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The Ethical Core of the Nation-State

A Postscript to Part Two

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The title of the present volume, *Ethics, Nationalism, and Just War*, announces a daunting project. The countless constellations of war, nation, justice, and peace, past and present, and the wide variety of conceivable ethical approaches to them, resist discrete summary. And yet it should at once be underscored that both the "ethics" in question and the "war" (and peace) to which they aspire to take recourse are of a special brand and breed, belonging to a very specific historical moment. Transformations of the notions both of ethics and of war and peace have accelerated in the course of the twentieth century in unforeseeable ways. Ethics—the systematic mapping of rights and obligations, premises and conditions of conduct—has veered from its classical roots and is no longer understood merely as the systematic search for a singular response to the question What is the Good Life? "War and peace," a constantly evolving pair, has made a leap from the perfunctory character of violence in something like Herodotus's *Histories* to the desperate theses of Baudrillard's *The Gulf War Did Not Take Place* (1995). Today, questions of war and peace are more frequently rediscovered in intrastate relations, in experiments with new weapons technologies, opening new questions of modalities, aims, and means, collateral consequences, circumstances and scope, objects and actors.

Many of the empirical illustrations brought to bear in the arguments of the second part of this book, to which this chapter is meant as a postscript (although I do not comment on all of the articles), deal in one way or another with the issue and the destiny of the European nation-state. All, for better or worse, engage the *European* notion of a three-way synergy (between individual, people, and political institution), the immediate derivative of the political philosophy of the Enlightenment. The contributions to a large extent explore the tension between the particular cultural, spiritual, ethical, and/or religious collective impulse at the heart of any given nation-state and the bare, transparent, institutional structures and universal principles to which they relate. Such principles were already thematized in political and philosophical debates by Locke, Lessing, Bayle, Simon, Schiller, Voltaire, Diderot, Rousseau, Paine, and others at the outset of the European nation-state movements at the close of the eighteenth century in what Reinhart Koselleck called the "pathogenesis" of European bourgeois political culture (1973; Böckenförde, 1999).

The paradox of the nation-state's *ethical* universality was clear from the start, that is, already in the first Enlightenment philosophies of state, people, and rule of law. It was famously dramatized by Kant's thinking on the nature of a cosmopolitan world republic, the natural consequence of the universal principles of the nation-state in his well-known 1784 essay "The Idea of a Universal History from a Cosmopolitan Point of View" and his 1795 essay "On Perpetual Peace" (Kant, 1991a, 1991b). In the currently expanding debate on postnationalism and the limits of nationality, Kant's concept of cosmopolitanism has been repeatedly revisited, in both the debate on the nature of globalization (Bauman, 1998; Höffe, 1999: 64–67; Delanty, 2000), and that on the possible forms of a European superstate (Pogge, 1992; Schultz, 1994; Habermas, 1998; Segers and Viehoff, 1996; Ferry, 2000). Much of the discussion concerns the modifications and clarifications necessary in order to bring Kant's conception of a cosmopolitan world order to a contemporary coherence, in general, or to make it applicable to a possible European federal state, in particular.

The contemporary historical determination of these debates revolves around the geopolitical changes in the wake of the fall of the Berlin wall. Most of these arguments would have been impossible before the *Wende*, the more or less peaceful collapse of the Soviet-steered East Bloc beginning with the dramatic events in October 1989. Before then, the cold war

and the ideological borders frozen along the lines of European national borders completely overshadowed the prospects of any sort of philosophical cosmopolitanism. Although globalization was long since a reality, principled questions about the nature of a universal order based on political or ethical doctrine were as good as unthinkable (Fernández-Armesto, 1995).

