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The significance of borders : why representative government and the rule of law require Nation States

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CHAPTER THREE

THE NATION

3.1. *MEMBERSHIP*

It is at this point that the question arises what kind of social bond, what kind of shared values, culture or loyalties, if any, are necessary within a sovereign state, to make the exercise of power democratically legitimate and indeed even possible. This brings us to the concept of the nation.

Self-conscious 'national' thinking did not arise much before the downfall of feudalism. As a result of the Reformation and the increased power of monarchs, as discussed in the previous chapters, the first manifestations of national identity became visible during the *ancien régime*, often in conjunction with attempts by sovereigns to increase such national awareness. A particular example is the English case, where historians have identified the rise of a significant 'national' identity already in the 16th century under the house of Tudor.¹ This is expressed in some of Shakespeare's plays, for instance, where proud reference is made to England and Englishness.²

¹ Cf. G. R. Elton, *England under the Tudors*. Third Edition (London: Routledge, 1991) 160ff. The same may be true of Sweden since the times of Charles XII (1682-1718).

² In Shakespeare's *Richard II* (1595), for instance, Gaunt says in act II, scene I: 'This royal throne of kings, this sceptred isle, This earth of majesty, this seat of Mars, This other Eden, demi-paradise, This fortress built by Nature for herself, Against infection and the hand of war, This happy breed of men, this little world, This precious stone set in the silver sea, Which serves it in the office of a wall, Or as a moat defensive to a house, Against the envy of less happier lands, – This blessed plot, this earth, this realm, this England'. And in *Henry V* (1599), act III, scene I, Henry says on the eve of the Battle of Agincourt: 'Once more unto the breach, dear friends, once more, Or close the wall up with our English dead!, In peace there's nothing so becomes a man, As modest stillness and humility:, But when the blast of war blows in our ears, Then imitate the action of the tiger; Stiffen the sinews, conjure up the blood, Disguise fair nature with hard-favoured rage; Then lend the eye a terrible aspect; Let it pry through the portage of the head, Like the brass cannon; let the brow overwhelm it, As fearfully as doth a galled rock, Overhang and jutting his confounded base, Swilled with the wild and wasteful ocean. Now set the teeth, and stretch the nostril wide, Hold hard the breath, and bend up every spirit, To his full height! On, on, you noblest English, Whose blood is fet from fathers of war-proof! Fathers that, like so many Alexanders, Have in these parts from morn till even fought, And sheathed their swords for lack of argument. Dishonour not your mothers; now attest, That those whom you called fathers did beget you! Be copy now to men of grosser blood, And teach them how to war. And you, good yeomen, Whose limbs were made in England, show us here, The mettle of your pasture; let us swear, That you are worth your breeding, which I doubt not; For there is none of you so mean and base, That hath not noble lustre in your eyes. I see you stand like greyhounds in the slips, Straining upon the start. The games afoot! Follow your spirit, and upon this charge cry, God for Harry, England, and Saint George!'. Stanley Wells and Gary Taylor (eds.), *The Oxford Shakespeare. The Complete Works* (Oxford: Oxford University Press, 1999). Cf. Roger Scruton, *England: an elegy* (London: Chatto & Wandus, 2000).

With the beginning of the age of industrialization and democracy, national awareness significantly increased.³ But before we continue, a caveat seems appropriate. For to locate the emergence of national awareness from the 17th century onwards is not to say, of course, that the cultural identity of European states came into existence only in that period. Nor does situating the rise of nationalism in these centuries imply that particular cultural regions may not have had a chauvinistic attitude towards what they would regard as *their* traditions; or that rising states, as discussed in chapter 1, may not have attempted to increase social unity.⁴ With national thinking in this respect is meant the defense of a shared national identity by all inhabitants of a given territory; and thus, in the last instance, the understanding of the state as an expression of that constituting – pre-political – element.

The reasons for the rise of this idea from roughly the 17th century onwards are not difficult to see, since it was also around this time, that the exercise of political power moved away from the regional on the one hand, and the imperial or papal on the other, to the level of the state. We have already discussed the rise of the modern state and the ongoing centralization of its governing powers. This also meant that closed regions slowly began to open up to larger units. The beginning of industrialization, the growth of cities, dawning secularization, increase in grand overseas projects and trade, were all part of this development. Another development was the use of vernacular as an instrument of literary and official communication. The foundation of the *Académie Française* by Richelieu in 1635 symbolizes the responsibility the state began to take up to unify the ‘national’ language of communication.

But these developments coincided with an increased participation of the people in their governments. The very idea of ‘representative government’, as

³ Benedict Anderson, *Imagined Communities. Reflections on the Origin and Spread of Nationalism*. Revised Edition (New York: Verso, 1991) 6–7.

⁴ The European idea is, moreover, at least as old as the Early Middle Ages, and it might even be argued that rough cultural distinctions between what we presently regard as French and German cultural spheres, find their origin already in the division of the Empire of Charlemagne in the 9th century. Cf. Reginald Dale, ‘Thinking ahead: Old lines appear on Europe’s map’, in: *International Herald Tribune*, 17 January 1995, who writes: ‘It is true that Bonn’s ‘hard core’ – Germany, France and the Benelux countries – bears an uncanny resemblance to Charlemagne’s German-based empire. Anyone who thinks that such ancient history is no longer relevant should ponder this. The two countries that most stoutly resisted Charlemagne’s attempts to introduce a common European coinage – England and Denmark – are still the toughest holdouts against a single currency nearly 1,200 years later.’ Another example is N. Grant, *Oxford Children’s History of the World* (Oxford: Oxford University Press, 2000) 56: ‘Between the 5th and 10th centuries, European tribes formed Christian kingdoms ruled by warrior kings. The most successful were the Franks. Their king Charlemagne created an empire that was the foundation of some of the nations of Europe today’. See also chapter 4.7.

implied in most if not all forms of democratic theory,⁵ presupposes the fiction of a common identity that can be represented as a collective whole. Ever since the American and French Revolutions,⁶ the democratic ideal has gained momentum and modern sovereign states, at least in Europe, all profess to adhere to it (even if they may suffer from serious democratic deficits⁷).

The democratic ideal brought about changes in virtually all aspects of life (simultaneously giving rise to an attempt to conserve what was left of pre-industrialized, pre-egalitarian life: romanticism⁸). The growth of cities, the growth of the population, the increased division of labor, and so on, all contributed to this. The first steam engine railway became operational in 1830, dramatically opening up isolated regions to a larger whole. Another radical change occurred in the field of warfare. While armies had mainly consisted of noblemen and mercenaries in the *ancien régime*, universal conscription now arose⁹ – resulting in an enormous enlargement of the scale of social awareness. The individual peasant or farmer became aware of himself as part of a state, not just as an inhabitant of a particular region or province.¹⁰ There can be no doubt that this influenced the experience of social membership and the political awareness of the people dramatically, starting with the first mandatory national conscription in world history following the French Revolution.

Indeed, all these elements of the increased influence on our lives of the modern state pose the question of membership. What is it that I share with you, from an entirely different region, with perhaps different beliefs and a different ethnicity, that our votes are brought together in the same parliament? That we have to live under the same law? And that ultimately, we may have to stand side by side in the defense of a perceived ‘national’ interest concerning again another region that forms a part of our state, but that we may have no particular relationship with?

