



THE POLITICAL PHILOSOPHY OF “THE NATION”: IDEA, REALITY, AND THE CONSTITUTION*

FILOZOFIA POLITYCZNA „NARODU” –
IDEA, RZECZYWISTOŚĆ, KONSTITUCJA

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— ABSTRACT —

When we think of our understanding of the category of ‘the nation’, turning to the most important official document and source for which this category is central – namely, the constitution of the modern democratic state – could yield new insights into how the category of ‘nation’ could be understood and interpreted. No other document is focused on ‘the nation’ and/or ‘the people’ to such an extent and, likewise, no other act seems so dependent on a particular understanding of the term of ‘the nation’/‘the people’. In this study, I decided to analyze how specific constitutions of selected democratic states (particularly in Europe) choose to define the category of ‘the people’/‘the nation’, and why, providing contemporary explanations as well as exploring relevant historical background of how the understanding of this capital category came to be shaped. This perspective serves as lens through which I exam-

— ABSTRAKT —

Prezentowany artykuł stanowi swego rodzaju próbę socjologicznej i politologicznej analizy kategorii (pojęcia) „narodu” jako idei i rzeczywistości społecznej czy też, ściślej rzecz ujmując, sposobu manifestacji „narodu” w praktyce społecznej, zwłaszcza w dziedzinie stanowienia prawa. W tym duchu wydaje się zasadne zwrócenie uwagi na to, jak „naród” istnieje i jest „myślany” w tekście fundamentalnego aktu prawnego każdego współczesnego państwa, którym jest ustawa zasadnicza. W żadnym innym akcie prawnym pojęcie ludu/narodu nie gra tak istotnej, centralnej wręcz roli. Z drugiej strony, co również należy podkreślić, sposób użycia pojęcia ludu/narodu istotnie wpływa na wydzźwięk konstytucji jako całości i na jej charakter – bardziej lub mniej liberalny bądź konserwatywny, kulturowy bądź polityczny, etniczny bądź obywatelski. W tekście przedstawiam analizę dwóch kluczowych z tego punktu

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ine 'the nation' as a sociological and political category.

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widzenia zagadnień: 1) jak teksty konstytucji wybranych państw Europy i świata definiują pojęcie ludu/narodu oraz 2) jakie polityczne konsekwencje płyną z użycia pojęcia ludu/narodu w jego różnych interpretacjach.

Słowa kluczowe: naród, tożsamość narodowa, naród a konstytucja, idea narodu, naród obywatelski

WHAT IS A NATION – AN UNANSWERED QUESTION

Qu'est-ce qu'une nation? [What is a nation?], Ernest Renan (2017) asks in an oft-quoted passage in March 1882. More than one hundred and thirty years later, this question remains without a definite answer. There is no agreement, even among interested scholars, as to whether anything like 'the nation' even exists. The spectrum of attempted answers has stretched from the organic, primordial view of Anthony D. Smith (1999), with his concept of an *ethnie*, to Rogers Brubaker's statement that the nation is 'political claim and a category' rather than an 'ethno-cultural fact' (2004). Similarly, Craig Calhoun (1997) defines the nation in terms of discourse.

The meaning of this term or category remains elusive (Szacki, 2004, p. 9) and contested, not least due to controversies around supposedly dangerous nationalism and supposedly neutral – or even positive – patriotism. There seems to be an internal tension within the category of the nation itself, one that cannot be easily resolved by simply declaring that we are now in a post-national or post-nation-state reality. Far from it – after Brubaker (2004), we can note that the category of 'the nation' remains an important locus of identity just as the nation states remain crucial loci of power. Referring to the problem of the nation as an object of scientific enquiry, sociologist and historian of sociological thought Jerzy Szacki begins with a supposition that if we are to get closer to solving the 'meaning of the nation' conundrum, we must first abandon the question of what the nation actually is as an entity or a 'real collective' in any sense (Szacki, 2004). Unlike Brubaker, though, he does not go on to say that nation is merely a claim or construct; rather, he ventures to examine how the nation *exists* or, more specifically, how it *manifests itself* (emphases mine) in 'social practice', in other words, how it becomes Benedict Anderson's 'imagined community' (Anderson, 2006). The nation here, therefore, is

