Must the Concept of the State be Divided?
Political and Ethical Challenges

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Resumo

Este artigo analisa a medida em que algumas discussões recentes na teoria política e social têm sido bem sucedidas em fornecer discursos que legitimam a ruptura de fronteiras nacionais/estatais (internas e externas). Isto está claramente evidente na Europa de hoje, uma Europa mista de estados grandes e pequenos. Duas das mais publicamente disseminadas discussões incluem por um lado o debate tão familiar sobre a globalização e por outro a própria teoria política, onde os temas são ou controvérsias sobre o nacionalismo e autodeterminação, ou o multiculturalismo, os direitos de grupos, a chamada política da diferença e a noção emergente da sociedade civil e associações civis.

Palavras-chave:
Política, Ética, Desafios, Estado

Summary:

This paper examines to what extent some recent discussions in political and social theory have been successful in providing discourses that legitimize the breaking up of modem (internal and external) national-state frontiers. This is more clearly evident in Europe today, a mixed Europe of large and small states. Two of the most publicly disseminated such discussions

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include on the one hand the all too familiar debates on globalization, and on the other political theory proper where the subject matters are either controversies over nationalism and self-determination, or multiculturalism, group rights the so-called politics of difference and the emergent notion of civil society and civil associations.

Keywords:
Politics, Ethics, Challenge, State

I

The sort of division that the title refers to has to do with the splitting of the unitary concept of the national, politically sovereign, territorially circumscribed and juridically autonomous state into two coexisting but mutually antithetical senses: ethical and political. This process is a particularly complicated one as far as small states are concerned. What this amounts to is the *rejection* of the erstwhile dominant and exclusively political thesis that the borders of a state are not themselves efficient causes of injustice (or justice, for that matter, for this thesis must be phrased as a symmetry claim): *i.e.* that they are causally irrelevant. It has somehow appeared that the preeminence of the political silences any ethical claims. Yet, disquietude about state borders results in disquietude about the borders of the concept of the state itself.

Such a rejection (qualified or not) or at least a re-consideration of the supposed naturalness of this thesis above (that state borders are not themselves relevant to discussions of justice) comes from a variety of sources: the stark reality of world economic conditions, academic theory, bureaucratic politics, as well as various societal movements.

This paper examines to what extent some recent discussions in political and social theory have been successful in providing discourses that legitimise the breaking up of modern (internal and external) national-state frontiers. This is more clearly evident in Europe today, a mixed Europe of large and small states. Two of the most publicly disseminated such discussions include on the one hand the all too familiar debates on globalization, and on the other political theory proper where the subject matters are either controversies over nationalism and self-determination, or multiculturalism, group rights the so-called politics of difference and the emergent notion of civil society and civil associations. It is evident that all these topics directly involve the notion of the state and its legitimacy as traditionally encapsulating the 'naturalness' of territorial-cum-juridical borders. Since it is obviously impossible to actually discuss these points here, I must emphasize that, as it will become clear presently, my discussion is about the required presuppositions for such discussions to be of any value.

Demands for a certain kind of unification (economic, political, cultural) across Europe are increasingly being the subject matter of social-scientific discourses, and inevitably of bureaucratic attention (*e.g.* immigration policies, environmental protocol agreements) as well as the focus of political vision and battleground (primarily articulated by the emergence of the 'new' social movements). These three diverse activities or modes of conceiving the transcending of state borders–theoretical discourse, bureaucratic and government policy, and public debate and protest–are predictably not always in harmony with each other.

It is one of the claims of this paper that social and political theory (the first of these three discourses) must deal with, and accommodate, this divergence of visions, voices and practices. In particular, in order to do so in a viable manner, social and political theory must look closely to how these different modes handle the problem of nationalism as it relates to the wider questions of democracy and justice. This paper cannot, of course, go into an examination of all theories of nationalism and ethnic identity, nor of democracy and justice. But it looks at some relevant issues from a particular standpoint that throws into relief the

problem of state frontiers in its entirety: that is, the controversy between the universality of the modem demand for justice across borders and its antithesis, *i.e.* the political demand for the primacy of sovereignty and self-determination. This is therefore the backbone of this paper: *the uneasy relationship between the demands of global justice or universalistic morality that does not stop at national borders, on the one hand, and the particularistic politics of democratic decision-making, citizenship participation, and protection of minority rights on the other, that is, practices necessarily circumscribed within the confines of the national state or the territorially circumscribed juridical sovereign state whose borders are barriers of rights and obligations.*

So what the approach I am proposing as the more fruitful for dealing with the matter at hand involves a route that appears to be indirect: in order to discuss how social and political theory can accommodate the divergent voices of public policy makers and social movements, etc; we must look at nationalism and its attendant issues; in turn, we cannot look into the latter unless we analyse the concept of state as tom between the demands of ethical universalism and political particularism. That is, the concept of the state appears to be losing its own borders.

That sovereign states are commonly thought to be under two mutually incompatible demands or duties is exacted by their new *double role[1]*. This role (increasingly complicated in the case of small states) asks us to view states, and by extension their borders, not simply as political entities circumscribed in political-juridical terms solely (first role), but also as bearers of ethical or cultural claims (second role): for instance one way in which we may detect the latter 'moralizing' or 'culturalizing' role is in demands that states are cultural entities themselves (to be protected) or in (anti-'realist') demands for states to assume an ethical role in international affairs (*e.g.* by means of practising humanitarian intervention or assuming responsibility for the setting up of international human rights

tribunals–all these being examples where the state, as opposed to the individual person, is ascribed moral responsibility and duties; usually this trend involves, not surprisingly, the similar issue of minority (cultural and ethnic) group-rights, such groups being one just case of the overall trend for ascribing rights and duties to collective entities in opposition to the traditional liberal thesis in favour of the individual being the sole bearer of such rights.

