

Today, the problem of nationalities is placed in a new world horizon, characterized by a strong “mobility”, which makes the same ethnic-cultural boundaries of the various peoples less and less marked, under the pressure of multiple dynamics such as migration, the mass media, and the globalization of the economy». These words come from a great Pope of the twentieth century, John Paul II, during his 50th anniversary speech to the United Nations on October 5, 1995.¹ This event took place in the mid-1990s, when the European Union was being enlarged (e.g. Austria), and when many spoke of the irrelevance of nations and nation states, as if simply remnants of the past.

Now in the present, thirty years after the fall of the USSR, and fifteen years after another important enlargement of the EU (for many Eastern Europe states), and a period of prosperity and cooperation with wider Europe and a globalized world, we now see again the emergence of nationalist and even populist ideas. A fairly large range of these ideas, influenced by quasi-information from Internet networks and a certain loss of security and previous traditions, support an isolationist approach to national thinking, where a nation is something homogeneous, firm and immutable. However, a smaller portion of these ideas indicates the indissolubility of the nation, even if the dream of a European state had been realised. In this second portion belongs a saintly graduate of the Angelicum, John Paul II, along with many other philosophers we will discuss later, including Józef Tischner.²

The Role of Nations in the United Nations Community

Let us start with one of the people who was inspired by the Pope's speech, the Austrian academic Friedrich Romig. During the Austrian campaign to join the European Union in 1992-1994, Friedrich Romig was the representative of the Diocese of St. Pölten and member of the European Commission of the Austrian Bishops' Conference.³

Romig begins his book echoing this speech, saying that the General Decla-

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Inocent-Mária Vladimír Szaniszló

ration of Human Rights speaks of personal rights but that there is no similar agreement on the «rights of nations».⁴ It is on this anthropological foundation that the «rights of nations» are also based, which are nothing more than the «human rights» that are grasped at this specific level of community life.⁵

And Romig follows this up with another idea of John Paul II's that, *every people wants to become a nation*⁶. According to him the idea of the nation has a supra-individual and timeless character. This character brings together the individual and the community, the past and the future, time and eternity, past, present and future generations in their work on the cultural heritage that the nation «embodies».⁷ Tischner says energetically that one cannot participate in the historical and cultural heritage except through *the human community* and *the nation*. The legacy that man shapes influences and coordinates his destiny. Therefore, belonging to the nation, to which man is grateful for his cultural identity, is one of the fundamental human rights.⁸

The nation cannot be labelled more completely than Hegel's «objective spirit», because it exists independently of individuals, while each individual of the nation is emerging spiritually. In the national character and in the forms of life, habits, customs and traditions, says J. Messner, «people live together as a community through institutional ties and allow the world of the soul of their community to last for generations. It achieves its coexistence in a common destiny and a living memory of a history and common personalities with whom they feel called to common ideals».⁹

Our holy graduate of the Angelicum is aware of the danger of strengthening the idea of the nation in nationalism, which may give other nations the right

to life, or may suppress that right by violence. Instead, the concept of nation has a «relational» character for him. It can only be understood by what distinguishes a nation from other peoples, but also by what its members share.¹⁰ Tischner and John Paul II see in each nation a «personality», which is distinguished by its uniqueness and therefore borders on all other nations. Only because peoples bind and differentiate themselves can they be associated and respect each other's autonomy.¹¹

And so, nations have not only rights but also duties: «The most important of them is the obligation to live with other peoples in the spirit of peace, respect and solidarity. The nation that aspires to rob another nation of freedom *is not free*. Nations unite the mutual recognition of the right to freedom and cultural development».¹²

The first right of the nation is the right to exist. This right also includes the right to one's own language and culture through which people express themselves and support, what John Paul II has called, *the mental sovereignty* of each nation. Every nation has the right to make life according to its own habits and to build its own future and to educate the younger generations. It is precisely through the recognition of the rights of the nation that an «explosive desire for identification and survival» and a «kind of counter-balancing against the trend of unification» are considered.¹³

The People – the “Queen Cell” of the Nation

Tischner in his comments of the Address of John Paul II distinguishes:¹⁴

1. *The community of peoples* (the *people* is particular, tied to place and time, closed in on itself, rejecting all that is foreign. But also, the *people*

is the place where universality manifests itself for the first time in an emotional way, discovering the truth of life. Under the influence of Rationalism, the idea of the *people* fell into oblivion, but it was reborn through Romanticism¹⁵).

