

Integration in a pluralistic society: strategies for the future

Bauböck, Rainer

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Integration in a Pluralistic Society **Strategies for the Future**

Rainer Bauböck

Abstract

This essay deals with two questions: Is an internal pluralism of cultures compatible with the basic norms of a political order supported by principles of liberalism and democracy? Can societies remain integrated at the level of territorial political communities when they become increasingly mobile and open for international migration? Both questions are answered affirmatively, but with certain reservations against evolutionary optimism and cosmopolitan liberalism.

Modernity has unleashed a dynamic of cultural homogenisation within nation-states, and at the global level, too. This has not eliminated cultural boundaries but rather turned them into political ones, charged with potentials for violent conflict. Liberal norms of tolerance are not strong enough to undermine the logics of nationalism and modern racism. New inclusive forms of democratic citizenship ought to represent rather than restrain internal cultural plurality, and at the same time provide incentives for boundary transgressions and against communal closure.

With regard to the second question, there is a contradiction between the acceleration of international migrations on the one hand, and the need for stable and bounded membership in democratic polities on the other. This conflict can be resolved by developing transnational forms of citizenship which are based on territorial residence but allow for external, changing, and multiple forms of political membership. However, even if narrow conceptions of national sovereignty can be overcome, the national institutionalisation of social rights and the global gaps of unequal social citizenship still remain as the main obstacle for a universal right of free movement.

The following text was commissioned by Copenhagen University for the conference *Rescue 43* to be held in October 1993 and for an edited volume to be published at the same date. The occasion of this conference is to commemorate the rescue of almost the entire Jewish population of Denmark from Nazi persecution fifty years ago. (About 5000 Danish Jews were shipped to Sweden in small boats by Danish citizens within a few days). The general subject of the conference is xenophobia and exile today. The text is an essay, written for oral presentation. Footnotes and references to relevant literature have been used sparingly for that reason.

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I. Political community and normative discourse

Strategies for the future have to be built first on a proper understanding of the world today and second on an exploration of normative dilemmas. We have to face such dilemmas if we think that the future of societies can be shaped by present choices at the level of political communities. This presupposes a belief that the future is neither predetermined by the course of history, nor the random result of myriads of independent individual interactions, nor under the exclusive control of such dominant actors as ruling elites and classes.

It is difficult to give rational reasons for such a belief. We can sustain it only where there is such a thing as a political community. I conceive of a political community in the strong sense of the word as one in which members share in collective decision-making on issues that affect them collectively. Most states in the present world fail dismally to meet this definition. Western-style representative democracy is not a form of political community either, if we characterize it with Joseph Schumpeter as »that institutional arrangement for arriving at political decisions in which individuals acquire power to decide by means of a competitive struggle for the people's vote«. ¹ However, there are two elements missing in this definition which characterize liberal and constitutional democracy. The first is the institutional guarantee of extensive and inclusive rights of citizenship, and the second is the ongoing public discourse of legitimation of political decisions in terms of collective interests or consent of an imagined political community of citizens. It is not participation in decision-making but rather the communal distribution of citizenship as a social good which gives some residual credibility to the claim that contemporary democracies represent political communities. And it is within the discourse of legitimation rather than that of decision-making, that citizens can and in fact do raise normative questions about future options.

None among us who does not exercise political power can know whether taking a position in public debates will lead to corresponding political decisions – and if it does, whether such decisions will be implemented effectively – and further, if they are, whether this will really change the course of social development in the desired direction. In a liberal state, we cannot even demand from all citizens that they participate in such debates, which may seem pointless to most of them. Humans are not by nature political animals. Aristotle could state the opposite only because he lived in a political community which supported this belief. Yet the same culture also supported his opinion that women are unfit for politics and that slaves are slaves by nature, i.e. naturally excluded from political communities. Liberal democratic political culture is at least potentially much more inclusive. But at the same time, it does not socialize most people into becoming political animals. Yet neither does it turn politics into an exclusive business of an aristocratic elite. Civil society contains a public realm which is open for participation in political discourse, even if not in most political decision-making. Those citizens which enter this arena cannot consistently avoid facing the normative questions that are the essence of public political debate in our societies.

There are two such questions which come to my mind when I try to interpret the title suggested to me by the organizers of the conference:

¹ Joseph A. Schumpeter: *Capitalism, Socialism and Democracy*. Harper Torchbooks, London, third edition, 1950, p. 269.

- 1) Is an internal pluralism of cultures compatible with the basic norms of a political order supported by principles of liberalism and democracy?
- 2) Can societies remain integrated at the level of territorial political communities when they become increasingly mobile and open for international migration?

It is easy to see why both questions are normative ones. Pluralism and freedom of movement carry positive value connotations as something which is desirable where it does not exist and should be defended where it does. The questions are relevant and difficult because they point to potential conflicts with other positive values attached to liberalism, democracy, social welfare and territorial integration. However, normative dilemmas such as these also involve implicit factual assumptions. The first question implies that cultural identities are important in modern societies; the second one, that international migration is a characteristic of the modern world. I think that the former assumption has to be defended while the latter is simply a statement of fact.

II. Cultural Boundaries and the Dynamics of Nationalism

In light of the statements just made, let me first consider whether cultural affiliations are still relevant in modern societies. Do the structures of contemporary Western societies and the dynamics of modernization multiply or reduce, reinforce or weaken internal cultural boundaries between social groups?