an idea which expresses itself in the social life – but it exists nonetheless and is not simply a claim, in the sense that it has real consequences and implications for the lives, choices and identities of its members. Very much like the famous Thomas theorem, the nation is ‘an idea that becomes real in its consequences.’ Asking whether nations are real in ontological sense seems unlikely to yield any useful answers; what seems more productive is *looking at* the nation as an existing entity, regardless of whether it actually is one or not.

The question we are facing, therefore, is most likely not what a nation is (or what is the essence of (a) nation), but, rather, what *kinds* of nations we are dealing with and, secondly, *how* a nation might exist in the life (identity, mind, everyday social life) of individuals and social groups. The attempt to answer how the nation manifests itself in the social life has led me to the conclusion that, perhaps, it would be useful to point to the different dimensions of the category of nation. Not attempting to answer the question of how we should define ‘the nation,’ I will strive to show how the understanding of this category – and the category of citizenship, for the two are closely linked – is defined in the constitutions of selected contemporary democratic states.

Speaking of the German model of citizenship, Brubaker (1992) argues that it remained limited and, in a way, ethnocultural, even towards the end of the 20th century. As an example of this, he cites the federal government’s attitudes to the second generation German-born Turks and, on the other hand, to the ‘ethnic’ Germans who had come home from the Eastern Europe and the Soviet Union; the former were denied citizenship while the latter enjoyed all rights and privileges from the day they arrived. I will present a modification of Brubaker’s view of the German model of nationhood, arguing that it underwent a vital redefinition in the most recent federal constitution and that, as a result, it is open to further debate to what extent it is a model with an ‘ethnonational inflection’ (Brubaker, 1992, p. 170). In fact, the main point of my argument will be that the German model of nationhood focused on ethnicity has been suppressed by a more ‘political’ model, at least as far as the text of the constitution is concerned, if not in practice.

In this study, I chose a threefold understanding of the category of nation. Firstly, a nation is an *ethnos*, a community of culture (language, religion). Secondly, as stated by de Lazari (2016, pp. 185–186), a nation could be a ‘nation-state’ without a fully formed civic identity or the liberal-democratic understanding of the rule of law. Contemporary Russia could be a case in point here.

I believe that putting the term ‘nation-state’ in quotation marks could be a legitimate way of expressing a fundamental difference between the understanding of

political authority and governance in Russia and the one prevalent in liberal democracies of the West; another reason for this distinction is that Russia, until very recently, had not had a 'Russian' state identity in the same sense as the French or Americans have a 'national' identity focused on their respective states. Russia, being a relatively young, post-Soviet state, federal and multi-ethnic, has had to cope with the Soviet legacy of 'the new man', *homo sovieticus*, who would have disowned nationality in favor of the new Soviet, post-national (and fiercely anti-national) identity; interestingly, Francine Hirsch (2005, pp. 4–5), in her study of the USSR, while not disputing the reality of 'the Soviet nation', does point out that, contrary to the belief popular even among scholars within the field, the Bolsheviks were in fact very much interested in changing (and even fostering!) ethnic 'national' identities within the USSR borders and, to that end, enlisted the help of an army of ethnographers, linguists, geographers, and other scholars in order to collect as much ethnographic data as possible.

Finally, a 'civic (or political) nation' could be taken to signify a community of citizens possessing a fully developed awareness and appreciation for the rule of law, in which all relations, transactions and interactions between members are governed by applicable law, duly promulgated by legitimate authority (Zubrzycki, 2002, p. 275). Brubaker (1992, pp. 10–11) similarly distinguishes between the 'German' model of the nation as an 'ethnocultural fact' and the French 'political' model, however he frames this opposition somewhat differently, focusing on citizenship; while the German model is that of a 'bounded', exclusive citizenship, the French model, in his view, leans towards an 'expansive' model of 'territorial citizenship', which assumes unification and assimilation.