⁵ The idea of direct democracy being by definition opposed to the concept of representation, it has proved extremely hard if not impossible to realize it. Cf. Meindert Fennema, *De Moderne Democratie. Geschiedenis van een politieke theorie* (Amsterdam: Het Spinhuis, 2001) 7ff.

⁶ The classical accounts on this are of course Tocqueville's *De la Démocratie en Amérique* (1835–1840) and *L'ancien régime et la Révolution* (1856).

⁷ As, through the undemocratic legislation imposed by the EU, all European states now do. See for instance part II, chapter 5, section 3.

⁸ Cf. Maarten Doorman, *De Romantische orde* (Amsterdam: Bert Bakker, 2004); Rüdiger Safranski, *Romantik. Eine deutsche Affäre* (München: Hanser, 2007); H.G. Schenk, *The Mind of the European Romantics: An Essay in Cultural History*, (London: Constable, 1966).

⁹ See on this for instance Jeremy Black, *A Military Revolution? Military Change and European Society, 1550–1800* (London: Macmillan education, 1991).

¹⁰ ‘Omnis determinatio negatio est’. Every affirmation implies a negation, and this seems to be the same with national identities, which have often gained shape in the face of a ‘national’ enemy. As Carl Schmitt notices the reflections of the economist and sociologist Emil Lederer: ‘Wir können sagen, dass sich am Tage der Mobilisierung die *Gesellschaft*, die bis dahin bestand, in eine *Gemeinschaft* umformte’. ‘Der Begriff des Politischen’, in: *Frieden oder Pazifismus?* (Ducker & Humblot, Berlin, 2005) 204n7.

It is in the light of this question, the ‘what do I share with you’-question, that ‘national thought’ and the much despised ideal of ‘nationalism’ ought to be understood.

3.2. IMAGINED TERRITORIAL COMMUNITIES

But before we continue our inquiry into national loyalty, however, it is worthwhile to make some preliminary comments about the word ‘nation’, as it is the cause of wide confusion. This is partly so because it is regularly used as a synonym for ‘state’. An example is its usage in *United Nations*, an international organization that deals with *states*, not nations.¹¹ Another confusing usage is *International Law*, which deals with legal associations between states, not nations. And so on. ‘Nation’ and ‘State’ are often muddled up.¹²

Another impure usage of the word ‘nation’ is to denote an ethnic, a religious, or a lifestyle community. This happens for instance when we speak of the ‘nation of Islam’, a Chicago-based organization that seeks to unite and foster the interests not of a nation but of an ethno-religious group. ‘Nationality’ is used as synonymous with ‘ethnicity’ in much everyday talk. And a third example is the ‘universal zulu nation’, an organization that brings together people who enjoy and produce hip hop music, world wide.

If the word *nation* has a meaning of its own, not as a synonym for state, religion, ethnicity, or lifestyle, it is to denote a form of political loyalty stemming from an experienced collective identity, and would thus be of a sociological, rather than a legal, credal, or ethnic nature. Although a sense of political loyalty is a given of our – settled, political – existence, the expression of this loyalty in terms of nationality is not. Governments are always in need of the political loyalty of their subjects, but this loyalty is not always *national* in nature. Indeed, national loyalty is in fact a rather recent form of political loyalty, which has not been common throughout most of political history.

Many people have been troubled with nationalism as a historical, political and ideological phenomenon, and have disagreed on its proper definition. Literally thousands of books have been written about the subject.¹³ Not discouraged by this, nor by the conclusion of the historian Eric Hobsbawm that ‘no

¹¹ It is true that the United Nations also has many ‘Non-governmental organizations’ (NGO’s) participating in its debates, but the core of the organization remains to be formed by states; illustrative for this is that to this date, only states have voting rights within the UN bodies. Moreover, NGO’s are not coterminous with nations either.

¹² See also: Paul Belien, ‘Why Belgium is an artificial state’, in: *The Brussels Journal*, August 27, 2007. Available online at <http://www.brusselsjournal.com/node/2369>.

¹³ For an instructive, general overview, see Kenneth R. Minogue, *Nationalism* (Maryland: Penguin Books, 1968) 19ff.

satisfactory criterion can be discovered for deciding which of the many human collectivities should be labeled as a nation,¹⁴ I will in the following try to further the understanding of nationality not through identifying particular qualities that may define membership – e.g. shared language, history, and so on – but through defining it as a specific *type* of membership. I suggest defining a nation as a community that is both imagined and territorial. As such, I will contrast it with unimagined-territorial or ‘tribal’ communities on the one hand, and imagined-nonterritorial or ‘religious’ and ‘universal’ communities on the other.¹⁵

Understanding the nation as an ‘imagined community’ was first done by the political scientist Benedict Anderson (*1936). In his book *Imagined Communities*, Anderson focused on the rise of nationalism in former colonies, and he defined nations as ‘imagined communities’ because people experience themselves to be part of a community of which they do not know most of the members.¹⁶ It is certain that an element of imagination is necessary for any national experience, because it is impossible to be personally acquainted with every other member of your nation (let alone to feel sympathy for each single one of them). However, not all imagined communities are also national communities. This is because it is also possible to experience oneself as part of an imagined, non-territorial community.

Joseph Stalin, the future Soviet leader, had pointed at the territorial element in his 1913 book entitled *Marxism and the national question*. In the book, he observed that ‘a nation is a historically constituted, stable community of people, formed on the basis of common language, territory, economic life, and psychological make up manifested in a common culture.’¹⁷ It is remarkable that Stalin wrote about nationalism,¹⁸ as Marxism, of course, emphasized the horizontal loyalty of class and market position, unbound by borders, as contrasted with the vertical loyalty of upper and lower classes as joined under a common allegiance to the sovereign. ‘National one-sidedness and narrow-mindedness become more and more impossible,’ the Communist Manifesto declares,¹⁹ and it continues:

¹⁴ Eric Hobsbawm, *Nations and nationalism since 1780, programme, myth, reality* (Cambridge: Cambridge University Press, 1990) 5, quoted in: Mikulas Teich and Roy Porter (eds.), *The national question in Europe in historical context* (Cambridge: Cambridge University Press, 1993) xvii.

¹⁵ This is not an exhaustive classification, and no doubt other loyalties could be identified: professional loyalty is an example.

¹⁶ Anderson (1991) 2ff.

¹⁷ Joseph V. Stalin, *Works 1907-1913* (Moscow, 1953) vol. II, 307, quoted in: Teich and Porter (eds.), *The national question in Europe in historical context* (Cambridge: Cambridge University Press, 1993) xvii.

¹⁸ And a different interpretation of the national differences was one of the main reasons for his conflict with Trotsky.

¹⁹ Karl Marx and Friedrich Engels, *Manifesto of the Communist Party* (1848). Authorised English translation of 1888, edited and annotated by Frederick Engels (London: Lawrence and Wishart, 1888). Cf. Max Eastman, ‘The Manifesto of the Communist Party’, in: Max Eastman (ed.), *Capital. The Communist Manifesto and other Writings* (New York: The modern library, 1932) 315ff.

The proletarian is without property; his relation to his wife and children has no longer anything in common with the bourgeois family relations; modern industry labor, modern subjection to capital, the same in England as in France, in America as in Germany, has stripped him of every trace of national character.

