

Edited Volumes

XENOPHOBIA, IDENTITY AND NEW FORMS OF NATIONALISM

EDITED BY | VLADIMIR MILISAVLJEVIĆ AND NATALIJA MIĆUNOVIĆ

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XENOPHOBIA, IDENTITY
AND NEW FORMS OF NATIONALISM

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edited volumes

**XENOPHOBIA,
IDENTITY**
AND NEW FORMS
OF NATIONALISM

EDITED BY

Vladimir Milisavljević and
Natalija Mićunović



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Editors' Foreword

It has been almost two years since we first decided to embark on a project of organizing an international philosophical conference which would be devoted to a familiar but highly disturbing subject: the extraordinary upsurge of nationalism in its novel and unprecedented forms, with extreme xenophobia as one of its central features. The conference, organized by the Center for Philosophy of the Institute of Social Sciences, under the title "Xenophobia, Identity and New Forms of Nationalism", was held on October 4–5 of 2018 in Belgrade. It was attended by 17 lecturers from eight countries, most of them philosophers, but also sociologists, political scientists, jurists, journalists or fiction writers. This collective volume is its result.

As is well known, at the time of the inception of our idea, the issue of new nationalism and xenophobia had already become burning not only in Europe (in the political as well as historical and cultural meaning of the term) but in many other parts of the world too. Sadly, in the meantime, it has gained even more in impetus and significance in social, political and institutional life, above all in developed Western countries. Obviously, one of the main reasons for this state of affairs is the (so inappropriately named) "migration problem", which is in fact the problem of inequality in the world society. If the words "migration" or "immigration" did not figure in the title of the conference, it is only because their connection to xenophobia, to the new forms of nationalism and to the politics of identity is so manifest, that those terms, as it seemed to us, could be omitted with no harm for the discussion of our

subject, and because we hoped that the imposing realities to which they refer would not be overlooked by the participants anyway. This has proven to be true.

However, the sheer topicality of the theme was not the only reason for our decision to devote a special attention to it. Dealing with what we have termed “new nationalism”, strongly colored by xenophobia and framed in identitarian slogans – most of them newly forged, but highly reminiscent of the past – is above all intellectually challenging, particularly from, dare we say, a philosophical point of view. It involves a distinctly philosophical task of identifying the conceptual borders of a historically changing, Protean phenomenon. What is at stake here is the relationship between old and new forms of nationalism, which forms the center of the first part of the volume (“Xenophobia Inherited, Xenophobia Transformed”). Is new nationalism merely a sequel to the historical one, or something radically different and novel? No doubt this question allows for different answers. At the very least, the new nationalism seems to have taken the place in the political spectrum which was up to now occupied by extremist far-right parties, and deserves for that reason to be treated as their successor. In particular cases, historical continuity is warranted by sticking to the old party name, regardless of significant and outspoken changes in the party program. However, one may even go so far as to deny altogether that the new xenophobic identitarianism represents a form of nationalism as we have known it, as is the case in the opening article of the first section (by Rastko Močnik).

Another point calling for reflection is the relationship between nationalist and xenophobic practices or feelings and the world of ideas or systems of thought in the broadest sense of the term (treated by Goran Bašić, János Boros, Slobodan Divjak). This relationship is at least twofold, as it can signify either the embeddedness of nationalism in ideological and philosophical matrices which serve to justify it, or the capacity of the latter to deal with nationalism and its detrimental societal effects. Here again, the most striking feature of new nationalism is perhaps its extraordinary capacity to change and adapt to different ideological and philosophical standpoints – postmodernism, communitarianism, multiculturalism or even liberalism. By appropriating the arguments of their opponents – by appealing to justice, equality or right to difference – new nationalist narratives blur the distinctions between

different theoretical positions and their usual political implications (most notably, the one between “progressive” and “reactionary” political orientations) and provoke confusions in our ideological maps – or testify to their inadequacy for understanding the issues of contemporary world. For example, new nationalism has developed an elaborate strategy of victimization of the very hegemonic social groups (as shown by Lewis R. Gordon), which works very well, even if it is based on completely false premises. In contrast to earlier forms of missionary or “civilizing” nationalism or imperialism, characteristic of the historical Western metropoleis, it has also achieved important successes in presenting itself under the modest guise of a merely protective nativist movement, having a defensive posture and no other ambitions than to defend its “own” home or territory from aggressive newcomers (as argued by Aleksandar Prnjat and Vladimir Milisavljević).

The stress laid on xenophobia by the conference title presented the risk of suggesting that the new forms of nationalism should be viewed solely in terms of a subjective experience, which would result in moralizing or even demonizing criticism of it. This type of criticism is all too frequent in political and ideological disputes. However, taken by itself, it is of a rather limited scope. This danger has been averted by the approach adopted by most of the contributors, particularly by those who have highlighted economic and political causes which have given rise to new nationalism and defined its special character – above all, those which pertain to the transformation of capitalism in a globalized world economy of our days (Rastko Močnik, Natalija Mićunović, Paget Henry). Their contributions suggest that, rather than a wanton sentiment, xenophobia should be considered as an essential piece functioning in the complex machine of worldwide domination.

Several chapters of the volume – as a rule, but not exclusively, they have been grouped in the second section (“Global vs. Local and Topical Differences”) – have given special attention to local histories and developments of nationalism and xenophobia in Western and Eastern Europe, the USA, Serbia, the countries of former Yugoslavia and the Arab World (by William Leon McBride, Paget Henry, Ugo Vlaisavljević, Dean Komel, Muharem Bazdulj and Dušan Janjić). Some of them have adopted a more specific perspective of gender (Michał Kozłowski) or legal studies (Ana Dimishkovska and Igor Milinković), focusing, in particular, on the questions of discrimination and identitarianism. However

diverse, those topical analyses have let come to the fore essential, if unfortunate similarities between different states, regions or continents, epitomized by the growing importance of walls and barbed wire fences as a major political symbol of our imperfectly globalized world. In such a segregated world – to briefly comment on the title of the third and last section – “open questions”, and even disagreements, may count much more than attempts at finding final “solutions”. Editing of this volume was a pleasure, but it also gave rise to more questions and will, hopefully, lead to new adventures in researching intriguing phenomena of nationalism and identity.

At last, we wish to thank all those whose aid gave to this volume its present form and made its publication possible. In the first place, we are grateful to the reviewers who have thoroughly scrutinized its contents and went through the painstaking job of amending it by their valuable suggestions: professor Aleksandar Bošković (Faculty of Philosophy, University of Belgrade), professor Omar Dahbour (Hunter College and Graduate School, City University of New York), professor Arnaud François (Department of Philosophy, University of Poitiers), Suzana Ignjatović, senior research associate (Institute of Social Sciences, Belgrade), professor and corresponding member of the Serbian Academy of Sciences and Arts Alpar Lošonc (Faculty of Technical Sciences, University of Novi Sad) and professor Đorđe Pavičević (Faculty of Political Sciences, University of Belgrade). We would like to extend our gratitude to professor Vojin Rakić, president of the program committee of the conference, as well as to other members of the said committee: professor Arnaud François, professor Jane Gordon, professor Lewis R. Gordon, professor Paget Henry, professor Dejan Jović, professor Michał Kozłowski, professor Martin Matušík, professor William Leon McBride and professor Ugo Vlaisavljević. Our special thanks are due Mrs. Svetlana Inđić-Marjanović, general affairs assistant at the Institute of Social Sciences, who has been of great help in organizing the conference, as well as to M.A. Vesna Jovanović, librarian, who has carefully supervised the process of publication of this volume, and other members of the staff. The conference and publication of the book were realized with funding from the Ministry of Education, Science and Technological Development of the Republic of Serbia.

Vladimir Milisavljević and Natalija Mićunović

Goran Bašić

Introductory Remarks

Nationalism: What Do Intellectuals Think?

■ Many warn that the spirit of nationalism once again fuels passions that not only provoke uncomfortable anxiety, but also cause fear, suffering, misfortune, crises and misunderstanding. A substantial number of people indicate that apart from “bad” destructive nationalism, “good” nationalism also exists, based on love of one’s own nation and country (patriotism), or on national homogenization aimed at liberation from external dominance. It is a common opinion that a patriot is loyal to a way of life and the customs that he/she cherishes and observes in community with like-minded people with whom he/she shares common ethnic origin, as well as linguistic and cultural heritage. A patriot is defensive in nature (see Orwell 1945, 12), he/she perceives nationalism, just like religion, as a private matter which is publicly displayed only rarely, usually on special, festive occasions, and always with the utmost decorum. Conversely, xenophobia implies fear and suspicion of foreigners, their values and customs, leading to prejudice and disdain for ethnic differences at best, with its radical forms being racism and chauvinism. Xenophobia is fear enveloped in hate. In conclusion, you can make a rough divide indicating that “good” nationalists love their nation *per se*, not trying to force their patriotic feelings onto others in any way, while “bad” nationalists love their nation at the expense of other nations, while their love often amounts to obsession and monomania.

In case we accept the existence of good nationalism, we still face the problem that, with a grain of populism, the boundaries between good and bad nationalism are erased at the expense of the former. Populism, which became a characteristic of contemporary political culture, has contributed, despite global and regional integration processes, to both homogenization of national programs and strengthening of nationalism (Bašić 2017). The influences of contemporary nationalisms are evident in social relations, economic measures on global and regional levels, political action and strengthening of people’s movements. Thus revitalized,

nationalism has awakened in people national pride and homogenization, both of which have been believed, following “the end of history”, to belong to premodernity, while on the other hand it has incited fear and uncertainty. The two faces of Janus are nowhere so clearly visible as with the phenomenon of nationalism, and should we place on one plate of Iustitia’s scales what “good” nationalism has produced in modern history, while placing the legacy of the “bad” xenophobic nationalism on the other, it would not be hard to guess which of them would prevail.

Providing that nationalism produces fear and has caused dire suffering and catastrophic collapses of the civilization in the past, how come that nationalists are so popular and enjoy people’s support? Attempting to explain the unexplainable, Mario Vargas Llosa indicates that all “left” and “right” nationalist movements in South America ended up in dictatorship: “Nationalism is a widely spread out ideological perversion, as it influences the instincts that are deeply rooted in human beings, such as fear of the different and new, fear of and hate against the other, a person who worships different gods, speaks a different language and observes different customs, and it actually – needless to say – has instincts that are entirely contrary to civilization. Therefore, the nationalism of our times is but a reactionary, anti-historical, racist ideology, and an enemy of progress, democracy and freedom” (Vargas Llosa 2017; see also Vargas Llosa 2018).

It would be unfair, of course, to neglect the strength of nationalism, which created the nation state and nations. Moreover, many a statesman, philosopher, or writer has secured his place in anthologies and textbooks by believing that nations and the states based on them are results of the cosmopolitanism founded on fraternity, freedom, and equality, with the purpose of securing everlasting peace and liberation of humanity from the pest that is racism, chauvinism, and xenophobia. They believed in freedom, democracy, and individualism as creative forces behind liberal state, which should have brought forth a humane society, incompatible with primordial nationalism and populism. John Stuart Mill believed that it was essential for the Scotsmen, Irishmen, and Welshmen, as well as for the Bretons, Occitans, and Gauls to become integrated into the British and French nations. He believed liberal civil nations to be

important for political and economic stability, while he saw a chance for their strengthening in autochthonous peoples' renunciation of identity, and their integration into wider national concepts.

However, during the 20th century only, things spiraled out of control on a number of occasions. First, a nation state based on the principle of ethnicity destroyed the dynastic principle of legitimacy, claiming an enormous number of victims along the way, only for National Socialism (Nazism), founded on racism and the interests of financial capital, to bring the civilization to the brink of extinction. During the "Cold War", Marxists believed that nation state and nationalism would lose their importance within the global perspective of the labor movement, while liberals on their part thought that the strength of ethnicity, as the most powerful primordial stimulus for nationalism, would ebb away in civil state. Despite the belief that nationalism would lose its destructive force after "the end of history", ethnic and religious conflicts and secession demands occurred yet again, thus distancing the modern world even more from the ideas of humanistic and cosmopolitan development. Multiculturalists, who usually perceive the notion of tolerance as the basis for overcoming individual and collective prejudice and animosities, have overlooked the fact that the humanistic ideas contained in the doctrines of the "great" religions such as Christianity and Islam, which had been founded on the ideal of people's unity in faith, peace, and love, indeed failed to eliminate local nationalisms, and rather conversely ignited the sparks of fervor which resulted in fires that would devour both ideas and people.

It is commonly known that concentration of one's attention on a phenomenon may produce "blindness" in the researcher when it comes to seemingly ephemeral, but actually essential facts. It is thus possible that interculturalists, overcome by the vision of development based on respect and intertwining of differences, fail to see the progressive side of modern nationalism, they perhaps may be "unjustifiably" apprehensive of the revitalization of Nazism and Anti-Semitism, or their memories of ethnic conflicts are so vivid that they do not see the progress in national homogenization and ethnic mobilization. Scottish, Kosovar, or Catalan nationalists feel

otherwise, they draw from nationalism the strength necessary for political and economic independence and liberation from the political or any other influence of their composite states. Scottish Prime Minister Nicola Sturgeon, the leader of the Scottish National Party, advocates separation of Scotland from Great Britain and, in addition to historical reasons, believes that the political decisions made by the British Government concerning leaving the EU have largely contributed to the strengthening of Scottish nationalism (Euro-news 2019). On the other hand, laborite Sadiq Khan, Mayor of London of Pakistani origin, equates Scottish nationalism with racism (Guardian 2017). It is also interesting to note that more than 40% of Pakistani immigrants in Scotland support the country's secession from Great Britain (Bašić 2018, 114). The British policy of multiculturalism, developed in the second half of the 20th century, has not only obviously failed to pacify traditional nationalisms, but also been lenient when it comes to their recent incarnations. Nationalism is like a subterranean river; it always finds a crack to spring out of and create itself a new course.

It cannot be avoided, when talking about nationalism, to also discuss the issue of the role and responsibility of intellectuals for the consequences of nationalism. In a newspaper article, Žarko Puhovski wrote sharply about nationalism: "There is a defective, 'perverse' attitude present in our public that intellectuals are those writing beautiful poems, novels, or philosophical treatises. These are great writers, philosophers, painters, yet they are not great intellectuals. In his lectures, Sartre says that an intellectual is he/she who deals with things that do not concern him/her, i.e., public things. I am not an intellectual if I say that my salary is low – this makes me a unionist. I am an intellectual when I speak of things that do not directly threaten me. If you take my example, in case I support Serbs in Croatia, as an ethnic Croat I am an intellectual, since I am not threatened as Serbs are". Worth thinking over when it comes to the relationship of intellectuals with nationalism is the response by Gajo Petrović to the invitation to participate in the debate by Serbian and Croatian intellectuals entitled "Mind before the Avalanche of Political Barbarism", in which he said that he had not established himself as either Serbian or Croatian intellectual, so he was not qualified to participate in the debate (see Jakšić 2011,

77–78). By refusing any national distinction, Gajo Petrović stood against the national constraints that delimit humanity.

Attitudes like those quoted above are not rare. On the contrary, there are numerous examples of critical positions of intellectuals towards nationalism. However, more frequent and publicly visible are anti-intellectual opinions, falling within constricted primordial limits of nation, grounded in the feeling of the ever-present danger of others and failure to accept the fact that everything, including national identity and the nation based on it, is prone to changes. These opinions lack the maturity, fortitude, and talent which make intellectual criticism creative, proactive, pressure resistant and, finally, freed from any passion and interest. Dragoljub Mićunović, reflecting on the oeuvre and practical humanism of Andrija Krešić, one of the enlighteners of the Balkan intellectual casbah, writes that Krešić was among the rare educated people endowed with *plebeian moral tact* (Mićunović 2018) – a trait in one’s character that intellectualism may sprout from. For an intellectual, in the full meaning of the word, this humanistic substrate is more important than education, or encyclopedic accumulation of scientific and other facts.

An intellectual is a creator, the one who inspires and incites others to action and reflection, expands horizons, and when criticizing, he/she does not do so for the sake of glory, or personal interest, but for the common good. When the intellectual speaks of nationalism, he/she is mostly alone and risks that the logic, ethics, and verisimilitude (facts) that his/her ideas are based on would cause the anger of the “orthodox” intellectuals, imbued with the romanticism of the “original” nationalism and the deceptive and often biased memories of the glorious national past and the injustices inflicted on “us” by “others”. Unlike intellectual criticism, that of an intellectual freed from intellectualism is ideological one, which in its essence has the tendency to represent the interest of the ruling group as the general interest and public good. Responsibility for the consequences of such “blindness” and the tension brought about by the conflict between authentic ideas and “plagiarism” and quasi-interpretations, is placed by Machiavelli on the intellectual: “when the evils that arise have been predicted (which only wise men can do), they can be quickly dealt with. But when,

though not having been predicted, they have been permitted to grow in a way that everyone can see them, there is no longer a remedy" (Machiavelli 2006). The intellectual is the one who should, for the benefit of everyone else, timely recognize and explain the problem, and confront it with truth. However, the intellectual is not the world's conscience and cannot accept responsibility for the consequences caused by the nationalist politics and rhetoric. The responsibility of an intellectual can only be that of the failure to don Socrates' chiton in a timely manner, or at all, while the political and historical responsibility belongs with those who advocated, agitated for, and implemented nationalist policies.

Criticism of nationalism does not garner praise and rewards, but usually provides pseudointellectuals with an opportunity to strike back. A good example is the "Declaration on the Common Language", with which a group of thinking men, most of them sociolinguists and linguists, has pointed to the schism between linguistic reality and linguistic policy in a part of the post-Yugoslav political space, that is, to the well-known truth that Bosnian, Montenegrin, Croatian, and Serbian are standard forms of a single, polycentric language (Bugarski 2018a and 2018b). Despite the fact that the Declaration does not contest political reality and the right of nation states to freely chose the name for "their own" language, its authors and signees have been unfoundedly criticized and accused of being national traitors, advocates of the restoration of Yugoslavia, which must be the gravest sin for the orthodox nationalists in the region, and whatnot. The most vocal critics were linguistic purists and nationalists who have, for decades, ever since the establishment of the nation states, vehemently perpetrated violence against the languages and identities of the peoples, trying to find, and often even construct linguistic differences.

Asking in the early 1970s whether nationalism was our destiny, academician Ljubomir Tadić clearly predicted the rise of nationalist right in Yugoslavia, but he could not foresee that near the end of his life he would be "praised" and arrogated by Serbian nationalists, i.e., the very "practitioners of *ketman*" who had looked down at their feet when faced with his uncompromising fight for justice, freedom, and truth. The opinions of his colleagues, mainly former members of the Praxis group, that by adopting nationalism Tadić

had sunk into his own oeuvre, did less damage to his reputation than the odes sung to him by those who had once been building their conformist careers in academia based on the very idea of Yugoslavhood.

Contemporary political conditions favor nationalists and the right. The lately held elections for the European Parliament have indicated the strengthening of the populist right in Italy, France, Hungary, Poland, and Great Britain, while the corruption affair of the far-right Austrian Freedom Party, revealed immediately before the elections, failed to significantly weaken this party's position, or that of the Alternative for Germany, their German allies. Nationalist ideology has a traditionally strong foothold in the Balkans. Authoritarian political culture and populism suit well the parties of conservative right, whose programs are based on nationalism. Moreover, even today's liberals resort to nationalist rhetoric, so it seems true that nationalism is our destiny. In the constitutions of the majority of the Balkan states, nation state and nation-based government are fundamentals of statehood. Exceptions are multinational states of North Macedonia and Montenegro, which adopted citizenship as their main state-building substrate, yet their daily functioning indicates that their political systems have mechanisms in their core, whose main aim is to pacify different, often contradictory ethnic (national) interests. National homogenization is also contributed to by Eurocentric distrust of migrants, as well as of Islam, believers of which make for ideal dangerous others in the context of populist nationalism.

Contributing factors to the flourishing of nationalism also include the fact that multicultural European states do not nurture policies of multiculturalism based on trust and cultural interweaving. On the contrary, policies have been adopted to protect national, ethnic and linguistic minorities, based on mutual tolerance of a myriad of monocultural groups. Such policies stimulate and nurture nationalisms which could, as history has taught us, make Janus' evil face turn to "us", should this prove to be in the interest of political, economic, and financial centers of power. The notions that only "good" nationalism will prevail and that nationalism would disappear in the historical perspective are but an illusion. Political, educational, and cultural systems, as well as language policies of European states are

nationally denoted, and multicultural practices represent just (un)desirable exceptions. Serbia and Croatia make for a striking example as, though they have a civilizational responsibility and unquestionable national interest to overcome their misunderstandings and the consequences of their prior conflicts, they have nevertheless adopted the systems to protect the rights of national minorities, which reflect the ethnic distance between their respective majority peoples and national minorities, thus nurturing each other's nationalisms. These are the systems of national minorities' protection better suited for early 20th century, when it was believed that the identity of a people is best preserved in their elite.

The superiority of nationalists over multiculturalists should not discourage the latter. There may be no reason for excessive optimism, but neither for quitting critical thinking of the social relations and consequences of the policies based and fed on nationalism. British scientists believe that Brexit is an effect of nationalism (among numerous articles, see Salter 2016, and Martill and Staiger 2018) and that the consequences of the decisions made on the wave of populism would prove to be a long-term source of local and global crises. Serbian experts see in Brexit, among other things, the energy which should lend additional strength to nation state (Antonić 2016; Ljušić 2016). The paradigms in the context of which we perceive nationalism have a decisive role in the manner in which we explain different aspects of this complex social phenomenon. Critical, open thought and responsibility for the word spoken are the most effective safeguards against the capricious nature of nationalism, which, as a rule, serves as a confirmation of the perception of human nature as authoritarian.

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SECTION I

Xenophobia Inherited, Xenophobia Transformed

Rastko Močnik

What is New in the New Forms of Nationalism? The Case of Hungary

Abstract

In the past, nation was a bourgeois form of emancipation. It secured the reproduction of social formations split into three relatively autonomous social spheres, where the freedoms of consciousness and expression belonged in the ideological sphere, liberty and equality in the juridico-political sphere, secured inequality and exploitation in the economic sphere. In the 20th century, nation was again the emancipatory form embraced by the peoples fighting against colonial and imperialist rule. When the bourgeois democratic nation-state proved unable to secure the reproduction of capitalism, bourgeois nationalism supported the fascist re-articulation of the state. Now that the operational capacity of nation-states has been severely limited and is increasingly patronized by the institutions of *Gesamtkapital*, bourgeois nationalism is again mobilized in contradictory ways. On one side, comprador bourgeoisies use it to support the reproduction of peripheral and semi-peripheral capitalisms. On the other side, it is the ideology of national bourgeoisies fighting against stronger fractions of *Gesamtkapital*. Our hypothesis is that the formerly emancipatory national construction has degenerated into identitary community. The identitary trend is propelled also from below, as a spontaneous survival strategy of the working-class households. In the situation of uncertain and heterogeneous sources of income, households strengthen their cohesion with the means of religious and ethnic identities, with traditional authority – which results in the re-affirmation of patriarchal oppression. – The new nationalism seems to be an “identitarianism” that secures social cohesion in situations of historical and societal weakness.

Keywords: fascism, Hungary, nationalism, populism

■ What the media and most commentators nowadays call “nationalism”, and usually specify as “populist”, borrows many ideological elements from the nationalisms of the past, whose legacy it

claims. It further resembles nationalisms of the 19th century in its often declared anti-imperialist stance, recognizing, e.g., such an imperialist power in the European Union.¹ Like traditional nationalisms, it aims, and often succeeds, at creating mass movements.

However, contrary to the liberal nationalisms of the 19th century, and in even starker opposition to the anti-colonial nationalisms of the 20th century mostly inspired by socialism, contemporary “nationalisms” require, and often succeed at imposing a quasi-authoritarian discipline upon their followers. If they come to power, they attempt an ideological *Gleichschaltung*, aligning of the whole society. Moreover, their invented traditions are very often revisionist, seeking to rehabilitate home fascism and collaboration of the past. Strikingly, they are often “collaborationist” in the present: in contrast to their big talk about national sovereignty, they join (or intend to join) the NATO and/or the EU (notwithstanding their potential anti-EU rhetoric). Contrary to their declared patriotism, they sell national wealth to speculative funds and to foreign states; they finance transnational capital and support it with various privileges, so that it can exploit their population more easily; they hand over their people to brutal exploitation in the core capitalist countries. The contradiction between words and deeds thus disqualifies any easy analogy with the liberal nationalisms of the 19th century, or anti-colonial nationalisms of the 20th.

Ideological elements are mostly old, but their collage is new, and the present nations’ and their states’ real functioning differs from the way nationalism worked in anti-imperial struggles of the 19th century and in anti-colonial endeavours of the 20th century. We may surmise that the operations of the ruling class alliances in the nation states, their political economy and ideology, are new and specific.

¹ The case of Greece suffices to justify this assertion. During the negotiations, European Commission and European Central Bank, together with the International Monetary Fund, brutally pressed (often ill-funded) interests of French and German private banks and transnational speculative funds (see Truth Committee 2015). – We should note that not all “nationalisms” have a negative attitude towards EU. If we add the attitudes towards the US imperialism, we get a matrix where all possible combinations apply – with the meaningful exception of EU-, US-. (e.g.: Croatian and Slovene governmental ideologies: EU+, US+; Polish: EU-, US+; Serbian: EU+, US-; etc.). The absence of what Greimas would call “*terme neutre*, neutral term” (the minus-minus combination) indicates that these fractions of a not-yet-composed ruling class need a hegemon. In the sequel, we shall explain why.

Populism?

One of the new features in the media and political vocabulary is the introduction of the expression “populism”. While the word itself is not new, its present use is recent, and has replaced the more restrained expressions “nationalism”, “far-right” as well as the hyperboles “fascism, neofascism”.

In the past, the notion of populism was describing developmentalist Latin American governments that endeavoured to break out of their world-systemic dependency by state intervention into economy, especially promoting import substitution industries, and fighting social inequalities by redistribution of wealth. Although the term has a paternalistic tinge (“politics is for the specialists, not for the people”), it catches, in a way, the internal contradiction of this kind of politics. Populist governments were struggling against the hierarchies of the capitalist world system with the means of capitalist nation-state, ruled by weak local bourgeoisies that needed massive support, but had no intention of changing the system. They were fighting capitalism with the means of capitalism, and easing social injustice without removing its causes. While analogies would be anachronistic, one particular feature deserves our attention: in historical populisms, local bourgeoisies resorted to the state apparatus to compensate for their economic and social weakness.² On the ideological front, they accordingly mobilized patriotism to rally popular masses behind their class-project.

In the European Union, “populism”, it seems, is now the label attached by the mainstream to the politics and politicians who gain massive support, but whom the EU bureaucracy does not like. On European periphery, the inverse seems equally true: those politics and politicians gain massive support whom the EU bureaucracy vilifies. Although only intuitive, the two observations yield a good starting point: it seems that the present “populism” results from the interference of two otherwise heterogeneous processes – a factional strife within the ruling groups above, and a mass movement below.

² An apt formula was proposed for this strategy: “the state should lead and the bourgeoisie follow” (Schneider 1999, 276–305). Other analyses explicitly refer to the state bureaucracy (Yin-wah 2016).

Fascism?

Beyond anachronism, this intuition agrees with Trotsky's "class-dialectical" definition of historical fascism: "Fascism is a specific means of mobilizing and organizing the petty bourgeoisie in the social interests of finance capital" (Trotsky 1934). However, fascism uses "the petty bourgeoisie as a battering ram" to achieve "that the workers' organizations are annihilated; that the proletariat is reduced to an amorphous state; and that a system of administration is created which penetrates deeply into the masses and which serves to frustrate the independent crystallization of the proletariat" (Trotsky 1932).

For Trotsky, historical fascisms resulted from two independent social processes: the class decomposition of working people that coincided with a crisis of national bourgeois political and ideological apparatuses; and the class re-composition of national bourgeoisie, radically transforming the bourgeois state with the view to overcoming its international weakness. Trotsky dialectically articulated the classical, but disparate Marxist assessments that had diagnosed the defeat of labour (Zetkin 1923) on one side, and, on the other, the demise of parliamentary democracy as the form of bourgeois class-rule (Dimitrov 1935). The pattern of Trotsky's analysis can integrate Gramsci's thesis of the crisis of bourgeois hegemony (Gramsci 1971), with the further specification that the loss of domestic hegemony results from the loss of international competitive capacity of important fractions of national capital (Sohn-Rethel 1978).

The features that suggest the analogy between the contemporary populism and historical fascism are the weakness of national bourgeoisie and its class re-composition by compensational reliance on state apparatuses, political mobilization of dissatisfied lower middle classes, and class de-composition of the working masses.

Re-articulation of the nation-state

However, the frame of these processes – the nation state, has radically changed since the eras of historical fascisms and populisms. The capacity of the state to attract and keep the

capital has now almost exclusively shifted towards its ability to provide low-paid and disorganized labour, low corporate taxes, state subsidies to corporations, low ecological standards, and state-financed infrastructure. In other words, the integration of the state into the capitalist world system now increasingly depends upon its ability to wage an ever more intensive class war against its population.

These processes enhance the importance of the executive³ and the state administration, transforming them into a sort of “comprador bureaucracy”. The historical analogy is rather the post-colonial situation where, as noted by the Pakistani Marxist Hamza Alavi, local administration operates as the executive of the metropolitan ruling classes (Alavi 1982). The “metropolis” is now the global *Gesamtkapital* (in the Marxian sense of *gesellschaftliches Gesamtkapital*, the aggregate capital), represented by international organizations like the International Monetary Fund, World Bank, OECD, European Union, etc.

The case of Hungary

We can measure the limitations of historical analogies and begin to construct a theoretical concept that goes beyond the intuitions about contemporary nationalist populism, if we examine the Fidesz government in Hungary. Viktor Orbán’s party won three consecutive elections with the program of “economic decolonization and national revival” (Gagy and Gerocs 2019). They have kept “fiscal discipline” and lowered foreign private and public debt, increased GDP and net wages, increased domestic consumer and investment demand, and earned favourable ratings by rating agencies. Fidesz governments have “reduced external vulnerability” (Koltai 2018) and shielded the country from political attacks from those capable of delivering painful blows (international financial markets and rating agencies). They brought national bank under government control and thereby provoked

³ An important indication of this trend is the complicated construction of the European Union that blurs the distinction between the executive and the legislative.

protests from the EU bureaucracy and international liberals. Their control of the media and of all levels of decision-making gave rise to liberal lamentations about their anti-democratic policies. However, liberal domestic opposition and its international allies remained inefficient until the “Slave Law”, passed in December 2018, triggered a sharp confrontation with the working-class masses.

The December 2018 law that allowed companies to request from workers up to 400 hours of overtime work per year (instead of 250 hours before) and delay payments up to 3 years, was only the last in a series of measures against the labour introduced by the Fidesz government over the eight years of their rule.⁴ While destroying the resistance capacity of labour, Fidesz has been supporting, on the other side of the class barrier, the formation of a layer of domestic entrepreneurs, mainly through government contracts and by channelling EU funds towards this group of oligarchs *in statu nascendi*.⁵ Together with the “biopolitical” measures, such as the virtual criminalization of homelessness, the state incentives to families with many children in order to compensate for the lack of labour power,⁶ Fidesz policies seem to converge towards the formation of a capitalist nation state within the narrow limits imposed by Hungary’s membership in the EU and the NATO. The project entails intensification of class struggle against working people and dismantling of the social state (or what has remained of it from socialism: public education, public health system, social assistance). In the absence of a domestic ruling class, the project of the capitalist nation-state building also requires the formation of national bourgeoisie *as a state project*.⁷

⁴ The new labour code introduced by Fidesz in 2013, importantly weakened trade unions, transferred collective bargaining upon the level of individual enterprise and increased flexibility of employment.

⁵ Cf. Gagy and Gerocs, *op. cit.*: “[...] non-tradable sectors where conditions can be shaped by state policies (such as banking, telecommunications or transport) see strong reorganizations of property in favour of the new oligarchic national capital”.

⁶ Announced by Viktor Orbán in his “State of the Nation Address” on 10 February 2019 (Orbán 2019).

⁷ Mihály Koltai, *op. cit.*, writes about “state-dependent bourgeoisie”, and sees its economic base in territorially bound businesses (or “sedentary capitalist activities” in Pierre-Noël Giraud’s terminology): “It has been

On the other side, however, Fidesz continues previous governments' policies of dependent development and creates capital friendly conditions for transnational capital.⁸ The seeming contradiction between capitalist nation-state building on one side, and dependent integration into the EU semi-periphery on the other, derives from the contradictory character of this politics' class-agent.

The domestic social alliance behind Fidesz's politics seems to be composed of the state bureaucracy and the "state-dependent bourgeoisie" on the highest level and, on the middle level, of the bureaucratic-managerial groups of the state administration and the employees of transnational firms. The lower-levels of this "social block" are masses whose support is (or was?) conditional upon the short-term economic success of the ruling groups.

The domestic "social block" (if it is indeed a block, given its problematic reliance upon the larger social base) is necessarily complemented by an international component – the representatives of the transnational capital. The domestic "sedentary" economy supports only a small part of the country's economic processes,⁹ and is organically dependent on the global processes of

therefore domestic sectors such as tourism, retail, agriculture, media and some infrastructure projects where there is more elbow room for the government to build up its own economic support base. We are seeing the birth of a new state-dependent bourgeoisie that *cannot afford* a change of government, as they owe their wealth to the current leadership through myriads of shady deals."

⁸ Mihály Koltai, *op. cit.*: "Hungary continues to have one of the most open economies in the EU (indeed the whole world), with very high export-to-GDP and FDI-stock-to-GDP ratios." – Gagy and Geroacs, *op. cit.*: "[...] corporate taxation among the European Union member states has become the lowest in Hungary. The official corporate flat-tax rate is 9%, but the effective tax which companies pay after various allowances is only 7.2%, whereas the 30 largest multinationals dominated by German manufacturers pay an effective rate of 3.6%. The counter-effect of such low corporate taxation with high subsidization of companies – many of these provisions are undisclosed – is the European Unions' highest 27% VAT, the burden of which is put on wage-earners [...]."

⁹ Mihály Koltai, *op. cit.*: "[...] the basic structure of Hungary's economy has not changed and it is still dominated by transnational capital, concentrated in manufacturing, whose interests Orbán has not significantly touched, and arguably has done his utmost to create ideal conditions for profit extraction. While the enrichment of figures such as Mészáros is hair-raising, we should keep in mind the proportions on a macro scale. As

the capitalist system. Politically, too, the country's national sovereignty is severely limited by its membership in the EU and the NATO. Keeping financial markets at peace and rating agencies satisfied, as well as making charitable concessions to transnational capital, is consequently vital for the Fidesz political economy and general societal politics.

Viktor Orbán calls this political model "illiberal nation state", and quotes Singapore, China, India, Turkey, Russia as its successful examples.¹⁰ The question is, does this political model have a solid social class base, and has it succeeded in building a coherent political economy?

Ruling alliances and their political economy on European periphery

Some sort of alliance between transnational capital and domestic ruling groups (state bureaucracies, local top managers, "state-dependent bourgeoisies") seems necessary for the reproduction of dependent integration of Southern and Central European periphery into the "Euro-Atlantic" capitalism. With the failing capacity of northern Europe and North America to sustain global competition, such an alliance will be of mutual interest, as the Euro-Atlantic transnational capital will increasingly search for profit-maximizing opportunities in its "internal colonies", entrapped in the EU and the NATO, and eventually additionally chained by agreements like the EU-Canada Comprehensive Economic and Trade Agreement (CETA).

Regardless of the success of the specific political program of "illiberal nation-state", the class pattern of the ruling alliance seems able of self-reproduction, since it is driven by world-systemic processes. While Hungary may offer its clearest example, its contours, with local variations, are detectable in many countries of peripheral

an example, Mészáros's total wealth of around 0.35 billion euros is somewhat less than the *yearly* profit of Audi in 2016, and is negligible compared to the total foreign-owned stock of investment in the country (over 64 billion euros in 2016) [...]."

¹⁰ Orbán 2014.

Europe. However, the political shape of this class alliance, and the type of the nation-state construction that will support it, may vary in the future.

The main reason for this uncertainty is the questionable solidity of its present political economy.¹¹ If systemic integration of peripheral and semi-peripheral countries continues to depend on low-wage low-skilled and disorganized labour in manufacturing industries, and as domestic “sedentary” activities are open to the seizure by transnational capital,¹² class contradictions may well develop into antagonisms. Already at present, domestic ruling coalitions of comprador bureaucracies and state-dependent local bourgeoisies are caught within the contradiction between the pressures of transnational capital and the resistance of the working-class masses. Until now, local rulers were managing this contradiction unilaterally by intensifying exploitation and imposing “workfare” against “welfare”. This politics antagonizes large masses, as is shown by recent manifestations in Hungary, Serbia and Albania, albeit in a still chaotic and badly articulated manner.¹³

Political articulation of these antagonisms will depend on organizational capacity of the classes in confrontation. In the last instance, that means upon their capacity to construct themselves, and to reproduce themselves as social groups, and not merely as short-term political agglomerations.

¹¹ Against this, Mihály Koltai, *op. cit.*, suggests that “economics of ‘Orbanism’” is a specific regime of accumulation: “Unlike his erstwhile liberal adversaries Orbán *did* come up with a ‘régime of accumulation’ and a system of class alliances that has been able to reproduce itself so far and shows no obvious signs of disintegration in the near future.”

¹² Cf. the breakdown of big domestic retail chains in Slovenia, Croatia, Bosnia-Herzegovina, and partly in Serbia, and the expansion of core-based transnational chains in these countries; Chinese penetration into infrastructure construction in the Balkans; appropriation by ownership or concession of airports in the region by foreign firms; etc.

¹³ Despite their similarly chaotic character, manifestations in 2012–2013 in Slovenia gave rise to a new anti-capitalist and socialist formation that entered parliament in 2014 and is now a respectable socialist party (*Levica* – The Left).

Class-composition of antagonistic classes

Conceiving class-composition along theoretical lines elaborated by Italian operaism,¹⁴ we can draw a sketch of the systemic processes under way, and of the class-practices presently performed both in the systemic core countries and in Southern and Central European semi-periphery.

Class-composition of the capitalist class results directly from individual capitalists' pursuit of their immediate and individual goal to maximize profits. Profit-maximizing competition leads to the creation of the general profit rate – which is the “material existence” (to use an Althusserian concept) of the class solidarity of the capitalist class. Competition among individual capitals is thus the mechanism of composing the capitalist class.¹⁵ In the present situation, oligopolies maximize their profits by depreciating labour power on the periphery, and by obtaining capital-friendly concessions from local governments eager to attract capital. The mechanism of the capitalist class-composition thus organically integrates the alliance with comprador bureaucracies.¹⁶

¹⁴ For a general information see: Bellofiore and Tomba 2011; Bologna 2014; Trotta and Milana 2008; Wright 2002.

¹⁵ “Here, then, we have a mathematically precise proof why capitalists form a veritable freemason society vis-à-vis the whole working-class, while there is little love lost between them in competition among themselves” (Karl Marx 1999).

¹⁶ For this reason, contemporary post-socialist bureaucracies are structurally stronger than were the bureaucracies in the post-capitalist (“historical socialist”) societies. In Marx's theory of class domination, reproduction of the ruling class *as class* coincides with the reproduction of the relations of production of the dominant mode of production. The structurally obstructive character of post-capitalist (“historical socialist”) bureaucracies originated in the fact that the mechanisms of reproduction of bureaucratic domination did not coincide with the mechanisms of reproduction of socialist processes. Even worse, mechanisms of bureaucratic domination were not congruent with the reproduction of any mode of production in general. Consequently, bureaucracies that emerged after socialist revolutions were not a class; they were only dominating social groups. However, they were particularly obnoxious, because they were bureaucracies without a ruling class. Bureaucratization of the juridical-political apparatuses is a spontaneous process involving institutional logic. However, in all pre-socialist states exists a ruling class, which more or less successfully controls the state as the instrument of its class rule. Contrary to this, in post-capitalist (“historical socialist”) states, the bourgeois ruling class had been destroyed and the working class was ex-

The alliance between transnational capital and local comprador bureaucracies is most often ideologically produced and reproduced by identity politics. This is one source of the present transformation of nations into identity communities. The other source is on the opposite side of the class divide. To present its mechanism, we need a conceptual digression on the class-composition of working-class masses.

On the side of the labour, Italian operaists introduced the distinction between technical composition of labour power and political composition of working class. Technical composition of labour power is how capital submits the immediate producer by making her/him produce surplus-value under the specific technological conditions of the moment. Technical composition of labour power is the imprint upon the producer's body and mind of the specific historical unity of means of production as the means of producing surplus value, i.e., as means of exploitation. The workers' resistance against the technical composition of labour power gives rise to political composition of the working class (Tronti 1966; Bologna 1972).

While political composition of the working class results from the workers' struggle under the conditions primarily determined by technical composition of labour power, the technical composition of labour power results from the class struggle of the capitalist class combating the working class political composition. Accordingly, the technical composition of labour power is a response from the capitalists' class struggle to the historically *antecedent* political composition of the working class. This would mean that working class has historical initiative against capitalist class *under the condition that it succeeds in its political class composition*.¹⁷

cluded from the management of state apparatuses. Instead, party-state bureaucracy "represented" the working-class masses and managed the state apparatuses "in the workers' name". The results of the unhampered bureaucratisation were catastrophic (theory of post-capitalist bureaucracy was developed in Kržan 2016 and Kržan 2017).

¹⁷ Permanent technical revolution as one of the basic features of the capitalist mode should accordingly be considered not only as the consequence of the competition among individual capitals to appropriate extra-profit (as it is perceived by the capitalist ideology). It should primarily be conceived as the result of the permanent struggle of the capital to break down the political class composition of the working class.

Although, in every particular historical moment, class struggle is determined by the particular technical composition imposed upon the labour power by the dominant mode of production, class response to such a technical composition is the response of the working *class*, not of the particular labour power trapped in its given historical technical composition. In this sense, class composition is *political*: it effects a *re-composition* of the entire *class*, of all the various sectors of workers involved in various historically existing modes of production, dominant or not, and in the many variants of the dominating mode. Class composition is political as far as it challenges the “technical determinism” of various historical technical compositions and reaches beyond the divisions imposed upon the labour power by the technical existence of the capital as constant capital. By abolishing the fragmentation of workers resulting from the existence of various technical compositions of labour power as various types of capital domination and exploitation, political class composition not only produces political unity of the working class, it also challenges the domination of the dominating mode of production. Working class consequently composes itself on the level of the really existing society, i.e., on the level of social formation, not only of one or several of its modes of production. Class-composition of the working class works against the combined effect of all technical compositions of labour power in a particular society – it challenges the *social composition of labour power*.¹⁸

¹⁸ The concept of “social composition of labour power” as a combined effect of various technical compositions of labour power in a social formation was proposed in Močnik 2011. According to Italian operaists who developed the concept, “technical composition of labour power” is the effect of the subsumption of labour to capital. Capital as technology determines educational level, skills, social habitus of the labour power, etc., in order to integrate it into the production process. Under Fordist regime, there is a general tendency towards homogenisation of the technical composition of labour power (standard employment contracts, labour laws, public education, national economic strategy, consumerism etc.). Under post-Fordist regimes, the general tendency is towards heterogenisation of technical compositions of labour power (non-standard employment, civil law substitutes labour law, importance of private education, limited national strategies, austerity), and the over-all social composition of labour power becomes an important foundation of the domination of capital.

The present social composition of labour power has so far prevented the working class class-composition in post-socialist societies, and has significantly eroded it in the EU core countries. To keep profit rates from falling during the recession phase of the “American” cycle of accumulation,¹⁹ neo-liberal counter-offensive targeted labour along several strategic lines. For one, it preserved and intensified traditional modes of over-exploitation, like unpaid domestic work, provided mostly by women. Another line of attack, particularly relevant for our discussion, was the fragmentation of the modes of subsumption of labour under capital.²⁰ Formal subsumption reappeared, as in various “cognitive” activities. In a larger sense, however, new forms of “non-standard” employment contracts were introduced (based on juridical fictions, as the substitution of labour-law employment contracts by civil-law contracts) and new forms of unfree labour were institutionalized, such as agency work, or non-citizens’ (“migrant”) work (Brass 2018). The combined effect of the plethora of modes of over-exploitation has been the fragmentation of the social composition of labour power that has until now importantly obstructed the class-composition of the working class both in the capitalist core and in post-socialist (semi-) periphery.²¹

¹⁹ For the concept of the “cycle of accumulation” and an historical overview, see Arrighi 2010. For the falling profit rates and increasing rates of exploitation, see Husson 2008a and Husson 2008b.

²⁰ Under the concept of “subsumption of labour under capital” Marx distinguishes “formal subsumption of labour under capital” (where capital controls labour without intervening into the direct production process, which remains the same as before being submitted to capital as in, e.g., handicraft production), and “real subsumption of labour under capital” where capital directly intervenes into the production process and submits it to permanent technological revolution. Cf. the chapter “Absolute and Relative Surplus Value”, *Capital*, Vol. I.

²¹ As an illustration, I list some of the various modes of integration of labour into the capital process: 1. *Classical industry*, “Fordist” and competitive labour market: labour power is separated from material and intellectual means of production; technology and management dictate the organisation of labour. 2. “*Toyotism*”: labour power is separated from the means of production; important parts of the organisation of the labour process are assumed by the working teams; solidarity of the working team is induced by “emotional engineering”, loyalty to the firm, by “pre-capitalist” mechanisms of social cohesion (family enterprises, ethnic business). 3. *Subcontracting*, small and medium enterprises – shared risk: labour power separated from the means

This immediate structural effect has been enhanced by the response of households to the heterogeneity and insecurity of their income, resulting from the fragmented social composition of labour power. This is the second source of identity politics that transforms contemporary social formations into agglomerates of identity communities.

Identity politics

Present social and ideological conjuncture, accordingly, results from two kinds of processes, one kind working from above and the other from below, both fitting into the general tendency of contemporary capitalism to reproduce itself by fragmenting societies.

The new ruling groups are uneasy conglomerates of comprador bourgeoisies *in spe* and *de facto* comprador bureaucracies. The EU is pushing towards bureaucratic composition, while weak bourgeoisies may still nurture dreams of domination within their respective national frames. Ideologically, they remain enclosed into the horizon of traditional nation state and (eventually) of national economy. The restoration of capitalism in post-socialist countries resorted to traditional nationalist ideology, with catastrophic effects in Yugoslavia, where new ruling groups organized popular support for the restoration of capitalism using the “nation-state” ideology. However, the constructions they actually established were identity states that, contrary to the pluralism of the traditional

of production; this constitutive capitalist *separation no. 1* is supplemented by the new *separation no. 2* – individual production unit as a whole is separated from socialisation of its production process on the market; its product is a semi-product that can only be sold to one (“monopsonistic”) buyer who controls social conditions of its production process and is a quasi-monopolist on the market. 4. *Subcontracting*, small, medium and big enterprises – the risk is upon the sub-contractor; relations are the same as under 3, only less favourable for the individual production unit: labour force is separated from the means of production; this constitutive capitalist *separation no. 1* is supplemented by the new *separation no. 2* – individual production unit as a whole is separated from socialisation of its production process on the market and also from the general social conditions of production; individual production unit sells its product, that may be the final product, to only one (“monopsonistic”) buyer that has no obligations towards the individual production unit; the buyer is an oligopoly agent on the world market.

nation-state,²² practiced internal discipline and control, as well as ethnic intolerance. It then only took some exalted rhetoric volunteered by writers, poets, and dissidents, to transpose this institutional frame's fascist potential into actually existing neo-fascism.

The maximum of social composition the restoration ruling groups can achieve, are comprador bourgeoisie (in the rare cases they are able to organize a local dependent economy) and (in other cases) comprador bureaucracy, an extension of the metropolitan state management or of the EU bureaucracy.

Being a dependent class managing a dependent society, comprador bureaucracies-bourgeoisies need to ally themselves with transnational capital and its political-juridical apparatuses on one side, and, on the other, to organize consent or at least passivity of the masses over whom they rule. Identity ideology offers efficient mechanisms for this double task. It draws on traditional stereotypes inculcated in the masses by the educational system and the apparatuses of national culture, and creates a communal need for these features to be safeguarded. Local ruling groups self-authorize themselves as the guardians of "national identity", and the qualified instance able to secure the "recognition"²³ of the identity community by superior instances (the "international community", the EU, etc.).

A spontaneous "bottom-up" process supplements this "top-down" mechanism. Households with precarious and heterogeneous resources need to exert strict control over their members, and to discipline them into solidarily assembling the means of survival. Control and discipline especially target the young and the women, as they are willing and able to emancipate themselves from family constraints on one side, and, on the other, are promising contributors to the household income and objects of

²² The "traditional nation-state" is here referred to in the ideal-type sense: it is the state that secures the achievements of the French Revolution (e.g., freedom of assembly, i.e., political pluralism; or freedom of consciousness, i.e., ideological pluralism). This juridical-political construction is supported by the *national* social form: standard national language, national educational system, national culture when it comes to "superstructure", and for the "infrastructure" side – national economy. – As its limitation, this construction creates the problem of "national minorities".

²³ For an early definition of the "politics of recognition", see Taylor 1992.

matrimonial strategies. Households help themselves with the available mechanisms: patriarchal domination, religious constraint, ethnic discipline. The combination of these “traditional” means of coercion yields “identity”.

The combined objective pressures and operations of the identity politics from the top down and from the bottom up yield identity communities that seem to be in the process of replacing traditional nations.

Identity community is monistic and inwardly oppressive. Its outward stances are contradictory: it is aggressive, since it believes itself to be in possession of a secret and exclusive knowledge and culture, and feels superior to non-members and neighbours. On the other hand, identity community is incessantly in need of recognition, and searches for an authority that would bestow it. The contradictory character of identity ideology makes it an efficient mechanism of reproduction of the contradictory systemic position of comprador ruling groups. Identity ideology is also an efficient mechanism of domination, as it supports spontaneous survival strategies employed in working people’s households, and reproduces their position of the oppressed and exploited.

We may conclude that what we perceive as the new forms of nationalism, are new types of ideologies and politics, and even new forms of society, that attempt to adapt to the destructive effects of the world-systemic crisis of capitalism without changing the capitalist system.²⁴

²⁴ We have based our analysis on the case of Hungary. Developing the same concepts, the analysis could eventually be extended to Poland, Croatia, Serbia and Bulgaria. The differences, we assume, would mostly be ideological, while the socio-economic pattern is more or less the same. In Slovenia, this pattern is a historical tendency that slowly makes its way against strong resistance (from the trade unions in the nineties, from popular movements around 2010, from the organised left after 2014).

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Postmodern Fascism and Other Facets of Contemporary Quests for Stability

Abstract

Through an exploration of age-old tensions between quests for stability and aspirations of freedom, this essay offers an examination of the right's and the left's distinct responses to crises and their implications for contemporary forms of fascism, which the author argues is postmodern in character. The essay concludes with a reflection on what is at stake when the left refuses to offer alternative models of power with which to address imposing and coercive fascist ones from the right.

Keywords: crises, fascism, leftism, postmodernism, power

■ This essay examines the conjunction of two terms nearly everyone argues about, yet knows when they see what they signify. The postmodern, once revered, is also slightly farcical as the world carries on despite disavowals of continued essentialisms and the end of grand narratives. Fascism, on other hand, has kept its historical repugnancy, yet it is on the rise albeit through the shelter of euphemisms. Indeed, a converging feature of both is the embarrassment afforded in their unclothed forms; strangely enough, to postmodernism's credit, some of the discomfort is not borne of content but temporal displacement. How paradoxical the return of the unfashionable!

So, the thesis offered here is straightforward. Fascism persists, but it can, through bad faith, deny what it is through appealing to resources of rebranded postmodern representations. Such I will argue with some reflections on what is at stake in the end.

Age-old problem of stability versus change

To begin, my aim here will be to examine fascism beyond its immediately avowed political goals. Its logic has always lurked within the human struggle with the age-old problem of stability in the

midst of change. Among the ancients, on whom Euromodern scholarly focus is often Parmenides' thought of reality, the "really real", as the unchanging and thus permanent, and Heraclitus' on the reality of change being the paradoxically ongoing manifestation of reality, there is the earlier appeal to *their* ancients, especially in ancient Kemet/Egypt, wherein the two forces are cyclically manifested in fire and water. The recurring rise of the sun and the water that flows between our fingers captures this dynamic experience of the human condition of struggling with change amid the futility of what appears unchanging.

This dual manifestation of reality took form in many aspects of human life, especially the production of institutions, whose folly is the promise of permanence from what was created. The haunting of all institutions is a basic reflection: What comes into being can, after all, go out of being. There is thus risk in the production of all institutions, and this beguiles the human world with a false promise of never dying.

I am speaking, of course, of what Sigmund Freud called "the prosthetic god" – namely, culture. That reality, created at least in its human forms by human beings, offers many of the promises once sought from the gods: protection, longevity, and order. Freud formulated them as alleviation of sources of misery born from the elements, our bodies, and, most severe, each other. The gods, after all, offered sanctuary, good health, and laws. With culture, we have technologies of physical safety, such as houses, villages, and towns; medicine; ethics, morals, and laws; and, of course, states and governments. None of these, however, are worth much without that added element of gods – namely, power.

What is the point of a god who can do nothing? Power is that important element through which the ability of the gods, and us, is made manifest. Eurocentric analyses often refer to the etymology of "power" in the Latin word *potis*. It is the source of the word "potent" as in an omnipotent god. If we again look back further, however, we will notice the ancient Kemet/Egyptian Middle Kingdom (2000 BCE–1700 BCE) word *pHty*, which means godlike strength. We should bear in mind that for those ancient Northeast Africans, even the gods' abilities came from a source. In the *Coffin Texts*, *Axw*, more often written as *HqAw* or *heka* the *ka* (sometimes translated as soul,

spirit, or, in a word, “magic”), is what makes reality (see Buck and Gardiner 1951). All this amounts to a straightforward thesis on power as the ability with the means to make things happen.

For things to happen, however, there must be change. There is thus a movement from stasis in which, if the latter is maintained, it must be through an ability that could very well have acted otherwise. There is thus even in stability the ever-present possibility of instability. This does not mean that all change must be unstable. This conundrum – stable transition from stability – is always imperiled by the possibility of, of course, losing control. There is thus, at least in the human world, a lurking uncertainty that is not overcome even by prolonged moments of stability. Looking around, ruins of past civilizations and even recently abandoned domiciles haunt such delusions of security.

Anxiety thus emerges about the future. Will one belong?

Let us call investments in future belonging, where the present would be believed to thus escape the graveyards of history, “modern”.

Today we are accustomed to equating the term “modern” with “European”. This is a consequence of European colonialism and its tendency to collapse all concepts its practitioners deemed positive into their racialized continental identity. The term “modern” is, after all, from the French transformation of the Latin *modo* (“just now” or “present”), which, as a noun, refers to a person belonging to the present. Such an understanding clearly is not unique to the people who became European. Though the French use dates back to the sixteenth century, discussions often point back to events that brought such understanding about. Thus, European philosophers point back to the seventeenth-century French philosopher and mathematician René Descartes as the beginning of modern philosophy. This oddly makes him perpetually “present”. With the modern being now or present, then how could those past moments be the present? Should not Descartes be ancient or at least classical?

What critics who equate modern with European ignore is that no people have any reason to question their belonging to the present unless their legitimacy is challenged. Circumstances that lead to such include externally avowed conquest and experienced colonization. There could also be moments of different groups

meeting or transforming through ongoing processes of trade. What emerges from such encounters is an inevitable question of belonging to the future. If a group belongs to the future, that retroactively affects the way it sees its present and, as a consequence, the past. If, however, a group's future is erased in the encounter, its present is brought into question, and belonging becomes a feature exclusively of its past. Think here of the Latin term *primitivus* ("first of its kind" – for example, *prime*), which was transformed from a way of referring to ancestors to notions of aboriginality – in other words, being *primitive* and, in effect, at the level of culture, ruins.

This observation about modern raises, of course, questions of being *postmodern*. Though the literature on this concept is vast, most presume the post is standing as a prefix to a European signifier. Thus, whether a set of French thinkers reflecting on that condition, or their Global Southern counterparts trying to transcend it, the continued centering of Europe is at work, which means a form of Eurocentrism lurks even in the heart of such critique. Lost hope in a European future, a form of European belonging through what is to come reaching back in an act of legitimation, is accompanied by a rejection, at least from a form of decolonial sensibility, of any modern as legitimate because of its supposedly being European. One could, of course, move from the notion of location to conceptualization – for instance, on the epistemology-centered philosophy from Descartes to Kant – but that already substantiates the Eurocentric point. As well, one could point to metaphysical notions such as essentialism, foundationalism, grand narratives, totalizations, but each of these could be shown in understandings of the world that pre-date the notion of modern Europe. The previous discussion of power would be a case in point.

Another option is simply to focus on what postmodern identification disavows. It could disavow Eurocentrism, as in its Global Southern forms. It could also be a radical commitment against essentialism, foundationalism, grand narratives, totalizations, and the like – with, of course an ironic relation to radical commitment since that, too, would be a manifestation of what they disavow. Paradoxes are always on the prowl.

For our purposes, the critique of equating modern with European entails specifying "Euromodern" when that kind of

modernity is what is being talked about and other kinds of modern when they are the foci. Stating such, one could move on to the question of competing models of futurity and, appropriately, “modes” of belonging – in other words, *kinds* of modern.

