1984, S. 179.

2. R. Grawert, a.a.O.

3. G. W. F. Hegel, *Grundlinien der Philosophie des Rechts*, Hamburg 1955, Vorrede, S. 14, § 209



Im Zusatz zu diesem Paragraphen macht Hegel dann freilich noch einmal deutlich, was er schon zu Beginn behauptet hatte: Das abstrakte Recht auf Anerkennung des Menschen *als* Menschen im Staate leitet sich aus *instrumentellen* Wechselbeziehungen von Privateigentümern ab und nicht aus den kommunikativen Strukturen der Intersubjektivität. Auch an dieser wichtigen und progressiven Stelle der Rechtsphilosophie wird die Intersubjektivität verdrängt. Deshalb bleibt die Sache auch hier zweideutig. Hegel *harmonisiert* nämlich nicht nur (frühliberal) Kapitalismus und Autonomie, indem er die allgemeine und reziproke Anerkennung des abstrakten Rechts der Person aus Selbsterhaltungsimperativen des »Systems der Partikularität« ableitet. Hier wird dann Marx mit seiner Kritik an Hegel und den Menschenrechten einsetzen und sich dabei als allzu guter Schüler Hegels erweisen. Überdies jedoch setzt Hegel die Menschenrechte, die sich ausdrücklich nicht in Gestalt eines »*kosmopolitischen*« Bewußtseins dem »konkreten Staatsleben« entgegensetzen dürfen, de facto zu bloßen Anhängseln des objektiven Staatswillens herab, – de jure, in der hegelschen Totalitätslogik bleiben sie in sich reflektierte, autonome Momente des Ganzen, aber eben *nur* als entpolitizierter Not- und Verstandesstaat.

Dieser Reduktionismus in Sachen Menschenrechte spiegelt Hegels wechselvolles und ambivalentes Verhältnis zur Französischen Revolution. Zur Zeit, als er in Berlin Vorlesungen zur Philosophie des Rechts abhält, ist für ihn die Errungenschaft der Großen Revolution längst auf den Privatrechtskern des Code Napoleon zusammengeschrumpft. Der Staatsidee von 1789 jedoch war eine solche Doppelung der Freiheit in die unpolitische Freiheit des Einzelnen (»Not- und Verstandesstaat«) und die politische Freiheit eines hierarchisch organisierten, organischen Ganzen (»sittlicher Staat«) noch fremd.

Das Nationalstaat ist das europäische Erbe der Französischen Revolution. Ursprünglich war die »Nation« (natio, nationes) das Wilde im Unterschied zum Zivilisierten, das Heidnische im Unterschied zum Christlichen, das Barbarische und Vropolitische im Unterschied zu Stadt und Staat. Diese Wortgeschichte hatte im europäischen Nationalismus zwischen 1870 und 1945 eine fatal belebende Wirkung. Aber in der revolutionären Stunde ihrer republikanischen Apotheose um 1789 wurde die Nation zivilisiert, urbanisiert, politisiert. Sie wurde in der Konzeption der französischen Moderne zum Träger der Souveränität und somit zur »Quelle der legitimen Autorität für den Staat«. <sup>4</sup> Die Nation wurde abstrakt, rationalistisch und kosmopolitisch definiert: »Nach ihrer Grundidee bestand sie aus gleichartigen, gleichberechtigten Bürgern. Die Staatsbürgerschaft wurde ausgeweitet auf Protestanten, Juden, vorübergehend sogar die Schwarzen in den Kolonien. Obwohl man leicht

4. R. Brubaker, »Einwanderung und Nationalstaat in Frankreich und Deutschland«, in: *Der Staat* 1/1989, S. 14.

starke Gegenströmungen hervorheben kann (wie gerade in diesem Tagen – H.B.), dauert diese universalistische, rationalistische, etatistische Tradition in der französischen politischen Geschichte an.«<sup>5</sup> In den Verfassungen und Verfassungsentwürfen der Revolutionszeit fehlt jeder Hinweis auf »Nationalität als ethnokulturelle oder sogar rechtlich definierte Qualität, die von der Staatsbürgerschaft verschieden wäre.«<sup>6</sup> Die Revolution verkündete zwar die Souveränität der Nation. »Die Grenzen dieser Nation waren aber diejenigen des Staates, dessen Souveränität sie selbst legitimierte, nicht diejenigen einer unabhängig definierten ethnokulturellen Wesenheit.«<sup>7</sup> Selbst die radikale sprachliche Assimilationspolitik während der Revolutionszeit war, wie Rogers Brubaker gezeigt hat, *politisch*, nicht national und ethnolinguistisch bestimmt. Brubaker verteidigt die Assimilation gegen den schlechten Ruf, den sie in den letzten zwei Jahrzehnten erworben hat: »Es ist eine Sache zu wünschen, daß mal alle Bürger von Utopia dazu bringen könnte, utopisch zu sprechen; eine völlig andere Sache ist es dagegen zu wünschen, man könnte alle, deren Sprache das Utopische ist, zu Bürgern Utopias machen. Grob gesagt, steht das erstere für das französische, das letztere für das deutsche Modell der Nationwerdung.«<sup>8</sup> Wegen ihres abstrakt-universalistischen Charakters bleibt die Idee der Staatsbürgernation von den großen und kleinen Narrativen unberührt, kalt gegen Herkunft und Abstammung, Kultur und Sprachspiel. Dieser Anspruch auf *Unbedingtheit* entzieht den politisch-etatistischen Begriff der Staatsnation dem Zugriff nationalistischer und ethnokultureller Manipulation. Das Narrative war schon immer das Manipulierbare, aber erst nachdem die Verbindlichkeit naturwüchsiger Traditionen in Europa zerfallen sind, wurde sein manipulativer Charakter total. Er ist, wie oft beobachtet wurde, für den ethnokulturellen, unpolitischen Gemeinschaftsbegriff der Nation, der in der deutschen Geschichte fast *ausschließlich* wirksam wurde, bestimmend.

Demgegenüber ist die durch den Staat definierte Nation von vornherein eine abstrakt-höherstufige »social union of social unions«<sup>9</sup>: ihrem Prinzip nach eine Nation *vieler* Nationalitäten, die als solche dem instrumentellen Zugriff durch die je besonderen kulturellen, sprachlichen oder 'rassischen' Gemeinschaften *unverfügbar* ist. Dies, und nichts sonst, war der objektive Sinn der zivilen Resakralisierung der Staatsbürgerschaft im Verlauf der Französischen Revolution. Die »Heiligkeit« der (heterogenen) Staatsnation muß in einem ähnlichen Sinn verstanden werden, wie die Rede von der »Heiligkeit des Sittengesetzes« in der Kantischen *Grundlegung zur Metaphysik der Sitten*: als Verbot der

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5. R. Brubaker, a.a.O.

6. A.a.O. S. 18.

7. A.a.O.

8. A.a.O. S. 20

9. J. Rawls, *Eine Theorie der Gerechtigkeit*, Frankfurt 1979, S. 572.



Instrumentalisierung. Das ist natürlich ambivalent, wird aber in seiner für den heterogenen Nationalstaat konstitutiven Rolle leicht unterschätzt, wenn allzu forsch auf »Säkularisierung« gesetzt wird, wie in der durch Claude Lefort und Cornelius Castoriadis beeinflussten Debatte um den wenig erhellenden Begriff der »civil society«. *Ambivalent* ist die Sakralisierung von Staatsbürgerschaft, weil sie eine *falsche Vergötzung* des Staates in der *richtigen Begrenzung der Instrumentalisierbarkeit* seiner moralisch-rechtlichen Grundlagen zum Ausdruck bringt. Das einzige 'Gut' oder 'kollektive Ziel', das eine *soziale Gemeinschaft sozialer Gemeinschaften* voraussetzt, ist das formale der freien Vereinigung zu einer »verfassungsmäßigen Ordnung«, die »kein übergeordnetes Ziel wie religiöse Einheit oder größtmögliche Entfaltung der Kultur oder gar von Macht und Ruhm der Nation, dem die Ziele aller Einzelmenschen und Gruppen untergeordnet wären«, mehr kennt.<sup>10</sup>

Wenn Kant im § 46 der *Metaphysik der Sitten* von 1797 Staatsbürgerschaft als die individuelle Willkür bestimmt, in Gemeinschaft mit anderen »handelnder Teil« (d.h. »Glieder«) des »gemeinen Wesens« sein zu wollen, dann wiederholt er nur, was die (nicht mehr kodifizierte) jakobinische Verfassung von 1793 in ihrem Artikel 4 zu positiv geltendem Recht erklärt hatte:

»Jeder Mensch, der in Frankreich geboren und wohnhaft ist und über 21 Jahre alt« und »jeder Ausländer, der über 21 Jahre alt ist, und in Frankreich seit mindestens einem Jahr wohnt und arbeitet; oder dort Eigentum erwirbt, eine Französin heiratet, ein Kind adoptiert oder einen Alten pflegt; jeder Fremde schließlich, der sich nach dem Urteil der gesetzgebenden Versammlung (corps législatif) Meriten um die Menschheit erworben hat, *ist ab sofort aktiver französischer Staatsbürger* (citoyen français).«

Der Artikel 4 der revolutionären Verfassung des Jahres III soll dem Recht, Staatsbürger zu sein, in einer lokalisierbaren, *konkreten Rechtsgemeinschaft* positive Anerkennung verschaffen. Letzere aber ist nicht nur egalitär, sie ist auch – und eben das sichert der Art. 4 – in ihrer Tendenz *universalistisch*, denn sie hat *offene*, niemanden diskriminierende Zu- und Abhänge. Staatsbürgerschaft hat einen absoluten Vorrang vor der Nationalität. Tallien bemerkt im Frühling 1795: »Fremd in Frankreich ist nur der schlechte Citoyen.« Sieht man davon ab, daß das frühere Mitglied der Bergpartei hier zuviel Tugend erwartet, so bringt der Satz doch treffend zum Ausdruck, woran sich auch heute noch die Geister in Europa scheiden. Wie wir, und vor allem: unsere Gesetze es mit den Fremden halten, daran wird man am Ende erkennen, ob das vereinte Europa das Erbe des heterogenen Nationalstaats bewahren und fortentwickeln wird oder nicht. Die Alternative heißt 'Festung Europa'. Statt *Weltbürgertum* westliche »Dominanz«, nordatlantische »Wertegemeinschaft« und *Weltherrschaft*.

10. J. Rawls, a.a.O. S. 573.



Manichäismus ist immer falsch, auch wenn es der zwischen »guten« parlamentarischen Demokratien und »bösem« Despotismus oder Fundamentalismus ist. Solcher Manichäismus ist verführerisch, aber das ist eine Verführung, der die Verteidiger der Demokratie widerstehen sollten. Die *Weltherrschaft der reichen Demokratien* ist keine Alternative zu einer *demokratischen Weltgesellschaft*, auch wenn letztere vielleicht immer eine Utopie bleibt. »With respect to decision on crucial international affairs, then, the danger is that the third transformation (vom Nationalstaat zur Weltgesellschaft – H.B.) will lead not to an extension of the democratic idea beyond the nation-state but to the victory in that domain of de facto guardianship.«<sup>11</sup> Aus den Utopien einer transnationalen Demokratie (oder doch wenigstens eines ewigen Friedens freier Republiken) wäre unterderhand ein transnationaler, platonischer Wächterstaat geworden.

In »Democracy and its Critics« begründet Robert Dahl, warum affirmative Imperialismustheorien, wie die von der »pax americana« oder der Dominanz der westlichen Demokratien über den Rest der Welt, falsch sind. »It is tempting to impose upon the moral and empirical complexities of the world a false Manichean orderliness. For a democrat the temptation is to divide the world neatly into democracies, which are by assumption good, and nondemocracies, which are by assumption bad. But such a Manichean division is morally inadequate, empirically misleading and politically inept. It is empirically misleading (and therefore morally inadequate and likely to lead to inept policies) because even if we were to appraise countries only by democratic criteria, we would discover that countries below a reasonable threshold for full polyarchy are of extraordinary variety.«<sup>12</sup>

Es gibt *Scheindemokratien* oder solche, die nur einer Elite zugänglich sind, – wie in vielen Staaten Lateinamerikas oder in Indochina oder in Südafrika. Es gibt aber auch *Diktaturen*, die sich Volksdemokratien nennen. Manche dieser Staaten können »on the road« zur Demokratie sein, aber es kann passieren, daß die »Demokratisierung« in noch schlimmere Repression hineinführt, wie vielleicht in vielen Staaten des ehemaligen Sowjetblocks oder wie in Deutschland nach dem Ersten Weltkrieg. Die demokratische Revolution kann scheitern, und es ist eine alte Erfahrung, daß gescheiterte Revolutionen meist in blutigen Konterrevolutionen enden. Nur selten sind die anspruchsvollen *Voraussetzungen* einer erfolgreichen demokratischen Revolution so günstig wie in Spanien am Ende des Franco-Regimes (oder heute in Ostdeutschland und vielleicht in Polen und in Ungarn); aber schon in Portugal fehlen die wichtigsten »pre-democratic institutions« weitgehend, auch wenn die Lage besser ist als im

11. R. Dahl, *Democracy and its Critics*, New Haven 1989, S. 324.

12. R. Dahl, a.a.O. S. 316.

heutigen Rußland. »Hence we need to take into account the fact that nondemocratic regimes may vary enormously in the extent to which important *predemocratic* institutions exist or might be encouraged: literacy, education, human rights, a fair and independent judiciary, organizational autonomy and pluralism, dispersion of wealth and income, and so on. We cannot reasonably rule out the possibility, for example, that in a country ruled by a traditional oligarchy whose monopoly of coercive violence makes peaceful change impossible, the changes brought about by a revolutionary nondemocratic regime may prepare the ground for the eventual appearance of a democratic system.«<sup>13</sup> Ganz ähnliche Überlegungen finden sich auch in der »Theory of Justice« von Rawls. Die Möglichkeiten einer notwendig gewaltsamen Demokratisierung von außen schätzt Dahl ähnlich skeptisch ein wie seinerzeit Hegel die Möglichkeiten einer Exports der Ideen von 1789 in Länder, denen alle inneren Voraussetzungen fehlen. Österreich, Westdeutschland und Japan nach dem Zweiten Weltkrieg sind keine guten Beispiele, denn in diesen Ländern waren die Voraussetzungen einer erfolgreichen demokratischen Revolution extrem günstig (wobei Japan freilich ein Sonderfall geblieben ist), und es waren in diesen Ländern fast alle »predemocratic institutions« auf hohem Niveau und oft schon lange etabliert. Von außen kann die Demokratie aber auch durch bereits etablierte demokratische Staaten verhindert oder verzögert werden, wie das Beispiel der US-amerikanischen Politik in Lateinamerika in der Nachkriegszeit (und davor) eindrucksvoll belegt.<sup>14</sup>

Alles hängt am Ende an den »underlying conditions«, gewiß nicht an der »Akzeptanz von Dominanz« und der Bereitschaft zur Unterwerfung unter eine spätestens dann nicht länger »freie Welt«. »It would be wise for citizens in democratic countries to recognize«, schreibt Dahl, »that throughout the foreseeable future many if not most countries in the world will not be democratic. The enormous variety of regimes in nondemocratic countries require discrimination of empirical and moral appraisals and a firm rejection of Manichean dualism. The capacity of democratic countries to bring democracy about in other countries will remain rather limited. Yet democratic countries could aid in the democratization of nondemocratic countries by steadily pursuing policies over many years that focus on changes in the underlying conditions that support stable polyarchy.«<sup>15</sup>

Eine Festungsblock gegen die 'fundamentalistische' Immigranten- und Asylantenflut und all die Armut der Welt würde beispielsweise Europa in einen wohlstandschauvenistisch und besitzindividualistisch homogenisierten

13. A.a.O. S. 316.

14. A.a.O. S. 317.

15. A.a.O.



Nationalstaat zurückverwandeln. Das ist keine abstrakte Möglichkeit. Es ist die sehr reale Alternative der Europäischen Gemeinschaft, ein »Block unter Blöcken« zu werden, das »das alte Trauerspiel der Nationen mit neuen Akteuren und Kulissen« fortführte – oder doch noch einen entschlossenen »Schritt auf dem Weg zur Weltbürgergesellschaft« zu tun.<sup>16</sup>

Auch die europäische Einigung *kann* zu einem Rückfall unter das zivilisatorische Niveau des Nationalstaats der Französischen Revolution führen. Diese Gefahr ist sehr real und höchst aktuell, – seit der, bislang glücklicherweise weitgehend Semantik gebliebenen, Wiederkehr des reaktionären »Primats der Außenpolitik« im Golf-Krieg und seit der neuen *westeuropäischen* Fremdenfeindlichkeit. Unter ungünstigen wirtschaftlichen und weltpolitischen Konstellationen könnte das leicht zum Durchbruch eines aggressiv eurozentrischen und ethnoeuropäischen Kollektivbewußtseins führen.

Es gibt also eine Möglichkeit des Rückfalls vom heterogenen Nationalstaat in ein besitzindividualistisches Europa des Geldes und der Macht. Weil sie damit nicht rechnet, hat Ralf Dahrendorf die wolkige Rede vom Europa der Regionen mit Recht kritisiert. »Der heterogene Nationalstaat«, schreibt er, »war die größte Errungenschaft der politischen Zivilisation. In ihm kamen Bürgerrechte wirksam zum Geltung, nämlich als gleiche Grundrechte für Menschen unterschiedlicher Zugehörigkeiten. Zu diesen Grundrechten gehörte immer auch das auf geschützte Entfaltung der kulturellen, religiösen, ethnischen Besonderheiten. Zusammen mit den Grundrechten des Einzelnen wurden solche Rechte durch Verfassungen garantiert. Der Rechtsstaat ermöglichte den Rekurs auf Instanzen der Erzwingung; er schaffte den gemeinsamen Grund, auf dem die Vielfalt der menschlichen Interessen und Bedürfnisse gedeihen konnte.«<sup>17</sup>

Vor Nationalstaatsillusionen ist indes zu warnen. Denn wenn der vorlaufende europäische Schritt zur Weltbürgergesellschaft am Wohlstandschauvinismus, an der Macht legitimationsfreier Entscheidungsinstanzen und an den Interessen des Kapitals scheitert, wird auch von den in die alten Nationalstaaten zurückgedrängten »Inseln der Freiheit« (Dahrendorf) nicht viel bleiben. Sie werden von der Flutwelle fortgespült werden, mit der der europäische Festungsblock in die aufgewühlte See der Weltgesellschaft plumpst.

Seit sich die Konturen einer »Gesellschaftswelt« (Czempel) am Horizont der internationalen Politik abzeichnen, ist vom alten Nationalstaat ohnehin nicht mehr zu sehen, was *dieser* Zukunft gewachsen wäre. Der im Osten nun wiederentdeckte homogene Nationalstaat ganz gewiß nicht, liegt doch das *faktische* Ende der Außenpolitik schon hinter uns. Der »große Aufmarsch«

16. R. Dahrendorf, »Europäisches Tagebuch«, in: *Der Merkur* 1990, S. 832.

17. R. Dahrendorf, a.a.O. 1991, 704.

und der mit vielen Opfern auf der besiegten Seite leicht gewonnene Krieg gegen den irakischen Aggressor »scheint die berühmte Ausnahme zu sein, die die Regel bestätigt.«<sup>18</sup> Diese Sorte Krieg läßt sich nicht beliebig, vielleicht gar nicht wiederholen. Am Ende des Ost-West-Konflikts ist evident: Der Nationalstaat, auch der heterogene, auch in Gestalt der zerfallenden oder strukturell längst überforderten Superpowers ist, wie es der amerikanische Soziologe Daniel Bell ausgedrückt hat, »zu klein für die 'großen' Probleme des wirtschaftlichen und politischen Lebens und zu groß für die 'kleinen' Probleme der Kommunen und der Nachbarschaft«.<sup>19</sup>

Die Gefahr, daß die 'großen' Probleme so lange ungeklärt vor die neuen Festungsmauern gekippt werden, bis es zum Himmel stinkt und die 'kleinen' Probleme in neighbourhood-riots bis aufs Blut zerrieben sind, ist eine realpolitische europäische Perspektive. Es ist die Perspektive einer europäischen Realpolitik nach Mustern des deutschen 19. Jahrhunderts. Aber »Politik darf nicht realistisch sein«, schrieb Sartre 1945: »Realismus zerstört die Idee der Humanität, denn er bedeutet Unterwerfung unter die Dinge.«<sup>20</sup> Ob das neue, das kommende Europa etwas bewahrt von jener alteuropäischen Idee, das wird sich am Verhältnis der Immigranten zur Staatsbürgerschaft entscheiden. Das Selbsttransformationspotential des heterogenen Nationalstaats jedenfalls wäre erst dann in eine politische Union Europas aufgehoben, wenn der Artikel 4 der jakobinischen Verfassung von 1793 in einer europäischen Verfassung und damit der Fortschritt im Bewußtsein »staatsbürgerlicher Entnationalisierung«<sup>21</sup> geltendes Recht würde. Nur dann könnte die spätbürgerliche Gesellschaft durch eine weltbürgerliche Gleichheitsordnung (isonomia) wenigstens halbwegs unter Kontrolle gehalten werden.

18. K.-O. Czempel, in: *Merkur* 1990. S. 841.

19. Zit. nach Czempel, a.a.O. S. 845.

20. J.-P. Sartre, *Schwarze und weiße Literatur*, Reinbek 1984, S. 19.

21. R. Grawert, a.a.O. S. 199.

# Mythical Discoveries, Utopian Spaces and Post-Socialist Culture

Aleš Erjavec & Marina Gržinić

When Christopher Columbus set sail in 1492 to discover India, he discovered America. The America which he discovered was of course totally different from what he or those coming after him expected (not to mention the case of mistaken identity). His relation to the newly discovered land and its peoples ranged from the wonder of the totally unexpected and different, to the »unexpected recognition« of the known from Europe and other then known places. He read the identity of the discovered places and people »in his own mirror«. In this binary division into the »known« and the »other« – this »other« to be integrated into the »known« – the crucial question so far has been mostly on which side of this relationship was our own position, for this position determined whether the »other« was to be changed by us or whether we found ourselves in the role of this »other« – to be changed by somebody else.

## *This is not America*

In Central and East European countries America was for a long time a haven to which people escaped also for political, but mainly for economic reasons. Those who came back to Europe were mostly relatively well off, when compared to their fellow countrymen. In the collective consciousness of these countries America was primarily, as the Americans themselves have written in their schoolbooks, »the land of opportunity«. You took risks and they paid off. The older generation of people in Slovenia used the exclamation »America!« not long ago to express something positive, success, wealth, etc. using the word in a sense similar to »Bingo!«

Another meaning of America, appearing of course much later, lay in the America of the Vietnam war, as the culprit of events that to a large extent homogenized the Left and certainly also linked the American Left with the European one.

The just mentioned presentation of America as the great foe coincided with the self-representation of certain European countries as socialist, although the degree to which this was true varied enormously: socialism in Slovenia or former Yugoslavia, due to the self-management socialist system, remained a



viable option long after, for example, the obvious decay and disintegration of Polish socialism which caused the term there to become a totally disreputable one.

The historical events that took place in the eighties have sped up these political events enormously. The second half of the eighties really were »The Years of Denouement«, to use the title of a book by Slobodan Milošević from a few years ago.

After the dismantling of socialism in »Eastern Europe« the road to capitalism was swiftly taken. After the initial enthusiasm the speed of these changes in different countries began to vary, depending not only upon their economic, social and historical conditions and ensuing internal political contradictions but also upon the intensity of their discovery that capitalism does have a »dark« side, i.e., the one previously so unconvincingly stressed by party ideologues.

The appearance of fast food chains<sup>1</sup> and of almost anything Western was taken especially by the younger generation uncritically. The ideal of a consumer society has begun to draw in the younger section of the population for whom ideals of brotherhood, fraternity and equality have become empty slogans negated in every segment of their everyday lives. National traditions became alternatives to the different kinds of decaying socialism. Even former kingdoms could become a point of reference and of support for different »imagined communities« and especially for national homogenizations. In countries which never existed as separate states similar aspirations could become strong driving forces for attaining such a status.

What we encounter currently in many of these countries is a mimicry of the »American way« mixed with fear of the same capitalist greed, especially as the capitalism perceived in them is not capitalism accompanied by a minimal social safety net which exists in West European countries. What is emerging there is often a primeval free market capitalism, with foreign and especially local entrepreneurs<sup>2</sup> trying to earn as much as possible in the shortest time possible. It is thus no coincidence that this area is known now as the »Wild East«, the new frontier, where you can make it quickly, usually without bothering about morals consistent with the laws of most of the capitalist countries. Equally important is that certain morals were an integral part of the

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1. When the McDonald's appeared in Moscow a few years ago it was called the »slow food« for you had to wait an hour to make your order. The hamburgers (and even the paper bags) became a signifier of social status, with a hamburger costing 5 rubles when the average salary was 160 rubles.
  2. With »yummies« (young upward mobile – former – Marxists) preceding the nascent local yuppies.

collective spirit of the previous socialist system which guaranteed a minimum of everyday security.

An initial fascination with the West has given way to an unease, manifesting itself in a cautious approach towards Western investments and towards appropriating the »West« and its ways. In short, in trying to find some middle ground between the two realities, formerly exemplified by the terms of capitalism and socialism, be it of the real socialist or the self-management type.

The same phenomenon appeared in the sphere of the social sciences, art, and culture. If the Central European countries found it easy to revert to their own theoretical heritage from before the World War II, in the former Soviet Union this was not the case. There the only theoretical heritage (with the exception of locally unimportant and rather exotic theories like structuralism of the Tartu School, of politically eliminated Russian formalism, or of locally almost unknown authors like Mikhail Bakhtin) was either Marxism-Leninism of the orthodox sort or the Russian tradition of the nineteenth century which was for the most part anti-cosmopolitan, anti-Western and anti-enlightenment oriented, with its perception of the peasant way of life as a sane and healthy ideal. Nikolai A. Berdyaev, Lev N. Tolstoy and even Georgi V. Plekhanov can all be situated in this line of reasoning.

When Russian futurism, usually viewed as a cosmopolitan art form erupted at the beginning of this century, it very soon became divided into the nationalist, »Eastern«, primitive part (personified by Victor V. Khlebnikov) and the cosmopolitan (defended among others by Vladimir V. Mayakovski). A similar phenomenon occurred in the then newly formed Yugoslavia after World War I when Lubomir Micić devised the so-called »Balkan barbarogenius« whose main traits were opposition to everything Western. In this way the old Russian (and Orthodox) suspicion of Western civilization emerged also in art.

For obvious reasons Marxism-Leninism ceased being theoretically relevant. In all the former socialist countries even mentioning Marxism, or theories connected with Marx, or relying on his theory, is now considered unacceptable. The theoretical void is being only partially replaced by acquiring Western, usually more empirical and practically oriented social science perspectives. A large majority of people working in the social sciences and in cultural institutions from these countries cannot compete on the international intellectual market no more that these countries can compete on an economic market. Also, the state has in most cases taken away the previous, relatively strong financial support. What remains is usually what can find a market and what can (which usually means the same thing) enhance the national or international standing of the existing or the emerging nation-states. This process really



functions through an often unconscious system of state apparatuses and often also through the strong nationalism of many of the intellectuals.

Russia nowadays can hardly present its Marxist-Leninist heritage as something that could be offered internationally. The same applies to the nineteenth century authors, who long ago became a part of world culture. What can be promoted in the electronic age are visual arts and among these especially those works which have retained or are connected with the aura of the Russian avant-garde art from the beginning of this century. In them a universal visual language is being used which can refer to the already known and established works and artists. Such works may therefore play an important role in international culture. This fascination is often of a limited range – something that the artists of the *sots-art* have discovered the hard way, as the market for their paintings, sculptures and installations became glutted due to excessive supply and the total unpreparedness of the Russian artists and their official institutions to direct the market.<sup>3</sup>

In most of the former socialist countries of Central Europe art turned international (as in the time of the neo-avant-gardes of the fifties and the sixties) or revived its national past, bringing to the fore forgotten, discarded or reinterpreted works, be they from the avant-gardist or nationalist and populist past. This last observation certainly applies to Russia, to Hungary and to Slovenia.

One of the first consequences of the unexpected »withering away« of the socialist state was the rapid decline of financial support. Former socialist countries, following the values of the enlightenment ascribed to culture a special place, even if this place was at the same time kept under strict control and supervision. Thus, paradoxically, the most »bourgeois« art genres like ballet were perceived as the highest art forms. In accordance with this conservative and populist modernist tradition art and culture consisted of two, mutually hardly compatible poles: of high, elitist art on one side and popular (as a rule based on local and national traditions) on the other, with hardly anything in between. Mass and trivial popular culture were perceived as kitch and not worthy of being seriously taken into consideration, although such an approach did not diminish their enormous influence among people. One of the crucial changes which occurred after the dismantling of socialism was that the aura of dissidence, of opposing the system, was taken away from artists. Previously art and culture played a crucial role in opposing the totalitarian system and were rare areas of the social field where opposing voices could be enunciated.<sup>4</sup>

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3. Cf. for example the criticism of the then existing situation in the art market and its organisation in the Soviet Union in the interview with Leonid Bajanov by Anka Ptaszowska »La rencontre Urss-Occident – quinze questions« in: *Art press*, no. 135, April 1989, pp. 15-20.



Often former writers became active politicians, thus seemingly drawing the modernist author to his final social function: in the future the modernist dissident writer and artist, as a writer or an artist, will have to adapt to his or her postmodern political irrelevance. Following the dialectics of Hegel's master and servant we could say that both were a part of the same political and social totality which they helped to subvert and finally eliminate.

The artists from the former socialist countries and the majority of people connected with the culture establishment viewed the West – be it Western Europe or the US – with wonder and awe: with wonder, because of the possibilities unimagined in the disintegrating Eastern bloc, because of the financial and social rewards reaped by (some) artists in the Western artworld(s) and because of the mythical aura connected with the West, usually presented through the media. In these countries for a long time the media played a different role than in the West, a fact that was due not only to the control exerted upon the media but also to its almost premodernist condition. Although the situation has changed, the presentation of the Western artworld has, in this respect, not altered significantly.<sup>5</sup>

Artists viewed the situation in the West with awe and fear because of the social and individual insecurity of art and culture under capitalism. Artists who did not wait for the project of »real socialism« to collapse have learned how to function within the international art establishment, while the large majority, used to governmental support and especially to their artificially protected environments, have found it impossible to adapt to a changed situation.

In many respects artists shared the experience of the general populations of their countries in their contact with the West. As this experience is a collective one, disseminated through individuals, and as the individual national groups are extremely varied, general conclusions are hard to draw. In cases where the advent of capitalism was abrupt, artists usually diverted to other jobs. In certain countries it seems as if today nobody is interested in art anymore, but just in earning money fast and in a big way – if it can be done. Those who are interested in art cannot afford it and those who can, are not interested in it.

Today the imaginary US have drifted away: in the present time in most of the

4. For this reason writers like Alexandr Soljenitsin, Milan Kundera or Vaclav Havel have been such crucial figures in their countries and have exerted such political influence as well.
5. In recent years the greatest influence was probably played by television. In many instances in countries which were practically without direct contact with people from non-socialist countries the public perceived the hyperreality offered by television (MTV, for example) for all practical purposes as the reality of the West. This was made possible by the unique feature of the electronically mediated messages. As Mark Poster notes, television creates new speech situations, »the television set is a new speech context«. – Mark Poster, *The Mode of Information*, (Cambridge: Polity Press, 1990), p. 45.

former socialist countries the real imaginary »America« and the real »land of opportunity« is the Europe of the 12 stars. At the same time this Europe/ »America« is subject to an ambivalent evaluation, for it is perceived as danger, risk or the unknown on the one hand and as a chance, an opportunity, the possibility for success, for »really-making-it« on the other. Because the differences between the two Europes are enormous and because Western Europe was formerly mythologised, the latter holds a special position in the minds of most of the Europeans from the former East bloc. In this respect its image is quite unlike that of the lower classes in the Western Europe for these encounter most of the extreme realities of capitalism in their everyday lives.

When Columbus discovered America the discovery also worked the other way around: the indigenous »Indians« discovered the Europeans. What we witness in the present situation is a new phenomenon: the people, the artists from the former East bloc, are discovering the mythical El Dorado of America and especially Europe the hard way. They want to become a part of it without becoming its third world. As in other areas, in art too, those who will retain a position or strengthen it will be those who will be able to maximize use of local specifics in a global (primarily European) setting. It remains to be seen whether the present events will ever find their enunciation and articulation in art. So far this has not been the case. So far what these artists have done is to deconstruct their own national and ideological pasts using in this procedure a mix of postmodern irony and distancing. The crucial moment will emerge when they will have to cease working on and drawing from the present period of transition and start creating in a new context which will be neither the old context of socialist realism nor covert satire, neither that of the period of the collapse and disintegration of the real or self-management socialism, nor that of the well-established West European art establishment and of its ways. Most probably Western art will also change under the influence of these events.

### *Encountering the East*

To speak about the epistemological heritage of the encounter of Europe with the outside world – including the Americas – means speaking also about the encounter with Eastern Europe. This is even more true if we refer to integrational processes and disintegrational procedures, and last but not least, to the wars raging in the Balkans and in the former Soviet Union. It is these facts and changes in the East that have brought about a new view on Europe.

There exists a certain manner of reading the East, of this, so far still »unknown« land. »Eastern Europe« has always been subjected to different readings. It was often viewed as a land of romantic, mythological events. Seen through a Marxist-Leninist filter, technological backwardness offered the myth



of a grand brotherly community and total sexual freedom (which was, due to its materialist nature, devoid of ethics and morals and thus capable of the worst sins) or of an exclusively totalitarian project and of a realization of the Eastern despotism<sup>6</sup> in which poverty, misery, mucus and blood decant incessantly. It is exactly this last myth that nowadays presents itself in its most horrible form, for it is moving from the realm of the symbolic into the realm of the real, while we all still aspire it to remain a Western phantasmagoria. The events in former Yugoslavia, first in Slovenia, then in Croatia and now in Bosnia and Herzegovina are the materialization, the entry of the real into the place of the symbolic.

Reading of the East on the part of the West is exemplified by an absence of communication and with the attitude of »looking but not seeing, listening but not hearing«. <sup>7</sup> This last attitude has continued throughout most of the present in which people in the former Yugoslavia die by the tens of thousands and take refuge by the millions. Although all this is happening in the heart of Europe this same Europe can repudiate this European heartland for it has renamed it the »Balkans«. Due to recent atrocious events some people have given up the pleasure of their contemplative and philosophical reading. The East is a stranger for Western Europe. It is someone who steals from us (from you!) or endangers the national substance of the emerging united Europe. Every construction of the »foreigner« requires somebody who steals or endangers our national substance. We witness an »obsession with the foreigner who has a unique relation to the pleasure«. <sup>8</sup>

Events in the Balkans have taken their course in a rational manner, but, as Slavoj Žižek formulated, »Balkan is rational, what is irrational is the view the West has about these events.« <sup>9</sup> According to him, nationalism is the »back side« of real socialist systems and not a reaction to the demise of communism.

What we propose here when we refer to utopian spaces is a change in the starting position. The ever repeating phrase how to read »their identity in our

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6. That this »Asian« or »Eastern« feature did not fit easily into Marx's presentation of history of the class society witnesses his ambiguous presentation of Asian despotism and its mode of production.

7. We have mentioned that the perception of the West on the part of the East was erroneous and very specific. The same applies the other way around: because of the extreme informational blockade of the Eastern bloc numerous activities, which took place in the Soviet Union, in Czecho-Slovakia, in Romania or Bulgaria and Poland were perceived only as far as they have been presented and represented in the West. If anything was known, it was known only insofar as the media absorbed them and presented them.

8. Slavoj Žižek, »Dobili smo tisto, kar smo hoteli« (»We Got What We Wanted«), *Delo*, Ljubljana, 27 June 1992, p. 21.

9. Žižek, op. cit.

own mirrors»,<sup>10</sup> where »their« represents the third world, the socialist and East European countries, and »our own mirrors« represents the Western Europe and the North America, should be changed: instead of accepting the until now only valid option of reading »the East in the mirror of the West«, let us ask ourselves how the East reads the West and especially how the East reads itself?

For the East one topic is typical: the reappropriation of history. The whole socialist machine was aimed at neutralizing the side effects of a pertinent interpretation of its reality and of art production, at covering up, at effacement or renaming of history. At the discursive level this was a struggle for the formation and the interpretation of the history of the East, for a reappropriation of the history of socialisms by the East as well as by the West.

What we are dealing with here now is a deconstruction and a renewed construction of the same History, but a History that is now augmented with thoughts, images and facts which were so far inexpressible. The possibility for achieving this aim owes a lot to the emergence of the concept of the so-called »border cultures«. This term refers to physical as well as spiritual borders, to borders between countries and to intrinsic borders – linguistic, ethnic, ethical, racial, tribal and sexual.

Our intention is to speak not so much about the multiculturalism and East West relations as about this intermediary situation, when the East is still the East and when it is still acquiring its bastardly Western form. What we are interested in is the »internal multiculturalism« being engendered beyond the neocolonial positions of the West, the one that lives »here«, but is not being recognized. What we are witnessing is a process of mirroring and reflection of one's own self and of one's own »Eastern« position, when the recycling of different histories does not refer to Western but to Eastern positions and conditions. An alternative history of the East signifies a demand for the redefinition of this relation within contemporary constructions and relations of power.

Multiculturalism should be understood in its etymological meaning. In our case it refers to an insistence on the pluralism of differences and thus doesn't signify an unproblematic juxtaposition of cultures in a simple geographic sense. If we deal with cartography (and this is what this is all about) it is a political cartography and not one hidden behind a vague scientificity. What needs to be understood is the context, i.e., geography as the political *genius loci*. When speaking about differences we should speak about conditions, for although it may seem that productions are similar, we should be aware that the conditions are different and therefore their effects as well. We should ask ourselves which conditions enable us to speak about this discourse?

10. The sintagm was used by Homi Bhaba at the conference »The Expanded Internationalism« (Venice, 1990).



Changes and cultural traditions originating in Eastern Europe at the time of real socialism and before it (including cultural strategies and tactics as well as strategies and tactics of civil movements in these regions) should be taken into consideration when trying to define the new European culture.

It started with a self-organization of the excluded. In Slovenia for example, a few rare artists and art groups, the foremost among them being the Neue Slowenische Kunst (NSK) network, consisting of the Laibach music group, IRWIN, the theater group The Sisters of Scipio Nasica (later named The Red Pilot), as well as a series of other groups have, with their projects, concerts, exhibitions, and performances found their place in the West. NSK which declares itself to be an abstract social body situated in real socio-political space represents simultaneously a Western and an Eastern phenomenon. The way it functions, its structure and organization resemble a capitalist demonic machine, a corporative system, which, nevertheless, cannot be found in the Western artworld, for there such an organization is possible only if linked to real financial capital. Thanks to its socialist heritage the NSK was able to appear on purely ideological foundations. The Slovenian alternative culture and subculture, with the emergence of the NSK and the new visual art and culture, which were, especially in the late seventies and in the eighties very political (video art, new political photography), are a good area for the conceptualization of the phenomenon of multiculturalism, and of border cultures.<sup>11</sup>

Some of them are articulated in the »Moscow Declaration« which was written at the time of the »APT ART« and the »NSK Embassy« projects of the group IRWIN on 26 May 1992 in Moscow.<sup>12</sup> The »Moscow Declaration« points to

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11. Cf. Aleš Erjavec & Marina Gržinič, *Ljubljana, Ljubljana (Slovenian Art and Culture of the Eighties)*, (Ljubljana: Mladinska knjiga, 1991).

12. »The Moscow Declaration«:

1) We, the artists and critics from Ljubljana and Moscow who met in Moscow on 26 May 1992 on the occasion of the »APT ART« and IRWIN »NSK EMBASSY« projects, recognize the following facts:

A) The history, experience and time and space of Eastern countries of the twentieth century cannot be forgotten, hidden, rejected or suppressed.

B) The former East does not exist any more: new Eastern structure can only be made by reflecting on the past which has to be integrated in a mature way in the changed present and future.

C) This concrete history, this experience, and this time and space structured a specific subjectivity that we want to develop, form and reform; a subjectivity that reflects the past and the future.

D) This specific Eastern identity, its aesthetical and ethical attitude, are common to all of us and have a universal – not specifically Eastern – importance and meaning.

E) The condition of this common situation is not only individual but belongs to social,

the crucial issue of how to retain, in the present international constellation, specific cultural contexts and how to avoid standardization. In other words, how to present and interpret the specific identity of other cultures and productions without eliminating them with the one-sided and already formed view of the dominant culture.

The »APT ART« project which was started in the eighties in Moscow represents an attempt to search for political and personal/artistic genealogies which run parallel and are physically connected, but politically and culturally wide apart. The project »NSK Embassy« took place in the context of the internationalization of the »APT ART« project which was started and carried out by Moscow artists and art critics Lena Kurliantseva, Victor Misiano and Konstantin Zvezdochiotov. APT ART literally means »apartment art« and is an attempt to revive the habit of holding avant-garde exhibitions in private apartments in Moscow. It enabled artists and avant-garde art before the period of Perestroika and Glasnost to survive. APT ART which emerged at the time of Brezhnev represented also an ironic paraphrase of the American POP ART movement. The private apartment thus became a cultural space as the center of spiritual communication.<sup>13</sup> APT ART INTERNATIONAL which follows in the nineties meant an artistic internationalization of the project, as the Russian artists put it, a big kitchen table, surrounded by art works, brings together the private and the public – now the international public.

In the context of the APT ART INTERNATIONAL project the group of painters IRWIN established an Embassy - the Neue Slowenische Kunst (NSK) EMBASSY in Moscow as a social installation. In a private apartment on the

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political and cultural experience, to the identity and physiognomy of Europe as a whole.

F) The experience of oppressive regimes (totalitarian, authoritarian) is common to more than half of the world population and can be found in a more or less developed state all over the globe. This is a universal experience.

G) This context and developed subjectivity are the real base of our new identity which takes a clear shape (also in the form of new social, political and cultural infrastructure) especially in the last decades of this century.

2) This text should have the following practical goals:

a) To articulate the basis of this new consciousness which is in the process of formation and reflection.

b) To implement and materialize the presented ideas in reality through a formation of new infrastructures, a two-way communication and a new repository of information.

c) To appeal to everyone who accepts the principles of this declaration.

– Josif Bakstein, Eda Čufer, Marina Gržinić, Olga Holmogorovna, IRWIN, Elena Kurliantseva, Georgy Liticevsky, Victor Misiano, Dimitri Prigow, Konstantin Zvezdochiotov

13. A similar event occurred in Ljubljana in 1985, for the IRWIN group (having at that time no links whatsoever with the Moscow artists) held its first exhibition also in a private apartment.





*The "Moscow Declaration" meeting of artists and critics from Ljubljana and Moscow on 26 May 1992 in Moscow*



*Neue Slowenische kunst (NSK) Embassy in Moscow as a Social Instalation; private apartment, Moscow, June 1992*



*NSK Embassy in Moscow - the group IRWIN exhibited paintings from their "Capital" series; private apartment, Moscow, June 1992*



Lenin Prospect No. 12, apt. 24, in the center of Moscow, in May and June 1992 the group IRWIN exhibited paintings from their »Capital« series. Posters, design work, video works and theater play by the Noordnung Cabinet (a group emerging from the Red Pilot group) were also presented.

The numerous discussions, taking place at the time of the Moscow project, showed that communist totalitarianism, in Russia as its epicenter, destroyed all possibility for other discourses to emerge. In this respect Slovenia was a very different story, for it was on the margins, in the periphery of this exclusive totalitarianism. Its specific position enabled it to preserve a relative freedom and a coexistence of different political and artistic discourses. True, Yugoslavia as a whole was a different case from other East European countries at least since Tito's break with Stalin in 1948, but in the eighties and even the late seventies the situation in its other parts was, although more tolerant than in countries of »real socialism«, still less tolerant than in the Slovenia or in the Yugoslavia of the sixties.

Such art was able to emerge exactly because it was completely absent in the past. The »other« is here inscribed in a certain »passage«, which now refers to an image, memory, history and cliché. These concepts function as the »institution of different cultural and artistic projects and histories into the visible«. <sup>14</sup> To make seen what was thus far hidden to the eyes. We deal here with repetition – to gain memory.

APT ART INTERNATIONAL is an occasion to ask ourselves with the artists of the Russian sots-art how to retain the monuments of the socialist realism from destruction without being accused of preserving the totalitarian tradition. Change Moscow into a phantasmagorical garden of post-totalitarian art? <sup>15</sup>

With its projects, documentary material, and testimonies, the APT ART project attempted to point to a new cultural context and bring about a faster disintegration of obsolete ethical and aesthetical standards for understanding culture and one's own identity.

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With the demise of socialism and communism and in spite of the integrational processes in Europe, this continent is more divided than it was for a long time. The media might be opening up, but spiritually the continent is closing. Non-European cultures are finding this out and so is the European East. The East remains the East: in the time of multinational-national capital and postmodernity we witness the most primitive and horrible conflicts and human tragedies.

14. See Jo Anna Isaak, »Mapping the Imaginary«, *The Event Horizon*, edited by Lorne Falk & Barbara Fischer, (Banff: The Coach House Press & Walter Phillips Gallery, 1987).

15. See a project by Komar & Melamid in *Artforum*, May 1992.

»We live in the present, which is being constantly spilled into the past and this past is our future«, sings the Laibach group.

At the same time we should not accept this self-destructing position and in our attempt to find an equilibrium with the West burn our heretics and their books. The simplified version of equilibrium between the East and the West, which sought an identification of the East with the West, is no longer possible. To persevere in the belief of equal opportunities is more than utopian, it is suicidal. The idea of »catching up« is an illusion if it refers to the present form of the West. What we shall probably encounter in the future will be a restructuring of the East and the West, with the former undergoing different and, especially, more profound changes than the latter. Whether this shall be changes similar to those in Hungary, Slovenia, or in the Czech republic, or closer to those witnessed today in parts of the former Yugoslavia or Soviet Union remains to be seen. We fear that the answer is »both«. Only in certain cases art similar to the one that we described above will persist or perhaps even flourish. Elsewhere the demise of socialism will also represent the extinguishing of former cultures in their positive and negative aspects. In this respect much of the former socialist East is becoming more and more similar to the third world South.

# Nations, Nationalism and the European Citizen

John Keane

## *Early modern origins*

What is a nation? Do nations have a right to self-determination? If so, does that mean that the national identity of citizens is best guaranteed by a system of democratic government, in which power is subject to open disputation and to the consent of the governed living within a carefully defined territory? And what of nationalism? Does it differ from national identity? Is it compatible with democracy? If not, can its growth be prevented, or at least controlled, so as to guarantee the survival or growth of democracy?

These questions, pressingly familiar in contemporary politics although strangely neglected in contemporary political theory, have their roots in early modern Europe. With the decline of the Carolingian Empire, a new sense of collective identity, national awareness, began to emerge as a powerful social force. This process of nation-building was championed initially by sections of the nobility and the clergy, who used derivatives of the old Latin term *natio* to highlight their dependence upon a common language and common historical experiences.<sup>1</sup> The »nation« did not refer to the whole population of a region, but only to those classes which had developed a sense of identity based upon language and history and had begun to act upon it. Nations in this sense were seen as distinctive products of their own peculiar histories.

From the fifteenth century onwards, the term »nation« was employed increasingly for political purposes. According to the classic definition of Diderot, a *nation* is »une quantité considérable de peuple qui habite une certaine étendue de pays, renfermée dans de certaines limites, et qui obéit au même gouvernement«.<sup>2</sup> Here »nation« described a people who shared certain common laws and political institutions of a given territory. This political conception of »the nation« defined and included the *societas civilis* – those citizens

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1. Helmut Beumann and W. Schroeder (eds.), *Aspekte der nationenbildung im Mittelalter* (Sigmaringen 1978); Helmut Beumann, »Zur Nationenbildung im Mittelalter«, in Otto Dann (ed.), *Nationalismus in vorindustrieller Zeit* (Munich 1986), pp. 21-33; and Bernard Guenée, *L'Occident aux XIVe à XVe siècles* (Paris, 1981), chapter 3.

2. *Encyclopédie* (17 volumes, Paris, 1751-1765), volume 11, p. 36.



who were entitled to participate in politics and to share in the exercise of sovereignty – and it had fundamental implications for the process of state-building. Struggles for participation in the state assumed the form of confrontations between the monarch and the privileged classes, which were often organized in a parliament. These classes frequently designated themselves as advocates of »the nation« in the political sense of the term. They insisted, in opposition to their monarch, that they were the representatives and defenders of »national liberties« and »national rights«.<sup>3</sup> If the sovereign monarch came from a different nation – as in the Netherlands during the war against Habsburg Spain – then such claims were sharpened by another dimension: the struggle for privileged liberties was transformed into a movement for national emancipation from foreign tyranny.<sup>4</sup>

During the eighteenth century, the struggle for national identity was broadened and deepened to include the non-privileged classes. Self-educated middle classes, artisans, rural and urban labourers, and other social groups demanded inclusion in »the nation«, and this necessarily had anti-aristocratic and anti-monarchic implications. From hereon, in principle, the nation included everybody, not just the privileged classes; »the people« and »the nation« were supposed to be identical. Thomas Paine's *Rights of Man* (1791-2) was the most influential European attempt to »democratize« the theory of national identity.<sup>5</sup> *Rights of Man* sparked bitter public controversies about the merits of monarchies and republics, forced Paine into permanent exile from his native England hunted by death threats, and led to a general crackdown against »Paineites«, all for suggesting that each nation is entitled to its own system of representative government.

Paine had first proposed this thesis during the American Revolution and several of his eighteenth-century contemporaries – Vattel and Sieyès for example – had explored, or were exploring, the same theme. But *Rights of Man* examined the political dimensions of national identity with unprecedented intellectual fire. Paine's prose burned with the drama of the French Revolution. Its bristling optimism also reflected the breakthroughs of the American Revolution: the declaration of the natural and civil rights of the sovereign people of

3. The example of the English Parliament during the Tudor period is analyzed by G.R. Elton, »English national self-consciousness and the Parliament in the sixteenth century«, in Otto Dann (ed.), *Nationalismus in vorindustrieller Zeit* (Munich 1986), pp. 73-82. The French case is considered in R. Bickart, *Les Parlements et la notion de souveraineté nationale* (Paris 1932).

4. The case of the Netherlands is examined in Johan Huizinga, »How Holland became a nation«, in his *Verzamelde Werken* (9 volumes, Haarlem, 1948-1953), volume 2, pp. 266-283.

5. Thomas Paine, *Rights of Man. Part First* and *Rights of Man. Part Second*, in Philip S. Foner (ed.), *The Complete Writings of Thomas Paine* (New York, 1945), pp. 243-458.

a nation, including the right to resist unlawful government, and the establishment of a republican democracy on a wholly new federal basis. Paine spat at the court and government of George III and warned all other monarchic rulers that the outbreak of revolution in Europe heralded a new dawn for democratic principles. »Monarchy is all a bubble, a mere court artifice to procure money«, he wrote, although he admitted that the pompous power and money-grubbing of monarchy still trapped the world in a cage of war and rumours of war. »There are men in all countries,« he continued, »who get their living by war and by keeping up the quarrels of nations.« He nevertheless insisted, in the face of this trend, that citizens of all nations, united in their love of republican democracy, had a duty to expose the taxing hypocrisy, fraud and gun-running of monarchic despotisms, understood as aggressive governments accountable only to themselves. And he concluded that the struggle for representative government – for periodic elections, fixed-term legislatures, a universal franchise, and freedom of assembly, the press and other civil liberties – required recognition of the right of each nation to determine its own destiny. »What is government more than the management of the affairs of a nation?«, he asked. »It is not«, he answered. »Sovereignty as a matter of right, appertains to the nation only, and not to any individual; and a nation has at all times an inherent indefeasible right to abolish any form of government it finds inconvenient, and establish such as accords with its interest, disposition, and happiness.«<sup>6</sup>

Paine's thesis that the nation and democratic government constitute an indivisible unity subsequently enjoyed a long and healthy life. Nineteenth-century Europe saw the emergence of two great powers (Germany and Italy) based on the principle of national self-determination, the effective partition of a third (Austria-Hungary after the Compromise of 1867) on identical grounds, two revolts of the Poles in support of their reconstitution as a nation-state, and the formal recognition of a chain of lesser independent states claiming to represent their sovereign nations, from Luxembourg and Belgium in the west to the Ottoman successor states in south-eastern Europe (Bulgaria, Serbia, Greece, Romania). During our own century, especially after the First World War, the principle of »the right to national self-determination« enjoyed considerable popularity among international lawyers, political philosophers, governments and their opponents, who supposed that if the individual members of a nation so will it, they are entitled to freedom from domination by other nations, and can therefore legitimately establish a sovereign state covering the territory in which they live, and where they constitute a majority of the population. From this perspective, the principle that citizens should govern themselves was identified with the principle that nations should determine their own destiny,

6. *Rights of Man. Part First*, in Philip S. Foner (ed.), *The Complete Writings of Thomas Paine* (New York, 1945), p.341.



and this in turn produced a convergence of meaning of the terms »state« and »nation«. »State« and »nation« came to be used interchangeably, as in such official expressions as »League of Nations«, the »law of nations« or »nation-state«, and in the commonplace English language usage of the term »national« to designate anything run or regulated by the state, such as national service, national health insurance or national debt. Such expressions reinforce the assumption, traceable to the eighteenth century, that there is no other way of defining the word nation than as a territorial aggregate whose various parts recognize the authority of the same state, an assumption captured in Karl Deutsch's famous definition of a nation as »a people who have hold of a state«. <sup>7</sup>

The principle that nations should be represented within a territorially defined state echoes into our times. In the European region – to mention several examples – the birth of Solidarność and the defeat of martial law in Poland, the dramatic velvet revolution in Czechoslovakia, the collapse of the Berlin Wall to the trumpet sounds of »Wir sind ein Volk«, and the successful struggle of the Demos government and its supporters to achieve Slovenian independence simply cannot be understood without reference to this equation. The same powerful dynamic worked to secure the collapse of the Soviet Empire. The Soviet Union was an empire comprising a diversity of nationalities all subject to the political dominance of a Russian-dominated Communist Party that ensured for seven decades that the federal units of the Union had no meaningful political autonomy and that demands for »national communism« would trigger a political crackdown backed if necessary by military force.

This multi-national empire harboured a self-paralyzing contradiction. The Party insisted on subjects« conformity to its Russified definition of policies for securing »socialism«, all the while governing through national cadres, promoting national cultures, encouraging education in the local language and even talking of eventual rapprochement (*sblizhenie*) and assimilation of nations (*slyvanie*). From the Khrushchev period onwards, this contradiction fostered not only the growth of national *nomenklatura* who ran the republics, particularly in Transcaucasia and Central Asia, as fiefdoms controlled by Party »mafias« rooted in circles of friends, kinship networks and local and regional systems of patronage. It also stimulated the growth of civil societies expressing themselves in a national idiom, protesting against Russification and ecology-damaging, enforced industrialization and demanding »democracy« and »independence«, thereby lunging with a dagger at the heart of the imperial system structured by the leading role of the Russian-centred Party. <sup>8</sup>

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7. Karl Deutsch, *Nationalism and Its Alternatives* (New York, 1969), p. 19.

*National identity and citizenship*

The collapse of the Soviet Empire under pressure from struggles for national self-determination adds weight to the thesis that a shared sense of national identity, in Hungary and Russia no less than in Scotland and Slovenia, is a basic precondition of the creation and strengthening of citizenship and democracy. Understood in ideal-typical terms, national identity is a particular form of collective identity in which, despite their routine lack of physical contact, people consider themselves bound together because they speak a language or a dialect of a common language; inhabit or are closely familiar with a defined territory, and experience its ecosystem with some affection; and because they share a variety of customs, including a measure of memories of the historical past, which is consequently experienced in the present tense as pride in the nation's achievements and, where necessary, an obligation to feel ashamed of the nation's failing.<sup>9</sup>

National identity so defined is a specifically modern European invention and its political importance is that it infuses citizens with a sense of purposefulness, confidence and dignity by encouraging them to feel »at home«. It enables them to decipher the signs of institutional and everyday life. The activity of others – the food they prepare, the products they manufacture, the songs they sing, the jokes they tell, the clothes they wear, the looks on their faces, the words they speak – can be recognized. That familiarity in turn endows each individual with a measure of confidence to speak and to act. Consequently, whatever is strange is not automatically feared; whatever diversity exists within the nation is more or less accepted as one of its constitutive features. The borders between a national identity and its »neighbouring« identities (of class, gender, religion, race, for example) are vaguely defined and its security police and border guards are unreliable and tolerant.<sup>10</sup> There is even some acceptance of the fact that members of the same nation can legitimately disagree about the meaning and extent of their nationhood. This tolerance of difference is possible precisely because nationhood equips members of a

8. Klaus von Beyme, »Social and economic conditions for ethnic strife in the Soviet Union«, in Alastair McAuley (ed.), *Soviet Federalism, Nationalism and Economic Decentralisation* (Leicester and London, 1991), pp. 89-109; and Adam Michnik, »Nationalism«, *Social Research*, volume 58, number 4, (Winter 1991), pp. 757-763.

9. The contours of national identity are well examined in Philip Schlesinger, »On national identity: some conceptions and misconceptions criticized«, *Social Science Information*, 26, 2 (1987), pp. 219-264; Ernest Gellner, *Nations and Nationalism* (Oxford 1983); and Benedict Anderson, *Imagined Communities. Reflections on the Origin and Spread of Nationalism* (Revised edition; London and New York, 1991)

10. The spatial metaphor of boundaries is developed in Fredrik Barth, »Ethnic Groups and Boundaries«, in *Process and Form in Social Life: Selected Essays of Fredrik Barth* (London 1981), pp. 198-227.



nation with a sense of belonging and a security in themselves and in each other: they can say »we« and »you« without feeling that their »I«, their sense of self, is slipping from their possession.

Whenever they are denied access to a shared sense of nationhood citizens tend to experience the world as unfriendly and alien – in the extreme case of enforced exile they experience the nasty, gnawing and self-pitying and self-destructive *Hauptweg* described by Thomas Mann and others – and this renders them less capable of living democratically. After all, democratic regimes are the most demanding of political systems. In contrast to all forms of heteronomous government democracy comprises procedures for arriving at collective decisions through public controversies and compromises based on the fullest possible and qualitatively best participation of interested parties.<sup>11</sup> At a minimum, democratic procedures include equal and universal adult suffrage within constituencies of various scope and size; majority rule and guarantees of minority rights, which ensure that collective decisions are approved by a substantial number of those expected to make them; freedom from arbitrary arrest and respect for the rule of law among citizens and their representatives; constitutional guarantees of freedom of assembly and expression and other civil and political liberties, which help ensure that those expected to decide or to elect those who decide can choose among real alternatives; and various social policies (in fields such as health, education, child care and basic income provision) which prevent market exchanges from becoming dominant and thereby ensure that citizens can live as free equals by enjoying their basic political and civil entitlements. Expressed differently, democracy requires the institutional division between a certain form of state and civil society. A democracy is an openly structured system of institutions which facilitate the flexible control of the exercise of power. It is a multilayered political and social mosaic in which political decision-makers at the local, regional, national and supranational levels are assigned the job of serving the *res publica*, while, for their part, citizens living within the nooks and crannies of civil society are obliged to exercise vigilance in preventing each other and their rulers from abusing their powers and violating the spirit of the commonwealth.

Although democracy in this sense does not require citizens to play the role of full-time political animals – too much democracy can kill off democracy – it is always difficult to generate or to sustain its momentum. That task is rendered even more arduous in contexts lacking traditions which are home to the virtues

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11. John Keane, *Democracy and Civil Society. On the Predicaments of European Socialism, the Prospects for democracy and the problem of Controlling Social and Political Power* (London and New York, 1988) and *The Media and Democracy* (Oxford, 1991).

of democratic citizenship: prudence, common sense, self-reliance, courage, sensitivity to power, the knack of making and defending judgements in public, the ability to (self-) criticize and to accept criticism from others in turn, and the capacity to join with others in dignity and solidarity to resist the enervating miasma of fear. The last-mentioned quality is especially important in the democratic transformation of despotic regimes, when fear of power corrupts those who are subject to it and fear of losing power corrupts those who exercise it.

Shaking off fear is always a basic condition of democracy and it is normally assisted by citizens' shared sense of belonging to one or more ethical identities, national identity being among the most potent of these. Fearlessness is not a naturally occurring substance. It is a form of courage or »grace under pressure« (Aung San Suu Kyi) developed wherever victims of political lies and bullying and violence make a personal effort to throw off personal corruption and to draw on their inner and outer resources to nurture the habit of refusing to let fear dictate their actions. Grace under pressure normally precedes and underpins attempts to institutionalize democracy. To be effective, it must be practised in small daily acts of resistance that in turn feed upon citizens' sense that they speak a common language and share a natural habitat and a variety of customs and historical experiences.

Consider Poland: The experience of more than a century of foreign domination after the partitions of 1772, 1793 and 1795, by which Poland was carved up by the Russian empire, the Habsburg Monarchy and the kingdom of Prussia, nurtured a distinctive national consciousness among the nobility (*szlachta*) of that country. During the nineteenth century, these Poles considered themselves (and were widely regarded) as fighters for the freedom of humanity, as a nation martyred in the cause of democratic liberty. Their shared sense of nationhood merged with the ability to act gracefully under pressure; to be Polish meant the refusal to be bullied and intimidated by power. The leader of the revolt of 1794, Tadeusz Kosciuszko, a friend of Thomas Paine's, was a hero to all European democrats and his name was celebrated in America and even in Australia, whose highest mountain is named after him. The Polish legions organized by Henryk Dabrowski took as their slogan »for our liberty and yours« (*za nasza i wasza wolność*) and Polish patriots played a prominent part in the 1848 revolutions in Hungary, Germany and Italy. Today, the national identity crystallized in such experiences surprises and even perplexes many people who are not Polish. The Poles are sometimes seen as brash and crafty anarchists who have a deeply romantic soul traceable to poets such as Adam Mickiewicz, who viewed Poland as the Christ of Nations, crucified so that it could be resurrected and all other nations could be redeemed. Traces of such arrogance are indeed still evident in various parts of today's political spectrum



in Poland, especially in the call for a »Catholic State of the Polish Nation«. But, overall, the messianic fervour with which certain nineteenth-century Poles reacted to misfortune and oppression has receded. A striking feature of contemporary Polish national identity is its embrace of the language of democratic freedom; as Adam Michnik remarked in the mid-1980s, the Polish struggle for freedom against military dictatorship and communist empire was simultaneously a struggle for the freedom of humanity.<sup>12</sup>

### *The rise of nationalism*

The preceding analysis appears to confirm the eighteenth-century doctrine of national self-determination. It implies that Paine and others were correct in thinking that the defense of »the nation« and the struggle for democracy against political despotism are identical, that when the winds of national feeling blow, the people, like beautiful birds, grow wings and fly their way to a land of independence. And yet the experience of the French Revolution, which inspired Paine's *Rights of Man*, casts doubt upon any such conclusion. For a time, the rise of Louis Napoleon seemed to reveal a political weakness specific to the French. Paine drew this conclusion and returned to America, wings under his arms. Only in our time, after the logic of the French revolution has been broadly repeated in so many countries, has it become possible to discern the operation of a new aspect of modernity, the unfolding of a process in which the French Revolution proved to be a fundamental watershed. The Revolution destroyed forever the faith in the divine and unchallengeable right of monarchs to govern and it sparked a struggle against the privileged classes in the name of a sovereign nation of free and equal individuals. Those acting in the name of the sovereign nation were ever more tempted to emphasize faithfulness to *la patrie*, that is, citizens' obligations to their state, itself the guarantor of the nation, itself said to be »one and indivisible«. The motto of the *ancien régime*, »Un roi, une foi, une loi« (»One king, one faith, one law«) was replaced by »La Nation, la loi, le roi« (»The Nation, the law, the king«). Thenceforward the Nation made the law which the king was responsible for implementing. And when the monarchy was abolished in August 1792, the Nation became the titular source of sovereignty. »Vive la Nation!« cried the French soldiers one month later at Valmy, as they flung themselves into battle against the Prussian army. Everything which had been royal had now become national. The nation even had its own emblem, the tricoloured national flag, which replaced the white flag of the house of Bourbon. The new spirit of *nationalism* had surfaced, bringing with it a lust for the power and glory of the nation-state which

12. Jan Jozef Lipski, »Two Fatherlands - Two Patriotisms«, *Survey*, volume 26, number 4 (Autumn 1982), pp. 159-175.

finally overwhelmed the democratic potential of the revolution. The first nationalist dictatorship of the modern world was born.

The formation of a despotic regime sustained by nationalist appeals to the nation was an utterly novel development – Europe's Greek gift to itself and to the rest of the world.<sup>13</sup> Since that time, and despite its extraordinary global impact, the eighteenth-century doctrine of national self-determination has been subject to a smouldering crisis, whose contemporary resolution necessitates both a fundamental re-thinking of that doctrine, a more complex understanding of the relationship between national identity and nationalism, and greater clarity about the nature of democratic procedures.

Max Weber once defined democracy for the benefit of General Ludendorff, and with his approval, as a political system in which the people choose a leader who then says, »Now shut your mouths and obey me«. <sup>14</sup> The impatience with ongoing public clashes of opinion and disagreement implied in this definition of democracy misses one of its quintessential features. Democratic procedures tend to maximize the level of reversibility or »biodegradability« of decision making. They invite dispute and encourage public dissatisfaction with currently existing conditions, even from time to time stirring up citizens to anger and direct action. Under enduring despotisms – Salazar's Portugal or Brezhnev's Russia – things are otherwise. Time appears to stand still. Individuals continue to be born, to mature, to work and to love, to play and to quarrel, to have children and to die, and yet everything around them becomes motionless, petrified and repetitious. Political life becomes utterly boring.

In fully democratic systems, by contrast, everything is in perpetual motion. Endowed with liberties to criticize and to transform the distribution of power within state and civil institutions, citizens are catapulted into a state of permanent unease which they can cope with, grumble about, turn their backs on, but never fully escape. The unity of purpose and sense of community of pre-democratic societies snaps. There is difference, openness and constant competition among a plurality of power groups to produce and to control the definition of reality. Hence there are public scandals which unfold when publics learn about events which had been kept secret because if they had been made public ahead of time they could not have been carried out without public outcries. Under democratic conditions the world feels as if it is gripped by

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13. Jacques Godechot, *La Grande Nation* (2nd edition; Paris, 1983); Eric Hobsbawm, *Nations and Nationalism since 1780* (Cambridge and New York, 1990); Hugh Seton-Watson, *Nations and States. An Enquiry into the Origins of Nations and the Politics of Nationalism* (London 1977); and Benedict Anderson, *Imagined Communities. Reflections on the Origin and Spread of Nationalism* (London and New York 1991).

14. Cited in Marianne Weber, *Max Weber: A Biography* (New York and London, 1975), p. 653.



capaciousness and uncertainty about who does and should govern. Existing relations of power are treated (and understood) as contingent, as lacking transcendental guarantees of absolute certainty and hierarchical order, as a product of institutionally situated actors exercising power within and over their respective milieux.

It is this self-questioning, self-destabilizing quality of democratic regimes which not only provides opportunities for the advocates of national identity to take their case to a wider public. It also increases the magnetism of anti-democratic ideologies such as nationalism. Democratic conditions can severely test citizens' shared sense of the unreality of reality and chronic instability of their regimes, to the point where they may crave for the restoration of certainty about »reality« by suppressing diversity, complexity and openness within and between the state and civil society. Democracies never reach a point of homeostatic equilibrium. They are dogged permanently by public disagreements about means and ends, by uncertainties, confusions and gaps within political programmes, and by hidden and open conflicts, and all this makes them prey to forms of post-prison psychosis (Havel), morbid attempts to simplify matters, to put a stop to pluralism and to foist Unity and Order onto everybody and everything.

The events of the French Revolution revealed this dynamic for the first time, confirming the rule that whenever believers in a nation assemble they risk being seduced by the language and power fantasies of nationalism. The distinction between national identity and nationalism – overlooked by many commentaries on the subject, including Eric Hobsbawm's *Nations and Nationalism since 1780*<sup>15</sup> – is fundamental in this context. Nationalism is the child of democratic pluralism – both in the sense that the existence of open state institutions and a minimum of civil liberties enables nationalists to organize and to propagate their nationalism, but also in the less obvious sense that democracy breeds insecurity about power and sometimes fear and panic and, hence, the yearning of some citizens to take refuge in sealed forms of life.

In the European region, nationalism is at present among the most virile and magnetic of these closed systems of life, or what I prefer to call ideologies.<sup>16</sup> Like other ideologies, nationalism is an upwardly mobile, power-hungry and potentially dominating form of language game which makes falsely universal claims. It supposes that it is part of the natural order of things and that the Nation is a biological fact, all the while hiding its own particularity by masking

15. Eric Hobsbawm, *Nations and Nationalism since 1780* (Cambridge 1990).

16. John Keane, »The Modern Democratic revolution: Reflections on Lyotard's *The Postmodern Condition*«, in Andrew Benjamin (ed.), *Judging Lyotard* (London and New York 1992), pp. 81-98.

its own conditions of production and by attempting to stifle the plurality of non-national and sub-national language games within the established civil society and state in which it thrives.