The worker, it is assumed, has no nationality; he 'has no country'.²⁰

Despite Marxist resistance to nationality, Stalin's understanding of nationality contains an interesting complement to Anderson. For besides the fact that it implies an *imagined community*, the experience of nationality, I propose, indeed encompasses a notion of *territoriality*. A nation claims a particular piece of land and declares that it belongs to her. As such, it permits a social and political order that is also a relation among strangers who may have different ethnicities and religions – united as they are in their common commitment to their land.

Depending on the many manifestations of nationality, membership of this social order can be more or less open to newcomers, welcoming them or chasing them away. These approaches to the criteria for national membership, which may differ from one nation to another,²¹ will be discussed in the next section. For now, we may safely contend that nationality, or the experience of national belonging, consists essentially in a shared political loyalty among a group of people, with two defining characteristics:

1. Its scale is imagined, allowing membership to be extended to a large group far exceeding the size of the family or tribe;
2. Its claim pertains to a particular territory, contrasting with those forms of membership – for example religious ones –, that are essentially universal (instead of territorial).

As mentioned before, national loyalty contrasts with at least two other forms of loyalty: tribal or 'unimagined' loyalty, and religious or 'non territorial' loyalty.

The tribal loyalty I called 'unimagined' to juxtapose it to the national, 'imagined' loyalty of a group larger than one may ever know (attaching to ideas rather than to kinship).²² Tribal loyalties take shape in groups that are more or less knowable and thus have no need to be 'imagined' like a nation. It might seem tempting to argue that they form the infancy of man's political existence, yet tribal loyalty still seems to be predominant in many parts of the world. Many African people do not primarily experience a national – imagined and territorial – membership, and their loyalties tend to reach more towards their

²⁰ Marx and Engels (1888).

²¹ Cf. Hugh Seton-Watson, *Nations and States. An enquiry into the origins of nations and the politics of nationalism* (Colorado: Westview Press 1977) 467-469, Teich and Porter (eds.) (1993), and Margaret Canovan, *Nationhood and political theory* (Massachusetts: Edward Elgar Publishing Limited, 1996).

²² And indeed modern technology such as TV plays an important role in fostering the national awareness, as national newspapers have done in the nineteenth century.

village, their tribe or family, and political life is often divided along lines set by these sentiments.

Tribal loyalty also seems to be the form of loyalty of nomadic people, like, traditionally, Native Americans and Bedouins. Instead of settling on a specific territory, they wander from place to place, their communities are usually small in size, and they often live with strict rules of cohesion, which are also necessary for them to survive in frequently harsh conditions (typically, punishment is severe, as deviant behavior may threaten the entire tribe's survival).²³ Also, the tribe is almost everywhere found to be ethnically homogeneous.²⁴

A religious loyalty, in contrast with tribal loyalty, may be very imagined and may therefore pertain to a large group of people, yet it is different from national loyalty in that it is not bound to a territory, nor even essentially *about* a territory.²⁵ While the tribe tends to limit itself to a close group, religious membership can be experienced wholly separated from others. What is characteristic for a religious loyalty, moreover, is that while it is imagined, it can easily result in placing religious rules above the rules of the actual political community. Europe at the time of the Reformation, for example, went through a conflict between religious and national loyalty, expressed through the dispute on ultimate legal authority.²⁶ The papal bull *Regnans in Excelsis* is a good illustration of this conflict. Issued in 1570, this bull declared the Protestant Queen Elizabeth I of England an unlawful ruler and charged 'the nobles, subjects, peoples and others (...) that they do not dare obey her orders, mandates and laws'.²⁷ Another example is formed by the Catholic Spanish King Philip II, who proclaimed in 1580 that 'everyone is authorized to harm, or kill' the Protestant leader of the Dutch Republic, William of Orange. This order was the leading pretext for the devout Catholic Balthasar Gérard to assassinate the Dutch prince in his house in Delft in 1584.²⁸

²³ There are of course tribes consisting of so large a population that their identity must to some extent be 'imagined' too. Still, however, the experience of loyalty on the basis of ethnic kin is fundamentally different from the loyalty on the basis of shared nationality.

²⁴ Cf. M. Banton, *West African City. A Study of Tribal Life in Freetown* (London: Oxford University Press, 1957).

²⁵ Neither of these ideal-typical distinctions are without exceptions, of course. The Anglican Church, for instance, promotes a religious loyalty, yet connected to the English nation. There would be many more examples of overlapping loyalties. The purpose here is, however, to distinguish ideal-typical types of loyalty.

²⁶ See on these and other examples Cliteur (2007) and Cliteur, *The Secular Outlook* (London: Wiley Blackwell, 2010).

²⁷ The entire text of the bull can be found, in translation, on <http://www.papalencyclicals.net/Pius05/p5regnans.htm>.

²⁸ See on this, for instance: Cliteur (2007) 164ff, and: Lisa Jardine, *The Awful end of Prince William the Silent. The first Assassination of a head of state with a Handgun* (London: HarperCollins, 2005), who writes on page 51: 'This act of assassination was, it appeared, the deed of a solitary

Arguably, the questions of the allegiance of Catholic citizens to their Protestant rulers in the age of the Reformation are comparable to current questions related to Islamic terrorism. Indeed, to several observers, they can only be explained properly with this problem in mind, which is also known as the problem of the divine command theory.²⁹

National loyalty differs from these other forms of loyalty, in that the primary object of its loyalty is not a tribe or a faith, but a territory and its patrimony. A national loyalty enables a dramatic enlargement of the scale of political organization as compared to a tribal loyalty. It also enables people of different religious beliefs – indeed of every possible different background, be it ethnic, racial, cultural, or religious – to overcome their differences and accept the same sovereign state, given that this state succeeds in attaching its authority to the nationality of its population (hence the packing together of ‘nation’ and ‘state’ in the normative conception of the nation state).

3.3. WELCOMING NEWCOMERS

In this section I will develop three idealtypical forms of national membership in order to further our understanding of it. The first I would call the *universalist-enlightened* approach, which is that it is not – or hardly – necessary. According to this approach, political organization can entirely be borne by institutions, and the social experience of membership is at best a useful by-product of this, but is certainly not a constituting element.

Then, there is the approach that I would call *particularist-romantic*, reminding us of the great nationalisms in history. According to this view of nationality, it is necessarily a closed condition; it is impossible to switch from one nation to another, and as a result, foreigners, even those who desire to assimilate, could not be accepted.

The third approach, finally, is that national identity is necessary, but that it can be an open condition; that in principle, nations are indeed closed communities, but that those who wish to belong can become part of the nation through their effort: through integration and assimilation.

For analytical purposes, it may be helpful to associate the first approach with the Enlightenment and the universalist ideals typically connected with the French Revolution; the second approach, then, can easily be associated with Romanticism, emphasizing the element of determinism in life. And finally,

fanatic, a loner with an intense commitment to the catholic Church and a faithful upholder of the legitimacy of the rule of Philip II in the Netherlands ...’.

²⁹ See on this: Cliteur (2007), and Roger Scruton, *The West and the Rest. Globalization and the terrorist threat* (Delaware: ISI Books, 2002).

there is the way out of the dilemma between these two extremes, provided by the concept of *patriotism*. As the word nation originally comes from the Latin *nascor*, meaning 'I am born', the word patriotism is derived from the Latin *patria*, meaning 'fatherland'. The Latin root also returns in words like 'patrimony' and 'patrimonium', referring to something that has been inherited from ancestors, but may also be acquired independently from birth.