These problems of equating all things good with Europe have at its heart a logic that has dominated the thought of the peoples who became European. Its foundation was in Christianity, although its logic pertains to any system of knowledge or value that idolizes its center. The problem to which I am here referring is theodicy. Where a complete center of normative gravity asserts itself, the inevitable problem of evil and injustice demands an account. From the times of St. Augustine through to Leibniz and on to recent Christian work on the topic, the response is as follows: The omnipotent, omniscient, and all-good Deity is not responsible for such infelicity because of (1) human limits of comprehension and (2) the grace of free will through which humanity botched things up (see Augustine 1950 and Leibniz 1952).

This rationalization is not unique to Christianity, as Kwame Gyekye has shown in his study of Akan philosophy in Ghana, but as the context of this discussion is Euromodernity, and Christianity is without question the normative center of the Euromodern world, it makes sense to focus on it (Gyekye 1987; Hicks 1978; Jones 1997; Jackson 2009; Pinn 1999; Gordon 2008).

A feature of Euromodernity is also its effort to account for itself without appealing to its Christian presuppositions. Yet Euromodern atheism, agnosticism, and secularism maintained the grammar of theodicy. Where Christ stepped out, other gods stepped in. Epistemology and science are two idols. Capitalism is another.

Where capitalism is deified, capital and an omnipotent, omniscient, and all-good market is the substitute. This could be done with models of knowledge, such as science, or with cultural idols, such as “western civilization”. As disciplinary decadence is also a form of theodicy, so, too, are the prevailing norms of assessing these institutions. In other words, disciplines could also be advanced as “complete” and godly, and, where they bolster a single source from which they flow – for example, *Europe* or, for that matter, capital – the rest proverbially follows.

Capitalism, for instance, lacks any principle of verification since it is premised on a purist model in which its proponents can eat their cake and have it, too. Although wealth could serve such a purpose, the fact of the matter is that more people look at the wealth than experience it. If there are crises of employment, environment, and other social maledictions of scarcity, the rationalization is often that there is an insufficient amount of free market in practice. Capitalism thus becomes external to causal mechanism of such afflictions. Where there is flourishing, however, a strange causal potential comes in of what *could* occur if there were more radicalized fertile soil for capital. What, in other words, would be a sufficient or even ideal amount of cultivated capital? Where capital is deified, the answer is complete privatization understood through process of capital access. This amounts to a simple principle: Everything is commodifiable. Or even simpler: Everything and anyone could be bought.

We are already witnessing this credo of commodification in the subversion of other institutions, including other markets, to the fetishized and deified notion of The Market (Heilbroner 1999; Woods 2016 and 2017; Bowles 2007). Thus, failing to think of markets other than The Market, this abstraction makes a market out of everything else: instead of *knowledge of the market*, there is *the market of knowledge*; instead of education markets there is the market of education; instead of religious protection of sacred places from the market, there is the market of religion; instead of political control of the market, there is the market of politics. The list could go on, but the basic point is already evident; crucial institutions that historically controlled the scope of what is marketable have been subordinated to the market. We could call this *the market colonization of society* (see Gordon 2010 and forthcoming).

Where the Market colonizes institutions of power, the Market becomes its sole exemplar. In the case of politics and knowledge, this entails the market colonization of political life and knowledge. In the case of the latter, this involves all kinds of knowledge including the imaginative practices of inquiry. It means, then, also a market colonization of imagination. In a way, this would be a postmodern triumph, since it would also mean a proverbial foreclosure of future alternatives to the Market. Capitalism would in

effect be a paradoxical closing off of grand narratives since even such narratives would be commodified.

Limiting political capacity and imagination involves the subordination of politics to rule. The Market, after all, in commodifying institutions stratifies their potential. This means blocking our critical capacities to think through that stratification. Take, for example, the abstraction of The Market. Elided in such an abstraction is the understanding of markets as human relations constructed through the human capacity to produce social worlds or systems, communicate them, and transform them. Treating The Market as a deity makes it stand outside of human forces and thus offers the illusion of its ontological status. Missing here is that as a human system, it requires human agency for its creation and maintenance. What human beings bring into being, we can also take out of being.

Of course, a critical response could be to reject this notion of “we” and any other form of “subject”. In a single swoop, the idea of a transcendent standpoint or legitimation point would be eliminated, and, of course, this could be accompanied by a celebration of the demise of that bane of capitalist fantasies for a world of profit without workers or any other subject, not even consumers, but instead activities of consumption.

Capitalism thus stands as a form of stability over change through the bad faith of its proponents veiling its dependence on human actions. That question of the future of capitalism threatens its basic tenet, which is that, as the legitimate bearer of the present, there is no future without it.

The “right” and the “left”

Suspending notions of market completeness means placing accountability on The Market, which would transform it from The Market into a specific kind of market. De-ontologized, other considerations can be explored and communicated, which makes capitalism particularized and brought under account as a human-produced system. This is, in effect, a de-fetishizing of capitalism.

Raising the question of fetishized capitalism, the reader may wonder about an important elephant in the room, especially in

Eastern European countries and those who allied with them throughout the Global South – namely, fetishized socialism. The argument thus far is that it is a fallacy when it comes to human institutions to presume there is one size that fits all. It is a point I have elaborated elsewhere in my writings on disciplinary decadence, which is the phenomenon of treating one's discipline and its methods as "complete" with the result of attempting to squeeze reality into the discipline (Gordon 2016) instead of attuning disciplines to what exceeds them. This practice, I argue, is also a form of theodicy at the level of disciplinary practice. Cannot there, then, be a form of theodicean socialism? It is clear that the answer is yes both at the theoretical and empirical levels. Yet, having the same form, does not entail being the same.

For socialism to work, one must be willing to interrogate what "work" means and confront the possibility that what that means may have conditions under which it fails (for elaboration, see Tlostanova 2018; Močnik 2017). This is because, at least as an economic system, it represents a specific form of market among others, since even in socialism and, for that matter, communism, there must be some form of exchange. Without such, each individual would have to be self-sufficient and, eventually, isolated as a god onto him or herself. This would contradict the communicability and community premise of communism and the social one of socialism. In other words, a de-fetishized socialism requires considering what an open form of socialism would entail. Would this not entail social relations that transcend – that is, that are not constrained by – economic practices?

We come, then, to a problem of at least the western side of the Euromodern world. The rise of capitalism brought along its forms of subjectivity. This includes its philosophical anthropology, which in the end is the individual consuming subject and valorization of consumption. This subject brought along with it a position toward political life. As premised on legitimacy through and onto itself, such an individualized subject cannot articulate objectivity and reality because that would require being accountable to something beyond itself. If it makes itself objective and all that is real, the concepts would collapse. There would be no subjectivity from which objectivity could make sense, and vice versa. The same would

happen to the real and the non-real. Thus, if conceding there is a world of others, what that subject must do is question the hold they may have on the individual self through creating a form of nominalism of the world. In other words, there are physical things of which some are selves onto themselves, and beyond that a world of differing ways of relating to them. It is not long before truth is jeopardized and what at best could be offered in the company of others is “opinion”.

I will not here rehearse the many arguments from the Anglo-philosophical tradition for which Thomas Hobbes is the father, except to point out its connection to the emerging capitalism and the position toward political life it engendered. Euromodern liberal political theory grew out of this philosophical anthropology. As politics, classically understood, involved power as manifested in speech and negotiated conflicts and social aims for flourishing depending on such practices of communication, the threat of conflict via dissent made politics also a threat to what self-sustaining models of the individual sought – namely, the individual’s own security and appetite. The consumer-individual increasingly prevailed, and as accountability pointed back to that individual, the decline of collective responsibility meant more direct normative models of morality and force of law supervened. In short, liberal political theory makes morality and law supervene over politics. This should be evident to readers of liberal thought ranging from John Stuart Mills’s to John Rawls’s.

This supervenience created an important split the consequences of which are suffered into the present. The clear statement of this division was in the eighteenth-century French parliament, where Monarchists sat on the right and republicanists on the left. This right and left separation, although at first arbitrary, had psychoanalytical significance, since “right” also refers to being “straight” in a society where “left” suffered from much superstition. In the French, the words were *droit* and *gauche*. *Gauche* had replaced the earlier *senestre*, which, as it sounds, was from the Latin *sinister* (literally, to the left). *Droit* has origins in the Latin *directus* (“straight”), which is the past participle of *dirigere* (“to set straight”). We see in this etymological exercise a portrait of two fundamentally different responses to crises.

“Crisis” refers to a situation in which a decision must be made. Some people’s response is to attempt to set things straight. This presumes that which is not straight is a deviation from an initial straight or right position. Setting things straight therefore, has an implicit “again” in it and thus a return. There is therefore an inherent conservative turn in the right, and that involves the associations of rightness such as law and order. The word *droit*, after all, also refers to legal rightness. The right, then, is about a form of rectitude of law and order embedded in an imagined right – often read as perfect – past. Although conservatives tend to seek order through returning to traditional values, in recent times another group – neoconservatives – demands more and thus become right of traditional conservatives (Kerwick 2016). Since order supervenes, this means threats to it – such as dissent, freedom, liberty – are subordinated. If radicalized, this means all oppositions, all difference, all dissent, all things rendered external threats, must be eliminated. The result is fascism.

There is also an interpretation of keeping straight instead of resetting as straight. This model, which a theorist such as the famed Anglo-American philosopher John Rawls called “well-ordered”, is a core one of liberal thought. It is also simultaneously a conservative one in that to maintain straightness requires conserving or preserving it. Thus, the rightward turn of re-setting straight would be interpreted here as transforming what is already straight. The conflict, then, becomes one of how the moment of crisis is interpreted.

This leaves the leftward turn. The left looks at liberalism and positions moving right of it as wrong responses to each of their moments. The past and the present, from this perspective, are both imperfect. In fact, there is no perfect moment, but instead those of perfecting or at least making moments better. This makes leftward thought future-oriented, with the understanding of each future moment being different than the present. Where the commitment is to making the future better, it is progressivism. Where that progressivism leads to an imagined perfection – a utopia – there is the return of a paradoxical conservatism, for what else is there to do with perfection but to maintain it?

The leftward position also raises questions of liberty and freedom. This is because for change to be possible, there must be

something that people could actually do that diverges from what people have done. This ability to bring in the new requires liberty and the possibility of freedom. It has liberty because it must unlock the grips of the past and the present. Where it remains negative in the sense of unlocking or perhaps destroying, its goal becomes an absence of constraints. Radicalized, this model of leftism promises anarchy. We would go far afield here to go through the complicated varieties of anarchy averred over the past few hundred years. For now, the crucial consideration is that where anarchy surfaces and each individual is not a god, the only recourse is for some kind of voluntary collective management of life resources. It is not long, however, before one realizes that what is voluntary can be dissolved without compulsory – that is, non-voluntary – maintenance. This is where conservatism and libertarianism, which is often confused with anarchism, meet. It is also where both could meet fascism. After all, fascism is a voluntary association of fascists. This portrait requires, then, a leftward turn in which liberty alone is not the goal. It requires an understanding of freedom that is richer than an absence of constraints.

Before continuing, it is important to consider that “radical” and “revolutionary” are not identical. The former simply means going to the extreme, or to the roots. The Late Latin *radicalis*, after all, means of or having roots. As roots also mean source, the connection with origins comes to the fore. “Revolution”, however, diverted from its Latin etymology in *revolvere* (to turn or roll back) through a long series of argumentation from the sixteenth century – which would take us too far afield – to signify enacting a great change of affairs. Its connection to bringing about a future that is unlike the past or present, and thus *modern*, should be evident. Returning to liberty and freedom, it is clear that one could return to liberty but the whole point of freedom is that a past one is attempting to transcend would be one in which liberty was not enough.

Imagine the plight of prisoners. When released, they have liberty. When they escape, they also have liberty. In both instances, however, they often seek the same thing: to go home. What, however, is home? If it is a place in which they were free, then it would seem one can return to freedom. Much, however, depends on the project that was at work in that initial place of belonging. After all,

paradoxically, not all places called “home” were in fact homes. Although the formerly incarcerated may attempt to go home, too many discover that more is required for certain places to offer what they seek.

This “place” or set of relationships of belonging properly called “home” is where people could live and at times flourish. It requires the empowering of possibility. There are people who have traumatic associations with their place of belonging. One could say they belong in those places in the form of abuse and suffering. The response is that such places are perversions of home. They introduce the paradox of non-belonging belonging, or belonging by virtue of not belonging. The outcome of either is the same – some form of escape. These are thus not homes properly understood, except for the masochists who may need degradation as affirmation of the familiar. Rejecting that, the course of belonging through places of flourishing entail possibility, and this, then, leads to concepts such as growth and maturation.

Maturation involves understanding the false dilemma of dystopia versus utopia. Life is not a case of the depressing versus the ideal. It is also one of building what is reasonable in the face of its strengths and weaknesses. Seeing both facilitates a dialectical relationship to reality in which there are not always two competing universals of the positive and the negative, but instead an interactive relationship of both. What, we should then ask, as we did with capitalism, would be the philosophical anthropology of that leftward turn? It would be no less than the ongoing realization of incomplete subjectivity, of taking responsibility for a future that is never foreclosed or overdetermined, but instead must be built beyond one’s immediate reach.

We come, then, to a fundamental distinction of right and left. The right, after all, decides within a temporal realm of immediate reach. This means for the right, it all comes back to the proverbial *me*, which is why others are often jeopardized. A similar path emerges for the various sliding locations of liberal identification. This *me* is a realm beyond which there is only the end of the world. It is no accident, for instance, that hegemonic discussion of the right and left seems to have no model of the left beyond the center, that is, other than the so-called “far left”. Legitimacy seems to

be only center through right of center, which means, then, that even fascists ultimately become legitimate, as we have been seeing in neoliberal and neoconservative regimes.

The leftward turn is distinguished by an immediate and a far-reaching temporality. The immediate one tends to grasp for what “we” – understood as those in the here and now – can reach and thus eventually back to a “me”. That is why some forms of left could slide easily into the right. Another kind of left realizes that a far-reaching temporality offers a place into which one cannot enter yet could only exist from the actions of immediate and succeeding generations. The relationship of subjects thus become between the known and the anonymous. This second model holds a clue to political responsibility and political action. After all, as it is always about “us” and those who are “not us”, the ramifications of such actions are responsibilities for those who are always eventually unknown – those who are, in other words, anonymous. Without a forecasted outcome of who they are and what they would receive, action becomes an existential challenge. It requires commitment without knowledge of outcome. It is political action, that is, in the language of Kierkegaard, a leap of faith. It is also, despite Kierkegaard’s documented conservatism, revolutionary.

Such a leap first demands infinite resignation. This means no guarantee of open arms on the other side to embrace one, no epistemic or moral mediation. This is why Kierkegaard considered a teleological suspension of the ethical. It does not mean that ethical life disappears. It simply means it does not justify itself and that taking the leap requires taking full responsibility for that leap. This is an ancient insight. It is there in Judaism. It is also there in Buddhist, Hindu, and Islamic thought. It is there all across the world because human beings have always been haunted by a displeasing truth. We do not only face responsibility in the world but also our responsibility for that responsibility. When I argued for transcending the idols of our age, I meant also that doing so is a form of leap in which there is responsibility, even at metalevels, for the justifications of justification. At political levels, this means there is no mediating force of promised political outcomes to grasp. It means the commitment itself is the responsibility through which responsibility for responsibility is made manifest.

This is scary stuff. As Ali Shariati observed, “[t]his act is neither logical nor illogical, it is alogical [...]” (Shariati 1981, 61). Some might recoil from such a possibility and thus reject political responsibility and the political subject – we who are all politically responsible – for the immediate security of individual responsibility, as liberalism avows, in the forms of legal and morally responsible ones (Jaspers 1965/2001; Young 2004; Gordon, forthcoming). The political is too open, they might object. They want the closed security of *rule*.

This expectation of rule over the political is the proffered model of liberal, conservative, neoconservative, and fascist thought. Among liberals, the philosophical anthropology becomes a moral, and often moralized, one of moral individual subject. Neoliberalism, for example, strives for a combination of The Market and civil liberties focusing on individual moral subjects with individual rights. The conservative wants that subject to be constrained by tradition, the neoconservative by law, and the fascist demands no deviation from its totalitarian dictates. As the liberal subject is already shown to be an extension of The Market subject, we could imagine what follows.

First, the idea of morality prevailing becomes the hegemonic model. This ultimately means eliminating the contingency of politics and, consequently, politics.

Second, where politics is avowed but ultimately rejected, the task becomes its transformation under market constraints. This requires constructing a marketable political subject. Where that occurs, the most compatible kind is the moral one posing as political. Where to be political is to be moral, the logic of moral subjectivity follows.

Unfortunately, moral subjects often become moralistic ones through an expectation of moral purity. This offers notions of innocence, and the result is a world in which one could either be free of having done harm, or be those who are harmed. The victimized subject as the moral subject surfaces, and appearance – at least in the avowed political realm – becomes premised on having been harmed. The logic here is legalistic in form, and in fact that is what emerges: Politics as a case of petitioned redress for harm.

This appeal to victimization as a condition of appearance, destroys the political dimensions of political life, since, after all, the

key subject of political life is the citizen, the agent of citizenship, the person whose appearance depends on actions on which the life of power depends. The citizen qua citizen, thus need not be a victim. The citizen must foremost be capable – in other words, a manifestation of power or empowerment. Thus, the moralistic model is ultimately at war with citizenship and politics, but it is ironic here, since it is offered as political in a world of commodified politics.

One's political marketability becomes one's victimization or harm. This is why, as we see in today's reassertion of fascism, white hegemonic groups cry victimization. It is why, in fact, beyond fascist claims, there are so many victims or harmed subjects everywhere. It is not that there are no people who are actually harmed. It is that there are groups, especially the right, who are weaponizing their harm at the expense of political life. It announces a claim on the basis of what one is (among the harmed) instead of what one can do (citizenship or political work).

This development of the subordination of politics through the supervenience of moralistic subjectivity is an expression of political nihilism. It is also what distinguishes contemporary fascists from their predecessors. Cynically, present-day fascism offers no consistency in a postmodern, anti-essentialist essentialism. In the United States, criticisms of white supremacy receive virulent and often violent responses from the right as "essentialist", "racist", and even accusations of so-called rationalizations of an impending "white genocide". Its proponents often take on familiar postmodern symbols in the form of anarcho-punk on the one hand, and comparative literature professors in hip black outfits on the other. Their public face includes the queer British polemicist Milo Yiannopoulos, the failed Hollywood screenwriter and former editor of *Breitbart* Steve Bannon, and, of course, his former boss, the Man Child President Donald Trump. True to form, the avowed attacks on "identity politics" and "political correctness" are done through use of the tactic of high-profiled supposed contradictions to essentialist claims of their white supremacy reputation such as, in the UK, Raheem Kassam, who was the London editor of *Breitbart*. These varieties of fascists include hip-looking white women organizers and high corporate white women leadership, as with Marine Le Pen in France. To limit our discussion to *white* supremacists

would be misleading, however, since Aryan logic is also part of this development, as witnessed in Narendra Modi's leadership in India.

These manifestations of fascism of course do not always offer themselves as such – preferring these days the more fashionable term “alt-right” – in an apparent refusal of interpellation, but rebranding often changes appearance more than grammar. Just as there are countries such as the United States and Russia that deny being colonial, while they maintain old colonies and have, at least structurally, acquired new ones, so, too, have varieties of fascism rebranded themselves, though their old-style “authentic” exemplars still march in their white robes, black shirts, and other regalia. A lot of the old continues in freshly re-branded clothing. This is not unique to the right. After all, the failures of poststructuralist leftism of the late twentieth-century have led to its apostles now calling themselves “critical theorists”, “decolonial theorists”, and even, in black thought, “Afropessimists” (Gordon 2019).

The political nihilism at the heart of these developments, despite their tactic of amassing rule of government, is embedded in what their return to the past promises. After all, past fascists sought the avowed thousand years' rule. Such grand expectations are not features of today's fascism. Their leadership, indeed, cannot seem to think beyond their own lifetime. Locked in only the past and the now, the future falls sway. The prefix “post” in this form of postmodernism is, unlike many others, ultimately anti-modern through a perverse investment in an exclusively modern that belongs, properly, to the past as the primary feature of the present.

The stakes

Conservatism, we have seen, is a turn toward a cherry-picked past of supposed security, law and order, perfection. This often requires eliminating sources of dissent such as difference, creativity, and freedom and, instead, ultimately cultivating fascism. We should understand, however, that *our world* – that of the twenty-first century – is not like those of the past. Too many people respond to these crises through trying to figure out to which past

century they would like to belong – the twentieth, nineteenth, eighteenth, or sixteenth. This is in fact the underlying conservatism of the age. With the exception of China, most countries are busy searching for the past to which they supposedly belong. Some critics, such as Jean and John Comaroff (2011), regard this problem more as a phenomenon of a closed European imagination than a humble ability to learn from those who have had to struggle against an imposed foreclosed future. The difficulty here, however, is that even those efforts have been forestalled by violently imposed North American, European (Western and semi-Eastern via Russian) interventions against Global Southern projects of building and thinking plural futures.

Despite groping for salvation in the past, the twenty-first century is undergoing its own seismic shifts: with several billion people and technologies that traverse distances in a Nano-second, twenty-first century humanity lives on a smaller planet. We are compressing reality and thus imploding life. Among the questions we face is the challenge of living on a planet incapable of sustaining the kind of life to which past ages have committed us – and those who wish to return by turning to the right are condemning us – to, as the East Indian philosopher Sri Aurobindo put it, opening up our minds to our potential to address our challenges (Aurobindo 2003). The late political theorist Benjamin Barber summarized the situation thus: “Nature doesn’t negotiate” (Barber 2017, 6).

We must understand that the challenges we face today are human produced; they are manifestations of power by which human beings could affect life beyond ourselves. That means they require human action for their transformation, and the human world of produced power is, we should recall, properly called politics. The right’s effort to eliminate political life imperils us all, but, as I have been arguing, we cannot address such a challenge through leaving the understanding of power, as has occurred with “global”, in their hands. They assert and embrace power as exclusively coercive. It would be a mistake for the rest of us to adopt such a view. Coercive power disempowers. To fight against disempowerment requires empowerment. This requires a left that is not allergic to power.

We need a responsible form of practice attuned to the many dimensions of what we are and our relationship to other forms of

life. We need to unleash our capacity (power) to create, to build meaning, while being sober to the realities of the terrestrial creatures we are. This requires an understanding of the fragility of human life in its wider context. What might that be? Think of us as specks of dust on a speck of dust in a cloud of dust in a larger constellation of dust in a vast universe, or possible pluriverse, through which our future depends on our understanding that our little speck of dust is our world reaching out for others and that we are also dependent, in the end, on each other for nothing short of the revolutionary.

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William Leon McBride

How to Make a Nation Great Again: A Primer, Based on Experience

Abstract

On the assumption that lived experience is the best basis for theorizing, this paper explores the role of xenophobia, especially in the historical evolution of the Trump regime in the United States of America, beginning with Donald Trump's Presidential campaign in 2016 and continuing up to the time of the conference. It will be shown that, while to some extent greatness is in the eye of the beholder, this regime has at the least failed to live up to the campaign slogan, "Make America great again", and has instantiated a cartoon line from the late Twentieth Century (a parody of an American naval officer's report of a battle during the War of 1812, which also did not end well), "We have met the enemy, and they are us". Despite the ultimate seriousness of the entire situation, greater emphasis will be placed on its farcical aspects.

Keywords: historical farce, nationalism, U.S. Presidency, Trump

■ Every reader of this essay knows about Imperial Rome – it was great. As a matter of fact, as I learned during my last trip to these parts, the vast majority of its later Emperors were born on what is now the territory of Serbia. The Romans thought that they were great; what stronger proof of this is there than the fact that, for them, the Mediterranean Sea was *mare nostrum*? And yet, eventually, Rome fell – invaded by unfriendly aliens from the East (or ξένοι as they were called in κοινή Greek, οἱ ξένοι being the objects of xenophobia) – and gradually undermined by subversive religions that were contemptuous of the old gods. As the centuries went by, one of those religions, having become dominant in the western parts of the old Roman Empire, attempted to appropriate its prestige by proclaiming the existence of a Holy Roman Empire; but the charade never worked very well, and Rome never became great again. Well, eventually there was Mussolini, but that is another story.

As we know, everything in our modern world happens at breakneck speed as compared with historical evolution in the past. So, it was within the lifetime of most readers that members of the

staff of the United States President Bush, Emperor of the Second Bush Dynasty, retrieved the words of an obscure Roman writer, *oderint dum metuant*, words best translated as “let them hate us as long as they fear us”, by way of expressing American imperial dominance as illustrated in the war on Iraq. As I wrote in a paper that I presented in Moscow and that was published in translation in *Voprosy Filosofii* in 2002 (McBride 2002, 80):

If one looks at a globe and focuses on the westernmost part of the American State of Alaska and the easternmost part of the newest partner in the North Atlantic Treaty Organization, one sees that only a few kilometers of the Bering Strait prevent NATO from complete encirclement of the earth. Not only the North Atlantic Ocean, but the northern Pacific Ocean as well, are *maria nostra*, our seas. By contrast, the once-mighty Roman Empire confined the designation, ‘*mare nostrum*’, to the Mediterranean Sea alone [...].

Who, in fact, are the “we” to whom the world’s oceans belong? Although a completely accurate answer to this question would require including some reservations and qualifications and adding some codicils, the simple answer at the present moment in time is, “To the United States Government” [...]. The regime currently in power has made use of the infamous events of September 11, 2001 and of the sympathy that was expressed for the United States immediately after those events in order to demand fealty from the rest of the world. As the *de facto* President, Mr. Bush, expressed it in his speech to Congress of September 20: “Every nation in every region now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.” And, we should add, the Bush Administration has arrogated to itself the power to determine what does and what does not constitute “terrorism” and to attack pre-emptively.

That was true greatness, was it not? But since then, times have changed, and they have changed very rapidly. The United States has another *de facto* President, who like Bush received a smaller popular vote than his opponent and profited from some very questionable activities that are still the objects of investigation, who appears to be in principle a *mare nostrum* – or, better, in his megalomaniacal case, a *mare meum*

– individual, but who, somewhat paradoxically, took and continues to take as his slogan “Make America great again”. As I am far from the first to note, this clearly implies that America has fallen from greatness. Indeed, given the fact of Trump’s now occupying the Presidency, it is clear that it *has* fallen from greatness – assuming, that is, that we could reach agreement on what constitutes national greatness. If we make two further assumptions – (a) that Trump’s diagnosis of the historical decline of the United States at the time at which he decided to run for the Presidency was true and (b) that my historical analogy between the fall of Rome and the fall of the United States – the first fall, to recall Marx’s famous treatment of Louis Napoleon, being a tragedy, the second a farce – has a certain validity, then it is hard to avoid, although I tried to dismiss it, the suspicion that Trump is our Mussolini.

As an emissary to this conference from the land of the Horror Clown, I assume that I am expected both to furnish some explanations of the extraordinary behavior that has been taking place recently in that land, and to try to establish at least some connection between that behavior in general and the theme of the conference at which this essay was originally presented: xenophobia, identity, and new forms of nationalism. As many of us remember, Donald Trump launched his presidential campaign by coming down an escalator inside his New York City building, known as Trump Tower, and proclaiming that Mexico, in particular, was responsible for sending rapists and murderers into the United States across an inadequately protected southern border. One of his earliest rallying cries concerned the supposed need to build a wall all along that border; this seems still to appeal to his most ardent followers, even though it is obviously an extremely silly idea for many reasons – the enormous cost, the sheer impossibility of doing it at all along certain segments of the border, the fact that it would not serve as a greater deterrent to crossing than the various fences and surveillance systems already in place, and so on. Then, upon assuming the office of President, Trump issued a ukase against admitting into the United States citizens of certain predominantly Moslem countries, an action that, poorly thought out and full of ambiguities, led to anger, confusion, and a quick intervention by federal courts to block its implementation. However, it is now partially in effect, in somewhat altered form. Meanwhile, everyone has heard of the disastrous decision to discourage immigration from Mexico by separating parents from their children, accompanied by another decision to revise previously

accepted standards for successful asylum seekers so as to make the granting of asylum much more difficult, and virtually impossible for many – including in particular women who are victims of severe abuse – who would previously have qualified for it. I could go on and on with detailed illustrations of Trumpian xenophobia, but it seems unnecessary, since it is so blatant and obvious; however, I thought it necessary to offer a brief summary, just in order to confirm the connection with the conference theme.

Perhaps, after some months of Trump's Presidency, it is time for an initial reckoning: Has he made American great again, or is he still working on it but on his way? In my abstract, written some time ago, I left the impression that my answer was "no" to the first part of my question – no, he has not made American great again. But perhaps that is too hasty an answer. For one thing, the United States has limped along, across the decades and now more than two centuries since its inception, with certain republican (small "r") institutions and practices that it has tried to promote throughout the world, reinforced by slogans such as "the rule of law". But please remember the comparison with Rome once again: True, Rome expanded greatly while it was still a republic, but then came the Empire, with its strong commitment to authoritarianism, and thereafter it reigned supreme for several more centuries. There seems to be no doubt that Trump is more committed to authoritarianism than to the rule of law – one poll showed that 60% of Americans did not believe that he respects the latter. The Romans built walls around the borders (*limites*) of their empire – for instance, the one built by the Emperor Hadrian in Britain to keep out the barbarian Scots to the north. And the Romans engaged in massive hypocrisy – for example, bearing the insignia "SPQR", the Senate and the Roman people, into battle long after their armies acted in the service of neither one, neither the Senate nor the Roman people. What observers often describe as most characteristic of Trump is his utter hypocrisy and fondness for lies, great and small – beginning with his claim, which photographers working for him hastened to support by cropping their photos in appropriate ways, that the crowd at his Inauguration was the largest ever. Indeed, the magnitude, the greatness, of Trump's mendacity has been measured with statistical precision by journalists perusing his speeches and tweets and documenting the astounding number of his misstatements: over 5000 since he was inaugurated according to the careful count by the *Washington Post* newspaper as of mid-September

2018. That is eight public lies per day. For his followers, at least, the virtual reality that Trump has conjured up by his incessant fictions is far superior to the mundane so-called reality that radio, television, and newspaper reporters claim to be the truth.... *Auctoritas, muri, magna deceptio, realitas extra realitatem* – how great is THAT?

Contemporary American nationalism has, by comparison with many other nationalisms, certain peculiarities based on the fact that, as the blunt expression goes, “We are a nation of immigrants”. Of course, there are Native Americans, descendants of the original inhabitants, but their numbers are very small, the result of various kinds of genocide (I mean genocide through infectious diseases as well as simple slaughter) and diluted by several centuries of sporadic intermarriage with non-natives. More important, though, is the fact that the lands from which the immigrants came are diverse, although until now mainly European. So, the Trumpian effort to rekindle xenophobia, which is very real and supported even more blatantly and enthusiastically by many of his core followers than by Trump himself, encounters the problem of just how to identify the *ξένοι*. In the infamous march in Charlottesville, Virginia, Jews were explicitly called out. It would have gone without saying among those marchers that Mexicans and other Latin Americans, Moslems of all ethnicities, as well as African-Americans were on the side of the invading enemy – remember that Trump himself, in the years before he became a Presidential candidate, kept insisting that Barack Obama had been born in Kenya – but some lines are difficult even for radical bigots to draw. Up to a century ago there was extreme animosity toward Chinese, and before that it was the Irish who were especially hated, and before that... well, racial hatred has always been an important, although in retrospect often underestimated, aspect of American history. If making America great again means, among other things, resurrecting a gloriously xenophobic past, as it certainly seems to mean in the minds of hard-core Trumpians, then there is abundant material available, but the problem of just who the internal enemies are remains a serious one. It must be resolved soon: It is generally agreed that the portion of the American population that is not purely white will reach over 50% by the year 2050, and probably sooner.

In fact, as I have noted in my abstract, we know who the enemy is: ourselves. Make no mistake: The level of political antagonism among Americans has not been as high, in all probability, since the Civil War as it is now. I am sure that I have never before heard such unremitting

negative criticism of a President and other politicians by major commentators on television as one hears constantly now. Increasingly, one hears some of those commentators – such as Bob Woodward, the highly-respected journalist whose latest book, *Fear*, has just been published, or the former national security director, James Clapper – express real fears of their own that serious dangers lie ahead, given the President’s lack of self-control, childishness, and sheer lack of knowledge of political realities. The President, for his part, is constantly sending out tweets denouncing his enemies, who are legion, and calling them by disparaging names. And the list of those who have worked closely with him and who have more recently confessed to various forms of criminality grows weekly, or so it seems.

Perhaps, say the optimists, Trump’s tendency to create chaos is in fact a clever ploy on his part; perhaps he is not nearly so stupid as he appears. After all, he did win the election – although it is universally agreed now that he did not expect to do so – and he has suggested in his ghost-written book about making deals that the creation of a certain degree of chaos is part of his *modus operandi*. The example from Trump’s Presidency that is most often mentioned in this context is the amazing course of his relations with Kim Jong-un, from Trump’s threats of raining “fire and fury” down on North Korea, to a seemingly cordial relationship – which could, of course, revert to fire and fury at any time.

The Roman parallel that first comes to mind in regard to Trump’s love of chaos is Nero. Like Trump, he took on the role of an actor from time to time, and he is rumored – although one writer, Tacitus, was somewhat skeptical of the rumor – to have started the great fire that consumed large parts of the city of Rome. In any event, the destruction of the mansions on the Palatine Hill that was one result of the fire allowed Nero to build an enormous palace, the Domus Aurea, replete with a huge statue of himself. In fact, it can be argued in general that Nero made Rome, which might have been expected to have suffered a serious setback by virtue of the fire, even greater after it – although it is true that he himself did not live many more years. Perhaps, more than being our Mussolini, Trump is our Nero, or at least would aspire to that role if he knew enough history.

In the last analysis, there is some reason to doubt Trump’s qualifications as the embodiment of America nationalism that he pretends to be. No, I am not claiming that he was born in Kenya – although the Borough of Queens in New York City, where he was born and grew up,

seems rather foreign to someone like myself who was born in the Borough of Manhattan – but his mother came from the very land of Scotland whose inhabitants built their wall to keep out of Roman Britain, and Trump first married someone from beyond the Roman *limites*, namely, Slovakia, and is currently married to someone from the borderlands of Roman territory, namely, Slovenia. What sort of true nationalist is he who marries foreigners? Hard-core American nationalists, such as David Duke of Ku Klux Klan fame, have found Trump's Presidency to be extremely useful for their cause, but they do not exactly regard him as one of their own. After all, they like to think that the Klan has certain standards to uphold.

When contemplating Trump's slogan, "Make America Great Again", it is difficult for an Anglophone not to think of a very famous line from Shakespeare; As Shakespeare has one of his characters read in a letter given to him, "Some are born great, some achieve greatness, and some have greatness thrust upon 'em" (Shakespeare 2018, Act II, Scene V). America is so lucky to have greatness thrust upon it by its Horror Clown! Of course, the letter was a trick, successfully deceiving a very naïve character, Malvolio, in the play, *Twelfth Night*, and the same holds for the current situation (incidentally, it should be recalled, the setting of *Twelfth Night* is the Dalmatian Coast). Trump successfully deceived a certain naïve segment of the American population. One difference at this point is that Malvolio was thought mad and locked up (the fate that Trump wished for his opponent, Hillary Clinton) because Malvolio carried out certain intentionally crazy instructions as to how to dress, whereas up to the present time neither any of Trump's followers nor Trump himself has been confined as insane, although the process of imprisoning some of his former advisors has begun. In any case, while he may eventually succeed in getting us all blown up, until now Trump's attempt to thrust greatness back on the American people, who according to him were born to greatness but somehow lost it, is above all an illustration, on a grand scale, of Marx's famous comment about the second repetition of history constituting farce. Thank you, Marx! Thank you, Rome! And thank you, Shakespeare!

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Natalija Mićunović

False Hope of Transnationalism¹

Abstract

We think of transnationalism as a tendency to delegate local, national and regional problems to transnational bodies and extol their virtues as unquestionably unbiased, rational, expert informed, consensual, creating a system informed by Habermasian communication.

In the present state of world affairs, problems ranging from political, climatic, environmental and economic issues, to those concerning human rights infringements and biological and social diversity, are often seen as solvable through expert handling and mediated negotiations. The virtues of old-fashioned internationalism (of the Communist International, for instance) are dissolved in particularism and corporate style (because we need to understand the true nature of transnational institutions as corporations) identity politics.

Growing grassroots alt-right and mass populist low right movements attest to a disoriented rage towards the faceless acronyms (like IMF) deciding on millions of individual destinies. The hope of internationalism as the bright future of humanity is highjacked to a collection of phrases at worst and humiliating humanitarian aid at best.

Keywords: commons, inequality, transnationalism

■ It is important to distinguish the hope that is inherent in the vision of international solidarity, sometimes still glimpsed in the event of a global catastrophe, solidarity and humanist ideals best represented in the spontaneous protests, sometimes reaching global attention, and the “international community” residing in transnational organizations, which are keeping their importance in play through negotiations, where they factor in with their particular

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interests. We have to wonder: What went wrong with the cosmopolitanism, internationalism, globalism and transnationalism?

Let us look at actual activities of transnational institutions. For example, if the IMF is advocating privatization, that identifies them as a contrary force to transnationalism, or, at least, any true internationalism, and its nature as a multinational corporation and not a transnational institution.

In contrast to internationalism and with the constraints imposed on international relations by the transnational institutions, there is an expected turn to nativism as the policy of protecting the interests of the native-born or established inhabitants against those of immigrants, similar to local eating, and general flaky resistance to globalization.

In the relationships between different countries, different social groups and positions of different proximity to actual decision making, there is a growing inequality. Inequality is closely tied to all other problems; it is redefined by the importance of access to new technologies, new democratic practices and ever so scarce resources. The justifications of inequality by merit are redefined by what the merit is and, maybe even more, by the origin of income, property, inheritance, privilege or influence.

The generational gap between baby-boomer parents, co-conspirators of greed and privilege who still admit no wrong, and their millennial or whatever offspring who are given no hope, with doomsday clocks of all kinds looming over their heads, is heightened by the illusion that there once was a better future. The future in question and the struggle of recreating the world of their parents, put young people in a less fortunate position even when there are privileges granted to them, rendering them incapable of sustaining their status and wellbeing in the dystopian society in the making.

The lack of sheer understanding of what might be “in common” for different sexes, generations, classes and nations is fueling the divisions that are becoming dangerous.

Internationalism is essential in any attempt to solve any problem, yet, the divisiveness of nationalism stands in the way. Transnationalism failed because transnational institutions became either dominated by stronger parties in them, or became a ground of permanently contested negotiation. Negotiation is not cooperation. It

is a possible foundation for cooperation, but negotiations are oriented towards particular interests. As long as we believe that there is no society, only individuals, then we also believe that there is no international community, only nations. We are faced with a peculiar prisoner's dilemma: what is good for future generations is not the same with what is good for us now, and what is good for the planet does not correspond to what is good for individual nations. If everyone stopped using plastic tableware and eating meat, that would be good for the planet, but if only a handful of us do it, would we not feel like fools watching other people eat steaks and throw away their Styrofoam containers in regular trash? If every nation on Earth starts a carbon emission saving program, that would be good for the planet. However, what if just Scandinavian countries take it seriously, while a bunch of nuclear powers continue nuclear testing, would they not feel foolish? Those two levels mix, so when agricultural producers in France protest against ecological tax on their necessary-for-production diesel equipment, that is partly because they feel foolish watching Macron jet around the world. We come to an impasse because transnational institutions limited themselves to creating a negotiating ground, but did not develop a true international understanding of the common ground that is truly the *commons* of the world. I get so mad when I see golf courses and lawns being watered, that I refuse to try and save water to the detriment of my own comfort. Unfortunately, the natural resources and the social capital in terms of longevity, health, wellbeing and peace are treated like endgame in which winner takes all. Political discourse has veered so far from rational decency that no common ground is possible and political institutions, and, by extension, transnational institutions, have become so alienated from the needs and wants of citizens that their recommendations are not taken seriously.

Maybe the commonalities of humanity were overrated, and it is easier to find commonalities in smaller groups. Also, great opportunities that globalization created, also resulted in great temptations for unbridled greed and unfounded ambition.

New challenges arose from certain improvements in international relations that were not supported with enough foresight and good faith. Decolonization opened up a new market for transnational exploitation. Technological progress made advances in war and trade

quicker, and more difficult to counter. Introduction of indigenous cultures to the world stage relativized social standards based on customs particular to western culture. Financialization of economy, partially a by-product of digitalization, introduced spiraling economic inequality in national societies, as well as in the international arena.

The role of transnational organizations in the cartelization of global economy and its dominance over all other aspects of life-world is their integration of proposed standards into the system in such a way that the products thereof (treaties, recommendations, development projects) factor into the primacy of the managed delivery of all resources and their outputs to the global economy which is in turn dominated by increasingly financialized cartel. The values inherent in internationalism are reinterpreted as outputs of projects geared towards dominance and plundering of resources.

Inequality is integral to disintegration on the global level: disintegration of communities, institutions and ideas, and it is breeding nationalism. The loss of the very concept of commons is the loss of the ideal of humanity, without which, the sense of belonging reverts to race, gender, religious affiliation or something even less tangible, like a sports club.

Without redistribution, existent even in the maligned systems such as feudalism, it is impossible to sustain motivation for financialized output driven economy, and without a somewhat free market, it is impossible to even out, iron out, or just tame the worst dysfunctions of post-capitalism. Horizontal and vertical inequalities, with a parody of the merit system (i.e., giving ridiculously high bonuses to bankers), are detrimental to economy, life-world and decent, or even bare existence of a large number of people, rendering them dispensable. They also eliminate democratic adjustment in the political realm, creating no agent for global concerns. Outcomes are upon us: disintegration of the EU, the lingering of 2008 crisis, disintegration of political institutions, regression of the USA; nationalism and racism prevalent in the public discourse are products of the controlled agenda to divide and conquer but also of the new nature of social structures, leaving limited focus for *belonging*.

We need to look into the possibilities of restructuring the cosmopolitan agenda of humanistic movements in the changing landscape. The transformation of the nature of growth and the

value of sustainability over volume create a need for global institutions, more insightful and efficient than the ones we have. The economic downturn is met with austerity and aggressive, though rarely successful, attempts at growth, jeopardizing sustainability. Future is now more imminent and scarier than it was for previous generations. The global challenges, not only to the very existence, but to the soul of humanity, do not inspire enough cohesion in the global progressive movements to counteract the ever-growing powerplay between superpowers, including not only countries, but also production and exploitation cartels.

In order to truly understand why transnational organizations fail to perform their cohesive function better, we must look at the environment they are working in. The nature of capitalism is undergoing a change, the most profound change since the advent of corporate multinational capitalism as a more dominant mode of socio-economic exchanges than the traditional capitalism. The issues relevant to that change include innovations and technology, as well as the shift in the understanding of the relationship between representative and participatory democracy, and the understanding of the concepts of economic equality and economic justice.

Innovations and technology are relevant because we cannot pretend that bitcoin or a similar invention will not transform our financial transactions and the very understanding of the role of money in the economy. We can understand the nature of financial products for what they are: constructs in human exchange.

In this profound change, concepts of capital and labor, essential for study of capitalism, are transformed. Representative democracy is falling short of fulfilling its promise: that we will all have a say in decision making and that the decisions made will be for the best. As Piketty says in the conclusion to his monumental work on the economic controversies surrounding inequality, *Capital in 21st Century* (Piketty 2015, 625):

Dynamic development of market economy and private property, left to itself, leads to powerful convergence, especially connected to the development of knowledge and skill, but it also leads to divergence, potentially threatening our democratic societies and values of social justice they are founded on.

Participation of citizens in democratic processes linked to informed decision making, and not only in the election of representatives; as well as participative democracy and not merely representative democracy, are essential for quality citizenship and contribute to the real wealth, based not only on GDP, but also on Human Development Index.

Some of the past international movements were based on universal values which were expressed through shared interests. On the basis of belief that international relations can be mediated, at least to some extent, by the goals of those movements, transnational organizations, recognized as buttresses of international order, arose. International "community"/"order" is now ruled by the geopolitical dynamic of states' power play and is ostensibly mediated through transnational organizations like WTO, IMF, World Bank, EU, OPEC, OSCE, CoE, UN (UNESCO, UNDP, UNICEF, UNWOMEN, UNFDPA, UNHCR), NATO, international courts, etc. Transnational organizations, due to the power play between nations, corporate nature of their functioning and a lack of sincerity about universal values, did not deliver internationalism in the sense of non-nationalism. In dealings between nations, competition outweighs cooperation which was supposed to be fostered by transnationalism.

How did transnational institutions develop their corporate nature? Once upon a time, after the hidden collapse of the post-WWII financial and economic order which had occurred in the 1970s, the managerial style became corporate, meaning that the focus of economic activity did not include wide spread prosperity, but rather narrowed down to serving the profit beneficiaries. That was not essentially new, but the style that accommodated disregard for the actual national interests in, say, destroying food sovereignty, was the consequence of alienation of national, i.e., political power from economic power. Therefore, political power became just a tool in increasing economic power, influence being traded as commodity. Obviously, these were not inventions of that era, but technological and bureaucratic development accelerated it.

Going back to nationalism is a way to confirm values (national, religious, traditional, for the lack of any universal ones) and fulfil interests (national, class, etc.). That is why we see a number of new (or recycled) grassroots movements that are xenophobic and

entrenched in the nationalistic perspective on history. Global protest in the spirit of true internationalism is in part impossible because of all the bits of incomplete contradictory information floating around, which make little drops of protest less likely to coalesce, as well as the “modern way of life” which seems like a waste of life on administration and entertainment. The way of life that requires constant vigilance against predators and distraction from thinking cannot truly be called progress. Protests of any kind develop from a feeling of resistance to injustice, a feeling grounded in natural understanding (Hume 1975, 186):

Suppose a society to fall into such want of all common necessities, that the utmost frugality and industry cannot preserve the greater number from perishing, and the whole from extreme misery; it will readily, I believe, be admitted, that the strict laws of justice are suspended, in such a pressing emergence, and give place to the stronger motives of necessity and self-preservation. Is it any crime, after a shipwreck, to seize whatever means or instrument of safety one can lay hold of, without regard to former limitations of property?

Hume explains here why the feelings of injustice, although they initially extend to include the reaction to the he injury to others, get severely constricted in dire straits. Creating the appearance of scarcity works both ways –mobilizes us for the common good, but also makes us competitors in the common market.

Global protests did not develop because there is always a promise of a better life, if you only make it to Sweden. Because the “5th rider of the apocalypse is stupidity” (BBC’S MASH report), there is no understanding of commonalities that transcend the narrow nationalistic interests. Fragmentation of resistance is also the result of fragmentation of shared values and interests. There does not seem to be an understanding that there is no true personal interest if, by virtue of loss of values, the integrity of person is lost. Different groupings of interest groups and identity groups, with little overlap, make it impossible to make a coherent plea for justice. There may be an impression that something on that path is gained, for instance in #MeToo campaign, but that is the confusion PR campaign makes, it cannot, by itself, bring justice or societal change. The appearance

of it collapses with different identifications with other groups, as in women who sided with Trump and/or Cavanaugh. The political choices, with politics being reduced to a segment of PR industry, remain divorced from any core values and interests. The diversification of political groups in accordance with the perceived interests and values, makes for the lack of any common ground, making it difficult for compassion to play a role, with the lack of universal understanding. Corporate structure encompassing transnational organizations, on the other hand, makes for actions that ignore particular interests in pursuit of organizations' goals. In a way, it is an old argument that social discontent breeds fascism, but always played out a little differently. This wave of new right-wing, intolerant authoritarianism is a product of global society undergoing rapid change due to enhanced interconnectedness. It is different in appearance from the classic totalitarianism due to the change in the way in which propaganda is disseminated, and the speed of economic change due to technological advancement in production and trade. Transnationalism is at the center of it, because its role changed from a regulatory, inter-state negotiating tool, to imposition of models of distribution and enforcement centralized as cartel-type interest groups. National interests, still blamed in the PR campaign for allowing corporate interests to invade the Earth, are misrepresented and hollowed out, as if the sustained peace and prosperity are outranked by dominance and aggressive accumulation of wealth (Varoufakis 2018):

Meanwhile, independently of establishment politicians' aims and their ideological smokescreens, capitalism has been evolving. The vast majority of economic decisions have long ceased to be shaped by market forces and are now taken within a strictly hierarchical, though fairly loose, hyper-cartel of global corporations. Its managers fix prices, determine quantities, manage expectations, manufacture desires, and collude with politicians to fashion pseudo-markets that subsidize their services. The first casualty was the New Deal-era aim of full employment, which was duly replaced by an obsession with growth. [...] The result is not only unnecessary hardship for vast segments of humanity. It also heralds a global doom loop of deepening inequality and chronic instability.

Considering international organizations as corporations is seeing what went wrong with the ideals of internationalism (Palladino 2018):

Legal rules that define and commit corporations have changed a lot since the founding of the United States and Wilson's era. Corporations today enjoy many of the constitutional protections that were once reserved for individuals. Wilson's comment is worth repeating because it is still true today: privileges given to large corporations are precisely this – privileges, not rights – privileges granted by the *state* in order for corporations to achieve objectives of general interest that would otherwise be difficult to achieve. Hence it follows that if corporations exist because we, as a people, allow it, then their existence should be conditioned by the satisfaction of our needs. [...] Today's corporations have retained the privileges and lost the public purpose. They cut employee costs to as low as possible, so that workers can't make enough to sustain their families. They outsource work so that people who used to make a fair wage and benefits as employees are forced to work as independent contractors. They use technology to invasively monitor workers. All of this, along with the attacks on unionization, keeps worker bargaining power as low as possible.

New forms of nationalism, xenophobia and national identity are manipulated as replacements for, let's say, professional and class identity. In so called culture wars, two kinds of identity are emphasized: racial, national, ethnic, regional and tribal, as well as sexual, political and cultural, as opposed to class and/or professional identity which corresponds to interests. This is the reason that political culture involves even more irrationality than before, since the interests of the voters are not in play, only their feelings of belonging. The need to belong is strong, and in the absence of groups that can express authentic needs, the identification with national, ethnic, racial, sexual and cultural history, is often the only option; "[...] it is doubtful that our sense of identity as members of a species is strong enough to overcome our sense of identity based on difference" (Ignatieff 2001, 130).

We may wonder why inequality is integral to disintegration on the global level, disintegration of communities, institutions and ideas,

and why does it breed nationalism? There is growing evidence that inequality brings about instability. Inequality, reaching new heights and distinction in scary outcomes for future generations, is going to be exercised at pre-natal level. The technology that allows it already exists, though we may not be aware, it may already be in use. Although it is amply shown in serious research that the economic conditions substantially correlate with early prospects, one of the basic tenets of the prevailing neo-liberal ideology is that merit is the major generator of education, income and general success. That makes it less appealing to foster cooperation instead of competition. Institutions and communities depend on cooperation to develop in a meaningful way, as they cannot be sustained through hierarchy and competition alone. Because the need to belong is strong, it is then expressed through different kinds of exaggerated group identities. The frustrations present in large segments of different populations are sometimes expressed through extreme nationalism, where the mere presence of others (women, refugees, migrants, other races, other sexualities, or simply people from the other side of the tracks) is seen as an unfair (notion of fairness being suspect anyway) threat that has to be addressed by a higher degree of cohesion in the group mobilized against the threatening others. What do they threaten? Something that rightfully belongs to us, *our* commons. This displacement makes it even less likely to see that the commons are disappearing in the narrowing top 1% of owners of financial (real and ghost money), natural (land, water, ore) and social (technology, health care, education) resources.

The loss of commons is the loss of the ideal of humanity, without which, belonging reverts to groups identified by race, gender, and of course, nation. Without redistribution, existent even in the maligned systems like feudalism, for example, it is impossible to sustain motivation for output driven economy, and without a somewhat free market, it is impossible to develop.

Nationalism's strongest divisive properties are needed to feed both the inequality and instability. It provides for enemies, within and without, to allow for the calls for sacrifices needed to overcome the danger, to punish the lazy and to exclude the people who could possibly coexist with us in solidarity. Austerity is the price we pay for permissiveness in allowing others (poor, manual workers, servants, darker skinned people, females, homosexuals,

artsy, bookish or simply different people) to share in the commons of our own device, to infringe on our birth right, to play the capitalism game for which they are not equipped by legacy, temperament and our understanding of fair play. The commons must be defended, our land must remain Christian (or Muslim, patriarchal, white, straight, traditional), our recognition of our value as individuals and as a community (what Americans call exceptionalism) is embedded in sharing the spoils: “Moral integrity is crucial to the actions of the humanitarian empire” (Douzinas 2009, 187).

So, commons exist, but not for just anybody. Feelings of entitlement sometimes make a confusion of rights and privileges. Speaking of rights, rights can be universal like human rights, belong to a certain community like civil rights, or be the result of merit. The notion that really is at risk is merit. Speaking of income, it can come from labor (merit), from property (rights), and from influence (privilege). Speaking of universal income, like the embodiment of social rights that European institutions often praised (see European Social Charter 2019 and European Commission 1997), it is the extension of welfare and exclusion from the labor force of certain parts of the population, needed with the lessened need for workers. Lauded as practically a communist idea in its generosity and inclusion, it is actually a fraction of the cost of unemployment and unrest, and keeps the streets clean, but, depending on its implementation, can have consequences similar to multigenerational welfare.

The argument for meritocracy fails in the growing inequality (Stewart 2018):

The meritocratic class has mastered the old trick of consolidating wealth and passing privilege along at the expense of other people’s children. We are not innocent bystanders to the growing concentration of wealth in our time. We are the principal accomplices in a process that is slowly strangling the economy, destabilizing American politics, and eroding democracy. Our delusions of merit now prevent us from recognizing the nature of the problem that our emergence as a class represents. We tend to think that the victims of our success are just the people excluded from the club. But history shows quite clearly that, in the kind of game we’re playing, everybody loses badly in the end.

The hope that transnational institutions will play the role of universal arbiter, just by equalizing arbitration, that UN, EU, IMF and similar acronyms will help fix what is wrong and particularly dirty at home, is para-religious. We hope to be given absolution (sometimes we do, of debts), to see the light and be completely transformed in our dirty habits. It is intended to police and replace humanism as the grand idea, so that we can isolate “monsters” in the remote parts and preserve privilege, quaintly called “our way of life”, understood as our birth right.

For us to rethink development and truly understand sustainability, is impossible if we keep all matters of international relations, financial transactions, trade rules and commercial practices secret as private deals between powerful wise leaders and complicated expertise of consultants. Ideological thinking: blind market faith, belt tightening and money fetishism are ruinous; instead, we can value people, nature, resources and history, future and knowledge, above mesmerizing numbers of commas in bank accounts.

There is a global trend of alienation of expert culture, especially in the financial sphere, from general socio-economic mainstream, and the concept of equality is one that is, in the core of its meaning, under attack of social policy that diminishes its content. We will need all the strength of our minds and imaginations to resist the urge to follow spiraling, toxic financial takeover of natural, economic, human and social resources.

As productive participants in the economy (laborers and such), we should not ascribe value to vacuous and dangerous speculation, since labor is an intrinsic part of value; and as citizens, we should not acquiesce in “manufacturing of consent”, lest there remains nothing of value to consent to. As Yanis Varoufakis says: we should be wary not so much of Greeks, as of International Monetary Fund bearing gifts, which dismantles public sector, demands sale of public assets and shrinking of institutions (Varoufakis 2013, 108):

The IMF happily offered to lend money to governments for the purposes of repaying the Western banks, but at an exorbitant price: the dismantling of much of their public sector (including schools and clinics), the shrinking of the newly founded state institutions, and the wholesale transfer of valuable public assets (e.g., water

boards, telecommunications, etc.) to Western companies. It is not at all an exaggeration to suggest that the Third World debt crisis was the colonized world's second historic disaster (after the brutal experience of colonization and the associated slave trade). In fact, it was a disaster from which most Third World countries have never quite recovered.

It is justified as a prerequisite for growth: "According to IMF development theory, growth results from the supply side incentives given to private investors" (Henry 2016, 154).

The disaster is not in our wallets as much as in our minds. As feminists claimed that personal is political, it is clear that financial is not mathematical, it is political. There are two advantages of "getting technical" for those who do so in arguments: majority of people did not do well in math and physics in school and are easily intimidated by numbers and formulas; and it cloaks the outrageous immoral intentions in the "mandatory by the facts, nothing personal, dear, we just have to follow rules, numbers, facts, technical details" statements.

Even feeble attempts to transcend national identity failed, in the biggest ever experiment to create a transnational entity (Mićunović 2015, 30):

European identity is a concept that is at best derivative and at worst empty. EU identity is based on an association of disparate states, not paying enough attention to non-members, even very influential and present in Europe in presenting its identity. Linguistic policy [...] shows a certain self-important insistence on members only communication, and no recognition of value of the fact that universal humanitarian ideals are not only European. The most important failure of EU is that there was never any effort at state-building, much less nation-building, because Europe is not a nation. EU could have a function as transnational organization, but it is more than that, so it should aspire to more togetherness than, say, World Trade Organization. The best and least painful way to integrate Europe more would be through creation of a common cultural space, but, due to its structure as a union of fiercely independent, consensus dependent nation states, which try to keep their

cultures isolated as if it was possible, disintegrative processes are actually aided by cultural policies of member countries and EU as a whole.

On the other side of the spectrum, there have been more success, but not of the good kind. Members of neo-Nazi, neo-chauvinists, skinheads and other groups that engage in “dispersing perverted people” differ from members of real communities in their negative rationale for the bond. If “a family is a group of people who hate each other because they have to live together”, as a cynic said, then politically and socially incorrect group is “a group of people who are together because they have to hate”. With all assurances from street gangs and neo-Nazi groups that they can represent a family to young people who join them, it is not the truth, because there is no connection based on love and affirmative validation (without a necessary confrontation with the enemy) which is essential for a family.