2. *The nation* (which belongs to the sphere of culture; it is consciously grasped and receptive. Tischner notes that everything we say about the “nation” certainly belongs to the sphere of culture and not to “nature”. No one is “born” Polish, German or French. Man “becomes” Polish, German or French when he enters the “historical reality” of his “nation”¹⁶).
3. *The homeland* (Motherland: understood not as a set of obligations but rather as a set of rights to its protection and defence, even at the cost of property and life itself.¹⁷ Tischner adds that *the homeland is a great collective obligation*. Communion for the fulfilment of collective obligations must come from within, from the heart, where the feeling of the homeland is based. The homeland is the intended destination of the state).

For Tischner, national hope begins with the “people”. *But the “people” is not the “nation”*.¹⁸ Thought determined by hope discovers that the “people” are the “substance” of the nation. It does not describe “the people as a people”, but describes the “people” through what they can become. The “people” must be “heard” by the “nation”. However, this is not a universal approach. There are ideologies that prefer to see that the “people” remain the “people” forever. Tischner says that John Paul II in his Address does not subject the concept of the “people” to a more in-depth analysis, but deals above all with the nation and its rights. However, it is not inappropriate to speak of certain “tensions” that permeate the “responsible people”.¹⁹

Tischner says that the “people” is something that is “overcome” to which one can and must, however, always connect again. The nature of the “people” is determined by the tension that permeates it. The “people” is “particu-

lar”, linked to place and time, closed in on itself and repelling “strangers.” At the same time, it is the place where the universal expresses itself for the first time. However, in the transcendental experience of the “responsible people” the first is not the “I”, but the “we”. One who breaks with the local way of doing things, abandoning the “sacred” customs of the area and forgetting his “roots”, places his selfish “I” above the others. Another one “accepts” the “people” and raises its culture to the level of a “national culture”. The “responsible people” is revealed to us as that which is constantly becoming out of date, but which is always present in this act of overcoming.²⁰

The “people” live in their “world”. The world of the “people” is the “world of life”. The key to the “world of life” is *the experience of “life”*. “Life” is not a term, but the fullness of the immediate: cold and heat, tiredness and freshness, sleep and vigilance, youth and old age, cohesion with family members, desire, sadness, expectation, birth and death.²¹

For Tischner, the modern discovery of the “people” is undoubtedly a work of romanticism. He saw in the “people” the bearer of the “truth” about life, which fell into oblivion under the influence of cold rationalism. The “truth” to which the “people” have access has an emotional character. It is usually a tragic truth. The life of the “people” is a consequence of defeats. Of course, the “people” has its joys, but above all it is the incarnation of the last “misfortune” of life.²²

Tischner says that for Trentowski, the “people” does not know the experience of freedom, but rather “the mercy of necessity”. Its enslavement consists of, above all, *slavery to the forces of nature*. Nor does it know that there are sufferings which come with the awareness of freedom. Its “Eden” is above all a “Garden of Innocence”. So after the slavery of nature comes *the slavery of others - of the “gentlemen”*.²³ This name is similar to that described by Hegel: social slavery from the “Lord” that the servant had suffered, is the social manifestation of slavery by “death” - the “absolute Lord” that man had suf-

fered as part of nature. That is why people need a “helmsman” to guide them. The helmsman is above all the enlightened nobility, the aristocracy. *But when the “people” become aware of their freedom, they become part of the “nation”*.²⁴

Tischner discusses Trentowski’s idea of the “chosen nation”: «Jehovah was faithfully served by the tribe of the Levites, that is, the presbyterate. Other Israeli tribes left him again and again and, following the instinct of the souls of the people, turned to the Assyrian calves. Jehovah was *the God of the nation*, strictly speaking *the God of the helmsman*, and not *the God of the Jewish people*. When the desire came to involve the whole people in Judaism, the superstitious Kabala, to which the Jews have adhered since then, was born»²⁵ It seems that in this situation the key term that opens the door to the “mystery of the people” is “lot” or “skill”. The “people” have their “fate”; since they cannot be changed, the people must learn to bear their fate patiently.²⁶