The universalist-enlightened model of nationality developed in the eighteenth century, and found an obvious expression in the French Revolution. While it was in part the cry for the sovereignty of the 'nation' that fueled the French revolutionaries,³⁰ they were not occupied with the question of cultural or ethnic components inherent in this collective. On the contrary: in revolutionary writings, for instance the 1789 essay *Qu'est ce que le Tiers-Etat?*, written by the clergyman Emmanuel-Joseph Sieyès, emphasis is placed on liberating people from their social context: their inherited social position, their class and their ancestors, all had to give way to the new ideal of equality.³¹ Indeed, Sieyès argued that a nation is nothing but 'a body of associates living under common laws and represented by the same legislative assembly'.³² Stressing the need for just laws and nothing else, we see that in the thinking of Sieyès, 'state' and 'nation' are used as synonyms.³³

The political regime that took power after the revolution attempted to govern in accordance with this view. It had the ideal to define individuals 'by their humanity, not by their place of birth': their race or their class.³⁴ As Finkelkraut notes:

This revolutionary project had no intention of trying to create a collective identity (...). On the contrary: by setting [the people] free of all definitive ties, it radically affirmed their autonomy.³⁵

In his *Préliminaire de la constitution*, written in 1789, Sieyès derives the desired structure of the French constitution entirely from man's universal qualities and

³⁰ Alain Finkelkraut, *The defeat of the mind*. Translated by Judith Friedlander (New York: Columbia University Press, 1995) 18.

³¹ On the French Revolution's abolition of privilege, see: W.H. Sewell jr., *Work and revolution in France: the language of labor from the Old Regime to 1848* (Cambridge: Cambridge University Press, 1980) 78-84.

³² Emmanuel-Joseph Sieyès, *Qu'est-ce que le Tiers état?* (Geneve: Librairie Droz, 1970) 126: 'un corps d'associés vivant sous une loi commune et représentés par la même législature ...'.

³³ It is true that Sieyès' thinking is much more complex and layered than can be discussed here; his pleas for a national education in order to instill in all citizens a love of France, for instance, is an interesting example of this. Nevertheless, the focus in his work was hardly on the cultural factors that made French subjects into French nationals. See on this: Thomas Hafen, *Staat, Gesellschaft und Bürger im Denken von Emmanuel Joseph Sieyès* (Wien: Haupt, 1994) 71-88.

³⁴ Finkelkraut (1995) 12.

³⁵ *Ibidem*.

inalienable rights.³⁶ The approach to society is straightforwardly universalist – attempting to deal only with *man*, not *men*. This naturally provoked a reaction. The philosopher Joseph de Maistre answered the ‘universal declaration of the rights of man’ with the observation (in 1796) that no such thing as ‘man’ exists: ‘il n’y a point d’homme dans le monde’. He continued:

I have seen, in my life, Frenchmen, Italians, Russians, et cetera, and I even know, thanks to Montesquieu, that one can be Persian: but a man, I declare that I have never run into one in my life: if he exists, it is certainly without my knowledge.³⁷

Maistre did not stand alone. In response to the universal ideals of the Enlightenment, many different thinkers began to define the *nation* expressly in contrast with the state: as an organic soul, grown through an historical process, entirely disconnected from political organization – of which only those who shared in its blood could be a part. This happened most notably in the German states, which indeed did not even form such a unified political entity at the time.

The publication of Johann Gottfried Herder’s *Auch eine Philosophie der Geschichte zur Bildung der Menschheit* (1774)³⁸ is often marked as the starting point of this particularist-romantic nationalism. In this work, Herder criticizes the all too universal outlook on mankind that the Enlightenment thinkers, for example Voltaire, had chosen. He reproaches ‘den Philosophen von Paris’ that they want to educate ‘toute l’Europe und tout l’Univers’,³⁹ because that must inevitably lead to a grey, meaningless, sterile society. Making his argument mostly by ironical observations, Herder writes:

With us, God be praised!, all national characters have been extinguished! We love all of us, or rather no one needs to love the other. We socialize with each other; are completely each other’s like – ethically proper, polite, blissful!; indeed have no fatherland, no our-people for whom we live, but are friends of humanity and citizens of the world.⁴⁰

³⁶ Emmanuel-Joseph Sieyès, ‘Préliminaire de la Constitution. Reconnaissance et exposition raisonnée des droits de l’homme et du citoyen. Lu les 20 et 21 juillet 1789, au comité de constitution’, in: Ibidem, *Ecrits Politiques*. Choix et présentation de Roberto Zapperi (Paris: Editions des Archives Contemporaines, 1985) 192ff.

³⁷ Joseph de Maistre, ‘Considérations sur la France’, in: *Oeuvres complètes* (Lyon: Vitte, 1884, reprinted: Genève, Slatkine, 1979) tome I, 75: ‘J’ai vu, dans ma vie, des Français, des Italiens, des Russes, etc., je sais même, grâce à Montesquieu, qu’on peut être Persan: mais quant à l’homme, je déclare ne l’avoir jamais rencontré de ma vie: s’il existe, c’est bien à mon insu’.

³⁸ Translated as: ‘This too a Philosophy of History for the Formation of Humanity’, in: Johann Gottfried von Herder, *Philosophical Writings*. Translated and edited by Michael N. Forster (Cambridge: Cambridge University Press, 2002) 272–360. Ioannis D. Evrigenis and Daniel Pellerin (eds.), *Another Philosophy of History and Selected Political Writings* (Indianapolis: Hackett Publishing, 2004).

³⁹ Johann Gottfried Herder, *Auch eine Philosophie der Geschichte zur Bildung der Menschheit*. Nachwort von H.G. Gadamer (Frankfurt am Main: Suhrkamp Verlag, 1967) 83.

⁴⁰ Herder (2002) 329. In German, the text reads: ‘Bei uns sind Gottlob! alle Nationalcharaktere ausgelöscht! wir lieben uns alle, oder vielmehr keiner bedarf’s, den andern zu lieben; wir gehen mit

In *Auch eine Philosophie*, Herder argues for the uniqueness of each nation as a cultural entity. 'Each nation', he writes, 'has its center of happiness in itself, like every sphere its center of gravity!'⁴¹ And in later work, as Isaiah Berlin cites, he calls on the Germans:

Let us follow our own path (...) let men speak well or ill of our nation, our literature, our language: they are ours, they are ourselves, and let that be enough.⁴²

For Herder, 'the plurality of collective souls' is formed through the historical reality of 'nationhood'.⁴³ Although Herder recognized that in God's perspective, all humans are alike, a human perspective on mankind should not pursue such an abstract viewpoint, he believed.⁴⁴

It is important to note that Herder was, when he published his ideas in 1774, a pioneer of romantic nationalism, and one of the first to voice the particularities of the different nations.⁴⁵ But after the defeat and humiliation of the German states by Napoleon in 1806, it became a general vogue to search for a 'true' German identity. Take for example the Grimm brothers, who from 1806 onwards roamed the country to collect German folk tales, the first collection of which was published in 1810; or *Des Knaben Wunderhorn*, a similar collection of tales made available by Achim von Arnim and Clemens Brentano in the same period.⁴⁶ No doubt partly in order to compensate their military – and indeed political – powerlessness, the Germans 'embraced everything Teutonic with a passion', as Finkielkraut puts it.⁴⁷

It is also with this atmosphere in mind that Johann Gottlieb Fichte's *Reden an die Deutsche Nation* should be read. In the winter of 1807-1808, in French-occupied Berlin, Fichte declared that Germany could only defend itself against foreign powers by uniting politically. In that way, the romantic idea of an organic national identity entirely separate from political organization was reconnected again to a political structure:

It is solely by means of the common trait of Germanness that we can avert the downfall of our nation threatened by its confluence with foreign peoples and

einander um, sind einander völlig gleich – gesittet, höflich, glücklich! haben zwar kein Vaterland, keine Unsern, für die wir leben; aber sind Menschenfreunde und Weltbürger'. Herder (1967) 94.

