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

Baudet, T.H.P.

Propositions relating to the dissertation

The Significance of Borders. Why representative government and the rule of law require nation states

by

Thierry Baudet

1. For almost three-quarters of a century, the countries of Western Europe have abandoned national sovereignty as an ideal. Nation states are being dismantled: by supranationalism from above, by multiculturalism from below.

2. Supranationalism grants institutions the power to break through national borders and to overrule the nation state's territorial arrangements. In this way, sovereignty is increasingly undermined.

3. Multiculturalism deligitimizes the nation state's borders by weakening the collective identity of the people living behind them, and it encourages religious sub-groups to invoke rules from beyond the nation state's borders. In this way, national loyalty is increasingly undermined.

4. The significance of borders lies in their ability to define jurisdictions, and so separate one political community from another. In doing so, borders enable the exercise of sovereignty as well as the formation and protection of national loyalty.

5. Representative government and the rule of law need such sovereignty and loyalty. Therefore, representative government and the rule of law require nation states. It is only in a nation state that these institutions can properly function.

6. As nation states uniquely enable the functioning of representative government and the rule of law, it must follow that supranationalism and multiculturalism, being antithetical to nation states, are also incompatible with representative government and the rule of law.

7. The idea of universal jurisdiction, currently fashionable in the form of universal human rights or Islamic divine law, was discarded after the attempts to maintain it in its Christian form had led to the civil and international wars of the 16th and 17th centuries.

8. Nationality as an imagined, territorial loyalty can exist independent of ethnicity or religion. It contrasts with two other forms of political loyalty: an imagined, non-territorial (or universal) loyalty on the one hand, and a territorial, unimagined (or tribal) loyalty on the other.

9. The legal profession's frequent conflation of natural rights with rights derived from positive law is conducive to judicial activism but intellectually incoherent.

10. The predominance of peer-review in assessing the value of academic contributions bears the inherent danger of stifling rather than stimulating the debate – as challenges to established authorities and paradigms might easily be excluded.