Nation states are experiencing a crisis of legitimacy. The old “nationalism of citizenship” as well as ethnic “blood and soil” models do not correspond anymore to the thoughts and feelings of many people who are in search of belonging, protection and aspirations that nations could provide. Alienation is taking new forms of escape in the virtual reality that has more powers of persuasion and more links to actual lifestyles of many people than any previous popular phantasy. The total (dis)information space creates feelings of frustration fostered by the lack of opportunities in real, accomplished communities.

I will let Edward Said conclude for me (Said 1993, 264):

There is a great deal of hope to be derived from this [assertions of ethnic particularities were not enough, just as solidarity without criticism was not enough] if only because, far from being at the end of history, we are in a position to do something about our own present and future history, whether we live inside or outside of the metropolitan world.

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Paget Henry

The Rise of American Xenophobia and the Decline of the Global Minotaur

Abstract

The primary aim of this paper is an exploration of the economic underpinnings of the turn to the far Right in the U.S., which began in the early 1980s. It will link the xenophobic elements of this turn to perceived industrial and financial challenges to the dominance and functioning of American capitalism. The paper will make use of Yanis Varoufakis' concept of a "global Minotaur" to analyze these challenges. Finally, it will link this xenophobic episode to earlier ones, to reveal a well-entrenched pattern in American politics.

Keywords: deficits, Global Minotaur, surplus recycling mechanisms

■ The political history of the United States has been marked by a pattern of repeated outbreaks of intensive xenophobic conservative thinking and political action. The specific events that triggered these episodes have been quite varied in nature. However, in spite of these variations in specific contents, at the heart of these xenophobic outbreaks has been heightened forms of what Richard Hofstadter has called "the paranoid style in American politics" (1967, 3). Constellated around this core of a paranoid response to a perceived threat or crisis are claims of major local and international conspiracies to take advantage of or destroy the American way of life. These claims are then fleshed out in varying degrees of coherence, with the aid of rhetorics of loss, nation, race, subversion, and impending doom.

Since the early 1980s, the U.S. has embarked on another far-Right turn, which has drawn extensively on this paranoid style, and in the process of its development has unleashed rising levels of xenophobia, anti-Hispanic, anti-Muslim, and anti-black racism. First, this conservative turn was a response to the leftist turn of the 1960s and 70s, which were marked by the African American Civil Rights Movement and Black Power Movement, the Student

Movement, and the Women's Movement. These movements were expressions of what we can call the progressive style in American politics, which has consistently exposed the practices of class, race and gender inequality that have supported American capitalism.

At its core, this progressive style has been motivated by drives for social and economic equality and the deepening and extending of liberal democratic practices. The passage of the Civil Rights Act (1964), the Voting Rights Act (1965), and the legalization of abortion (1973) were symbolic of the changes produced by these movements.

This paper explores the economic foundations of this current episode of American xenophobic politics and shows its roots in earlier episodes of this type of politics.

The Paranoid Style in American Political History

Before we examine in detail the impact of the decline of the Global Minotaur on the American conservative paranoia, it is both necessary and useful that we take a closer look at some cases of earlier outbreaks. The events that triggered these outbreaks were usually significant changes in the order of everyday life that were perceived by a social group as negatively impacting their cultural status, political power, class, gender or racial position. As a result, the specific contents of particular xenophobic outbreaks would vary, but the style of thinking remained fairly constant with many of the arguments being recycled from the discourses of earlier episodes. Hence it is possible to reconstruct the history of the xenophobic episodes in America and to observe patterns of continuity and discontinuity.

Fortunately for us, scholars such as Bernard Bailyn (1977), Gordon Wood, Richard Hofstadter, and Larry Tise (1987) have laid important foundations for a historical reconstruction of the major periods of political xenophobia in American history that preceded the one that we are currently going through. Larry Tise identifies some of the earliest cases of xenophobia in the responses of many Euro-Americans to the Africans their fellow citizens were importing as slaves, and also to the resistance of Africans to their

enslavement. This resistance threatened to disrupt the class and racial hierarchies of colonial American society and thus elicited extreme responses from the Euro-American population. Tise excavated these early cases of xenophobia from the proslavery literature, which began to develop as early as the 1680s. As an instance of this, he discusses the response in 1700 of jurist John Saffin to an anti-slavery pamphlet, *The Selling of Joseph: A Memorial*, which had been written by another jurist, Samuel Sewall.

Saffin defended his right to own slaves on the grounds that “any lawful Captives of Other Heathen Nations may be made Bond men” (Tise 1987, 17). In the case of free Africans, he asserted: “if there be not some strict course taken with them by Authority, they will be a plague to this Country” (17–18). Thomas Jefferson will express basically the same view of Africans in his 1785 text, *Notes on the State of Virginia*. This right to enslave non-Europeans, Saffin justified by the assertion “that God had set different Orders and Degrees of Men in the World” and thus built racial inequality into human societies. Third and finally, Justice Saffin argued that slavery was a necessary and venerable institution; that some humans were “to be High and Honorable, some to be low and despicable; [...] yea, some to be born slaves and so to remain during their lives” (Tise 1987, 17). In short, both the presence and the resistance of Africans were important triggers to these early episodes of xenophobia in American political history.

Anti-British Paranoia and the Origins of the American Revolution

After discussing the case of African slavery in colonial America, Tise takes up the case of the American Revolution of 1776. Drawing on Bernard Bailyn’s work, *The Ideological Origins of the American Revolution*, he argues that a powerful driving force behind the anti-colonial republicanism of this revolution was a firm belief in a well-conceived and ongoing plot by British cabinet ministers to subvert the rights and freedoms of British subjects throughout the empire. In other words, Bailyn suggested that the motivating energy behind the American Revolution was paranoid,

fear-driven counter-subversive movement to stop this imagined British conspiracy. In this regard, Timothy Dwight and Vice-president John Calhoun come to mind. Both articulated theories of American government that were sharply to the right of Jefferson and the other founding fathers.

The French-Illuminist Episode

Following discussions of the paranoid elements in the making of the American Revolution, scholars like Tise and Hofstadter turned to the outbreak that gripped the nation in the 1790s, just a decade and a half after the revolutionary war. Both date the onset of this episode to November 1794, when Rev. David Osgood and others publicly suggested that “a French-American conspiracy might be in the making to undermine Federalist rule” in America (Tise 1987, 199). In spite of little concrete evidence, the fear of a vast French conspiracy continued to grow over the next five years. These fears were fed by constant references in sermons, like those of Jedidiah Morse to Bavarian Illuminati conspiracy to support the French Revolution and subvert existing social orders. In 1799, Rev. Morse falsely claimed that groups based in France and Virginia were planning an invasion of America with Black soldiers from Santo Domingo (Tise 1987, 200). Thus began a five-year xenophobic episode that mobilized an intense campaign against Illuminist and French revolutionary influences.

Timothy Dwight, the Infidel and Post-revolutionary Conservative Thought

Building further on the Bailyn-Wood reading of the American Revolution, the next case Tise analyses is the outbreak that centered around Timothy Dwight. In Gordon Wood’s view, the Constitutional Convention of 1787–1788, which created the American nation out of the earlier confederation of ex-colonies, was also the death of the revolutionary ideology as a working political force. He suggested that aristocrats and Federalists, under the cover of

revolutionary rhetoric, blunted the radical democratic thrusts of the revolution and subjected them to an elitist social ordering (2009, 31). This they were able to do by appealing to fears projected onto the popular forces released by the revolution. With fears of French influence still lingering, abolitionist sentiments smoldering, atheism and Jeffersonian democracy on the rise, the projected fears were that all of this popular activity would result in American democracy degenerating into mobocracy. Real or imagined, this sense of a new and now largely internal crisis subverting and threatening the very order of American society once again, became the creative and motivational force behind the conservative thinking that would replace the political thinking of the revolutionary period and the decade after.

The individual whose life and works best reflected this conservative and xenophobic turn was the Rev. Timothy Dwight. Dwight, a distinguished Congregational clergyman, was president of Yale University from 1795–1817, and was often referred to as “the Pope of Connecticut”. Like many Americans of his generation, the youthful Dwight was a strong supporter of the revolution, and celebrated the birth of the nation in his epic poem, *Conquest of Canaan*. America was the new Canaan, King George was Satan, George Washington was Joshua leading his people into the promised land to fulfill their manifest destiny. It is interesting to note here that in the African American tradition America was not the promised land of Canaan, but Egypt in which they were enslaved, and thus were hoping for a Moses to lead them out of bondage (McTaggart and Bottorff 1969).

However, as already hinted, Dwight’s progressive embrace of the revolution was short-lived. As the practical difficulties of everyday governing increased, regional conflicts of interest widened, and ideological and internal religious differences multiplied, the xenophobic fears and the paranoia around British anti-American machinations that drove Dwight’s earlier writings were replaced by the conspiracies and machinations of the American masses, atheists, and radical democrats. These groups were seen as still under the influence of French and other Enlightenment thinkers, and were categorized as “infidels”. This dramatic shift in the configuration of the conspiratorial forces can be seen in his poem, *The Triumph of Infidelity* (1969).

To counter this perceived triumph of infidelity, Dwight's primary prescription was much greater respect for status hierarchies and the established social order. Thus, he developed ideologies and outline creative visions in which the older social relations between the classes and other social groups were restored, and governmental authority returned to almost monarchical levels. As his poem *Greenfield Hill* makes clear, these imagined restorations were to be effected through the increased presence of religion, and church's control over education and the state (1969). In this conservative counter-subversive response to the infidels, which lasted until the start of the Civil War in 1861, not even slavery escaped Dwight's crackdown. Anti-slavery resistance became another case of infidelity.

Joseph McCarthy and the Communist Conspiracy

Between the Civil War and the 1930s, there were other outbreaks of xenophobic politics such as the anti-black terrorism that saw the birth of Ku Klux Klan and the Jim Crow apartheid order in the American South. However, the next and last major outbreak of conservative xenophobic politics that we will examine before turning to the current episode is the well-known anti-communist one. Richard Hofstadter dates the onset of this episode to the period after 1939. This particularly intense episode peaked with its McCarthyist phase, which was followed by the Barry Goldwater campaign for president in 1964, and then declined to make way for the progressive period of the late 1960s and early 70s.

The conspiracy at the heart of this particular outbreak were the efforts to undermine American free capitalism that conservatives perceived in the New Deal reforms of President Franklin Roosevelt. This program was seen as part of a broader conspiracy to bring the American economy under federal control, as a step on the way to socialism and communism. As evidence of this threatening conspiracy, right-wing conservatives saw the top layers of government, economy, education, the press, and church as being thoroughly infiltrated by communist conspirators. In 1950, McCarthy declared that he was aware of 205 card-carrying members of the American communist party, who were working in the State

Department. As in the case of Timothy Dwight and the French-Illuminati conspiracy, McCarthy's speech triggered one of the biggest outbreaks of paranoid politics in American history. Thus, many of the people who got caught in the contagion, saw such well-established center conservatives as President Dwight Eisenhower, General George Marshall, secretary of state and author of the Marshall Plan, and Arthur Burns, head of Eisenhower's Council of Economic Advisers, as all being parts of this international conspiracy to undermine American free capitalism.

Using the House Un-American Activities Committee, McCarthy launched a series of investigations of individuals who were suspected of being part of this vast international conspiracy. Many were brought before this committee, made to testify about their relationship to the Communist Party, with hundreds being blacklisted. Among those blacklisted were Albert Einstein, Linus Pauling (Nobel Laureate in Chemistry), Bertolt Brecht, Langston Hughes and W.E.B. Du Bois. These hearings exposed the paranoia driving this outbreak of xenophobic politics and eventually led to its decline. However, many of its supporters, such as William Buckley, would go on to become major contributors to the Goldwater campaign, and also to the start of the current episode of conservative xenophobic politics.

The Rise of the Global Minotaur

As in the case of the McCarthy conspiracy, the paranoia produced by the decline of the global Minotaur was triggered by challenges to American capitalism that raised anxiety levels of the Right. In addition to the transformative impact of the progressive movements noted earlier, significant changes were also occurring in the American economy. Primarily because of the cost of the war in Vietnam, in 1971, the U.S. was forced to abandon the policy of its dollars being backed by gold. Deficits in international trade and in the budget of the U.S government began to accumulate, as the automatic adjustment mechanisms of the gold standard were no longer in effect. Later in the 1970s, a stagflation crisis emerged that disrupted the equilibrium of the Keynesian-managed

American economy. At the same time, there were sharp increases in Japanese competition in areas such as autos and consumer electronics, dramatic increases in oil prices contributing greatly to the problem of third world debt. As third world debt approached crisis proportions, economists in these countries radicalized the principles of Keynesian economic management to produce dependency theory, strategies of delinking and a call for a New International Economic Order (NIEO). The American economy of the 1960s could not survive these disruptions and challenges unchanged. It had to respond in order to restore its normal functioning and also its hegemony. This response was the neo-liberal globalization of financial and commodity markets.

Within this framework of neo-liberal globalization, the U.S. began offshoring significant portions of its industrial sector in response to Asian competition. Roger Alcala referred to this development as "the fall of Galbraith's New Industrial State". Galbraith's book, *The New Industrial State* was a classic account of the American economy of the 1960s before the disturbances of the 70s. The gap left by this fall was to be filled by what Alcala called "the new economy" of e-commerce with companies doing business on the newly created internet. However, the 2001 collapse of the first generation of these "dotcom companies" was the first of several developments that have delayed the emergence of this new economy. Like nature, economies abhor vacuums. Thus, into the vacuum created by the fall of the declining industrial state and the delays in the rise of the new economy, rushed finance capital, which was not burdened with the competitive and technical demands of industrial production. Thus, by the mid-1990s, finance was clearly the dominant sector of the American economy. To make this change work, the leading companies in this sector had to find, in the words of Costas Lapavistas, ways of "profiting without producing".

To profit without producing, this sector would have to create a debt-driven economy, one in which the other sectors of the American economy would be indebted to it, thus enabling it to accumulate capital via interest payments and other fees for a variety of services. The classic example of this strategy of indebting other sectors to it was of course the housing sector and the creating of massive amounts of credit in the form of subprime mortgages.

This financializing of the housing sector was facilitated by the fancy “financial engineering” that claimed to be able to calculate risk, thus making possible new financial products such as mortgage-backed securities, and collateralized debt obligations. These in turn became new sources of credit creation for other sectors of the economy and economies abroad. Not only was the housing sector financialized in this way, but also Third World debt and Third World development. These became major sources of profit without producing, as interest payments flowed from the periphery to these new financial centers of global capitalism. Yet another area of credit creation and financialization was higher education. This resulted in record levels of student loan debt, which now rivals credit card debt. This was the *modus operandi* of the financial sector that had replaced the highly outsourced and offshored industrial sector.

Vital to the functioning of this new financial sector was the phenomenon that Yanis Varoufakis has called the “Global Minotaur”. It is a reference to the half-human, half bull creature owned by the King Minos of ancient Crete. Because of its unusual nature, the Minotaur had to devour regular supplies of human flesh. As part of the surplus that King Minos demanded from his conquered territories was a number of boys and girls to be sacrificed to the Minotaur. The latter is thus a symbol of a hegemonic geopolitical balance of power, “a particular form of political and economic equilibrium straddling vastly different, faraway lands” (Varoufakis 2015, 24).

The rise of Varoufakis’ modern global Minotaur was closely linked with important trade and financial consequences of the U.S. having to abandon the gold standard in 1971. The rules of the gold standard were such that trading nations could not accumulate massive surpluses or massive trade deficits. Thus, in the post-1971 period many countries, including the U.S., began accumulating massive trade and budget deficits, leading to dramatic rises in levels of indebtedness. Most countries, particularly in the third world, ended up going to the IMF and being subjected to processes of neoliberal structural adjustment. In the case of the U.S., things were different. Instead of implementing policies to reduce its deficit, “America’s top policy makers decided to increase both deficits liberally and intentionally” (22).

They were able to do this because, in spite of going off the gold standard, the American dollar remained a world reserve currency and thus one with which trade gaps could be closed instead of gold. This gave the U.S. the option of using its own money to close its twin deficits with surplus producing countries like Germany, Japan and most recently China. As these countries kept increasing their output of goods destined for American markets these widening trade gaps would be closed, not by an outflow of gold, but with outflows of U.S. dollars. A very high percentage of these deficit-closing dollars that flowed into these surplus-producing countries “was then transferred back to the United States, in the form of capital flows to Wall Street”. These returning dollars were instantly turned into “direct investments, shares, new financial instruments, new and old forms of loans and, last but not least, ‘a nice little earner’ for the bankers themselves”. This systematic increasing and capitalizing on its deficits, as a way of re-balancing some of the trade disequilibria produced by the absence of the gold standard, was Varoufakis’ modern Minotaur in action.

Further, through this Minotaur strategy of accumulating capital on Wall Street through deliberately increasing the U.S. twin deficits as the dollar remained a reserve currency, contributed greatly to the processes of cheap credit creation, which seduced homeowners, corporations, students and consumers into significantly increasing their debt levels. These dramatic increases in levels of available credit produced the increased levels of indebtedness that led to the dominance of the financial sector. This dominance would continue until the crash of 2008, which would be a major factor in the further intensifying of the paranoid style in this episode of far-Right conservative thought that began as a reaction to the Leftist turn of the 1960s.

Allies of the Minotaur and the Current Episode of Xenophobia

To grasp fully the contents of this xenophobic episode, we must integrate here the new tensions arising from the social movements of the 1960s and 70s. We can think of these issues as allies

of the Global Minotaur in the making of the current period of conservative xenophobia. Among these allies, I will mention four. First was the unresolved anti-black issues left by the premature ending of affirmative action policies. Second was the intensifying contradiction between the growing demands of the U.S. economy for nonwhite immigrant labor, and the increasing resentment of the presence of these laborers. Third was the persistent discomfort with feminist politics of gender equality, and particularly with the legalization of abortion. Fourth, and final was the collapse of the managed disequilibria of global trading that the Minotaur was able to provide, while at the same time shoring up American economic hegemony. Together, these factors have come to constitute yet another deadly existential threat to conservative Americans, one so deep that it has elicited counter-subversive responses similar to those mobilized in the cases of the projected communist and Illuminati conspiracies.

Each of these supporting factors could be the focus of papers in their own right. However, to grasp the openly white supremacist language of current far-Right conservatives, we have to look carefully at the first of the Minotaur's allies. Carol Swain's book *The New White Nationalism in America* gives us a good look inside of these movements, and the issues that are driving them. One of the major triggering events that led to the rise of these new white nationalist groups was, of course, the Bakke case of 1978. This resulted in the striking down of affirmative action programs, but made no provisions for compensating African Americans for the centuries of exclusion and discrimination that amounted to a white affirmative action program. The failure of white America to acknowledge and address this historic injustice has remained a deep source of persistent resentment among African Americans, and also of alternatives such as the calls for reparations.

This initial white resistance to affirmative action has today mushroomed into a major ideology of "white nationalism", which calls for the separation of the races. Some of its major authors include David Duke, Jared Taylor, William Pierce, Michael H. Hart, Ben Klassen, and Michael Levin. For white nationalists, the separation of the races has become an urgent issue as the integrity and purity of the white race must be insulated from inferior Black and Brown

people, who mistaken immigration policies continue to let in. White nationalists believe that Black and Brown people “are morally and intellectually inferior to whites and Asians, and thus the more numerous and influential they become, the more American society will degenerate” (Swain 2002, 17). This is the mortal racial threat posed by current immigration policies, which has aroused this counter-responses and led to events like the 2018 march in Charlottesville, Virginia during which one person was killed, as well as to the reckless shooting of Black males by the police.

These increasingly hostile racial currents were reinforced by a growing religious fundamentalism, which was triggered in part by the legalization of abortion. It was an issue around which both Catholics and Protestants rallied. In addition, like Islamic and Hindu fundamentalism, Christian fundamentalism was also an anxious response to the rise in secular authority and thinking, that continues to increase with the modernization and globalization of national economies. This anxiety had to be projected onto some group or event, thus increasing the levels of paranoia and xenophobia in the U.S. It was to this anxious mix that the economic difficulties of the 1970s would add pressure of their own – pressures that would raise anxiety levels by increasing the feeling that the hegemonic white America of conservatives was in even more urgent need of rescuing.

This perceived threat to American economic, and thus political hegemony, brought to the fore in growing numbers the political and economic conservatives. In politics, we saw the rise of the followers of Leo Strauss, such as Paul Nitze and Samuel Huntington. In economics, the corresponding shift brought to power conservative economists like Milton Friedman, Friedrich Hayek, James Buchanan, and the associated fall of Keynes. Buchanan in particular attempted to revive the far-right theories of Vice-president Calhoun. These economists stressed debt and deficit reduction, cuts in government spending, downsizing the welfare state, and monetary policy as the only legitimate site of government intervention in the markets of the American economy.

These gathering conservative racial, gender, religious, economic and political forces really came together with the 1979 election of Margaret Thatcher in Britain, and the 1980 election of Ronald Reagan in the United States. With a president as leader, the

ideological war against liberalism, or the “L word”, by these groups went into high gear, and would peak by the end of the decade. Conservative monetarists were both attacking and replacing Keynesians in positions of power. By the end of the decade, liberal America was deep in recession and the ascent of this revived conservative movement was well on its way. The belief in an international communist conspiracy had waned significantly, and the focus was now on the cultural and political wars with liberals, insurgent Blacks and women – the new infidels, or new communists. However, by the end of the Reagan Presidency, both the debt and the deficit had only increased. Even conservatives could not do without the Minotaur, in spite of their views on the deficits. Dissatisfied with more moderate Republican Party leaders such as George W Bush and their failure to address the above key issues, this Movement continued to move further to the right, particularly in the period following the financial meltdown of 2008. These moves toward the Far Right; we can designate the Tea Party and the Trump phases of this Conservative Movement.

The Tea Party Phase

The Tea Party phase was triggered by the 2009 angry response of Rick Santelli, a CNBC commentator, to Obama’s decision to include mortgage relief in his response to the financial meltdown of 2008. Santelli accused the president of “subsidizing the losers” and proposed the formation of a Chicago Tea Party to protest government intervention in the housing market. The proposal caught fire immediately, attracting lots of disaffected Republicans, members of the Christian Right, the Militia Movement and the Birther movement – people who believed that Obama was not born in America and was a Muslim. The Tea Party, as a faction within the Republican Party took up with greater intensity all of the issues that more moderate leaders of the party were avoiding, including getting rid of the deficits and thus ending the dependence on the Minotaur. However, like with the Reagan and other Republican administrations, there was no felling of the beast, and, although severely wounded, the Global Minotaur continued to

concentrate in his hands, and devour the surpluses of other countries. These continuing failures pushed the movement toward outsider candidates who would shake things up.

Media support came from the popular Fox Television commentator Glen Beck, and radio commentator Rush Limbaugh, while major financial support came from the wealthy Koch Brothers. Soon Tea Party candidates were replacing established Republican figures within the party. This continuing movement to the right resulted in polls showing that Donald Trump and Ben Carson were ahead of long-time Republican figures such as Rand Paul and Mitch Romney. As a result of this trend's increasing momentum, Trump became the party's 2016 presidential candidate, ran against Hillary Clinton, lost the popular vote, but won Electoral College vote to become the president. Thus, began the Trump phase of this Conservative Movement.

The Trump Phase

To deliver on his cultivated image of outsider Far-Right Republican, President Trump would have to rattle some cages in ways that Republican presidents before him did not do. He would have to be more outspoken on racial, gender, political and economic issues if he was not to let down his Far-Right base. To get elected, Trump had to stoke and legitimate the feelings that Conservatives had about Blacks, immigration, gender issues and the deficit-ridden economy of the Minotaur. This he did very well, making racist remarks on public platforms that have not been heard since the campaigns of George Wallace. Most inflammatory has been the way in which he encouraged Far-Right and moderate conservatives to displace their anxieties over nonwhite immigration on to Mexicans. The calling of Mexican criminals and drug dealers and promising to build a wall on the southern border and make Mexico pay for it, was definitely a powerful symbol onto which Conservatives have projected their anxieties over felt treats to the whiteness of America.

In a similar way, Trump's leading role in the Birther Movement was another important symbol on which Whites and White Conservatives in particular could project their anxieties about America's

first African American president and what that meant in relation to the compensatory issues left unresolved by the premature ending of affirmative action programs. For anti-black racists, the Birther Movement was definitely a meaty bone that Trump threw at them. By keeping this movement going for so long when it was clear that its primary claims were false, exposed the projective nature of the politics that Trump is very skilled at. Further, by including the claim that President Obama was a Muslim was also an appeal to anti-Muslim racists. These anti-Muslim sentiments became much more explicit in his persistent attempts to impose travel bans on several Muslim countries, which were, however, blocked by the courts. Thus, on the racial issue, President Trump definitely turned up the temperature by giving voice, legitimacy and recognition to racial anxieties felt by many Conservative Whites, which have taken the form of strong, anti-Mexican, anti-black and anti-Muslim feelings.

These attitudes towards Blacks, Mexicans and Muslims made President Trump into a white supremacist symbol onto which conservatives could place their fears and hopes for the future of America. By taking on this role of a roaring aggressive white hero, who has pledged to “make America great again”, Trump has come to embody a racialized version of Varoufakis’ Minotaur. The image that he has cultivated and projected in his efforts to make America great again – “America first”, “buy American and hire American” – has certainly been that of a bully who uses force to subordinate all others to the imperatives of American economic and political dominance. In other words, these have been the racist attitudes that have supplemented President Trump’s efforts to restore the badly wounded Minotaur to its role of balancing the dis-equilibrated trade relations of America. However, this increase in the imperial force of the Minotaur has not been working very well, particularly since the rise of China.

As we saw earlier, with the rise of the Global Minotaur as world’s surplus recycler and the basis of U.S. economic hegemony, the global supply of credit increased dramatically after 1971. It was during this era of massive credit creation by the Minotaur’s surplus recycling system that China joined the WTO, and became a major plank of this system along with Germany, Japan, Taiwan and South Korea. Indeed, China soon became the biggest exporter to the U.S.

and an accumulator of major trade surpluses that were balanced with U.S. dollars. This was also the period in which “Chimerica” – a deep symbiotic relationship between the Chinese and American economies – came into being (Karabell 2009, 3). The billions of dollars that entered the banking systems of these countries increased the money supply and thus the credit available for new investments, education and consumer purchases. However, if not carefully managed, these dramatic increases in available credit are likely to create bubbles that will eventually burst and severely disrupt the functioning of these economies. This is one way to explain the Asian financial crisis of the 1990s and the 25-year period of deflation in the Japanese economy. Further, we can view the 2008 meltdown in the U.S. as the bursting of the housing bubble. With that layer of the Minotaur’s mountain of credit collapsing, the whole house of financial cards came tumbling down.

With this dramatic collapse in 2008, the reign of the Global Minotaur was over. Its recycling and credit creating activities were replaced by the coordinated actions of the central banks of the world’s major economies: The Federal Reserve, the Bank of England, the Peoples Bank of China, Bank of Japan, and the European Central Bank. Thus began 10 years of nursing the financial sectors of Western economies back to health with aid of policies like temporary nationalization, quantitative easing and artificially low interests.

Having thus been brought back from the brink, the question facing these economies was: what is going to be the way forward? Let us consider five options. First, are these economies going to continue with the dominance of their financial sectors? If so, how to overcome the obstacles in the way of this option? Second, should these economies attempt to recover their offshored industrial base? If so, how to overcome the obstacles in the way of this option? Third, should the state and the private sector form partnerships for investing heavily in the technologies of future industries now that credit is so cheap? If so, how to overcome the obstacles in the way of this option? Fourth is the popular conservative monetarist suggestion that a way must be found to have the market replace the government as the regulator of the money supply. What are the obstacles in the way of this option? Fifth and final, should the U.S. disrupt existing trade relations, impose a new trading regime on the

world, and in the process crush China as a rising hegemon? If so, what are the major obstacles in the way of this option?

As the current leader of this outbreak of paranoid Conservative thought, President Trump's post-brink strategy is clearly a combination of second and the fifth options. The trade surpluses of other countries and America's increasing indebtedness are no longer trends to be welcomed as sources of profit. On the contrary, trade surpluses and the offshoring of American industries are now evidence that the rest of the world has been taking advantage of the U.S., and this has to be stopped. These massive trade surpluses such as those of Japan and China with the U.S. must be reduced or balanced in some way. However, this settling of accounts will not be with the aid of a gold standard or some other automatic and impartial mechanism for recycling surpluses and reducing deficits. As in the past, Trump is insisting on America's right to deal with its surpluses and deficits as it sees fit and not be subject to the control international agencies or mechanisms. In the course of insisting on this right, Trump has resorted to threats and the use of pressure against old allies and trading partners, who have been accused of taking advantage of the U.S. Thus, he has threatened his NATO allies with leaving the organization if they don't contribute more, imposed tariffs on a number of EU countries, and pulled out of the TPP.

The once welcomed NAFTA agreement between the U.S., Canada and Mexico was unilaterally scrapped and replaced by one more favorable to the U.S., the United States-Mexico-Canada Agreement (USMCA). However, this still has to be approved by the American Congress. The assertion of power in the re-structuring of these trade relations with Mexico and Canada can only be described as bullying these nations into submission. It calls to mind the image of a fallen and frustrated Minotaur who must now use force in order to profit from trading, as it is no longer possible to profit from increasing its deficits.

However, the country that President Trump has made the focus of the growing paranoid wrath is China. As a rising hegemon that could possibly displace the U.S., it has become the xenophobic scapegoat upon which Americans are being encouraged to locate the blame for the woes of the American economy and its difficulties moving forward in the current

post-brink period. Gone are the cozy days of “Chimerica”. That symbiotic relationship is being blown apart by threats, paranoid accusations, force, and xenophobic readings of China’s refusal to be “Latin Americanized” or “Japanized” by the influx of U.S. corporate investments and the presence of the U.S. sixth fleet in the South China Sea.

As the U.S. has been able to turn the status of its dollar into a number of economic advantages, China has been able to do the same with the size and low costs of its labor market, and with the protection and stability that its strong state has been able to offer foreign capital. In spite of not being a liberal democratic state, these offerings have been irresistible for Western firms. At the same time, because of its cheap labor and political stability, China has been able to extract concessions from Western capitalists that no other developing country has been able to repeat: the concession of having to partner with a local Chinese counterpart as a condition for doing business. The key advantage of these partnerships has been the facilitating of the transfer of technology. This has been a major factor in China’s ability to get past the underdevelopment rather than development that usually comes with foreign direct investment.

This achievement by China during the Chimerican period has now become the major source of competition and tension between the two countries. In its five-year plan following the 2008 financial meltdown, China announced its intentions to move beyond the Chimerican model of development. From that point on, China would focus more on producing for its large internal markets. However, Chinese leaders soon discovered that the influx of billions of U.S. dollars had also created bubbles in the Chinese economy. The Chinese government has been skillfully and aggressively pursuing policies to deflate these bubbles before they pop, and to find outlets for the excess capacity created by the massive investment programs. This has meant expanding trade globally via programs like the Silk Road Project. With this project and producing more for local markets, China has been able to continue to grow faster than the U.S., contain its threatening bubbles and make use of some of its excess capacity.

Even more than in the cases of the EU, Canada, Japan and Mexico, President Trump has gone on the attack in trying to redirect patterns of trade with China in an effort to reduce its surplus with the U.S. At issue is President Trump's attempt to force China to move beyond its market-oriented reforms and become even more like the Western capitalist economies. That would entail changes like privatizing the many remaining state-owned enterprises, open up more local markets to foreign capital, end the requirement of having local business partners, be more democratic, and accept American dominance like Canada, Japan, Mexico and the EU. These are the objective realities behind Trump's attacks on China's "state-led" economy, its subsidizing of industries, its "currency manipulation", and its "technology stealing" business partnerships. In short, it is an attempt to revive the wounded Minotaur in the hope of fixing the problems of American capitalism by fiat. However, as the failed trade talks of May 2019, and the new round of tariffs that followed suggest, China is resisting.

This externalizing and offshoring of the blame for the difficulties of both the Meltdown and post-meltdown periods, has been President's Trump's distinct contributions to the xenophobic politics of the current period. As he provided Conservative white supremacists with definite anti-black, anti-Mexican and anti-Muslim targets for their racial anxieties, so he has also provided Conservative Americans with suitable Chinese, European, Japanese, Canadian and Mexican targets for their economic anxieties. These targets have made much of the world into hostile spaces that have been conspiring to take advantage of the U.S., undermine its way of life, and subvert its hegemony. They have become the economic Illuminati of this conspiracy theory. Trump's paranoid externalizing of America's economic woes has provided the justifications for the unilateral imposing of the above tariffs and the aggrieved, taken-advantage-of spirit in which they have been imposed. We cannot fully grasp the current episode of xenophobic politics in America without these Trumpian contributions. Drawing on his own anxious needs to externalize, project, and blame, he has been able to stoke, manipulate, and legitimate similar projective needs in large numbers of Conservative and Far-Right Americans.

Conclusion

Given the foregoing analyses of the current and previous episodes of xenophobic politics in America, the question naturally arises: how much longer will this one last, and what is likely to follow it? Are there any significant differences that set this one apart, which might give us some clues as to what is ahead? At almost 40 years of age, this episode should be close to running its course and be ripe for replacement. However, the complex set of still unresolved issues that triggered it should give us reason to pause. For example, the anxieties produced by the economic and migratory impacts of globalization are likely to increase, rather than decrease, in the years ahead. Reducing the role of central banks after rescuing the financial sector is proving quite difficult. Further, the pushes for racial equality by African Americans, and for gender equality by women are also likely to increase rather than decrease. President Trump's attempt to substitute the remaining might of the wounded Minotaur for his loss of profit-making deficits is not likely to succeed. Consequently, many of the issues that triggered this xenophobic outbreak are likely to persist. The missing piece here is whether or not the growing resistance to this rightward turn, and to Trump in particular, will be strong enough to galvanize the progressive tendencies of the American political imagination, and thus steer the country in new directions.

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SECTION II

Global vs. Local and Topical Differences

Ugo Vlasiavljević

The Xenophobic Feeling of Ethnicity: Serbs, Croats and Others

Abstract

As Walker Connor has suggested, ethnic boundaries are marked by xenophobic feelings. The ethnic group consciousness, which Connor links with xenophobia, should, according to his view on the difference between nationality and ethnicity, be as low as its corresponding level of group solidarity. However, if we stick to Weberian view on feelings as the ultimate basis for group solidarity, then xenophobic feelings may be considered the most powerful fuel of solidarity.

At the very beginning of any ethnic grouping process, a lived and vivid experience of the alienness of others should be expected. However, this primordial "contrastive experience" (C. Geertz) may be inaccessible and opaque to a foreign observer, if what it offers under the category of "ethnic difference" is of such minor contrastive force that it can be described only in oxymoron-like terms: "domestic foreigners", "ethnically related foreigners", "ethnic co-members of different nationalities" and the like. It is precisely due to its weak contrastive force that the elusive Serb/Croat difference has attracted a great number of prominent scholars and marked some of their major arguments, and this to such a degree that one can rightly speak of the distinctive Serbo-Croatian studies (*Serbo-Croatistics*) within the ethnicity and nationalism studies.

Keywords: domestic foreigners, ethnic solidarity, the Serb/Croat difference, xenophobia

■ It may be taken for granted that the South Slav peoples are not much different from each other. It is certainly the way in which foreigners usually see these peoples. Even for those among them who know the region well and are relatively acquainted with the local cultures, histories and customs, the differences between the peoples often seem pretty subtle and unimportant. In contrast to this "exterior view" of true foreigners, for the majority of locals

presently living in a cluster of mini states that emerged after the collapse of Yugoslavia, their mutual differences look real and insurmountable. These citizens of the newly established states too often consider some of their co-nationals and the citizens of the neighboring states, foreigners, even the most dangerous ones. This is not surprising given the fact that echoes of the most recent Balkan wars are still reverberating, and that the reconciliation among the peoples has not been achieved.

Apparently, there is nothing contradictory between the “exterior view” of foreigners and “interior view” of locals. These peoples, who might appear quite akin, have been divided along the friend-foe axis. It is their recent mutual enmity that has carved deep gaps in what had previously been considered multi-ethnic Yugoslav society, and made them feel different and foreign to each other. If nowadays the most relevant for the collective membership is to belong to an alliance against foes in the neighborhood, then, from a Schmittean perspective (Schmitt 2007), it is *politics* that makes all the *difference*. It is a sort of politics that led to the Yugoslav wars, produced a patchwork of small nation-states, mono-national entities and enclaves, and made South Slav ethnic groups full-fledged nations. It is the politics of ethnic hatred and xenophobia, which achieved a worldwide notoriety.

Given the unpacified hostilities and unresolved conflicts produced lately by the dominant politics, it is not surprising that many people perceive their neighbors, co-nationals of different ethnicity and citizens of the bordering countries, as untrustworthy and unreliable. Moreover, and more important: they find these close neighbors truly *foreign*, alien to them.

However, a dilemma remains: is it an enmity, produced by chauvinistic agitations of the politics, which made domestic peoples foreigners, or have they already been mutually alienated to such a degree as to easily fall prey to such agitations? How strange and bizarre the enmities between the locals would seem to an outsider who take them to be close ethnic relatives? In one of his last interviews, which he gave to Giancarlo Bosetti in 1993, Karl Popper received a number of questions concerning the ongoing war in Bosnia. To the question, “Why has this happened?”, Popper responded by pointing out that the nationalism which has thrown

the country into chaos and civil war has no solid ground (Bosetti 1997, 53):

Communism has been replaced by this ridiculous nationalism. I say ridiculous, because it sets against each other peoples who are virtually all Slav. The Serbs are Slavs, the Croats are Slavs. And the Bosnians are also Slavs, converted to Islam.

A new dominant and omnipresent figure of foreigner: *a close neighbor of different ethnicity*, has recently appeared in the public thought and discussions of the ex-Yugoslav region. That foreigner is perhaps a South Slav, but this “larger” or “generic” ethnicity does not count any more. It is not a referential framework of ethnicity any more, if it ever was. Allegedly prompted by their political leaders and warlords to finally reveal their true nature, the close neighbors were suddenly revealed, for the most people here, to be *fake relatives*. The enmities may pass, the ideologies of intolerance and hate may lose their attraction, but what this “ridiculous nationalism” helped ordinary people realize was that the belief that they were cohabitating with the ethnic relatives of other faith, folk tradition, and nationality, with the people akin to them, had been a dangerous illusion paid for in the lives of hundreds of thousands of victims. In perfect accordance with the right of a people to self-determination, and thus legitimated by the international law, the primary function of the newly established state and sub-state borders has been to protect its majority ethnic group, the core-nation, from the threat of its *fake ethnic relatives*. The post-Yugoslav monoethnic nation-states may appear as “fortresses” near one another, to borrow Balibar’s famous term (Balibar 2004, 221), since what preceded their construction was a huge endeavor of making “border fortifications” against foreigners in the immediate neighborhood. What might appear to outsiders an intra-ethnic conflict or fratricide, was experienced by a critical majority of insiders as an inter-ethnic conflict, a life-and-death struggle against people of different ethnicity. It was more than evident that the main goals of the wars in 90’s implied and were ultimately reached through an “ethnic cleansing” warfare, but what made them inconceivably cruel and irrational was their, as the French ethno-psychoanalyst put it

at a conference in Sarajevo in February 2000, near-to-intra-ethnic cleansing character.¹

What the region's nationalist politics compels us at present to reflect upon is this widespread compulsory need for "border fortifications". It is the need to which seven new states created after the collapse of Yugoslavia have responded. Nowadays newly fortified borders protect one nation from other, allegedly akin South-Slav nations. The nation-states have been formed, their "titular peoples" are finally on their own, listening to the narratives about centuries-old dreams of independence and freedom being fulfilled, and yet the unrest continues among the nationalists who consider that their aspirations have not been met yet, since, in the first place, the recently drawn state territorial borders do not correspond with the ethnic borders. Of course, the nationalists' attempt is always futile, since a perfect correspondence between the two categories of borders, those symbolic, cultural, or social, and those physical or territorial, is unattainable. Yet the nationalists are perfectly right in holding that the *territorialization of ethnic difference* through the construction of a nation-state is the crowning achievement. As Gabriel Popescu has explained (Popescu 2012, 8):

With the increase in the number of territorial states throughout the world during the modern era, state borders emerged as the quintessential illustration of borders in people's minds. Although state territorial borders are but one among a large variety of borders, albeit a very significant one, they came to assimilate all other kinds of borders and boundaries to the point that borders are typically understood above all as the geographical limits of the state.

Our interest here lies in the process of border fortification brought about "to an unprecedented extent" by modernity, since nation-state borders, according to Popescu, "can be walled fortresses and spaces of Othering one's neighbors" (*ibid.*, 9), serving thus as peculiar "territorial containers".² In our focus is a special

¹ Cf. Benslama 1995, 36–37.

² "Gradually, the nation-state circumscribed social relations inside its borders to an unprecedented extent. It became normal to imagine all the citizens of a given state forming one national society that was distinct

case of the border fortification that the setting up of a nation-state can offer to an ethnic group. It is the case when the proper ethnic boundaries appear to be repeatedly and constantly weak, porous, and shifting so that proper political-ideological and state interventions are needed, not only throughout the efforts of finally establishing and fixing them, but in the very process of their tracing. This is where ethnicity and the politics of ethnicity march together throughout the modern history. The ethnicity in question has always been supplemented by a sort of ethno-politics, absorbed into it to such an extent that, as it often happens, speaking of ethnicity, one is referring to ethno-politics, and vice versa. This historically enduring overlapping seems to have reached its culmination in the assimilation of all preceding kinds of ethnic boundaries into state territorial borders. And it is at this final stage of appropriation of ethnicity by the newly erected ethnic-states, in the very moment of the triumph of post-Yugoslav nationalism, that a kind of authentic experience of not-yet-fully-politicized ethnicity need to be discerned and brought forth. No matter how subtle the difference between ethnicity and politics of ethnicity might be in the given context and at certain stages of history, it is important to maintain it, because otherwise the social reality would be unjustifiably reduced to either politics or ethnicity. A common critique of post-Yugoslav nationalisms, understood as a "critique of ideology", often involuntarily justifies them for their most fundamental belief that ethnicity is but politics, while on the other hand, anthropologists and ethnologists in their dealing with the ethnicity of this part of the world rarely meet anything truly political.

How many ethnicities are there, apart from minority groups? Are there as many ethnicities as there are particular groups, all of them having become modern self-conscious nations? How particular or distinctive in ethnic terms are these groups? Are they so closely related as to share a common ethnicity? Can these historical groups have more than one ethnicity or no ethnicity at all? What

from the ones beyond the borders with the neighboring states. Under these circumstances, the nation-state came to be seen as a container of society (Taylor), with the borders of the state forming the walls of the container. Borders became major tools for regulating social relations both inside the container and across containers." (Popescu 2012, 14).

about spectra, or different subclasses, or multiple layers of a single common ethnicity? All these are highly political questions today, as much as they were in the past. Politics has encroached on the supposed territory of ethnicity under the banner of nationalism since the eighteenth century, at the latest, and it is from that time that what might be considered “primordial cultural layers” and “pre-modern collective identities” have been absorbed into diverse forms of local ethnic nationalism.

For authors like Walker Connor who considers the term “ethnonationalism” to have “inner redundancy” since “nationalism and ethnonationalism are treated as synonyms”, the study of nationalism does not immediately involve dealing with the *politics* of nationalism. Connor’s *depoliticized sense of nationalism* that does not connote loyalty to one’s state but to one’s nation is licensed by his merging of what he calls a “pristine sense” of nation and “pristine sense” of ethnicity or ethnic group: since they both mean “a group of people who believe they are ancestrally-related”.³ However, in the eyes of the author, there is and should be a difference, albeit a subtle one, as some people may belong to an ethnic group without knowing it, which is in contrast with his definition of nation as “a self-aware ethnic group”. According to this view, which Connor believes to be sharing with Max Weber, ethnic groups are not-yet-self-aware nations, as nations are fully-self-aware ethnic groups. Quoting from the famous Weber’s writings on ethnicity, Connor explains what ethnic groups as “nations before nations” are supposed to have, if they are to be considered communities at all: a belief in common descent and a sentiment of solidarity (thus impregnated by a sense of kinship).⁴ However, Connor’s depoliticization of

³ The author cites Weber: “We shall call ‘ethnic groups’ those human groups that entertain a subjective belief in their common descent..., this belief must be important for the propagation of group formation; conversely, it does not matter whether or not an objective blood relationship exists. Ethnic membership (*Gemeinsamkeit*) differs from the kinship groups precisely by being a presumed identity...” (Connor 1978, 387; Weber 1978, 389).

⁴ “[T]he idea of ‘nation’ is apt to include the notions of common descent and of an essential, though frequently indefinite, homogeneity. The ‘nation’ has these notions in common with the sentiment of solidarity of ethnic communities, which is also nourished from various sources, as we have seen before. But the sentiment of ethnic solidarity does not by

ethnicity or nationality, like any other similar approach, leads to a primordial reification of ethnic groups,⁵ whereas according to Weber it is “the belief in common ethnicity” that preconditions the existence of ethnic groups. Stressing an “artificial origin of the belief in common ethnicity”, and thus an artificial or constructive character of ethnic groups, the German sociologist reverses the customary understanding of genealogical priority of ethnicity over political group formations (Weber 1978, 389):

In our sense, ethnic membership does not constitute a group; it only facilitates group formation of any kind, particularly in the political sphere. On the other hand, it is primarily the political community, no matter how artificially organized, that inspires the belief in common ethnicity. This belief tends to persist even after the disintegration of the political community, unless drastic differences in custom, physical type, or, above all, language exist among its members.⁶

itself make a ‘nation’. Undoubtedly, even the White Russians in the face of the Great Russians have always had a sentiment of ethnic solidarity, yet even at the present time they would hardly claim to qualify as a separate ‘nation’. The Poles of Upper Silesia, until recently, had hardly any feeling of solidarity with the ‘polish nation’. They felt themselves to be a separate ethnic group in the face of the Germans, but for the rest they were Prussian subjects and nothing else.” (Connor 1978, 387–388; Weber 1978, 923).

⁵ Brubaker has challenged the omnipresent tendency of group reification (Brubaker 2004, 8): “My aim here is not to enter into conceptual or definitional casuistry. It is rather to address one problematic consequence of the tendency to take groups for granted in the study of ethnicity, race, and nationhood, and in the study of ethnic, racial, and national conflict in particular. This is what I will call ‘groupism’, by which I mean the tendency to take discrete, bounded groups as basic constituents of social life, chief protagonists of social conflicts, and fundamental units of social analysis. I mean the tendency to treat ethnic groups, nations, and races as substantial entities to which interests and agency can be attributed. I mean the *tendency to reify* such groups, speaking of Serbs, Croats, Muslims, and Albanians in the former Yugoslavia, of Catholics and Protestants in Northern Ireland, of Jews and Palestinians in Israel and the occupied territories, of Turks and Kurds in Turkey, or of Blacks, Whites, Asians, Hispanics, and Native Americans in the United States as if they were internally homogeneous, externally bounded groups, even unitary collective actors with common purposes. I mean the tendency to represent the social and cultural world as a multichrome mosaic of monochrome ethnic, racial, or cultural blocs.”

⁶ Symptomatically, this passage begins where our first given quotation from Connor ends.

The inspiration for ethnic brotherhood that comes from the political community is so strong that even “drastic differences” of the ethnic kind may come into effect only after “the disintegration of the community”. Consequently, Weber is inclined to speak of feelings, beliefs and sentimental effects of ethnicity rather than simply of the existing ethnic groups. In his understanding, political communities in the first place, but also language and religious groups, the people gathered around common memories, or having “esthetically conspicuous” similarities like “the physical appearance” or “the conduct of everyday life”, etc., can become ethnic groups. It is, therefore, through the process of *ethnicization* that these kinds of groups become ethnic, i.e., naturalized as communities of blood kinship. Weber reveals that the most effective group-forming power is again highly political: “monopolistic closure”. Therefore, due to this power, to “induce the belief that affinity or disaffinity exists between groups that attract or repel each other”, “any cultural trait, no matter how superficial, can serve as a starting point” (Weber 1978, 388). The monopolistic closure has to be a *conscious* effort as it is about *cultivating* social and ethnic differences. Small and entirely arbitrary differences may thus grow to form “sharp boundaries” between groups and their life styles.⁷

Since, according to Weber, “ethnic membership does not constitute a group”, to make plausible the hypothesis on ethnic groups as “nations before nations”, it was necessary to depoliticize and naturalize their “pre-existence”. For Connor, ethnic groups as “pre-national peoples” do exist, but decisive for their identity becomes their “group consciousness”. Building his arguments on citations from Weber, Connor believes that the crucial difference between ethnic group and nation is contained in the sentence he italicized: *But the sentiment of ethnic solidarity does not by itself make a “nation”*. Therefore, for an ethnic group formation, it is sufficient for some people to have feelings or sentiments or even

⁷ “But if there are sharp boundaries between areas of observable styles of life, they are due to conscious monopolistic closure, which started from small differences that were then cultivated and intensified.” (Weber 1978, 388).

vague consciousness, but not a full awareness or a clear notion, of their collective distinctiveness (Connor 1978, 388):

Weber is here clearly speaking of prenational peoples or, what we termed earlier, potential nations. His illustrations are of peoples not yet cognizant of belonging to a larger ethnic element. The group consciousness to which he refers – that rather low level of ethnic solidarity which a segment of the ethnic element feels when confronted with a foreign element need not be very important politically and comes closer to *xenophobia* than to nationalism. To the degree that it represents a step in the process of nation-formation, it testifies that a group of people must know ethnically what they *are not* before they know what they *are*. Thus, to Weber's illustrations, we can add the Slovaks, Croats, and Slovenes who, under the Habsburg Empire, were aware that they were neither German nor Magyar, long before they possessed positive opinions concerning their ethnic or national identity. In such cases, meaningful identity of a positive nature remains limited to locale, region, clan, or tribe. Thus, members need not be conscious of belonging to the ethnic group.

Considered a preparatory step in the process of nation-formation, taken to be the process of a group's *politically shaped* self-awakening, ethnic groups definitely should exist even before their members "become cognizant" of who they are and where they actually belong. An audacious genealogical-epistemological distinction is being introduced, because "to know ethnically" and "to know nationally" are to be found at different stages of the group's consciousness development: "a group of people must know ethnically what they *are not* before they know what they *are*". There is even a stage preceding the preliminary stage of negatively determined collective identity, which is in itself "of a positive nature": that of premodern local identities. It looks as if a quasi-Hegelian dialectics may be used to support the explanation: in the beginning, there was our "being-in-ourselves", followed by the negatively defined "being-for-others", and finally our "being-for-ourselves".

Now we see that ethnic groups are being reified because they are considered confined to a certain stage of group's

consciousness development. Given the outlined spiral of progress, in which ethnicity is being sublated (*aufgehoben*) in the more advanced stage of the collective identity, what turns out to be the true problem is a kind of *teleological finalism* implicit in the conception of passively given, potential, not-yet-aware nations. The tacitly implied finalism commands: wherever ethnicity-in-itself was, nationality-for-itself will be. And it is ultimately tautological: Croats are Croats because they have always been what they are; and the same goes for Serbs, and Bosnians, and for the rest of the world.⁸

Ethnicity, as an allegedly embryonic stage in the development of a fully self-aware people, is therefore about feelings and sentiments. Since at this stage there is a constitutive lack in the group's self-knowledge, only an "outside observer" can be fully aware of the group's separate existence. Connor introduces the figure of anthropologist to demonstrate this being-for-others of ethnic groups.⁹ It is an outer cognitive instance of the full-awareness of ethnic groupings. Deficient in their ability for self-awareness and self-interpretation, founded primarily on feelings and sentiments, these groups, as the author postulates, have "rather low level of ethnic solidarity".

⁸ The German historian Reinhart Koselleck has posed the historical finalism as a general problem: "Any history, because it is ex post facto, is subject to final constraints. It is impossible to do without them. Yet one can escape the schema of causal addition and narrative arbitrariness only by introducing hypotheses that, for example, bring into play past possibilities. Put differently, perspectivism is tolerable only if it is not stripped of its hypothetical and, therefore, revisable character. Stated more concisely: everything can be justified, but not everything can be justified by anything." (Koselleck 2002, 12). The American historian John V.A. Fine, in his ground-breaking book *When Ethnicity did not Matter in the Balkans*, has revealed how difficult it actually is not to fall in what he calls "anachronistic trap" (Fine 2006, 13).

⁹ He adds to the above-cited passage: "An ethnic group may be readily discerned by an anthropologist or other outside observer, but until the members are themselves aware of the group's uniqueness, it is merely an ethnic group and not a nation" (Connor 1978, 388). Hans Kohn has provided a striking definition of the southern Slavs in the epoch prior to their national awakening: "The southern Slavs, divided according to historical regions rather than ethnographic principles, without a uniform language and spelling, were no more than ethnographic raw material out of which nationalities could grow" (Kohn 1944, 546).

However, ethnic groups as “prenational peoples” are not supposed to be exclusively “other-defined”. In drawing his distinctions between ethnic group and nation, Connor introduces a corresponding distinction between the two modal verbs: “While an ethnic group *may*, therefore, be other-defined, the nation *must* be self-defined”. Thus, grammatically expressed potentiality of “potential nations” to be other-defined runs against the inclination to view ethnic groups as purely objectively present entities, as “ethnic cultures”, “delimited ethnographic contents” and the like. Even at this stage, “prenational peoples” have true inner capacity to establish the *borders* of their ethnic togetherness. In a single sentence, Connor offers a most valuable sketch of what may be considered a Barth-like approach to the primordial creation of ethnic group identity. It is the sentence where the term “xenophobia” emerges. It seems that xenophobia has to do with ethnicity in the first place. Xenophobia, or something close to it, marks the most basic level of interaction with others, the level of group feelings and vague consciousness, assigned by the Weberian analyses. The ethnic solidarity, conceived as an underlying emotional texture, as the explanation proposes, is *felt* by at least “a segment of the ethnic element” when it is “confronted with a foreign element”. The feeling of solidarity, i.e., of ourselves as a group, appears to be an effect occurring simultaneously to the feeling of foreignness or alienness when meeting some people. What makes a group’s solidarity *ethnic*, are *foreigners*. The ethnic boundary at this level is a demarcation line between positive in-group feelings and negative out-group feelings. Xenophobia is not strictly inherent to nationalism, as it precedes the modern political interpretations of the “phenomenon of alienness”, as Waldenfels calls it. But nationalism probably needs the soil of xenophobia to germinate.

Again, it is important to emphasize that for Weber, there is no doubt about an artificial and derivative character of the communities of imagined kinship. He is not ambiguous in that respect at any point, even when stating that “the belief in group affinity [...] can have important consequences especially for the formation of a political community”. The genealogical priority is accorded to what he calls “rational associations”, which include political ones, so that the emergence of “ethnic fictions” is rather a sign of their deficiency, or decrease in rationality. Even what is usually considered “tribal

consciousness was primarily formed by common political experiences and not by common descent”.¹⁰

In elaborating the themes of nation and nationality, Weber continues to speak of feelings and sentiments (Ch. V, § 4, and Ch. IX, § 5). Now to the forefront comes the “national feeling” or “sense of national identity” (*Nationalgefühl*), which in spite of its crucial importance remains undefined. And yet, Weber is obliged to operate with such imprecise concepts as his notion of nationality is basically synonymous with ethno-nationality. In his understanding, the modern national solidarity originates from a source which is above all ethnic: what is common, the commonness of community, is *felt*. What makes this community’s common feeling ethnic is a *belief* (*Glaube*) in “common descent”. Whether there is any reality behind this “believed”, hence “presumed identity” (Weber 1978, 389), is left to the sociologist to doubt. However, what is undoubtedly clear to him is that such feelings and beliefs are most effective to social action and mobilization.

First sentence of the paragraph 4, entitled “Nation” and “Volk” (“Nationality and Cultural Prestige”, in the English translation), of the chapter devoted to *Ethnic communities*, postulates that the concepts of nationality and people (ethnically understood) overlap in meaning. They both “share, at least normally” (*wenigstens normalerweise*) a vague idea (*vage Vorstellung*) that at the bottom of what is felt to be “in common (*‘gemeinsam’ Empfundenen*)” must lie a community of descent (*Abstammungsgemeinschaft*). Weber continues to explain in the same sentence: “although in reality (*in der Realität der Dinge*), men who consider themselves of the same nationality are, not just occasionally, but too often, more remote from the common roots (*Abstammung*) than those who are classed as different and hostile nationalities”. The second

¹⁰ “However, tribes that existed before the polis were either identical with the corresponding political groups which were subsequently associated into a polis, and in this case, they were called *ethnos*, not *phyle*; or, as it probably happened many times, the politically unorganized tribe, as a presumed ‘blood community’, lived from the memory that it once engaged in joint political action, typically a single conquest or defense, and then such political memories constituted the tribe. Thus, the fact that tribal consciousness was primarily formed by common political experiences and not by common descent appears to have been a frequent source of the belief in common ethnicity.” (Weber 1978, 394).

sentence, which supplements what is set forth as a definition of nationality, brings into play Serbs and Croats. It reads: "There can be differences in nationality, despite, for example, the strong evidence of common descent (*trotz zweifellos starker Abstammungsverwandtschaft*), merely because there are differences in religious denominations, as between Serbs and Croats".¹¹

Thus, the very moment the norm (or what is postulated to be normally the case) is established, it is subverted by important exceptions: it seems that there is no significant overlapping between nationality and ethnicity. The aberrations may occur in unexpected ways: those people who believe to belong to different ethnic groups, including mutually hostile ones, are often more closely related than those who think themselves as being of the same ethnicity. A strong sense of national identity emerges where the supposed common ethnic background is quite weak, while in some other cases, apparently strong ethnic ties do not prevent the process of national differentiation.

