1  ‘We know what it is when you do not ask us’:
Nationalism as Racism

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Introduction

I begin, somewhat perversely, with the impossibility of the nation. Accounts evidencing its elusiveness and intractability proliferate. The observation of its purely invented, imagined or fantastic character seems confirmed in the failure of constant attempts to discover what it tangibly may be or what tangibly may cause it to be. Renan ‘summed up’ the message of his celebrated lecture of 1882 on ‘What is a Nation?’ by declaring that national ‘Man is a slave neither of his race nor his language, nor of his religion, nor of the course of rivers nor of the direction taken by mountain chains’ (Renan 1990: p.20). And Hobsbawm summarized the resurgent writings on nationalism of the 1980s in this way:

Most of this literature has turned on the question: What is a (or the) nation? For the chief characteristic of this way of classifying groups of human beings is that, in spite of the claims of those who belong to it that it is in some ways primary and fundamental for the social existence, or even the individual identification, of its members, no satisfactory criterion can be discovered for deciding which of the many human collectivities should be labelled in this way (Hobsbawm 1992a p.5).

Even when it attains an expressive independence, nation seems fated to remain tied to the very criteria – of common language, territory, history and so on – which failed to mark it definitively (see Hobsbawm 1992a p.11).

The solidity of nation is also beset by its radical variety and its inconstancy. The ‘historical situations’ giving rise to nations are, says Balbar,
‘antithetical’ (Balibar 1991 p.45). Different nations emerge out of different situations. And even as emerged, the nation retains its evasiveness: ‘national identification and what it is believed to imply, can change and shift in time, even in the course of quite short periods’ (Hobsbawm 1992a p.11). Yet, with all its mutability, we may ask of the nation, ‘how come it appears so immutable?’ (Tausig 1993 p.xvi). The potency of nation and its massive existential purchase remain manifest, not least in the persistent academic concern to explain it. This concern most often culminates in a mix of lurid metaphor and exasperation. The introduction to a recent survey of nationalism concludes that ‘we live in a world, like it or not, in which the national dimension of history haunts us in ways in which we are finding there is no easy escape’ (Teich and Porter 1993 p.xix). Another begins by setting the ‘international character’ of ‘the burning problems of our times’ and their need for resolution at that level, against ‘a spectacular tide of nationalism … rising, in Europe and on a world scale, submerging everything on its way’ (Löwy 1993 p.125). And, in terms that have recently come to be incessant, Smith says of the potent ‘signs and explanations’ of the nation’s being that:

... they have capacities for generating emotion in successive generations, they possess explosive power that goes far beyond the ‘rational’ uses which elites and social scientists deem appropriate. Evoking an heroic past is like playing with fire, as the history of all too many ethnies and nations locked in conflict today, can tell. The fires generated by these mythical pasts burn for several generations, long after the events that first stimulated their acceptance (Smith 1986 p.201).

Nation seems unable to do without the very attributes which fail to mark it definitively. It seems especially resistant to rendition in terms of other things, being contained in ready correspondences, yet it retains a potent presence. ‘We know what it is when you do not ask us, but we cannot very quickly explain or define it’ (Bagel in Hobsbawm 1992a p.1). As a first step in identifying what more is involved in the make-up of the nation, I now briefly consider three influential attempts at containment from the revived literature on nationalism. This serves at least to delineate the conflicting characters of nation. These characters are intended, in terms of my introduction to this volume and in terms of a more elaborate account elsewhere, to connect with a rule of law replete with the same qualities (Fitzpatrick 1992 chapters 3 and 4). The bulk of this present chapter then shows how the conflicting characters of nation are reconciled and its integrity assured in a mode of identity formation distinctive of modernity, one which generates and relies on a pervasive and refined racism.

The Impossibility of Nation

The first of the attempts to contain nation is provided by Anthony Smith’s large and valiant search for ‘the ethnic origins of nations’, where he claims to discover an enduring ethnec which provides the foundation or core of the modern nation and ‘determine(s)’, to a considerable degree, the nature and limits of modern nationalism and nations (Smith 1986 pp.17–18, 212–13). Smith’s main animus is the claim of modernists that the nation is a recent and an elite invention. Gellner provides the most outrageous assertion of this kind: the nation’s particular self-image, and this would include its supposed ethnic origins, is for the most part illusory; it is an invention not just made up ‘largely’ of ‘shreds and patches’ but one where ‘any old shred and patch would do’ (Gellner 1983 pp.56, 125).

The ethnic element does look a treacherously attractive prospect for providing the nation’s definitive solidity. It manages to encompass many of the attributes associated with the nation. The fact that ethnicity has proved every bit as elusive as nation itself was unpropitious but largely unobserved (cf. Epstein 1978; Smith 1986 p.179). Even if this difficulty is ignored, the ethnic element cannot say anything definitive or distinctive about the nation’s origins or determinants. Ethnec is an attribute of numerous groupings, very few of which become nations. And even if ethnec were exclusively characteristic of national groups, it would not account for the large number of entities which everyone else calls nations but which do not have apt ethnic origins in Smith’s terms (cf. Smith 1986 p.7).

Smith ends up accepting the primacy of the very modernist problematic he set out so resolutely to counter. The nation is an elite creation. Nationalists shape and select the attributes and stories of the nation and its history, even if their use of the ethnic element does restrict their range of choice – because ethnec can maintain its own reality. But Smith also acknowledges that ethnec may not have its own prior reality and that it can be invented as well (Smith 1986 pp.18, 177–8, 208; cf. Hobsbawm 1992a pp.64–5, 102 and 1992b p.4). Indeed, what Smith considers to be ultimately distinctive of the ethnic contribution to nation is its provision of myths of belonging. This turns out to be an entirely contingent process, since an alternative to the nation’s taking over many of the ‘myths, memories and symbols … of pre-existing ethnec’ is to ‘invent ones of its own’ (Smith 1986 p.152). Taking over myths of ethnec cannot, in any case, be separated from invention. Keeping a thing apparently the same, in the face of all that would challenge and change it, is an inventive process.