The less thoroughly scrutinized reality of the *Wende* is that it marks the birth of a new brand of nationalism. The issues addressed by the chapters in this volume concern phenomena that have become relevant as a consequence of the "liberation" of the East Bloc. The question of the relevance of noncombatants (Johnson), environmental considerations (Reichberg and Syse), humanitarian intervention (Semb), the ethical consequences of nationalism (Smith), European construction (Follesdal), international tribunals (Meernik), regime change (Janssen), and genocide in the Balkans (Vetlesen) all address matters that have redoubled their relevance in the postwall period.

The Ethical Kernel

These wide-ranging essays share a second fundamental characteristic. They all proceed, explicitly or implicitly, from the assumption of a certain kind of national core or kernel. By "kernel" I mean an essence or substance that is essential to the nation but is neither equivalent to it nor reducible to it. The chapters in this collection highlight and explore the ethical nature of the nation-state by looking at its ethical presuppositions and consequences. They examine the relationships between various actors and concrete situations, interpreting them in terms of a network of ethical meaning linked to the nation-state. In his contribution "Maintaining the Protection of Noncombatants," James Turner Johnson in chapter 8 seeks to extend the nation-state-based notion of protection of noncombatants in state-based war to protection in the persecution of armed conflicts. In chapter 9, "Protecting the Natural Environment in Wartime," Reichberg and Syse explore the limits of extending the traditional nation-state protections to the domain of nature. Classical Enlightenment questions of respect and recognition are transferred to the concept of "just stewardship," and the concept of "property" is retraced to its origins in natural law philosophy. Anne Julie Semb in chapter 10 focuses her atten-

tion on the possibilities of applying the Enlightenment principle of non-intervention with the borders of a sovereign nation-state to the new perspectives and dangers of U.N.-legitimated "humanitarian intervention." In chapter 12 Andreas Follesdal applies the principle of liberal contractualism to a critique of David Miller's nation-state-based ethics of trust and solidarity itself, extrapolated from the nation-state.

Yet it is perhaps Dan Smith in chapter 11 who comes closest to making explicit the ethical kernel to which I refer when he problematizes the "self" to which the principle of the right to national self-determination refers: "[A] problem lurks at the core of the concept of national self-determination: the problem of what the self is. In the case of a putative right to self-determination, who or what is the right bearer?" Nations are ultimately defined by power and, when necessary, they are created and defended by force. The kernel is a hard one: on the one hand, the nation-state is the original form of the political and ethical principles of self-determination and nonintervention. On the other, the nation-state can still not be dissociated from the violence carried out in its name.

These questions all refer in one way or another to a larger and longstanding debate about the nature of the nation, on the one hand, and on its status as a legitimating agent for violence, on the other. The relatively slow rise of the Anglo-Saxon nationalism literature in the 1980s is in part due to the conflict of faculties, which has traditionally reserved matters of international politics for international politics departments and analysis of intranational conflicts for political sociology and neighboring fields. For the same reason, the scholarly treatment of the question of war and peace—and, finally, its linkage to Scholastic traditions of just war—has come unmistakably late (Özkirimli, 2000: 2–3).

For a theoretician like Michael Mann (1986) it is not simple national zeal that drives the rise in international conflict, in particular in the nation-building period. On the contrary, according to the analysis in Mann's *The Sources of Social Power*, it is the machine that contributes to the rise of the nation-state, fueling it on (Smith, 1998: 89–91). The machinery of war making crosses class, cultural, and ethnic boundaries, uniting peoples and states under national umbrellas. Thus the cultural argument that national militaries first enter a new phase because of the legitimacy provided by an ethnic nationality, or even the notion of justice proposed by the collective moral fabric of a nation, may not be entirely adequate.