If ethnic relatedness is not a unique and sufficiently reliable basis for the belief in common nationality, there must be other not less "realistic reasons for the belief" (*realen Gründe des Glaubens*). As the first introduced example demonstrates, religious creed should be one of them. However, as a normal or norm-giving basis (*normale Basis*), Weber poses "language uniformity" or "language community", because, as he stresses, in "the age of language conflicts" it best serves its purpose. He repeats his reference to Serbs

¹¹ Some nuances seem lost in the English translation. I offer my translation of this very important passage along with the original German text: "Die 'Nationalität' teilt mit dem 'Volk' im landläufigen 'ethnischen' Sinn wenigstens normalerweise die vage Vorstellung, daß dem als 'gemeinsam' Empfundnen eine Abstammungsgemeinschaft zugrunde liegen müsse, obwohl in der Realität der Dinge Menschen, welche sich als Nationalitätsgenossen betrachten, sich nicht nur gelegentlich, sondern sehr häufig der Abstammung nach weit ferner stehen, als solche, die verschiedenen und feindlichen Nationalitäten sich zurechnen. Nationalitätsunterschiede können z. B. trotz zweifellos starker Abstammungsverwandtschaft bestehen, nur weil Unterschiede der religiösen Konfessionen vorliegen, wie zwischen Serben und Kroaten. Die realen Gründe des Glaubens an den Bestand einer 'nationalen' Gemeinsamkeit und des darauf sich aufbauenden Gemeinschaftshandelns sind sehr verschieden. Heute gilt vor allem 'Sprachgemeinschaft', im Zeitalter der Sprachenkämpfe, als ihre normale Basis." (Weber 1922, 224).

and Croats in order to demonstrate that the same kind of reversals happen here as with the previous ethnic pattern: people speaking the same language believe to belong to different nationality groups, whereas those who speak different languages feel themselves a nation.

Why should ethnicity be considered a privileged basis for the creation of common nationality at all? If “feelings of common identity (*Gemeinsamkeitsgefühle*) subsumed under the term ‘national’ may derive from diverse sources” – Weber proposes a whole list: “differences in economic and social structure and internal power structure”, “shared political memories”, religion, language, customs, racial factors, etc. – it is then questionable whether any particular importance should be accorded to ethnicity. However, while acknowledging the reasons for doubt, the thesis about ethnicity and nationality overlapping may still hold. What is important is to realize that the overlapping comes in the end, as it is essentially an effect, purportedly an emotional effect, not a cause. The national feeling (*nationales Gemeinschaftsgefühl*) is inherently and inseparably linked to the ethnic feeling (*ethnisches Gemeinschaftsgefühl*), one’s subjective belief in what is distinctively common to another subjective belief in common descent. What merges these feelings and beliefs in one and sole feeling or belief is a vague idea (*vage Vorstellung*) and not anything objective and empirically verifiable. Thus, from whatever source the national sentiment may be supposed to have been derived, it is immediately re-ethnicized as a characteristic ethno-national feeling.

It seems, therefore, useless and vain to critically examine whether the given basis of nationality is ethnic or quasi-ethnic. The term “ethnic” appears under quotation marks when Weber is using it to speak about diverse sources of national identity. Thus, it is all the more surprising when ethnicity suddenly emerges, dictated by the reality of things in themselves (*Realität der Dinge*), as something that is objectively pre-given. As we have seen, it is the moment when Weber wants to relativize his formula of equivalence between nationality and ethnicity. It is the moment which could be interpreted as an intrusion of the Real in the imaginary and sentimental world of national identity. This intrusion was marked by the ethnic names of Serbs and Croats. It is their ethnicity, their

“relatedness by common descent”, that is firmly asserted by Weber as being “strong” and “unquestionable” (*zweifellos starker Abstammungsverwandtschaft*). These two “opposing” and even hostile nationalities undermine not only the real basis of ethnicity (*ethnische Realität*), as they are thus considered to be parts of one larger ethnic community, but also its “normal basis” (*normale Basis*), as they are considered to be parts of one larger “language community” (*Sprachgemeinschaft*).

Serbs and Croats are included into the both chapters Weber devoted to “*Nation*”, presenting the most striking and instructive examples of how amazingly unnatural and artificial (*künstlich*) national identity may be. However, to denaturalize nationality, the sociologist was obliged, at least for a moment, to re-naturalize ethnicity, and thus contradict his own theory about the essentially presumed and arbitrary character of any ethnic identity. The second extraordinary exception which Weber discusses, the case when national identity diverges/departs from language-group identity, certainly complies with his theory (Weber 1978, 923):

“National” solidarity among men speaking the same language may be just as well rejected as accepted. Solidarity, instead, may be linked with differences in the other great culture value of the masses, namely, a religious creed, as is the case with Serbs and Croats.

What makes Serbs Serbs and Croats Croats is the “national solidarity” among men having the same religion. It proved itself stronger than the potential ethnic solidarity based on language relatedness. This second case of Serbo-Croatian exception is evidently not of the same order as the first one. Weber’s central claim that “the *sentiment* of ethnic solidarity does not by itself make a ‘nation’” (*ibid.*) cannot be derived from the realistic stance towards ethnicity. Indeed, Weber cannot grasp anything firm or solid, which transcends the sphere of feelings and subjective beliefs. It is a “sphere of values” rather than things in themselves. Given the intuition that solidarity is a thing of collective will, it can be rejected or accepted. Behind the *national solidarity* of Serbs or Croats, there is at least one rejected and one accepted *ethnic solidarity*, if there may be any difference between these two kinds of solidarities.

But the more important and decisive question is how solidarity, be it ethnic or national, becomes “linked with differences”. An explanation in line with Weber’s approach would point to the specificity of the sphere of values and reaffirm “his thesis that a value position is invariably a partisan position (*eine Parteinahme*): a decision within a field of mutually exclusive values in which a stand is taken for one value and against all others”.¹² The national differentiation between Serbs and Croats becomes understandable, because different religious creeds open up different value spheres which, as Oakes remarks, “can be constituted only in opposition to alternatives”. However, like any other “ethnic” difference, the difference in religion does not suffice: it may be accepted or rejected as a demarcation line between nations. It may draw “social circles” within a single, larger nation, as well as set boundary between two nations.

The enigma still remains, since ethno-national boundaries are essentially emotional: they are about the feelings of solidarity. These feelings should be taken as constitutive for the formation of ethnic groups. Their communal bodies are made of densely interwoven personal feelings the totality of which is often recognized as group solidarity. It is a particular kind of solidarity, primarily the solidarity *against foreigners*, since outsiders are felt as strange and alien to the insiders. Solidarity as a concept which implies *against* as well as *among*, indissolubly links ingroup-members and outgroup-members by mutually confronting them. Judging by its effect on insiders-solidarity, ethnic solidarity *against* outsiders is quite exceptional. For it to produce an effect of ethnic fraternization (a shared belief in the common kinship in the first place) in some people, the intensity of confrontation with foreigners, or the degree of their otherness or alienness, its intensity has to be very high, at least in the periods of their group-making or regrouping (Brubaker 2004, 79). The “thick” solidarity of ethnic co-members who understand themselves as blood relatives is corresponded with the

¹² “Weber’s discussion of the place of *Kampf*—struggle or conflict—in culture suggests that *Kampf* is a basic fact of cultural life. The antinomy of values entails that *Kampf* is a condition for the possibility of culture. Because the act of taking a value position, the practice that constitutes culture, is not possible independent of irreconcilable value conflicts, *Kampf* is, in the philosophical of Weber’s time and place, a transcendental presupposition of culture.” (Oakes 2003, 30).

feeling of alienness toward some other people who are confronted, not as individual persons, but as the members of a threatening group. As Connor has suggested in the above-quoted lines, ethnic boundaries are marked by xenophobic feelings. The ethnic group consciousness, which he links with xenophobia, should, according to his view on the difference between nationality and ethnicity, be as low as the corresponding level of group solidarity. However, if we stick to the Weberian view on feelings as the ultimate basis of group solidarity, then xenophobic feelings may be considered the most powerful fuel of solidarity. Accordingly, Connor's conception that ethnic co-members, before the age of nationalism, know what they *are not*, and not yet what they *are*, can be reinterpreted as the preponderance of *solidarity-against* over *solidarity-among*.

Building his approach on his eminent predecessor's theory, Connor follows Weber even in selecting the most instructive ethnographic material. Again, the South Slavs are the most important point of reference, only this time instead of Serbs and Croats, Croats and Slovenes, together with Slovaks, are included. As we have already seen, the adjoined example reads as follows (Connor 1978, 388):

Thus, to Weber's illustrations, we can add the Slovaks, Croats, and Slovenes who, under the Habsburg Empire, were aware that they were neither German nor Magyar, long before they possessed positive opinions concerning their ethnic or national identity.

Weber and, after him, Connor are not the only authors who, in order to support their main theses, gave a privileged weight to the historical experiences of Serbs and Croats. These eminently particular experiences prove to be very challenging for the scholars and researchers in the field of ethnic and nationalism studies as they probably offer an extraordinary subtle and astoundingly "artificial" *we/they* difference. The Serbs/Croats difference raises the questions about "the minimum of minimum". How different should someone be from another person, in order to be considered a stranger by that person? How much strangeness is required in order for both to perceive themselves as members of different groups, alien to one another? What is the lower limit, a sort of threshold, for the other (i.e., person, group, nation) to be

considered irrevocably strange and alien to me, to us? Among those who attached great importance to the S/C difference is certainly American cultural anthropologist Clifford Geertz (Geertz 2000, 249):

What makes Serbs Serbs, Sinhalese Sinhalese, French Canadians French Canadians, or anybody anybody, is that they and the rest of the world have come, for the moment and to a degree, for certain purposes and in certain contexts, to view them as contrastive to what is around them.

If some people see themselves as “contrastive” in this sense to other people, like Serbs do to Croats, or vice versa, it means, in the first place, that these others are *felt foreign and alien*. At the very beginning of any ethnic grouping process, a lived and vivid *experience* of the alienness of others should be expected. However, this primordial contrastive experience may be inaccessible and opaque to a foreign observer, if what it offers under the category of “ethnic difference” is of such minor contrastive force that it can be described only in oxymoron-like terms: “domestic foreigners”, “ethnically related foreigners”, “ethnic co-members of different nationalities” and the like. It is precisely due to its weak contrastive force that the elusive S/C difference has attracted many prominent scholars and marked some of their major arguments, and this to such a degree that one can rightly speak of the distinctive and flourishing discipline within the ethnicity and nationalism studies. It may be called “Serbo-Croatistics”, but it should not be confused with the traditional discipline of the Slavic language studies. Nor should it be absorbed into or reduced to the South Slav anthropology.

Apart from the psychoanalysis of small ethnic differences, which has for a long time been a major tool in examining the cases of outrageous xenophobia toward what is hardly alien,¹³ it is the anthropology of ethnicity that yields many a fresh and enlightening insights. For the ethnicity-oriented Serbo-Croatistics seeking to grasp the *we/they* difference in its originary appearance in the domain of lived experience of the alien, the paradigm shift in

¹³ See, for instance, Michael Ignatieff’s tackling of the Serb-Croat-Bosnian difference as it emerged in the Bosnian war (Ignatieff 1998).

anthropology, inspired by Frederik Bart, is crucially important.¹⁴ Of no less importance is Karl-Heinz Kohl's transformation of ethnology into the "science of culturally alien" (Kohl 1993), especially when supplemented by the phenomenology of the alien, developed by German philosopher Bernhard Waldenfels (Waldenfels 2011).¹⁵

¹⁴ For its significance in the local context see: Pål Kolstø 2005, 15. The new approach holds that "ethnicity is essentially an aspect of a relationship, not a property of a group" and thus becomes able to grapple with difficult questions like: "Can two groups be culturally identical and yet constitute two different ethnic groups?" It is not surprising that the first illustration of such an issue is the S/C difference: "Some groups may seem culturally similar, yet there can be a socially highly relevant (and even volatile) interethnic relationship between them. This would have been the case with the relationship between Serbs and Croats following the break-up of Yugoslavia [...]" (Eriksen 2002, 12).

¹⁵ Bernhard Leistle is an author who strongly argues "that Waldenfels's philosophy of responsivity allows us to develop new perspectives for anthropology" (Leistle 2015 and 2017).

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János Boros

Ethics and Identity: Towards a New Cognitive-Political Order. Based on the Philosophies of Kant, Rawls, Rorty and Vlaisavljević

Abstract

The rise of xenophobic, identitarian movements across Europe and elsewhere cannot and must not be the right answer to the challenges of our time. It is, however, probable that these movements have been born of real distress experienced by large segments of the population. If there are no limits to communication, then the borders circumscribing culturally, economically or politically isolated communities cannot and should not exist.

Keywords: ethics, history, identity, society, xenophobia

■ *Identity* is debated by philosophers, many of whom contend that the expression has no semantic content, meaning or reference. Let us suppose that we can use this word to say that without identity, without stating who we are, what we do and why we do it, individuals and communities cannot exist. You have your name, your family, your friends, and you tell stories about yourself. You have a narrative identity in the community of people and in the community of nations, and your identity represents you. It mediates what you are and who you are. You may identify yourself as Serbian or British, as a professor or soldier, as young or old. If you have one identity, you cannot have in the same sense another identity. If you have Serbian identity, you cannot also have in the same sense German identity, although you can have double citizenship. In a precise sense, “identity” implies that X is something and not something else. This is only possible if that something has a clear boundary. I hereby try to propose principles for a peaceful common life of different identities.

Personal Identity

The *personal identity* proposed by philosophers has an ethical foundation, and ethics is universal. In this paper I investigate how universal ethics-based personal identity and political-democratic identity of citizenship based on ethical personal identity might help in overcoming exclusivist identities.

Can a person or a country have an identity which is based on universal principles? Can a person or a country exist in such a way that all people or all countries are identical with him/her/it? Universal identity, if such a thing exists, is the identity of everyone. Can such an identity be attained?

I would like to propose an ethical model of identity based on the theories of Kant, Rawls and Rorty. In my investigation I will also discuss the identity theory of the Bosnian-Herzegovinian philosopher Ugo Vlaisavljević. Ethical identity should help preserve particular national identities without animosity or exclusivity. I invoke certain theories of history and of society which emphasize that ethnical and national identities are to a great extent human constructs, and therefore liable to change. Not only society, but our interpretation of history itself, and hence identity, can be changed for the good of humanity. If this were not possible, we would be nothing but helpless, pitiful automatons completely determined by our past and culture.

All human identities evolve through time, that is, over the course of history. Identity is always realized or produced in historical time. Perhaps *history is an identity-building machine* constructed by people and for people. Does the term "history" still have meaning in our age? Can we still speak of history?

History does not exist as such, *an sich, en elle-même*. Like all machines, it is a construction. History constructs identity, but who constructs history? Can a constructed entity in turn construct another entity? History constructs personal and communal-societal identity. However, there are also considerable difficulties in the interpretation of the term "society".

The French sociologist Bruno Latour has produced a thesis that there is no such thing as society, at least as a substance: "It is no longer clear whether there exist relations that are

specific enough to be called 'social' and that could be grouped together in making up a special domain that could function as a 'society'" (Latour 2005, 2). For him, there is only the chaotic communicative, linguistic, psychological, economic and emotive interchange among people, which is constantly emerging and dissolving, leaving behind a set of disconnected human beings. Latour argues that there is no concrete whole that can be represented under the name "society".

If this statement is true, then the same must be true for history, since history is *society over time*. Generally, it is supposed in an "ontological" sense that society is a historical construct, whereas in an epistemological sense, history is a construct of society. *Something* constructs society, whereas this something can be known only as an epistemological construct from the point of view of society. If there is no such substance as society, there cannot be such substance as history either. There can only be viewpoints and narratives that either concur or conflict with one another. All of history, all of society and all socio-political nationalities and ethnicities are constructs. Hence, they are relative to the worldview of the constructor and as such are liable to change at any time, though this does not mean that they *can* be changed at any time without complex considerations and deliberations. It would also be a mistake to conclude that there is no such thing as historical truth.

If we accept the views of Latour, what remains in the end is a network of people. And perhaps this very fact represents a golden opportunity for the societies in Eastern Europe and in Europe at large.

Further on, let us suppose that there are no such substances as History and Society, but that the words "History", "Society" and "Identity" exist and can be used for certain purposes. History, society and identity are concepts that may be used interchangeably in specific contexts, yet they do not denote any substance. This means that they do not exist in an ontological sense, hence they are changeable for better or for worse, depending on human needs, desires and actions in the human pursuit of happiness and societal equilibrium. Before we tackle History, let us discuss Cultural Politics.

Cultural politics in place of cultural war

The personal use of words with epistemological and with limited ontological relevance is also a question of ethics. In a democracy the societal use of such words is a question of cultural politics. It must not instigate cultural discord or cultural war. A democratic constitution, and hence politics, have to be based on ethics. The use of words denoting concepts that do not exist, or have limited existence, is a question of ethically based cultural politics. Richard Rorty writes, “[t]he term ‘cultural politics’ covers, among other things, arguments about what words to use” (Rorty 2007, ix). Using words, we create communicative and action-based realities which are not independent of our actions. To use words is to create *community* and *society*—which are imagination-based fictive entities.

For Rorty, the expression “cultural politics” originates from Hegel and Dewey. To his mind, the main task of philosophy is “to contribute to humanity’s ongoing conversation about what to do with itself” (Rorty, *ibid.*). In today’s Europe the question is what the nations should do with themselves to construct a peaceful and future-oriented political continent. Rorty proposes that we accept the pragmatist maxim that “what makes no difference to practice should make no difference to philosophy” (Rorty, *ibid.*), that is, to our thinking. If we live very similar lives, in the same climate, with generally the same customs, then we should try not to overemphasize our differences in thinking, which do not prove relevant to everyday practical life. Our similarities, instead, should form the basis for politics. Following Dewey, philosophy “is not in any sense whatever a form of knowledge” ... but “a social hope reduced to a working program of action, a prophecy of the future” (Dewey 1982, 43, quot. Rorty 2007, ix). And the future as a task and the ultimate goal can be peaceful coexistence. Rorty agrees with Dewey, stating that today’s philosophy “is best seen as a series of efforts to modify people’s sense of who they are, what matters to them, what is most important” (Rorty, *ibid.*). If we build our communal and political structures on the foundation of common values taken from everyday life without further ideological or religious considerations, it might be easier to attain a peaceful life. Everyone can accept that our living together should

be based on justice, responsibility and freedom. If we agree on these values, then we have to ask what does matter, what is important in the organization of everyday human life, and we must reinterpret all older concepts regarding identity, ethnicity, ethics, philosophy, politics and society.

When we have the optimal principles, accept that political philosophy has identified the ideals for our common living, that is, once we no longer need revolutions in our political thinking, our most pressing task becomes the creation of societies based on these principles.

The difficulty is that societies are not purely idea-based constructs, but invariable communities governed by traditions. Although it is beyond the scope of this paper to develop ideas for the concept of transforming the states based on traditional cultures and religions, there are in theory three steps toward constructing just and democratic societies everywhere.

1. All cultures and all religions are based on the same values: justice, ethics, truthfulness and love. No society can survive without upholding these principles. Societies may appear very different at the phenomenological level, but without these core values they cannot exist. Any society built on and proclaiming injustice, hate and falsehood, will be short-lived. A religion which prescribes the annihilation of non-believers cannot be true religion, since God wants everyone to become a believer, and a person killed cannot believe in God. Furthermore, unique and universal God cannot inspire a religion which is not universal, which in principle creates enemies from the inside. God cannot have enemies created by himself. Furthermore, people do not accept open injustice. This is why even unjustly functioning societies are proclaimed to be just by those wielding power. If a society openly condones lying, its members become unable to plan their own lives and relations with others. In such a society, no one would keep his promises and not even social institutions could be trusted. Today I promise that tomorrow your child will go to school – but there is no school. I promise that you will receive a pension after you retire – but there is no such thing as pension. Such a society is doomed to fail.

2. Justice means equal chances in social exchange – and this is the core principle of democracy. There can be no just society

without declared democracy. Folktales of all nations celebrate the victory of justice over injustice. In such stories, it is not financial or political power that triumphs, but justice, very often in the guise of the poor. All people possess a sense of justice since their early childhood. The searing sense of injustice felt at the breakfast table by a small child when another child receives a bigger slice of bread and butter is familiar to us all.

3. We can search for manifestations of justice in the folktales of any community, and subsequently convince people that, at a fundamental level, their concepts of good and evil are the same. Then, if we can agree on what is fundamentally good and just for all people, we can start to construct societies based on those values. We can do this for people who share a territory, but belong to different cultures, such as the peoples of Bosnia and Herzegovina. The same is valid for the construction of a functioning European Union and other multiethnic countries throughout the world.

The rise of cultural politics puts an end to culture wars in democratic societies which are in principle based on social justice. To establish a democratic system, the participating groups and people must agree on the meaning of social justice and construct their political society around it. This agreement, enshrined in commonly accepted law, will then transform hearts and minds. If the transformation does not take place, individuals and groups who seek control over common resources will arise. Every person, every group and community should accept that they have no greater right to social benefits than others. And they should also accept that they have the same duties and responsibilities toward others as others have towards them.

Of course, such a transformation would mean the end of certain traditions, interpretations of history and social structures. A new history and society would integrate all elements of old cultures which contribute to the common good. But no specific culture, or preferred expression of people's desire for justice, in other words, no specific religion should dominate the society. Only the rational form of justice (and not its content) should govern public life. The specific contents of parables, religions and folktales should be excluded from public and political-legal life, only the

forms themselves should remain. Of course, in private life every kind of culture and religion can have a place, as long as it accepts others and is just. Exclusivist and absolutistic cultures and religions, which do not tolerate others, do not deserve to be tolerated. Not only do they threaten the life of a community, but they are also dangerous to the people who practice them. The distillation of justice from all cultures, the rational form of justice should be valid and binding for all.

It is much easier to imagine the above described transformations if we refer to new theories of history. Let us therefore revisit the thesis of Latour.

The end and the beginning of history

If we cannot make sense of the existence of a society, we will also fail to understand history, its beginning and its end. Something that does not exist cannot have an end or a beginning, however the use of a word can begin and end. If we assume that there are no such things as History, Society and Politics, that these are merely words, then we have an easier task as we go about trying to instigate changes. We do not have to change *real* existents, just the way we use words and our habits and actions relative to those words.

In what follows, when I mention “history”, I merely refer to the word. Francis Fukuyama has restated what the founding fathers of the United States had already discovered, namely that in their efforts to learn from history, they were able to deduce the principles of the optimal societal commonwealth. For Fukuyama free democratic public life is the best form of government. There is no better way to live together, he argues, so we should not look for alternative political forms and words to denote them.

The end of Eastern-European Communism and the opening of borders was the end of one kind of history (or of one use of the word “history”), and the beginning of another. It was also the beginning of certain processes of identity construction. Francis Fukuyama was in a certain sense right and in a certain sense wrong (Fukuyama 1992).

The end or the beginning of history in Bosnia and Herzegovina?

Ugo Vlaisavljević writes: "There are three major Bosnian ethnic communities, because at least three past empires had such a strong influence on the local population that the acculturation they exercised in the past has come to determine the fate of large numbers of people today. Each community has its own *privileged imperial reference*, and simultaneously excludes the similar references of neighboring communities. They are different because their choice of constitutive imperial culture is not the same. What one Bosnian community sees as a very positive imperial influence and adopts as a crucial identity marker becomes a perilous negative influence to be rejected by the other two communities." (Vlaisavljević manuscript 1).

The question is very timely: what about history in Bosnia and Herzegovina? Certainly, it did not come to an end after the fall of Communism. Has it been rebooted, as computers are, or is it more appropriate to speak of a continued narrative? There certainly exist multiethnic, well-functioning democracies, such as Switzerland or the United States. However, in Switzerland, the four language communities have the same founding story, and they are separated territorially. In the United States, virtually all ethnic groups of the world are present, but most of them immigrated of their own free will, and by entering the country have shown a willingness to accept the original founding story of the country and to forget the old stories of their native countries. They entered the country to leave behind old societies, histories, narratives and imperial references. It was a migration of forgetting the past and having hope for the future. My thesis in this paper is that all European countries and the European continent as a whole, must go through this process if they hope to survive. To leave the servitude of the past, as the Jews left Egyptian slavery, there must be an exodus, both intellectual and moral, out of the old structures and into the society of hope. According to the Bible, it took the Jews forty years to make the journey, and no one who had lived in slavery was allowed to enter the Promised Land. The desire for freedom and the hope for justice can be realized

only if we leave behind imperial cultures that have robbed us of our freedom and responsibility.

As Ugo Vlaisavljević has demonstrated in several papers, in Bosnia and Herzegovina different imperial stories have left behind varied imperial religions and imperial ethnic communities. Over time, we have inherited from these empires political, religious and ethnic narratives and hence identities, which are derived from dated political thinking and are therefore no longer useful or appropriate for living in today's world. People are enemies without political purpose or practical benefit. The classical, pre-modern empires of which I speak were not only interested in acquiring subjects (instead of self-conscious citizens), but also in acculturating people for serfdom and submission. People had to work and fight for the emperor. It makes no sense to serve, even in a spiritual sense, an empire that has fallen, and to declare each other enemies just because certain ancient emperors were insatiable in their lust for land and power.

No modern, democratic state can be built on such foundations. The sad story of contemporary Europe and of the European Union also demonstrates that it is not possible to build healthy, well-balanced societies and political communities within the framework of ethnic states. Bosnia and Herzegovina manifests at a local level all the problems of Europe who seeks unity but does not succeed.

The people of Bosnia and Herzegovina, all people in Europe and elsewhere, who are subject to imperial ideologies which have entered their very minds and souls, should liberate themselves from slavery to any ideology, whether political, ethnic or religious.

No doubt, Marxism/Communism gave the wrong answer to the question of how to liberate people from their past, because it annihilated individual freedoms in the process. Unfortunately, Bolshevik ideology has warped the minds of many people and both the liberal left and national right remain contaminated, especially in the countries of Eastern Europe. Westerners may not understand the extent of the damage done, because they have not been subject to such processes of indoctrination and socialization. Eastern European societies might require more than forty years to make an exodus out of the Communist past. The process of

liberation is easier and faster when it entails a parallel geographic journey as it did for the Jews leaving Egypt, or immigrants from the old continents to America. An ideological exodus proves more difficult when the individual remains in the same physical location and social environment.

Personal freedom and responsibility are the best values that a society can ensure for its citizens, and these are the core values upon which societies can be built. Yet we should continue to seek a new kind of liberation, in the spiritual and mental sense, which may be achieved only by the use of the *mens*, of reason. *Education* contributes to personal freedom and responsibility, and connecting free individuals makes for a happier, healthier public life.

Borders, xenophobia and national identity

Political borders separating human beings should be abolished. I shall mention just two arguments for this change. The first is actually an axiom, statement which requires no further argument: all human beings are equal. A human being with consciousness is a free, moral being who has responsibility towards human community. All human beings equally incorporate the possibility of *good* and justice in the world. From this fact derives the dignity of all human beings. If all human beings are equal, they should be treated as equal persons before the law. Secondly, in an era when societies are based on communication, digitalization and science, it is difficult to maintain intellectual boundaries. Where no intellectual boundaries exist, no geographical or political borders should exist either; the latter are results of the former.

These propositions are conditional and normative. In a descriptive mode it is clear that borders do exist, and even that in certain situation borders have to exist. Borders must exist to delineate a personality, one's private life, and also to protect administrative units, such as national or constitutional states.

There are mental, political and geographical borders, and there has been a tendency to fortify borders in the recent past. What could be the cause?

First a conceptual remark: for identities to exist, they must be enclosed. Identity is not infinite, it has its borders, and identity is contained within them. When we describe a certain identity, we have to state what it is, why it is this and not that, what belongs to it and what does not. Whatever does not belong to a particular identity is outside of the person. Identity needs the other, the non-identical to define itself in relation to it. When we define a concept, we state what it contains and expresses, and by that very act we simultaneously reveal what it does not contain and express. We clarify what belongs inside and what belongs outside the concept. No fashion trend, human generation, philosophy, science, human person or society can exist without an identity and boundaries.

Identity is a construct. In the case of individuals, it derives from the actions of a person and from the sum of his beliefs and desires. In the case of larger groups, identity may be established normatively, by the constitution of the group, or through the actions of the group members. If an ethnic group persists over time, it communicates that it has a *history*. A community with a history has identity. History and identity are both constructions.

Identity must not lead to fear or even hate. There are other possibilities in meeting the other or other identities.

If your identity is based on your belonging to a particular race or nation, then all other racial or national identities are different from yours. If you are Serbian, you cannot be at the same time and in the same sense Japanese. You must define yourself *against* other races, against the members of different ethnic groups. This “against” however should not lead to animosity, although this has often been the case.

Fear, hostility and xenophobia can be a result of ethnic self-definition. Strengthening individual or societal national identity may result in increased xenophobia. As Ugo Vlaisavljević has demonstrated, war is a very specific identity-constructor, and the post-war political structure – mostly unjust and often dictatorial – remains as long the memory of the war is vivid in the population. “Ethnopolitics builds in time of war an identity, which is defined against the enemy” (Vlaisavljević manuscript 2, 90). War is the borderline of all actions in its brutality and cruelty. Hence the identity created by war is the strongest of all identities. It is a

borderline identity, less an identity than a form of self-destruction. Further, “to forget the last war means that the community will lose forever its ethnic identity” (Vlaisavljević manuscript 2, 91). Following this train of thought, ethnic identity is a self-destructive one, existing on the periphery of non-existence. Peace endangers ethnic identity, writes Vlaisavljević. It poses a danger to the war-based ethnic identity. But where the war-generated identity ends, there is a chance for a new, peace-based one to emerge.

National identity is strengthened in a very specific way by war. Since war is the continuation of political negotiations and deliberations, and politics is made by politicians, the responsibility of politicians is extraordinary. National identity should be based not on animosity, but on the search for common values, the method of which is dialogue.

It seems plausible that if we could find – through dialogue – universally acceptable normative principle for defining human identity and universal values, we would increase the chances of abolishing xenophobia.

There are certainly social-psychological grounds for the emerging search for identity and its consequence, xenophobia. The anxiety over obtaining enough material resources for living and raising one’s children is such a ground. The fear of losing one’s habitat, territory or living space is another. The hope that belonging to a group, a race or a nation can protect our life in all respects is the third. The common efforts of a nation can benefit all its members. This is a martial, war-based concept of family or ethnicity. What is needed is a peace- and confidence-based, legally anchored, inclusive concept of ethnicity.

The origins of xenophobia and national identity

Belonging to a nation or a group means having humans around us who support us and whom we help in turn. We receive human warmth and understand and feel comfortable using the language of our community. People more easily organize their own life and its administration, hold political views and participate in

public life more readily when they feel themselves to be members of a community.

If there is a shortage of resources on Earth, groups try to ensure benefits exclusively for themselves. They draft political or economic contracts, unite their forces and exclude other groups from the territory where the resources may be found. Most people cannot think on a larger scale, and local political communities are always defined for relatively small territories and short timescales.

When inspired thinkers with a broader intellectual scope suggest that there is a need for thinking on a larger scale, they often neglect the psychological and historical origins of smaller communities. There was one great, successful and universal founding, the foundation of the United States at the end of the eighteenth century. But the North American continent was sparsely populated and had no political-institutional history and memory.

What is wrong with universal models in general? Why are large groups of people in Europe hostile toward universal constructs? Most people live far away from the political center of a very large state, and it is difficult for them to imagine how such a distant institution can be relevant to the people living in local communities. Since politics is a struggle to ensure one's own interests, people's fear that faraway politicians will leave them alone with their needs is not unfounded. In such states, justice itself seems to be at risk.

The first lesson to be learned from all of this is that universal political system will function only if its constitution guarantees justice to local people, to each individual. The universal political center could be administration like the US presidency, but it should not have any impact on people's everyday life and local economy.

The economy must be free from politics so that people may organize themselves to provide for their everyday needs. Economy is built on the responsibility, reliability and seriousness of each individual. All individuals have the right to freely manage their whole lives and law should be based on personal responsibility.

The highly discussed descriptive theory of the French anthropologist Emmanuel Todd is unfortunately not useful for normative purposes (Todd 2017). It does not help build a peaceful public life on the European continent. In an interview for the

Spiegel he maintains that people in Europe live in very different familial, societal and religious systems, and cannot coexist by following what he calls universalistic abstractions (Todd 2018). He argues that “universalistic abstractions had catastrophic consequences for Europe” (Todd 2018, 114). In opposition to the descriptive social sciences, philosophers and the best politicians think in a normative manner, and this thinking is by nature idealistic and abstract. Since it does not say or describe what is but what should be, it is forced to use theoretical and not empirical concepts. The ethnic, particularistic reality in Europe should not lead to despair but to increased efforts to find shared values for a united Europe.

Responsible individualism

To help people make peace with universal principles, we must convince them that these principles make for a healthy society. The way to achieve this is to develop civic conversation, language learning and high-quality schools. John Dewey has proposed that if we wish to found, construct and maintain a healthy society from a political and a legal perspective, that is, if we wish to have democracy, we should refrain from revolutions and build good schools instead. The idea of revolution as a method for the amelioration of society was a fundamental misunderstanding of human nature by Marx and Marxists, especially the Bolsheviks who maintained that they were in the majority (that is what Bolshevik means) while they were a minority both within society and in politics. The takeover of the political power started with a lie (the choice of name, the fable of the siege of the Winter Palace), and the whole movement was based on lies. And if we lie about reality, our actions cannot reach their desired end; the result is destruction and chaos. The effects of untrue and unjust thinking were demonstrated on a large scale by the rise and fall of the Soviet Union. It began with an erratic ideology, continued as a lie-based fable, and ended as a farce.

Revolutions are destructive, and the casualties at the level of individuals and in the fabric of communities are so grave that they take many generations to heal. For this reason, revolution

cannot be the way to a healthy society. Some Marxists posed the question whether it is acceptable to commit a sin for a good purpose, that is, to kill and to intern people in camps to allow the revolution to triumph. "History" has given us the answer. Marxism and Marxist Communism are now where they deserved to be, on the garbage heap of mankind. Dewey emphasized his proposition after learning about the true nature of Stalinism as practical Marxism. In a democracy, schools educate people to help them live as moral, responsible, law-abiding citizens. This could be the basis of a just society. *Democracy is responsible individualism.*

In which language, in whose public spaces and schools should the development towards a just society take place?

Ugo Vlaisavljević reminds us that there is a need for openness in the public sphere: "No ethnic community should dominate the public space, for that the civic agreement which is in a multi-ethnic milieu always potentially an agreement between ethnicities – is in truth reciprocal and fair" (Vlaisavljević 2009). And here in the public space, the individual plays the main role.

Historic and social Darwinism teach that the strongest wins. This biological device applies to human beings as well, and is present in kindergartens, schools, politics and business. A just society based on social contract, a constitution, jurisdiction and law enforcement must be constructed to counter this ethic. When Dewey writes of the necessity of schools over revolutions, he wants a peaceful change to take place in mankind's mentality and social life. The American Constitution is a good one, but people need to be educated to understand it and live according to it. The American upper class thought for a while that they were the aristocrats, the best of American society. They supported scientific research and the foundation of Social Darwinism. Wealthy Americans in the nineteenth century financed dinosaur research out of a desire for self-justification. Whereas churches and religious figures fought against Social Darwinism, J. P. Morgan and Dale Carnegie supported research on dinosaurs because in the principle of the survival of the fittest they saw prehistoric confirmation of their own life (Crichton 2018). But it has become clear, especially in the decades following the Bolshevik Revolution, that the Tyrannosaurus Rex cannot be a good example to follow.

Victory is born of fighting. Suffering, death, anarchy and revenge are its attendants. No peaceful society can be built on such foundations. Hence, we have to question the Social Darwinist idea as a plausible normative concept for social and political development. Justice is clearly not a biological, but a moral concept; we have to enforce it against the powers of physiology. The strongest should not always win in the legal sense in a just society. In a multi-ethnic milieu, political and religious leaders, as well as academics, should strive towards a public life based on the dignity of individuals. Every human being has the freedom and prerogative to choose his or her religion, world view, way of life, profession and even language. He or she has this right as long as these personal decisions and their practical consequences do not hurt other people and their freedom. No one's religion, wealth, force or influence should give them immunity from the law. The law ensures that individuals have the same legal weight, independent of their economic or physical force.

This is a kind of fundamentalism: the fundamentalism of non-fundamentalism. Democracy is founded on the non-foundation, on the human being. Human beings are fragile, mortal, indeterminate, not well understood by science, able to create art and die. At the same time, human being is the strongest foundation for public life. Human beings can be killed, but not destroyed. *Humanity* cannot be destroyed, and society has no form, but is on a persistent quest for form and content. Plato called it *atopos* or *atopical* referring to Socrates, who sought to understand the what-ness, the essence of everything. Since he did not find his own "essence", he himself was out of place, without foundation and celebrated substance. Democracy is *atopos*. This means we should not ask what democracy is but try to contribute to justice in our local and global community – and democracy will realize itself.

The search for a good form for the atopical being was the main aim of Greek philosophy and the European Enlightenment. Atopization of public life has also been called "secularization", but this is a word overfraught with ideology. We can substitute atopization for secularization in Rorty's sentences to demonstrate what I wish to express: "The ones who, like me, agree with Habermas typically see the *atopization* [Rorty writes *secularization*] of public life as

the Enlightenment's central achievement, and see our job as the same as our predecessors': getting our fellow citizens to rely less on tradition, and to be more willing to experiment with new customs and institutions" (Rorty 1999, 168). We do not know what we are. We do not know what the ideal, just, democratic society looks like. But we know what justice is. We should start with this knowledge. To begin this process is already an atopic and democratic act, and the realization of justice (Sønge-Møller 2017, 166–167).

If we teach children in our schools to accept human atopicity and to take responsibility for the way they live their lives, if we teach mutual respect, then a society will grow up that will esteem these values and become capable of rewriting the social contract to achieve communal and legal justice. What will happen with the religious and national identities? What is inherently good in them will prevail in the long run. The unifying principle of society will not be to which religion you belong, or what your mother tongue is, but whether you are committed to personal freedom and social justice. A sense of "us" will develop in the community that will transcend religious affiliation and language. Post-imperial societies like Switzerland and the US are living proof that such societies can function well. Is it too late in history for Europe or the Balkans? No. There is no such thing as "too late" in history. There are only old people with bad schools.

Atopicity is the answer to all sceptics: we do not know who we are, all we know is that we do not know. We do not know the consequences of justice for each individual and in public life, but it is worthwhile to create and experience conditions of justice out of respect for the freedom and atopicity of our fellow human beings.

Principles of the solution

The principle upon which the solution is to be based should be clear. There is no better foundation for public life than the categorical imperative as Kant formulated it: "Act as if the maxim of your action were to become through your will a universal law of nature", or: "Act so that the maxim of your will can always at the same time hold good as principle of universal legislation" (Kant 2015, §

7). This principle is formulated for a just society by John Rawls who states that “[t]he principles of justice are chosen behind a veil of ignorance” (Rawls 1971, 12).

It is improbable that reasonable people cannot understand these principles. All great religions profess the same fundamental values. The pressing task for philosophers, theologians and politicians is to define this common ground and to make it the foundation of a just society and public life. If people should agree regarding these questions, the common way can be found or constructed. As Hannibal (218 BC) said: “We will either find a way or make one”.

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Ana Dimishkovska

Legal Argumentation on Trial: Dissenting Judicial Opinions in Cases Related to Racial Discrimination

Abstract

In this paper, I try to approach the topic of racial discrimination from the perspective of contemporary research on legal reasoning and argumentation, by attempting an argumentative analysis of three cases from the practice of the European Court of Human Rights related to the segregated education of Roma children. In two of the selected cases, the judicial decisions are not unanimous, but reached through majority vote, and their justifications are accompanied by dissenting opinions of the judges that disagree with the majority opinion. The point of this analysis is to shed some light on the complex nature of the practical application of normative mechanisms directed against harmful social practices, such as racism and xenophobia.

The functioning of these mechanisms, enacted, *inter alia*, through judicial activity, confronts the general challenges that stem from the interpretive and dynamic nature of legal reasoning and argumentation. In addition to these, however, the judges in the selected cases also had to tackle the difficulties related to the specific circumstances of different cultural, historical and legal traditions, and current realities, in the vast social area relevant for the jurisprudence of the European Court of Human Rights. Identification and elaboration of the conflicting pleas and arguments in relation to the outcome of a single case will be used as an illustration of the importance of the differences in underlying “legal ideologies” and different prioritizing of legal and societal values by individual judges, in assuring the legal protection against different forms of racial discrimination.

Keywords: dissenting opinions, educational segregation, European Court of Human Rights, legal argumentation, racial discrimination

Introduction

■ The general theoretical platform that this paper is based on involves logical-argumentative approach to legal reasoning. One of the key assumptions of this approach is that the different ways in which logical and argumentative techniques are being applied in legal reasoning, especially in institutional, judicial contexts, can significantly influence the final outcome of many legal controversies – at least, when it comes to more complex ones. This is due to the fact that the connections between the values, principles, rules and facts to be established and articulated within the framework of legal reasoning, are far less straightforward than they may seem to be at the first glance. The complexity of legal reasoning as a logical and argumentative activity is related, among other things, to the following characteristics: 1) the dynamic interaction of values that underlie the normative structure of law and their different hierarchization in different legally relevant circumstances; 2) the peculiar nature of legal rules, which admit of exceptions and divergent interpretations of their applicability, scope and meaning; 3) the defeasibility of some of the most widely used forms of inference in the legal area, and 4) the open texture of some natural-language concepts that play a crucial role in the legal language (see Bench-Capon, Atkinson and Chorley 2005; Lodder 1999; Prakken and Sartor 2004).

In this paper, an attempt is made to show the relevance of this approach to the general topic of the conference – “Xenophobia, Identity and New Forms of Nationalism”. This is done by means of exploring some argumentative aspects of the application of normative regulations directed against racial discrimination in the contemporary European context. The analysis presented in the paper is focused on three cases related to racial discrimination, taken from the recent jurisprudence of the European Court of Human Rights (ECHR). All of the selected cases pertain to the same topic – allegations of racial discrimination of Roma children in the educational systems in their countries. Two of these cases, however, involved significant levels of discord between the judges regarding the judgment made and its justification. The final goal of the analysis is to shed light on the way in which the arguments formulated in

some of the dissenting judicial opinions in different stages of the development of the cases in point, have contributed to important changes in the existing approach to the problem of racial discrimination. The overall influence of these changes was directed towards strengthening of the protection of individuals and groups against direct or indirect discriminatory practices. Thus, this paper intends to emphasize the double significance of dissenting opinions in the general context of legal reasoning. On the one hand, such opinions are presented as rich sources of real-life material for theoretical study of argumentative phenomena in the legal field and, on the other, as important factors of the evolution of the current legal thinking and its normative effects.

The problem of dissenting opinions in the context of justification of judicial decisions

The theoretical interest in dissenting opinions as an integral part of the justification of judicial decisions is motivated by the acceptance of the idea that legal justification is one of the most important forms of legal argumentation. As Feteris puts it, in the general context of legal reasoning, “[t]he acceptability of a legal thesis is dependent on the quality of the justification” (Feteris 1999, 1). The significance of the quality of the justification of a particular legal stance is even more obvious in the cases in which the decisions of collective judicial bodies are not unanimous. In such cases, the strength of the argumentation by which different positions regarding the final decision are being defended may be a crucial factor that determines the outcome of the legal controversy and its influence on subsequent similar cases.

However, the status and the role that dissenting judicial opinions have or should have in the general context of legal justification is an important discussion subject in contemporary theories of legal reasoning and argumentation. Recognizing the fact that dissenting opinions make it possible to identify and evaluate both reasons *pro* and *contra* the majority decision, there are divergent views on the practice of making them public, i.e., giving a larger audience the opportunity to gain insight into the dynamics and

heterogeneity of deliberation inside the court.¹ Opponents of the view that dissenting opinions of one or several judges should be published together with the final judgment, support their stance with three main reasons: 1) public judicial dissent carries a risk of weakening the legal authority of the final, majority decision; 2) it undermines the image of consistency, completeness and determinacy of the legal system, and 3) it may jeopardize the principle of secrecy of judicial deliberation. On the other hand, supporters of the practice of dissenting judicial opinions' publication believe that such a practice manifests judicial integrity, independence and transparency of the process of decision-making. Also, it may motivate the adherents of the majority opinion to elaborate stronger and sharper versions of their own arguments, capable of offering better justificatory support for their stance and resisting more powerful argumentative attacks. Finally, by elaborating and justifying alternative ways of treating the current legal issues, dissenting opinions made available to wider social audience may anticipate new trends in the development of global normative consciousness and legal regulative in respective areas (see Azizi 2011; Ginsburg 2010; Langenieux-Tribalat 2007; McIntyre 2016; Rees QC and Patrick 2009).

The later perspective on the importance of dissenting opinions, especially as factors of normative dynamics in the field of law, is supported by some famous historical examples. Among the most influential of them, relevant for the topic of racial discrimination, are two 19th century cases from the practice of the US Supreme Court. In one of them (*Dred Scott v. Sandford*, 60 U.S. 393 (1857)), the dissenting opinions of Justice Curtis and Justice McLean were opposing the majority opinion that denied full citizenship to the descendants of African Americans brought to the US as slaves. In the other case (or, rather, a group of them, known as *Civil Rights Cases*, 109 U.S. 3 (1883)), Justice Harlan's opinion was going

¹ In an institutional sense, different legal systems and traditions have adopted different solutions regarding the role of the dissenting judicial opinions and the formal-procedural possibilities of filing them. In this paper, however, the point of interest is not the formal status of dissenting opinions in particular systems, but, rather, the theoretical aspect of the controversies related to them and their argumentative role in the global framework of legal reasoning.

against the majority decision that supported racial segregation. Ever since, the argumentative justification of their, at the time, minority stances, has epitomized the characteristics of a bold, ground-breaking legal thinking that, according to the suggestive formulation of Justice Charles Evans Hughes, appealed “to the intelligence of a future day” (cited in Ginsburg 2010, 4). In this paper, however, as it has already been mentioned, the emphasis will not be put on the general historical aspect of judicial dissent in cases related to racial discrimination. Theoretical attention will rather be focused only on a limited segment of the contemporary context related to the practical application of non-discrimination law in Europe, which concerns educational segregation of children of Romani origin in their respective countries.

Judicial dissent in cases of racial discrimination and segregation in contemporary European context: the “landmark decision” *D. H. and Others v. the Czech Republic*

The importance accorded to the principle of non-discrimination in the current legal discourse is based on the recognition of the fact that this principle influences the enjoyment of all other human rights. Generally, the protection of this principle in contemporary European context is based on two pillars: prohibition of discrimination provided in the Council of Europe’s European Convention on Human Rights (hereinafter referred to as the Convention), as interpreted by the European Court of Human Rights (ECHR), and the law of the European Union, as interpreted by the Court of Justice of the European Union (CJEU). The recent ECHR and CJEU case law comprise many important judgments in cases related to racial discrimination. They have generated intensive discussions, both in professional and wider social circles, inspired extensive secondary literature and reflected the complex dynamics of interpretation and application of the non-discrimination principle in the rapidly changing social circumstances of the modern world (see *Handbook on European Non-Discrimination Law* 2018). One of them is particularly relevant for the purpose of this paper: the “landmark decision” of the ECHR in the case *D.H. and Others v.*

*the Czech Republic*² (Appl. No. 57325/00, judgment (Chamber) of 7 February 2006; judgment (Grand Chamber) of 13 November 2007), which will be subjected to a more extensive analysis.

The applicants in this case were a group of Czech children of Roma descent, who, in the period between 1996 and 1999, had been placed in special schools for children with mental disabilities. According to the statistical data, there was at the time a disproportionate number of Roma school children classified as having special educational needs. Thus, in 1999, the probability of a Roma child being assigned to a “special school” was more than 27 times higher than for a non-Roma child. The argumentation of the applicants before the ECHR consisted, essentially, of the claim that segregation based on race or ethnic origin represented a violation of the right to education, recognized in Article 14 of the Convention (prohibition of discrimination),³ read in connection with Article 2 of Protocol 1 (right to education).⁴

In 2006, almost seven years after the initial complaint had been lodged with the Strasbourg Court, the Chamber rejected it by six votes to one. The main justificatory arguments for such a decision were the following: 1) the Chamber held that, among other things, the Government has “succeeded in establishing that the system of special schools in the Czech Republic was not introduced solely to cater for Roma children and that considerable efforts are made in these schools to help certain categories of pupils to acquire a basic education” (para. 48 of the Chamber judgment); 2) the rules governing children’s placement in special schools did not refer to the pupils’ ethnic origin, but to their learning disabilities as

² Hereinafter referred to as “the *D.H.* case”.

³ ARTICLE 14 – Prohibition of discrimination: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.

⁴ ARTICLE 2 of Protocol 1 – General prohibition of discrimination: “1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. 2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1”.

revealed by psychological tests; 3) the system of special schooling, for the Court, was established with the legitimate aim of adapting the educational system to the needs and aptitudes or disabilities of children, regardless of their ethnic origin; 4) the applicants' parents failed to take any action against placing their children in special schools. Thus, the Court concludes that the concrete evidence in the present case did not justify the allegations of the applicants that their placement in special schools had been the result of racial prejudice.

However, the one judge – Judge Cabral Barreto – who was against the decision filed a dissenting opinion based on the following reasons: 1) Czech government had previously conceded (in a report related to the Framework Convention for the Protection of National Minorities) that at the time which coincides with the relevant period in the instant case, Roma children with average or above-average intellect were often placed in special schools on the basis of results of psychological tests; 2) the tests were conceived for the majority population and did not take Romany specifics into consideration; 3) in some special schools, Roma pupils made up between 80% and 90% of the total number of children. Taken together, these concessions, according to Judge Cabral Barreto, amounted to an express acknowledgement by the Czech State of the discriminatory practices complained of by the applicants. Judge Cabral Barreto agreed with the Court's recognition of the existence of the State margin of appreciation in the education sphere and the necessity of taking into account pupils who, because of their special circumstances, required a specific form of education. However, he emphasized that the Czech State's "different treatment" of the applicants had additionally aggravated the differences between them and the pupils attending the ordinary schools. That prevented Roma pupils with average or above-average learning capacities from achieving their full cognitive and intellectual potential (para. 5 of Judge Cabral Barreto's dissenting opinion). Also, the concurring opinion of another judge – Judge Costa – expressed a concern that resonated with the arguments articulated in Judge Cabral Barreto's dissenting opinion. Judge Costa, who admitted that he had voted with the majority "only after some hesitation" and that he found some of Judge Cabral Barreto's arguments

very strong, clearly pointed out to the danger that “under cover of psychological or intellectual tests, virtually an entire, socially disadvantaged, section of the school population finds itself condemned to low level schools, with little opportunity to mix with children of other origins and without any hope of securing an education that will permit them to progress” (para. 4 of Judge Costa’s dissenting opinion).

The decision of the Chamber by which the initial complaint had been rejected, was appealed against by the applicants. It also provoked a strong public backlash, by many NGOs, academics, human rights activists, etc., being described as “conservative and formalistic” (Medda-Windischer 2007/8, 24). After the appeal in 2007, the Grand Chamber of the ECHR reversed the decision. The Grand Chamber held that there had been indirect discrimination against the applicants in the context of education, finding a violation of Article 14 read in conjunction with Article 2 of Protocol 1. Recognizing that the Roma, as a vulnerable minority, required special protection, the Court stated that it was not “satisfied that the difference in treatment between Roma children and non-Roma children was objectively and reasonably justified and that there existed a reasonable relationship of proportionality between the means used and the aim pursued” (para. 208 of the Grand Chamber judgment).

This Grand Chamber judgement became an object of wide academic and social interest and an important reference in the context of non-discrimination law. Described as a “remarkable reversal” (Medda-Windischer 2007/8, 25), this ground-breaking judgement reaffirmed or clarified some of the previously applied principles of protection of individuals and groups against discrimination, but, at the same time, established some new principles and opened new directions in disseminating and deepening anti-discrimination practices (see Devroye 2009). The most important and far-reaching aspects of the judgement in this sense include:

- 1) To apply and further refine the concept of indirect discrimination. This kind of discrimination is conceived as a situation that occurs when an apparently neutral rule – in this case, the testing and evaluating method – disadvantages a person or

a group sharing the same characteristics. In other words, even in the absence of the explicit discriminatory *intent*, if the actual *effect* of a given measure or policy, without being objectively justified by a legitimate aim, puts persons of a particular racial or ethnic origin at a disadvantage in comparison with other persons, that measure or policy may amount to indirect discrimination (para. 175 of the Grand Chamber judgment).

2) To reaffirm the admissibility of statistical evidence. The judgement of the Court confirmed that statistical data that, on critical examination, will appear to be reliable and significant, can be sufficient for the claimant to rise a presumption of discrimination. Statistical data, however, are not treated as a prerequisite for a finding of indirect discrimination (para. 188, *op. cit.*).

3) To shift the burden of proof when a presumption of discrimination is established. Besides the admissibility of statistical evidence, another aspect of lessening the strictness of evidential rules in cases of alleged indirect discrimination is shifting the burden of proof. As the Court has pointed out, “Convention proceedings do not in all cases lend themselves to a rigorous application of the principle *affirmanti incumbit probatio* (he who alleges something must prove that allegation) [...]. In certain circumstances, where the events in issue lie wholly, or in large part, within the exclusive knowledge of the authorities, the burden of proof may be regarded as resting on the authorities to provide a satisfactory and convincing explanation” (para. 179, *op. cit.*). Therefore, once the person alleging discrimination establishes a rebuttable presumption that the effect of a policy or practice is discriminatory (*prima facie* discrimination), the burden shifts to the defendant (the respondent State, in the case in point) which has to show that the difference in treatment is not discriminatory.

4) To address structural arrangements and institutionalized practices that violated the human rights of racial or ethnic groups. One of the aspects described as “innovative” in the Grand Chamber judgment is addressing not only the acts of discrimination against individuals, but also the structural discrimination resulting from systematic social disadvantaging of a particular

ethnic or racial group. In Court's opinion the fact that the relevant legislation as applied in practice at the material time had a disproportionately prejudicial effect on the Roma community, is a sufficient basis to conclude that the applicants as members of that community necessarily suffered the same discriminatory treatment (para. 209, *op. cit.*).

5) To establish that there is no waiver of the right not to be subjected to racial discrimination. This aspect of the judgment is related to the issue of the liability of the parents of Roma children placed in special school and the status of their consent to that measure –whether it was duly informed and free of any sort of constraint. Reversing the previous Chamber's approach to that aspect of the case, the Court finds that "[t]he Roma parents were faced with a dilemma: a choice between ordinary schools that were ill-equipped to cater for their children's social and cultural differences and in which their children risked isolation and ostracism and special schools where the majority of the pupils were Roma" (para. 203, *op. cit.*). Therefore, the Court finds that even the consent given by the parents of the Roma children placed in special schools cannot prevail over the right of these children not to be subjected to discrimination on racial grounds.

This decision of the Grand Chamber, however, was not unanimous: four out of seventeen judges (Judge Zupančič, Judge Jungwirth, Judge Borrego Borrego and Judge Šikuta) voted against the decision and filed dissenting opinions, yet still finding no violation of the Article 14 of the Convention, read in connection with Article 2 of Protocol 1. In what follows, an attempt is made to systematize the main reasons and arguments against the majority decision taken from all four dissenting opinions, in order to gain deeper insight into the essence of the controversy between the adherents of the majority and of the minority opinions regarding the final outcome of the case.

a) Argument 1: "Double standard" in assessing different states

The first reason for opposing the majority decision adduced in the dissenting opinions is that the Czech Republic was not alone

in having encountered difficulties in providing schooling for Roma children. As it was emphasized by the Court itself, other European States had had similar difficulties. According to Judge Zupančič, the Czech Republic was the only Contracting State that had in fact tackled the special-educational troubles of Roma children (cf. para. 198 and 205 of the Grand Chamber judgment); consequently, in his opinion, it was absurd to find it responsible for the violation of the anti-discrimination principle. The alleged “violation”, he continues, would never have happened had the respondent State approached the problem with “benign neglect”. Similar argument was advanced by Judge Jungwiert, according to whom the old EU member states, as shown by ample factual evidence that he adduced, had been unable to resolve problems related to the education of Gypsies and Travellers. In his words, “the implication is that it is probably preferable and less risky to do nothing and to leave things as they are elsewhere, in other words to make no effort to confront the problems with which a large section of the Roma community is faced” (para. 15 of Judge Jungwiert’s dissenting opinion).

In sum, the criticism towards the majority decision espoused in these two dissenting opinions amounts to the claim that that the positive intent of the Czech Republic to make an effort to tackle the special educational needs of Roma children was misinterpreted as a violation of the anti-discrimination principle. That, according to these dissenting judges, represented an instance of the “double standard” treatment in comparison to the situation in some other EU member states, in which the problem of the lack of education for the large population of Roma children was either neglected or treated even less effectively.

