

---

*Political Theory*

---

Izvorni znanstveni članak  
342.721-055.3:32.01  
Primljeno: 18. prosinca 2005.

---

---

**On the Unholy Public-Private Split**

---

ZORAN KURELIĆ

Faculty of Political Science, University of Zagreb

Summary

The author discusses the rights of the LGBT population in Croatia using categories from the contemporary Anglo-American political theory, particularly the concepts crystallized through the debate between the feminist multiculturalists (Fraser, Young) and the liberal universalists (Barry). The author shows how the private-public split came under attack from both some feminists and from some eminent theologians (Ratzinger, Bertone), though this distinction is essential in solving the problems stemming from sexual differences. The author tries to show why he thinks the best approach in the struggle for the rights of the LGBT population in Croatia is a combination of the piecemeal cultural non-revolutionary action and the promotion of the laws like “the Law on Registered Partnerships”.

*Key words:* LGBT rights, human rights, cultural revolution, liberal individualism, toleration



*Mailing address:* Faculty of Political Science, Lepušićeva 6,  
HR 10 000 Zagreb. *E-mail:* zkurelic@fpzg.hr

On the 18<sup>th</sup> of February 2005 the Croatian weekly magazine *Globus* decided to put a picture of two middle-aged men kissing on the front page. The reason for this rather unusual choice was explained with a dramatic headline: “Panic Among Croats: Gay Phone-list Stolen”. *Globus* is a respected magazine with a solid circulation and the decision to run the story about the stolen gay phone-list in such a dramatic way was justified. Something really interesting happened in Croatia in February 2005: thousands of its citizens received in their email a well organized list of gay men which included their names or nicknames, the cities and neighborhoods in which they live, as well

as their phone numbers and the institutions in which they work. The author of the list added the comments such as: “xy is bald, a bad lover and looks 10 years older”, “yx is Igor’s former lover”. The way in which the list was organized suggests that this was a private document never intended for national circulation via email. However, the consequences of this incident have been serious because most of the people on the list were not planning to “come out of the closet”, and some of them will very likely have problems. Another quite interesting thing is the rumor that only half of the list (400 names) was circulated via the mail while the other half, with the names of distinguished politicians, artists and athletes, can now be used for blackmail. The author of the list is said to be a 31-year-old man who claims that the list has been stolen from him. Whatever the background of this incident, it shows that the private- public split celebrated in political theory as a solution for numerous differences, from religious to sexual, may very well be outdated by the fact that someone’s privacy can be destroyed for good.

In this paper I will answer the question: “Do we need a gay revolution in Catholic Croatia?” I will try to show that a gay cultural revolution in Croatia would be counterproductive and that the best way to cause changes in culture is through piecemeal cultural activity. This piecemeal cultural approach should back up the attempts to legally improve the situation of (L)esbian, (G)ay, (B)isexual and (T)ranssexual individuals.

In order to make my argument clear, I am going to present it in three steps. In the first step (A) I will briefly outline the philosophical tension between the multicultural quest for recognition and the liberal insistence on individual equality. Nancy Fraser and Iris Marion Young represent the recognition camp and Brian Barry represents the liberal camp.

In the second segment (B) I will present cardinal Ratzinger’s (now Pope Benedict) ideas from his famous “Doctrinal Note on some questions regarding the participation of Catholics in political life”. This Note (co-written with archbishop emeritus Tarcisio Bertone) is particularly important because it is indicative of the problems which Catholics have with liberal democracy. Two thirds of Croats are self-proclaimed Catholics.

In the final part of this paper I will discuss the Croatian situation in the light of the problems and concepts presented in the first two segments. I will show how the public-private split was attacked by Catholics and Recognitionists.

In my opinion, correctly organized activities for the improvement of the position of the LGBT population within the Croatian society are not only relevant for the individuals and groups covered by this acronym but for the country in general. They can help the development of civic culture and prepare Croatia for the EU.

## A

I use Iris Marion Young's understanding of cultural revolution from her book *Justice and the Politics of Difference*. She believes that some injustices are rooted not in economy but in culture, and one of the most painful injustices is "cultural imperialism". This type of imperialism comes into being when the culture of the dominant group becomes the dominant culture. In her opinion the dominant culture in America is white, male and heterosexual, which results in the culturally imperialistic forms of sexism, heterosexism and even racism, whether the dominant group acknowledges it or not. Thus, it is necessary to radically change the culture in order to create a society in which the non-white, non-male and non-heterosexual population is not oppressed. This radical change is called cultural revolution and the key aspect of that process is the recognition of oppressed groups. The recognition is clearly distinguished from the redistribution which is in Young's mind too narrowly focused on the injustices rooted in economy.