Nationalism is a scavenger. It feeds upon the pre-existing sense of nationhood within a given territory, transforming that shared national identity into a bizarre parody of its former self. Nationalism is a pathological form of national identity which tends (as Milorad Pavić points out in *Dictionary of the Khazars*) to destroy its heterogeneity by squeezing the nation into the Nation. Nationalism also takes advantage of any democratizing trends by roaming hungrily through civil society and the state, harassing other particular language games, viewing them as competitors and enemies to be banished or terrorized, injured or eaten alive, pretending all the while that it is a universal language game whose validity is publicly unquestionable, and which therefore views itself as freed from the contingencies of historical time and space.

Nationalism has a fanatical core. Its boundaries are dotted with border posts and border police charged with the task of monitoring the domestic and foreign enemies of the Nation. In contrast to national identity, whose boundaries are not fixed and whose tolerance of difference and openness to other forms of life is qualitatively greater, nationalism requires its adherents to believe in themselves and to believe in the belief itself, to believe that they are not alone, that they are members of a community of believers known as the Nation, through which they can achieve immortality. Nationalism requires them and their leader-representatives (as Ernest Renan put it in *Qu'est-ce qu'une Nation?*) to participate in »un plebiscite de tous les jours«. This level of ideological commitment ensures that nationalism is driven by a bovine will to simplify things - by the kind of instruction issued by Bismarck: »Germans! Think with your blood!«

If democracy is a continuous struggle against simplification of the world, then nationalism is a continuous struggle to undo complexity, a will not to know certain matters, a chosen ignorance, not the ignorance of innocence. It thereby has a tendency to crash into the world, crushing or throttling everything that crosses its path, to defend or to claim territory, and to think of land as power and its native inhabitants as a »single fist« (Ayaz Mutalibov). Nationalism has nothing of the humility of national identity. It feels no shame about the past or the present, for it supposes that only foreigners and »enemies of the nation« are guilty. It revels in macho glory and fills the national memory with stories of noble ancestors, heroism and bravery in defeat. It feels itself invincible, waves the flag and, if necessary, eagerly bloodies its hands on its enemies.

At the heart of nationalism - and among the most peculiar features of its »grammar« - is its simultaneous treatment of the Other as everything and



nothing. Nationalists warn of the menace to their own way of life by the growing presence of aliens. The Other is seen as the knife in the throat of the Nation. Nationalists are panicky and driven by friend-foe calculations, suffering from a judgement disorder that convinces them that the Other nation lives at its own expense. Nationalists are driven by the feeling that all nations are caught up in an animal struggle for survival, and that only the fittest survive. Every other speech of Jörg Haider of the FPÖ in Austria insinuates that »East Europeans« are endangering the state, the constitution and democracy. Neo-Nazis in the new half of Germany shout »Ausländer 'raus!«, liken Poles to hungry pigs, attribute shortages of bicycles to the Vietnamese and the lack of food to the Jews, and accuse Turks of taking over German communities. French supporters of Jean-Marie Le Pen warn of the Arab »invasion« of France. Lithuanian anti-semites whisper the old stories about the Jews who once sacrificed Christian children and used their blood to make Passover bread, and recall the same blood libelous tales of Jewish grain merchants and millers who put glass in their flour to make Gentile women bleed when they kneaded the dough. Croatian nationalists denounce Serbians as četniks or as Bolshevik butchers who murder their victims and mutilate their bodies; Serbian nationalists reciprocate by denouncing Croats as Ustaše fascists who are hellbent on eliminating the Serbian nation. Both curse Muslims as foreign invaders of a land in which they have in fact lived for five centuries.

Yet nationalism is not only fearful of the Other. It is also arrogant, confidently portraying the Other as inferior rubbish, as a worthless zero. The Other is seen as unworthy of respect or recognition because its smelly breath, strange food, unhygienic habits, loud and off-beat music, and incomprehensible babbling language places it outside and beneath Us. It follows that the Other has few if any entitlements, not even when it constitutes a majority or minority of the population resident in the vicinity of Our Nation. Wherever a member of the Nation is, there is the Nation. It is true (as Lenin emphasized) that the nationalism of a conquering nation should be distinguished from the nationalism of those whom they conquer, and that conquering nationalism always seems uglier and more culpable. It is also true that nationalism can be more or less militant, and that its substantive themes can be highly variable, ranging from attachment to consumption and a treasured form of currency to boundary-altering forms of political separatism. Yet despite such variations nationalists suffer from a single-minded arrogance. This leads them to taunt and spit at the Other, to label them as wogs, *Scheiss* and *tapis*, to discriminate against them in institutional settings, to prohibit the public use of minority languages (»linguicide«), or even, in the extreme case, to press for the expulsion of the Other for the purpose of creating a homogeneous territorial nation.



This murderous *reductio ad absurdum* of nationalism surfaced on the southern fringes of Europe during and after World War I, with the mass extirpation of Armenians from Turkey in 1915 and, after the crushing defeat of the Greek army by the Turks in Anatolia in 1922, the expulsion by Greece of some 400,000 Turks and a reciprocal expulsion by the Turks of perhaps 1.5 million destitute and panic stricken Greeks from the lands of Asia Minor, where they had lived with others since the time of Homer.<sup>17</sup> The herding and murdering of nations was repeated by Stalin and by Hitler, who insisted on the elimination of the Jews and others and organized the transfer of South Tyrolians and other German-speaking peoples living outside the *Vaterland* to Germany itself. The same bizarre and bloody process has lately reappeared in the armed defense of »Serbian autonomous republics« and the military occupation by Serbia of Kosovo in former Yugoslavia. The Kosovo region in fact proved to be the testing ground of Serbian expansionism. Its nationalist spokesmen, tossed between the horns of arrogance and fear common to all nationalists, attacked Albanian Kosovars as dirty, backward Muslims who are not a genuine Yugoslav nation (*nacija*) but a mere unimportant nationality (*nacionalnost*) of non-Slavs. At the same time, they viewed Kosovars as fanatical conquerors, calling for »the severing of the right hand of all those who carry the green flag of Islam« (Vuk Drašković) in the historic cradle of the Serbian Nation, where King Lazar and his army were slaughtered while defending Christendom and civilization against the crescent and scimitar of all-conquering Islam. This same view of Muslims as worthless invaders is currently tearing Bosnia-Herzegovina to shreds. European Muslims – the Jews of the late twentieth century – are shot at, herded at gunpoint from their burning homes, summarily executed in nearby houses or marched in columns to railway sidings past rotting corpses to concentration camps, where they are raped or castrated, and then made to wait, with bulging eyes and lanternous faces, for the arrival of their own death.

### *National self-determination?*

This confusion cannot be undone by speculative arguments between those who conclude that »nationalism is the ideology of the twenty-first century« (Conor Cruise O'Brien) and their opponents who rely on the equally broad brushed conclusion that »the Owl of Minerva is now hovering over nations and nationalism« (Hobsbawm). Such generalizations understate the uneven patterns of distribution of European nationalism, simplify its multiple causes, and shortcircuit the normative and strategic problem of how to disarm nationalism. As I see it, there is an urgent need to stretch the limits of the contemporary

17. See Charles B. Eddy, *Greece and the Greek Refugees* (London 1931), and C.A. Macartney, »Refugees«, in *Encyclopedia of the Social Sciences* (London 1931), volume 13, pp.200-205.

sociological and democratic imagination, to think differently about the intertwined problems of nationalism, national identity and democracy, and to consider how the limits of democracy can be overcome in practice by inventing new democratic methods of preventing the growth of democracy's own poisonous fruits.

Solving the problem of nationalism by democratic means is possible, but not easy. The thesis presented here is that since democratic mechanisms facilitate the transformation of national identity into nationalism, democracy is best served by abandoning the doctrine of national self-determination and regarding a shared sense of national identity as a legitimate but *limited* form of life. This thesis contains a paradoxical corollary: national identity, an important support of democratic institutions, is best preserved by restricting its scope in favour of *non-national* identities that reduce the probability of its transformation into anti-democratic nationalism.

In the European context it is now possible to envisage – by means of this thesis – a cluster of four interdependent mechanisms which together can curb the force of nationalism and at the same time guarantee citizens' access to their respective national identities:

1. The first of these remedies is to decentre the institutions of the nation-state through the development of interlocking networks of democratically accountable sub-national and supra-national state institutions. Their combined effect, if rendered accountable to their citizens, would be to improve the effectiveness and legitimacy of state institutions and, more pertinently, to complicate the lines of political power, thereby reducing the room for manoeuvre of single nation-states and frustrating the nationalist fantasy of securing nations through strong, sovereign states that are prepared in principle to launch war on their neighbours or to crush their domestic opponents in the name of national preservation or salvation.

In effect, this remedy involves renewing – but at the same time democratizing – the more complex patterns of political power typical of the late medieval and early modern periods. The modern process of European state-building entailed the eclipse of numerous units of power – free cities, principalities, provinces, estates, manors, and deliberative assemblies – such that the five hundred or so political units that dotted the region in 1500 were reduced to around 25 units in 1900. There are now signs of a reversal of this process of building centralized state institutions. One symptom of this »scattering« of political power is the renewed interest in local government as a flexible forum for conducting local politics and competently administering local policies, partly in response to the declining effectiveness of macroeconomic management and the retreat of the national welfare state in western Europe.<sup>18</sup>



The same decentring of the nation state »downwards and sideways« is evident in the vigorous development of regional ideas and regional power in areas such as Catalonia, Wallonia, Emilia-Romagna, Andalucia, Scotland and the Basque region. Especially striking is the rapid growth and competitive success of industrial regions comprising interdependent networks of firms caught up in a process of double convergence (Sabel). Large firms increasingly attempt to decentralize into looser networks of operating units, subsidiaries and subcontractors producing more specialized products through more flexible production methods. Meanwhile, small firms attempt to build themselves into the wider forms of loan finance, marketing facilities, research and development and other common services for which large firms were once renowned, and which are now provided increasingly at the regional level.<sup>19</sup>

Finally, the trend towards a *Europe des regions* has been supplemented by the accelerating growth of supra-national political institutions such as the European Parliament, the Council of Europe, and the European Court of Justice. An earlier phase of experiments with inter-governmental negotiations and economic cooperation has been complemented by a process of treaty-making and a drive to political and legal union which, although still highly undemocratic and controversial, is likely to prove as consequential for the political shape of Europe as the Congress of Vienna in 1814, the Treaty of Versailles in 1919, or the Yalta Summit in 1945.

Member states of the European Community are required increasingly to accept the *acquis communautaire*, the body of treaties, laws and directives which have been agreed by its makers; there is a relative shift away from policy making by consensus towards qualified majority voting; and a consequent quickening pace of Euro-legislation in all policy fields. In 1970, for example, the Council of Ministers, on which each member government has a representative, adopted 345 regulations, decisions and directives (the three types of Community law); by 1987 that total had reached 623, and it has risen further since that time. From standards of central heating and housing to the purity of beer and wine, the cleanliness of beaches and the conditions of women's employment, the populations of the EC are increasingly touched and shaped by European political integration. This process arguably hastens the decline of nation state sovereignty and facilitates the birth of a post-national Europe, in the sense that it adds to the pressure on nationalist movements, parties, governments and leaders to recognize the fact and legitimacy of countervailing

18. Richard Batley and Gerry Stoker (eds.), *Local Government in Europe: Trends and Developments* (London, 1991)].

19. See Charles Sabel, »Flexible specialisation and the re-emergence of regional economies«, in P. Hirst and J. Zeitlin (eds.), *Reversing Industrial Decline? Industrial Structure and Policy in Britain and her Competitors* (Oxford, 1989), pp. 17-70.



political powers, even in such sensitive matters as »national economic policy« and the resolution of so-called »national conflicts«.

2. The formulation and application of internationally recognized legal guarantees of national identity is a vital adjunct of the breaking down of the sovereignty of the nation state. Such formal guarantees were pioneered in the four Geneva Conventions commencing in 1929 and expressed forcefully in the Universal Declaration of the Rights of Man ratified by the United Nations in December, 1948: »Everyone is entitled to the rights and freedoms set forth in this declaration, without distinction of any kind such as race, colour, sex, language, religion, political or other opinions, *national* or social *origin*, property, birth, or other status.« (italics mine)

The Badinter proposals for resolving the Yugoslav crisis extend and refine this principle of guaranteeing citizens« entitlement to national identity by means of international supervision, thereby departing from the old Paineite maxim that all sovereignty appertains to the territorially bounded nation. The EC report coordinated by the former French Justice Minister and President of France's Constitutional Court, Robert Badinter, called for applications for EC recognition of the statehood of the various Yugoslav republics and shortly thereafter recommended the recognition of Slovenia, Croatia and Macedonia, subject to their government's acceptance of formal guarantees of the civil and political freedoms of national minorities, the acceptance of international arms control agreements, and no forcible redrawing of existing nation-state boundaries.

The report, implemented only in part and plagued by war, has far-reaching implications for the subject of nationhood, nationalism and democracy. It supposes that governments have a primary obligation to respect the wishes of their populations, but it does not fall back on the old premise that each nation requires a sovereign state covering the territory in which it lives. »Where the sentiment of nationality exists in any force«, wrote J.S. Mill, »there is a *prima facie* case for uniting all the members of the nationality under the same government, and a government to themselves apart.« The Badinter report spots a murderous difficulty lurking in this early modern doctrine of national self-determination: If the political boundaries of the earth are to be fixed by the criterion of nationhood then, since nations do not see eye to eye (why otherwise have state borders?) and do not live in discrete geographic entities, then there will be no end to boundary disputes. Every border is seen as necessarily faulty and as capable of improvement through the annexation of some outlying territory in which one's own nation is living; and since this annexation must normally be imposed by the conqueror upon the conquered, the struggle for »national autonomy« contains the seeds of »territorial cleansing«, pushing and shoving, refugees, statelessness, pogroms and war. The report correctly under-

stands that in the European context civil wars sparked off by nationalist pressures, rather than war between homogeneous nation-states, have become the major threat to regional stability.

The Badinter report also reminds Europeans of the increasingly multi-national character of their states. Of course, most European states have always been multi-national, but recently that fact has been accentuated by large-scale migrations. The permanent entry into western Europe of more than 15 million non-EC people during the past half-century has ensured that mono-national states no longer exist, and that even the oldest and most culturally »homogeneous« of civil societies in countries or regions such as Spain, England, Portugal, France and Germany are now vertical mosaics of nationalities which do not humbly accept their position as satellites of the currently dominant national identity. The report challenges the early modern assumption that national loyalties are exclusive, and that democracy is therefore only possible in a nationally homogenous state.

The report calls instead for a new compromise between nations *within* states. It sees that the peaceful and democratic functioning of European states and societies necessitates reliance upon supra-national monitoring and enforcement mechanisms and it urges recognition of the new principle that the various nations of any single state are entitled to their nationhood, and thus to live differently, as free equals. The Badinter report »de-politicizes« and »de-territorializes« national identity. It recaptures something of the eighteenth-century view, championed by thinkers like Burke and Herder, that nationality is best understood as a cultural entity, that is, as an identity belonging to civil society, not the state. It sees national identity as a *civil* entitlement of citizens, the squeezing or attempted abolition of which, even when ostensibly pursued by states in the name either of higher forms of human solidarity or of protecting the »core national identity« (Isaiah Berlin), serves only to trigger off resentment, hatred and violence among national groupings.

3. Of equal importance as a guarantor of national identity and democracy against nationalism is a factor that has been barely discussed in the literature on the subject: the development of a pluralist mosaic of identities within civil society. This third antidote to nationalism is as effective as it is paradoxical. It presumes that the survival and flourishing of national identity is only possible within a self-organizing civil society, which, however, provides spaces for citizens to act upon *other* chosen or inherited identities, thus *limiting* the probable role of national identity in the overall operation of state and civil institutions and political parties, communications media and other intermediary bodies. The paradox bears a striking parallel to the question of religious tolerance: the practice of a particular religion in a multi-religious society



requires – if bigotry and bloodshed is to be avoided – the principle of freedom of religious worship, which in practice entails recognition of the legitimacy of *other* religions and, hence, the need for secularism which simultaneously guarantees the freedom *not* to be religious. The same maxim ought to be carried over into matters of national identity, for it is clear that to model either state institutions or civil society solely on the principle of national identity means privileging one aspect of citizens' lives, devaluing others, and contradicting the pluralism so vital for a democratic civil society, thus rendering those citizens' lives nation-centred and one-dimensional and, thus, susceptible to the rise of nationalism.

The straitjacketing effect of nation-centred politics in Croatia has been well-described by Slavenka Drakulić: »Nationalism has been forced on people like an ill-fitting shirt. You may feel that the sleeves are too short and the collar too tight. You might not like the colour, and the cloth may itch. But you wear it because there is no other. No one is allowed *not* to be Croatian.«<sup>20</sup> The converse of this point is that an open, self-governing civil society protected by various tiers of state institutions requires the cultivation of a complex habitat of nested spaces in which citizens can protect themselves against the dangers of »uprootedness« in a democracy by learning how to belong to a variety of organizations which enable them to put down roots, thereby preserving particular memories of the past, a measure of stability in the present, and particular expectations for the future. These spaces can further counteract nationalist pressures by helping citizens to overcome their own parochialism. Through their participation in the relatively local organizations of civil society, citizens find the most effective cure of their localism by learning about the wider world, coming to see that their sense of national identity - thinking and feeling themselves to be German, Irish or Turkish - is not essentially superior to that of other nations, and that nationality is only one possible identity among others.

4. Perhaps the most difficult to cultivate antidote to nationalism is the fostering of an *international* civil society in which citizens of various nationalities can intermingle, display at least a minimal sense of mutual understanding and respect, and generate a sense of solidarity, especially in times of crisis, for example during natural disasters, economic collapse or political upheaval.

During the second half of the eighteenth century, this friendship among citizens of various nations was called cosmopolitanism. Exposure to foreign contacts came in a variety of overlapping and sometimes contradictory ways: young men sent abroad to study; foreigners invited and welcomed as teachers; involvement in European wars which took »nationals« elsewhere in Europe; increased travel among the »respectable« classes and regular diplomatic rela-

20. Slavenka Drakulić, »The Smothering Pull of Nationhood«, *Yugofax* (31 October 1991), p. 3.



tions with courts; expanding commerce; and the ever faster and wider circulation of foreign fashions in philosophy, letters, instruction, dress and social intercourse. A history of eighteenth-century cosmopolitanism has yet to be written, but it is clear that in the writings of Pietro Verri, Immanuel Kant, Thomas Paine and others the »true cosmopolite« and the »loyal patriot« were one and the same figure.<sup>21</sup> There was seen to be no contradiction between feeling oneself to be a citizen of the wider world [nb the Greek roots of *kosmopolites* from *kosmos*, world and *polites*, citizen] and wanting to enlighten and to transform that little corner of the European world where one had been born or had been brought by destiny to live, work, love and to die. The phase of early modern cosmopolitanism soon declined. Paine continued until his last breath to champion the cause of republican democracy around the world and Kant still looked at the history of the world in *weltbürgerlicher Absicht*, but these figures were among the last voices of a declining age. With the French revolution the era of cosmopolitanism declined and into its place stepped nationalism, nation-state building and nation-state rivalry. Some continued to work for »internationalism«, guided by the principle that »in proportion as the antagonism between classes within the nation vanishes, the hostility of one nation to another will come to an end« (Marx and Engels). But slowly and surely the word *patriot* became charged with all the hatred and love of modern nationalism, while the word *cosmopolite* became the symbol of an ideal political unity that in practice could never be achieved.

A pressing theoretical and political question in today's Europe is whether a new form of the old cosmopolitanism is developing in tandem with the process of supra-national political integration in the west and the attempted dismantling of totalitarian regimes in parts of central-eastern Europe. Is the growth of an international civil society in Europe possible or actual? Raymond Aron is among those who have answered firmly in the negative: »Rights and duties, which in Europe, as elsewhere, are interdependent, can hardly be called multinational. In fact, they are quintessentially national... Though the European Community tends to grant all the citizens of its member states the same economic and social rights, there are no such animals as 'European citizens'. There are only French, German, or Italian citizens.«<sup>22</sup>

21. The Italian case is examined in Franco Venturi, *Italy and the Enlightenment. Studies in a Cosmopolitan Century* (New York, 1972). See also Thomas J. Schlereth, *The Cosmopolitan Ideal in Enlightenment Thought: Its Form and Function in the Ideas of Franklin, Hume and Voltaire, 1694 - 1790* (Notre Dame and London, 1977); Eugen Lemberg, *Geschichte des Nationalismus in Europa* (Stuttgart, 1950), pp. 123-127; Joseph Texte, *Jean-Jacques Rousseau and the Cosmopolitan Spirit in Literature: A Study of the Literary Relations between France and England during the Eighteenth Century* (London and New York, 1899).

22. Raymond Aron, »Is Multinational Citizenship Possible?«, *Social Research*, Winter 1974, pp. 652-653.

Aron's conclusion is based not only on the legal tautology that individuals can only become citizens because they belong to a sovereign state which is the sole guarantor of citizenship rights and duties. It also does not take account of the growth of multi-national states and societies and the trend towards the definition of the rights of *European* citizenship, available to all who live within the European Community region. If and when the Maastricht Treaty of Union is finally ratified and implemented, this trend will be greatly strengthened. Citizens of any state resident in another member state will be entitled to vote and to stand for office at the levels of local government and the European parliament. Citizens will enjoy the rights to information across frontiers, to petition the European Parliament, and to make use of a Parliamentary Ombudsman. And they will be entitled, when travelling abroad, to full diplomatic protection by any other member EC state.

These projected entitlements provide further evidence that Europe - at least the Europe of the European Community - is witnessing the slow, unplanned, blind and painful birth of a new species of political animal, the European citizen. This trans-national citizenry is not yet constitutionally guaranteed. Its »informal« or pre-legal status renders it less than fully visible, ensures its strength as a normative ideal, and makes it vulnerable to countervailing trends. The habitat of the new European citizen is an emerging international civil society of personal contacts, networks, conferences, political parties, social initiatives, trade unions, small businesses and large firms, friendships, local and regional forums. Within this non-governmental habitat, individuals and groups of various nations and persuasions take advantage of new communications technologies - fax machines, answerphones, satellite broadcasting - which break down the apparently »natural« barriers of geographic distance and state borders, increase the physical and cultural mobility of people, and even simulate the possibility of being simultaneously in two or more places. The new European citizens intermingle across frontiers for various purposes without making a cult of national origins, national identity, and »foreigners«. These citizens see and feel the importance of the *metaxu* (Simone Weil). They value nests, such as national identity, in which citizens are warmed and nourished and gain confidence in themselves. Yet they also recognize otherness as a right and a duty for everybody. These new citizens maintain that in the contemporary world identity is more a matter of politics and choice than fate. They have an allergic reaction to nationalism and deep empathy for people suffering discrimination or enforced exile from their cherished nations or territories. They are humble about their national identity, interested in others, concerned for their well-being, and consequently unwilling to indulge the feelings of revenge and narcissistic satisfaction characteristic of nationalists. European citizens are late modern cosmopolitans.



No doubt the internationalization of civil society is destroyed by nationalism and genocidal war, as in south-central Europe, where for many people daily life is now a non-citizens« hell of expulsion, terror, and bloodshed. These social exchanges among a plurality of citizens can also be squeezed or suffocated by the power of transnational corporations (such as Ford, Volkswagen and Sony) seeking to co-ordinate their national markets, to trim and discipline their workforces, and to dominate European social life through profit-driven matrix management and marketing. It is also true that xenophobes and other anti-democratic forces are taking advantage of the new European habitat. Nevertheless the long-term growth of European-wide exchanges among citizens whose social and political views are predominantly pluralist and republican is among the most remarkable features of contemporary Europe. Within these exchanges, there are few traces of Marxian class struggle politics and nineteenth-century dreams of abolishing state institutions, and nationalism is considered an anathema. Instead there is an underlying belief that not only Europe from the Atlantic to the Urals, but indeed the world beyond, should be a coat of many colours, a region marked by a precarious, non-violent yet permanently contested balance between governors and citizens.

Sometimes this new democratic republicanism erupts dramatically, as in the velvet revolutions of 1989-1991. At other times, it is expressed through vague references to citizenship rights and duties across frontiers (as in the Maastricht Treaty of Union). But most often the formation of a European civil society is an undramatic, nearly invisible process that seems unworthy of the attention of journalists, intellectuals and policy makers. It clearly requires detailed sociological investigation. For could it be that this new European citizenry, providing that it is not stillborn and that it is nurtured with adequate funding and legal and political guarantees, will prove to be the best antidote yet invented to the perils of nationalism and the poisonous fruits of democracy?





# Social Contract and Public Opinion – Two Political Concepts of the Enlightenment

*Kant's notion of »publicity« in the context of the development of the concept of »public opinion«*

Gorazd Korošec

The concepts of social contract and public opinion have played a crucial role in political self-perception of European societies for a number of centuries. They are two expressions of modern European rationalism and their importance is becoming more and more central today. They are seen as two cornerstones of modern liberty, albeit in its necessary relationship with authority. The question of the political organization of present-day Europe can therefore scarcely be conceived without being articulated in terms of, or at least with recourse to these two concepts. We will therefore try to analyze an important stage in their development, namely the era of Enlightenment, when with the French revolution and the subsequent controversy surrounding it and its meaning for political history of the European continent, the concept of social contract, as articulated last by Immanuel Kant, declined and came under severe criticism, at the same time as the concept of public opinion entered the foreground as an object of political analysis and was given some of its most important and recognizable characteristics.

The two concepts play important roles in political discourses, roles which are not identical and which can be related in different ways in the ideologies of liberalism, conservatism, democracy and socialism. We will therefore take a brief look at their interplay and changing relations.

Sir Henry Maine said in a well-known phrase that modern societies have undergone a transformation »from Status to Contract«<sup>1</sup>, meaning a strict rule of law. The political theory of social contract, with theorists like Hobbes, Locke, Rousseau and Kant, has an important role in this process, emphasizing at the same time the importance of legal theory in the constitution of modern political societies.

We will begin our examination with Kant's theory, which contains a detailed articulation of both social contract and publicity, that is to say, public opinion. We will first analyze Kant's distinction between the private and public use of one's own reason, in order to elucidate the character of his distinction between

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1. Sir Henry Maine, *Ancient Law*, London 1861, p. 151.

the public and private spheres, to point out its difficulties and problems and thus to find the reason for the decline of Kantian contract theory. We will then compare it with theories and critical remarks by Burke, Bentham and Constant, directed against his rationalism, concept of law and understanding of liberty and public opinion.

It is well known that the tradition of social contract from Hobbes (or better, Aquinas) on has built on notions of consent, voluntary agreement, legitimacy, sovereignty, the rule of law, necessary or minimum conditions of civil or political society, the relationship between reason, authority and liberty, civil and moral law etc. Social contract should be a guarantee of the security of life, liberty and property. Civil laws should therefore be rational, general, abstract and permanent. And perhaps Habermas is right in claiming that Hobbes also made room for the development of the notion of public opinion.

With Locke, social contract theory becomes the basis for a justification not only of government, but also of legitimate resistance to an illegitimate authority. With Rousseau it becomes legitimation for the overthrow of every existing political order. It is evident that such theories have exercised influence, although in rather different ways, on the events of the English, American and French revolutions and on the rise of liberalism.

But if one aim of the Enlightenment was to establish a rational authority through a process of subjecting government, understood as the expression of will, to the demands of reason, dictated either by public opinion or the idea of social contract, it remains a fact that the Enlightenment owes its second face to its intention to bring under control people's irrational passions, which are also in need of subjection to the demands of reason. And on the grounds of such a purpose, notions of will and reason could be built into a different relation within a theory of government, reason being an attribute of government, while irrational will is left to the governed. This is, for example, Hume's view, but he maintains that government should be a »government of laws«, necessarily limited by laws themselves and by no means a mere government of men. However, we will soon see how odd the consequences of this second standpoint could be in other enlightened authors, particularly in Kant.

Our primary aim is to outline and examine Kant's notion of publicity and to assess it in the context of the development of the concept of public opinion. Given that Kant's theory of social contract - some of the most important problems of which have already been described and indicated elsewhere<sup>2</sup> - contains the same basic arguments or premises as the theories of his predeces-

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2. Gorazd Korošec, »Kant, razsvetljenstvo in razvoj ter iztek teorije družbene pogodbe«, *Filozofski Vestnik* XIV, 1/1993.



sors, it is clear that the notion of publicity must play a central role within it. If his theory should answer the question »What fundamental principles must underlie any system of law, if it is to be legitimate?«<sup>3</sup>, he must express the demand that laws be stated publicly, presented to the public and subject to the possibility of criticism. If their public acknowledgement arouses opposition, they are not just. Kant states this claim in the following words: »All actions that affect the rights of other men are wrong if their maxim is not consistent with publicity.«<sup>4</sup> The Principle of publicity, itself a version of Kant's Law of Autonomy, should secure the justice of civil laws. They should conform to the Categorical Imperative in the form of the »Universal Principle of Right«: »Every action is right that in itself or in its maxim is such that the freedom of the will of each can coexist together with the freedom of everyone in accordance with a universal law.«<sup>5</sup>

The demands of publicity could be of course satisfied only in conditions of effective freedom of speech. Therefore Kant exhorts his readers with the exclamation: »Sapere aude!«, »Dare to use your own reason!« and demands the unrestricted public use of reason. It is necessary for freedom as such and for the enlightening of the public itself. Besides this, Kant gives a more detailed description of the public use of reason:

»By the public use of one's own reason I understand the use that anyone as a *scholar* makes of reason before the entire *literate* world. I call the private use of reason that which a person may make of it in a *civic post* or office that has been entrusted to him.«<sup>6</sup>

Up to this point, everything sounds right and well. But here the problems begin. If we know that Kant's formula for the conditions that should enable the free public use of reason reads: »Reason, but obey!« or »Argue as much as you want and about what you want, but obey!«<sup>7</sup>, we should not yet see something very problematic in this. Positive law should be obeyed if law is to exist at all.

The other thing that really surprises us is his rather curious definition of the private use of reason and distinction between the public and private spheres

3. Immanuel Kant, *The Metaphysical Elements of Justice* (first part of *The Metaphysics of Morals* (1797)), trans. John Ladd, Bobbs-Merrill, Indianapolis 1965, Preface, pp. 3-8; *Kants gesammelte Schriften (KGS)*, Königliche Preussische Akademie der Wissenschaften, Walter de Gruyter, Berlin 1902- , vol. VI. The question is, of course, analogous to fundamental questions of his three *Critiques*.

4. Immanuel Kant, *Perpetual Peace: A Philosophic Sketch*, in *Perpetual Peace and Other Essays*, trans. Ted Humphrey, Hackett, Indianapolis 1983, p. 139; *KGS* VIII, 381.

5. I. Kant, *The Metaphysical Elements of Justice*, p. 33; *KGS* VI, 230.

6. I. Kant, *What is Enlightenment?*, in *Perpetual Peace...*, p. 43; *KGS* VIII, 37.

7. *Ibid.*

that proceeds from it. We will examine this problem more closely to get a more exact picture of the advantages and disadvantages of Kant's political philosophy.

We can see that Kant opposes limitations on the public use of reason, which is beneficial for the freedom of the mind, but accepts limitations on *civil liberty*, which in his view could be limited to a very considerable degree without great damage to human freedom. And in civil life, Kant claims, men use their reason in *private* way. Here their liberty could be strictly limited, because in actions in the public or common interest, government could coerce the individual and direct him towards the common purpose. Here he is only a *wheel in the machine*, he must *obey, not argue*.<sup>8</sup> Even a strong army which should prevent civil disobedience and unrest as a result of abuse of the private use of reason and civil liberties is for Kant a guarantee of the freedom of speech.

An individual therefore has no private discretion in carrying out his bureaucratic role. In civil, as opposed to spiritual, life he must *obey, not reason*, and his civil liberties could be restricted arbitrarily. Kant here uses the word »private« in its etymological sense of being without - deprived of - power. Obedience is indeed absolute: the citizen has an unconditional moral and civil injunction to obey even unjust laws.<sup>9</sup> In the private sphere no free use of reason, expression of opinion or pursuit of private interest is allowed. So the *price* for the free public use of reason is an abandonment of private interests and *private freedom*.

Everyone should leave his privacy and enter the public sphere only as a scholar, because the general will, undisturbed by private interests, is to be expressed there. So freedom of the press is the only palladium of men's liberty, with the limitation that it must not put into question obedience to the authorities. Kant therefore forbids discussion about the origin of authority. Kant is also a severe opponent of any secret societies, even if their existence is due to censorship. If morals and reason should exercise influence upon politics, no private morality (of which Kant denies the possibility anyway) or private interest should enter public sphere.

A very rigorous scheme indeed. Kant's individual capable of his legislative function, that is of giving consent to the laws, ceases to be an individual, he is pure *homo noumenon*. In regard to freedom of the mind, Kant recognizes that public freedom of speech is necessary for (private) freedom of thought, because validity of one's thought can only be tested in communication, but he

8. *Ibid.*, p. 44; KGS VIII, 38.

9. I. Kant, *On the Proverb: That May Be True in Theory but Is of No Practical Use, in Perpetual Peace...*, p. 84; KGS VIII, 299.



fails to recognize the contrary causal relation: to put it in Tocqueville's terms, freedom in great things is impossible without freedom in small ones, therefore the latter is more important; freedom of the mind is therefore impossible without civil freedom, freedom in everyday things and occupations, without *freedom becoming a habit*. If obedience becomes a habit, freedom is irreversibly lost. This is Tocqueville's answer to Kant's typical enlightened rationalistic illusion that absolute obedience and freedom can coexist, that free reason would not become contaminated with obedience. Even if Kant is here following Hume in his concern not to claim too great an extent of liberty, he is much too anxious in this effort, which leads him to an excessive restriction of liberty.

We can gain an even more thorough insight into this problem in Kant's *Conflict of the Faculties*.<sup>10</sup> Here we see that he divides even academic reason into free and unfree, whereby the former is reserved for the faculty of arts (Kant of course uses German term »faculty of philosophy« and it is plain that in his opinion department of philosophy should play the leading role within it), which serves only the interests of *reason*, while the latter is applied to the remaining three. Professors of law are not free to use their own reason: they are bound to teach according to the statutes, which are a product of the arbitrary will of authority, so that they can use their reason only in a private way. The autonomy of the university is thus denied (although the faculty of arts is here at least partly excepted), and with it also the independence of the juridical branch of authority.

He again maintains that all subjective motives should be excluded from academic discussions and so he introduces a further distinction between the civil and the learned, scholarly public. He attacks civil orators who try to influence public's passions and customs, demanding new social arrangements and anarchy. Because people reject reason and are subject to passions, the task of faculty employees is to serve the state in order to adjust public inclinations to their duties. This is a private purpose of the lawgiver, but again the private purpose cannot be law.

*Reason alone should be the judge and the source of laws.* In order to achieve this, Kant suggests the establishment of a parliament of faculties, in which members of the faculty of arts would defend the cause of truth. They should become advisers to the authorities and, as free teachers of law, enlighten the public about their duties and rights.

We can see clearly enough that his ideal participant in free public discussion or the use of reason is a *philosopher*. He is *the public man*, that is an ideal

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10. I. Kant, *Conflict of the Faculties*, trans. Mary J. Gregor and Robert E. Anchor, Abaris Books, New York 1979; KGS VII.



legislator or one that could consent to the laws and make judgements about them. While even a professor of law, although he uses his reason, is doing this in the name of and at the command of another, a philosopher alone is capable of giving up his private interests, taming his passions and acting freely for the good of the community.

This scheme and especially the emphasis on the ideal citizen being a philosopher, at once runs up against serious difficulties. We know that Kant allows the status of *active* citizenship, characterized by an ability to consent to the laws and participation in public discussions, only the owners of property, which is indeed understood in quite a wide sense. A proprietor is thus one whose property secures him a means of living and therefore political autonomy or independence. He serves nobody but the community and in the worse case he lets his property in order to maintain himself. A non-proprietor, in contrast, is someone who must agree to the exploitation of his working capacity.

Kant must of course strive to include learned men under active citizens, so he maintains that intellectual capacities should also count as property. Here he is indeed not very convincing, as Ryan says,<sup>11</sup> when he tries to distinguish between a private tutor, who in his view has no property, works on another's orders and is therefore not free (where freedom means being one's own master), and an academic professor, who is free and has property. If we consider the role of a professor of law in this light, we soon encounter serious paradoxes. As we have seen, this professor is not free to reason freely in his work, but is bound to work according to the commands of the state, which again directs his work towards the common good. So he is at first without the property and freedom of the active citizen, because he works in the name of another, but again he serves the community, this service being a private purpose of a lawgiver. But in his spare time, retaining his intellectual capacities, which can now be understood as property, he can as a scholar participate in the public use of reason, thus contributing to the good of the community. We thus have, on the one hand, someone who from being a non-proprietor in his spare time, in an unexplained way, becomes a proprietor, and on the other side, service to the community alone, which is in itself a private purpose. And if we consider closely the example of a private tutor or any other proprietor, we will come to similar paradoxes.

There is of course a way out from this aporetic argument, resulting from Kant's troublesome definitions, which consists in an answer that, on the one hand, the state does not serve the community in a pure, that is pure reasonable, way and that the community it serves is not a wholly reasonable one, and on the other

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11. Alan Ryan, *Property and Political Theory*, Basil Blackwell, Oxford 1984, p. 87.

hand, of course, that a citizen can participate in a free public discussion not just only as a scholar, but moreover, only as a philosopher.

A further consequence of this is that the owners who are part of the public and who in the sphere of free exchange pursue their private interest, thus serving the community, can only enter the public sphere by abandoning the very same private interests. One could ask a naive question as to whether individuals, apart from being philosophers, do not use their own reason in pursuing their private interests. And the Kantian answer is of course no, because the pursuit of benefit alone, no matter how ingenious, does not deserve the dignity of reason. Moreover, it is acknowledged only if conformed with the good of the community.

If we know this and if we remember that in all other areas besides the philosophical public use of reason purified of private interests, the state has the right to direct one for the good of community, the extent of the private sphere suddenly appears rather narrow and the field of public or government control quite wide. Kant's views on the nature of civil law confirm this observation. He does not admit any private law, i.e. law regulating free exchanges of private individuals, commonly regarded as private law Kant terms public law. He regards private law as a characteristic of the pre-civil state, while in the civil state all law is public law. His ideas on property and property rights naturally accord with this view. His foundation of property rights is similar to his foundation of contract. Law must guarantee the property of the individual, but rights deriving from this property Kant understands (just as rights deriving from a contract) not only as physical, but as *rational* possession, that is possession, even if not actual, according to the word of law. His views of law are based on Roman law, but he goes even further in breaching the distinction in Roman law between personal and proprietary relations and rights, *jus ad personam* and *jus in rem*, reducing all relations and rights to property rights and relations.<sup>12</sup> In Roman law property is a *real* right or right *in rem*, because the right to a thing possessed is good against all the world, while a *personal* right or right *ad personam* proceeds from a private contract and is good only against the person with whom one has made the contract.

So the property rights in Kant's theory are also not based on occupation and use, as in Locke, but on the *rational intention* of a member of society to occupy a thing and make it his possession by subjecting it to his *will*. Society must recognize this rational intention on the part of its member and it therefore has a right to confer individual property rights. And of course it follows from this that the state must have a certain reserve authority to intervene in the distribution of property in the name of the public good.

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12. *Ibid.*, p. 83 sq.



Again we see that Kant in fact does not allow the existence of private contracts, that all contracts in his view are dependent on acknowledgement of community, so that every *contract* necessarily has a *social* dimension; every contract is already a social one. He indeed understands people's rights as their possession, but as a rational one, which need not actually exist.

We can now answer the question as to why Kant's understanding of the private sphere is so narrow and that of the public sphere so wide. Given what has been said already, we can easily recognize in his political theory a *mercantilistic* scheme of public or governmental control and regulation of the field of citizens' private behaviour and political conduct and the sphere of economic relations in which government is obliged to take care of the public good.

We must be aware that in the Germany of Kant's day, public opinion, both as a theoretical concept and in political practice, was still at an early stage of development. Public opinion as we understand it today, that is in its classical form, did not appear until the 1830s,<sup>13</sup> when it finds its place at private meetings and in newspapers, but even then it has to contend with censorship.<sup>14</sup>

Absolutism was still firmly in place, strong and intact. Consequently, the term public still denoted primarily public authorities and there was not yet a separate »private« sphere, liberated from government regulation, part of which would also represent market relations. The private sphere as such was therefore only beginning to develop and was still subject to *mercantilistic regulation*.

The same is true of the development of private law, which was later to be codified through the positivization of natural law, but was still subject to numerous old limitations and needed almost a century to acquire its place and form.

In this historical context, Kant's political ideas are to be understood as an effort to encourage further development of the mercantilistic regulation of the public good under absolutism into a more enlightened form, in the way he thinks most appropriate. Kant in his defence of the function of the enlightened monarch shares the belief of French Physiocrats who defend *legal despotism* as a means

13. Jürgen Habermas, *Strukturwandel der Öffentlichkeit*, Hermann Luchterhand Verlag, Berlin 1962. Slovene trans. *Strukturne spremembe javnosti*, tr. Ivo Štandeker, Studia Humanitatis, Ljubljana 1979, p. 87.

14. Kant too, while writing on such controversial subjects as politics and religion, must consider the possibility of censorship. His experience of it in regard to his work *Religion Within the Limits of Reason Alone*, is well known. He wrote to his friend Mendelssohn: »I am absolutely convinced of many things that I shall never have the courage to say.« This could of course help to explain some of his ambiguities, but it is not enough to change the whole picture of his political philosophy.



of establishing the rule of public opinion.<sup>15</sup> We must bear in mind that in France and Germany at this time, public opinion was even in the view of theorists strictly separated from the legislative function, so that this solution appears as the only possibility for them. But the enlightened monarch remains a fiction. The only possible way towards the rule of law and legislation in accordance with public opinion is a strengthening of the legislative role of parliament as a body of the people's or public's political representatives, which could be achieved only in open political contest and with the participation of the public in exercising influence over political and legislative decisions.

But this is precisely what is missing from Kant's scheme and is something that Kant wishes to avoid. Instead of a political parliament with a legislative function, he demands a powerless parliament of philosophers which should enlighten the monarch. It is indeed true that in the conditions of royal absolutism the insistence on the rule of law and rejection of arbitrary rule is even more important, as Hayek remarks about Kant,<sup>16</sup> and Kant indeed has contributed to such endeavour. The trouble with his theory is that it is not capable of offering a means to secure the existence of the rule of law. And Kant's belief in a monarch's deliberate project to bring about enlightenment and freedom from above openly contradicts Hayek's convictions about planning.

We know that public opinion and its influence on politics, as well as the legal form of private law and the institutions of the free market, which are crucial to the modern understanding of the private sphere, developed earlier in the countries with *common law* legal tradition, that is in Britain and America, than in countries with *Roman law* tradition, such as France and Germany.<sup>17</sup> This was largely due to the legislative role of parliament, also rooted in *common law*, which enables the establishment of the rule of law within a limited monarchy. The mercantilistic phase was there already exceeded and succeeded by modern liberal values of defending privacy, pursuing private interests, exercising influence over legislation through elected representatives and rejecting government interference into self-regulating market relations, which in themselves as a sum of different competing interests are directed towards improvement of the public good. Locke with his articulation of social contract theory stood at the beginning of this development.

We can add here as a comment to Kant's views a historical account, revealing

15. Habermas, *op. cit.*, p. 97. And Pocock is probably right when in contrast to this approach he terms the corresponding contemporary English movement, most notably represented by Adam Smith, *legal humanism*. J.G.A. Pocock, *Virtue, Commerce, and History*, Cambridge University Press, Cambridge 1985, p. 50.

16. F.A. Hayek, *The Constitution of Liberty*, Routledge & Kegan Paul, London 1960, pp. 196-197.

17. Habermas, *op. cit.*, p. 91.

that the term *public opinion*, in the sense of the opinion of the general public as opposed to public authority, seeking to influence, control and shape the latter, has developed from the *private opinion* of the citizens gradually entering discussions in the public sphere, so that public opinion first emerged in discussions at *private* meetings and coffeehouses, where *private freedom of speech* or the private use of reason was regarded as being as essential as daily bread and was in this early stage of its development dependent on secrecy; it needed to be closed to the public in order to survive, because of the dangers of censorship and punishment.<sup>18</sup>

Given Kant's rejection of the public or political participation of private citizens with private or, worse still, selfish interests, his well-known example of organizing the society of devils in an essay *Perpetual Peace* might be regarded as merely a symptom.<sup>19</sup>

As we have outlined difficulties emerging from a detailed consideration of Kant's political philosophy, we can now review some recent interpretations of the same issue, point out their weaknesses, and raise objections to them.

One thinker who understood the Kantian outlook we have just considered, as an important turning point in the development of modern political philosophy was Foucault,<sup>20</sup> who argued that Kant here suggests to the monarch a particular contract, according to which powerless reason should at last by the work of enlightened providence overcome and direct the arbitrary will of the authority, and maintained that Kant's description of the *public* use of reason is directly opposed to a previous conception of *private* freedom of consciousness.

We have already shown that with the limitations that Kant builds into his proposal, he makes himself unable of performing his intended task. We have further shown that in fact these terms are not opposed, but that one developed from the other, and that there is no turning point here, although Kant may have seen one. And we have argued that the *law must not be arbitrary*, that even Kant opposed its being such, and that reason too must not be without power, ceding it completely. As such it would be useless for the intended purpose, as well as an illusion in itself.

But one may discern further, more fundamental reasons for Foucault's insistence on such an interpretation of Kant, revealing as much about him as about Kant himself.

18. Habermas, *op. cit.*, p. 49.

19. I. Kant, *Perpetual Peace*, p. 126; KGS VIII, 366. Could devils be imagined in the role of philosophers? Burke, for example, was more inclined to think the contrary, for he regarded *philosophes* supporting and preparing the French revolution as devils, a danger to society as it is.

20. Michel Foucault, »What is Enlightenment?« in *Foucault Reader*, London 1985.



Foucault is obviously fascinated by Kant's concept of law, his understanding of *law as a command, demanding absolute obedience*. And as Joan Copjec has shown,<sup>21</sup> this has deeper reasons in Foucault's philosophy. She presents a Lacanian critique of Foucault's understanding of law, for whom desire is identical with law, means obedience to the law, so that in his view *being is obeying*. Desire is supposed to be the accomplishment of law, which is in turn its necessary condition and its cause, so that they are in harmonious relation and law, of course, cannot repress desire.

By contrast, psychoanalysis maintains that the law is based on the prohibition of (incestuous) desire. The subject constitutes himself as the one who rejects desire. Thus Freud in his *Totem and Taboo*<sup>22</sup> shows that such views cannot explain either the existence of *prohibition* nor *moral consciousness*, that is interiorization of law.

Such views therefore openly contradict the basic assumptions of Kant's practical philosophy, although this picture of an innocent individual is in turn exactly the mirror image of Kant's publicly reasoning philosopher. The latter, purified of immoral interests and desires and his passions tamed, serves him in the construction of the categorical imperative, connected with the belief that reason alone can motivate an individual to act. The categorical imperative in its purity is the sole source of good and everything beyond it is evil. Such enlightened rationalism was criticized by thinkers as early as Hobbes and Hume, who maintains that behind every action of an individual lies his desire, and Freud's fundamental argument was basically the same.

The Lacanian perspective reveals that the categorical imperative itself, although it should serve as a support for or even an expression of an individual's autonomy, destroys the illusion of his autonomy, for it excludes the individual's most personal and intimate characteristic, namely his desire, which is not translatable into the public sphere or public discourse. It is the erasure of the individual. Some problematic consequences of a such theory in a field of politics have already been pointed out; others of a moral nature appear, for example, in Kant's polemic with Constant.

Psychoanalysis in its experience does not find any categorical imperative: what is more, its claim is that this position is untenable and therefore inaccessible; it cannot be achieved or sustained. Psychoanalysis discovers only the command of the Superego: *Enjoy!* This command maintains the irreducibility

21. Joan Copjec, »The Orthopsychic Subject: Film Theory and Reception of Lacan«, *October* 49, 1989; Slovene trans. »Ortopsihični subjekt: filmska teorija in sprejemanje Lacana«, in *Hitchcock II*, Analecta, Ljubljana 1991.

22. Sigmund Freud, *Totem and Taboo*, in *Pelican Freud Library*, vol. XIII, Penguin, Harmondsworth 1985.



of desire and at the same time charges the individual with guilt for his desire, which is the basis of his subjection.

In contrast to what is frequently asserted, Kant did not discover the function of the Superego, he merely revealed one of its dimensions with his unconditional demand for absolute obedience to positive as well as to moral law. Thus, he fails to consider possible conflicts between the two, and on the other hand he does not see that the categorical imperative is not a way of escaping from desire, that there is no such way, that the interiorization of law never succeeds entirely and that the individual has to face with his desire and recognize it. Kant only succeeded in an absolutization of the individual's subjection,<sup>23</sup> and because he repressed desire, he would have to deal with the *return of the repressed*, appearing as the *radical evil* in the form of the categorical imperative.

If Kant's enlightened rationalistic theory tried to get rid of private interests, but could not offer a satisfying solution, the political theory of his time, for example in Adam Smith, had elaborated a more suitable answer as to how to deal with people's desires and private inclinations, that is by transforming them into (economic) interests and thus making them lawful and beneficial for society. So we can now move to a context where this process is understood as a precondition and which marks another stage in the development of the concept of public opinion.

We will consider the view of one of the most important advocates of public opinion, namely Edmund Burke. Analysis of public opinion as one of the most important issues in political philosophy and practice plays a central role in his thought and with him the concept of public opinion attains its classical form. Writing about America, he observed:

»In a free country every man thinks he has a concern in all public matters; that he has a right to form and to deliver an opinion on them. They sift, examine and discuss them. They are curious, eager, attentive and jealous; and by making such matters the daily subjects of their thoughts and discoveries, vast numbers contract a very tolerable knowledge of them, and some a very considerable one... Whereas in other countries none but men whose office calls them to it having much care or thought about public affairs, and not daring to try the force of their opinions with one another, ability of this sort is extremely rare in any station of life. In free countries, there is often found more real public wisdom and sagacity in shops and manufactories than in the cabinets of

23. It is worth noting that Adam Smith's notion of the *neutral observer* as a foundation of morality and judgement about public matters, which served Kant as a model in the construction of the categorical imperative, has no such absolutistic implications.

princes in countries where none dares to have an opinion until he comes into them. Your whole importance therefore depends upon a constant, discreet use of your own reason.«<sup>24</sup>

This opinion, already the result of *private* reasoning and reflections of *private* individuals on public affairs in public discussion, with the pretension of being publicly, commonly relevant, Burke names »general opinion«, but it was soon given the name *public opinion* by the Oxford Dictionary in 1781. We have seen that Kant behaves almost as if he does not notice this difference, which for Burke is self-evident, of how private opinions are involved into public one. Burke's eager and attentive discussants need not be Kantian scholars or philosophers, and if they are jealous about the course of political events, they of course do not exclude their private opinions and interests from their considerations. Indeed, they do not hesitate to express their disagreement with certain acts of government which run counter to this general opinion. Thus, Burke notes on another occasion:

»I must beg leave to observe that it is not only the individious branch of taxation that will be resisted, but that no other given part of legislative right can be exercised without regard to the general opinion of those who are to be governed. That general opinion is the vehicle and organ of legislative omnipotence.«<sup>25</sup>

The influence of public opinion upon the exercise of government is in Burke's case far more direct than in Kant's. Public opinion needs not subject itself to the demands of the government, it is the vehicle of legislative function, so that legislation should be performed according to the interests of public opinion.

Private interests and opinions are of course involved in the general opinion and the public acts according to them, but Burke is convinced that people can distinguish the appropriate use of political power from its misuse, so that politicians who ignore public opinion and its interests surrounding a specific issue, and so lose the trust of the governed, are to be blamed for public resistance. There is no trace here of Kant's reasoning that people should do nothing but subject themselves to even unjust laws of the state.

But of course public opinion is not Burke's only concern. He also involves himself in a polemic about social contract, evading, in contrast to Kant, its rationalistic foundations, and arguing in a famous fragment, which no inquiry into the development of social contract theory should overlook:

»Society is indeed a contract. Subordinate contracts, for objects of mere

24. *Burke's Politics*, ed. Hoffman and Levack, New York 1949, p. 119.

25. Edmund Burke, »On the Affairs of America«, in *Burke's Politics*, p. 106.



occasional interest, may be dissolved at pleasure; but the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead and those who are to be born.«<sup>26</sup>

This fragment reveals a genuine conservative background and it is indeed to become one of the central elements in a conservative outlook. It is not a direct rejection of the theoretical frame of the social contract and at first sight it appears to be merely a shift of emphasis within it, but closer examination reveals a series of far more important differences. We shall therefore see in it not only the traditionalist component, although that is of course present, but point out with Pocock<sup>27</sup> that Burke in his reinterpretation separates the very notion of social contract from its *Roman law* context, characteristic by its understanding of law as an order, an expression of will of the lawgiver, its creator, a context within which contract theory was placed at least from Hobbes on. This context serves Kant's purposes very well, because it fosters the view that it is enough, and at the same time the only appropriate and possible way of changing or improving the law, to persuade the sovereign monarch as a lawgiver with rational enlightened arguments, demanding at the same time absolute obedience to the law.

But Burke replaces this context by placing the notion of social contract within the English *common law* tradition, the tradition of that insular English form of law, used and developed in king's courts and considered by the House of Commons in making their statutes, defined by Coke as immemorial and prescriptive law, that English Janus, as Pocock termed it, because it remains always the same and at the same time always changes and adapts itself to new circumstances, if legal experience approves them. This law has no lawgiver, its origin is beyond memory and it is the result of the accumulated legal reason of many generations, approved by legal experience. Burke also refers to the *common law* myth of the *ancient constitution*, the guarantee of English liber-

26. Edmund Burke, *Reflections on the Revolution in France*, ed. J.G.A. Pocock, Hackett Publishing Company, Indianapolis and Cambridge 1987, p. 84-5.

27. J.G.A. Pocock, *The Ancient Constitution and the Feudal Law. A Reissue with a Retrospect*, Cambridge University Press, Cambridge 1987.



ties and the constitutional role of parliament in legislative power, existing since ancient times, as an ideal necessary to preserve. In regard to this context, which was the cornerstone of Whig ideology, Hayek quotes Burke saying that *laws are not made, but found*.<sup>28</sup> And within this ideology Hume could deny that moral rules could be based on reason.

Considering conservative connotations of the *common law* frame, it is not hard for Burke to understand prejudices not as something opposed to reason, but as containing condensed wisdom of the past, a conception that, as much as understanding of legal reason as custom in *common law*, openly contradicts the Kantian rationalistic attack on prejudices. For these reasons Lévi-Strauss could,<sup>29</sup> like Tocqueville and Montesquieu before him, favour English liberties, founded on a piece of irrationality, customs, unimportant differences and social codes, in contrast to French rationalistic liberties, based on abstract principles - the prejudices of rationalistic lawyers - in the name of which old historical liberties were abolished during the French revolution and which are regarded as an ideal also by Kant.

Let us put aside for a moment the fact that Burke, like Kant, makes an enlightened appeal for the constant and discreet use of one's own reason, but does not reject the possibility of resistance, as Kant does, a fact that could also be explained in the context of their more fundamental differences. And the latter are also connected with the fact that they are defending two very different political orders. While Kant is writing in conditions and in favour of an *absolute* monarchy, Burke is defending the advantages of a *limited monarchy*, established by the Glorious Revolution but with a much longer tradition in British political thought and practice. Monarchy in Britain at that time was limited, because it indeed represents the most important part, but *a part* nevertheless, of the constitution of government, organized upon an ancient republican principle of *mixed government*, composed of elements of monarchy, aristocracy and democracy. Such a form of government was given the name of *British, mixed or balanced constitution*, because the authority of the crown was limited by the role that the two houses of parliament have in the legislative process, securing at the same time the *balance* in the shares of power of all three main constitutive parts of society. This *balanced constitution* was regarded as the main condition of the rule of law and only protection against the danger of despotism, tyranny, royal absolutism and any other misrule, all of them consequences of disrupted balance of power.

Kant's principal republican egalitarianism, his dislike of aristocracy and rejec-

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28. Hayek, *op. cit.*, p. 458.

29. Lévi-Strauss, *Le regard éloigné*, Librairie Plon, Paris 1983. Slov trans. *Oddaljeni pogled*, tr. Braco Rotar et al., Studia Humanitatis, Ljubljana 1983, p. 348 sq.

tion of political compromises mean that among other things he opposes the *British constitution*, which he regards as an illusion, based on false publicity and subject to corruption, not a real and free republican constitution. But this does not make him unable to approve the procedural rule of the British parliament, according to which the king presents his decisions to parliament indirectly, through a speech by one of his ministers, which allows for criticism of the minister's arguments, despite the fact that the authority of king is not to be questioned. Kant uses this rule as a foundation for the role of the faculty of arts in his parliament of faculties which, because he rejects the English political legislative parliament, would be the only truly free arrangement.

As weak as this objection is his denial of the limitation of British monarchy, which in his view remains absolute because of the king's right to make decisions about entering a war, where Kant overlooks that just in his time king or, in fact, his minister, under the pressure of public opinion must actually renounce such a decision.

As we have seen, Burke and Kant hold rather different convictions about the possibility of resistance. And indeed, as Janet Hampton has observed, all theories of social contract must confront the question of resistance and of people's right to it,<sup>30</sup> with regard to the extent of power they are inclined to confer on the sovereign. Kant regarded the right to resistance as self-contradictory, because in the case of such a conflict of rights there should be constituted an opposite authority and a judge who should *decide the rights of parties in conflict*, which he regarded impossible and unacceptable.

Burke, on the other hand, does not fear all possibility of resistance; he even approves of it if it is the result of misrule and a demand for a legitimate government. And it is the very *balance* of political power which he defended, together with a consideration of public opinion as the main condition of efficient government, that is for him the best guarantee of the prevention of resistance and at the same time the basis of legitimacy of government. The *balance* and *division of power* which Kant both rejected were precisely the basis of respectively the British and American constitutions. Political philosophy after Kant would therefore have to return to them.

The oddity of Kant's standpoint becomes even more evident if we compare his views with those of another leading proponent of public opinion and its influence on political life, Jeremy Bentham. Bentham strongly maintains that publicity should exist *within* as well as *outside parliament*, because precisely as such it can ensure the continuity of political reasoning and its function,

30. Janet Hampton, *Hobbes and the Social Contract Tradition*, Cambridge University Press, Cambridge 1986, p. 256 sq.



namely to enhance general felicity and to benefit the public good. Parliamentary discussions constitute part of public opinion and must be available to the public, which needs them to keep itself informed. Arguments of statesmen would weaken the strength of common prejudices, so that reason and a spirit of investigation would spread throughout society. Thus the elector's choice of candidate for parliament would itself represent a judgement and conclusion about a given public and political matter.

But parliament can also benefit from judgements of the public. In an elected and periodically renewed parliament publicity is even essential to give *elected* gentlemen the possibility of acting with an insight into the matter. Bentham thus regards public opinion and its criticism as the permanent and supreme *control* over the exercise of political power, which is subject to various temptations. The public constitutes the most important *court* which, even if it embodies conflicting opinions, is incorruptible, strives constantly to enlighten itself and unites in itself all the wisdom and justice of the people, constantly deciding the destinies of statesmen, while its penalties are unavoidable.

Thus, the lively force of public opinion, although still highly imperfect, obtains its influence against the dead statutes, »since public opinion, more enlightened, has had a greater ascendancy.«<sup>31</sup>

Publicity is therefore an absolutely indispensable guide of government and legislation, but it is of course not enough. Society should be ruled by law and all laws should be established through due legislative process in every political body with a share in legislative power, whereas the power of each should be limited and placed under control. In addition, all laws should pass the test of rationality and utility, while the art of legislation also requires skill and proficiency on the part of the legislator, that is familiarity with past and present laws and the purposes they serve.

However, Bentham observes, there are certain political attitudes and views of law that lack reason. Thus, following Hobbes, he undertakes a linguistic analysis in the conviction that much political conflict and unrest is the result of conceptual confusion, false understanding and nonsense. He therefore rejects the concept of natural rights as rhetorical nonsense and opposes the view that government should originate from contract, maintaining that contracts come from government and not vice versa, because contracts derive from government, which is chiefly indebted for enforcing them and maintaining the rule of law, their binding force.<sup>32</sup> He also condemns the view that all laws constitute

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31. Jeremy Bentham, *An Essay on Political Tactics*, in *The Works of Jeremy Bentham*, vol. II, ed. J. Bowring, Edinburgh 1843, p. 33.

32. J. Bentham, *Anarchical Fallacies*, in *Works*, vol. II, p. 502.

oppression, leading to a declaration of the right to rebellion. All these things are in his view plain *fictions*, fantasies of ignorant people, with no real meaning or physical referent. It is indeed true, as has recently been shown,<sup>33</sup> that Bentham later become aware of the inevitability of such fictions, for in legal theory the use of certain concepts as »contract«, which can only be characterized as *rational fictions*, is necessary and cannot be avoided. These *fictions* therefore do play a role in his theory, similar to the postulates and regulative ideas of reason in Kant's theory, but Bentham is nevertheless much more cautious in admitting their use and in considering possible consequences. Thus, he successfully avoids, for example, the equation of law and reason and the necessary connection of the former with obedience, which Kant supports.

Thus, although Bentham is well known for his saying »*Censor freely, but obey punctually*«,<sup>34</sup> which in his opinion distinguishes between a rational censor of law, who may try to exercise his influence in order to legally change or annul a law that is in his view unacceptable, while in the meantime obeying it, or even resolutely try to oppose and prevent the establishment of a proposed law, and an anarchist, who rejects law as such, Bentham by no means demands absolute obedience to any law.

Analyzing the French *Declaration of Rights and Duties of the Man and the Citizen* of 1795, Bentham laughs at the fact that after a long and fictitious speech of rights, the only thing that its author is able to say about duties is that a man's *duty* is to *obey the laws* which are, of course, based on reason.

Bentham energetically rejects such a reductionist and ignorant view, maintaining that »*indiscriminate obedience* is no more to be insisted on with regard to laws in any country, than, under a limited monarchy, passive obedience is with regard to kings.«<sup>35</sup> While in a limited monarchy a demand for passive obedience prohibits only open rebellion against the supreme authority and is therefore in no way a wide restriction, it would be much more foolish to demand *equally absolute* obedience to any existent law in the country.

Such an absolute demand would cause just everyday open transgressions of law by many thousands of citizens and the perfect constitution based on such a demand could result only in civil war and anarchy.

Laws are of course necessarily imperfect and thus the law of England, which with all its faults is at least as near to perfection as any other, includes certain laws which, if generally obeyed, would destroy the country. Therefore it must

33. Slavoj Žižek, »Zakaj Bentham?«, in *Razpol* 7, Ljubljana 1992.

34. J. Bentham, *A Comment on the Commentaries*, ed. J.H. Burns and H.L.A. Hart, Athlone, London 1977, p. 399.

35. J. Bentham, *Anarchical Fallacies*, p. 528.



be left to each man's conscience to decide which laws to obey more and which to obey less or even try to evade. Bentham is able to say this because he knows that making laws requires skill, experience and observation and that law is to be regarded as *custom*, which it becomes if it is appropriate, and does not become if it is not. By contrast, Kant as a philosopher of the categorical imperative, does not trust the individual's moral ability and for fear of its abuse demands absolute obedience.

If the Law of Libel were strictly obeyed, continues Bentham, there would be »no more liberty of discussion, publication or discourse on political subjects, in England, than there is on religious subjects in Spain«<sup>36</sup> and all people would end up in jail.

A distinction must therefore be made between *disobedience*, which is in England punished slightly, and *rebellion*, which deserves serious punishment. While in France it seems that they have lost the criterion and deny all difference between the two, in England, says Bentham, the best is achieved by constant *infringement* and inconsequent execution of laws.

There is one more point to be noted here, namely that Kant's views have been interpreted within the Rousseauesque scheme of opposition between the *state* and *civil society*, where the state should not interfere in civil society and private sphere, for which some support can indeed be found in Kant's approach, in his distinction between obedience and freedom of mind. We nevertheless maintain that this interpretation lacks consistency. We have shown the illusory nature of this conception of Kant, and furthermore he turns such an interpretation upside down by placing obedience in the private sphere, where freedom should be allowed, and freedom in the public one. We should therefore agree with Ryan that it is not at all evident how Kant tries to sustain this split vision of human nature.<sup>37</sup> Moreover, such an interpretation is exposed to another danger, that of veneration of man's natural goodness and understanding of (civil) law as oppression, and hence of making excessive claims for liberty and of undermining the rule of law. To such intentions Bentham unequivocally answers: »The word men, as opposed to citizens, I had rather not have seen.«<sup>38</sup>

Such views could only cause conceptual confusion; they are nonsensical. For him, there exists only one, rational man under the law which, restricting man's unlimited freedom, renders him capable of freedom under the law.

Bentham also opposes Kant's principal egalitarianism, aimed primarily against

36. *Ibid.*

37. Ryan, *op. cit.*, p. 76.

38. J. Bentham, *Anarchical Fallacies*, p. 402.

the aristocracy, claiming that differences in rights are basic to the existence of society and its organization and that equal rights would destroy it.

We could thus use Bentham's concluding thought to indicate a central difficulty of Kant's theory: just as the French *Declaration* declared rights, which could however be limited by any law which revolutionaries proclaim, the same is true about Kant's political theory. In his theory of social contract as much as in his construction of the principle of publicity, Kant offers with one hand what he authorizes to be taken away with the other.<sup>39</sup>

Therefore, Kant's political theory, as we have seen, lacks a demand for the limitation of authority. Yet his contemporary Benjamin Constant, whom the French revolution taught the importance of liberty and of limiting the government's power, offers a doctrine of *guarantism*, based on just such a demand. He develops a system of *checks* designed to protect the *rights of the individual* against the encroachment of the state. Constant, also an admirer of the British constitution, strongly *opposes* any *absolute* sovereignty, regardless of who might be chosen as sovereign, demanding a necessary *limitation* on sovereignty and all political power, which should be achieved through a *division of power*, representative government and the influence of public opinion, so that individual rights might be protected, as he says in *Principles of Politics*.<sup>40</sup>

Kant and Constant did, as we know, involve themselves in a polemic about the moral grounds for the possibility of human society, which shows that their views are indeed wide apart. In this polemic Constant asks if we are morally obliged to tell the truth even to a murderer who asks where his victim has fled, and so to collaborate in the murder of an innocent victim, and Kant even here defends the absolutistic view of obedience to a moral rule, regardless of its consequences, even if a guilt in a serious crime is among them.<sup>41</sup>

Constant's contribution to political theory lies also in offering a definition of what he named »modern liberty«:

»First ask yourselves, Gentlemen, what an Englishman, a Frenchman, and a citizen of the United States of America understand today by the word 'liberty'. For each of them it is the right to be subjected only to the laws, and to be neither arrested, detained, put to death or maltreated in any way by the arbitrary will of one or more individuals. It is the right of everyone to express

39. *Ibid.*, p. 534.

40. Benjamin Constant, *Principles of Politics*, in *Political Writings*, ed. Biancamaria Fontana, Cambridge University Press, Cambridge 1988.

41. Kant answers to Constant in his work *On a Supposed Right to Lie from Altruistic Motives*, in *Critique of Practical Reason and Other Writings*, tr. L.W. Beck, Garland, New York 1976.



their opinion, choose a profession and practice it, to dispose of property, and even to abuse it; to come and go without permission, and without having to account for their motives or undertakings. It is everyone's right to associate with other individuals, either to discuss their interests, or to profess the religion which they and their associates prefer, or even simply to occupy their days or hours in a way which is most compatible with their inclinations or whims. Finally it is everyone's right to exercise some influence on the administration of the government, either by electing all or particular officials, or through representations, petitions, demands to which the authorities are more or less compelled to pay heed.«<sup>42</sup>

And he continues: »Individual liberty, I repeat, is the true modern liberty. Political liberty is its guarantee, consequently political liberty is indispensable.«<sup>43</sup>

It is evident enough that individual liberty of this kind, understood at the same time as freedom from politics, as well as political liberty, have no place in Kant's theory. And if liberty is understood, as Constant defines it, as freedom from interference by the authority of the state in the private sphere, Kant's enlightened rationalistic political attitude appears plainly illiberal.

And Isaiah Berlin has just such a definition of liberty as the absence of constraints in mind, when he emphasizes the difference between *positive* and *negative* liberty, referring to Constant as an advocate of the latter:

»The most eloquent of all defenders of freedom and privacy, Benjamin Constant, who had not forgotten the Jacobin dictatorship, declared that at very least the liberty of religion, opinion, expression, property, must be guaranteed against arbitrary invasion. ... But whatever the principle in terms of which the area of non-interference is to be drawn, whether it is that of natural law or natural rights, or of utility or the pronouncements of a categorical imperative, or the sanctity of the social contract, or any other concept with which men have sought to clarify and justify their convictions, liberty in this sense means *liberty from*; absence of interference beyond the shifting, but always recognizable, frontier.«<sup>44</sup>

Berlin uses this description to distinguish *negative* from *positive* liberty, characterized as *liberty to*. The latter could be described in Kantian terms as consisting in being one's own master, that is free *to* do certain thing, and could become dangerous when that certain thing and a particular view of how to be

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42. B. Constant, *The Liberty of the Ancients Compared with That of the Moderns*, in *Political Writings*, p. 310-1.

