11

The European Nation-State: On the Past and Future of Sovereignty and Citizenship

Jürgen Habermas

As even the name of the United Nations reveals, world society today is composed politically of nation-states. The historical type of state that emerged from the French and American revolutions has achieved global dominance. This fact is by no means trivial.

The classical nation-states in Northern and Western Europe evolved within the boundaries of existing territorial states. They were part of the European state system which already took on a recognizable shape with the Peace of Westphalia of 1648. By contrast, the "belated" nations – beginning with Italy and Germany – followed a different course, one which was also typical for the formation of nation-states in Central and Eastern Europe; here the formation of the state followed the trail blazed by an anticipatory national consciousness disseminated by propaganda. The difference between these two paths (from state to nation vs. from nation to state) is reflected in the backgrounds of the actors who formed the vanguard of nation and state builders. Along the first path, these were lawyers, diplomats, and military officers who belonged to the kings administrative staff and together constructed a "rational state bureaucracy" (in Max Weber's sense); along the second, they were writers and historians, and scholars and intellectuals in general, who laid the groundwork for Cavour's and Bismarck's subsequent diplomatic and military unification of the state by propagating the more or less imaginary unity of the "cultural nation." After the Second World War, a third generation of very different nation-states emerged from the process of decolonization, primarily in Africa and Asia. Often these states, which were founded within the frontiers established by the former colonial regimes, acquired sovereignty before the imported forms of state organization could take root in a national identity that transcended tribal differences. In these cases, artificial states had to be first "filled" by nations that coalesced only later. Finally, with the collapse of the Soviet Empire, the trend toward the formation of independent nation-states in Eastern and Southern Europe has followed the path of more or less violent secessions; in the socially and economically precarious situation in which these countries found themselves, the old ethnonational slogans had the power to mobilize distraught populations for independence.Thus today the nation-state has definitively superseded older political formations.1 To be sure, the classical city-states also had successors in modern Europe, for a certain period, in the cities of Northern Italy and – in the territory of the old Lodiaringia (Lorraine) – in the belt of cities out of which Switzerland and the Netherlands emerged. The structures of the old empires also reemerged, first in the form of the Holy Roman Empire and later in the multi-nation-states of the Russian, Ottoman, and Austro-Hungarian Empires. But in the meantime the nation-state has displaced these remnants of premodern states. We are at present witnessing the fundamental transformation of China, the last of the old empires.

Hegel took the view that every historical formation is condemned to decline once it has reached maturity. One need not accept Hegel's philosophy of history to recognize that the triumphal procession of the nation-state also has an ironical, obverse side. The nation-state at one time represented a cogent response to the historical challenge to find a functional equivalent for the early modern form of social integration which was in the process of disintegrating. Today we are confronting an analogous challenge. The globalization of commerce and communication, of economic production and finance, of the spread of technology and weapons, and above all of ecological and military risks, poses problems that can no longer be solved within the framework of nation-states or by die traditional method of agreements between sovereign states. If current trends continue, the progressive undermining of national sovereignty will

necessitate the founding and expansion of political institutions on the supranational level, a process whose beginnings can already be observed. In Europe, North America, and Asia, new forms of organization for continental "regimes" are gradually emerging above the level of the state, regimes which could one day provide the requisite infrastructure for the currently rather inefficient United Nations.

This unprecedented increase in abstraction is merely the continuation of a process the first major example of which is the integration achieved by the nation-state. Hence I think that we can take our orientation on the precarious path toward postnational societies from the very historical model we are on the point of superseding. First I would like to review the accomplishments of the nation-state by clarifying the concepts "state" and "nation" (I) and explaining the two problems to which the nation-state provided a solution (II). Then I will examine the potential for conflict built into this form of national state, namely the tension between republicanism and nationalism (III). Finally, I would like to deal with two current challenges that overburden the nation-state's capacity for action: the differentiation of society along multicultural lines (IV) and the processes of globalization that are undermining both the internal (V) and the external (VI) sovereignty of the existing nation-states.

I "State" and "Nation"

The "state" on the modern conception is a legally defined term which refers, at the level of substance, to a state power that possesses both internal and external sovereignty, at the spatial level over a clearly delimited terrain (the state territory) and at the social level over the totality of members (the body of citizens or the people). State power constitutes itself in the forms of positive law, and the people is the bearer of the legal order whose jurisdiction is restricted to the state territory. In political

usage, the concepts "nation" and "people" have the same extension. But in addition to its legal definition, the term "nation" has the connotation of a political community shaped by common descent, or at least by a common language, culture, and history. A people becomes a "nation" in this historical sense only in the concrete form of a particular form of life. The two components, which are yoked together in such concepts as "nation-state" and "nation of citizens," can be traced back to two far-from-parallel processes of historical development – the formation of states on the one hand (1), and of nations on the other (2).