**b) Argument 2: Legitimate aim of the difference in treatment
– compulsory education for all children**

The second argument that can be extracted from dissenting opinions is contained in the claim that the difference in treatment between Roma and non-Roma children pursued a legitimate aim: providing a compulsory education for all children. According to the explanation of Judge Jungwiert, the inegalitarian education system in the Czech Republic had been established back in 1920 and successively

improved through a body of procedural safeguards: parental consent for placing their children in special schools; recommendations of the educational psychology centers; the right of appeal to the placement of a child in a special school; possibility of transfer back to an ordinary primary school from a special school, etc. In Judge Jungwiert's opinion, this procedure served a positive aim of getting children to attend school in order to have a chance to succeed through positive discrimination in favour of the disadvantaged population to which they belonged (para. 11, *op. cit.*). In the same vein, the dissenting opinion of Judge Šikuta developed the argument that the establishment of special schools was fully within the scope of the state's margin of appreciation regarding the optimal way to tackle the educational problems in its specific social and historical circumstances. The system of special schooling, he argued, although not being a perfect solution, was to be treated as positive action on the part of the State designed to help children with special educational needs to overcome the obstacles imposed by their different level of preparedness and become able to follow the ordinary curriculum.

c) Argument 3: "Fighting racism through racism"

Besides the previously mentioned reasons of dissenting judges for their not adhering to the majority decision, one of dissenting opinions – that of Judge Borrego Borrego – contains an additional critical remark to the final Grand Chamber judgment. It concerns the negative stereotyping of Roma parents that, in his opinion, was present in the formulation of the judgment. Thus, in one of its paragraphs, the Court calls into question the capacity of Roma parents to perform their parental duty, stating that "the Court is not satisfied that the parents of the Roma children, who were members of a disadvantaged community and often poorly educated, were capable of weighing up all the aspects of the situation and the consequences of giving their consent [for placing their children in the special schools]" (para. 203 of the Grand Chamber judgment). In Judge Borrego Borrego's words, "Such assertions are unduly harsh, superfluous and, above all, unwarranted [...]. The grand Chamber asserts that all parents of Roma children, 'even assuming' them to be capable of giving informed consent, are unable

to choose their children's school" (para. 14 of Judge Borrego Borrego's dissenting opinion). For Judge Borrego Borrego such a stance represented an example of the sad human tradition of fighting racism through racism (*ibid.*).

d) Argument 4: Changing the role of the Court – evaluating the global social context instead of responding to individual applications

According to some of the dissenting judges, another problematic aspect of the final judgment in the *D.H.* case were the implications of that judgment for the interpretation of the role of the Court itself, regarding its obligation to respond to individual applications instead of evaluating the global social context in which the issue had emerged. This concern is elaborated in the dissenting opinion of Judge Borrego Borrego, who claimed that, "in contradiction with the role which all judicial bodies assume", the entire Grand Chamber judgment was devoted to assessing the overall social context, which resulted in the Roma becoming a specific type of disadvantaged and vulnerable minority (para. 5 of Judge Borrego Borrego's dissenting opinion). He cited the paragraph 209 of the judgment, in which the Court stated the following: "[...] since it has been established that the relevant legislation [...] had a disproportionately prejudicial effect on the Roma community, the Court considers that the applicants as members of that community necessarily suffered the same discriminatory treatment. Accordingly, it does not need to examine their individual cases". Judge Borrego Borrego's comment on this paragraph reads as follows: "This, then, is the Court's new role: to become a second ECRI (European Commission against Racism and Intolerance) and dispense with an examination of the individual applications [...]. None of the applicant children or the parents of those applicants who were still minors were present at the hearing. The individual circumstances of the applicants and their parents were forgotten" (paras. 7–9, *op. cit.*). He further stated the concern that such a practice could introduce an abandoning of the standard procedure, followed by the Chamber in paragraphs 49 and 50 of its judgment, and turn the hearing room of the Grand Chamber into an "ivory tower", divorced from real life and the problems of the minor applicants and their parents (para 10, *op. cit.*).

**e) Argument 5: Need of reinterpreting the sense
of the expression “persons in similar situations”**

Another argument against the majority decision that was elaborated in one of the dissenting opinions – that of Judge Šikuta – is related to the interpretation of the expression “persons in similar situations”, which plays a crucial role in the definitions related to the very concept of discrimination. Thus, on the one hand, the discrimination is generally defined as treating differently, without an objective and reasonable justification, persons in relevantly similar situations (para. 175 of the Grand Chamber judgment). On the other hand, Judge Šikuta emphasized that the Court’s case law clearly established that a difference in treatment of “persons in otherwise similar situations” did not constitute discrimination where it had an objective and reasonable justification; that is, where it could be shown that it pursued “a legitimate aim” or there was “a reasonable relationship of proportionality” between the means employed and the aim sought to be realized. So, in order to establish whether a discriminatory treatment occurred, it is necessary first to determine which persons or groups of persons are considered to be in relevantly similar situation, i.e., to determine the basis on which the comparison between them is made. In Judge Šikuta’s opinion, in the *D.H.* case it was wrong to suppose that the groups whose situation was to be compared were Roma children attending special schools, on one side, and non-Roma children (or all children) attending ordinary schools, on the other. Hence, they were not to be considered as being “persons in otherwise similar situations”, being treated differently. The reason for such a claim was the fact that individuals of both “groups” attended both types of school under the same conditions of access: non-Roma children were attending special schools and, at the same time, Roma children were attending ordinary schools. According to Judge Šikuta, the placement of a pupil in the corresponding type of school was made solely on the basis of the results achieved by passing the psychological test – same for all children regardless of their race. He further claimed that, in fact, the real *difference in treatment* had been between children attending ordinary schools on the one hand, and children attending special schools on the other, regardless of whether they were of

Roma or non-Roma origin. However, such difference, continues judge Šikuta, had an objective and reasonable justification and pursued a legitimate aim – providing all children with compulsory education. Further, he argued that the expression “persons in otherwise similar situations” should have been applied to children attending the same special school, both Roma and non-Roma. Here, in his view, there was neither legal nor factual ground to conclude that Roma children attending special schools had been treated less favorably than non-Roma children attending that same special schools. Therefore, he did not share the opinion that the applicants, because of their belonging to the Roma community, had been subjected to discriminatory treatment by their placement in special schools.

...

From the argumentative point of view, the legal complexity of the *D.H.* case provides a very important opportunity to illustrate the main idea of this paper: the significance of dissenting opinions for getting a deeper insight into the multiple aspects of the legal controversy in point, increasing the quality of legal justifications and furthering the application of legal principles in synchronization with the constantly changing social circumstances. This short description of the main arguments for and against the final judgement in the *D.H.* case has shown that the dissenting opinions played an important role in the two main stages of the development of the case. Firstly, the dissenting opinion of Judge Cabral Barreto related to the first decision made by the Chamber, which rejected the complaint by *D.H.* and other applicants, formulated the core of reasons, which, although not accepted by the majority at the time when they were first elaborated, gained prominence in the framework of the subsequent “remarkable reversal” of the judgment by the Grand Chamber. In fact, these reasons and arguments were incorporated in the argumentative foundation of the new, reversed decision. Secondly, the dissenting opinions of the four judges opposing the Grand Chamber judgment, although not affecting the final outcome of the case, point out to the actual or potential “points of vulnerability” of the newly adopted approach of the Court. They

deserve special attention in the treatment of further similar cases, either in the sense of sharpening and strengthening of the argumentative support for them, or in the sense of their full or partial revision. The way in which the principles established in the *D.H.* judgment, as well as some of the arguments elaborated in the dissenting opinions reappear in two similar subsequent cases, will be commented on in the following section of the paper.

***Sampanis and Others v. Greece:* the problematic status of parental consent**

In the case *Sampanis and Others v. Greece* (Appl. No. 32526/05, judgment (Chamber) of 5 June 2008; hereinafter referred to as the *Sampanis* case), the applicants, of Roma ethnic origin and residing in a settlement located in the “Psari” area of Aspropyrgos, Attica, complained that the education authorities refused to enroll their children in the local primary school during the school year 2004–2005 and subsequently placed them in an annex to the local primary school, attended only by Roma, five kilometers away from the primary school. Their relocation from the local primary school was due to the reaction of the local non-Roma parents who did not want their children to attend the same school as Roma children. The non-Roma parents staged numerous protests, described by the Court as incidents of racist character. The Court concluded that these events had an impact on the authorities’ decision to send the Roma children to the segregated annex, set up in prefabricated containers. The Court held the state authorities responsible for not having enrolled the Romani children during the school year 2004–2005 and emphasized that the placement of the Romani pupils in the segregated school environment had not been the result of special and adequate testing and was based on discriminatory criteria against the representative of an ethnic minority. Therefore, the Court found violation of Article 14 of the ECHR, read in connection with Article 2 of Protocol 1.

In this case, the decision of the Court was unanimous. According to the ERRC, this judgment “reinforces the position stemming from the *D.H.* and *Others* case that the segregation of

Romani children in inferior schools and classes is illegal and that European governments must take responsibility for this” (European Roma Rights Centre 2008).

For the purpose of this paper, of particular interest are the paragraphs 92 and 93 of the judgment, which concern the status of the parental consent for placing their children in segregated schools. Thus, “in the circumstances of the case, the Court is not convinced that the applicants, as members of a disadvantaged community often without education, were able to assess all the aspects of the situation and the consequences of their consent” (para. 93 of the judgment). The judgment in the *Sampanis* case clearly reaffirmed the stance taken in the *D.H.* Grand Chamber judgment, in spite of Judge Borrego Borrego’s harsh criticism of it as instance of “fighting racism through racism”. Furthermore, the Court reinforced this position by citing the dilemma with which some of the applicants were confronted in making the choice whether to sign the parental consent. According to the testimony of the first applicant, “he had to choose between the schooling of his children in ordinary classes, with the risk that their integrity would be placed in peril by ‘furious’ non-Romani people, or their education in the ‘ghetto school’” (*ibid.*). Thus, this judgment strengthened the preference to the principle that there can be no waiver to the right of not being discriminated against, even to the cost of devaluating the existing parental consent as un-informed and being made under pressure.

Oršus and Others vs. Croatia: legitimate aim of difference in treatment and proportionate means of its achievement

The case *Oršus and Others v. Croatia* (Appl. No. 15766/03. judgment (Chamber) of 17 July 2008; judgment (Grand Chamber) of 16 March 2010)⁵ was brought by fifteen Croatians of Roma origin who complained that they were victims of racial discrimination, as they were isolated in a school class comprised solely of Roma pupils. The applicants claimed that this separation had caused Roma children educational, emotional and psychological damage.

⁵ Hereinafter referred to as “the *Oršus* case”.

After an unsuccessful appeal to domestic institutions, the applicants complained to the ECHR that the segregation had violated their right to education and amounted to discrimination on the basis of their race and origin. The Court, however, accepted Croatia's justification of Roma-only classes being constituted solely on the criterion of pupils' insufficient command of Croatian language and established with a legitimate aim that the pupils acquire, as soon as possible, proficiency in the language of teaching. Therefore, the Court ruled that there had been no violation of Article 2, Protocol 1 of the Convention (right to education) or Article 14 (protection against discrimination).

The applicants appealed against this finding to the Grand Chamber of the ECHR. In its final judgment, while recognizing the efforts made by the Croatian authorities to ensure that Roma children receive schooling, the Court considered, however, that there were no adequate safeguards capable of ensuring proportionality between the means used and the legitimate aim pursued (para. 184 of the Grand Chamber judgment). Thus, the tests determining their placement in such classes did not focus specifically on the language skills; the educational program subsequently followed did not target language problems; there was no evidence of processes to assess improvement and move the Roma children to higher grade classes. The Court held there had been no objective and reasonable justification for the Roma-only classes, finding a violation of Article 14 of the Convention taken together with Article 2 of Protocol 1.

However, unlike the judgment in the *Sampanis* case, the Grand Chamber judgment in the *Oršus* case was not unanimous; on the contrary, it was passed with a slim margin – nine votes to eight. Moreover, the eight dissenting judges (Judges Jungwiert, Vajić, Kovler, Gyulumyan, Jaeger, Myjer, Berro-Lefèvre and Vučinić) issued a joint, partly dissenting opinion in which they stated their point of disagreement with the majority. This disagreement, as it was emphasized in the dissenting opinion, was not related to the key principles that were laid out in the judgment, which were clearly accepted by the dissenting judges, but to the way in which they were applied and to the conclusion drawn from them.

The comparison of the argumentative structure of this dissenting opinion with the arguments extracted from dissenting

opinions in the *D.H.* case shows that what was above described as an argument of the “legitimate aim of the difference in treatment” played a key role in the reasoning of the judicial minority in the *Oršus* case. The dissenting judges were satisfied that the allegedly different treatment of the applicants had not been “based on their ethnic origin or any other ‘suspect’ grounds, but rather exclusively on their insufficient command of the language, which means on pedagogical grounds. In such circumstances a wider margin of appreciation is allowed to the State authorities in employing method of addressing the applicants’ learning difficulties” (para. 18 of joint partly dissenting opinion). The solution adopted by Croatian authorities was motivated by the duty to ensure a fair distribution of available resources among both groups of pupils – on the one hand, Roma children who did not speak Croatian language, and, on the other hand, Croatian pupils and Croatian-speaking Roma. The interest of the first group was to acquire, as soon as possible, proficiency in the language of teaching and thus become able to follow the instruction in regular, mixed classes, while the interest of the second group was not to be held back too much in their education owing to the insufficient linguistic proficiency of a large number of other pupils. Therefore, finding that this case can clearly be distinguished both from *D.H and Sampanis* cases, the dissenting judges “consider that the placement of the applicants in Roma-only classes at times during their primary education in the circumstances of the present case had a legitimate aim pursued by acceptable means for a limited period without discernable alternative at hand. In other words, there existed an objective and reasonable justification” (*ibid.*).

The second key argument that appears in the joint partly dissenting opinion considers the role of the Court in dealing with individual cases, *vis-à-vis* its evaluation of the global social contexts and the status of an entire population – in this case, the Roma population. In the *D.H.* case, as previously mentioned, this issue was raised in the dissenting opinion of Judge Borrego Borrego. In a similar vein, in this case, the dissenting judges found that the final Grand chamber judgment “became in some respects more a judgment on the special position of the Roma population in general than one based on the facts of the case, as the focus and scope of the case were altered and interpreted beyond the claims as lodged by the applicants

before the Court” (para. 15, *op. cit.*). They also criticized the lack of a more convincing argumentative justification for this judgment and expressed the conviction that without clear guidance on how to apply the notion of indirect discrimination “it could appear that the majority simply used its own discretion to replace a decision of the highest national court with its own. In so doing, the Court runs the risk of being told that it took upon itself the task of the national courts” (para. 19, *op. cit.*). The fact that the opinions of almost half of the judges of the Grand chamber were unified around these two main arguments indicates their importance and the role that they could play in the future development of this issue.

Concluding remarks

The problems of xenophobia, racial discrimination and segregation in the contemporary European context can be treated from many different angles: legal, philosophical, sociological, economic, etc. In this paper, an attempt was made to illustrate the way in which the techniques of legal reasoning, applied in resolving the controversies in the field of anti-discrimination law, may influence the protection of the right of individuals and groups not to be subjected to racial discrimination. In that sense, from a logico-argumentative point of view, the most interesting and most important principles and arguments elaborated in the analyzed judgments and dissenting opinions were the following: 1) the shifting of the burden of proof to the respondent state, as a result of the admissibility of statistical evidence in raising the presumption of discrimination, and 2) different possible interpretations of the expression “persons in relevantly similar situations”. Ad 1): The selected cases made it obvious that without alleviating the rigorous application of the principle of placing the burden of proof on the alleging party, it would be far more difficult, if not impossible, for the vulnerable and marginalized individuals or groups to prove the allegations of discrimination. This concerns particularly the circumstances where the events in issue lie wholly, or in large part, within the exclusive knowledge of the authorities. Therefore, the obligation of the respondent to prove that the difference in treatment is not

discriminatory, once the presumption of discrimination has been successfully raised, represents a significant procedural modification that balances the initial inequality in the positions of applicants and respondents in the case of alleged discriminatory treatment. Ad 2): The selected cases gave additional support to the thesis that establishing relevant similarities and dissimilarities between different persons and situations is one of the main challenges of legal reasoning. The well-known Aristotle's formulation according to which justice is preserved when equals are treated the same, and unequals are treated differently,⁶ expresses what is known as "the formal principle of justice". However, the aspects and the degree to which individuals, groups and situations are equal or unequal to one another must be determined in a specific and justifiable way in every particular, legally relevant occasion. The dissenting opinions in the cases described above, reveal the difficulties and the challenges in the concrete application of this general rule.

The controversy concerning segregated education of Roma children made it possible to gain insight into the following characteristics of the dissenting opinions that reflect their important argumentative role: 1) they contribute to sharpening and enriching the argumentative structure of legal justification; 2) they may significantly influence the normative evolution of the legal area in question, inspiring "remarkable reversals"; 3) they reflect differences in underlying "legal ideologies" and different prioritizing of legal and societal values by individual judges, thus showing the axiological complexity of legal reasoning; 4) they articulate reasons and arguments which, accepted or not, are useful in better preparation of the argumentative terrain for the treatment of other similar cases in the future. In that way, even though they may seem to undermine the authority of the final judgement and the image of consistency and completeness of the legal system, in reality, they increase the overall argumentative and justificatory quality of reasoning of collective judicial bodies and inspire wider social dialogue over fundamental issues and values of our collective existence.

⁶ For an elaborate treatment of the philosophical aspects of the concept of justice, see Aristotle's *Nicomachean Ethics* (Aristotle 2009, book V).

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Igor Milinković

Constitutional Identity as a Shield of New Nationalism?

Some Reflections on the Use of the Constitutional Identity Argument in the Hungarian Constitutional Court's Case Law

Abstract

In recent years, many European countries have seen a rise in xenophobia and nationalism. As a reaction to the current phase of globalization, the so called “neo-nationalism” is characterized by strong anti-immigrant and anti-EU stances. The migrant crisis has further strengthened the neo-nationalist sentiments and rhetoric across Europe. Some of the Central European countries opposed to the EU’s efforts to resettle immigrants in the EU states, justifying anti-immigrant policies by referring to the need of the constitutional identity protection. In December 2016, the Constitutional Court of Hungary issued a decision in which the judges referred to the country’s constitutional identity to justify the government’s refusal to apply the EU’s migrant relocation scheme. The Court interpreted the concept of constitutional identity as Hungary’s self-identity, as a fundamental value not created by the Hungarian Fundamental Law, but merely acknowledged by the constitutional provisions. Constitutional identity, understood in ethnocultural sense, is increasingly becoming a means of promoting policies with neo-nationalist elements. In the first part of the paper, the concept of constitutional identity will be explored, as well as the interpretation of it by the national constitutional courts. The second part will focus on the Hungarian Constitutional Court’s case law and the way in which the notion of constitutional identity was used to justify anti-immigration policy. The risk that this line of argumentation will become a means of justifying neo-nationalist political measures will be considered in the final part of the paper. *Keywords:* constitutional identity, Hungary, migrant crisis, neo-nationalism

Introduction

■ In recent years, many European countries have seen a rise in xenophobia and nationalism. Described as “the re-emergence of nationalism under different global and transnational conditions” (Banks and Gingrich 2006, 2), the so-called “neo-nationalism” is characterized by strong anti-immigrant and anti-European Union (hereinafter: EU) stances. According to Banks and Gingrich, some of the most conspicuous reactions of new European nationalisms towards the relatively recent transnational and global developments are “the neo-nationalists’ stance towards immigration, or on central EU decisions, as well as their populist appeals to the mass cultures of the present” (Banks and Gingrich 2006, 3). Neo-nationalism can be understood “as one specific reaction against various effects of the current phase of globalization” (Banks and Gingrich 2006, 17). The understanding of neo-nationalism as “a response to threats posed by globalization at the levels of sovereignty, identity, and economics” (Sedgwick 2013, 211) has been advocated by other authors as well. According to a report produced in 2002 on behalf of the European Monitoring Centre on Racism and Xenophobia: “Neo-nationalism is a reaction towards globalization and post-industrialism. Its political strategies and perspectives are understood to be alternatives to the development of the EU as a political project transcending the idea of the nation-state” (Blaschke and Torres 2002, 14). Analyses of the programs of the political parties that are considered neo-nationalist, support such conclusions. Sedgwick, for example, identifies the four main planks that political platforms of the neo-nationalist parties have in common: protection of national identity, protection of welfare benefits, opposition to immigration and opposition to the EU (Sedgwick 2013, 211).

The phenomenon of neo-nationalism is not a characteristic of European countries alone (similar movements also exist in other parts of the world). Although, as Banks and Gingrich noted, neo-nationalism may have become particularly loud and conspicuous in Western Europe, parallel and comparable movements are simultaneously established in other countries such as Australia, New Zealand and, to an extent, Canada (Banks and Gingrich 2006, 18). Eger and Valdez describe neo-nationalism as “a subset of

nationalism that can be considered a boundary-maintenance project rather than a nation-building project". According to these authors, the prefix "neo" implies "a modern form of nationalism occurring in a context of settled boundaries whereby increased ethnic heterogeneity or supranational authority calls into question who has access to or sovereignty over an already established nation state" (Eger and Valdez 2015, 127). Neo-nationalism opposes to the erosion of borders that is "constitutive of the very definition of globalization" (Cox 2004, 3). Because of its protective dimension, neo-nationalism is best described by the metaphors of shield or wall.

Neo-nationalist parties build their support on the sentiments of "threatened identities" (Banks and Gingrich 2006, 17). An important element of the neo-nationalist political agenda (essential element, according to some authors) is the protection of cultural identities or local cultures. As Banks and Gingrich observed: "Attempts to reinvigorate essentialized notions of what is constructed as local culture, in a defensive and often pessimistic manner against alleged centers that pose a threat, are frequently a central element of neo-nationalist ideology and propaganda" (Banks and Gingrich 2006, 17–18).

Within the neo-nationalist discourse on "threatened identities", the concept of constitutional identity is starting to play an increasingly prominent role. This concept, which is described as enigmatic and contested, has been used as a means of setting up the limits to the application of EU law. According to Article 4(2) of the Lisbon Treaty, the EU is under the obligation to respect the national identities of the Member States. Although the Lisbon Treaty refers to the Member States' national identities, it has become "commonplace in European constitutional practice and theory to use the terms 'national identity' and 'constitutional identity' interchangeably" (Cloots 2016, 82). Recently, politicians and courts in Central and Eastern European countries have begun to use the concept of constitutional identity "to promote illiberal policies and safeguard themselves from EU law" (Bast and Orgad 2017, 1592). In this paper, a danger of the possible (ab)use of the constitutional identity argument as a means of promoting a neo-nationalist agenda will be explored.

Different conceptions of the concept of constitutional identity

Although constitutional identity is described as “a relatively recent and enigmatic notion in constitutional law and theory” (Polzin 2017, 1596), the origin of this concept is much older. The roots of the concept of the constitutional identity can be traced back to Aristotle, who claimed that the “identity of a state did not depend on its physical characteristics, but on its constitution” (Aristotle 1962, 98–9, quoted in Rosenfeld 2012, 756). In German constitutional theory, the notion of constitutional identity was first introduced in the works of Carl Bilfinger and Carl Schmitt. During the Weimar period, these authors developed the concept of constitutional identity to justify material constitutional limits on constitutional amendments. According to Bilfinger, a legislator needs to respect the fundamental core of the constitution (Bilfinger 1931, 86, quoted in Polzin 2016, 418). Carl Schmitt based his understanding of material limits to constitutional amendments on the idea of constituent power as “the comprehensive foundation of all other powers” (Schmitt 2008, 64, 125–130, quoted in Polzin 2016, 419). According to Schmitt, a constitution consists of two different kinds of provisions: those representing the fundamental decisions (a “true” constitution), and other, less important constitutional provisions that are simply “constitutional laws” (Schmitt 2008, 74–89, 125, 151, quoted in Polzin 2016, 419). Provisions that represent a “true” constitution could only be amended by the constituent power. The constituted powers, established by the constitutional provisions, can only change “constitutional laws”. As Schmitt stated: “That ‘the constitution’ can be changed should not be taken to mean that the fundamental political decisions that constitute the substance of the constitution can be eliminated at any time by parliament and be replaced through some other decision” (Schmitt 2008, 79).

Different understandings of the concept of constitutional identity emerge in literature. Rosenfeld differentiates between three distinct general meanings of constitutional identity (Rosenfeld 2012, 757). Firstly, there is an identity that derives from the fact of having a constitution (polities with a constitution differ from those without it). Secondly, the contents of a constitution

provide distinct elements of constitutional identity (a federal constitution, for example, sets up a different kind of polity than one establishing a unitary state). Thirdly, the context in which a constitution operates seems bound to play a significant role in the shaping of its identity (different cultures envision fundamental rights in contrasting and, sometimes, even contradictory way). Polzin identified five different, and largely independent, discourses pertaining to the concept of constitutional identity (Polzin 2017, 1597–1599). Martí differentiates between two ideas of constitutional identity: the identity of the constitution (understood as definitional or essential elements in the constitution, which cannot be amended – otherwise, a “constitutional revolution” would be made, resulting in an essentially new constitution) and identity of the people or the political community ruled by such constitution (Martí 2013). According to Núñez Poblete, constitutional identity “expresses some sort of meta-constitution, understood as a set of norms or pre-constitutional principles that define the meaning of other constitutional norms, eventually coinciding, at a textual level, with other norms of different political communities” (Núñez Poblete 2008, 338, quoted in Amaiquema 2015, 25).

As Kabat-Rudnicka pointed out, “constitutional identity is a narrower concept than national identity, since it refers to the constitutional values and state structures, whereas national identity comprises original, one can say pre-constitutional values and/or elements, such as common language, customs, history, etc.”. On the one hand, according to this author, one is dealing with the civic, whereas on the other with the ethnic concept of the nation (Kabat-Rudnicka 2018, 145).

Constitutional identity in the case-law of the European Court of Justice and national constitutional courts

The principle of respect for national identities of the member states was introduced for the first time by the Maastricht Treaty (the Treaty on the European Union) “as one of the tools enacted at European level to tackle national constitutional concerns” (Faraguna

2017, 1619). According to Article F (1) of the Maastricht Treaty: "The Union shall respect the national identities of its Member States, whose systems of government are founded on the principles of democracy". This provision was replaced by Article 6(3) of the Amsterdam Treaty in 1997, when the reference to democratic principles was omitted (new provision read: "The Union shall respect the national identities of its Member States."). For its first ten years the national identity clause led a rather marginal existence in both the case-law of the European Court of Justice and in scholarship, and "the link between 'national identity' and 'constitutional identity', that appeared later, had not yet been made" (Reestman 2009, 376).

The provision on the respect for national identities of member states was rephrased in the Lisbon Treaty. According to Article 4(2) of the Lisbon Treaty: "The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the state, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State". In the Lisbon version of the national identity clause, "the political and constitutional aspect is much enhanced" (Besselink 2010, 44). "To the extent that the Lisbon Treaty [...] focuses on state structures", according to Besselink, "there is a shift in emphasis from national identity as such to constitutional identity" (Besselink 2010, 44). The "constitutionalization" of the concept of national identity was noted by other authors as well. As Faraguna argues, "the Treaty of Lisbon gave a remarkable contribution for the enrichment of the legal – and more precisely, constitutional – meaning of the identity clause, by weakening sociological and historical reference of the clause" (Faraguna 2017, 1620).

This change in the meaning of the identity clause has influenced the European court of justice (ECJ) case-law. After the adoption of the Lisbon Treaty, the "constitutionalization" of the national identity concept led to its transformation into "the battleground or the meeting point, where the limits of the authority of EU law lie" (Chalmers, Davis, Monty 2010, 202, quoted in Faraguna 2017,

1621). The identity clause has become an important element of the ECJ legal reasoning.

In its decisions, even before the adoption of the Lisbon Treaty, the ECJ has recognized the relevance of particular constitutional arrangements in Member States in order to justify a particular exception or distinction which otherwise could not be applied. The most significant example from the pre-Lisbon period, according to Besselink, is the ECJ Omega judgment. The Omega case concerned the ban, imposed by the Mayor of Bonn, on the use of laser-gun games in which people pretend to kill other people for fun, based on the assertion that this game is contrary to human dignity as protected under Article 1 of the German Basic Law. The ban was allegedly an infringement of the free movement of goods and services of the provider of the laser game. The ECJ concluded that it is not indispensable that a restrictive measure issued by the authorities of a Member State corresponds to a conception shared by all Member States as regards the precise way in which the fundamental right or legitimate interest in question is to be protected (Besselink 2010, 45). Since the entry into force of the Lisbon Treaty, the ECJ has, in several of its judgments, expressed the opinion on the meaning of national identity as protected under the identity clause. According to the ECJ, the national identities of the Member States include, amongst other things, “the status of the State as a Republic” (Case C-208/09 Sayn-Wittgenstein) and “protection of a State’s official national language” (Case C-391/09 Runevič-Vardyn and Wardyn; Case-202/11 Las) (Cloots 2016, 83).

National constitutional courts use the concept of national constitutional identity to draw the “red lines” against deeper European integration (Theil 2014). According to Besselink, it was the Italian Constitutional Court which set a trend among constitutional courts to limit the refusal of the EU law priority to fundamental constitutional principles (Besselink 2010, 46). The French Constitutional Court determined, in its decision from July 2006, that only when a Directive infringes rules and principles which are inherent in the constitutional identity of France may this act be declared to be contrary to the French Constitution (CC Décision no 2006–540 DC). In the Lisbon Judgment, the German Constitutional Court “recognized the mutuality in the duty to respect the constitutional

identity of Member States as both a national constitutional obligation as well as an EU obligation, albeit that the latter was founded on the Member States' constitutions" (Besselink 2010, 47 fn. 28). In recent years, there has been a certain shift in the interpretation of constitutional identity by the constitutional courts of some Eastern and Central European countries. According to Kovács, the recent trend in East Central European jurisprudence is that constitutional courts "apply an ethnocultural understanding of identity, thereby putting European integration in peril" (Kovács 2017, 1703). The risk that the concept of constitutional identity will become a means of promoting neo-nationalist politics will be considered in the final part of the paper, based on the example of Hungary.

The concept of constitutional identity in the Hungarian Constitutional Court's case law

The migrant crisis has further strengthened the neo-nationalist sentiments and rhetoric across Europe. Some of the Central European countries opposed to the EU's efforts to resettle immigrants and distribute them among the EU Member States, justifying anti-immigrant policies with the need to protect their constitutional identity. As an example of this kind of interpretation of constitutional identity, the position of the Hungarian Constitutional Court will be examined (the social and political context in which the Court's decision concerning the country's constitutional identity was adopted, will be briefly analyzed as well).

The arrival of over one million asylum seekers and migrants to Europe in 2015 provoked strong reactions from some of the EU Member States' governments that opposed plans for the accommodation of the migrants in the territories of their respective countries. From the very beginning of the migrant crisis, the Hungarian government took the position that the transfer of migrants to Hungary must be prevented. As a drastic manifestation of the official anti-immigrant policy, Hungary built a razor wire fence along its entire southern border with Serbia and Croatia. In 2015, in order to legitimate its anti-immigrant policy, the Hungarian government conducted national consultations concerning the issues of

immigration and terrorism (the questions included in the questionnaire were criticized for emphasizing the connection between migrants and terrorism). In October 2016, the referendum was held on the compulsory resettlement of non-Hungarian citizens in Hungary (the referendum question read: “Do you want to allow the European Union to mandate the relocation of non-Hungarian citizens to Hungary without the approval of the National Assembly?”). The reason for calling the referendum was the government’s opposition to the Council of the EU decision on the mandatory quotas for relocating 160.000 migrants and the referendum was considered “the culmination of a long governmental campaign on migration” (Gessler 2017, 85). Although 92% of those who cast votes and 98% of all the valid votes supported the government’s position by answering “no”, the referendum was not valid because the turnout was only around 40 percent, instead of the required 50 percent (Halmai 2018, 28).

After the unsuccessful referendum on the EU relocation quotas, the Hungarian Prime Minister Victor Orban submitted the Seventh Amendment to the Hungarian Fundamental Law aimed at the protection of the Hungarian constitutional identity. The proposal was to add a new sentence to the National Avowal that would read: “We hold that the defense of our constitutional self-identity, which is rooted in our historical constitution, is the fundamental responsibility of the state”. The new paragraph 4 would also be added to Article R: “It is the responsibility of every state institution to defend Hungary’s constitutional identity” (Halmai 2018, 28). Although all members of parliament belonging to the ruling Fidesz-KDNP party alliance (131) voted for the proposed constitutional changes, the proposed Seventh Amendment fell two votes short of the two-thirds majority required for the constitutional amendment’s approval.

Soon after the failed attempt of the amendment adoption, the concept of constitutional identity appeared again in the decision of the Hungarian Constitutional Court of December 2016 (Decision no. 22/2016 (XII.5.) AB). In this decision, the Hungarian constitutional judges referred to the country’s constitutional identity in justifying the government’s refusal to implement the EU’s migrant relocation scheme.

The case was brought by the Ombudsman, who asked the Court to interpret two constitutional provisions in the context of the Council of the EU decision ordering the transfer of 1294 asylum seekers to Hungary: the “collective expulsion” clause of Article XIV(1) and the “joint exercise of competences” clause of the EU provision contained in Article E(2) (Kelemen 2017, 25). The first provision prohibits collective expulsion, stating that foreigners staying on the Hungarian territory may be expelled only under a lawful decision. According to the second provision: “With a view to participating in the European Union as a Member State and on the basis of an international treaty, Hungary may, to the extent necessary to exercise the rights and fulfil the obligations deriving from the Founding Treaties, exercise some of its competences set out in the Fundamental Law jointly with other Member States, through the institutions of the European Union” (Article E(2)). The Ombudsman first asked the Court whether the collective transfer of migrants violates the prohibition of the collective expulsion of foreigners, contained in Article XIV (1) (the Court decided to examine this issue in a separate proceeding). The Ombudsman posed three more questions (Kelemen 2017, 25–26):

1. Are state bodies and institutions entitled or obliged to implement EU decisions which conflict with the fundamental rights stipulated by the Fundamental Law? If not, which Hungarian institution may declare this violation?
2. Whether under Article E (2), the exercise of powers bound to the extent necessary may restrict implementation of an ultra vires act. If state bodies, agencies, and institutions are not entitled or obliged to implement ultra vires EU legislation, which state organ can declare the violation?
3. Whether Article XIV (1) and Article E can be interpreted in a way that authorizes or restricts Hungarian state bodies, agencies, and institutions to allow the transfer of a group of foreign persons collectively, without the assessment of their individual and personal situation, without their consent, and without the application of objectively prescribed criteria?

The Court interpreted the concept of constitutional identity as Hungary's self-identity, a fundamental value not created by the Hungarian Fundamental Law, but merely acknowledged by the constitutional provisions. Consequently, constitutional identity cannot be renounced by way of an international treaty. Hungary can only be deprived of its constitutional identity through the final termination of its sovereignty, i.e., its independent statehood.

On June 20, 2018, the Hungarian National Assembly adopted the Seventh Amendment to the Fundamental Law of Hungary, which contains provisions on the obligation of the constitutional identity protection. A new sentence was incorporated into the National Avowal text: "We hold that the protection of our identity rooted in our historic constitution is a fundamental obligation of the State". Even more indicative of an ethnocultural approach to the interpretation of constitutional identity is the new Section 4 of Article R of the Hungarian Fundamental Law: "The protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the State". It can be expected that the new constitutional provisions will strengthen the ethnocultural elements of the constitutional identity interpretation.

Conclusion

Constitutional identity is an indeterminate notion that can be interpreted differently. In recent years, the concept of constitutional identity has been increasingly interpreted in ethnocultural terms, which opens up possibilities for its (ab)use as a means of legitimizing policies with neo-nationalist elements. As the treatment of migrant crisis by Hungarian government has shown, the risk that the concept of constitutional identity will become a means of justifying neo-nationalist policies is real.

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Dean Komel

Post-Yugoslav Syndrome of Dehumanization¹

Abstract

The very phrase “the territories of the former Yugoslavia” sounds somewhat uncanny, as if this were a zone that all of the member states had left with their citizens, and after a thorough cleansing and reorganization, repopulated it. Today, when one of the main refugee paths runs through these spaces, the terrifying uncanny is even more likely to come to the fore, especially since this is happening “before the door”, “at the door”, and “behind the door” of Europe, as the situation is often referred to in the media. If we say “Europe”, of course, we usually mean European institutions for “security and cooperation”, but above all, *sensu stricto*, also the critical public, which is at work in various EU countries and beyond and which represents certain humanistic values that are supposed to be created precisely with the aim of spreading the critical public. With regard to “the territories of the former Yugoslavia”, it is first necessary to recognize that the process of disintegration of Yugoslavia has triggered the “dehumanization syndrome”, regardless of how much it had already been present in the remote or less distant past. Dehumanization is not just something that one would only passively receive, but something provoked, produced, and implemented. In order to determine the “dehumanization syndrome”, we should first define the terms “humanization”, “humanity”, “humanness”, “humanism”, “humanitarianism”, which today have largely lost their meaning, even where this would not be expected, as, e.g., in the field of fundamental human rights.

¹ I would like to dedicate this paper to my friend and poet Boris A. Novak, who is otherwise a professor at the Department of Comparative Literature and Literary Theory at the Faculty of Arts and Humanities of the University of Ljubljana, and is a member of the Slovenian Academy of Sciences and Arts. As president of the Writers for Peace Committee of PEN International, he made possible many humanitarian campaigns, especially in the midst of the bloody wars waged on the soil of the former Yugoslavia in the 1990s.

Dehumanization can arise from the denial of identity and nationality, but can also be a consequence of – auto-phobic and xenophobic – political rhetoric of identity, nationalism and accompanying phenomena, which are now – in an only slightly renewed form – (again) at work.

Keywords: dehumanization, former Yugoslavia, humanity, humanness, migrants, refugees

One of the most oppressive circumstances for the political authorities in the former Socialist Federal Republic of Yugoslavia involved shooting at refugees at the borders, either those fleeing their current countries or those attempting to immigrate to new ones. The numbers, as far as can be inferred from media reports and some studies, are quite unpleasant.²

Miro Cerar, professor of law at the University of Ljubljana, Prime Minister of the Republic of Slovenia from 2015–2018, and current Foreign Minister, wrote in the magazine *Teleks* in 1990 about how these shootings, carried out by the hands of loyalists to the Yugoslav armada called “*graničarji*”, violated the legal acts of Yugoslavia (Cerar 1990):

Border shootings are also illegal acts (*sensu stricto*, as the Constitution is the law – the highest law), as they are allowed by no Yugoslavian legal act. The possibility that a member of the Yugoslav People’s Army discharges their firearm is mentioned in the field guide, in which (under peacetime conditions) the option of shooting at someone who is fleeing toward or away from a sovereign border, or who is merely moving within border territory, is nowhere to be found.

On 16 June 1991, just 10 days before armed conflict broke out due to Slovenia’s declaration of independence, which in itself

² In 2012, historian, museum curator and the first chairman of the *Commission on Concealed Mass Graves in Slovenia* Jože Dežman addressed to the National assembly and Government of the Republic of Slovenia “the Proposal for research and criminal processing for the shootings of border guards on civilians-refugees while fleeing across the state border FPR/SFR Yugoslavia-Italy and FLR/SFR Yugoslavia-Austria” (Dežman 2012; see also Čelik 2013).

led directly to the disintegration of the Yugoslav Federation, we were firsthand witnesses to a shooting incident in the immediate vicinity of the border crossing at Holmec. The shots were fired at a group of fifty refugees from Sri Lanka, and one was seriously injured with a chest wound. The incident seems absurd, especially in the light of further evolution of the “Yugoslavian crisis” in the 1990s, which the European and global public long tried to brush aside as an unnecessary, fringe episode in the otherwise triumphant advance of liberal democracy after the fall of communism and/or even the “end of history”.

Since I grew up right by the Italian border, I used to hear about shooting refugees at the border from local residents.³ That certainly did not make for a good impression about the ex-Yugoslav socialist regime, which staked a great deal on its international prestige and reputation. Especially after the fall of Yugoslavia, such incidents were used as a one of the key proofs of undemocratic and totalitarian nature of the Yugoslav communist regime. Such an assessment, applied, as it were, in retrospect, does not mean a great deal, especially when not accompanied by an analysis of all the relevant conditions and relationships – both in terms of internal and external political policy. This is especially true, considering “defending the border”, which ranges from “building walls” to having a “politically open borders” to, of course, armed conflict (see Bechev and Nicolaidis 2010), is, from both historical and modern perspectives, a decisive factor in forming a *political space*.⁴

³ The situation on the border between Italy and Yugoslavia, where even those buried in a cemetery split by the state border had received a kind of “illegal immigrant” status, was portrayed by Emir Kusturica in his film *Time of the Gypsies* (originally “Дом за вешање”, “Home for Hanging”). In 2012, there was an exhibition organized to commemorate these events, where one of the people old enough to remember those times said: “*They didn’t even leave the dead alone. They drew a white border line right on my father’s grave. Barbed wire split his corpse into two. His legs rested in Yugoslavia, his head in Italy. When the soldiers on guard allowed us to visit the grave – that was a few times a year – I could only lay flowers at my father’s feet. I was not allowed to light a candle by his head.*” (Dumančić 2012).

⁴ “Political geography is about the interaction of these entities and a second triangle of space, place and territory. In this triangle, space (or spatial patterns or spatial relations) is the core commodity of geography. Place is a particular point in space, while territory represents a more

When in the course of Yugoslavia's disintegration, conflicts broke out for borders that were classified within the Yugoslav Federation as interior borders of the constitutive republics, it is unlikely, in the light of all the violence committed thereafter, that anyone thought about the following: namely that, a quarter of a century later, with two of these liberated Yugoslav republics having become members of the EU, and with others waiting for their own accession, there would arise conditions that people would describe as a *refugee crisis* and that would *once again claim victims among those who attempted to cross borders illegally*. It has not yet been reported that border authorities resort to shooting of refugees, but media and humanitarian organization reports suggest many casualties among the refugees in "border situations", said to be caused by the extraordinary circumstances brought about by the "waves of migrants". According to their own representatives and those from respective governments, border forces are doing their job professionally, but humanitarian organizations have reported on "push backs and denial of access to asylum", "inadequate provision of information and interpreting", and "numerous cases of violence and ill treatment" (Amnesty International Slovenia 2018).

It is necessary to stress here that there are indeed variegated and lucrative business enterprises that emerge to profit from refugees, powered by criminal networks and their agents, and that such endeavors are their own sort of criminal activity. Nonetheless, this fails to address the humanitarian problem, which is caused mainly by the wars and social conditions in the places whence these people have fled. Insight into the conditions prevalent among refugees on the road and in the camps that spring up, can perhaps be formed only on the bases of first-hand accounts, which relatively rarely comprise the crux of media interest. If, indeed, media accounts do take such interest, it is usually in the form of short statements about the general mood, and much rarer on the overall situation.

formal attempt to define and delimit a portion of space, inscribed with a particular identity and characteristics. Political geography recognises that these six entities – power, politics and policy, space, place and territory – are intrinsically linked, but a piece of political geographical research does not need to explicitly address them all." (Jones, Jones and Woods 2015, 3).

Boštjan Videmšek, who as a journalist saw the situation on the ground with his own eyes, wrote the following in the piece entitled “Smrt v Kolpi” (“Death in the Kolpa”), published in daily newspaper *Delo* on 14 July 2018 (Videmšek 2018):

At least 12 people have died in Slovenia on their way from Bosnia and Herzegovina. Five were on the Slovenian side of the border – or the Kolpa River. These are official numbers. The unofficial toll is much higher.

He also recounted one such example specifically, based on a story told by the cousin of one of the drowning victims: But Mosen was afraid to step into the Kolpa. Suleiman finally convinced him to go for it, otherwise the Croatian police were going to catch him. He assured him that their friends were going to help them. They went for it. But he already wanted to turn back after a few steps. He screamed, calling for help. His friend started to panic. He almost went under. To protect himself, he let go of Ali’s hand. Ali was exhausted and he got swept away. He screamed, waving his arms. Soon Suleiman couldn’t see him anymore.

What ensued was an encounter with Slovenian police officers, where Suleiman tried to explain them that his brother had drowned in the river. They told him that they had been unable to do anything, but that they would inform the Croatian authorities, and then they took him to the station in Črnomelj. He was held there for several hours, trying to submit a request for international asylum. They told him this would be possible the following day, when they would take him to Ljubljana. The next day he first learned that his cousin, too, had drowned, and then he was driven – not to Ljubljana – but towards the Croatian border, where he was handed over to the Croatian police.

He told the Croatian cops what had happened. At first, they did not want to listen to him. He begged them to help him find his cousin’s body. It was his duty to bury him, he told them. After the few hours that Suleiman spent in a cell at the police station on the Croatian side of the border, they told him that Ali’s body was in the morgue in Zagreb. That it would be there for a while, while there was no way that

he could go to Zagreb. That was the only – and last – bit of information he received before he and his fellow-migrants were loaded into a van and shipped off to Bosnia and Herzegovina. As with nearly all the people with whom we spoke in Velika Kladuša, who had been returned to Bosnia and Herzegovina from Croatia, Croatian police destroyed his cell phone and took his money. Pure dehumanization.

Dehumanization is the only word that the author of the article could find to describe Suleiman's testimony. The designation "dehumanization" does not describe or define the situation, but simply draws attention on it. The question of what we understand as "dehumanization" remains open and can be answered in different ways. The context of dehumanizing situation remains unclear. A broader analysis of the circumstances can be provided in order to shed light on the exact circumstances which led to such an inhumane situation regarding refugees in the lands of the former Yugoslavia, where today EU borders are located. It leads to the realization that the Balkan Peninsula, or southeastern Europe in general, has experienced, nearly throughout its entire history, one form of refugee or migrant crisis or another, all of them being heavily marked by humanitarian catastrophes. Assessments can be made regarding the conduct of security authorities, the role of policy, the appropriateness of the European Community's actions during this time, and much more, but it would be difficult to erase the moniker of "dehumanization".

It is certainly impossible to equate somebody "shot with no legal grounds on the border by security forces" and somebody who "at their own risk" set to cross a "dangerous river" and drowned. At the same time, the inevitable reality is that there is a barbed wire fence currently strung along this river, patrolled by police units who, in accordance with valid legislation and depending on the circumstances arising along EU borders, have precise instructions as to which instances of border crossing are to be treated as criminal offenses. The highest institutions in various EU countries, as well as the seat of the Union itself, are currently in the midst of extensive debates regarding the strategies required to protect the continent from the "wave of migrants", while respecting the fundamental principles of humanitarian law. However, in addition to security

measures ahead of the wave of migrants, and criminal corporations making a living from migrants, these institutions have to deal with another security problem, namely taking steps to prevent terrorism.

On this basis, which is pushed to the background as much as possible, the public's mobilization is forced to the foreground through a wide range communication channels. The public is thus pressed to take a stance *for and against migrants*, which forms the ideological basis for a division into left- and right-leaning political identities. It suffices to remember what happened during the adoption of the Marrakesh Agreement, leading up to European parliamentary elections. Political division that is directly determined by the acceptance or rejection of refugees can carve up Europe to the extent that it crumbles as a political and economic entity, what in truth no one wants; there are, however, plenty of political aspirants who would like to secure majority on this basis.

Viewed up close, though, it is clear that the pro- or anti-European sentiment cum political identity constructed in relation to the influx of migrants is a phenomenon stemming from the need to defend the *same European humanistic, cultural, and political values*, with the caveat that the same European values are espoused both in the name of protecting migrants, as well as protecting the continent from them. From a less humanitarian and more pragmatic point of view, the situation is dictated by the labor market. Namely the changing labor market has carved out not just new monetary elites, but also a new political class, whose influence and power are wrought upon the public. Otherwise we could wager a guess that it concerns new forms of right-wing nationalism and left-wing internationalism, but the split is not as clean as it might seem, as the terms "national", "nationalistic", and "international" (which includes the variant "inter-nationalistic") cannot be universally defined, nor can a single, unified position be taken with regards to them.

The historical lesson that can perhaps be gleaned from the case of Yugoslavia is that the "national problem" *per se* is a phenomenon that arises under specific circumstances, and that nationalistic emotions are generally politically motivated.⁵ Political motivations

⁵ See the analyses of Vlaisavljević 2007.

are by their very nature impossible to rationalize completely; more precisely they *resist rationalization*, which poses an inherent problem in their “critical analysis”, which must appropriately recognize the limitation on “rational discourse” in tackling a “political movement”. That in regards to which a certain political identification “seeks motives” and on their basis emotively mobilizes adherents is generally not the same as that which motivates a populace in and of itself, that which creates an “internal drive” and establishes “requirements”.

This holds especially true when political identification seeks and demands its own public promotion, which it marked more or less by seemingly “recognizable” rhetoric; in our case it is the rhetoric that stokes and mobilizes xenophobic viewpoints, and can serve merely as a pretext for “channeling” the actual objective. Xenophobic, racist, and nationalistic viewpoints can also be wrapped up in a rhetoric that considers itself or is considered by others as leftist and explicitly distances itself from “hate speech”. Indeed, hate speech often, and with long-lasting effects, sneaks into places where we least expect it. It is thus insufficient, or at least counter-productive, to replace *open political discussion* with controlling “hate speech” in media and social networks, where it seems to have been imported “from the street”. This does not allow us to attain the reality of the “street”, which triggers the channeling of certain political rhetoric and identification therewith.

All of this “reality of the real” becomes, when transmitted online, to quote Baudrillard, “realer than real”, “hyperreal”. The function of social media and networks is in *producing the effect of reality*, not just in reproducing something adequately. This effective mimesis willingly lends itself to the power games triggered by political rhetoric and publicizes them just like other articles. In truth, this “hidden propaganda” which just supports the effects of dehumanization – is, of course, not identical and does not, *prima facie*, seem as cruel and harsh as the aforementioned dehumanization of people who are actually in flight, which we can actually follow in the media without getting terribly upset about it. The effect present here of distancing us from reality, when in truth reality should be ever closer, is the manipulative affectation that creates flashes of memories, feelings, perceptions of beliefs, views, ideologies, world-views, sensations, and, ultimately, of us ourselves.

The manipulative nature of communication techniques cannot be understood in isolation, but only in the broader context of the machination invested in gaining social power: the migrant crisis, the suffering of millions, financial crashes, nationalisms, dictatorships, militarism, terrorism, hot spots for war, together with global warming, are all indicators of the multinational power grab, which solely serves the purpose of world domination. Consequently, it cannot even be said that *the planetary dehumanization* caused by world imperialism is what we are witnessing – after all it is *humankind* itself generating all of this, dehumanizing universalities, inasmuch as it universally subordinates itself to general production and consumption.

It must be emphasized in any discussion about the “syndrome of dehumanization” that its essence is a mix of difficult relationships, all of which affect its conceptual level. First, it bears mentioning that the label “dehumanization” comes up incomparably more often than “humanization”, which began to be much more frequent at the beginning of the 21st century as a substitute for “civilization”, which proved to be somewhat inappropriate in considering the future conditions for the people living on this planet, or other ones. “Humanization” thus understood certainly cannot be reduced to “the culture of dwelling on the Earth”, as is proclaimed by a slew of new-age movements, because it is a priori confronted by the challenge of the *technosphere* (Paić 2018), which demotes humanity to the point where the establishing of *posthuman identity* is all that remains. The term “posthumanity” drastically increases in rating, without any actual clarity about what the *humanity* of a human being is, or how that human being can become dehumanized. In the context of the discussion begun here, it seems worth recommending the introduction of the even less favored denomination of *subhumanity*, as data show that we are currently dealing with the biggest refugee crisis since the end of World War II (Dhar 2018), without even getting into the problems of global poverty and countless other inhuman conditions.⁶

⁶ Considering the conceptual clarification of “dehumanization”, it is certainly important to distinguish between “subhuman”, “inhuman”, “nonhuman”, “posthuman” and “transhuman” (Haslam, Kashima, Loughnan, Shi and Suitner 2008), but all of these conceptual distinctions depend on the understanding, misunderstanding or nonunderstanding of “dehumanization”.

The end of World War II saw the immediate rise of a broad intellectual discussion about the “crisis of humanism”, promulgated primarily by Sartre and Heidegger, though Foucault, Derrida, Sloterdijk, and others soon joined the bandwagon. This “crisis of humanism”, it seems, still *manifests* itself in today’s controversy about “humanization and posthumanity”, which nonetheless does not have such a broad reach as *dehumanization*. David Livingstone Smith distinguishes between eight meanings of the term “dehumanization” (Smith 2016, 418):

The Oxford English Dictionary states that the term “dehumanize” made its debut early in the nineteenth century. Since then, it has acquired a range of loosely connected meanings, including:

- (1) Subjecting others to indignities; or, in a more Kantian vein, treating them merely as means.
- (2) Verbally likening others to nonhuman animals or inanimate objects.
- (3) Denying the subjectivity, individuality, agency, or distinctively human attributes of others.
- (4) Denying that others undergo mental states.
- (5) Treating others in such a way as to erode, obstruct, or extinguish some of their distinctively human attributes.
- (6) Conceiving of others as inanimate objects.
- (7) Conceiving of others as less human than members of one’s ingroup.
- (8) Conceiving of others as subhuman creatures.

The term “dehumanization” not only lacks a unified definition, but defies claims to understanding.⁷ This understanding cannot be anything other than *the proper understanding of one’s humaneness*, which essentially includes understanding both *of* and *for it*. Wherever such an understanding is impossible, wherever empathy for humanity is insufficient, dehumanization steps to the fore.

Dehumanization thus directly affects and slanders the humaneness of a human being, or the possibility that *their humanity*

⁷ The social psychological analyses of dehumanization (see Bandura, Underwood and Fromson 1975; Haslam and Loughnan 2014) could not be fully reflected within the frame of this article. We just try to present some conceptual difficulties of the philosophical approach to the phenomenon of dehumanization in order to demonstrate the problem of its subjective and intersubjective experience.

might be made void or even taken away. But how can it be taken away and how can one have humanity in the first place? Certainly not in the same way that one can have an umbrella, which we then steal from them. It is also not the same as thought and speech, which should define human as a living being after philosophical and anthropological lessons. It is probably also unlike, through religious conviction, the “belonging” that comes from being made in God’s image. Humans likely do not derive their humanity from being social beings. It can probably only be conceded that humanity is something that everyone “has” of their own accord, for themselves, and in which they are *agents*. This agency, which Aristotle formulated as self-sufficient *praxis*, is conducted by our awareness of *right* and *wrong* (*phronêsis*) and differs from other types of acting (*poiêsis*), as it differentiates each human individually.

If dehumanization can be described as an action – the question then, of course, arises as to whether we can qualify it as an act, or is better to speak of a process – of stripping humaneness away,⁸ *the humaneness that somehow, and we essentially do not know how, already belongs to a human being.* The following contextual addendum is extremely important for the mere conception of dehumanization, as well as for facing and ultimately overcoming it. In short, merely the act of not acknowledging that humaneness applies to a human individual or a group of people in and of itself, *triggers dehumanization.* By expressly committing violence against someone whose humanity we have denied is just a consequence of the initial non-acknowledgement that the person is a human. Dehumanization can thus occur in the absence of violence, even in a “humane” way and using “humanitarian measures”.⁹

⁸ “Think of the word dehumanization. It literally means something like ‘removing the human-ness.’ Now, take someone and imagine that their humanity has been stripped away from them. What’s left? When the founding fathers dehumanized their slaves, what remained of them? When European colonists dehumanized Native Americans or Nazis dehumanized Jews, what remained? In their eyes, what was left was a creature that seemed human – had a human-looking form, walked on two legs, spoke human language, and acted in more-or-less human ways – but which was nonetheless not human” (Smith 2011, 10); see also Bain, Vaes and Leyens 2014.

⁹ A wide discussion on this subject has recently provoked Chomsky’s critics on “humanitarian imperialism” (Chomsky 2018, 157): “Jean Bricmont’s

Here inevitably arises an unanswerable question: when does a human individual even learn of their own humanity and at what point does certain person or group of persons decide either to endeavor to make their world (more) humane, or to become an accomplice in its dehumanization?¹⁰ This self-awareness, this awareness of humanity, cannot at all be acquired in the same way we acquire other values, but everyone has it *for and according to oneself*. As such, it requires of us an *a priori* acknowledgement, which is related to a human's dignity and thus, the very fundament of human rights and freedoms. This does not presuppose that humans are somehow more "valuable" than other living beings, but merely that humans – in their own humanity – share the world with other beings and consequently must act accordingly.

This very aspect of respect and consideration of every human individual and all people in general is quite pertinent to our understanding of the syndrome of dehumanization in the lands of the former Yugoslavia. More or less throughout all of history and its

concept 'humanitarian imperialism' succinctly captures a dilemma that has faced Western leaders and the Western intellectual community since the collapse of the Soviet Union. From the origins of the Cold War, there was a reflexive justification for every resort to force and terror, subversion and economic strangulation: the acts were undertaken in defense against what John F. Kennedy called 'the monolithic and ruthless conspiracy' based in the Kremlin (or sometimes in Beijing), a force of unmitigated evil dedicated to extending its brutal sway over the entire world. The formula covered just about every imaginable case of intervention, no matter what the facts might be. But with the Soviet Union gone, either the policies would have to change or new justifications would have to be devised. It became clear very quickly which course would be followed, casting new light on what had come before and on the institutional basis of policy."

¹⁰ In his reading of Kant's Essay *What is Enlightenment*, Michel Foucault explicitly emphasises the difficulties with the definition of "humanity of human beings" (Foucault 1984, 35): "A third difficulty appears here in Kant's text in his use of the word 'mankind', *Menschheit*. The importance of this word in the Kantian conception of history is well known. Are we to understand that the entire human race is caught up in the process of Enlightenment? In that case, we must imagine Enlightenment as a historical change that affects the political and social existence of all people on the face of the earth. Or are we to understand that it involves a change affecting what constitutes the humanity of human beings? But the question then arises of knowing what this change is. Here again, Kant's answer is not without a certain ambiguity. In any case, beneath its appearance of simplicity, it is rather complex."

cataclysms¹¹ there have been examples of what can only be termed *planned and willing (if not eager) dehumanization*, upon, of course, the presumption that it *is necessary to humanize these lands*.¹² In truth, it is one and the same whether this is achieved through military, political, economic, religious, educational, cultural, ideological, humanitarian, or any other means. Generally the process was a symbiosis of all these means and causes, whose fundamental common thread is the refusal to acknowledge that a certain humanity, just by being humanity, has already been humanized.