Culture in the broadest sense of the word does not lend itself to the definition of clear-cut collective identities. The human species has the unique capacity to develop a potentially infinite number of communicative worlds differentiated from one another, on the one hand, and of codes for translation and communicative interaction among these worlds on the other. Our species has not separated into biological races with genetically-conditioned different patterns of behaviour. More importantly, whatever genetic group differences exist, are irrelevant to this capacity for transcultural communication. We do not need metaphysics or religion to account for this. From her and his very origins, *homo sapiens* has been a migrating animal with the potential to adapt to a wide range of different natural and also cultural, i.e., human-made environments. Thus, humans have not only settled in all the different climatic zones of the earth: there has also been a constant stream of contact and exchange of populations among groups located in different territories.

The differentiation of cultural worlds is a process of boundary-drawing, of distinguishing between *us* and *them* by means of cultural markers. If the boundaries were merely territorial ones marked by geographical obstacles, they would vanish with trade and conquest bringing formerly separate groups into close contact. As the Norwegian anthropologist Fredrik Barth has argued, the function of cultural boundaries is the stabilisation of group membership in constant cross-boundary interactions.

In the pre-modern world, political and cultural boundaries normally did not coincide. The territorial shape of states was largely a result of war and conquest; and the maintenance of state power required superior military techniques of coercion and an economic surplus to be confiscated rather than a common language or religion for all subjects. The city-states of antiquity and the principalities of European feudalism were politically separate entities within much larger pools of common cultures. And, conversely, the empires of pre-modern societies encompassed a multitude

of different cultural communities which they normally left to care for themselves as long as they paid respect and tribute to political authorities. There are exceptions, such as China, where a high culture came to be more or less coextensive with a large core territory of an empire and where conquerors of the throne were assimilated into this culture. This seems to be due to an exceptional stability of rule based on a level of constant surveillance of society by a well-trained bureaucracy, which has only been surpassed in the modern welfare state.

The economic and political revolutions which led to modernity have completely changed the significance of cultural boundaries. Cultural homogenisation at the level of states became essential for both the modern economy and the legitimation of political rule. An industrial division of labour requires the socialisation of the entire population of internal markets in a common medium of communication. And this can only be provided by public education organized by the state. Thus, the correspondence of political and cultural boundaries became an imperative of the modern economy. This is, in a nutshell, Ernest Gellner's theory of nationalism.²

One should not interpret this thesis in a crudely functionalist and economistic manner. Political developments which led to modern nationalism began long before the industrial revolution. They paved the way for cultural changes which, in their turn, provided fertile ground for the emergence of capitalism. Most important was probably the process of secularisation of political authority, which had its oldest roots in the historical settlement between the Pope and Emperors in the 12th century and was probably initiated by the disaster of the wars and civil wars of the first half of the 17th century – a kind of suicide operation of the Western European feudal system. Immediately after that traumatic period, Thomas Hobbes developed the idea that worldly authority was ultimately legitimated only by the rational consent of the subjects over which it governs, and that its justification rests on the protection of the individual citizen from the threat of violent anarchy. Enlightenment, from John Locke to the French philosophers, revised the clauses of the Hobbesian social contract to include restraints on the power of governments to interfere with the property and rights of the citizens. Rousseau finally gave rebirth to the idea that political authority ultimately should rest in the general will articulated within a participatory political community. The failure of bourgeois democratic revolutions to realize this republican ideal, was not primarily due to political defeat and restoration of the old powers in most of 19th-century Europe. It was inherent to the organisation of state and economy that best corresponded with the interests of industrial and financial entrepreneurs, in contrast to the radical petty bourgeoisie and the nascent working class.

A Rousseauian world would have consisted of a multitude of mini-states within larger cultural communities homogenized by industrialisation. These small republics would have probably confederated themselves into larger units for the purposes of defence and could have established free-trade zones. The only real historical possibility for this kind of development existed in North America before the adoption of the US constitution by the then-autonomous states. In the New World, the federalists won against the confederalists. In Europe, the final outcome of the dissolution of empires was the formation of large territorial states. Not only the national economies of scale of industrial capitalism militated against the survival of mini-states. An even higher threshold of viability was imposed by the requirements of external sovereignty during a period of unstable international alliances, which quite closely resembled the world postulated by the doctrine of an

² Ernest Gellner: *Nations and Nationalism*. Blackwell, Oxford, 1983.

international state of nature. (This changed after World War II, which helps to explain the proliferation of independent states since that time). The modern nation-state which resulted from this was administered by a Weberian bureaucracy and governed by a political elite. Its political legitimation could not possibly be provided by direct democracy. National cultural community became the substitute definition for the *demos* with respect to which political authority must legitimize its power. The people of modern representative democracies, as well as of authoritarian states, became identified as one nation (or in rare cases, as several nations) – i.e. not as a *demos* but as an imagined *ethnos* which supposedly reproduced itself biologically because of a common descent, and culturally because of a shared language, tradition and historical experience.