(1) The historical success of the nation-state is due in large part to the advantages of the modern state apparatus as such. Evidently, the territorial state, with its monopoly on the legitimate use of violence and its differentiated administrative apparatus financed by taxation, was better able to cope with the functional imperatives of social, cultural, and, above all, economic modernization than were older political formations. For our purposes it will suffice to recall the ideal-typical model worked out by Marx and Weber.

(a) The executive branch of the state which became detached from die royal household consisted of a functionally specialized bureaucratic organization which was run by legally trained officials and which could draw on the reserve force of a standing army, die police, and the penal system. The imposition of "civil peace" (*Land-frieden*) was the necessary precondition for monopolizing these legitimate means of violence. A state is sovereign only if it can both maintain law and order internally and protect its borders against external threats. It must be capable of prevailing over all competing powers within its borders and of asserting itself in the international arena as a competitor with equal standing. The status of a subject of international law is contingent upon achieving international recognition as an "equal" and "independent" member of the system of states. Internal sovereignty presupposes the ability to maintain law and order, external sovereignty the ability to assert oneself in the "anarchistic" competition for power among states.

(b) Even more important for the modernization process is the separation of the state from "civil society" (in Hegel's sense of "*bur-gerliche Gesellschaft*"); hence the functional specification of the state apparatus. The modern state is both an administrative and a tax-based state, which means that it limits itself to essentially administrative tasks. It leaves the productive tasks, which were formerly accomplished *within the framework* of political power, to a market economy differentiated from the state. To this extent, it secures the "general conditions of production"; hence the legal framework and infrastructure that are necessary for capitalistic commodity exchange and for the corresponding organization of the labor force. The financial needs of the state are met by a privately generated tax income. The price the administrative system pays for the benefits of this functional specialization is its dependence on the performance of an economy regulated by markets. Although markets can be established and regulated by political means, they obey a logic of their own that escapes state control.

The differentiation of the state from the economy is reflected in the differentiation between public and private law. Insofar as the modern state makes use of positive law as a means of organization and mplementation, it binds itself to a medium that instantiates, through the concept of law and die derivative concepts of subjective right and of the legal person (as the bearer of rights), a new principle made explicit by Hobbes: within an order of modern law that is set free from immediate moral expectations (though only in certain respects), the citizens are permitted to do anything dial is not prohibited. Regardless of whether state power has already been domesticated by the rule of law and the crown has become "subject to the law," the state cannot make use of the medium of law without organizing social intercourse in the separate sphere of civil society in such a way that private persons enjoy – at first unequally distributed – individual liberties. With the separation of private from public law. the individual citizen, in her role as "subject" ("*Untertan*" in Kant's terminology), first acquires at least a core of private autonomy.2

(2) Today we all live in national societies that owe their unity to an organization of this type. Of course, such states existed long before there were "nations" in the modern sense. 'State and nation have fused into the nation-state only since the revolutions of the late eighteenth century. Before I examine the specific nature of this connection I would like to review, in a brief digression on conceptual history, the genesis of the modern consciousness that underlies the interpretation of the citizen body as a nation in somediing other than a merely legal sense.

In the classical Roman usage, "natio" like "gens" functions as a contrasting concept to "civitas." Nations were originally communities of shared descent which were integrated geographically through settlements and neighborhoods and culturally through their common language, customs, and traditions; but they were not yet integrated politically through the organizational form of a state. This root meaning persisted through the Middle Ages into early modern times whenever ůnatio" and "lingua" were treated as equivalent. Thus, for example, students at medieval universities were divided into ůnations" according to their country of origin. In an era of increasing geographical mobility, the concept served primarily as a means of internal differentiation of orders of knights, of universities, monasteries, ecclesiastical councils, merchant settlements, etc. Thus it happened that a national origin *ascribed by others* was from the very beginning linked in a conspicuous way with the negative demarcation of foreigners from one's own people.

Around this time, the term "nation" acquired a meaning opposed to the nonpolitical usage in a different context. The feudal system of the old German Empire had been superseded by corporative states (*Standestaaten*) based on contracts in which the king or emperor, whose power depended on taxes and military support, granted the nobility, the Church, and the towns certain privileges, and therewith limited participation in the exercise of political power. These ruling estates, which met in ůparliaments" or ůdiets," represented the country or "the nation" vis-a-vis the court. As the "nation," the aristocracy acquired a political existence that was still

denied the "people" as the mass of the subjects. This explains the revolutionary implications of the slogan "the King in Parliament" in England and, especially, of the identification of the "Third Estate" with the "nation" in France.