43. *Ibid.*, p. 323.

44. Isaiah Berlin, *Four Essays on Liberty*, Oxford University Press, Oxford 1969, p. 126.

one's own master are understood as *the only* acceptable and right course. This is the most appropriate ground for a variety of collectivist ideologies which would allow only one unique prescribed way of life.

So Kant too overlooks that his universal and neutral principles and opinions, purified of private interests, according to which society should in his view be organized and laws shaped, are nevertheless certain particular principles, opinions and purposes. And although this scheme appears universal and the only one possible, it is just *one* among a variety of possible views on the matter.

Kant's construction of the categorical imperative as a universal and empty form of moral law faces the same problem. In this construction, as in his articulation of the use of reason, Kant demands the absence of any pathological elements and motives. The difficulty, however, is that they are irreducible. He thus overlooks the inherent performative dimension of the categorical imperative, which could also read: »I act in such and such a way, because *I want the maxim of my action to become the universal law.*« The difference here is only a slight one, but its consequences are far-reaching, because in fact *all* actions, not just good, but bad and evil as well, could meet this formulation. Here the pathological element appears *in the form* of the categorical imperative itself. This is why the form of the categorical imperative suits both *pure good* and *radical evil* acts. The Hegelian interpretation of crime, according to which crime is to be understood as an attempt to reinstate a maxim, underlying criminal act, as a *new general law* instead of the existing positive law, confirms this. And this is something that revolutionaries have always known.

We will end our inquiry with a few concluding remarks. We know, as Schumpeter reminds us, that it was the Reformation which built a theory of royal absolutism against the political theories of scholastics. And if we consider what Pocock somewhere notes, namely that absolutism can best be justified and defended with rational arguments, Kant's theory of *enlightened absolutism* appears in an entirely new light. So Clark observes that every political movement that attacks government, complaining about certain misdeeds perpetrated by it, if successful in overthrowing such a government and having an opportunity to establish a new one, demands for it even greater power than the previous one had, excusing this as a means of preventing similar misdeeds.<sup>45</sup> Thus he reveals the inner logic of this process of strengthening the power of the authority, which could, besides Kant, be traced equally in Hobbes and in the American and French revolutions.

Kant's philosophy has often been praised for founding morality and freedom in

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45. J.C.D. Clark, *Revolution and Rebellion*, Cambridge University Press, Cambridge 1986, p. 80.



the categorical imperative. But if we recall Montesquieu's statement that: »*Liberty* does not mean that man does whatever he pleases, but that he could do what he ought to want and that he is by no means forced to do what he must not want«, Kant's assertions no longer appear so innovative. As a leading modern theorist of *republicanism*, Montesquieu describes an active and virtuous citizen as a patriotic subject of the rule of law, loving the laws of his country and acting politically from this motive. As we have seen, Kant's troubles begin with the second half of Montesquieu's definition, with enforcement of certain citizen's actions by the state.

As Pocock remarks, there exists an important difference between theories of social contract and classical republican theory.<sup>46</sup> While the former is centred on questions of sovereignty, law and rights, given to the people by the law of the sovereign, it cannot define the personality of the active citizen and the abilities that enable him to participate in the exercise of governing, on which republicanism concentrates. And while contract theory is preoccupied with the problem of resistance, the main problem for republican theory is what it calls *corruption*, that is the *destroyed balance* of government.

Of course, we must bear in mind that Montesquieu takes the *British balanced constitution* as a model for his political theory and as an embodiment of the republican credo. So too Burke's theory, which interprets republican *virtue* as *manners*, supporting morals and representing a new form of virtue, is based upon this republican tradition.

There are however two ways of participating in matters of government. While classical republicanism was centred upon participation in *representative* institutions of government, another view developed with Burke: that of *public opinion* as a means of exercising influence over government. Uniting in this way these two elements of modern republican political theory, he became able to offer arguments to both sides in the controversy over the Reform of parliament in 1832, when the possibility of opening parliament to a greater number of representatives of public opinion was discussed.

Kant tries to unite two other political concepts, those of *social contract* and *public opinion*, which prove to be much harder to reconcile, because he overlooks the importance of the main condition for the efficiency of public opinion, that is the republican concept of participation through political *representation*. He thus encounters serious difficulties and we have seen what strong obstacles he erects to public opinion.

Indeed the concepts of social contract, demanding neutral and *universal* laws on one hand, and of public opinion as necessarily *imperfect* on the other,

46. J.G.A. Pocock, *Virtue, Commerce, and History*, p. 44 sq.

therefore play two different roles in political theory, which could be compared with the Kantian notions of the ideal, or even *noumenal*, sphere on one hand, and the *phenomenal* sphere, on the other. At the same time this explains why these two concepts have different histories and have developed in large degree independently of one another. They could of course appear in the same theory, each serving as a supporting argument to the other, but they could just as well be opposed, in view of the fact that each could be given very different articulations.

In his construction of public opinion, Kant did not admit particular interests, nor did his absolutistic attitude admit the existence of different branches of political power. In spite of certain misleading statements made by him, it remains the case that he demanded neither *balance* nor *division of power*.<sup>47</sup>

But the development of political theory has followed another line, establishing *division of powers* as an inevitable principle of modern politics. Madison already saw that factions and particular private interests cannot be removed and that their effects can be cured not at the level of their causes, but at the level of their consequences, by opposing and balancing them. Thus, he maintains that »ambition should check ambition« and develops a system of *checks and balances* as the basis of constitutional law. And the rule that »nobody should be the judge in his own case« to which he refers also contradicts Kant's demand that the categorical imperative should be the basis of one's judgement of one's own actions.

We know that socialism is the heir of enlightened absolutism and of a number of its supporting ideas. It is also based on the rationalistic outlook, restriction of private interests and public opinion, in so far as it contains elements of them, on wide-ranging restrictions on private freedom and civil liberty and a rejection of political representation, division of powers and control over them. Socialism represents a very narrow and restricted form of social contract, demanding absolute obedience and giving citizens only a heavily limited number of acceptable rights. Although it is true that socialism is far more strongly influenced by Rousseau, conceiving itself as the rule of a certain »general will«, Kant's influence upon it is not to be underestimated.

Moreover, when the first socialist ideas entered the political stage, J.S. Mill was moved to observe that it was no longer a question of whether public opinion should be considered or allowed, for the reign of public opinion was already a fact, but of how to *create the best possible public opinion*. And he

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47. If we bear in mind that the *division* or *separation of power*, as distinct from the *balance of power*, is the achievement of the American Constitution.



knew very well that Kantian philosophers could not offer a solution to this problem.

The presence of heated debate about Kant's political philosophy under socialism, especially regarding the fact that its arguments can be used in favour of the socialist absolutistic regime as well as in order to criticize it, come as no surprise. But the position of critical authors, striving to preserve scholarly innocence and fearful of entering the dirty sphere of political compromise and responsibility, is quite inadequate for a successful criticism of socialism. And another question, also not without a connection with socialism, that Kant's political theory opens and leaves unsolved, is the problem of »decisionism«, which became widely discussed in regard to the work of Carl Schmitt.

*Social contract* theory of course survives in modern liberal democratic political systems too<sup>48</sup>: they are not democratic in the traditional sense because not all the people contribute decisions themselves, but instead have hired *elected* politicians for this purpose. The rule of law, including the limitation and control of government, are necessary conditions for such a system. And procedures for the change and recall of a government no longer enjoying confidence, which are built into constitutional systems, serve as the solution to the problem of the alienation of the rights of the governed, so that *resistance* becomes unnecessary, while *public opinion* has a very important role in exercising control over government and demanding of politicians that they take responsibility for their actions, if this is considered necessary.

We will end with the claim that recognizing the theoretical and political context and consequences of Kant's theory, which we have attempted to outline here, might enable us also to give a more accurate evaluation of present political theory. Thus Rawls, as a Kantian contract theorist, cannot be seen as the author of the only appropriate current theory, but we must also acknowledge all the relevance of Nozick as Lockean and Hayek as Humean Whig. The extent and inefficiency of bureaucracy, for example, is the problem which threatens the theory of the first and about which the latter two theorists have a lot to say.

If one were to suggest that what is to be undertaken is a return to Kant, we should therefore be aware that this attempt in itself has no greater value than, for example, a return to Hobbes, Burke or Bentham. In each case knowing the past enables us to understand better our present.

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48. Janet Hampton, *op. cit.*, p. 284.





# The Birth of War out of the Spirit of Peace

## *European Irenism from Pax Dei to the Christian Humanists*

Tomaž Mastnak

Europe is dead, and *de mortuis nil nisi bonum*. Yet should one refrain from speaking evil of the dead when the dead is still able to kill and destroy, and skilfully exercises this ability? There is more than one example of European policy of murder and destruction, not only in history but in the world in which we live today. What I particularly have in mind is the destruction of Bosnian state and the genocide of Bosnian Muslims – of those who have been styled »Muslims« in Bosnia. Here, indeed, *le mort saisit le vif*. And it is not the war which is the principal problem, but the peace: the peace which Europe has been imposing on Bosnia, the peace which has denied the Bosnian government the right of self-defence, which has sanctioned an aggressive war against an independent polity, sanctified genocide and annulled a number of basic principles of international law. My claim is that European peace, one of the most unquestionable moments in the constitution of Europe, has been problematic, both in its idea and practice, and that today's peace making descends from a long tradition. In the text that follows I will try to outline part of this European tradition of peace.<sup>1</sup>

### I.

In some histories of European peace plans, Pierre Dubois figures as the originator of the idea of a peaceful international order. At first glance, this is curious and confusing. It is curious because an advocate of war is styled a peacenik, and confusing because different issues and agendas are mingled with the pursuit of peace. However, confusion is what constitutes European peace thought, and what counts here is a declaration that peace is dear to one's heart, a declaration Dubois does not fail to make. If we realise that European irenism is, more than anything else, a kind of *Gemütergemeinschaft*, any argument as to who may rightly be judged to belong to its tradition is futile. We should rather take what irenists say on trust and try to delineate the structure of their argument. Proceeding this way, we shall see that Dubois is not alien to, but typical of, the European community which talks of peace.

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1. This paper is a part of an longer essay dealing with European irenic discourse until the French Revolution. The research for this work was assisted by an award from the Social Science

Dubois is renowned as a »pacifist« for his proposal to establish an arbitration machinery for the prevention of wars between Christian powers.<sup>2</sup> This device, however, is of subordinate importance: a means for the establishment of peace which is itself an instrument for higher ends. The »perpetual« and »universal« peace between powers inhabiting the geo-political space which, in the course of human events, would begin to call itself Europe, is a necessary preliminary to a successful crusade for the recovery of the Holy Land. Dubois first points out a very pragmatic reason for this being so: »In order that a sufficient number of people may be induced to journey thither and remain there, it will be necessary for Christian princes to live in harmony and avoid war with one another.« Otherwise these armed journeyers, hearing that their country is at war, would rush home to defend their possessions. »It is therefore necessary to establish peace among all Christians – at least those obedient to the Roman Church – on such a firm basis that they will form in effect a single commonwealth so strongly united that it cannot be divided, because “every kingdom divided against itself shall be made desolate,” as the Saviour says.«<sup>3</sup> Yet there is a normative dimension to his argument.

»Intercine wars among Catholics are greatly to be deplored, since in such wars many meet death under circumstances which make their status in the world to come very uncertain.«<sup>4</sup> Dubois has been reproached for bad and unclear language,<sup>5</sup> yet, here, at least, he is very precise. He is not deploring, or condemning, war. He would go so far as to agree with Aristotle (*Eth. Nic.* X.7.1177b 8-10) that to seek war for its own sake is the extreme of wickedness, only to undermine this position by approving the righteous war, the war waged by the righteous. »[W]hen it is impossible to secure peace except by means of war, it is permissible for righteous men to seek and even to urge war in order that men may have leisure for acquiring virtue and knowledge after war is over and lasting peace has been established.«<sup>6</sup>

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Research Council of an SSRC-MacArthur Foundation Fellowship on Peace and Security in a Changing World.

2. *De recuperatione terre sancte. Traité de politique générale par Pierre Dubois, avocat des causes ecclésiastiques au bailliage de Coutances sous Philippe le Bel*, ed. Ch.-V. Langlois, Alphonse Picard Éditeur, Paris 1891, § 12. (I quote English transl.: Pierre Dubois, *The Recovery of the Holy Land*, ed. W. I. Brandt, Columbia University Press, New York 1956.)
3. *De recup.* § 2. Derek Heater, *The Idea of European Unity*, Leicester University Press, Leicester/London 1992, p. 12, has characterized Dubois as a »true herald of a modern style of thinking about European unity.«
4. *De recup.* § 2.
5. Ernst Zeck, *Der Publizist Pierre Dubois, seine Bedeutung im Rahmen der Politik Philipps IV. des Schönen und seine literarische Denk- und Arbeitsweise im Traktat »De recuperatione Terre Sancte«*, Weidmannsche Buchhandlung, Berlin 1911, p. 190.
6. *De recup.* § 2.



The gist of Dubois' argument is that war among Catholics is inadmissible and has therefore to be diverted elsewhere. When universal peace and harmony among all Roman Catholics is established, »Catholics will be more virtuous, learned, rich and long-lived than hitherto, and more able to subjugate barbaric nations. They would no longer make war upon one another [...] [and] Catholic princes, mutually zealous, would at once join together against the infidels, or at all events send innumerable armies of warriors from all directions to remain as a permanent garrison in the lands to be acquired.« And (the argument is repetitious): »The whole commonwealth of Christian believers owing allegiance to the Roman Church must be joined together in the bonds of peace. United in this way, all Catholics will refrain from making war upon one another. [...] Let no Catholic rush to arms against Catholics; let none shed baptized blood. If anyone wishes to make war let him be zealous to make war upon the enemies of the Catholic faith, of the Holy Land, and of the places made sacred by the Lord.«<sup>7</sup>

This is the matrix of European peace thought.<sup>8</sup> The question, therefore, is not whether Dubois belongs to European irenic tradition but whether he had an impact on the logic of irenic discourse. With regard to Dubois' general outlook and his reform proposals, Strayer has argued that he is important »because he represented the views of the hundreds of officials who worked for the king throughout France,«<sup>9</sup> as an articulate representative of *milites legum*, the emerging new class running the affairs of the nascent territorial state. His peace plan cannot claim much originality either. *De recuperatione Terre Sancte*, as well as some of Dubois' shorter writings, have a proper place in the literature which emerged in Latin Christendom after the capture of 'Akka by the Egyptians in 1291, in that »new branch of literature which, in volume and importance, occupied a notable place in the literature of the age« and was introduced by Thaddeo of Naples' *Hystoria de desolacione et conculcacione civitatis Accomensis et tocius Terre Sancte*.<sup>10</sup> More specifically, it belongs to a later stage of the new literary genre of *de recuperatione Terrae Sanctae*

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7. *De recup.* §§ 70, 99.

8. »Le principe de la paix est [...] la paix entre chrétiens et la guerre contre les infidèles, considéré comme un devoir suprême. La paix n'est qu'un moyen pour faire la guerre.« Chr. Lange, *Histoire de la doctrine pacifique et de son influence sur le développement du droit international*, Académie de droit international, Recueil de cours 1926, Librairie Hachette, Paris 1927, p. 209.

9. Joseph R. Strayer, »France: The Holy Land, the Chosen People, and the Most Christian King«, in Strayer, *Medieval Statecraft and the Perspectives of History*, Princeton University Press, Princeton, N.J., 1971, p. 310.

10. Aziz Suryal Atiya, *The Crusade in the Later Middle Ages*, Methuen & Co. Ltd., London 1938, p. 45. On Dubois see ch. III.

treatises, written under Clement V's pontificate, which are »far less original than it is commonly accepted, or than they appear when individual plans are discussed in isolation from the contemporary treatises on the same subject.« Dubois' contribution, in particular, is »hardly original«, and his practical opinions are plagiarized.<sup>11</sup> What is important, however, is that, with him, the crusade »became a part of a general reform in all branches of society as well as its vehicle«. The irenist should be seen as one among »crusade theorists«.<sup>12</sup>

The *de recuperatione Terrae Sanctae* literature of the turn of the century stood in the framework of the crusading policy as it was redefined at the council of Lyons (1274). A common feature of the tracts of the period, and a determinant of the crusading policy, was the love for peace. Gregory X proclaimed a six years truce in Christendom, necessary for the recovery of the Holy Land, and the council ordered spiritual punishment for those who broke the peace. For authors of the memoirs submitted to the council, peace inside the Christian world was the »*sine qua non* of a successful crusade«, and the constant concern of the immediate successors of Gregory X to the See of St Peter was the maintenance of peace in »Europe« as the necessary condition of the crusading enterprise.<sup>13</sup> Nicholas IV, the pope at the time of the so-called loss of the Holy Land, »strove hard to establish peace on a firm foundation in Europe in order to unite all the forces of Latin Christianity for the crusade«,<sup>14</sup> and the popes who followed »made repeated attempts to restore peace to Europe as a preliminary to sending an expedition to the East«.<sup>15</sup> In short, »peace in Europe and the unity of Christendom were always considered by the papacy to be the preliminary and essential conditions for the launching of a general crusade.«<sup>16</sup> The crusading propaganda outside curia echoed these concerns and, mobilising for war, generated a series of calls for peace.

What the council of Lyons redefined was the military strategy of the crusade. The work for peace both in, and for, Christendom was neither questioned nor changed. This was inherited from the earlier crusading policy, as the indispensable moment of the crusade from the outset. Indeed, the crusade was a peace movement, and it was born out of a peace movement. It was a holy peace as much as a holy war.

11. Sylvia Schein, *Fideles Crucis. The Papacy, the West, and the Recovery of the Holy Land 1274-1314*, Clarendon Press, Oxford 1991, p. 201, 208, 217.

12. Norman Housley, *The Later Crusades, 1274-1580. From Lyons to Alcazar*, Oxford University Press, 1992, p. 54.

13. Cf. Schein, *op. cit.*, p. 41, 46, 51.

14. Atiya, *op. cit.*, p. 34.

15. Elizabeth Siberry, *Criticism of Crusading 1095-1274*, Clarendon Press, Oxford 1985, p. 220. Cf. Schein, *op. cit.*, p. 75, 135, 149.

16. Schein, *op. cit.*, p. 150.



## II.

At the beginning there was peace: *pax Dei*. Historians have shown how the attempts to promote the Peace of God emerged in Burgundy and Aquitaine at the end of the tenth century and how the Truce of God, *treuga Dei*, grew out of this movement in the first half of the eleventh century. The Peace of God was the response of bishops to the private warfare of barons resulting from the decomposition of public authority, and its aim was to protect the church property, the clergy and the poor from the *invasiones* and *depraedationes*. The Truce of God declared the cessation of violence and »wild justice« during days and seasons of special religious importance (initially between Saturday evening and Monday morning, »in order to enable every man to show proper respect for the Lord's Day«). »Whereas the Peace sought to protect certain classes and their goods at all times, the Truce was an attempt to stop all violence at certain times.«<sup>17</sup>

Sanctions by which the Peace of God was backed were, at first, spiritual: peace councils held by bishops anathemized the perpetrators of violence. However, the peace movement was soon to call for armed support and it eventually declared war upon war. These developments are, on the one hand, intertwined with a major social restructuring which took place at the time, and, on the other, imply a profound shift in culture. Duby has pointed out how the fusion of two of the three principal orders of the »Carolingian sociological schemes« – the clerks and the monks – rigorously segregated this unified ecclesiastical *corps* from the body of the laics; and how the lay people were divided by a new fundamental opposition between *milites* and *rustici*. Of key importance for my argument here is the formation of the military order: »C'est dans les années 980 que le mot *miles* prend une signification juridique et sociale.«<sup>18</sup> This *ordo* was addressed by the peace movement: first, in the attempt to delimit its sphere of activity which in itself was perceived as licit; and then, to enlist them in the Peace of God efforts. Because the Peace of God emerged against the background of the dissolution of the secular authority and was promoted and led by bishops, because *pax Dei* replaced *pax regis*, the tendency at work in these developments was that of bringing *milites* under ecclesiastical authority.<sup>19</sup> This

17. H. E. J. Cowdrey, »The Peace and the Truce of God in the Eleventh Century«, *Past & Present*, No. 46 (1970), p. 44.

18. Georges Duby, »Les laïcs et la paix de Dieu«, in *I laici nella »societas christiana« dei secoli XI e XII*, Miscellanea del Centro di studi medioevali, Società editrice Vite a pensiero, Milano 1968, p. 454.

19. It is anachronistic to talk about »the state« in this context. However, Carl Erdmann, *Die Entstehung des Kreuzungsgedankens*, W. Kohlhammer Verlag, Stuttgart 1955 (reprint of 1935 edn.), p. 53, points to the central issue when he writes: »Die Kirche trat also ohne die Vermittlung des Staates in ein direktes Verhältnis zu den eigentlichen Vertretern des Kriegerhandwerk.«

involved more than simply the recognition of the military profession by the Church: it gradually led to both the formation of a Christian military ethic and the Christianization of warfare; and to the militarization of the Church – the process described as the rise of Christian militarism.<sup>20</sup>

It is important to understand that, in the Peace of God, »the search for peace took the form of a religious movement.« It was not just »un pact social«, it amounted to »un pact avec Dieu.«<sup>21</sup> Because the lawlessness of the private warfare, along with natural disasters, famine and pestilence, was seen as God's wrath, the attainment of peace and justice required a moral reformation of the people, a religious renewal. Thus the peace movement, »at least in the minds of churchmen,« as Cowdrey argues, »came to embody something approaching their total view of Christianity. [...] Upon the basis of the need to provide for physical peace and security there was thus erected a superstructure of the preaching and liturgical commemoration of peace in an ideal sense as the planting upon earth of the order that God willed to prevail.«<sup>22</sup> It was in this framework that the Church was increasingly willing to bless arms and sanction their use as something meritorious, thus moving away from its traditional hostility towards warfare and bridging the gap between *militia spiritualis* and *militia saecularis*.

The notion of peace implied in this »total view of Christianity« was, as *treuga Dei* developed out of *pax Dei*, extended so that it comprised the totality of Christians. This new understanding of peace was articulated at the council of Narbonne, 1054, where the principle was declared that »no Christian should kill another Christian, for whoever kills a Christian undoubtedly sheds the blood of Christ.« The importance of the formulation of this view can hardly be exaggerated. »At least in theory, the Truce had brought the Peace movement to the point where it should logically require complete internal peace to be maintained in the whole Christian society.« And, after the peace movement had reached this point, it could »scarcely develop further unless a voice with sufficient authority complemented the precept of internal peace by finding an appropriate external outlet for those whose vocation was Christian warfare.«<sup>23</sup>

This voice was to be heard very soon, and it was the voice of the highest authority in Latin Christendom, the voice of the popes of the great reform movement of the eleventh century. This did not come as a surprise, for the background of both the peace movement and the reform papacy, was monastic

20. Duby, *op. cit.*, p. 459; Colin Morris, *The Papal Monarchy. The Western Church from 1050 to 1250*, Clarendon Press, Oxford 1991, p. 143 sq.

21. Cowdrey, *op. cit.*, p. 50; Duby, *op. cit.*, p. 457.

22. Cowdrey, *ibid.*

23. *Ibid.*, p. 53. Cf. Duby, *op. cit.*, p. 459-60.



reform. The promotion of the peace movement by churchmen and, as an integral part of these developments, the process of bringing the military order under the authority of the Church, were moments of the new ordering of society in the new Christian spirit; and the Peace and Truce of God, in turn, fed into Gregorian reforms.

Leo IX proclaimed the *pax Dei* at the synod of Rheims, 1049, and has been, because of the way he conducted the military campaign against the Normans in Southern Italy in 1053, characterized as »der erste Papst, der grundsätzlich seine Kriege aus der Religion herleitete, sie mit den Geboten der Kirche in Einklang brachte und den kriegerischen Geist des Heeres mit kirchlichen Sinn durchdrang.«<sup>24</sup> Stephen IX followed his steps. Nicholas II »gave a general papal sanction to the peace and truce of God« in the Lateran synod of 1059, and succeeded in bringing the Norman army into a vassal relationship to the pope.<sup>25</sup> Alexander II supported the Spanish »crusade« of 1064 and granted the first papal commutation of penance to those who fought it, while Catalan bishops proclaimed the Peace of God in order that the Christians could go to war against the Muslims.<sup>26</sup> The crucial role in breaking both with the traditional Christian attitude towards war and with the existing temporal loyalties and obligations of laymen to their secular lords, was played by Gregory VII. Robinson has summarized his views as follows: »The Church is the “Christian legion”, within which the laity is the “order of fighters”: laymen have no function save that of fighting; they exist solely to suppress the enemies of the Church and all elements which tend to subvert right Christian order. The word of St. Paul, “No man that warreth for God entangleth himself with the affairs of this world”, has been turned upside down.«<sup>27</sup> Although his plans from 1074 for a military expedition to Orient<sup>28</sup> came to nothing, as a practical theoretician of the »Christian warfare«, he opened the way to the crusade.

The crusade, preached by Urban II in the council of Clermont in 1095, »sans conteste porte l'exigence de la paix de Dieu à son accomplissement«: the

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24. I. S. Robinson, *The Papacy 1073-1198. Continuity and Innovation*, Cambridge University Press, 1990, p. 326; I. S. Robinson, »Gregory VII and the Soldiers of Christ«, *History*, 58 (1973), p. 181; Erdmann, *op. cit.*, p. 108.

25. Robinson, *The Papacy*, p. 326; Erdmann, *op. cit.*, p. 116 sq.

26. Erdmann remarks that »hier schon ebenso wie 1095 in Clermont der Gottesfriede unter den Christen mit dem Kreuzzuge gegen die Heiden im Zusammenhang stand.« *Op. cit.*, p. 125.

27. Robinson, »Gregory VII«, p. 190. Cf. Erdmann, *op. cit.*, ch. V.

28. »For the first time, the idea of carrying a holy war into the Near East at the instigation and under the command of the papacy had been broached.« James A. Brundage, *Medieval Canon Law and the Crusader*, The University of Wisconsin Press, Madison, Milwaukee/London 1969, p. 27. Cf. Jonathan Riley-Smith, *The First Crusade and the Idea of Crusading*, The Athlone Press, London 1993, p. 8.

council of Clermont »fut d'abord un concile de paix.«<sup>29</sup> Urban II had already been an active promoter of the peace movement in the earlier years of his pontificate. The council of Clermont, however, »enacted peace legislation more sweeping than that of earlier councils: it was binding on the whole of western Christendom and it was to last for three years.«<sup>30</sup> It »resumed the Peace movement where it was left by the canons of Narbonne« precisely in making »universal« peace among Christians and directing their arms against the heathen.<sup>31</sup> All versions of Urban's speech in Clermont mention the pope's urging of the Christians to fight righteous wars instead of being engaged in iniquitous combats among themselves.<sup>32</sup>

Urban's exhortations were written down retrospectively by chroniclers of the First Crusade, that is, with a knowledge of the events triggered by the council of Clermont. However, if the authenticity of pope's words in these chronicles can be questioned, these documents nevertheless authentically express the »spirit of the age«. Fulcher of Chartres, clearly situating Urban's crusading speech in the context of *pax/treuga Dei*, reports him as saying (referring to the military successes of the Turks against the Greeks): »“Oh what a disgrace if a race so despicable, degenerate, and enslaved by demons should thus overcome a people endowed with faith in Almighty God and resplendent in the name of Christ! Oh what reproaches will be charged against you by the Lord Himself if you have not helped those who are counted like yourself of the Christian faith! Let those,” he said, “who are accustomed to wantonly wage private war against the faithful march upon the infidels in a war which should be begun now and be finished in victory. Let those who have long been robbers now be soldiers of Christ. Let those who have once fought against brothers and relatives now rightfully fight against barbarians.”«<sup>33</sup>

Robert the Monk's *Historia Iherosolymitana* relates Urban II linking his summons of the chosen race of Franks to free the holy sepulchre of the Saviour

29. Duby, *op. cit.*, p. 460.

30. Robinson, *The Papacy*, p. 326. The canons of Clermont »prescribe, for the first time in the history of the Peace of God, a perpetual peace within the whole of Christendom.« Cowdrey, »The Peace and the Truce of God«, p. 57.

31. Cowdrey, »The Peace and the Truce of God«, p. 57.

32. D. C. Munro, »The Speech of Pope Urban II. at Clermont, 1095«, *The American Historical Review*, IX (1905), 2, p. 239; cf. Robinson, *The Papacy*, p. 326-7; Riley-Smith, *The First Crusade*, ch. 1; Erdmann, *op. cit.*, ch. X, and H. E. J. Cowdrey's critique: »Pope Urban II's Preaching of the First Crusade«, *History*, 55 (1970); and recently, Penny J. Cole, *The Preaching of the Crusaders to the Holy Land, 1095-1270*, The Medieval Academy of America, Cambridge, Mass., 1991, ch. I.

33. Fulcher of Chartres, *A History of the Expedition to Jerusalem 1095-1127*, ed. H. S. Fink, The University of Tennessee Press, Knoxville 1969, p. 66-7.



from »unclean nations«, to the scarcity of land and wealth in their own country: »[T]his land which you inhabit [...] is too narrow for your large population; nor does it abound in wealth; and it furnishes scarcely food enough for its cultivators. Hence it is that you murder and devour one another, that you wage war, and that frequently you perish by mutual wounds. Let therefore hatred depart from among you, let your quarrels end, let wars cease, and let all dissensions and controversies slumber. Enter upon the road to the Holy Sepulchre; wrest that land from the wicked race, and subject it to yourselves.«<sup>34</sup>

Guibert of Nogent comprised these ideas into a concept. Very early in the twelfth century he wrote that, »[i]n our own time God has instituted a holy manner of warfare, so that knights and the common people who, after the ancient manner of paganism, were formerly immersed in internecine slaughter, have found a new way of winning salvation. They no longer need, as formerly they did, entirely to abandon the world by entering a monastery or by some other similar commitment. They can obtain God's grace in their accustomed manner and dress, and by their ordinary way of life.«<sup>35</sup> He defined the crusade as *prelium sanctum* (compared to contemporary descriptions, such as *peregrinatio, iter, via*, this was indeed much more of a definition) and understood holy war as a new phenomenon.

There is no consensus among medievalists about how accurate was Nogent's understanding, that is, whether holy war was indeed »instituted« with the crusade. However, there seems to be a considerable body of literature which confirms that Nogent's claim is not without substance. It has been argued that, between about 1000 and 1300, there occurred a fundamental transformation in the way in which Christian writers treated the problem of war, and that, in this period, »emerged the concept of holy war, of war that was not merely justifiable but justifying and spiritually beneficial to those who participated in it.«<sup>36</sup> The transformation was imminent in the peace movement and the papal reforms. Moreover, the change of the official attitude to warfare (as a result of which, from being inherently sinful, it became, at least as a possibility, merito-

34. *Western Awakening. Sources of Medieval History Volume II (c. 1000-1500)*, ed. C. T. Davis, Appelton-Century-Crofts, New York 1967, p. 148-9.

35. *Historia quae dicitur Gesta Dei per Francos*, I. Cited in H. E. J. Cowdrey, »Cluny and the First Crusade«, *Revue bénédictine*, 83 (1973), p. 294.

36. James A. Brundage, »Holy War and the Medieval Lawyers«, in *The Holy War*, ed. T. P. Murphy, Ohio State University Press, Columbus 1976, p. 99-100. In Brundage's view, Erdmann, *op. cit.*, is »a basic point of departure for all subsequent studies of holy war in medieval Christian thought prior to the Crusades.« (*Ibid.*, p. 126.) For an alternative view, that »le principe« of the holy war »fut admis par les théologiens et les juristes à travers tout le moyen âge«, see Michel Villey, *La croisade. Essai sur la formation d'une théorie juridique*, J. Vrin, Paris 1942, »Introduction«.

rious to engage in warfare »and so to promote “right order” in human society by force of arms«) has been seen as the most significant aspect of the Church's reform of the eleventh century, of the reform which is »the greatest – from the spiritual point of view perhaps the only - turning point in the history of Catholic Christendom.«<sup>37</sup> This change is most closely associated with Gregory VII, yet it was Urban II who completed it in launching the crusade.

The crusade was holy war *kat'exochén*, it »embodied the holy war in its most characteristic medieval form.«<sup>38</sup> From the formal point of view, holy war was a »subset of the just war«, just and justifying, »a war that confers positive spiritual merit on those who fight it«; and the crusade was »the Church's ultimate just war, sharing with other just wars the requirements of authority, necessity, just cause, right intention and defence of the *patria*.«<sup>39</sup> One of the questions in debate is whether one is to look for the background of this institution in theology or in »popular culture« (as expressed by *chansons de geste*).<sup>40</sup> Not less important for our understanding of the western holy war is to see it in the historical context of the beginnings of »European« expansion: »in intima correlazione con il passaggio della Cristianità dalle posizione difensiva a quella offensiva verso i popoli pagani, anche la dottrina della guerra santa aveva subito una graduale profonda trasformazione.«<sup>41</sup> The key determining element of the crusade, however, is not simply that it was an expansionist, and therefore offensive, warfare but that it was war against Islam, and that Islam was not simply seen as a form of paganism but as *the* enemy of Christianity.<sup>42</sup>

37. H. E. J. Cowdrey, »The Genesis of the Crusades: The Springs of Western Ideas of Holy War«, in *The Holy War, I.c.*, p. 19. The characterization of the Church reform, quoted by Cowdrey: Gerd Tellenbach, *Church, State and the Christian Society at the Time of the Investiture Contest*, Basil Blackwell, Oxford 1940, p. 164.

38. Brundage, »Holy War«, p. 105. Cf. Jonathan Riley-Smith, *What were the Crusades?*, Macmillan, London and Basingstoke 1977, p. 16.

39. Brundage, »Holy War«, p. 116-7; Frederick H. Russell, *The Just War in the Middle Ages*, Cambridge University Press, 1975, p. 38-9. For a succinct discussion on the just war theory see Jonathan Barnes, »The just war«, in *The Cambridge History of Later Medieval Philosophy*, eds. N. Kretzmann, A. Kenny and J. Pinborg, Cambridge University Press, 1988.

40. Russell, *op. cit.*, p. 36; Cowdrey, »The Genesis«, p. 29; and Brundage, »Holy War«, p. 102-3, all point out that the Augustinian just war was not the inspiration here. Cf. Franco Cardini, »La guerra santa nella cristianità«, in »*Militia Christi*« e *Crociata nei secoli XI-XIII*, Miscellanea del Centro di studi medioevali, Vita e pensiero, Milano 1992; and Paul Alphandéry, *La Chrétienté et l'idée de croisade*, ed. A. Dupront, 2 vols., Éditions Albin Michel, Paris 1954-59, who stresses the role of popular sentiments in the crusade.

41. Giulio Vismara, »“Impium foedus”. Le origini della “respublica christiana”«, in *Scritti di storia giuridica*, Milano 1989, cited in Cardini, *op. cit.*, p. 391-2.

42. The western holy war was not a response to *jihād*: Brundage, »Holy War«, p. 103. Cardini, *op. cit.*, p. 396. Erdmann, *op. cit.*, p. 295, summarized Urban II's understanding of the crusade as »ein Stoß ins Herz der muhammedanischen Welt.«



The institution of holy war is inseparable from the creation of the symbolic enemy of *respublica christiana* and, subsequently, of Europe. Moreover, the Christian commonwealth was formed through the crusade, simultaneously with the construction of the enemy who had to be destroyed by war fought in the name of God; with the construction of the common enemy of the Christian community who had to be ruined by its united effort.<sup>43</sup> What was new was not the awareness of the existence of Islam but the gradual articulation of the determination to annihilate Islam with systematic violence organized by the Vicar of Christ.<sup>44</sup> It was not that an enemy was perceived as the other; it was that a particular other was now being construed as the universal enemy.

The legal theory of holy war was formulated after the first armed pilgrimage to the Holy Land. It was in the mid-twelfth century that the general opinion crystallized, supported by the lawyers, that »Crusades were undoubtedly holy wars and as such were fully justified.«<sup>45</sup> But it also took some fifty years to fix the meaning of the crusading experience in general, to arrive at a definition of the project, so that »between 1145 and 1149, between the launching and the failure of the Second Crusade, a variety of motives and conceptions of “crusading”, distinguished by lay, local, papal and other interests, converged into a single concerted effort “against Islam and paganism by one Christian ‘pilgrim’ army”, with the chief formative influence to be credited to the bulls of Eugenius III and the meditation of St. Bernard. Here is the all-important act of transmission. Onward from here the continuous life of a coherently-formed “crusade idea” is clearly established: looking backwards in time is the deliberate effort to recreate the experience of the First Crusade as then understood.«<sup>46</sup>

This final assertion may not be unproblematic. What Blake has done is a reconstruction of the »making sense« of the crusade; what he has not dealt with

43. For an early perception of »la forza di tutto il mondo cristiano«, cf. Raoul Manselli, »La respublica cristiana e l'Islam«, in *L'Occidente e l'Islam nell'alto medioevo*, Settimane di studio del centro italiano di studi sull'alto medioevo, Presso la sede del centro, Spoleto 1965, p. 133, 135-6.

44. As in many other respects, it was Gregory VII who made considerable progress in both the conceptualizing of military action against the Muslims, and in articulating the idea of *christianitas*. However, the historical breakthrough was the crusade: »il momento storico in cui la *respublica christiana* raggiunse la più chiara consapevolezza della sua unità e della sua distinzione netta di fronte specialmente all'Islam.« Manselli, *op. cit.*, p. 136. I do not think it is really with irony that Strayer, »The First Western Union«, in *Medieval Statecraft*, p. 333-4, calls the crusading enterprise »the first Western union«, and writes that »the creation of a crusading army marked a spectacular advance toward European peace and unity.«

45. Brundage, *ibid.*, p. 121.

46. E. O. Blake, »The Formation of the “Crusade Idea”«, *Journal of Ecclesiastical History*, XXI (1970), 1, p. 30, 28; the quote in quote is from Giles Constable, »The Second Crusade as seen by Contemporaries«, *Traditio*, IX (1953), p. 265.

are the ideas, or rather the imaginary world, which made this »senseless« enterprise at all possible, which framed and triggered it, which brought into being this definitionless and nameless action. (It is well known that the crusade, for a century, did not have a proper name, and that the *crusesignati* for crusaders appeared in the late twelfth century, and the vernacular *croisierie* in the thirteenth century.) As important as clear definitions are for scholarship, their absence does not curtail the effectiveness of social action, as the First Crusade proves, and confused imagination does not exclude a concentrated effort. A comprehensive definition of the crusade is of secondary importance, compared to the magma of ideas, images and sentiments that erupted at Clermont and have spilled over lands and centuries, reaching the space and time in which we now live. The rationalization of the crusading experience provides us with the language of the crusade only in so far as we do not lose sight of the *pensée sauvage* which the rationalization attempted to tame. The crusading language – the political language *par excellence* of an era which was only coming to know politics<sup>47</sup> – as any political language, is structured, and works, as the unconscious.

What is important for my argument, is to state the deep formative impact the crusade has had on western ideas and institutions. Cowdrey has characterized the period under discussion here as »one of the most powerfully formative periods in our common culture, outlook, and institutions«, and Brundage has pointed out how »[b]y the end of the Middle Ages the holy war had become a model for expansionist campaigns by European Christians against non-Europeans and non-Christians in all parts of the world.«<sup>48</sup> Structurally the most consequential moment in this was, in my view, the formation of the western anti-Islamic attitude. And while forms of the collective identity of the Occidental Asiatic peninsula<sup>49</sup> have been changing, the Muslim Enemy has been the fixed reference point for almost a millennium. This seems to have been the only certainty in the history of Europe.

Of particular significance for the history of European political thought is the centrality of the crusade in the processes of articulation and rearticulation of pivotal »political« structures (spiritual and temporal powers; empire, papacy

47. Cf. Nicolai Rubinstein, »The history of the word *politicus* in early-modern Europe«, in *The Languages of Political Theory in Early-Modern Europe*, ed. A. Pagden, Cambridge University Press 1987; Maurizio Viroli, *From Politics to Reason of State. The acquisition and transformation of the language of politics 1250-1600*, Cambridge University Press 1992.

48. Cowdrey, »The Genesis«, p. 27, cf. p. 11; Brundage, »Holy War«, p. 124.

49. J. G. A. Pocock, »A discourse of sovereignty: observation on the work in progress«, in *Political Discourse in Early Modern Britain*, eds. N. Phillipson and Q. Skinner, Cambridge University Press, 1993, p. 379, contends that »the time has come to see Europe not as a continent but as a sub-continent, a peninsula of the Eurasian land-mass comparable to India.«



and *regnum*, and relations between them; finally the state and international system), as well as the language that was used in these processes. Riley-Smith has called attention to the prominence of the language of *libertas* in the crusading propaganda: »It is no exaggeration to say that “liberation” was the word most frequently used by him [Urban II] when justifying the need to crusade. [...] The eleventh-century sources are full of the words *libertas* and *liberatio*.«<sup>50</sup> Often, the language of *necessitas* was used. For example, Rufinus, a Decretist opposing the argument that clerics can take up arms, nevertheless admitted exceptions. He stated that a cleric might fight to defend himself when required by necessity, which knows no law.<sup>51</sup> Finally, the crusade is embedded in the language of rights (the rights of the Church and *imperium*, and secular rulers in general; the »historical« right to *Terra Sancta*; the right to war, and in war; the natural rights of Christians in relation to the infidels), and might be seen as the institutional context in which one is to look for the »origins« of the language of rights.<sup>52</sup>

These questions can only be indicated here: an indication of why the political languages that developed in the centuries following the heroic age of crusading warfare had little trouble in appropriating the crusading *Gedankengut*. This seems to have been their common heritage, a more or less submerged framework which they have promiscuously shared. Here, I can only substantiate these claims in a most rudimentary form, by sketching something which cannot aspire to be more than a provisional *florilegium*.

### III.

Dupront, in a postscript to his edition of Alphandéry's lectures on Christianity and the idea of crusade,<sup>53</sup> has written that »Croisade et Chrétienté se sont fait ensemble, dans une création réciproque.« From this point of view, Dubois is

50. *The First Crusade*, p. 17. In Viroli's apotheosis of the republican politics (*op. cit.*), the crusade is not an issue (despite the all but minor role the Italian city republics played in the crusades). Neither it is in Quentin Skinner's *The Foundations of Modern Political Thought*, Cambridge University Press, 1978, which has provided the conceptual framework for Viroli's study. And if Black's remark that, in the *Foundations*, there is the danger of a favoured theme – a story of civic liberty – »playing too great a role in interpretation«, is accurate, the absence of a treatment of the crusade in his work is still less justifiable. Cf. Anthony Black, *Political Thought in Europe 1250-1450*, Cambridge University Press, 1992 (quote p. 12-3). *The Cambridge History of Medieval Political Thought c. 350-c. 1450*, ed. J. H. Burns, Cambridge University Press, 1988, also lacks any substantial treatment of the crusade.

51. Cf. Brundage, »Holy War«, p. 112; Russell, *op. cit.*, p. 106-7.

52. Cf. Brian Tierney, »Tuck on Rights: Some Medieval Problems«, *History of Political Thought*, IV (1983), 3, p. 440-1; and »Origins of Natural Rights Language: Texts and Contexts, 1150-1250, *History of Political Thought*, X (1989), 4, p. 625 sq.

53. »La croisade après les croisades«, Alphandéry, *op. cit.*, vol. II, p. 274.

again a good starting point, to look at the subsequent developments. The political context of Dubois' argument, the conflict between the French monarchy and the Holy See, has been seen as a turning point in Occidental history. It marked the decline of the two universal powers, of *monarchia ecclesiae* and *monarchia imperii*, and thus the waning of the medieval »political« order, and the taking shape of territorial powers. These *regna* were not yet modern states, and it would take centuries before Hobbes could paint the papacy as »no other, than the *Ghost* of the deceased *Romane Empire*, sitting crowned upon the grave thereof.«<sup>54</sup> What was disintegrating, was *respublica christiana*, and what was emerging, was Europe as the new notion of unity, as the new collective identity, of the space populated by Latin Christians.<sup>55</sup>

Dubois' project is symptomatic of the changing constellation of (from now on increasingly »political« and »European«) powers. What has often been seen as his incoherence – in the first place his pleading for a universal Catholic enterprise while promoting French royal interests; but also his breaking of the Church's temporal power while placing the pope at the head of his pacific council as the author and promoter of world peace; his expanding upon worldly prerequisites for the crusade and not ceasing to be concerned with the status of his warriors »in the world to come«<sup>56</sup> – is actually his achievement. He succeeded in finding a place for the crusade in the new power configuration by linking it to the rising authority of the French king and by putting its organisation and leadership into royal hands. This was the opposite of Innocent III's commanding the kings of England and France to head the military expedition;<sup>57</sup> Alphandéry styled the former crusades of princes »une entreprise royale« in opposition to »la Croisade populaire«, but they were ultimately papal wars. Dubois' crusade was royal in a different sense: he redefined the crusade as a national undertaking. St. Bernard's reproachful *Vae principibus nostris!* seems to have been obliterated, and if half a century ago, at least in a

54. *Leviathan*, ed. R. Tuck, Cambridge University Press, 1991, p. 480.

55. Werner Fritzmeier, *Christenheit und Europa. Zur Geschichte des europäischen Gemeinschaftsgefühls von Dante bis Leibniz*, Verlag von R. Oldenbourg, München/Berlin 1931; Denys Hay, *Europe. The Emergence of an Idea*, 2nd edn., Edinburgh University Press, 1968, ch. V; Heinz Gollwitzer, *Europabild und Europagedanke. Beiträge zur deutschen Geistesgeschichte des 18. und 19. Jahrhunderts*, 2nd edn., C. H. Beck'sche Verlagsbuchhandlung, München 1964, ch. II; *Actes du colloque international sur la notion d'Europe*, Travaux du Centre de recherches sur la civilisation de l'Europe moderne, Presses universitaires de France, Paris 1963, ch. I. For medieval *Wortbedeutungen* of »Europe«, see Jürgen Fischer, *Oriens - Occidens - Europa. Begriff und Gedanke »Europa« in der späten Antike und im frühen Mittelalter*, Franz Steiner Verlag, Wiesbaden 1957.

56. *De recap.*, §§ 40, 3.

57. »La lettre *Mediator Dei* ne propose pas, mais impose aux deux rois la guerre sacrée.« Alphandéry, *op. cit.*, vol. II, p. 43.



historical retrospection, the crusade appeared to be one of the first victims of »l'esprit laïque de nationalité«,<sup>58</sup> it now found, in the nascent nationalism, its driving force.

However, this was only one option available for to the crusading warfare. As I will try to show, the crusade was, from then on, alternately associated with single territorial powers and alliances between them; with the dwindling universal powers, the papacy and the empire, and with the new aspirant to universal rule, *monarchia universalis*; as well as with the ideal of an united Europe. And the »idea« of crusade found its expression in different political languages.

Philippe de Mézières' ideas on peace are exemplarily expressed in his *Epistre au Roi Richart*, a letter commissioned by Charles VI and addressed to the English king in 1395. However, the same ideas are to be found in his other writings, especially in *Le songe du vieil pelerin* (1388), and one can see de Mézières, »une des plus belles figures de ce XIV<sup>e</sup> siècle«, as a monomaniac. »Dès son premier départ de Mézières, son but était fixé pour toujours: il voulait recommencer les croisades et restaurer le royaume de Jérusalem.«<sup>59</sup>

In *Songe*, de Mézières confides to the young king that his royal father, Charles V, thought out a plan to reunite and reform Christendom, and that the achievement of this ideal now falls to him, Charles VI. In the eyes of the Old Pilgrim, Charles VI was destined to make his dreams come true: to deliver the Holy Land. »Beau Filz,« so de Mézières lets *la royne Verite* speak to the young prince, »pour se que tu as plus receu des graces du doulz Jesus mon Pere que les autres roys crestiens, tu dois plus travaillier et premier commaincier la voulente de Dieu; c'est assavoir que paix et union soit entre les Crestiens. Et raisonnablement les autres roys ne refuseront pas la sainte requeste que tu leur presenteras, c'est assavoir d'amour et d'aimitie, de paix et repoz.« This peace plan envisaged the convocation of a general council, »grant conseil et parlement general«, in which the envoys of all the kingdoms and »autres seigneuries des Crestiens catholiques« would, firstly, reach the agreement on »la reformacion, amour et unites des roys, des princes et des communes«, and

58. *Ibid.*, vol. I, p. 206; p. 186, 196 on St. Bernard's reprobation.

59. N. Jorga, *Philippe de Mézières 1327-1405 et la croisade au XIV<sup>e</sup> siècle*, Librairie Émile Bouillon, Paris 1896, p. 512. Cf. de Mézières' late self-portrait in *Épistre lamentable et consolatoire sur le fait de la desconfiture lacrimable du noble et vaillant roy de Honguerie par les Turcs devant la ville de Nicopoli* etc., in *Oeuvres de Froissart*, ed. Kervyn de Lettenhove, Imprimerie et librairie Victor Devaux, Bruxelles 1872, vol. 16, p. 507. Atiya, *op. cit.*, p. 129, sees Pierre de Thomas and Philippe de Mézières as »two men who, by their dominating personality and influence, contributed more to the promotion of crusades than probably any other of their contemporaries.«

secondly, heal the schism of the Church by electing one sole pope. After this has been achieved and the Golden Age has come, the schismatics and infidels, Tartars, Turks, Jews and Saracens will be, by hook or by crook, brought into the true faith, and the Holy Land delivered.<sup>60</sup>

Besides this general plan, de Mézières worked out a more concrete and politically practicable peace and crusading project. He invested his hopes in Charles VI and Richard II, desiring them to conclude peace between France and England. Against the background of peace negotiations between the two countries, de Mézières exposed this project in *Songe* and elaborated it in *Epistre*. In a language reminiscent of the later Erasmian irenic rhetoric, de Mézières describes the evils of war and grieves over hostilities between Christian princes: not only because God abominates the effusion of Christian blood but also because this internecine warfare has led to the loss of the Holy Land and the subsequent failure to recover it.<sup>61</sup> He also deplures, as an open wound in Christendom, the schism in the Holy Church.<sup>62</sup> His peace formula, glossed in medical metaphors, is simple and clear: the peace of Christendom; the union of the Church; and the crusade (*le saint passage d'oultremer*).

Aware of the rise of national powers,<sup>63</sup> de Mézières entrusts his project to two of them. For reasons of propaganda, England is honoured by being admitted to share with France the title of the elect Christian nation, and the two greatest Kings of Christendom are beseeched to end the long war, and conclude peace, between their countries. The »confederacion et aliance en Dieu perpetuele, la vraie paix et douce amour fraternelle des ii. filz saint Loys« will bring about »la paix et unite de l'eglise et de toute la crestientie«. <sup>64</sup> And so Charles VI and Richard II will kindle the light, »par laquele lumiere toutes les generacions des crestiens catholiques qui jusques a ores par les guerres et divisions se sont trouvez en tenebres, recognoistront la droite voie qui va en Jherusalem.«<sup>65</sup> Jesus made them leaders of his chosen people, of Western Christendom, to

60. Philippe de Mézières, *Le songe du vieil pelerin*, ed. G. W. Coopland, 2 vols, At the University Press, Cambridge 1969, II, p. 292, 293-5, 296.

61. Philippe de Mézières, *Letter to King Richard II. A plea made in 1395 for peace between England and France*, ed. G. W. Coopland, Liverpool University Press 1975 (quoted as *Epistre*), p. 85, 117, 100. Warfare between Christians is war against God (*ibid.*, p. 119), and so de Mézières prays to the Sire Dieux to »dissipe et destruis tous ceulz qui veullent les batailles encontre leurs freres crestiens« (*ibid.*, p. 124). He implies that there is no just war between Christians. *Ibid.*, p. 126.

62. *Ibid.*, p. 93 sq.

63. »Lombardie demourra as Lombars, Espagne aus Espaigneux, France aus Francois, et Engleterre aux Anglois.« *Ibid.*, p. 87.

64. *Epistre.*, p. 116.

65. *Ibid.*, p. 91.



take them into the Promised Land,<sup>66</sup> and the Old Solitary has a vision of God's temple in Jerusalem once again shining with light and the holy sepulchre (presently befouled every day by the false followers of Mohammed, condemned in the sight of God) restored to the glory of the Catholic Faith.<sup>67</sup>

For de Mézières, the Holy Land is »terre publique de la crestiente« which belongs, »quanta la foy et quant a l'onneur«, to Christian peoples and to their kings and princes. Thus the conquest of Turkey, Egypt and Syria is a work done for the Christian *res publica*, for »la chose publique de la cresteinte«. <sup>68</sup> The fact that these countries »sont remplis de toutes manieres de richesses et delices«, while the »royaumes d'occident« are cold and frozen, appears to be circumstantial. What really mattered in that world in which phantasmagorias were eager to materialize, was that »la gloire de la vénérable dame Sainte Foy soit de cy en-avant mieux gardée qu'elle ne fu à nostre lacrimable journée.« <sup>69</sup> It was as a Catholic republican that de Mézières preached the crusade, made itineraries for the carrying out of the project and also engaged practically for the crusading warfare. His military order, *Militia Passionis Jhesu Christi*, never grew strong enough to accomplish the historic mission for which de Mézières conceived it, yet it is of interest as a semi-embodied idea. This virtuous, well ordered and disciplined chivalry was meant to recommence the holy war. De Mézières was as resolute in condemning armed conflicts between Christians as he was in urging Christians to wage war against the infidels: »il se fault efforcier et faire violence selon la doctrine de saint Pol l'apostre.« <sup>70</sup> To fight »bonne et forte guerre« against the »Turcs ennemis de la foy férues et deshonnourées«, the »conversion ou confusion et destruction de la faulse secte de Mahomet et de toute ydolatrie«, is the will of God, a »chose Dieu nous veuille ottoier!« <sup>71</sup> The aim of the *Order of the Passion of Jesus Christ* – of these »vaillans combatants et esclues de Dieu«, of this »sainte congrégation«, of this »nouviau peuple d'Israël« – however, was not only to engage in »la bataille de Dieu« which would open the gates of the »royaume du ciel«. <sup>72</sup> It was also to settle in the Holy Land, and to establish the City of God in the reconquered territories. <sup>73</sup> The military order is »la cité de Dieu«, <sup>74</sup> and the new order was to

66. »O vous Richart et Charles, freres, et filz des benois sains, il vous devroit souvenir souvent comment le doulz Jhesu vous a fais chevetains ensamble de son peuple d'Israel, c'est assavoir de la crestiente d'occident, pour la mener en la terre de promission.« *Ibid.*, p. 118.

67. *Ibid.*, p. 90-1; »la faulce generacion de Mahommet, devant Dieu reprouvee«, p. 101.

68. *Ibid.*, p. 99, 103.

69. *Ibid.*, p. 145; *Épître lamentable*, p. 523.

70. *Épître lamentable*, p. 499.

71. *Ibid.*, p. 489, 467, 498.

72. *Ibid.*, p. 473, 490, 499.

73. »[...] le temps est venus de édifier la cité de Dieu, selon Saint Augustin.« *Ibid.*, p. 500; *cf.* p. 503.

74. *Ibid.*, p. 475. »Cette chevalerie sera la Cité portative de Dieu.« *Ibid.*, p. 499.

be a »monarchie militaire«, or as Jorga appropriately described it, a Christian Sparta.<sup>75</sup>

#### IV.

In the aftermath of the conflict between the conciliar movement and the papal monarchy in the first half of the fifteenth century, two opposing peace/crusading plans competed for the support of Christian princes. The initiative was in the hands of Pius II, and it was in response to the popes' repeal, in 1462, of the *Compactata* agreement, concluded between the Czech Hussite leaders and the council of Basle,<sup>76</sup> that Jiří z Poděbrad, King George of Bohemia, conceived his *tractatus pacis*. »Not content with repudiating the authority of Rome in his own country, Poděbrad threw himself into an elaborate scheme for undermining the position of the papacy in Europe. His agent was a certain Anton Marini of Grenoble, who startled the world by his proposition that Christian princes and nations would never cease to cling to Rome as long as the Holy See alone took thought for the defence of Christendom against the Turk.«<sup>77</sup>

King George's political calculus is easy to understand. The Utraquist prince wished to forestall Pius II's attempts to isolate him by seeking alliances with those European rulers who were themselves not well disposed towards the pope's policy. His plan to establish peace in Christendom and organize war against the Turks was meant to be the platform for diplomatic negotiations focused on France, Poland, Hungary, Burgundy and Venice; and because the

75. Jorga, *op. cit.*, p. 455, 458.

76. On Pius II's Czech policy, see Cecilia M. Ady, *Pius II (Aeneas Silvius Piccolomini). The Humanist Pope*, Methuen & Co., London 1913, p. 214; Georg Voigt, *Enea Silvio de' Piccolomini als Papst Pius der Zweite, und sein Zeitalter*, 3 vols., Georg Reimer, Berlin 1856-63, vol. 3, ch. VII; Ludwig Pastor, *The History of Popes, from the Close of the Middle Ages*, vol. III, Kegan Paul, Trench, Trübner & Co., London 1894, ch. V; for Pius' own view *The Commentaries of Pius II*, tr. and ed. L. C. Gabel and F. A. Gragg, *Smith College Studies in History*, vols. XXII, XXV, XXX, XXXV, XLIII, Northampton, Mass., 1936-57, especially VII, p. 512 sq., X, p. 621 sq.

77. Ady, *op. cit.*, p. 219; cf. Pastor, *op. cit.*, p. 231; Voigt, *op. cit.*, vol. 3, p. 487, who calls this response to the papal diplomatic offensive »drohendes Gegenpiel«. On *Tractatus pacis* see Václav Vaneček, »The Historical Significance of the Peace Project of King George of Bohemia and the Research Problems Involved«, in *The Universal Peace Organization of King George of Bohemia. A Fifteenth Century Plan for World Peace 1462/1464*, Publishing House of the Czechoslovak Academy of Sciences, Prague 1964, who argues that the role of Antonius Marini has been overemphasised (p. 37-45, 64); Jacob ter Meulen, *Der Gedanke der internationalen Organisation in seiner Entwicklung 1300-1800*, Martinus Nijhoff, Haag 1917; Václav Vaneček, »Deux projets tcheques des XVe et XVIIe siècles relatifs à l'organisation universelle de la paix: Projets du roi Georges de Podebrady et de J. A. Komensky«, in *La paix*, Recueils de la Société Jean Bodin XV, Editions de la librairie encyclopédique, Bruxelles 1961.



objectives of the plan coincided with the declared aims of papal policy he made it difficult for the pope to dispute them.<sup>78</sup> However, the idea of an assembly of Christian princes in which neither the pope nor the emperor played a leading role, this »initiation of a secular crusade«,<sup>79</sup> provoked a swift rebuttal by the Holy See, and king George's »foreign policy« was ultimately unsuccessful.

King George's abandonment of the idea of universal empire headed by emperor and/or the pope was not such a radical innovation as has been argued.<sup>80</sup> By the time of his rule, the conciliar controversy had given a strong impetus to the formation of the international system in the strict sense of the word, and the papacy itself had developed »dalle terre di san Pietro al principato« and contributed much to the legitimation of the modern statal *frazionamento*.<sup>81</sup> What I also find problematic is the interpretation of his pacific union as an international organization of sovereign, equal and independent, states. The assembly, as it was conceived at the Czech court, was meant to be composed of representatives of European powers whose task would be to settle conflicts between those powers peacefully. It had jurisdictional, political and economic competencies that infringed upon »sovereignty«. <sup>82</sup> I do not dispute, however, that king George's peace plan is a significant and remarkable document of

78. Pius II, indeed, invited Podiebrad, whose professed zeal for the war against the Turks contrasted sharply with indifference of other Christian princes, to the congress of Mantua as a »dear son«. Pastor, *op. cit.*, p. 217, 219.

79. Ady, *op. cit.*, p. 219. Pastor, *op. cit.*, p. 238, 232, speaks of this »anti-Papal, cosmopolitan Union« as a »wild project which aimed at revolutionising the whole political system of Europe.« The pope was only supposed to help with organizing the building of a naval force and collecting finances: *Tractatus pacis toti cristianitati fiendae*, ed. J. Keř, and English transl. by I. Dvořák, *Treaty on the Establishment of Peace throughout Christendom*, both in *The Universal Peace Organization of King George of Bohemia, l.c.*, § 21.

80. Vaneček, »The Hist. Significance«, p. 15 and elsewhere.

81. Anthony Black, *Monarchy and Community. Political Ideas in the Later Conciliar Controversy 1430-1450*, At The University Press, Cambridge 1970, p. 132; Paolo Prodi, *Il sovrano pontefice. Un corpo e due anime: la monarchia papale nella prima età moderna*, Il Mulino, Bologna 1982, p. 40.

82. Vaneček, »The Hist. Significance«, p. 11 sq., 45, 60. *Tractatus pacis, l.c.*, § 9 on the introduction of »new laws« in »the name of all of us«; §§ 13 and 14 that the assembly is to decide when to wage war; §§ 13-15 on the imposition of financial obligations on the members, and § 18 on the enforcement of the payment of the determined money by military force if necessary; § 14 on common currency (*communi moneta*) and determination of »decent prices« of »victuals and billets in towns, villages and other suitable places« for the Christian army, and of »who should be given what, if something should be successfully acquired from the enemy«; § 16 on the jurisdiction over »all of us and our subjects«; and § 22 with the provision that, if a prince who is a member of the union died, »no heir or successor of his may be allowed to succeed him to the kingdom, principality or dominion« without the consent of the *congregatio*.

European history. It sought to restore the unity of Christendom on the basis of plurality of territorial powers, and to create union and, consequently, establish peace, among them by organizing war against the Turks.

The preamble to the *Tractatus pacis* is a succinct declaration of the »European ideology«. It first invokes the image of the once flourishing Christianity, blessed with men and goods, that for a long time held a large part of pagandom including the Holy Sepulchre: »in those days there was no nation in the world which would have dared to challenge Christian rule.« But, writing a decade after the fall of Constantinople to the Turks, the irenic manifesto points out how lacerated, broken, impoverished and deprived of all its former brilliance and splendour Christendom has become. »When almost the whole world was strong with the holiness of the Christian religion, the astute Mohammed first led astray the exiguous Arab nation. However, when the first attempts were not opposed, he gradually acquired so many of the lost people that he subjugated very large regions of Africa and Asia and incited them to commit a most detestable treachery. And then the utterly despicable Turks, who had most recently subjugated first the famous Greek Empire and then very many Christian lands and kingdoms, abducted an almost innumerable multitude of souls from the Christian parts, took away everything as bounty, destroyed and defiled many convents and large churches, and perpetrated very many other evils.«<sup>83</sup>

As is to be expected, the invocation of a historical myth and the depiction of the present decline of the past glory, caused by a perfidious enemy, called for action. »Oh, golden land! Oh, Christianity, Thou jewel of all lands, how could all Thy glory disappear in such a way, how couldst Thou lost all Thy most magnificent brilliance? Where is the vigour of all Thy people, where is the reverence shown to Thee by all nations, where is Thy royal glory, Thy fame? What good were Thy many victories when so soon Thou werest to be led in a triumphal march? What good does it serve that Thou hast resisted the power of pagan leaders when now Thou art unable to resist the attacks of Thy neighbours?« All the necessary resources are provided and what is required to mobilize them is the amendment of what may be erroneous and the mollification of God with pious acts, as His Divine Majesty apparently must be ired by some ill deed. And since God is just and merciful, and »those whom He loves he corrects, castigates and leads to virtue through many adversities, we hold, turning our hopes to our Lord whose cause is at stake, that we can do nothing more pious in our integrity [...] than to strive diligently for the establishment among Christians of true, pure and lasting peace, unity and love, and to defend the faith of Christ against the most vicious Turk.« The Christian princes have

83. *Tractatus*, p. 69.



been given their power in order to glorify peace, to uphold the position of Christendom, to bring the wars against the infidel to a successful end, and to guard and extend the frontiers of the Christian republic.<sup>84</sup> There is no doubt left that those who do not fight for the Lord are against Him: »if we do not want to be against Christ, we must fight for His faith and stand with Him. For the Holy Spirit damns those who do not fight on His side, who do not oppose the enemy, who do not stand like a wall to protect the House of Israel.« And in order to be able to war for God and against His enemies, Christians have to stop fighting each other and unite: »such wars, plunder, tumult, fires and murders which, alas, have engulfed Christendom almost on all sides [...] should end and be completely eradicated«, so that »such kingdoms and principalities may be brought through praiseworthy unity into a state of mutual charity and fraternity.«<sup>85</sup>

The *Caritas* and *fraternitas* referred to are »our« charity and fraternity and the dividing line between »us«, or »all of us«, and those outside the *unitas*. The cult of peace, it is asserted, is unthinkable without justice, yet *iustitia* is a name of exclusion and *pacis* the prerequisite and instrument of war. Christians have to love each other in order to be able to effectively hate and in an organized way destroy their enemies. The Turks, and the Turkish prince as the symbol of their political existence, are construed as the »severest enemy of the Christian name«, and the European princes united in peace swear that »we shall not cease to pursue the enemy [...] until he is driven out of Christian territory.«<sup>86</sup> This is a theme which the heretic king shared with the head of Christian orthodoxy, his adversary Pius II. We shall see more clearly that Europe, as a self-conscious entity, was articulated through the imaginary practice of cleansing itself of the Turk. »Ethnic cleansing« was integral to the concept of Europe from the start.

Enea Silvio Piccolomini, the humanist pope Pius II, was, as befits the time, an *uomo universale* in politics as well. He argued for the empire and for the pontifical *plenitudo potestatis*, he was a conciliarist and a papal monarchist. Of interest, here, is his European policy, and in this he had a clear and permanent *Leitmotiv*: a crusade against the infidels. Pius II did not only use the majestic plural but also spoke of himself in the objective third person singular. This is how he wished to be seen by his contemporaries and the generations to come:

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84. *Ibid.*, p. 69, 70.

85. *Ibid.* Cf. § 21, that, in particular, those wars and discord between the princes of the Church have to end which might impede in some manner the conclusion of the wars against the Turks.

86. »pacis cultus«, *ibid.*, § 9. »[...] ad hostis insecucione non destituros, [...] quoadusque a cristianorum finibus fuerit effugatus.« *Ibid.*, § 13. It has to be added that King George allowed the conclusion of peace with the enemy, yet only if this is no longer perceived as a threat to the security of Christians.

»Among all the purposes he had at heart none was dearer than that of rousing Christians against the Turks and declaring war upon them.«<sup>87</sup> This was not only »the central and dominant goal of his entire pontificate«,<sup>88</sup> he strove for this through a great part of his life.

The fall of Constantinople to the Turks in 1453 required a concentrated effort. From the imperial court, Piccolomini urged pope Nicholas V to rally the forces of Europe for a crusade. He helped the emperor to convene an »European congress« in Regensburg (Spring 1454), followed by diets in Frankfurt (October–November 1454) and Neustadt (February–April 1455); he spoke on all these occasions; and he corresponded diligently. All the themes of crusading policy, to which he would return time and again, were articulated already in this period, and with regard to them there was little new under the sun. What Piccolomini, with the strong humanist sense of his own personality, added to the conventional stock was his vanity. As a politician and an ecclesiastic, Piccolomini saw Christianity disgraced and Europe threatened: what had to be done was to make peace between Christians as the necessary condition of uniting forces and declaring war on the enemies of the faith.

As a humanist, Piccolomini contributed to the literary genre of *Turcica*. Nicholas of Cusa, an ecclesiastical dignitary and a fellow humanist with strong affinity to Greek culture, was a well chosen interlocutor. He could understand Piccolomini's lament that, with the fall of Constantinople to the lascivious Turks,<sup>89</sup> Europe was cut off from the spring of learning and arts. Aeneas Silvius doubted not that the Turks, the enemies of the Greek and Latin literature, would burn all alien books (as Westerners had often done). He saw not only muses dying but also Homer, Pindar, Menander and other illustrious poets suffering their second death, and he predicted the ultimate annihilation of Greek philosophy. However, great as this loss might be, the blows to Christian religion were much greater. It once reigned over the whole world; now it had been destroyed in Asia and Libya, and it was not to be left in peace in Europe. »We have seen the defeat of the Greeks, now we are waiting for the ruin of the Latins. [...] The Turkish sword already hangs over our necks, while

87. *Commentaries of Pius II*, II, p. 115. The epitaph in the Choir of S. Ciriaco immortalizes the pope as »moritur dum in Turcos bella parat.« Pastor, *op. cit.*, p. 372.

88. Leona C. Gabel, »Introduction« to *Commentaries, l.c.*, vol. XLIII, p. xxv. Already in the first days of his pontificate he showed himself »wholly engrossed by the one idea of war against the Turks«. Pastor, *op. cit.* p. 23.