This decision to insist on recognition was discussed and criticized by Nancy Fraser in her essay "From Redistribution to Recognition? Dilemmas of Justice in a 'Postsocialist' Age". In Fraser's opinion Young focuses too much on recognition and somehow misses the importance of redistribution. Fraser believes that both approaches should be pursued to make America just. "Only by integrating recognition and redistribution can we arrive at a framework that is adequate to the demands of our age" (Fraser, 1997: 12). In Fraser's understanding of justice recognition is also understood as a part of cultural revolution. She writes: "The remedy for economic injustice is political-economic restructuring of some sort... The remedy for cultural injustice, in contrast, is some sort of cultural or symbolic change. This could involve upwardly revaluing disrespected identities and the cultural products of the maligned groups. It could also involve recognizing and positively valorizing cultural diversity. More radically still, it could involve the wholesale transformation of societal patterns of representation, interpretation, and communication in ways that would change *everybody's* sense of self. Although these remedies differ importantly from one another, I shall henceforth refer to the whole group of them by the generic term 'recognition'" (Fraser, 1997: 15).

However one understands the concept of recognition, it must mean that a certain group of people (or certain groups) wants to be accepted as a group, different from other groups or the rest of the society. To be recognized is to be accepted as different, and that is why Young talks about the politics of difference. So, the cultural revolution for the LGBT population would be a public affirmation of the value of gay or lesbian lifestyle. In its radical multicultural form this argument calls for the recognition of gay culture in a way in which multiethnic states recognize different ethnic cultures. The struggle

for recognition, designed to change the dominant culture, focuses on group rights (distinguished from individual rights) and rejects the traditional liberal solutions – the public-private split and the so-called difference-blind liberalism – as inadequate and assimilationist. Universal rights and just redistribution are not enough because they do not recognize the oppressed in a way in which they want to be recognized.

Brian Barry passionately rejects the calls for cultural revolution in his book *Culture and Equality*. He finds most of the philosophical arguments made by Young and Fraser wrong and politically useless. What troubles him most is the trivialization of legal rights and the insistence on cultural changes. In Barry's opinion, the polarization of culture is dangerous because it can trigger a cultural counter-revolution. Anti gay statements formulated by religious conservatives are cultural *par excellence*. The conservative counter-revolution can in the end endanger the quest for complete legal equality for LGBT individuals. Barry writes: "Fraser's ideas are bad politics as well as bad sociology. One obvious respect in which this is so is that, if legal reform had to wait on the conversion of most of the population to a belief of the 'equal validity' ... of a homosexual and heterosexual way of life, it might have to wait much longer than if the case for equal rights was pressed on the basis of the requirements of equitable treatment" (Barry, 2001: 276). He continues by saying: "The fundamental error made by Young and Fraser, from which their sociological and political mistakes flow, is the rejection of the liberal conception that it makes sense to talk about equal rights, and that the case for equal rights can be made on the basis of an appeal to justice. It is not necessary first to establish the equal value of whatever activity is to be protected by the right in question. To make the point, let us think about the equal liberty of religious worship. Because religions have incompatible propositional content, it would be absurd to suggest that they had to be publicly affirmed to be equally valuable. But the case for giving different faiths the same rights does not depend on any such absurd claim: it can be derived from a principle of fair treatment. In the same way, the whole point of the liberal case for equal rights for homosexuals is that it quite explicitly leaves each person free to form a view about the relative value of heterosexual and homosexual ways of life" (Barry, 2001: 278).

Brian Barry is a consistent liberal. He insists on the public-private split and legal equality. In the context of this paper the public-private split in which religious beliefs are privatized is particularly important. In the next segment I will present Joseph Ratzinger's understanding of the problem.

## B

“Doctrinal Note on some questions regarding the participation of Catholics in political life” was written in 2002 by Ratzinger and Bertone. It is a powerfully written note which clearly shows why fervent Catholics have problems with liberal solutions. For me it is important because Croatia is a transitional liberal democracy in which the majority of population is Catholic. The central problem for the authors of the *Note* is “a kind of cultural relativism” and “ethical pluralism” which is in direct opposition to the “principles of the natural moral law”. Society is organized in a way which ignores the principles of natural ethics, as if all outlooks on life were of equal value. Ratzinger and Bertone are strongly against this type of ethical pluralism because they believe that political freedom cannot be based upon the relativistic idea that all conceptions of “the human person’s good” have the same value and truth. In their opinion politics should be about the concrete realization of the “true human and social good” in a given historical context. In a contemporary society secularism is reconciled with cultural relativism and Catholics are asked “not to base their contribution to society and political life...on their particular understanding of the human person and common good” (Ratzinger, Bertone, 2003: 2). Catholics are asked to be tolerant i.e. to privatize their fundamental moral beliefs. Consequently, secularism separates morality and politics. This is unacceptable for Ratzinger and Bertone because it violates Christian conscience. They explain: “When political activity comes up against moral principles that do not admit of exception, compromise or derogation, the Catholic commitment becomes more evident and laden with responsibility. In the face of *fundamental and inalienable ethical demands*, Christians must recognize that what is at stake is the essence of the moral law, which concerns the integral good of the human person. This is the case with laws concerning *abortion* and *euthanasia*...Such laws must defend the basic right to life from conception to natural death. In the same way, it is necessary to recall the duty to respect and protect the rights of the *human embryo*. Analogously, the *family* needs to be safeguarded and promoted, based on monogamous marriage between a man and a woman, and protected in its unity and stability in the face of modern laws on divorce: in no way can other forms of cohabitation be placed on the same level as marriage, nor can they receive legal recognition as such” (Ratzinger, Bertone, 2003: 4). This is perfectly clear. Catholics cannot be tolerant when fundamental things like abortion, euthanasia and homosexual marriage are politically at stake. A morally consistent Catholic can never vote for laws allowing abortion or gay marriage.