The democratic transformation of the *Adelsnation*, the nation of the nobility, into a *Volksnation*, the nation of the people, which has been in progress since the late eighteenth century, presupposes a deep transformation in consciousness inspired by intellectuals, a transformation first accomplished by the urban, and above all formally educated, middle classes before it found a resonance in the wider population and gradually brought about a political mobilization of the masses. Popular national consciousness crystallized into the "imagined communities" (Benedict Anderson) propagated in national histories, which became the catalysts of a new form of collective self identification: "Thus nations arose in the final decades of the eighteenth century and in the course of the nineteenth century . . .: conceived by a small number of scholars, publicists, and poets-*Volksnationen* in concept but far from it in reality." To the extent that this idea took root, however, it became apparent that, with its transformation from the concept of an aristocratic nation into that of a nation of the people, the political concept had inherited the power to generate stereotypes from the older, prepolitical concept of the nation as an index of descent and origin. The positive self understanding of one's own nation now became an efficient mechanism for repudiating everything regarded as foreign, for devaluing other nations, and for excluding national, ethnic, and religious minorities, especially the Jews. In Europe nationalism became allied with antisemitism, with disastrous consequences.

II The New Form of Social Integration

Interpreted in light of their results, the complex and long-running processes of the "invention of the nation" (Schulze) played the role of a catalyst in the transformation of the early modern state into a democratic republic. Popular national self-consciousness provided the cultural background against which "subjects" could become politically active "citizens." Belonging to the "nation" made possible for the first time a relation of solidarity between persons who had previously been strangers to one another. Thus the achievement of the nation-state consisted in solving two problems at once: it made possible a new *mode of legitimation* based on a new, more abstract form of *social integration*.

Briefly stated, the legitimation problem resulted from the fact that the pluralism of worldviews that followed the schism of the religious confessions gradually stripped political authority of its religious grounding in "divine right." The secularized state now had to derive its legitimation from different sources. The second problem, that of social integration, was connected, simplifying once again, with urbanization and economic modernization, with the increasing scope and acceleration of the circulation of people, goods, and news. Populations became unmoored from the corporative social ties of early modern societies, thereby becoming at the same time both geographically mobilized and isolated. The nation-state responded to both of these challenges by *politically* mobilizing its citizens. For the emerging national identity made it possible to combine a more abstract form of sociál integration with new structures of political decision making. Democratic participation, as it slowly became established, generated a new level of legally mediated *solidarity* via the status of citizenship while providing the State with a secular source of *legitimation*. Of course, there was no modern state that had not defined its social boundaries in terms of citizenship rights. But belonging to a particular state at first meant nothing more than being subject to a state power. Only with the transition to the democratic state was this ascriptive, organizational membership transformed into an acquired membership – based on (at least implicit) consent – of citizens who were expected to participate actively in the exercise of political power. However, we must distinguish between the legal-political and the properly cultural aspects of die new meaning that membership acquired with the shift from the status of a subject to that of a *citizen*.

As we have seen, the two defining characteristics of the modern state were the sovereignty of state power embodied in the prince and the differentiation of the state from society through which a core of individual liberties was conferred (in a paternalistic manner) on the private citizens. With the shift from royal to popular sovereignty, the rights of subjects were transformed into human rights and civil rights, that is, into basic liberal and political rights of citizens. Viewed as ideal types, they guarameed political as well as private autonomy, and in principle, even equal political autonomy for everyone. The democratic constitutional state is, ideally speaking, a voluntary political order established by the people themselves and legitimated by their free will-formation. According to Rousseau and Kant, the addressees of the law should be able to conceive of themselves at the same time as its authors.

But such a legal-political transformation would have lacked driving force, and formally established republics would have lacked staying power, if a nation of more or less self-conscious citizens had not emerged from a people defined by its subjection to state power.This political mobilizadon called for an idea that was vivid and powerful enough to shape people's convictions and appealed more strongly to their hearts and minds than the dry ideas of popular sovereignty and human rights. This gap was filled by the modern idea of the nation, which first inspired in the inhabitants of state territories an awareness of the new, legally and politically mediated form of community. Only a national consciousness, crystallized around the notion of a common ancestry, language, and history, only the consciousness of belonging to "the same" people, makes subjects into citizens of a single political community – into members who can feel responsible for one anotlier. The nation oř the Volksgeist, the unique spirit of the people – the first truly modern form of collective identity – provided the cultural basis for the constitutional state. As described by historians, this thoroughly artificial fusion of older loyalties into a new

national consciousness, which was also steered by bureaucratic imperatives, is a long, drawn-out process.

This leads to a double coding of citizenship, with the result that the legal status defined in terms of civil rights also implies membership in a culturally defined community. Without this cultural inter-pretation of political membership rights, the nation-state in its emergent phase would scarcely have had sufficient strength to establish a new, more abstract level of social integration through the legal implementation of democratic citizenship. The counterexample of the United States does demonstrate that the nation-state can assume and maintain a republican form even without the support of such a culturally homogeneous population. However, in this case a civil religion rooted in the majority culture took the place of nationalism.