Modern societies can no longer exist as closed cultures with ethnic boundaries. Whatever cultural homogeneity exists at the level of nations, is state-manufactured rather than transmitted from one generation to the next by socialization within a self-sustaining milieu. But the ethnic substance of modern nations is a powerful myth. Its analytical deconstruction is rationally convincing and yet politically, rather impotent. The reason for this is that the modern Leviathan not only provides protection from violence for property-owners by means of its monopoly of legitimate force; it also monopolizes the production of national culture which it distributes to all its citizens. This cultural capital is a resource for horizontal as well as vertical mobility. It promises opportunities to all those whose fortune is not built upon inherited assets. The welfare state which redistributes economic wealth to some extent, so as to provide a minimum of material protection to all citizens, has reinforced national attachments while simultaneously weakening the passions aroused by perceived threats to the cultural community. There is much more to defend for the ordinary citizens in the welfare state when compared to earlier forms of the nation-state. But that which is defended, depends on a smooth functioning of the economy and on political stability, rather than on a fight against rival cultural groups.

Yet this whole logic of cultural homogenisation is strongly countered by the very dynamics unleashed when legitimation of political authority is derived from the self-determination of cultural units. Nationalism has opened windows of opportunity, not only for upward mobility of majority populations but also for minorities who felt repressed. Some of them stubbornly refused to be assimilated into the nation, some were deliberately excluded from it. Nationalism gave them another option. They could try to transform their own cultures into national ones. As the emergence of new states in Eastern and Central Europe and the possibility of separation in Belgium, in Canada, and in the Spanish and British state demonstrate, there is no final and stable result of nation-building. Nationalism contains two polar options for realizing its central imperative of making political and cultural boundaries congruent: assimilation or separation. Between these extremes there is a wide range of instable equilibria giving some collective rights or partial autonomy to minorities or nationalities within a nation-state.

III. Racism and Ethnic Closure

Nationalism is not the only modern ideology which redraws the map of cultural boundaries. Modern racism is a complementary but not identical phenomenon. It outbids ideas about the ancient origins of nations by ascribing the origins of groups identified as »races« to prehistoric natural selection. Secondly, it eliminates the threat of rival claims to equal national

honour on an ideological level by explaining historical relations of dominance as unalterable racial hierarchies.

The victim groups of modern racism are those who find themselves in social positions where they lack the means to raise efficient claims to nationhood: the people of those colonies which provided slave populations, aboriginals in oversea territories which were used as an outlet for European emigration and settlement, the descendants of slaves in these countries, and territorially dispersed but ethnically distinct populations which had occupied specific positions in the economy of the European Middle Ages, such as Jews and Gypsies. The logic of racism is contrary to nationalism in its denial of the capacity of these groups for either assimilation or national emancipation. Racism replaces the nationalist options of assimilation, autonomy, or separation with the triad of segregation, expulsion, or extermination.

Just as nationalism can be understood as a response to enlightenment ideas about the legitimation of political authority through social contract and republican democracy, racism is a reaction to enlightenment ideas about natural and universal human rights reaching beyond the boundaries of political communities. Enlightenment universalism posits humanity as a single community of individuals endowed with natural rights. At the same time, the external conquest of colonies – and the internal conquest of populations in the home territories for the purpose of nation-building – produces groups of outcasts who are denied the most basic human rights. Enlightenment universalism made it impossible to account for their difference in the way pre-modern societies had done. For them, phenotypic distinctions were probably just one kind of markers for cultural boundaries. If in modernity some populations could not be treated as human beings endowed with natural rights, they had to become stigmatized as subhuman.

After the climax of the *Endlösung der Judenfrage*, racism has lost the aura of scientific truth. (The fact that racism was not cast out of the scientific arena before Nazism had been decisively defeated in the battlefields, teaches an important lesson to scientists). Nevertheless, racism is clearly still present in many different forms in Western liberal democracies. The most obvious ones can be found in the everyday discourse of private lifeworlds. French scholars have pointed out that new kinds of *culturalist* or *differentialist* racism have emerged which are mainly targeted against some groups of recent immigrants. These are confronted with a schizogenic double bind. On the one hand, they are asked to unconditionally surrender their cultural affiliations; on the other hand, their cultures are presented as unalterably alien and resistant to assimilation and as providing an innate identity which individuals cannot abandon voluntarily. The same impossible combination of demands was present in the discourses of anti-semitism in Central European societies after the political emancipation of Jews. What is still not fully developed in contemporary stigmatization of Muslim immigrants, is the final ideological escalation of the double bind before it eliminates any solution other than a violent one. This is the idea that those minorities are the most dangerous ones who appear to have successfully assimilated in spite of the impossibility of doing so. In racist fantasy, such assimilation can only be achieved by human viruses who infiltrate the body of the nation in order to destroy it from within.

Many scholars have pointed out that everyday racist discourse is supported by institutional and structural racism which discriminates against stigmatized groups in the labour and housing markets, in the educational system and in the social services of the welfare state. This institutional racism has been conceived as a malevolent invisible hand which thwarts all

efforts of anti-discrimination and affirmative action policies. However, I do not think that racism is sustained merely by private prejudice and the operation of outwardly colour-blind mechanisms of markets and bureaucratic administration. I want to draw attention to what I perceive as discourses in science and politics supportive of post-Nazi racism. I characterize these as manifestations of second-order racism.

First-order racism defends the theory that there are biologically different races which can be ranked in a hierarchy of human worth and capacities. In its political manifestation, it gives birth to explicit legal discrimination and exclusion from citizenship. On the level of scientific knowledge, second-order racism concedes that there is no hierarchy of human races but postulates instead a genetically-rooted tendency of all humans to discriminate against others in racist ways. Sociobiology, ethology and other theories offer different explanations for this hypothesis; and by no means should all of these be condemned as an expression of racism. However, they share a fundamental lack of understanding for the malleability of cultural boundaries, and especially for the social conditions of modernity under which the resources of territory and procreation have become utterly irrelevant for the status of individuals and social groups. By attributing to contemporary humanity a behaviour still shaped by conditions of survival in societies of hunters and foragers, they profoundly misinterpret the specifically modern features of racism and provide an exculpating and even legitimizing ideology for political compliance with racist exclusion. In other words, if racism is in our genes, politics had better take that into account and should not try to overburden the limited capacity of human groups to accommodate those perceived as aliens.