This phenomenon has *emaciated* the concept of the political as traditionally embodied in the state and has thus transformed the state by enmeshing it with the civic polity. There are at least two main ways this is taking place: either the notion and practice of the political, itself, is being asked to be shared by agencies and institutions other that the traditional centralized juridical state (*e.g.* proposals in favour of dispersed sovereignty within each state), or alternatively the state itself acquires a double role, as just explained. Therefore, it is the upshot of this paper that *the question of ethnic and other identities forcing the breakdown of state frontiers must be seen as presupposing the prior question of the frontiers of the very concept of the state itself.*

The three platforms or discourses mentioned above – social and political theory, bureaucratic and governmental policy, and new social movements–are engaged, in different ways, in addressing this very question: that is, what the concept of the modem state must circumscribe. Each of these three approaches, given its own specific nature, is of course doing this reworking of the concept of the state in various degrees of conscious intention. Nevertheless, whichever way each of these platforms looks at it (past the initial starting point, *i.e.* the issue of the day, providing merely the occasion for a re-kindling of the wider questions of nationalism and the boundaries of the political state), the way the questions are posed and the manner in which plausible modes of discussion and controversy are evaluated by each side involved, are all inexorably linked with the more foundational question of the relationship between ethics and politics.

Diverse proposals of how to handle the opposite pulls of each side of this relationship (*i.e.* cosmopolitanism or universalism vs. particularism), however, different or one-sided each position accuses the other to be in arbitrarily privileging one of them (*i.e.* the universality of ethics over political particularism and *vice versa*), they are both bound to end up by throwing into relief this double sense (or the two roles) of the concept of the state. Thus dividing (or internally multiplying, rather) the character of the political state between the universalistic demands of ethics (*e.g.* global economic reallocation of resources across national borders, etc.) on the one hand, and those of particularistic politics on the other (*e.g.* as widely different as nationalism, national self-determination, multicuIturalism, or the politics of difference, all of which privilege difference, singularity and identity as politically justifying borders), ends up by asking too much of this 'mongrel' or hybrid new state. Not that national states of the classical Westphalian type were ever really and consistently true to form and avant la letter-nor was, of course, the core concept in this picture, *i.e.* that of state sovereignty ever what it was to be in international relations, far from it[2].

But there reigned at least what it may be called a 'hegemonic misconception' or a kind of international 'mauvaix fois' (by no means an illusion, though, since what was believed to be so, was, in the nature of things, really so by being perceptually constructed). What was this dominant misconception about? It was mainly an expression of the self-assured belief that state politics and ethics were distinct in bureaucratic and policy makers' circles. If that has been exposed as a realistic naiveté or as something no longer applicable to modern conditions or as an downright wrong argument in general,[3] such a castigation does, nevertheless, little in the way of replacing the debunked paradigm by a plausible (in this case, anti-realist) alternative if it neglects to tackle the problem of the relationship between ethics an politics[4].

That is replacing one paradigm by another does not solve problems. But the issue of what it has here been called the state's new 'double role' requires the realization that this double role is new. It is so, I would contend, because unlike the past when the legitimate source of policy-making was left uncontested by inner (*i.e.* intra-state) movements (esp. as far as designing foreign policy was concerned)–this is no longer the case. Now, in contemporary post-industrial conditions, the autonomy of statesmanship and policy-making is contested not only by economic globalization, but also by political and social theory within the academia but also elsewhere, as well as by particularist values put forward by nationalism, new social movements, the politics of difference and recognition, multiculturalist claims for special group rights, and disintegrating tendencies in policy-making pursued by growing tendencies towards civil associations. I shall place emphasis on the latter as major factors in such a change of scenery, *i.e.* I shall take social theory and the particularist claims just listed as two principal new corners, and treat the other factor, economic globalization, at least for my purposes here, only as an empirical backdrop or a standing condition.

If the emergence and growing public voice of new social movements and alternative politics are being increasingly visible, it might be asked how could social theory or political philosophy be of any comparable value here. Political and social theory may be seen as entering the stage by being seeped into both political elites' legitimation discourses, no less than in the area of social movements themselves or group activism and the like where one would naturally expect such seeping through processes to be more clearly accommodated[5]. I cannot say more about the strategic importance of political and social theorizing for either governmental policy or social and other group activism here. I only wish to point out that we must not neglect it. We must study its pivotal influence (even Morgenthau, traditionally but misleadingly classified as the arch-realist, has also pointed this out). One area for studying this is nationalism and the related

issue of citizenship in the Europe of ED and in a world of functional interdependencies. By doing this we come back full circle to the background question of demarcating the relationship between ethics and politics again. To see this we may first look into the ever-growing realization that political philosophy, explicitly linked to ethics, has occupied centre stage in academic discourses while, at the same time, capturing a much wider audience. I shall briefly come back to this at the beginning of the next section and then move on in the rest of that section and more fully in the subsequent sections, by way of illustrating all this, to the more localized and specific issue of how to accommodate the demands of justice (taken as the marker of ethical universalism) to those of democracy as a mechanism for decision-making (taken as the marker of political particularism: *vide, e.g.*, the revealing notion of 'popular sovereignty' unreservedly particularistic) where questions of nationalism, national self-determination, multiculturalism, and the politics of difference are an important ingredient.

The first area in which I develop this has to with the question of whether the erosion of state borders by means of global interconnectedness (from the outside, as it were) should spell disaster for the prospects of an enhanced sense of active citizenship or not (let us call this the external viewpoint). The second area would be a cluster of issues from within the internal perspective of a single nation state: *e.g.* whether the erosion of internal borders of monolithic sovereignty centred on government is underway by means of the emergence of nationalism or group rights, or alternatively, by the political demands of civil associations to have a saying in what matters to their domain (internal viewpoint). The discussion shall not be proposing solutions it will only touch on these issues from the standpoint of the background question of the new double role expected of states. Moreover, the two sets of issues or areas are by no means disconnected regions in which issues of justice and democracy (first set) or of nationality and citizenship

(second set) are being separately contested. On the contrary, they are interconnected. This can be seen once the analysis of each is actually developed. Nevertheless, as a foretaste, one can easily discern this interconnectedness between the external and the internal viewpoints–the external and internal attacks on the boundaries of the autonomous traditional state-by reflecting on just one issue: *e.g.* the question of evaluating what is called deliberative or republican democracy (so much in vogue nowadays) in relations to attacks centring on principles of liberal neutrality and pluralism, or on the ideas of the politics of recognition and individuality. Taking a stand with respect to this type of republican democratic politics and citizenship hinges foremost on the question whether the primary essence of such deliberative processes of democracy is to be particularistic in scope and content (*e.g.* local issues are best discussed at local level etc.) –thus not surpassing national borders, hence not amenable to cosmopolitan universalism even of an instrumental kind. (In this way it also clashes with globalized or 'E. Unionised' processes of centralized decision-making) At the same time this of course puts in question the value of hoping for a new type of citizen emerging, the so-called global or 'pilgrim' citizen (in R. Falk's phrase).[6]

II

Before discussing some of the issues, which arise both in terms of the internal, and the external borders of modern states, in this section I wish to make clearer this relationship between the demands of ethics and the claims of politics. In the next sections I shall be looking at some more specific questions of how nationalism, national and cultural identity, and globalization and citizenship are all linked with the double erosion of the territorially autonomous state and the downfall of the supposed solidity of its borders.