Thus far I have focused exclusively on the achievements of the nation-state. But the connection between republicanism and nationalism also engenders dangerous ambivalences. With the rise of the nation-state, the meaning of state sovereignty also changes, as we have seen. This not only has an impact on the shift from royal to popular sovereignty; it also changes the perception of external sovereignty. The idea of the nation is inextricably bound up with the Machiavellian will to self-assertion by which" the conduct of sovereign states in the aréna of the "great powers" had been guided from the beginning. Now the strategie self-assertion of the modern state against external enemies is transformed into the existential self assertion of "the nation." With this a third concept of "freedom" is introduced. The collective concept of national freedom competes with the two individualistic concepts of freedom, that of the private liberties of members of civil society and that of the political autonomy of citizens. More important is the question of *how* the freedom of the nation is to be construed: whether on an analogy with the liberty of private persons who differentiate themselves from, and compete with, one another, or on the model of the cooperative self legislation of autonomous citizens.

The model of public autonomy takes precedence if the nation is primarily conceived as a legally constituted entity, that is, as a nation of citizens. These citizens may indeed be patriots who understand and uphold their constitution as an achievement in the context of the history of their country But they construe the freedom of the nation – following Kant – in cosmopolitan terms, namely, as the authorization and obligation to enter into cooperative agreements or to establish a balance of interests with other nations within the framework of a peaceful federation (*Volkerbund*). The naturalistic conception of the nation as a prepolitical entity, by contrast, suggests a different interpretation, according to which the freedom of the nation consists essentially in its ability to assert its independence by military means if necessary. Like private persons in the market, peoples pursue their respective interests in the free-for-all of international power politics. The traditional image of external sovereignty is dressed up in national colors and in this guise awakens new energies.

III The Tension between Nationalism and Republicanism

In contrast to the republican freedoms of individuals, the independence of one's nation, which must if necessary be defended with the "blood of its sons," designates the place where the secularized state preserves a residue of nonsecular transcendence. In times of war the nation-state imposes on its citizens the duty to risk their lives for the collective. Since the French Revolution, general conscription has gone hand-in-hand with civil rights; the willingness to fight and die for one's country is supposed to express both national consciousness and republican virtue. Thus the inscriptions of French national history reflect a double memory trace: political milestones in the fight for republican freedom are united with the death-symbolism of memorials for soldiers killed in action.

The nation is Janus-faced. Whereas the voluntary nation of citizens is the source of democratic legitimation, it is the inherited or ascribed nation founded on ethnic membership (*die geborene Nation der Volksgenossen*) that secures social integration. *Staatsburger* or citizens constitute themselves as a political association of free and equal persons by their own initiative; *Volksgenossen* or nationals already find themselves in a community shaped by a shared language and history. The tension between the universalism of an egalitarian legal community and the particularism of a community united by historical destiny is built into the very concept of the national state.

This ambivalence remains harmless as long as a cosmopolitan understanding of the nation of citizens is accorded priority over an ethnocentric interpretation of the nation as in a permanent state of war. Only a nonnaturalistic concept of the nation can be combined seamlessly with the universalistic self understanding of the democratic constitutional state. Then the republican idea can take the lead in penetrating socially integrating forms of life and structuring them in accordance with universalistic patterns. The nation-state owes its historical success to the fact that it substituted relations of solidarity between the citizens for the disintegrating corporative ties of early modern society. But this republican achievement is endangered when, conversely, the integrative force of the nation of citizens is traced back to the prepolitical fact of a quasi-natural people, that is, to something independent of and prior to the political opinionand will-formation of the citizens themselves. Of course, many reasons could be given for the lurch into nationalism. I will mention just two, one conceptual, the other empirical.

There is a conceptual gap in the legal construction of the constitutional state, a gap that is tempting to fill with a naturalistic conception of the people. One cannot explain in purely normative terms how the universe of those who come together to regulate their common life by means of positive law should be composed. From anormative point of view, the social boundaries of an association of free and equal consociates under law are perfectly contingent. Since the voluntariness of the decision to engage in a law-giving praxis is a fiction of the contractualist tradition, in the real world who gains the power to define the boundaries of a political community is settled by historical chance and the actual course of events – normally by the arbitrary

outcomes of wars or civil wars. It is a theoretical mistake with grave practical consequences, one dating back to the nineteenth century, to assume that this question can also be answered in normative terms with reference to a ůright to national self-determination".

Nationalism has found its own solution to the problem of boundaries. While national consciousness itself may very well be an artifact, it projects the imaginary reality of the nation as an organic development which, in contrast with the artificial order of enacted law and the construction of the constitutional state, needs no justification beyond its sheer existence. For this reason, recourse to the "organic" nation can conceal the contingency of the historically more or less arbitrary boundaries of the political community and can lend them an aura of imitated substance and "inherited" legitimacy.