This is another reason to speak of the post-Yugoslav *syndrome* of dehumanization. The etymological definition of the word "syndrome" is: "'a number of symptoms occurring together', 1540s, from medical Latin, from Greek *syndrome*, 'concurrence of symptoms, concourse of people', from *syndromos* 'place where several roads meet', literally 'a running together', from *syn-*, 'with' (see *syn-*) + *dromos*, 'a running, course' (see *dromedary*)." (Online Etymology Dictionary

¹¹ "One could say that Yugoslavia was a legitimate child of its century. It lasted almost exactly as long as Eric Hobsbawm's 'short twentieth century' which spanned the years between the outbreak of the First World War in 1914 – following, in the words of Lawrence Durrell, that fatal 'echo of a pistol-shot' in Sarajevo – and the disintegration of the Soviet Union in late 1991. Yugoslavia, like many other states that surged to the surface of history after the 'collective suicide' of European nations between 1914 and 1918, was conceived and variously imagined during the preceding 'long nineteenth century'. The 'state of the South Slavs' was especially sensitive to the geopolitical seismic shocks between 1918 and 1991. It came into existence twice and vanished twice following two 'hot' wars and the end of one 'cold' one. Initially it left behind five states whose number has risen to seven at the time of writing. Between the assassination of the Archduke Franz Ferdinand on the Latin Bridge in June 1914 and the centenary commemorations of this event at the same spot in 2014, the political makeup of the region kept relentlessly changing following almost unpredictable shifts of international and internal borders. Between and across these borders various political communities (co)existed and (dis)integrated." (Štiks 2015, 1).

¹² "This splendid territory has the misfortune to be inhabited by a conglomerate of different races and nationalities, of which it is hard to say which is the least fit for progress and civilization" (Marx and Engels 2010, 3). "Among all the large and small nations of Austria, only three standard-bearers of progress took an active part in history, and still retain their vitality – the Germans, the Poles and the Magyars. Hence they are now revolutionary. *All the other large and small nationalities and peoples are destined to perish before long in the revolutionary world storm. For that reason they are now counter-revolutionary.*" (Engels 2010, 230).

2019). "Syndrome" indicates a process of establishing identity and triggering identifications that express some resultant state as a product of earlier stages of activities. "Identity politics" which does not only characterize social movements centered on nationalism and xenophobia, can be viewed as the *appropriation of a symptom* that, as such, triggers the expropriation of someone else's humanness.

The question certainly arises as to how to "heal" this syndrome, but in the case of dehumanization, to cure is not our primary goal, but rather to accept and admit to it, as this is the moment where the resolution arrives; otherwise syndrome just repeats itself. The worst thing is to force humanization, as this has been proven to be one of the most essential causes of dehumanization. Humanness *per se* is an inalienable *value* of each human individual. The same applies to various human communities. Thus, it needs to be emphasized that the territory of the former Yugoslavia saw in time the development of many a good way and what could even be called the art of confronting the terror of dehumanization, but also the imposed tyrannies of humanization. Thus, the region has no need for a new humanization, but rather for the acknowledgement and recognition of the humanness that already manifested here through various forms of "work and spirit".

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Muharem Bazdulj

Two Faces of Nationalism: The Case of Bosnia

Abstract

In this paper I focus on a specific type of nationalism in Bosnia and Herzegovina today and its two variants: the Bosnian and the Bosniak one. The former tends to be more secular and more Yugo-nostalgic and is theoretically open not only to Bosniaks but also to Bosnian Serbs and Bosnian Croats. However, it is expected that Serbs and Croats do not really feel any special affinity towards Serbia and Croatia. The latter is a pretty typical version of the “old school” nationalism, based on the idea that Bosnia and Herzegovina is the national state of Bosniaks (Bosnian Muslims), with Serbs and Croats as minorities. However, the border between these two nationalisms is a fluid one. As time goes by, the Bosniak nationalism is getting stronger and stronger with the prospect of totally annihilating the Bosnian one. Since the generations who were brought up during the Yugoslav era are slowly leaving public scene, and with less and less Bosnian Serbs and Bosnian Croats being able to identify themselves more with the Bosnian patriotism than with that of Serbia or Croatia, as well as with the demographic changes that for the first time in history have made Bosniaks the absolute majority in Bosnia and Herzegovina, the first variant declines. In essence, we can predict the unification of these two versions of nationalism into one having the Bosnian name and Bosniak essence.

Keywords: Bosnia and Herzegovina, Bosniaks, nationalism

■ As everybody knows, the life and death of Lord Byron, the most famous romantic poet, are inseparably linked with the Balkans and especially with the struggle of Greeks against Ottoman occupation. His death in Missolonghi, among the Greek freedom fighters, just three months after his 36th birthday has been legendary for almost two centuries. However, although enchanted by the Greeks to the greatest extent, in his writings Lord Byron often mentioned other ethnic groups from the Balkans. One such

example is more interesting than the others. Unlike other Balkan countries and provinces which are mentioned dozens of times in Byron's complete works, there is a single reference to Bosnia in his huge oeuvre. It is contained in a verse of his long poem *The Bride of Abydos* where in describing one of the heroes, Byron first says that "in war" his arm "was strong" and then continues: *Remember'd yet in Bosniac song* (Byron 2019).

Of course, Byron is a great poet and in terms of poetry, the use of this adjective is purely ornamental. He wants to suggest that the character from his poem is considered a hero in the folklore of some exotic peoples from the Balkans. Unfortunately, we are not here to discuss poetry. However, if a contemporary translator into Serbo-Croatian/Serbian/Croatian/Bosnian/Montenegrin would try to translate this verse, he or she would face a particular problem. OK, we do have this guy whose arm in war was strong, and that strength has been remembered in Bosniac song. So, does the adjective Bosniac here mean that the song in question is *bošnjačka* or *bosanska*?

Although in contemporary English there is no dilemma about this and *Bosniac*¹ (as adjective) means *bošnjački*, I think that Byron's verse refers to *bosanska* song. The crucial issue here is the fact that he wrote the poem in the beginning of 19th century. The difference between terms *Bosniak* and *Bosnian* is a much more recent issue.

However, before we proceed toward the 20th century, we should briefly discuss the medieval history of Bosnia. Since the end of the 12th century and the rule of Ban Kulin, up until the mid-15th century when King Stjepan Tomašević was defeated by the Ottomans, Bosnia was one of the few South Slavic states in the Balkans that was intermittently independent and vassal, or semi-vassal to Hungary or some other larger entity. During the reign of King Tvrtko (end of the 14th century) Bosnia was the strongest among these states. In historical accounts, the crucial controversy about medieval Bosnia is the status of the Bosnian Church. During the major part of medieval Bosnia's existence, its population dominantly belonged to the Bosnian Church, which,

¹ Or "Bosniak", as it is usually written in our times.

according to the greatest number of interpretations, was neither purely Catholic, nor purely Orthodox. However, in what way exactly it was heretic, and how close it was to more famous heresies (like Bogumils or Patarens) remains unknown. It is also important to note that, in addition to the members of the Bosnian Church, medieval Bosnia also had a significant number of Catholics and (Serbian) Orthodox believers.

Ottomans first conquered Bosnian capital Jajce in 1463, followed by the imminent killing of the last Bosnian King in the town of Ključ where he had previously fled. Although Hungarians and other Christian armies soon took Jajce back and although the process of occupying the entire Bosnia took decades, some historians still use the proverbial phrase that “Bosnia silently fell” in spite of its obvious falseness. The origin of that phrase is in the legend about the “Bogumil treason”, based on the idea that, because of the pressure that Vatican exerted on Bosnian kings to abolish the Bosnian Church, its members were more likely to convert to Islam than to the Catholic Christianity. That was why they allegedly helped Ottomans in their taking over of Bosnian cities and fortresses and allegedly embraced Islam collectively soon afterwards.

The most relevant historians of Islamization in the Balkans (like Nedim Filipović) argued that the process was a few centuries long and that Islam was embraced not only by the members of the Bosnian Church, but also by Catholics and Orthodox. However, during most of the Ottoman era, the population of Bosnia was typically divided by religion and not by ethnic affiliation. Everything changed by the end of the 19th century and with Austro-Hungarian occupation. Since in the other South Slavic countries under the Habsburg rule (Croatia, Dalmatia, Vojvodina) the national emancipation of Serbs and Croats had already started, the Austro-Hungarian aim was to discourage identification of Bosnian Catholics and Orthodox with Croats and Serbs. That was the reason why Benjamin Kallay, Bosnian governor, insisted on the idea of Bosnian ethnicity that would include Bosnian Muslims, as well as the Orthodox and Catholics. At the same time, he insisted that the local language be referred to as Bosnian. However, after a decade or so, having realized that it was too late for imposing

new identity on Bosnian Serbs and Croats, Austro-Hungarian authorities dropped the whole idea. Nevertheless, a couple of verses wrote by young Safvet-beg Bašagić in 1891 still serve as a memory of Kallay's mission. They say that recently, for not more than fifteen years, there were no Serbs and Croats in Bosnia and Herzegovina, from Trebinje to Bosanski Brod. From the Austro-Hungarian perspective, the Serbian and Croatian identities imposed from the outside. From the perspective of today's Bosnian nationalism, these verses assert an historical truth and are not seen as a propagandistic message.

Nevertheless, instead of Bosnian Serbs and Croats embracing Bosnian ethnic identity, in the final decade of the Austro-Hungarian rule, Bosnian Muslims had been pressured into identifying themselves as either Serbs or Croats. It became even more intensive after the establishment of the Kingdom of Serbs, Croats and Slovenes. From the anecdotal point of view, it is interesting to note that some intellectuals of Bosnian Muslim origin attempted to avoid this dichotomy by identifying themselves as Slovenes. However, in political terms, by gathering around the Yugoslav Muslim Organization, the majority of Bosnian Muslims evaded to side with either Serbs or Croats.

During the World War II, a number of Bosnian Muslims in "the Independent state of Croatia" considered themselves Croats, a few sided with Mihajlović's "Yugoslav Army in Homeland" and some tried to make direct liaison with the Third Reich. However, especially after 1943, the majority supported the partisans. Communists were at least partly aware of the specific national sentiments of the Bosnian Muslims. Despite of it, that was not enough to gain the status of a separate ethnic group up until the sixties and seventies. In the words of Gerhard Simon: "In the case of Yugoslavia, liberalization of policy toward religions, in addition to increasing federalization of the political system, resulted in the increasing influence of nations and religions following the 1960s" (Simon 1994, 5). As Wolfgang Hopken noticed: "Ultimately, Bosnian-Muslim interest in upgrading the status of the Muslims also came at an opportune time for the federal party leadership around Marshal Tito, whose intention was to use Bosnia and the Muslims as internal and external

buffers against the ever-increasing national antagonisms and controversies brought on by the federalizing process" (Hopken 1994, 232). These few sentences correctly describe the internal reasons for the change in Tito's policy towards Bosnian Muslims. Nevertheless, the global constellation was at least as important. Alexandre Popovic noted: "After Marshal Tito had decided to play a leading role in the bloc of 'Non-Engaged' – later, 'Non-Aligned' – nations, which were predominantly Muslim states, Yugoslavia was compelled to reinforce its position through the support of its own Muslim community. The Yugoslav Muslims were thus granted freedoms and material advantages, with the evident goal of eventually exploiting this situation in foreign policy, in relations with Arabic and other Muslim countries" (Popovic 1994, 331).

There was something quite peculiar in choosing the designation of Muslims for an ethnic group. It was less connected to the regional or national (Bosnian) identity and more to the religious one. It was thus possible for Macedonian Muslims, for example, to feel, at least partly, as members of "the new nation", though not for Muslim Albanians and Turks in Yugoslavia. Almost bizarre characteristic of the Serbo-Croatian language, where the names of nations were written capitalized, unlike the names of religions, helped in distinguishing between the members of (small) nation and members of (huge) religion.

However, the idea of "Bosniak nation" survived, especially in the emigration circle led by Adil Zulfikarpašić. After the fall of the Berlin Wall and abolishment of the one-party-system in Yugoslavia, while the ban of political organization based on ethnicity still persisted in Bosnia and Herzegovina, Party of the Democratic Action was formed in Sarajevo. The party had not a national designation in its name, yet it was defined as "the party of Bosnian Muslims' cultural and historical context". A special place among its founders was occupied by the persons sentenced in the famous process against "Muslim intellectuals" in 1983. However, besides Alija Izetbegovic, the key figure in the early days of the party was Adil Zulfikarpašić who had recently come back from the emigration. After the split in the party, Zulfikarpašić along with Muhamed Filipović formed a new party

called Muslim Bosniak Organization. The name suggested affiliation with the idea of Bosniak nation, open not only to Muslims, but also to others. However, this party suffered a terrible defeat on the elections in November 1990 and the Party of Democratic Action won.

In line with the suggestions of the political and intellectual elite, on the census in the spring of 1991, Bosnian Muslims identified themselves as Muslims regarding their nationality, but they also opted for Bosnian (and not Serbo-Croatian, like before) as their mother tongue. It is worth noting that among the precedents of using the term Bosnian for the language were not only Muslims, but also Franciscan monks like Matija Divković. Nevertheless, nobody really expected that this term would be used by Bosnian Serbs and Croats.

In the beginning of the 1990s, yet before the disintegration of Yugoslavia and the war in Bosnia, Sabrina Petra Ramet wrote (Ramet 1994, 129):

Today in Bosnia-Herzegovina, there are Muslims who consider themselves primarily "Muslim Croats", those who consider themselves "Muslim Serbs", those who consider themselves "Bosnian Muslims" [i.e., "Muslim in the ethnic sense"] and those who, in the spirit of the "Islamic Declaration", see themselves simply as "Muslims". In addition, there are those Muslims who in the 1981 census declared themselves "Yugoslavs". This already complex picture is made more so by the presence of persons like Fuad Muhić, who describe themselves as "atheist Muslims", and who thereby completely divorce religion from nationality.

The six groups she identified were not, nevertheless, precisely divided. The first two were marginal enough, but among the last four there was much overlapping. I dare say that many Muslims who declared themselves Yugoslav also saw themselves as "atheist Muslims", and vice versa. After the war had started, the first two groups were marginalized even more, and during the event from September 1993 called the "Bosniak Parliament" the decision was made that the nation formerly known as "Muslim" would from that day on be known as "Bosniaks".

Since some sixteen or seventeen months before that, Bosnia and Herzegovina had been recognized as independent state and became a member to the United Nations, the confusion between Bosniak and Bosnian was waiting to occur.

After the Dayton Peace Agreement and integration of the territories controlled by the armies of Bosnian Serbs and Bosnian Croats into Bosnia-Herzegovina, at least formally, the need for the division between Bosniak and Bosnian increased. Theoretically, the term Bosnian included all the constituent peoples of Bosnia-Herzegovina along with the minorities, while Bosniak was just the name of one of the three constituent peoples. In practice, however, the terms Bosnian and Bosniak began to overlap more and more, while among the Bosnian Serbs and Bosnian Croats there was more and more need to exclude themselves altogether from the Bosnian designation.

Summing up the history of Bosnian Muslims' recognition and his projections about immediate future, Gerhard Simon wrote in 1994 (Simon 1994, 6):

The most unusual case of nation-forming, from both the European and the communist perspectives is the nation of the Muslims of Serbian and Croatian ethnic background in Bosnia. From the 1960s, the CP of Yugoslavia officially recognized the Muslims of Bosnia as a nation. Rather than being intended as a concession to the Islamic faith, this acknowledgement was supposed to give Muslims a quasi-secular identity. In fact, Muslim nationalism intensified significantly beginning in the late 1960s. A strict division between profane and sacred Islam was impossible. After the break-up of Yugoslavia and the war among Serbs, Croats and Muslims over Bosnia-Herzegovina, it may turn out that the Muslim nation of Bosnia cannot survive as a unit and will be divided between the "big brothers".

However, it turned out that it is now harder than ever before to imagine a situation in which Bosniaks will start seeing themselves as a part of either Serbian or Croatian nation. The thing that has taken place is, nevertheless, the overlapping between Bosniakness and Bosnianness.

The last prewar population census in Bosnia-Herzegovina was held in 1991. On that census, 1,902,956 inhabitants declared themselves as Muslim which was 43.5%. After the war, the first census was held in 2013. On that census, 1,769,592 inhabitants declared themselves as Bosniak which amounted to 50.1%. Regarding the language, in 1991, 1,631,991 people declared Bosnian as their mother tongue, which was 37.2%. However, in 2013, 1,866,585 people declared their mother tongue Bosnian which was 52.9%. It may be concluded that in 1991, in Bosnia-Herzegovina there were more Bosnian Muslims than the speakers of Bosnian, unlike 2013 when the number of speakers of Bosnian exceeded the number of (ethnic) Bosniaks. In the first case, the number of Bosnian Muslims exceeded the number of the speakers of Bosnian by approximately 270,000; in the second case, approximately 100,000 more spoke Bosnian than declaring themselves Bosniak.

It is relatively easy to conclude that, in 1991, the Muslims who, contrary to the suggestions issued by the Party of Democratic Action, did not declare their mother tongue as Bosnian, declared it as Serbo-Croatian. However, twenty-two years later, after the total disintegration of Yugoslavia and after the term Serbo-Croatian was abandoned by almost everybody, it is quite logical to conclude that virtually all the people who declared themselves Bosniak also chose Bosnian as their mother tongue. One hundred thousand inhabitants who did not see themselves as being Bosniak, but have chosen Bosnian as their mother tongue were generally those who still insisted on the difference between Bosniak and Bosnian.

Among the public and the media in Sarajevo, the word “pro-Bosnian” is often used when trying to define those political forces that do not consider themselves exclusively Bosniak, but are seriously advocating Bosnian patriotism. For example, in March 2018, a meeting of ten political parties took place in Srebrenica regarding the joined lists on the elections in Republika Srpska. These included some parties with the adjective Bosniak in their name, some having the adjective Croatian in the name, some with regional designations (Posavska stranka, i.e., Party of the territory of Sava river valley), and the media called this “the meeting of pro-Bosnian parties”.

Also, all the parties based in Sarajevo which consider themselves left wing, generally vehemently decline to describe themselves as Bosniak. Almost all of these parties have derived from the League of Communists of Bosnia-Herzegovina and the strongest and the most influential among them (Social Democratic Party of B-H) is the legal and political heir of the League. There are some similarities and some differences in their attitude toward Bosnian identity with regards to Yugoslav communist attitude toward Yugoslav identity. Dejan Jović demonstrated very convincingly that young people in Yugoslavia were discouraged by the Communist Party to identify themselves ethnically as Yugoslavs. There were similar concerns in Bosniak political elite before the census of 2013. Once prominent left-wing politician, and afterwards right-wing nationalist activist Sejfudin Tokić was the head of the movement called: "It is important to be Bosniak". After the information had leaked that during the trial census, a significant number of young people identified themselves as Bosnians, a vehement media campaign was launched with the aim of "stopping divisions among the Bosniaks". Since on the censuses in Croatia and Montenegro near a half of the people who declared as Islamic believers identified themselves as ethnic Muslims, and not Bosniaks (and, significantly not in Serbia, where this population is, in absolute numbers, the most numerous), there were fears that something similar was also possible in Bosnia-Herzegovina. Some activists even spread rumors that in case Bosniaks divided themselves into Bosniaks, Bosnians and Muslims, it would be possible for Serbs to become the most numerous among the constituent peoples in Bosnia-Herzegovina. However, due at least partly to the form of the census ballots where the options of Bosniak, Serb and Croat had been printed, while other designations needed to be filled in by citizens, there was no real division and Bosniaks, for the first time in history, became the absolute majority in Bosnia-Herzegovina.

During the era of the Socialist Yugoslavia, Bosnia-Herzegovina was specific among the republics, since it was not national in the way that other republics were. Statistics made it impossible. However, after the disintegration of Yugoslavia and with the new statistical data, the idea of Bosnia-Herzegovina as a "normal"

(national) state re-emerged, with the only dilemma being: whether it should be the national state of the Bosnians or the Bosniaks.

The proponents of the Bosnian nation like to insist on the difference between the ethnic and the national. They like to use the United States of America as an example: although its population is made of dozens and dozens ethnic groups, they are all – in the sense of nationality – Americans. The arguments of their opponents were reiterated by Jim Sidanius (Sidanius 1999, 112):

In many cases, intergroup conflict within multiethnic states turns on the question of the compatibility of subgroup versus national identities and loyalties. Thus, within multiethnic states, one wonders whether one can truly be loyal to one's own ethnic subgroup and still remain a loyal member of the nation-state as a whole?

From that perspective, the ethnic violence from the nineties is the main obstacle for creating common Bosnian national identity.

However, perhaps this is a theoretical dilemma only. On the practical level, Bosniak and Bosnians nationalism are mainly overlapping. This can be illustrated by some of the answers from the poll organized in March of 2017 by news magazine *Stav*, based in Sarajevo. The topic of the poll was: "Does nationalism among the Bosniaks as the dominant social phenomenon exist?" The question, as it is, seems very significant, and it is also worth noting that *Stav* is owned by Turkish media company and that it is obviously close to Party of Democratic Action as the strongest Bosniak national party. The summary of all the answers would probably be something like that Bosniaks actually are not nationalist enough. Nevertheless, some of the answers are worth quoting. Senadin Lavić, professor at the Faculty of Political Sciences and the president of "Preporod", the main Bosniak cultural society said (Opinion poll 2019):

The only possible form of Bosniak nationalism is Bosnian nationalism, meaning to fight for the Bosnian nation state with all the patriots, through uniting nationalism of the Bosnian people around their ancient state and historical experience of plurality, tolerant

and democratic. The question of the Bosnian nation, of the Bosnian patriotic nationalism is bigger than any individual statement and it should be approached as the key question of the Bosnian future, which means that we should have superior knowledge about the processes we are going through. That is a mission that intellectual groups need to work on together with political and business ones. I think that the times are coming for Bosnian political options when the knowledge and expertise would become deciding factors in each and every aspect of life. In that time, we would be able to detect the distinctions between people and nation, ethnos and demos, cultural and political identity [...] Unfortunately, we have all become hostages to our own ignorance.

As a sociologist, Lavić is aware of the differences between cultural and political identity and it is quite obvious that he suggests that Bosniaks, Serbs and Croats in Bosnia-Herzegovina should have their separate cultural identities and politically a common identity of being Bosnian. Since he knows that the majority of Bosnian Serbs and Croats decline to politically identify themselves as Bosnians, he imagines this group consisting of Bosniaks and “all the patriots” in which, I guess, the patriots are the persons who do not see themselves as Bosniaks, but perceive Bosnian as their mother tongue. The answer of Rešid Hafizović, a theologian, is also interesting, because he is not that familiar with the terminology of political sciences but is stating essentially the same thing (Opinion poll 2009):

If someone would define patriotism as nationalism, then the Bosniaks would, in all probability, be declared nationalists. But patriotism is not nationalist, it is just the love given to the one and only homeland without the alternative on this planet [...]. Bosniaks simply gave too much blood for their country to ever be able to deny it, for whatever reason. The ground beneath their feet is theirs, and it is their legacy to their children and children of every honest patriot. [...] Bosniaks did not become nationalists not even after the bloodiest genocide against them. In conclusion, to say that Bosniaks are nationalists is equal to saying that patriotism is nationalism.

It should be noticed that when Hafizović mentions “honest patriots” he is in agreement with Lavić who perceives Bosniaks as being “patriots” as such. Of course, Hafizović’s idea of some crucial difference between nationalism and patriotism is quite a naïve one, especially if we remember the phrase about “giving too much blood for their country”. The sentiment this phrase is hoping to evoke is obviously nationalist. It is especially true if we consider the notion of “banal nationalism” which Michael Bilig memorably investigated. When he says, for example: “A banal mysticism, which is so banal that all the mysticism seems to have evaporated long ago, binds ‘us’ to the homeland – that special place which is more than a place, more than a geophysical area”, it irresistibly reminds us of Hafizović’s notion of “the one and only homeland without the alternative on this planet”.

In addition, there is one specific example of “banal nationalism” which Bilig also discussed, which is also relevant in this context, and it concerns sport. As Ingrid Piller said (Piller 2011, 78):

Banal nationalism in sports has also been widely studied: sporting competitions are typically framed as national competitions and most spectators are more likely to support co-national competitors on the basis of their nationality rather than using criteria such as sportsmanship or elegance of the game.

After Bosnia-Herzegovina was recognized as independent state, the national teams in the most popular sports were created even while the war was still going on. The huge majority of sportsmen playing in them were Bosniak. There is even an urban legend that the media have reported, that in 1996, a mediocre ethnically Croatian player called Pavo Dadić played in the national team of Bosnia-Herzegovina against Croatia because Alija Izetbegović, President of the B-H Presidency and also President of the Party of Democratic Action, directly asked the head coach to have him for political reasons. As time went by, more and more football, basketball and handball players of Serbian and Croatian ethnic identification started playing for Bosnia-Herzegovina, but huge majority among the fans are still Bosniaks. Almost a quarter century after the Dayton Peace Agreement, Bosnian national

football team has never played a match on the territory of Republika Srpska. In addition, among the fans' paraphernalia during the matches, there are always flags of the Republic of Bosnia-Herzegovina (the white one with six golden lilies), as well as other symbols less connected with the state after Dayton and more with the period of war.

Theoretically, this "banal nationalism" is more Bosnian than Bosniak. But since in the regions with Croatian majority, the population strongly backs Croatian national teams, and the same applies to the Serbs in Republika Srpska and the Serbian national team, passionate support of the Bosnian national football team is, at least partly, very often also a manifestation of Bosniak "banal nationalism".

The differences between the proponents of Bosniak nationalism and those more attached to the Bosnian one, are sometimes best perceived when it comes to the institutions. In 1998, there was an initiative for forming Bosniak PEN center although the PEN center of Bosnia-Herzegovina had already been established in 1992. It was a great opportunity to observe the beginnings of the arguments that would be more intensely developed in the years to come. Nedžad Ibrišimović, one of the most respected modern Bosniak writers, said in an interview from March 1998: "I think that Bosniak writers made a mistake when they participated in creating PEN center on multinational level. Serbian PEN and Croatian PEN existed from before, but PEN center of Bosnia-Herzegovina did not exist. [...] I hope that Bosniak writers would have enough reason to establish Bosniak PEN center" (Duraković 1998). Vocal proponents of Bosnian nationalism such as journalist Senad Pećanin and theatre director Dino Mustafić were opposed to the idea for the same reason. Mustafić said that the idea is wrong because: "This is the time for strengthening common Bosnian institutions and universal cultural values of Bosnia-Herzegovina" (Burić 1998), while Pećanin wrote (Pećanin 1998):

I think that Bosniaks cannot exist without Bosnia-Herzegovina and that Bosnia-Herzegovina cannot exist without Bosnian Serbs and Bosnian Croats. In my opinion, no multiethnic organization, institution or entity is an obstacle for the prosperity of Bosnia and

Bosniaks, and that includes the PEN than already exists. What would be the difference between the future Bosniak PEN and the one we already have? Because there would be no place there for Marko, Gojko, Goran, Vlado, Ilija, Ivan [typical Serbian and Croatian names, but also first names of some of the locally famous writers and journalists]? Is that a reason important enough?

The argumentation Ibrišimović used is a simple one: Bosniaks should have everything that other nations have. Twenty years later, journalist and editor Filip Mursel Begović is on the same trail (Begović 2018):

We are the nation that up until this day does not have its encyclopedias, lexicons, literary histories, and what is the strangest thing, and in the days when this language is being denied, the history of Bosnian language [...]. Are we even allowed to show our own identity? It is not really a polite question, but since we are lucky that we live in freedom and democracy we may just say: YES.

13 years after the failed initiative for establishing the Bosniak PEN center, we saw a very similar argumentation regarding the establishment of the Bosniak Academy of Arts and Sciences. However, unlike PEN center, the Academy was successfully established. Interestingly enough, statutory meeting was not held in Sarajevo, but in Novi Pazar, on the territory of Serbia. One of the reasons was probably to emphasize the ethnic and not territorial criteria, but it should also be noted that the key figure in the initiative was Muamer Zukorlić, at the time a spiritual leader of the Muslims from the Sanjak region of Serbia and Montenegro. The Academy was established in June 2011, and in the December of the same year, Senate of the Academy was formed in Sarajevo. Radio Free Europe made a report at the time in which their journalist talked with both members of the Academy and their opponents. The thesis the journalist based the investigation on was that the motive for the Academy had been political rather than scientific, made additionally suspicious with the involvement of clergy, not only Zukorlić, but also ex-leader of the Bosnian-Herzegovinian Islamic Community, Mustafa Cerić.

Retired philosophy professor and a member of the Bosniac Academy (but also of the Academy of Arts and Sciences of Bosnia and Herzegovina) Muhamed Filipović declined those kinds of suspicions by explaining that Zukorlić and Cerić helped the Academy financially and then added: "All other nations from the Balkans except the Bosniaks already have their national institutions. Bosniaks did not have any. That is why we decided to form such an Academy. This would be scientific institution only, without political ambitions" (Karabegović 2011). Enver Mandžić, member of the Academy of Arts and Sciences of Bosnia and Herzegovina, had a different opinion: "This Academy is making a foundation for new divisions and Bosnia and Herzegovina is already a divided society. I do not think that another division would help Bosnia and Herzegovina in any way, or that it would bring Bosnia and Herzegovina anything good, and it just helps to destroy what Bosnia and Herzegovina was and what it should also be in the future." Sociologist Jusuf Žiga was of a similar opinion: "We generally do not have enough people who deserve to be members of any Academy so we do not really need any new ones" (Karabegović 2011).

Although in the case of PEN center, the Bosnian side won, while in the case of the Academy the Bosniak claimed victory, the opposing argumentations were basically the same in both these cases. One was focused more on the state, and the other more on the nation. For the former, the state is *conditio sine qua non* for the nation, for the latter, nation is *conditio sine qua non* for the state. Having this in mind, it is not unusual that among the proponents of Bosnian nationalism there are many secular intellectuals and also those with liberal and left-wing political affiliations. Some of them were parts of the ruling system during the socialist era. On the contrary, among the typical Bosniak nationalists there are many intellectuals who insist on their religiosity, while politically they are often right wing, traditionalists and anti-communists. So, it is not just a coincidence that the key figures in the initiative concerning the Bosniaks' PEN center included authors famous for religious inspiration like Nedžad Ibrišimović and Džemaludin Latić, while the patrons of the Bosniaks' Academy of Arts and Sciences included persons like Muamer Zukorlić and Mustafa Cerić.

When speaking about the foundations of Bosnia-Herzegovina as a state, Bosnian nationalists focus on the partisan resistance movement from the World War II and the decisions made in Mrkonjić Grad on the ZAVNOBIH meeting. However, they usually forget to put these decisions in the context of Yugoslavia as a whole. Bosniak nationalist reluctantly respect ZAVNOBIH, although they would not forget that in the first two decades after the World War II, Bosnian Muslims were not recognized as a nation. They are more prone to insist on the supposed continuity of Bosnia as a state and Bosniaks as a nation from the Middle Ages onwards. They like to make special emphasis on the Ottoman era and the importance of Islamic culture to Bosniak identity.

This thesis certainly calls for deeper investigation, but just as brief illustration it is useful to concentrate for a moment on the case of Mustafa Busuladžić that has had a great public, political and even diplomatic importance during the last year or so. Mustafa Busuladžić (1914–1945) was a cleric and religiously inspired intellectual who lived in Sarajevo and for some time in Rome during the World War II, and published at the time some anticommunist and anti-Semitic texts. After the liberation, Yugoslav court declared him guilty for cooperation with the occupying forces and sentenced him to death. After the disintegration of Yugoslavia, parts of Bosniak political elite tried to make a martyr out of him and even named one of the Sarajevo streets after him. This was during the war and immediately after it. However, twenty years later when the Parliament of the Sarajevo Canton, with the majority led by the Party of Democratic Action, decided to name an elementary school after him, a huge part of the public, especially those who consider themselves Bosnian patriots, were vehemently against it. They declared that an unpatriotic act, among other things, because the foundations of Bosnia-Herzegovina as a state had been built during the anti-fascist struggle. Bosniak nationalist saw that a kind of *elitocide* against the most prominent anticommunist Bosniaks.

Although both Bosnian and Bosniak nationalists tend to avoid addressing any aspect of the Bosnian civil war from the early 1990s, seeing it exclusively as a Serbian (and later Croatian) aggression, Bosniak nationalists like to insist on the involvement of

the (ex-)Yugoslav Army led by (ex-)communist generals, while Bosnian nationalist perceive Serbian anticommunist nationalism as being the guiltiest. In a typically nationalist gesture, Bosniak nationalists tend to decline all the accusations of the war crimes committed by the Bosnian army with the argumentation that no such crimes can be committed in a defensive war and that a small number of “incidents” that may have happened were not planned. Bosnian nationalists agree with the general outline, though they may allow that some war crimes, if only a negligent number of them, were committed by the Bosnian army, if only to allow for the analogy with the official communist rhetoric after the World War II, which condemned war criminals of all the allies of the occupying forces, whichever ethnic background they had.

While on the level of everyday politics, when faced with the demands by Serbian and Croatian nationalists in Bosnia-Herzegovina, proponents of Bosnian and Bosniak nationalisms are not in real conflict, in many aspects of internal politics they are proper opponents. In that context, the question arises concerning the future of these two kinds of nationalism. Although it is very hard and very complicated to make these sorts of assumptions, the strongest possibility seems to be the unification of the two in the form of Bosniak nationalism. The main force behind Bosnian nationalism is the memory or even imagined memory of some sort of “utopian harmony” that supposedly ruled Bosnia-Herzegovina during the socialist era and, by extension, in some other historical periods. Although without any real historical foundation, this almost mystical vision is very common among the Bosnian nationalist who often speak and write about “Bosnian being”, “the soul of Bosnia”, “Bosnia the Good” (Mahmutčehajić 1997), etc. In trying to document this “phenomenon”, they tend to use huge amounts of anecdotal evidence about multiethnic life, mixed marriages, etc. Almost all of these examples are from the Yugoslav era and totally different social context. With the change of the social system, revival of religion, the war, war crimes, ethnic cleansing, concentration of all the ethnic groups on the sections of the territory with their own majority, this context changed, and probably for long, not to say for good. With the older generation leaving the public scene and the new generation

brought up in the new context, Bosniak and Bosnian nationalism would most probably be more and more alike. Since the total identification with Bosnia-Herzegovina as a state is more and more reduced to Bosniaks, in time they will become a very dominant majority among the Bosnian patriots. With less and less Bosnian nationalists, taking into consideration all their differences in relation to Bosniak nationalists, Bosniak nationalism may prove to be practically the only way of being a Bosnian patriot. The desired outcome for them would be for Bosnia-Herzegovina to become the national state of Bosniaks, in the same way that Serbia is the national state of Serbs and Croatia is the national state of the Croats. Their allies here also include the ignorance and inertia of international community, including some people who assume that the situation is already like that. If we in the end go back to the quoted Byron verse, maybe its ambiguity is just a temporary thing. Even in 1993, when the Bosniak parliament decided to change the official name of the nation from Muslim to Bosniak, some of the witnesses dared to see this as an attempt of asserting a claim on the complete Bosnian legacy. The difference between the name of the nation and the name of the language represented for some also a step in the same direction. These views were sometimes declared even paranoid, but there is a distinct possibility that history would prove them right. However, with the notion that such result is, at least partly, self-fulfilling prophecy, we find ourselves at the beginning of a completely new story.

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Michał Kozłowski

Goodbye Nasser: Dynamics and Contradictions of Gender Politics in the Middle East

Unfortunately, mainstream political history has remained insensitive to the fact that gender is crucial to the understanding of nationalism.

Nira Wickramasinghe, *Sri Lanka in Modern Age*

Abstract

There is a widespread misconception about gender relations in the Middle East and more widely in the “Islamic world”. They are perceived in terms of uninterrupted and efficient reproduction of a strict patriarchal model. Focusing on the case of Egypt during the last half-century, I will argue for the dynamic character of these relations and try to demonstrate their essentially political nature. I will also show growing social contradictions produced by gender politics of the last decades.

Keywords: Egypt, empowerment, gender relations, social change

■ There was a famous speech by Gamal Abdel Nasser addressed to the members of the ruling Arab Socialist Union in 1966. In fact, it went rather unnoticed at the time. After all, Egyptian president gave a significant number of speeches considered by his contemporaries to be of global historical importance, and this was not one of them. This speech, or rather a two minute extract, gained its historic momentum fifty years later, when the recording became available on YouTube and went viral among leftists and liberals in Egypt, Arab world and, due to its English subtitles, well beyond that. When we refer to Nasser here, what we imply is the period directly preceding his seizing power, cracking down on the Islamist opposition and establishing a progressive and largely secular dictatorship. I will quote it at length:

In '53, we really wanted to compromise with the Muslim Brotherhood, if they were willing to be reasonable.

I met the head of the Muslim Brotherhood and he sat with me and made his requests. What did he request? The first thing he asked for was to make wearing a hijab mandatory in Egypt, and demand that every woman walking in the street wear a tarha (scarf). Every woman walking [someone in audience yells "Let him wear it!", crowd erupts]. And I told him that if I make that a law, they will say that we have returned to the days of Al-Hakim bi-Amr Allah, who forbade women from walking during the day and only allowed walking at night, and my opinion is that every person in his own house decides for himself the rules. And he replied, "No, as the leader, you are responsible." I told him, "Sir, you have a daughter in the Cairo school of medicine, and she's not wearing a tarha. Why didn't you make her wear a tarha?"

I continued, "If you... [crowd's cheering interrupts] if you are unable to make one girl, who is your daughter, wear the tarha, how can you tell me to put a tarha on 10 million women myself?"

Even if Nasser's allure has indisputably faded since its peak in the late 1950s, and his political legacy is in shambles, he remains arguably the most powerful political figure in Arab modern history: as a leader of decolonization, as one of the faces of the global Non-Aligned Movement, as a reformer and a modernizer, as pan-Arabic visionary. Nasserism might have been organizationally shapeless and ideologically elusive, yet, by the sheer virtue of its scope, represented for many the most compelling promise of Egyptian and Arabic renaissance. And some form of social empowerment of women was an integral, if not central, component of this promise. A lip service to women's advancement belonged to good political manners of self-styled or real revolutionaries. It was pushed forward by Bourguiba of Tunisia, Ben Ali of Algeria, Kassem of Iraq. Nasser was no exception. Some important reforms ensued.

Fragility of progress

Yet it is not the authenticity, nor intensity of Nasser's dedication to women's cause that made the public become hypnotized

with this rather masterful piece of political rhetoric. What indeed overwhelmed them was the facility with which the Islamic veil could be mocked. The mockery was confirmed by the enthusiastic applause. Surely, at that very time the *ikhwān* was still suffering persecution and the ridicule was clearly a part of delegitimization strategy. Nevertheless, the kind of weapon Nasser chose for that purpose was significant. He referred to a progressive narrative in which *tarha* inevitably belongs to the legacy of the darkest ages of superstition and fanaticism represented by the ruinous reign of Calif Al-Hakim. This narrative was non-apologetic and self-important. It required no justification, it delivered verdicts. History itself was on the side of Nasser and his followers. The veil embodied the contemptible past. This victorious course toward modernization was also reflected in Egyptian cultural production. As Ahmed Zaki Osman reminds us (Osman 2012):

In one memorable scene in Egyptian cinema, popular Egyptian actress Soad Hosni tried to convince her male colleagues, during their summer vacation at the Mediterranean, that cleaning and cooking should be conducted equally between men and women. When they refused, she said loudly, "Have you forgotten that we live in the era of equality?"

The scene was from the 1968 movie "Al-Zawaj 'ala al-Tariqa al-Haditha" (Marriage in the Modern Way). The movie portrayed a generational gap between those who lived under the monarchy, and the new generation, which was born to see Egypt as an independent country. Money shouldn't be the price for a groom, Salah Karim, the movie director, wanted to tell his audience. Marriage should be based on the compatibility of education and dreams of a couple. The issue of equality was put in a different context by Fateen Abdel Waahab, who directed the 1966 film "Merati Modeer Aam" (My Wife is a General Manager). The 1966 comedy showed the anxiety of a man who had to grapple with the fact that his wife is his general manager in a state-owned company.

Discourses and representations from the era of the triumphant pan-Arabic secular nationalism may indeed make us believe the history's course has been reversed. The drive toward equality

between men and women has been put to a halt, patriarchal and authoritarian ideas have been renewed and reinvigorated. The backlash cannot be dismissed as a mere illusion. The conditions of legitimate speech have been redefined at the expense of women's equality. Many social advancements have been lost, or threatened. But there is more to the Egyptian story than this. In fact, Egypt's recent gender history is just as illustrative of the contemporary Arab world and its context, as of the globally occurring patterns of gender transformations. The specificity of the Egyptian case does not imply exceptionalism, but rather highlights the variety of ruptures, continuities and alternatives within the context of gender, modernization and female empowerment.

Egypt in the late 1950s and early 1960s has had quite a comprehensive policy of "state feminism" being implemented. The Constitution of 1956 (together with 1961 amendments) did not only state equality between men and women, but also contained explicit provisions against gender-based discrimination. Labor laws were amended in order to assure women's access to jobs in public administration and, more importantly, within the framework of extensive state-sponsored industrial projects. Maternity leave and related job protection measures were introduced. Such a concept of state-feminism was clearly modelled after the policies being developed since the 1920s by socialist party-states. Just like them, they espoused a self-aware and voluntarist, albeit limited in scope, vision of women's empowerment. In truth, in mid-1960s no western state engaged in such an effort. It is often forgotten that the glorious western post-war welfare state was not keen on women's participation in the labor market outside of strictly limited areas, and did not envisage employment on equal terms. At the same time, the Egyptian project of gender equality fell short of the magnitude characteristic of the majority of socialist countries. One of the reasons for that was a larger ideological picture of Nasser's regime. Unlike what was happening in the Eastern Bloc, the role of the Egyptian state in the economy remained limited. Consequentially, the room for state intervention in employment was limited too. But there was another substantial difference: family law largely remained within the domain of religion and tradition recognized and implemented by the state. There was no principle of equality between spouses, civil

rights of married women remained restricted, right to divorce uneven, there was no inheritance equality between brothers and sisters and the threshold of wedlock excluded “illegitimate” from family rights. This however was hardly an exception in the 1960s, including the industrialized West (equality in marriage was standard only in the “communist bloc”). In fact, Egypt, as most of the “progressive” countries of the period, seemed to have followed a classical reformist pattern of gradual emancipation, the path Western countries also undertook. The country began with the old suffragist postulate of political rights, followed by extending education and labor rights, to finally achieve equality within family’s legal structure. However, the latter was never to happen in Egypt.

The strength of the state’s feminism was also its weakness. On the one hand, it possessed vast political and economic resources, which let it produce immediate effects in certain areas of gender relations. On the other hand, the state effectively monopolized collective agency in favor of emancipation. Autonomous women’s movements from the previous era, small but ambitious and vigorous, were now banned. This situation had three major consequences: first, entire women’s advancement depended on the fate and evolution of the political elite; second, the autonomy of women’s collective claims had been drastically reduced and, last but not the least, the fate of women’s emancipation was lying almost exclusively in the hands of male politicians. The socio-economic context in which this state promulgated feminism had emerged was even more of a burden. In 1966, when Nasser delivered his memorable speech, the average fertility rate was 6.33 children per woman, the number which today can only be found in sub-Saharan Africa. Despite considerable governmental efforts taken in the early 1960s, aimed at providing free education for all, female illiteracy dropped by mere 5% percent, to reach the still staggering rate of 78.9 % by the end of Nasser’s reign. This was an unquestionable achievement, particularly taking into account the fact that immediately after the war, female literacy was actually in retreat (Hatem 1994, 44). Still too little was done, resources were too scarce and the time too short. Illiteracy effectively excluded rural women from state-sponsored labor market, and despite steady urban expansion, Egypt has remained predominantly rural to this day.

Limits of regression

Excessive fertility rate, combined (and structurally connected) with overwhelming illiteracy and traditional farming division of labor, made women's empowerment not only class-biased but also extremely fragile. And the wind was changing. Not long after Nasser's death, the new leadership under Anwar al-Sadat sought both ideological reformulation of the regime and economic measures to face the consequences of skyrocketing demographic growth (partly linked to the public healthcare developed under Egyptian third-way socialism). It is hardly surprising that Nasser's state feminism was based on the assumption that women empowerment would come at little, if not zero cost for male economic and social opportunities. The vision of radiant progress was to ease or abolish conflicts of interest between genders. By 1976, dark clouds started looming over Egyptian women. Politically, this translated to unobvious and quite short-lasting reconciliation of the post-Nasserite elite, now converted to free market ideas and (strictly supervised) political pluralism, with the forces of political Islam, suppressed but never eradicated during the 1960s. The third key partner in orchestrating women's partial retreat from the labor market, or rather its more lucrative sectors, was the IMF and its push for cost cutting in the public sector. Under the terms of new austerity, a big chunk of reproductive labor was to be reprivatized or, in other words, sent back to the realm of female unpaid reproductive labor. However, underlying this political shift were attempts to socially appease males in the context of the rise in relative shortage of resources. In fact, no regime could survive growing male discontent and, consequently, governments tended to prioritize men's economic interests. The benediction of state-feminism has quickly become a curse. By 1986, or 10 years after the start of economic liberalization, overall unemployment have doubled, reaching 14.7 %. But for men it stood at 10% while for women, it rose to over 40% (Hatem 1994, 48).

Following the assassination of Anwar Sadat by an Islamist radical, the Egyptian regime has adopted a double strategy: a police crackdown on militant Islam, accompanied with gradual integration of the traditionalist agenda into state social, economic and

educational policies. The same strategy was latter applied by the Algerian post-revolutionary government in the years of the Algerian Civil War of the 1990s. And it is worth making clear: in each case, this conservative agenda concerns mostly, if not exclusively, the women's question, basic rights and resources at women's disposal, gender segregation in public sphere, and gendered division of labor. In this sense, the specificity of the Arabic conservative turn of the late 1970s was that it remained almost entirely gender driven. Major ideological shifts of the past, the economic system, the class issue of the form of government, became overshadowed by this, to say the least. In a certain way, Egyptians had pioneered the gender-oriented politics that the West was to discover soon, although in a drastically different context.

Resistance and change

In point of fact, Egyptian and other Arabic women seemed too weak, both economically and socially, to articulate a viable political opposition to this trend. Women were effectively pushed out of the labor market. To this day, their share has not exceeded 23% (The Global Economy 2017), and that despite growing urbanization and expansion of wage labor. Understandably, these jobs are usually badly paid. Public spaces for women were also tightened. Yet not all trends were reversed.

In the wake of Tahrir Square revolution, girls' literacy stood at 86%, while it was just over 38% in 1976, at the beginning of the conservative turn (World Bank 2017). Women's median age at the time of their first marriage grew from 18 to over 21 between 1980 and 2008. In 1971, when Nasserism still stood strong, girls' enrolment in tertiary education was marginal (regardless of the fact of an Ikhwan leader's daughter studying medicine) or below 4% of all students. In 2016, it stood at almost 35% (World Bank 2016), while the overall enrolment in higher education rose significantly. Most importantly perhaps: even if the fertility rate of Egyptian women remained relatively high, the demographic transition was firmly at work. In 1971, fertility rate stood at 6.14, while during the Tahrir Square revolution in 2006, it was less than half of that (3.00).

Obviously, statistical averages camouflage both urban/rural discrepancies and class divisions. Both remained significant in the case of Egypt. It still remains true that accumulated figures showed a massive character of gender relations' evolution. And more importantly: they went against the current of state policies and dominant ideological trends. In this sense, we can affirm that, however limited and modest, Egyptian women's empowerment has been of their own making. Naila Kabeer defines empowerment as "the process by which those who have been denied the ability to make strategic life choices acquire such an ability" (Kabeer 2001, 17). If so, both the fertility rate decline and postponement of the first marriage should be understood as a direct consequence of young women's increasing control over their own lives and loosening of the patriarchal grip. Surely young women's struggle within their families, resources they use and alliances they forge, are much harder to trace and far less spectacular than labor or political conflicts. But they matter as much, if not more. Emmanuel Todd and Yousef Courbage develop a powerful argument according to which this first struggle was tightly linked to the length of female education (Courbage and Todd 2014) rather than any other factor. Yet, very strong correlation between female education and fertility decline rate does not quite explain the inner mechanism of empowerment that worked behind the walls of the fortress that was the Egyptian household.

The ideological project of reconstructing and reinforcing social control over women initially carried a promise of reinstating male authority and prestige within the framework of male egalitarian brotherhood. This promise of male dignity, which Benedict Anderson rightly attributed to modern nationalism, resonated even stronger in the appeal of Islamist movements. Yet this promise was not kept. High unemployment, extremely brutal labor relations, growing inequalities, cronyism, and migrant labor in the Gulf, they have all plagued Egyptian men during the last three decades. Additionally, gender segregation and the persistence of dowry exposed many young men to the prospect of celibacy. It is therefore easy to understand why the unlimited sexual access to women was one of the major covenants of the Islamic State's appeal and why that recruitment strategy proved to be so successful.

The Tahrir Square revolution, as the culminative moment of the Arab Spring, should be understood not so much as an attempt to resolve all of these contradictions, but rather, as their powerful, yet ambiguous articulation. It should come as no surprise that the Tahrir activism was deeply marked by unprecedented presence of women (Dean 2013) and at the same time gave space to anti-women violence and abuse, which could not be solely attributed to security forces or secret service (Kingsley 2013). In the aftermath of revolution, the Muslim Brotherhood's election victory ensued, followed by a *coup d'état* and the restoration of the revamped ancient regime in 2013. We should be reminded to what extent a revolutionary turmoil, even if nourished by emancipatory aspirations, puts the course of emancipation at risk. In fact, the Tahrir years coincided with a slight, but measurable reversal, including both fertility rate decline and an increase of the average age of marriage (Salem 2015) putting an end to decades of slow but sure trend. And this despite the fact that the new/old Egyptian regime, being quite distant from the egalitarian perspective of the Nasser's era, seems to understand that further demographic expansion combined with women's exclusion from capitalistic labor relations, threaten both economic prospect of the country and the regime's own stability. Nevertheless, as for 2018, the fertility rate decline is likely to regain its pace.

The case of Egypt, and more generally the case of the Arab world, is usually offered as an example of women's empowerment counter-trend. And it is true that the women's cause has suffered several spectacular setbacks, incongruences and zigzags. But it is wrong to perceive those setbacks as a result of simple and uninterrupted reproduction of traditional gender relations. Those relations have in fact been extremely politicized and dynamic, even if the configuration of power relations proved to be particularly unfavorable to emancipatory aspirations. Also, empowerment does not always mean enhancement of wellbeing – it is about relative increase of the capacity to make essential life choices. Those choices very often come at a high price, both individually and collectively. According to Amnesty International, mass sexual assaults had first been reported in Egypt in 2005, and these incidents became a widespread practice in the Tahrir years 2011–2013 (Amnesty

International 2015). But it is important to notice that this was the first time that public violence against women came out of the shade and was politicized to much greater extent than domestic violence could ever be. It seems clear that it was rendered possible due to family losing social control over young men and their explicit desire to punish and remove women fighting for a place in both public space and public sphere. But at the same time: increased visibility of violence does not necessarily mean there is more violence but, rather, that the violence can no longer be concealed.

Instead of conclusion

The Egyptian gender tale also involves a curiosity of geopolitical nature. The decay of Egyptian progressive politics historically coincided with relative decline of the country's political and cultural influence within the Arab world. Egypt, once uncontested leader, gradually fell behind Saudi Arabia, ultraconservative kingdom which used to be Nasser's strategic adversary. Egypt remains dependent on the Saudis for investment, credits and, even more importantly, the allocation of its extensive workforce surplus. The Saudi style Salafism with its retrograde gender ideas has penetrated Egypt both indirectly, through experiences of male migrant workers across the Red Sea, and directly, through massive religious endowments often undermining local religious authorities (including radical Muslim Brotherhood and traditionalist Al-Azhar). Despite the relative success of Saudi missionary effort abroad, and even though Saudi Arabia has effectively implemented an unprecedented system of gender segregation, domination and repression at home, the kingdom did not quite escape the demons of women's growing autonomy. In 2016, its fertility rate was 2.53 births per women, down from 7.31 in 1975 (World Bank 2016).

But it was another government with seemingly religious orientation (and Saudi Arabia's biggest foe) that saw the fastest fertility rate collapse in the recorded history. When Islamic Republic replaced Persia's self-styled enlightened monarchy in 1979, Iranian women bore 6.42 children on average. The number fell to 1.66 in

2016 (World Bank 2016). Despite significant differences between the two countries regarding gender practices (Iran leaving women with relatively more opportunities), both societies managed to keep women away from the labor market, both scored below 20% of participation (World Bank 2018), but they did not prevent women from taking control over reproduction. Both offered women broad access to education, although for quite different political motives. In 2015, 52% of all university graduates in Saudi Arabia were female. But Iran took educational revolution even further. Women make for approximately 65% of university students (World Bank 2016). The number has reached 70% when it comes to science and engineering – proportion unseen in the developed western countries (Guttman 2015). In fact, both regimes conduct quite an awkward policy of offering knowledge and consequently refusing equality. Moreover, education was offered as a substitute for equality in other domains. But then instruction is usually a poor means of appeasement. It is rather an enhancer of dissent. Yet, regardless of what the future may bring, it already becomes clear that the specificity of Middle Eastern gender dynamics lies not as much in its anachronism, as in the flagrant discrepancy between the empowerment's temporalities in different sections of the social world.

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SECTION III

Solutions and Open Questions

Aleksandar Prnjat

Xenophobia and Identitarian Nationalism

Abstract

In this paper, the author considers the concepts of xenophobia and nationalism. He distinguishes between three different forms of nationalism: 1) classical nationalism, 2) anti-colonial nationalism, and 3) identitarian nationalism. The first is based on a belief in the racial and civilizational superiority of one's nation, and is used to justify colonialism as a kind of messianic civilizing of the "inferior" Other. The second type emerges as a reaction to the first one and acts as a defense against the cultural subordination carried out by colonizers. To these two categories, the author adds a new kind of nationalism: identitarian nationalism. This type of nationalism shares with anti-colonial nationalism a defensive rhetoric, but it also advocates the preservation of the home culture's specificity, which is believed to be threatened by impoverished immigrants. In today's Europe, we see this in the reaction to Muslim immigrants. The author argues that the right of foreigners to settle in other countries as immigrants cannot be unlimited, but also suggests that the demand of identitarian nationalists to preserve their own cultural identity from foreigners who change it does not apply in the case of wealthy foreigners who contribute to the economy of the country they come to.

Keywords: cultural identity, identitarian nationalism, nationalism, xenophobia

■ It could be said that xenophobia *prima facie* denotes an aversion to foreigners, an aversion to those who are not from "here" – "here" referring to the region or country on which the subject has staked their identity – but who come and stay "here" anyway. These outsiders have their own customs, their own beliefs, and their own manners, all of which appear to the subject as different, unusual, and strange.

1.

The aforementioned *prima facie* definition of xenophobia is so general, that, for reasons which will be presented below, we can only call it a half-truth. Even faultier a definition would result if we were to refer only to the word's etymological meaning which states simply that it is a fear of foreigners. Staying away from a certain group of people or being suspicious towards it may have its origins in the fear of the unknown, but the term "xenophobia" is not primarily about fear. Like many other compound nouns in which the Greek word "phobia" is applied (Judeophobia, Russophobia, etc.), the term is actually meant to designate certain negative political attitudes and hostilities.

The decision to label an aversion to foreigners "xenophobia" depends on the type of aversion and the type of foreigners in question. It depends on the power relations involved. These relations often come to the fore when observing how foreigners navigate their adopted culture's norms and the expectations to adhere to them. They play an even more important role in the way foreigners relate to that culture. In the medieval period, groups of travelling entertainers usually stood out to the native population as different in some way, but these visitors would never insist on their cultural superiority in places where they considered the inhabitants to be less polite or perhaps even barbaric – they wanted to be well-received and accepted. Contrast this with the attitude of conqueror types, who always emphasized their superiority in their dealings with native populations.

European colonizers used to justify their colonization of their conquered territories and nations by laying claim to cultural superiority. They only "civilized" these barbarians. They tried to provide eternal life for them. They educated them. Of course, through all this the colonizers kept their own customs. This was the situation of the Indian subcontinent under British rule. It was only later on in history that British and other Westerners would come to India with the belief that that culture had something to offer *them*. Specifically, they would seek guidance for spiritual salvation from Indian religious teachers. Even today, such individuals often accept local cultural norms. In their minds, Western society is still

scientifically and technologically superior, but it is spiritually impoverished. And because they believe so fervently in the spiritual superiority of Hindu religious systems, they often adopt the mindset of the convert and embrace wholeheartedly the cultural practices of their new environment, including things like diet, dress code, and so forth. Or at the very least they do not show open disdain or scorn for these practices.

Lack of respect by colonial authorities for the culture of the colonized is so common as to be almost an official position, and equally common are two types of reaction on the part of subordinated cultures. Some members will attempt to ingratiate themselves with their new masters by accepting certain aspects of the colonizers' cultural norms. Others, in their struggle to preserve or regain their identity, adopt a defensive nationalism, which strives to affirm and elevate everything that is one's own culture and traditions. Sometimes they will do this by attaching especially positive connotations to those practices which the colonizers find unattractive.