In recent decades philosophical discussions of ethics and developments in political and social theory not only have they begun to converge but they more

often than not stress the importance of questions in which both ethics and politics are involved. Similarly, in non-academic public discourse and the politics of protest as well as in public policy areas there is a growing awareness of the link of moral questions with political issues, at least more so compared to the days in which 'realism' in international politics, or balance of power politics and the like did not allow any serious place to moral concerns in politics. However, I am not sure that this growing concern for an explicit interrelationship between moral concerns and theories of ethics on the one hand, and political issues and theories of justice or democracy or globalization on the other, have attended explicitly and directly to what seems to me to be a more basic issue, underlying the more specific or surface issues of politics and ethics: that is the *prior* and *general* question of the relationship between ethics and politics as such, rather than between specific questions or theoretical problems between them. Quite often there is a lot of discussion about the relation between ethical demands and aspirations conflicting with political realities or pressing political issues–as is the case, most prominently, when the claims of ethical universalism and ethical particularism are debated against political problems such as self-determination, nationalism, non-interventionism and sovereignty, or the advantages of democratic institutions. All these issues put to question the idea of state borders as supposedly beyond dispute, as a legitimate closure.

What we are usually presented with in these cases are *bona fide* moral conflicts or tragic dilemmas of incompossible duties, unrankable values and the like, or in other words a clash between what ethics enjoins and what politics requires (*e.g.* conflicts between the moral character of demands for national self-determination or the protection of minority rights as a universal consideration on the one hand, and the politics of particularized, state-bound, citizenship on the other; or environmental concerns of impartial morality whose scope is the whole of humanity classing with claims to special treatment and

exemption in favour of economically disadvantaged populations). But even when they reach deep down into the depths of theory or into the foundations of both disciplines, all these discussions are, nevertheless, conducted at a level where the prior question is not really touched on, or not at least indirectly and as a corollary.

What I mean by this prior question can best be explained by means of the idea of moral conflict already introduced: in cases of such systematic and persistent conflicts it seems that the resources of ethical theories are unable to furnish us with generally acceptable and irreversible or final decision-mechanisms as to their resolution; meanwhile, it appears to be the case that political theory may offer, under suitable conditions, the grounds for resolving conflicts. At other times, however, it appears that ethics sets both the agenda and the ultimate ends to be valued so that political theory must accommodate itself, or be judged in accordance to them: in this case ethics appears prior to politics. Therefore, in the inevitable enmeshment of ethics with politics the prior question that must be asked or perhaps the end question towards which we must be working (*via* more specific topics) is this issue of priority or primacy of each discourse.

In this sense, this paper has two aims in view or *two questions* to answer. Although, of course, this is still a research in progress, and I can by no means claim to answer these two questions in all their details, the discussion is geared towards two questions.

(I) One question, which we may call the 'grand or all-inclusive question' at the background, is the relation of priority or primacy between politics and ethics.

(II) The other question (or rather cluster of related issues) is the more specific one explicitly discussed here and concerns various problems (a) encountered when trying to accommodate together the demands or ideals of justice and democracy in a world in which national borders become increasingly permeable for all sorts of reasons, and (b) issues relating to

nationalism. Though this may not be an accurate classification, we may say that the former type of issues (a) refer to questions about what is happening to the external borders of states in world economic and political conditions, whereas the second set of issues (b) are more tuned to the internal dimension, that is whether the state is being eroded from the inside. Let me put these two questions, the general and the specific, in the context of this paper.

(I) The 'grand' question (of the relation of ethics and politics) becomes more particularized by contextualizing it to the set of issues (a) more specifically (I shall be doing the same with type (b) issues later). The 'grand question' in our context becomes: Is (political) Democracy merely a means serving the ends set by (ethical) Justice? In this case, the question is whether politics must be seen as serving (or ought to serve) ethics, respectively. And further, keeping in mind the three platforms or discourses of this paper (social theory, policy making, protest movements) the question just posed asks in effect the relationship of ethics and politics be seen as central to these three discourses (whether some or most of its participants are not willing to admit). Two particularized ways of dealing with our 'grand' question are: (i) is democracy a good, bad, indifferent, efficient or not, political mechanism for meeting the ethical demands of justice worldwide (external borders) as well as with demand of justice internally with respect, say, to the rights of minority cultures or recognition politics? The other specific way of dealing with our general question is: (ii) which conception of democracy or primary type of democratic institution best suits this purpose of impartial morality advocated by justice across national borders? (Notice that the latter question phrased in this way may be seen as loading the dice in favour of certain substantive principles of justice as opposed to others).

(II) This second, particular, question becomes in our context this: in the case of permeable national borders or conflicting internal (*i.e.* within a nation state) identity borders, how could adherence to democratic principles help us solve conflicts arising from, or leading to, phenomena such as demands for self-determination or immigration? Or which specific type of democratic institutions should be preferred (against others) in dealing with issues such as these or other similar and related ones?

It should be noted that especially in dealing with the subissue of internal identity borders, there may appear two ways in which the erstwhile sovereignty uniquely enjoyed by states may be eroded: either nationally-homogeneous but politically active and contestatory civic associations may be positing limits to state action; or alternatively, nationally-heterogeneous associations, differing ethnic and cultural groups or simply formally unorganized sets of sentiments (such as diverse cultural or linguistic identities) acting as a focal point for relevant communities to be formed around them may also be positing barriers to the exclusivity of state sovereignty.