According to Brubaker (1992), the two models of nationhood were shaped by two distinct historical processes which influenced how citizenship is viewed in Germany and in France even today. As he explains, while the French concept of citizenship developed from the resistance of the 'third estate' to the multitude of privileges enjoyed by aristocrats, clergy and other corporations, in Germany the citizenship centered on the belonging to the *Kulturnation*, fostered as it was by the philosophers, poets and political thinkers, such as Herder and Fichte, who, judging by his famous Addresses to the German nation, seems to have taken the Herderian notion of the unique character of the German nation almost literally (Brubaker, 1992, p. 5–6).

Why should we be concerned with how 'the nation', or citizenship, for that matter, is framed and conceptualized today? Let me once again turn to Brubaker. He defines citizenship as 'an institution through which the nation state constitutes

and perpetually reconstitutes itself as an *association of citizens, publicly identifies a set of persons as its members* (emphasis mine), and residually classifies everyone else in the world as a noncitizen, an alien' (Brubaker, 1992, p. 11). Brubaker thus underscores that citizenship is, first and foremost, about membership and exclusion rather than political and civil rights. This is how I read his statement about a paradox that the present globalized world has brought us: as much as we are connected thanks to globalization and immense opportunities to travel, work and live abroad, the states' insistence on whom to exclude and to control who enters and leaves its borders is growing stronger by the day. Being more united than ever, we are at the same time more divided than ever. How the criteria of belonging to 'the nation' evolved, therefore, remains relevant today.

Having made these introductory remarks, I will now proceed to examine how the category of 'the nation' functions in the constitutions of France, Germany and the United States from the point of view of textual and theoretical analysis.

FRANCE

The Constitution of the French Republic dated 5th October 1958 (with further amendments) explicitly refers to the ideas associated with the Revolution of 1789. Already in the Preamble of the Constitution, it is said that the rights of man and the self-determination of nations (fr. *peuples*) are its basic principles. The rights of man mentioned in the preamble naturally allude to the Declaration of the Rights of Man of 1789, which stated that, based on natural law, every human being has an inalienable right to liberty and equality (*The Avalon Project*, 2017). I would like to note here that the categories of 'the people' and 'the nation' at the time and in the aftermath of the Revolution were synonymous. The Revolution(s) which shook Europe later, in 1848, in some countries known as Springtime of the Peoples, were in fact a re-awakening of *national* sentiments. Conversely, in Russia the meaning of nationality was much less straightforward. For example, a philosopher of Russian history and thought Andrzej de Lazari (2000) cites a Russian politician and poet Peter Wiazemsky as saying in 1824 that 'the word *narodny* corresponds to the French *populaire* and *national*, and that in Russian one can say *piesni narodnye*, which corresponds to the French *chanson populaire*, but one can also say *dukh narodny*, which corresponds to the French *esprit nationale*'. These fundamental values are the source of other rights and liberties: right to security, right to private property and the right to civil disobedience (*The Avalon Project*, 2017). Article 3 of

the Declaration claims that ‘the nation/the people’ constitute the basis and principle of sovereignty and no individual or collective entity can lawfully exercise any powers unless their legitimacy is derived from ‘the nation.’ The French Constitution is heir to this tradition, for it begins with the following statement: The French people (*le peuple français*) solemnly proclaim their attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789 (French National Assembly, 2017).

It cannot be stressed enough that in the French constitution ‘the nation’ is an exclusively political – and in no way ethnic – category. Inasmuch as the German model of ‘the nation,’ rooted in Romanticism, is inherently ethnic, the French model has evolved within the political framework of citizenship in the spirit of Enlightenment. The same is true of the Constitution of the USA (analyzed below), famously beginning with “We, the people of the United States...” “We the people...” encompasses the nation of all citizens, regardless of their ethnic origin, creed or cultural background they happened to be born or raised in.