However, for Trentowski the “people” is the “queen cell” of the nation. The “nation” develops from the “queen cell”, passing through the door of the experience of freedom. Not the “freedom” that takes refuge in individualism, but that which discovers a superior type of community: *the national community*. Two experiences are crucial: *becoming an owner* and *being willing to sacrifice one’s life for others*. The number of owners in the country must be significantly increased so that new owners can use their lives to fight for freedom. Because only the “owner” can become a free “citizen”, only the “citizen” can grow beyond the “people” and voluntarily die “for Poland” as a member of the “nation”.²⁷

The Communist Idea of the People

Tischner would not be a Polish philosopher and intellectual if he had not pointed to the destructive environment of communism based on Marxism-Leninism. He stresses, however, that John Paul II also knows another tradition of thinking of the “people”, coming from the French Revolution, and

that shaped the reality of “popular Poland” through Marxism and the Communist ideology. In what sense was “popular Poland” really “of the people” (or a “responsible people”)?²⁸ In the language of Communist ideology, the “people” was not and could not be the “queen cell” of the nation. It should rather remain the “people”. The basic idea was that the “nation” should be “surpassed” by the “people” and merge with its “raw material”.²⁹

Tischner continues that the misfortune of the “people”, as the young Marx wrote, is based on alienation from the “nature of man”. The main concerns of the “people” are the satisfaction of the common needs of man and animals: to satisfy hunger and thirst, protection from cold and heat, the need for housing. The suffering of the “people” provided the basic legitimacy for “revolutionary rule”. The “unfortunate” were the *raison d'être* of “popular Poland”. In the early phase of Communism, the idea of a “responsible people” could play a positive role in the definition of state social policy. But it soon led to the formation of a vicious circle: instead of fighting misery, the Communist government needed misery so that the “miserable” and the “unfortunate” could justify their continuation. This ambivalent relationship with misery was made evident in times of crisis. As soon as the Communist regime found itself in a crisis situation, it sought out “misery” to support itself with it.³⁰

However, Tischner teaches, the “people” cannot be only the “people”. This does not allow them to feel responsible. You cannot be happy and unhappy at the same time. The “I” escapes the “popular responsibility” of “us”, but in what direction? In a pure “internationalism” or in the direction of a new “we” - a national “we”?

The key question for Tischner that arises from previous experiences with the “people” and the “nation” seems to be this: can the “nation” be circumvented in the passage from the “I” to the “we” - from the particular to the universal? Theoretically, it seems possible. If the nation is a work of culture and not of nature, then a simple and far-

reaching transition from the “clinging people” to the “generally human” is conceivable. This leap was proposed by “Popular Communism”. Its ideal was the “brotherhood of peoples” - not of nations.³¹

The People, the Culture of Ethics and Becoming a Nation

But then you have to ask for the costs. In order to answer the following question you must give an answer: What is the “nation”? The experience of the “nation” is still closely linked to the experience of human identity. Tischner asked himself the questions: How can a person who has not found his identity at the level of the “people” find it at the level of the “nation”? Which experiences and which impressions are decisive for this? His answer is that the “nation” is above all the decision for a culture.

But what are the conditions for the possibility of “nation”? Let's start with terminological explanations. Anyone who says “nation” (*naród* in Polish) thinks less about blood ties than about cultural ties whose core is an ethical heritage – “good manners” in the deepest sense of the term. One of the most important elements that make up the “nation” is *the language*. But it is not so much about words that sound the same, as it is about the content that members of a nation communicate with each other without using words. There is a close connection between the word “*naród*” and “homeland”. Being in the “homeland” means being *home*. However, this is not possible without *a choice*. You can have a “homeland” (paternal place – the house), you can get a “homeland”, but you can also *choose* a “homeland”. Thanks to the instrument of choice, “nation” and “homeland” become *ethical values*. As such, they build an “ethical duty”. The poet Norwid defined the “nation” in the following words: “(...) the homeland is *a great collective duty – a devoir collectif*”³². With Norwid's help, Tischner tries to combine the emerging idea of the nation as a collective duty with that of the Communist ideology that for a long time was the background for the Pope's reflection on the nation. Without