In the field of politics, second-order racism can be detected in the discourse on representation of majority opinions. Democracy, we are told, requires from responsible politicians that they take into account even irrational fears and beliefs of the citizenry. The more honest variation of the argument is that those who do not take ordinary racism into account, will not be (re)elected and that this would pave the way for the real racists' access to public office. In its implications, this is first a self-reinforcing prophecy but secondly, a self-destroying one. It is self-reinforcing because it will lead to the adoption of policies which support the popular belief that racially discriminated groups represent a danger for majorities. It turns into a self-destroying prophecy when right-wing populists and racists who were meant to be kept out of office, are elected precisely because they are much more determined in the fight against *Scheinasylanten*, fundamentalist Muslim immigrants or criminality-prone blacks supported by public welfare benefits.

Some commentators have maintained that there is still a lot of political first-order racism in the legal discrimination of immigrants. I do not accept that the mere control of immigration is in itself a manifestation of racism. But immigration regulations which have a negative bias against racially-stigmatized groups can certainly be characterized in this way. A similar distinction can be made with regard to the treatment of immigrants within the country. The exclusion of long-term resident aliens from essential rights of citizenship, is a form of discrimination which must be seen as deeply problematic when measured by the standards of liberal democracy. As long as this distinction can be overcome individually by naturalisation, it is a manifestation of nationalism rather than racism. However, deterring immigrants from naturalisation and attributing a foreign nationality to children of immigrants without also offering them the citizenship of the country where they have been born, seems to me a kind of institutional racism. Making the status of foreign citizens an inherited one, supports the

idea that cultural identities are essentially inherited as well and transmitted by descent in a quasi-biological manner.

I have said that minorities whose discrimination is racist rather than nationalist, cannot respond with a struggle for national emancipation. Of course, this is only true within given historical conditions. Colonial peoples who were exploited as providers of slave populations after World War II, eventually found themselves in a situation where they could successfully raise the claim to national independence. The predicament of those Jews who escaped the Nazi terror but could not find a safe haven elsewhere, was resolved in the realisation of the Zionist utopia – which, however, created a new homeless people. In South Africa, we witness the difficult birth of another nation which had been denied the right of self-determination by racist segregation.

For those racially-discriminated minorities for whom no territorial solution and no new state is in sight, there appears to be another way of reacting to their continued social exclusion: cultural closure and ethnic mobilisation. The ethnic cultures of immigrants and the ethnic revival among Afro-Americans (or African Americans, as the politically correct terminology now has it) should not be misunderstood as demonstrating the force of primordial attachments even in modern society. Of course, there are differences in cultural lifeworlds resulting from socialisation in countries of origin and reinforced by the experience of migration and of living in urban ghettos. However, just as nationalist myths reinvent and instrumentalize popular ethnic traditions rather than simply reflecting them, so do the manifestations of ethnicity in the public and political sphere with respect to the private cultural lifeworlds of an urban underclass. Politicized ethnicity has become a strategic asset for professional elites among minorities who militate against their own experience of discrimination and degradation.

What was just discussed is a specific response to contemporary racism and xenophobia which presupposes a framework of equal formal citizenship. The Africanist turn in US black movements really took off only after the abolition of discriminating legislation. Ethnic and religious movements among immigrants from Latin America, the Southern Mediterranean or the Indian subcontinent are strongest in those countries where most have become citizens of their host states. While pre-World War racism meant exclusion from citizenship, contemporary forms can operate within the framework of equal rights. Yet the same framework also provides elites with opportunities to mobilize by claiming collective and corporate rights in addition to individual ones. The balance sheet of affirmative action and ethno-cultural education programmes so far is rather sobering. They have done more for emergent black or immigrant middle classes than for the bulk of the minority populations. Social citizenship in contemporary Western states is still strongly constrained by cultural boundaries which operate as thresholds in a generally unequal distribution of social opportunities. Ethnic mobilization and cultural closure is a strategy of instrumentalizing rather than abolishing these boundaries, and it will not lead to flattening the corresponding thresholds of social citizenship. Nevertheless, besides being a vehicle for the aspiring and upward moving strata of discriminated minorities, this strategy also has something to offer to those who remain marginalized: pride in what they are rather than in what they can become, collective identity as a substitute for social status.

Let me sum up briefly the main points so far. Nationalism implies a dynamic of cultural homogenisation which destroys the self-reproductive capacities of ethnic cultures. Yet it also provides minorities and colonized people with opportunities of collective emancipation by claiming their own nationhood. Internal conflicts between rival claims can lead to assimilation

or separation. Often, they are settled by compromise solutions which establish ethnic minority rights or a kind of power-sharing within a pluri-national state. Racism implies a denial of these solutions. Since 1945, racism has survived in the Western World in modified forms which perpetuate the social predicament of targeted groups but which also give them the opportunity to organize around demands for collective rights as ethnic minorities.