Defensive nationalism emerges in colonized places as a reaction to the messianic or civilizing nationalism of the colonizers.¹ Under certain circumstances it may even eventually adopt some features of that same messianic ideology. When Swami Vivekananda, at the end of the nineteenth and early twentieth centuries in England and America, held lectures on Vedanta and yoga during one of his Hindu counter-missionary campaigns, he emphasized the universal aspects of these teachings and practices, thereby endowing them with a messianic character that was promoted as benefiting the entire human race.

In contrast to messianic nationalism, which seeks to supply the world with a universal cultural practice, the defensive nationalism of small nations can develop microcolonial forms – not by colonizing distant overseas countries, but by colonizing neighbouring territories. As a result, this leads to the subjugated population of these territories developing their own defensive nationalism. This type of nationalism is often influenced by ideals of religious and ethnic homogeneity, and it always results in the oppression of

¹ Important insights on anti-colonial nationalism can be found in a study by Manela 2007.

minority groups who do not fit these ideals. The violent potential of defensive nationalism is well known.

When the colonized are freed from their former oppressors, this liberates the potential for mutual oppressions applied from within the postcolonial state. This then provides the opportunity for the former oppressors of the rejected empire to rejoice cynically in the belief that the colonized “were better off when they were under our rule”. As if the former oppressors had nothing to do with the violence that arose after they relinquished their rule.

2.

The term nationalism is sometimes used to denote any form of preference for the members of one’s own ethnic or cultural group, that is to say, the members of one’s own nation state as viewed in relation to members of other ethnic and cultural groups, or citizens of other nation states.

This definition is closely related to the colloquial use of the term. It is also related to Svetozar Stojanović’s understanding of it, according to whom the meaning of the term nationalism “can best be seen as a situation of conflict between national claims” (Stojanović 1999, 17) and therefore he defines it as “*the favouring of one nation over another in such a conflict*” (*ibid.*). Although such definitions concur with the usual use of this term in everyday language, they might be objected to as being too broad.

In the case of nation states, these definitions largely coincide with the notion of patriotism. But one of the differences between patriotism and nationalism is that patriotism generally connotes affirmative and commendable meanings; most citizens of any state would identify themselves as patriots under normal circumstances.

Exceptions to this can be found in those cases where the term “patriotism” and real patriotic feelings are used to mobilize a population for warfare or to anesthetize them into ignoring certain moral impulses, for example the urge to condemn atrocities committed by members of our armed forces against the civilians of the other side. Examples of this could include the US–Vietnam War or wars in the territories of the former Yugoslavia during the 1990s.

Due to this history, some citizens of the countries formed after the disintegration of the former Yugoslavia feel uneasy in situations where they are asked to identify themselves as patriots. Or when they do use it to describe themselves, they use it consciously to differentiate themselves from nationalists.

In support of the objection that such definitions of nationalism are too broad, it could be argued that they cover too wide a range of meanings, ranging from the support of the national sports team of one's country all the way to the urge for military protection of the interests of one's nation, which no one unbiased could consider a legitimate request, regardless of the number of potential civilian victims on the other side. The kind of protection of national interests that military intervention involves usually requires the partial or total extermination of the members of the other nation.

Although it is very broad, this definition follows the way the term "nationalism" is used in ordinary language, and perhaps then it is best to retain it, simply with some added specifications, rather than to construct a special new meaning – philosophical or sociological – for the same expression.

3.

An aversion to foreigners can be expressed as eye-rolling and unspoken indignation over their distinctive characteristics, but also as an open call for a ban on further immigration and the cancellation of hospitality to those immigrants already in the country, which can include drastic measures like deportation. Extreme examples of xenophobia would include attempts to physically liquidate even one's own nationals, those who might in some respects appear "strange" for ethnic, religious or cultural reasons. In any case, the term xenophobia is coined with a critical intent and has a pejorative meaning.

Granting foreigners the right to enter a certain territory or denying that right is a state decision. It is based on certain security and economic considerations. No country wants to accept outsiders who present a security risk – for example, terrorists or people with a deadly infectious disease. Most countries today want

tourists or investors. Modern states that publicly advocate the application of certain principles like human rights and rule of law obviously have some kind of moral obligation to provide protection to asylum seekers who are persecuted and threatened in their own countries for advocating those same principles.

Authorities of a democratic legal state may be concerned about how their citizens perceive their legitimacy if they refuse to provide asylum to a supporter of rule of law or human rights, or if they extradite him/her to another country in which he/she is an object of persecution. Despite the fact that the issue of human rights in some discourses has been transformed into the ideology of human rights, and despite the fact that this ideology is sometimes used as an excuse to interfere in the business of other states, especially the weak ones, one should not lose sight of the fact that outside North America and Europe, rule of law and respect for human rights are often reserved for members of the privileged classes.

4.

It is somewhat inadvisable to draw an analogy between the right of a state to deny entry into its territory for those who are not its citizens and the right of an owner of a boat to deny boarding to those he/she does not want on the boat. However, certain similarities cannot be overlooked. As the owner of a boat, you have, at least, a moral obligation to take a stranger into your boat if his/her staying outside of the boat would endanger his/her life. Let us imagine that you and your family, including little children, found yourselves in a boat in the middle of a storm. There is no imminent danger of overturning the boat, but waves continue to pour water in.

Because of the amount of water that is filling the boat, it seems like it could sink. The water is very cold and the sinking of the boat would be fatal to those currently on it. Nearby in the water there are about thirty people drowning. Two or three of them might be able to get onto the boat without making it sink. They might even help get the water out. However, if all the drowning people tried to get onto the boat, it is obvious that it would immediately sink.

Who should have priority if the drowning people are our relatives, neighbours and friends? For an ethnic nationalist, “compatriots” refers to some sort of very distant relative. There are also questions such as: “Is it morally justified to give priority to those drowning individuals we had previously met and who we found likable over those we had previously met and to whom we felt a groundless aversion?” Also: “Is it morally justified to give priority to those foreigners who come from countries that we consider friendly and allies, over foreigners who come from countries that we consider hostile or competitive?” These questions are justified provided that all the drowning individuals are in the same medical and physical condition, that everyone has the same chance to survive once they are rescued from the water, and that everyone can participate equally in throwing water out of the boat.

I want to emphasize the fact that one is not in a position to take all the drowning people onto the boat. This clearly indicates that one state cannot accept an unlimited number of immigrants. It does not mean that three or four times more inhabitants could not be settled on the territory of that state than there are now. But such settlement, in most cases, would completely jeopardize the existing population. One cannot see why the citizens of that state would have a moral obligation to undermine their own economic structure to such an extent that it would decrease the future prospects of their children in order to provide better opportunities to economic immigrants.

The analogy with the boat is not tenable in the following important aspect: if all thirty drowning people try to climb on the boat, it will overturn, and those who are now in the boat and all who tried to enter it will die. In the case of settling a significantly larger number of immigrants, not everybody will suffer: the standard of living of those already there will greatly decrease, but the standard of living of those who have entered, if they come from a state where there is famine, will increase. But not in the case of unlimited immigration. Unlimited settlement of a large number of inhabitants could mean a complete collapse of the rule of law and the destruction of the economy, which were the reasons for the immigration in the first place. But if the cause of migration is climate change, the inability to survive in areas where extreme

droughts or uncontrolled floods have occurred, for those who struggle to survive, the question of the standard of living will not be a decisive one.

If they want to preserve their well-regulated society, do citizens of any state have the moral right to leave people who are fleeing from affected areas in which it is no longer possible to organize life at the mercy of their destiny? Compared to the mass migrations that we are likely to face in the not-so-distant future because of climate change, the flight we've seen from war-affected areas begins to look like nothing more than a dress rehearsal for the final premiere.

Let us focus on the issue of the growing new nationalism in Europe and the United States. Contrary to the messianic form of nationalism, which is based on an ideology that treats one's nation as a culturally superior force that brings salvation, here we find a more modest form of nationalism. Its dominant narrative is the endangerment of one's cultural identity by the arrival of foreigners. According to this ideology, foreigners bring their own cultural norms with them that they refuse to relinquish. They continue to practice their religion and customs in our societies.

This new form of nationalism shares with the defensive nationalism of colonized peoples a common belief in the essential vulnerability of one's own identity. Classical nationalism strives to preserve one's own racial identity, whereas the defensive nationalism of colonized nations and the new nationalism of the rich countries create a narrative of endangerment surrounding one's cultural identity. Because the intellectual left has legitimized the narrative of anti-colonial defensive nationalism as a defensive mechanism against the threat to cultural identity, identitarian nationalism appropriated this rhetoric of preserving cultural identity for its own purposes.²

Identitarian nationalism is directed primarily against poor foreigners. By refusing to assimilate, they, as the narrative of

² Sometimes, the advocacy of secularism comes from the left too, but this time secularism is no longer directed against the Church, but against Muslim immigrants (Brubaker 2017, 10–11).

identitarian nationalism claims, change the character of the host culture in a bad, damaging way.

The rise of German identitarian nationalism as a reaction to the influx of Muslim immigrants during the migrant crisis follows previous resistance to the Turkish labor force that immigrated to Germany decades ago. That this is not merely a religious-based resistance to foreigners can be seen in the structural similarities it has with the older German fear of migration that was directed at cheap labor from Poland in the late 19th century. Referring to Polish peasants who settled in Germany, Max Weber wrote that they “were gaining ground” (Weber 1994, 9).³

To summarize, I would propose that we can distinguish between three types of nationalism:

1. Classical nationalism. It is based on a belief in one’s racial and civilizational superiority. When expressed in a colonial context, such action is justified by the messianic mission of civilizing others.

2. Anti-colonial nationalism. It is based on defensive efforts, that is, it has the function of defending one’s nation against cultural subordination to colonizers. It does not exclude the possibility of undertaking messianic missions against other smaller state and ethnic entities, nor against ethnic and religious minorities in one’s own society.

3. Identitarian nationalism. It is a defensive nationalism which advocates the preservation of the specificity of one’s culture and is directed against poor immigrants. In today’s Europe we see it levied against Muslim immigrants.

5.

Xenophobia and identitarian nationalism lack any vigor in situations where wealthy foreigners are concerned. There are few very wealthy immigrants and generally they are expected to contribute to the local economy. Foreigners who are not very wealthy but who still contribute to the economy and stay with us only temporarily are treated similarly. The common attitude towards

³ For a balanced account of Weber’s nationalism, see Bellamy 1992.

tourism is an example of this. Let us imagine a small place on the coast of any sea where tourists start to pour in at the start of summer. They bring new and unusual customs, including even sunbathing. Only some of the older inhabitants, most often those whose houses are more distant from the beach, and where guests do not stay during holidays, might grumble occasionally against these unusual foreigners, whom they have never seen before. They might also point out that by returning year after year, the foreigners start to have an influence on the views and opinions of the local youth. This observation is not incorrect. But most of them do not see anything alarming about it.

There is no moral panic, nor are there hostile feelings towards foreigners in this situation, partly because so much of the local population gains financially from their presence. Once a locale has acted as a tourist destination for enough years, its economic structure becomes altered to such an extent that most of the people who live in it benefit either directly or indirectly from the earnings they gain from tourists during the summer months. The place becomes a holiday destination. Not only because of its natural beauty – the sea, the beach, the beautiful landscape, etc. – but also because of the traditional culture of the region, including its architecture, culinary customs, and musical heritage. Everything becomes a tourist attraction. To be honest, in this situation different aspects of traditional culture will change more or less, but it does not tend to bother anyone very much, even when some old customs have been turned into folklore entertainment for tourists. Xenophobia is barely present – on the contrary, I would say rather that it is xenophilia that predominates. Perhaps it is not entirely sincerely felt, but it is plainly visible nonetheless. Foreigners are forgiven even when they disrespect local customs and local laws and regulations. Nobody chastizes them for their *faux pas* and smaller incidents are tolerated by the local population with a high degree of lenience.

It is true that tourists stay briefly whereas poor immigrants tend to stay for a very long time or even forever. Poor immigrants do not invest in local economy and are potential users of various forms of social welfare. Another difference between these two types of foreigners is that poor immigrants provide a low-cost

labor force to employers and at the same time are a threat to others when they take their jobs. There will always be more those endangered by poor immigrants, of course. They could be more sensitive to the differences between the cultures that immigrants bring with them and their own local cultures. There is less sensitivity to the cultural differences of foreigners of other ethnic and religious backgrounds when they are very wealthy. Naturally, even then, their showing off their wealth will cause negative comments, sometimes with a hint of xenophobia and identitarian nationalism, but never to such a degree as the kind expressed towards poor immigrants who will sooner or later need the help of state welfare to survive.

The concern of an identitarian nationalist to preserve the cultural identity of his/her community is partly a selfish desire to preserve the social services and collective goods of the state, which they themselves might use (cf. Wimmer 1997). Indicating the selfish motives behind some fears, will not reduce these fears. Poor immigrants will not become wealthy tourists, nor will they return to their homes, so identitarian nationalism in Europe will not lose its strength in the times ahead.

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Dušan Janjić

New Reality and Old Powers: Globalization and Challenges of Preserving Diversity

Abstract

The awakening of ethnicity and identity crisis is a fertile soil for strengthening ethnic nationalism and extremist mobilization, including the spread of terrorism as a form of ethnic and religious conflict.

While the height of nationalist mobilization was reached in the early 1990s, extreme nationalism remains an important aspect of politics in the Western Balkans.

Despite a narrowing space for massive armed conflicts today, the risks of political, social, ethnic and religious conflicts and economic and security instability have piled up in the Western Balkans. In this context, particularly important are the issues pertaining to relations of Northern Macedonia and Serbia with Kosovo and Bosnia and Herzegovina with Republic of Srpska. These are potential hotbeds of conflict and challenges for cooperation.

Keywords: diversity, ethnicity, globalization, power

■ People who study the subject of modern society, in an effort to understand and explain to themselves and others the reality and logic behind the mechanisms of this society, face many challenges and complex tasks. Many of these tasks are related to the social history and culture to which a person belongs. The first task is to understand the position of the society that we belong to.

This text aims at raising certain questions, and prompting a search for answers that would help in explaining and understanding the Serbian society, as well as other Balkan and European societies. Its intention is to launch a discussion on issues which merge the past and the future. As Henry Kissinger once wrote, the encounter of the past and the future cannot be understood if there is no knowledge and feeling of both of these elements, the past, and the future (Kissinger 2014, 348–349). That is why the future should be built on solid foundations. These are not populist and other

propagandistic imagery of the world that do not exist in reality, but which leaders use to lead the public on. Instead of building “Potemkin Villages”, it would be advisable to respond to many challenges stemming from the final years of the Cold War. And concerning the Cold War, certain challenges are simply “frozen issues” of the 19th and 20th century. This is particularly evident when observing the political agenda of today’s Serbian leadership.

Facing the legacy should not impede addressing completely new issues (climate change, cyber security, operations of “non-state actors”), although it often does. It is extremely helpful to gain a “broader perspective” on this endeavor, as well as to take a look from the “history of the present”, and search for the origin of new phenomena. It is important to understand that even the most recent issues did not emerge in any kind of vacuum.

Higher interconnection between people, their lives and destinies, social and national histories, is characteristic of modern existence. This speaks of the need to understand the complex relationships between contemporary circumstances (independent of the past), the complex processes of making connections between geographic locations, but also the issues of vital importance to people, modern societies and nations.

In this paper, the term “globalization” is used in the meaning of the English word “Globe”. This concept encompasses all the global/planetary social processes and relationships, manifested in all aspects of world affairs, including the connection going beyond borders of particular nations (nationalities) and national states, with the main objective to increase economic growth and wealth. In that sense, “globalization” refers to the image of the world as a common space in which interdependence (technological, political, economic and ecological) is being knit at a tremendous speed, eliminating geographical distance, increasing wealth, and making democratic form of government universal (Bušljeta 2010):

Globalization can be defined as economic, political, social and cultural processes at the supranational level, which changes the established global political, economic, social and cultural relations. The essential determinant of these processes is the technological development that brings a spatial-temporal reduction of the world.

This paper discusses the most recent phase that was conceived in the second half of the 20th century when a new economic wave called globalization appeared. This phase culminated with the fall of the Berlin Wall, i.e., the fall of political blocs. The dominance of capitalism over socialism was established; the dominance of liberal democracies and ethno-nationalism over socialist ideals and ideologies.

Globalization is erasing the clear differences between the national and international, previously important for the perception of the world. The importance of national states is weakening and there is a growing need for regional and international interconnection. This strengthens the influence of international institutions and corporations. Globalization is a linkage that goes beyond frameworks of national governments and establishes regionalization or regional integration of the world (such as the European Union – EU, ASEAN, and North American Free Trade Agreement – NAFTA).

This paper investigates the following three megatrends, which have a direct impact on Serbia's development, particularly ethnic identity, relations between ethnic communities and states and the position of national minorities in those states:

Megatrend 1 – Transition and Identity: The awakening of ethnicity and identity crisis as a fertile soil for strengthening ethnic nationalism and extremist mobilization, including the spread of terrorism as a form of ethnic and religious conflict.

Ethnicity and religious identity have become the decisive factors in the formation of cultural and national identity. Globalization has brought frequent encounters with other people, cultures and ethnicities, shaking up traditional models of building and reflecting identities. In addition to accepting globalization and fitting into its values, the search for answers to the challenge of annihilation of one's own identity has grown. Ethnic and nationalist mobilization is seen by many as an effective way to avoid losing one's own identity.

This proves that the old model of national (ethnic) identity is facing a crisis, expressed in the domain of *conflicting psychological stereotypes*, due to the emergence of new and/or reinforcing of old

stereotypes; in the domain of *conflicting ideological doctrines*, a fierce ideological battle to win over persons belonging to one's own nation for one of the two most influential options: the first, building one's own identity without annihilating others, and the second, dominant option, which puts national territory issues in the spotlight, requesting its extension to imaginary ethnic boundaries; escalation of conflicts between *political institutions*, i.e., confrontation of political organizations (political parties, government institutions, etc.) over the economic and, in particular, energy, financial, political, military and police power; escalation of *internal territorial and political conflicts*, combined with ethnic elements, which aggravates the issues of national minorities.

While the height of nationalist mobilization was reached in the early 1990s, extreme nationalism remains an important aspect of politics in the Western Balkans. Hate speech that continues to be disseminated by some media and the absence of any significant steps towards reconciliation, have allowed for the persistence of resentment-based nationalism in the Western Balkans. Strong ties between political extremism, violence, terrorism and organized crime, have much strengthened during the wars in the former Yugoslavia and across the world, particularly in North Africa, Middle East and Central Asia. For this reason, it is interesting to analyze lessons learned from the collapse of the USSR and especially South Caucasus.

Capitalism has triumphed over communism and socialism in almost all corners of the world, and ironically, many of the most prominent capitalists come from former communist and socialist countries.

The triumph is the result of fruitful economic activities, successful in creating opportunities for many people to ensure higher economic security.

However, there are shortfalls; first, this is producing an unsustainable boom – growth and inescapable decline – crash; second, inequality, including the gaps between many countries worldwide. But it is the only way to create wealth for all nations and people. This is what gives legitimacy to capitalism (Rubenstein 2012).

The process of transition has only just begun in most former socialist/communist countries, and it has left difficult economic and social situation being the source of and the main fuel for political instability, causing consequently the extremism and use of

violence, such as terrorism, or a large-scale involvement in non-formal economy and organized crime.

The period of extreme globalization has brought with it the opening of borders, especially for capital and the international monetary system, which has pushed many societies and economies to believe that they can join in and enjoy the flow of money which they had not have before. That has brought about a number of ever so severe financial crises in Latin America and East Asia. This culminated in the global financial crisis of 2008, marked by the bursting of the thriving financial balloon at the center of globalization – the United States. This has temporarily slowed down the process of globalization, which is also evident from a sharp decline in global capital flows and global trade.

This crisis led to a short-term breakdown of leading financial systems, and stock market crashes. However, at the end of this cycle, investment and productivity also declined. Investments dropped even though investors did have money. This affected the traditional real estate investment, as the firm belief in the growth of real estate prices proved to be unfounded. In fact, it turned out that a deep system decompression was taking place, access to capital was impossible and states needed to provide cash. Investors were left without capital. This raised the issue of the cost of the global financial crisis which had given rise to the feelings of injustice and unfairness of relations between societies around the world. The question of responsibility of governments was opened. Governments were accusing banks, and banks were desperately trying to prove that they too felt the consequences of the financial crisis.

The financial crisis had become an economic disease that caused a social crisis. Political and financial elites were obsessively focused on their own interests and ideologies. They did not pay attention to the revolt of “ordinary people”. The people’s fears were addressed by certain world leaders or events, such as Donald Trump, Victor Orbán, or Brexit in the UK, a number of political parties and movements in the EU, as well as religious and other movements in northern Africa and the Arab world.

The 2008 global financial crisis represented the end of a rapid ascent of the winners in the “new world order”, thus severely shaking the European Union and the United States, which until then had been

the driving forces behind globalization. Deep changes have occurred. Since then, the issue of immigration has been burdening and exacerbating the developed Western European countries, almost to the state of panic. In the EU and the US, this issue has become the prevalent issue of political campaigns, including presidential elections.

The crisis awoke deep social fears – the fear of not being able to find a job, the fear of not earning enough money for food and other needs.

The Western, especially the European understanding of nation as a place of birth and the only culture, was shaken by mass immigration in 2015 and 2016. In the United States, although this is an “immigrant nation-state”, there is a growing fear that new immigrants will produce high costs for the United States and pose a challenge for the nation’s culture. There is also a great alarm that immigrants will not be assimilated.

Also, the trust in Euro-American society has dropped, which has led to a transformation of regimes into dictatorships, i.e., too much power being concentrated in the hands of a single person. Examples of this are Russia’s President Putin, China’s Xi Jinping, etc. This raises the question of the need and ability of the nation and its leadership to protect national interests. The priority is not the protection of the global and regional systems. This is a fertile ground for further strengthening of ethnic nationalism (Friedman 2016).

The rise of today’s ethnic nationalism seems to be a xenophobic attempt to blame economic difficulties and foreigners for the failing nationalism. Voters in the USA, Italy, Hungary and other countries, fear that foreigners will influence government elections and that immigrants will usurp their living standard. All this is making nations less open to others. This is best confirmed by the slogans and policies of Donald Trump and in the promise of Brexit benefits in the UK – “Taking back control” or “America First”. This is a policy of isolationism, the one of neglecting and/or avoiding co-operation and contacts with other states, economies, cultures, and closing in one’s own borders, organizations, cultures, clans, etc. It is often associated with the “non-interference” and “avoidance” of alliances with other countries, as well as with the involvement in wars which do not directly concern one’s own state.

Today, nationalism vs. globalism is defined as a political conflict. However, the alternative to the current populist nationalism is not globalist elitism but economic realism. After all, reality always wins (Kaletsky 2018).

Today, it is almost evident that such a policy had led the world into the two world wars, as it created space for the development of aggressive populist movements and politics. Despite the fact that the space for possible wide armed conflicts has narrowed, the risks of political, social, ethnic and religious conflicts, as well as economic and security instability of certain regions are multiplying, throughout the world and the Western Balkans. There are particularly important issues related to ethnic relations in Northern Macedonia, relations between Serbia and Kosovo, as well as between Bosnia and Herzegovina and Republika Srpska. These are possible conflict hot spots and challenges with potentially wider (regional) consequences.

The present crisis can only be understood as a structural crisis of capitalism, which cannot respond to the need of having different models of development, economic growth and international relations. One such challenge faced by global capitalism is China's Geopolitics of Infrastructure Development – known as the One Belt One Road (OBOR), which is not based on free trade arrangements or market divisions, but on real roads, electricity transmission systems, mixed industrial policies and investments in infrastructure. This only points to the need for bottom-up policy change and new reflections on international cooperation within the framework of long-term strategic interests and values (Woods 2018).

Megatrend 2 – Transformation of (nation) state in the context of globalization and strengthening of regional and global integration has revealed the limitations of traditional representative democracy and its inability to respond to the growing complexity of societies, volume of information received in real time and amounts of money needed to govern the state and run the elections.

Until recently, it was strongly believed that neoliberal economy will be replaced by a post-capitalist economy in which, as part of expected economic and social reforms, the market will be designed so as to balance the relationship between individuality and the

community in a more just way. This belief proved to be wrong. The events of 1989 started the process which has been evolving up to this very day and replaced the indisputable value of socialism and liberal democracy with the new idols: unlimited free market economy, nation and ethno-nationalism. Two types of conflict have been dominant since then: on the one hand, political conflicts in which almost everywhere (with the exception of Serbia, Montenegro and Romania) the forces linked with the old regimes were removed from power, and on the other, national (ethnic) conflicts which are characteristic of multiethnic federal states: the USSR, Czechoslovakia and SFRY.

In Central and Eastern Europe, as well as in the Western Balkans, there are numerous locations in which potential conflicts over the legal, political and economic status could break out. Already in 1990 thirty minorities, i.e., around 143 million people and around 35% of the population of this region, were identified as "minorities at risk". Today, 16 of these minorities are ruling majorities of newly established states, and 93 million people, i.e., 20–25% of the region's population, are at risk. Considering that many ethnic conflicts can easily spin out of control, these conflicts are a serious challenge to the stability of this part of Europe, with as many as 129 identified as potential locations for interethnic conflict; among these conflicts, in 25 authorities apply serious pressure, including threat or use of threat.

Thanks to German unification, one state no longer exists, but thanks to the disintegration of the USSR, Czechoslovakia and former Yugoslavia, the number of independent states tripled. The model of the nation-state is extremely attractive for most local minorities, and all new states were established along the ethno-nationalistic principle, regardless of their being ethnically heterogeneous. Hence, the existence of ethnic minorities poses problems to political elites in the majority of new independent states wanting to evolve as nationally (ethnically) homogeneous. And in the cases where minority leaderships (like in case of Serbs in Croatia, or Albanians in Kosovo) are also trying to establish their own states, or to join their kin-states, the existing conflicts intensify, secessionist movements get stronger and it is not rare for all this to end in wars and mass migration.

In most cases, in Europe, post-communist authorities were forced to invoke democracy in their efforts to suppress endeavors to transform their states into authoritarian or totalitarian police

states which would eradicate, at their very beginning, the minority movements aiming at autonomy, and to reach a settlement with the minorities. Most often this was not a result of comprehending internal needs, but rather a kind of “courtship” to Europe. Namely, in 1991, guarantees regarding minority rights were introduced as a condition under which the European Community, afterwards the European Union, would recognize the newly established states (first the Baltic states, and later on also all the others). Therefore, almost all post-communist regimes resorted to legal reforms regarding the protection of minorities. Generally, these reforms have been based upon international legal provisions of the UN, on the OSCE minority standards and other forms of regional protection (Community of Independent States, Council of Europe), or on bilateral agreements of states regarding the protection of national minorities. Minority protection is established with regards to individual rights (Estonia, Croatia, Slovenia, etc.), group rights (Serbia and Montenegro) and personal autonomy (Hungary).

If judged by constitutional and legal provisions, minorities are in a much better position than is the case in reality. The biggest problem is that the paradigm of an ethnically and nationally homogeneous state does not allow room for compromises with the minorities, because ethno-nationalist rhetoric concerning one’s own nation’s right to national self-determination is not in correlation with the arguments concerning the freedom of minorities.

However, the nature of the existing differences makes it impossible to centralize power and instead requires federalism and regionalism. Since the position of minorities has a significant impact upon the ability of newly established states to survive, one of the most important issues is that of adequately balancing the autonomy of minorities which would support maintaining their cultural and ethnic differences, with simultaneous efforts to discourage separatist movements.

A particularly difficult political issue is the status of “new national minorities”, i.e., members of ethnic communities which in the former USSR and SFRY had the status of “state-building peoples”. In order to ensure territory and border stability, successor states would have to ensure equality of all people, and particularly of members of these minority groups; the first step in this direction is

to guarantee citizenship as well as some affirmative action measures. However, in reality the treatment of “foreign nationalities” is extremely bad and unspecified: State policies are directed against “new minorities”, and ethnic conflicts become more serious.

Globalization increased the significance of alliances, strategic partnership and “club” memberships like in the EU, NATO, etc. This is also a challenge for the Western Balkans as a region with a population exceeding 20 million people, in which relations between states and the entities may be described as antagonized in many ways.

The last decade of our history teaches us two lessons: first, ethno-nationalist movements are not able to establish either stable, efficient states, or modern societies; and second, the international community, guided by the principle of integration, did not intervene in local conflicts; instead, it even relied on protectorates and left defeated.

Like in numerous examples throughout the world, here too, the process of achieving independence and democratization proved to be a long one, often painstaking, but inevitable in contemporary world. Troubles with learning and beginner’s mistakes can certainly be reduced provided the road taken is one of cooperation with one’s own citizens (taking the example of Kosovo, cooperation of Albanians, Serbs and other communities), with the neighbors (taking the example of Kosovo, cooperation with Serbia, Montenegro, Albania and Macedonia, and taking the example of the other former battlefield – Bosnia-Herzegovina – with Croatia, Serbia and Montenegro) and of course cooperation with the international community, first of all with its representatives in Kosovo and Bosnia-Herzegovina.

The example of Serbia is illustrative for all of these developments: at the beginning of the 21st century, Serbian society was facing numerous problems with regard to the functioning of the economy and security system, as well as in foreign affairs. These problems were particularly intensified with the onslaught of the recent global crisis.

The period since 1987, via October 2000, until today, has been one of the most turbulent in Serbian political history. This has been the period of multiple events: the fall of communism, i.e., socialism; disintegration of Yugoslavia through a series of inner or civil wars which also had characteristics of inter-ethnic wars; creation of new states on the territory of the former federal state; EU and UN

sanctions and the ten-year long thus introduced international isolation ; the war with leading countries in Europe and the world, i.e., NATO (1999); restoration of the multi-party system and elections within the undemocratic regime of Slobodan Milošević and the pre-democratic system which has been built in the post-Milošević era (from 5 October 2000 until now); Serbia restored national statehood, but this was not based on political intentions and plans of the Serbian leadership, but was rather the end result of defeats and political decisions made by other political stakeholders and states, including the decision of Montenegro's citizens expressed in a referendum to restore their statehood and leave the SRY/SCG; introduction of comprehensive and socially painful reforms; particularly bad management of the privatization process which acquired features of tycoonization, destroyed the production sector and stimulated high corruption of politicians, as well as radical changes in cultural models and the ruling moral and social norms, etc.

The present and the future (of Serbia) must be comprehended in the context of globalization. On the one hand, globalization links states and reduces the power of the individual nation-state, and on the other, it imposes the need to strengthen the state as a support for national identity, as well as the mechanism for the protection of local resources.

The problem of Serbia is that the state is inefficient and weak to be able to support the strengthening of internal social and national integrative connections. Therefore, today's Serbia may be marked as an "unfinished state" in which processes indicating that the issue of the country's future has not yet been clarified, are gaining strength. There is a strong tendency to make Serbia a "failed state", which would not be able to realize either its internal, rational integration, or its external, international integration links. Such state cannot react to challenges of globalization by joining regional and global integrations, and simultaneously preserve and develop its own characteristics and advantages. On the other hand, this means that the trend of Serbia's disintegration would continue. Therefore, it is necessary to perceive the solution to the problem of building Serbia as a nation-state by considering at least two options which represent different goals and different conditions within which the process of building of the nation-state will evolve:

The first option is the realization of “European future”, which imposes the following priorities:

- in the period after 2011 and until joining the EU (most likely in 2025–2030), it is necessary to transform Serbia from a weak, i.e., “unfinished state” which it is today, and take it to the level of a modern and efficient, i.e., so-called “normal state”;
- in the period after joining the EU and until 2050, it will be necessary to submit the nation-state to gradual deregulation, i.e., the transfer of certain state functions to European bodies.

The second option shall apply if the present model of European integration proves to be unsuccessful, which may happen either because Serbia would not join the EU, or because EU would reorganize and leave Serbia outside the circle of “closely integrated” countries. Considering that one of the variants in this second option is highly feasible, the following priorities are imposed:

- strengthening of the state and raising its efficiency in facing internal social, as well as global challenges (equal to the first option), and
- building new regional and global supports, i.e., alliances which also do not exclude the EU.

In reality, this is Serbia’s starting position, since at the end of the 20th century, Serbia found itself on the same side with “historical losers” for the first time in its history. Recovery from big losses and turning toward development, internal stability and strengthening of international reputation and influence are hard and long-lasting tasks aimed at establishing an optimum balance between ethnic loyalty to the national community and citizens’ loyalty to the state, made more difficult due to the deep identity crisis of Serbia and the Serbian nation. In addition, it is visible that there is no clear vision and strategy for managing the state in the process of transition from a socialist to capitalist society. Serbian leadership has not been ready to enter this process and has also been excessively oriented towards the past, deprioritizing the present and the future. Therefore, the confrontation with the consequences of the reforms realized by now is yet to happen.

Like other independent states in the Western Balkans, Serbia has no chance to ensure a sustainable level of development if relying only on individual efforts, and without mutual cooperation. Therefore, these states must turn toward their common future, towards the EU and towards their own region, the Western Balkans. This requires facing and overcoming their nationalistic pasts and “Balkanization”. In this regard, there are many things which can be learnt from Britain, France and Germany. In the course of their long history, they were waging mutual wars, with much more casualties and lasting much longer than the wars in the Western Balkans, and after all the hardships in the past they have still managed to create a community in which they live good and happy lives, with a realistic hope that this would also be the case in the foreseeable future.

Applying also Western European experience, the Western Balkans may lean upon two examples:

Example 1: the Benelux was the result of serious, bloody, inter-religious and other types of conflicts, and

Example 2: the European Union was the result of serious and bloody conflicts during World War II, primarily the German-French conflicts.

Following the rule: “When united, they are stronger!”, the Western Balkans Benelux (Croatia, Bosnia-Herzegovina, and Montenegro), or the Western Balkans of the six (WB6) or eight (WB8), could accelerate the development of these states and bring them to the EU via an easier route. This can by no means be a “common” political or state community, but rather an area with unimpeded communications, flow of people, goods and ideas.

Albanian–Serbian reconciliation would be the backbone, a historic turning point in the Balkans. It could be the basis for the creation of a broader framework of inter-Balkan cooperation, directly involving Albania, Montenegro and Macedonia.

Whether Kosovo will become a recognized independent state could be solved only by peaceful means, in circumstances in which democratic political elites will emerge on the basis of strengthened democratic procedures and institutions, and in which, at the national level, action is taken towards establishing

nuclei which for the region would represent what the Club of Rome has been for the EU.

Megatrend 3 – Growing importance of interaction between energy and security, and the importance of understanding the relationship between energy security and ethnic conflicts are key challenges for Serbia, Western Balkans and Russia.

Finding themselves at a particular crossroads between the Caucasus and Europe, and bordering the Middle East and North Africa, the Western Balkans are – by virtue of their geo-strategic position – a crucial element in Europe’s energy security dilemma. Peace and stability in this region, which have been affected by the ethnic conflict at the end of the last century and which still face several threats, are essential in guaranteeing the security of oil and gas supplies for the EU.

While the question of energy security has been a policy concern in the past, only recently has the issue of energy become a highly publicly debated question; it is often discussed not only in expert circles and socio-political and economic forums, but as part of the general public discourse.

Russia’s recovery after the collapse of the Soviet Union, and its significant economic growth and political influence resulting from exploitation of its massive natural resources, have created considerable political, security and energy concerns in Europe and across the world. Russia has a remarkable experience in playing the role of “energy superpower”. In the Western Balkan region, news of the resurgent Russia’s return – this time through energy deals – was received with great caution and attention. Moreover, this Russian return to Europe is seen as a cunning and perfidious political tool, a part of its hidden agenda to re-establish its economic and political influence in the region. Reactions to Russian moves in the Western Balkan region have been even more flustered. It is believed that Russian presence in the region is the beginning of an entirely new phase in the resolution of the crisis, in which Serbia is once again to attempt to destabilize the region by stirring up new violence and threatening new conflicts. The fear that the presence of Russian energy in Southeast Europe, and especially in Serbia,

would go well beyond its economic and political capacities, and that it would undoubtedly end up in serious security problems, latent conflict(s) and potential border changes, became even greater after the conflict in Georgia.

There are multiple crises in Europe today, both internal and external. The rising Euro-skepticism and political populism in several major EU countries signify the depth of the crises, while simultaneously indicating one of the feasible solutions to them.

The current EU-Russia tensions, though being basically negative for both, are admittedly being used by the EU leadership to strengthen the Union in the face of a putative common enemy, and to prevent the European project from further dissolution.

The current Ukrainian crisis has affected Russia dramatically. This impact has to do not only with economic, political, or humanitarian relations between the two countries.

The 2014 Maidan revolution in Kiev, the Crimean referendum, and the ongoing war in East Ukraine have deeply divided Russian society. Whereas the majority perceives the Ukraine case as a warning against the revolution in Russia, the radical minority at the fringes of the Russian political spectrum is inspired by the Ukrainian uprising and would not mind having something similar in Moscow.

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Slobodan Divjak

Value Relativism as a Result of the Offensive of Multiculturalism as a Form of Communitarianism

Abstract

In this text the author tries to prove that radical multiculturalism leads to absolute value relativism, by its insistence on an internal connection between particular cultures and normative orders. The author also criticizes Michael Walzer's attempt to reconcile contextualism and universalism in his conception of "reiterative universalism". Slobodan Divjak's type of critique of this conception can't be found in the works of other thinkers in the world.

Keywords: communitarianism, liberalism, multiculturalism, reiterative universalism, value relativism

■ In this text I treat multiculturalism as a form of communitarianism. Every attempt to show that there are essential differences between the abovementioned orientations is undefensible (Robson, 2014).

Liberalism is not a homogeneous concept. The liberalism about which I talk is not a worldview, a way of life, a party program or some sort of economic politics (for example, neoliberalism), but a conception of legal and constitutional order which is compatible with the pluralism of different conceptions of worldview, ideology, politics, economic politics, and culture. In such a system – which "can be fully developed in the course of constitution-making processes that are not based on the previous choice substantial values, but rather on democratic procedures" (Habermas), the bearers of formal rights are individuals, not cultural groups. Concerning the international politics of liberal states, it could be said that this politics is not an expression of their internal orders, because what dominates is *Machtpolitik based upon the right of the stronger*. In world history, the most powerful states were, independently of their internal system, prone to *Machtpolitik*: ancient Athens, ancient Rome, the Ottoman Empire, Holland, Great Britain, Russia as an empire, Soviet Russia... Humanitarian military interventions are a

part of antiliberal imperial politics since liberal institutional order with its negative individual freedoms cannot be imposed on a people through force. Such an order must be the result of their freely expressed will.

Multiculturalism is frequently defined as contemporary theoretical and practical movement that confirms the importance of a particular culture in human life, the importance which is allegedly marginalized by liberalism. This view often ignores the fact that one of the main multiculturalist objections to liberalism is that the latter made particular cultures irrelevant in the process of constituting the legal order of modern states, by placing them within the private sphere. This basic objection to liberalism leads to the central point of the multicultural idea – insistence on the internal connection between the character of particular cultures and the character of legal and constitutional orders of communities and states. Thus, one could argue that multiculturalism aims at reintegrating what liberalism tore apart – a cultural tradition and a legal and constitutional order. Liberalism does not deny the importance of particular cultures or cultural traditions in human lives, as it grants to each individual the right to choose, based on one's own preferences, from different concepts of good life, whose integral part is culture. It is up to the individual whether he/she will choose an individualized concept of good life or one that originates from a certain cultural tradition. From a liberal point of view, a cultural tradition cannot be excluded as an optional content of choice; the legally guaranteed primacy of individual rights is of prime importance – that is to say, a legalized rule that no one can make decisions instead of an individual unless he/she has explicitly authorized them to do so.

By insisting on the internal connection between particular cultures and normative orders, multiculturalism actually contextualizes law since each law has to be particular, as a reflection of the particular culture that lies in its foundation. Thus, the essence of every legal system becomes a concrete social context, which is strongly determined through an appropriate cultural tradition. A necessary consequence of such an understanding of a legal system is radical criticism of every type of universalism – both the metaphysical (that is to say, substantial) one and the post-metaphysical

(de-substantial, of the liberal kind) one. The essence of multiculturalism is contextualism, within which there can be no law in singular, but only in plural. By granting a particular culture the status of the fundamental level that is the root of everything else, multiculturalists contextualize universal reason as such. According to them, individuals can develop their own self-understanding, their own concepts of good and justice, and their abilities for constituting moral judgments only in the context of a particular cultural tradition and the community pertinent to it.

According to them, reason independent of tradition, which would, relying only on itself and on its own internal logic, deduce a universal normative (moral and legal) order, which would be valid in all contexts and times, is only a liberalist chimera. A system of moral and legal principles that would be deduced from such a reason would be, according to them, a mere intellectual construction that, if used in the real world, performs violence over real life, as it has no grounding in it. Just as there cannot be any contextless, depersonalized person, there cannot be a morality or a law or a context-transcending reason, neutral and independent with regard to cultural traditions.

A particular cultural tradition is postulated as a *prius*, not only in radical multiculturalism but also in radical communitarianism, so that rationality, morality, and law are perceived as deduced from such a tradition by both of these orientations. Rationality only makes explicit the principles immanent in the given context, within which it functions (MacIntyre 1988, 390): "Philosophical theories, in view of an outstanding follower of communitarianism, give organized expression to concepts and theories already embodied in forms of practice and types of community".

As they assigned to the cultural tradition the status of an essential component of a particular context, multiculturalists and communitarians brought all the intra-contextual moments in relation to that essential fact, also including the individual, as a member of the particular contextualized community. Individual activities are shaped and determined by the culture in which they get "socialized" from the very first day of life (MacIntyre 1984, 221): "What I am, therefore, is in key part what I inherit, a specific past that is present to some degree in my present. I find

myself part of a history and that is generally to say, whether I like it or not, whether I recognize it or not, one of the bearers of a tradition”.

By connecting reason to a concrete socio-cultural context, radical multiculturalists and radical communitarians actually reject the universal reason as such, not only the metaphysical reason as the essential one but also the post-metaphysical, pure procedural reason, thus abolishing any autonomous power that, as such, it might have.

According to Hegel, at the height of metaphysics, reason is deprived of any external conditions, which makes it absolutely unconditional and independent, based in itself: unlike understanding (*Verstand*), which is determined by the empirical data which exist outside of it as an independent positive being, reason (*Vernunft*), as it contains everything that is “other” within itself (the empirical, the sensual, the particular, the final), turns out to be a self-positioning, self-developing, and self-uniting power, so any empirical given is nothing but empirical phenomenal manifestation of reason as an all-encompassing principle.

As a critic of metaphysical ontologization of reason, Kant ascribes to reason the *a priori* status: in his *Critique of Practical Reason*, relevant for the discussion here as it points to his relationship with the normative order – both moral and legal – Kant treats the pure practical reason, the reason unmediated by empirical data, as an autonomous rational power that, following its internal formal logic rules, produces purely formal, non-teleological, de-ontologized norms, regardless of any cultural tradition and all empirical sources.

On the other hand, as a communitarian or “culturalist”, MacIntyre points out the following (MacIntyre 1988, 222):

It is an illusion to suppose that there is some neutral standing ground, some locus for rationality as such, which can afford rational resources sufficient for enquiry independent of all traditions. Those who have maintained otherwise either have covertly been adopting the standpoint of a tradition and deceiving themselves and perhaps others into supposing that theirs was just such a neutral ground or else have simply been in error.

Thanks to this abolishment of reason's autonomy, which necessarily leads to anti-universalism, the multicultural ideal is, in essence, the opposition to the liberal, or modern, ideal. While the liberal ideal can be summed up as coexistence within the state of the individuals of different ethno-cultural identity, the multicultural ideal is coexistence within the state of the groups of different ethno-cultural origin, which are treated as political units. It is obvious that realizing the latter demands a "return" of ethnic and cultural principles from the sphere of society into the sphere of state's constitutive principles, to a different extent and depending on the character of collective rights.

However, if the aforementioned multicultural logic is consequently followed through, it turns out that it leads to the intra-contextual monism and holism. If the legal system is put in the function of protecting concrete cultural traditions, then the individuals who live within that system are expected to follow only substantial values and customs of their own cultural tradition, that is to say, they are forbidden to accept substantial values and customs of other traditions. In other words, as in such a legal system most individuals are deprived of the right to choose between different cultural conceptions according to their will, the necessary relationship is established between their (individual) and their community's identity based on the specific cultural tradition.

Furthermore, if a specific cultural tradition is treated as the substantial basis of the entire institutional system, it follows that that institutional system is closed for classical parliamentarism, for in such a political system different parties can relate to cultural tradition in different ways, and some of them might even be oriented against tradition. In the best-case scenarios, in countries whose legal system is connected to a cultural tradition, a limited party pluralism is possible, limited in that it allows only for the parties that respect fundamental presuppositions on which the given cultural tradition is based. For example, multiparty system exists in contemporary Iran, but only the parties that do not reject Islam are legal in it, so they are reduced to pro-Islamic fractions that can be reform-oriented to a greater or lesser extent, but under the condition that the reforms do not question the foundations on which Islam is based.

By rejecting every trans-contextual, i.e., universal standard, multiculturalism, as well as communitarianism, actually accepts the

point of view of absolute relativism, because if that standard is absent, cultural traditions cannot be hierarchically ordered but must be treated as equally valid. However, the historical experience so far has shown that customs which can hardly be accepted from the position of elementary humanity and civilization could be an essential component of some cultural traditions. Some examples include the institution of slavery, mass killings of people in order to maintain the despotic rule, absence of individual rights, lack of women's rights, burning of widows, stoning of adulterers, public whippings in sport stadiums, discrimination of allegedly inferior races, etc. If all of this is taken into account, the question is how to criticize these actions, if there are no supra-contextual, universal standards?

In the face of such problems, multicultural and communitarian pluralists face a dilemma: whether to also approve of all of the above-mentioned phenomena, which go against the elementary feeling of justice, or to modify their starting premises to a certain extent. In order to dodge accusations of extreme relativism, a number of them have attempted to make a distinction between "thin" universal morality, which was supposed to be common to all particular communities, and "thick", "solid", more encompassing, relativist morality, which differs from one place to another, and thus represents the specific moral basis for each particular community. Such a distinction was made by Michael Walzer, following his book on the realms of justice. In the Introduction to his *Thick and Thin*, he wrote, singling out the topic he was about to discuss (Walzer 1994, xi):

"There is a thin man inside every fat man", Georg Orwell once wrote, "just as [...] there is a statue inside every block of stone". Similarly, there are the makings of a thin and universalist morality inside every thick and particularist morality – but the story of these two is not at all like the statue and the stone. They are differently formed and differently related, as we shall see.

What immediately comes to mind is the way in which Walzer establishes the relationship between the "thin", minimal, and "thick", contextualized morality. Given his assumption that universal morality exists "within each thick and particular morality", Walzer does not treat minimal universal morality as something external to

“contextualized morality”, but as its immanent part, as its expression. Minimal morality is not the foundation of maximal morality, as morality is from the very beginning “thick” and culturally integrated; thus, the morality in which a moral minimum is rooted, and from which it is occasionally and temporarily abstracted, is a full-bloodied contextualized, particular morality which people possess as a people. It is not that minimal morality comes before the particular, maximalist morality, but the other way around. Minimalist meanings are included in the maximalist morality; both of them are expressed in the same idiom, and they share the same historical, cultural, religious, and political orientation. Minimalist morality breaks free from this internal connection with particular morality and becomes independent only during the times of personal and social crises, or during political confrontations.

By tying thin universal morality to the contextualized one, Walzer actually tries to develop a concept of contextualist universalism in order to avoid the substantial universalism of the metaphysical provenance on the one side, and formalist (procedural) universalism of the post-metaphysical provenance on the other.

In his Tanner Lectures, “Nation and Universe”, Walzer analyzes the main characteristics of substantial universalism using historical examples – Judaism and Christianity. This type of universalism claims that, as there is one God, there is one Law, one Justice, one correct understanding of good life or good political system, one salvation, one Messiah, one millennium for the entire humanity: “I will call this the covering-law version of universalism” (Walzer 1989, 510). “The end [of this type of universalism, S. D.] can be described in militarist and triumphant terms as the victory of the universalizing tribe” (511). Thanks to its monistic nature – one truth, one law – this universalism will develop into a mission – a mission for the chosen, selected, true believers, the avant-garde, the ones who already possess all the knowledge and legal codebook that will one day be accepted by everybody: “What is the state of mind and feeling appropriate to such people? If not pride, then certainly confidence; we can recognize covering-law universalism by the confidence it inspires” (513).

Walzer has two main complaints for the formalist (or procedural) morality. First of all, on careful inspection, the procedural minimum includes in itself more than a minimum. When the rules are set based on which a debate will be conducted about the issues

of justice that should provide freedom and equality for all the participants, then participants in the debate are left to achieve consensus about the social structure, political involvement, distributive standards and the like, about the questions that actually cover a particular way of life, so the assumed “thin” morality turns out to be quite “thick” (Walzer 1984, 12–13).

Second, when discussing justice understood in a procedural sense, this is where minimalism comes before justice: “we used to be thin, but then we became thick”. Therefore, procedural philosophers argue for rejecting any morality that is not or could not be produced through their own procedure. Minimal rules are treated as something devoid of any personal or social characteristics, as completely depersonalized rules. Minimal morality is claimed by everyone because no one in particular claims it. That is why it is abstracted from subjective interests and cultural expressions: “But the minimum is not the foundation of maximum, only a piece of it” (Walzer 1984, 18).

As already pointed out, in contrast to the metaphysical and procedural universalism, Walzer attempts to set up a contextualized universalism, whose characteristics are most clearly outlined through the analysis of its roots in the version of Judaism in the aforementioned essay “Nation and Universe”. When analyzing certain Biblical fragments, Walzer pays special attention to the one in which God asks (Amos 9:7):

Are ye not as children of the
Ethiopians unto me, O children
of Israel? . . .
Have I not brought Israel out of the
land of Egypt,
And the Philistines from Caphtor,
And the Syrians from Kir?

These questions are important because they indicate that

there is not one exodus, one divine redemption, one moment of liberation, for all mankind, the way there is, according to Christian doctrine, one redeeming sacrifice. Liberation is a particularist experience, repeated for each oppressed people. At the same time, it is in every case

a good experience, for God is the common liberator. Each people has its own liberation at the hands of a single God, the same God in every case, who presumably finds oppression is universally hateful. I propose to call this argument reiterative universalism. What makes it different from covering-law universalism is its particularist form and its pluralizing tendency. We have no reason to think that the exodus of the Philistines or the Syrians is identical with exodus of Israel, or that it culminates in a similar covenant, or even that the laws of those peoples are or ought to be the same. (Walzer, 1989, 513).

In non-religious language, different peoples, peoples with different cultural traditions, all have different experiences of their own self-liberation, and the goal of this self-liberation is self-determination, whose content will vary accordingly – according to the history and cultural characteristics of the liberated nation.

Self-determination is a value that I have to defend, if I defend it at all, even if I believe that unworthy or wrongful choices will often be made. I may oppose self-determination in a particular way, however, if the agent's choices in that case are sure or virtually sure to violate critically important moral principles; but I would still count myself as a defender of self-determination. People have to choose for themselves, each people for itself. Hence, we determine our way of life, and they do, and they do, up to the nth they – and each determination will differ in significant ways from preceding and concurrent determinations [...]. There is no covering law or set of laws that provides a sufficiently complete blueprint for our works and theirs. Nor is the case that the laws agreed to by one people cover all the others, so that substantive imitation can replace procedural reiteration. There cannot be a replacement of that sort if the values and virtues are real values and virtues. (Walzer 1989, 519).

Therefore, just as various nations, as their cultural identities are quite different, have different experiences in liberating themselves, they also, for the very same reason, have different forms of self-determination; hence, every form of collective liberation and each aspect of collective self-determination have a particular character. All the nations share the struggle against tyranny and torture, but the content

of that struggle will be irreducibly different. That is why a general substantially determined concept of that struggle can never be formulated, nor can one list any general rules that would be valid in case of such a struggle. The same goes for self-determination. The wish for self-determination is common to all, but its content varies from one nation to another, because every nation is a story for itself when it comes to its history and cultural tradition.

Taking all that into account, Walzer's minimal morality should not be interpreted as a minimal set of certain final values or purely formal rules, in relation to which a consensus exists, or could exist, on the level of entire humanity. Minimal morality of a Walzerian type could be described in negative terms: to be opposed to tyranny, suppression, torture, cheating, arbitrary arrests, etc.

At the beginning of the already mentioned book *Thick and Thin*, in the chapter on moral minimalism, Walzer reminisces television images of the 1989 mass protests in Prague, when people carried banners reading "Truth" and "Justice". Protesters were members of the same culture, mostly unknown to him. However, he immediately felt a sense of solidarity with them and allegiance to their cause; moreover, he was certain that he could have joined them and carried the same banners, regardless of the fact that he would have probably advocated somewhat different ideas of "truth" and "justice". However, protesters were not marching in defense of a certain theory of justice and truth, but in defense of something that was so elementary that it could have been part of any theory of truth and justice. Even though they had different explanations of history and culture, protesters

wanted to hear true statements from their political leaders; they wanted to be able to believe what they read in the newspapers; they did not want to be lied to anymore. [...] What they meant by the justice inscribed on their signs, however, was simple enough: an end to arbitrary arrests, equal and impartial law enforcement, the abolition of the privileges and prerogatives of the party elite – common, garden variety justice. (Walzer 1994, 2).

To summarize, they protested against the phenomena that are the integral part of tyranny as tyranny. Members of other nations and culture who would, like Walzer, feel the need to join the Prague

protesters, also had the experience of tyranny, or listened or read about it in the stories which form an immanent part of their own culture. That is why they could, at least in their thoughts, also join the Czech protesters, while supplanting the banners on truth and justice with meanings from their own cultures, calling upon similar protests that took place in their homeland, where they either took part or experienced them through the stories woven into their own culture. “We too don’t want to be told lies; we too remember, or we have listened to stories about, tyranny and oppression. We see the point of the Czech signs. At the same time, however, we give to ‘truth’ and ‘justice’ our own additional meanings; we allow them their full expressive range within our own culture. So, while we march in spirit with the men and women of Prague, we have in fact our own parade” (Walzer 1994, 7–8). If the ones who felt compassion with the Prague demonstrators had not had, in reality or in imagination, similar marches in their own cultures, they would have been unable to feel sympathy for the expressions of mass discontent in other cultures. Czech communist society was morally an insufficient society because it performed violence over minimal moral standards (demands for the abolishment of tyranny and oppression). “It is of course the minimalism of ‘truth’ and ‘justice’ that makes it possible for us to join the Prague marchers” (Walzer 1994, 10).

As soon as one steps onto the terrain of the discussion on potential alternatives to Czech communism, the agreement stops, for that discussion goes beyond the limits of minimal moral standards. “A society or political regime – like that of the Czech communists – that violated the minimal standards would be a deficient society” (Walzer, 1994, 10).

It is clear that, by introducing minimal standards into the story, Walzer wants to deny legitimacy to tyrannical regimes, political systems that were established through violence over the logic of self-determination of peoples, whether one speaks of external (subjugating a previously free nation by another one) or internal violence (coming to power of an individual or a group because of an illegal coup). However, by already establishing the premise that only a society that fulfills moral standards could be considered as a moral one, Walzer limited his plural concept and, to an extent, corrected the absolute relativism of radical multiculturalists because his pluralism

cannot be interpreted as fully inclusive when it comes to the objective value pluralism. On the other hand, if Walzer's concept is thought through, one could see that it is more exclusivist than its creator explicitly admits, as it contains elements of the normative ideal, albeit different than the liberal ideal.

This will become clearer if we consider Walzer's idea of the relationship between collective and individual self-determination.

Walzer always connects the discourse on collective self-determination with the one on individual self-determination. These two types of self-determination are linked. However, the very fact that Walzer legitimizes something like individual self-determination implies that he also legitimizes individual rights, for there can be no individual self-determination without individual rights. Walzer rejects tyranny because it denies individual rights. As a matter of fact, Walzer himself approves of "the right of subjective nullification, the right of the agents to refuse any given object status – as commodities, 'hands', slaves, or whatever" (Walzer 1993, 173). In doing so, he sets up the minimal condition that each particular community that pretends to legitimacy and respect of its integrity has to satisfy – that it has to be accepted by its members. However, Walzer here fails to note that communities could differ with respect to the character of individual rights that they have. In one type of community, individual rights have an originary character if they are not derived from something else, that is to say, if everything else, including the form of the state, is derived from them. In another type, individual rights have secondary character, as they are derived from something that is more primary than they are, that is, from membership in a specific cultural tradition. In the first case, that is to say, in the case of liberal-democratic societies, individual rights as primary precede cultural tradition, or a particular substantial good as a product of this tradition. In the second case, in the case of traditional societies, cultural tradition and the particular substantial good that is derived from it precede and condition individual rights. This difference in the character of individual rights also brings the difference in the character of individual self-determination. The primacy of individual rights that is at work in liberal-democratic societies offers to individuals a legally guaranteed possibility to shape their own lives independently of their relations with others so that different individuals can have different forms of life, depending on the chosen substantial

values. Of course, this is just an option – if they want, individuals can also accept the specific cultural tradition and shape their own life accordingly, but even in that case they do it for themselves, as no one else, unless authorized by them, has the right to make decisions in their name. However, as in traditional societies a particular substantial good precedes individual rights, individuals cannot shape their personal life independently of their relationship with others and with the community as a whole: these collective decisions in which members of the community participate precede individual actions. Thus, an individual cannot do anything that would put into jeopardy the realization of collective decisions. Liberal democracies are compatible both with living in accordance with different individual life projects and living in accordance with different cultural traditions exactly because moral and legal principles on which they are based are distinct from cultural traditions and substantial goods. On the other hand, traditional societies legally forbid the way of living that would not be in accordance with their cultural traditions and substantial goods derived from them because their moral and legal norms are mere expressions of their cultural traditions. As normative system in liberal-democratic societies is purely formal, there is no necessary relationship between it and the way of life of the members of these societies; this is confirmed by rich empirical data – for example, in the USA, which is formally a liberal democracy, the way of life of a number of its non-Western citizens (Chinese, Hindus, Mexicans, Japanese, Indians, etc.) is significantly different from the way of life of the citizens who are of Western origin, but even the ones who come from Western cultures differ, as they follow distinctive cultural and religious patterns. Walzer's idea – common to all postmodern pluralists – that the liberal concept of society factually implies a uniquely Western way of life is simply untenable. That is an attempt to join what cannot be joined – to equate two structurally different types of state: the liberal state, where law is distinct from the cultural tradition, and the state whose legal form is predetermined by its cultural tradition. As in the latter case a particular, concrete cultural tradition precedes the normative system and largely predetermines it, that normative system to a great extent prescribes the way of life of the citizens of that state. For example, the citizens of non-liberal Muslim states who would renounce Islam and its customs would be treated as delinquents and would lose their individual rights. On the other

hand, in liberal societies each individual has the right to change his/her religious beliefs, and one should note that the change in these beliefs to an extent also implies a change in the way of life.