considering this background we could not fully understand the thought of John Paul II.³³ For him, the tradition of the “nation” is not a mere “superstructure” of socio-economic conditions, as the Communists have always said, but the result of *certain acts of choice*, immersed in specific experiences of the past and hopes for the future. The “nation” chooses something that in a sense already is, but *without the choice*, it would remain dead and ineffective. First of all, it is important to choose. The circumstances of these choices are sometimes very dramatic. Tischner mentions wars in which Poles faced each other on both sides (as enemies). During Communism, any demonstration in honour of the Constitution of May 3, 1791 was prohibited. So if such a demonstration were to be organised, you would have to choose what to do. The choice is the choice of the past, but it is made in the perspective of a future. Undoubtedly, as Heidegger says, it is a “repetition”. Repetition of the past has an essential meaning for the future.³⁴

Finally, with the choice made, the “I” enters into a relationship with the “we”. It is Tischner who asks the next question: What is this relationship? It is not just about the “I'm with others” or “I'm next to others” relationship. “We” is a relationship of *mutual responsibility*. Norwid also wrote: “For the homeland — the compatriots — it is *a moral union* without which there are no parties, without which the parties are comparable to gangs or polemical camps, whose focus is discord and whose reality is the smoke of words”.³⁵

The “moral union” is an association based on the relationship “one for the others”, “the others for one” (Levinas). Such an intense relationship contains a heroic intention. It means a willingness to sacrifice one's life for others. However, it also means the will to kill others — the enemies of the nation — “for your and our freedom”. The national ethos contains an ambiguity which, based only on this ethos, is always present.

In the Middle Ages, the cult of *national heroes* and *national saints* became an expression of heroic intention. Tischner explains:

The lack of national cults in Germany and Italy has undoubtedly influenced the course of national crystallisation processes. Numerous local cults, having strongly developed there, have promoted particularism. The Polish reader immediately recalls the role of the cult of St. Adalbert (Wojciech) in the first phase of the existence of the Polish state and especially the cult of St. Stanislaus in the process of the rebirth of the state in the 13th-14th centuries. In León and Castile, Saint James the Apostle (Santiago) became a national saint; his relics in Compostela had a reputation that was close to that of Saint Peter's tomb and attracted flocks of pilgrims. The kings of Castile (Caesar of Spain) traded as "knights" (milites) or "flag bearers" (vexiliferi) of St. James.³⁶

The crystallization of the nation in its ethos leads to "participation" in, and the increasing embodiment of, the "na-

tional ideal". The logic of this drama is convincing. We can observe this in the example of the relationship with written law. In the Middle Ages, writes Zientara,

a very important element of the individuality of the nation was its recognition of *the right*. It was one of the factors whose development was not limited to the narrow upper class of the 'political nation', but was deeply rooted in the masses, because medieval law developed organically from the oldest tribal rights and did not tolerate sudden changes. Attempts to codify it from above have also often proved unsuccessful, and attempts to introduce elements of Roman law met with resistance in the late Middle Ages. If the conquests of the medieval monarchs provoked resistance from the subjugated population down to the lower classes, its causes should not be sought exclusively in the