Psychoanalysis of the National Self

The Slovenian philosopher and psychoanalyst Slavoj Žižek makes a radical attempt to penetrate this national core by means of a rereading of the post-Wende nationalist crises through the optic of Lacanian psychoanalysis and Hegelian dialectical theory. The result is both innovative and refreshing. Žižek sets aside the traditional discourses of political science and ethics in order to examine the prephilosophical basis of both. The novelty of his approach is that he deploys unorthodox psychoanalytic concepts, such as "need," "desire," and "*jouissance*," completely foreign to the discourse of political philosophy in an attempt to gain insight into its tacit presuppositions. In this way Žižek brings Hegelian dialectics and Lacanian psychoanalysis to bear on contemporary political situations. With illustrations from postcolonial Europe—the Europe of immigration, globalization, multiculturalism—his project is a kind of psychoanalysis of Western political self-understanding: European nationalism on the couch.

Eastern Europe is, of course, also a part of Europe. It is, in many ways, also a kind of Enlightenment-inspired geopolitical self-image of Western Europe. Western Europe has a long tradition of projecting itself—its values and experiences—on the relatively exotic world of the East (Walters, 1987; Wolff, 1994). Thus the "liberation" of the East Bloc in the wake of the fall of the Berlin wall has had more than a passive importance for West Europeans. To witness the rebirth of the East is to enjoy the projected rebirth of the West. Thus the East is simultaneously intimately known and yet unknown: *unheimlich*, as Freud would put. The West is fascinated by the collapse and rebirth of its eastern Other. According to Žižek, this fascination is based precisely on this paradoxical experience. Western Europe witnesses its own rebirth. The rebirth of the East in the image of the West is in effect the nostalgic rebirth of the West. In Eastern Europe, "the West seeks for its own lost origins, its own lost original experience of 'democratic invention'" (Žižek, 1993: 200).

In psychoanalytic terms, the West sees the East as a happy image of itself: the pure, innocent, idealized, and likeable past, the birth of ourselves, something both identical to us and different. Without a doubt, the reality is otherwise. The situation in the Balkans, as in the other emerging democracies of Eastern Europe, is far from idyllic, far from the En-

lightenment model of democracy and well-organized free markets. Just as rapidly as the imagined model of democratic spirit motivated the "soft revolution" of the East, the liberal democratic tendency evaporated in the face of the emergence of corporate national populism and its attendant evils, xenophobia and anti-Semitism, in the new East European democracies (Žižek, 1993: 200).

Yet while geopolitical changes have been taking place in Eastern Europe, the identity crisis that consciousness of these events creates seems to plague the West far more. Late-twentieth-century Western national identification, Žižek claims, is an exemplary case of *external* borders being reflected into *internal* borders. The identity of a nation has two phases, or levels. On the one hand, the nation is defined as against its *external* Other, through differences relative to all that it is not, to other nations, peoples, and groups. But the nation is also, on the other hand, an interior demarcation of the endogenous members of the nation against each other. Even a superficial empirical assessment of any national community shows that no member is completely *proper*. Evoking the example of the English, Žižek underscores that "the final answer is of course that *nobody* is fully English, that every empirical Englishman contains something 'non-English'—Englishness thus becomes an 'internal limit,' an unattainable point which prevents empirical Englishmen from achieving full identity-with-themselves" (1991: 110). The national identity of the exemplary Englishman is shaken by consciousness of the radical changes in the East. That new consciousness has a double effect. The *external* changes observed in the East are empirically new, but they also affect one's way of seeing oneself in one's own immediate situation. In the jargon of psychoanalysis: the sameness of the Other underscores the otherness of the same.

Modernity's Neurosis: Capitalism and Liberal Democracy

According to Žižek, the post-Wende growth of Eastern European nationalism is characterized by two specific dimensions: (1) its eruption from an ideologically saturated socialist system into a late-capitalist system of values and cultural relations and (2) the promises of formal democracy. Capitalism is not just a set of values; it is also a striving for the universalization of those values. A critical feature of capitalism, in particular in the Marxian analysis, is the dissolution of particularities—be