IV. Liberalism, Democracy and Pluralism

What are the implications of this diagnosis for the question raised at the beginning? There is a pluralism of cultures in most industrialized societies. It is not only a pluralism of private life-styles and cultural associations in civil society. Cultural battles are fought in the public and political realm as well. The principle of religious tolerance cannot be easily extended to other kinds of cultural distinctions, because transmission of politically potent, standardized high cultures has become a monopoly of the modern state disputed by rival claims. This makes for an uneasy pluralism loaded with explosive conflicts.

Liberal and democratic philosophers often seem to ignore this. Nationalism is unattractive as a philosophical doctrine, but it is a force which has shaped modernity at least as much as liberal thought. While contemporary theories of distributive justice have thoroughly addressed the issue of economic inequality, most have tended to gloss over cultural boundary conflicts. Liberals often think of them as merely an anachronistic survival of the pre-modern world, whereas communitarians defend cultural boundaries indiscriminately as the very precondition for *Sittlichkeit*, for community-based morality. A proper understanding of the dynamics of nationalism would put philosophical minds to the task of defusing these ongoing conflicts. Rather than constructing a world in which such conflicts are absent, they should try to show how principles of liberalism and democracy can be used to de-escalate them.

Contemporary liberalism has been criticized by the communitarian philosopher Michael Sandel as defending universalistic principles of justice from the viewpoint of a »disembedded self«,³ a rational individual who stands so far apart from all communal affiliations and particular histories that her or his moral judgement is not affected by them. I think this communitarian critique is both right and wrong. There are probably quite a number of truly disembedded selves in the real world of modern societies, but existentialist loneliness is certainly not what liberal universalists have in mind. When we make normative judgements which are meant to apply to a political community, we necessarily argue from a point of view of embeddedness, even if it is ideal membership in an ideal community. From this, it does not follow that in their normative judgements individuals are stuck in their present collective identities. Contemporary societies provide a much wider range of opportunities for abandoning, changing or combining cultural affiliations than did pre-modern ones. It is this experience which allows us to transcend communal affiliations in our normative political judgement in a way hardly conceivable before enlightenment.

It is possible to defend the priority of liberty from the vantage point of abstract human beings stripped naked of their social status and life

³ Michael Sandel: *Liberalism and the Limits of Justice*. Cambridge University Press, Cambridge, UK.

histories. This is what John Rawls did quite successfully in his early work.⁴ But it is difficult to defend a political order based on negative liberties to real human beings who communicate with each other, not behind a veil of ignorance but as members of ascriptive groups. Nevertheless, modernity creates a public sphere of society where a thin veil of ignorance is constantly present. Anonymous encounters and restrained communication in which private identities of partners remain veiled, fill a substantial part of our daily lives. Secondly, liberal principles can be defended from the perspective of the individual with multiple or changing affiliations, rather than that of a fictitious creature with no particular identity. I think of migrants and their spouses or of children of intermarriages between ethnic groups as test cases for pluralistic liberalism. These are minorities (and often minorities within minorities) but they represent the essence of what modernity means for vast majorities: both the force of social pressure and the range of opportunities from which broken, transitional and multiple identities emerge.

In this view, a pluralism of cultures rather than a non-society of atomized individuals is the very condition for the legitimation of liberalism. However, not any kind of pluralism and culture can serve this purpose, but only one in which the weak principle of tolerance is supported by the stronger one of open boundaries allowing individuals to move between cultures and to change their own cultures from within. As Albert Hirschman has argued, the options of *exit* and *voice* do not necessarily contradict or erode *loyalty*. To the contrary, liberalism supports a constitutional framework in which individuals can be loyal to very different kinds of cultures, precisely because none of them enjoys a monopoly and because individuals have rights which enable them to change their communities from within – or alternatively, to change their communal affiliation by leaving. I do not think that most Western democracies are liberal – or liberal enough – in this sense. However, pluralistic liberalism could be an antidote to the kind of cultural pluralism produced by nationalism.

Yet liberalism does not answer the real challenge of nationalism unless it also includes democratic principles. Collective self-determination is the idea shared by both democratic theory and nationalism, but generally ignored or criticized as illusory by liberal thinkers. Liberals have often confined themselves to establishing the autonomy of individuals and of civil society by limiting the scope of legitimate state intervention. What is essential for this end is the rule of law and the separation of powers within the sphere of the state. Excessive democracy could endanger all this, as well as the liberties of citizens. This is true but still evades the core problem of democratic legitimation. Nationalism cannot be overcome as long as there is no alternative definition of the *demos* represented by political authorities.

This *demos* cannot be the one classical republicanism dreamt of: a uniform community of individuals directly participating in state power with no intermediate bodies between the citizen and the state. Most modern democracies are not only indirect and representative but also, to a substantial degree, corporatist and federated. The question raised by the existence of cultural and ethnic boundaries, is whether these should be represented at all, and how they can be represented in a manner that does not perpetually fuel nationalist rivalry or racist hate.

As far as territorial national minorities are concerned, there is no alternative to specific collective rights including representation at the parliamentary and governmental levels. And where there is no more common political ground, separation is a better starting point for rebuilding

⁴ John Rawls: *A Theory of Justice*. Oxford University Press, 1972.

democracy than is a protracted political battle between national factions. However, only where relations have been of a colonial nature is separation inevitable from a democratic point of view. In all other relations, including a wide range of unequal and inequitable ones, separation means defeat for the project of constructing a democratic regime within which these inequalities could be overcome and where both communities could feel represented. Furthermore, as we now witness again in Central and Eastern European states, separation regularly produces new minority conflicts—often more violent ones than those which led to partition. Where ethnic populations are territorially dispersed, the principle of national self-determination by majority decision can lead to an endless chain reaction of separations and national unifications which only stops at the weakest link—one unable to defend itself against superior force or when national territories have been »purified« by ethnic cleansing.