At this point, perhaps, it could be worth noting that the meaning of the American ‘people’ might not have been obvious in the past. When in 1989 the Polish President Lech Walesa, widely credited with a major role in the overthrow of Communism in the Central-Eastern Europe, addressed the joint session of the Congress, he famously began his speech with ‘We, the people...’ More precisely, that is how his words ‘*My, naród*’ (in Polish) were rendered by the translator. Members of the Congress, upon hearing a direct allusion to the preamble of their Constitution, rose from their seats to a spontaneous ovation. One could, however, ask a legitimate question: did they really understand ‘the people’ in the same way as the Polish President? It would seem that at that time Walesa had not yet conceived of ‘the people’ of Poland as the political nation of citizens. ‘We, the people of Poland,’ was, for Lech Walesa, still a traditional community of Polish Catholics, a nation hitherto oppressed by the Communist regime and therefore a *nation-against-the-state* (emphasis mine), not a modern nation-state with its givens of citizenship and public participation.

Going back to the Constitution of France, in the light of tradition in which the act of the Constitution is set, the best way to understand the French *le peuple* is most likely to see ‘the people’ of France as the French nation of citizens. This idea is deeply ingrained in the articles following the preamble. According to the Constitution, France is a democratic and secular republic which guarantees all French citizens equality before the law, regardless of their ethnic origin, race or creed (Article 1). Crucial evidence for the French understanding of the idea of ‘nation’

in its strictest sense can be found in Articles 2 and 3. In the former, we will come across the famous phrase stating that the government of the republic is based on the principle of 'rule of the people, by the people and for the people' (*gouvernement du peuple, par le peuple et pour le peuple*). Similarly, next paragraph states that 'the sovereignty of the nation (*la nation*) shall vest in the people'. It is also at this point that the Constitution mentions 'French citizens' for the first time. It could be said, therefore, that for the French, as for the Americans, as we shall see below, both terms, 'the people' and 'the nation', are inextricably linked and have, essentially, exactly the same meaning. This is corroborated, for example, in Article 5, which states that one of the president's main duties is to guarantee and guard the independence of *the nation*, that is, we can speculate, the nation of all citizens of France! (*indépendance nationale* in the original French, emphasis mine). Article 11, in turn, allows for the president to call a national referendum in case any law is to be passed that would significantly impact the social life and the economy of 'the nation' (*la nation*). *La nation* encompasses all French citizens; this concept of 'the nation' carries no trace of ethnicity. Finally, Article 16 uses the term *la nation* yet again, speaking of *indépendance nationale*.

GERMAN FEDERAL REPUBLIC

The Preamble of the Federal Constitution states: "Conscious of their responsibility before God and man; inspired by the determination to promote world peace as an equal partner in a united Europe, the German people, in the exercise of their constituent power, have adopted this Basic Law. Germans in the Länder of Baden-Württemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Lower Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia have achieved the unity and freedom of Germany in free self-determination. This Basic Law thus applies to the entire German people" (*Damit gilt dieses Grundgesetz für das gesamte Deutsche Volk*) (The Bundestag, 2017).

At this point, we need to interrupt our analysis of the German Republic's contemporary political systems and consider a historically problematic concept of *Volk*. This concept carries with it a clearly undesirable historical baggage.

The term itself, Romantic to the core, goes back to the philosophy of Johann Herder, who was one of the most famous proponents of an ethnic, culturally and organically conceived nation as a community of kinship and language that, in itself,

