
Cultural-Historical and Political Identity

DAVOR RODIN

Faculty of Political Science in Zagreb
Professor of Methodology of Social Sciences

Summary

The author elaborates his proposition concerning the distinction of cultural-historical and political identity by differentiating cultural-historical majorities and minorities from political winners and losers. He points out to a democratic paradox according to which a state is governed by political minorities of winners and not by political majorities of losers. In multi-ethnic societies, holds the author, both popular and political culture have to be developed, that is, both the cultural and the political tolerance.

I.

Ethnic, cultural-historical and political identity do not stand for three identical concepts. Popular culture can be distinguished from political, while ethnic identity can be, archaically, understood as a community of kinship, not discussed here. A Croat, just like a Serb, can equally be a liberal, a fascist, a communist, a conservative or (an HDZ member), and both can function within the same political interest block on equal terms. The status of national minorities in the existing nation-states floats in this ambivalence of cultural-historical and political identity. Meanwhile, we all feel, it remains disputable which of the two identities is essential for answering the question: Who is the citizen of the State? Both of them equally, or one more than another? Discussing the European idea of citizenship, Jürgen Gebhard began his study dedicated to the tradition of European citizenship by quoting Remigius of Florence: *Et si non est civis non est homo*. By defining the notion of citizen in the tradition of polis, Roman Empire, Christianity, enlightened citizenship and finally, globalism, Gephard shows how these historical traditions constitute the substance of European political culture and, with all historical transformations and changes of paradigm, continue to live in contemporary political life of the West. Nothing is lost in this differentiated culture of parallel traditions, nor overcome by higher dialectic unities, but gives on transformed way. Universalization of human rights during great civic revolutions brought about constitutional-legal identification of citizen as a person of diverse qualities and of a national as an abstract intellectual entity. This identification did not affect cultural-historical human identity. By becoming co-equal political citizens, inhabitants of a state did not lose their cultural-historical identity. Privileged estates were abolished so that members of the third and the fourth estate became co-equal citizens within the newly established nation-states based on popular sovereignty instead of sovereignty of blood or God. The people, as a general name for all co-equal citizens of a state became sovereign in the political

sense. However, it turned out that the people as a sovereign is not nearly as homogeneous as God or King. The people is an extremely complex and differentiated many-headed monster, as the first theorists of popular sovereignty used to say.

Being aware of long term processes within not only cultures of different popular strata, but within the entire European political tradition, Gephard realistically concluded: "To be a citizen in the sense of belonging to a state amounts to a man's external identity." In addition to this external identity, his specific "internal" capacities continue to exist: wealth, religious, national, racial, local affiliation, kinship, neighborhood, friendship, age, gender and even hereditary determination and so forth. In this sense, ethnic origin is a part of cultural-historical identity since community of kin that we saw in the Middle Ages does not function at the level of a large popular community, but only at the level of transparent kinship and tribal communities. All these special definitions are evident concretizations of the notion of man. Natural law takes these differences into consideration and insists on equality of all nationals before the law, regardless of their special cultural-historical identity. According to the majority of contemporary constitutions all nationals have equal civil and political rights while everyone knows that along with these constitutional rights, different traditions continue to act. They, in fact, through public opinion, restrict general equality before the law, although constitutions protect such specific cultural-historical definitions of men, up to the point when these become a factor of evident restriction of equality of all citizens before the law. In Croatia, nobility as a cultural-historical identity does not have any political or cultural privileges, nor is a peasant constitutionally or politically disadvantaged by his or her cultural-historical origin. However, these traditions can, through public opinion, function in favor or against an individual's aspirations in political processes. In communism, a nobleman has small and peasant good political chances, regardless of the equality before the law. An individual has recourse to a constitutional court any time his or her political rights are not realized. The described situation is reflected by the following rhetorical question: when shall an ethnic Serb become president of the Republic of Croatia. It is undoubtedly possible pursuant to the Constitution, since he or she is a Croatian citizen. However, the traditions which precede the Constitution and public opinion shall make such development possible only in a very specific constellation of not only political but other circumstances as well that are present in pluralistic civil society.

For example, in Croatian political tradition Mažuranić is remembered as the "Ban Commoner". He became Ban long after the general abolishment of feudal system and establishment of universal civil rights.

To be a citizen vested with constitutional guarantees does not necessarily mean to be a political citizen within the concrete meaning of the word, since in addition to constitutional guarantees there are public opinion and different strata of historic consciousness that are "internal" elements of concretization and therefore a limitation of the field of specific political action.

Finally, in a pluralist civil society everyone decides on his own whether to engage in politics rather than in science, religion or industry. It is his or her guarantee that he or she shall not be excluded from the political field of decision-making. One can decide on his own about such inclusion, or the inclusion has to be won through a concrete

political process of political decision-making. This certainty is guaranteed by a constitution that, when democratically enacted, is not a dead letter, but contains the support of public opinion which is aware that the Constitution refers equally to all cultural-historical identities within its reach. Human rights cannot be contained in constitutional rights, nor are civil legal rights identical to human rights.