89. Piccolomini, who as Pius II vainly attempted to suppress his own erotic writings (Pastor, *op. cit.*, p. 284), must have been qualified to write that the Turks »in libidinem provoluti sunt«. Letter to Cardinal Nicholas of Cusa, July 21, 1453, in *Enea Silvio Piccolomini, Papst Pius II. Ausgewählte Texte aus seinen Schriften*, ed. B. Widmer, Benno Schwabe & Co., Basel/Stuttgart 1960, p. 446.



we are waging intestine war; we are persecuting brothers and allow the enemies of the Cross to proceed against us.«<sup>90</sup>

The call to take measures, not only to defend the Christian possessions but also to attack and destroy the Turks in their own territory, had been heard before. So had been the claim that nothing prevented Christians from succeeding in this but their own negligence and dissensions – consequently, peace had to be made between them so that they could go to war.<sup>91</sup> What was new was the more acute awareness of the governmental fragmentation of the West, and it was this which led Piccolomini to complain that Christendom had no head which all would obey; that the Pope and the Emperor had become fictitious entities; that every town had a king; and that it was difficult to imagine how to lead to war so many heads.<sup>92</sup> More important than this was a growing »European« consciousness.

It has been observed that »the works of Pius II, both before and after his elevation to the papal throne, are full of the use of the word Europe.« This was in conformity with the general increase in the use, and the emotional content, of the term in the fourteenth and especially in the fifteenth centuries. What has been associated with Piccolomini is the loading of the notion with political significance: »der Begriff stellt sich als Träger des politischen Gesamtbewußtseins des Abendlandes ein.«<sup>93</sup> It is not difficult to perceive that this occidental political consciousness was articulated in opposition to the »Turkish peril«. For Piccolomini and his *consortes*, what was under threat was Europe. Yet in order to be able to formulate such a cognizance, clear concepts were needed (or at least clearer than those that had been inherited). Piccolomini, in his geographical work, defined the territories of Europe with an increased precision; his main achievement, however, appears to be that he both associated this definite geographical unit with Christendom and dissociated it from Christendom. In one sense, Europe was Christian Europe: *Christianitas* was identical with Europe. This identity emerged through a consciousness of territorial losses of Christendom in Asia Minor, and in this other sense

90. *Ibid.*, p. 446-8, 450.

91. *Ibid.*, p. 452. Cf. *Commentaries*, III, p. 213; XII, p. 819, and elsewhere.

92. »Christianitas nullum habet caput, cui parere omnes velint; neque summo sacerdoti neque imperatori, que sua sunt, dantur. nulla reverentia, nulla obedientia est. tanquam ficta nomina, picta capita sint, ita papam imperatoremque respicimus. suum queque civitas regem habet. tot sunt principes, quot domus. quomodo tot capitus, quot regunt Christianum orbem, arma sumere suadebis?« Letter to Leonardo dei Benvoglianti, Mai-October 1454, in Widmer, ed., p. 454-6.

93. Hay, *op. cit.*, p. 86-7; Fritzmeier, *op. cit.*, p. 28. Both Hay and Fritzmeier credited Piccolomini with turning the word into an adjective, for inventing »Europeans«. For earlier usage of *Europenses*, cf. Fischer, *op. cit.*, p. 50-1.

*Christianitas* was not equivalent with Europe. It was a broader concept, an universality at the moment confined to culturally defined geographical space, but which *in potentia* gave the blueprint for European expansion. The actual situation, however, was one of Christian and European retreat. It was in this framework that Pius II could write: »All that we possessed in Asia, we have lost in unsightly manner; we fled and let Mahomet to gain victory.«<sup>94</sup> This was a distinctively new language. This was not Innocent III's understanding of Palestine as »funculus haereditatis Dominicae«; nor was it Innocent IV's claim that the pope had jurisdiction and power over all men, infidels included.<sup>95</sup> It was the question of Christian possessions outside Europe, and their fate had been, and was to be, decided by military strength.

In principle, or at least for propaganda purposes, Piccolomini had no doubts about the military superiority of the *Christianus populus*, so that the urgency of the defence of the faith easily turned into a vision of the spread of Christian religion and a triumphant expansion beyond Turkish lands.<sup>96</sup> In reality, he faced Turkish military advances. He repeatedly described them in exact geographical terms in order to make clear that European territories were occupied, or in danger of being occupied: that Europe was assailed. However, what was also assaulted, with the Turkish inroads into Europe, was Christian faith.

From the political point of view, Pius was convinced that the Turkish sultan »began to aspire to the sovereignty of all Europe«. In his view, »it was absolutely certain that the Turks were aspiring to the empire of the West«; that »Mahomet after winning the east is aiming at the empire of the west.«<sup>97</sup> From the ecclesiastical perspective, he was convinced that »the Turks are doing their utmost to destroy« the Catholic Faith; that they »are everywhere trying to rend in pieces« the religion; that they trample it under their foot; and that they had inflicted »great injuries [...] on the Christian religion«.<sup>98</sup> He had no hindrances

94. Letter to Cusa, *l.c.*, p. 448.

95. Cf. Alphandéry, *op. cit.*, vol. 2, p. 149; Brundage, »Holy War«, p. 121.

96. Letter to Cusa, *l.c.*, p. 452-4. »ac non solum de Turchis, si perseverantes erimus, sed de Saracenis quoque ceterisque barbaris gentibus victricis dextera sua triumphum nobis elargietur.« Cf. *Commentaries*, III, p. 226; and on the military superiority, *ibid.*, p. 215. In one aspect, at least, Pius was openminded: he could easily imagine that God's anger with the »impious Turks« be extended to »the barbarian nations who dishonour Christ the Lord«; that not only »the faithless Turk may be crushed« but »all infidels may cease from troubling us«. *Commentaries*, VIII, p. 528-9. As a practical man, he offered his good offices to organize the »plunder of the East« in a way which would not rouse jealousies among Christian powers (*Commentaries*, XII, p. 817), and in September 1463 (in order to quiet Florentine suspicions of the Venetians), he unfolded a plan for the partition of Turkey, »the first of many similar projects«. Pastor, *op. cit.*, p. 324.

97. *Commentaries*, II, p. 115; III, p. 214; XI, p. 741; cf. XII, p. 801.

98. *Ibid.*, III, p. 192, 208; VIII, p. 540; XII, p. 809.



to declare that, »[a]s a nation the Turks are foes of the Trinity«, that they profess a »monstrous doctrine« which he compared to the »plague«. He avowed that »we hate the Turks as the foes of Christianity«, and warned that under »the rule of the Turks [...] the sacraments of the Church must finally be doomed and the gate to the other life be closed«. <sup>99</sup> Consequently, in a shockingly honest spelling out of the new golden rule: *Do not allow others to treat us in the way that we are treating others*, he forewarned his fellow Europeans that »[u]nless we take arms and go to meet the enemy we think all is over with religion. We shall be among the Turks in the position in which we see the despised race of Jews among Christians.« <sup>100</sup>

In his objective voice, Pius noted that »[h]e was ashamed that so vile a race should terrorize Christians, who had once inspired fear in the whole world«, and as nothing was so dear to him »as the defence of holy religion«, he »decided to take steps« to prevent the Mohammedan poison »worming its way further.« <sup>101</sup> And because he had analytically separated Europe and Christendom, he could bring them together in a powerful political synthesis: »all Europe would be subdued, a calamity that must bring with it the destruction of our Faith«. <sup>102</sup> To »take the offensive against the Turks« was the fulfilment of his »dearest desires«, <sup>103</sup> and the crusade he planned was of a double nature: it was a war for Europe and Christianity. The war for Europe was Christian war, and the war for Christianity was European war. The double-edged holy war had a single objective: to fight and crush the Turk. <sup>104</sup> In this framework, the European congress Pius II convened in Mantua in order to discuss and protect »the common weal«, <sup>105</sup> although it was abortive in that it failed to launch a crusade, nevertheless did succeed in formulating a political strategy. The formula was simple and clear: »to drive the Turk out of Europe«. <sup>106</sup> This was European strategy not in the sense that Europe would carry out a political, military and

99. *Ibid.*, II, p. 116; VIII., p. 528; XII, p. 815.

100. *Ibid.*, XII, p. 823.

101. *Ibid.*, III, p. 214; XII, p. 811; II, p. 116.

102. *Ibid.*, II, p. 192.

103. *Ibid.*, II, p. 118; XII, p. 822.

104. »Holy Jesus will show that the vileness of Mahomet is so hateful to Him and fighting on our side will crush the enemy before our eyes.« *Ibid.*, XII, p. 811.

105. *Ibid.*, II, p. 117; VIII, p. 515. Already at the diet in Frankfurt, Piccolomini linked Europe to another cherished republican concept, that of *patria*: »Turcorum grandis victoria, Grecorum extrema ruina, Latinorum summa infamia fuit ... nunc vero in Europa, id est in patria, in domo propria, in sede nostra percursi cesique sumus.« Cited in Widmer, »Biographische Einleitung«, *l.c.*, p. 82. For a detailed report on the Mantua congress, see Pastor, *op. cit.*, ch. II; Voigt, *op. cit.*, vol. 3, ch. I; *Commentaries*, II, III.

106. »in dieta Mantuana [...] decrevimus, ut Turchum de Europa divino adiutorio fugaremus.« Cited in Hay, *op. cit.*, p. 85, who points out the difference between this program and the old crusading objective of recapturing the Holy Place. *Cf. Commentaries*, XII, p. 816: Turks were

cultural program; but in the sense that Europe would only come into being through cleansing itself of the Turk. Holy war is the dynamic constitutional principle of Europe.

Against this background, Pius II's showing of a conciliatory pacific face should be seen as insincere rather than enigmatic. In 1460 he wrote a letter to sultan Muhammad II, trying to persuade him to convert to Christianity.<sup>107</sup> The letter is most often interpreted as a measure taken in a desperate situation: because the prospects of raising a Christian army were bleak, the pope decided to take issue with the Turks by means of rational argument. As he could not overpower the Turk by the force of arms, he thought he could be victorious with »a little water«. In contrast to his own military weakness, he argued with confidence that Muhammad could never hope to overcome the powerful nations of Europe by waging war against them, but that he could easily become the greatest, most powerful and most famous man of his time if he would only let himself be baptized. If the sultan would do this, the pope would invest him with the empire of the East.<sup>108</sup>

Whether the investiture with the Eastern Empire offered to the Turkish sultan should be seen as a pathetic invocation of the days of the fullness of papal power (as pathetic was Pius' promise that »all Christians« will reverence the converted sultan and make him their judge, while he, the pope himself had failed to make them respond to his summons), or as a political manoeuvring intended to alarm Christian princes, is not at issue here. It would be more instructive to look at Pius II's *Epistola* in the context of contemporary conciliatory approaches to Islam.<sup>109</sup> From the doctrinal point of view, Pius II belongs to those authors who »felt they should contribute to a subject to which they had

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to be »compelled to move out of Europe«; Mahomet was to be »conquered and utterly driven out of Europe«.

107. Pio II (Enea Silvio Piccolomini), *Lettera a Maometto II (Epistola ad Mahumetem)*, ed. G. Toffanin, R. Pironti & figli, Napoli 1953; Aeneas Silvius Piccolomini, *Epistola Ad Mahomatem II (Epistle To Muhammed II)*, ed. A.R. Baca, Peter Lang, New York-Bern-Frankfurt/M-Paris 1990. For Toffanin, »Introduzione«, p. x, »storicamente la lettera resta un enigma«; R. W. Southern, *Western Views of Islam in the Middle Ages*, Harvard University Press, Cambridge, Mass., 1962, p. 99, with all his admiration for Pius II's magnificent composition, splendid language, skilful argument and worldly wisdom, comments that the one thing the *Epistola* lacks »is any depth of sincerity. He wrote rather as a lawyer with a brief than as a man speaking from the heart.« The argument is summarized by Southern, *ibid.*, p. 99-102.

108. *Epistola*, I, II.

109. *Epistola*, II; Pastor, *op. cit.*, p. 256. Southern, *Western Views*, p. 86, speaks about the application of the »habit of conciliation«, learned in the conciliar movement, to the solution of the problem of Islam, and James E. Biechler, *The Religious Language of Nicholas of Cusa*, American Academy of Religion and Scholars Press, Missoula, Montana, 1975, p. 45, of an interfaith dialogue as »a new application for the *via concilii*.«



little to add», and who reiterated the »themes of hostile medieval misinterpretation of Islam«. <sup>110</sup> With regard to the potential political effect of the *Epistola*, it has been argued that, even if Muhammed received the letter, »it is doubtful that he would have been swayed by it, and it is certainly improbable that he would not have been offended by the invective and by the patronizing attitude Pius everywhere displays.« <sup>111</sup>

In order to address the question of the status of rational dialogue in the confrontation between Christianity and Islam, between *Occidens* and *Oriens*, one would have to look at works of the authors who are said to have directly influenced Pius II's *Epistola*. Prominent among them was Juan de Segovia, yet closest to Pius was Nicholas of Cusa. Pius made use of *Cribratio Alchorani*, which the cardinal dedicated to the pope; Cusa's most daring enterprise in this respect, however, was the elaboration of the universal religion theme in his *De pace fidei*. Because he saw the war between Christians and the Turks as rooted in religious differences he believed that the overcoming of those differences would create harmony and peace. <sup>112</sup> He believed that it was possible to get all people to know how there is not but one religion within a variety of religious forms, and that all diversity of religions could, by the common consent of all men, peacefully be reduced to one single religion. <sup>113</sup> In the final analysis however it was the non-Christians who had to abandon those aspects of their faith that differed from Christianity in order that religious differences should be overcome. The common religion that should be established was Christian faith as the one religion, the religion common to all. Pius II's letter to Muhammad could be seen as both less naive and less sophisticated than Cusa's imagined heavenly council in *De pace fidei*, or Segovias' *contraferentia*. He was as one with Segovia and Cusa in »regarding Christian doctrine as synonymous with the one Truth and therefore both accessible to all men who were willing to open their minds as well as utterly convincing in its rational simplicity. The important point is that all three therefore held the conviction that religious peace was a matter of common acceptance of the Christian faith under a kind of rational imperative.« <sup>114</sup> Any rational dialogue which failed to result in the

110. Norman Daniels, *Islam and the West. The Making of an Image*, revised edn., One World, Oxford 1993, p. 307.

111. Albert R. Baca, »Introduction« to *Epistola, l.c.*, p. 7.

112. Cusanus was not in principle opposed to military action against the Turks. On his position on the crusade, see Biechler, *op. cit.*, p. 41, 42; Erich Meuthen, *Die letzten Jahre des Nicholaus von Kues. Biographische Untersuchungen nach neuen Quellen*, Westdeutscher Verlag, Köln/Opladen 1958, p. 19, 47, 49, 52 sq., 97, 104, 213, 220; for his notion of Europe, Fritzmeier, *op. cit.*, p. 14.

113. »Et cognoscent omnes quomodo non est nisi religio una in rituum varietate. [...] una sit religio et unus patriae cultus.« For an exposition of the thesis, see Biechler, *op. cit.*, p. 46-63.

114. Biechler, *op. cit.*, p. 65.

adversary's embracing of Christianity would only prove that this adversary was non-rational,<sup>115</sup> and at that very moment reason became a mighty sword: a material sword, obliterating the traditional two swords theory.

## V.

Pius the humanist interpellated the humanity of Christians in order to move them to war against the Turks. When he preached crusade in Ancona he wished to soften their stony hearts: »O stony-hearted and thankless Christians! who can hear all these things, and yet not wish to die for Him Who died for you. Think of your helpless brethren groaning in captivity among the Turks, or living in daily dread of it. As you are men, let humanity prompt you to help those who have to endure every sort of humiliation.«<sup>116</sup> Yet half a century later European humanists would not urge that ploughshares must be beaten into swords, as Pius II's zealot assistant cardinal Bessarion had insisted.<sup>117</sup> Instead, the Gospel of peace was exhorted and, blended with stoic rhetoric, it developed the peace idea so much that, as has recently been argued, this »gave birth to a new language«, to a »peace discourse«.<sup>118</sup> However, the evaluation that the peace idea was »significantly transformed by humanists who considered it such a valuable concept in all of its manifestations that they fashioned it into an ethic applicable to *all Christians*«,<sup>119</sup> points to the limits of what was allegedly new in the work of these humanists: Erasmus and his »coterie of pacifists«.

Erasmus' apparently fundamentalist rejection of war has met with the enthusiastic approval of pacifists who praise him as their hero. His works, especially *Querela pacis*, the adage *Dulce bellum inexpertis* and *Institutio principis Christiani*, are a gold mine for those who look for handy quotations to condemn war. More thoughtful readers of his *opus* have criticised him for making

115. Pius' argument, addressed to the sultan, provides a good example: Muhammad the Prophet forbade the discussion of »your law« because he knew that his position could not be defended by reason; because »law is reason in action« (*ratione praecipitur*), what is against reason is against law (*Quicquid igitur rationi adversum est, legis nomine caret*); and because »your legislator« forbids reasoning, what he says can either be reasonable, or law. *Epistola*, ch. XVI.

116. Cited in Pastor, *op. cit.*, p. 332.

117. *Commentaries*, VIII, p. 539.

118. Ben Lowe, »Peace discourse and mid-Tudor foreign policy«, in *Political Thought and the Tudor Commonwealth. Deep structure, discourse and disguise*, eds. P. A. Fideler and T. F. Mayer, Routledge, London/New York 1992, p. 130.

119. *Ibid.*, p. 133 (my italics). Cf. Klaus Garber, »L'humanisme européen et l'utopie pacifiste: essai de reconstitution historique«, *Érasme. Actes du colloque international (Tours 1986)*, eds. J. Chomar, A. Godin and J.-C. Margolin, Librairie Droz, Genève 1990; Otto Herding, »Erasmus – Frieden und Krieg«, in *Erasmus und Europa*, ed. A. Buck, Otto Harrassowitz, Wiesbaden 1988, p. 13.



a purely moralistic denunciation of war and for his inability to come to grips with the institutional reality of his age, most of all with the emerging »modern state«. <sup>120</sup> One of his biographers portrayed him as a »wholly non-political mind«. <sup>121</sup> Consequently, Erasmian pacifism was politically unimportant. <sup>122</sup>

There are, however, aspects of Erasmus' irenism which are neither fundamentally opposed to war nor alien to, or alienated from, the contemporary political reality. Herding has not only shown that Erasmus found aesthetic pleasure in military scenes, but also, more importantly, that the censure of the Paris Faculty of Theology, accusing Erasmus of enervating every kind of polity (*omnem politiam enervat*) and contradicting the natural and divine law, was unjustified. <sup>123</sup> In response to this, Erasmus himself repeatedly stressed that he did not intend to generally abolish war as a right pertaining to legitimate authority. He only insisted on very strict conditions under which alone it was permissible – and just – to resort to arms. <sup>124</sup> Most telling, in this context, is Erasmus' attitude towards the war against the Turks. The problem figures prominently in his writing, yet he dedicated to this subject only one treatise, published in 1530. <sup>125</sup> Huizinga dealt with this work in few lines and described it as very »vague« because it left the reader with the troubling question whether the author approved of war or not. And although the treatise represented Erasmus' meddling with the affairs of the day, Huizinga did not see it in real contrast to his picture of an ageing and fatigued man who was »remote from the great happenings of his time«. <sup>126</sup> It seems to me, however, that, in his thoughts on the *bello Turcis*, Erasmus was at the very heart of his time.

120. Cf. Kurt von Raumer, *Ewiger Friede. Friedensrufe und Friedenspläne seit der Renaissance*, Karl Alber, Freiburg/München 1953, p. 1; Pierre Brachin, »Vox clamantis in deserto. Réflexions sur le pacifisme d'Érasme«, *Colloquia Erasmiensia Tyronensia*, vol. I, University of Toronto Press, Toronto/Buffalo 1972, p. 259; Otto Herding, »Einleitung« to his edn. of *Institutio principis christiani*, in *Opera omnia Desiderii Erasmi Roterodami*, IV-1, North-Holland, Amsterdam 1974, p. 122.

121. J. Huizinga, *Erasmus of Rotterdam*, Phaidon Press, London 1952, p. 153.

122. Cf. Brachin, *op. cit.*, p. 256, 257, 264; on the influence in our century, Otto Herding, »Einleitung« to his edn. of *Quærela pacis*, in *Opera omnia Desiderii Erasmi Roterodami*, IV-2, North-Holland, Amsterdam-Oxford 1977; p. 30-1.

123. Herding, »Erasmus«, p. 18, 19, 25; J. A. Fernández-Santamaria, *The State, War and Peace. Spanish Political Thought in the Renaissance 1516-1559*, Cambridge University Press, 1977, p. 143.

124. Herding, »Erasmus«, p. 19-25; on Christian humanists' »conditional bellicism«, J. A. Fernández-Santamaria, *op. cit.*, p. 150 sq.

125. *Vtilissima consvltatio de bello Tvrcis inferendo, et obiter ennaratvs Psalmvs XXVIII*, ed. A. G. Weiler, *Opera omnia Desiderii Erasmi Roterodami*, V-3, North-Holland, Amsterdam-New York-Oxford-Tokyo 1986.

126. Huizinga, *op. cit.*, p. 180. For *Ortbestimmung* of *Consultatio*, see Weiler, »Einleitung« to his edn. in *Opera omnia* V-3, p. 3-4; and A. G. Weiler, »La *Consultatio de Bello Turcis inferendo*:

It has been pointed out that Erasmus feared the Turks, and in the face of Turkish military successes his fears were not completely unreasonable. He was conventional in reiterating the formula of strife among Christians playing into the hands of the Turks. The theme keeps reappearing in his work. He deplored warfare between Christians as »a thing most cruel of all«,<sup>127</sup> as a »parricidal« war.<sup>128</sup> He was convinced that conflicts between European princes paved the road for the Turks.<sup>129</sup> And he allowed a military expedition against Turkish inroads to Europe.<sup>130</sup> He conceded a conditional right to war outside the *orbis christianus*.<sup>131</sup> This right was conditional because, for Erasmus, it seemed »not so allowable, that we should so oft make war upon the Turks«. War against the Turks, too, had to be undertaken only as the last resort, and it had to be fought in a »Christian way«. Erasmus' ideal was that the Turks would be subdued and brought to Christ, he preferred winning them over to the Christian faith to killing them. »For be the Turks never so wicked, yet they are men, for whose salvation Christ suffered death. And killing Turks we offer to the devil most

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une oeuvre de piété politique», *Érasme. Actes du colloque, l.c.*, p. 108. Weiler, »Einleitung«, p. 24, summarizes the view of a number of authors that *Consultatio* »das gemässigste Traktat sei, das Erasmus dem Problem von Krieg und Frieden gewidmet habe.«

127. *Dulce bellum inexpertis*. I use J. W. Mackail's edn.: *Erasmus against War*, The Merrymount Press, Boston 1907, p. 24.
128. »Yet from whence cometh it into our minds, that one Christian man should draw his weapon to bathe it in another Christian man's blood? It is called parricide, if the one brother slay the other.« *Ibid.*, p. 33. In *Institutio*, Erasmus compared war between Christians to Plato's *sedition*, as if Christendom was a *respublica*. The notion of *respublica Christianiorum* informed his argument against war, so that a war, if it could not be avoided, was to be fought »at the lowest cost in Christian blood«. *l.c.*, p. 214.
129. »Turcas non sua pietate, non sua virtute, sed nostra socordia potissimum huc vsque creuisse.« *Consultatio*, p. 38. The formulation which Erasmus used in a letter to king Sigismund I of Poland (Mai 1527): »Nunc haec monarcharum inter ipsos conflictatio Turcae viam aperuit« (*Ep.* 1819, quoted in Weiler, »Einleitung«, p. 10), echoes Pius II's lament, as quoted in Toffanin, »Introduzione«, p. xii: »Siamo trafitti dalla nostra e dall'altrui spada; tutti siamo procuratori dei Turchi e spianiamo la via a Maometto.«
130. »This is not to say that I absolutely oppose war against the Turks if they attack us.« *Dulce bellum inexpertis* (omitted in *Erasmus against War*, p. 57, and quoted in Robert P. Adams, *The Better Part of Valor. More, Erasmus, Colet and Vives, on Humanism, War, and Peace, 1496-1535*, University of Washington Press, Seattle 1962, p.209). Cf. Herding, »Erasmus«, p. 25. There was, for Erasmus, also an anthropological ground for contemplating war against the Turks: »But perhaps it is the fatal malady of human nature to be quite unable to carry on without wars. If so, why is this evil passion not let loose upon the Turks? [...] But if war [...] is not wholly avoidable, that kind would be a lesser evil than the present unholy conflicts and clashes between Christians.« *Querela pacis, l.c.*, p. 90. Transl.: *A Complaint of Peace Spurned and Rejected by the Whole World. Querela pacis undique gentium ejectae profligataeque*, ed. B. Radice, *Collected Works of Erasmus*, vol. 27, University of Toronto Press, Toronto/Buffalo/London 1986, p.314.
131. Herding, »Einleitung« to *Institutio, l.c.*, p. 109.



pleasant sacrifice, and with that one deed we please our enemy, the devil, twice: first because a man is slain, and again, because a Christian man slew him.«<sup>132</sup>

Yet even if the Turks were *homines* and even *semichristianos*, they were barbarians.<sup>133</sup> And what is most specific in Erasmus, is that he needed these barbarians in order to create an understanding of Europe. In our time, it is not uncommon to see Erasmus being praised as an European, as if this was the ultimate compliment one could give or get. Erasmus perceived himself as an European only in opposition to the Turks.<sup>134</sup> The distinguishing quality of Erasmus' thought was, however, that he constructed the gaze that saw the evil in the Christian/European world. That evil gaze, seeing the evil, was the Turkish gaze. »What do we imagine the Turks and Saracens say about us, when they see that for hundred of years the Christian princes have been utterly unable to agree among themselves?«<sup>135</sup> »[A]nd what can be a more pleasant sight to the Turks, than to behold us daily each slaying other?« »Oh, there has been more than enough shedding of blood – and not just human blood but Christian blood – enough frenzy ending in mutual destruction, enough sacrifices by now even to hell and the Furies – there has long been enough to gladden the eyes of the Turks.«<sup>136</sup>

Erasmus not only invented the evil Turkish gaze which took pleasure in what was most wrong in Christian Europe, but complemented it with his own political cardioscopy. He discovered the Turk in the heart of Europeans. That Christian Europeans were, in their hearts, like Turks was obviously the hardest thing the Christian humanist could imagine to say. At their innermost, Europeans were not themselves. Because of their unchristian way of life, they carried

132. *Erasmus against War*, p. 55-6.

133. *Consultatio*, p. 52. Erasmus called the Turks monstrous beasts, enemies of the Church, a people contaminated with all kinds of crime and ignominies. *Ep. 2285, Opvs epistolarvm Des. Erasmi Roterodami*, ed. P. S. Allen and H. M. Allen, vol. VIII, Clarendon Press, Oxford 1934, p. 384. A. Renaudet, *Études érasmienne (1521-1529)*, Librairie E. Droz, Paris 1939, put it nicely: »Érasme n'aimait point l'Islam. [...] Les musulmans ne reconnaissent dans le Christ qu'un prophète parmi les autres; ils lui égalent Mahomet, un criminel.«

134. »L'Europe? Erasme ne s'en préoccupe guère. Il parle plutôt de chrétienté. Toutefois, devant le péril turc qui se précise, il se sent européen et il le laisse clairement entendre.« L.-E. Halkin, »Erasme et l'Europe«, in *Commémoration nationale d'Erasmus. Actes*, Bruxelles 1970, p. 99 (quoted in Weiler, »Einleitung«, p. 17). The reference is to *Consultatio*, *l.c.*, p. 52-8.

135. *Institutio*, p. 217. Transl.: *The Education of a Christian Prince. Institutio principis christiani*, ed. N. M. Cheshire and M. J. Heath, *Collected Works of Erasmus*, vol. 27, University of Toronto Press, Toronto/Buffalo/London 1986, p. 286.

136. *Querela pacis, l.c.*, p. 98. Transl.: *A Complaint of Peace, l.c.*, p. 320. »Then they curse the Turks for being godless and unchristian, as if they could be Christians themselves while committing these crimes or as if there could be anything more agreeable for the Turks than the sight of Christians putting each other to the sword.« *Ibid.*, p. 84/310.

the unchristian other in their breast. And where the enemy is the closest, it has to be fought against hardest. For Erasmus, war against the Turks was first and foremost the war against the Turk »in our hearts«. This »Turk« had to be driven out first.<sup>137</sup> If Christian Europeans were not to amend their lives, to reform their morals, to cleanse their hearts of the Turk, they stood no chances of overcoming the Turks. They would fight the Turks like Turks.<sup>138</sup> They would kill men, not the Turks,<sup>139</sup> and more likely degenerate into Turks themselves than make the Turks into Christians.<sup>140</sup>

In as much as the moral reformation, which was necessarily religious renovation, was understood by Erasmus as the precondition of any successful war against the Turks, his *Consultatio de bello Turcis inferendo*, the treatise in which he summed up his views on the Turkish question, could rightly be seen as an »oeuvre de piété politique«.<sup>141</sup> And in as much as war against the Turks required a struggle with the Christian European self, it could be said that Erasmus argued for the greater jihad.<sup>142</sup> He was the most sublime thinker of the European holy war. And yet the European's struggle with his own self was bound not to be a struggle with his own evil self. His own evil was perceived as the other: it was evil because it was not really of his own making. And so the struggle with the self could easily lapse into a struggle against the other. In fact, if that self had not been construed in a way which necessitated its purging of the other, comprehended as a thorn in its cardiac flesh; if that self had not been so well suited to strangle in its symbolic net a real people; one would be tempted to think that some Oriental wisdom visited Occident.

137. »Si nobis succedere cupimus, vt Turcas a nostris ceruicibus depellamus« etc. *Consultatio*, p. 62. Cf. Erasmus letter to Peter Gilles, 28 January 1530: »imminet Turca ceruicibus nostris«. Ep. 2260, *Opvs epistolarvm*, p. 332.

138. »Turcae pugnamus cum Turcis«. *Consultatio*, p. 52. »Now oftentimes we, being ill, fight with the evil. [...] if we set aside the title and sign of the Cross, we fight Turks against the Turks.« *Erasmus against War*, p. 55-6.

139. The opposite of Erasmus' maxim: »kill the Turk, not the man.« *The Handbook of the Christian Soldier. Enhiridion militis christiani*, ed. C. Fantazzi, *Collected Works of Erasmus*, vol. 66, University of Toronto Press, Toronto/Buffalo/London 1988, p. 94.

140. »Quin vt nunc sunt fere, per quos huiusmodi bella geruntur, citius fiat, vt nos degeneremus in Turcas, quam illi per nos reddantur Christiani.« *Institutio*, p. 218. Cf. *Enhiridion*, l.c., p. 11: Without a moral/religious reform, that is, »[i]f we cannot put our hearts into something of the sort, we shall degenerate into Turks long before we convert the Turks to our way of thinking.«

141. Weiler, »La *Consultatio*«, p. 108.

142. W. Montgomery Watt, »Islamic Conceptions of the Holy War«, in Murphy, ed., p. 155, quotes sufi Sufyan ibn-'Uyayna (d. 814) who »is reported to have said that the jihad in the way of God consists of ten parts, of which only one is fighting against the enemy while other nine are fighting against the self. The same thought was expressed in another way by Sahl at-Tustari (d. 896) when he remarked, "We have returned from the lesser Jihad to the greater Jihad," and then on being questioned added, "The greater Jihad is the struggle against the self."«



Of Erasmus' fellow pacifists, members of the humanist international, I will mention only two. They both put an offensive edge on European peace thought which it lacked in Erasmus. Thomas More's *A Dialogue of Comfort against Tribulation*, »the final summing up«<sup>143</sup> which he wrote in the London Tower while he was waiting for execution, bears some resemblance with Erasmus' concerns. For More as well, the Turkish danger is a double one. The threat on the level of Realpolitik is doubled with the symbolic threat: »Turks« stand for the false Christians. On the first level, one of the personae of the dialogue which is taking place in Hungary (the bulwark of Christendom) on the eve of Turkish invasion, expresses an obsession with Turkish advances, characteristic of that time: »And now, sith the tidings have come hither so breame of the great Turk's enterprise into these parties here, we can almost neither talk nor think of any other thing else than of his might and our mischief. There falleth so continually before the eyen of our heart, a fearful imagination of this terrible thing: his mighty strength and power, his high malice and hatred, and his incomparable cruelty.«<sup>144</sup> What follows is a vivid description of this cruelty. The Turks are a »shameful, superstitious sect«, the »abominable sect of his [Christ's] mortal enemies«, »his open, professed enemies«, they represent forces of darkness and Belial.<sup>145</sup> However, the false Christians, »evil Christian people«, are no better than the Turks. What is mainly before the eyes of More's heart, are Protestants. »Throughout his polemical works, More equates Protestant and Turk, heretic and infidel.« For him, »the enemy within is identical with the enemy without.«<sup>146</sup> What they have in common is that they strike blows against »the whole corps of Christendom«, against »all the corps of Christendom«.<sup>147</sup>

The difference between them is that heretics generate disunity among Christians which prevents them from defending Christendom and efficiently confronting the infidel. »Howbeit if the princes of Christendom everywhere about the world, where as need was, have set to their hands in time, the Turk had never taken any one place of all these places. But partly dissensions fallen

143. Frank Manley, »Introduction« to his edn. of St. Thomas More, *A Dialogue of Comfort against Tribulation*, The Yale Edition of Selected Works, Yale University Press, New Haven and London 1977, p. xxviii.

144. *A Dialogue*, l.c., p. 6.

145. *Ibid.*, p. 196, 197, 198, 236.

146. Manley, »Introduction«, p. xvii, xviii. On the exchangeability of Turks and Protestant in More's historical context, see Franklin L. Baumer, »England, the Turk, and the Common Corps of Christendom«, *The American Historical Review*, L (1944), 1; and for diplomatic manoeuvring between Protestants, Catholics and Ottomans, Dorothy M. Vaughan, *Europe and the Turk. A Pattern of Alliances 1350-1700*, At the University Press, Liverpool 1954, ch. III.

147. *A Dialogue*, p. 8, 40.

among ourselves, partly that no man careth what harm other folk feel, but each part suffer other to shift for itself, the Turk is in few years wonderfully increased, and Christendom on the other side very sore decayed. And all this worketh our unkindness, with which God is not content.« The solution to this is peace and harmony among Christians: if »God hath caused them to agree together in the defence of his name« (which would also »graciously bring them to agree together in the truth of his faith«), this would make »a common power in defence of Christendom against our common enemy«.<sup>148</sup>

What More contributed to the peace discourse, at least in comparison to Erasmus, was not his perception of the Turkish threat as something that »try men's hearts«,<sup>149</sup> but his anticipation of colonial wars. To be sure, More's Utopians »despise war as an activity fit only for beasts«, and »they go to war only for good reasons«.<sup>150</sup> The fundamental reason for going to war is to protect the »good life«.<sup>151</sup> This applies to both defending the »good life« of their own citizens, and to extending the »good life« abroad. It is obvious that in the latter case, in the case of humanitarian military interventionism, of this cosmopolitan brotherly help bringing liberty with a well trained and equipped army, the military action was taking place on a foreign territory; but so too their wars of defence. »If a foreign prince takes up arms and prepares to invade their land, they immediately attack him full force outside their own borders. For they don't like to wage war on their own soil.«<sup>152</sup> As a sympathetic commentator has formulated, »the conduct of these wars expresses consistently the cosmopolitan and humanitarian Utopian view that all men belong to one human family and that potentially all belong to one "society of nature". In these wars the Utopians sacrifice treasure and blood, not in their national interest merely, but for the welfare of all humanity.«<sup>153</sup>

The colonial wars, interestingly enough, are not discussed under the heading of »warfare«. They belong to »social and business relations«. Needless to say, they are founded in the idea of the »good life«. The »good life« requires a right number of citizens and rational spatial distribution of population. And because peace that reigns in Utopia brings with it welfare and prosperity, it is likely that

148. *Ibid.*, p. 8, 40.

149. *Ibid.*, p. 244. On the Turks as playing a role in providential scheme, *cf. ibid.*, Bk. III, especially chs. 13, 14, 17; and for the ideological background, C. A. Patrides, »"The Bloody and Cruell Turke": the Background of a Renaissance Commonplace«, *Studies in the Renaissance*, X(1963).

150. Thomas More, *Utopia*, eds. G. M. Logan and R. M. Adams, Cambridge University Press, 1989), p. 87.

151. This is repeatedly stressed in Adams, *op. cit.*, ch. 9.

152. *Utopia*, p. 95.

153. Adams, *op. cit.*, p. 151.



the population would increase. If that happens, »if the population throughout the entire island exceeds the quota«, the Utopians enrol citizens and »plant a colony under their own laws on the mainland near them, wherever the natives have plenty of unoccupied and uncultivated land. Those natives who want to live with the Utopians are taken in. [...] But those who refuse to live under their laws the Utopians drive out of the land they claim for themselves; and on those who resist them, they declare war.« Morus let his peace-loving people declare that »it's perfectly justifiable to make war on people who leave their land idle and waste yet forbid the use and possession of it to others who, by the law of nature, ought to be supported from it.«<sup>154</sup> In the ideal commonwealth, pacifism itself is pregnant with what, in the aftermath of World War II, was called the *Dämonie der Macht*.<sup>155</sup>

Vives, the youngest among these Christian humanists, has been exalted as »incontestablement l'un des plus grands doctrinaires pacifistes que compte l'humanité«, and his work described as »une véritable somme de la pensée pacifiste«. He is regarded as »a man of peace and compromise in a time of religious fanaticism and destructive nationalism. Few people have spoken more eloquently than Juan Luis Vives against the tremendous absurdity of war as a means of solving human problems.«<sup>156</sup> The problem of war and promotion of peace were, indeed, his main concern. The claim, however, that his pacifism was »integral« and that he argued for an »universal agape«,<sup>157</sup> is open to debate. The doctrinal foundations of Vives' pacifism, systematically worked out in his *De concordia et discordia in humano genere*, have been discussed elsewhere;<sup>158</sup> here, I will summarily point out some aspects of the political application of this doctrine. In principle, this application was, for Vives as for his humanist friends, »an attempt to extend into the realm of praxis the message of the *philosophia Christi*«. <sup>159</sup> As a cosmopolitan, what his heart beat for, was the whole world. Yet he was a cosmopolitan because he was a

154. *Utopia*, p. 56.

155. Cf. Brachin, *op. cit.*, p. 261. This »demoniality of power« is not totally absent from Erasmus' thought. His idea that princes who are beasts, not men, monsters polluted with human blood, should be banished to islands at the far corners of the world, »in extremas insulas deportandas« (*Querela pacis*, l.c., p. 425; transl. l.c., p. 306), actually boils down to the same. What is worked out in both authors is the expansion of European civilisation. For both of them, the outer world is at disposal of Europe.

156. Alain Guy, *Vivès ou l'Humanisme engagé*, Éditions Seghers, Paris 1972, p. 98 (»véritable somme« is a quote from Victor Sanz's *Vigencia actual de Luis Vives*); Carlos G. Noreña, *Juan Luis Vives*, Martinus Nijhoff, The Hague 1970, p. 227.

157. Guy, *op. cit.*, p. 120-2.

158. Cf. Fernández-Santamaria, *op. cit.*; Noreña, *op. cit.*; Adams, *op. cit.*; Guy, *op. cit.*

159. Fernández-Santamaria, *op. cit.*, p. 122.

Christian, and his world was correspondingly parochial: »but Christendom«. <sup>160</sup> For Vives, »the integrity of the *respublica Christiana* [was] not beyond hope of recovery«, <sup>161</sup> yet his awareness of Europe was much more acute than in More and Erasmus.

The opinions on whether Vives thought that Europe could be unified by imperial power or by natural tolerance, mutual respect and enlightened self-interest, differ, <sup>162</sup> yet his vision was »the vision of a unified Europe«. <sup>163</sup> He saw Europe suffering terrible damages because of incessant wars, so that what was needed – in order to survive – was no less than an universal reconstruction. <sup>164</sup> The essential condition for this was that European princes stopped fighting each other: concord which, for Vives, is synonymous with peace. If wars, in general, are something that only idiots, *hominis imbecillitas*, want, wars in Europe, wars between Christians, are emphatically called madness, not wars: *insania, non bella*. <sup>165</sup> It has been noted that »Vives' moral indignation against the internal wars of European nations was inspired not only by his sincere pacifism, but also by his passionate concern with the Moslem expansion in the Eastern Mediterranean.« <sup>166</sup> The sincerity of his irenism is not to be doubted, it should be clear, however, that peace he had in mind was not universal, but solely European peace.

The absurdity of dissensions among Europeans, most vividly presented in Vives' dialogue *De Europae dissidiis*, is exhibited with the help of recurrent reference to the Turk. The alarming question which cuts into the discussion on endless European strife, is: »What is the Turk doing in the meantime? Does he sleep, or not?« The enemy is clearly not sleeping, he is taking advantage of the

160. Fernández-Santamaria, *op. cit.*, p. 120. Cosmopolitanism, as a rule, is a superiority-ridden parochialism.

161. *Ibid.*, p. 149.

162. Noreña, *ibid.*, p. 223, 227; Adams, *op. cit.*, ch. 17; Fernández-Santamaria, *op. cit.*, p. 52-7.

163. Noreña, *op. cit.*, p. 223. Adams, *op. cit.*, p. 264, speaks (with reference to Vives' *De Europae dissidiis*) of the underlying »commonwealth-of-Europe idea«. Vives himself used the image of fascio, »un lió inextricable« (*De la insolidaridad de Europa y de la guerra contra el Turco* (*De Europae dissidiis et bello turcico*), in Juan Luis Vives, *Obras completas*, ed. L. Riber, vol. II, M. Aguilar, Madrid 1948, p. 48), the symbol under which what seems to be the first conference on Europe took place in Rome, in 1932. Two volumes of proceedings were published in Rome in 1933; interesting reports are to be read in *Nazionalsozialistische Monatshefte*, 3 (1932), 33: A[lfred] R[osenberg], »Europa in Rom«; Rudolf von Maltzahn, »Sinn und Bedeutung des Europa-Kongresses in Rom«; and »Bezeichnende Vorträge auf dem Europa-Kongreß in Rom vom 14.-20. November 1932«.

164. *Concordia y discordia en el linaje humano* (*De concordia et discordia in humano genere*), in *Obras completas*, l.c., p. 75.

165. *De la insolidaridad de Europa*, p. 48; Rafael Gibert, »Lulio y Vives sobre la paz«, *Recueils de la Société Jean Bodin*, l.c., p. 159.

166. Noreña, *op. cit.*, p. 225.



discord among Christians, and the dialogue is a reveille for Europe to »unite against him and rush with arms at the ready to destroy him«. <sup>167</sup> For Vives, the war he desired, was clearly not a defensive war. In *De Europae dissidiis* it was argued, that the European »solidarity«, brought about »under the imminent threat of the enemy without«, <sup>168</sup> would make possible not only the recovery of occupied territories (the liberation of European people from the Turkish servitude) but also the occupation of Asian lands. That Europeans are a superior race, was beyond doubt, <sup>169</sup> and instead of fighting among themselves for the handful of land which they could grab from each other in Europe, they should as one Christian army break the Turkish power, appropriate for themselves the riches of Asia and, following the shining example of the Greeks in their heroic age, plant colonies there.

Even a favourably disposed account of Vives' thought had to point out that »probably because of his strong feeling against a Moslem state, Vives could not see the necessity of a policy of accommodation and appeasement with the Ottoman Empire. Instead he became one of the idealistic crusaders and alarmist prophets who constantly demanded a European alliance against »the invading hordes from Asia.«« <sup>170</sup> For him, the Turks were untrustworthy and he saw no legal ground on which one could make treaties with the professed enemies of Christ's religion. <sup>171</sup> His pamphlet *De conditione vitae Christianorum sub Turca* has been characterized as a »violent denunciation of any "detente"«. <sup>172</sup> One aspect of this was that Vives was very hard on those Christians who, despairing of the oppression that they suffered under Christian rule, hoped that they might do better under the Turks. <sup>173</sup> For him, this was stupid fantasizing

167. *De la insolidaridad de Europa*, p. 46, 50. (Something that did not happen when the Turks invaded Hungary, a couple of months before Vives wrote this piece.)

168. *De la insolidaridad de Europa*, p. 51. (What is »called Europe« is pictured here as a »ciudad amenazada.«) The Turk is also presented as the »enemigo común«. *Ibid.*, p. 52.

169. The authority of wise Aristotle had to back the assertion that »la raza más fuerte y más animosa y acerada es la que puebla Europa; que los Asiaticos son medrosos y no aptos para la guerra, más parecidos a las mujeres que a los varones. Por manera que la Europa no solamente produce hombres que se aventajan a los otros en ánimo y fuerzas, sino fieras también. Los leones que nacen en Europa tienen más coraje que los púnicos; y lo mismo acontece con los perros, con los lobos y los otros animales, aun cuando los africanos aparenten fiereza mayor.« *Ibid.*, p. 58.

170. »He exaggerated the Turkish threat and failed to evaluate the accomplishment of Moslem civilization. His crusading spirit was old-fashioned and dangerous.« Noreña, *op. cit.*, p. 225, 226.

171. »Si el cristiano no observa lo que juró al cristiano, 'observá el Turco lo que al cristiano prometió?« *De la insolidaridad de Europa*, p. 52. »Cum Turca non est idem iuris.« Gibert, *op. cit.*, p. 159.

172. Noreña, *op. cit.* p. 225.

173. In this respect, »[e]l Turco, gran peligro exterior de Europa, es mirado igualmente por Vives como un peligro interior.« Gibert, *op. cit.*, p. 160.

about liberty;<sup>174</sup> it meant forfeiting the eternal happiness (to which there was only one path, that of the »true religion«) for earthly well-being;<sup>175</sup> and, as a submission to the enemy, it was not only entering the »extreme slavery« but also a treacherous desertion of »our Christian society«.<sup>176</sup>

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Steven Runciman, in his history of the crusades, has argued forcefully that, »[u]nlike Christianity, which preached a peace that it never achieved, Islam unashamedly came with a sword.«<sup>177</sup> This is true, yet it is a perverted truth. Europeans never achieved peace because, unlike Islam, they did not make war in order to achieve peace but made peace in order to wage war. However, all the wars they have made prove that their peace efforts have been successful. Bosnians are the latest victims of European peace.

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174. *De la condicion de los cristianos bajo el Turco (De conditione vitae Christianorum sub Turca)*, in *Obras completas, l.c.*, p. 65. Clearly, the *libertas* for which Vives himself opted was the one which reached its apogee in the polities of Athens, Sparta and Rome. *Ibid.*

175. *Ibid.*, p. 64.

176. Cf. *ibid.*, p. 70, 73. Choosing to direct his criticism against the despaired subjects, Vives differed from Erasmus who censured Christian princes for aiming to impose a »Turkish tyranny« on their own people. *Consultatio, l.c.*, p. 72.

177. Steven Runciman, *A History of the Crusades*, vol. 1, Penguin Books, Harmondsworth 1991, p. 15. Runciman has also argued that »it was the Christians of the East who were the most unwilling and most unhappy victims« of the crusades. »Byzantium and the Crusades«, in *The Meeting of Two Worlds. Cultural Exchange between East and West during the Period of the Crusades*, eds. V. P. Goss and Ch. Verzár Bornstein, Medieval Institute Publications, Western Michigan University, Kalamazoo 1986, p. 22. I am sure that Sir Steven did not mean to say that the muslims were happy and willing victims of the crusade. Yet ideas have currency in the West that might lead one to assume that the muslims cannot be victims. If they nevertheless happen to be victims, this is always as a result of retaliation for some kind of intolerable crime they have committed. Gibbon's warning to Europe, considered »as one great republic«, that it can never feel secure, should be incorporated in the preamble of the new European constitution: »Yet this apparent security should not tempt us to forget that new enemies, and unknown dangers, may possibly arise from some obscure people, scarcely visible in the map of the world. The Arabs and the Saracens, who spread their conquests from India to Spain, had languished in poverty and contempt, till Mahomet breathed into those savage bodies the soul of enthusiasm.« Edward Gibbon, *The Decline and Fall of the Roman Empire*, ch. XXXVIII, »General Observations«.



# Minoritarian Politics and the Pluralisation of Democracy

Aletta J. Norval

The last few years have been witness to a revival in discussions of the relation between democratic theory and pluralism. The context of this revival is a complex and overdetermined questioning of our contemporary situation, marked by a simultaneous problematization and celebration of liberal democracy in the wake of the collapse of alternative social imaginaries since the events of 1989. On a politico-cultural level, this has engendered a vociferous debate concerning the presumed universality of liberal democracy and its ability to deliver equality to all, regardless of difference, whether the latter is thought in gender, racial, cultural or sexual terms. The subversion of the homogenising and totalising myths structuring modernity informing theories of democracy, has reopened the conceptualisation of the nature and character of democracy itself.

In this context I would like to engage in an excavating exercise in order to investigate to what extent problems addressed today under the rubric of »multiculturalism« are congruent with those addressed in »plural society« theories. This investigation takes as its starting-point the assumption that there is a need to break down the perceived conceptual dichotomy between so-called western, advanced capitalist societies, and the »third world« as well as the conceptual primacy given to the former. The aim here is to investigate what we can learn from the theorisation of »plural societies« in a reconsideration of our contemporary condition and to draw out a set of consequences for the discussions of pluralism, toleration and the limits of liberal democracy.

## *The multiculturalist challenge*

Multiculturalism – occupying a space similar to much feminist theorisation of the twentieth century<sup>1</sup> – in its questioning of the universalism of liberal democratic orders, has tended to re-centre theoretical discussion around the

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1. It has to be pointed out immediately that these are issues which are more than familiar to debates within feminist theory. The recent multi-cultural inflection of this debate, can in one sense be seen as yet another vindication of certain feminist criticisms of the presumed universality of liberal democratic values. For a discussion of the question in the context of feminist debates, see Anne Phillips (1993).

interrelated questions of pluralism, tolerance and democracy. The central demand of multiculturalists is for the recognition of distinct cultural identities of members of a pluralistic society in the public domain. At stake here is the opposition between a politics of universalism and a politics of difference, where the former emphasizes the equal dignity of all citizens, and fights for forms of nondiscrimination that are »blind« to the ways in which citizens differ, and the latter involves a redefinition of nondiscrimination as requiring that we make these distinctions the basis of differential treatment (Taylor 1992,39). While the politics of difference inevitably involves a detour through a universalist argument – *everyone* should be recognised for his or her unique identity – the demand is not for an ‘identical basket of rights and immunities’, but for the recognition of the unique identity of this individual or group (Taylor 1992,38). It thus asks that we give acknowledgement and status to something which is not universally shared. In contrast to the universalist ideal, the politics of difference aims not to bring us to a »difference-blind« social space, but on the contrary, to maintain and cherish distinctness, not just now, but forever (Taylor 1992,40).<sup>2</sup> Of course, this demand springs from, or reasserts itself against a dominant or hegemonic order or culture who claims to represent a putative universal. It involves thus, not only the demand for recognition of difference, but also a rejection of the universalist ethic of a ‘Eurocentric and Western cultural tradition’. In this sense, it raises new questions for debates on pluralism and point to the limits of liberal democracy in dealing with and giving adequate status to difference.

### *The pluralists revival*

The contemporary revival of pluralist theory can be seen from the number of publications in this field since the late 1980s (McLennan 1989; McClure 1992, Phillips 1993). As I have already argued, this renewal has to be placed in the context of debates on the limits of liberalism, or alternatively, in the context of its successful universalising and individualising ethic which, for multiculturalists, also constitutes the conditions of its failure.<sup>3</sup>

This contemporary interest in pluralism has tended to focus on and to reiterate the development of the pluralist tradition in its British, North American and European variants. Kirstie McClure, for example, has offered a rereading of

2. Taylor (1992,68-9) points out that the claim being made by multi-culturalists is not only one for recognising the potential of all different cultures, but that it rather calls for a judgement of equal value in an *a priori* fashion. This is problematic, for while it is tenable to demand that we approach the study of different cultures with a certain presumption of their value, it cannot make sense to demand, as a matter of right, that we come up with a final concluding judgement that their value is great, or equal to others«.

3. In this respect, see also Parekh in Held (1992).



the earlier pluralist traditions in terms of the question of subjectivity and political agency, issues which are central to our theoretico-political concerns. She outlines three waves of pluralist theory. The first and second are familiar versions. The first wave exemplified, *inter alia* in the works of Barker, Laski and Bentley, is articulated against unitary conceptions of state sovereignty and is thus critical of the sovereign state as the centre of political life. The second wave, as found in the works of Dahl and Truman, was closely linked to »empirical democratic theory«. Developed in opposition to sociological theories of a »power elite«,<sup>4</sup> it argued that political life consisted in the concatenation of autonomous and competing groups rather than in the socio-economic sovereignty of a dominant elite. The third wave, according to McClure, consists of post-Marxist attempts to forge an interconnection between post-structuralist critiques of identity and political theory, found, for example, in the works of Laclau and Mouffe.<sup>5</sup> To this can be added much of the contemporary theoretical debates informed by the conjunction between feminism and post-structuralism.

These waves of pluralist theory, on McClure's reading, contain both similarities and differences. All three variants are articulated in critical opposition to unitary and monolithic or totalising conceptions of the political domain (whether this totalising tendency is placed in the sovereign state or in a unique agency overseeing and determining the political process), and thus address issues of great concern to the contemporary debate on multi-culturalism and the politics of difference more generally. All three variants also insist on the irreducible plurality of the social, expressed in a multiplicity of social groups which have no necessary ontological grounding. Groups are seen, not as the expression of

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4. Elite theorists, unlike pluralists, see power as concentrated in the hands of a few. Among classical elitists, Pareto emphasized the psychological basis of the dominant group within society, Mosca highlighted socio-cultural factors, while Michels stressed the organisational basis of the elite group (Marsh 1983,12). It is necessary to note that certain theorists who started out as pluralists later modified their positions to be more in accord with elite theories. Charles Lindblom, for example, argues that there are potentially a limited number of groups in society which enjoy a privileged position in relation to government. Indeed, to Lindblom in advanced capitalist societies one group, business, enjoys a unique position, essentially because of its structural position in the economy. This means, that unlike other groups, business has two means by which to influence government – directly through interest groups, and indirectly through its structural position in the economy. This view differs from pluralism in two ways. It emphasizes the importance of a very limited number of groups and indeed singles out one group as being particularly important and capable of exercising a veto over government policy-making (Marsh 1983,13). This has led commentators like Marsh to re-classify Lindblom as a elitist theorist of the »veto group« variety.

5. McClure (1992,114) also includes Walzer and other cultural pluralists in this category, but argues that his work continues to circulate largely within the general problematic established by the preceding pluralist generations.

natural kinds, but as contingently constituted political entities, making the social subject the site of multiple and intersecting group membership. Analysis starts *in medias res*, focusing on the constellation and character of groups as they emerge.

The differences between these variants are traced to their respective constructions of the relationship between the plurality of the social and political struggle (McClure 1992, 116-120). The first generation of pluralists provided a means of resituating the political in the midst of the social by affirming the independence of group life from state determination, by disrupting the social atomism of liberalism and by demanding a rethinking of citizenship and reinvesting labour struggles with political significance. (The latter proceeded through a rejection of the liberal conception of geographical numerical representation in favour of occupation representation.) The second wave shifted the focus from the institutional context of the state to the terrain of the social itself by focusing on the contingent formation and expression of group interests around specific issues. It abandoned the terrain of political economy in favour of a wider focus on associational life no longer purely delimited by economic considerations. Both thus opened up successively broader spaces for the political expression of identities constructed within the plurality of the social. Yet, these particularistic identities were recuperated in different ways into a collaborative relation to the state. In the case of the first wave, by using the discourse of political economy to distinguish between public and private groups, and in the second by funnelling the political claims of all groups through institutional channels, addressing the state.

By contrast, the third wave of pluralist theorists focus, not upon the end-point of representations of »group interests«, but shifts attention to the political proper. That is, politics is no longer conceived as the projection of group interests onto the screen of state policy, but precedes this in the processes of articulation through which such identities and representations are themselves contingently constructed. There is, therefore, an explicit focus on the process rather than simply the outcome of »interest articulation«. This move extends the terrain of political agency in several ways. It sustains the capacity of the subject to make claims on behalf of any, or any combination of, its multiple dimensions, and instead of directing demands exclusively on the state, political contestation is expanded into the everyday enactment of social practices and cultural representations, resisting recuperation into the unifying mechanisms of interest group politics (McClure 1992, 123). Politics thus begins 'not with the object of constructing similarities to address rights claims to the state, but opens rather with the object of addressing such claims to each other, and to each »other«, whoever and wherever they may be' (McClure 1992, 123).<sup>6</sup>



This interesting re-reading of the tradition of pluralism, however, omits another strand of pluralist analysis: that developed with explicit reference to the »colonial« or »Third World«. This omission is particularly surprising in the context of the politics of multi-culturalism which inaugurated the contemporary recovery of pluralist politics. This tradition, I will argue, is especially relevant to our present concerns for, in contrast to the »interest«-based arguments of the two traditions outlined above, the latter explicitly addresses questions of identity formation.<sup>7</sup>

### *Recuperating the plural society thesis?*

My primary thesis with regard to the theory of »plural societies«, albeit discredited for its excessive sociologism, is that it offers an interesting precursor of contemporary debates on multi-culturalism, which can only be ignored at our own peril. In contrast to the excessive emphasis on the consensual and integrative basis of social orders found in the first two waves of pluralism discussed above, the pluralism characterised by the concept of »plural societies« — a deeply problematic concept but one which I will nevertheless use as a shorthand for the theorists I am about to discuss — took as its startingpoint colonial societies characterised by deep structural divisions and conflicts.

The »conflict« model of plural societies derives from Furnivall who applied the concept to the analysis of Burma and the Netherlands India. Furnivall argued that colonial domination imposed a Western superstructure of business and administration in a context of cultural, social and racial diversity, and forced a union on the different sections of the population. In this situation, there existed no common social will — also the focus of multi-cultural interventions — to hold the social order together. Furnivall elaborated the idea of a »medley« of different cultural groups to characterise this situation:

*It is in the strictest sense a medley, for they mix but do not combine. Each group holds by its own religion, its own culture and language, its own ideas and ways. As individuals they meet, but only in the marketplace, in buying and*

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6. Arditì (1993, 14) points to a problem with McClure's politics of »mutual address«. He argues that politics cannot only consist in the »mutuality of address« between citizens, for that potentially ignores the institutional sites of politics, which remain important even if we work with a post-structuralist conception of the subject: a politics of horizontal address within civil society thus overlooks the dangers of social balkanization.

7. One of the few contemporary articles which does address this question — with a focus on consociationalism — is that of Phillips (1993). She rightly emphasizes the distinction between the first two waves of pluralism and the consociational tradition, as one between and emphasis on »interest politics« and a politics concerned with »identity«. However, she fails to point out the fundamental distinctions between the conception of identity utilised in the consociational tradition, and that of contemporary »identity politics«.

selling. There is a *plural society*, with different sections of the community living side by side, but separately, within the same political unit (Furnivall 1956,304).

Integration is not voluntary, but imposed by the colonial power and the force of economic circumstance. Furnivall emphasises the prevalence of dissensus: there is a failure of the common or social will not only in the plural society as a whole, but also within each of the plural sections which are atomised from communities with corporate life to crowds of aggregated individuals (Kuper 1969,11). Smith and Kuper extended Furnivall's initial analysis to all societies.<sup>8</sup> Yet, their own analyses were still focused on colonial societies and their distinctive characteristics. Smith, in contrast to Furnivall, focused his attention the political form of plural society as one of domination by one group, or more precisely, domination by a cultural minority. Cultural pluralism, defined solely in terms of institutional differences between cultural groupings, here is the major determinant of the structure of plural society, and it imposes the necessity for domination by one cultural section, thus excluding the possibility of consensus, or of institutional integration.<sup>9</sup>

Both Smith and Furnivall's respective analyses imply a distinction between two basic types of society, 'integrated societies' characterised by consensus and cultural homogeneity (or heterogeneity in the form of variations around a

8. Numerous attempts have been made to utilise pluralist categories for an analysis of South Africa (cf. Van den Berghe 1967, Kuper 1974, and Leftwich 1974). Both Kuper and Leftwich, for example, focus their analyses on the processes of colonisation through which corporate groups were incorporated differentially into the social order. This incorporation was dependent on the unequal dispersion of power amongst the different racial groups, favouring the interests of white colonists. In their respective analyses, both Kuper and Leftwich draw attention to the complex relationships between economic and political power, race and class determinants. Both, in the final instance and following the general trend of the pluralist tradition, see race as the organising principle of South African society (Howarth 1988,25). As Kuper argues:

'Given the difficulties of class interpretations of plural societies, it may be more productive to take, as a basis for the analysis, the racial or ethnic structure, emphasising the mode of differential incorporation. ... From this perspective there is no reason to anticipate that class divisions would have a crucial overriding significance.... Colonial oppression or racial domination is experienced as a totality, and stimulates a racial, or national response, transcending class divisions' (Kuper 1974, 224-5).

9. Smith (1969,440) later introduces a further set of pluralisms, namely social and structural pluralism. Social pluralism »is the condition in which institutional differentiations coincide with the corporate division of a given society into a series of sharply demarcated and virtually closed social sections or segments. Structural pluralism consists further in the differential incorporation of specified collectivities within a given society and corresponds with this in its form, scope and particulars«. Pluralist studies of the South African case have tended to employ the concept of structural pluralism as a product of differential incorporation along racial lines (Howarth 1988,23).



common basic institutional system), and 'regulated societies' characterised by dissensus and cultural pluralism (Kuper 1969,14). This distinction is further overdetermined by a difference in political form: liberal democracy on the one hand, and sectional domination on the other.

The problems with this division into »types« of society is obvious and the modernisation paradigm in terms of which it is articulated has been decisively criticised.<sup>10</sup> I will therefore not focus on this area of criticism. Before further discussing some relevant examples of this type of analysis, it is important to immediately signify one crucial problem with this model which emerges from our present considerations. This concerns the fact that, not only are the characterisation of »plural societies« as deeply fragmented problematic, but the opposition established as such have come to be shown as untenable, for the mirror image of »deeply fragmented (colonial) societies«, namely the homogeneous »Western« societies such as the United States, have been shown similarly to lack the »integrative consensus«. To put it differently, the »integrative consensus« developed around universalistic individualist conceptions of citizenship, has proved to be problematic in its very success of excluding particularistic concerns from public political life.

More traditional critiques of the »plural society« analysis, concentrated on the problems of accounting for the existence of society in these accounts, and were developed from universalistic bases, whether this was the universalism of Marxist or of liberal analyses. Two different critiques, in addition to those already mentioned, has been made of the notion of »society« as utilised in this framework. Both concern the very possibility of society, albeit from very different perspectives. Basil Davidson (1969) and Ali Mazrui (1969), for example, put into question the concomitant use of the terms »society« and »plural«: in what way could these societies be both plural and societies? Indeed, if they are plural, can they be societies? Put differently, if the case of »plural societies« are characterised as extreme cases of total identities, of self-contained cultural systems where the contact between groups are minimal, how can one talk of society or of any unity at all? In other words, these societies lack any means by which a larger solidarity or universality may be created and/or theorised. The second critique of their use of »society« is articulated from the perspective of the third wave pluralism. A fundamental theoretical and philosophical assumption made by most pluralists (and in this sense, the critique holds also for first and second wave pluralism) is that society presents itself as a valid object of analysis, an object with an *a priori* intelligibility and determined character. That is, society is regarded as stratified in a particular way and has certain dominant characteristics around which

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10. See in this respect Slater (1992) and Laclau (1977).

analyses may be structured (Howarth 1988,27). It is clearly necessary to take on board this criticism, since its consequences are far-reaching: if society and modes of social division are not given in an *a priori* fashion, then the focus of analysis has to shift toward the very *production* of those divisions, which may or may not be along cultural (racial or ethnic) lines.

This criticism also impacts directly on the cultural pluralists' conception of subjectivity. They assume the salience and givenness of cultural and racial divisions by drawing, for example, on Clifford Geertz's concept of »primordial sentiments« which constitute the particularity of the plural communities, and which thus pre-exist their incorporation into »society« (Kuper 1969,472). This problem also extends to their inability to address conflicts and changes *within* »racial« groupings (Howarth 1988,26).<sup>11</sup> One cannot therefore accept the very basis from which this analysis proceeds, namely the assumption of an automatic identity, rather than an identification with, respective cultures and or »races«. As was pointed out earlier with respect to the third wave pluralism, the construction of identities constitutes the political problem *par excellence*.

Having said this, the advantage of this type of analysis is that it raises, against itself so to speak, the very question of the political. Since the incorporation into a social order is not given *a priori*, it becomes the first of problems to be addressed. However, this radical dimension is ultimately recuperated by the desire to achieve integration into the overall »developmental« nature of the analysis. The problem for cultural pluralists remains one of how to think 'evolutionary [sic] change from cultural pluralism and divisive conflict to political pluralism and equilibrium' (Kuper 1969a,16). The model of a homogeneous society in which pluralism becomes concomitant with a dispersion of power and a struggle between independent political parties and groups as associated with »Western liberal democracies«, remain their object of desire. This object, however, as we know, has shown itself to be less than perfect and to raise anew the question of »incorporation« into a social order so starkly posed by the cultural pluralists.

Perhaps M.G. Smith's initial formulation of the universalism-particularism dimension of modes of incorporation may still be enlightening here. Smith (1969,415f) puts it in the following terms: a distinction can be made between structures in which individuals are incorporated directly, on identical conditions, as citizens, and structures in which they are incorporated indirectly, through their sectional identification, for example, as members of an ethnic group. The former is described as a *universalistic* mode of incorporation, while the latter may take two forms, either *equivalential* incorporation, where

11. Similar problems are to be found in the works of contemporary communitarian theorists.



society is structured as an order of equivalent but exclusive corporate sections, and *differential* incorporation, where it is constituted as an order of structurally unequal, exclusive, corporate sections. (Smith equates differential incorporation as structural pluralism.) Indirect incorporation, both in its equivalential and differential forms, are *particularistic* since individuals are incorporated through their membership of sectional units. In these terms, contemporary multi-culturalist demands can be characterised as demands for equivalential incorporation within an already existing universalistic, democratic order.

This then brings us back to the other traditional critiques of the »plural society« version of pluralism. From a Marxist point of view, it has been argued that the particularistic focus as such is problematic. Legassick (1977,48), for example argues, that there is a 'universal dependence of all producers on one another', and that it is this universal aspect – class – that ought to take precedence in analysis of social division. Similarly, liberal commentators have been critical, then as they are now, of any mode of incorporation which appeals to particularistic identities. Indeed, for them the demand is simply misplaced. The impersonality of public institutions is the price we, as citizens, ought to be willing to pay for living in a society that treats us all as equals, regardless of our particular ethnic, religious, racial or sexual identities (Gutman 1992,4). Both these critiques remain, per definition, incapable of articulating the problem of particularism as raised in this version of pluralism. They simply legislate it out of existence.

There is one further dimension of the question of »incorporation« which should be addressed before we move on to a discussion of a set of particular cases. This concerns the dimension of *force* argued to be essential to the constitution of forms of unity in plural societies. Again, our response to this argument has to be ambiguous, for it is clear that this is not only a characteristic of so-called deeply divided societies, but of society as such. The very conceptual separation between »force« and »consent« has to be problematised.<sup>12</sup> Nevertheless, if one takes it in a literal fashion, it is clear that the discussion of force here is related to the problem treated earlier, namely the impossibility of society. If there is an absolute absence of »common values« or a social will, then the only solution for the constitution of society, is its constitution by means

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12. The strong distinction between force and consent can be problematised in so far as the establishment of any particular consensus always rules out other possibilities, and thus involves an element of force. This is at its clearest in conceptions of society organised around the premise of the possibility of reaching a »total« consensus. In such a case, the very need for the freedom to take decisions would be eliminated. In that case we will no longer call such a society »free«. The relation between force and consent is thus one, not of mutual exclusion, but of mutual implication.

of brute force.<sup>13</sup> While Marxist and liberal accounts legislate particularism out of existence, cultural pluralism, on the other hand, remains unable to think the constitution of any form of universality, thus ending up with force as the only solution to the problem of the impossibility of society. However, more contemporary versions of cultural pluralism have sought to overcome this problem by means of a set of »institutional fixes«. In this regard, it is interesting to look at the case of consociationalism.

### *Consociationalism and cultural pluralism*

In the case of consociational theories, the coercive state is replaced by an institutional fix in the form of the development of constitutional mechanisms which are to provide the unity – »society« – which otherwise remains an elusive object. At this point it may be useful to compare two historical cases, that of South Africa and the Netherlands. Pluralism, in the South African case, has been almost wholly identified with the version of »plural (deeply divided) societies« discussed above, thus making it equivalent to »apartheid by other means«. Yet, if there is a relation between the recognition of the plurality of the social, and form of democracy, it is necessary to find a way to re-introduce the discussion of pluralism without falling into the obvious problems so starkly shown in consociational models of democracy.