In all these cases, a number of claims originating as ethical claims of justice dictate a fresh re-thinking of the scope, type and power of democratic institutions, *i.e.* ethics lays down the agenda for political theory. Given, that is, the permeability of national borders and globalising economies, our concern to meet ethical claims to justice must necessarily justify restricting state functions, thus curbing its traditional political and juridical character (both internally and externally). In other words, ethics directs the stage of inevitable conceptual transformations that we must accept in our times: politics is losing one of its traditional *loci* and must thus redelineate one for itself but in doing so one of the items in the agenda that need reconsidering is the idea of democracy (I am not of course claiming that rethinking democracy is something new or something that is brought about in the way 1 have just described; 1 am only indicating yet another way why democracy must be reconsidered, as a byproduct of the prior, more basic, reconsideration of how ethics does (and must?) affect theories of politics. This is of utmost practical importance as far as the two of the platforms being

used in this paper are concerned (*i.e.* government and bureaucratic policy making and social movements), for unless they realize the importance of at least being able to appreciate the question of the relation of ethics and politics or the primacy of the one over the other, their debates, decision-making as well as their general ideological approach to everyday issues would be fuzzy and inconsistent. This would rather exacerbate the problems of incoherence worldwide and tensions, *e.g.* of local ethnic type, would accelerate becoming well-embedded agents of larger proportion constantly endangering world peace, without thereby solving the question of the legitimacy of state borders and the absolute claims of juridical sovereignty.

Before going into the more specific discussion 1 should somewhat anticipate later conclusions by indicating here an interesting reversal of roles. Demands of social and economic justice may be initially taken as ethically universalistic in origin (*i.e.* all human beings are entitled to them, irrespective of national citizenship); while, by contrast, democracy can be initially seen to be a purely political and thus a particularistic process of institutionalized and regulated decision-making (particularistic, that is, in at least the sense that such a rule-guided process is traditionally nation-bound in the source of its legitimacy, locally efficient in its scope, restricted in its ability to control certain outcomes rather than others, and so on). In this sense, we have, prima facie, one species of opposition between ethics and politics. The moral claim of: say, global egalitarianism that the value of justice may posit, clashes with ideals of citizenship, national independence, territorial autonomy, and the like that democracy must inevitably honour. In a word, the ethics of justice conflicts with democratic politics.

Yet there has always been a tension to *invert the roles* of these two values, justice and democracy, by making, on the one hand democracy extended in intension so that its primary features as a regulated process of decision-making become universalistic values desirable as applicable to all humanity; and on the other hand, claims of social and economic justice can be detached from their universalistic enveloping and be recast as particularist demands justified or satisfied only in circumscribed, political, contexts. What is more, in this latter case demands of social and economic justice may even be pushed down one more level from being locatable at the level of the state or interstate politics to the level of contestatory politics carried out by microassociations of various sorts, or alternatively, as ethical claims, still, but now firmly placed within the camp of ethical particularism. *In all these senses, democracy starts as an institutionalized means and ends as an ethical desideratum to be universalised across boundaries, whereas justice starts as an ethical universal and is transformed to a variously particularised and fragmented series of purposes best served by principles such as representation, accountability, majority-rule, etc.* This can be best seen, 1 suggest, when justice and democracy are discussed from the perspective of national borders since traditionally the latter are the means whereby particularism is legitimized by empowering the political over above the ethical.

III

One of the issues associated with universalistic ethics or the demand for the establishment of a cosmopolitan order is that traditional political sovereignty centred on nation states and carried out through their governments is put in jeopardy. We do not have to elaborate either the theoretical explanation of this or how the phenomenon of globalising interconnectedness practically assists in this. In view of other actors usurping traditional roles from states (such as transnational organizations, multinational corporations, capital movement itself, and the like) it is sometimes held (perhaps in despair) that some roles still left for states to play despite the loss of full autonomy may be educating the public to accept internationalism or something to that effect. Though

I do not think that this is ever possible, I would like to look at a tangential issue: that is, the belief that globalization may enhance democracy or democratic sensitivities, or citizenship, etc. The puzzle, more fully, is whether given the trimming of the powers of nation states within which citizenship is exercized (at least in its traditional form) and given that there is a diminishing open space left to national policies to be worthy of their name, does there remain a considerable (and if so sufficient?) room for national policy-making-despite even the facts of heightened globalizing economic tendencies and realities? If so, the second question following from this is whether this is a welcome state of affairs as far as democratic values are concerned or, in other words, could we expect citizenship and the virtues of democracy stemming from its exercise to be thwarted or enhanced?[7]

To avoid generalities, I shall make some critical points on this by looking specifically at a number of ideas W. Kymlicka has put forward against the more optimistic views of D. Held's.[8] In general I agree with Kymlicka but I wish to go beyond his theses by adding some further problems that his arguments must take into account-thus incorporating the prospects of democracy into the overall assessment. In the full version of my paper I shall be making a detailed case, so here I shall simply put down the main points. (1) The first disagreement is whether national policy has still some scope to operate and hence whether domestic citizenship can be expected to be enhanced or not. The affirmative position on this rests on two distinct grounds, one empirical, the other normative (though not distinguished as such). The former, descriptive, question needs to be tested (I cannot do this now). The second, the normative embracing and approval of differences in how citizens respond in nationally distinctive ways to globalised economic forces (trespassing their national borders) or how citizens "cherish this ability to deliberate and act as a national collectivity", etc., is a different matter altogether. On the one hand, the fact that national

priorities are attached priority to, etc. does not necessarily entail a heightened democratic sensitivity, participation, or a sense of identity that unavoidably flourishes by democratic mechanisms. Anti-democratic, authoritarian impulses based on alternative sources of identity (e.g. nationalism) may be fostered and crystallised to an extent that democratic participation is stifled or regarded as in the end irrelevant or pernicious. A national issue uniting a collectivity does not exclude the possibility of its being transformed into a nationalist issue. Here globalisation does not necessarily threaten, but neither does is guarantee that democratic means prevail. On the other hand, if we switch from democracy to justice, nothing in all this is in any way an assurance that issues of worldwide social justice are promoted or solutions proposed and implemented (even if democracy is granted). While in the previous case of democracy globalizing effects may be ambivalent, here they seem to win over the issue of social justice across borders.