The other reason for the lurch into nationalism is more trivial. Precisely the artificiality of national myths, both in their learned origins and their dissemination through propaganda, makes nationalism intrinsically susceptible to misuse by political elite That domestic conflicts can be neutralized by foreign military successes rests on a socio-psychological mechanism that governments have repeatedly exploited. But how the class conflicts generated by accelerated capitalist industrialization can be diverted was prefigured for a belligerent nation-state striving for world prominence: the collective freedom of the nation could be interpreted in terms of an imperial expansion of power. The history of, European imperialism between 1871 and 1914, and the integral nationalism of the twentieth century (not to speak of the racist policies of the Nazis), illustrate the sad fact that the idea of the nation did not so much reinforce the loyalty of the population to the constitutional state but more often served as an instrument to mobilize the masses for political goals that can scarcely be reconciled with republican principles.

The lesson to be learned from this sad history is obvious. The nation-state must renounce the ambivalent potential that once progelled it. Though the national state is today running up against its limits, we can still learn from its example. In its heyday, the nation-state founded a domain of political communication that made it possible to absorb the advances in abstraction of societal modernization and to re-embed a population uprooted from traditional forms of life in an extended and rationalized lifeworld through the cultivation of national consciousness. It could play this integrative role all the better in that democratic citizenship was connected with cultural membership in the nation. Today, as the nation-state finds itself challenged from within by the explosive potential of multiculturalism and from without by the pressure of globalization, the question arises of whether there exists a functional equivalent for the fusion of the nation of citizens with the ethnic nation.

IV The Unity of Political Culture in the Multiplicity of Subcultures

Originally, the suggestive unity of a more or less homogenous nation could ensure the cultural embedding of a legally defined citizenship status. In this context, democratic citizenship could form the focal point of social ties of mutual responsibility. But today we live in pluralistic societies that are moving further and further away from the model of a nation-state based on a culturally homogeneous population. The diversity of cultural forms of life, ethnic groups, religions, and worldviews is constantly growing. There is no alternative to this development, except at the normatively intolerable cost of ethnic cleansing. Hence republicanism must learn to stand on its own feet. The central idea of republicanism is that the democratic process can serve at the same time as a guarantor for the social integration of an increasingly differentiated society. In a society characterized by cultural and religious pluralism, this task cannot be displaced from the level of political will-formation and public communication onto the seemingly natural substrate of a supposedly homogeneous nation. The latter would merely serve as a facade for a hegemonic majority culture. For historical reasons, in many countries the majority culture is fused with the general political culture which claims to be recognized by *all* citizens regardless of their cultural background. This fusion must be dissolved if it is to be possible for different cultural, ethnic, and religious forms of life to coexist and interact on equal terms within *the same* political community. The level of the shared political culture must be uncoupled from the level of subcultures and their prepolitical identities. Of course, the claim to coexist with equal rights is subject to the proviso that the protected faiths and practices must not contradict the reigning constitutional principles (as they are interpreted by the political culture).

The political culture of a country crystallizes around its constitution. Each national culture develops a distinctive interpretation of those constitutional principles that are equally embodied in other republican constitutions – such as popular sovereignty and human rights – in light of its own national history. A "constitutional patriotism" based on these interpretations can take the place originally occupied by nationalism. This notion of constitutional patriotism appears to many observers to represent too weak a bond to hold together complex societies. The question then becomes even more urgent: under what conditions can a liberal political culture provide a sufficient cushion to prevent a nation of citizens, which can no longer rely on ethnic associations, from dissolving into fragments?

Today this problem has arisen even for classical immigrant countries like the United States. The political culture of the United States provides more space than other countries for the peaceful coexistence of citizens from widely divergent cultural backgrounds; it enables everyone to maintain two identities simultaneously,to be both a member and a stranger in her own land. But the rising tide of fundamentalism and even terrorism (as witnessed by the Oklahoma bombing) represent a warning signal that even here the safety net of a civil religion, which interprets an impressively continuous constitutional history of more than two centuries, could be torn apart. My sense is that multicultural societies can be held together by a political culture, however much it has proven itself, only if democratic citizenship pays off not only in terms of liberal individual rights and rights of political participation, but also in the

enjoyment of social and cultural rights. The citizens must be able to experience *the fair value of their rights* also in the form of social security and the reciprocal recognition of different cultural forms of life. Democratic citizenship can only realize its integrative potential – that is, it can only found solidarity between strangers – if it proves itself as a mechanism that actually realizes the material conditions of preferred forms of life.

