“Belonging to a Homeland in Order to not Need it Anymore”

The Return of Patriotism and Nationalism in Europe

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Abstract

In his book *After Europe*, the Bulgarian political theorist Ivan Krastev observes the ‘free fall’ of the dominant grand narrative in Europe after 1989, Fukuyama’s idea of the ‘End of history’. If we want to understand why we must pay attention both to the ‘periphery’ of this narrative, as well as to the periphery of Europe, where the recent movement of migration in the refugee crisis is experienced from a nationalist *déjà vu* mindset and not welcomed, we have to rethink the phenomenon of nationalism and patriotism, and the difference between the two. After a short phenomenology of the diverse combinations of ‘love’ (among other meanings the love for my *patria*) and ‘justice’, the author concludes that a strict separation of patriotism and nationalism is hardly possible. And even more fundamental, there will always be a tension between love and justice or, in philosophical terms, between the particular and the universal. Following Krastev, the author holds that the contemporary rise of populist movements and of ‘illiberal democracy’ points to the crisis of a meritocratic idea of liberal democracy. One longs for a form of belonging that is not the result of our performance but that is unconditional, as Jean Améry argued in his reflections on the meanings of a homeland (*Heimat*).

Keywords

patriotism – nationalism – migration – meritocracy – love – justice

1 The Awakening of Europe after the 'End of History'

A recent book of the Bulgarian political theorist Ian Krastev, titled *After Europe* (the German translation *Europadämmerung* is even more dramatic), is a good starting point for a discussion on borders, the transgression, unlashing and (re) locking of borders in Europe, in a geographical as well as a symbolic sense.¹ Perhaps the title gives us a hint in the wrong direction, because Krastev is, according to himself, not a 'Euroscptical'. He calls his essay, finished just after the elections in France in 2017, a 'meditation' under the motto of Antonio Gramsci: "Pessimism of the intellect, optimism of the will".² The title *After Europe* is not an expression of Euroscepticism, it signifies only that "the old continent has both lost its centrality in global politics and the confidence of Europeans themselves, the confidence that its political choices can shape the future of the world".³ He invites his fellow-Europeans, to abandon our naïve hopes and expectations about the construction of Europe, and, in order to do so, to look at the *periphery* of Europe, at the borders of Europe so to say, and to meditate on the power of the "*déjà vu* mind-set" that is so prominent there.

After 1989, he observes, it seemed that maps, where borders were demarcated, were 'out of fashion'. The borders should be opened for people, goods, capital and ideas. Instead of the old maps, graphics came, to illustrate the interwoven-ness of economies. According to Krastev, Francis Fukuyama summarized the *Zeitgeist* at the end of the cold war very accurate in his essay *The End of History*. After the cold war, ideological conflict is over, history has a winner: western liberal democracy. I would like to add here: this was already a kind of a *déjà vu*, a repetition, because Fukuyama repeated Alexander Kojève, Kojève at his turn resumes Hegel. All three affirmed that the end of history is there, when liberalism and democracy have become inseparable. At the end of history, the state is a *liberal* state, because "it recognizes and protects through a system of law man's universal right of freedom, and *democratic* insofar as it exists only with the consent of the governed."⁴ Well, the whole argument in *After Europe* is about the new and unexpected annulment of this solid marriage between universal liberalism and democracy in Europe, beginning in the periphery.

When we re-read Fukuyama we can, partly together with Krastev, mark two 'details' in his successful gospel – 'gospel' (*évangile*) was the qualification