A second affirmative, optimistic, argument in favour of the possibility of globalization enriching national political life and offering ways for nation states to affirm themselves points to the fact that globalization allows new interest groups to fill the gaps of political decision-making left open by the trimming of traditional governmental power. Again it is doubtful that unless certain conditions are present such new intrusions into the political will result in a deepening sense of the value of democracy or democratic participation in particular. All these welcomed developments show that globalization may revitalise national identity forging solidarity and providing commonality of interests, etc., but it is not necessarily evidence that democracy is thereby served either in the sense of a freedom enhancing process or in the sense of majority-rule being rescued from the danger of being high - jacked by the tyranny of a consolidated majority' or with being associated with anything but the promotion of worldwide social justice.

(2) A second bone of contention concerns the prospects of cosmopolitan or transnational citizenship. Assuming we all agree that principles of democracy and respect for human rights cut across borders and must thus guide relations between states, the further step of demanding that the unambiguous presence of these are indispensable criteria for granting recognition or taking up economic relations with a state leads us towards the beginnings of an argument that takes us from the realm of democracy (rights, freedom, etc.) to social justice across borders. But here I am sceptical about the grounds of seeing nation states (stable and homogeneous or otherwise) playing such a role (against well-entrenched reasons of state, security, and the like)–nor can we readily see, *e.g.*, secessionist demands and separatist aspirations to sit comfortably together with attempts to enhance feelings of 'community of interests or fate' with all the people of the world sufficient to call it a sense of 'cosmopolitan citizenship' .

But another negative or sceptical argument rests on the implausibility or severely conditioned possibility of 'democratizing' transnational organizations or institutions (financial world markets?) other than traditional states. What can these do in these respect? Besides arguments to the effect that linguistically or culturally heterogeneous communities by definition lack required commonalities for an effective world-citizens' institutionalized deliberation process, the idea that individual national citizens can enter and affect such a worldwide deliberation process indirectly via their national fora (thus safeguarding the accountability of such transnational social entities) poses a further problem: that of ending up with social justice across borders losing over accountability. Holding my national government accountable may strengthen democracy internally and possibly at the intergovernmental level but does not unequivocally entail that I cherish or fight for cosmopolitan justice-not, that is, without certain other conditions being added on.

To the extent that we can make sense of transnational democracy or community any proposal of strengthening accountability of transnational organizations and institutions indirectly at the national level (as a *bona fide* instrument of impeccable democratic pedigree) may take a variety of forms, not all of which are enhancing democracy necessarily. Decentred loci of debate and action within states are no guarantee. Though I cannot argue further about this, I believe we may turn to a reconsideration of a Kantian-scheme of world peace whereby a dual objective is simultaneously aimed at: external federation but also at the same time internal republicanism (we do not have to follow Kant's exact meaning on this), the latter implying the moral improvement of human beings along universalist ethical demands as an indispensable condition (I explore this in another paper).

IV

I now come to discuss the second area or cluster of issues from the standpoint we called the internal viewpoint of the erosion of the autonomy of the centralized juridical state.The issues here are more complicated in the case of small homogeneous states than in big, multicultural, ones. Here we are more interested in how internal voices within a state put forward claims for autonomy, or separate group rights, and other such demands that seem to jeopardise the erstwhile unitary sense of post-Westphalian state as internally monolithic in its jurisdiction. In this area, of course, the issues of nationalism, ethnicity, and national self-determination and secession loom large. But so do questions about a new type of citizenship which for some appears to be more of the republican type while for others it requires the embracing of the liberating mechanisms and institutions associated with novel types of civil associations (beyond traditional political party-membership) as well as new social movements and the politics of difference and

recognition of individuality (that attack the homogenising and rationalistic type of citizenship the former advocates prefer). I shall again deal with only a limited number of problems with a view of throwing into relief again the background problem of demarcating the borders of ethics and politics in their mutual relationship.

One way in which the emaciated territorially located state can be seen to be the outcome of forces related to nationalism is by raising the issue of the autonomy of the individual in the special case where no sacrifices can legitimately be demanded of such an individual by his or her government for the purpose of pursuing universalist morality (*e.g.* humanitarian military intervention in another country not of any threat to one's own and with the possible risk of one's own national soldiers dying in action, unconditional 'open-borders' immigration, public funds devoted to environmental worldwide projects as opposed to local schools, etc.) if such claims jeopardize the national identity or national way of life. Let us use this principle as our starting point and call it, with others, the upper limit to cosmopolitan ideals. Now to do so means that some notion of national identity or national way of life is at play here, and whatever that may be specifically, the important point in embracing the principle is that such a notion of national identity is raised, normatively, to a place *above* the state (and consequently there is an upper limit to what kind of international treaties the state's government is allowed to sign even for admirable worldwide aims of justice). Given this, why is the idea of national identity so important as to trump such state action? Why should it not be changed? Many answers come to mind, all more or less well known by now, but I shall here follow one such classification because it reveals something of interest to our discussion[9]. This proposal acknowledges three possible candidates for the worthiness of a national identity (and at this point we may add 'cultural' or 'religious', etc., but the case is better worked out if we deal with it as concerning a

national way of life that the state must not tamper with). These three candidates are: (a) deep personal relationships to other specified persons, (b) ground projects, plans, ambitions and ideals for oneself and one's loved ones, and (c) loyalty to one's own nation state and compatriots. Supposedly these three or any combination thereof are sufficient to block any state demands that may put them in danger.

Now what is interesting is the further claim that *only* (a) provides good, defensible, strong, in a word 'real', reasons or principles for an individual citizen to be able to legitimately resist any attempt to impose cosmopolitan sacrifices on her or him (perhaps only secondarily and in a very much weaker sense are the other two considerations allowed to play the role of blocking moral sacrifices). Why so? Briefly because reasons of type (a) give people a concrete sense of themselves, as elf-image they can adopt, and a substance to carrying on living. Irrespective of whether one agrees with this proposal or not, the question is: what does this privileging of type (a) considerations over (b) and (c) show for our purposes?

(i) What this proposal shows is that according to this way of looking at the matter the stronger reasons for one to resist an alteration (to what exactly? we must be told) imposed by the demands of supra-national, impersonal, morality is the most 'individualistic' or 'individually' and 'personally' framed ones. The first point to note here is that in this way democracy trumps global justice. It does so because the individualist standpoint (the deep personal attachments) to specified others from whom one ensures a meaning in life acquires more importance than (b) and (c) types of reasons, which move towards a more *societal* dimension. The latter do not seem to be efficient legitimate blocks to what a state can demand for purposes of justice. But this is a contradiction, for in order to safeguard a value that is avowedly social (such as the 'national' way of life) we are asked to start our justification from an individualistic basis.