This perspective is suggested at any rate by the type of welfare state that developed in Europe under the favorable – though, of course, no longer obtaining – conditions of the postwar period. After the hiatus of the Second World War, an over-heated nationalism had exhausted its reserves of energy. Under the umbrella of a nuclear balance between the superpowers, the European countries – and not just the divided Germany – could not conduct a foreign policy of their own. Territorial disputes ceased to be an issue. Internal social conflicts could not be diverted outward but had to be dealt with in accordance with the primacy of domestic politics. Under these conditions it became possible to uncouple the universalistic understanding of the democratic constitutional state to a large extent from the imperatives of a power politics guided by national interests and oriented to geopolitical goals. In spite of a then prevailing mood of global civil war and anticommunist propaganda, the traditional linkage of the constitutional state with the ambitions of national self assertion was loosened also throughout the broader population.

The trend toward what might be termed a "postnational" self understanding of the political community may have been more pronounced in the former Federal Republic of Germany than in other European states, given its peculiar situation and the fact that it had, after all, been deprived of fundamental sovereignty rights. But in most of the Western and Northern European countries, the welfarestate pacification of class antagonisms had given rise to a new situation. Over time, social security systems were instituted and expanded, reforms in areas such as schooling, the family, criminal law and the penal system, data protection, etc., were implemented, and policies of equal opportunity for women were at least initiated. Within a single generation the status of citizens, however imperfect, was markedly improved in its legal and material substance. What is important in the present context is that this made the citizens

themselves more keenly aware of the priority of the issue of the implementation of basic rights – of the *priority* that the real nation of citizens must maintain over the imagined ethnic-cultural nation.

The system of rights was extended under the economically favorable conditions of a comparatively long period of economic growth. Each individual could come to recognize and appreciate citizenship status as that which links her with the other members of the political community and makes her at the same time dependent upon and co-responsible for them. It became clear to all that private and public autonomy presuppose one another in the circuit of reproduction and improvement of the conditions of preferred ways of life. At any rate, the citizens intuitively realized that they could succeed in regulating their private autonomy fairly only by making an appropriate use of their civic autonomy, and that an intact private sphere is in turn a necessary precondition of such political participation. The constitution confirmed itself as the institutional framework for a dialectic of legal and factual equality that simultaneously reinforces the private and the civic autonomy of the citizens.

But this dialectic has in the interim ground to a halt quite independently of local causes. If we are to explain this fact, we must turn our attention to the trends that are currently receiving attention under the heading of "globalization."

V Limits of the Nation-State: Restrictions of Internal Sovereignty

The nation-state at one time guarded its territorial and social boundaries with a zeal bordering on the neurotic. Today these defenses have long since been penetrated by inexorable transnational developments. Anthony Giddens defines "globalization" as the intensification of worldwide relations resulting in reciprocal interconnections between local happenings and distant events. Global communication takes place either in natural languages (usually via electronic media) or in special codes (principally, money and law). Since "communication" has a double meaning here, these processes give rise to two opposed tendencies. On the one hand they promote the expansion of actors' consciousness, on the other the differentiation, extension, and interconnection of systems, networks (such as markets), or organizations. Whereas the growth of systems and networks multiplies possible contacts and exchanges of information, it does not lead per se to the expansion of an intersubjectively shared world and to the discursive interweaving of conceptions of relevance, themes, and contributions from which political public spheres arise. The consciousness of planning, communicating, and acting subjects seems to have simultaneously expanded and fragmented. The publics produced by the Internet remain closed off from one another like global villages. For the present it remains unclear whether an expanding public consciousness, though centered in the lifeworld, nevertheless has the ability to span systemically differentiated contexts, or whether the systemic processes, having become independent, have long since severed their ties with all contexts produced by political communication.

The nation-state at one time provided the framework within which the republican idea of a society that consciously shapes itself was articulated and even institutionalized to a certain extent. Typical of the nation-state, as we have seen, was a complementary relationship between state and economy on the one hand, and between domestic politics and power struggles between states on the other. Of course, this schema only applied under conditions in which national politics could still exert effective influence on the corresponding "national economy" (*Volkswirtschaft*) . Thus in the era of Keynesian economic policies, for example, growth depended on factors that were by no means only favorable to capital investment but also benefited the population as a whole – factors such as the stimulation of mass consumption (under pressure from independent trade unions) and improvements in production techniques (based on independent research) which also led to the shortening of the working day, or such as the training of workers

within the framework of an expanding education system (which improved the general level of education of the population as a whole), and so forth. At any rate, national economies provided a range of opportunities for redistribution that could be exploited, through wage policies and – on the side of the state – welfare and social policies, to satisfy the aspirations of a demanding and intelligent population.