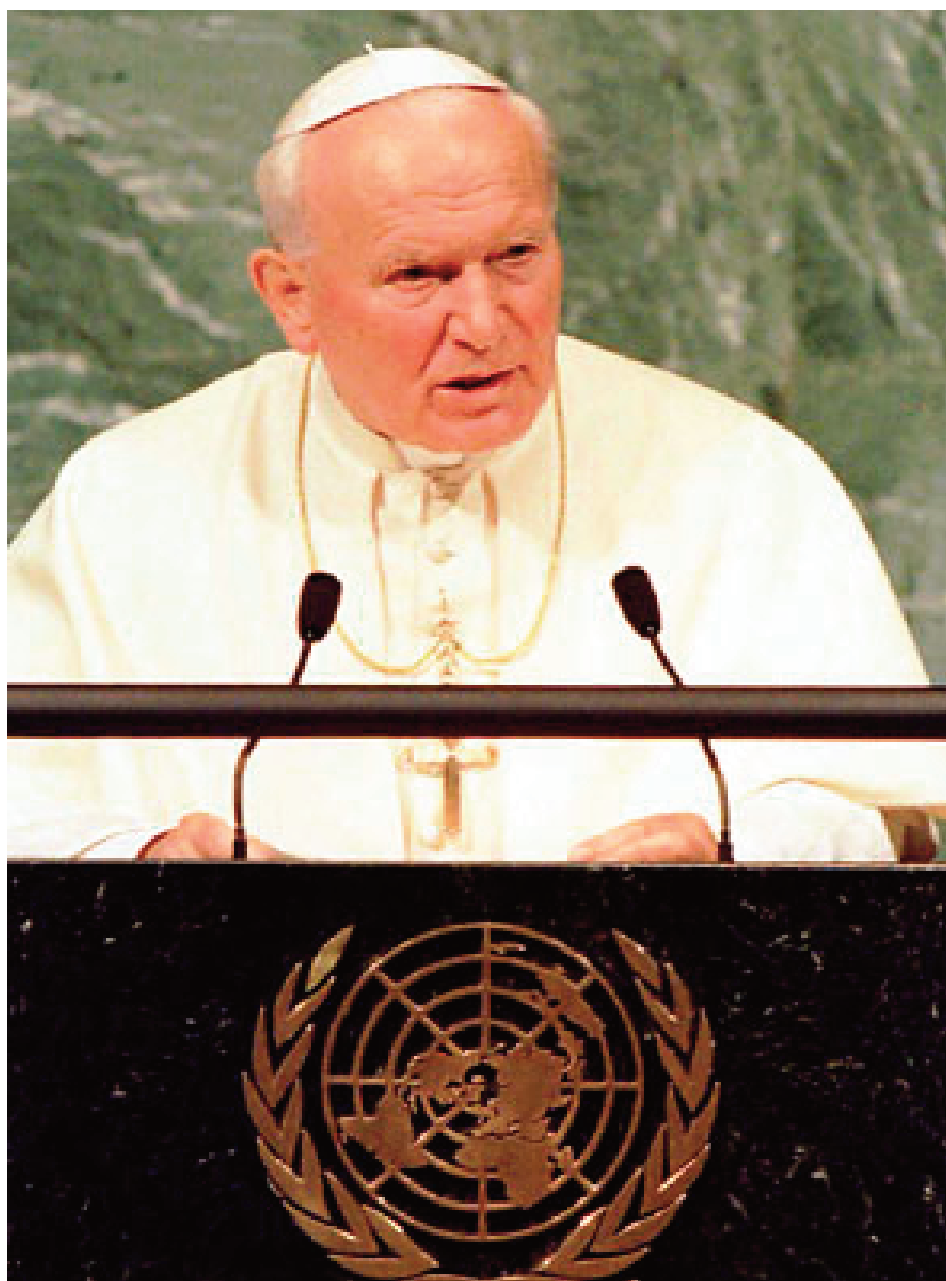
acts of violence of the conquerors. The introduction of a foreign law or changes in the organization of the judiciary and the functioning of the courts has usually caused strong resistance.³⁷

More complicated are the relations between *the national ethos* (the "custom") and the law written in a country that does not have its own state. The applicable law is branded from the outset as "foreign" and "hostile". Its binding character is marked from the outset by a question mark. It opposes the idealized national ethos or previous applicable law. The previous law in force in Poland during the partition was the "Constitution of May 3rd". Even the idealized national ethos played a huge role. It was based on the premise that all evil came from slavery, because slavery meant above all slavery of the "good will" of Poland.³⁸

An essential element of national consciousness is *the relationship with "others"* – "foreigners", "enemies". «The foreigner is not just the other. A foreigner is also the one who did me an injustice». On the other hand, it is part of the "nature" of national consciousness to define a positive relationship with "others". Norwid rightly wrote:

... European nations must possess their complete personality to a greater extent than other complete personalities, because the personality banned from solitude is not yet complete, and only through contact with others does it mature in its essence. This is so true, that who would say that the nation is composed not only of what distinguishes it from others, but also of what unites it with others? Equally, it would be true to say that at the same time, that the strength of this solidarity is by no means a concession or a destabilisation of the nation, but rather an attribute of the perfection of character and a positive quality.³⁹

Here we come to an important moment in thinking of the idea of "nation": in the very concept of "nation." In its "essence" there is a reference to others; the concept of "nation" has a *relational* character - it does not reject others, but only in relation to others does it acquire its full meaning. With E.-W. Böckenförde, we could cite an example from Polish history before the 20th century. If we had asked a Pole at that time who



he was, we would have received one of many possible answers, including: *Canonicus cracoviensis, native Polish, Ruthenian, Jewish*.⁴⁰