It by no means follows from all this that we should emulate Smith and cede the terrain to the modernists. They do contribute their own intriguing failures. Gellner is the irresistible exemplar (Gellner 1983). The nation, for
Gellner, is the product of the modern ‘age of nationalism’, an age typified by a universalizing historical force that produces industrial society and the homogenized or ‘gelded’ beings that inhabit it (Gellner 1983 pp.36–7, 55). Nation is hence set against all that is primordial and particular. It must follow, in Gellner’s scheme, that the specific ‘cultural shreds and patches used by nationalism’ are quite contingent (Gellner 1983 p.56). But it cannot, of course, ‘follow that the principle of nationalism itself, as opposed to the avatars it happens to pick up for its incarnations, is itself in the least contingent and accidental’ (Gellner 1983 p.56). Gellner would, on the contrary, demonstrate ‘modern nationalism ... in its general forms if not in its detail, to be a necessity’ (Gellner 1983 pp.56, 129).

The huge difficulty with all this is why, ‘as the tidal wave of modernization sweeps the world’, it should stop short in its universalizing thrust at the place occupied by the nation (Gellner 1983 p.112, for the quotation). It is not as if the nation for Gellner is the beleaguered residue from a previous age, now being progressively diminished in a time contrary to it. It is, rather, the necessary outcome and embodiment of a modernizing historical force. This is established by Gellner simply in a functionalist assertion of the case. The nation is constituted as integrally functional to the universalizing and homogenizing thrust of modernity. As with all functionalisms, the entity formed is created and sustained in the effectiveness of the function. If that effectiveness is uncertain, so must be the integrity of what is formed. It is at least uncertain whether nationalism, or modernization for that matter, is simply homogenizing and universalizing, rather than deeply divisive and particularizing: Gellner does attempt to shore up his functionalism with historical illustrations, but these have the air of ‘shreds and patches’ about them, covering as they do only nationisms and nationalisms (see Arnason 1990 pp.214–15). All that Gellner has to fall back on is his pervasive evolutionary historicism. Whilst it is true that the coming of nationalism is presented by Gellner, along with the emergence of a rational industrial culture and ‘the establishment of an anonymous, impersonal society’, as ‘a decisive and unutterably profound break in human history’, this new scene is utterly continuous with the status-ridden and pathetically particular world that preceded it because it is self-constituted in opposition to that world (Gellner 1983 pp.57, 125). As with Smith, the ultimate support for Gellner’s scheme of the nation turns out to be mythic, even if the preferred myth may be different.

Anderson’s famed formula for the nation as an imagined community encapsulates a transition somewhat more nuanced than the one observed by Gellner (Anderson 1991). Although, for Anderson, the modern nation emerges against the past, it also emerges out of that past (Anderson 1991 p.12). It comes into being as a transformation of consciousness. Seeing nation as ultimately founded in consciousness is hardly an unusual perception (e.g. Renan 1990 p.20). It is only somewhat less unusual to discover, as Anderson does, that the spread of capitalism and the pervasion of new mass media intensify and homogenize the imagining of connections between people (e.g. Giddens 1981 chapter 1). (The claims of modernity to a superiority in this could be disputed (Weil 1987 p.117).) The modern nation exists as completely contemporary. With its version of temporal simultaneity, time becomes ‘homogeneous, empty’ (Anderson 1991 pp.24–5). The depiction of a relation between people no longer has to be mediated through their inescapable position within genealogical, religious or other encompassing systems. People can be seen simply as being in ‘societies’ (Anderson 1991 pp.25–6).

An element of tautology looms large in this account when it is applied to the nation, or to anything else. For Anderson, all communities are imagined – with the possible and surely dubious exception of ‘primordial villages of face-to-face contact’ (Anderson 1991 p.6). The nation is only distinct as an imagined community because it is imagined as a nation. The terms in which it is being limited and identified are already given in what is being imagined (cf. Anderson 1991 pp.6–7). The national limit is simply one among many, or any, that the imagination can seize on. A community can, for example, be just as effectively imagined and thus constituted within and against the nation or outside of and enveloping it. Nor can ‘homogenous empty time’ be definitive of the nation; it must rather extend beyond the nation and become limitless (since, in its overweening aspiration, the project of modernity would settle for nothing less). When, on the contrary, there are various ‘limited imaginings’, which is how Anderson would describe nations, time must become heterogeneous and full, overflowing with the process and particular identities of the various nations (cf. Anderson 1991 p.7).

Even if these arguments were ignored and we assumed for the moment that the empty space of nation had been filled by the imagined, temporally homogeneous community, there would remain insuperable difficulties about who is doing the imagining in these national societies. Anderson avoids the issue by introducing this conception of time through its fictional depiction – more particularly through the perception of omniscient readers. Having being perceived in this way, the fictional characters used are then made to inhabit something like real societies – ‘sociological entities of such firm and stable reality that their members ... can even be described as passing each other on the street, without ever becoming acquainted, and still be connected’ (Anderson 1991 p.25). How can the imagined community be constituted if we move from the all-encompassing, unifying imagination of the omniscient reader? For the element of community to be effective, and for homogenous, empty time to operate within ‘firm and stable reality’, these
things must presumably have a widespread purchase on the imagining by members of the society. Perhaps as a response to this sociological need, Anderson does tend to see popularly fomented nationalism as primary, with ‘official nationalism’ being derivative of it. But the reverse process has been and often remains typical of many nations. With this process, the imagining of the national community is an official or elite one and only manages to be popular in an oblique way. The official realm imagines forth that which the nation’s inhabitants are supposedly imagining even if they are not (yet) doing so. To return to the example of France, it is the case that the obdurate particularism of the majority of its inhabitants persisted until quite recently (Weber 1979). A nation is often recognized as existing without either a sense of community or a homogenous, empty time operating extensively within it.