they ethnic, racial, cultural, or other—as hindrances to the universality of the capitalist system. The internally configured need for growth and expansion renders it a missionary project. The creation of surplus value is most fruitful, the marginal gain of investment is greatest precisely where the refined mechanisms of investment and exchange are not yet refined. The other side of the global capitalist coin is that the insatiable thirst for expansion and the creation of ever-new surplus value has historically been the very force of technological progress, of the innovation that erases borders, reduces distance, brings on the globalized economic integration. Of course, this process of globalization is a false universalization, since by its very nature it economically ghettoizes the largest part of the globe and increases the marginalization of the poorest parts of the world. These processes of globalization are the same that challenge the viability of the nation-state, of national culture—the same into which the new Eastern democracies are thrust (Žižek, 1992: 162). At the very moment when national identity is challenged by globalization (and more “locally” by European construction and the Eastern expansion), the thirst for a national substance emerges.

According to Žižek, liberal democracy is the other motivation for the crisis of the nation-state. In its ordinary sense, universalization erases particularity. Žižek notes that the universalization of formal democracy can occur only through the abstraction of the individual from all concrete substantial ties. The *ideal* democratic subject has no *particular* ethnic or cultural substance, nothing that can set him or her apart from any other democratic subject. All are equivalent in the eyes of the plebiscite. The persons, groups, or institutions assigned to the place of power by the result of the plebiscite are *external* to the democratic process, or at least external to the phase of equivalence that marks the plebiscite. This is the very sense of formal democracy: social differences are smoothed over in order to assure the coherence of the political voice. It is the aim of liberal democracy to evacuate both power and the ethical good from any *one* subjective place. Any and all individual subjects of liberal democracy must be at any given time closed off from “the Good and the Powerful” in order to participate in its constitution. Moral law can be found only in a pure form (Žižek, 1992: 221). No one person can rule without usurping, without losing purity. That this is the obvious compromise made in any representational democracy does not change its paradoxical structure.

Žižek reminds us that the place of power, law, and justice—the nature of which is decided by a well-functioning democracy—is nonetheless excluded from the democratic moment, from the plebiscite. The place of power and law is occupied by a sovereign who, in precisely the Hobbesian sense, is not an individual political subject but rather a kind of concentration of all the individual subjectivities of the commonwealth. The sovereign—power and law—is not a *part* of democracy, and yet it is inseparable, it is, as Žižek puts it, a “substantial extra,” which must be abstracted in order for democracy to function. It is carried along as both superfluous and necessary: “the indivisible remainder” (Žižek, 1992, 1993). Nationalism, in Žižek’s sense, is the tendency of the “nation” to usurp this empty space of power left open by democracy, to occupy the necessarily empty or abstract space of justice and power. This “indivisible remainder,” this empty space, is the “national remainder.”

Both late capitalism and formal liberal democracy contribute to the persistence of this national remainder, this essential part of the national substance, which can be neither institutionalized nor formalized. Žižek associates this paradoxical, irreducible national kernel with what the French philosopher and psychoanalyst Jacques Lacan—following Freud—calls the “Thing” (Lacan, 1992). Here Žižek’s approach veers considerably from conventional political science, sociology, or social anthropology. The notion of an irreducible national Thing permits Žižek to formulate two moments in the psychoanalytic model of understanding nationalism: (1) hatred of the Other as hatred of the Other’s national enjoyment and (2) hatred of one’s own national enjoyment as hatred of the Other in oneself.

The Other’s National Enjoyment

Following Lacan, Žižek identifies this irreducible “national Thing” with the pathological and aesthetic notion of *enjoyment* (*jouissance*). Žižek is fully aware that the analysis of “enjoyment” rubs the discourse and methodologies of social science and humanities against the grain. Still, one must bear in mind that the intention in his work on nationalism in the Balkans and in Europe at large is to map out the contours of this “Thing.” It is an object that more than the social sciences and humanities fail to grasp because it is foreign to them.

