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Legitimacy, National Identity and Civil Association

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Our interest in this paper is driven by two distinct difficulties that have arisen in the literature on the (so-called) transition to democracy in Eastern Europe. On the one side, political scientists, even if they are sceptical of grand theory and the tired teleologies of the past, nevertheless insist on treating the complex events of the last decade as a process towards an end state that is simply presumed to be desirable. We do not doubt that democracy is desirable. But it is clearly a multi-headed beast that sometimes devours its own children. And the path towards this happy state is far from direct. What political scientists are inclined to describe as a process is actually a tortuous normative engagement, where the consequences of particular choices are obscure and the intentions of agents often shrouded. Far from a process, this is more like a game in which the players are unsure of the rules. They are at one and the same time inventing new rules and complaining that other players are deviating from a supposed ideal form of the game. Given the inherent uncertainty, it may be that this is a game that nobody can win. Even more worryingly, it may be that the contested nature of the rules makes it a game that nobody can play.

On the other side, political theorists, for their part, grasp something of this dilemma but present it in terms that make it

utterly intractable. Transition might be described, in Kuhn's familiar terms, as a "paradigm shift".¹ If we assume that meanings are internal to paradigms, we can understand the trepidation of political agents in revolutionary periods who are not sure what to do next. Political theorists might tell us that this is because political values are "essentially contested concepts".² Our poor confused agent is unlikely to find this very helpful. He recognizes that he is in a fix but supposes (naively?) that he somehow has to think his way through the dilemma. He might even turn to political theory for help. We can picture his disappointment when he is told that conflicts of value are "incommensurable".³ Quite what he should do in the light of this theoretical advice is not clear.

The political world, of course, is too important to be left to theorists. We can hardly picture a democratic politics, however, without (at least some) engaged citizens. Engagement here has to be understood in normative terms. It is not simply a question of wanting certain outcomes or striving to influence or manipulate sources of power. At issue are reasonable terms of co-operation among strangers who happen to inhabit a particular territory. It may not be clear who should count as citizens or how far our responsibilities should extend territorially. This is where theories of identity become both

¹ See Thomas S. Kuhn, *The Structure of Scientific Revolutions*, Chicago, The University of Chicago Press, 1962.

² See W. B. Gallie, "Essentially Contested Concepts", *Proceedings of the Aristotelian Society* LXVI (1955-6); John Gray, "On the Contestability of Social and Political Concepts", *Political Theory* 5 (1977); and John Gray, "Political Power, Social Theory and Essential Contestability", in D. Miller and L. Siedentop, *The Nature of Political Theory*, Oxford, Oxford University Press, 1983.

³ See Joseph Raz, *The Morality of Freedom*, Oxford, Clarendon Press, 1986, pp. 321-66.

relevant and dangerous. But as citizens we are making immense demands on one another. These cannot be idly undertaken or easily despatched. We are engaged in standing relationships rather than the fulfilment of particular and limited objectives. Our personal projects and preferences will have to be compatible with the projects and preferences of (relevant) others. Our attention will necessarily have to be focused on ways of co-operating rather than on specific goals. Why we should accept the burden of mutual restraint is a matter that must be settled discursively. What distinguishes normative engagement is the acceptance that collaborative projects without public justification are coercive.

A central problem with transition literature is that the context of engagement swamps the arguments being advanced. Charting paths to democracy is crucial for some theoretical strategies.⁴ The fact that dissident activity was deeply entrenched in Poland, Czechoslovakia and Hungary clearly sets these states apart from Romania or Bulgaria. To move on from there to talk about “path dependence” is probably too strong, but may still have some utility from certain perspectives. But it does not help us to understand the predicament of political agents trying to set states on new foundations. Comparativists acknowledge the significance of political culture for the establishment of effective democratic procedures. Yet their methodological assumptions make it difficult to address political engagement in terms that protagonists would recognize. Political cultures, however, are not the passive outcomes of processes. They are moulded by engagement at a variety of levels. Normative engagement should be seen in this light.

⁴ See Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Baltimore, The Johns Hopkins University Press, 1996.

For our purposes, political culture cannot be treated as a background condition. Good and bad arguments contend for attention, with alarming practical consequences in some cases. However we might want to characterize political activity, we go seriously wrong if we ignore the lurking threat of danger and uncertainty. Despite what might seem to be terrible odds, we still need to contrive acceptable terms of co-operation in order to be politically effective. The contingency of outcomes is inescapable. "Path dependency" captures the burden of countless choices made in constrained circumstances. Our concern in this paper, instead, is to focus on the cultural reinvention that buttresses political choices.