Drawing back from these three influential engagements with the identity of the nation, we are left both with the necessity of nation and with a seeming void in the place it is supposed to occupy. The ‘ethnic cores of nations’ prescribed by Smith did not fill the place occupied by the nation. Indeed, they proved to be inessential (Smith 1986 p.212). In contrast to Smith’s intense particularity, Gellner espoused a ‘general movement of the world’ which was to give substance to nation but which denied it any identity whatsoever (the phrase is Mill’s – see Hobbsawm 1992a p.34). Anderson’s more subjective search was also projected universally but the imagined community – with its homogenous, empty time – proved to be not so much a mode delimiting the nation’s identity, as one marking or portending its absence. Combining all three accounts, there seemed to be nothing to stop nation’s particular components disappearing within it, or anything to stop it disappearing within its universal dimensions. I now want to account for the resolved nation by further exploring the very emptiness discovered here. This vacancy of nation, having so far evidenced nation’s impossibly, now provides intimations of its possibility.

The Possibility of Nation

I will begin with the nation’s ‘capital paradox of universality’ (Derrida 1992a p.71). The most extravagant of claims to universality can seem almost unremarkable. It would be appropriate to take ‘the great universal nation’ as a first instance: ‘the true “French ideology”, Balibar remarks, lies in the idea that the culture of the “land of the Rights of Man” has been entrusted with a universal mission to educate the human race’ (Balibar 1991 p.24). Certain Germanic claims to philosophy can, as Derrida reminds us, be seen in that way (Derrida 1992b pp.11–16). For a more robustly empiri-cal instance, we can invoke Kipling as a fecund source of origin myths (and thereby contribute to his current revival as great literature), with his purportedly Humorous Tales where British rule is completely insinuated into the general fabric of the world (Kipling 1942 pp.27–39; see also Arendt 1958 p.209). The ancestor figure is the primeval Nobby who, more or less accidentally, invents the ship, from which invention, more or less accidentally, everything else follows. In Kipling’s favoured mode of confident prophecy after the event, the High Priest foretells the fusion of British being with the very elements:

You’ll win the world without any one caring how you did it: you’ll keep the world without anyone knowing how you did it: and you’ll carry the world on your backs without anyone seeing how you did it. But neither you nor your sons will get anything out of that little job except Four Gifts – one for the Sea, one for the Wind, one for the Sun, and one for the Ship that carries you. ... For, winning the world, and keeping the world, and carrying the world on their backs – on land, or on sea, or in the air – your sons will always have the Four Gifts (Kipling 1942 pp.38–9; his emphasis).

These claims to the universal are not, or not just, charters for imperial extraversion, but assertions that the nation is the exemplar of universal qualities. The exemplarity, with its imperial baggage, is built into the idea of the nation. ‘Nationalism and cosmopolitanism have always gotten along well together, as paradoxical as this may seem’ (Derrida 1992a p.48). French culture may be ‘responsible for the universal: and for human rights and international law’, yet it is also a responsibility shared, as we will see, with other nations in their varying degrees of adequacy (Derrida 1992a p.52).

But this commonality of qualities does not detract from the nation as a singular manifestation of the universal. The Enlightenment, or modernization, or material achievement, may be world projects, but the nation will still claim to endow them with particular origins or necessary supplements. The very orientation to the universal can be a supremely national characteristic. Thus, for Durkheim, ‘cosmopolitanism was a trait of the French mind’ (Mitchell 1991 pp.97–8). This peculiar concentration of universal claims in the nation reflects its enormous existential reach. In Kipling’s tale, British being is fused both with the elemental components of the terraqueous globe and with the maintaining of its very existence. The altruistic identification of the British with the universal produces a self-effacement and the common claim that they, or at least the English, are not nationalistic: ‘the English, of any people in the universe, have the least of a national character; unless this very singularity pass for such’ (Hume n.d., p.122). These intimate identifications between nation and the universal mean that human action
and aspiration, even of the most expansive kind, can be focused and made operative with and in the nation. There does remain a problem which could be called the absurdity factor. Nobby and Sons, to take an example, may not always inspire general or even local allegiance as avatars of the universal. But, manifestly, the absurdity factor is successfully dealt with in the life of the nation. I will consider this achievement as a way of further exploring the dynamics of the nation’s formation, first by providing a summary account and then by working through it in a more expansive and more tangible way. Nationalism, says Chatterjee:

... seeks to represent itself in the image of the Enlightenment and fails to do so. For Enlightenment itself, to assert its sovereignty as the universal ideal, needs its Other; if it could ever actualize itself in the real world as the truly universal, it would in fact destroy itself (Chatterjee 1986 p.17; his emphasis).

As universal, the nation can have no positive limits and would, without more, lack identity. It can no longer take identity through some mythic sameness with a transcendent model outside itself. Rather, identity and its limits are generated from within, as it were, by constituting the nation as universal in opposition to what is exceptional to its universality. What is ‘other’ to the universal can only be absolutely, irredeemably other. It must exist in a distinct region, quite ‘outside’ the realm of the universal, and remain as a point of constant opposition to it. This dynamic of identity inevitably results in the ‘failure’ of the nation as universal. The nation must exclude the other – and so be non-universal – in order to be universal (cf. Žižek 1991 chapter 1). Nation then, to borrow from Karl Miller’s account of the double, is characterized by ‘an innate dissociability’ (Miller 1987 p.24). It depends for its identity on an ‘originary doubling’ (see Gasché 1986 p.227 and Lukacher 1986 p.47). Nation cannot be encompassed in an originary correspondence to some thing(s) which would tell us what it positively ‘is’. On the contrary, identity as universal, formed in relation to the excluded other, is identity formed in terms of what the nation is not.