is much less controversial than the links between the concept of *Volk* and the ideology of *volkisch*, which later served as one of the ideological underpinnings of the Nazi movement. One of the key scholars researching the *volkisch* category, Georg Mosse (1966), claimed that its growth had been fuelled by the unique circumstances in which people of the *fin-de-siècle* Europe found themselves: rapid industrialization, breakdown of traditional family and work-related structures and authorities, as well as the decline in importance of the hitherto unquestioned value systems and reference points used in making everyday life decisions. According to Mosse, someone living in the end of 19th-century Europe would have been alienated, uprooted from the world of values and tradition that he had known; it is no wonder, then, that they would have in them a certain longing for the past, for a return to an idyllic 'state of nature' (in the sense of Jean Jacques Rousseau, of course, not Hobbes). This desire found its expression in the time of *Sturm und Drang*, an epoch of resurgent interest of writers, poets and painters in the traditional folklore, antique and 'mythical' past, old poems and sagas singing the praises of valiant warriors – Vikings, Franks, etc. According to Nicholas Goodrick-Clarke (2005), *volkisch* ideology was a conglomerate of incoherent and unfounded beliefs and ideas, judgments and pseudoscientific hypotheses. All of them had several common denominators: belief in an innate superiority of 'Germans' (racial, moral and political); belief that the 'Germans' were predestined to domination in Europe by some God-ordained mandate, a nostalgic longing for the return of the supposed Golden Age of German history (which was commonly placed in the Middle Ages), fascination with Old Germanic mythology and – which was new – a belief in occult practice.

We can see that the concepts of *Volk* and *volkisch* – if framed in this way – are thoroughly ethnic, in that they implicitly point to alleged racial superiority, to shared (mythical) past and to the common 'German' culture. I appreciate that the term *Volk* does not necessarily have to be understood in ethnic terms, however here and throughout this article I purposefully understand *Volk* in strictly Herderian sense and in connection with the *Volkisch* ideology. Having made this point as a background to further analysis, we can now go back to the text of the contemporary German constitution.

After World War II, Germany was forced to radically reconsider its ethnically conditioned thinking about the nation. Romantic tradition from Herder to Schelling and Hegel had 'programmed' the Germans 'culturally' (Hofstede, 2001; de Lazari, Nadskakuła, & Żakowska, 2007) in such a way that it was in Germany where the Nazi ideology could come to the fore; it could not have taken hold in a vacuum,

but was one of the tragic consequences of the conceptualizing of the nation in a cultural, ethnic way. Once Europe had experienced two totalitarian menaces – Nazism and Communism – contemporary Germans had to give up on a hitherto taken for granted framing of the nation in cultural terms. As I hope to show, current German Federal Constitution provides ample proof that this was in fact the case. In the preamble to the document, quoted above, we will not find the slightest reference to German history or culture.

The Constitution itself uses two words to define the German nation: *das Volk* and *alle Deutschen* (cf. Article 12). The nation/the people of Germany is defined as ‘all the Germans.’ We might ask – who are ‘all the Germans,’ as understood by the Constitution? The answer to this question is provided, albeit indirectly, by Article 16, which closely ties the term ‘German’ with the citizenship. It is first said that ‘nobody can be deprived of German citizenship’ and, below, the same article states that no German can be extradited to another country. It follows, then, that the Constitution regards as German (i.e., a member of the German nation) everyone who has not been deprived of the citizenship. Reading of articles that follow only confirms this perspective; Article 20 states that ‘all state authority is derived from the people (*das Volk*)’ and, in the next paragraph, defines *das Volk* as ‘all Germans’: ‘All Germans (*alle Deutschen* again) have the right to resist any person seeking to abolish this constitutional order.’ Article 33, in turn, points to the connection which exists between the category of ‘Germany’ and the political principle of community (*demos*), the principle being one and shared set of laws: ‘Every German shall have in every *Land* the same political rights and duties.’

THE UNITED STATES OF AMERICA

The Constitution of the USA is of primary importance for this study, not only as a first of its kind in the history of written constitutions, but also because – just like the French constitution – it introduces into constitutional law the idea of the nation as a first and foremost political community; that is why I have decided to include the US case, even though obviously it is not, strictly speaking, a European country (albeit without doubt it does belong to the ‘Western’ political tradition). The American constitution begins with the below preamble:

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and

our Posterity, do ordain and establish this Constitution for the United States of America” (The United States Senate, 2017).