Democratic and socialist politicians who have seen this as a danger to their projects, as well as representatives of dispersed minorities, have advocated alternative solutions within existing states – such as collective rights based on individual group affiliation rather than territorial units, and a second parliamentary chamber where ethnic and national groups rather than social classes or ideological currents would be represented. Some of these proposals could have de-escalated conflicts during the break-up of Yugoslavia before war started. The difficulty with these ideas is that, in nationality conflicts, they promote an unstable truce rather than sustained peace. Within such constitutional settlements, political elites can increase their power by digging trenches along ethnic boundaries separating rival groups. Ethnic allegiance comes to dominate other forms of collective interests, and ideological pluralism within the ethnic camps will be suppressed. The settlement of the ethnic conflict in South Tyrol, which is certainly among the most successful ones, provides a good illustration of this skeptical view. For those who conceive of ethnic and national identities as primordial ones, the structuration of democratic political struggle along these lines is natural or even desirable. For others, like myself, who regard cultural boundaries as malleable and their identification with political communities as deeply problematic for the democratic project, these solutions cannot be accepted as permanent ones.

I suggest that the best test for the democratic sustainability of ethnic representation is the same as for pluralistic liberalism: which position will those occupy who are newcomers from outside, who change their affiliations or who combine several ones? Any model that excludes them from the *demos* or does not represent them equally with members of institutionalized nationalities, fails to meet the norm of inclusivity which distinguishes modern democracy from pre-modern forms. Pluralistic models with entrenched divisions of power between established nationalities and linguistic groups, such as in Belgium or Switzerland, will make it even more difficult for immigrants from abroad or for internal migrants between regions and communities to feel equally represented. A republican »purification« of democracy in the French tradition, which excludes all national and ethnic identities from politics and transforms them into a uniform status of equal citizenship, is the wrong kind of answer. Minorities will only perceive it as a strategy of assimilation by a dominant nation. A better way of making cultural pluralism compatible with liberal democracy, is to outdo it by treating cultural communities as voluntary associations with special claims on representation in politics and public life, but denying them exclusive representation as to their membership. This could be achieved by taking into account collective rights for cross-cutting membership in social classes, genders, generations and regions – and by also representing

temporary identifications, syncretic cultures and shifting affiliations between communities.

V. Freedom of Movement and Boundaries of Political Communities

The second challenge that I read in the title of this paper, is whether the territorial integration of political communities can be compatible with international migration. It is easy to confirm the factual assumption implicit in this question. There can be no doubt that increasing international mobility is a basic feature of the contemporary world. Large-scale migrations have occurred during all historical periods, and modernity has dramatically reinforced this anthropological phenomenon. It has destroyed the economic foundations of sedentary cultures which had been rooted in subsistence agriculture. Previous great migrations in human history needed many generations to spread over the globe and were mostly collective movements of ethnic groups from one origin to one common destination. We can draw cartographic maps which capture the major movements during several centuries. If we did the same for today's world, we would get a confusingly dense web made from thousands of arrows connecting each country with a multitude of others.

International migrations are such a pervasive phenomenon in modernity because they have so many different causes that any attempt to explain them within a single paradigm of migration theory must fail. People migrate involuntarily when they are forcefully brought elsewhere to perform work for which there is not enough, or not cheap enough, indigenous labour. Others migrate voluntarily because they lack subsistence at home or are attracted by the prospect of finding work abroad. Cultural, scientific and business elites migrate because this maximizes their opportunities or simply because it has become part of their life-style. Refugees migrate because they have been active as political dissidents or because they belong to a social or cultural group which has been targeted for persecution. Others flee when their towns and villages have become a theatre of war or when their societies are struck by endemic violence, mass poverty or ecological disaster. The only gross characterisation of long-term trends which can be given of all these different forms, is that while migrations have become ever more massive in terms of numbers of people on the move, mass migrations in the proper sense of the word, i.e. *collective* movements from one origin to one destination, have become more rare. The contemporary migrant is an individual rather than an element in a social mass; and the pathways of migration mostly depend on individual choices, even if for many these are extremely hard choices made under threat to their lives or livelihoods.

State policies regulating migration are as manifold and divergent as are the individual motives for it. Governments have tried to expel certain people from their territories and have denied others the right to leave. Often, the very same governments did both simultaneously; and sometimes, they even did it to the same kind of people. Governments have also legalised the forceful displacement of labour from colonies. After the formal abolition of slavery, there followed the import of indentured labour; and both continue in many parts of the world. States have encouraged the recruitment of guestworkers and have attempted to repatriate them later or to shut the doors to their families and successors. All these forms of regulation still have one element in common: the modern state has insisted that it is entitled to control migration across its borders. A general denial of exit rights has been outlawed in human rights declarations and conventions, but

there is little indication that this is meant as a first step towards recognising a symmetric right of entry. Immigration control is a hallmark of state sovereignty in the modern world. Early modern states often were not able to enforce this control. During the brief period of 19th-century liberalism some were not willing to enforce it. The 20th century has witnessed a dramatic increase both in migratory flows and in state surveillance of persons on the move. However, there are exceptions which confirm rather than contradict this rule. States have abandoned restrictions towards certain immigrants which they consider as their own kin: Germany and Israel are the best-known examples. It is a rather bitter irony of history that in the aftermath of Nazism and World War II, both German and Jewish diasporas have been offered a homeland where they will be welcomed as citizens as soon as they step over the border. This form of abandoning immigration control reinforces rather than diminishes national sovereignty. Yet there are other and more post-national developments as well. Freedom of migration, settlement and choice of employment within the European Community is perhaps the most interesting one.