For multiculturalists, the liberal neutrality regarding different conceptions of the good is a fig leaf for a specific understanding of the good and a specific oppressive culture. For Ratzinger it is an institutionalization of cultural relativism. How is this relevant for the question discussed in this paper?

What can we learn from Barry's rejection of cultural revolution and Ratzinger's criticism of secular relativism? I will try to explain this in the concluding segment.

## C

At a recently held international Human Rights Festival<sup>1</sup>, the organizers decided to focus on six problems related to human rights and accordingly divided the program into six workshops. One of them was called *Toleration in the Balkans: How to improve the rights of the LGBT Population*. It is important to stress that the Social Democratic Party initiated and co-organized the event together with a number of socialist oriented foundations operating in Croatia. The workshop on the LGBT rights offered four policy recommendations. It is very important that three of them were suggested by gay activists and one by a politician. The recommendations are:

1. to support the Law on registered partnership which complements and expands the rights secured in the Law on same-sex partnership;
2. to insist on the introduction of hate crime into the Croatian penal code;
3. to strengthen the co-operation of the civil and the political sector, and to create a regional network of socialist parties in order to improve the position of the LGBT population in the region;
4. to insist on equality rather than on toleration, and to use cultural means to create a society in which the LGBT population is not seen as something strange, something the majority has to put up with. Legal initiatives alone are not enough to change the attitude towards the LGBT population.

Recommendations 1, 2, and 4 were put forward by Croatian gay activists. It is obviously clear that they understand the importance of the fight for legal equality. The gay organization *Iskorak* and the lesbian organization *Kontra* have a very competent legal team. What I find really interesting is their prudent approach. During the discussions in a workshop one of the most controversial issues – civil marriage for same-sex couples was mentioned by a professional politician – impressed by José Luis Rodríguez Zapatero, and not by young activists. The equal access to adoption by same-sex couples was never mentioned. All the recommendations are realistic and politically feasible. If we think about them in the light of cultural revolution vs. legal equality debate, we can conclude that the Croatian activists use a combination of both and they do that in a piecemeal way. Rather dramatic gay parades in which a few hundred mostly young men and women accompanied by a few

<sup>1</sup> The festival took place in Zagreb on the 4<sup>th</sup> of June 2005.

politicians marched through downtown Zagreb protected by a thousand policemen did not do much good to anyone. The politicization of gay culture and some dramatic events could only trigger a type of religious counter-revolution Barry writes about. The activist who talked about equality did not insist on the public affirmation of a gay or lesbian lifestyle, or on the recognition of their difference. What he wants is to live in a society in which the LGBT individuals are not seen as something dramatically different. So the cultural activity mentioned in the fourth recommendation wants to create a society in which the differences between gay, bisexual and straight people are as relevant as the differences of hair color. I think this is the right approach. The last thing we need is a cultural revolution. However, the LGBT activist cannot reasonably expect that the Croatian Catholics will ever switch from toleration to acceptance. Ratzinger and Bertone argue why they should not be tolerant when things like gay marriage are the issue. The most one can expect from a Catholic is to be morally inconsistent by his/her own standards in order to tolerate others.

Of course, the four recommendations from a one-day festival on human rights do not represent the official strategy of the LGTB population, but as far as I can see they should. A moderate cultural approach respects the liberal warnings formulated by Barry, and bears in mind that any cultural activity will occur in a culture profoundly influenced by Catholicism.

Finally, the public-private split rejected by Fraser, Young, Ratzinger and Bertone is the best solution I can think of, but the incidents such as the one with the gay phone-list seriously question the survival of the private sphere no matter how we conceptualize it.

### *References*

- Fraser, Nancy, 1997: *Justice Interruptus*, Routledge, London
- Fraser, Nancy / Honneth Axel, 2003: *Redistribution or Recognition?* Verso, London
- Young, Iris Marion, 1990: *Justice and the Politics of Difference*, Princeton University Press, Princeton
- Barry Brian, 2001: *Culture and Equality*, Polity Press, Oxford
- Ratzinger Joseph / Bertone, Tarcisio, 2003: *Doctrinal Note on some questions regarding the participation of Catholics in political life*, <http://www.vatican.va>
- Pravni tim, 2005: *LGBT prava zaštićena ustavom*, Lezbijska grupa Kontra, Bestias, Zagreb