But as universal, the nation must also include what it excludes. It remains connected to the other. The other, in short, becomes the nation’s double. There is a dual projection of identity onto this double. First, those characters which are contrary to the nation’s positive, or posited, being are projected onto the double, with the nation taking on a coherent identity in opposition to them. The rejected characters remain ‘within’ the now ordered nation as a ‘void’ which, ‘were it to be filled out, the order itself would lose its consistency and dissolve itself’ (Žižek 1991 p.216). In other words, ‘the whole consistency of our position is in the fact that we are negating the other’ (Žižek 1990 p.253). This rejection yet retention of what is contrary to the nation also extends to the second layer of projection onto the double. The double is to carry the burden of the very failure or impossibility of the nation. Not only is the ‘innate dissociability’ of the nation projected away from it and onto the double, but the resulting incoherence of the double is blamed for whatever inadequacy may yet detract from the completed perfection of nation. The other, in its negative embodiment of identity, takes on, according to Connolly’s argument, the blame once attributed to evil (Connolly 1991).

The dissociability and incoherence of the double, which thus found the universal nation, themselves result from the claim to universality, and hence a certain closure or autopoesic integrity is self-endowed on the universal. To develop the point, I will provide a gloss on Bhabha’s account of the colonized – for my purposes, a manifestation of the double (Bhabha 1983, 1986). Modern imperialism, as an affirmation of the universal, was integrally committed to the civilizing of the colonized, to bringing them into the fold of general humanity and, in this sense, it was committed to rendering them the same. The colonized were conveniently seen as yearning in the depths of their being for this very consummation. Yet the colonized were also created as different. The negative constitution of the universal entailed their exclusion and their rendering as inexorably backward. The figure of the colonized is thus inherently dissociated, called to be the same, yet repelled as different, bound in an infinite transition which perpetually requires it to attain what is intrinsically denied to it.

This impossible conjunction of fixity and transition embodies two types of the double which combine in the constitution of nations. Karl Miller describes them generally in this way:

The changing shapes of a Jekyll and Hyde and the changing shapes of some Proteus or other are two different things. What distinguishes them is the existence, in the strange case of the first, of a break or separation, Proteus being seamless and continuous, momentary, while the split self is successive, and may be amnesiac. They are different things, and can on occasion appear mutually hostile, if not antithetical. But they are also the same thing – in that they belong to the subject which is called here by its nineteenth-century name of duality (Miller 1987 p.38).

They are also the same, for present purposes, in their combination within the nation and its double. The ruptural or radical double marks the point of constant, and unmediated exclusion, the point of ultimate alterity. The protean double is forever in transition from such ultimate alterity to the realized pure form of the nation. I will now introduce this line of argument to the presences of the nation and to its absurdity factor, the expression of the
universal in the intensely – even ludicrously – particular. The scene in
which this absurdity becomes plausible is one in which nationalism is a neo-
imperialism, sustaining a project that will encompass all and thus transform
an Occidental particularism into the universal.

The presiding presence of the universal in nation has been and remains,
even if the terminology is now antique, the comity of nations. This comity
has served to mark off a collectivity of certain nations as the exemplar of the
universal and as the origin of that which is becoming universal. Such a
collectivity is usually described as European or Western, even if its mem-
bership has become somewhat more extensive than these terms would im-
ply. The ambit of exemplarity has expanded since the 19th century when it
tended to be confined to ‘the Great Powers’. But geographical bounds are
not the prime consideration here. The impelling identity of that which is
exemplary and coming to be universal must be expansive and indefinite.
The comity of nations was typically delineated in terms that could be
discrete yet accommodating. Imperative components of its identity have
come and gone. They have included an uncertain density of intercourse
between the nations, a common (Christian) religion, a common commit-
tment to the arts and sciences and, as Voltaire discerned in the ‘kind of great
republic’ that was Europe, ‘the same principles of public law and politics’
(see Gong 1984 p.46). As the notion of comity imports, one identifying
standard has been constant, a standard which has tended to subsume all
others, and that is the standard of civilization. The positive content of the
standard of civilization has itself proved elusive. Voltaire provides a clue to
its definitive content in remarking that the principles associated with his
great republic were ‘unknown in the other parts of the world’ (see Gong
1984 p.46). The civilization characteristic of nations has been primarily
derived from opposition to the uncivilized. It is this identity in negation that
enables nation to exist as an abstracted, even transcendent, entity. Nation is
dynamically homogenizing and universal in being set against and superseding
specific forms of life that are fixedly particular and heterogeneous
(Mauss 1969 pp.579–81). The very specificity of these forms of life serves
to actualize the non-specificity or the emptiness of nation. Nation simply
cannot, pace Anthony Smith, have a specific ethnic core (Smith 1986). In
filling its empty space so as to bring a determinate nation into being, ‘any
old shred and patch’ will serve (Gellner 1983 p.56). But nation itself,
identified in encompassing negation, is not ‘in the least contingent and
accidental’ (Gellner 1983 p.56).

The expansive identity of the exemplary served to reconcile nation as
universal and as particular. The great original statement of the case is that
provided by Hegel. I will rely mainly on his meretricious and most concrete
account, in The Philosophy of History (Hegel 1956). The outlines of the
story are well known. The nation was a realization of the universal con-
ceived as Spirit or, in a variant of Spirit, as History. Nations were Spirit
made determinate and effective: ‘around its throne they stand as the executors
of its actualization and as signs and ornaments of its grandeur’ (Hegel
1952 p.219, para. 352). So, although the nation was particular, it was identi-
fied with and even identical to universal Spirit (Hegel 1956 pp.53, 75).
Realization as the nation cannot ultimately be separated from a universal
Spirit which itself comes to inhere in nation – and thus it becomes an object
to itself’ (Hegel 1956 p.73). Hegel is less schematic about the dynamics of
this history, but ‘the Negro’ and ‘Africa’ manifestly provide the starting
point. ‘The Negro’ or ‘the African’ has no differentiated or even human
being, and is thus placed beyond the reach of Spirit and History:

The peculiarly African character is difficult to comprehend, for the very reason
that in reference to it, we must quite give up the principle which naturally
accompanies all our ideas – the category of Universality. In Negro life the
characteristic point is the fact that consciousness has not yet attained to the
realization of any substantial objective existence – as for example, God, or Law
– in which the interest of man’s volition is involved and in which he realizes his
own being. ... The Negro ... exhibits the natural man in his completely wild
and untamed state. We must lay aside all thought of reverence and morality – all
that we call feeling – if we would rightly comprehend him; there is nothing harmoni-
ous with humanity to be found in this type of character (Hegel 1956 p.93; his
emphasis).