The heart of the problem for Žižek, the “place” of the “national Thing,”

is in the dynamics of national community. The bond linking any community, be it national or ethnic, is, he claims, not some concept of the community—not, as is canonically claimed, the *idea* of shared memories, traditions, and rituals: “The bond linking together its members always implies a shared relationship toward a Thing, toward Enjoyment incarnated. This relationship toward the Thing, structured by means of fantasies, is what is at stake when we speak of the menace to our ‘way of life’ presented by the Other: it is what is threatened when, for example, a white Englishman is panicked because of the growing presence of ‘aliens.’ What he wants to defend is *not* reducible to the so-called set of values that offer support to national identity” (1993: 201). If we accept Žižek’s category of “enjoyment” and all that it implies in terms of the particularity of national, ethnic, cultural, or religious character, then *nationalism* is to be understood as the moment where enjoyment erupts into “the social field” (ibid.: 202). Yet Žižek goes farther. Nationalism is a *materialization* of national enjoyment. Enjoyment is also an existential element in the very being of the nation. The very existence of the nation (in the cultural or ethnic sense of the term) reposes on the network of tensions in the economy of “national enjoyment.” “A nation *exists* only as long as its specific *enjoyment* continues to be materialized in a set of social practices and transmitted through national myths that structure these practices.” In this regard, Žižek distances himself from “deconstructive” analyses of nationalism that refuse the biological or transhistorical conception of the nation in favor of an understanding of the nation as “discursive or textual practices” (ibid.).

And yet, like other deconstructive approaches, there is a paradox at its center. For the “national Thing” is both threatened by the Other and utterly inaccessible to him or her. This opposition between self and Other can be witnessed again and again in the formulation of “national identity,” “national character,” or “national interests.” The foreigner menaces “our” national culture by threatening to alter it or render it impure, *and at the same time*, his or her Otherness can never be reduced to something more like “us.”

“We always impute to the ‘other’ an excessive enjoyment: he wants to steal our enjoyment (by ruining our way of life) and/or he has access to some secret, perverse enjoyment. In short, what really bothers us about the ‘other’ is the peculiar way he organizes his enjoyment, precisely the

surplus, the ‘excess’ that pertains to this way” (Žižek, 1993: 203). The revulsion toward the foreign Other is therefore both pathological and aesthetic. The “danger” of the foreign Other, the threat to my national Thing, is a threat to my emotional and aesthetic experience of my nationality. Once again, the nation is not reducible to the sum of its members, be they citizens or members of an ethnic collectivity. It is clearly not reducible to the political and social institutions that embody the national character. Nor is it reducible to the national principle, to the simple concept of the nation as a set of allegiances, rights, and duties. According to Žižek, whenever we attempt to sum up the nation—conceptually, ontologically, or morally—we are left with a remainder, which both resists totalization and becomes the tenacious anchoring pin of the national self-organization. “Why does the Other remain Other? What is the cause for our hatred of him, for our hatred of him in his very being? It is hatred of the enjoyment in the Other. This would be the most general formula of modern racism we are witnessing today: a hatred of the particular way the Other enjoys. . . . The question of tolerance or intolerance is not at all concerned with the subject of science and its human rights. It is located on the level of tolerance or intolerance toward the enjoyment of the Other, the Other as he who essentially steals my own enjoyment” (ibid.).

Hatred of Oneself as Other

The explosion of ethnic conflict in the Balkans and the diverse conflicts erupting in the new democracies of Eastern Europe are clearly perceived as a threat to the West. This threat perception manifests itself both in the debates on EU enlargement to the east and in the question of the expansion of NATO to include former East Bloc countries or even Russia. The emergence of new capitalist democracies in the East is a glorious opportunity for the West to reenact its own self-perception, to project its own capitalistic and democratic values onto the tabula rasa of the East, to reexperience the validity—and even superiority—of these values reaffirmed like some primal re-creation of the Same.