It hardly makes sense to conceive of freedom of movement as a natural right. Rights should be understood as attributing legitimacy and institutional protection to voluntary human actions and choices. Rights are thus a resource provided by political institutions for individual or collective autonomy. Human action which inherently infringes upon the opportunities of others to act in a similar manner, cannot be codified as a universal right. This is, for example, relevant to migrations which are instrumental for conquest. The same can be said of involuntary actions which directly result from such infringement, as do migrations into slavery or banishment. Only in modern times has the individual search for opportunities or protection become the dominant motive for migration. This is what gives plausibility to the idea that there should be a universal right of movement corresponding to the structural push-and-pull factors which force or induce millions of people to migrate.

Industrial economy has uprooted masses from their lands and set them on the road to other places where they could find work. It is one of the major achievements of the liberal democratic state that it has established an internal right of free movement which corresponds to this structural force and which enables people to remain relatively autonomous in their territorial movements. Pre-modern empires and totalitarian modern states such as the USSR did not allow their citizens to move freely. Neither did the Apartheid state concede this right to its outcast black majority. Walls around cities characterized pre-modern restrictions on internal migration; and internal passport systems, modern ones.

The dynamic of modernisation within modernity has led to forms of international migration which more and more resemble internal ones. So it would seem logical to demand as a next step the extension of the right of free movement from the national to the global level. If we also envisage the parallel emergence of a world state, this would be a simple augmentation of scale of an existing right without a change in its quality. However, there are very good reasons for neither expecting that a world state will be the eventual outcome of the contemporary globalisation of politics, nor for desiring such an outcome on normative grounds. Capitalism creates a world economy but, at the same time, reinforces obstacles for the dissolution of state borders. And despite the potential of international conflict inherent in this separation, we also should be aware that liberal democracy can only survive when there is a plurality of states. A world state would eliminate the exit option of leaving political communities and joining other ones, thereby

destroying a mechanism essential for systemic self-correction within an environment of competing organisations.

International migration will by definition always be a movement between distinct political entities and the status of membership in these entities; will be different for those who are resident, those who have just arrived, and those who live outside. These distinctions are necessary for the stabilisation of political communities. But they do not in themselves justify restrictions on migration. Federal units within nation-states are able to maintain their autonomy and regional legislation with open internal borders for aliens, citizens of the federal state, and their own residents alike. The EC is confident that it can do the same even before becoming a federal state.

I want to argue that a right of free international movement is indeed a norm inherent in the dynamic of modernity, which is not *per se* incompatible with the integration of bounded political communities. Realizing this goal would mean abandoning distinctions between citizens and non-citizens at borders and in the access to internal markets and state institutions. The only distinction which would be relevant in this utopia of modernity, is that of political membership. The present situation is, however, different. A universal right of free movement is not only utopian but could indeed undermine the stability and scope of democratic citizenship under conditions of class and global inequality. In the contemporary world, control over immigration is necessary to some extent; but at the same time, the old forms of distinguishing citizens from non-citizens have been partially eroded, and remaining forms of discrimination have lost their democratic legitimation. Although utopian, the plea for free movement is nevertheless relevant as a guideline for present policies. It supports the extension of immigration rights for specific groups of immigrants and the creation of regions of free international movement wherever this is compatible with the maintenance of internal democratic citizenship.

The argument is summarized briefly as follows: in a utopian world of free migration, democracy is only possible if political communities have a determinate membership which has some stability in space and time. Not everybody everywhere in the world can participate in a meaningful way in discourses and decisions relevant for a limited collective of concerned persons. Political decisions are also binding over time. Democratic legitimation can only be achieved if those who will be affected in the future, are identical with those who participate as members now. If future generations are concerned, they should at least be well represented by those involved in the decision. Long-term territorial residency is the most obvious criterion for distinguishing those who will be strongly affected by many political decisions, from others who will be affected only indirectly or not at all. It is not necessarily the only criterion which can be applied. Decisions which affect populations beyond a national territory can and should involve these populations, at least at the level of public discourse. Migrants who are continuously on the move need not be excluded either, if they can relate to one or several locations as their homes. Where political communities are not themselves nomadic, a home will be essential for being represented as a member.