⁴¹ In German, the text reads: 'Jede Nation hat ihren Mittelpunkt der Glückseligkeit in sich wie jede Kugel ihren Schwerpunkt!' Herder (1967) 45. The phrase is also discussed by Isaiah Berlin, in: *Vico and Herder* (London: The Hogarth Press, 1976) 186.

⁴² Isaiah Berlin (1976) 182.

⁴³ Finkielkraut (1995) 8-9.

⁴⁴ Herder (1967) 105.

⁴⁵ Cf. R. Safranski, *Romantik. Eine deutsche Affäre* (München: Hanser, 2007), chapter 1.

⁴⁶ See on this: M. Tatar, 'Reading the Grimm's *Children's Stories and Household Tales*: Origins and Cultural effects of the Collection', in: *The Annotated Brothers Grimm* (New York: W.W. Norton & Company, 2004) xxvii and further.

⁴⁷ Finkielkraut (1995) 9.

once more win back a self that is self-supporting and incapable of any form of dependency.⁴⁸

Thus two positions, the universalist and the particularist, the former typically associated with the French Revolution and the Enlightenment, the latter with the German defeat by Napoleon and Romanticism, stood radically opposed to each other. And it was more than half a century later before the debate on nationality made further progress.

This was triggered by the Franco-Prussian war. Commencing on July 19th, 1870, this war would last a year, and at the final peace treaty, signed on May 10th, 1871, a united Germany emerged, seizing Alsace and the northern part of Lorraine (la Moselle). German political philosophers concluded that the conquest was legitimate, because, inspired by the Herderian approach to the nation, the territories – fondly denoted as ‘unsere Rheinlande’⁴⁹ – were identifiably of German cultural origin, and the inhabitants spoke mostly German. Two of the most notable participants in defending this seizure were the German philosophers David Friedrich Strauss and Theodor Mommsen.⁵⁰ Two Frenchmen, Ernest Renan and Numa Denis Fustel de Coulanges, offered them a reply.⁵¹

David Friedrich Strauss, in an open letter he wrote to Ernest Renan in the opening months of the war – when France still possessed Alsace-Lorraine –, spoke of the French ‘robbery of the fruits of our flesh’;⁵² the fact that ‘a few rooms of our house’ had been appropriated ‘by the violent neighbor in earlier times’ had already been almost forgotten, he claimed⁵³ – but now, when France had

⁴⁸ Johann-Gottlob Fichte, *Addresses to the German nation*. Edited with an introduction and notes by Gregory Moore (Cambridge: Cambridge University Press, 2008) 11. The original German reads: ‘Es [ist] lediglich der gemeinsame Grundzug der Deutschheit, wodurch wir den Untergang unsre Nation im Zusammenfließen derselben mit dem Auslande, abwehren, und worin wir ein auf ihm selber ruhendes, und aller Abhängigkeit durchaus unfähiges Selbst, wiederum gewinnen können’. Ibidem, *Reden an die Deutsche Nation* (Hamburg: Felix Meiner Verlag, 1978) 13.

⁴⁹ David Friedrich Strauss, *Krieg und Friede 1870. Zwei Briefe von David Friedrich Strauss an Ernst Renan und dessen Antwort, mit einem Anhang: Carlyle an die Times* (Leipzig: Im Insel Verlag, 1870) 49. The first letter appeared in the *Augsburger Allgemeine Zeitung* on August 18th, 1870, the second on October 2nd.

⁵⁰ David Friedrich Straus (1808-1874) is best known for his theological works, especially his 1835 *Das Leben Jesu, kritisch bearbeitet*, in which he is searching for a new (demystifying) approach to the New Testament. Christian Matthias Theodor Mommsen (1817-1903) is best known for his research in classics. He was also awarded the Nobel Prize in Literature, for his 1854-1856 *Römische Geschichte*.

⁵¹ Ernest Renan (1823-1892) was a writer, philosopher, orientalist, theologian and mathematician. Numa Denis Fustel de Coulanges (1830-1889) was an historian.

⁵² David Friedrich Strauss, *Krieg und Friede 1870. Zwei Briefe von David Friedrich Strauss an Ernst Renan und dessen Antwort, mit einem Anhang: Carlyle an die Times* (Leipzig: Im Insel Verlag, 1870) 49: ‘Beraubung der Früchte unseres Fleisches’.

⁵³ The region had been part of the Holy Roman Empire roughly since 921. France has throughout its history always been envious of it. By conquest upon conquest, it succeeded to gradually take possession of the region from the mid-16th century onwards, completing this effort in 1798, when

again taken up arms against the Germans, 'these old questions wake up once more as well'.⁵⁴

The French, arguing for the illegitimacy of the announced German occupation of Alsace and Lorraine, were drawn to devising another conception of nationality than the previously predominant universalist one (because that would not help them to argue that any region ever belonged to anyone, whilst only recognizing abstract individuals under a neutral state). In doing so, these Frenchmen developed the conception of nationality that I consider the most helpful for us today.

Renan's answer to David Friedrich Strauss appeared shortly after the battle of Sedan, which had in fact practically decided the Franco-Prussian war.⁵⁵ Renan acknowledged that Alsace was German in origin, as Strauss had stressed, but noted that 'it is indisputable that, if we would put the question to the people of Alsace, an immense majority would declare itself in favor of staying together with France'.⁵⁶

A day later, Theodor Mommsen published a letter in the Florentine newspaper *Il Diritto*. The letter was addressed to the political director of that newspaper, Clemente Maraini. In this letter, he argued that the only way to solve the centuries-old conflict with the French would be to turn to 'the sacred principle of nationality' and take back the old German provinces, rendering any possible outcome of a referendum irrelevant:

the only solution is to stand by the sacred principle of nationality, and to rejoin the regions of German nationality to Germany.⁵⁷

Mommsen admitted that 'the majority of the inhabitants would prefer to stay under French government', but held that a part of a nation may not decide all by itself to leave the nation, as Sicily would not be allowed to leave the Italian union.⁵⁸ 'We lay claim to the Germans of Alsace and Lorraine because they are Germans,

the city-state of Mulhouse in a referendum voted to become part of the French revolutionary republic. Mulhouse was also the place of birth of Alfred Dreyfus (1859-1935).

⁵⁴ Strauss (1870) 49: 'Einige Zimmer (...) unseres Hauses' (...) 'der gewalttätige Nachbar in früheren Zeiten' (...) wachen auch diese alten Fragen wieder auf'.

⁵⁵ At the battle of Sedan, which took place on September 2nd, 1870, the French emperor Napoleon III was captured by the Prussian and Bavarian armies, which thenceforth marched on to Paris.

⁵⁶ Ernste Renan, 'Lettre a M. Strauss', in: *Ibidem, Histoire et parole. Oeuvres diverses* (Paris: Robert Laffont, 1984) 639-649, there 644-645: 'Il est incontestable que, si on soumettait la question au peuple alsacien, une immense majorité se prononcerait pour rester unie à la France'.