Between these extremes of abstract human rights and their political and legal concretization, a process of European political life is unfolding in the span ranging from exclusive Hellenic polis to inclusive Roman law, and finally universal civil law of modern age. This universal civil right that is fundamental to democracy and popular sovereignty does not erase tradition or specific cultures existing within one popular and state community, but preserves them in the form of customary law, morality and common sense. Today we are facing globalization of western human and civil rights. Europeanists, unlike Habermas, consider it “a fallacy of misplaced concretisation.” Independently from these trends of development one should know that human rights are limited by civil legal rights, whereas popular sovereignty is limited by the constitution. Human rights which would not be limited by law would pave the way to anarchy. Popular will which would not be limited by a constitution would turn people into a crowd. Certainly, the people is not a singular subject and never acts homogeneously like God or King, but is divided by interests and limited by the constitution, and where a constitution does not exist, or where it is still not respected, strong traditions and plural identities that respect man as a man, as a Christian, as a neighbor and as a friend, still exist.

II.

Let us point out the relationship between political identity of citizens (in contemporary democracies) and cultural-historical identity of citizens in contemporary states. From the viewpoint of generally accepted understanding, nation is defined in cultural-historical and not in sanguinary terms. A Serb in Croatia or a Catholic in Baghdad must be able to remain what they want to be and, subject to constitutional guarantees, to reproduce their specific cultural-historical identity without restraints. In democracies, a political “minority” is defined in different terms: political minority and majority, as it has already been said, is not the same as cultural-historical minority and majority. In democracies, political minorities and political majorities, regardless of cultural-historical identities are, paradoxically, at the same time winners and losers. Political identities (Christian democrat, communist, liberal, fascist) are defined by interests and programs. State power, being a scarce resource is always administered democratically, i.e. by a minority legitimized by majority principle, whereas the majority, i.e. the electorate, however differentiated along party or interest lines, always on loser's side, i.e. separated from power. The majority legitimizes the rule of the minority at certain times and has to take care that the winning minority returns the mandate when it loses confidence of the majority within constitutional deadlines or even before, if it loses confidence of the public opinion and enters a vacuum of popular silence that blocks all governmental action. Winners legitimized by democracy or majority principle may always again try to retain the mandate even after its expiry, in which case we have a dictatorship of minority over majority which is solved by popular unrest (civil war)

which is an inalienable right of the sovereign people. In constitutional liberal democracy, authority is vested in political minorities legitimized by majority principle, and not by cultural-historical (or political) majority. Having this political paradox in mind, a question arises whether the rights of national minorities as collective entities should be constitutionally regulated, which would make them politicized paraparties of national minorities, i.e. identities, or should they be politically neutralized, depoliticized and ghettoized. Hermann Lübke advocated the view that the question of national, religious, racial origin or wealth has to remain outside the domain of majority decision-making and therefore be de-politicized. This would, on the one hand lead to a strong reduction of political field of action, and on the other hand, citizens vested with these specific characteristics or identities would be constitutionally excluded from political decision-making about the issues that concern their special identity. Hence, if a Catholic cannot act as a Catholic in a political process since his religion is a private concern, then such a person is a citizen of a state only if he renounces his specific conviction, i.e. if he acts as Mussil's *man without characteristics*, which is, ultimately, a consequence of Hegel's philosophical-legal thought. In addition to specific constitutional guarantees and the protection of collective rights of cultural-historical identities and their de-politicization as proposed by Herman Lübke, the French Constitution offers the third solution. It does not recognize the category of cultural-historical minorities but is satisfied with universal guarantees of a list of human and civil rights that encompasses respect for political rights of each individual, regardless of his or her cultural-historical identity. For the French, the national and the political are one and the same thing, and everyone has to fight that his own special identity does not become an obstacle in communicating with public opinion when pursuing political aims. It is possible that the solution of the Dreifuß affair was the event that contributed to the strengthening of the conviction of the majority of French citizens that cultural-historical specificity of individuals cannot restrict their political rights once he or she is a French national. National minorities in democracy often belong to a differentiated block of political majority of losers.

This majority of losers takes greatest care that the illusion that it has once swallowed can be rectified in the next elections. It is human and constitutional civil right of the members of national minorities and popular majority in democracy to elect political minorities of their preference that shall govern the State during a certain time period and represent their interests. This certainly supposes a historical fact that neither national minorities nor the majority national group that is formed in cultural-historical terms, have and can have homogeneous interests, but are differentiated. In an opposite case general J. Klein would be right in saying that a 95% win in elections is not the result of democratic political elections but a tribal expression, or as we would put it, a characteristic of single-party totalitarianism.