In the contemporary world, democratic citizenship is constrained by structural social inequality; but, at the same time, it is a means of sheltering political communities to some extent from the effects of this inequality. The social component of citizenship rights which was first

analysed by the British sociologist T.H. Marshall in 1949,⁵ is essential for a meaningful integration of workers and women. Without social rights to education and to material welfare, women would be largely confined to the private sphere of family households. Workers – who would be fully exposed to the risks of unemployment, unregulated wages, working conditions and working hours – could not be citizens in a more than completely passive sense, either. There is a discrepancy between the internationalisation of labour markets and the national institutionalisation of social rights. Where social rights are absent or residual within a national economy, there is little justification for strongly restricting immigration. Where social rights are extensive and roughly similar – as well as transferrable – between different states, there is also no good democratic reason for maintaining obstacles for free movement. While neoliberals would probably advocate the former road towards more liberty of migration, I would support the latter one. The right of free emigration is a precondition for democratic citizenship. The absence of this right is a litmus test for totalitarianism. As there are no more uninhabited territories on earth which could be used for human settlement, does not free emigration imply a corresponding obligation of states to admit those who make use of this right by leaving? I think it does; but in a world of many different states, the obligation does not fall on any particular one, but rather on the community of states as a whole. If this community is not itself a world state, it will lack the means to enforce compliance of any single member with the obligation. Hence, this objection to restricting voluntary immigration in order to protect the present forms of democratic and social citizenship, simply does not hold. However, it is convincing where migrants are not really free to choose another state of destination. States can have specific obligations to admit groups of particular migrants. Refugees, whose human rights will be endangered if they are kept out, are generally in this category – and so are family members of migrants who are already established in a country. The increasing flows of family and chain migrations, as well as of refugees, provide another argument for demanding coordinated efforts among the wealthy states to receive more immigrants instead of closing their gates. However, claiming entitlements of immigration or at least priority of admission for these groups, implies that controlling or restricting other migrants is legitimate as long as there are sufficient reasons for an overall limitation of numbers. As far as immigrants are concerned who are not in a priority category, one can nevertheless use democratic norms to argue against discriminating treatment. Fair procedures instead of arbitrary discretion – and quantitative limitation rather than qualitative selection – should be the main guidelines.

Let me finish by explaining why present criteria of determining political membership are problematic from a democratic point of view. I suggest that, in liberal democracy, the distribution of membership should follow that of citizenship rights and not the other way around. In the nationalist construction of the *demos*, individuals are first members of a people. Secondly, they exercise as a collectivity a single right which is constitutive for their definition as a nation: the right of national self-determination. Thirdly, in democratic nation-states there may be additional individual rights of citizenship which are, however, not constitutive for political membership in the national sense. Determination of membership in the nation is automatic (by descent from members, or by birth in the national territory, or by some combination of both). Admission of those who are not members by

⁵ T.H. Marshall: *Citizenship and Social Class*, in: *Class, Citizenship, and Social Development*. Essays by T.H. Marshall, New York.

birth is regulated by an asymmetric contract in which state authorities both lay down the minimum conditions for application and reserve for themselves the final decision whether or not to grant citizenship. National citizenship generally excludes simultaneous membership in other national communities which are constituted as sovereign states.

An alternative concept of liberal democratic citizenship starts by determining the proper distributive ranges of citizenship rights. We can postulate two normative criteria. The first is the liberal principle of institutional protection with maximum freedom of choice for those actions which do not harm others and which are compatible with equal protection and freedom for all. The second is the democratic principle of maximum congruence between the set of persons affected by political decisions and involved in the political process leading to decision-making. While the first principle is universal in its range of validity, it is *de facto* limited in its enforceability by the spatial and temporal range of state institutions. The democratic principle is inherently limited by the different ranges of impact of collectively-binding decisions.

In this view, membership is no longer a dichotomous concept. The resident population as a whole is the set of members which are entitled to basic rights of passive citizenship: among them, most civil and social rights. Resident adults above a certain age constitute the proper set of citizens enfranchised for political rights. Persons who stay temporarily abroad but who maintain strong ties with their country of former residence, enjoy external rights of citizenship: among them, diplomatic protection and the right to return migration.

In contemporary Western democracies, civil and social rights have been substantially extended to include resident aliens. Political rights of voting and access to public office, as well as external citizenship, are still mostly confined to national citizens rather than to resident populations. There are some notable exceptions, such as communal voting rights for foreign citizens in several European states and an »option of return« for second-generation foreigners who have temporarily left their country of residence.

The single most important step towards a transnational concept of citizenship would be a general recognition of dual or multiple citizenship and the introduction of unconditional rights of naturalisation after a minimum period of residence. There are also other developments pointing beyond the national definition of political membership, such as the European Community citizenship agreed upon in the Maastricht treaty. I also conceive of human rights legislation as an extended form of citizenship if there are international institutions for jurisdiction and instruments for enforcing sanctions against governments.

In a world organized along the lines of liberal democratic citizenship, many individuals could be members of different political communities simultaneously or in temporal sequence. This multiplicity of membership would be mainly a result of an inevitable incongruity between territorial states, on the one hand, and increasingly mobile populations on the other. Overlapping circles of individual membership would correspond with overlapping areas of collective sovereignty exercised by states.

Would transnational citizenship endanger internal democracy? It would remove obstacles to the representation of migrant populations. I cannot see why this should not also be welcomed by those who want to make present forms of democracy not only more inclusive but more participatory, too. Would overlapping sovereignty threaten the external autonomy of states? Nationalism has enabled oppressed colonial peoples or ethnic minorities to break relations of political dependency by creating independent states.

Transnational citizenship would increase interdependency between states rather than reintroduce dependency. An interdependent world of separate states without equally separate citizenries would be probably less ridden with international conflict than the present one. However, it would be naive to think that the transformation of citizenship can in itself be a sufficient strategy towards realizing this goal. On the national level the partial containment of class inequality by social rights has been the most important precondition for enriching national citizenship with democratic elements. The same is true for the international level. As long as extreme differences of collective poverty and wealth persist between separate states, there is little chance of building stable bridges of transnational citizenship between them.