⁵⁷ Theodor Mommsen, 'Lettere al sig. Clemente Maraini', in: *Il Diritto* (September 17th, 1870). Available online at <http://www.mommsenlettere.org/Letter/Details/323>: 'l'unico salvamento è attenersi ai santi principi della nazionalità, riunire i distretti di nazionalità tedesca alla Germania'.

⁵⁸ The Italian unification had been brought about in 1861, and comparable discussions were held about the Italian national identity at the time. Cf. Adrian Lyttelton, 'The national question in Italy', in: Teich and Porter (eds.), *The national question in Europe in historical context* (Cambridge: Cambridge University Press, 1993) 63-105.

and because today an immense majority of the German nation wants to reunite them with the common fatherland; I think that makes them good democrats.’⁵⁹

Fustel de Coulanges wrote his *réponse à M. Mommsen* in October 1870, entitled *L’Alsace est-elle allemande ou française?*.⁶⁰ ‘You believe,’ Fustel de Coulanges recapitulated, ‘that Alsace is a German land; and that therefore, it should belong to Germany.’ He continued:

She speaks German, and as a consequence, you believe that Prussia can take possession of her. In virtue of this reasoning you ‘revindicate’ her; you want that she be ‘restored’. She is yours, you say, and you add: ‘we want to take all that is ours, nothing more, nothing less’. You call this the principle of nationality.’⁶¹

But the question was, of course, what it was that constituted that ‘principle of nationality’. Why would Alsace and Lorraine be ‘German’ instead of ‘French’? Fustel de Coulanges comes to his conclusions:

What singles out nations is not race, nor language. People feel in their hearts that they are the same people when they have a community of ideas, interests, affections, memories and hopes. That is what makes a fatherland. (...) One’s fatherland is the land one loves.’⁶²

Renan argued in practically the same manner. In a second letter written to David Friedrich Strauss, a year later, he stated: ‘The individuality of every nation is no doubt constituted by race, language, history, and religion, but also by something a lot more tangible, by actual consent, by the will of the several provinces of a state to live together.’ He admitted that Alsace was German in language and race, but,

She does not want to be part of the German state; that settles the matter. We speak of the right of France, and the right of Germany. But these abstractions touch us much less than the right of the Alsations, living beings of flesh and bone, not to obey to a power not agreed upon by themselves.’⁶³

⁵⁹ Mommsen (September 17th, 1870): ‘la maggioranza degli abitanti preferirebbe di rimanere sotto il governo francese’ (...) Noi rivendichiamo i Tedeschi dell’Alsazia e della Lorena perché sono Tedeschi, e perché ora l’immensa maggioranza della nazione Tedesca vuol riunirgli alla comune patria; e penso che in ciò siano buoni democrati’.

⁶⁰ Nouma Denis Fustel de Coulanges, ‘L’Alsace, est-elle allemande ou français?’, in: *Ibidem*, *Questions Historiques* (Paris: Librairie Hachette 1893) 505.

⁶¹ Fustel de Coulanges (1893) 505: ‘L’Alsace, à vous en croire, est un pays Allemand; donc elle doit appartenir à l’Allemagne. (...) Elle parle allemande, et vous en tirez cette conséquence que la Prusse peut s’emparer d’elle. En vertu de ces raisons vous la ‘revendiquez’; vous voulez qu’elle vous soit ‘restituée’. Elle est vôtre, dites-vous, et vous ajoutez: ‘nous voulons prendre tout ce qui est nôtre, rien de plus, rien de moins’. Vous appelez cela le principe de nationalité’.

⁶² Fustel de Coulanges (1893) 509: ‘Ce qui distingue les nations, ce n’est ni la race, ni la langue. Les hommes sentent dans leur cœur qu’ils sont un même peuple lorsqu’ils ont une communauté d’idées, d’intérêts, d’affections, de souvenirs et d’espérances. Voilà ce qui fait la patrie. (...) La patrie, c’est ce qu’on aime.’

⁶³ Renan, ‘Nouvelle lettre à M. Strauss’, in: *Ibidem*, *Histoire et parole. Œuvres diverses* (Paris: Robert Laffont, 1984) 647-655, there 650-651: ‘L’individualité de chaque nation est constituée sans doute par la race, la langue, l’histoire, la religion, mais aussi par quelques chose de beaucoup plus

Once more, Renan stated this definition in 1882,⁶⁴ in his famous pamphlet *Qu'est-ce qu'une nation?*. He answers the question posed as follows:⁶⁵

A nation is therefore a large-scale solidarity, constituted by a feeling of sacrifices one has made and of those one is still prepared to make. It presupposes a common past; it presents itself nevertheless in the present by one concrete fact: the consent, the clearly expressed desire to continue the common life. The existence of a nation is (excuse me for the metaphor) a daily plebiscite.⁶⁶

With the French intellectual debate in the direct aftermath of the Franco-Prussian war, counterweight was thus provided to both the romantic view of the nation as a somehow historically determined, ethnic and static union, as well as against the enlightened-universalist concept. This approach finds connection with both the points emphasized by the two extreme positions, yet reduces each of them to proportions where they can be compromised, and so enters a middle ground. Abstract concepts of 'man' and 'humanity' were, in the last instance, too general, while the determinist – ethnic – conception of nationality gave too little room for man's freedom.

This French approach changed, it must be noted, in the course of the 1880s and 1890s.⁶⁷ No doubt in part as an expression of the great national trauma of losing the war against Prussia (as German determinist nationalism had risen as a result of the defeat against Napoleon), a new, determinist and bellicose

tangible, par la consentement actuel, par la volonté qu'ont les différentes provinces d'un État de vivre ensemble. (...) Elle ne désire pas faire partie de l'État allemande; cela tranche la question. On parle du droit de la France, du droit de l'Allemagne. Ces abstractions nous touchent beaucoup moins que le droit qu'ont les Alsaciens, êtres vivants en chair et en os, de nobéir qu'à un pouvoir consenti par eux.'

⁶⁴ Finkelkraut reminds his readers that Renan has also contributed to the development of racist ideas, together with the former assistant and friend of Alexis de Tocqueville, Arthur de Gobineau. The 'scientific' concepts of race and culture, however, 'lost their use for Renan after the Franco-Prussian war. (...) To the triumphant ideology of Pan-Germanism, Renan responded with another theory of the nation – insisting on the distinction between national culture and human culture'. Finkelkraut, *The defeat of the mind* (1995) 32–33.

⁶⁵ A good article on Renan's national thinking is: M. Zenner, 'Die Nation im Denken Ernest Renans', in: K. Kluxen and W.J. Mommsen, *Politische ideologien und Nationalstaatliche Ordnung. Studien zur Geschichte des 19. Und 20. Jahrhunderts* (München: R. Oldenbourg, 1968) 219–238.

⁶⁶ Renan, *Qu'est-ce qu'une nation?*, in: Philippe Forest, *Qu'est-ce qu'une Nation?* (Paris: Pierre Bordes et fils 1991) 41: 'Une nation est donc une grande solidarité, constitué par le sentiment des sacrifices qu'on a faits et de ceux qu'on est disposé à faire encore. Elle suppose un passé ; elle se résume pourtant dans le présent par un fait tangible : le consentement, le désir clairement exprimé de continuer la vie commune. L'existence d'une nation est (pardonnez-moi cette métaphore) un plébiscite de tous les jours.'

