

# FIVE

## Comments

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### On European Memory Culture<sup>5</sup>

History and collective memories have played a key role in the origins and development of the European polity. Anton Pelinka is right to argue that the revolutions of 1989 revealed different conceptions of sovereignty operating on either side of the Iron Curtain. I want to add to this point by noting that these divergent understandings of sovereignty also point to an ongoing tension that mirrors two different theoretical positions within democratic theory. On one side there is the liberal tradition, associated with thinkers like John Locke, which is based on the rule of law, the protection of the individual, and – more recently – the protection of group rights, as a way to achieve a kind of democracy. Within this conception, freedom is understood in terms of the ability of individuals to develop themselves as private, economic actors. On the other side stands the republican tradition associated most famously with Jean-Jacques Rousseau, which places less emphasis on individual rights, focusing instead on the community through the creation of a general will, to speak in Rousseauian terms. In contrast to the former, liberal understanding, which focuses on economic freedom, this communitarian or republican conception focuses on political autonomy, i.e., on the ability of the community to live by its own laws.

The tensions that exist between these two long-standing philosophical traditions help to explain the differing understandings of democracy east and west of the Iron Curtain 30 years after the fall of communism. The West – by and large – operates with a conception of democracy that stresses liberalism, with its attendant focus on protection of rights. By contrast, since 1989 the East has developed

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<sup>5</sup> The title added by the editors.

an “illiberal” conception of democracy that is much more republican, based on the popular sovereignty of the nation rather than the rule of law and the protection of abstract rights. Although these disagreements between East and West can be mapped onto different theoretical positions, politically these tensions are rooted in the past, in differing historical memories and the memory cultures created by political leaders or memory entrepreneurs in both of these regions.

The dominant memory culture in Western Europe is organized around 1945. Building primarily on remembrance of the Holocaust, this memory culture emphasizes the need to protect individual rights. The founding documents of the EU and the statements of its founders in the immediate post-war period reveal a broad recognition that preventing the return of fascism – the initial *raison d'être* of the European movement – requires protecting the legal rights of the individual, regardless of nationality, gender, religion and other characteristics that are often used to distinguish “us” from “them.” Fascism operates by separating individuals from each other, bifurcating “friend” from “enemy” in the words of Carl Schmitt, so that the latter can be stripped of legal personality, expelled from the democratic community, and ultimately killed as “bare” human beings without regard for their rights or individual identities.

The response to the dangers posed by fascism is therefore to emphasize the protection of liberal individual and group rights, both at the national level through bills of rights and other constitutional protections, as well as inter- or supra-nationally, through the development of law and political organization above or beyond the nation-state. The development of this Western memory culture – of which I have provided only a very rough sketch – is visible not only in the EU, but also in international organizations such as the Council of Europe, as well as in various other charters and international agreements.

What we see in Central Europe – and in post-communist Europe more generally – is the development of a memory culture that is organized around 1989. Although the post-communist region shares the experience of 1945 with the West, this is not the most salient point in Eastern and Central Europe. In contrast to the West’s focus on individual rights coming out of a focus on the defeat of fascism, the memory cultures of Central Europe based on 1989 interpret democracy more in terms of popular sovereignty. Communist one-party rule in this part of Europe was experienced as the domination of the Soviet Union. Although individual rights were also repressed, the primary experience was of the lack of popular sovereignty, the lack of domestic control over internal affairs. Even though local branches of the Communist Party technically controlled the states of the Warsaw Pact, it was always clear that Moscow was actually calling the shots behind the scenes. It is this experience of oppression by an external power that explains why the countries having come out of communism increasingly focus on control and popular sovereignty. This is visible in the statements of individuals like Victor Orbán in Hungary and Jarosław Kaczyński in Poland, both of whom have sought to create and spread narratives of collective memory that treat the national past as a history of disasters imposed by external powers.

Based on this insight, I conclude that different memory cultures based on different historical experiences have led states on either side of the Iron Curtain to

embrace different conceptions of democracy, associated with different traditions within the history of political thought. What is interesting in terms of the EU is that these divergent conceptions of democracy also lead to very different understandings of the place of the nation in political life. On the one hand, the liberal conception has no place for the nation. If you live in a liberal democracy based on the rule of law, the ethnic/national/linguistic background of the citizens within the democratic community does not matter. Liberal citizenship is about the protection of all who have a certain legal status regardless of nationality. Even beyond citizenship, the experience of the Holocaust teaches that even those without membership deserve to have their basic rights protected; this, in fact, is the basic point of the post-war Universal Declaration of Human Rights. The radical lesson of 1945 – drawn most powerfully by Hannah Arendt in *The Origins of Totalitarianism* (1951) – is that even membership is not important, it is the legal status of the individual that truly protects against the worst crimes and atrocities of totalitarianism.