Likewise, Africa had an ‘isolated character’:

Africa proper, as far as History goes back, has remained – for all purposes of
connection with the rest of the World – shut up; it is the Gold-land compressed
within itself – the land of childhood, which lying beyond the day of self-
conscious history, is enveloped in the dark mantle of Night (Hegel 1956 p.91).

To be a little more exact, this lamentable condition typifies sub-Saharan
Africa or ‘Africa proper’ – the Upland almost entirely unknown to us
(Hegel 1956 p.91). Such ignorance does not impede the story, presumably
because Africa is set beyond the reach of the universal in any case. But there
is a thin thread tying Africa, or a part of it, to history, ‘the river region of the
Nile, the only valley-land of Africa, and which is in connection with Asia’
(Hegel 1956 p.91). This connection lies, at least in part, with a shared
geography of valley plains, the sort of terrain in which ‘extensive Kingdoms
arise and some significant humanity can be found’ (Hegel 1956 p.89).

And so, it is ‘with the Oriental World’ that we have to begin – begin to
enter the realm of ‘History’ and ‘Light’ and move beyond the thrall of
double contains all that has been rejected so far in forming its achieved identity. That double merges with all that the nation is and with all that it is yet to become in its impelling opposition to the double. The nation thus remains connected to its double and the possibility of reversion to a savage or barbaric past represented by the double has to be constantly guarded against.

This location of origin in the economy of the universal is inverted in modern myths of progression where origins are found in the double. With pre-modern mythologies, the origin is usually exemplary in a positive sense and progress consists in an ever closer correspondence to the fullness of identity found in the origin. The modern double is exemplary in a negative sense and progress consists in a gradational rejection of the origin. This rejection assumes, in Bauman’s terms, a ‘universal thrust’ in its explicit denial of all that is ‘non-universal, partial’; it thus projects, in narratives of linear chronology, the only possible identity as one which is never (quite) positive, always yet to be realized:

The modern mode denies the past its ultimate meaning-giving authority and hands over the right to assign meanings to the still-unknown-and-uncertain future. Before that future comes to be, the present does not really have identity. The present is incomplete (im-perfect) not yet quite what it could be if fully developed, not yet quite what it should be if it duly cut itself free from the hold of the past that drags it down (Bauman 1992 p.111; his emphasis).

The universal as project is, however, particularly located. A place is provided that all must come to. So, Europe ‘has always given itself the representation or figure of a spiritual heading, at once as project, task, or infinite – that is to say universal – idea’; but this same self-endowment of identity also runs widdershins and becomes ‘the memory of itself that gathers and accumulates itself, capitalizes upon itself, in and for itself’ (Derrida 1992a p.24). The pluriusability of the specific nation consists not only in its being of the universalist comity of nations, but also in its correspondence to a form of the nation elevated in myths of progression. The thrust towards the universal had itself produced the nation as the highest form of society, at least so far. The ‘universal standard itself was not seen in any fundamental way as being alien to the national culture’; and nationalism was found to be ‘coeval with the birth of universal history’ (Chatterjee 1986 p.2). This conjunction was affirmed in the supposedly homogenizing effect of the nation within its territory – an introversion of the thrust of the universal. The nation was, for Durkheim, the most ‘exalted’ of human groupings, one capable of realizing, at least eventually, all human ideals (Durkheim 1957 pp.74–5; Mitchell 1931 pp.103, 106). Even the
difference and diversity of nations were conducive to universal progress: ‘through their various and often opposed powers, nations participate in the common work of civilization; each sounds a note in the great concert of humanity’ (Renan 1990 p.2). The particular universalism of the nation is bolstered in the identification of nation with society itself. It is not only that the nation is seen as emerging out of and taking on qualities of modern, homogenized society — as Geiler, for example, would have it (Geiler 1983); the very form of the ‘nation-state’, reports Kohn, has come to be regarded as ‘the indispensable framework for all social, cultural, and economic activities’ (Kohn 1968 p.63). Arnason elegantly wraps up both sides of the equation:

The particular characteristics of national integration have thus been too systematically sublimated into a general model of social integration for them to be thematized in their own right; and conversely, the general theory of social integration has been too universally dominated by the special case of the modern nation-state for a genuine comparative perspective to develop (Arnason 1990 p.224).

‘International society’, in contrast, is incomplete and incipient because it lacks solid and confirmed characteristics of society in its paradigm as nation.

The recent outbreak of perceptions of ‘globalization’ would seem to run counter to that conclusion, but I will draw on these perceptions to illustrate the persistence of the comity of nations. There has been a rediscovery of ‘the general movement of the world’ seen now in terms of a ‘global-human condition’ (Robertson 1987 p.23). Although this condition is not completely achieved but is, rather, coming to be, it is nonetheless a ‘real process of globalization’ and one possessed of ‘a general autonomy’ (Robertson 1990 pp.23, 27; cf. Tagg 1991 p.157). Just what this singular process may be is never clear, although a multitude of discrete globalizing factors is paraded in support — economy being the most common, closely followed by the media and culture. The vagueness of the process is, however, compatible with claims to any outcome, including a potential universality.