In addition, the deep personal-attachment thesis does not by itself preclude

at this level of generality that its proponents insist on keeping it-the possibility (and it may sometimes be demanded even as a necessity) that caring, self-image and the like that make up type (a) reasons are the result of, or embody at their core, positive and explicit attitudes towards *ethical* values of the impersonal type that are supposed to be jettisoned by the proponents of this thesis. Far from doing this, they may moreover include along with the relevant ethical values the corresponding political claims. For instance, certain types of activism and social movements–which are as a matter of fact paramount cases of precisely such a mechanism of ensuring a self-image and a type of caring for one–are not simply a matter of fighting for such personal attachments without basing them on certain human values that the activists use to boost their arguments (and in some cases, some of these, being of the liberal variety, clearly transcend the boundaries of state politics). Even so, and without regard to that, the danger of generalizing and abstracting becomes evident if we consider groups pursuing forms of politics of difference or even religious groups, the members of which may feel more close attachments (even if not exactly 'personal' in the strong sense of knowing and being able to identify those others) to unknown but not unspecified others of the same group allegiance internationally across the globe and thus sympathize with them even more deeply than with their conationals.

(ii) Now lets us turn to type (b) reasons for blocking the demands of cosmopolitan ethics in favour of enhanced state autonomy–that is, projects, plans and ideals–and let us disregard now the question whether these are inferior reasons compared to type (a) ones. Is destroying or endangering one's ground projects in life a sufficient reason not to accept policies that demand this in the name of an ethics across borders? Following the terminology of those discussing this, let us say that such ground life-projects are inexorably enmeshed into social practices (beyond the individual person, thus avoiding the charge of excessive individualism put forward above). These social practices are seen as a cluster of customs, traditions and institutions that an individual finds oneself in and strives to relate with. To get an immediate grip with the problem here one may consider the example of a society whose social practice traditionally involves the destruction of the natural environment. Another example may be the Varna system in India. Asking individuals in such a culture to mend their ways may be thought as involving the loss of any sense of self as a result of the disappearance of well-understood ground plans which the individual was ready and able to pursue. Arguments against such a loss may be of various sorts, but the principal idea is, briefly, that people may be expected to be able to adjust to new ways of life and altered social practices with new customs, traditions and institutions. For instance, people from other cultures immigrating into a differing social practice in another country do not disintegrate.

Now my point here is that the interesting thing to notice is a crucial sociological distinction that usually gets ignored at this level of abstraction: there is a vital and decisive distinction to be drawn between affluent, industrial societies and the rest. It is natural to expect that in the former type of societies people do not so easily 'short-circuit' once the traditional practices are altered and they are left with no familiar ground plans to pursue or when their projects sanctioned by the displaced customs are now thwarted (if they ever are, and so drastically). On the other hand, for those moving from their traditional tribal societies to Finland, say, or for those who are asked to drop their illiberal or environment-destroying social practices by means of outside intervention in the name of cosmopolitan morality, things are definitely not so smooth. Moreover, the problem becomes more intractable when we add the question of whether it is permissible to impose such a change even if the members of that culture do not wish to or do not comprehend the reasons for it. Here we have of course problems relating to democracy [10].

Two corollaries follow from this discussion. The first is that we cannot make a headway in these matters unless we stop discussing them in abstract terms without taking important sociological differences into account. The second is that even if we opt for strengthening the state's legitimacy in the face of an outside corrosion of its customs and traditions, the result is still that the state becomes merely instrumental in that role: customs and traditions are the dominant values, while the political (embodied in the actions of the state) is simply following suit. The values of religion, community or cultural customs are the guiding lights. By contrast, values such as majoritarian democracy, deliberation, the relative advantages of different voting systems, and more generally jurisprudential notions and values such as the legal organization of authority and enforcement in juridically circumscribed sovereignty, in a word, all sorts of concepts that are the backbone of the distinctive legitimacy of political institutions become secondary and merely instrumental.

The second major area of issues in this part that I wish to touch upon has to with citizenship in relation to demands by so-called radical multiculturalists and the advocates of group difference and the politics of recognition and the like. I am referring to demands for special status of groups in the host state and recognition of gender and other difference and individuality that goes beyond mere toleration of the minority[11]. I only have space for three comments.

First, I would like to point an interesting paradox within the theories in favour of group difference that must be preserved in their specificity eschewing integration or marginalization into privacy. All such theses are of course attacks against the idea of sovereignty and the legitimacy of borders within which majorities can impose their own values upon the incoming ethnic minority or the already existing cultural or sexual group. Not many decades after the reign of the vehement romantic-individualist denunciation and rejection of the 'mass mentality' and the like, there appears now an urge to affirm and vaunt one's liberalism by means of espousing the causes of 'difference' only as a matter of *group* identity, and encouraging emancipatory movements for the explicit articulation and recognition as social groups (not just individuals). Yet these same advocates of the primacy of group identity that must be acknowledged politically in new forms of citizenship that transform the old type of state policies are the first to 'celebrate' the *fragmentation* of modem civil society. They are also the first to thereby attack all ideological schemas such as *e.g.* nationalism which try falsely and hypocritically, according to these advocates, to foster a sense of commonality solidarity, oneness, permanence and the like. That is, whatever the advocates of radical multiculturalism disapprove of in their opponents are precisely the items in their agenda that they most cherish: the solidarity and permanence of *grouping*. After all, in their view, the very purpose of politics is to affirm group difference. They might reply that their principles of 'grouping' are different, not modelled on their opponents' hierarchical, authoritarian or homogenizing type; rather their principles leave group-members free, autonomous and constantly re-negotiating their relevant identity. But hardly any serious-minded nationalist (including recent conservative variations thereof) would deny that for themselves and their type of group (*i.e.* the nation), nor anyone else who sees some value or other in nationality. As a matter of fact no one would seriously claim any more that nationalities are fixed and permanent or 'primordial' (except political entrepreneurs of the recent kind, who are themselves unwilling to believe that alone with their own self).