Certainly, no one can release national minorities from their historical remembrance of various past prosecutions by a decree. National minorities empirically fear to remain political minority forever instead of being afraid of a more realistic danger which can cause them to remain, by and large, a losing majority. They have difficulties in acquiring confidence in the described democratic paradox, according to which political majority that was deluded by the promises of the winning minority remains a permanent political loser, regardless of national affiliation. Certainly, there is always a danger that

pluralist quantitative democracy turns into an ideologically homogenized single-mindedness that is hostile to any ethnic and political identity (it is possible to prosecute not only members of national and ethnic minorities but communists, liberals or fascists), save the one that it stands for. In such dark situations where all cows are black, not because it is dark, but because all others are eliminated from political life – no one is feeling good, including the repressed political strata of majority people. This is illustrated by the recent history of the Croatians people who lived through the dark age of the monarho-fascist dictatorship of King Aleksandar Karađorđević, fascist dictatorship of Ante Pavelić and proletarian dictatorship of Marshall Josip Broz Tito. With this knowledge about the difference between cultural-historical and political identity, within the framework of respect for permanent human right to identity in mind, should citizens of Croatia, i.e. members of national minorities and majority people, realistically assess their position and their interests within the framework of constitutional democracy.

Within its framework they can, in open political processes, enrich and develop not only their cultural-historical but their political identity, their national and their political culture. Finally, cultural-historical identity does not prejudice political identity, nor does political affiliation abrogate cultural-historical identity: these are two distinctive things that were equally and parallelly in a specific way cultivated in European tradition.

A man is not unity of its national and political belonging in which these differences disappear. Differences between people originate from the process of solving life problems of Europeans, as it is documented by European history, from polis to globalism. They cannot be overcome in ideological or metaphysical way by constructing some self-sufficient, all-superior ethnicum of Germans or Arians, or some universal man as a man or a man without characteristics. Differences among citizens created by history can be politically cultivated by a permanent process of differentiation and transformation of human to civil rights. The starting proposition: *Et si non est civis non est homo* can be rephrased into: *Et si non est homo non est civis*. Yet, both propositions are false, since it is not the case of a single man and citizen. Singular definitions of man are only a remnant of secularized or anthropologized theology. One should speak about a collective, plural entity. Individual is constituted intersubjectively and is, by no means, an emanation of his or her former and fixed singular essence (*causa sui*), as it is the case with Gods and Kings.

A citizen is the result of an interaction among different and incomparable individuals that does not recognize limits to possible transformation. Co-existence of political and national cultures in a single political organization, from polis to modern state, is a historical proof of success or failure of European strategy of the regulation of relationship among members of this mysterious *pluralia tantum* called “a man.”

III.

After all, European peoples, including Croatians are today facing a process of transformation of the new-age concept of democracy as a form of legitimation of sovereignty of nation state. Europe is rapidly being transformed into a multi-national political

unit sui generis, the sovereignty of which, as it seems, cannot be legitimized either by ethnic or political majorities. Activist Europeans today require their citizens to gradually renounce segments of their state sovereignty for the sake of cooperation with other sovereign States of the European Union. For citizens of Croatia this sounds too much like the Brezhnev's doctrine of limited sovereignty. But, what does this restriction of sovereignty of the existing nation States in the European Union really mean? It means a restriction of democratic popular will as a traditional sovereign of a state. A part of sovereignty should be transferred to a new political entity and its institutions, i.e. to the European Union. However, this sovereign suffers democratic deficit since it lacks both ethnic and political majority. This is where the mushrooming of non-democratic judicial and bureaucratic powers comes from. It should, therefore, be asked whether the much debated democratic deficit in the European Union really is an indicator of a qualitatively new transformation of political relations among Europeans? If there is no possibility in the Europe of nation States for the creation of supranational democratic majorities, then Europe faces significant difficulties which call for a transformation of the inherited notion of democracy. As it seems, Europe is becoming less the guarantor of sovereignty of nation states and more the guarantor of human rights regardless of ethnic and political identity. Europeans have to, when rethinking their political past and future learn to make democratic decisions about their human and civil rights. These rights are clearly wider than national and political rights and in this sense one could expect them to be more acceptable to individuals in the long run, since they provide for more safety.

It seems to us that Europe is in a critical phase of the process of transformation of democracy from a political form that legitimized power and sovereignty of a nation state into a political form that legitimizes human and civil rights within the European Union. Europeans, certainly, are preoccupied with their history much more than Americans, and shall never understand Europe as a melting pot but as an institution that guarantees higher standards of human and civil rights than the former nation-state. In this way democracy shall get a new form in which common business and culture are to play the integrative role which is being denied by eurosceptics who have in mind the existing deficit of democracy and nation state, contending that common culture and business do not suffice for the formation of the European political subject. European democratic majority, if it ever comes into being, shall decide about what rights of individuals are. Namely, it seems that only this can be the new substance of the European democratic form. However, if it turns out that this democratic form is incapable of absorbing this heterogeneous political and ethnic substance, then European prospects as an active political subject are not good in the near future. This is the fundamental political issue in Croatia today. The answer is difficult and uncertain, and it gives European politicians and intellectuals enough space for rethinking all former lost opportunities regarding Europe as a political subject which is capable of action in contemporary world and in such critical situations as the war on the territory of the former Yugoslavia.

Translated by the author