As already noted, in Žižek’s analysis, these movements toward integration into Western Europe are measured along two axes, the democratic and the capitalistic. Both serve to frustrate the processes of national identification. First, formal democracy is based on a notion of subjectivity that

erases particular difference. Formal democratic validity places a plenum of subjective equivalence that is at odds with cultural, ethnic, religious, racial equality. Democracy—like justice—must be blind. That is why it is just. Yet the impartiality presupposed by the blindness of democracy is precisely what threatens the particularity of individual cultural and ethical experience in relation to more global interests, be they those of a federation, union, or global society at large. Second, capitalism, according to Žižek's analysis, is equally incapable of creating a properly normative cultural or ethical foundation. The basic feature of capitalism is its inherent structural *imbalance* (Žižek, 1993: 209). Capitalism (not be confused with the simple concept of the free market) is based on a logic of crisis and change, on the need for constant innovation, constant reformulation of values, constant expansion, reinvestment, "the permanent production of excess" (ibid.: 209). As the classical Marxian analysis shows, capitalism produces not only value, innovation, invention, and progress, it also produces the *insatiable need* for these. Capitalism is effective at satisfying human needs by simultaneously manufacturing new ones.

In Žižek's view, part of the crisis of Eastern European expansion is the spontaneous discovery that the "revolution" (democratic and capitalistic) is not toward a solidified identity but rather toward a state of displacement from the former, original sense of self (in formal democracy) and toward a state of cultural-economic displacement. Disappointment is thus inevitable, even structural. Even so, this analysis differs little from classical neoconservative cultural critique: formal democracy and market capitalism allegedly threaten to decouple value systems from their deeper anchoring in tradition. Žižek's conclusion is different. He takes the value-conservative analysis of Eastern capitalistic democracies one step further by insisting on the projection of the Western self-understanding onto the East as its Other. Formulated in another way: the East is the West's Other; at the same time, the West is deeply embedded in it.

In other words, the knife cuts two ways: on the one hand, the East is the good, though empirically imperfect, democratic capitalist Other of the West; on the other, communism is the "evil" empirical Other of the East, which is inseparable from its past but which must be negated in order to integrate the East into what it already "truly" is. For Žižek, this paradox is a symptom of liberal society and, not the least, liberal intellectual self-congratulatory self-sufficiency.

This reveals, moreover, a fundamental flaw in liberal democracy, a flaw that is above all interesting because it falls outside the bounds of the human and social sciences. It is *liberal democracy itself* (or rather the "blind spot" of liberal democracy) that opens the space for nationalist fundamentalism. In the troubled wake of Francis Fukuyama, as much in disrepute as he may be, the only question with which the methodologies of political philosophy are truly confronted is whether liberal democracy is the "ultimate horizon of our political practice" (Žižek, 1993: 221). Once again, the neoconservative response is that fundamentalism is the reaction to the loss of roots brought about by formal democracy and capitalism. Žižek reproaches liberal democratic thinking itself for ignoring this blind spot.

The status of nationalism is ultimately that of the transcendental illusion in the Kantian sense. It is based on the idea that reality is ultimately rational, that there is a kind of transcendental rationality. This transcendental reality of the nation—the national Thing—is ultimately inaccessible, even though its function builds upon an illusion of accessibility. This accessibility to the transcendental essence of the nation, the national Thing, is precisely what formal democracy and capitalism promise. In this sense Žižek's analysis is also a critique of Kantian epistemology. Kant construes Evil, like Good, as a *transcendental* dimension. According to Žižek, Kant is incapable of understanding Evil as "diabolical," as an ethical attitude (1993: 222). From this starting point, the *nation* is only one response to a more deeply human, more pathological and more aesthetic need to fill Being with a center, with a core, to reach toward the transcendental, inaccessible meaning of national belonging. The "nation thing" that Žižek analyzes is one formulation—among many others—of the Thing, this insatiable transcendental place, always apparently possible to fill but never completely satisfied. This is where, according to Žižek, both liberal democracy and capitalism, though indispensable, are symptoms of the nation-state's ethical core—its opening and problematization.

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