The point to stress is that exercises in cultural reinvention can always be challenged. This is something that philosophers and historians do all the time ("revisionism"), without necessarily paying much attention to political consequences. Politicians are rather less innocent. They will pick up arguments where they can (the more robust the better) in order to legitimize their projects. They are interested in credibility rather than truth, in any of the senses of that deeply ambiguous term. When we ask ourselves (as historians or political scientists) how and why particular values get entrenched in political cultures, we lose sight of the contingency of political choice. What may appear in retrospect to be inevitable was actually a decision. This is not to say that historians and political scientists are wrong about the burdens of the past, only that the burdens of the past cannot be used as a pretext for the evasion of the burdens of judgement. This is the "legacy of dissent".⁵

⁵ The phrase is borrowed from Tamas. See G. M. Tamas, "The Legacy of Dissent", in Vladimir Tismaneanu, ed., *The Revolutions of 1989*, London, Routledge, 1999, pp. 181-97.

Political debate is framed by a wider culture but also has a formative role in shaping that culture. It should not be seen as a fixed point for the resolution of normative issues. The revival of interest in the writings of various species of cultural collectivist from the inter-war period in Romania in the 1990s should be seen as a political strategy. The rehabilitation of Antonescu, in particular, is instructive. Whatever sympathies Ceausescu may have felt for a fellow authoritarian, official endorsement of a military dictator was a step too far. Yet by 1995 Antonescu had become a cultural icon for *Romania Mare* and a figure-head for nationalist groups more broadly. These developments must be treated with sensitivity. High culture in the inter-war period throughout Europe was often anti-democratic and anti-individualist in tone. It was also disturbingly perceptive. The individual as timorous consumer is not an edifying spectacle. And democracy looked quaintly old-fashioned in the light of the traumas following the economic crash of 1929. But a political return to these sources in the 1990s, following the “triumph” of democracy in 1989, looks decidedly eccentric.

The puzzle is resolved if we take account of the pervasive collectivism of Romanian political culture. Collectivism is not simply a fate to be endured. The language of rights served to mobilize opposition to the Ceausescu regime from a variety of sources in December 1989. Murky though the details of the Romanian revolution remain, it is nevertheless clear that the incoming elite managed to marginalize rights-based language within months. The ground for this had been prepared, of course, by Ceausescu himself, in his celebration of national socialism. Yet the task was made immeasurably easier by the weakness of individualism within Romanian culture.

The resurrection of these ideas in the 1990s is thus significant. In effect the political game that had appeared to be inaugurated in 1989 was radically revised, enabling key players

to exploit the advantages they had enjoyed under the communist regime. Our concern here is not with what actually happened in 1989, but rather with shifts in discourse that shaped the political game. Katherine Verdery has shown how the idea of the nation was extended across the political spectrum, effectively disabling the arguments of intellectuals who had taken the principles of 1989 seriously.⁶ Doina Cornea and Mircea Dinescu, of course, had recognized what was going on within the first month. Their resignations from the National Salvation Front look fateful in retrospect. Iliescu and his associates could treat the scruples of dissidents and poets as a minor embarrassment in the business of “democratic” consolidation. Yet the very basis of what might be described as “normal” politics was at issue.

None of this should surprise close readers of Gramsci.⁷ Intellectual hegemony is indispensable to political stability. Governments are usually able to manipulate political agendas from a position of strength. The point to stress, however, is that governments are making principled choices in these engagements, even if their main objective is to limit the damage that can be inflicted on them by intractable intellectuals.

In an earlier paper we focused on the virulent debate between nationalists and anti-nationalists that was sparked by the reformist orientation of the Group for Social Dialogue in the early 1990s.⁸ It had appeared to some commentators that,

⁶ See Katherine Verdery, *What was socialism, and what comes next?*, Princeton, Princeton University Press, 1996, pp. 83-129.

⁷ See Antonio Gramsci, “State and Civil Society”, in *Selections from the Prison Notebooks of Antonio Gramsci*, edited and translated by Quinton Hoare and Geoffrey Nowell Smith, London, Lawrence and Wishart, 1971, pp. 206-76.

⁸ See Bruce Haddock and Ovidiu Caraiani, “Nationalism and Civil Society in Romania”, *Political Studies* 47 (1999), pp. 258-74.

with the election of Constantinescu to the presidency in 1996, the worst of the nationalist damage had been contained. The story of events in the last two years, however, is not encouraging. Ineffective reformist government, coupled with difficult economic circumstances, did much to undermine the credibility of liberal theory. The argument for open markets looked more vulnerable after the Asian crisis of 1998, especially in a state that had yet to make significant progress towards economic restructuring. And NATO intervention in Bosnia and Kosovo could easily be portrayed as a new species of imperialism. Liberalism in practice could be portrayed as a justification for economic inequality and the international imposition of the strong upon the weak. In some quarters this could even encourage nostalgia for the lost *pax Sovieticus*. The Cold War, after all, had sustained peace in Europe. The more usual response, however, was to deplore the loss of a collectivist political culture that made misfortune bearable. In common with the rhetoric of 1989, “others” could be described as the architects of Romanian suffering. But in the rhetoric of the late 1990s, it is “our” suffering, and not “our” rights, that are in question.