What seems especially striking here is that – unlike the other Constitutions analyzed in this text – the American supreme law does not clearly define the nation verbatim. Instead, in most cases it uses the term ‘citizen’, as in Article 1, which defines conditions of access to political offices: ‘No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States...’ Furthermore, Article 2 states: ‘No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President’ and, finally, in Article 4 we read: ‘The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States’.

In addition, the phrase ‘the people’, which signifies the nation, interestingly does not appear in the main text of the Constitution; instead, this term is frequently mentioned in various Amendments to the Constitution. In recent years, the precise meaning of ‘the people’ has warranted attention from various US courts and the Supreme court, who have been compelled to rule on who was and who was not included within the group referred to as ‘the people of the United States’. Below, I am presenting two examples of this issue from the practice of the criminal justice system.

The articles of the Constitution quoted earlier implicitly point to the idea that ‘the people of the United States’ is comprised of all citizens of the United States, i.e., every person who has been granted the citizenship in accordance with applicable law. Moreover, as we have seen, for example, in Articles 1, 2 and 4, the Constitution creates an intrinsic link between the citizenship and the right to exercise political rights. Citizenship can be obtained by anyone who fulfills certain formal and legal criteria, regardless of their ethnic or cultural background. Therefore, it comes as no surprise that the legislator refuses to precisely define the more detailed criteria for who ‘the people’ are. Instead, we have an indirect reference to citizenship, as well as the goals towards which the Constitution is created. It is worth noting, that these goals are primarily political (establish Justice, insure domestic Tranquility, provide for the common defense) and social (promote the general Welfare, and secure the Blessings of Liberty) in nature. It seems that the question of what exactly the term ‘the people’ refers to had not created major legal controversies in the more recent past (*Harvard Law Review*, 2013). However, since 1989, both federal and Supreme courts have taken to providing the definition for this phrase on at least two occasions. In the *United*

States v. Verdugo-Urquidez, the Supreme Court of the United States ruled that 'the people' refers to 'persons who are part of the national community' or those who have 'substantial connections' with the country. Tellingly, this ruling remains silent on the idea of citizenship.

Conversely, in the 1998 case *District of Columbia v. Heller*, the Court, while acknowledging the 1990 *Verdugo-Urquidez* ruling, nevertheless pointed out that 'the people' refers to 'all members of the political community' (emphasis mine), firmly placing the focus of belonging to the nation on citizenship.

American authorities had suspected one Rene Verdugo-Urquidez of leading an international cross-border drug smuggling cartel and being involved in the murder of a DEA agent. Even though they had failed to obtain a search warrant, the DEA agents – and their Mexican counterparts – searched the suspect's apartment in Mexico where they also seized some documents belonging to the suspect. The defendant objected to this on the grounds of the Fourth Amendment, which guarantees that 'the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated'. The Court overruled this, pointing out that the Amendment does not apply to a foreign citizen and/or to the search and seizure conducted outside of the United States. Additionally, the Court referred to the criteria of belonging to 'the national community' and having 'substantial connections' with the country, which the defendant was found to be lacking (*Harvard Law Review*, 2013). Thus, the Court excluded the defendant from 'the people' of the United States. One of the judges disagreed with the ruling, claiming that 'the people' should not be understood in a restrictive manner, as it is used in the Fourth Amendment not to exclude anyone, but simply to underscore the importance of the Amendment's subject matter (*Harvard Law Review*, 2013).

In the *Heller* case, 'the people' was unambiguously defined exactly as the Constitution understands this term: as a political nation of citizens. This perspective was not without its problems, however; this approach could mean that only persons enjoying full political rights (including the right to vote) could be said to belong to 'the people'. This interpretation meant that undocumented migrants would find themselves in a no man's land when it came to applying any amendments to their respective cases. In one such case, *Portillo v. Munoz*, which was related to the right to the possession of arms, the Court concluded that the term 'the people' does not apply to undocumented migrants. The defendant then objected to this ruling on the basis of the *Verdugo-Urquidez* precedent, stating that he had 'substantial connections' with the USA as he had been working in the country for eighteen months.