Cultural pluralism, in its consociational form, started its career in South Africa in opposition to Westminster models of »majoritarian« democracy.<sup>13</sup> Lijphart, for example argued, and this was quickly taken up by the regime, that

*... in divided societies, majoritarian democracy is totally immoral, inconsistent with the primary meaning of democracy, and destructive of any prospect of building a nation in which different peoples might live together in harmony (1977b,115).*

Moreover, in the South African context, both the alternative solutions to the problem of society – assimilation and partition – was argued to be ‘impractical’ (but not immoral!). It was held that consociational democracy, of which we still find strong traces in the present National Party constitutional propos-

13. The manner in which consociationalism was introduced into the South African political landscape is too complex to discuss here in full. Suffice it to say that since 1978, debates were characterised by discussions of the »plural« nature of South African society. Consociation was explicitly introduced in NP discourse during the late 1970s, and continued to inform – despite denials on their part – the shaping of the 1983 constitutional model, based on »segmental authority« and a division between »own« and »common« affairs. This occurred in a context in which the nature of the segments themselves were rearticulated from a »volk«-based nationalism to one of a »multi-cultural« society in which there existed only »minorities«. For a fuller discussion of this, see Norval (1993,351-363); and Frankel (1980,473-94).



als, gave us four crucial principles which could ensure »real« democracy: coalition government, a mutual veto, proportionality and autonomy of segments.<sup>14</sup> (The latter provided for the maximum devolution of powers of decisionmaking, thus protecting the status quo.) While the preconditions for consociationalism as stipulated by Lijphart clearly did not hold for the South African case,<sup>15</sup> Lijphart nevertheless propagated it as an ideal solution for the »problems« of South Africa. It was duly taken up, not only by the regime, but also by a number of academics who claimed that consociationalism, with its 'recognition of racial, ethnic or other sub-cultural differences', and its emphasis on 'elite pacting' in order to transcend societal cleavages, was more than appropriate to address the problems of a deeply divided society such as South Africa.

Consociationalism in the South African case has been decisively discredited, and for obvious reasons.<sup>16</sup> Most criticism, however, took one of two forms. It either focused on institutional and constitutional questions, such as the absence of a role for a strong opposition in a model aiming at »consensus« politics, or it denied the very problematic around which this theory was articulated in the first place: the question of particularity in a democratic

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14. It is important in this respect to note that consociationalism, for Lijphart, is not a specific institutional framework. Consociation is regarded as a form of decisionmaking within a democratic polity, and it thus can be made applicable within unitary, federal and other state forms. It is precisely in this sense that the recent NP constitutional proposals still display the deep traces of consociational forms of decisionmaking.

15. These are:

»... a multiple balance of power among the segments of a plural society in which no segment has a majority and the segments are of approximately equal size; a relatively small population; external threats that are perceived as a common danger by the different segments; the presence of some society-wide loyalties, the absence of extreme socio-economic inequalities among the segments ... and prior traditions of political accommodation that predispose the decision-making by grand coalition method« (Lijphart 1977b, 124).

16. Critics of consociationalism in the South African situation have tended to focus on the following problems: (1) the relation between »unifying« elite behaviour and political stability is questioned on the grounds that political stability is a result, rather than the cause of elite accommodation; (2) Brian Barry argues that elite accommodation is possible only where sectional differences are organisationally, rather than ethnically based; (3) South Africa lacks a tradition of elite accommodation, as well as of a unifying conception of an »external threat« (Venter 1982, 286-7); (4) more radical critics also questioned, rightly, the very emphasis on elite politics at the expense of mass participation; (5) consociation can be used to control and prevent processes of radical change and to maintain the status quo (Frankel 1980, 482); and (6) it has authoritarian implications, not only in its definition of executive powers, but also in its acceptance of the (then) existing statutory classification of the various »racial« population groups. In fact, the South African political landscape not only lacks all the crucial requirements specified by Lijphart, but the traditions of resistance also militates against the very conservative nature of the consociational model of politics.

society. In the latter case, consociationalism was rejected as »apartheid by other means«, and rightly so. However, this critique also swept the *problem* under the carpet, for it provided a strictly *universalistic* answer to a particularistic demand. The relevance of any form of division was denied, and the unitary status of South African »citizenship« (nationhood) was affirmed in the process. While this response may be understandable in the South African context, it nevertheless ignores the disputed relation between democracy and particularity, assuming democracy to be equivalent to strict universality.

At this point it has to be asked if the problems experienced in the South African case, is inherent in the consociational model or not? To put it differently, is the South African case once again to be read as one more example of an exceptional or unique nature, perverting the logics of democracy as it had perverted the language of nationalism? Or does it show something inherent in the consociational model of democracy and pluralism, something which was not evident in its original conditions of articulation? In this respect, it may be useful to compare it to the Dutch case, both in its historical development and in contemporary debates.

Historically, the pillarization (*verzuiling*) of the Dutch polity arose from an attempt to accommodate major religious differences via a vertical form of differentiation. Ideally, each citizen found her position in specific voluntary organisations which belonged to her denomination (e.g. a Catholic or Calvinist trade union, youth organisation, educational system, and so forth), and everyone was, according to this model, secluded in her »pillar«, and did not entertain relationships with members of other pillars (Berting 1993,2). At the top level of the political system a series of rules had been worked out that implied a lot of autonomy for each pillar with respect to the organization of education, religious activities, and to a certain degree, labour relations (*ibid.*). In Lijphart's terms, this is a consociational democracy in which incorporation occurs along equivalential lines, thus recognising particularity in the very moment of constituting an equal order. (It has to be pointed out that this arrangement was accompanied, and possibly made possible by a relative absence of strong nationalist sentiments.)

A number of important remarks have to be made with respect to the very notion of pillarization and its historical development. For our purposes, I would like to focus on the relation between »emancipation« and pillarization. It was through pillarization that catholic and neo-calvinist minorities acquired a power base in society, from where they began to integrate and to »emancipate« themselves (Zijdeveld 1993,23). Two more contemporary phenomena are of importance in this respect: they are, the possibility of de-pillarization on the one hand, and of renewed pillarization of minority groupings on the other.



Historically Dutch society has experienced several attempts at de-pillarization, most notably an unsuccessful attempt just after the Second World War, and again during the 1960s. However, of more interest in the context of debates on multiculturalism and pluralism, is the possibility for additional pillarisation of sections of especially the immigrant population. Uitterhoeve (1990,33-5) discusses this possibility in the following terms:

Incidentally, it is quite possible that The Netherlands will witness an Islamic pillarisation in the near future, much comparable to the Catholic and Neo-Calvinist pillarization of yesteryear. As small as this »denomination« is at present, the Islam is in fact the second religion of the Netherlands now. It is possible that the as of yet very small but quantitatively growing Islamic minority will follow the same route in its emancipation within Dutch society. ... This Islamic mini-pillar ought to transcend ethnic differences, as there are Turkish, Moroccan, Moluk and Surinam, and (very few) Dutch muslims in the Netherlands.

Indeed, for Zijderveld (1993,32), this possibility of renewed pillarization offers, not only an example of how the Dutch have come to organise their particular society. He envisages, not as a result of some »liberal open-mindedness and longing for an easy-going harmony', but 'because there is no other way to survive collectively', the possibility that the Dutch experience of pillarization may 'function as a kind of model for societies that try to combine pluralism and democracy within a cultural context that is based upon and maybe even in the grips of many tension and conflicts, yet in the end remains always geared towards consensus and cooperation'. While this question obviously goes beyond what can be addressed here, the example does raise a set of important issues which I would like to address, however, briefly. In the first place, the conditions for renewed pillarization is obviously strongly linked to, not only the Dutch historical experience, but also to their marked traditional tolerance. Contextual factors ought thus to predominate in any discussion of this sort. Second, and more to the point, it has to be asked what sort of »emancipation«, and by implication, argument for pluralism, is at stake here? It seems, both from wider multicultural discussions, and from the case under discussion, that the subject to be emancipated is one embedded in her religion and/or culture. That is, we deal here with a situation in which a given identity, not identification, is at stake.

In that sense, and in spite of its possible emancipatory effects and the explicit recognition that pillars can always change and be multiplied, I would argue that the multicultural pillarization is subject to exactly the problems identified earlier with the »cultural pluralists« of the plural society tradition. (It also displays the same problems that communitarians like MacIntyre has around

the question of »tradition«.) Moreover, while certain »emancipatory« effects may follow, these remain caught within a tradition of pluralism which does not recognise the multiplicity of subject positions, and therefore of possible identifications which may be exhibited by any one subject. To put it differently, while it goes some way towards addressing the problem of a recognition of particularity within a (consociational) democratic polity, it cannot negotiate the question of particularities in a satisfactory manner for it excludes the possibility of other and cross-cutting particularities from assuming more/equal significance.

Moreover, as a number of commentators have pointed out, it does not solve, or indeed even begin to address, the real problem at stake here:

*Can people ... morally endure and politically afford it to continue to be »liberal«, »open-minded«, »anti-ethnocentric«, »culturally pluralistic«, »relativistic« all the time? (Zijderveld 1993,31)*

This issue cannot be addressed from within the domain of »pluralist politics« itself, for it raises the question of the limits of pluralism itself.

#### *The limits of pluralist politics*

A conception of the limits of pluralist politics points to two intimately related problems. As I have argued at the outset, a major problem with discussions of consociationalism is the tendency to provide »institutional fixes« for the problem of the »impossibility of society«. That is, it tends to put forward procedural mechanisms for the creation and maintenance of a »social will«, unified at least minimally around the »rules of the game«. As numerous critics have argued, consociationalism takes what is to be regarded as the outcome of such politics as its startingpoint. However, even more is at stake here. I would argue that a procedural focus presupposes some agreement on a democratic ethos, and cannot be argued to create such a consensus. Consociationalism, and by implication any approach which privileges procedures, is deeply flawed in that it fails to address its wider conditions of possibility adequately and, in doing so, misunderstands the very nature and character of politics. Politics is not, as proceduralists would have it, simply a matter of getting the right mechanisms in place. While these are important, and no democrat would deny that, the exclusive focus on procedures ignores the deeper need for the constitution of an ethos of politics – in this case a democratic ethos. Moreover, those who conceive of the pluralism of modern democracy as being total and as having as its only restriction an agreement on procedural rules, do not realize that there can never be pure, neutral procedures without reference to normative concerns (Mouffe 1992,12). To acknowledge this is to recognise that extreme



forms of pluralism, which emphasize and valorize all differences as equally valuable, are untenable within a *democratic* horizon.

The public recognition of difference and plurality – demanded by both multiculturalists and consociationalists – is not in and of itself capable of producing more democratic settlements in our contemporary world. As the case of South Africa, as well as certain radical forms of multiculturalism clearly show, much depends on the precise political articulation of such demands. I have argued that some forms of contemporary multiculturalist arguments tend to display problems similar to that exhibited by earlier cultural pluralist. Put bluntly, the essentialisation of identity and the concomitant politico-cultural separatism does not seem to be the way forward towards a more democratic and plural liberalism.

As Kymlicka (1989) and others have argued, several problems remain to be addressed with regard to any form of »group« recognition in the public domain. The nature and constitution of the »group« raises issues concerning exclusivism and closure in identity, which may have anti-democratic consequences on a number of different levels. Moreover, it is unclear who is to decide which differences are the fundamental or important ones in the delimitation of such identities. These problems are but samples of the kinds of questions that would have to be addressed in a pluralist democratic theory, and they are compounded if one emphasises a non-essentialist pluralism which takes the fluidity of identity seriously. As I have pointed out earlier, nor can these problems be solved by a »procedural fix«, for the latter does not begin to address the issue of criteria for the discrimination between differences. One cannot stand indifferent in the face of all differences, and one is therefore compelled to delimit the realm of plurality. Pluralism itself – not even of the post-structuralist variety – cannot provide one with the conceptual tools and guidelines to do so. A politics based on the mere pluralisation of differences does not take into account the fact that for any order to constitute itself, certain limits have to be drawn, and those limits are not given naturally. The conditions of existence of an object called society, and the construction of a social will, involves both the constitution of a domain of difference and the drawing of frontiers, delimiting what can be accepted within a particular order. It is here that pluralism reaches its limits, and it is also here that the need for a *radical democratic* pluralism needs to be asserted.

The development of a democratic ethos, in this sense, has to start from the presumption of the *potential* value of all/other cultural practices and conceptions of the good. However, as Taylor (1992,68-9) argues, it does not make sense to demand, in addition, an *a priori* positive valuation of such differences. Thus, while starting from an openness to the other, to difference as such, a

democratic pluralism cannot assume that all others are of necessity to be accorded equal status. If we are not to be led into a bad relativistic universe in which we no longer have the possibility of discriminating between different forms of identification, the logics of democracy, equality and liberty – albeit in rearticulated form – have to be brought into play as principles guiding our political practices.

Moreover, the assertion of an »openness« to an other, in and of itself, is not unproblematic. Some theorists have argued that the mere recognition of difference already involves a realisation of the contingency of all identity, and that this realization, without further ado, will lead to the taking of a 'reflective distance' to one's own identity. It is thus not only the false universality of dominant forms of identification which are being put into question in this process, but also the valorisation of the identity of subordinate and marginalised groups. Susan Bordo, for example, argues with respect to feminist critiques:

Where once the prime objects of academic feminist critique were the phallogocentric narratives of our male-dominated disciplines, now feminist criticism has turned to its own narratives, finding them reductionist, totalizing, inadequately nuanced, valorising of gender difference, unconsciously racist, and elitist (Bordo 1990:135).

The same argument has been presented in terms of the problem of multiculturalism and a futural politics of difference. The recognition of one's own finitude – whether one belongs to a dominant or marginalised group – provides the basis for a radically pluralist and democratic politics. This, however, is by no means a generally accepted position. Others have questioned the validity of such weakening of identity, arguing that, just when marginal and oppressed groups are asserting their rights as political subjects is no time to deconstruct these identities. To do so would be to become complicit with an agenda which aims 'to restrict both the scope of such rights claims and the potential power of those actively beginning to advance them' (McClure 1992,108). McClure, while being critical of this reading, nevertheless does not give attention to the possible undemocratic consequences of the assertion of a post-modern »quotidian« politics.

The issue at the heart of this contestation is the following: does the deconstruction of identity, the recognition of an essential openness to an other, in and of itself lead us to a more democratic politics? We need to proceed with some caution here, for the articulation and subversion of any identity is an act of power, and power is unevenly distributed throughout society. The call for the weakening of marginal identities need to take this into account. As both Bordo and Phillips argue, to deny the difference between dominant and subor-



dinate identities, is to fall back into the complacencies or the older pluralisms (Phillips 1993, 159; Bordo 1990, 149).

But perhaps this is to approach the question from the wrong side, for if certain trends in, *inter alia*, contemporary feminism as well as the renewed theorisation »racial« politics is to be taken as an example, it is not the case that there has been a reluctance to assert the multiplicity and complexity and ultimate openness of all identity. It is thus no longer a question as to whether marginal groups »ought« to take on board third wave pluralism and its concomitant conception of subjectivity. Some have and will continue to do so, while others have nostalgically chosen to retreat into a politics of the enclave to ensure the recognition of their particular difference. Rather, the issue is and remains one of the subversion of the surity and complacency of dominant discourses, for it is precisely these discourses which have refused this weakening of identity. In order to foster a politics of difference which will succeed in avoiding a futile separatism as well as in challenging dominant discourses, it is necessary that one does not remain on the terrain of the simple assertion of difference and particularity.

The recognition of finitude, which underlies the openness to difference, is merely the point from which we have to begin to address anew the questions posed to us in the late twentieth century. Finitude, in this sense, points *not* to a mere pluralisation of identities and of particularities, but to the need constantly to renegotiate the difference between universality and particularity. To remain on the terrain of the latter, which has so decisively problematised the former, would be to open ourselves to a fundamentally undemocratic politics. Yet, the questioning of forms of universality by the emerging particularisms of our time, should not either lead to a simplistic reassertion of universality as such. It is only in the terrain of the tension between the two – in the terrain of finitude proper – that we will be able to renegotiate, not only spaces for the democratic recognition of particularity, but also for the revalorisation of quasi-transcendental universalisms from which an more egalitarian democratic project can arise. Avoiding the politics of the enclave while recognizing the salience of difference, constitutes the political question *par excellence* of our times. At stake here is the kind of politics that can recognize and legitimate difference while resisting fragmentation into discrete and local identities. No easy procedures can be provided for the development of this politics. There are no simple answers ready to hand. However, as Phillips argues, it is better to be without easy answers than to cling to ones that were wrong. What is clear, is that no answers will be forthcoming unless we engage with the construction of a democratic ethos from which a quasi-universalistic project of a politics of finitude becomes thinkable.

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# *Vous autres Européens – or Inventing Europe\**

J. G. A. Pocock

Let me begin by presenting myself and the standpoint from which I am giving this lecture. I aim at looking critically at the concept of »Europe« from the standpoint of one outside that entity yet not belonging to another civilisation. I am not a European because I am an Antipodean; yet I speak the same language, I live by the same values, and I have at least some of the same historic memories as many of you. What then does it mean to learn that I am not »European«, and what is this »Europe« to which I do not belong? In »Deconstructing Europe« I set about enquiring into the meaning of the term and – as my title implied – seeking to deprive it of self-evidence and givenness; in other words, demystifying it.

This is not necessarily a hostile enterprise. People may be the better for it if they are obliged to operate their collective self-awareness critically and self-critically, and it should do you no harm if I ask you who you think you are and what you think you have been doing. But when I interrogate you about your identity, I do so in a spirit of self-defence and even retaliation, because you have been radically disturbing my identity as a by-product of what you have been doing. I am an Antipodean, a New Zealander; and I used to live in a British *ecumene* and common citizenship, with its own body of shared memories and so on – including the dead of several wars – which was terminated, to a large degree unilaterally, by the United Kingdom's decision to become European and lessen all ties with the rest of us. There are all sorts of ways of discussing and defending this decision, and all I want to point out is that it was done *to me* and many others, rather than *by us* or *with our consent*. The British,

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\* This lecture was delivered at the Royal Museum of Scotland in Edinburgh, on December 9, 1992, in association with a series entitled the *Lothian Europe lectures*, at the time of the European Community conference of that year. I have described the circumstances in more detail in »Notes of the Occidental Tourist«, published in *Common Knowledge* (University of Texas at Dallas, II, pp. 1-5, 8-18, 1993). The lecture continues a line of thought begun in »Deconstructing Europe« (London Review of Books, 19 December 1991; see also »Die Dekonstruktion Europas«, *Lettre Internationale*, 16, I. vi. 92, and »La Deconstruction de l'Europe«, *Lettre Internationale*, 37, 1993). In the present text I have retained much but not all of the language in which I spoke to a Scottish audience, hoping that readers as marginally »European« as myself will understand me. The lecture continues from this point.

with whom we had been so much accustomed to converse about common concerns that we regarded ourselves as part of their body and even called ourselves by their name, abruptly left us to become members of another community and conversation, under the name of Europe, from which we were excluded. Were we, therefore, British any more; alternatively, were they? When, about the time all this was happening, an American colleague asked me if it was true that New Zealanders were more British than the British themselves, I felt able to reply that it was certainly true now. This may or may not be a time of the breaking of nations; it is certainly a time of their deconstruction.

This experience does things to one's sense of identity, of others' identity as well as of one's own. I shall not speak further about New Zealand's continuing search for identity; I intend rather to speak about how I see your own. I wish you well, you will understand, but I do not love you. I wish you well, because there is enormous potential good in what you are trying to do, and because I share a common historical ancestry and birthright with you; but I do not love you, because you deny me what I thought was my share in that birthright. I am one of the eggs you have broken in making European omelette; and I am not even going to be mixed into the substance of that omelette, but cast out in the fragments of my former shell, enjoined by you rather than by myself to grow a new shell, and not much helped to do so by the protectionism which is so conspicuous a feature of European policies. My feelings are exacerbated by my awareness that you and we do in fact share a common civilisation. It extends beyond »Europe« into other oceans, continents and islands; it is conventionally known as »Western« civilisation – a term itself none the worse of a little deconstruction – and among the things you have been doing is walling yourselves off from the rest of it, while claiming yourselves to embody its ecumenical traditions and values. I know what it is like to find myself excluded from »Europe«, while being told at the same time that I may not object because my culture is »European« anyway. This fills me with an anticolonialist anger, issuing in an impulse to scrutinise the concept itself with an attentiveness not altogether free from malice. I need to construct my own definition of »Europe«, from my own standpoint within our common civilisation, one necessarily not the same as yours. Hence the bilingual title of this lecture: »Vous autres Européens, or inventing Europe«. It is my attempt to continue deconstructing a concept which I see as at once universal and exclusionary – characteristics which may form a definition of empire.

What then is this »Europe« which you and I may join in discerning from our several standpoints, and how might it be defined and delimited? Since a certain lightness of tone is appropriate to the discussion I wish to initiate, I will start by showing you a picture (see the reproduction on page 143-44). Some months



# EVROPA

PRIMA PARS  
TERRAE IN FORMA  
VIRGINIS







ago I was in a heartland of Europe, at the royal and republican city of Prague; and in the Strahov Monastery Museum there I bought a print first published four hundred years ago in 1592, by a Czech printer from the designs of an Innsbruck draughtsman. »Europe« is »the first division of the earth in the form of a virgin«, and yet it is hard to think of anything less virgin than Europe as revealed in her history. She is older than the rocks among which she sits; like the vampire she has been dead many times and knows the secrets of the grave. But one would rejoice to learn that her youth if not her virginity may be renewed as the eagle, and imperial symbolism indeed pervades the picture. Her crowned head is the monarchy of Spain including Portugal; the medal at her waist is the kingdom of Bohemia, depending as the text insists from the Black Forest and the Rhine; her right arm is the peninsula of Italy – or as the map calls it »Welshland« – and grasps the imperial orb, the island of Sicily; her left, which is the peninsula of Jutland, holds a sceptre with which she gestures, a shade ineffectually, through the Skagerrak and the Straits of Orkney. The Tyrolese draughtsman, living a generation before this print was made, had been a pious subject of the Empire of Charles V.

But to understand this figure properly, one must notice what the colour scheme excludes from her mystical body. Parts of Africa and Asia are set apart, as is Scandinavia north of the Baltic (or Mare Sarmaticum); and we cannot fail to observe those two large and shapeless islands, beyond her sceptre's reach, with which the cartographer was plainly ill acquainted – through by 1592 the Spanish *flota* had come to know their stern and rockbound coasts all too well. The use of the colour green excludes Hibernia, Scotia et Anglia from empire and even from Europe, while including Funen and Zealand in the north, Corsica, Sardinia and Malta in the south. We will see too that the Danube originates in the area of the lady's right breast and flows east, even to the skirts of her raiment, where its many mouths into the Black Sea are quite clearly marked. This is an exception to what is otherwise the rapid exhaustion of the cartographer's knowledge; for the rest, her skirts float free in a wind from the steppe, forming vast regions vaguely marked »Sarmatia«, »Russia«, »Lithuania«, »Transylvania«, »Walachia«, »Bulgaria« and »Graecia«, and I don't know whether the blackish discolourations on this part of the map represent the injuries of time or the ignorance of the geographer. The flounce or mini-train at the bottom of the picture is the Peloponnese, but the draughtsman knew less about the Aegean and the Hellespont than one would expect of a contemporary of Andrea Doria and Khaireddin Barbarossa; and the city of Constantinople is situated just within the hem of her garment in a way of which the less said the better.

What may one learn from this image concerning the invention of Europe, bearing in mind that *inventio* may mean discovery, construction or fiction? Let

me suggest, as one answer, a visible uncertainty of demarcation. It was easier for the artist to include the islands of the inner seas than those of the outer. Was the great archipelago beyond the German ocean part of the continent or not? Only when included in empire, perhaps; but whose empire? The crowned empress grasps the orb in security, because it is Sicily – safe within the inland sea, if not a very safe part of it to visit – but her sceptre points westward into the outer ocean, and she does not seem to know what she is doing with it. There is no sign of the great new dominions of Mexico, Peru and the Philippines, all established by 1592 when this map was printed; they were included within the Spanish monarchy but not within Europe, and yet it is the Spanish and German monarchy which provides this definition of Europe. This ambiguity, I suggest, informs us of a continuing uncertainty in the mind of »Europe« concerning the oceans which Europeans were about to conquer, and the new societies they were about to create through conquest, settlement and commerce. You made us, and now you don't want us; a good part of your European enterprise is directed at keeping us out.

Part of »the invention of Europe« is therefore delimitation, the denial and dismissal of discoveries you made, which are parts of the invention of your self. Let me return to that contrast between the inner and the outer seas which is inherent in the image still before you. It informs us that »Europe« is a peninsula, defined by its seacoasts on three sides. Therefore, »Europe« is not in fact a continent, but a sub-continent; thrust out like India from the Eurasian landmass, but lacking anything like the Himalaya to mark it off decisively on the landward side. Here, of course, we encounter a second major zone of indeterminacy or uncertain demarcation: that marked by the skirts of the imperial robe, which drift freely and indicate broad and undemarcated areas in what is equally Eastern Europe and Western Eurasia. It was in vain that the Innsbruck extended the Black Sea as far north as he dared, hoping that it might somehow make contact with the Baltic by way of the Pripet marshes. There is and has been no natural frontier of any kind, north of the Danube and its exit into the Black Sea, between what we call Europe and the general landmass of northern and central Eurasia. Looked at in one way, the vast level areas of that continent penetrate deeply into the mountains and river basins of »Europe« as the term is familiar to us; nomadic and Islamic power have on occasion made deep and more than momentary inroads by way of the Hungarian plain. Looked at in another, the same geography has laid Eurasia open to even deeper penetration by the forms of power and social organisation we recognise as »European«; and north of the Anatolian and Caucasian plateaux and mountains there are no natural features – other than distance itself – which have imposed limitations to this oscillation of history. When western statesmen, Charles de Gaulle and Mikhail Gorbachev, have spoken of a »Europe« extend-



ing »from the Atlantic to the Urals«, they have consciously or otherwise raised the question of what happens when we reach the Urals and whether there is any reason for stopping when we get there. Mr. Gorbachev was of course aware that the Russian Federal Republic continues to the east of that range; and if the forces of history do not sunder that state's cis-Uralic from its trans-Uralic components, and if we continue to regard »Russia« as part of »Europe« – these are two large but by no means impossible assumptions – there will be no reason against speaking of a »Europe« which extends to the northern Pacific Ocean and the Bering Straits. There is no way of avoiding decisions as to where »Europe« does or does not leave off, and these have to be taken in respect of very large areas in which there are no geographical, cultural or historical landmarks to protect you in making one determination or another. In the Eurasian landmass the frontiers of »Europe« are so far indeterminate that they can only be arbitrarily determined; and two relevant characteristics of an empire are, first, that it has the power to take such decision, second, that it has not the power to free itself from the need to take them. This is why the imperial aspect of »Europe« is a good deal more pronounced than the virginal.

The Spanish-Bohemian image, further, does not show the Mediterranean, the southern inland sea determining the shape of Europe, as an interconnected whole, and this is important for two sets of reasons. In the first place, the Greek, Latin, Jewish and Christian components of our civilisation were formed in various Mediterranean coastlands – some now in Europe and some not – and we have to consider their migration northwards, to the alps, rivers, ploughlands and highlands, coasts and oceans, which delineate the contours of the European peninsula. In the second place, the Mediterranean has been and remains a vital encounter zone between continents and civilisations; Europe, Asia and Africa meet there, we say, though it is just as true to say that these three names are themselves Mediterranean, names of littorals extended ever deeper into the hinterlands behind them until they reached the ends of the earth (which of course aren't ends at all) and became names of continents in the geographical and global sense. But the Mediterranean littorals, with that sea as their centre, once formed a cultural zone corresponding to none of these names, and what we call »Europe« is in many ways a consequence of its disruption. The Latin variant of ancient Mediterranean civilisation moved into alpine and riverine »Europe« with the Roman empire along the Rhine and the Danube; and »Europe« is the fruit of the survival and expansion of the western and Latin provinces of that empire, some of them continental and some Mediterranean. We can of course make no sense of these historical processes without taking account of that huge reversal of imperial Hellenism, the Arab and Muslim counter-occupation of Mesopotamia, Egypt and ancient Africa (today's Maghreb); or the much later Ottoman conquests in the Aegean and Balkan

regions. Since those events the Mediterranean basin has been the theatre of profound conflicts as well as a profound unity; we have to rewrite history rather drastically if we are to ignore the former, and one has not heard lately that Muslim North Africa is part of Europe, despite the immigrant patterns of its population. What we call Europe exists in confrontation and inter-penetration with Islam; we may say that Islam is part of the history of Europe and *vice versa*, but I do not expect to hear that the history of Islam is the history of Europe or *vice versa*. By the term Europe we normally mean something else; and the artist of the imperial Spanish virgin was unable to depict the Ottoman presence at all.

His map does however remind us that we are talking about the formation, expansion and uncertain demarcation of cultures in peninsular Europe between the seas, abutting on the Mediterranean basin but never occupying it as an undivided zone. I have seen it written that the Mediterranean components of our civilisation are the true, because the Catholic, Europe; but in Lombardy and Tuscany you may hear that Africa or Arabia begins somewhere just south of Rome, and the »Europe« meeting in Edinburgh has a Franco-Netherlandish-German consortium at its foundations. »Europe« is peninsular rather than wholly Mediterranean, and is therefore Eurasian as well. We have a Europe between the seas with an open and fluid frontier towards northern and central Eurasia, and a mountainous, military and still bitterly contested frontier zone towards the Hellespont. How, though, did this Europe acquire a cultural identity and what identity did it acquire?

What we call »Europe« is the product of the expansion – in many directions, but especially eastward into the open gate of Eurasia – of Latin Christian and post-Christian culture in its three principal forms: Catholic, Protestant and Enlightened. To say this uncritically is of course to give that culture hegemony; but when we say it critically we discover that establishing hegemony is precisely what that culture has been aiming to do and is still doing, and that this is a story it is important to know how to tell – especially as you haven't finished with doing it. We could begin, therefore, looking at this Latin dynamism by inspecting the origins of that Frankish and Christian eastward expansion into what we now call Germany and Central Europe, beginning somewhere in the eleventh century and having as its by-product the strange and partly maritime adventure of the Crusades. The great Belgian historian Henri Pirenne went back to the eighth century, and suggested a relationship between Mohammed and Charlemagne: that is, between Arab control of the African shore and the east and central Mediterranean, and the formation of that Latin and papal Frankish empire which was to undertake expansion into the peninsula between the seas. The relationship turned out so difficult to specify that



the attempt to do so is now abandoned; but Pirenne remains among the authors of the grand perception that the history of »Christendom« and of »Europe« is not to be understood without understanding its interactions with Islam. A later advance of Islamic power and culture – that of the Ottoman Turks, which in the sixteenth century had got so far as to threaten the middle Danube and the Adriatic shores of Italy, though our Innsbruck draughtsman made no attempt to show it – can be made to coincide with the two great explosions of trade, power and culture beyond the peninsula, which have made »Europe« a global entity. I mean of course the navigation of the Atlantic and the oceans in general, the irruption of European raiders and merchants into the Muslim-controlled Indian Ocean, the discovery of new continents as theatres of European settlement and empire; and about the same time, the expansion of Muscovite settlement into Siberia, creating a »Russia« within which the Urals are not a terminal phenomenon. But obviously, the second expansion tells against my rule, since it is not carried out by a Latin, feudal or post-feudal civilisation, but by one deeply Greek Orthodox and post-Byzantine in its culture, till recently a Mongol satellite, and more closely involved with Eurasian nomadism than Latin Europe ever came to be. We can therefore say at will that this »Russia« is or that it is not part of »Europe« – the Spanish lady doesn't know it is there – and we need not ask whether western Russians feel towards Siberians the same irritated and obsessive petulance that Europeans display towards Americans and other nations founded by their settlement. It is necessary to add, however, that half a century ago it was a commonplace among historians that the age of Europe had ended and been succeeded by a Russian-American bipolar world hegemony, as a result of which all the history books had to be rewritten then and are having to be rewritten again now.

Frankish and Latin culture makes its way eastward, as well as westward into the oceans, encountering a succession of Saxon, Polish, Baltic, Russian and Eurasian universes, with which it interacts in ways that prohibit our thinking of the latter as merely passive subjects of colonisation. Like others, they were colonised, but like others they responded vigorously to the process; but as we move eastward through this chain of Latin-non-Latin encounters, each becomes involved in the inherently non-soluble question of where »Europe« leaves off and what it encounters when it does so. An insoluble problem, I have called it, yet one to which, it would seem, you of the European Community are going to have to supply a series of arbitrary and provisional answers. With what do you want to concern yourselves, as you look eastwards? Will you have the power to keep yourselves from involvement in that in which you don't want to become involved? In the first half of the century now ending, problems of this kind helped produce huge and appalling wars between the great states of Europe; this pretty certainly won't happen again, but the problems are still

there. In a perfectly real sense, you cannot use the word »Europe« without arousing them, and this should be a warning against using the word as a magic incantation which causes all problems to disappear. The strength of »European« thought is, or should be, that it is anti-magical.

As Latin Christian culture moved deeper into the west Eurasian peninsula, constructing what we know as »Central Europe« and the problems of its relations with »Eastern Europe« and the »Middle East«, it underwent the major historical changes we all know about, or should. There was the division of Latin Christian civilisation into Protestant and Catholic, giving rise to the extremely destructive Wars of Religion which proved so hard to bring under control, especially when they were revived and continued in this archipelago just as they were winding down on the continent. There was the power rivalry between the Spanish, French and Austrian monarchies, complicated by the commercial ascendancy of the Dutch confederate republic. And in the last years of the seventeenth century, we may note the beginnings of what we call Enlightenment, which may be characterised as a determination to subject religious conflict to civil authority, even if this meant the destruction of the orthodox Christian theology on which the authority of the Church and its power to disturb the civil order were thought to rest. This programme was encouraged by an increase in the organisation of wealth and stability in many lands of western Europe, making it more possible for both states and societies to hold themselves together. During the eighteenth century, and extending deep into lands of German settlement, philosophers from Adam Smith's Glasgow to Immanuel Kant's Königsberg found themselves taking as their principal theme the relations between the two entities of »state« and »civil society« and rewriting history around this perception. By the second quarter of that century, it was usual to characterise »Europe« as having emerged from a condition of »universal empire«, and consisting of a concert or confederation – even a »republic« – of equally sovereign states, held together by the ties of commerce and cultural exchange which had rendered obsolete wars of both conquest and religion. To a quite startling degree, it is the continued status of that Enlightened order which »Europe« finds itself debating in the closing years of the twentieth century; so much so that the two centuries of world revolutions and world wars, running from 1789 to 1989, are coming to present a major problem in historical understanding. It is still the question of how the state stands in relation to civil society, and both in relation to global commerce, which troubles your deliberations; and not yours alone.

The values of western or Latin Europe which spread eastward came to be those of Enlightenment. It was not to Catholic or Protestant religion, but to Swedish, Dutch and English methods of organising commerce, state and (up to a point)



civil society, that Peter the great turned in attempting the transformation of Russia; and from there to Japan, Enlightenment figured as an instrument of modernisation. But in saying that, I have raised the spectres of cultural imperialism and colonialism; and the first anticolonialist ideologies are both Enlightened and European. German romantic nationalism, originating about 1770, was in part a protest against French cultural hegemony, first in its absolutist and then in its revolutionary form; Russian Slavophilism, of which we hear perhaps half a century later, is a rebellion in the name of Orthodox, Muscovite and peasant values against all the »European« or »Western« hegemonies imported by the modernising Petrine and Catherinian regime – including those of Enlightenment in its French Encyclopedic, German bureaucratic, and British utilitarian forms. In both the German and Russian cases, we encounter that dynamic and dangerous concept of the *Volk*, in whom spirit reigns rather than intellect, and who claim an immediate and instinctive unity with the earth from which they are sprung and the history which is their communion with their ancestors. All around the globe this is now the received rhetoric of anticolonialism, and we cling to the image of the noble shaman who has replaced the noble savage; that is, to the belief that autochthonous or aboriginal peoples are at unity with the cosmos and less likely to devastate it than we who lie under the curse of Adam, or have invented it to justify our exploitation of the earth. There is plenty of truth in this rhetoric, yet since it was created early in Europe's global expansion and within the moving Eurasian borderlands of »Europe« itself, we have to ask, wherever in the world we encounter it, how far it has been generated by the *Volk* themselves, how far by some combination of Westernising and even Western intellectuals, allied in an anti-Westernism which may be the rebellion of Europe against itself as well as of the world against Europe. Self-repudiation is a characteristic, and sometimes a weapon, of a culture which bases itself on the myth of the Fall.

The German *Volk* and the Slavic *narod* appear where the expanding power of the Enlightened state approaches the vast and lightly populated spaces of northern Eurasia, but they can also be found in the zones of encounter between Hapsburg, Ottoman and Romanov – with Hohenzollern as an increasingly powerful fourth – which make east European history a history of empire and of encounter with Islam, in which the Enlightened parallel growth of state and civil society does not operate or operates differently. The Western Enlightened notion that the age of conquest and empire was ended functioned less well as the peninsula broadened out towards Eurasia. To the southeast, there prevailed a zone of military empires and their frontiers – rapidly collapsing in the Ottoman case – whose history may be worth remembering today. Should you decide – as I believe you are from time to time pressed to decide – that modern Turkey is part of your European Community, you will have to decide that

Ottoman as well as Anatolian history is part of the history of Europe; unless indeed, as is sometimes asserted, »Europe« is a conspiracy to do away with the relevance, and the memory, of history altogether. There are historians who urge us to focus less on the free and warlike republics of Mediterranean antiquity and more on the huge beneficent empires of Egypt, Mesopotamia and Macedon, of which Rome and Byzantium were the successors. I have read the work of Polyhymnia Athanassiadi, a modern Greek historian of late antiquity, who claims that she may be better equipped than Western and American scholars to understand a late Roman emperor like Julian the Apostate, because her historic memory is formed by the ecumenism and quasi-tolerance of the Ottoman empire. Now if, along these lines, you were to resolve that the Ottoman was the successor to the Byzantine ecumene, a zone or *dar-ul-Islam* of interacting hegemonies over Muslim, Orthodox and other populations, you might have the means of regarding its history as not generically unlike those of the other empires with which it interacted, and you might be able to ask how far the modern Turkish decision to break with the Ottoman past, and pursue identity as a secular national state, is like, and how far unlike, that of similar decisions taken by peoples more conventionally defined as »European«. You might discover a »Europe« shaped by a Muslim presence in it, not merely external pressure upon it; no bad thing, perhaps, when you must wonder whether angry Bosnians and Albanians will turn to some neo-*ghazi* militancy and »Europe« must interact with an Arab Maghreb all along the Mediterranean littoral to the Atlantic.

You might therefore supply Turkey with a history European enough to have played a major role in the shaping of »Europe«; come to that, I possess a book which offers a history of the Mongols as one of »the peoples of Europe«. Two considerations seem to me to arise from this still hypothetical case. One is that such ecumenisms are possible only because the delimitation of »Europe« is indeterminable; which does not mean that her frontiers are infinitely extensible, but that they interact with ever-increased complexity with people and cultures whose identity is not »European«. There is a history of Islam to which Turks will continue to belong, since you can belong to two histories at once; and it is not a history of »Europe«. The fact that you cannot build a wall where one leaves off and the other begins means that they are interactive but not that they are indistinguishable. If modern Turkey has one foot in Europe, it has another on the Iranian plateau, and I do not think the Kurds believe that »Europe« has reached them yet. I do not even know whether they want it to. My second generalisation from the scenario of Turkish history would be that whenever you admit a new people into the community of »Europe« – be they Turkish or British or Swiss – you have to rewrite the history of »Europe«, not simply to »include« them – whatever »include« may mean – but in order to



make it intelligible how »Europe« looks when they are part of it, and what »Europe« is once it is admitted that they, whoever »they« may be, have been agents in shaping it and making it; so that »Europe« with »them« is a different place, and has a different history, from Europe without them. In saying this, I am affirming that »Europe« is a convergence of many histories within, as well as possessing open and indeterminable frontiers without; and I am affirming a conviction that »Europe« is a product of converging and colliding histories, not a device for abolishing those histories in a kind of postmodernist melting-pot. It is this conviction which may prove contestable.

The eighteenth century, in which my own work is concentrated, is as it happens a good period in which to look for some origins of what I have just termed postmodernism in the diverse structures of »Europe«. In the older lands of the Latin West, it was believed that empire was obsolete, commerce replacing conquest, and the ties of commerce – material and cultural exchange – linking sovereign states together in an informal confederation or *république des patries*, whose recurrent wars could be contained and need not become wars to the death like the wars of religion. The more fortunate of the Western states – of which Scotland was outstandingly determined to become, or to join, one – were held to be commercial societies, in which ties of the same kind held the citizens together in civil society or *bürgerliche Gesellschaft*, and this interacted with the sovereign structure of the state in ways that guaranteed liberty for both the state and the citizen. In Edinburgh and Glasgow there were written some classical expositions of this never unproblematic relation, and the interactions between political and civil society still form the central theme of liberal political thought. But as the historical eye travels eastward, into the heartlands of the European peninsula, it comes upon regions where conquest and empire were by no means at an end, and large agglomerations of power were being formed in that area of undetermined frontiers. The Hapsburg and Romanov empires were growing increasingly professionalised in their military and bureaucratic structures, as they pushed back the structure of the Ottoman system, and in the Russian case converted the last defensive wars of European settlers against nomad raiders from the Crimea, into offensive operations of conquest and agriculture. The Hohenzollern monarchy intervened in the relations between empires in ways that helped bring about the partitions of Poland – which Edmund Burke, who was a great theorist of Europe, considered a blow to the civilisation of states second only to the French Revolution. The question it seems fair to extract from this summary is whether, as these empires grew and modernised themselves, they instituted among the various ethnic groups they brought under government enough of the conditions conducive to what further west was called »civil society« to ensure that the state was liberalised, and that middle-class and popular politics did not develop predominantly in

the form of competing ethnic nationalisms. This I understand to be a dominant problem in central and eastern European history, where there may be found ethnic cultures in which the partnership between state and civil society has not yet developed to the point where the preconditions of liberalism can be met; more perhaps than in the west of the peninsula, though a comparable problem is to be found there too. Modern Italy, for example, can be said to include both northern provinces in which civil society is strong enough to make the state, never much respected, look almost superfluous, and southern provinces in which organised crime is as strong as the state and can make it fight to assert its authority. We don't know which has won yet, and on the American side of the Atlantic the story isn't over either.

I have heard it said while visiting Calabria that the peoples of southern Italy have been required to pass from a premodern to a postmodern state of life at one step, which no one could be expected to find easy. As far back as the eighteenth century it is possible to find some of the origins of this widespread problem and some interesting comments on its genesis. Here in Edinburgh it is proper to remember that farsighted dreamer Andrew Fletcher of Saltoun, who distrusted the formation of the multiple kingdoms of Britain into a single military monarchy to oppose the military monarchy of France. He proposed an utopia in which the great states of Europe would be dissolved into a loose federation of cantons, resembling the Swiss model, each with its own militia and its commerce linking it with its neighbours. The sovereignty of each would clearly be confined to its local affairs and the protection of its borders, and Fletcher was up against the contention that sovereignty should be used to organise larger states which would be larger market areas. That was the solution that attracted both David Hume and Adam Smith, but the former was a particularly pungent commentator on the practice great states had developed of financing themselves by contracting larger and larger national debts, mortgaged to associations of creditors in the present against a future in which they would probably never be paid off at all. In a famous essay »Of Public Credit« Hume asked what would happen to a state – and it might happen to all states – whose total national wealth was perpetually employed in paying off creditors who were not members of the state, but lived somewhere abroad, interested in the state solely as the source of their income. He concluded that the state would be stripped of all authority over itself derived from the social relations among its members, while the creditors would exercise their power with the »stupid and pampered lethargy« which arose from their being members of no political or civil society. Shall I say merely that we know what he was talking about? The postmodern condition is certainly one in which membership in separate and identifiable civil societies is losing its central importance; do we any longer control our own affairs?



In a study which I am constructing of the historical thought of Edward Gibbon, I am struck by the extent to which the Europe he knew was English, French, Dutch, Swiss and Italian, limited to that republic or confederation of states which had succeeded the universal monarchy of Charles V and the Innsbruck draughtsman, and held together by trade, treaties and the balance of power. Through he served in a war which changed the Anglo-French competition for hegemony in western Europe into a struggle for empire in North America, Gibbon was very little aware of the great struggle between Hapsburg, Hohenzollern and Romanov which was part of the same war. Though the history he wrote was set chiefly in the Pontic, Eurasian and east Mediterranean lands surrounding the Byzantine empire, he did not, on reaching the fall of Constantinople in 1453, go on to consider the Ottoman as successor to the Byzantine, or the empires of his own day as successors to the Ottoman and Mongol systems; instead, he returned to the west he lived in and wrote three chapters on the city of Rome in the Middle Ages and the Renaissance. When I began my work on Gibbon a few years ago, the European Community you are trying to construct was confined to the Europe he knew. It was a far western consortium, divided by an ironclad frontier from the latest of the bureaucratic and military empires which have succeeded one another in that central and eastern European, and at the same time western Eurasian zone, in which they were taking their modern shape in Gibbon's lifetime. In the last three years, however, that configuration of things has become the memory of another age in the world's history. What has collapsed is not merely that intolerable but unquestionable frontier we knew by such names as the Wall and the Curtain, and not merely the military empire which the Soviet Union exercised in Europe for only half a century; not merely the Soviet Union itself, but a very large part of the imperial state built up by the Romanov dynasty from the time at which our Innsbruck draughtsman was making his picture of the crowned Spanish virgin. There is now a zone of global proportions in which what we vaguely call »European Russia« may or may not extend beyond the Urals, from St. Petersburg to Vladivostok; there is another, not to be marked off from the first, in which that Russia may or may not interact stably with the tier of Turkic and Islamic peoples whom the Romanovs spent two centuries subjugating, and with the modernised Islamic states south of them. We don't know how far the disintegration of the Russian state and empire may be going to extend, and as a result the community of states, or ex-states, which takes to itself the name of »Europe«, is in contact with a zone extending from the centre of the European peninsula into the heartlands of Eurasia, in which what is taking shape may be a new system of states, a chaos of imperfectly stabilised states, or a recrudescence of empire in one form or another. In this scenario the boundaries of »Europe« cannot be fixed any more than they could in 1592,

although – or rather because – there is no successor to the Ottoman empire in the pride of its power. Those boundaries have not expanded, so much as exploded, into a geopolitical space without natural frontiers; and this affects, without determining, both the structure of »Europe« itself and its future interactions with Islamic culture from northern Africa to central Asia – with some significant Muslim presences in the peninsula, even the archipelago, which goes by the name of »Europe«. I am not trying to present Islam as any kind of threat, merely as part of a general pattern of entropy in which there are problems but not the imperial will or power to determine them.

Western Europe in Gibbon's time believed itself to be a post-imperial condition, in which the need of any kind of European empire had been superseded by the growth of a society of independent states, each sovereign in its political affairs – and therefore capable of war with its neighbours – but held together by ties of commerce which created a common culture and mitigated war without threatening sovereignty (though we have seen that David Hume could envisage conditions in which the fluidity of capital might render external and internal sovereignty equally meaningless). In what I have proposed calling the revolutionary period, from 1789 to 1989, a series of causes combined to make both the great states of western Europe and the great empires of western Eurasia capable of fighting hugely destructive wars which became contests for empire and involved other powers on a scale global as well as European. The invention of »Europe« – as a byword for the specific set of institutions called the »European Community« – was a device intended to put an end to the conduct of great wars within the European Peninsula; it resembled the Enlightenment creation of a society of states held together by a shared commerce, with the important difference that Enlightened »Europe« was built upon the sovereignty of the individual state, whereas postmodern »Europe« affects to regard that sovereignty as itself obsolete and dangerous and presents the global fluidities of the world economy as a means of dissolving it.. Not merely a means, indeed, but an end in itself. The word »Europe« is employed to promote a vision of culture and history in which the movements of the world market are more central, in determining human life and supplying it with meaning, than membership in any political community, local, national, regional, or continental. It is not clear to an observer like myself, and as far as I can observe it is not clear to you either, whether you are contemplating surrendering your sovereignty (in part if not in whole) to some new sovereign association larger than the state, or to some set of arrangements designed to ensure that no kind of political sovereignty has the capacity to interfere with the operations of the market. Are you or are you not engaged in putting an end to the contention, very ancient and central in our culture, that the human being is primarily a political animal, and that political societies are the means by



which selves govern themselves and endeavour to declare what they are to be? The advanced voices of our culture are busy decentering, deconstructing and otherwise rendering insecure the notion of the self, and the global consumer market seems the most likely beneficiary of their endeavours.

If all this were indeed the object of the exercise, »Europe« would be an odd name for it, since that word seems to denote a culture historically much concerned with sovereignty, politics and the government of the self by processes in which the self is active in both practice and knowledge. Indeed, the name »Europe« might itself be at risk, since there is nothing in it particularly sacrosanct to the world market, and you might discover, as others have, that global economic forces saw no reason to maintain you, or your history or your identity, in being any longer. Your objective is after all to ensure a dominant place for »Europe« in the global economy, and ensure that Americans or Asians do not dominate it to the point of dominating you. In using the language of global economy, therefore, you are invoking universal forces for particular ends. There is nothing new or unusual in that, though I confess I enjoy pointing it out to you.

But what makes »Europe« after 1989 so strange and fascinating a spectacle is that the denationalising and depoliticising triumph of the global market (the End of History, as it has been called) is for the moment a utopia – though many very real and enormously powerful forces are working to make it come true. If there was one thing which the great Scottish, French and German philosophers of Enlightened period and its revolutionary aftermath knew quite clearly, it was that state and society, an effective civil sovereign and an effective civil culture, went together; they needed one another, and neither could play its part in making civil existence tolerable without its counterpart. The history of the next two centuries – revolution, imperialism, world war, gulag and holocaust – is of course largely a history of the number of ways in which that perception could go wrong. Nevertheless, what makes the present moment in history, and in the invention of Europe, extraordinary and interesting is the spectacle of this understanding of politics confronted by a double challenge to its perception of the state. In the wake of the disintegration of empires – colonial, I should add, as well as communist – we have, on the one hand, a constellation of societies so far rendered affluent by the global consumer economy that they believe, or affect with fluctuating self-doubt to believe, that they can dispense with the internal as well as the external sovereignty of the political structure and rely on the global economy unfettered to provide all the conditions necessary to civil society – which may or may not be what that economy aims at doing. On the other hand we have – divided from the affluent by a diversity of lines separating east from west, or south from north, or inner cities from outer suburbs – a

great variety of human subcultures in which neither state nor civil society is stabilised to the point where their alliance can be maintained without degenerating into disorder, despotism or both. It would be very easy indeed to depict a »Europe« neither virginal nor imperial, uneasily poised between one aspect (mainly western) on which the alliance of state and society has got so far that it is possible to imagine the state as growing superfluous, and another (sometimes southern and sometimes eastern) on which neither state nor civil society is secure, stabilised or even properly understood. It would be easy, with less assurance, to set up a parallelogram of forces and predict that between these extremes, the classical components of the liberal state – the civil sovereign and the community of citizens – will have to awake from their »stupid and pampered lethargy« without falling into any of that condition's more appalling opposites. But historians learn not to make predictions, at least without adding that what happens will almost certainly be other than what can be predicted; and predictive models are supposed to stimulate, not to constrain, our sense of what is possible. My aim has been to deconstruct a concept of »Europe« too easily used as a mind – deadening incantation, and demonstrate that it is a name for a number of forces which interact unstably, dynamically, creatively and dangerously. We – which includes you, *vous autres Européens* – live, as always, in interesting times.



# Europa und wir Anderen\*

Rado Riha

Das Projekt eines vereinigten und postnationalen Europas ist schon für seine unmittelbaren Akteure, für den entwickelten europäischen demokratischen Westen, ein sowohl praktisch-politisch als auch theoretisch außerordentlich schwieriges Problem. Wie kann da ein Östler, jemand also, der gerade erst seine »demokratische Revolution« durchgemacht hat – eine Revolution, die nicht nur mit einer zweihundertjährigen Verspätung geschah, sondern auch, um uns einer heute etwas vergessenen Ausdrucksweise zu bedienen, in die national(istisch)e »allgemeine Beleuchtung« getaucht ist, vom »besonderen Äther« des Nationalen ihr »spezifisches Gewicht« bestimmt bekommt – wie kann da also ein Östler über Probleme des vereinigten postnationalen Europas überhaupt gleichberechtigt, d.h. sinnvoll mitreden wollen?

Versuchen wir also, uns dem Thema über einen Umweg zu nähern. Wer von uns kennt nicht folgenden von den Marx-Brothers geprägten Witz: »Dieser Mann sieht aus wie ein Idiot, er redet auch wie ein Idiot, laßt euch aber ja nicht täuschen: er ist tatsächlich ein Idiot!« Dieser Witz ließe sich nun, etwas umformuliert, vortrefflich auf die gegenwärtige politische Lage in Europa, genauer gesagt, auf die Rezeption des osteuropäischen »demokratischen Ereignisses« im europäischen Westen anwenden. Umformuliert würde er lauten: »Die osteuropäischen demokratischen Revolutionen sehen nationalistisch aus, sie reden die Sprache des Nationalstaates, laßt euch aber nicht täuschen! Diese Revolutionen sind tatsächlich nationale demokratische Revolutionen, die neuen demokratischen Staaten verstehen sich wirklich vor allem als Nationalstaaten.«

So umformuliert könnte dieser Witz einen Östler, der sich heute mit dem Nationalismus seiner jetzt demokratischen Lebenswelt nicht abfinden will, schon zum ernsteren Nachdenken bringen. Wenn es sich nämlich wirklich so verhält, wenn also die neuen Staaten im ehemaligen Osten wirklich nichts

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\* Beim Beitrag handelt es sich um eine umgearbeitete Fassung des Referats »Die Konstitution des Gesetzes im Lichte des väterlichen und mütterlichen Über-Ichs, der für die Kasseler Tagung »Mythen des Politischen 2« zusammen mit Jelica Šumič-Riha verfaßt wurde. Deshalb werden im Beitrag auch Argumente von Jelica-Šumič-Riha übernommen.

anderes als Nationalstaaten sind – *wieso ließ sich dann der Westen täuschen?* Das heißt: wieso hielt er immer wieder den neuen Mitgliedern der europäischen demokratischen Staatenfamilie den Spiegel vor, wieso wies er immer wieder auf ihre nationale und nationalistische Merkmale hin, um beim problematischsten Beispiel, dem ehemaligen Jugoslawien, über den wild gewordenen Nationalismus schließlich händeringend vollkommen zu resignieren?<sup>1</sup> Was für einen Sinn hat es, einem Idioten immer wieder beweisen zu suchen, er sei ein Idiot?

Mit anderen Worten: wieso erweckt das westeuropäische Publikum – seine Regierungen und staatliche Institution, aber auch viele, vor allem linke, Intellektuelle – in uns den Eindruck, als würde es sich bei seiner Reaktion auf die osteuropäischen nationalistischen Pathologien von einem zweitrangigen aufklärerischen Szenario führen lassen? Wieso schien das Handeln Europas einer hartnäckigen Überzeugung zu entspringen, es gehe vor allem darum, den Anderen über sein irriges Verhalten *aufzuklären*, ihm also weiszumachen, daß ethnische Konflikte im Europa des 20. Jhr. nicht mehr an der Tagesordnung seien? Wieso konnte sich Europa nicht wenigstens zum ersten und bewährten Schritt einer *wahren* Aufklärung durchringen, zur Einsicht also, es müsse zuerst einmal die Frage gestellt werden, aus welchen wirtschaftlichen, kulturellen und politischen Verhältnissen dieses irrige Verhalten überhaupt entspringe? *Nicht um es zu rechtfertigen*, sondern um es überhaupt *kritisierbar* und damit auch *überwindbar* zu machen.

Ohne hier auf diese Fragen näher eingehen zu können, möchten wir, sie stellend, nur Folgendes hervorheben:<sup>2</sup> als sich das demokratische Europa mit

1. Es ist sehr wahrscheinlich, daß man hier die Antwort zu hören bekommt, der Westen sei auf diese Weise deshalb vorgegangen, weil er die neuen staatlichen Gebilde darauf aufmerksam machen wollte, daß Demokratie nicht notwendigerweise mit dem Nationalismus artikuliert werden muß. Wie richtig im Prinzipiellen diese Antwort auch ist, das Problem liegt in der konkreten Analyse konkreter Verhältnisse. Problematisch an der sich antinationalistisch gebenden Einstellung des Westens ist, daß sie nicht als konkretes analytisches Instrumentarium angewendet wurde, sondern als ein alle Probleme erklärendes Heilmittel. Es wurde also nicht nachgewiesen, daß und aufgrund von welchen wirtschaftlichen, kulturellen und politischen Verhältnissen im Osten eine nicht-nationalistische Artikulation der demokratischen Prinzipien und eine nicht-national(istisch)e kollektive Identität wirklich möglich wäre. Mehr noch, im konkreten Fall, in dem, wenigstens für einen kurzen Augenblick, die Möglichkeit offen stand, eine postnationale demokratische Revolution auszuführen – wir denken hier auf die strukturelle Rolle des slowenischen Frühlings, auf die vom ihm eröffnete Perspektive eines dezentralisierten konföderativen Vielvölkerstaates – unterstütze die europäische Politik im Namen demokratischer Werte gerade die Repräsentanten einer völkisch-nationalistischen, rassistischen Politik.
2. Cf. zum Problemkomplex des westlichen Verhaltens R. Riha, *Reale Geschehnisse der Freiheit. Zur Kritik der Urteilskraft in Lacanscher Absicht*, Wo es war 3, Verlag Turia und Kant, Wien 1993.



spezifischen nationalen und nationalistischen politischen und gesellschaftlichen Praktiken der osteuropäischen Demokratisierungsprozesse auseinandersetzen mußte, nahm der Begriff »Nationalismus« im westeuropäischen Gebrauch auch eine Nebenbedeutung an, die unreflektiert schon bald zur Hauptbedeutung wurde. Der Ausdruck »Nationalismus« bezeichnete nämlich weit weniger konkrete osteuropäische national(istisch)e Praktiken und fungierte weit mehr als *Ausgrenzungsbegriff*, mit dem das Andere der universalistischen demokratischen Kultur Europas, das Gegen-Aufklärerische, kurz, das Nicht-Europäische schlechthin identifiziert werden sollte. Das sich vereinigende, der postnationalen Idee nachstrebende Europa nahm so in seinem politischen Vorgehen bei einem Modell der Identitätskonstitution Zuflucht, in dem das »Eigene« wesentlich durch Ausgliederung und Ausgrenzung »des Anderen« gegründet wird. Bei einem Modell, daß keineswegs postnational, sondern vielmehr der überlieferten Form der politischen Identität im modernen Europa, dem Nationalstaat, verbunden ist.

Wenn wir uns, gemäß der Maxime Kants, was in der Theorie richtig sei, müsse auch für die Praxis gelten, von diesem praktischen Verhalten Europas einen Rückschluß auf die es tragende theoretisch Einstellung erlauben dürfen, dann können wir die Annahme aufstellen, daß auch das westliche, sich vereinigende Europa noch weit von einer »richtigen« theoretischen Auffassung des Postnationalen entfernt ist. Vielmehr ließe sich sagen, das demokratisch *hochentwickelte* Westeuropa sei im gleichen Maße wie das demokratisch *unterentwickelte* Osteuropa in die »klassische« Auffassung verstrickt, in der das Nationale die »Triebfeder« der demokratischen Theorie und Praxis bildet. So sind wir auch zu einer zwar groben, aber bejahenden Antwort auf die oben gestellte Frage gekommen, ob wir neugebackenen osteuropäischen Demokraten an der europäischen Vereinigungsdebatte als Gleiche unter Gleichen überhaupt teilnehmen können. Die Bedingungen der Möglichkeit für eine gleichberechtigte Diskussion zwischen West und Ost über die Vereinigung Europas liegen im Negativen: beiderseits ist man weit davon entfernt seine theoretische und praktische Position aus der Zukunft her zu bestimmen, beiderseits ist man noch von der Macht der geschichtlichen Tradition, vom Gespenst des Nationalismus gefangen.

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Im Folgenden werden wir uns auf einen Ausschnitt aus dem breiten Spektrum der Europa-Diskussion beschränken. Wir werden uns mit der Rolle befassen, die im Rahmen dieser Diskussion einer Kantischen Denkform, dem Begriffspaar bestimmende Urteilskraft – reflektierende Urteilskraft, zugeschrieben wird. Von nicht wenigen Autoren werden nämlich auf die Reaktualisierung des Begriffs der reflektierenden Urteilskraft große Erwartungen gesetzt. Er wird

vor allem als jenes begriffliche Mittel eingesetzt, das die Lösung des Problems *der postnationalen Identität*, eins der Schlüsselprobleme der entstehenden europäischen Union, verspricht. Wenn wir uns hier mit diesen Erwartungen befassen und sie problematisieren werden, dann nicht, um die theoretische Fruchtbarkeit des Kantischen Begriffs in Zweifel zu ziehen. Wir möchten euch die Behandlung dieses Themas nur andeuten, wie stark noch daran gearbeitet werden muß, Probleme eines postnationalen, weltbürgerlichen Europas überhaupt auf ihren Begriff zu bringen.

Zur Reaktualisierung des Begriffs der reflektierenden Urteilskraft kam es natürlich nicht im Rahmen der Europa-Diskussion. Sie ist vielmehr in einer spezifischen Kant-Lektüre verankert, die für einige Strömungen innerhalb der gegenwärtigen Philosophie charakteristisch ist und auf die wir hier nicht näher eingehen können<sup>3</sup>. Erinnern wir nur kurz daran, daß es sich um eine Lesart handelt, die in Kant, dem Philosophen der subjektzentrierten Vernunft, noch einen anderen, sozusagen viel dezentrierteren Kant entdeckt. Dem Kant, der als Erkenntnistheoretiker die naturwissenschaftliche Erkenntnis philosophisch begründet und rechtfertigt, dem Kant des Allgemeinen, Notwendigen, des Subsumptions- und Deduktionsverfahrens, wird noch ein Kant beigegeben, der sich als Vorkämpfer für die Rechte des irreduzibel Besonderen und Heterogenen, auf den Begriff nicht Zurückführbaren entpuppt.

Dieser andere Kant sei vor allem in der *Kritik der Urteilskraft* zu finden und verlange von uns, in der dritten Kritik das Schlüsselwerk des Kritizismus zu erkennen. Die Urteilskraft wird von Kant bekannterweise als Vermögen bezeichnet, das Besondere durch das Allgemeine zu bestimmen, wobei entweder *das Allgemeine gegeben* ist, so daß das Besondere darunter *subsumiert* werden kann, oder aber *das Besondere ist gegeben*, und das Allgemeine dazu muß *gesucht* werden:<sup>4</sup> im ersten Fall ist die Urteilskraft bestimmend, im zweiten reflektierend. Nun, in der Konzeptualisierung der reflektierenden Urteilskraft, mit der sich die dritte Kritik beschäftigt, soll sich, nach der uns hier interessierenden Lesart, wenigstens in Umrissen ein Begriffsverfahren abzeichnen, das sich viel besser als die Methode des bestimmenden Urteils für die Behandlung des Bereichs praktischer – moralischer, rechtlicher, politisch-historischer

3. Als verschiedene, keineswegs übereinstimmende Spielarten dieser Lektüre wären z.B. die Werke von L. Ferry, A. Renaut, J. Lenoble, A. Berten und J.-M. Ferry zu nennen.

4. »...Urteilskraft /ist/ das Vermögen, unter Regeln zu *subsumieren*, d.i. zu unterscheiden, ob etwas unter einer gegebenen Regel (*casus datae legis*) stehe oder nicht« (Kant, KrV, B 172/A 133); »Urteilskraft überhaupt ist das Vermögen, das Besondere als enthalten unter dem Allgemeinen zu denken. Ist das Allgemeine (die Regel, das Prinzip, das Gesetz) gegeben, so ist die Urteilskraft, welche das Besondere darunter subsumiert ... *bestimmend*. Ist aber nur das Besondere gegeben, wozu sie das Allgemeine finden soll, so ist die Urteilskraft bloß *reflektierend*« (KdU, Einleitung, B XXV/XXVII/A XXIII/XXIV).



– Fragen eignet. Während nämlich die bestimmende Urteilskraft nur dafür sorgt, das empirisch Besondere vom Gesichtspunkt der allgemeinen Gesetzgebung aus zu erfassen, für das Besondere als Besondere also per definitionem blind bleibt, ist das reflektierende Urteil, das weder einen Begriff voraussetzt noch auf die Ausarbeitung eines Begriff abzielt, dem Besonderen als solchen verbunden und überschreitet prinzipiell nicht die Ebene des Mannigfaltigen. Vermittels einer Art »Erweiterung« des reflektierenden Verfahrens auf den Vernunftgebrauch als solchen könnten so alle jene Probleme gedacht werden, die für ein nachmetaphysisches Denken wesentlich sind. Für ein Denken also, das zwar dem *Herrschaftsanspruch* der Vernunft, nicht aber der *Rationalität* als solchen absagt hat, und das bemüht ist, die Vernunft *einzugrenzen*, nicht sie zu *zerstören*.

Endlichkeit des Subjekts, Kontingenz des Realen, inkonsistente Totalität – dies sind Begriffe, in denen die postmoderne Erfahrung des Zusammenbruchs der »starken«, totalitätsträchtigen philosophischen Kategorien und des Universalitätsanspruchs der Philosophie, die Erfahrung der Randgängigkeit, Fragmentarhaftigkeit und Grundlosigkeit des philosophischen Diskurses sozusagen zu ihrem positiven Ausdruck kommt. Und der Weg zu diesen Begriffe führe gerade durch das reflektierende Urteilsverfahren der dritten Kritik. Sie erlaube es uns, Kant als nachmetaphysischen Denker *avant la lettre* darzustellen, als einen Denker, der einerseits mit seinem Begriff der *Endlichkeit des Subjekts* sozusagen schon im voraus auf die Krise des Hegelschen absoluten Subjekts antwortet, andererseits mit dem *regulativen Gebrauch* der Vernunftideen das Konzept einer nachmetaphysischen Rationalität vorbereitet.

Fassen wir nun kurz und ohne systematisierende Absicht jene Argumente dieser Kant-Lektüre zusammen, die für die Reflexion der praktisch-politischen und theoretischen Probleme einer postnationalen Identität Europas von Bedeutung zu sein scheinen. Zuerst muß in einigen Sätzen jene Problemstellung des Geschmacksurteils, des ästhetischen Reflexionsurteil im eigentlichen Sinne, vorgestellt werden, auf die diese Argumente<sup>5</sup> zurückgreifen. Das Geschmacksurteil ist Kant nach ein Darstellungsverfahren, in dem sich angesichts der Vorstellung des Gegenstandes Einbildungskraft und Verstand in einem freien, spontanen Spiel so untereinander abstimmen, daß die Einheit beider Erkenntnisvermögen eine »Erkenntnis überhaupt«<sup>6</sup> abgibt. Diese für die Erkenntnis »zuträglichste«<sup>7</sup> Zusammenstimmung der Anschauung und des Verstandes wird im Gefühl der Lust als subjektive Zweckmäßigkeit der Form des Gegenstandes für unser Erkenntnisvermögen erfahren, wobei dieses Gefühl

5. Cf. dazu z.B. L. Ferry, *Philosophie politique 1, Philosophie politique 2*, PUF, Paris, 1984.

6. KdU, § 9, B 29.

7. KdU, § 21, B 67/A 66.

durch seinen Anspruch auf Allgemeingültigkeit auf das transzendente Prinzip der Urteilskraft hinweist, von dem die Natur so vorstellt wird, »als ob« ihre unendliche Mannigfaltigkeit schon unserem Erkenntnisvermögen entsprechend geordnet wäre.

Die auf der Grundlage dieser Problemstellung entwickelten Argumente können jetzt in vier Punkten zusammengefaßt werden. *Erstens*, aufgrund des Sachverhaltes, daß im ästhetischen reflektierenden Urteil die Übereinstimmung des Gegenstandes mit dem Erkenntnisvermögen des Subjekts immer nur *zufällig*<sup>8</sup> ist, sich nicht a priori begrifflich bestimmen läßt, wird das Reflexionsurteil zum Musterbeispiel eines begrifflichen Verfahrens ausgearbeitet, von dem die irreduzible Kontingenz des Realen, seine Nichtableitbarkeit aus dem Begriff, artikuliert wird.

Das transzendente Prinzip der formalen Zweckmäßigkeit der Natur, auf dem die reflektierende Urteilskraft gründet, wird, *zweitens*, als Argument dafür verstanden, daß die Artikulation der irreduziblen Kontingenz des Realen nur durch die Vermittlung des Allgemeinen möglich ist. Und zwar eines Allgemeinen, das nur noch, wie im Falle des Schönen, das als zufällige Übereinstimmung von Sinnlichkeit und Verstand nur aufgrund unserer vorgängigen Forderung nach Systematisierbarkeit der empirischen Erfahrung zustande kommt, im Sinne des regulativen Gebrauchs der Vernunftideen, also als bloßer Sinn- oder Erwartungshorizont verstanden werden kann.