On the other hand, what we see east of the Iron Curtain is a more republican conception, which focuses not only on the membership conferred by legal citizenship, but also – and more importantly – on the belonging that results from an attachment to the nation. This emphasis on the nation in Eastern and Central Europe is also rooted in historical experience, particularly in the largely forgotten fact that in the aftermath of 1945 communist movements across this region were very effective in the ethnic cleansing of the territories they occupied. It is an irony of the contemporary moment that if we look back at the beginning of the 20<sup>th</sup> century, we see that it was Eastern and Central Europe that was cosmopolitan; it was in the Hapsburg, Russian, and Ottoman empires where ethnic and religious minorities lived side-by-side.

By contrast, before 1945 Western Europe was very homogenous, as the formation of the nation-state in these areas meant that most major minorities had already been assimilated or expelled as part of the process of state formation. After 1945 this situation switched, becoming a mirror image of the pre-war environment: whereas before it was Central Europe that was cosmopolitan, multinational, after World War II it became ethnically and nationally homogenous – and vice versa in the West. Given that these newly created, largely homogenous national states were then immediately repressed by the external control emanating from Moscow and enforced by the Red Army, it is understandable that we are witnessing an emphasis on the popular and even national sovereignty in post-communist Europe today.

Where do we go from here? I think a concept of democracy that combines the lessons of 1945 and 1989, of liberalism and republicanism is possible. Individual rights and majoritarianism, rule of law and popular sovereignty – we need both in functional democracy. Following Jürgen Habermas, I want to argue that the lessons of the liberal and republican traditions of democratic theory are actually “equiprimordial” or “co-original.” Although there will always be a tension between these ideals, it can be made into a productive one; it need not be destructive, as it is in Europe and the EU at present. Doing so would require more attention to the lessons of 1989 on the part of the West. I think there has been a real attempt to impose the lessons of 1945 onto Central Europe, while there has not been enough demonstrated

recognition for the experience of 1989. Any attempt to create a solution and turn this currently very unproductive tension into a productive one will require a close attention to history.

The last point I want to leave you with is this: the problems raised by differing understandings of democracy based on different historical experiences and different memory cultures is not only a European problem. If we pay a closer attention to how conceptions of democracy are shaped by past experiences, this should also makes us rethink our conceptions of development and the way we try to impose democracy on parts of the world that have fundamentally different experiences from Europe. An example here is how we always talk about “state” and “democratic failure” in Africa. The problem may not be in these states and these societies, but in the fact that the concepts of state and of democracy – both of which were created and developed in Europe – fail when they are imposed in cookie-cutter fashion on areas of the world with significantly different historical experiences from Europe. Paying more attention to history, to the past, and the way it affects politics, may require us to radically rethink some of the basic concepts we use in analysing politics.

MARCIN KRÓL

## Liberal Democracy?

We mistakenly use the expression “liberal democracy”. First, I would like to demonstrate that it is faulty, and second, to explicate the consequences of this fault. Democracy and liberalism have been in conflict since the birth of liberalism, which came after democracy. Hence, this conceptual compound is fallacious. The rule of law, from the times of Montesquieu, has not been entangled with the concept of democracy. Montesquieu and his followers rather had in mind “the rule of law” under any kind of regime – in Montesquieu’s case it was a constitutional monarchy. In other words, he meant the domination of a “depersonalized” (Montesquieu’s concept) rule of law over an individual or people. In the Western world we have come to accept this concept and today we all speak about the “democratic rule of law” or use various compounds of democracy and rule of law. This is acceptable, even though one needs to remember that it is democracy that should define the law, and not the other way round.

The 1820s gave birth to liberalism or the idea of an individual’s freedom from any form of coercion, in particular, from political coercion. Later this idea evolved and liberalism has since been understood as the maximal freedom of an individual limited only by the possible threat to the freedom of another individual. As much and not more. One of the great liberals, Benjamin Constant, immediately realized that this maximal individual freedom clashes with the idea of community,