The failure of reform is a complex topic that cannot be pursued here.⁹ What is important for our purposes is a proper appreciation of the cultural assumptions that enabled politicians to accuse liberal intellectuals of complicity in undermining Romanian interests. The Group for Social Dialogue had conceded ground to the nationalists in the early 1990s by accepting that the normative debate in Romania should focus on a politics of identity. In 1996 Constantinescu could win the presidency on a

⁹ See Alina Mungiu-Pippidi, “The Return of Populism – The 2000 Romanian Elections”, *Government and Opposition* 36 (2001), pp. 230-52.

liberal nationalist programme. When the programme fails, liberal principles must be held responsible, for it hardly makes sense for Romanians collectively to blame themselves. The politics of identity provides convenient scapegoats.

The tactical advantage of the politics of identity is that it is not tied to a particular programme. The same cannot be said for international endorsement. Investors will have a hard-headed view of risks and opportunities. They are unlikely to be motivated by an interest in rights, but they cannot allow their investments to be vulnerable to capricious government strategies. Investors trust formal procedures as guarantees of stability. Citizens also gain from stability. Whatever rights they have cannot be treated as discretionary gifts. A legal order is only manageable if outcomes are relatively predictable. Citizens, too, can only co-operate together as strangers if certain procedures are beyond political manipulation. The original "return to Europe" was a double strategy. Rights and economic interests could both be best secured in a legal order in which sovereign states were constrained by wider legal norms. The consolidation of democracy in Western Europe in the post-war period was signally assisted by an emerging web of international institutions. Advocates of democracy in Spain, Portugal and Greece could look back to the experience of Germany and Italy in the late 1940s and early 1950s for inspiration in their medium-term strategies.¹⁰ In 1989 the same considerations were uppermost in the thinking of advocates of democracy in all the east European states. Indeed it was a consolation in the 1990s to think that however things might go wrong nationally, there were international constraints that could prevent the worst from happening. Italy, for example, had

¹⁰ See Robert Bideleux and Richard Taylor, eds., *European Integration and Disintegration: East and West*, London, Routledge, 1996.

weathered a crisis of legitimacy in 1992 with remarkably little disruption to economy and society. The same stability could be afforded to the east European states if the “return to Europe” could be portrayed as inevitable.

Why in practical terms the “return to Europe” should have proved to be so tortuous and protracted is beyond our present concern. It certainly does not reflect well on the political elites in western European states. Our attention here, however, is focused on the discursive significance of “Europe”. A commitment to Europe can serve as a mark of political and economic respectability. But there are limits to the way language can be strained before credibility is undermined. Vadim Tudor had said in 1992 that “the temptation of the Common European Home is a utopia every bit as dangerous as Communism”.¹¹ While more subtly in January 1993 Iliescu could defend a refusal to acknowledge minority rights in Romania as an appropriate response to the French example.¹² Vadim Tudor’s opposition to European integration in 1992 was unqualified. Iliescu could not afford to be so forthright. It remains clear, however, that his language was geared to the (presumed) sentiments of his hardcore domestic supporters.

What can we say, then, about the language adopted in the presidential election of 2000? Everybody had accepted (to use the language of transition theorists) that democracy was the only game in town. They had also accepted that nobody could be taken seriously on an uncompromising anti-European platform. But populist democrats could be very selective about the constitutional baggage they carried with them. And Europe could mean anything and nothing.

¹¹ Cited in Katherine Verdery, *What was socialism, and what comes next?*, p. 104.

¹² See *ibid.*, p. 123.

It does not do to dwell too much on electoral rhetoric. The point to stress is that the original advocates of a “return to Europe” had been portrayed as a threat to core Romanian values. Iliescu could profess his commitment to a richer Europe than the standard image of the European Union (“Brussels”). He could welcome Romanian adherence to a European legal order, but only on his own terms (with “dignity”). While Vadim Tudor could declare that he would not go to Brussels on his knees with the begging bowl extended. Neither would reject European integration categorically; but there was no attempt to meet the difficulties that had been highlighted in the most recent European Commission report on the political and economic progress of applicant states in satisfying the criteria for European Union membership.¹³

Essentially this is a politics of bad faith. References to Europe on these terms tacitly endorse the normative priority of national identity. It does not commit government to anything more than a way of speaking. Advocates of a “return to Europe” as a substantive programme are left in the embarrassing position of defending foreign intrusion in domestic Romanian affairs. The language has changed since the Ceausescu era; but dissident intellectuals remain outsiders (“cosmopolitans”).