The “unifying force” contained in the concept of “nation” has been expressed in different ways. At the time of the Polish national uprisings it was expressed in the slogan “for your and our freedom”. The rebels did not fight against another nation but against tyranny, which oppressed “others” as much as its “own”. There was a general belief that a nation seeking to deprive another nation of its freedom, *itself was not free*. The idea of freedom and national sovereignty has taken on universal significance. It left its mark on the concept of the nation state. This state, if it were to be an expression of the national ethos, could not be directed against the “others”.⁴¹

Sharing in the ethical ideal leads to the discovery of one’s own identity. John Paul II speaks clearly of it: «It is (...) a bursting need for identity and survival, a sort of counterweight to homogenizing tendencies».⁴²

Tischner notes that Charles Taylor stresses in his valuable studies on European “identity” that the concept of “self”, i.e. personal identity, is closely linked to the *concept (of experience) of “good”*. We are not able to clarify the experiences of our identity “until we better understand how our image of good has evolved”.⁴³ Taylor’s thought is an excellent illustration of the development of national consciousness: from the “I” to the “we” passing through the choice of a responsibility within the legacy of the past, inspired by a certain hope. Sometimes this development is called “*liberation*.” “The “liberation” of national consciousness means that “something” is not born of “nothing”, but “born” from the depths of the unconscious. The nation “in itself” becomes the “nation for itself”.

At the same time, however, the dangers of this process have become evident. The idealization of one’s own nation, the temptation to take revenge on injustices suffered or presumed, the legitimization of the shedding of foreign blood as well as one’s own, the separation of the “unifying” dimension from

the national idea - all this creates the dangers of “nationalism”. How to avoid these dangers?⁴⁴

The Nation as the Work of Culture against Totalitarianism

Tischner teaches that if the “nation” is a product and a continuation of a culture, then work on the culture and its condition is at the same time work on the “national ethos”. He finds the current situation very worrying. John Paul II’s speech contains critical observations on the condition of modern culture. It considers utilitarianism, relativism and scepticism, while the special object of its criticism is *nationalism*, which is an ideological justification for the violence that one nation inflicts on another. Nationalism denies others every right.⁴⁵ Extreme nationalism can lead to totalitarianism. Patriotism, however, differs from nationalism in that it consists of «just love for one’s own country». Nationalism and other deviations from ideology can only be overcome by a *return to the foundations of culture*, especially the rightly understood idea of *freedom and truth*.⁴⁶

The criticism of utilitarianism, relativism and scepticism is “pragmatic”. Instead of discovering the inner contradictions of theories, he questions the consequences of attitudes. Even if none of the theories mentioned approve of totalitarian ideologies, seen as social attitudes, they are not able to prevent totalitarianism. Where violence begins to dominate social life, resistance to it arises from attitudes based on «freedom and truth». This is the lesson we can learn from historical experience. John Paul II affirms that freedom is «the measure of human dignity and greatness» and «a great challenge for the spiritual growth of man». We must use it responsibly. Freedom, it is said, «is ordered to the truth and is realized in the search for, and in living by, the truth. Detached from the truth of the human person, it decays in the life of the individual into licentiousness and the arbitrariness of political life based on the will of the strongest and of those who rule».⁴⁷

For Tischner, the concern arises at this point. Haven’t totalitarian ideolo-

gies proclaimed something similar? Did they not initially claim to be in possession of the truth and then resort to coercive measures to ensure that people «live according to the truth»? What does the word “truth” mean in John Paul II?⁴⁸

John Paul II says: «Therefore, far from being a limitation or a threat to freedom, the reference to the truth about man — a truth universally known through the moral law inscribed in the heart of each person — is, in reality, the guarantee of the future of freedom».⁴⁹ These words refer to the words of Saint Paul (Rom 2:15), which refer to the law “inscribed in the heart of man”. John Paul II interprets this law as “natural law”.