Although capitalism from its inception was a global development, the economic dynamic was fostered by the modern state system and in turn had the effect of reinforcing the nation-state. But today thesetwo developments no longer reinforce one another. To be sure, "the territorial restriction of capital never corresponded to its structural mobility. It was due rather to the peculiar historical conditions of European civil society "But these conditions have undergone a fundamental transformation with the denationalization of economic production. Nowadays all industrial countries are affected by the orientation of the investment strategies of ever more enterprises to globally interconnected financial *and labor* markets.

The current debates over economic competitiveness highlight the ever-widening gap between the limited room for nation-states to maneuver and global economic imperatives that are less and less susceptible to political influence. The most important variables are, first, the accelerated development and diffusion of new productivity enhancing technologies and, second, the sharp increase in the reserves of comparatively cheap labor. The dramatic employment problems in the former First World stem not from classical international trade relations but from globally interconnected relations of production. Sovereign states can benefit from their economic systems only as long as "national economies" to which their interventionist policies are tailored still exist. But with the recent trend toward the denationalization of the economy, national politics is gradually losing its influence over the conditions of production under which *taxable* income and profits are generated. Governments have less and less influence over enterprises that orient their investment decisions within a global horizon. They are caught in the dilemma of having to avoid two equally unreasonable reactions. A policy of protectionistic isolationism and the formation of defensive cartels is hopeless; but balancing the budget through cutbacks in the domain of social policy is no less dangerous in view of its likely social consequences.

The social consequences of an abdication of politics, which tacitly accepts a chronically high level of unemployment and the dismantling of the welfare state as the price to be paid for international competitiveness, are already discernible in the DECD countries. The sources of social solidarity are drying up, with the result that social conditions of the former Third World are becoming commonplace in the urban centers of the First World. These trends are crystallizing in the phenomenon of a new "underclass." Under this misleading singular term sociologists unite the diffuse varieties of marginalized groups who are to a large extent segmented off from the rest of society. The underclass comprises those pauperized groups who are left to fend for themselves, although they are no longer in a position to improve their social lot through their own initiative. They no longer possess any veto power, any more than do the impoverished regions over the developed regions of the world. However, this kind of segmentation does not mean that fragmented societies could simply abandon part of their population to their fate *without political consequences*. In the long term at least three consequences are unavoidable. An underclass produces social tensions that discharge in aimless, self-destructive revolts and can only be controlled by repressive means, with the result that the construction of prisons and the organization of internal security in general becomes a growth industry In addition, social destitution and physical immiseration cannot be locally contained; the poison of the ghettos infects the infrastructure of the inner cities, even of whole regions, and penetrates the pores of the society as a whole. This leads finally to a moral erosion of the society, which inevitably undermines the universalistic core of any republican polity. Formally correct majority decisions that merely reflect the status anxieties and self assertive reflexes of a middle class threatened by the prospect of social decline undermine the legitimacy of the procedures and institutions of the democratic constitutional state. In this way the great achievement of the nation-state in integrating society through the political participation of its citizens is squandered.

While this scenario is by no means unrealistic, it illustrates just one among several possible future developments. There are no laws of history in the strict sense, and human beings, even whole societies, are capable of learning. An alternative to the abdication of politics would be if politics were to follow the lead of the markets by constructing supranational political agencies. Europe in transition toward the European Union provides a suitable example. Unfortunately, more than one lesson can be drawn from it. At present the European states are lingering on the threshold of a monetary union which would require the national governments to renounce their sovereignty in currency matters. A denationalization of money and monetary policy would necessitate a common financial, economic, and social policy Since the Maastricht Treaty, opposition has been growing in the member states to a vertical expansion of the European Union that would confer essential characteristics of a state on the Union, thereby relativizing the sovereignty of the member states. The nation-state, conscious of its historical achievements, stubbornly asserts its identity at the very moment when it is being overwhelmed, and its power eroded, by processes of globalization. For the present, a politics still operating within the framework of the nation-state limits itself to adapting its own society in the least costly way to the systemic imperatives and side-effects of a global economic dynamic that operates largely free from political constraints. But instead it should make the heroic effort to overcome its own limitations and construct political institutions capable of acting at the supranational level. Moreover, the latter would have to be connected to processes of democratic will-formation if the normative heritage of the democratic constitutional state is to function as a break on the at present unfettered dynamic of globalized capitalist production.

VI "Overcoming" the Nation-State: Abolition or Transformation?

Talk of overcoming the nation-state is ambiguous. On one reading – let us call it the postmodern – the end of the nation-state also marks the end of the project of civic autonomy, which, on this view, has in any case hopelessly overdrawn its credit. According to the other, nondefeatist reading, the project of a society that is capable of learning and of consciously shaping itself through its political will is still viable even after the demise of a world of nation-states. The dispute concerns the normative self understanding of the democratic constitutional state. Can we still identify with it in an era of globalization or must we renounce it as a cherished, though obsolete, relic of the old Europe?