The parallels with the *ancien regime* are uncanny. Marxism-Leninism in the last decades was a cloak to disguise elite interests. Ideological discourse served to identify the “enemies of the people”. Whatever view may have been taken of Marxism as a theory, its use as a medium for government propaganda was entirely cynical. Political correctness was a sham.¹⁴ Finally

¹³ “Enlargement strategy paper: Report on progress towards accession by each of the candidate countries”, *Bulletin of the European Union*, supplement 3, (2000).

¹⁴ See the classic essay by Vaclav Havel, “The Power of the Powerless”, in his *Open Letters*, ed. Paul Wilson, London, Faber and Faber, 1991, pp. 125-214.

the regimes became so hollow that they collapsed with astonishing rapidity.

Commitment to democracy in the current Romanian situation may not be cynical in the same sense, though popular views of politicians suggest that voters have seen through flimsy ideological disguises. Elites can use democratic procedures in order to consolidate their advantages. They would have a lot to lose if the democratic game were effectively challenged. Pareto, rather than conventional democratic theory, best portrays what is actually going on.¹⁵ The appeal to Europe, however, is quite as cynical as the pronouncements of Ligachev. At the very least, the language of politics is being devalued. Who is damaging whom in this situation is not entirely clear (to paraphrase Lenin).

The real casualty in all this is the project of 1989. It is easy to portray Havel's dictum that we should strive to "live in truth" as naïve moralism. His point, however, is that humbug as a cover for interest is corrupting for everybody involved. The enthusiasm generated in Romania in particular in December 1989 was bound to be disappointed. But few could have expected the beneficiaries of the "democratic" revolution to contribute so signally to the destruction of political trust. Putnam and others have shown that without political trust, the knock-on benefits of democracy are rendered precarious.¹⁶ That is precisely what has happened in Romania in the last year. Who would have expected in 1996 that the run-off for the next

¹⁵ See Vilfredo Pareto, *The Rise and Fall of Elites: An Application of Theoretical Sociology*, ed. Hans L. Zetterberg, New Brunswick, Transaction Publishers, 1991.

¹⁶ See R. D. Putnam et al, *Making Democracy Work: Civic Traditions in Modern Italy*, Princeton, Princeton University Press, 1993; and Robert D. Putnam, "Civic Disengagement in Contemporary America", *Government and Opposition* 36 (2001), pp. 135-56.

presidential election would be between a former communist and an authoritarian nationalist? Political leaders and parties can, of course, reinvent themselves. There is nothing odd about ex-communist parties pursuing a social democratic agenda in changed circumstances. What is disturbing is the blatant manipulation of fear and anxiety. Among other things, the dissident intellectuals of 1989 wanted to create a “normal politics”. It is a sobering thought that that is what they might have achieved.

Conditions of political trust in multicultural societies necessarily involve self-restraint on the part of elites. The nightmare of populist democracy is precisely that unqualified majoritarianism legitimizes disregard for what may be held to be vital minority interests. In these circumstances, cultural minorities are compelled to organize in defence of protective cultural rights. Yet if cultural identities are treated as political trumps, the scope for accommodation is limited. The mirror image of a politics of national identity is a politics of minority resentment.¹⁷

The central issue here is not what democratic politics can achieve, but rather how certain ways of conducting public affairs facilitate co-operative dealings among strangers. In its pure form, civil association may be valued precisely because it does not presuppose shared values and projects.¹⁸ No state

¹⁷ See Will Kymlicka, “Misunderstanding Nationalism”, in his *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship*, Oxford, Oxford University Press, 2001, pp. 241-53.

¹⁸ This point is made forcefully by Michael Oakeshott in his distinction between “civil association” and “enterprise association”. See Michael Oakeshott, *On Human Conduct*, Oxford, Oxford University Press, 1975, pp. 108-84. See also Hannah Arendt’s defence of “pure” politics in her *The Human Condition*, Chicago, University of Chicago Press, 1958.

will effectively manage its affairs exclusively in civil terms. Democratic politicians, in particular, are under immense pressure to promise electors what they know cannot be delivered. Civility as an ideal, however, raises the cost of certain political temptations. Politicians, of course, will find their own ways of circumventing inconvenient obstacles. Yet they are likely to hesitate before proclaiming a politics of blatant manipulation. We cannot expect political philosophy to be very effective in restraining the excesses of democratic politics. But it may make a difference to point out that there are such things as democratic excesses.