My second comment has to do with those on the other side of the fence who claim that a shared sense of (of course constantly constructed) national identity within borders or some kind of nationality for states is an indispensable factor of cohesiveness in modern multiethnic states, a factor that mediates between extremes of difference and identity on the one hand, and national absorption of minorities by majorities.[12]

It is sometimes claimed that radical multiculturalism "makes unrealistic demands upon members of the majority group" when a shared (national) identity within state borders is denied, rejected and anathematized. (The same can be coined in terms of the politics of difference.) It is thus asked rhetorically whether any reason can be given other than common membership in a national state for a majority host nationality of a state to provide rights and benefits to immigrants when their own states from where they come do not provide them with any such benefits. Why shouldn't the majority help others outside its borders in the interests of global justice that is supposed to disregard national state frontiers? Well, that question shows that the force of the *principles* of equal treatment, of aiding in stopping social injustices, humanitarian assistance and the like, cannot depend *logically,* for their validity on a shared national identity which the assisting well-meaning majority must somehow establish and have in common with the immigrant minority groups. It may a *practical* prerequisite that smoothes out any recalcitrant voices ('why should we help them?') and a realistic injunction in terms of pragmatic politics and compromise, but its ethical force as well as its political validity as a value of liberal democracy do not depend on the existence of such a shared national identity.

My final brief comment on the subject concerns the charge that recent models of deliberative democracy and active republican citizenship silences difference and recognition of individuality by being oppressive. It is oppressive because it sanctions principles of impartiality and rational argumentation that are indispensable for reaching a common decision and the shaping of common ends, thus imposing ideals of commonality disregarding what the advocates of difference regard as all importance: precisely this, *i.e*. difference. Thus it is an oppressive and unfair type of citizenship that should not be promoted by democracies. Cultural, gender, age and other borders must be retained and sanctioned by state policies. This issue is further connected to how representatives

should be chosen. Advocates of radical group politics would prefer, unsurprisingly, their representatives to be exclusively concerned with advancing each group's own interests and claims. They must have one voice, one vocabulary. Now in answer to this it is usually said that citizenship, and in particular the republican one, is the ideal vehicle for speaking many voices at once, for enunciating a multiple vocabulary by acknowledging and weighing all sides to a debate. My point in reply is that strictly speaking, representatives of groups are not both things at the same time, as, somehow naively, proponents of republican citizenship expect them to be, sliding smoothly between identity borders. These representatives are not, I believe, completely fixed at a time, as both one and the other simultaneously, both group-specific representatives and citizens of the wider national community: rather, in acting as representatives using their culture-specific discourse they are constantly redefining their other capacity, that is to act as citizens informed by wider concerns. By doing so they are also redefining the language of citizenship itself (and vice versa). It is rather a model of flux that better captures this, rather than a consolidated one. It is because such dual discourses are in flux that they are so demanding, frustrating and time-consuming, and so unpredictable to know how discussions will turn out.

Such a model of flux, suitably elaborated, may serve, further, towards an understanding of the problems associated with the specific type of EU citizenship and EU governance. What is puzzling and confusing about current developments in EU-both at the level of political union and the emergence of a 'supranational' community as well as at the level of 'multiple belonging' whereby an individual is a triple entity: a particular national, a state's citizen and a EU citizen, all at once-is I believe due to the fact that the European experiment is a hybrid institutional arrangement. It reproduces features of the nation-state as an ultimate, centralized, juridical authority based on a sort of social contract signed by individuals,

yet each state was never strictly speaking in a Hobbesian state of nature vis-à-vis the others. At the same time, nationality and citizenship get coupled at one level, and decoupled at another. Nationality is regarded as valuable, and yet not as ultimate in certain respects. But these respects get increasingly multiplied resulting in a loss of any real meaning to the notion of being an 'EU citizen' if you cannot do anything concrete about it. Their being multiplied makes these concerns that trump separateness and nationality liable to engender value-conflicts between different nationalities, in which case the supranational community in Brussels and the rest of its institutions must eventually come to consolidate into a suprastate (thus replicating the old model that was supposed to be replaced).

Though I can not claim offering a full picture (only the direction of some of the problems), I believe that the trio responsible for the drama of modern separate nation states–(i) fragmentary, eroded sovereignty with porous borders, (ii) multiple cultural identities and fractured senses of individuals, and (ill) a not yet worked out and consolidated type of real citizenship- are reappearing on the Union stage of Europe[13].

V

Conclusion: A Typology

I shall now present a typology of conflicting perspectives from which the different strands of our topic interconnect demanding different approaches. For reasons of space, I can only offer the bare outline.

First, the issue of the permeability of national borders (as well as borders within heterogeneous states) in contemporary conditions of multiculturalism and globalization involves the following items crossing hitherto sovereign frontiers technology (and the attendant problems with environmental protection), economic resources and power together with capital, investment and financial policies, the activities of multinational corporations, cultural influences,

linguistic hegemonies, ethnic multipositioning, moving workplace and workforce, crime, etc.

Second, social and economic justice involves at least, political equality (or equality of basic rights), freedom, income-, resources- and capital- egalitarian redistribution. Democracy, itself a highly contestable notion, may involve what has come to be known as a minimal conception whereby it denotes the resolution of contests, or it may involve majority rule, electoral processes, the general will. All these ingredients, jointly and severally make for a highly unlikely internal coherence, of course especially if we throw in issues such as desert and need, etc., in relation to welfare and related schemes.

Third, the issue of the diminishing effective or real sovereignty of nation states may be divided in the following way according to the internal jurisdiction or the external relations of a state. (A) Internally: (i) On the one hand, there are tendencies as well as demands and theoretical justifications for internally less strong state powers stemming from either demands in favour of contestatory democracy, or the ethics of multiculturalism or from the strengthening of the sphere of civil society. (ii) Alternatively, there are claims for an internally stronger state power in certain fields, *e.g.* education. (B) Externally: (i) Pushing for an international order containing less strong states cosmopolitan justice holds the fort. (ii) In favour of states retaining their stronghold in their external relations there may be two subdivisions: (a) reasons in favour of minimally strong states may be the protection of their citizens' security irrespective of outside secessionist voices, or (b) reasons for externally maximally strong state power may be the necessity of generating peace, or self-determination, etc.

Given these, we must then compare the above subdivisions with respect to what principle of substantive justice (ethics) we prefer to operate with and what type of democracy best suits each type of claim about state power and degree of openness of borders. Naturally, this typology shows that different

solutions must be expected in each case. For instance, privileging accountability or controllability of government may be afforded within a nation state but it is unlikely to be feasible in global multiple networks (controlling crime may be the other way round).