Mit der Behauptung, daß die Kontingenz des Realen im reflektierenden Urteil nur über die Vermittlung des Allgemeinen zu ihrem Rechte kommen kann, wird, *drittens*, natürlich auch die Behauptung aufgestellt, daß durch die Methode des reflektierenden Urteils die Erfahrung auf den Begriff gebracht werde, daß sich der Totalitäts- und Universalisierungsanspruch der rationellen Erklärung sozusagen per definitionem nie vollkommen einlösen läßt. Dem Gebrauch des reflektierenden Urteil eignet so eine »l'indécision fondamental«<sup>9</sup>, eine grundlegende Offenheit und Unabgeschlossenheit des gefällten Urteils an, in denen sowohl die Heterogenität des Besonderen als auch die Unverfügbarkeit des Allgemeinen eingeschrieben sind.

Und *viertens*, das Modell der reflektierenden Urteilskraft erlaubt eine Art Versöhnung des Besonderen und des Allgemeinen, es repräsentiert ein Begriffsverfahren, in dem sowohl die Ansprüche des Besonderen wie jene des Allgemeinen gleichermaßen verwirklicht werden können.

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8. Cf. KdU, Einleitung V u. VII, B XXXVII u. B XLVII.

9. Cf. A. Berten, »Kant et la question de la République universelle«, in: Filozofski vestnik, No. 2, ZRC SAZU, Ljubljana 1992, S. 7-30.



Wie vereinfachend unsere Zusammenfassung einer spezifischen Kant-Rezeption innerhalb der gegenwärtigen Philosophie auch ist, vermittels der angeführten Argumente ist es nicht schwer einzusehen, warum das Modell des reflektierenden Urteils für die Lösung der praktischen und theoretischen Probleme der postnationalen demokratischen Identität eines sich vereinigenden Europas so geeignet zu sein scheint.

Nehmen wir etwa eines der Argumente in der Debatte über künftige Rolle und Bedeutung des Nationalstaates in der politischen Union Europas. So wird oft argumentiert, daß die Verbindung des staatsbürgerlichen demokratischen Universalismus mit der Idee einer, wie auch immer reflexiv vermittelten, ethnokulturellen »substantieller« Abstammung bzw. Gemeinschaft, – eine Verbindung, die in der Form des modernen Nationalstaates zum Ausdruck kommt – zwar *die Form der »l'invention démocratique«* im modernen Europa ist. Aber der Nationalismus als Vehikel der Herausbildung des demokratischen Rechtsstaates ist keineswegs eine notwendige und konzeptuelle, sondern eine historische und kontingente Verbindung zwischen dem universellen demokratischen Prinzip und dem (reflexiv vermittelten) ethnokulturellen Inhalt<sup>10</sup>.

Es ist wohl klar, daß für die Begründung dieses Argumentes das Modell der reflektierenden Urteilskraft außerordentlich hilfreich sein kann. Es repräsentiert nämlich, wie wir oben angeführt haben, den Typ eines Begriffsverfahrens, von dem gerade das Moment einer irreduziblen Kontingenz des Realen auf den Begriff gebracht und verwirklicht wird. Vermittels des reflektierenden Verfahrens ließe sich somit nicht nur eine »Abkoppelung« des Nationalismus vom staatsbürgerlichen Universalismus konsistent denken. Außerdem könnte durch dieses Verfahren, was noch weit bedeutender ist, auch der Sachverhalt gedacht werden, daß für die Entwicklung des europäischen demokratischen Universalismus das *kontingente nationale Vehikel wesentlich* war. Mit anderen Worten, es würde zum Ausdruck kommen, daß für den demokratischen Universalismus zwar jede konkrete ethnokulturelle Form *kontingent*, gleichzeitig aber die Kontingenz selbst *notwendig* und *wesentlich* ist. Das Problem einer postnationalen demokratischen Identität besteht ja auch darin: wie im vorhinein, und das heißt auch, auf eine *notwendige Weise*, dem Historisch-Kontingenten ein Platz im homogenen, unterschieds- und qualitätslosen Feld des Universellen einzuräumen wäre.<sup>11</sup>

10. Cf. den Beitrag von J. Habermas »Citoyenneté et identité nationale« im Sammelband *L'Europe au soir du siècle. Identité et démocratie*, hrsg. v. J. Lenoble u. N. Dewandre, Éditions Esprit, Paris 1992.

11. Die so oft erhobene Forderung, im vereinigten Europa müssen kulturelle Besonderheiten, Pluralismus und Dialog der Differenzen bewahrt und sozusagen noch weiter kultiviert werden, ist theoretisch nur dann ernst zu nehmen, wenn sie sich als Forderung versteht, daß

Und wenn es zutrifft, daß durch die reflektierenden Methode das Universelle und das Partikuläre gleichermaßen zu ihrem Recht kommen, dann könnte vermittels dieses Vorgehens vielleicht auch die Antwort auf die von J. Lenoble gestellte Frage gefunden werden: »la construction européenne étant en route, comment penser un modèle de démocratie qui fasse droit à la fois à la visée universaliste et à l'enracinement substantiel de notre identité?«<sup>12</sup> Das Modell der reflektierenden Urteilskraft würde es also erlauben, den Gegensatz zwischen dem Formellen, dem universellen politischen demokratischen Rahmen, und dem Quasi-Inhaltlichen, den partikulären kulturellen Formen, etwas aufzuweichen. Bei der Erörterung dieses Gegensatzes also einen Schritt weiter zu gehen, als dies etwa ein Ansatz tut, der davon ausgeht, daß die staatsbürgerlich-gemeinsame demokratische politische Kultur zwar immer in konkreten Motiven und Interessen der Individuen verankert sein muß, dieses lebensweltliche Moment aber als etwas Empirisches behandelt, das dem formellen demokratischen Universalismus prinzipiell äußerlich ist. In diesem weitergehenden Schritt wären die partikulären kulturellen Inhalte nicht nur als etwas aufgefaßt, was *erlaubt*, sondern was *erfordert* wird, als etwas, was gerade in seiner Äußerlichkeit in den universellen Rahmen eintritt.<sup>13</sup>

Mit der Affirmation dieses »substantiellen« Moments, das den Totalisierungsanspruch des Universellen von innen her sprengt, könnte gleichzeitig auch die Lösung für das Problem einer postnationalen Identität gefunden werden, die nicht, wie die nationale Identität, das Ergebnis einer dogmatisch-bestimmenden, »konstruktivistischen«<sup>14</sup> Anwendung der universellen Prinzipien auf das Besondere wäre. Im reflektierenden Verfahren würde die postnationale Identität als durch ein Universelles bestimmt erscheinen, das nicht *gegeben*, sondern fortwährend *gesucht* wäre, durch ein Universelles, das trotz seines allgemeingültigen Charakters immer offen bliebe, sich im fortwährenden Fortbildungsprozess befände.

Brechen wir hier mit unserer Aufzählung der, wie es scheint, so evidenten Vorzüge der reflektierenden Methode ab. An der Fruchtbarkeit dieser Methode ist gewiß nicht zu zweifeln. Bevor man aber versucht, das Verfahren der reflektierenden Urteilskraft wirklich auf Probleme der europäischen post-

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mit dem allgemeingültigen universellen demokratischen Prinzip strukturnotwendig ein Moment des Kontingenten einhergehen muß, ein Moment des irreduzibel Partikulären, das in das Feld des Universellen selbst fällt.

12. Cf. *L'Europe au soir du siècle. Identité et démocratie*, S. 297.

13. So wie dies etwa von Lenoble in folgender Feststellung ausgesprochen wird: »Si la recours à un élément de narrativité a une vertu, ce n'est point seulement sur le trajet de l'effectuation de la norme, mais déjà au coeur même de la contrainte *normative* qui trouve son origine dans l'acte d'enonciation...«, *op. cit.*, S. 302.

14. Cf. dazu den Artikel »Pertinence du postnational« von J.-M. Ferry in: *L'Europe...*, S. 39-57.



nationalen Identität anzuwenden, sollte man sich unserer Meinung nach doch noch einmal auf das *Grundproblem* der Urteilskraft besinnen, auf die Frage, auf die der Begriff der Urteilskraft und ihre bestimmende und reflektierende Form bei Kant überhaupt zu antworten versucht.

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Dieses Grundproblem wird in der ersten Kritik deutlich genug bestimmt. Die Urteilskraft ist das Vermögen, unter Regeln zu subsumieren, also zu bestimmen, ob etwas »der Fal der Regel« sei oder nicht. Was bei diesem Vermögen nun Schwierigkeiten bereitet, ist der Sachverhalt, daß es keine Regel gibt, die auf eine allgemeingültige Weise seine eigene Tätigkeit regeln würde. Wie Kant sagt, es kann nicht gezeigt werden, wie allgemein zu unterscheiden sei, ob etwas unter der Regel stehe oder nicht, da dies »nicht anders, als wieder durch eine Regel« geschehen könnte, die als solche »eine neue Unterweisung der Urteilskraft«<sup>15</sup> erforderte. Das Grundproblem der Urteilskraft liegt also darin, daß es für ihr Regelverfahren *keine Regel der Regel, keine Meta-Regel* gibt.

Im Rahmen der bestimmenden, erkenntnisorientierten Urteilskraft wird das konstitutive Ausbleiben der Grund-Regel auf zwei Weisen gelöst. Da hier der Urteilskraft ein schon gegebenes Allgemeine, die ihr vom Verstand bereitgestellten Regeln und Begriffe, zur Verüfung stehen, wird der Strukturmangel der Beurteilung einerseits auf das empirische Subjekt, auf seine, mit Kant gesprochen, »Dummheit«<sup>16</sup> abgewälzt. Diese den Strukturmangel der Urteilskraft amortisierende Rolle ungünstiger empirischer Verhältnisse wird andererseits durch die grundsätzliche Unabgeschlossenheit des theoretischen Begriffs ergänzt: erweist sich die Theorie in ihrer Anwendung als »nicht richtig«, dann ist sie damit bei weitem noch nicht widerlegt, vielmehr bedeutet eine solche Fasifikation nur, »daß nicht genug Theorie da war«.<sup>17</sup>

Ganz anders ist es mit der reflektierenden Urteilskraft bewandt, deren Verfahren darauf gründet, daß sie sich selbst ein transzendentales Prinzip vorschreibt, das ihr als allgemeine Regel dienen kann. Vom diesem Prinzip, dem der Zeckmäßigkeit der Natur, wird aber nicht nur die unendliche Mannigfaltigkeit der Naturformen in voraus geregelt. Vielmehr muß Kant nach in ihm auch das ausgedrückt werden, was für die Urteilskraft spezifisch, ihr *eigentümlich*<sup>18</sup> ist.

15. KrV, B 172/A 133.

16. »Der Mangel an Urteilskraft ist eigentlich das, was man Dummheit nennt, und einem solchen Gebrechen ist gar nicht abzuhelfen.« KrV, B 173/A 134. Dementsprechend wird die Urteilskraft als ein »Naturtalent« definiert.

17. I. Kant, »Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis«, in: Kant Werkausgabe, hrsg. v. W. Weischedel, Suhrkamp, Frankfurt/M 1974 ff., Bd. XI, S.127.

18. Es handelt sich, wie Kant sagt um ein »eigentümlich und ausschließlich« der reflektierenden Urteilskraft angehörendes, ein ihr »eigentümliches Prinzip« (KdU, I. Einleitung, X, XI).

Das Eigentümliche der Urteilskraft besteht aber, wie wir gesagt haben, darin, daß sie über keine letzte Regel, keine Meta-Regel des Urteilens verfügt. Die reflektierende Urteilskraft ist also ein Verfahren, in dem das Grundproblem der Urteilskraft nicht mehr, so wie im bestimmenden Urteil, einfach *nach außen* delegiert, verdrängt wird. Vielmehr ist für sie charakteristisch, daß sie sich als konsistentes, allgemeingültiges Verfahren erst im *reflexiven Verhältnis zu ihrem Grundproblem* konstituiert: sie bestimmt sich durch die Reflexion des Wesensmerkmals der Urteilskraft, ihrer grundsätzlichen Regellosigkeit. Die reflektierende Urteilskraft stellt bei Kant ihrem Ansatz nach das Paradox eines Allgemeinen dar, dessen Sinn erst durch seinen konkreten Äußerungsakt möglich wird, eines Allgemeinen, das als Allgemeine erst durch einen auf es nicht zurückführbaren, partikulären Äußerungsakt konstituiert wird.<sup>19</sup>

Diese Darstellung der Urteilskraft und ihres Problems ist gewiß unvollständig. Sie soll aber hier nur auf zwei für den Rahmen unsrer Abhandlung wesentliche Momente verweisen. Erstens, auf das Grundproblem der Urteilskraft, das darin besteht, daß in jedem Urteil, wenn es als allgemeingültiges Regelverfahren auftreten will, die Abwesenheit der letzten Regel auf eine spezifische Weise anwesend sein muß. Und zweitens, daß bestimmende und reflektierende Urteilskraft bei Kant keineswegs in ein gegensätzliches Verhältnis gesetzt sind,<sup>20</sup> sondern vielmehr jede der beiden Formen einen in sich konsistenten

19. Wenn wir das Prinzip der reflektierenden Urteilskraft auf diese Weise formulieren, dann stellt es sich auch heraus, daß die reflektierende Urteilskraft, deren Aufgabe, das Allgemeine zum Besonderen zu finden, sie auf den ersten Blick nur als eine Ergänzung der allgemeinen subsumierenden Funktion der Urteilskraft erscheinen läßt, nicht nur ein Urteilsvermögen sui generis darstellt, sondern in Wirklichkeit ein Schlüsselproblem der Erkenntnis und ihrer Kritik anbetrifft. Diese Behauptung wird näher entwickelt in: R. Riha, *Reale Geschehnisse der Freiheit*.

20. Durch diese Entgegensetzung, die in der oben geschilderten Kant-Lektüre zu finden ist, wird das Begriffspaar bestimmende – reflektierende Urteilskraft in den Rahmen der Erklären – Verstehen Kontroverse eingeschrieben, so daß damit sozusagen der Positivismustreites auf der Ebene der Demokratie-Theorie fortgesetzt wird. Was bei dieser Kontroverse problematisch ist, ist weniger die vom Verstehensbegriff implizierte Kritik des Positivismus, als der Anspruch des Verstehensbegriffs, für die Wissenschaften und an ihrer Stelle zu reden und zu denken. Mit anderen Worten, die Darstellung der (natur)wissenschaftlichen Praxis als instrumentellen Denkens, das philosophisch begründet werden muß, entsprach mehr den Bedürfnissen und Interessen der philosophischen Idee als der wirklichen wissenschaftlichen Praxis selbst: wie heftisch das instrumentelle Denken auch bekämpft wurde, es war doch dieser fortwährende Problematisierungsprozess des angeblich instrumentellen naturwissenschaftlichen Verfahrens, daß dem reflexiven philosophischen Verstehensprozess seine Konsistenz verlieh. Diese künstliche Stilisierung des Anderen, seine Reduzierung auf bloßes Reflexions-Material, die in der hermeneutischen und kritisch-theoretischen Wissenschaftsauffassung zu finden ist, wird etwa von der Epistemologie G. Bachelards vermieden. Obwohl auch Bachelard als Kritiker des Positivismus, Empirismus usw. in der wissenschaftlichen Praxis auftritt, gelingt es seinem Ansatz dennoch, der Alternative Erklären – Verstehen auszuweichen. In seiner Theoretisierung der wissenschaftlichen Praxis erweist



Lösungsversuch des gleichen Grundproblems, des konstitutiven Ausbleibens einer die Urteilskraft regelnden Meta-Regel darstellt.

Erst auf der Grundlage dieser zwei Argumente läßt sich unserer Meinung nach eine mögliche Anwendung der reflektierenden Urteilskraft auf das Gebiet des Praktisch-Politischen theoretisch rechtfertigen. Zunächst kann hier auf die Analogie zwischen dem Grundproblem der Urteilskraft und dem Grundproblem des modernen demokratischen Prinzips aufmerksam gemacht werden. Was von der Französischen Revolution »verwirklicht« und uns geschichtlich überliefert wurde, das ist die Idee des »gesellschaftlichen Vertrages« als Prozesses, in dem das Volk sich selbst das Gesetz gibt, d.h. eines Prozesses, durch den die politische Macht, die über im »Volk« vereinigte und vereinheitlichte Individuen herrscht, konstituiert und rechtfertigt wird. Die paradoxe Vorstellung von Individuen, die sich als autonome und gegen Abstammung, Sprache, soziale Lage usw. gleichgültige Staatsbürger so konstituieren, daß sie sich ihrem eigenen Gesetz des universellen Staatsbürgertums unterwerfen, bringt es mit sich, daß für die Herrschaft des universellen demokratischen Gesetzes das Fehlen seiner Letztbegündung charakteristisch ist<sup>21</sup>. Das Fehlen dieser Letztbegündung führt in das universelle demokratische Prinzip eine Leerstelle ein, die von innen her seinen Universalitätsanspruch blockiert, genauer gesagt, seine totalitäre Verkehierung verhindern kann und insofern für das demokratische Universelle wesentlich ist.<sup>22</sup>

So wie wir es bei der Urteilskraft mit dem Paradox einer allgemeinen Regel zu tun haben, deren Sinn auf immer ausbleibt, so haben wir es in der modernen Demokratie mit dem Paradox eines universellen Gesetzes zu tun, das auf dem Nichts gegründet, in seiner Allgemeinheit von einem Moment des Unverfügbaren gespalten ist. Diese Entsprechung zweier Problemlagen kann uns nun

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sich nämlich diese als auf spezifische Weise reflexiv, sich auf sich selbst zurückbeugend, ohne dabei der philosophischen Illusion der Selbsttransparenz zu verfallen.

21. Die moderne gesellschaftliche Totalität ist deshalb ihrem Wesen nach kein sich selbst transparentes und einheitliches Groß-Subjekt. Eine Sache ist es zu sagen, daß die moderne demokratische Gesellschaft vom Phantasma der Einheit und Selbstpräsenz gejagt wird, eine andere ist es, dieses Phantasma schon der Idee der *volonté générale* zuschreiben zu wollen (cf. für ein solches Vorgehen J. Lenoble, »Penser l'identité et la démocratie en Europe«, in: *L'Europe...*, S. 311). Unserer Meinung nach birgt gerade die *volonté générale* das Moment des Unverfügbaren in sich, für das sich Lenoble einsetzt.
22. Im Rahmen der politischen Philosophie Cl. Leforts wird etwa diese Leerstelle, von der wir hier sprechen, durch das Theorem vom leeren Ort der Macht ausgedrückt: die demokratische Macht kann von keiner gesellschaftlichen Instanz verkörpert werden, sie ist ein in sich leerer Ort, der nur zeitweilig besetzt werden kann, wobei die Modi dieser Besetzung durch ein strenges Regelsystem bestimmt sind, das die Substantialisierung der Machtausübung unmöglich machen soll. Cf. Cl. Lefort, *L'invention démocratique*, Fayard, Paris 1981, *Essais sur le politique (XIX<sup>e</sup>-XX<sup>e</sup> siècle)*, Seul, Paris 1986.

darin erinnern, daß es bei der Anwendung des reflektierenden Beurteilens auf praktisch-politische Probleme vielleicht angebracht wäre, die reflektierende Urteilskraft nicht im Gegensatz zur bestimmenden zu entwickeln. Es wäre vielmehr sinnvoller, sie *zusammen* mit der bestimmenden als zwei *gleichberechtigte* und miteinander *nicht* (unmittelbar) *verbundene* Antworten auf ein und dasselbe Problem, auf das Problem des prekären Statuses des demokratischen Gesetzes aufzufassen.

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Bei diesem Vorschlag stützen wir uns auf die von der Psychoanalyse J. Lacans entwickelte Konzepte und Methoden. Wir meinen, daß uns die von Lacan in seinem Seminar *Encore*<sup>23</sup> ausgearbeiteten vier propositionale Formeln, die sog. Formeln der Sexuierung, die Verständnis des Problems erleichtern können, daß sich die bestimmende und die reflektierende Urteilskraft nicht durch ein unmittelbares gegenseitiges Verhältnis, sondern in Bezug auf etwas Drittes definieren, auf den prekären Status des universellen demokratischen Gesetzes, das strukturnotwendig mit einem Nichts, mit einer Leerstelle innerhalb seines universellen Geltungsbereiches einhergeht.

Diese Formeln bestimmen zwei getrennte und verschiedene Weisen, die »männliche« und die »weibliche«, auf die sich das menschliche, also sprechende Wesen im Verhältnis zur Sprache, zur symbolischen Ordnung (als Ordnung des Universellen) definiert. Auf der »männlichen« Seite schreibt es sich durch die Universalität ein: der »Mann« schreibt sich als Alles, als in Gänze durch die Funktion  $\Phi x$  definiert –  $\forall x \Phi x$ . Aber seine Ganzheit ist durch die Existenz einer Ausnahme bedingt, für die die Funktion  $\Phi x$  nicht gilt, sein Alles wird von der Ausnahme getragen, die das Alles eingrenzt –  $\exists x \overline{\Phi x}$ . Demgegenüber schreibt sich auf der »weiblichen« Seite das sprechende Wesen durch die partikuläre Negation des Universalen ein: die »Frau« schreibt sich als Nicht-Alles, als nicht in Gänze durch die Funktion  $\Phi x$  bestimmt –  $\overline{\forall x \Phi x}$ . Aber dies nur insofern, als es keine Ausnahme vom Gesetz gibt, als keine »Frau« bzw. nichts in der »Frau« gefunden werden kann, für die bzw. das die Funktion  $\Phi x$  nicht gelten würde –  $\exists x \overline{\Phi x}$ .

Versuchen wir nun, diese Formeln anzuwenden. Gehen wir von der Feststellung aus, mit der wir uns oben befaßt haben, daß sich nämlich das demokratische Prinzip durch das Vehikel des Nationalen entwickelt hat, daß die Konstitution des modernen demokratischen Rechtsstaates in Europa nationalistisch vermittelt

23. Cf. Jacques Lacan, *Encore. Das Seminar. Buch XX*, Textherstellung durch J.-A. Miller, übers. von N Haas, V. Haas, H.-J. Metzger, Quadriga Verlag, Weinheim, Berlin 1975, S. 85ff. Die Formeln sind, in ihrer oberen Hälfte, so angeschrieben:

$$\begin{array}{cc} \exists x \overline{\Phi x} & \exists x \overline{\Phi x} \\ \forall x \Phi x & \forall x \Phi x \end{array}$$



war. Formulieren wir sie als Aussage: »Das staatsbürgerliche Subjekt ist national bestimmt«. Diese Aussage kann auf zwei Weisen gelesen werden, sie kann entweder in die »männliche« oder in die »weibliche« Seiten der Formeln eingeschrieben werden. Dabei entspricht die »männliche« Seite dem Verfahren der bestimmenden Urteilkraft, die »weibliche« jenem der reflektierenden.

Im ersten Fall können wir diese Aussage durch die Formel »Für alle  $x$  gilt die Funktion  $\Phi x$ «, »Alle Staatsbürger sind national bestimmt« ausdrücken. Diese Aussage gilt aber nur dann, wenn ein » $x$ « existiert, das nicht der Funktion  $\Phi x$  unterworfen ist«. Wo ist nun dieses  $x$  zu finden? Nun, dieses vom Nationalen ausgenommene  $x$  ist genau jenes, *in dessen Namen* der Staatsbürger sich als Staatsbürger konstituiert – es ist dies das demokratische Subjekt, das seiner Definition nach *inhaltlich leer*, also von jedem spezifischen geschichtlichen, gesellschaftlichen, kulturellen, sprachlichen, geschlechtlichen usw. Moment gereinigt ist. Die Existenz dieses Ausnahme-Subjekts ermöglicht es, daß sich einerseits die Staatsbürger durch die nationale Bestimmung konstituieren und daß andererseits die ethnokulturelle Abstammung aus dem staatsbürgerlichen ins Historische und Kontingente vertrieben ist. Daß also Habermas' Behauptung, die Verbindung zwischen dem demokratischen Reublikanismus und dem Nationalen sei keineswegs konzeptuell und notwendig, gelten kann.

Im zweiten, reflektierenden bzw. »weiblichen« Fall wird die Aussage durch die Formel »Es existiert kein  $x$ , für das nicht die Funktion  $\Phi x$  gilt«, »Es besteht kein staatsbürgerliches Individuum, das durch das Nationale nicht bestimmt wäre«, ausgedrückt. Obwohl es aber hier *keine Ausnahme* gibt, ist die Folge davon, daß nicht jeder Staatsbürger, daß Der Staatsbürger nicht vollkommen, in Gänze durch das Nationale bestimmt ist. Das heißt, »Für nicht alle  $x$  gilt die Funktion  $\Phi x$ «, die Staatsbürger sind ihrem Wesen nach Nicht-Alle bzw. der demokratische Staatsbürger ist seiner Definition nach nicht ganz. Im Unterschied zur ersten Formel haben wir es in der zweiten mit keiner Ausnahme, keinem Ideal eines reinen demokratischen Subjekts zu tun, das den Staatsbürger von seiner nationalen Bestimmung reinigt und es ihm ermöglicht, Ganz-Staatsbürger zu sein. Es gibt hier vielmehr nur konkrete demokratische Subjekte mit konkreten, historisch-kontingenten Rechten: das Kontingente ist hier für das demokratische Subjekt wesentlich, tritt unmittelbar in es ein.<sup>24</sup>

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24. Das Unzureichende der ersten Formel liegt natürlich darin, daß das demokratische Ideal nur solange wirksam ist, als es vollkommen leer bleibt, es also sozusagen nicht ins Spiel eingebracht wird. Wird es aber einmal eingesetzt, etwa um alle jene zu definieren, die diesem Ideal nicht entsprechen, dann verliert es sogleich seine Neutralität und erweist sich als z.B. patriarchalisch, die weiße Rasse, das Christentum usw. privilegierend. Der Vorrang der zweiten Formel scheint wiederum darin zu liegen, daß durch sie theoretisch strenger die Notwendigkeit des Kontingenten für das Universelle bestimmte werden kann. Ihr

Versuchen wir nun anhand des Gesagten an einem konkreten Beispiel – an Bosnien, der offenen Wunde des sich vereinigenden Europas – zu zeigen, wie problematisch es ist, die bestimmende und die reflektierende Urteilskraft in ein gegensätzliches Verhältnis zu setzen, die zweite gegen die erste als z.B. weniger dogmatisch, mehr pluralistisch, das Heterogene anerkennend auszuspielen. Wir gehen dabei von einer einfachen Frage aus, und zwar: Wie ist das Geschehen in Bosnien mit der universellen und in jetzt Europa auch universalisierten, lückenlos gewordenen demokratischen Rechtsordnung verbunden? Wie kann dieses Geschehen gedacht werden, ohne daß es in eine pathologische Randerscheinung der normalen universellen demokratischen Prinzipien, in eine geschichtlich regressiv, durch »ungünstige« gesellschaftliche und geschichtliche Verhältnisse verursachte Erscheinung verwandelt wird? Wie könnte der Krieg in Bosnien vielmehr als etwas gedacht werden, was das Wesen der universellen demokratischen Kultur selbst betrifft, sozusagen als eine Art Rückkehr des demokratisch Verdrängten? Nicht als prämoderner ethnischer Konflikt blutrünstiger balkanischer Stämme, sondern als ein durch und durch moderner Krieg, ein demokratischer Krieg par excellence?<sup>25</sup> Der Fall welcher Regel, genauer gesagt, der Fall welchen Gebrauchs der demokratischen Regel ist also dieser Krieg mitten in Europa?

Der bosnische Krieg als Schlußakt des jugoslawischen Dramas kann erst einmal mit der Methode des bestimmenden Urteils analysiert werden. Wir gehen also in diesem Fall von einem gegebenem Allgemeinem, von einer festen Regel aus – von der real existierenden, theoretisch legitimierten und institutionell verkörperten europäischen demokratischen Ordnung – und versuchen, diese Regel auf den »Fall Bosnien« anzuwenden. In diesem Rahmen sind zwei Antworten möglich, die sich beide auf die männliche Universalisierungsformel stützen, in ihrer Argumentation also implizieren, daß die universellen Prinzipien der demokratischen Ordnung ihrem Wesen nach ein in sich geschlossenes, homogenes Feld bilden. Bei der ersten Antwort handelt es sich um eine demokratisch »affirmative«<sup>26</sup> Lesart, bei der das Kriegsgeschehen in Bosnien als etwas der Demokratie im Prinzip Äußerliches aufgefaßt wird – als empirische Ausnahme der universellen demokratischen Regel, als ihre geschichtliche Re-

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Unzureichendes liegt aber darin, daß sie den universellen Charakter des demokratischen Staatsbürgers in ein irreduzibel Partikuläres, Kontingentes zu verwandeln droht, und damit gerade dem Nationalismus den Weg ebnet.

25. So wie etwa der sog. »jakobinische Terror« ein durch und durch demokratisches Phänomen war. Cf. dazu Cl. Lefort *Essais sur le politique (XIX<sup>e</sup>–XX<sup>e</sup> siècle)*, Seuil, Paris 1986.

26. Diese affirmative Lesart ist natürlich nicht mit einer idealisierenden Legitimation des demokratischen Rechtsstaates gleichzusetzen, sie kann vielmehr in einer ausgesprochen kritischen Haltung bestehen, die auf empirische Mängel der demokratischen Ordnung hinweist und auf der grundsätzlichen »Offenheit« der demokratischen Idee besteht.



gression. Oder aber der Krieg in Bosnien wird sozusagen radikal kritisch als »Lüge des demokratischen Prinzips« gelesen, als Anzeichen dafür, daß das angeblich universelle demokratische Gesetz seinem Wesen nach partikularistisch sei, das angebliche Allgemeine nur als Maske konkreter Interessen fungiere. So kann der Krieg in Bosnien etwa als Zeichen dafür genommen werden, daß sich hinter der demokratischen Sorge des Westens in Wahrheit partikuläre Interessen verbergen – die Interessen einzelner europäischer Staaten, die Urangst des Westens vor dem Islam...

Der Krieg in Bosnien kann aber auch in reflektierender Absicht im Rahmen der »weiblichen« Antwort auf den Universalisierungsanspruch betrachtet werden. Zum Gesichtspunkt des reflektierenden Urteils gelangen wir, indem wir zwei Sachverhalte miteinander verbinden. *Erstens*, das auf den ersten Anblick prinzipienlos erscheinende Vorgehen des demokratischen Westens im Fall Bosniens, dieses Bild einer, kantisch gesprochenen, »unendlichen empirischen Mannigfaltigkeit« von Maßnahmen, die nicht nur niemandem nützten, sondern auch ihren Urheber unbegreiflich blieben, kann nur dann verstanden werden, wenn wir es dem »Prinzip der Reflexion« unterwerfen, sie also in vorhinein so betrachten, *als ob* jede dieser an sich verworrenen Handlungen mit den demokratischen Prinzipien übereinstimmen würde, bei jeder Handlung also voraussetzen, daß in ihr ein »Fall der demokratischen Regel« zu finden ist<sup>27</sup>. Mit diesem Prinzip der Reflexion muß, *zweitens*, die offensichtliche Verwirrung und vollkommene Ratlosigkeit Europas angesichts des Krieges in Bosnien verbunden werden. Dieses hilflose Unverständnis darf nicht auf ungenügende oder unadäquate empirische Situationskenntnis abgewälzt werden. Es muß vielmehr auf grundsätzlicher Ebene, als Bestandteil einer konsequent demokratischen Vorgehensweise verstanden werden. Das westliche Unverständnis ist Ausdruck einer *demokratischen* Orientierungslosigkeit, eines *radikalen Verlustes demokratischer Normen*, die es dem Westen erlauben würden, zu sagen: das ist der Fall (der demokratischen Regel) und das nicht, dies da ist gerecht und dieses nicht.<sup>28</sup>

27. Die erwartete demokratische »Zweckmäßigkeit« der westlichen Maßnahmen ist also, mit Kant gesprochen, eine bloß formale, sie dient nur dazu, der Urteilskraft in ihrer Reflexion über die empirischen Mannigfaltigkeit dieser Maßnahmen einen »Begriff zu verschaffen, /sich/ in ihr orientieren zu können« (KdU, B L).

28. Im Rahmen des bestimmenden Urteils wäre ein solches Unverständnis ausgeschlossen: Europa wüßte entweder, was im Hinblick auf Menschenrechte und die internationale Rechtsordnung in Bosnien zu tun wäre und würde dieses Wissen früher oder später auch in eine wirkungsvolle Tat umsetzen. Oder aber ihr katastrophales Vorgehen könnte als Ausdruck eines verborgenen partikulären Interesses gedeutet werden, das bewirkt, daß die europäische Politik auf der Ebene des öffentlichen Diskurses als (gegen seinen Willen erfolgloser) Verfechter von internationalen Rechtsgrundsätzen und Menschenrechten auftritt, im Geheimen aber sich selbst von der Wahrnehmung dieser Rechte zynisch ausnimmt.

Die unmittelbare Verbindung beider Sachverhalte führt uns zu einer Schlußfolgerung, die sich, wie gesagt, in die »weibliche« Seite der Universalisierungsformeln einschreibt. Es gibt keine Handlung und keine Maßnahme des demokratischen Westeuropas, die nicht ein »Fall der demokratischen Regel« wären, »es gibt kein  $x$ , auf das sich die Funktion  $\Phi x$  nicht anwenden ließe«, trotzdem bzw. gerade darum ist aber nicht-alles Verhalten Europas, nicht alles in diesem Verhalten demokratisch, »nicht alle  $x$  sind der Funktion  $\Phi x$  unterworfen«. Die radikale Ratlosigkeit Europas angesichts Bosniens ist genau der Punkt, an dem dieses Nicht-Demokratische, das im Inneren des Demokratischen auftaucht, zu Tage tritt. Es handelt sich also nicht um ein unangemessenes, fehlerhaftes demokratische Verhalten, sondern um ein Fehlverhalten, daß sozusagen apriorisch, strukturnotwendig ist, zum Wesen der demokratischen Vorgehensweise selbst gehört.

Bosnien als »Fall der demokratischen Regel« ist somit der Fall einer groben Verletzung der demokratischen Normen, es ist die Zerstörung der Normativität des universellen demokratischen Gesetzes, *die im Namen des Universellen selbst erfolgt*. Die vollkommene Orientierungslosigkeit der europäischen Politik und der europäischen Intellektuellen, für die letztendlich in Bosnien alles und jedes gleichermaßen, wenn schon nicht rechtfertigt, dann wenigstens distanziert zurückgewiesen werden muß, das Gerede von »drei Konfliktparteien« dort, wo es um einen klaren »ein-Volk-ein-Reich-ein-Führer-Krieg« geht, dies alles spricht davon, das wir im Fall Bosnien Zeugen einer *unmittelbaren Verschmelzung* vom Partikulären und Universellen, von partikulären, nichtuniversalisierbaren Rechten, und dem demokratischen Allgemeinen sind. Als solche Verschmelzung stellt aber Bosnien den Fall der reflektierenden Urteilskraft in Reinform dar: diese ist ja ihrem Wesen nach das Paradox eines Verfahrens, in dem das Allgemeine erst im Prozess seiner Anwendung konstituiert wird, der paradoxe Ort, an dem es zu einer unmittelbaren Umwandlung des Besonderen ins Allgemeine kommt.<sup>29</sup> Mit anderen Worten, das »Unverständliche« der Situation in Bosnien liegt darin, daß es sich bei ihr um die Herrschaft eines *absoluten Partikulären* handelt, eines Partikulären, das freischwebend, ohne eines es tragenden Allgemeinen genau in dem Maße ist, in dem es mit ihm unmittelbar verschmolzen ist: daß es sich also um Den Fall der reflektierenden Urteilskraft handelt.

29. Deshalb sind im Prinzip auch zwei Lesarten der reflektierenden Urteilskraft möglich. Bei der ersten, die sich auf Kants teleologische reflektierende Urteilskraft stützt, tritt der Aspekt des Allgemeinen in den Vordergrund, mit der Spezifizierung, daß es sich um ein prozessuales, sich fortwährend fortbildendes, bloß regulatives Allgemeine handelt. Bei der anderen, die am Modell der ästhetischen reflektierenden Urteilskraft festhält, wird der Moment des Partikulären, Heterogenen hervorgehoben, die Tatsache, daß jedes Allgemeine nur durch den Punkt seiner partikulären Verkörperung hindurch existiert.



Fassen wir das Gesagte zusammen. Weder vom Gesichtspunkt der bestimmenden Urteilskraft noch von dem der reflektierenden gelangen wir zur Antwort auf die oben gestellte Frage, wie der Krieg in Bosnien mit den neuesten demokratischen Entwicklungen in Europa verbunden werden könnte. Vom bestimmenden Gesichtspunkt aus können wir zwar, im Fall der ersten Antwort, das demokratische Prinzip bestimmen, wir verlieren aber Bosnien im Chaos der empirischen Verhältnisse; oder aber wir können, im Fall der kritischen Einstellung, Bosnien zwar als »Beispiel der demokratischen Regel« denken, dabei verliert aber das demokratische Prinzip selbst seine Wahrhaftigkeit, verwandelt sich in einen bloßen Schein. Vom reflektierenden Gesichtspunkt aus wiederum kommen wir zwar schon im ersten Schritt zur Erfassung Bosniens als »Fall der demokratischen Regel«, aber um den Preis einer radikalen Zerstörung des (demokratischen) Universellen selbst.

Das Ausbleiben der Antwort spricht unserer Meinung nach davon, daß weder die bestimmende noch die reflektierende Urteilskraft als selbstständige Erklärungsmodelle auf das Gebiet des Praktischen angewandt werden sollten, daß also diese Modelle – auch und vor allem wenn es um die Erklärung der postnationalen Identität geht – weder jedes für sich allein noch einander entgegengesetzt eingesetzt werden können. Der »Fall Bosnien« zeugt davon, daß jedes der beiden Modelle des urteilenden Verfahren für sich allein genommen nur Generator des Bösen ist. Deshalb würde sich vielleicht der Versuch lohnen, die bestimmende und die reflektierende Urteilskraft *gemeinsam zu lesen*, sie also als zwei verschiedene Antworten auf die gleiche Frage, als zwei jeweils spezifische Lösungsversuche des gleichen Paradoxes, der im Universalisierungsanspruch des modernen demokratischen Gesetz impliziert ist, zu verstehen.

Diese gemeinsame Lektüre bedeutet bei weitem keine *Synthese* des bestimmenden und reflektierenden Verfahrens. Die Möglichkeit, das Problem der postnationalen Identität zu denken bzw. es richtig zu stellen, liegt nicht in einem Erklärungsmodell von der Art »weder bloß das eine, noch bloß das andere«, weder bloß das Partikuläre, die verschiedenen kulturellen Formen und Nationalstaaten, noch bloß das Universelle, die allumfassende politische demokratische Form und ein supranationaler europäischer Staat. Eine solche Synthese ist schon deshalb nicht möglich, weil jedes der beiden Erklärungsmodelle an sich schon eine Synthese des Partikulären und des Universellen, der Form und des Inhaltes darstellt, auch wenn diese Synthese nicht reflektiert wird.<sup>30</sup> Wenn wir also hier eine notwendige gemeinsame Lektüre beider

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30. Im bestimmenden Verfahren konstituiert sich das Universelle nur dadurch, daß das Partikuläre aus ihm ausgeschlossen wird und ihm als äußere Empirisches entgegentritt. Im reflektierenden Verfahren wird dieser für das Universelle wesentliche Ausschließungsakt innerhalb des

Erklärungsmodelle befürworten, dann nicht wegen ihrer Synthese. Ganz im Gegenteil, eine gemeinsame Lektüre ist deshalb notwendig, weil in ihr gerade die *grundsätzliche Unmöglichkeit* einer versöhnenden Vermittlung zu Tage tritt, die Unmöglichkeit, die beiden Verfahren gemeinsam ist. Erst durch die gemeinsame Lektüre tritt das zu Tage, was das bestimmende und reflektierende Verfahren verbindet, ohne sie in eine unmittelbares Verhältnis zu setzen: die Unmöglichkeit, das Paradox, durch die das universelle demokratische Gesetz definiert ist, seine Angewiesenheit auf einen partikulären Äußerungsort, durch den es konstituiert wird, ohne ihn in sich einbegreifen zu können, eine Angewiesenheit, die es ihm unmöglich macht, sich als das herauszubilden, was es seinem Begriff nach sein soll – ein homogenes, konsistentes Ganzes.

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Wie könnte also, um zu unserem zu Beginn angesprochenen Problem der europäischen postnationalen demokratischen Identität zurückzukehren, aufgrund des Gesagten dieses Problem gestellt werden? Unserer Meinung nach bieten sich uns hier zwei auf verschiedenen Ebenen situierte Antwortmöglichkeiten an.

Die erste betrifft eine philosophische Reflexion des Politischen, die gewiß auch Konsequenzen für das philosophische Denken hat, aber dieses dennoch nicht in seinem Wesen betrifft. Auf dieser philosophischen Meta-Ebene der Reflexion über Probleme einer postnationalen Identität bewegen sich etwa jene Konzeptualisierungsversuche eines postnationalen Europas, die, unserer Meinung nach mit überzeugenden Argumenten, um eine gleichzeitige Artikulation von Form und Inhalt, Universellen und Partikulären bemüht sind, und sowohl den (etatistischen) Konstruktivismus einer in bloß formellen demokratischen Prinzipien verankerten transnationalen Identität wie den (nationalistischen) Traditionalismus einer in ethnokulturellen Formen verwurzelten Identität ablehnen. Gerade wegen ihrer Meta-Einstellung bewegen sich aber diese Versuche immer schon im Horizont einer demokratischen Realpolitik und entwickeln im Prinzip nur jene Vorstellungen der Demokratie, die sich die Demokratie über sich selbst macht.

Bei der zweiten Antwortmöglichkeit geht es nicht nur um eine philosophische Reflexion *über* das Politische, sondern um eine Reflexion, die das philosophische Denken *in seinem Verhältnis zum Politischen* selbst betrifft. Und das ist eine Reflexion, die um das Paradox des Universalisierungsanspruches der Moderne – des Anspruchs des Begriffs, des demokratischen Gesetzes...– kreist. Dieses Paradox liegt nicht darin, daß dem universellen

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Universellen selbst reflektiert, das Universelle wird also von seiner notwendigen Verwirklichung im Partikulären abhängig gemacht.



Gesetz immer schon ein partikulärer Inhalt verlorengelassen, entgleitet, es liegt vielmehr darin, daß gerade der erfolgreich abgeschlossene Universalisierungsprozess, die Identität des Universellen, ein Partikuläres hervorbringt, daß ihm radikal heterogen bleibt. Und Aufgabe des Denkens ist es gerade, den Platz für dieses Heterogene, für dasjenige, was das universelle Gesetz von innen her aushöhlt, es immer schon als ein nicht-ganzes Gesetz abstempelt, offen zu erhalten. Auf dieser Ebene stellt also die Frage nach der postnationalen Identität die keineswegs neue Forderung dar, durch das Scheitern der Synthese des Universellen und des Partikulären den Anspruch des ganz Anderen, den Anspruch auf seine Anerkennung zu bewahren. Diese Anerkennung ist weit von einer »demokratischen Offenheit« für den Anderen entfernt, sie hat nichts mit einer liberalen Toleranz der Unterschiede, kulturellen Vielfalt usw. zu tun. Es geht vielmehr darum, den Widerspruch zu ertragen, daß man zu einer universalistischen, postnationalen Identität und Subjektivität nur dann kommen wird, wenn man man das a-subjektive Andere in sich selbst ertragen lernt, wenn man selbst bereit ist, das Andere des universalistischen und universalisierten Europas zu sein. Insofern sind vielleicht wir Östler, allen voran die moslemischen Bosnier, dem sich vereinigenden Europa schon einen Schritt voran und warten auf es.





# Le revers de l'Europe\*

Braco Rotar

*Si chère que soit la décomposition de la personnalité, vécue par les plus forts, elle prouve pourtant qu'ils sont restés des humains: seulement, on peut se demander comment les autres soldats des Balkans ont-ils pu rester »normaux«?*

(A. Ćirić, »Zagrobni život«, *Vreme*, 11/89, Beograd, 6 julija 1992)

Le concept de »vandalisme« comprend la plupart des aspects de la guerre qui a lieu actuellement dans les territoires de l'ex-Yougoslavie, pourtant sa puissance caractéristique est loin d'être suffisante pour pouvoir expliquer quoi que ce soit dans cette mêlée. C'est tout le contraire, en réalité elle masque une réalité qui est seulement un peu différente de celle des autres en Europe. Cependant, comme toujours, les nuances sont décisives, à cause d'elles les équilibres changent, les conflits et les tensions choisissent des chemins extrêmes. Par ailleurs, depuis toujours, une guerre sociale, cachée ou latente, se déroule pratiquement dans chaque société qui dépasse le groupe primaire: elle entrave la répression et la violence de l'état, ainsi que les extrémismes des marginaux extrémistes: un réseau imparfait et fragile d'institutions civiles seul entrave la généralisation de la répression et de la violence de l'état, ainsi que les extrémismes des marginaux.<sup>1</sup>

Le vandalisme yougoslave, de la même manière que chaque vandalisme de masse, a une préhistoire, c'est à dire une période durant laquelle s'est formé, dans une forme latente, un conflit qui aujourd'hui s'incarne dans les combats militaires, les massacres et destructions. »Une forme latente de conflit signifie«

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\* L'article suivant est un chapitre d'un texte plus long qui n'a pas encore été publié, traitant des vandalismes de masse en Europe, et qui a été écrit sur la base d'un projet de recherche, financé pour 1990-1994 par le *Ministère de la science et de la technologie de la République de Slovénie*.

1. Au sujet de l'aspect psychosocial du vandalisme de groupe cf. C. Lévy-Leboyer, *Vandalism, Behaviour and Motivation*, Amsterdam, 1984; C. Ward (ed.), *Vandalism*, New-York, 1973; au sujet du vandalisme historique de masse cf. L. Réau, *Histoire du vandalisme. Les monuments détruits de l'art français (1798-1801)*, 2 vol., Paris, 1959. L'expression *vandalisme* est naturellement une métaphore qui cache davantage qu'elle ne découvre, en particulier elle permet un discours moralisateur et pédagogique. Sur la nature de cette métaphore nous débatons dans la partie non encore publiée de cette étude.

des tensions, soit dispersées, soit ponctuelles, entre les (en aucune façon entre tous) prédécesseurs des acteurs actuels du conflit, avec lesquels ces derniers s'identifient. Il semble même, que le conflit qui se déroule aujourd'hui est uniquement une reprise de nombreux conflits qui ne se sont jamais dénoués entièrement, ou de l'évolution d'un ou du même conflit persistant qui, dans une perspective téléologique monstrueuse se meut d'étape en étape vers un dénouement final. L'apparence est bien entendu une illusion rétrospective et les tensions et combats écoulés se sont passés dans des circonstances sociales et d'auto-interprétation différentes qui, en dépit de cela, en ce qui concerne l'engendrement du conflit actuel ne sont pas entièrement innocentes.

C'est pourquoi nous pouvons partager l'engendrement du vandalisme en trois étapes: la première est l'époque de sa préhistoire, dans laquelle se sont formés les éléments du conflit; la deuxième est celle de la latence, durant laquelle le conflit est dissimulé pour des raisons très différentes (du contrôle et de la contrainte de l'état jusqu'aux circonstances économiques); la troisième étape est la période des explosions périodiques et des retours à l'état de latence qui peut conduire, ou bien au changement des circonstances idéologico-sociales, en général lors d'interventions intérieures ou extérieures des instances politiques, ou bien à un dénouement sanglant, dans lequel un des protagonistes disparaît pour un temps assez long, comme acteur d'une conjoncture que des interventions extérieures intéressantes peuvent aussi placer et déclencher.<sup>2</sup> Entre elles ces étapes ne sont pas en relation causale: nous ne passons pas inévitablement de la première à la seconde et la troisième n'est pas le résultat inévitable des deux premières, cependant en même temps les étapes ultérieures ne sont pas possibles sans les étapes antérieures.

Dans les sociétés européennes la première et la deuxième étape sont l'état habituel, elles sont une sorte d'arrière-plan commun qui est le produit de l'Histoire relativement uniforme du vieux continent, mais pas même les passages à la troisième étape n'ont été une telle rareté que l'on puisse s'étonner de la violence et du conflit destructeur qui sévit dans les lieux qui ont été au centre de l'ex-Fédération. Pourtant, ce conflit montre quelques spécificités, sur lesquelles, lors de conflits semblables qui se sont passés dans d'autres lieux, nous nous heurtons plutôt rarement, et les spécificités historiques de la région sont leur source.

La situation conflictuelle a survécu au développement qu'il n'est pas difficile de discerner. D'abord, il est possible de reconnaître l'ensemble des exclusivismes

2. Dans le cas »yougoslave« il s'agit sûrement, entre autre, des effets de géométrie politique des grandes, et pas tellement grandes, puissances, qui ont conquis ces terres, les ont incluses dans leur domaine d'intérêt, ont défini les frontières et fondé les états, ce qui s'est passé chaque fois, inévitablement sur le compte de quelqu'un. Nous en reparlerons plus en détail dans les pages suivantes.



idéologiques de la même catégorie qui a permis l'identification ethnique des parties de la population (appelés groupes ethniques) en considérant plutôt les symboles que les caractéristiques de civilisation.<sup>3</sup> Le style de vie des groupes ethniques, s'est plutôt mal différencié même chez les populations paysannes, sur lesquelles devraient se fonder la différence, la population urbaine, en particulier à Sarajevo, certainement ne vivait pas dans des cadres de civilisation différentes, comme cela était le cas dans les villes du moyen-âge. Les identifications symboliques étaient différentes au niveau des prénoms et »de la conscience« de la religion d'origine, alors que les noms de famille, provenant des noms de la société traditionnelle et mis en vigueur comme nom de famille après l'occupation autrichienne, étaient très souvent sans distinction apparente. C'est justement cette »conscience«, sur laquelle s'est greffée »la conscience historique« nationaliste, qui partageait le corps social en Bosnie-Herzégovine (mais aussi en Slavonie, en Krajina, en Voïvodine et au Kosovo) encore une fois en plus des différences sociales habituelles pourtant légèrement plus faible que celles de l'Europe en général.

Cette dispersion dans l'identification de la population joue un rôle d'exposition dans la tragédie de Bosnie-Herzégovine, en même temps elle a défini ses formes au micro niveau en même temps que sa profondeur. Avant le conflit armé, elle s'est manifestée au niveau politique comme rivalité et combat entre les clientèles. La population pas particulièrement hétérogène, du point de vue social, (en ceci semblable aux autres populations des régimes stalinistes, dans lesquels les distinctions de statut politique et d'éducation étaient plus importantes que les différences de fortune) se considérait elle-même comme ethniquement (de souche) et religieusement hétérogène. Quoique les rapports entre les groupes ainsi déterminés, à l'époque de la Fédération, malgré le racisme anti-albanais, étaient assez tolérants ou au moins supportables, et cela jusqu'aux procès mis en scène contre les prétendus fondamentalistes musulmans, dans les années 80, dont les intentions, jamais reconnues, étaient justement d'empêcher l'identification différente naissante de la population en Bosnie-Herzégovine. Ce processus d'identification, commencé à Sarajevo où, déjà

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3. Par exemple, les différences de religion des populations qui, même du temps de l'athéisme déclaré, s'identifiait aux différences ethniques: tel est le gage »de reconnaissance« de la nation musulmane, l'identification des serbes avec l'orthodoxie et des croates avec le catholicisme en Bosnie-Herzégovine en dépit du fait que dans la Fédération vivaient aussi des »catholiques« Slovènes, des »orthodoxes« Macédoniens et des Albanais »musulmans«, »catholiques«, et »orthodoxes«, sans mentionner les autres groupes religieux et ethniques. Nous devons signaler l'intervention de la Fédération dans l'intérêt des nationalismes serbe et croate contre la constitution des Bosniaques de religions multiples en nation. Cette intervention montre que le projet de partage de la Bosnie-Herzégovine, à travers toute la période yougoslave était au moins latent, et l'existence de la Bosnie-Herzégovine un compromis, car on ne pouvait, sans secousses et sans reste partager les Musulmans entre la Croatie et la Serbie.

depuis l'annexion par l'Autriche, les conditions étaient encore particulièrement favorables,<sup>4</sup> a été entravé dans le royaume de Yougoslavie et dans la Fédération, maintenant il est vraisemblablement définitivement interrompu. Au moins relativement à cela, la »crise yougoslave« est une conséquence de la première guerre mondiale.

Le second moment, qui a co-formé une situation conflictuelle, est l'aggravation de la situation en Yougoslavie et la confrontation des deux nationalismes principaux et concurrentiels du type *Blut und Boden* et leur intervention en Bosnie-Herzégovine: la percée a réussi en premier (déjà avant le conflit) au nationalisme serbe, après l'intronisation de la droite radicale et du modèle de gouvernement conducator à Zagreb, le nationalisme croate est apparu aussi. Le modèle symbiotique c'est à dire l'identification bosniaque, dont les principaux protagonistes, mais non pas les seuls, étaient les milieux musulmans, s'est écroulé, mais le *pattern* d'identification latente qui jusque là avait été en grande part étouffé, ce *pattern* que nous venons d'esquisser et qui est la conséquence de l'histoire idéologique du pays, a enfin atteint une différenciation exclusiviste de la majorité de la population, et pour cela il a fallu vraiment une quantité excessive de violence effrénée<sup>4</sup>.

Le troisième moment est la fusion du fédéralisme et du nationalisme serbe qui certes était sans interruption latente, mais elle s'est réalisée justement avec le président »bosniaque« du gouvernement fédéral, Mikulić. Il a ajouté au nationalisme serbe la puissance de la force armée. L'orientation symbiotique et pacifique a été jouée grâce à elle, plus exactement, elle s'est prise à sa propre tactique, avec laquelle elle a voulu contourner les obstacles lors de l'élaboration, de telle manière qu'elle s'est enveloppée dans le mimétisme yougoslave.

L'Armée du Peuple Yougoslave, a attaqué, au nom du fédéralisme yougoslave, des gens qui se proclamaient fédéralistes yougoslaves (les Albanais du Kosovo l'ont fait aussi au cours de leurs démonstrations, à la fin des années 80) et qui ont compris trop tard, qu'après l'arrivée au pouvoir de Milošević en Serbie, la nature de la Fédération s'était radicalement transformée. Par la suite, le conflit et la différenciation entre les différentes possibilités d'identification et les groupes se n'est qu'encore aggravé, avec l'assistance d'un »public international« qui est un exemple d'ignorance, le comportement des groupes particuliers est devenu de plus en plus semblable.

Bref, il n'est pas possible d'expliquer le conflit actuel, sans analyser la genèse de la situation. Mais, pour le but que nous nous fixons, la classification

4. En plus des »indigènes«, de nombreux »étrangers«, des Tchèques et Slovénes jusqu'aux Juifs, ont obtenu le droit à la patrie, c'est ainsi que la Bosnie-Herzégovine n'était pas une »Yougoslavie en petit«, mais une Autriche-Hongrie en petit, qui a survécu, presque un siècle entier, à la fin de la double monarchie.



internationale ou diplomatique du conflit est tout à fait sans importance (c'est à dire la question de savoir s'il s'agit d'une invasion d'une armée étrangère sur le territoire national d'un état indépendant, où l'attendait une puissante cinquième colonne, ou s'il s'agit d'une guerre civile, dans laquelle se sont immiscées deux puissances étrangères: ce dilemme se déplace à un niveau de connaissance non-pertinent); bien entendu, sauf au moment où une telle classification intervient dans la structure même du conflit avec une préqualification, c'est à dire avec un changement qualitatif de ses composants.

Au moment de l'occupation autrichienne, la situation en Bosnie-Herzégovine était encore, en général, telle que des siècles d'appartenance à ce pays dans l'empire turc l'avaient élaborée. A ce sujet et quant au rôle de l'administration autrichienne, les témoignages littéraires et biographiques des participants slovènes, lors de l'occupation et de l'annexion sont très intéressants:<sup>5</sup> en effet, apparaissent des éléments qui composent l'espace social de l'intérieur des Balkans, comme les dépeint par ex. Braudel:<sup>6</sup> une population paysanne passive, exposée à l'exploitation extrême, pour lequel les distinctions de religions, en dépit de la conscience forte de différence religieuse entre les chrétiens et les musulmans ne signifient des structures microsociales très différentes; la population des petites villes (il n'y en avait pas de grandes en Bosnie-Herzégovine à cette époque), qui vit selon différents modèles culturels, est dominée par un type local de gouvernement municipal et de hiérarchie sociale municipale, trois hiérarchies ecclésiastiques, et en particulier une forte dissidence anti-étatique de la part de la population musulmane dans les domaines ruraux, déjà mal intégrée par tradition dans l'état et ses institutions,<sup>7</sup> qui, quelques temps avant l'occupation, s'est transformée en rébellion contre le pouvoir du moment dans l'empire, liée à la terreur, en particulier sur la population chrétienne, avec des exploits de brigands qui, quelque fois aussi, franchissaient les frontières, ce qui à la Conférence de Berlin en 1878 fut décisif pour confier à l'Autriche le protectorat sur la Bosnie-Herzégovine. La forme de cette dissidence était traditionnelle, caractéristique d'une grande partie de la Méditerranée, à partir du XVIème siècle:<sup>8</sup> ses acteurs étaient des bandes de soldats déclassés, d'autres malheureux et proscrits sous le commandement de quelques beys et autres

5. Cf. F. Maselj Podlimbarski, *Gospodin Franjo*, Ljubljana, 1913; Jernej pl. Andrejka, *Slovenski fantje v Bosni in Hercegovini 1878. Ob petindvajsetletnici bosenske zasedbe*, Celovec, 1904.

6. F. Braudel, *La Méditerranée et le monde méditerranéen à l'époque de Philippe II*, 2. pub. Paris, 19, en plusieurs endroits traite de la situation dans les Balkans durant le premier siècle de l'occupation turque.

7. F. Braudel, op. cit., I, p. 31, écrit, qu'au XVème siècle, que les régions de montagne, aussi bien en Albanie qu'en Herzégovine et autour de Sarajevo sont passés à l'islam. La même chose s'est passée dans des milieux similaires dans d'autres territoires occupés par les Turcs.

8. F. Braudel, op. cit., II, p. 75 sq.; d'après Braudel dans les provinces turques, rien ne protégeait l'individu des vols des beglerbey, sandžak, subadži ou de leurs agents d'exécution, des

grands seigneurs, en particulier des régions montagneuses, qui ont fait la guérilla contre l'empire décadent et ses dirigeants incapables et bien sûr contre ces parties de la population qui, rien qu'en raison de la religion déjà, auraient pu être responsables de la décadence de l'empire, et qui, en effet, se sont de moins en moins identifiés à l'image »historique« de la grandeur impériale turque. C'était un mouvement de restauration aux dimensions populistes, dont le gouvernement d'Istanbul ne pouvait venir à bout.

Cependant ce détail n'est pas le plus capital pour la compréhension de la situation: plus important est de savoir qu'il est possible d'établir des analogies de structure nettes entre cette rébellion »turque« dont le but était le renouveau de la nature militaire et pillarde de l'empire et »les mouvements de libération des peuples balkaniques« dont les buts étaient la reconstruction des états féodaux et de l'hégémonie religieuse d'avant l'occupation turque, leurs caractéristiques sont aussi: direction des grands seigneurs locaux (voïvode, knezi etc.), participation des marginaux de la société (hajdouks, tchetniks), terrorisation et extermination des habitants de religions différentes, populisme archaïque (le peuple étant compris absolument du point de vue de la parenté de sang), tout cela, en s'appuyant sur des fragments, vulgarisés et passés par de nombreux intermédiaires déformants, provenant en particulier du siècle des Lumières et de l'idéologie révolutionnaire a amené la constitution de sociétés nationales balkaniques par l'expulsion et ensuite l'élimination physique (déportation et massacre) de ceux qui ont une autre religion et sont supposés être d'une autre civilisation bien qu'appartenant au corps social local de l'époque. Cela se serait probablement passé aussi en Bosnie-Herzégovine sans l'intervention autrichienne. Le nettoyage »ethnique« et religieux, dans les Balkans comme il avait eu lieu avant cela, mais dans des dimensions différentes dans l'Espagne de Philippe II, avec le bannissement des Maures et des Juifs, a été provoqué par un sérieux déséquilibre économique et démographique, duquel, le royaume de Serbie n'a jamais pu se sortir seul et il est devenu dépendant de la Russie, à l'époque le régime le plus obscurantiste d'Europe.

L'intervention autrichienne en Bosnie-Herzégovine a stoppé ce processus et l'a bloqué, avant même qu'il ait atteint un dénouement »naturel«<sup>9</sup> et par là-même elle a permis l'établissement d'une nouvelle aporie idéologique entre les habitants catholiques et habitants orthodoxes, celle-ci avec la scission traditionnelle entre musulmans et chrétiens a généré plus tard en Bosnie-Herzégovine une

voïvods qu'ils craignaient encore plus, *ibid.*, p. 39; au brigandage, cette guerre sociale cachée, participaient les nobles pauvres ou les fils cadets, »Au XVII. siècle la Turquie a été agitée par des seigneurs qui étaient trop nombreux pour être tous bien nantis«, *ibid.*, p. 90.

9. Rien de curieux par conséquent que les Musulmans en Bosnie-Herzégovine aient été pro-habsbourgeois; cf. F. Fejtö. *Requiem pour un empire défunt. Histoire de la destruction de l'Autriche-Hongrie*, Paris, 1988, p. 300.



série de conflits idéologiques sanglants. A vrai dire, avec l'occupation de l'Autriche la Bosnie-Herzégovine est entrée dans l'orbite des intérêts impérialistes de la Serbie »ressuscitée«, et en même temps dans la sphère des préoccupations de la fraction illyriste et yougoslaviste du panslavisme.<sup>10</sup> Lors de l'occupation, les soldats slovènes de l'armée autrichienne ont été surpris de voir que les »Turcs« en Bosnie-Herzégovine parlaient croate et avaient les mêmes noms de famille que leurs compagnons, soldats croates ou serbes.<sup>11</sup> Cette surprise est d'autant plus compréhensible, en raison de longues années de propagande anti-turque, au nom du chrétienté, qui a élaboré pour les chrétiens des antipodes barbares et infidèles ainsi qu'une image de despotisme oriental.<sup>12</sup> Au centre des Balkans, le »romantisme« littéraire et politico-idéologique a rencontré une situation socio-culturelle qui était l'objet apparent des nostalgies médiévales d'une part des belles-lettres et de la peinture européennes contemporaines. Mais alors que ces nostalgies cherchaient l'exotisme et le fantastique, dans les Balkans il s'agissait d'un discours de légitimation des élites ethniques dans le conflit avec des projets d'assimilation des autres élites ethniques, celles qui étaient porteuses de souveraineté étatique (des Allemands, des Hongrois, des Turcs).<sup>13</sup> Ce discours voulait conserver »l'état naturel« particulièrement des populations rurales et de le relier à leur activité politique moyen-âgeuse réelle ou imaginaire. A cet égard la littérature »historique«, romantique des Balkans est plus proche de l'allemande que de la française ou de l'anglaise. Dans les Balkans il était encore possible de trouver une épique

10. Ibid., p. 37 op. 16: »Le soutien sans réserves que la Russie a donné aux ambitions serbes a par avance rendu difficile tout rapprochement ou réconciliation entre Belgrade et Vienne«; cet appui prenait place dans le cadre des directives que l'empereur avait donné, déjà en 1802, à l'amiral Čičak: l'engagement de donner l'indépendance, la royauté aux peuples slaves qui dépendaient des Turcs, à condition qu'ils se révoltent; cf. J. R. Suratteau, *L'idée nationale de la Révolution à nos jours*, Paris, 1972, p. 86.

11. Cf. J. pl. Andrejka, *op. cit.*

12. V. Simoniti, *Vojaška organizacija na Slovenskem v 16. stoletju*, Ljubljana, 1991, chap. XII, p. 246 sq.; cf. aussi F. Braudel, *op. cit.*, II, p. 164 sq.; sur la guerre défensive dans les Balkans, ibid., p. 172; au sujet de la propagande durant la période d'absolutisme en France cf. R. Mandrou, *L'Europe »absolutiste«. Raison et raison d'état 1649-1775*, Paris, 1977, p. 60 sq.; la lutte de propagande entre les papistes et les luthériens, au début du XVI<sup>e</sup> siècle, prouve que la guerre de propagande n'est pas une découverte de l'absolutisme (cf. A. Chastel, *Le Sac de Rome 1527*, Paris, 1984, p. 75 sq.).

13. C'est ainsi que dans l'Allemagne du XIX<sup>e</sup> siècle, avec l'accroissement du chauvinisme »romantique« et de la xénophobie, basé sur l'idéologie *Blut und Boden*, ainsi qu'avec la formation d'une variante du racisme propre à l'Europe centrale et différent du racisme anglo-saxon ou du français, et avec la violence exercée contre les non-allemands, avec les projets impérialistes (par ex. *Drang nach Osten*), justifiés avec l'idéologie du *Lebensraum*, comme dans les Balkans avec la »résurrection« de l'état serbe et les aspirations hégémonistes s'est montré le côté sombre de l'Europe industrielle et de sa culture. Cf. J. R. Suratteau, *op. cit.*, p. 74.

populaire »authentique« et »non corrompue« et au moins dans les milieux ruraux un édifice social (la fameuse *zadruga* balkanique) qui aurait dû être une vivante image non pas seulement des sociétés moyen-âgeuses mais aussi des sociétés archaïques.<sup>14</sup> Les peuples balkaniques sont entrés dans l'imaginaire romantique de l'Europe comme des vestiges de la »civilisation épique«, ceci s'est accordé une idéologie »libératrice« et en même temps restauratrice de rébellions anti-turques. Les écrivains et les intellectuels de la bordure ouest des Balkans ont en général partagé cette compréhension »occidentale« des événements dans les Balkans sous domination turque.<sup>15</sup>

La jonction entre le romantisme d'Europe centrale, le nationalisme naissant et l'idéologie de révolte qui s'est infiltré, par le réseau scolaire naissant dans les nouveaux états, parmi les gens, cette jonction, en grande partie comme idéologie légitimisante et motivante, a formé l'idéologie dominante des régimes de libération. Ceux-ci se sont, en surplus, relativement rapidement trouvés dans la zone d'intérêt de l'empire russe, ce qui a déterminé de même les formes idéologiques et les décisions de politique intérieure et extérieure.

Au niveau de réalité historique il n'est pas possible de parler d'un état ou même d'une continuité de pouvoir entre les états du moyen-âge dans les Balkans et les états de même nom qui se sont formés au XIX<sup>ème</sup> siècle. A savoir, les Turcs, immédiatement après l'occupation, ont exterminé et expulsé, ou en un temps très court assimilé les vieilles couches dominantes, et transformé

14. Déjà J. Cvijić, *La Péninsule Balkanique*, Paris, 1918, mentionne plusieurs fois qu'il y a dans la Péninsule balkanique des frontières entre trois civilisations: catholique, islamo-orthodoxe et patriarcale. Cette dernière, à l'aide des idéologies romantiques, est devenue une mesure des mouvements nationaux authentiques. La source de ce »romantisme« fut l'Allemagne anti-napoléonienne où le culte du »populaire« (völkisch) est devenu une particularité culturelle, celle qui a créé le matériau nécessaire pour l'idéologie nationaliste exclusive et xénophobe. L'adjectif n'a pas uniquement innocemment désigné la culture du peuple, déjà, tout au début, il était un dérivé du *Volksgeist*, du principe de lignage et il a marqué la première étape de formation de l'idéologie *Blut und Boden* et de ses implications racistes... Cf. J. R. Suratteau, *op. cit.*, où il décrit, lapidairement, la genèse des racismes européens modernes. Nous trouvons une étude plus exhaustive du thème dans L. Poliakov, *Le mythe aryen*, Paris, 1971, et dans L. Poliakov, Ch. Delacampagne, P. Girard, *Le racisme*, Paris, 1976.