Before precipitously concluding that we now have all the ingredients of Hegel’s World Spirit not very heavily disguised, the proponents of globalization would be quick to distinguish it from universalization: ‘the insistence on heterogeneity and variety in an increasingly globalized world is ... integral to globalization theory’ (Robertson 1987 p.22). Globalization provokes (re)assertion of included identities, national identity being prominent among them (e.g. Löwy 1993 p.124). But these identities cannot be any more than included: now contained within globalization and within its shadowy dynamic, condemned to be always local or particular, recipient or reactive, adaptive or marginally resistant. So, whilst media events ‘may rapidly transit the globe, this is not to say that the response of those viewing and listening within a variety of cultural contexts and practices will be anything like uniform’; moreover, those affected by mass consumption and mass tourism can engage in ‘a variety of strategies to re-constitute identity’ (Featherstone 1990 p.10). All of which not only fails to distinguish globalization from universalization but, on the contrary, serves to confirm them both as the same. The universal, it may just be remembered, only becomes possible in its ‘integral’ relation to the creation of particular identities which it both contains and contradicts — identities which are made different to it, yet stay within it. Globalization, in this light, is another installment in that constant assertion of alterity required to sustain the universal (cf. Baudrillard 1993 p.29 and Bauman 1992 p.112).

Globalization also corresponds to universalization in being an extravasation of the nation. It is an emanation of the comity of nations. I will illustrate the point by looking bluntly at the most canvassed factor propelling globalization, that of economy. The claims of global trade and production, when set against the most powerful national economies, are of much lesser and subaltern significance. Finance and fiscal policy may present a more convincing global semblance, but no matter how mediated through international markets or institutions, the impulse for these things comes from a comity of (some) nations, and it is just as much an imposition on the excluded as the ruthless suppression of the barbarian was in Hegel’s scheme. I will now consider the identity conferred on those excluded from the comity of nations and show how that exclusion is what renders the nation possible and coherent.

Nationalism as Racism

This originating exclusion was founded on race. Balibar describes it as having been a division of humanity ‘into two main groups, the one assumed to be universalistic and progressive, the other supposed irremediably particularistic and primitive’; he remarks that this division has been succeeded by ‘barely reworked variants’ (Balibar 1991 p.25). Those variants have had to accommodate the coming into nationhood of many peoples in the excluded regions. Distinctions are now drawn between nations themselves in such terms as their development and underdevelopment, or their modernity and backwardness. These distinctions are confirmed by their acceptance within ‘new’ nations, along with the acceptance of nation and its attendant standards, as ultimate performative criteria. I will now present this line of argument in somewhat more detail.
The comity of nations was both the instrument and the effect of a projected European appropriation of the world. It was initiated and sustained in the suppression of peoples marked in their very being as inimical to that enterprise and to the inexorable reality it represented. With the world thus made one, those who still existed outside its ambient truth could be made to conform to that truth, or be used to achieve it, or be eliminated. Such a division was made manifest in the invention of racism. The accompanying invention of appropriate attributes of the excluded provided reference points or negative exemplars in the creation of a European identity, including the identity of the European nation. As attributes of European civilization, the universal and legal, the ordered, the dynamic and progressive are all set against characters projected from the European onto its double – the particular and lawless, the chaotic, static and backward. These projected characters remain in the site of their generation, within European identity, where they are recognized as having been suppressed but as still dangerous. The possibility of reversion has to be constantly guarded against and the standards of civilization thus maintained. This whole dynamic of identity is contained in myths which invert its impetus by locating origins in the excluded and in their progressive supersession.

The doyen of International Law has conceded that, in the development of his subject, old markers of comity, such as the nation’s common Christianity, ‘could no longer be taken for granted’ as a foundation once the ‘European Family of Nations developed into a world society’ (see Gong, quoting Schwarzenberger, 1984 p.88). The new encompassing imperatives, the pervasive and ‘barely reworked variants’ have become development or modernity, or some modification of these. Žižek provides a cogent application to the current scene:

Hegel said that the moment of victory of a political force is the very moment of its splitting: the triumphant liberal-democratic ‘new world order’ is more and more marked by a frontier separating its ‘inside’ from its ‘outside’ – a frontier between those who succeeded to remain ‘within’ (the ‘developed’, those to whom the rules of human rights, social security, etc., apply), and the others, the excluded (the main concern of the ‘developed’ apropos of them is to contain their explosive potential, even if the price to be paid for it is the neglect of the elementary democratic principles) (Žižek 1992 p.34).

To take one of these indicators of salvation as an example, the ‘new’ standard of human rights, in Gong’s view, now occupies the ground of the ‘old’ standard of civilization (Gong 1984 p.91). The genealogy of human rights can be deeper than this would suggest. As we saw earlier, the “land of the Rights of Man” has been entrusted with a universal mission to educate the human race’ (Balibar 1991 p.24). France now shares with ‘Europe’ a responsibility to inculcate, to implement and to enforce the ‘new’ standard, a task that is conveniently ‘always at once urgent and infinite’ (Derrida 1992a p.52).

The terms on which the excluded may seek to cross the frontier and join the comity of nations effect a closure around nation and confirm its universal reach. As immutably and ordained in its defining project, the comity of nations may be joined only on the terms that constitute it. It is not possible to contain those terms, and thence modify or replace them in something like a negotiated entry of new nations. Nationalism operates here as a neo-imperialism. It provides, or seeks to provide, the only mode of ‘liberation’ from imperialism as direct rule. Although European nationalism made exclusive claims to the universal, the very universality of those claims meant that they also had to be expansive and open, and thus subject to appropriation by others. Nationalism could be and was turned-around in the cause of national liberation, as it was indicatively called. Out of this process protostate and national entities were created. The entity known as India was shaped, as Prakash so deftly shows, in ‘the assumption that India was an undivided subject, that is, that it possessed a unitary self and a singular will that arose from its essence and was capable of autonomy and sovereignty’ (Prakash 1990 p.389). Even the resort to endogenous histories was shaped by nation with a seeming inevitability. Hence, the forces of universalism and development located by nationalists in ancient India have proved compatible with the Occidental type of nation (see Chatterjee 1986 chapter 6). It is, of course, usual to derive this ‘cunning’ of nation from ‘the national bourgeoisies and their specialized elite, . . . who in effect tended to replace the colonial force with a new class-based and ultimately exploitative one, which replicated the old colonial structures in new terms’ (Said 1993 p.269).