⁶⁷ Cf. R. Tombs (ed.), *Nationhood and Nationalism in France. From Boulangerism to the great war 1889–1918* (London: Harper Collins Academic, 1991); Or the wonderful description of the French national identity by Fernand Braudel in: Braudel, *L'identité de la France. Espace et histoire* (Paris: Arthaus-Flammarion, 1986), who starts with: 'Je le dis une fois pour toutes: j'aime la France avec la même passion, exigeante et compliquée, que Jules Michelet ...', and further down: 'En outre, toute identité nationale implique, forcément, une certaine unité nationale, elle en est comme le reflet, la transposition, la condition ...'. (pages 9 and 17 respectively).

nationalism emerged. French philosophers and historians following Georges Vacher de Lapouge started measuring what was called the 'cephalic index' of skulls, found on the graveyards of the Hérault and other regions of France,⁶⁸ to determine the essential racial characteristics of the French nation. Vacher de Lapouge described in his book *l'Aryen : son rôle sociale* (1899) in fact exactly the approach to nationality that the French had rejected a mere twenty years before:

One neither decides to become a member of a family nor a nation. The blood one carries in his veins when one is born, one keeps that all his life. The individual is dominated by his race, he is nothing. The race, the nation is everything.⁶⁹

Nationality thus became once more a question not of choice or culture, but of nature.⁷⁰ Consider the influential Charles Maurras (1868-1952), who wrote in *Mes idées politiques* (1937) that 'it is not our choice which makes us French. (...) We do not choose our fatherland, any more than we choose our father and mother.'⁷¹

This deterministic way of thinking, the nation as ethnicity, judging the man instead of his culture, his inherited past rather than his chosen future, culminated in the Dreyfus Affair, a conflict that commenced in 1894 and deeply divided French society for more than a decade. The originally German-speaking Alfred Dreyfus (1859-1935), who had moved from the Alsace region (he was born in Mulhouse) into France after it was annexed by Prussia in 1871, had recently become a captain in the French army. Yet in 1894, he was convicted for treason, as he was found guilty of passing French military secrets to Germany. It quickly became clear, however, that it was unlikely for Dreyfus to have committed this crime, and that the reason for him being convicted lay more in anti-Semitism, as Dreyfus had Jewish roots. Moreover, Dreyfus spoke French with a suspicious German accent, having been raised in the Alsace region.

The anti-Dreyfusards wanted to defend the infallibility of the French army, and to clear France of what they regarded as impure influences. Finkelkraut summarizes their standpoint as 'Dreyfus was guilty, as the inhabitants of the provinces of Alsace and Lorraine were German, by virtue of ethnicity'.⁷²

⁶⁸ The Hérault is a region near Bordeaux.

⁶⁹ George Vacher de Lapouge, *l'Aryen et son rôle sociale* (Paris: 1899) 511, as quoted in: Zeev Sternhell, *La droite révolutionnaire: les origines françaises du fascisme, 1885-1914* (Paris: Editions du Seuil, 1978) 168: 'On n'entre par décret ni dans une famille ni dans une nation. Le sang qu'on apporte dans ses veines en naissant, on le garde toute sa vie. L'individu est écrasé par sa race, il n'est rien. La race, la nation sont tout.'

⁷⁰ Cf. Tzvetan Todorov, *Nous et les autres, la réflexion française sur la diversité humaine* (Editions du Seuil, 1989) 333.

⁷¹ Charles Maurras, *Mes idées politiques* (Paris: Arthème Fayard, 1937) 252: 'Ce n'est pas notre volonté qui nous a faits Français. (...) On ne choisit pas plus sa patrie – la terre de ses pères – que l'on ne choisit son père et sa mère.'

⁷² Finkelkraut (1995) 46.

Although Dreyfus was eventually rehabilitated in 1906, the affaire had a deeply divisive influence on French society, and the belief in a predetermined *Volksggeist* as well as its racist and determinist companions had conquered a strong position in French life. Informal leader of the anti-Dreyfusards was the influential intellectual, writer and member of parliament Maurice Barrès (1862-1923). His reasoning was:

If we prove that Dreyfus is guilty, the french army as a whole will be strengthened: that is good for France. If on the contrary it will turn out that he is innocent, that would discredit the army and harm the nation. Conclusion: whatever may be the 'absolute' truth, justice for France demands that Dreyfus be condemned.⁷³

Note that the word *absolute* is placed between brackets: as if to symbolize that every form of 'objective truth' is always in the eye of the beholder.⁷⁴ According to Barrès, then, even if Dreyfus was found to be 'objectively' innocent (but what is 'objective innocence'?), those who had defended him – the *Dreyfusards* – would be guilty. Because, as Barrès writes in his *Scènes et doctrines du nationalisme*, 'their conspiracy divides and disarms France, and they are rejoiced by that. Even if their client would be innocent, they would remain criminals.'⁷⁵ Indeed, the argument of the anti-Dreyfusards seems to be that the French nation could not accept any infringements of its prestige after the defeat of 1871, and that the individual interest in 'justice' was subordinate to that objective of paramount importance.

Anti-Semitism, moreover, was to continue to play a dominant role in French national contemplations. What was the reasoning behind anti-Semitic nationalism? Again Maurice Barrès:

The jews have no fatherland in the sense that we understand it. For us, our fatherland is the soil and the ancestors, it is the land of our dead. For them, it is the place where they find their greatest interest.⁷⁶

A man who certainly disagreed with him was Theodor Herzl, who wrote in his 1896 pamphlet *Der Judenstaat* that the only thing that determines the Jew is

⁷³ Quoted in: Todorov, *Nous et les autres, la réflexion française sur la diversité humaine* (Paris: Editions du Seuil, 1989) 91: 'Si on prouve que Dreyfus est coupable, l'armée française en sort renforcée: cela est bon pour la France. S'il s'avère au contraire qu'il est innocent, cela discrédite l'armée et nuit à la nation. Conclusion: quelle que soit la vérité « absolue », la justice française exige que Dreyfus soit condamné.'

⁷⁴ Cf. Leo Strauss, *Natural right and history* (Chicago: Chicago University Press, 1953) especially chapter 1, and Allan Bloom, *The closing of the American mind. How higher education has failed democracy and impoverished the souls of today's students* (New York: Simon & Schuster, 1987) especially part II.

⁷⁵ Maurice Barrès, *Scènes et doctrines du Nationalisme* (Paris: Émile-Paul, 1902) Tome I, 138: 'leur complot divise et désarme la France, et ils s'en réjouissent. Quand bien même leur client serait un innocent, ils demeureraient des criminels'.