15. La production de »poèmes héroïques« s'est faite durant tout le XIX<sup>ème</sup> siècle, principalement après 1848, alors que dans la première moitié du siècle les linguistes et les idéologues sont intervenus de manière assez fatale dans la situation balkanique, par ex. le linguiste slovène J. Kopitar à travers V. S. Karadić ou de la personnalité principale de l'illyrisme Lj. Gaj. En Allemagne aussi, il y a eu au milieu du siècle, une production poétique mythologique et patriotique dont les oeuvres sont entre autre les poèmes *Was ist des Deutschen Vaterland?* et *Deutschland über alles* qui anticipent le programme pangermanique avec la thèse suivante: l'Allemagne est partout où sont les Allemands. Mais, les orateurs, lors des »meetings de vérité« serbes en 1988 et 1989, n'ont-ils pas affirmé que la Serbie est là où se trouvent les serbes?



l'organisation de l'église orthodoxe en instrument auxiliaire de son pouvoir. Par ailleurs la conquête turque s'est passée au même moment que la crise sociale qui a été provoquée par une exploitation sans pitié et par la brutalité des régimes dans le sphère de civilisation byzantine, de façon que les états de la fin du moyen-âge »se sont effondrés comme des châteaux de cartes«. La population a vécu l'occupation turque, en particulier la chute de »son« régime, comme un soulagement au moins au commencement.<sup>16</sup> Pourtant on chercherait inutilement, dans les textes des historiens autochtones, une analyse correcte de la vie dans les Balkans sous la domination turque et aussi avant elle,<sup>17</sup> autrement le tableau serait beaucoup plus réaliste mais pour cette raison plutôt moins épique et héroïque. On ne peut pas non plus sans réserve parler de continuité démographique, les migrations de masse dans l'empire turc le rendent impossible, des nomades et des fermiers d'Anatolie et des pays voisins se sont installés dans les régions des anciennes monarchies féodales.<sup>18</sup> Ce que nous appelons »libération du joug turc« et qui a conduit à la constitution des états balkaniques actuels a été mené par les nouvelles classes sociales qui se recrutaient parmi ceux qui avaient la confiance du pouvoir turc (des *knezi*, des *voivode*),<sup>19</sup> cependant il est vrai aussi que la tradition mystifiée de l'état transmise par l'église orthodoxe, la poésie populaire et le folklore, s'est maintenu dans les communautés indigènes et a permis, par ex., aux Serbes, qui déjà depuis la fin du XV<sup>ème</sup> siècle, avaient réagi aux tentatives de reconquêtes chrétiennes, le long de la Save et du Danube par de révoltes plus ou moins

16. »... socialement enfin, le monde balkanique est d'une extrême fragilité – un vrai château de cartes. Tout cela à ne pas oublier: la conquête turque dans les Balkans a profité d'une étonnante révolution sociale. Une société seigneuriale, dure aux paysans, a été surprise par le choc et s'est écroulée d'elle-même. La conquête, fin des grands propriétaires, maîtres absolus sur leurs terres, a été, à certains points de vue, une »libération des pauvres diables«. L'Asie Mineure avait été conquise patiemment, lentement, après des siècles d'efforts; la péninsule des Balkans *semble ne pas avoir résisté à l'envahisseur... En Serbie, le seigneurs nationaux disparaissant, une partie des villages serbes a été incorporée aux biens wakouf...«* »... Par surcroît, il y eut en pays bosniaque, autour de Sarajevo, des conversions massives en partie dues, on le sait, à l'hérésie vivace des *Bogomiles*... Mais quelle qu'a été leur fin (des seigneurs) et même quand il sont réussis à se sauver momentanément, en reniant ou non – le problème d'ensemble reste le même: devant les Turcs, un monde social s'est écroulé, en partie de lui-même...« F. Braudel, *op. cit.*, II, pp. 11 et 14.
17. »Par malheur, le passé turc reste encore insuffisamment connu. Les historiens et les géographes balkaniques, pour en juger, ne se laissent pas toujours guider conduire par des préoccupations purement scientifiques«, *ibid.*, p. 112.
18. A l'est de la péninsule balkanique les Turcs ont établi des populations nomades, la conquête elle-même a rendu nomade une partie de la population installée de façon permanente. Cf. F. Braudel, *op. cit.*, I, pp. 27-28 et p. 91 sq.
19. »Les princes serbes, ces paysans frustes dont les coutumes sont à peine différentes de celles des dahis ou des ags musulmans sont devenus de vrais héros de la culture chrétienne«, J. R. Suratteau, *op. cit.*, p. 103.

locales qui furent suivies, après la retraite de l'armée chrétienne, de vagues de réfugiés fuyant les représailles turques. Le Saint-Empire Romain Germanique, en particulier à l'initiative d'Eugène de Savoie, a installé les réfugiés dans les territoires dépeuplés qu'il avait pris aux Turcs, et aux frontières. Déjà depuis le XVIème siècle, l'Empire avait établi des gens aux frontières et formé ainsi une population d'Uskoks en *Vojna Krajina* et une population serbe en Voïvodine et en Dalmatie,<sup>20</sup> c'est la raison pour laquelle, au XIXème siècle il existait une nombreuse diaspora serbe dans un grand nombre de villes autrichiennes et hongroises, dans les régions frontières c'était une minorité forte en nombre, mais quant même une minorité.<sup>21</sup>

La naissance des nationalismes européens, au début du XIXème siècle, a touché, dans un délai relativement court, la partie urbanisée de cette diaspora.<sup>22</sup> A travers cette partie de la diaspora s'est déroulée l'implantation de l'idéologie qui, au XXème siècle est devenu le fondement de l'état yougoslave. Ni au cours de l'implantation de cette idéologie, ni lors de sa modification serbo-centraliste les intellectuels slovènes du début du XIXème siècle ne sont tout à fait innocents,<sup>23</sup> cependant leur influence n'a pas été décisive, davantage l'ont été les activités du diplomate polonais, le prince A. Czartorisky et de ses agents<sup>24</sup> et le commencement de l'affirmation de l'influence russe sur les

20. Au XVIème siècle à l'ouest on a organisé la frontière de l'Empire dans les pays slovènes (*Windischland*) dont le siège du commandant (*Generalkapitän*) était à Ljubljana (*Laybach*). Cf. F. Braudel, *op. cit.*, II, p. 175; sur la constitution d'*Ermland* cf. F. von Cochenhausen, *Die Verteidigung Mitteleuropas*, Iéna, 1940, p. 86-87; sur l'organisation militaire de défense antiturb au XVIème siècle cf. V. Simoniti, *op. cit.* Au XVIIIème siècle le tableau était tout à fait différent, l'Empire avait conquis les terres occupées, la Hongrie avait été rétablie. En suivant le conseil d'Eugène de Savoie qui soutenait l'absolutisme contre l'autonomie de la Hongrie, Vienne avait séparé le Banat de la Hongrie et peuplé la frontière sud du pays qui était dépeuplée avec des colons allemands et serbes, F. Fejtö, *op. cit.*, p. 87.

21. Vers le milieu du XIXème siècle il y avait davantage de Serbes dans la monarchie (environ 1 million) qu'en Serbie même (950. 000). En 1900, en Hongrie qui à l'époque comprenait la Croatie, la Slavonie et la Voïvodine, on en comptait 1, 048. 640. En Dalmatie, il y avait 90. 000 Serbes en 1900 et 116. 000 en 1914. Dans toute la monarchie il y avait 2 millions de Serbes. Partout il était en minorité: 23, 8% en Hongrie, 24, 6% en Croatie et en Slavonie, 32, 4% dans les zones militaires aux frontières, 17% (en 1870) en Dalmatie; 43, 5% en Bosnie-Herzégovine. Cf. F. Fejtö, *op. cit.*, p.

22. Au XVIIème et au XVIIIème siècle l'Autriche a attribué aux Serbes un statut assez privilégié, afin de les payer pour la défense des frontières. Une noblesse serbe s'est formée qui a reçu ses titres de la monarchie, l'aristocratie austro-hongroise elle, l'a cooptée après 1890. Dans sa totalité, les Serbes étaient parmi les sujets les plus loyaux de la monarchie dont ils soutenaient avec discipline les tendances centralisatrices. Cf. F. Fejtö, *op. cit.*, p. 130.

23. J. Kopitar, a suggéré à V. S. Karadić d'employer le serbo-croate comme langue unitaire, ce dernier a commencé aussitôt à utiliser cette trouvaille pour la réalisation de l'idéologie impérialiste serbe, ceci caché naturellement dans un décor de libération nationale, et cela dans une Serbie pas encore entièrement indépendante de Miloš Obrenović.



Balkans facilité par la version panslaviste des Slaves d'Europe centrale, particulièrement croate, c'est à dire par l'illyrisme et le yougoslavisme.<sup>25</sup> Dans le contexte de cette élaboration du yougoslavisme, on trouve aussi *Načertanija* de Garašanin,<sup>26</sup> dans lesquels la Bosnie-Herzégovine se trouve déjà dans la sphère d'intérêt serbe. L'Illyrisme et le yougoslavisme ont été façonnés surtout les gens politiques et les intellectuels croates, et justement en partie à travers le fond commun de folklore et de poésie populaire auquel on consacrait un culte romantique de primitivité, et qui ont mis en arrière aussi les langues traditionnelles littéraires de la Renaissance et de la période baroque en Croatie et les ont remplacé par un dialecte bosniaque qui aurait dû être une norme linguistique aussi bien pour le croate que pour le serbe.<sup>27</sup> Ce choix de la langue littéraire n'est en rien semblable à l'intronisation du dialecte toscan comme langue littéraire en Italie: dans cette nouvelle langue choisie il n'y avait pas auparavant de littérature, sa vertu était d'avoir été proclamée le dialecte le plus authentique du domaine parlé serbe et croate. Par conséquent il est curieux que la première action, en venant au pouvoir, des nationalistes croates ait été de séparer les langues littéraires et de publier un dictionnaire des différences linguistiques croato-serbes.

Le pangermanisme englobait et unifiait uniquement la zone parlant allemand,

24. Le prince Adam Czartorisky, émigrant polonais est une des figures politiques intéressantes du XIXème siècle. Sa principale occupation était la lutte contre l'impérialismes austro-hongrois et russe et contre la Turquie, pourtant il a lutté assez macchiavéliquement. Il avait beaucoup de contacts dans les Balkans (Garašan, Gaj) et des agents à travers lesquels il a voulu inciter le mouvement d'union des Slaves du sud avec la Serbie comme noyau. Cf. F. Fejtö, *op. cit.* et F. Zwitter, *op. cit.*, p. 68.
25. D'après la déclaration de Gaj sur »l'empire serbe dans la famille de Karadjordje« (1843) Czartorisky a proclamé la Serbie »drapeau reconnu et légitime des nations des Slaves du sud, le centre autour duquel tous devraient se réunir«, F. Zwitter, *ibid.* Pour l'évêque Strossmeyer le projet yougoslave devrait être l'union des Croates et des Serbes en une seule nation, F. Fejtö, *op. cit.*, p. 135.
26. Ilija Garašanin, un homme puissant de la principauté de Serbie, du 2ème tiers du XIXème siècle, dont la biographie montre l'oscillation entre l'autoritarisme et le despotisme provincial de la conception serbe de gouvernement, Garašin était adepte de la première, un homme qui n'a pas seulement détroné et intronisé des princes, mais aussi des dynasties et qui a, en 1844, écrit un document secret *Načertanija* dans lequel il a esquissé un plan pour la Grande Serbie, et ceci avec une argumentation qui est devenue de nouveau d'actualité, durant la dernière décennie du XXème siècle: la mission de la Serbie est de »sous la protection des droits sacrés de l'Histoire« renouveler »l'empire de Douchan«. Les textes historiques serbes et yougoslaves d'ordinaire présentent cet homme comme un défenseur de la monarchie constitutionnelle, mais on pourrait plutôt voir en lui un prédécesseur de Vasa Čubrilović et des auteurs du *Memorandum* de l'Académie serbe des sciences et des arts et par cela comme »fondateur historique« de l'épuration ethnique qui a lieu aujourd'hui en Serbie et en Bosnie-Herzégovine.
27. W. Marlow, dans: Congrès des sciences historiques de Moscou, août 1970, pense que les élèves de Gaj, après qu'il ait créé le croate littéraire, ont essayé, eux, d'imposer cette langue aux Serbes et aux Slovènes.

mais pas aussi les populations voisines germaniques non allemandes. Le panslavisme, plus mégalomane et moins réaliste, qui lui répondait, de manière assez dilettante, chez les intellectuels des peuples non-allemand mais, dans l'orbite politique allemand, avec des effusions revanchistes et impérialistes grotesques, a eu des ambitions culturelles et aussi, à travers la culture, des ambitions politiques très irréalistes.<sup>28</sup> Cela a signifié notamment l'adoption de l'argumentation raciste pangermanique qui fut seulement retournée, et pas toujours avec réussite, contre l'hégémonie allemande, culturelle et politique. Ses ambitions étaient: d'ébruiter que c'était au tour des slaves, après les Romains et les Germains, de gérer le monde, de réunir un grand nombre de peuples slaves vivants, ayant des langues différentes et appartenant à des civilisations différentes, cela en se fondant sur la parenté des origines et des langues, et de leur fournir, le plus rapidement possible, une langue commune et autant que possible un état et une culture aussi. L'incessante obsession d'une union linguistique et politique par parenté qui est caractéristique chez les Slaves du sud et du centre de l'Europe était active encore au XXème siècle et elle a parrainé l'unification de la Yougoslavie et de la Tchécoslovaquie. Dans une étendue limitée elle semblait de toute évidence plus facilement réalisable que le panslavisme originel, en particulier parce que le régime russe avec son extrême obscurantisme et ses ambitions hégémoniques avait commencé, déjà dans la deuxième moitié du XIXème siècle, d'effrayer les élites politiques et intellectuelles de ces peuples.<sup>29</sup> Le panslavisme, sauf peut-être en Serbie et en partie en Bohême n'était pas une idéologie de masse, même s'il a tenté de s'infiltrer dans le système scolaire. Durant la première guerre mondiale, la loyauté assez inébranlable des soldats slaves, des serbes aussi, à la double monarchie témoigne de cette limitation.<sup>30</sup>

28. Par ex. cet envol de Jan Kollar: «Qu'est-ce qu'il deviendra de l'élément slave dans cent ans? Les Slaves comme une inondation étendront leur pouvoir. Cette langue, que les Germains et leurs idées erronées considèrent comme un idiome d'esclaves, résonnera sous la voûte des palais et dans la bouche de leurs adversaires, les sciences couleront selon le courant slave, les vêtements, les us et coutumes, les chants de notre peuple seront à la mode aussi bien le long de la Seine que de l'Elbe...», cf. Suratteau, *op. cit.*, p. 37.
29. Déjà en 1833 le comte Uvarov, ministre russe de l'éducation, avait présenté au tsar un essai de théorie nationale russe. Elle aurait fondé «une patrie russe» sur «des bases fermes» d'essence religieuse, mystique et historique de Russie; c'est pourquoi il est suffisant «de conserver le sanctuaire des idées populaires» et de faire d'elles l'idée fondamentale «de gouvernement national». C'est lui qui a inclus «le tsar autocrator» c'est à dire «monarque» dans la constitution nationale russe (J. R. Suratteau, *op. cit.*, p. 109). Dans les années 70 et 80 du XIXème siècle, après l'échec de la libéralisation, se forme un mouvement «mystico-réactionnaire et rétrograde» en vertu de l'idée d'Uvarov qui, au nom «de la Sainte-Russie» combine un chauvinisme extrême avec la xénophobie et l'anti-occidentalisme. Sous Alexandre III le «narodnjaštvo» (nationalisme et populisme à la fois) devient l'idéologie officielle.
30. «Mais la majorité des Tchèques, Polonais, Croates et Slovènes ne s'est retournée contre la monarchie que vers la fin de la guerre.» F. Fejtö, *op. cit.*, p. 137.



A dire vrai, la Slovénie jusqu'au milieu du XIX<sup>ème</sup> siècle n'est pas apparue dans les plans d'union des Croates et des Serbes, sous prétexte qu'elle était trop germanisée, bien qu'il avait déjà été question de liaisons sloveno-croate, déjà en 1700 dans le plan Richter, et au début du XIX<sup>ème</sup> siècle il y avait eu les Provinces Illyriennes durant lesquelles certaines parties de territoire slovène et croate étaient regroupées. Bien avant cela, à partir du XIII<sup>ème</sup> siècle les territoires ethniques slovène (*Windischland*) et croate étaient reliés dans un cordon sanitaire du Saint Empire Romain Germanique. La région le long de la frontière bosniaque avait un régime particulier (les soldats d'origine serbe, les Uskoks, étaient exemptés de servitudes).<sup>31</sup> Lors de la formation de la Yougoslavie, ces faits historiques ont été employés pour légitimer retrospectivement l'illyrisme et le yougoslavisme.

Le nom de yougoslavisme a remplacé celui d'illyrisme, en partie en raison de l'aversion du pouvoir autrichien envers sa connotation »française«, et en partie à cause de la pression panslaviste, avec laquelle s'est imposée le principe exclusif de parenté de langue et de lignage qui a exclu les peuples balkaniques non-slaves de l'union et fut le fondement de l'idéologie de la pureté ethnique de la population dans les territoires ethniques ou présumé ethnique.<sup>32</sup>

Dans la constitution du yougoslavisme il est possible de reconnaître trois moments dont le facteur commun est l'implantation »de la conscience« de la parenté des slaves du sud (»tribu« était le terme le plus souvent employé) et de leurs langues. Cette conscience devait tôt ou tard conduire à la fondation d'un état commun des Slaves du sud, ce qui s'est finalement produit, avec son assistance et non pas grâce à elle. Après la fondation de cet état, qui ne satisfaisait à aucune des variantes prévues (il n'y avait pas la Bulgarie, pourtant périodiquement prévue, et jusqu'à la fin du siècle la Slovénie n'a pas été prise en considération), cette »conscience« comme base de l'idéologie d'état a justifié cet état. Le contenu de cette idéologie n'a jamais été un rationalisme pragmatique, même limité, encore moins une démocratie, mais uniquement une mystification antiindividualiste de liberté collective dans la ligne de l'idéologie *Blut und Boden* dans la variante allemando-russe, c'est à dire le panslavisme avec toute la mystique caractéristique de parenté, de foyers, de droits historiques etc., limité aux Slaves du sud liés au ruralisme et au tribalisme, et quand c'était possible aussi à la chrétienté orthodoxe.<sup>33</sup> En lui, le rétablissement d'état »national« (slave) formellement indépendant était présenté comme une libération, et la parenté ethnique remplaçait les droits de l'homme

31. V. Simoniti, *op. cit.*; F. Fejtö, *op. cit.*; J. Mal, *Uskoške seobe in slovenačke pokrajine*, Ljubljana, 1924, dans *Srpski etnografski zbornik SA*.

32. Nous parlerons plus tard des plans d'explication de la purification ethnique en Yougoslavie chez Vasa Čubrilović.

33. J.-R. Suratteau, *op. cit.*, p. 109.

et du citoyen, de sorte qu'il n'est nullement étrange, que ces conceptions n'aient pas d'importance particulière sur les territoires de l'ancienne Fédération aujourd'hui encore. On a toujours à faire à des régimes autoritaires et non juridiques.<sup>34</sup> L'illyrisme et le yougoslavisme sont semblables, eux aussi, au panslavisme, bien qu'ils n'aient englobé qu'une assez étroite couche de la population instruite tant bien que mal et aient opéré avec des entités collectives et non pas avec des citoyens et des personnes. Certes, l'individualisme n'était pas un attribut, ni de ce coin caché de l'Europe, ni des «débris des peuples», selon le mot de Marx, qui y vivaient.<sup>35</sup> Ce yougoslavisme avec son collectivisme tribal était uniquement une modalité de l'idéologie qui, au XIX<sup>e</sup> siècle et un demi-siècle plus tard encore, dominait l'espace d'Europe centrale. Elle était presque une reproduction exacte de l'idéologie d'unification allemande et du mouvement avec un accent «antifrançais» (c'est à dire antiuniversaliste, antilumière, antirationnaliste) aussi bien par ses aspirations que par sa constitution conceptuelle et les formes des mouvements à travers lesquels elle s'est affirmée.<sup>36</sup> Dans le panslavisme et le yougoslavisme russo-serbe (il existait aussi, à côté d'autres variantes, une variante austro-serbe du yougoslavisme avec des implications différentes et moins xénophobes)

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34. R. Portal, *Les Slaves*, Paris, 1965, pense que les peuples slaves se sont conservés parce qu'il s'agissait précisément d'une société paysanne attardée et que c'est bien le nationalisme qui, au XIX<sup>e</sup> siècle, leur a «assuré l'éternité».
35. C'est ce que constate Braudel au sujet de la côte Adriatique du nord-est, mais cela est encore plus valable pour l'intérieur des terres des Balkans rural et en partie nomade, *op. cit.*, I, p. 51 sq.
36. En Allemagne, le mouvement anti-napoléonien s'est transformé en «anti-français», c'est à dire en négation de tout rationalisme, esprit des lumières, universalisme mais aussi individualisme, comme si en Allemagne il n'y avait pas eu d'authentique *Aufklärung*. Il est vrai que même certains intellectuels «éclairés» (par ex. Herder) n'ont pas vu dans la nation un collectif formé par un contrat volontaire et l'adhésion libre des individus, mais un être, *Wesen*, qui se restitue avec une activité inconsciente de l'instinct populaire, intérieur et naturel et qui est le *Volkgeist*. En raison de cet esprit, la nation n'est pas seulement au-dessus de tous les individus, y compris le monarque, mais elle est aussi indépendante de leurs volontés et elle se manifeste avec la langue, les coutumes, d'habitude ce sont les mythes, qui la transmettent, et les chants populaires, qui tous établissent des liens de parenté entre les générations. Cf. J.-R. Suratteau, *op. cit.*, p. 12. Toute une série d'intellectuels «romantiques» (Arndt, Fichte, Jahn...) a réalisé une purification culturelle et a préparé la renaissance *des Volksgeistes*. Friedrich Ludwig Jahn a fait la guerre aux mots étrangers: l'expression *Nationalität* aurait dû être remplacée par l'expression *Volkstum* et avoir un contenu tout à fait différent. Elle devrait signifier ce qui est commun dans le peuple, sa force régénératrice, la sentiment *volkstümlich*. Même Guillaume II a dit que l'Allemagne incarnait les plus hautes valeurs culturelles (A. Hitler a décrit la confrontation avec l'Union soviétique comme un combat entre *Deutsche Kultur* et *Russische Barbare*). En un mot, «le combat légitime pour l'indépendance nationale s'est égaré dans des théories racistes, cf. L. Richard, *Le nazisme et la culture*, Paris, 1988. A travers les *Burschenschaften* de Jahn se sont développés, entre la jeunesse académique et l'autre, l'idéologie *Blut und Boden*, le racisme (en particulier l'anti-



l'antifrancisme a été remplacé par l'antigermanisme qui, à côté d'une haine concrète envers l'Autriche-Hongrie impliquait aussi le rejet de la civilisation d'Europe de l'Ouest en général (naturellement il s'agit d'un rejet fictif, le régime yougoslave ayant, dans cette variante idéologique aussi, essayé d'être une copie des régimes durs européens des XIX<sup>e</sup> et XX<sup>e</sup> siècles). Cet élément anti-germanique des nationalismes yougoslave et serbe est resté fort et opératif jusqu'aujourd'hui, quand l'Allemagne et le complot vaticano-viennois contre la Serbie et tout le monde orthodoxe sont proclamés, parmi d'autres, coupables de l'éclatement de la fédération.<sup>37</sup>

Nous avons mentionnés déjà qu'il fallait distinguer entre la variante serbe du yougoslavisme qui était plus irrationnelle, interpénétrée avec une mystique étatique et historique et en même temps activiste, c'est pourquoi aussi au début elle n'a agit que dans le but de rassembler les Slaves vivants dans le cadre de l'empire turc, et la version austro-hongroise qui comprenait un élément culturo-idéologique puissant, était moins exclusiviste et visait d'abord à rassembler les populations de la double monarchie parlant serbo-croate.<sup>38</sup> Ces deux variantes ont survécu aux formations des deux Yougoslavies et y ont participé les deux fois. Elles se sont présentées comme deux points de vue sur la conception fondamentale de l'état et comme deux politiques divergentes.

Le point de vue serbe, ou plus exactement dynastique et de Belgrade était, et est encore, unitariste, ses deux modèles directs sont les grandes unions nationales du XIX<sup>e</sup> siècle, l'allemande sous la pression de la Prusse et l'italienne sous celle du Piémont. C'est uniquement à cause de l'antigermanisme, du panslavisme immanent et naturellement aussi à cause de la conjoncture antiallemande durant la période précédant la première guerre mondiale la Serbie s'est proclamé Piémont yougoslave et non pas Prusse yougoslave.<sup>39</sup>

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sémitisme), les revendications d'un ordre chrétien allemand, le culte du corps et de la vigueur masculine. Pour les nazis ce fut le premier soulèvement du peuple allemand contre l'esprit étranger« et »l'ennemi héréditaire« (*ibid.*, 25 sq.). Je veux dire que l'idée Volkstum fait appel directement à l'agressivité (H. Brenner, *Die Kulturpolitik des Nationalsozialismus*, Reinbek bei Hamburg, 1963, p. 26).

37. Avant cela ce sont les francs-maçons qui auraient noué des intrigues, cf. Z. D. Nemezić, *Masoni u Jugoslaviji*. 1764-1980, Belgrade, 1988.

38. Le prince A. Czertorsky a joué constamment un rôle important dans la »production du yougoslavisme«, il a, d'après la déclaration de Gaj sur l'empire serbe sous la dynastie des Karadjordjević, proclamé assez pathétiquement la Serbie, noyau de l'union des Slaves du sud. Cf. F. Zwitter. *op. cit.*, p. 68; »Origines de l'illyrisme politique et la création des Provinces Illyriennes«, dans un no spéc. *Illyrisme et sentiment yougoslave, Monde slave*, avril, mai, juin, 1933. Et en même temps l'impérialisme structurel du nationalisme serbe a fait que »l'idéologie du slavisme a pris racine chez les Serbes plus tôt que chez les Tchèques...«, F. Fejtö, *op. cit.*, p. 131.

39. Il s'agit bien de »l'acquisition de territoire national qui est la base du droit de conquête«, ce

La deuxième vision, celle contre laquelle était dirigée la dernière réforme centraliste dans la fédération yougoslave (des présidents de gouvernement Branko Mikulić et Ante Marković) et qui, au moins temporairement, a cessé d'être actuelle en raison de l'écroulement de la fédération, est fédéraliste avec quelques éléments de démocratie politique. Ce point de vue a imposé la première, la forme fédérale et le nom d'état yougoslave (état des Slovènes, Croates et Serbes),<sup>40</sup> à partir de ce moment là et jusqu'au meurtre d'Alexandre I l'Unificateur à Marseille, et la régence de Paul Karadjordjević, quand ont commencé les réformes administratives du territoire pour la réintégration administrative des territoires ethniques des Croates et des Slovènes, nous constatons l'exclusion de cette conception de la sphère politique, administrative et culturelle. La dominance de la conception unitariste dans la première Yougoslavie est l'effet direct des discussions de la succession austro-hongroise, à Versailles où, en dépit du principe déclaré de nationalité des points de Wilson, plusieurs régions de l'ancienne monarchie – toutes sauf l'Autriche

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que K. Renner a appelé la philosophie des fauves (*eine Raubtierphilosophie*). Cf. J.-R. Surauteau, *op. cit.*, p. 35.

40. L'historique de la fondation de la Yougoslavie est de lui-même fort indicatif, c'est pourquoi nous le résumerons très sommairement: en 1914, dans l'esprit de Strossmeyer, les émigrants politiques croates ont créé un Comité national yougoslave et la même année des émigrants politiques serbes de Bosnie-Herzégovine sont devenus membres du Comité, en 1915, à Paris. le Comité s'est définitivement constitué quand les politiques slovènes s'y sont joints eux-aussi, A. Trumbić en est devenu le président. C'est probablement en accord avec les suggestions de Sazonov que le Comité national yougoslave a été soutenu par le gouvernement de Serbie, c'est à dire par N. Pašić, cependant avec d'autres intentions: rattacher les territoires slaves à la Serbie, non pas fonder un nouvel état. C'est pourquoi il y a eu dès le début un désaccord entre le gouvernement serbe et le Comité, un désaccord sur la nature du futur état. Pašić s'est décidé pour la politique »des faits accomplis«, dont témoigne la déclaration de Corfou sur la fondation d'un Royaume des Serbes, Croates et Slovènes qui a provoqué une opposition de la diaspora Slovène et Croate des Etats-Unis en raison du préjudice des décisions de l'Assemblée constituante du futur état. En faveur de la politique de Pašić se trouve le fait que l'Entente n'a pas reconnu les Slaves du Sud de l'Autriche-Hongrie, au contraire des Tchèques et des Polonais, en tant que nations alliées et qu'elle n'a pas reconnu le Comité yougoslave en tant que leur représentant en dépit des efforts de Masaryk et de Beneš, c'est ainsi que la Serbie de Pašić l'a emporté étant le seul représentant légitime des Slaves du Sud. Malgré cela le 29 octobre 1918 fut proclamé l'état des Slovènes, Croates et Serbes, et fondé leur Conseil national dont le siège était à Zagreb, puis Pašić, sous la pression des Britanniques a tactiquement reconnu le Comité yougoslave et signé la Déclaration de Genève qui prévoyait l'union selon une base dualiste (L'état SHS et le royaume de Serbie). Après l'union les pouvoirs de Belgrade ont ignoré ce document et réalisé le programme de la Déclaration de Corfou: Le Royaume des Serbes, Croates et Slovènes avait déjà été fondé le 1er décembre 1918, selon les mesures et l'organisation intérieure prévues dans ce document, ce que les unitaristes yougoslaves ont considéré comme une concession temporaire »aux tribus slaves«. Ceci s'est montré finalement en 1929 quand la structure de l'état a été transformée et l'état s'appelant à partir de ce moment Royaume de Yougoslavie.



allemande, la Bohême. la Slovaquie, la Pologne et la Hongrie – ont été traité à vrai dire comme des territoires disponibles,<sup>41</sup> non pas comme des domaines nationaux et administratifs et ont satisfait les prétentions territoriales d'alliés moins importants, vraisemblablement aussi afin d'empêcher la reconstruction d'un quelconque état danubien.<sup>42</sup>

L'unitarisme yougoslave fut d'abord un complément à l'alliance russo-serbe contre la Turquie et contre l'Autriche et un des moyens avec lequel la Russie a tenu la Serbie dans sa sphère d'intérêt et l'a poussée dans une série de décisions aventuristes, parmi lesquelles l'attentat de Sarajevo fut le plus fatal, pour

41. C'est ainsi qu'on les traitait encore la dernière année de la guerre (est-ce que ces »territoires« ont et comment ils ont obtenu aujourd'hui un statut différemment, c'est une question auquel on ne peut répondre sans analyse historique): d'après A. J. Balfour, qui était le Ministre des Affaires étrangères britannique durant la dernière année de la guerre, l'Autriche aurait dû laisser la Bosnie-Herzégovine à la Serbie, celle-ci une partie de la Macédoine à la Bulgarie, la Roumanie aurait reçu une partie du territoire russe et la zone frontalière hongroise, l'Autriche aurait été formée de trois états: la Bohême, la Hongrie et l'Autriche proprement dite. Cf. F. Fejtö, *op. cit.*, p. 205.

42. Au Congrès panslaviste à Prague en 1848, les représentants du parti national croate se sont mis d'accord avec les représentants Tchèques qui ont proposé, à la dynastie des Habsbourg, de réorganiser l'Autriche en une fédération de nations libres, égales en droits et qui confieraient la politique extérieure et la défense à un gouvernement central (cf. F. Fejtö, *op. cit.*, p. 143). Le dernier empereur autrichien, Charles, s'est intéressé vivement mais avec une grande prudence et trop tard à cette idée, avant lui à temps mais moins prudemment s'y était intéressé le malheureux prince héritier Rodolphe. L'archiduc François-Ferdinand a défendu la mise sur un pied d'égalité de tous les citoyens et une certaine forme d'organisation fédérale de la monarchie, tout ceci en se basant sur des points de départ proches de ceux des chrétiens sociaux. En tant que prince héritier, il a créé, dans sa résidence du Belvédère, un cabinet fantôme formé d'hommes politiques et d'intellectuels anti-dualistes. Parmi ceux-ci, le roumain Aurel Popovici, auteur d'un ouvrage retentissant *Les Etats-Unis de la Grande-Autriche*, était probablement le plus important. La question suivante est caractéristique du point de vue anti-dualiste de l'archiduc: »Pourquoi (les Hongrois) devraient-ils avoir plus de droits que les Tchèques, les Croates, les Roumains, les Polonais et les Slovènes?« (cf. *ibid.*, p. 177-179). Vers la fin de la Ière guerre mondiale, la »communauté internationale« (les politiciens de l'Entente et futurs fondateurs de la Société des Nations) se sont efforcés, non seulement de détruire l'empire habsbourgeois, mais d'empêcher tout état multinational dans la vallée du Danube. L'idée d'un tel état certes durant les deux décennies de l'entre-deux guerres n'a pas disparu et à sa façon elle est d'actualité encore aujourd'hui: la propagande serbe actuelle s'y réfère quand elle parle d'un complot vaticano-viennois contre la Serbie, et plusieurs fois elle fut utilisée pour contrecarrer les aspirations indépendantistes des Slovènes. Il est évident que reconnaître les intérêts d'autonomie des Slovènes était un problème insurmontable pour les milieux politiques dans les pays qui ont été les vainqueurs des deux guerres mondiales (au contraire de l'orientation politique qui a commencé par la décision de démembrer l'Autriche-Hongrie), c'est ainsi qu'ils ont préféré tenir compte des avis et des »expertises« qui montraient ces aspirations comme des effets de complots et d'intrigues ennemis, si possible allemands.

lequel le service de renseignements serbe, par ordre de Saint-Petersbourg, a utilisé en Bosnie-Herzégovine la cinquième colonne irrédentiste.<sup>43</sup>

La victoire du yougoslavisme serbe sur le croato-slovène a fait que l'état des Slaves du sud a commencé comme une illusion de monarchie constitutionnelle en SHS et elle a continué sous le nom de Yougoslavie comme dictature autoritaire et enfin fasciste d'Alexandre Karadjordjević et de ses premiers ministres. En raison de la chute du tsarisme, le rôle que la Russie avait joué pour la Serbie a été repris par les régimes les plus obscurantistes de l'Europe d'alors.<sup>44</sup> En général, le démembrement de la monarchie danubienne a amené un grand nombre de dictatures d'opérettes sur son territoire, même dans la République autrichienne et en Hongrie où les premiers gouvernements après la guerre ont été formés par des sociaux démocrates.<sup>45</sup>

Le fait que les intellectuels et le pouvoir serbe qui ont, de façon déterminante, modelé l'opinion, et compris la formation du nouvel état comme une annexion des territoires obtenus par la guerre, s'est exprimé très rapidement dans la division administrative du nouveau territoire qui intentionnellement n'a pas tenu compte des territoires ethniques, avec la fondation de partis »yougoslaves« qui ont discipliné en particulier les libéraux et les sociaux démocrates,

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43. Avant la Ière guerre mondiale, le »mouvement national« serbe en Bosnie-Herzégovine s'est radicalisé avec la création de groupes »révolutionnaires« (en réalité irrédentistes), liés aux organisations secrètes serbes. C'est dans une telle connexion que fut organisé l'attentat contre l'archiduc François-Ferdinand. Le gouvernement de Vienne a su, de façon certaine, que les meurtriers de l'héritier autrichien s'étaient fournis en armes en Serbie. Cela fut confirmé aussi en 1919, après la guerre. Vasa Čubrilović, plus tard le planificateur des purifications ethniques yougoslaves, et Ivo Krnjević, qui tous deux, étant parmi les organisateurs de l'attentat, survécurent le procès contre les meurtriers, ont »confirmé« que l'attentat avait été préparé, dans »l'intérêt de la Serbie« par le père Puntigam en liaison avec Apis. Bref, le véritable organisateur de l'attentat fut la Main noire qui était dirigée par Dimitrijević (Apis), le chef du service de renseignements de l'état-major serbe. Ce qui signifie aussi, qu'à travers Sazonov, la Russie y était mêlée. Fejtö se réfère aussi à la chronologie des événements: celui-ci montre »que les Russes, sans avoir prévenu les Français, ont mobilisé le 24 juillet, quatre jours avant la déclaration de guerre«, c'est à dire durant la période où, théoriquement, il était encore possible d'éviter le conflit armé (cf. F. Fejtö, *op. cit.*, p. 346 et 382 op. 24).
44. Cependant, pas autant contre »la volonté du peuple« que l'ont montré les historiens yougoslaves après la défaite de l'Allemagne nazie: même chez les intellectuels nous pouvons constater une série d'identifications erronées, en partie aussi à cause de la tradition encore vivante de l'empire des Habsbourg. Une grande part de la presse a suivi les événements en Italie et en Allemagne comme s'il s'agissait d'une évolution naturelle, sociale et culturelle.
45. Cf. B. Droz, A. Rowley, *Histoire générale du XXème siècle*, Ière partie, Paris, 1986, 283 sq. Sur les pages 286-287 se trouve un tableau des dictatures européennes entre deux guerres mondiales, mais il y manque l'Union soviétique et aussi l'autoritarisme éclairé de T. Masaryk. Malgré cela, il est possible de voir que les principaux adversaires de l'autoritarisme »normal« n'étaient pas les mouvements et partis démocratiques mais les fascistes.



les organisations fascistes selon les modèles italiens et allemands, avec la déclaration du serbo-croate, plus exactement de sa variante serbe, comme langue officielle et *last but not least* avec la serbisation du système scolaire, duquel, en plus de la réduction des langues étrangères et classiques<sup>46</sup> en même temps que les Histoires nationales et régionales l'Histoire mondiale a pratiquement disparu aussi, la tâche de la »rééducation« a incombé aussi à l'armée.

Les deux versions du yougoslavisme sont naturellement une réduction d'un éventail plus large d'orientation yougoslaves, à côté d'elles, et à cause de l'unitarisme un nationalisme ethnique radical s'est imposé, en particulier dans les classes moyennes à cause des répressions brutales, des difficultés économiques et de la corruption du régime, mais aussi dans les classes populaires, chez les paysans aisés, la petite bourgeoisie et la bourgeoisie des campagnes et aussi chez les ouvriers. Ces nationalismes, continuateurs des exclusivismes nationalistes d'avant la première guerre mondiale, se sont constitués exactement dans le même horizon conceptuel que le yougoslavisme unitariste, c'est pourquoi aussi leur conflit avec lui a pris des formes extrêmes. Après la première décomposition de la Yougoslavie en 1941 ils ont tout simplement pris la place de l'unitarisme et augmenté les actions de l'état qui étaient déjà assez terroristes contre les adversaires du régime, réels et supposés, ils ont manifesté d'égales affinités idéologiques envers les totalitarismes nationalistes comme le leur et se sont engagés dans la même alliance avec les puissances de l'Axe. En définitive l'unitarisme yougoslave a de la même manière défendu la pureté ethnique des Yougoslaves que les nationalismes radicaux mentionnés, il était dirigé contre tous les non-slaves du territoire yougoslave, contre la concurrence slave potentielle dans la Bulgarie voisine et contre les groupes ethniques slaves non-reconnus dans les frontières yougoslaves (Macédoniens, les minorités slaves en Voïvodine et à l'est et au sud de la Serbie etc...)<sup>47</sup> Pour cela il s'est appuyé sur le jargon intellectualiste qui, plus de cent ans après la révolution française, a expliqué l'Histoire et les processus sociaux dans des termes tribalistes et gentilistes et sur lesquels se sont appuyés

46. Cf. B. Baskar, *Latinščina in njeno izganjanje na Slovenskem, 1848-1987*, Ljubljana, 1988.

47. Plusieurs documents témoignent de cela et les plus frappants sont deux rapports de Vasa Čubrilović aux pouvoirs

Vasa Čubrilović (né en 1897), historien et après 1945 ministre, professeur d'Université, directeur de l'Institut balkanique à Belgrade, fut en 1914 membre du groupe terroriste qui exécuta l'attentat de Sarajevo. Mais il ne fut pas, comme son frère Veljko condamné à mort. Ses deux coreligionnaires célèbres furent les deux écrivains I. Andriæ et J. Vukotia. Le titre du premier »exposé« était *Iseljavanje Arnauta*, et il le présenta au gouvernement yougoslave le 7 mars 1937. Il y défend »la forme brutale de l'état organisé, à l'égard duquel nous avons toujours été au-dessus des autres,« il rejette l'assimilation des Albanais puis, il propose des mesures concrètes (violence, confiscation des biens, profanation des cimetières, empêchement

tous les racismes du XXème siècle, et même des représentants de la Gauche les ont utilisés.<sup>48</sup> L'usage des expressions race, tribu, souche à la fin du XIXème siècle et dans la première moitié du XXème dans l'Europe continentale n'était rien d'inhabituel et il n'avait pas obligatoirement des implications racistes, cependant il a en même temps créé une évidence terminologique, une légitimité apparente pour des spéculations racistes.

Le développement du yougoslavisme dans les deux Yougoslavie montre que cette idéologie était surtout négativiste, en effet sa fonction principale (comme pour tous les nationalismes radicaux), en plus du fait qu'elle ait déindividué la population avec le tribalisme, était aussi l'isolation politique et civilisatrice. La popularité de cette idéologie et l'état duquel, durant trois quart de siècle, elle a décidé de la forme et du contenu, n'ont jamais été mis à l'épreuve d'un plébiscite sur l'autodétermination, comme le principe de nationalité le dicte ordinairement et qui aurait dû être la base pour la constitution d'un état des Slaves du Sud. Néanmoins, dans la Carinthie du sud, là où le plébiscite a eu effectivement lieu, les habitants slovènes ont voté en majorité contre la Yougoslavie et pour le rattachement à la République autrichienne, mais l'historiographie yougoslave s'est efforcée de présenter ce plébiscite comme une duperie de la part de l'Allemagne et non pas comme une détermination pour la république et contre la monarchie.<sup>49</sup>

L'état qui a établi son existence sur cette idéologie et lui a subordonné toutes sortes de discours »prétendants à être créatif pour former un état« n'a pu être, au niveau de la réglementation et de l'administration, qu'autoritaire et répressive.

des modes de vie différents, armement des colons serbes, terreurs de la police et des tchetniks, humiliation des dirigeants spirituels, et mise en garde devant l'usage d'une armée régulière), qui devraient conduire la population albanaise à s'exiler en Turquie (extraits publiés dans l'hebdomadaire *Mladina*, 49, 17 nov. 1988, p. 30-36). Le motto du deuxième »exposé« est: »Seul la pureté ethnique peut assurer paix et progrès à la Yougoslavie démocratique et fédérative...« Il s'occupe moins des Albanais, par conséquent d'autant plus des minorités allemande, hongroise et même italienne. Il prévoit même un échelon de terreur sur les différentes minorités (ordre de priorité: Allemands, Hongrois, Arnauts (Albanais), Italiens, Roumains) et il prie le gouvernement des partisans de profiter du temps précédant la fin de la guerre (texte intégral, *Mladina*, 17 nov. 1988, pp. 30-36). Il n'y a pratiquement plus de minorité allemande sur le territoire yougoslave, durant les années 1950-1970, en raison de la »terreur de Ranković« environ 232.000 habitants ont émigré en Turquie, quant à la »question hongroise« elle est en train d'être résolue dans la Serbie de Milošević.

48. Par ex. le slovène H. Tuma, social démocrate, *Jugoslovenska ideja in Slovenci*, Gorica, 1906, a utilisé le terme »tribu« pour désigner les groupes ethniques. Il est vrai que »les théories des races étaient effectivement très à la mode dans le monde scientifique des années trente«. (Cf. A. Schnapp, »Archéologie et nazisme«, dans *Pour Léon Poliakov. Le racisme, mythe et sciences*, Paris, p. 308 sq; cf aussi K. von See, *Deutsche Germanen Ideologie*, Frankfurt, 1970.

49. J. Pleterski, *Koroški Slovenci med prvo svetovno vojno – Koroški plebiscit*, Ljubljana, 1970.



La *Pax jugoslavica* qui porta officiellement le nom de «fraternité et unité» ne fut pas une conséquence du consensus de population, mais le produit cumulé de l'exclusivisme idéologique (tribal, ethnique, révolutionnaire etc...) et de la constitution répressive du pouvoir.

L'évolution idéologique décrite en Yougoslavie est le premier moment constitutif de l'état yougoslave comme crise permanente: mobilisation idéologique incessante, machinations mystificatrices, impraticabilité économique, idéologique ou administrative des frontières, peur des voisins, témoignent que vivre dans une crise plus ou moins aigüe était le mode d'existence de l'état Yougoslave et le principal déterminant de ses politiques extérieure et intérieure. Le second moment dans le développement de la conjoncture conflictuelle actuelle fut la non-consistance de »l'identité yougoslave« qui, en dépit d'une propagande longue et systématique, à travers tous les canaux possibles, au niveau des individus et des groupes, est restée problématique. En raison de cette non-consistance, à la place de la transformation du régime d'une dictature autoritaire en un état démocratique de citoyens, en particulier les points de départ ethnonationalistes de la »prison des nations« ont été favorisé comme conduisant à l'issue de la crise.<sup>50</sup> Le cliché idéologique »prison des nations« était déjà pour la première Yougoslavie une part de l'argumentation autolégitimisante avec laquelle elle dévalorisait la monarchie double détruite, en définitive la peur de sa restauration, de quelque forme qu'elle soit, liée avec la crise constante de la légitimité du régime yougoslave et de l'existence de l'état faisait partie du répertoire de fer de tous les régimes yougoslaves.

La non-consistance de »l'identité yougoslave«, plus exactement les difficultés des habitants avec l'identification yougoslave, se sont concrètement montrées lors de la chute de la monarchie durant la IIème guerre mondiale – il s'agissait plutôt d'une infiniment rapide décomposition de l'état que d'une défaite de l'armée qui avait été destinée surtout à la répression intérieure et seulement ensuite à la défense – et dans les suites sanglantes de cette chute. Les événements effroyables sur le territoire de la Yougoslavie pendant la IIème guerre mondiale étaient la conséquence directe de l'efficacité de l'idéologie

50. Les interlocuteurs et les ennemis reconnus des gouvernements yougoslaves, par exemple en Slovénie, ceux que le discours du pouvoir, en raison de la parenté avec le sien a pu comprendre et classer, et leur non-reconnaissance commune, leur méconnaissance, et le refoulement efficace de chaque opposition ou différence non-nationaliste témoignent de cela: en Slovénie la comparaison des rapports entre le groupe des »dissidents« autour de la *Nouvelle revue* et les gouvernements et les rapports entre les groupes de »théoriciens« autour de la revue *Problemi*, »Nouveaux mouvements sociaux« et certains centres de vie intellectuelle et les pouvoirs montre que l'opposition nationaliste et l'élite culturelle étaient les interlocuteurs privilégiés du régime.

fondamentale de cet état, qui a rendu impossible le développement des institutions sociales et politiques modernes. Cette incapacité institutionnelle au moment de l'écroulement de l'appareil répressif étatique a plongé la population dans le vide idéologique, dans lequel ne subsistèrent que les modèles religieux régressifs et ceux »réveilleurs de la nation«, tels qu'ils se sont développés en particulier dans la deuxième partie du XIX<sup>ème</sup> siècle, cependant dans des circonstances institutionnelles et idéologiques tout à fait différentes. Après la cassure yougoslave, la perte des misérables contenus culturels et politique qu'ils ont peut-être eu quand même autrefois, a été remplie par un exclusivisme radical, ethnique et religieux qui a été le moteur des purifications ethniques d'aujourd'hui et d'alors.

Le troisième moment du conflit actuel, du point de vue de la légitimité est la problématique du renouveau de la Yougoslavie après la II<sup>ème</sup> guerre mondiale sous la forme d'une fédération de républiques et de nations, c'est à dire de semi-états nationaux et de territoires administratifs. Une face de cette problématique est le rôle dirigeant que le parti communiste a pris parmi les participants au mouvement de résistance, l'autre face est sa prise de pouvoir et sa consolidation après la guerre en éliminant toute concurrence politique. Cependant, l'existence même de l'état ne faisait pas le problème à cause de ces deux aspects. Mais la cause principale posant le problème de la légitimité du statut de citoyen, ce fut sa constitution ambivalente qui a été expliquée à leur façon aussi bien par les unitaristes (par ex. avec »la consummation du droit à l'autodétermination«), que par les fédéralistes (par ex. avec l'autonomisme).<sup>51</sup> C'est pourquoi, même le statut des unités territoriales et administratives n'a jamais été clair, en effet il s'agissait, d'une façon semblable à celle de l'Union soviétique, d'une application particulière à moitié révoquée du principe de nationalité et de celui de l'état. Bref, on ne savait jamais exactement si la fédération était divisée en domaines administratifs comme le royaume d'Alexandre ou si elle n'était pas par hasard composée, comme le suggèrent les documents du Conseil anti-fasciste du mouvement populaire de libération

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51. Le Dr Borisav Jović, spécialiste de droit constitutionnel et professeur à l'Université de Belgrade, de plus membre de la présidence yougoslave pendant de longues années, et enfin président, aujourd'hui fonctionnaire du parti de Milošević et un cadre sûr; en 1988, dans des interviews à différents journaux et à la télévision de Belgrade, a expliqué la théorie de la consummation du droit d'autodétermination qui, en dépit de la garantie constitutionnelle, rend impossible son application pour tous, sauf pour les Serbes qui devraient du être les seuls à pouvoir être capable de fonder un état. Le débat naturellement rappelle le débat sur l'autodétermination dans les dernières années de l'Autriche-Hongrie et la réponse négative d'alors sur ce droit pour les Slovènes. En octobre 1988 est paru dans le quotidien slovène *Delo* un interview avec un juriste de Belgrade le dr. Ratko Marković où la construction de Jović est répétée et expliquée, c'est à dire qu'en Yougoslavie le droit naturel et le droit historique ne valent que pour la Serbie et les Serbes.



(AVNOJ) qui passent pour son acte de fondation. C'est ainsi que les périodes de centralisation ont fait place aux périodes de régionalisations et vice-versa, jusqu'à ce que dans les années 80, les deux tendances se soient simultanément intensifiées et cela jusqu'à la victoire des centralistes en Serbie et dans l'administration fédérale, pour en venir à l'écroulement de la fédération.

L'idéologie de l'état, appelée «autogestion socialiste», était un mélange syncrétique de populisme copié sur les chrétiens-sociaux, du naïf »*schnehlkurs*« du gauchisme et du yougoslavisme déjà décrit. Elle n'a certainement pas permis de régulation rationnelle de l'état, et encore moins la décision du statut des républiques dans la fédération, car cela aurait démoli le compromis de point de départ entre les unitaristes et les fédéralistes, ce qui aurait signifié la fin de l'idéologie d'état et la transformation de la Yougoslavie en un état différent qui ne se serait plus fondé sur la parenté du sang des peuples dans le cadre de la famille-nation et sur la xénophobie, mais sur l'idéologie de contrat.<sup>52</sup> Cela ne s'est jamais passé, la Yougoslavie est restée constituée comme une crise jusqu'à la fin. Bien au contraire, au lieu de résoudre ses problèmes de base elle a mis en circulation le syncrétisme idéologique décrit qui était à vrai dire une combinaison des deux variantes du yougoslavisme de l'entre-deux guerres: complétée par le jargon de la Gauche du XIX<sup>ème</sup> siècle, la mythologie d'alliance de combat »des nations et des nationalités yougoslaves« de la II<sup>ème</sup> guerre mondiale, pour laquelle la crédibilité avait été assurée avec la dissolution hâtive des mouvements nationaux de résistance lors de la formation de l'Armée du peuple yougoslave – et en premier lieu du plus autonome de tous: le slovène<sup>53</sup> (qu'il a fallu en plus compromettre avec les massacres massifs des soldats des formations collaborationnistes), en 1945 juste avant la fin des combats, et avec la fiction systématiquement propagée de la convergence des Histoires nationales des peuples yougoslaves. Hors de cette rétrospective yougoslave, il ne pouvait rien rester, plus exactement, tout ce qu'on ne pouvait pas y faire entrer de force passait pour être sans importance.<sup>54</sup>

Le mythe du rôle unificateur et libérateur de la Serbie a par la force des choses subi quelques transformations: dans une forme explicite il s'est limité à la

52. »La prépondérance traditionnelle des sentiments nationaux sur les idées libérales« devraient cesser (cf. J.-R. Surautteau, *op. cit.*, p. 86).

53. Cf. V. Namorš, »O nadnacionalni ureditvi JLA«, *Nova revija*, n° 73-74, Ljubljana, 1988, p. 840 sq.; des évènements analogues s'étaient déjà déroulés, avec l'assistance des hommes politiques locaux, à la fin de la I<sup>ère</sup> guerre mondiale, quand les troupes nationales slovènes contrôlaient la situation militaire sur le territoire national, et après la guerre ont été démisées (cf. V. Andrejka, »Razvoj vojaštva in vojaški dogodki od prevrata do danes«, dans: *Slovenci v desetletju 1918 do 1928*, Ljubljana, 1928; M. Mikuš, *Slovenci v stari Jugoslaviji*, Ljubljana, 1965).

54. Des historiographes tout à fait sérieux ont collaboré à la production de cette »vision historique« (sans parler des manuels de classes!) qui ont construit, à partir de la Yougoslavie,

Serbie (d'où, avec lui on servait ceux qui n'était pas d'accord avec la répression contre les Albanais du Kosovo). Hors de la Serbie, quand sa fôme explicite a cessé, ce mythe a essayé de naturaliser par le système administratif et politique ayant établi toutes les fonctions décisives de l'état dans la capitale de la fédération; celle-ci était à la fois la capitale de la Serbie, et à travers elle, menait toutes les communications importantes avec l'étranger. C'est ainsi que *de facto* la Yougoslavie est restée un état à l'hégémonie serbe. Ceci s'est clairement montré au cours des premiers indices d'intransigeance chez les fédéralistes et encore plus lors des signes d'éclatement, naturellement surtout dans l'autocompréhension de l'armée qui se considérait comme la »colonne vertébrale« de la fédération et la »forge de la fraternité et de l'unité«, alors qu'en réalité elle était destinée à l'extirpation de l'ennemi intérieur.<sup>55</sup>

Les conflits des nouveaux mouvements sociaux en Slovénie avec la hiérarchie militaire fédérale n'ont pas une fois pour toute seulement démasqué l'armée en tant que responsable des modèles de pouvoir les plus répressifs dans la fédération. Cela en définitive n'aurait pas dû avoir rien de surprenant, quoique l'on ait proclamé que l'armée était véritablement le contraire des armées habituelles et munie d'une série d'euphémismes qui ont pu être efficaces, en partie au moins, tant que la population a vécu enfermée dans la clôture de xénophobie.<sup>56</sup> Car, l'exemplarité proclamée de l'organisation politique yougoslave et la xénophobie structurellement inéluctable de son idéologie ont empêché la comparaison entre le style de vie yougoslave et ceux d'ailleurs. Le jargon du pouvoir était déjà embrouillé avec cette xénophobie, et le gage de l'engagement dans le mouvement des non-alignés avait été d'isoler la Yougoslavie de l'Europe.<sup>57</sup>

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une structure particulière téléologique dans le passé, afin que l'Histoire »conduise inévitablement« vers la Yougoslavie et son régime du moment (Cf. par ex. J. Pleterski, *Narodna in politična zavest na Koroškem*, Ljubljana, 1965; *Prva odločitev Slovencev za Jugoslavijo*, Ljubljana, 1971; en collab. avec P. Božič, *Politična in socialna zgodovina Jugoslavije*, Maribor, 1975).

55. Ceci en fin de compte prouve son incapacité opérative, en effet, en Bosnie-Herzégovine, depuis presque deux ans déjà avec l'aide de troupes para-militaires elle combat avec des adversaires pratiquement non armés et commette des violences tout à fait inutiles du point de vue militaire.
56. Les militaires de carrière, en principe, ne pouvaient pas, même une fois à la retraite, franchir les frontières de l'état, alors que la population, au contraire des pays du réel socialisme, a maintenu la Yougoslavie interiorisée, en effet en raison de l'optique idéologique elle a pu jouir, en quantités limitées, des produits de consommation de l'étranger, et elle était indifférente aux événements culturels et politiques à l'étranger.
57. Les réactions hystériques démontrées par le ministre des affaires étrangères serbe, A. Prlja, en témoignent déjà, en 1988, lors des propositions pour le congrès du parti radical de Marco Panella à Zagreb, lors de la suggestion de la République italienne de rendre possible le passage de la frontière yougo-italienne sans présentation de passeport, et lors des exigences slovènes



Ces conflits avec l'Armée populaire yougoslave ont confirmé le rôle constructif de l'armée, mais pas dans le corps social enfermé dans les frontières yougoslaves, mais pour l'oligarchie et l'administration de l'état. Le dernier gouvernement yougoslave a finalement montré (lui aussi) sa liaison étroite avec la hiérarchie militaire lorsque pour prendre ses décisions il n'a pu agir sans passer par les généraux en chefs. A vrai dire il ne lui est même pas venu à l'idée de le faire lui-même n'étant qu'une branche de l'état-major: s'il y avait un conflit entre la hiérarchie militaire et l'administration de l'état, ce serait un conflit intérieur du pouvoir monolithique. De tels conflits ne sont pas impossibles, pourtant il s'agit de conflits entre les «clientèles» et non pas entre la hiérarchie civile et la hiérarchie militaire.

Certains hommes de pouvoir «civils» ont eux-mêmes accentués cette fusion étroite entre civil et militaire: Lazar Mojsov, qui était président de la présidence fédérale en 1988, à l'époque où, dans le parlement fédéral, il a assuré de l'existence d'un «document d'état-major des irrédentistes albanais» qui en vérité n'existait pas, a jugé nécessaire de faire remarquer qu'il était lui-même général de réserve de l'Armée populaire yougoslave. La conversion des hommes politiques yougoslaves en officiers de haut-rang ne fut pas tout le temps uniquement latent. Et si, en plus de cela, nous ajoutons encore le statut numineux de l'armée dans certains territoires yougoslaves où le service a remplacé la procédure d'initiation assurant le passage des jeunes de la puberté à l'âge adulte et au statut de guerrier, ainsi il ouvrait des carrières adultes, nous pouvons nous représenter les dimensions de la constitution mentale qui a considéré l'armée comme fondement de la société.

C'est ainsi, à vrai dire que déjà le conflit entre le mouvement pour le remplacement du service militaire par un service civil et pour le droit à l'objection de conscience rejetés par les chefs militaires, qui les considéraient carrément et avec dégoût, comme des expressions de la mollesse slovène, et les dirigeants politiques yougoslaves a divisé le public yougoslave en deux parties, ce qui a montré que dans le cadre de la fédération ils existaient au moins deux groupes d'opinions et d'orientations politiques qui ne pouvaient continuer une vie commune sans que l'une d'entre elles pour finir ne succombe. Dans ce que l'on a appelé les meetings de la vérité, en Voïvodine où, au nom de la Grande Serbie, a été détruit le pouvoir local, les unitaristes et les militaristes ont répondu aux pressions de société civile avec un «machisme hystérique» lors de la manifestation d'homosexuels à Ljubljana en 1988. Cette manifestation avait déjà été rendue impossible, d'une manière hypocrite par les pouvoirs slovènes. Les mouvements de démocratisation civile ont été caractérisés de «dégénérés»

et il était clair pour les »forces saines« qui devait succomber en faveur de »la fraternité et l'unité«. <sup>58</sup> Et étant donné que les attentes ne s'étaient réalisées qu'en partie, en entendant les discours des dirigeants de la »révolution antibureaucratique« à Novi Sad et à Belgrade on a pu conclure qu'ils étaient sincèrement surpris et indignés, en présence de telles violations de l'ordre naturel, à la yougoslave, et ils l'ont immédiatement baptisé séparatisme et nationalisme. <sup>59</sup>

L'idéologie de socialisme autogestionnaire, en raison de sa rhétorique gauchiste

58. Les formations xénophobes radicales de droite nouvellement formées se sont efforcées de prouver, dans les environnements où les mouvements démocratiques étaient les plus forts, que dans ce cas il ne s'agissait pas de séparation ethnique mais de différence de civilisation. Les portes leur ont été ouvertes par des hommes politiques du régime précédent eux-mêmes, par ex. J. Stanovnik, ancien président de la présidence slovène qui, à une attaque de l'homme politique serbe M. Švabić, le 18 nov. 1988 à Ušće Save à Belgrade disant que tous les Slovènes à qui la Serbie et la Yougoslavie ne plaisaient pas n'avaient qu'à filer à Graz ou à Philadelphie, a répondu en bon style *Blut und Boden*, et parlé de foyers slovènes sur cette terre depuis des centaines d'années; certains ont, plus tard, après l'Indépendance, parlé de »terre sacrée slovène«.
59. M. Švabić déjà mentionné, M. Kertes, alors secrétaire de la Ligue communiste de Voïvodine et d'autres personnalités plus éphémères de la »révolution antibureaucratique« de Milošević ont eu plusieurs prestations de ce genre. Et même les noms les plus éminents n'ont pas manqué à la battue: par ex. l'écrivain O. Davičo dans l'article »J'exige le règlement de comptes«, *Politika ekspres*, Belgrade, 1988, est intervenu contre la manière de traiter l'armée en Slovénie. Les journaux *Politika*, *Politika ekspres*, *Duga* et *Nin* de Belgrade (tandis que *Borba* se distinguait par une identification des problèmes et de la nature des événements tout à fait erronée, naturellement au nom de la défense de la Yougoslavie) ont mené une véhémement campagne de propagande contre la Slovénie. Le contexte réel de cette campagne est de régler leur compte aux Albanais du Kosovo et du Monténégro (cf. par ex. M. Jovičić, académique serbe, a défini les Albanais comme les ennemis héréditaires des Serbes, dans *Duga*, août 1988), la commémoration anniversaire de la bataille de Kosovo polje le 28 juin 1989 à Gazi Mestan où S. Milošević a annoncé la »réunion de tous les Serbes«, la campagne de l'église pour que tous les orthodoxes Serbes »n'oublient pas les blessures non cicatrisées du Kosovo« et que 600 ans après la défaite »ils réhabilitent l'honneur perdu et se débarrassent des non-croyants«. Au meeting à Raška on a pu entendre que le Kosovo est serbe, que les Albanais n'étaient pas des hommes mais des occupants, que parmi eux »il n'y en a pas d'honnêtes«, que le peuple serbe est le plus grand des Balkans et qu'il a toujours été le vainqueur. La deuxième partie du contexte on la trouve dans les »informations« journalistiques sur la Slovénie et la Croatie dans les journaux de Belgrade qui parlaient d'état d'esprit antiserbe et de graffitis en Slovénie (mais il n'y en avait pas encore à l'époque), sur les violences contre les officiers de l'armée yougoslave (que le commandement a nié, mais qui a été confirmé par la direction idéologique de la région militaire de Ljubljana). Le 5 juillet 1988 a commencé une tournée panserbe des reliques du »tsar Lazar«, de nombreuses assemblées ont réclamé un »vožd«, au même moment certains dirigeants serbes »européens«, par ex. B. Crnobrnja (*Intervju*, Belgrade, 29 oct. 1988), ont vu une solution dans le thatcherisme à la yougoslave. Ce qui fut en fin de compte aussi la dernière orientation prise par le dernier premier ministre yougoslave A. Marković.



et marxiste, a joui, auprès d'une partie de la gauche parlementaire européenne, d'un certain prestige non mérité cependant, son modèle, non reconnu, ayant été le populisme catholique – en particulier du Parti des Chrétiens-sociaux autrichiens<sup>60</sup> et de cette fraction du Parti populaire Slovène – dirigée par J.E. Krek – de la première moitié du XX<sup>e</sup> siècle, qui de même se caractérisait par l'antiindividualisme, le collectivisme, l'exclusivisme idéologique, l'antimodernisme, le corporatisme et l'anticapitalisme. Le socialisme autogestionnaire, à dire vrai, avait retiré le christianisme du programme chrétien-social, l'ayant remplacé par lui-même, ainsi que l'antisémitisme militant, probablement parce qu'il y avait à sa disposition assez d'autres ennemis.

Quoiqu'il en soit, le prestige dont a joui l'idéologie du socialisme autogestionnaire et bien entendu les relations entre le régime yougoslave et la gauche européenne ont empêché cette gauche de reconnaître les causes des conflits en Yougoslavie ainsi que leur nature, cela explique que lors de l'éclatement de la fédération elle ait joué un rôle assez pitoyable dont les conséquences se feront sentir encore longtemps dans les conditions de politique intérieure des nouveaux petits états.<sup>61</sup>

Le collectivisme et le corporatisme de la doctrine politique yougoslave après la II<sup>e</sup> guerre mondiale fut le cadre de l'organisation juridique qui a intronisé l'anomie, uniquement déjà en traitant les collectifs locaux et de travail, ainsi que les corporations de métier comme des sujets juridiques mais pas les citoyens. C'est pourquoi en Yougoslavie les idéologies politiques n'ont pas fonctionné comme une relation sociale qui auraient pu se confronter dans le domaine public, à la place du public qui était, d'un côté compris comme la totalité des médias, réduits à la transmission du discours du pouvoir et les valeurs lui convenant, et d'un autre côté comme l'ensemble des clientèles concurrentes des différentes personnalités du régime. Ces clientèles, en tant que groupements d'intérêts spontanés et informels ont survécu à l'écroulement de la fédération et ont été un modèle pour la naissance de nouveaux groupements. Elles se sont réparties sur les trois niveaux principaux des sociétés post-

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60. Les chanceliers de la République autrichienne lui appartenant Dolfus et Schuschnigg ont introduit dans l'état un régime extrêmement autoritaire. Ce revirement de directions des régimes d'Europe centrale d'entre deux guerres vers l'extrême-droite était la conséquence de la crise économique de 1929, les dangers bolcheviques présumés, et principalement surtout les aménagements européens d'alors et les circonstances idéologiques héritées. Cf. B. Droz, A. Rowley, *op. cit.*, p. 287-292.

61. En effet avec son antinationalisme doctrinaire qui n'a pas vu dans le yougoslavisme de nationalisme et d'hégémonisme ethnique, elle a soutenu la part la plus obscurantiste du spectre politique qui, en apparence et en partie aussi en réalité, dans la mesure où l'anomie est conservée, ainsi que le corporatisme et le collectivisme (même ethnique), a persisté dans les conceptions »socialistes autogestionnaires«.

yougoslaves: 1° dans la politique qui s'est transformée en altercations de groupes d'intérêts, 2° dans l'économie où se déroule actuellement la bataille pour l'ancienne propriété sociale, mais les clientèles apparaissent sous forme de *lobbys* de corporations et se livrent à des affaires spéculatives et à la conservation ou l'obtention de privilèges, et 3° dans les zones d'illégalismes qui vont de la corruption jusqu'aux anciennes et »nouvelles« formes de criminalité organisée et d'organisations paramilitaires.

A cause de l'absence ou au moins de la disproportion du sous-développement de la conception libérale et sociale du pouvoir de l'état, ce qui est une inhibition endémique des sociétés des Balkans, le nationalisme ethnique reste la seule idéologie générale suffisante qui, de plus, aux micro-niveaux sociaux ne s'écarte pas des principes corporatifs et collectivistes du »socialisme autogestionnaire« et qui peut pour cela sans entraves exercer la fonction de lien social, bien entendu à cause de sa nature particulariste uniquement dans le cadre de groupes sociaux relativement petits et rivalisant entre eux.<sup>62</sup> La conséquence du vide idéologique créé par l'idéologie du »socialisme autogestionnaire«, est aussi la dégradation de la conjoncture démocratique en Slovénie et la formation de modèles de type *Blut und Boden* qui signifient franchement, si l'on compare avec la conjoncture des années 1988-1989, une inimaginable régression. Et ceci grâce aux intellectuels soit comme moralistes volontaristes,<sup>63</sup> comme porteurs »de souvenirs historiques«<sup>64</sup> ou comme défenseurs d'antinationalisme doctrinaire de »gauche«.<sup>65</sup>

62. Les heurts qui ont eu lieu dans le village bosniaque de Moševac et ayant eu un écho assez important dans la presse slovène (celle-ci était une sorte d'asile pour les écrivains non conformistes d'ailleurs) et pas du tout en Bosnie, ont montré certains contours du futur conflit: la population contre le pouvoir corrompu. Sur la nature du pouvoir en Bosnie-Herzégovine cf. Dj. Fahrudin, »les forces saines de Mikulić«, *Mladina*, 25, Ljubljana, 16 déc. 1988, p. 98-99, où se trouve le discours sur les »clans maffieux« et sur leur lutte pour le pouvoir. Il faut remarquer que les »clans« ont quelques caractéristiques communes avec le tribalisme et ils préfigurent l'actuelle décomposition ethnico-religieuse du pays; le rôle du président Tito qui a rendu impossible le développement démocratique est mentionné également.

63. En Slovénie »la réconciliation nationale«, en tant que négation rétroactive des cruautés et crimes dans les tueries entre le mouvement de résistance sous la direction des communistes et les collaborateurs sous la protection de l'Eglise catholique locale, a dégénéré inévitablement en un règlement de compte pour l'instant encore verbal entre les héritiers des deux côtés.