What these easy stories tend to overlook is that nationhood, quite apart from usually being the only unifying element in the fragmented field bequeathed by imperialism, was the sole way to enter the world beyond and be recognized as a rightful player in it.

The allusive dictates of international law can be used to illustrate this inescapability of nation. In the era of unabashed European imperialism, the uncivilized – those found wandering in ‘empty’ lands or otherwise inadequately occupying the earth – were predominantly considered in international law as incapable of self-determination, whether of a national or any other kind. It was not an unusual view among authorities that civilized nations were not bound by rules in the treatment of such people (e.g. Westlake 1971 p.47). With the advent of nationalism as a neo-imperialism, acceptance into the realm of rules had necessarily to be more tolerant if the new nations were to come within the neo-imperial ambit. At the same time,
recognition could extend only to the national form. The so-called principle of effectiveness came to accommodate this new scene. With seeming simplicity, acceptance now depended on the ability to hold territory. For this purpose, territory could be held only by the nation-state. This not only confined recognition to a singular, 'sovereign' type of authority, but also necessitated a significant correspondence to 'Western patterns of political organization' (see Gong 1984 p.88). The universal Family of Nations could be joined only by those who had assimilated a particular universality. However, since some nations were not of the elect, the initial standard of assimilation could not be exalted. This left a problem. With the global spread of the modern nation, the nation-form could accommodate everyone within it, leaving the dynamic of exclusion, constituting the universal and the nation, with nothing to operate on.

It is here that the protean double comes to the fore, organizing and classifying the world along a spectrum ranging from the most 'advanced' liberal democracies to barely coherent nations always about to slip into the abyss of ultimate alterity, which still remains, concentrating in its illimitable vacuity all that has to be transcended to achieve fullness as a nation. At various points along this formative spectrum are nations still afflicted by atavistic particularity, by fundamentalisms and ethnic hatreds, and by unpredictable destructive urges. 'There is always,' says Balibar, 'a “good” and a “bad” nationalism; this is “the dilemma within the very concept of nationalism itself” (Balibar 1991 p.47).

Eastern Europe currently provokes gargantuan cautions about what is barely suppressed by inadquate nationalism. These are old stories. Eastern Europe has long occupied a wavering position on the spectrum with what is seen, in contrast to Western Europe, as a more archaic, more culturally specific, more folkish, more reactive and less original nationalism (see e.g. Kohn 1967 chapter 5). It occupies an intermediate position, European but Eastern (see e.g. Plamenatz 1976). In these dislocations of the East, the Western nation is also accorded a particularity, but is able to transcend it by being in the forefront of the movement towards the universal. This is a movement which contains within it all that it has been and all that it will be. The particularity of the Western nation, as exemplary of this movement, cannot simply be plain particular. The nation's 'goodness' consists in its closeness to such a transcendent exemplarity; its 'badness' in the distance from it.

Badness continues to reside, however, in the most virtuous of nations. The dynamic of identity of the nation is not simply dichotomous, but is characterized by the spectrum and by the protean. The most advanced of nations still retains a position on the spectrum and a connection with its protean double. The resulting location of evil within enables the advanced nations to accommodate aberrations amongst their own – Germany provid-
1990 p. 297). These two versions of the people are presumably not meant to be seen as separate. The pedagogic would seek to direct how the living principle is to be lived. For Bhahaa, this living, performative process provides liberating possibilities and thus marks a sphere of freedom beyond a straitened pedagogy. That may well be and hopefully is the case, but the performative is less opposed to the pedagogic than this would suggest. Education, is often advanced as the cement of the nation or as that which makes people ‘social’, the society into which they are educated being equivalent to the nation (see e.g. Mitchell 1931 pp. 101–2). This education is not one in which people simply act reactively in accord with pedagogically given criteria. The person is taught how to be performative in the cause of self-rule. The inculcation of disciplinary norms in modern society depends on a subjectivity which is infinitely responsive ‘pedagogically’ to those norms, but which can also be free and performative in bringing them into operation on its own (for more detail, see Fitzpatrick 1992 chapters 3 and 4).

Nation itself is a disciplinary project, promoting order and stability – or its ‘repeating and reproductive process’ – through its relation to responsible subjectivity. The subject is identified and reconciled with the collectivity ‘through the metaphysics of national realization’ (cf. Newman 1988 p. 155). Of course, some may be less responsive to this happy subordination where they see themselves as suppressed rather than realized through the progression of nations. There rebellion or amor fati may be a response more apt than daily re-dedication to the cause of the nation.

This dynamic of identity of the nation and its subjects, as an endowment of the universal, turns out to be a dangerous gift. If the argument so far is accepted, the universal – including the nation and the subject as its avatars – is constituted by creating and then excluding what is exceptional to it. This is done in racist terms. In this process, fantastic attributes are projected onto existent peoples; the nation along with its subjects then takes on identity in opposition to them. A little local difficulty ensues with large-scale immigration, enforced or otherwise. There is an entry of the excluded onto the territory of the advanced nations and the excluded become ‘dangerously similar’ (Baudrillard 1993 p. 129). An already elusive identity, ultimately dependent on the excluded’s being radically different to it, is now confronted with the elimination or obfuscation of that difference and the dissolution of what gave identity an encompassing coherence. This results in a frantic assertion of ‘natural’ and irreducible differences of the most petty or the most nebulous kind. Cooking smells and being ‘of a different culture’ provide British examples of the genre. The pretence of these desperate differences is revealed in the unmilitated persistence of racism in situations where, apart from physical appearance, differences have disappeared or diffused.

