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

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CONCLUSION

We have now examined the three elements that together make up national sovereignty. We have defined the 'state' as the political apparatus that structures political power and enforces the law. We have seen that sovereignty can be understood in a formal and a material sense: the formal sense denoting the constitutional independence of a state, the material sense denoting the location of the political process: the actual place where decisions are made. Both are implied in every serious understanding of self-government. And we have identified the 'nation' as an imagined and territorial loyalty, providing an experience of membership, a collective 'we'. Nationality contrasts with tribal loyalty on the one hand, and religious loyalty on the other; the former territorial yet unimagined, the latter imagined but non-territorial.

A question that lies before us today may be what kind of effort should be demanded from immigrants, and what kind of cohesion should be striven for. What are the factors that create national loyalty, or national identity, and how wide-ranging may the differences between citizens be, before national loyalty is abandoned and replaced with tribal or religious loyalties? Can Western culture as a whole provide such a loyalty – and is a European nationality therefore feasible?

An argument in favor of this idea is that nation states of today have to a great extent been created and 'socially engineered' as well.¹ One obvious example is Italy (which did not even have a uniform language in the 19th century), another is Belgium (which could be described, in many respects, as a disintegrating nation²). Since it can hardly be said that the Europe of today consists of natural, unchanging and unchangeable nation states, why not create a new one for the whole continent?

On the other hand, even though radical secessionist minorities have continued to exist in many European states, the experience of national membership of the general population seems to remain rather unproblematic in most Western-European countries. If the Vienna peace treaty, the Versailles peace treaty, or the formation of Eastern Europe after the Second World War had been different, then no doubt there would have been different nation states from the ones we have

¹ An example is James B. Minahan, *One Europe, many nations. A historical dictionary of European national groups* (Greenwood Press, London, 2000), which discerns approximately 2000 different ethnic groups which form the built-up of the original European population.

² Others have said that Belgium never even formed a nation at all, for instance Paul Belien, *A throne in Brussels. Britain, the Saxe-Coburgs and the Belgianisation of Europe* (Exeter: Imprint Academic, 2005).

now: with different borders. France would perhaps be smaller, the Netherlands would perhaps still include Flanders, and Germany might have stretched deeper into the east and southeast, perhaps including Alsace-Lorraine as well.

But the fact that nations are historical contingencies does not mean that people also experience their nationality as a mere coincidence, interchangeable with any other. Nor even that such an experience may be interchangeable over a course of several generations. The fact is that our identity – the identity of each one of us – is formed by a series of coincidences, but that this identity nevertheless defines who we are. The nations of today are inherited identities, and most have been formed under centuries of aristocratic rule. Not only may there be a natural boundary to the scale on which the experience of national identity may be extended; nation-building on a European scale may also be a form of social engineering that needs pressures from above that are impossible to sustain under democratic regimes. Nations, then, may be a bit like fossil fuels: formed under centuries of incredible pressures from above, they are with us as relicts of an age past, but necessary nevertheless for the flourishing of modern life.

But we will return to this issue in part III – as it is first necessary to discuss the antitheses to national sovereignty, which have gained shape in the past three quarters of a century: supranationalism and multiculturalism.