If not only the nation-state has run its course but along with it all forms of *political* integration, then individual citizens are abandoned to a world of anonymously interconnected networks in which they must choose between systemically generated options in accordance

with their preferences. In this *postpolitical* world the multinational corporation becomes the model for all conduct. The impotence of a normatively guided politics in the face of an increasingly independent global economic system appears, from a systems-theoretical perspective at any rate, only as a special case of a more general development. Its vanishing point is a completely decentered world society that splinters into a disordered mass of self reproducing and self steering functional systems. Like Hobbesian individuals in the state of nature, these systems form environments for one another. They no longer speak a common language. Lacking a universe of intersubjectively shared meanings, they merely observe one another and behave toward one another in accordance with imperatives of self preservation.

J. M. Guehenno depicts this anonymous world from the perspective of individual citizens who have become detached from the obsolete solidarity of democratic communities and must now orient themselves in the chaotic bustle of mutually adapting functional systems. These "new" human beings have sloughed off the illusory self understanding of modernity. The neoliberal inspiration of this Hellenistic vision is all too clear. The autonomy of the citizen is unceremoniously stripped of the moral components of democratic self-determination and pared back to private autonomy: "Like the Roman citizen of the time of Caracalla, the citizen of the imperial age of the networks defines himself less and less by his participation in the exercise of sovereignty and more and more by the possibility he has to act in a framework in which the procedures obey clear and predictable rules. . . . It matters little whether a norm is imposed by a private enterprise or by a committee of bureaucrats. It is no longer the expression of sovereignty but simply something that reduces uncertainties, a means of lowering the cost of transactions, of increasing transparent [y]". Through a perverse play on Hegel's polemic against the administrative state (*Not- und Verstandesstaat*), the democratic state is replaced by a "state of law deprived of all philosophical reference to natural law, reduced to an ensemble of rules with no other basis than the daily administered proof of its smooth functioning." Norms that are both effective *and* responsive to expectations of popular sovereignty and human rights are replaced--under the guise of a "logic of networks" – by the invisible hand of supposedly spontaneously regulated processes of the global economy However, these mechanisms which are insensitive to external costs do not exactly inspire confidence. This is true at any rate of the two best -known examples of global self- regulation.

The "balance of powers" on which the international system was based for three hundred years collapsed some time between the First and Second World Wars, if not before. Without an international court and a supranational sanctioning power, international law could not be invoked and enforced like state law. However, conventional morality and the "ethics" of dynastic relations ensured a certain level of normative regulation of warfare. In the twentieth century, total war has destroyed even this weak normative framework. The advanced state of weapons technology, the arms build-up, and the spread of weapons of mass destruction have made abundantly clear the risks inherent in this anarchy of powers unregulated by any invisible hand. The founding of the League of Nations was the first attempt at least to domesticate the unpredictable dynamic of power relations within a collective security system. With the foundation of the United Nations, a second attempt was made to set up supranational political agencies responsible for instituting peace on a global scale. With the end of the bipolar balance of terror, the prospect of a "global domestic politics" (C. E von Weizsacker) seems to have opened up, in spite of all the set-backs in the field of international human rights and security polity. The failure of the anarchistic balance of power has at least made evident the desirability of political interventions and arrangements.

Similar observations hold true for the other prime example of spontaneous self regulation. Obviously even the global market cannot be managed exclusively by the World Bank and the International Monetary Fund if the asymmetrical interdependence between the DECD countries and the marginalized countries that have not yet developed self sustaining economies is ever to be overcome. The conclusion reached by the recent UN global summit on social problems in Copenhagen is unsettling. There is a lack of competent agencies at the international level with the power to agree on the necessary arrangements, procedures, and political frameworks. Not only the disparities between North and South call for such cooperation but also the drop in standards of living in the wealthy North Atlantic countries, where social policies restricted to the nation-state are powerless to deal with the effects of lower wages on globalized and rapidly expanding labor markets. The lack of supranational agencies is especially acute when it comes to dealing with the ecological problems addressed from a global perspective at the Earth Summit in Rio. A more peaceful and just political and economic world order is unthinkable without international institutions that are capable of taking initiatives, and above all without a harmonization between the continental regimes that are today just emerging, and

without the kind of policies that could only be carried out under pressure from a mobilized global civil society.

This lends support to the competing reading according to which the nation-state should be "transformed" rather than abolished. But could its normative content also be preserved? The optimistic vision of supranational agencies which would empower the United Nations and its regional organizations to institute a new political and economic world order is clouded by the troubling question of whether democratic opinion- and will-formation could ever achieve a binding force that extends beyond the level of the nation-state.

In: Habermas, Jürgen. *The Inclusion of the Other. Studies in Political Theory.* Ed. Ciaran Cronin and Pablo De Greiff. Cambridge, Massachusetts: MIT Press, 1999. 105-127