⁷⁶ Barres (1902) Tome I, 67: 'Les juifs n'ont pas de patrie au sens où nous l'entendons. Pour nous, la patrie, c'est le sol et les ancêtres, c'est la terre de nos morts. Pour eux, c'est l'endroit où ils trouvent leur plus grand intérêt'.

anti-Semitism: 'Only necessity makes us cling to the old tribe, only the hatred of our environment makes us different. (...) We are a people – our enemies have made us one against our will, as it has always been throughout history'.⁷⁷

But whatever may precisely be the case, one thing is certain: the Dreyfus affair contributed greatly to the explosive warlike atmosphere that arose in Europe, especially between Germany and France, that led to the First World War. Herzl drew his conclusions from this situation, and went down in history as the founder of a new sort of Jewish nationalism – which has culminated, of course, in a particularly remarkable nation state today, Israel.⁷⁸

To conclude, we may – as has been outlined above – distinguish three approaches to the 'nation'. The first is the radical Enlightened, affirming people's equality and rights whatever their background and culture. The second is the radical Romantic, putting all emphasis on historical determinism and race. And the third is the open yet conditional conception, trying to find a middle road between radical equality and determinist inequality: membership is in principle open to everyone, but requires an effort. In his history of European nationalism, Tzvetan Todorov distinguishes between on the one hand 'a community of "blood", that is to say a biological entity, over which the individual has no hold at all', and on the other a community based on 'an act of the will, on subscribing to an arrangement to live together by adopting common rules, by envisaging a common future'.⁷⁹

It is indeed a complicated distinction we have to make to understand the debate rightly. Of course, the theorists of the sovereign state, as discussed above, like Bodin and Hobbes, had some concept of national unity in mind. They were not drawing the map for a world-government. But they were preoccupied mainly with the organizational apparatus needed to restore political order in times of great social divergence.

The great Enlightenment project was to map out what was reasonable for *man* in general. It focused on mankind's nature, and not so much on *men* in their cultural variety. In doing so, the Enlightenment had a propensity to overlook people's roots and their inclination towards the 'little platoons' that Burke thought were the foundation of civil society. The French Revolution symbolized these

⁷⁷ Theodor Herzl, *Der Judenstaat* (Osnabrück: Otto Zeller 1968, neudruck der Erstausgabe 1896) 26: 'Nur der Druck presst uns wieder an den alten Stamm, nur der Hass unserer Umgebung macht uns wieder zu Fremden. (...) Wir sind ein Volk – der Feind macht uns ohne unseren Willen dazu, wie das immer in der Geschichte so war.'

⁷⁸ Cf. B. Evron, *Jewish state or Israeli Nation?* (Bloomington and Indianapolis: Indiana University Press, 1995) 41ff.

⁷⁹ Todorov (1989) 508: 'une communauté de « sang », c'est-à-dire une entité biologique, sur laquelle l'individu n'a aucune prise, accomplir un acte de la volonté, souscrire à un engagement de vivre ensemble en adoptant des règles communes, en envisageant donc un avenir commun.'

universalist ideals, thereby creating, amongst other things, a 10-day week and a cult of humanity, while expropriating the Catholic Church.⁸⁰

This was not the focus of the theorists of the nation in the romantic age. They argued that the nation consisted of a homogeneous population and that this homogeneous population had to be the basis of the political organization of the state. The debate over Alsace-Lorraine clearly illustrates this.

As has been shown above, in the late 19th century and first half of the 20th century, the Romantic approach to the nation became increasingly important in political discourse. Moreover, the idea that it was the German state that ought to bring the German Nation *Heim ins Reich*, and the need as perceived by the French to 'purify' the nation during the third republic (e.g. the Dreyfus affair), were in fact extreme excrescences of the Romantic conception of nationality.⁸¹

This is certainly the main reason why 'nationalism' and the word 'nation' grips our conscience and provokes negative associations. The term brings about not only intellectual discussion, but also highly inflamed emotions. Words are not really important, however, and there is no intrinsic reason why we should continue to use that contaminated word for the patriotic kind of political loyalty that we associated with Renan and Fustel de Coulanges in the course of the last section of this chapter.

Some would thus distinguish here between nationalism and patriotism. The Germans are inclined to call the open idea of nationality '*Staatsbürgerschaft*'. Following Ernst Cassirer, Jürgen Habermas has spoken of '*Verfassungspatriotismus*'.⁸² John Stuart Mill emphasized the importance of 'the principle of cohesion among members of the same community or state'.⁸³ Hegel, too, suggested a form of national identity when he wrote about the need of societies for some set of essential values that generate a certain minimal point of reference for all,⁸⁴ a '*Selbstgefühl*',⁸⁵ without which a civil society cannot interact harmoniously with the state. Tocqueville, finally, wrote not about nationality but about 'a certain uniformity of civilization' that he believed to be 'not less necessary (...) than a

⁸⁰ Scruton, 'Man's second disobedience: reflections on the French Revolution', in: *The Philosopher on Dover Beach* (Indiana: St. Augustine's Press, 1998) 196.

⁸¹ Naturally, there were other sorts of romantic nationalism too. For example the nationalism of Charles Péguy, which cultivated the memory of Jeanne d'Arc, and was not anti-Semitic.

⁸² Cf. Deniz Coskun, 'Constitutioneel patriottisme voor Europa. Wat Ernst Cassirer bepleitte in Weimar', in: Ernst John Kaars Sijpesteijn (ed.), *Het Volk en Europa* (Amsterdam: Vereniging Democratisch Europa, 2004) 83-92.

⁸³ John Stuart Mill, *Considerations on representative government* (1861) (New York: Prometheus Books, 1991) chapter 4.

⁸⁴ Georg Wilhelm Friedrich Hegel, *Grundlinien der Philosophie des Rechts* (1821) (Frankfurt am Main: Suhrkamp Verlag, 1970) § 174.

⁸⁵ Hegel (1821) § 322.

uniformity of interests' for political society to endure,⁸⁶ 'un certain nombre de conditions d'union'.⁸⁷ Without such 'homogénéité dans la civilisation', he thought a political system could not survive long.⁸⁸

All these ways of expression are variations on the theme of the 'nation', nationality, nationhood. An example of a state that seems to have been able to develop and sustain such an 'open' nationality is the United States of America. Its unifying principle is not race, or ethnicity, but the 'civic religion' that is sometimes expressed as the *American Dream*, and which is symbolized by the 'constitution' (which almost bears a 'sacred' status), the flag, the anthem and the 'dollar' (though admittedly, that one may have lost some of its credit, lately). Thus it was possible in January 2009 for a man of a minority race to become the president of this nation – because Barack Obama was before everything else an *American*.

It is important not to lose our way in semantic discussions: what the Germans mean by *Staatsbürgerschaft*, or what some other authors refer to as 'patriotism', is what Renan and Fustel de Coulanges meant by nationality: the middle-road between universal citizenship (radical Enlightened thought) and pre-determined ethnic membership (radical Romanticism). Both inherently local, as well as open to people from all different backgrounds, it forms the synthesis of Enlightened universalism and Romantic determinism, and it is realized in the ideal of the tolerant and open nation states based on what I call a *multicultural nationalism*.

⁸⁶ Tocqueville, *Democracy in America*, vol. I, chapter VIII, 'why the Federal system is not practicable for all nations, and how the Anglo-Americans were enabled to adopt it' (New York: Vintage Books, 1990) 169.

⁸⁷ Tocqueville, *De la démocratie en Amérique*, vol. I, chapter VIII (1835), 'Ce qui fait que le système fédéral n'est pas à la portée de tous les peuples, et ce qui a permis aux Anglo-Américains de l'adopter' (Paris: Éditions Gallimard, 1986) 257.

⁸⁸ Tocqueville, *De la démocratie en Amérique*, vol. I, chapter VIII, 'Ce qui fait que le système fédéral n'est pas à la portée de tous les peuples, et ce qui a permis aux Anglo-Américains de l'adopter' (Paris: Éditions Gallimard, 1986) 258.