As I explained at the start, this paper discusses a certain cluster of interrelated specific issues with a view to clarifying a more-inclusive basic issue: the relationship between ethics and politics. It does so by looking at how justice (ethics) and democracy (politics) fare with respect to the problem of penneable national borders in modem globalized conditions. Pluralism and the presence of persistent irresolvable moral conflict or clash of duties raise obstacles to the coherence of liberal democratic politics. But they do even more so in the international sphere. However, at least methodologically, I believe that looking at these problems from the international perspective where demands of universalistic ethics and cosmopolitan ideals clash more clearly, deeply and ultimately with particularistic political ends holds out the promise of a vantage point from which to survey the field with more confidence. At the same time, it also affords us a platform for discussing practical resolutions and steps to be taken with regard to power asymmetries and worldwide suffering that we can no longer ignore.

Notas

[1] Viewed from a different but complementary angle, that of the methodological disputes surrounding the study of comparative politics, the same set of concerns appears to inform the thesis advanced by J. S. Miglad in his 'Studying the State' in M I. Lichbach and A S. Zuckerman (008.), *Comparative Politics: Rationality. Culture. and Structure,* Cambridge, 1997, pp. 208-235, esp. pp. 266ft: The new state of the 21- century "must be stripped from its myths of unity and omnipotence". What leads to the notion of a limited state is the 'paradox' of the modem state, which while standing 'apart' from society, it simultaneously demands to be the cover under which all other 'private' associations must operate. Though not phrased in these terms by him, I would say that his thesis amounts to pointing to a new role of increased normative production (after perhaps centuries of normative underproduction) whereby the state and its agencies is connecting with civil society while remaining 'above' it The

place and importance of the analytic tools of state-society is a long standing one that is evident in studies of international political economy, e.g., P. Katzenstein (ed.), *Between Power and Plenty,* Wisconsin, 1978, esp. 'Introduction'.

[2] See, e.g., S. Krassner, *Sovereignty: Organized Hypocrisy,* Princeton. 1999.

[3] Cf. A recent "internal' critique of realism that seeks to redress the balance between it and democratic internationalism in A Gilbert, *Must Global Politics Constrain Democracy?,* Princeton. 1999.

[4] This appears in rather free-floating theses in favour of morality having a place in international relations between states without going into the trouble of showing on what independent grounds such a position can claim validity (that is other than the empty hortatory rhetoric): cf. e.g. M. Frost, *Ethics in International Relations,* Cambridge, 1996.

[5] Here one can point to the important and increasingly public link between political theorists and political party manifestos both in liberal and new-right conservative circles: e.g. one can easily observe, esp. in Europe, the growing tendency to see intellectuals and university professors engaged in writing such manifestos~ equally one should not underestimate such, direct or indirect, involvement in the case of European Parliament decrees, resolutions and the like no less than in other EU organs too, whereby the involvement of such 'representatives' of social and political theory goes definitely beyond the mere phrasing of words or the granting of the indispensable legal and constitutional imprimatur. Such accommodation of the percolated theoretical discourse and its conscious presence in the minds of those involved are evidently essential to the identity of social movements, civil associations and group politics (with the exception of sheer crude ethnic, nationalistic or religious sense of identity simply being parroted—though, I do not wish to diminish the importance of all these, I simply wish to distinguish them from those associations and political platforms where the presence of theory is foundational'): e.g., there is no environmental movement worthy of that name or anti-biotechnology protests, whatever their degree of organizacional cohesiveness, unless certain theoretical positions or theses are embraced and further consolidated

[6] R FaJk. *Predatory Globalization,* Polity Press, 1999.

[7] One way in which the discussion below may benefit parallel ones is when we turn to consider normative questions that arise in discussions of international institutions in globa1ised conditions. One approach, the 'institutionalist' one, that privileges the notions of institutions and regimes, is beset by normative questions regarding the so-called 'distributional effects' of such institutions for international cooperntion (see Lisa Martin, 'An Institutionalist View: International Institutions and State Strategies'). It is conceded that such unequal distributional effects of the benefits of international institutions are "inherent in politics in a world of power asymmetries" (p. 94). The prospects of transnational citizenship or involvement are directly linked to the solution of such a problem. Small states seem to be entangled in the institutional environment that more powerful states engender and thus it is impossible to ascertain to what extent cooperation is an authentic choice for the former and thus a Pareto optimum has been achieved. Therefore, in some cases, perhaps free-trade issues vs. human rights coordination,

international institutions are imposing norms on the states while in others such norms come up a bulwark of internal state-intrangency.

[8] See their papers in I. Shapiro and C. Hacker-Cord6n (eds.), *Democracy's Edges,* Cambridge, 1999.

[9] B. Baxter, 'The Self, Morality and the Nation-State' in A Ellis (00.), *Ethics and International Relations,* Manchester, 1986, pp. 113-126. Baxter is using communitarian themes and justifications but this is irrelevant at this point

[10] It must also be remembered that certain group activists can assimilate or be accepted more easily when they move to immigrate in other countries where similar groups exist having thus an additional cultural advantage as opposed to other groups, such as religious, that are more constrained in that respect in being accepted as easily in every host country. This is a comment that links (i) and (ii) in the text. It is also placed within a larger discussion about how much and to what extent minority cultures (esp. ethnic ones) do indeed wish to be assimilated as quickly as possible into their host nationality.

[11] For a view that such types of new politics (along with other phenomena) do not entail the demise of the nation state before the onslaught of globalization see M Mann, 'Has Globalization Ended the Rise and Rise of the Nation-State?' where it is correctly shown that contending actors and movements demand more, rather than less, regulation by state laws and the like.

[12] A recent classic defence of this is offered by D. Miller in his books *On Nationality.* Oxford, 1995. and *Citizenship and National Identity.* Polity Press. 2000. My comment is based on his claim on p. 139 of the former book.

[13] For an attempt to give a solution to this that seems to me unsatisfactory because of its circularity and its optimism is 1. H. H. Wooer, 'To Be a European Citizen: Eros and Civilization' in K. Goldmann *et at, Nationalism and Internationalism in the Post-Cold War Era,* London, 2000, pp. 170-194.