When, while writing about individual self-determination, Walzer emphasizes that the same argument valid for peoples/nations is also valid for individuals, and then directs his readers to pluralism in the forms of individual self-determination, everything seems acceptable at first.

The same argument holds for the individual as for the people/nation [...]. There is no single mode of "having" a life of one's own. We are inclined to think that such a life must be made before it can be had, that is, we think of an individual life as a project, a career, an undertaking, something that we plan and then enact according to the plan. But this is simply our – collective – understanding of individuality; it does not suggest the only legitimate or authentic way of being an individual. In fact, it is entirely possible to inherit a life and still possess it as one's own; and it is also possible to find a life, literally light upon it, with no forethought at all. In any account of autonomy, there has to be room not only for different self-determinations, but also for different kinds of self-possession. (Walzer 1989, 520).

Why would not a thesis according to which there is a pluralism of ways in which individuals shape their own identity be acceptable? In itself, that thesis is certainly acceptable, but the problems arise when one wonders if there are various forms of individual self-determination here within the same society, or whether the pluralism of individual self-determinations is related to the fact that there are different forms of particular communities, to which various forms of individual self-determination correspond? This ambiguity is the effect of Walzer not making the said distinction between two types of individual rights and, related to it, between the two basic types of individual self-determination: the individual one, in which the individual does not have to enter into any relationship with other individuals or his community, apart from respecting purely formal limitations that affect all the other individuals equally, and the individual self-determination that necessarily takes place *in the community* with others, thus representing a consensus of the members of a particular community. These two basic

types of individual self-determination imply different approaches to the issue of the relationship between collective and individual identities, i.e., between community identity and individual identity. It is obvious that in conceptualizing the individual self-determination of the first kind the underlying assumption is that the identities of the community and of the individual are separated (even when an individual follows a certain collective tradition, his identity remains separate from the one of the community/state, for no cultural tradition can be an integral part of the community/state identity as this instance is, having a purely formal character, separated in principle from any form of a particular cultural tradition). In conceptualizing the other kind of individual self-determination, the underlying assumption is that individual identity is deduced from community identity. Perhaps someone could claim that in this case one could not talk about self-determination, but in that case we could also speak about some kind of individual self-determination if an individual is so entrenched in the life of the community/state that he/she does not regard the community/state as any limitation, i.e., if an individual's identification with the community/state is voluntary. Of course, that voluntary identification could also be the consequence of the individual's participation in the creation of the common substantial good of the community, if the community is one based on the principles of direct democracy.

Such an interpretation of this form of individual self-determination fits into the postmodern-pluralist concept of the situated self, the self that owes its identity to the constitutive community, for that concept negates the possibility of shaping individual identity, which is treated as something that would be separate from the values of the particular community and from the practices and beliefs immanent in that community: "And in so far as our constructive self-understandings comprehend a wider subject than the individual alone, whether a family or tribe, or city or class or nation or people, to this extent they define a community in a constitutive sense" (Sandel 1982, 172). In other words, a particular community is here considered as an entity constitutive of the self. Of course, some of the radical pluralists (communitarians), like Michael Sandel, in an attempt to avoid the objection that individual identity is in their concept considered as a mere expression of collective identity, trying to allow for the possibility of the pluralism of individual identities, introduce the distinction between a "radically

situated self", which does not have any possibility to distance itself from its own particular community, from its collective identity, and therefore from itself, reflexively speaking, and "relatively, partially situated self", which has the capability to reflexively distance both from itself, and from its community. Hence, they are close to what Sandel claims: "As a self-interpreting being, I am able to reflect on my history and in this sense to distance myself from it" (Sandel 1982, 179). However, as noted by Rainer: "Sandel does not give any indication as to how the self, which is only 'partly' defined by 'attachments and commitments' to the community, establishes this distance or as to how a 'revision' of identity is possible if after all the self-understanding of the community is constitutive of the self-understanding of the subject. If the self has become a self as part of a 'wider subject', how can it then distinguish itself from this" (Forst 2002, 11). Forst's remark hits multicultural pluralism. However, I believe that the crucial thing is the following. If a substantial good of a particular community is determined as a specific combination of concrete substantial values (cultural, religious, ethical, ideological), and one does not see how it could be determined otherwise, then those substantial values, such as that the good precedes the law, have to be immanent in the way of life of the individual members of that community, for they cannot be subject to their free choice. If a certain religion is an integral part of the substantial good of a particular community, then its legal system, as predetermined by the good, has to order members of that community to follow and practice that religion. As much as the classical Athens was, generally speaking, the birthplace of direct democracy, in which Athenian citizens had the freedom to participate in the common good, they had to show respect to the Athenian pagan gods in a way clearly defined by the law, as those gods were an integral part of the common good, and the law served to its maintenance and development.

In specific communities whose legal order is based on a substantial good, it is not only, to repeat Walzer's words, "fully possible to inherit a life and possess it as one's own", but that is also the only basic model of individual self-determination within these communities as the current generation, thanks to the cultural tradition on which it is based, establishes continuity with the life of its ancestors and the life of the yet to be born members of the same tradition. As John Gray would put it, in his communitarian-postmodern phase,

incommensurable values are inserted into the collective identities which are not chosen, but inherited. Or, as put by another postmodernist, Zygmunt Bauman: “tradition lives only in as much [...] as it is constructed as the *heritage*”. And MacIntyre (MacIntyre 1984, 220):

[I]t is also that we all approach our own circumstances as bearers of a particular social identity. I am someone’s son or daughter, someone else’s cousin or uncle; I am a citizen of this or that city, a member of this or that guild or profession; I belong to this clan, that tribe, this nation. Hence what is good for me has to be the good for one who inhabits these roles. As such, I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. This is in part what gives my life its own moral particularity.

Of course, “to inherit a life and possess it as one’s own” is also possible in a liberal-democratic society as the primacy of individual rights does not imply an antecedent individualization of human life, but it also enables for the individual, if she/he wants it, a choice of the collectivist concept of good life. However, according to multicultural pluralists, in that context, a collectivist idea of good life turns out to be a mere preference of the subject who chooses and thus not a necessary component of individual identity. Conversely, in a particularistic community based on the traditional cultural forms, a specific collectivist way of living, guaranteed by certain legal norms, is not something that a member of that community could select, depending on his/her subjective preferences, but something that he/she encounters in living with others, and as such, something that is necessary for his/her identity.

Therefore, only the basic forms of human life, whose essential components are predetermined by the preceding common good, are appropriate for particular communities in which a common substantial good precedes individual rights. Of course, the common substantial good does not have to be “thick” enough to include the entire way of living; it can be “thinner”. For example, it can include only the cultural-ethical or religious-cultural substance, and exclude ideological-political values and orientations, which would then enable ideological and political pluralism within a culturally and ethnically, or only

religiously and culturally homogenous population. However, political subjects' ideological programs within such a community would not question the cultural-ethical or religious-cultural foundations of such a community, as these would be legally protected. One could see that using the examples of Iran and Pakistan. In these countries, specific versions of Islam are elevated to the level of common public good as they have the status of a state religion, which means that the citizens of these countries cannot have the freedom to choose their own religion but have to follow the given version of Islam. Political subjects in Iran and Pakistan are not allowed to question Islam and cultural values related to it in their political programs. In its 1991 Constitution, Pakistan is defined as a multi-party federal democratic republic, with Islam as the state religion.

After the 1979 revolution, Iran was constitutionally established as a theocracy, so political authorities derive their legitimacy from Islam. Hence, most of the power is concentrated among the priests – the final say and the power to veto a number of political decisions is in the hands of the Supreme Leader of the revolution, as a priest. Even though there is a constitutionally recognized government of the people, who freely elect their president, there is no political pluralism as commonly understood (political parties as such are banned), and only Islamic fractions, which represent two basic political currents – the conservative and the reformist one – are allowed. Both of these are expected to defend the existing Islam-based system, but the conservatives are opposed to changes, and reformers are in favor of a more liberal policy within the Islamic context. Freedom of the media is conditioned by the respect for the Muslim principles; the media which transgress these principles lose their license. The Supreme Leader appoints heads of the national TV and radio.

Hence, these two examples clearly demonstrate that a community established on a particular substantial good, whether “thick” or “thin”, is irreconcilable with the primacy of individual rights, for in such a community individual rights have to be conditioned by the respect for the common good. The primacy of individual rights cannot guarantee the reproduction and development of the public substantial good. If such a primacy existed in certain countries, it would enable their citizens to radically criticize the common substantial good, to leave it and, if they chose so, to shape for themselves a concept of good life.

Within the context of the primacy of individual rights, substantial public good would not be established on its own basis.

Of course, neither Pakistani nor Iranian government can be denied legitimacy as long as the majority of their citizens support them, even implicitly. However, one must note that the degree of individual liberties in them is lower than in liberal democracies, as individuals cannot enjoy full political freedoms, the freedom of the choice of religion, or the freedom to choose cultural values not typical of Islam. This follows from the fact that in societies where a common substantial good is set on its own foundation, freedom as individual autonomy is not possible. The only possibility is the freedom to participate in the common good, that is, freedom limited by the common good as the substantial frame that cannot be transgressed.

Conversely, within the liberal-democratic framework, each individual becomes a bearer of liberty as individual autonomy, which guarantees him/her the freedom of choice between different alternatives when it comes to individual self-determination. The reason for this is that individual liberties are equally limited in this context only formally, as this is a purely formal and not a substantial framework. In other words, Walzer is right when he claims that life as an individual project, like something that he/she can, according to his/her will, plan and then attempt to realize, is just one of many possible forms of life. Other forms of life, i.e., individual self-determination (possibility to inherit a life, etc.) are also possible. But he is not right when he believes that the first form of life (life as an individual project) can have legitimacy in communities where a substantial good precedes individual rights.

Walzer faces another problem with his thesis on the right of individuals to reject the relations in which they are treated like commodities, "extended arms", slaves, i.e., as "objects" and not as subjects.

In particular communities which are preceded by a substantial good, individual rights need not be universalized, i.e., they do not have to include all of its adult citizens. Just as in the democratic ancient Athens some classes of people were excluded from individual rights (women and slaves), in some contemporary particular communities, which could not be labeled as tyrannies, certain parts of their population do not have fully recognized individual rights, at least not in the full sense of the word, so they cannot be treated as members of these communities, or at least not as full members (like women in Muslim

countries). Thus, one could say that segments of their population still have the status of “object”, as Walzer would put it. In other words, as “subject’s right to nullification, the right of the subject to reject any given status of being an object”, as proposed by Walzer, is not recognized in all non-tyrannical particular communities, then it must be treated not as a given, but as a normative ideal. As this right is not an integral part of all cultural traditions, it is obvious that this normative ideal is brought into a specific cultural tradition from the outside.

If one accepts the point of view that human beings could understand each other exclusively on the basis of concepts and standards derived from shared traditions in which they have been included, then the moral, legal, and cultural relativism is unavoidable, so there is also a relativism of the criteria. It follows that each objective-historical tradition must be granted full legitimacy as the only pre-normative source of all norms and objective values – objective as they are inserted into the specific tradition based on history. Radical postmodern contextualism is incompatible with any sort of minimal universal standards, or with any normative ideals. Each attempt to avoid absolute relativism by introducing minimal standards that have to satisfy all special communities entails a departure from the initial radical pluralism as an ontological fact. For example, could the right of the members of some community to go away from it be guaranteed if it is not guaranteed by its cultural tradition? Can it be guaranteed at all, if the primacy of individual rights is not guaranteed?

To conclude: one could say that descriptive methodology does not open the way to minimal morality, as it always has to start from the experience, from particular values and social practices about which, in principle, a universal consensus is impossible. A different methodology is necessary, one focused on establishing de-ontological norms that any reasonable member of any cultural tradition could not reject, as these norms are culturally and traditionally neutral, that is to say, as they enable the following of the plurality of cultural traditions.

As one could see, multicultural contextualists responded in different ways to the difficulties and serious objections they faced, and they went through different phases of their intellectual development, trying to “save” their initial thesis about the cultural monism of particular communities.

Multicultural and communitarian pluralists are forced to supplement their initial theses with different versions of universalism as they wish to avoid the criticism that they are absolute relativists, while at the same time keeping to some degree their initial purely contextual point of view. Actually, the real, sometimes hidden, post-modern pluralists' ideal is an organic particular community as the construct of a specific self-grown culture, which has to precede an individual and his/her rights, both ontologically and normatively. Only such a community could secure the unity of individual and collective life, without which no individual can find a grounding in something "firm", leading him/her to lose her/his moral integrity and continuity of the self, eventually disintegrating into a morally and socially disoriented being. That is the reason for the criticism of the purely formal moral and legal principles devoid of their communal substance. The ethics based on such principles, the de-substantialized ethics of principles, cannot direct human and social life to any sublime, high end; the most it can strive for is to call upon people to fearlessly rely on their fallen, sinful nature. According to the multiculturalists, the Enlightenment understood in a Kantian sense, as the foundation of de-ontological morality and law, as well as of the liberal order, suffered the disaster because it rejected the ethics of virtue. This predetermined the essence of this project, depriving humanity of the *telos* of good life, and devastating and rendering senseless the concept of community and of the substantial common life.

The central error of radical communitarianism, as well as radical multiculturalism, is in its insistence on the primacy of difference, i.e., on the assumption that difference is the primary event. The primacy of difference implies the idea that difference is not limited by any universal criteria, whether substantial or formal. If it were limited by any universal standard, one could not claim that it is primary. In that case, the universal standard that would "filter" differences would have preceded difference as difference – which would have then excluded some of them as unacceptable. By rejecting a universal standard, i.e., by treating difference as the primary event, every difference is necessarily granted legitimacy, including the one between the democratic and the Nazi regime (as a matter of fact, contemporary proponents of Nazism refer to that difference). If the multiculturalists or communitarians wanted to deny Nazism the right to exist, that would

necessarily lead them to the standard valid for all particular communities/states. As it would be valid for all communities based on respective particular traditions, it would also be independent from any of them, making this standard the trans-contextual normative rule.

The consequence of the uncritical glorification of difference, which does not originate from freedom but from pluralism, is the apotheosis of a new essentialism, of the particularistic kind, within which issues of group identity are elevated to the pedestal of primary principles. The main base of this essentialism is the point of view about incommensurable values, that is to say, the view that the existence of fundamentally different worldviews, different inasmuch as they, allegedly, cannot be reduced to any substantial common denominator on the one hand, nor can they be subsumed under any purely formal principle on the other, is the basic ontological fact. The final consequence of this approach is absolute value relativism, for denying that any value, with its corresponding way of life, could be superior to others means relativizing all values: everything that any community regards as valid must be considered as such. An attempt to avoid this conclusion by making a distinction between the so-called objective values, which are the result of particular cultural traditions, and subjective ones, does not solve the problem. For even such a limited pluralism remains relative in regard to the "objective" values. This equates all particular communities, both those democratically organized and the ones that deny their members equal rights or do not respect their individual rights at all. When it comes to identity politics, I agree with Richard Wolin (Wolin 2004, 13):

Identity is not an argument. It represents an appeal to "life" or brute existence as opposed to principles that presuppose argumentative give-and-take. As a European friend once put it: "identity politics – that's what they had in Germany from 1933–45".

Of course, after all that was said here, someone might conclude that not only there is no radical, but also no moderate multiculturalism, whose goal is not the rejection of liberalism but only its correction. And that would be correct. I am one of the scholars who believe that if social reality in some basically liberal-democratic countries demands the introduction of some aspects of moderate

multiculturalism, that reality should be acknowledged. But one should also not ignore the fact that radical multiculturalism as a philosophy of identity is in effect moderate multiculturalism, brought to its ultimate logical consequences. The same is also true for communitarianism if some of its conceptual elements can be compatible with the main principles of liberal-democratic order.

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Vladimir Milisavljević

Farewell to Universalism: Nationalism and Xenophobia After the “End of History”¹

Abstract

The last few decades have brought about a significant change in the character of nationalism in Europe and, more widely, in the Western world. Quite paradoxically, nationalist politics is nowadays no more justified by appealing to biological or cultural superiority of one's own nation or by the belief in its universal historical mission (e.g., “civilizing through colonial rule”), but rather by seemingly more modest arguments concerning equality, justice, right to difference, autochthony or even liberal democracy. This new defensive stance of today's nationalism has allowed for a normalization of the right-wing political parties in institutional political life. However, it has not stopped xenophobia, but merely helped it to gain a more respectable face and spread more widely across the political spectrum. I argue that the rise of Western nationalism can be explained by the decline of universalism in philosophy, social sciences and citizens' political sensibility in general. I also suggest that xenophobia and nationalism are supported not only by explicitly differentialist concepts, such as postmodernism or pragmatism, but also by some unquestioned presuppositions of political liberalism. This point is substantiated by an analysis of Fukuyama's thesis about the “end of history” and of Rawls' concept of international justice, in particular as to their treatment of the immigration problem.

Keywords: culture, difference, nationalism, universalism, xenophobia

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Francis Fukuyama initially entitled his famous 1989 article with a question: “Have we reached the end of history?” The question is still debated, even though it has lost some of its provocative power. But in the meantime, the affirmative answer that was provided to it, seems to be proven more and more wrong: contrary to the expectations, contemporary world does not appear to follow the path leading to the establishment of the universal world system of liberal democracies, which, according to Fukuyama’s earlier views, marked the end of history as we had known it.

The end of history thesis has been characterized by an ambiguity since its very beginnings, not only in Fukuyama, but also in Kojève, and perhaps in their common source of inspiration, Hegel. These authors posited that *universal* history could be brought to its end, consisting of the state of universal recognition, in *one part of the world* – Napoleon’s empire or Western liberal democracies – and that the rest would eventually follow the same course. However, as Fukuyama put it in his subsequent book, for the “foreseeable future, the world will be divided between a post-historical part” – in which all struggle for recognition has become superfluous – and “a part that is still stuck in history”, i.e., in wars, violence and aggression (Fukuyama 1992, 276, cf. Kojève 1969, 192).

Such view of the transitional phase preceding the realization of the “universal and homogenous State” (according to the expression of Alexandre Kojève) is utterly optimistic and at the same time questionable, in the first place for general philosophical and political reasons. One could hardly expect the post-historical part of the world not to be affected by conflicts in its tardy, “historical” part, and there are all reasons to believe that the relations along the fault lines between the two worlds would still belong to the realm of “history”, contaminated by its all-too-human passions. For example, given the importance of the immigration issue, Fukuyama’s assumption that “the historical and post-historical worlds will maintain parallel but separate existences, with relatively little interaction between them” (Fukuyama 1992, 277), does not seem to be realistic.

But let us put aside for a moment this objection and point to another important view shared by Kojève and Fukuyama, which is of more immediate consequence for our subject.

The end of history was supposed to result in an equilibrium state in which all substantial demands for recognition of rights are satisfied. Thus, it should have been the state in which *nationalism* has become insignificant and obsolete. This seems to imply that nationalism should be absent from those parts of the world in which history has come to its end (the liberal democracies). Such was, indeed, Fukuyama's conclusion: "The post-historical world would still be divided into nation-states, but its separate nationalisms would have made peace with liberalism and would express themselves increasingly in the sphere of private life alone", whereas "[i]n the historical world, the nation-state will continue to be the chief locus of political identification" (Fukuyama 1992, 276–277, cf. Kojève 1969, 276).

However, recent actuality does not confirm this view. On the contrary, for a couple of decades now, we have been able to witness an extraordinary rise of nationalist and xenophobic rhetoric – not only in the Third World or former communist countries, but in the most developed liberal democracies as well. In his first book, Fukuyama, in a way, acknowledged the existence of this problem. Nevertheless, he believed that nationalism essentially belonged to the past, and this view commanded his overall perspective when treating the phenomenon of the rise of nationalism in Western countries. Seen through the lens of the end of history thesis, nationalism was a minor and residual phenomenon, which was fated to completely fade away from the world (Fukuyama 1992, 271–272). Also, in his latest book, Fukuyama accepts the conventional wisdom according to which nationalist politics in liberal democracies represents nothing more than the "upsurge of old-fashioned nationalism" (Fukuyama 2018, xv), the revival or "awakening" (159) of the "ghosts of the older national identities" (145), or of the "demons" (153) of the past (so the commonplace metaphors go: cf. Kaplan, 1993). This frame of reference masks important features of today's nationalism and obliterates its novelty and specificity. But it also minimizes the significance of nationalism by confining its scope to one extreme of the political spectrum (the extreme right, or fascism).

I shall argue that these two shortcomings are responsible for difficulties – theoretical as well as political – in dealing with nationalism. Nationalism of our days is significantly different in its

character from the earlier one. One of its main features is acute xenophobia, which nowadays emerges in forms previously unknown to us. As a political sentiment, xenophobia is certainly not something new. However, its justification in the name of a differentialist ideology or human rights, as well as its normalization, are something unprecedented.

One part of my thesis is that the rise of ethnocentric nationalism and xenophobia can be explained by the decline of universalism in politics, philosophy and social science. Thus far I have accepted some of Fukuyama's own conclusions. However, I believe that the decline of universalism is more comprehensive than what Fukuyama affirms. It does not affect only postmodernist, multiculturalist or pragmatist approaches, but political liberalism as well. Finally, I shall suggest that one of the main characteristics of the new Western nationalism is its relative independence from ideology. This accounts for the fact that xenophobic feelings and attitudes are much more widespread than we are commonly inclined to believe.

“Soft” nationalism?

To begin with, we may adopt the definition of nationalism by the German historian Hans-Ulrich Wehler, according to which nationalism is

a system of ideas, a doctrine, a picture of the world which aims at creating, mobilizing and consolidating a larger solidarity association (called nation), and above all at legitimizing of modern political power. This is the reason why the nation-state, with the nation which is as homogenous as possible, comes to be the central issue of nationalism.²

² *“Nationalismus soll heißen: das Ideensystem, die Doktrin, das Weltbild, das der Schaffung, Mobilisierung und Integration eines größeren Solidarverbandes (Nation genannt), vor allem aber der Legitimation neuzeitlicher politischer Herrschaft dient. Daher wird der Nationalstaat mit einer möglichst homogenen Nation zum Kardinalproblem des Nationalismus.”* (Wehler 2001, 13).

To this minimal definition of nationalism, we should perhaps add, however obvious it may be, that nationalism is devoted to the promotion of the interest of one particular nation. As Hobsbawm said, in a somewhat exaggerated statement, “nationalism by definition subordinates all other interests to those of its specific nation” (quoted in Walzer 1990, 549–550). Another point which deserves to be mentioned is the importance of the idea of “homeland” in nationalist discourse. Homeland is, usually, the territory of the nation-state. But this term sometimes refers to something else: a native region, town or even neighborhood.

Obviously, these features of nationalism (homogeneity of the nation, promotion of its interest, attachment to one’s homeland or soil) are potentially related to xenophobic attitudes or feelings. However, this is not necessarily the case, and Wehler’s definition makes no mention of ethnicity or race, much less of xenophobia or even violence. So, we may wonder how this definition of nationalism fits to what is usually referred to as “new forms” of nationalism or, more briefly, “new nationalism”, in which xenophobia has come to play such a prominent role. But first of all, is new nationalism xenophobic?

Xenophobia may give rise to violence, and, traditionally, one of the main topics of the theory of nationalism has been the distinction between moderate or liberal nationalism and its extreme and violent counterpart. At first sight, and as far as the Western world is concerned, this distinction seems to have lost some of its pertinence, particularly in regard to the problem of immigration, which is one of the most important challenges of contemporary rich societies. More specifically, in Western Europe, extremist political parties, openly inviting to violence against foreigners, have either disappeared from the political scene or adapted themselves to the political system of parliamentary democracy, in which they have achieved substantial successes.³ This process of normalization of the extreme or far-right has been at work since the beginning of the 1990s.⁴ Its consequences have become obvious during the last

³ The important question of secret connections between far-right political parties and illegal informal groups engaged in violence against foreigners may here be left aside.

⁴ The transformation of the old right has been rightly stressed in anti-nationalist political agendas. Nonetheless, even in its new form, xenophobic

decade, with several emblematic events, such as Marine Le Pen's taking over the former National Front's presidency in 2011, the rise of populist nationalist parties in other European countries (the Alternative for Germany party in Germany, Geerts Wilders in the Netherlands or the Northern League in Italy), Brexit, Trump's electoral victory and Matteo Salvini's entrance into government. The result of this normalization has been the ever-growing difficulty of tracing a borderline between extreme nationalism and its moderate versions. Consequently, the suspicion of extremism or racism floats nowadays even over liberal or moderate nationalism, or right-wing politics in general. This "confusion" has often been deplored by the moderate right (Taguieff 2014, 12, 175–177). However, there is a good explanation to it: if acts of violence by political parties or individuals are not overtly supported or encouraged, it is only because of the assumption that the policies which *de facto* imply resorting to extreme violence, such as the extensively conceived tasks of the "control of national borders" or "war on terrorism", should be enforced by the state. Merely conceded to or enthusiastically advocated, this view is nowadays shared by moderate and radical nationalists alike.

These changes in the political practice of far-right parties were accompanied, or preceded, by a shift at the level of the ideological foundations of nationalism, which made nationalism "softer" and hence more acceptable to a wider range of voters. Faced with the problem of immigration, new nationalism has adopted a new strategy, as it refrains, at least officially, from the old arguments stressing, e.g., the biological superiority of the white race. Its basis is cultural rather than biological, which suggests that it is more appropriate to speak of cultural than of biological nationalism or racism (Balibar 2005, 13). But new nationalism does not necessarily

nationalism is still labeled as "radicalism" or "extremism" (Minkenberg 2013, 19): "This new radical right – identified above as the 'third wave' of right-wing radicalism in post-war Western democracies – is not simply the extension of conservatism towards the extreme end of the political spectrum; instead, it is the product of a restructuring of that spectrum and a regrouping of political actors and alliances. It is distinguished from the old right by its softening of anti-democratic rhetoric and willingness to play according to the rules of the game, as well as by its advocacy of ethnocentrism rather than classic biological racism."

affirm the cultural superiority of one's own nation either. The argument most favored by its proponents insists on the so-called "irreducible difference" between nations and their respective cultures, as well as on the need to preserve national identity. As a rule, the second step consists of appealing to the principle of justice, stating the equal right of every particular nation to choose its destiny and protect its traditions and way of life. This change has become visible in the ideological discourse of anti-immigrant parties, like the Vlaams Blok, which rejected all accusations of racism brought up against it affirming that the political objective of the party consisted of nothing more than defending "the right of Flemings to be themselves" – the same right it readily acknowledged to other nations too (Betz 2003, 193). Surprisingly, in some cases, xenophobic nationalism has proven itself capable of accommodating to the so-called constructivist conception of the nation (as in the case of a purely imaginary homeland, the so called "Padania" in Italy) or the multiculturalist rhetoric.

At first sight, new nationalism is more modest than the traditional one, as it does not assign to one's own nation any outstanding, universal world-historic mission (a civilizing, cultural or emancipatory calling, as was previously the case with British, German or French nationalism). New nationalism may be seen as a spiritual heir of postmodernism, as it abstains from any reference to grand narrations on the universal history of mankind. Victor Orbán's vision of the Hungarian nation as a defender of Christianity appears to be one of the few exceptions to this rule; however, there are reasons to believe that Christian religion is understood by his party primarily as constitutive of a particular "cultural identity" of European peoples, which should be preserved as such at any price, rather than as an intrinsic spiritual value that deserves to be protected and promoted in its own right.

Unlike its historical predecessors, new nationalism presents itself in the defensive stance of closure and retreat, not of expansion or conquest. It seems to aim solely at preserving one's home, one's place of birth and antique traditions of one's native community. Instead of adopting the discourse of liberation, new nationalism has developed a sentimental rhetoric of belonging in which intimate individual memories of one's cherished region or village,

with its church towers and soils (*les clochers et les terroirs*, as in the case of France's National Front), hold a place of honor.

However, all this lyricism is nothing but the likable side of the more disputable practice of erecting interstate walls, barbed wire fences or even mine fields, which we witness nowadays. As to the question of immigration, the most important practical consequences of new nationalism remain substantially identical to those of the same old right-wing politics: closing the borders for immigrants and refugees, hostile attitude to any form of blending of their culture with the one of the native populations, and discrimination. In spite of all changes in ideology, these practices still rely on xenophobic feelings of the domestic population, which are constantly incited and encouraged. The effort to help xenophobia gain a more acceptable image is also a matter of sustained concern.

Legitimizing xenophobia

By its form, origin and meaning, the word "xenophobia" reminds of terms such as "claustrophobia" or "arachnophobia", denoting pathological conditions which consist of a morbid and irrational fear of something or somebody which a healthy person perceives as innocuous. However, the typical field of application of this concept is not the one of psychology, but of sociology and political science: xenophobia that we are dealing with is not a purely subjective feeling, but an omnipresent phenomenon with major political significance. Nonetheless, the "pathological" overtone of the term accounts for the fact that it is so suitable for disqualifying of political adversaries. But it is important not to content ourselves with using this concept as a denigrating label. While questioning xenophobic discourses, practices and attitudes, we should be aware of the weaknesses of some forms of fighting xenophobia, particularly of those coming from leftist politics. It is commonly assumed that it is enough to state the xenophobic character of certain political attitudes and practices in order to make them repulsive or prove them wrong. To this type of criticism, one may respond with a question: isn't a certain amount of xenophobia, after all, something human and understandable, or even constitutive

of the life in human society, which always consists of a more or less limited group of people?

It has been justly noted that, nowadays, “[x]enophobia is made productive, a necessity for survival. Its ugliness is made over, even beautified” (Amin 2011). In what follows, I will try to address some strategies of legitimizing xenophobia in Western societies. At the same time, I will sketch the broader theoretical context which has made the rehabilitation of xenophobia possible.

Let us take a step back and recall the significant (and unlucky) historical episode from the biography of Lévi-Strauss, as related by himself. It concerns his lecture given in UNESCO in 1971 at the opening of the International Year for Action to Combat Racism. Contrary to the original intentions of the organizer, the lecture put into question the widely accepted view that “the spread of knowledge and the development of communication among human beings will someday let them live in harmony, accepting and respecting their diversity” – the diversity which Lévi-Strauss himself considered as vital for the creativity of any culture: “if not resigned to becoming the sterile consumer of the values of the past [...] capable only of giving birth to bastard works”, humanity “must learn once again that all true creation implies a certain deafness to the appeal of other values, even going so far as to reject them if not denying them altogether” (Lévi-Straus 1985, 23–24).

Lévi-Strauss’ standpoint was understood and condemned as a deviation from the anti-racist consensus, prevalent after the World War II. This judgment was harsh and unjust. Lévi-Strauss later said that his intention had been to circumscribe the meaning of the term “racism” in order to oppose its abuses. Nevertheless, he proposed an ambiguous distinction between racism and “the attitude held by individuals or groups that their loyalty to certain values makes [...] partially or totally insensitive to other values”. As he further explained (Lévi-Straus 1985, xiii–xiv):

It is not at all invidious to place one way of life or thought above all others or to feel little drawn to other people or groups whose ways of life, respectable in themselves, are quite remote from the system to which one is traditionally attached. Such relative incommunicability certainly does not authorize anyone to oppress or destroy the values one has

rejected, or their representatives, but within these limitations, it is not at all repugnant. It may even be the price to be paid so that the systems of values of each spiritual family or each community are preserved and find within themselves the resources necessary for their renewal.

Lévi-Strauss did not even mention the word “xenophobia” in this context. However, his utterances were understood as meant to provide an anthropological foundation for ethnocentrism and a justification of cultural xenophobia, as distinct from (biological) “racism”. The misunderstanding was so influent that one of the outspoken adversaries of Western xenophobia maintains that Lévi-Strauss was trying to establish a difference between xenophobia and racism (Balibar 2005, 21). More importantly, some of the attempts to justify xenophobia or exclusivism as a normal and legitimate attitude appeal to the authority of the great anthropologist: according to Rorty, “we may agree with Lévi-Strauss that such exclusivity is a necessary and proper condition of selfhood” (Rorty 1991, 210, cf. Geertz 1986). However, Lévi-Strauss’ goal was rather to contribute to the preservation of the endangered native communities of the world, even if his conclusions were expressed in general and far-reaching statements.⁵ But we are nowadays witnessing a curious twist: the arguments which were originally put forward to protect native peoples, are being appropriated by the new nativist ideology of the “autochthonous” or “indigenous” population of developed Western countries. The westerners are pretending to find themselves in the position of Aborigines or autochthonous inhabitants of the Amazonian rainforests, whose fragile culture is allegedly endangered by the newcomers from overseas. But new Western xenophobia has nothing in common with the so called “primitive” fear before the strange or unfamiliar. Quite the contrary, given the colonial past of the West, we could see the new

⁵ Lévi-Strauss’ famous distinction between primitive and modern societies in terms of the difference between anthropophagy and anthropoemia (from the Greek word *emein*, “to vomit”) represents a powerful tool for challenging the typically Western way of dealing with alterity by exclusion or segregation: as a matter of fact, the new Western xenophobia could be considered as the supreme degree of anthropoemia (Lévi-Strauss 1955, 463–4; cf. Taguieff 2001, 20–21), much worse than the cannibalism of the “savages”.

avatar of xenophobia as a symptom of the repressed feeling of guilt of the populations of former metropolises in face of the distressed descendants of all too familiar peoples, which are now, in turn, being cynically accused of practicing a colonization “in reverse” (*colonisation à rebours*) (Taguieff 2014, 19).

This particularistic argumentation, which has been termed “fundamentalism of difference” or “cultural differentialism”, was favored by certain developments in sociobiology of doubtful Darwinian descent, with its thesis on the genetic foundations of “primary” racism, sometimes directly identified with xenophobia (cf. Taguieff 2001, 45–55). But it was also encouraged – the point which deserves to be stressed – by the postmodernist absolutizing of difference and correspondent denial of universalism, in spite of the frequent and sincere engagement of the philosophical champions of difference against racism and xenophobia. As Manfred Frank perspicaciously observed, it is difficult to conceive, in terms of sheer logic, how Derrida’s “différance” (*la différance*), which implies “a politics of differentiation”, could, for example, serve as a basis for the struggle against the injustices of the Apartheid regime in South Africa (Frank 1993, 132–133).⁶ On the contrary, it is easy to find in the “thought of the difference” the point of support for segregationist policies, and this has happened more than once.

Jacques Derrida honestly tried to fight nationalism and xenophobia, but was mistaken in his account of their reasons. Derrida finds the roots of nationalism and xenophobia in the metaphysical heritage of Europe, with its concept of universal identity. The following passage from his book *The Other Heading* insists on the essential affiliation between nationalism and universalism (Derrida 1992, 72–73):

The value of universality [...] capitalizes all the antinomies, for it must be linked to the value of exemplarity that inscribes the universal in the proper body of a singularity, of an idiom or a culture, whether this singularity be individual, social, national, state, federal, confederal, or not. Whether it takes a national form or not, a refined, hospitable or

⁶ Similarly, Terry Eagleton reveals a significant affinity between the spirit of populism and the postmodernist repudiation of universalism (Eagleton 1996, 28, 63–68, 112–128).

aggressively xenophobic form or not, the self-affirmation of an identity always claims to be responding to the call or assignation of the universal. There are no exceptions to this law.

Derrida's verdict has not stood the test of time, which has confronted us with overtly and deliberately particularist forms of nationalism. Their proponents tend to refrain from any universalist argument, in the name of the pure diversity of human cultures and difference, which, however, entitles us to keep the newcomer as far as possible from the domestic population of Europe.

The right thing to do

Similar consequences could be drawn from a wider range of philosophical positions which explicitly put into question universalism. Probably the most telling is the example of Rorty, who believes "that moral values are just embedded in contingent local traditions and have no more force than that" (Eagleton 1996, 114) and advocates ethnocentrism in epistemology as well as in politics. The two aspects of ethnocentrism are interrelated. In terms of epistemology, Rorty adopts the viewpoint, which he explicitly labels as "ethnocentric", according to which "there is nothing to be said about either truth or rationality apart from descriptions of the familiar procedures of justification which a given society – *ours* – uses in one or another area of inquiry" (Rorty 1991, 23). Solidarity prevails over the scientific ideal of objectivity. This puts an end to any quest for universal principles.

What is the situation like when it comes to politics? A comparison with a postmodernist may here be useful. In his discussion with Lyotard, Rorty accepts Lyotard's thesis of the end of grand narratives, but reproaches him for rejecting the (presumably) non-grand, ethnocentric narratives, those that help to establish the identity and cohesion of a particular nation, of a "particular collection of human beings" (Rorty 1991, 24). Postmodernism, according to Rorty, leads to relativism, which his own ethnocentrism avoids; no less than Peirce's or Habermas' philosophy, postmodernism is liable to criticism as being "insufficiently ethnocentric" (Rorty

1991, 23). Rorty believes that we are justified in attaching “a special privilege to our own community” or *ethnos* (Rorty 1991, 29). On these grounds, he admonishes French authors, such as Lyotard or Foucault, for their loss of faith in liberal democracy (Rorty 1991, 220) and, by contrast, openly endorses ethnocentrism as the approach that Western countries should adopt in their relations to the rest of the world.

It may be objected that we should not blame Rorty for justifying xenophobia by his specific model of ethnocentrism. In a later book, Rorty expressly warns his readers that the ethnocentrism he is advocating “is dedicated to enlarging itself, to creating an even larger and more variegated *ethnos*”. Furthermore, it is an ethnocentrism of liberal people “who have been brought up to distrust ethnocentrism” (Rorty 1989, 198). Nevertheless, Rorty’s viewpoint, with its apology of provincialism and even parochialism (Rorty 1989, 73, 190, and Rorty 1991, 21–22, 26, 33), is strongly particularist. Rorty’s “solidarity” requires an identification with a particular group of people, the one in which a person happens to be born and raised. In Rorty’s opinion, identification is subject to gradation but never actually reaches the level of the universal human being: demands for universal or global justice are doomed to “weaken, or even vanish altogether, when things get really tough”, and give way to more limited loyalties (Rorty 2007, 42, cf. Rorty 1991, 200). It is difficult to tell this ethnocentrism apart from xenophobia in terms of the difference between “relation to one’s self” and “relation to others”. As has been noted, “the pair ethnocentrism/xenophobia [...] refers to two sides of the same process” (Taguieff 2001, 59).

Rorty’s standpoint bears clear resemblances to some aspects of Heidegger’s philosophy: his insisting on the inevitability of ethnocentrism, to which we are “condemned” (Rorty 1991, 31–32), on the importance of contingency, on the tradition to which one belongs, appears to be supported by a conception of finitude of human being, which makes us think of Heidegger’s *Geworfenheit*, based on ontological premises.⁷ However, unlike

⁷ Rorty has disowned this interpretation of his views. He has admitted that his own ambiguities in expounding the concept of ethnocentrism may have contributed to the misunderstanding that it consists of “attempting a transcendental deduction of democratic politics from antirepresenta-

Heidegger's, Rorty's ethnocentrism is deliberately subjectivist. Adorno rightly disputed such an attitude in the context of his general criticism of *Weltanschauungen*, where he condemned our readiness to understand our "bonds" (*Bindungen*), i.e., the contingent factual circumstances that determine our life – our nationality, religion or education – as our essential and irreducible attributes, which are not liable to further questioning (Adorno 1973, I, 125–130). But one may even agree with Rorty's general philosophical outlook and still have doubts concerning its political implications. Let me give an example of this point, based on another, practical dilemma that Rorty formulated in a subsequent text, which may not be central to Rorty's argument, but is nevertheless highly significant in our context.⁸ The dilemma runs as follows. Since the scarcity of the resources of the rich part of the world (Western democracies) does not allow for achieving both objectives, which is the one we should opt for: preserving the democratic institutions of the Western world – free press, free public libraries, liberal education and all other "blessings of political liberty", which require substantial financing at the cost of the rest of the world, or trying to solve the problem of global inequality by a worldwide leveling of incomes at the expense of the population of rich countries (Rorty 2007, 43–44)?

Rorty gives no clear-cut answer to this question, but his overall standpoint – "liberal ethnocentrism" – strongly suggests that he inclines to the first answer. And when it comes to the issue of the right way of achieving an understanding between the Western world and other cultures, he merely substitutes his new method of "persuasion" of the advantages of Western liberal values and Western way of life for the old arguments tending to establish their superior rationality. Rorty does not even address the problem of immigration of the population of the Third World to the developed countries: his objective lies solely in demasking the hypocrisy of American companies which justify their transfer of capital

tional premises", i.e., from the concept of "human finitude", while it is nothing more than "a reference to a particular *ethnos*" – the one of "the rich North Atlantic democracies" (Rorty 1991, 14–15).

⁸ On this point, I owe much to an author who has explained Trump's electoral victory in terms of Rorty's "gentle" ethnocentrism (Looper 2016).

from rich countries to the Third World by appealing to the principle of justice extended to humanity as a whole, which should have moral precedence over the principle of national loyalty to their fellow American citizens; in this respect as well, his standpoint remains strictly ethnocentric. However, Rorty's general conclusion is that American liberals should incite the population of the Third World to follow the example of liberal democracies, to be "more like us", while staying home. Rorty likes to emphasize his choice of persuasion, as opposed to violence or force, as the right means for achieving this goal. But it must be noted that he concedes that resorting to "the threat, or even the use, of force" stays for him an option in critical cases where fruitful conversation proves impossible (Rorty 2007, 54).

Another problem is raised by the very form in which Rorty's dilemma is presented: "What [...] is the right thing for the rich democracies to do? Be loyal to themselves and each other? Keep free societies going for a third of mankind at the expense of the remaining two-thirds? Or sacrifice the blessings of political liberty for the sake of egalitarian economic justice?" (Rorty 2007, 43). We may wonder what the precise meaning of the phrase "the right thing" in this question is. It is clearly not the "right thing" in any universal sense of the word, but the right thing "for us", liberally- and democratically-minded westerners. Now we may accept this point of view, but then we should also admit that, according to the same, "ethnocentric" premise, "the right thing to do" for the populations of the remaining two thirds of mankind – either distressed or simply eager for a better life – is to try to do everything they possibly can to force their way into the parts of the world which presently belong to the privileged portion of mankind. This looks as a much more natural solution to their problems than trying to imitate the West and implement, as Rorty suggests, Western values and ideas in their own countries, all the more so because they are constantly exposed to destructive influences and military interventions of major world powers. However, if so, everything becomes a matter of force, which can go as far as terrorism, and not of discussion. And when this happens, as is precisely the case in our days, it becomes hard to stop liberal people from nationalist and xenophobic feelings and policies. Rorty's "gentle ethnocentrism" obviously allows

for the view that xenophobia too, under certain circumstances, would be the right thing to feel or act on. Justifying xenophobic attitudes could be considered the last of the “consequences of pragmatism” – of the vast project of dissolving all overarching, universal moral principles.

Pride and prejudice

Criticism of postmodernist and pragmatist approaches should not induce us to think that nationalism or ethnocentrism could simply be prevented by espousing liberal philosophy of universal human rights, as some would have us believe (cf. Taguieff 2001, 298).

This should be all the more stressed, as Fukuyama, himself a liberal, was right in putting into question the postmodern disavowal of universalism. However, one may wonder whether his own liberal concept is capable of fulfilling the promise of universal and reciprocal recognition.

Of course, Fukuyama opposes nationalism, xenophobia and right-wing identity politics. But one can be a nationalist even if one’s concept of nation is not based on ethnicity, race or religion. In Fukuyama’s first book, one of the main obstacles to universalism is the aforementioned assumption of the fundamental difference between the two parts of contemporary world – the “historical” and the “post-historical”. A preference for nationalism is also implicit in his thesis that nation-states always presuppose peoples as communities that share “the same language of good and evil” – values, that cannot be reduced to rational choices, and are built “on top” of them (Fukuyama 1992, 213).⁹ Fukuyama believes that this

⁹ Latent nationalism is also at work in Fukuyama’s historical account of the failure of the attempts to establish democracy universally: the main reason of this failure is “the incomplete correspondence between peoples and states” (Fukuyama 1992, 212), which allowed struggles for particular interests to frustrate demands for universal recognition. Fukuyama does not say whether one should seek to realize the *complete* correspondence between peoples and states in order to make universal democracy possible. However, it is obvious that this would amount to a worldwide realization of nationalist programs.

statement also applies to liberal democracies, which embody the ideals of rationality and universal recognition. That is why he proposes the following answer to what he sees as the central objection to his end-of-history thesis – the incapacity of the liberal state to fully satisfy the impulses of the ambitious, spirited, “thymotic” part of human being (human “heart” or self-esteem), as different and irreducible to human reason (Fukuyama 1992, 215):

For democracy to work [...] citizens of democratic states must forget the instrumental roots of their values and develop a certain irrational thymotic pride in their political system and a way of life. That is, they must come to love democracy not because it is necessarily better than the alternatives, but because it is *theirs*.

This solution to the problem seems quite close to Rorty’s ethnocentrism. Certainly, one could maintain that the value of the national pride *is* purely instrumental, as it ultimately serves the goal of liberal democracy, the universal recognition: in the same way as the citizens of Plato’s Republic, the citizens of the post-historical nation-states would have to believe in an ethnocentric myth, while the universalistic goal of their state would remain invisible to their eyes, and this for the sake of its own realization. But if so, further questions arise: would not this myth, or cunning of (liberal) reason, affect the seriousness of democratic and well-informed choices that people are supposed to make in their political life – in particular, the ones which concern their relations with the outer, “historical” world, such as the issues of immigration, terrorism or military intervention? And if these choices are simply to be dismissed as irrelevant, what are the consequences for “democracy” in the liberal state? Finally, would the citizens of such a state, having forgotten the instrumental roots of their values, still be capable of seeing foreigners, who do not necessarily share these values, as their equals in dignity?

Fukuyama has been aware of the challenge posed to liberal democracies by massive immigration since the beginning. But the ambiguous way in which he presented its stakes is highly instructive: the main “difficulty” that post-historical countries would face resides in *justifying* their restrictive immigration policy, that is, in finding “*any*

just principle of excluding foreigners that *does not seem* racist or nationalist, thereby violating those universal principles of right to which they as liberal democracies are committed" (Fukuyama 1992, 278, italicized by V.M.). Fukuyama's depiction of the nearest future suggests that the principal task of the foreign policy of liberal democracies, apart from "promoting the cause of democracy" throughout the world, would consist of protecting themselves from external threats and risks which come from the "historical" part of the world, for example, in "insulating" the regions of conflict, such as that of former Yugoslavia, from "larger questions of European security" (Fukuyama 1992, 274). Hence the relevance of realism "as a *prescriptive* doctrine": "[t]he historical half of the world persists in operating according to realist principles, and the post-historical half must make use of realist methods when dealing with the part still in history" (Fukuyama 1992, 279). But this is to say that the "post-historical" part of the world, contrary to the initial assumption, remains "stuck in history" too. These are clearly some elements of politics of national interest, not of universal recognition.

The realistic aspect of Fukuyama's liberalism has lately come even more to the fore. Fukuyama's latest book conveys a sustained critique of differentialist identity politics and multiculturalism. However, the main object of this critique are the obstacles which particularism poses to the effective functioning of the nation-state, rather than to the fulfillment of "universal liberal values". Fukuyama acknowledges the advantages of societal diversity, but seeks to limit its scope. Although psychologically understandable in terms of challenges which modernization poses to individual human beings, demands for recognition of particular, marginal identities – the same ones that have opened the back door to the revival of "white nationalism" and the rise of the political right – should, according to Fukuyama, give way to the more important goal of building comprehensive national identities. It is true that Fukuyama says that the latter should be "broader" and "built around liberal and democratic political values" (Fukuyama 2018, 128, cf. 165–166). However, he does not assume that the role of national identities is only instrumental, as he did before: the "end of history", the establishment of the "universal and homogenous state", is no more a serious issue for him.

Contrary to his earlier predictions, Fukuyama now suggests that the nation-state is fated to remain “the chief locus of political identification”, not only in the historical, but also in the post-historical part of the world. Some of his arguments sound outright Hobbesian, with “national identity” taking the place of “sovereignty”: “The extreme example of what can happen absent national identity is state breakdown and civil war” (Fukuyama 2018, 128). On the positive side, Fukuyama appears to think that the nation-state represents the sole viable and ultimate framework of political order “both at home and internationally”, which probably means, of political life in general (Fukuyama 2018, 139). This is the reason why his interest shifts, internally, to the question of who “the people” of a given nation-state are, which amounts to distinguishing citizens from non-citizens, and to the one of adopting the best model of integration of foreign people from other cultures; externally, to putting in place the most effective policies to bar unwanted immigration. Needless to say, the two levels are interconnected, and Fukuyama’s conclusions are restrictive in both cases. As effective states presuppose shared and well-defined identity (we are reminded that it was forged, in the case of European nations, by authoritarian means and violence), and given the failure of the multiculturalist approach to secure integration, Fukuyama feels entitled to advocate a “policy focus” on good old “assimilation” (Fukuyama 2018, 174, 177–178). He also mistrusts dual citizenship, which is prone to provoke conflict of loyalties, especially in the case of a war between the states to which allegiance is due (Fukuyama 2018, 168–169). As to the issue of immigration, he insists on the indisputable right of liberal democracies to protect their own borders (Fukuyama 2018, 175), as well as on the purely “moral” character of the obligation for developed countries “to shelter refugees and welcome immigrants”: being “potentially costly both economically and socially”, such obligations should not imperil their own interests and priorities (Fukuyama 2018, 138–139). The right way for Europe to deal with the immigration issue is conceived of in purely technological terms, as “regulating” the flow of migrants. Fukuyama stresses that organizations charged with this task should enjoy better funding and political support, in particular “from the member states most concerned with keeping migrants out” (Fukuyama 2018, 175).

Political liberalism is not necessarily universalistic in the cosmopolitan sense of the word. This is true of Rawls' version of liberalism as well.¹⁰ The theory of justice, as developed by Rawls, takes for granted the existence of constituted and mutually exclusive political communities (or nation-states). The scope of his argument of the "veil of ignorance" – which enjoins us to put ourselves in the position of the least well-off members of society when choosing the just principles of distribution of power or wealth – is restricted to such communities (cf. Barry 1975, 128–133). In *The Law of Peoples*, the book which deals with international justice, Rawls almost entirely leaves aside what is often seen as the three most urgent problems of contemporary world: unjust war, immigration and the treatment of nuclear weapons. In particular, in his "realistic Utopia", the problem of immigration is taken to be "eliminated" by the project of encouraging potential immigrants to solve their problems in their countries of origin and assisting them therein (Rawls 1999, 8).

Rawls insists as strongly as Fukuyama on the right of particular states to limit immigration. His main argument for this is the need to secure, for a given people, the possibility of a responsible treatment of their territory with "its potential capacity to support them *in perpetuity*" (Rawls 1999, 8); besides, there is a legitimate need "to protect a people's political culture and its constitutional principles" (Rawls 1999, 39). Hence Rawls' apology of interstate boundaries, however arbitrary they may be from the historical point of view. As to the practical strategies of solving the world migration problem, there is ultimately no significant difference between the views of Rorty and Rawls.¹¹ When it comes to immigration, Rawls goes so far as to endorse Michael Walzer's warning that the world with an unrestricted right to immigrate would be the one of "deracinated men and women" (Rawls 1999, 39) – an

¹⁰ Some authors have emphasized the progressive elimination of "universalist presuppositions" from Rawls' theory from *Political liberalism* on (Bell 2001). Rorty's own attempt to "historicize" Rawls' standpoint (see Rorty 2007, 47) corresponds to this trend in Rawls' development.

¹¹ Rawls prescribes a duty for well-ordered societies to provide assistance for the right of emigration, but not for "the right to be accepted somewhere as an immigrant". He admits that this makes the right to emigrate pointless. However, he simply states that "many rights are without point in this sense" (Rawls 1999, 74).

argument that hardly fits into the set of liberal principles and values. Presumably, Rawls has here in mind the merits of American system of locally rooted democracy, which cannot be denied. However, in spite of his claim that *The Law of Peoples* is not ethnocentric (Rawls 1999, 121), the point of view expounded in this book could easily slip into ethnocentrism when, as Rorty said, “things get really tough”, making the loyalty to one’s own people matter more than justice.

Rawlsian approach is not overtly xenophobic, even if the very name of “decent” (non-liberal) peoples may sound slightly derogatory. But certain “national preference” is implicit in Rawls’ disregard of the issue of distributive justice between peoples, as well as in his restriction of the principle of equal opportunity to a “liberal domestic society”. Global equality of opportunity, as opposed to the national one, “is not a significant issue” for Rawls, since “it conflicts with the right of national self-determination” (Milanović 2016, 139, cf. Rawls 1999, 113–120). It has been rightly noted that this argument represents an *ad hoc* limitation of the principle of equal opportunity (Milanović 2016, 125–139). Rawls’ liberalism could certainly be corrected at this point, and some of the attempts to establish the universal validity of the principle of equal opportunity have been inspired by his own theory of justice (Pogge 1989 and 1994). But the question of global justice should be conceived still more broadly. When dealing with it, we should also take into account the increased responsibility of the richest countries in the world – of colonial powers of the past, as well as of superpowers of today.

The idea of liberal democracy *per se* cannot prevent nationalism or xenophobia. As Ash Amin said, the problem of nowadays Europe – to which we may add: of all rich Western democracies – lies precisely in that it is “at once xenophobic and liberal” (Amin 2011). As has often been stressed, contemporary liberalism is inconsequent, as it puts harsh limits on the circulation of people between different parts of the world, while advocating the free flow of capital, merchandise and ideas. However, in Western societies, the very distinction between those who are inside and those who are outside gives rise to nationalism, regardless of the difference between arguments that are being put forward.

Nationalism and xenophobia do not necessarily involve confessing oneself to be a nationalist, or the explicit belief that one's nation is superior to others. They are manifest in the choices we make in critical cases, such as the decision to let the refugees drown in the Mediterranean, or even fire missiles at their boats, in order to prevent them from compromising our exclusive right to enjoy the benefits of the national security system and disturbing our daily life (cf. Hopkins 2015). In particular, as I would venture to say, the question of new nationalism is only superficially the one of different cultural backgrounds and values. At a deeper level, it is the question of the refusal of the populations of rich liberal democracies to make decisions which imperil their own well-being. Above all, new nationalism is welfare chauvinism, which is all about defending one's right to the "citizenship rent", the premium due to one's being born in the right country (Milanović 2016, 132–136, 231). It is much less caused by the fear of losing one's cultural identity.¹² In our "post-historical" world, xenophobia and nationalism function, so to say, pre-reflexively, as they can do without discourses or ideologies. Ulrich Wehler has stated that one of the most salient features of nationalism is its extraordinary capacity to accommodate all sorts of political regimes and constitutions (Wehler 2001, 50). To this we might add: all sorts of ideologies, and even the absence of any ideology.

Are alternative, non-xenophobic scenarios at least imaginable? The futuristic novel of the ill-famed French author, Michel Houellebecq, *Soumission*, offers one of them: it conveys a dystopian depiction of a Western country whose native elites have perfectly adapted to their new condition of converted Muslims, in spite of all cultural differences, as they manage to satisfy, in the new Islamic republic of France, their self-interest, even better than before (Houellebecq 2015).

¹² For a different view, see, for example, Kymlicka 2015.

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The book presents valuable contributions to contemporary interpretations of nationalism, which has proved to be a uniquely destructive force in the last century. Understanding of nationalism and xenophobia in the region will be aided by perspectives offered by these contributors, and one could only hope that the subject of this study will become less relevant in the years to come.

Aleksandar Bošković

This fine collection of essays dealing with recent forms of national identity and nationalist politics is organized in three well-integrated sections, beginning with studies of the recent revival of xenophobic political movements in Europe and the USA. The middle section contains studies of the "new nationalism" in its political, philosophical, and legal dimensions, and includes several articles concerned with post-Yugoslav countries, as well as comparative studies of Hungarian and Arab nationalism. The final section looks at possible responses to the challenge of nationalistic and xenophobic politics in the current period.

Omar Dahbour

We particularly appreciate the effort made by this book to arrive at a typology of the different contemporary nationalisms. The volume is characterized by a very good balance between experienced and young researchers, representatives of South-West Europe and international guests, as well as between philosophy (a discipline in which several of the instigators of this symposium belong) and other approaches (human sciences, exact sciences, law, literature, journalism in particular).

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