64. Ce »souvenir« en utilisant le jargon »romantique« dont font partie par ex. »le rêve millénaire du peuple slovène«, la production d'Histoire nationale militaire et la commémoration »de batailles lourdes de conséquences« avec une participation slovène 400 ans plus tôt, reproduit et renforce seulement l'idéologie *Blut und Boden*, et par cela l'exclusivisme ethnique et la xénophobie qui se manifeste aussi dans les exigences de l'abrogation des lois de nationalité au nom de la pureté ethnique: ces évasions obscurantistes dans le domaine de l'ex-Yougoslavie bien entendu ne sont pas un monopole slovène, en effet l'esprit est déjà sorti de



La situation conflictuelle yougoslave actuelle s'est développée par étapes, durant lesquelles il aurait été encore possible d'intervenir par le changement de proportions des forces et empêcher ou au moins limiter le débrouillage violent du noeud de crise, pourtant il n'y avait personne ni hors de la Yougoslavie ni en elle, qui aurait été capable de le faire. Cela a commencé par le conflit entre les unitaristes et les fédéralistes; en raison de la forte dégradation de la situation économique et des appétits financiers sans bornes de l'armée aucune des parties n'était préparée à des compromis qui avaient été habituels jusqu'alors. Cela s'est montré aussi dans la guerre de propagande, très vive, et dans la violence physique et juridique. A vrai dire il y eu d'abord les tentatives de discipliner la population par les militaires et les élites politiques des républiques, ensuite quand celles-ci se sont déjà transformées avec des élections tant bien que mal régulières, la guerre de propagande a simplement augmenté, et rapidement, après la débâcle militaire en Slovénie, ils ont dégénéré en une guerre avec la population, dans laquelle les ethnonationalistes ont offert le mot d'ordre mobilisateur le plus rapidement efficace et mis au point depuis longtemps déjà.

Pendant quelques temps le projet unitariste s'est présenté aussi comme une rationalisation administrative de la fédération, cependant cette sorte d'apologétique a prédominé assez de temps pour que le projet en tant que variante du thatcherisme ait obtenu l'aide des institutions financières internationales et des représentants politiques de l'Ouest, mais vers l'intérieur il a montré très rapidement ses buts: radicale diminution de l'autonomie des républiques, centralisation et homogénéisation ethnique et culturelle par étapes de la population. Les premiers conflits qui ont contraint l'élite politique des républiques à commencer de défendre plus clairement les points de vue autonomistes, se sont passés entre les pouvoirs qui, dans toute la Yougoslavie, ont commencé avec la réforme de l'enseignement qui avait l'intention d'uniformiser entièrement l'enseignement et le rendre »pratique«. <sup>66</sup> Puis, bientôt

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la bouteille avec *Memorandum* de l'Académie Serbe des Sciences et des Arts, de mauvaise réputation et non publié.

65. Ceux-ci ont commencé à faire un essai assez désespéré, tardif et avorté à l'avance afin de reconstruire la Yougoslavie, d'abord sous la »protection« plus ou moins ouverte du premier ministre Marković, plus tard dans le cadre des partis »nationaux« ayant la même orientation et qui partout lors des élections ont obtenu encore moins de succès que la gauche classique, et c'est pourquoi ils ont fourni une »argumentation« volumineuse à la droite radicale, nationaliste et cléricale.
66. Ceci se passait dans le début des années 80 et dans chaque république des moyens furent découverts pour éviter, au moins en partie, cette réforme: en Slovénie, entre les responsables de l'Enseignement d'une part et les Universitaires ainsi que les intellectuels les plus importants, signataires d'une pétition contre »l'enseignement orienté« d'autre part, a éclaté une polémique, puis le pouvoir en raison de pressions de l'opinion publique a modifié ses plans de façon assez importante, et il n'est rien resté du système unitaire yougoslave.

des désaccords ont suivi au sujet du plan de création d'un Ministère de la Culture fédérale qui ne s'est pas réalisée, ensuite au sujet du »noyau éducatif« qui devait homogénéiser la population yougoslave une fois encore avec une réduction supplémentaire de cultures et d'Histoires nationales à travers le curriculum scolaire, c'est à dire que ce noyau devait composer un choix parmi eux, la part dominante devant être pour les cultures et les Histoires des groupes ethniques étant les »plus capables de fonder un état«. Ces efforts aussi ont échoué, cette fois en raison d'une opposition déjà ouverte, en particulier de la part de l'élite politique slovène. Ensuite, ont suivi les réformes du système bancaire qui ont réorienté tous les principaux courants financiers en passant par Belgrade, où, durant le gouvernement de B. Mikulić, ont commencé à confluer aussi tous les entrées de devises des banques et des entreprises, qui ne sont revenues qu'en partie seulement, et ceci en monnaie du pays. Chaque transaction de devises ne pouvaient se faire qu'avec l'assentiment de Belgrade. Pourtant la législation défectueuse permettait la création de filiales d'entreprises à l'étranger et la circulation compensatoire avec eux, raison pour laquelle le marché financier yougoslave s'est encore bien plus désintégré avec la centralisation.

Marković, le successeur de Mikulić a voulu effectuer aussi une centralisation fiscale, ce qui au niveau économique a supprimé les dernières raisons d'existence de la fédération. Marković, en plus de la centralisation déjà mentionnée, a annoncé encore une libéralisation du marché qui, étant donné la situation yougoslave, était impossible à réaliser, ainsi que la convertibilité de la monnaie qui ne pouvait être atteinte qu'au prix d'une complète destruction de l'économie, en particulier dans les parties les plus développées de la fédération, à savoir, il a conservé le versement du revenu »solidaire« des régions développées aux non-développées et au budget militaire qui, en dépit de la crise, a été augmenté. Si à cela nous ajoutons encore l'existence de mécanismes répressifs, sans limitations législatives, avec des autorisations secrètes, publiés dans des journaux officiels clandestins qui ont potentiellement et, de plus en plus souvent, aussi réellement suspendu tous les droits civiques des personnes poursuivies, l'offensive de l'autoritarisme, ouvert sur »la rue« et son ressentiment *Blut und Boden* que les dirigeants de la république serbe et de la Ligue communiste ont mené, nous obtenons quelques éléments qui ont déclenché directement l'éclatement de la fédération mais ne l'ont pas pour autant produit. Sans eux il se serait probablement déroulé plus lentement et se serait terminé en union économique de petits états.

La puissance et l'impuissance du premier ministre Marković signifiait en fait la confusion du pouvoir fédéral avec l'oligarchie militaire: c'est pourquoi nous ne devons pas nous étonner de ses déclarations ambivalentes, de son »indécision« et en même temps de sa confiance en soi et de son ordre ambigü



qui devait conduire à l'occupation militaire des frontières en Slovénie et a déclenché les conflits armés et l'écroulement définitif de la fédération. Il a accompli cela à l'époque où les négociations étaient encore possibles, ce qui témoigne d'une ignorance véritablement incroyable des dimensions réelles de ce qui se passait politiquement dans la fédération et de l'aveuglement de la différence qualitative des points de vue politiques. Tout cela et de graves aberrations économiques, en partie héritée, en partie le résultat des actions de son cabinet et de lui-même (dinar convertible, illusion sur une efficacité économique d'une administration centralisée et autres) et la représentation autoritaire d'un «véritable pouvoir» ont engendré une priorité pour les acteurs de la «révolution antibureaucratique».

La mise en accusation violente de tous les non-serbes dans la fédération, en premier des «Albanais asiatiques»<sup>67</sup> – «ennemis héréditaires» et des «Croates génocides», des «slovènes germanisés» (à l'époque les Musulmans n'étaient pas encore parmi les ennemis principaux du serbisme, cependant déjà à ce moment-là il était évident à plus d'un, c'est uniquement pour leurs «opinion makers» que cela ne l'était pas, qu'ils y seraient placés fatalement s'ils ne s'engageaient pas, sans réserves dans la «révolution antibureaucratique», et ne se transformaient en Serbes de confession islamique avant qu'à l'exclusivisme ethnique se joigne encore l'exclusivisme religieux) a été complétée par les purges idéologiques et diffamatoires des clientèles des organismes du pouvoir, l'euphorie déjà nationaliste avec l'évocation des plans démographiques de Vasa Čubrilović dans le *Memorandum* de l'Académie Serbe des Sciences et des Arts, la mise en accusation des Albanais pour des viols de femmes serbes, pour la profanation de tombes serbes, pour l'expulsion de Serbes du «berceau du serbisme». En même temps ont commencé en Serbie, en particulier au Kosovo, des mouvements chauvinistes de «société civile», avec l'aide d'agents de la police secrète (par ex. «Božur» au Kosovo), à travers toute la Serbie ils ont organisé des meetings de mobilisation. L'édification du «plus grand édifice religieux des Balkans», l'église Saint Sava à Belgrade, dans le «plus pur style serbe», prend place aussi dans ce groupe d'activités. Les déclarations sur les Serbes en tant que «peuple céleste» et la caractériologie ethnique de quatre sous, ayant pour but d'élever les Serbes au-dessus des autres peuples.<sup>68</sup>

Dans ce conflit le principal antagonisme de l'unitarisme a été en premier cette orientation idéologique que nous avons qualifié de fédéraliste. En vérité il

67. Cette manière de caractériser ce peuple, a été présentée en avril 1988, dans le *Monde diplomatique*, à fond et avec des accents racistes des plus véhéments par l'écrivain, actuellement chef de l'opposition serbe Vuk Drašković.

68. Cf. *supra*, n. 59; cf. aussi la pseudo interprétation psychoanalytique «des psychismes nationaux» des Serbes, Croates et Musulmans dans le livre d'un des initiateurs de la rébellion de Knin J. Rašković, *Luda zemlja*, Belgrade, 1990, en particulier p. 126-131.

s'agissait de »libéralisme« à la yougoslave, c'est à dire d'une administration moins rigide qui voyait dans l'augmentation de l'autonomie des républiques et dans un renouveau partiel d'un domaine public indépendant une perspective de développement. Les responsables de cette orientation qui n'était pas toujours complètement claire ont vécu longtemps de leur rôle de médiateurs-représentants, pour les sociétés locales ils y ont représenté le pouvoir fédéral et pour ce dernier les sociétés locales et dans une mesure limitée qui satisfaisait leur intérêt, ils se sont acquités des exigences de transmissions des deux parties. Finalement, en raison aussi des pressions unitaristes qui les menaçaient, ils sont tombés dans le piège du dialogue avec les mouvements de démocratisation civilo-social là où ces mouvements existaient et par cela ont transformé le système politique *de facto* d'un système unipartite en système pluripartite, quoique pendant longtemps, *de iure*, ils n'ont pas été prêts à reconnaître ces changements.

C'est pourquoi ce système est devenu substantiellement incompatible avec les orientations prédominantes dans la fédération. L'éclatement de la Yougoslavie qu'il n'était pas possible de réformer uniformément et en une fois dans la deuxième moitié des années quatre-vingt déjà était seulement une question de temps. Et là où il n'y avait pas de mouvements démocratiques civilo-sociaux ou alors ils étaient faibles et en même temps le pouvoir des républiques était enfermé dans le jeu yougoslave entre les ethnies, par ex. en Croatie,<sup>69</sup> et pour cela et à cause des modèles autoritaires prédominants et des radicalismes idéologiques moins autonomes, le pouvoir n'a pas fait les »fautes slovènes« mais, précisément pour cela, durant la période qui a suivi l'éclatement il a amené au pouvoir les nationalistes radicaux.

Les caractéristiques archaïques, dans l'actuelle guerre yougoslave, qui surprennent fortement bien des observateurs, sont par conséquent en majorité les conséquences des »directions de développement« appliquées jusque là qui, jusqu'à des mesures fixées et relativement petites, avec la répression et beaucoup plus avec des préhensions idéologiques comme sont la dévalorisation, la mystification etc..., ont rendu impossible ce que l'on pourrait appeler la cultivation, la relativisation et la sécularisation de ces archaïsmes. A cause de tout cela la guerre yougoslave rappelle davantage *Sacco di Roma* que la Révolution française.

La particularité la plus évidente de la guerre yougoslave c'est le combat entre les symboles puisqu'elle est, selon toute apparence, la formalisation la seule possible quoique fantastique des antagonismes idéologiques décrits. La con-

69. On a reproché aux Croates en tant que groupe ethnique de porter la responsabilité de la terreur des Oustachis durant la IIème guerre mondiale, bien que le mouvement de résistance antifasciste ait été en vérité bien plus fort en Croatie qu'en Serbie.



version du »socialisme autogestionnaire«, en faisceau d'idéologies antagonistes *Blut und Boden* qui contiennent aussi les exclusivismes confessionnels, est seulement la conséquence logique de la structure de l'espace mentale que la politique yougoslave a produit et entretenu avec ses préhensions idéologiques. Il semble étrange seulement qu'une idéologie synchrétique de la sorte, dans laquelle l'historicisme se mêle à la mythologie, le moralisme social avec des éléments tribalistes, des pastiches y sont encore ajoutés d'autres corps idéologiques, pourrait être exclusiviste. Moins inhabituel est l'exclusivisme de ses successeurs.

Mais en dépit de cela, de manière assez fondée, nous pouvons supposer que, dans une très grande mesure, la politique de l'enseignement yougoslave fut aussi responsable de cet exclusivisme et de la nature de nationalismes s'excluant mutuellement dans les terres où les ethnies se mêlent – parmi lesquelles il n'y a pas de distinctions conceptuelles importantes,, mais ils provoquent des identifications symboliques différentes et par cela rendent possible les événements s'y passant. Cette politique ne s'est jamais efforcée de séparer le curriculum enseignant de l'idéologie mobilisatoire, ethnogénétique et nationale, présent à l'époque du »printemps des nations«, des connaissances historiques, au contraire elle en a seulement ajouté de nouvelles aux mythologies et mystifications déjà existantes, celles qui auraient dû légitimer une structure concrète du pouvoir dans la fédération et ses porteurs.

L'identification symbolique qui répartit les gens en groupes ennemis qui combattent pour »l'espace vital« ethnique, sur lequel ils ont vécu auparavant, de longues années côtes à côtes avec les autres groupes, signifie en particulier ceci: il ne s'agit pas en premier lieu d'un conflit qui aurait été provoqué une différence de civilisation entre ses acteurs ou d'une fissure sociale de la présumée société yougoslave, c'est justement le contraire, ce sont les antagonismes entre les identifications des corps particuliers sociaux et politiques qui sont structurés d'une manière presque identique. Le symbolisme idéologique et la guerre entre les symboles couvrent entièrement cette homologation basique, sociale et culturelle entre les parties combattantes et ces parties, ils leur fournissent des distinctions, raisons de faire la guerre et des violences en même temps que les buts avec lesquels au niveau idéologique ils remplissent le manque qui est ouvert sur le plan de la vie de chaque jour et l'absence de véritables projets politiques et sociaux.

Il est absurde de discuter de la réalité ou de l'irréalité des idéologies agissantes. D'abord, parce que il n'est pas possible de nier les réalités spécifiques de l'idéologie ou même de fiction moins structurée, et particulièrement quand elles ont des effets aussi exterminants et physiquement réels qu'aujourd'hui en Bosnie et Herzégovine et qu'ils ont eu très souvent dans l'Histoire européenne.

Ensuite, parce qu'il n'est pas possible d'imputer une plus grande réalité au prétendu ordre rationnel qui a mis au point une harmonie relativement tolérante devant les explosions de haine qui était plein de tensions, de comptes non réglés et de suspicions, caractéristiques des groupes anomiques.<sup>70</sup> Ces groupes dans les circonstances de guerres deviennent seulement encore plus anomiques: même les traditions et les conventions par nécessité des circonstances n'ont plus de valeur. Dans ce cas les viols des femmes ennemis et le massacre de leurs élites restent à vrai dire les dernières pratiques traditionnelles.

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70. Cf. par ex. M. E. Handman, *La violence et la ruse. Hommes et femmes dans un village grec*, Aix-en-Provence, 1983, où est décrit le microunivers social caractéristique des Balkans qui, sous une impulsion extérieure, peut exploser en règlement violent des rancunes entre voisins et en violence sur les femmes et les enfants, ce qui se passe aujourd'hui dans la campagne bosniaque.



# Liberalismus und Partikularismus im neuen Europa\*

Jelica Šumič-Riha

Wie wirkt sich auf die internationale Rechtsordnung die Tatsache aus, daß die internationale Gemeinschaft hypokritisch und zynisch der Zerstörung eines anerkannten Staates und der massenhaften Vernichtung seiner Bevölkerung zustimmt? Mit der resignierten Feststellung, der Krieg im Bosnien sei eines der tragischsten Szenarios des Übergangs vom Totalitarismus zur Demokratie, würden wir nur an der Antinomie des politisch ohnmächtigen Bewußtseins von den paralyisierenden und destruktiven Wirkungen der vorherrschenden offiziellen Realpolitik der Europäischen Union und der USA einerseits und der moralisierenden Entrüstung andererseits, die meistens genau das Entgegengesetzte vom Erwünschten hervorbringt, festhalten. Der erste Schritt zu einer ernststen politischen und rechtlichen Analyse der gegenwärtigen Lage kann deshalb nur in einem Überwinden dieser Antinomie bestehen.

Mit dem Verschwinden von autoritären politischen Optionen und der Entschlossenheit der jungen Demokratien, dem leuchtenden Vorbild fest etablierter Demokratien folgen zu wollen, mit dem festen Glauben an die Heiligkeit der universellen Menschenrechte schien es, als ständen wir alle vor dem Versuch der Wiederherstellung der rechtlichen und politischen Ordnung, die – ähnlich wie das *ius publicum Europeum*, das die blutigen Glaubenskriege in Europa beendete – der Kriminalisierung des Anderen und seiner Degradierung zu einem Wesen, das man prinzipiell nicht als sich selbst gleich behandeln kann, ein Ende setzen würde. Wenn die quasi-universalistischen totalitären Ideologien einen politischen und rechtlichen Manichäismus postulierten, der ihnen die Nichtanerkennung der Legitimität des Anderen und seiner Ansprüche erlaubte, dann wirft sich heute die Frage auf, auf welche rechtliche, politische und moralische Normen sich das neue demokratische Europa beruft, wenn es eine solche manichäische Praxis in Bosnien toleriert. Mit anderen Worten, welcher Konzeption der Legitimität der Rechtsordnung folgt das neue Europa,

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\* Beim Beitrag handelt es sich um eine umgearbeitete Fassung des Referats »Die Konstitution des Gesetzes im Lichte des väterlichen und mütterlichen Über-Ichs«, der für die Kasseler Tagung »Mythen des Politischen 2« zusammen mit Rado Riha verfaßt wurde. Dabei greift der Beitrag auch auf die von Rado Riha entwickelten Argumente zurück.

wenn es Kriegsverbrecher als rechtmäßige Repräsentanten des Volkes behandelt, seine wirklichen rechtmäßigen Vertreter aber als Usurpatoren?

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Der Zweifel, ob das Gesetz gerecht sei, und die Verwunderung, daß wir uns dem Gesetz unterwerfen, obwohl wir tief in uns überzeugt sind, er sei es nicht, hat seit Montaigne und Pascal das (rechts)philosophische Denken beschäftigt. Noch schmerzhafter betrifft das Bewußtsein vom Unterschied, mehr noch, vom Widerstreit zwischen Gesetz und Gerechtigkeit die moderne Demokratie, von der ihrem Selbstverständnis nach das aufklärerische Projekt eines autonomen und freien, sich selbst das Gesetz gebenden, nur die Autorität der Wahrheit und der Vernunft anerkennenden Subjekts verwirklicht wird. Hier macht es sich in Form der fortwährend offenen Frage nach der Konstitution des Gesetzes geltend, der Frage nach dem Ort, wo es ausgesagt, und dem Subjekt, von dem es ausgesagt wird. Einer Frage, die heute, zu einem Zeitpunkt, in dem mit dem Zusammenbruch des realen Sozialismus das Modell der westlichen Demokratie, wie es scheint, zum einzig möglichen Modell der gesellschaftlichen und politischen Entwicklung geworden ist, noch an Aktualität gewonnen hat. Mit dieser Universalisierung der demokratischen Invention, diesem siegreichen Marsch der Demokratie durch ganz Europa geht heute nämlich auch ein unbequemes Phänomen einher: in Europa der herrschenden Menschenrechte herrschen auch Nationalismus, Rassismus und aggressiver gegendemokratischer Populismus, um von der allmählichen, aber konstanten Reduzierung des Umfangs der schon erreichten Frauenrechte gar nicht zu sprechen.

Die Demokratie erscheint uns heute als ein prekäres politisches und rechtliches System, ein System, dessen Grundlagen so problematisch, so brüchig sind, daß gesagt werden kann, es habe überhaupt keine feste Grundlagen, genauer gesagt, es sei auf einem Nichts gegründet. Übrigens wissen wir ja von Lefort, daß die Demokratie einem radikalem Mangel verbunden ist. Von ihm wird dieser Mangel bekanntermaßen vermittels des Theorems vom notwendig leeren Ort der Macht in der modernen Demokratie thematisiert. Leer muß dieser Ort deshalb bleiben, weil in der modernen Demokratie das Volk der einzige Souvären und gleichzeitig die Menge der dem Gesetz unterworfenen Untertanen ist, so daß es nie seinem eigenem Begriff entsprechend herrschen kann. Gerade dieses Paradox eines Selbstgesetzgebers, der gleichzeitig auch sein eigener Untertan ist, dieses Paradox der Herrschaft eines Gesetzes, das zwar universell, aber keiner Letzbegründung und Garantie fähig ist, sich letztendlich auf ein Nichts gründet, verlangt auch von der gegenwärtigen (post)modernen Gesellschaft eine fortwährende Neuthematisierung ihrer konstitutiver Momente. Diese Neubestimmung betrifft vor allem den prekären Status des Gesetzes der demokratischen Ordnung, das nur als allumfassend, als universell geltend



möglich ist, das aber gleichzeitig, wie dies z.B. vom Ausbleiben der Letz-begründung, der Begründung seiner eigenen allumfassenden Geltung, angezeigt wird, nicht universell sein kann, immer etwas außerhalb seiner gesetzlichen Reichweite lassen muß, inkonsistent ist.

Was für einen Status kann also dieses Äußere, dieses Nicht-Gesetzliche haben, wenn das Gesetz in der Demokratie nur als universelles, allumfassendes geltend ist, als Instanz, der Nichts entgeht? Mit anderen Worten, was ist dieses Nichts, das konstitutiv dem demokratischen Gesetz entgeht, so daß dieses nie ganz, konsistent sein kann? Die strukturelle Linguistik lehrt uns, daß aus jeder Aussage, also auch aus der universellen, notwendigerweise der partikuläre, kontingente Ort ausgeschlossen ist, an dem die Aussage geäußert wird. Von der Psychoanalyse wissen wir, daß das Verdrängte, Ausgeschlossene, Unterdrückte nicht restlos verschwindet, sondern auf diese oder andere Weise im Realen zurückkehrt. Von diesen zwei Axiomen des gegenwärtigen theoretischen Denkens ausgehend werden wir uns im weiterem zwei mögliche Lösungen des Dilemmas des inkonsistenten Gesetzes anschauen: die modernen Lösungen, die unter anderem auch von Habermas und Rawls vertreten werden, und die postmodernen, die Kritiken des sog. modernen Paradigma umfassenden Lösungen, die sich auf Foucault, Lyotard, Derrida und Lacan stützen. Unsere Aufmerksamkeit gilt dabei vor allem zwei Fragen. *Erstens*, wie wird von diesen Lösungen die Universalität des Gesetzes angesichts der von ihm strukturnotwendig vollbrachten Ausschließung des Partikulären (des Subjekts der Äußerung) beurteilt? Und *zweitens*, welchen Status weisen sie diesem Ausgeschlossenen, diesem unfaßbaren partikulären Moment im Verhältnis zum universellen Geltungsbereich des Gesetzes zu? Mit anderen Worten, wir werden uns mit der Frage befassen, wie sich das Prekäre der Demokratie in dem kenntlich macht, das als Ethik und Politik des Gesetzesverständnisses bezeichnet werden könnte.

Das erste Anzeichen dieses Prekären liegt unserer Meinung nach schon in der kritischen Auseinandersetzung, im *différend*, wie Lyotard sagen würde, zweier Lesarten des Gesetzes: der modernen bzw. klassischen und der postmodernen bzw. dekonstruktivistischen. Die klassische, vor allem von der orthodoxen Jurisprudenz entwickelte Lesart versteht das rechtliche Gesetz als einen kohärenten Korpus von Regeln, Grundsätzen, Vorsätzen und Ausdrücken des souveränen Willens. Die Jurisprudenz ist vom offen zugegebenen, dokumentierten Wunsch besessen, die Ausübung der politischen Macht in Legitimität zu verkleiden. Die vorherrschende Strategie, mit der sie dieses Ziel zu erreichen sucht, liegt darin, den rechtlichen Text in ein unendliches, lückenloses Geflecht zu übersetzen, in dem ins Unendliche die gleichen Formeln (re)produziert und zirkuliert werden. Von der postmodernen Theorie wird, im Gegenteil, jeder

Versuch, eine große Erzählung, eine totalisierende Theorie, von der die bestehende politisch-rechtliche Ordnung als kohärent und vollkommen erklärt werden soll, auszuarbeiten, radikal in Zweifel gezogen. Für verschiedene Diskurse, verdrängte und unterdrückte Dialekte und Idiome empfänglich, die immer schon, obwohl aus dem dominanten Text ausgeschlossen, auf eine gewisse Weise anwesend sind, versucht die postmoderne Kritik zu zeigen, daß die Jurisprudenz schon auf der Ebene ihres eigenen Anspruchs fehlschlägt, einen in sich geschlossenen, durch den Siegel der Autorität gewährleistet Text hervorzubringen. Feministische und ethische postmoderne Kritiken weisen nach, daß Recht und Gesetz, diese scheinbare Zeugnisse einer ewigen, universellen Rationalität, in Wirklichkeit nur die Herrschaft eines europozentrischen Patriarchats darstellen. Mit anderen Worten, sie weisen nach, daß das universelle Gesetz unausweichlich von jenem Ort gekennzeichnet ist, von dem aus es geäußert wird.<sup>1</sup> Der Verdienst vor allem der feministischen Kritik liegt dabei darin, auf die Logik des Rechts, von der diese partielle, patriarchalische Sichtweise reproduziert wird, aufmerksam gemacht und All jenem zu Worte verholfen zu haben, das vom herrschenden Rechtstext zum Schweigen gebracht wurde, kurz, zugleich mit der Vernünftigkeit der rechtlichen Ratio auch die Stützen der Gewißheit der Moderne in Frage gestellt zu haben.

Die Gewißheit der Moderne stützt sich aber, wie etwa von R. Rorty in seiner *Philosophy and the Mirror of Nature* dargelegt wurde, auf eine stillschweigende, unzerstörbare Überzeugung, daß alle Auffassungen der Wahrheit bzw. Gerechtigkeit kommensurabel sind, d.h., daß sie auf eine geordnete Menge von Regeln zurückführbar sind, von denen Wege zur Erreichung einer rationellen Übereinstimmung und Vorkehrungen zur Ausschaltung von Konflikten bzw. Widersprüchen zwischen den Aussagen vorgeschrieben werden.<sup>2</sup> Menschliche Geschichte und Gesellschaft sind zwar vom Konflikt und kultureller Verschiedenheit geprägt, trotzdem herrscht aber die Überzeugung vor, unter dieser anscheinend irreduziblen Heterogenität der Erfahrung liege etwas, was man als gemeinsames Selbst bezeichnen könnte und was uns als rationale Subjekte imstande setzt, eine Übereinstimmung hinsichtlich der Grundfragen unserer Existenz zu finden.

Dieser vorherrschenden Überzeugung setzt Rorty bekanntermaßen entgegen, daß es nichts gebe, was als gemeinsame Grundlage der menschlichen Erfahrung bezeichnet werden könnte. Damit wird natürlich nicht nur der Versuch der Aufklärung, eine universelle Begründung der Wahrheit und des Gesetzes in

1. Daß das universelle Gesetz selbst mit etwas Partikulären, Kontingenten behaftet ist, tritt auch darin zu Tage, daß es willkürlich die Vernunft, die Rasse oder das Geschlecht des Anderen für etwas Arbiträres oder Ungültiges erklärt.

2. Cf. R. Rorty, *Philosophy and the Mirror of Nature*, Blackwell, Oxford 1980, S. 316.



der Autorität der Vernunft zu finden, problematisiert und in seiner Legitimität erschüttert. Vielmehr wird jeder vermittels eines in sich konsistenten Grundes operierende Begründungsversuch, handele es sich nun um die Natur des Menschen, um die universelle Vernunft oder um eine regulative Idee, etwa um die ideale Sprachsituation einer zwangslosen Kommunikation, als ein von radikaler Kontingenz geprägter Ansatz erklärt. Von diesem Gesichtspunkt kann keine Auffassung der Wahrheit, Gerechtigkeit oder des Guten vorherrschend sein: alle sind gleichwertig, da es unmöglich ist, einen äußeren Gesichtspunkt einzunehmen, von dem aus man sie beurteilen und untereinander vergleichen könnte. Jeder Entschluß für dieses oder jenes ethische oder politische Projekt ist letztendlich unbegründbar und arbiträr.

Daß das Verhältnis von Moderne und Postmoderne mehr ein gleichzeitiges Bestehen von sich wechselseitig ausschließenden Erklärungsansprüchen als zwei zeitlich getrennte Phänomene darstellt, wird von zwei so »anachronistischen« Erscheinungen bezeugt, wie dies Habermas und Rawls sind, zwei Vertretern der Moderne im Zeitalter der Postmoderne, die bemüht sind, nachzuweisen, daß es sogar in der Epoche der Postmoderne, in der die Gesellschaft den Höhepunkt ihrer Fragmentarisierung und Zerstreuung erreicht hat, möglich und sogar notwendig ist, den universellen Konsens für ein ethisches und politisches Projekt zu erreichen.

Deshalb liegt das Hauptproblem des gegenwärtigen liberalen politischen Denkens, wie es etwa von Rawls vertreten wird, in der Frage, wie angesichts der scheinbar unendlichen Fragmentarisierung des Gesellschaftlichen die Einheit der gegenwärtigen Gesellschaft herzustellen wäre, wie der Dissens, die Fragmentarisierung und die Kontingenz zu fixieren, lokalisieren und neutralisieren wären, dabei gleichzeitig das gemeinsame normative Ideal, das für alle verbindliche Moralimperativ der Gerechtigkeit bewahrend. Für Rawls, der darin Kant folgt, liegt die Bedingung für die Konstitution des universellen Gesetzes, des moralischen Gerechtigkeitsimperativs, im Vorrang der Gerechtigkeit vor dem Guten,<sup>3</sup> dessen Voraussetzung die Ausklammerung der (kontingenten) Äußerungsposition des Gesetzes ist. Waren alle bisher bekannten Vorstellungen des Guten immer »pathologisch« in Kants Sinn des Wortes, irreduzibel partikulär, d.h. mit dem Ort ihres Äußerns gekennzeichnet und insofern nichtuniversalisierbar, dann muß, sollen die Glieder der Gemeinschaft gleich und gleichberechtigt, die Grundsätze der Gerechtigkeit aber universell sein, Rawls nach von jeder Besonderheit des konkreten gesellschaftlichen Lage, von allen Unterschieden hinsichtlich des Geschlechts, der Rasse, der gesellschaftlichen Statuses, der natürlichen Talente, der Wertsetzungen,

3 . Cf. J. Rawls, *A Theory of Justice*, Cambridge, Mass. Harvard University Press 1971, S. 446-52.

Interessen usw. abstrahiert werden, von all jenem also, was Gegensätze und Auseinandersetzungen generiert. Ein solcher ursprüngliche Gleichheits- und Gleichberechtigkeitszustand ist Rawls nach wenigstens in Form der Fiktion eines Naturzustandes, einer »Ursituation« denkbar, in der sich die Subjekte hinter einem »Schleier der Unwissenheit« (*veil of ignorance*) befinden. Die Gerechtigkeit einer konkreten gesellschaftlichen Situation ist den Grundsätzen nach zu beurteilen, die vermittels dieses ethischen Konstrukts gesetzt sind, eines symbolischen Paktes, der von den Teilnehmern an der Ursituation unter der Bedingung geschlossen wird, daß niemand seine eigene partikuläre gesellschaftliche Lage in Betracht zieht.

Wenn sich also das moralische Subjekt nur aufgrund eines Abstraktionsaktes konstituieren kann, durch das In-Klammern-Setzen seiner konkreten Äußerungsposition, dann überrascht es nicht, daß auf der Ebene dieses ethischen Paktes die Übereinstimmung sozusagen schon in vorhinein versichert ist. Wenn nämlich die Mitglieder der Gemeinschaft keine Unterschiede untereinander kennen, alle gleichermaßen rational und ähnlich situiert sind, dann ist es auch möglich, daß gleiche Argumente alle überzeugen.<sup>4</sup> Für Rawls ist Gerechtigkeit ohne universellen Konsens unvorstellbar: gäbe es keinen gemeinsamen Gesichtspunkt, dessen Voraussetzung die Einebnung der Meinungsunterschiede möglich macht, dann wären auch Reflexion und Argumentation überflüssig und sinnlos.

Der Konsens ist also Rawls nach nur hinsichtlich der Gerechtigkeit möglich, und zwar unter Berufung auf eine grundsätzliche Gleichheit, d.h. auf ein von jeder kontingenten persönlichen Geschichte bereinigtes abstraktes Subjekt. Einzig ein vom Pathologisch-Kontingenten nicht gekennzeichnete Subjekt kann nämlich Subjekt-Untertan des Gesetzes sein. Die Gerechtigkeit verlangt, daß sich das Subjekt einzig jenen Gesetzen unterwirft, deren Autor es selbst ist, sie setzt also die Austauschbarkeit der Rollen von Autor und Adressat des Gesetzes voraus.

Was bedeutet es aber, daß sich das Subjekt, soll die Gerechtigkeit universel sein, spalten muß, und zwar auf ein wirkliches, eigennütziges Individuum, das utilitaristisch seine Vorteile und Nachteile berechnet, und auf eine ethische Fiktion bzw. auf das Subjekt des Signifikanten, das keine spezifische Merkmale trägt, so daß sich jeder mit ihm identifizieren kann? Was bedeutet es für das konkrete, pathologische Subjekt, daß es, wenn es auf der Ebene des Moralsubjekts sein, den universellen Gerechtigkeitsprinzipien folgen möchte, auf seine eigene Lage vergebßen muß, sei es auch auf Kosten seines eigenen Wohls? Wer ist es, der hier vergißt und indifferent der konkreten Lage des Subjekts gegenüber ist?

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4. *Ibid.*, S. 138.



Die unmittelbare Antwort auf diese Frage würde lauten, das Subjekt müsse ohne Rücksicht auf sein eigenes Wohl urteilen und handeln, weil ihm dies vom Gesetz so befohlen wurde, und zwar vom Gesetz, das sich das Subjekt selbst gegeben hat. Nun, hinsichtlich dieses Gesetzes, das sich das Subjekt selbst gibt, eines Gesetzes, das in nichts ihm Äußeren begründet ist, also etwas Ursprüngliches zu sein scheint, muß hervorgehoben werden, daß es in Wirklichkeit nichts Ursprüngliches darstellt, vielmehr die Antwort auf den ursprünglichen Mangel des Guten als Grundlage und Garanten des Gesetzes ist, kurz, die Antwort auf die Unmöglichkeit eines Gesetzes des Gesetzes, des Anderen des Gesetzes. Für Rawls und Habermas steht es fest, daß das Gute in dieser Funktion für uns endgültig verloren ist, daß es nur noch in Form einer Menge von kontingenten, nichtuniversalisierbaren Vorstellungen vom Guten bestehen kann, d.h., gerade als jene Empirie, von der die Verwirklichung der emanzipatorischen Ideale der Moderne verhindert wird und die deshalb aus dem universellen Gesetz der Gerechtigkeit herausfällt. Das Dilemma des fehlenden Guten wird von der Moderne gelöst, indem am Ort seines Ausbleibens das Gesetz aufgestellt wird – damit ist aber noch bei weitem nicht auch das Dilemma des Gesetzes gelöst. Das Problem besteht nämlich nicht in der Frage, was das Gute ersetzen soll, es liegt vielmehr darin, daß die ethische Haltung der Moderne, ihr Asketismus, der sich im Festhalten am Verlust jeder Begründung des formalen, universellen Gesetzes in einem ihm Äußeren, im Festhalten an seiner Bodenlosigkeit manifestiert, eine Geste ist, die sogar für die überzeugtesten Vertreter der Moderne unhaltbar ist.

Zwei Interpretationsmöglichkeiten der Bodenlosigkeit des Gesetzes stehen uns hier zur Verfügung. Der ersten, radikalen Interpretation nach, die eigentlich erst von den postmodernen Autoren, vor allem von Lyotard aktualisiert wurde, ist das Gesetz des Gesetzes, das Andere des Gesetzes oder das höchste Gut zwar anwesend, doch nur als seine eigene Abwesenheit. Die Unmöglichkeit, das Gesetz zu begründen bzw. die Abwesenheit des Gesetzes des Gesetzes wird in diesem Interpretationsrahmen als Kehrseite der ursprünglichen Fragmentarisierung der modernen Gesellschaft und des Verschwindens des ethischen Konsenses der voraufklärerischen traditionellen Gemeinschaft verstanden. Wenn es also kein Gute gibt, das uns im Alltagsleben leiten würde, kann es auch kein rational begrenzendes Prinzip geben, das uns die Beurteilung von rivalisierenden Interpretationen des Gesetzes möglich machte. Da es kein dem Gesellschaftlichen immanentes Gute gibt, kann es auch kein autonomes Subjekt geben, daß sich selbst auf dem Gebiet der Moral Gesetze geben würde. Das einzige, was es gibt, sind einander bekämpfende Impulse, die sich weder synchronisieren noch rationell versöhnen lassen. Das Gute ist dieser Interpretation nach für unser Leben nicht konstitutiv. Es ist eine absolute Abwesenheit, ein irreduzibler Mangel.

Von der zweiten Interpretationsrichtung wird die Bodenlosigkeit des Gesetzes, die als Folge des ausbleibenden Guten auftritt, zur normativen Selbstbegründung des Gesetzes verkehrt, zu einem Gesetz, daß sich das autonome Subjekt selbst vorschreibt. Insofern dieses sich selbst begründende Gesetz als Statthalter des fehlenden, abwesenden Guten fungiert, kann von dieser modernen Form des Gesetzes gesagt werden, daß durch sie die Grundlosigkeit des Gesetzes anerkannt und zugleich verleugnet wird. Die moderne Lösung des Dilemmas der Grundlosigkeit des Gesetzes gründet sich nämlich auf die Voraussetzung von der absoluten Reziprozität zwischen dem Adressaten und dem Autor des Gesetzes. Mit anderen Worten, sie verleugnet die Spaltung zwischen dem Subjekt der Aussage und dem Subjekt der Äußerung. Weil aus der Aussage jede Spur der Äußerung ausgelöscht ist, verfällt der Adressat der Illusion, er selbst nehme den leeren Ort der Äußerung des Gesetzes ein. Er versetzt also sich selbst in die Rolle des Subjekts der Äußerung, wird zum Ursprung des Gesetzes. Diese Reziprozität von Autor und Adressat des Gesetzes wäre natürlich nicht möglich, wenn das Subjekt der Äußerung nicht, so wie bei Rawls, als anonymes, jeder Partikularität entledigtes Subjekt des Signifikanten gesetzt wäre, mit dem sich jeder und niemand identifizieren kann.

Das Problem liegt nun darin, daß sich das Subjekt nie vollkommen mit dieser Rolle eines Subjekts, das sich selbst das Gesetz gibt, identifizieren kann, daß die Identifizierungsoperation immer einen Rest übrigläßt, der es dem Subjekt unmöglich macht, sich auf der Ebene seiner Aufgabe zu befinden. Dieser Fremdkörper, dieser Überrest des symbolischen Identifizierungsprozesses, der das Subjekt nicht zur Ruhe kommen läßt, tritt zum Beispiel als Stimme des richtenden Gewissens auf. Das Paradox dieses Gewissens, dessen Stimme das Subjekt als sein Eigenstes, sein Innerstes vernehmen sollte, sich auf diese Weise als Selbstgesetzgeber verstehend, liegt darin, daß sie ihm absolut fremd klingt, als Stimme eines unbegreiflichen, extimen Anderen, als Stimme des Über-Ichs, das vom Subjekt unmögliche, unerfüllbare Aufgaben verlangt. Und wenn das Subjekt seine eigene Fähigkeit, auf der Ebene des Moralsubjekts zu sein und zu agieren bezweifelt, dann zweifelt es noch desto mehr an seinem Nächsten, an Anderem, vor allem an seiner Bereitschaft, das Beschlossene, die Gesetze oder die Prinzipien der Gerechtigkeit zu akzeptieren. So verbirgt die moderne, aufklärerische Formel von der Reziprozität die ursprüngliche Unreziprozität, das Ungleichgewicht zwischen dem Subjekt der Äußerung des Gesetzes und dem Anderen als seinem Adressaten.

Von der Unwissenheit des Subjekts über den Ort der Gesetzesäußerung, wie sie etwa in Rawls Formel vom »Schleier der Unwissenheit« angesprochen ist, wird zunächst und vor allem verborgen, daß die Stimme des Gewissens die Stimme des obszönen Über-Ichs ist, dem es mehr darum zu tun ist, dem



Subjekt unmögliche, unerfüllbare Forderungen zu stellen, als das es sich um sein Wohl bekümmert. Rawls hat also vollkommen Recht, wenn er auf dem »veil of ignorance« als Konstituenten des Moralgesetzes festhält, sein Irrtum liegt nur im Urteil darüber, was eigentlich von diesem Schleier verdeckt wird. Wie wir gesehen haben, verdeckt er zunächst und vor allem dies, daß der Ursprung des neutralen, unparteilichen und gerechten Moralgesetzes im sadistischen Subjekt der Äußerung zu suchen ist, das vom Adressaten/Untertan des Gesetzes radikal getrennt, ihm unangleichbar ist. Und gerade in jenem Maße, in dem sich hinter dem scheinbar unparteilichen, neutralen Gesetzgeber das arbiträre, launenhafte, das Wohl des Subjekt zerstörende Über-Ich verbirgt,<sup>5</sup> mit anderen Worten, in jenem Maße, in dem sich die moderne Ethik auf die Reziprozität gründet, von der die unüberbrückbare Spaltung zwischen dem Subjekt als dem Adressaten/Untertan des Gesetzes und dem Über-Ich als seinem Äußerungsort zugeschüttet und verborgen wird, ist sie im Gegensatz zu ihrem eigenen Anspruch ungerecht und unehrlich, letztendlich unethisch.

Aber die Lüge des Prinzips der modernen liberalen Ethik offenbart sich noch auf einer anderen Ebene: weil es am aufklärerischen Phantasma von der Universalisierbarkeit des Gleichheitsprinzips und der Gerechtigkeit partizipiert, generiert sie auch den strukturnotwendigen Zweifel, es gäbe etwas im Anderen, das ihn für dieses Prinzip taub macht. J. Copjec hat überzeugend nachgewiesen, daß das Phantasma von der absoluten Reziprozität der gesellschaftlichen Verhältnisse gerade aus der Negation des Reziprozitätsprinzips, aus der Voraussetzung von etwas, das sich dieser Universalisierung widersetzt, ihre Kraft schöpft. Da gleichzeitig für den aufklärerischen Glauben an die Universalität von Vernunftprinzipien ein Anderer, der wirklich anders, für Vernunftprinzipien prinzipiell unempfänglich wäre, vollkommen unmöglich ist, wird dieses Problem so gelöst, daß stillschweigend vorausgesetzt wird, der Andere sei zwar grundsätzlich imstande, universelle Prinzipien anzunehmen, dies aber nicht tun wolle, wobei es dann vollkommen gleichgültig ist, ob er sich dem bewußt, von eigenem Willen, egoistischen Interessen oder aber irrationalen Vorurteilen widersetzt. Hier können wir also die Vorgehensweise der modernen Universalisierung am Werk sehen: die moderne liberale Ethik kann sich nur so ihrem Universalitätsanspruch gemäß konstituieren, daß sie ein Element ihrer eigenen Negation in sich einbeschließt, ein Element, daß ihre eigene Unmöglichkeit verkörpert. Aber die Anwesenheit dieses paradoxen Elementes ihrer eigenen Negation kann sie nur so akzeptieren, daß sie ihn zugleich neutralisiert, marginalisiert, ihn in Form einer empirischen Randbedingung entkräftigt und abgrenzt.

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5 . Cf. J. Copjec, »The Sartorial Super Ego«, *October*, New York 1989.

Dieser Punkt wird nun von der postmodernen Kritik als der größte Mangel des modernen Paradigmas hervorgehoben. Lyotard kritisiert in diesem Kontext vor allem Habermas' modernistische Verklärung des dialogischen Konsenses, der idealen Sprachsituation die zur universellen Legitimität führen soll. Diese nostalgische Sehnsucht nach einem Ideal der Kommunikation, in dem sich der Sprecher/Autor zugleich als Hörer/Leser sieht, ist seiner Meinung nach unannehmbar, weil in der Forderung, sich in die Situation desjenigen zu versetzen, von dem die universelle Regel ausgesagt wird, Selbstbetrug im Verhältnis zum Subjekt des Äußerns und absolute Schuld im Verhältnis zum Anderen, dem Adressaten einer solchen Regel enthalten ist<sup>6</sup>. In diesem Zwang zur Identifikation mit dem Subjekt der Äußerung, mit jenen, die als »wir« (Menschen, Republikaner, Deutsche, Slowenen usw.) bezeichnet sind, liegen Lyotard nach der heimliche Imperialismus und Totalitarismus der Universalisierung verborgen. Problematisch bei einer solchen Identifikation sind nämlich der Ort, von dem aus dieses »wir« geäußert wird, und der Status desjenigen, der berechtigt ist (in wessen Namen?), »wir« zu sagen. Wer sind wir, die wir dies »wir« aussagen? Mit welchem Recht sagen wir dies aus? Problematisch deshalb, weil es im gewissen Sinne unmöglich, verboten ist, die Frage nach diesem »wir«, das spricht, zu stellen, nach jenem »wir«, das uns dadurch, daß wir uns mit ihm sozusagen in vorhinein und bedenkenlos identifizieren, erst ermöglicht, auch wirklich wir (das Volk, Republikaner, Kommunisten usw.) zu werden.<sup>7</sup> Diese Ausgrenzung, Ausschließung des Subjekts der Äußerung, genauer gesagt, die Herrschaft des Subjekts der Äußerung über das Subjekt der Aussage, die Herrschaft, die durch ihre scheinbare Assimilierung verborgen wird, ist strukturnotwendig, wenn Homogenität und Konsensus hervorgebracht werden sollen. Insofern es nun für das aufklärerische und modernistische Projekt unverständlich ist, daß »verschiedene Sprachen« nicht in eine universelle Sprache übersetzbar wären (die der Menschenrechte etwa), die beim Vergleich von Streitfällen vom Nutzen sein könnte, kann gesagt werden, daß dieser Totalitarismus, dieser Terror der Universalisierung dem konsensuellen Modell der Gerechtigkeit immanent ist, einem Modell, in dem, wie wir gesehen haben, jenes, was in ein solches »common law« der Menschheit unübersetzbar ist, notwendig unterdrückt und marginalisiert, als Differenz nicht anerkannt wird.<sup>8</sup>

6. Cf. J.-F. Lyotard, *Au juste*, Ch. Bourgeois Editions, Paris 1979, S. 99.

7. Einfacher gesagt, die Wirksamkeit solcher Aussagen stützt sich auf die verborgene performative Selbstautorisierung und Selbstrechtfertigung. Dies ist zum Beispiel aus der Unabhängigkeitserklärung ersichtlich. Bei der Aussage »wir – das Volk, Deutsche, Slowenen usw.«, die bei der Gründung eines Nationalstaates geäußert wird, wird notwendigerweise verkannt, daß es dieses Volk, diese Nation, die von der Aussage »denotiert« wird, noch nicht gibt, daß sie erst nachträglich, durch die Deklaration selbst konstruiert werden.

8. Von diesem auf Reziprozität gründenden Modell des Gesetzes, der Gerechtigkeit usw. wird verdrängt – und diese Verdrängung ist für sein Wirken konstitutiv –, daß die größte



Im Gegensatz dazu ist für Lyotard die Frage der Gerechtigkeit gerade deshalb interessant, weil sie sich nicht auf die gesellschaftliche Interaktion zwischen gleichberechtigten Partnern reduzieren läßt. Die wahre Reichweite des Gerechtigkeitsproblems zeigt sich erst in einer auf das Reziprozitätsmodell nicht zurückführbaren Situation, in der der Andere ein irreduzibel Anderer bleibt, also nicht dem Spiegelbildnis des Redners subsumiert werden kann, in der aber auch der Redner selbst verschiedene Äußerungsorte einnehmen kann.<sup>9</sup>

Die postmoderne Toleranz der Differenz gegenüber verlangt deshalb nicht Identifikation mit dem Anderem, Verständnis des Anderen, es geht ihr vielmehr um das Ertragen einer unerträglichen Differenz, einer Differenz, die erhalten, nicht assimiliert werden soll. Die Aussage, wir seien alle Menschen, alle Kulturen seien im Wesen gleich, trägt schon einen Kulturimperialismus in sich, die Subsumption des Anderen, des Heterogenen des aufklärerischen Rationalismus. Ein sich auf die postmoderne Toleranz und Gerechtigkeit berufender politische Diskurs gründet deshalb die Gemeinschaft nicht auf dem Konsens, sondern auf der Irreduzibilität des Dissens.

Der springende Punkt liegt natürlich in der Frage, wie die Verwirklichung einer solchen Gerechtigkeitsidee in der Sphäre des Politischen möglich ist. Der Versuch, das Politische vermittelt der Idee von den Gerechtigkeiten und des Rechts auf Vielfalt zu regulieren, verlangt eine positive Bewertung des Konfliktes, des *diférends*, und zugleich damit die Zurückweisung der Auffassung des Gesetzes als geschlossenen, den Konflikt in Bezug auf einen Endzweck ordnenden Regelsystems. Denn auf dem Weg zu einer »richtigen Antwort«, um Dworkins beliebten Ausdruck zu gebrauchen, schließt das Gesetz notwendigerweise alle Fälle der Gerechtigkeit aus, die sich nicht dem gegebenen Rechtssystem subsumieren lassen. Die universalistische Gesetzesauffassung ist nicht nur nicht imstande, eine gerechte Lösung der Konflikte herbeizuführen, sie bringt diese Konflikte vielmehr selber hervor, und zwar in ihrer radikalsten, unaufhebaren Form, die von Lyotard *diférend* genannt wird. Mit dem Fall des *diférends*, des Widerstreits zweier Rechtsparteien haben wir es dann zu tun, wenn die Regulation des Konflikts im Idiom einer der streitenden Parteien vollzogen wird, die von der anderen erdultete Ungerechtigkeit aber unvernommen bleibt bzw. in diesem Idiom überhaupt nicht zum Ausdruck kommen kann. Im Unterschied zur Moderne, deren Metasprache eine universelle Gerechtigkeits- oder Gleichheitsregel voraussetzt, von der jedes sich auf andere

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Ungerechtigkeit z.B. Einheimischen, Kolonisierten, Emigranten, Flüchtlingen, kurz, dem Anderen gegenüber, nicht die Folge der Unehrlichkeit, Voreingenommenheit... der westlichen Gesetzgebung, der korruptierten Richter, Polizisten usw., daß sie vielmehr das unmittelbare Produkt einer Unvoreingenommenheit und Gerechtigkeit bilden, die als universelles, für Alle geltende Gesetz verstanden werden.

9. Cf. J.-F. Lyotard, *Au juste*, S. 100.

Prinzipien stützende Argument marginalisiert wird, wird von der postmodernen Gerechtigkeitstheorie die radikale Unkommensurabilität zweier Argumente anerkannt, d.h. sie geht davon aus, daß keine Seite die Argumente der anderen als Argumente anerkennen kann. Jede Assimilierung, Rationalisierung, Identifizierung bedeutet schon die Vernichtung der radikalen Andersheit, Heterogenität.

Im Rahmen einer konstitutiv ungerechten Gesellschaft und ihrer Gesetze besteht die einzige Möglichkeit zur Erlangung der Gerechtigkeit im unendlichen Kampf um die Durchsetzung der Stimme all jener, denen Ungerechtigkeit zugefügt worden ist, jener, die systematisch aus dem Universum der Sprachspiele ausgeschlossen sind. Die Valorisierung des fortwährenden Kampfes wirft natürlich die Frage nach dem Subjekt des Widerstandes auf. Auf den ersten Blick scheint es, daß die Auflösung, die Zersetzung des Subjekts im Netz der Sprachspiele und ihrer Subjektpositionen jede Strategie der gesellschaftlichen Umwandlung und der radikalen Politik unmöglich macht. Lyotard sieht nun die Lösung gerade in der Fragmentarisierung der Position des Subjekts (die Vielfalt von Subjektpositionen) bzw. in der Proliferation neuer Formen der Subjektivität. Der Widerstand besteht Lyotard nach gerade in der Anerkennung dieser Proliferation der Subjektivität, die vom dominanten politischen Diskurs verleugnet wird. Jeder von uns, sagt Lyotard, gehört verschiedenen Minderheiten an, es geht nur darum, daß keine unter ihnen vorherrschend wird. Nur in diesem Fall kann von einer gerechten Gesellschaft gesprochen werden.<sup>10</sup>

Das Paradox einer solchen Gerechtigkeitsauffassung liegt nun darin, daß weder für die eine noch für die andere Streitpartei gesagt werden kann, sie habe recht, da es keinen gemeinsamen Maßstab, kein Kriterium für eine notwendige Beurteilung gibt. Und haben wir es nicht, um zum Anfang zurückzukehren, gerade im Fall Bosniens mit einem *différend* in Lyotards Sinne zu tun, dem Punkt, an dem die internationale Diplomatie und der politische Diskurs der neuen Weltordnung Opfer produziert, viktimisiert, Ungerechtigkeiten zufügt, wobei diese Ungerechtigkeit im Rahmen des bestehenden politischen Diskurses und der bestehenden internationalen Rechtsordnung überhaupt nicht als Ungerechtigkeit wahrgenommen und damit zur offenen Wunde wird? Genauer gesagt, erweckt nicht die Vorgehensweise der internationalen Diplomatie den Eindruck, als würde sie auf Bosnien als Beispiel eines radikal partikulären, singulären Konflikts, der sich nicht gerecht lösen läßt, weil eine für alle Parteien annehmbare Regel der Beurteilung fehlt, die lyotardsche Bestimmung des *différend* applizieren? Ist nicht das, was im Fall Bosniens fehlt, die Existenz eines festen Entscheidungskriteriums, das Vorherrschen einer Regel, wären

10. *Ibid.*, S. 95.



dieses Kriterium und diese Regel auch durch den Sprung in den Abgrund der unbegründeten Entscheidung und des bodenlosen Gesetzes hervorgebracht?

Der différend zwischen dem modernen Bevorzugen des universellen Gesetzes (des Symbolischen), und dem postmodernen Bevorzugen der heterogenen, auf das Gesetz irreduziblen Gerechtigkeiten, stellt bloß die Wiederholung und Bestätigung des ursprünglichen différends zwischen dem Gesetz und der Gerechtigkeit dar. So könnte man sagen, daß die von Habermas und Rawls einerseits, von Lyotard andererseits vertretenen Auffassungen des Verhältnisses von Gesetz und Gerechtigkeit nur eine der anderen ihren eigenen Mangel, ihre eigene Botschaft in verkehrter Form zurückgeben.

Wenn die verdrängte Wahrheit der modernen Gesetzesauffassung, wie von der postmodernen Kritik nachgewiesen wurde, darin liegt, daß das universelle Gesetz immer von einem partikulären, obszönem Genießen des Über-Ichs geprägt ist, dann erweist sich die Wahrheit des postmodernen Festhaltens an der absoluten Heterogenität der Gerechtigkeit, der absoluten Unentscheidbarkeit, was Rechtens ist, letztendlich als universalisierte Ungerechtigkeit, als das radikal Böse. Beiden Ansätzen mangelt es gerade an Bereitschaft, diese Aporie des Gesetzes und der Gerechtigkeit auf sich zu nehmen. Was von ihnen ausgeschlossen wird, ist eine Art bewußtes Verkennen des konstitutiven Mißverhältnisses von Gesetz und Gerechtigkeit. Eine »fetischistische« Geste also, die man folgendermaßen umschreiben könnte: ich weiß ja, daß die Gerechtigkeit nie vollkommen im Gesetz begründet sein kann, daß bloße Anwendung des Gesetzes nicht schon Verwirklichung der Gerechtigkeit ist, daß also die Gerechtigkeit als etwas Singuläres, Kontingentes, Reales, immer schon das symbolische Gesetz übertritt, ihn aushöhlt, inkonsistent macht, dennoch lasse ich mich aber in meinem Handeln vom Glauben führen, die Gerechtigkeit könne nicht anders verwirklicht werden als unter Berufung auf das Gesetz. Mit anderen Worten, die Verwirklichung der Gerechtigkeit wird nicht durch den blinden Glauben an die Gerechtigkeit des Gesetzes, sondern paradoxerweise durch das Bewußtsein, das Gesetz könne an sich selbst nicht »gerecht« sein, möglich gemacht.

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## *Abstracts – Povzetki*

*Hauke Brunkhorst*

### *STAATSBÜRGERUNIVERSALISMUS CONTRA NATIONALSTAAT*

Der Universalismus der Menschenrechte stand von Anfang an in einem ungeklärten Spannungsverhältnis zum Partikularismus des modernen Nationalstaats. Für die Lösung dieser Spannung gab es in der neuern europäischen Geschichte zwei idealtypische Wege: den deutschen des ethnisch *homogenen Nationalstaats* und den französischen eines territorial definierten, ethnisch neutralisierten, *heterogenen Nationalstaats*. Der erstere führt notwendig zum Nationalismus, er ist von vornherein nationalistisch, der letztere, der heterogene Nationalstaat der großen Demokratien des nordatlantischen Westens ist allenfalls zufällig oder empirisch mit nationaler Identität und der entsprechenden Freund-Feind-Stilisierung nach außen und innen verbunden. Sein Prinzip ist jedoch eine Integration von Volkssouveränität mit dem Grenzen öffnenden und überwindenden Universalismus der Menschenrechte. Das Problem der europäischen Integration ist nun zweifach: dem homogenen Nationalstaat gegenüber wäre jede Form der Integration, auch die mit Demokratiedefizit und bürokratisch-ökonomischem Primat, ein Fortschritt. Das ist im Falle des in den Staaten der EG mittlerweile überall realisierten heterogenen Nationalstaats nicht zwangsläufig der Fall. Eine bürokratisch-ökonomisch vereinseitigte »Festung Europa« wäre ein eindeutiger Rückfall hinter das erreichte Niveau der Rechte und der Demokratisierung. Hier gibt es freilich ein Dilemma: Ein Abstoppen des europäischen Integrationsprozesses könnte zu einer Rückbildung heterogener in homogene Nationalstaaten führen. Insofern ist der Nationalstaat in diesem Falle anachronistisch geworden.

### *UNIVERZALNOST DRŽAVLJANSTVA PROTI NACIONALNI DRŽAVI*

Univerzalnost človekovih pravic je od začetka v nerešenem napetem odnosu do partikularnosti moderne nacionalne države. Za rešitev tega odnosa sta obstajali v novejši evropski zgodovini dve poti: nemška pot etnično homogene nacionalne države in francoska pot teritorialno definirane, etnično nevtralizirane heterogenen nacionalne države. Prva pot vodi nujno v nacionalizem, druga pa je z nacionalno identiteto in z dvojico prijatelj-sovražnik povezana le naključno ali empirično. Načelo heterogene nacionalne države je integracija suverenosti ljudstva z univerzalnostjo človekovih pravic. Problem evropske integracije je dvojen. Glede na homogeno nacionalno državo bi bila vsaka oblika integracije, tudi tista, ki jo spremljata deficit demokracije in prednost birokratsko-ekonomskega načela, že napredek. Vendar pa pri državah ES, ki so

vse uresničile heterogene nacionalne države, ne gre za tak primer. Birokratsko-ekonomska »trdnjava Evropa« bi pomenila jasen padec pod doseženo stopnjo pravic in demokracije. Seveda pa obstaja tu dilema: zaustavitev evropskega procesa integracije bi lahko pripeljala do regresije heterogenih nacionalnih držav v homogene. V toliko je nacionalna država v vsakem pogledu anahronistična.

*Aleš Erjavec & Marina Gržinić*

*MYTHICAL DISCOVERIES, UTOPIAN SPACES, AND POST-SOCIALIST CULTURE*

The authors compare the recent uncritical view of the West often encountered in the former European socialist countries with a similar view that Europeans held concerning America. This view was shared also by the artists of the former socialist countries who find themselves in this post-socialist situation in a rather difficult position. It is not only that the former government support has disappeared but that they must review the whole concept of their work. The APT ART INTERNATIONAL project carried out in 1992 jointly by Moscow and Ljubljana artists is given as an example of a unique and successful artistic treatment of the transitional period. This project also witnesses an awareness of some of these artists and people in general to view themselves not from a fictitious »Western« position but from their own, albeit critically reconsidered perspective.

*MITIČNA ODKRITJA, UTOPIČNI PROSTORI IN POSTSOCIALISTIČNA KULTURA*

Avtorja primerjata nekritično podobo Zahoda, ki jo je bilo mogoče pogosto srečati v nekdanjih evropskih socialističnih državah s podobno sliko Amerike v očeh Evropejcev. Takšni pogledi so bili značilni tudi za umetnike iz nekdanjih socialističnih dežel, ki so se znašli v post-socialistični situaciji v precej težkem položaju. Ne samo, da je izginila podpora prejšnjih vlad, temveč so prisiljeni premisliti ves koncept svojega dela. Projekt APT ART INTERNACIONAL, ki so ga 1992 skupaj izpeljali ljubljanski in moskovski umetniki, je prikazal kot zgled enkratne in uspešne umetniške obravnave obdobja prehoda. Ta projekt priča obenem o zavesti nekaterih umetnikov in ljudi nasploh, da gledajonase ne iz fiktivne »zahodnjaške« pozicije temveč iz njihove lastne, vendar kritično premotrene perspektive.

*Gorazd Korošec*

*SOCIAL CONTRACT AND PUBLIC OPINION – TWO POLITICAL CONCEPTS OF THE ENLIGHTENMENT*

The article proceeds from an examination of Kant's political philosophy, which contains a detailed articulation of both social contract and publicity, that is to say, public opinion. Through an analysis of Kant's definitions of the distinction between the private and public use of reason, property rights and the relation between freedom, law and authority, it points out the main weaknesses of Kant's enlightened theory and then confronts it with theories of authors, who have made an important contribution to the



development of the modern concept of public opinion, namely Burke, Bentham and Constant and their critical statements about rationalism in politics, the concept of law and the understanding of liberty and public opinion.

#### *DRUŽBENA POGODBA IN JAVNO MNENJE - DVA POLITIČNA KONCEPTA RAZSVETLJENSTVA*

Članek vzame za izhodišče obravnavo Kantove politične filozofije, ki vsebuje natančno artikulacijo tako družbene pogodbe kot publicitete, torej javnega mnenja. Skozi analizo Kantovih opredelitev razlike med privatno in javno rabo uma, pravice do lastnine in razmerja med svobodo, zakonom in avtoriteto, pokaže na poglobitve slabosti Kantove razsvetljenske teorije in jo zatem sooči z teorijami avtorjev, ki so pomembno prispevali k razvoju modernega koncepta javnega mnenja, torej Burka, Benthama in Constanta ter njihovimi pripombami glede racionalizma v politiki, koncepta zakona in razumevanja svobode in javnega mnenja.

*Tomaž Mastnak*

#### *THE BIRTH OF WAR OUT OF THE SPIRIT OF PEACE*

Latin Christendom articulated its collective identity, first as *respublica christiana* and then Europe, through construing Islam as the enemy of Christianity, and through organizing holy war against the Muslims. As a self-conscious entity, Europe was constituted through the imagined practice of cleansing itself of the Turks. Ethnic cleansing was integral to the concept of Europe from the start. Unlike Islam, Europeans did not make war in order to achieve peace but made peace in order to wage war.

#### *ROJSTVO VOJNE IZ DUHA MIRU*

Zahodno krščanstvo je artikuliralo svojo kolektivno identiteto (najprej kot *respublica christiana* in zatem kot Evropa) s konstrukcijo islama kot svojega poglobitvega sovražnika in z organiziranjem svete vojne proti muslimanom. Evropsko samozavedanje se je oblikovalo z zamišljanjem izгона Turkov iz Evrope. Etnično čiščenje je integralni moment pojma Evrope od vsega začetka. V nasprotju z islamom Evropejci niso bojevali vojn, da bi dosegli mir, pač pa so si prizadevali za mir, da bi mogla biti vojna.

*Braco Rotar*

#### *THE OTHER SIDE OF EUROPE*

The basic thesis of the article is that the state of Yugoslavia was produced by an ideologic syncrisis which was elaborated through the ideologic evolution of the European 19th century, and that the »romantic« visions of the past and the historical mission of peoples were dominating in this syncrisis, the visions which are known first in the pan-Germanic circle and later in the pan-Slavic circle, which is first of all a reflected reaction, though in a way deformed, to the German. These are the ideologies of the *Blut*

*und Boden* group, were the basic characteristics are ethnical exclusivism based on belonging to a tribe and xenophobia. Therefore the Yugoslavian-ship has got much in common with the proletarian internationalism, but it is closely connected with the trial of accumulating the ethnonationalisms of small groups in the name of the »idea of Slavism« and uniting them into the ideology of a national state, which was supposed to cause the formation of the Yugoslavian »nation«. The examples they were referring to - Prussia and Piemont - were both incorrectly used indeed, but they were efficient for some time nevertheless, and the efficiency is due mainly to the winners of both world wars.

#### NAROBNA STRAN EVROPE

Temeljna teza članka je, da je bila jugoslovanska država produkt ideološke sinkrezije, ki se je elaborirala skozi ideološko evolucijo evropskega XIX. stoletja, in da v tej sinkreziji dominirajo »romantične« vizije preteklosti in zgodovinskega poslanstva ljudstev, kakršne so znane najprej iz pangermanskega kroga, nato pa še iz panslovanskega, ki je v prvi vrsti nekoliko popačena zrcalna reakcija na prve. Gre za ideologije iz skupine *Blut und Boden*, katerih temeljna značilnost sta etnični ekskluzivizem na rodovni podlagi in ksenofobija. Jugoslovanstvo ima potemtakem bolj malo opraviti s proletarskim internacionalizmom, toliko več pa s poskusom, da bi etnonacionalizme majhnih skupin v imenu »slovanske ideje« akumulirali in spojili v ideologijo nacionalne države, to pa naj bi povzročilo formiranje jugoslovanske »nacije«. Oba referenčna zgleda - Prusija in Piemont - sta sicer bila napačna, a nekaj časa navzlic temu učinkovita, zlasti zato, ker so vojaški zmagovalci iz obeh svetovnih vojn za to učinkovitost poskrbeli.

#### Rado Riha

#### EUROPA UND WIR ANDEREN

Im Betrag wird die Rolle analysiert, die im Rahmen der Diskussion einer europäischen postnationalen Identität Kant's Begriffspaar bestimmende Urteilskraft – reflektierende Urteilskraft zugeschrieben wird. An Bosnien als »Fall der demokratischen Regel« versucht der Beitrag zu zeigen, daß die bestimmende und die reflektierende Urteilskraft nicht als selbstständige bzw. einander entgegengesetzte Erklärungsmodelle auf das Gebiet des Praktischen angewandt werden sollten. Der Beitrag schlägt, sich an Lacans Formeln der Sexuierung anlehnend, eine gemeinsame Lektüre vor, in der das bestimmende und das reflektierende Urteil als zwei mögliche Antworten auf die gleiche, vom der paradoxen universellen Natur des demokratischen Gesetzes gestellte Frage verstanden werden.

#### EVROPA IN MI DRUGI

Prispevek analizira vlogo, ki je v diskusiji o evropski postnacionalni identiteti pripisana Kantovi pojmovni dvojici določujoča razsodna moč – reflektirajoča razsodna moč. Na Bosni kot »primeru demokratskega pravila« skuša prispevek pokazati, da določujoča in



reflektirajoča razsodna moč na področju praktičnega ne smeta biti uporabljeni kot samostojna oz. zoperstavljena razlagalna modela. Na podlagi Lacanovih formul seksuacije predlaga prispevek njuno skupno branje, v katerem sta razumljeni kot dva možna odgovora na vprašanje, ki ga postavlja paradokсна univerzalna narava demokratskega zakona.

*Jelica Šumič-Riha*

#### *LIBERALISMUS UND PARTIKULARISMUS IM NEUEN EUROPA*

Der Beitrag befaßt sich mit der modernen und postmodernen Auffassung des Verhältnisses zwischen dem Recht bzw. dem Gesetz und der Gerechtigkeit. Dabei werden zuerst zwei Modelle analysiert: einerseits das von Habermas und Rawls, andererseits das von Lyotard. Im zweiten Schritt wird dann am Beispiel des westlichen Verhaltens im bosnischen Krieg die Unzulänglichkeit beider Modelle dargelegt.

#### *LIBERALIZEM IN PARTIKULARIZEM V NOVI EVROPI*

Prispevek obravnava modernistično in postmodernistično pojmovanje razmerja med zakonom (pravom) in pravičnostjo. Pri tem izpostavi predvsem dva modela: habermasovsko-rawlsovski na eni strani in lyotardovski na drugi. Na primeru zahodnjaškega obravnavanja vojne v Bosni pokaže nezadostnost obeh modelov.







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