Conclusion

The instability attending the presence of the excluded, as well as the desperate differences that ensue, are diffractions of the primal significance of racism in the formation of national identity. The presence of those embodying the negation of nation becomes a threat to the very existence of ‘society as we know it’. This presence also serves as a surrogate for other anxieties of identity. National identity, to borrow one of Žižek’s rich summaries:

... constitutes itself by reference to this intruder, not only in the sense of a simple differential opposition whereby an identity can assert itself only via its difference to its Other, but in a more radical way. Our identity is in itself always already ‘truncated’, impossible, mutilated, ‘antagonistic’, and the threatening intruder is nothing but an outside-projection, an embodiment of our own inherent antagonism (Žižek 1991 p. 38).

This antagonism, in turn, is not just of a type by now much paraded in accounts of the formation of identity by exclusion – a type where the undesirable characteristic is ‘secretly’ or ‘unconsciously’ desired, repressed and retained within. To take an example, the nation may project an inexorable particularity onto its double, whilst retaining an intrinsic commitment to blood and soil. In the present account, however, the object of desire is not kept secret. It is more transformed. Particularity ‘within’ the nation is made manifest but, in its exaltation as redeemable and exemplary, it becomes different to that ‘without’.

The truly impossible identity then becomes that of the double, required to be utterly exceptional yet to become the same – required to achieve what it never can achieve, to be what it never can be. As exceptional and absolutely different, the ultimate double cannot change and be other than what it is. In opposing nation’s ability to change and progress, the double is afflicted by stasis and stagnation, by iron rule and inflexible order. The enlightened order and disciplined stability of the elect nation is, in turn, set against the double as chaotic, fickle and merely spontaneous. To accommodate such contradiction, the double becomes intrinsically incoherent and diverse – and conveniently opaque and mysterious. The double is thence incapable of sustaining any project of purposive self-realization. Order for the double can only be a desperate extreme, the holding down of destructive and barely contained urges through pervasive despotism or the rigidity of an inert community, or a combination of both. Change can result only in dissolution or in the reassertion of a torpid order.

These attributes of the double can be seen as the specular presentation of the comity of nations, but the double is not simply an oppositional ‘other’. The double is also the same, embodying what remains ‘within’ the identity.
formed by its exclusion. The exclusion is itself a figment. The domain of formation of identity always remains within the identity itself. In effect, the ‘exclusion’ results from a transfiguration of attributes of identity that remain within. The particularity of the nation, for example, no longer becomes plain particular but is elevated in opposition to the maledict particularity ‘without’ – a particularity that remains disturbingly attractive, a siren call to relapse and rest.

The ‘internal’ dynamic of identity, its formation in difference and negation, is itself foisted onto the double. It is the double which is wholly different and the concentration of negation. Furthermore, the inability of the identity, as constituted in negation, to be a positive and present identity corresponds to the absence of any effective determination of consistent being in the double. The very force of negation comes to reside in a double whose primal nothingness incessantly propels all that is coming into being or into self-realization – all that is coming to be complete and to realize the universal. This dark dynamic shadows the universal, and is always more than co-extensive with it. There is a parallel, perhaps unsurprising, with Christian theology. Evil is the absence or negation of good, but it cannot overcome or extinguish the good. Neither, however, can evil be finally contained or eliminated (short of a soteriological resolution). The Christian world, however, had transcendent exemplars of a positive kind and could become more abundantly the same as some sacred exterior. With the modern claim to the universal, there can be no transcendent exterior; there can simply be no exterior apart from a negated one. Identity, as we have seen, then becomes a negative instanciation of difference. To return to Žižek’s lapsed resolution, but now with some emphasis, ‘the whole consistency of our position is in the fact that we are negating the other’ (Žižek 1991 p.253; emphasis added). This wholeness is always precarious, threatened inherently and incessantly by the division that creates it. Nation, in sum, cannot have a secure and settled identity. It cannot positively and definitively correspond to any of the attributes frequently but ineffectually called upon to define it. Nation is one instanciation, one ‘name for a certain radical impossibility’ traced here (Žižek 1992 p.37).

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References


Bhabha, H. (1986), The Other Question: Difference, Discrimination and the Discourse of Colonialism’ in F. Barker, P. Hulme, M. Iversen and D. Loxley (eds), Literature, Politics and Theory, London and New York: Methuen.


Law in Place: Legal Mediations of National Identity and State Territory in Europe

Eve Darian-Smith

Introduction: Law, Identity and Territory

Theories of place, space and territoriality, and how they relate to nationalism and a politics of identity, are increasingly attracting attention in the social sciences (e.g. Carter et al. 1993; Keith and Pile 1993). However, these theories have yet to make a substantial impact on socio-legal studies of Western law. This chapter is a preliminary exploration of how a spatial orientation may provide new insights for understanding legal processes and forms of legal consciousness not necessarily contained by state borders. In referring to research in progress on the impact of the Channel Tunnel between England and France, my aim is to hold up for examination theoretical directions in human geography and sociology that may build upon critical legal perspectives and broaden research possibilities.

Specifically, this chapter is an attempt to develop an inquiry into how changing perceptions of space may affect attitudes, uses and understandings of law. I begin, however, by asking to what extent law may be involved in changing perceptions of environment in the first instance. The European Community (EC) provides a dramatic example of how law is being invoked to sustain spatial and political realignments of territory. Within this context, I explore how EC law may be disrupting its member states’ legal capacity to align national identity with state territory, and in the process alter people’s sense of the places in which they live. A related dimension to this ‘reshuf-