In doing so, the defendant protested his exclusion from the membership of the American ‘people’ and effectively used a precedent to substantiate his claim (*Harvard Law Review*, 2013).

THE UNFINISHED PROJECT – THE ‘RUSSIAN’ NATION

In previous sections, we have looked at countries in which the model of citizenship (and nationhood) had all the time required for it to develop and establish itself. There are countries, however, where it is by no means certain which concept of ‘the nation’ – ethnic, civic, or some combination of the two – will appear and prevail. Russia could be a prime example and a case in point. It is appreciated that, due to its multi-ethnic composition, relatively recent formation and the baggage of the Soviet past, Russia is not a typical case of national identity formation and that, for these and other reasons, it merits a separate article or monograph; nevertheless, I would like – if only briefly – to mention several issues with the Russian meaning of ‘the nation’ which, in my view, require further and more extensive research.

The Russian constitution does not use the term ‘Russian nation.’ Instead, the term *mnogonatsionalnyi narod* (literally: ‘multinational nation/people’, less literally: ‘multiethnic nation’) is applied. In a multicultural country such as this, cohesion of the state requires that a plethora of ethnic identities are somehow either supplanted by or accompanied by an all-encompassing state identity. It is in this context that scholars Olga Malinova, Philipp Casula and others (Malinova & Casula, 2010; Hosking, 2003, p. 28) explore a crucial distinction between *russkiy* and *rossiyskiy*, both of which are usually – and, as we will see, confusingly – rendered in English as ‘Russian.’ As an example, de Lazari (2009, pp. 146–147) has observed that a Muslim inhabitant of Moscow, born of a Chechen father and a Ukrainian mother, most likely would not be *russkiy*, because he/she would not have been raised in an ethnic ‘Russian’ cultural heritage. Instead, what they could be, is *rossiyskiy* – while having a distinct ethnic/cultural heritage, a *Rossiyanin/Rossiyskiy* (not *Russkiy*!) would be a **citizen** of the Russian Federation (emphasis mine). De Lazari (2009) has proposed that, while Russia might be inhabited by ethnic the *Russkiye* (i.e., people brought up in Russian culture), as well as a multitude of people from many different cultures (Kazakhs, Ukrainians, Chechens, etc.), Russia needs to foster another, state-driven identity that would be not *russkaya* but *rossiyskaya*. Such ‘Russian’ (*rossiyskaya*, not *russkaya*) identity would be, of course,

aimed at strengthening the legitimacy and presence of the Russian state in the everyday lives of Russian citizens, but, according to de Lazari (2016, pp. 185–186), it would not be – at least for the time being – a civic identity in the Western sense. In Russia, concludes de Lazari, a civic identity proper, understood as an identity focused on the institutions of civic society, independent from the state, is confined to the still small circle of Russian ‘Westerners’ (‘occidentalists’) – writers, scholars and journalists who reject the notion that Russian identity, however defined, is inherently anti-Western and/or anti-European, and who claim that in Russian society there exist several competing strategies of national identity creation (Tisz-kow, 2017; Piwowarow, 2017).

CONCLUSION

This article attempted to present a perspective on selected aspects of the historical development of the concept of ‘nation’ with reference to the contemporary democratic state, while at the same time showing how two different theoretical concepts of national community can be visibly present in the texts of contemporary constitutions. In Germany, the evolution from the ethnic to the political concept of the nation was caused by the need to disown the tragic and criminal legacy of Nazism and the Holocaust. In the USA and other multi-ethnic nations, the constitution of ‘the people’ as a political community ensured that people of many cultures, religions and ethnic backgrounds living in the same state could become a nation despite all the differences. The examples of France, Germany and the USA could provide a viable model for the transformation of an ethnic nation into ‘the people’ as the community based on voluntary membership, citizenship and respect for the shared laws and values, regardless of the citizens’ cultural/ethnic backgrounds.

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