“Natural law” is also the foundation of “human rights”. In this way, the reflection ends: the rights of the nation are “nothing but human rights” cultivated at this particular level of community life. The Pope adds: “A reflection on these rights is certainly not easy, given the difficulty of defining the very concept of “nation”, which is not identified a priori and necessarily with the State. It is, however, an unavoidable reflection if we want to avoid the mistakes of the past and to procure a just world order”.⁵⁰

Of course, the speech of Saint John Paul II did not solve all the problems related to the treatment of nations and their rights. However, it has touched on issues so fundamental that it has become a powerful incentive to continue working on this issue.

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⁴ *Ibid.*; Address, cit., Art. 6.

⁵ Address, cit., Art. 8.

⁶ ROMIG, cit., p. 8, according to encyclical of John Paul II, *Laborem exercens*, Art. 10, ff. http://w2.vatican.va/content/john-paul-ii/it/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens.html.

⁷ Romig, cit., p. 8.

⁸ Ivi, p. 9, according to The Address, cit., Art. 8.

⁹ Romig, cit., p. 8, according to Johannes MESSNER, *Das Naturrecht*, Innsbruck, 1960, p. 565.

¹⁰ Address, cit., Art. 11.

¹¹ Romig, cit., p. 9.

¹² Address, cit., Art. 8.

¹³ Address, cit., Art. 8.

¹⁴ ROMIG, cit., p. 8, according to TISCHNER, 126.

¹⁵ TISCHNER, cit., p. 130.

¹⁶ Ivi, p. 127.

¹⁷ Ivi, p. 125.

¹⁸ Ivi, p. 128.

¹⁹ Ivi, p. 127.

²⁰ Ivi, p. 128.

²¹ Ivi, p. 129.

²² Ivi, p. 130.

²³ Ivi, p. 131.

²⁴ Ivi, p. 131.

²⁵ Ivi, p. 131, according to B. TRENTOWSKI, *Czy można uczyć się filozofii narodowej od ludu i jakie cechy mieć powinna ta filozofia*, in «Rok», 1845, H. 3, pp. 22–32, in A. WALICKI (ed.), *700 lat myśli polskiej*, Warsaw 1977, p. 273.

²⁶ TISCHNER, cit., p. 131.

²⁷ Ivi, 132, according to K. LIBELT, *Samowładztwo rozumu*, Warsaw, 1967, p. 15.

²⁸ The word “popular” in this sentence means “of the people” (as it does in many languages), not “widely appreciated”, as the word “popular” generally means in English today.

²⁹ TISCHNER, cit., p. 132.

³⁰ Ivi, p. 133.

³¹ Ivi, p. 134.

³² Ivi, p. 134, according to C. NORWID, *Memoriał o młodej emigracji*, in A. WALICKI (ed), cit., p. 656.

³³ Ivi, p. 135.

³⁴ Ivi, p. 136, according to M. HEIDEGGER, *Sein und Zeit*, Frankfurt am Main, Vittorio Klostermann 1977, p. 385.

³⁵ Ivi, p. 136, according to C. NORWID, *Głos niedawno do wychodźstwa polskiego przybyłego artysty*, *ibid.*, p. 333.

³⁶ Ivi, p. 136.

³⁷ Ivi, p. 137, according to B. ZIENTARA, *Świt narodów europejskich*, Warsaw 1996, p. 333.

³⁸ Ivi, p. 138.

³⁹ Ivi, p. 139, according to C. NORWID, *Zniknięcie narodu*, *ibid.*, p. 668.

⁴⁰ Ivi, p. 139, according to E.-W. BÖCKENFÖRDE, *Die Nation - Identität in Differenz*, in K. MICHALSKI (ed.), *Identität im Wandel*, Castelfandolfo – Gespräche, vol. VI, Stuttgart 1995, p. 159.

⁴¹ Ivi, p. 140.

⁴² Ivi, p. 140, according to The Address, cit., Art. 7.

⁴³ Ivi, p. 141, according to Ch. TAYLOR, *Quellen des Selbst. Die Entstehung der neuzeitlichen Identität*, Frankfurt am Main 1996, p. 15.

⁴⁴ Ivi, p. 141.

⁴⁵ Address, cit., Art. 9.

⁴⁶ Ivi, Art. 11.

⁴⁷ Ivi, Art. 12.

⁴⁸ TISCHNER, cit., p. 142.

⁴⁹ Address, cit., Art. 12.

⁵⁰ Ivi, Art. 8 ■