1 Krastev 2017.

2 Krastev 2017, p. 10.

3 Krastev 2017, p. 9.

4 Krastev 2017, p. 20 (my italics).

Jacques Derrida gave to the writing of the American political theorist.⁵ First, the telling of the great narrative of the *End of History* forced Fukuyama to neglect small obstacles and irritations in the march of history. Krastev points out a passage, where the American writes that he does not see it as his task to answer to "the challenges of liberalism promoted by every crackpot messiah around the world" or to the "strange illiberal thoughts that occur to people in Albania or Burkina Faso".⁶ Indeed, in an imperial, Hegelian view on history, this kind of negativity or 'exceptions' from the periphery of the world can be neglected. In 1992 already, a colleague of Fukuyama had his doubts about that attitude. Krastev quotes Ken Jowitt from Berkeley University who foresaw the return of repressed ethnical, religious and tribal identities in the world after 1989, and compared this new world order ironically with a *singles bar*, where "a bunch of people who don't know each other, who, in the lingo, hook up, go home, have sex, don't see each other again, can't remember each other's names, go back to the bar and meet somebody else. So it's a world that's made up of disconnections."⁷ In the meantime, we have learned that the biggest geopolitical 'event' since 1989 – 9/11 – was directed from a backward country from the periphery of the world: Afghanistan, a country that still haunts us.

This first 'detail' is closely connected to another aspect of Fukuyama's great narrative. At the end of his essay, he introduces a new distinction, that between "historical" and "post-historical" societies.⁸ While historical societies are according to him still in the grasp of power politics, ideology and militarist solutions of problems, post-historical societies chiefly have economic concerns. Conflicts between these two types of societies are still possible according to Fukuyama. But these conflicts or wars are not wars between symmetric enemies (as in the times of the European 'concert of sovereign states' till the Great War): these wars are conflicts between the *avant-garde* and the retarding forces of history. In his way, Fukuyama predicted (and legitimated in advance) the coming wars of the West in countries like Afghanistan, Iraq, Libya, Syria etc., wars 'in the name of' (the universality of) liberal democracy.

1.1 *The Revolution of our Time*

The second 'detail' in Fukuyama's narrative. The American had an image of a global market where capital and goods could circulate without obstacles and borders, and where Western ideas could attain the hearts and minds of the rest

⁵ Derrida 1993, p. 98.

⁶ Krastev 2017, p. 23.

⁷ Krastev 2017, p. 24.

⁸ See De Wit 1991.

of the world, while people ‘*stayed home*’⁹ and were busy with the democratization of their own society. The word ‘migration’, the *transgression* of national borders, did not appear in his conception of history. In his picture, the West is only occupied with the *export* of its ideas and institutions.

According to Krastev, today, this whole mindset of looking at the world is “in free fall”, because – it is the central claim of his book – “migration is the revolution of our time”, and the West itself did change in reaction to this revolution. In addition to the return of fencing off physical borders between European countries – since the demolishing of the German wall 1200 kilometers of fences have been erected – Krastev points out the “migration of arguments, emotions, political identities and votes.”¹⁰

In what sense is migration the revolution of our time? It is a revolution, not inspired by an imagination of a radiant future, as in communist ideology, but “by Google Maps photos of life on the other side (of the border)”; a revolution, not with the purpose to change one’s government, but to change one’s country; the new, solitary revolutionaries are individuals or families who do not write manifests, they just want to move to Europe that is more attractive than any utopia.¹¹ Later in his book, the author summarizes the motives of the new revolutionaries of his own country laconically: “[...] it is easier to go to Germany than to make Bulgaria function like Germany.”¹²

According to Krastev, more than other problems of the European Union (for example the deficiencies of the institutional architecture, or the famous lack of democratic legitimacy) this revolution called migration is challenging the order after 1989 *and* the marriage between liberalism and democracy because it inspires a kind of counterrevolution. Let us focus – once again, not on the center of Europe, Germany and its *Willkommenskultur*, described so sensitive by Navid Kermani¹³ and called a “collective atonement for the crimes of National Socialism” by Kurt Appel,¹⁴ but on the periphery of Europe, Bulgaria for example. In a country like Bulgaria, the political power of the “déjà vu mindset” is evident, “a condition of feeling haunted by the conviction that what we are experiencing today is a repetition of some previous historical moment of episode”.¹⁵ This generates a split in Europe, not between Left and Right or North and South, but between people who endured the collapse of communism and

9 Krastev 2017, p. 21 [my italics].

10 Krastev 2017, p. 19.

11 Krastev 2017, p. 14 and pp. 28–31.

12 Krastev 2016, p. 53.

13 Kermani 2016.

14 Appel 2019, in this issue.

15 Krastev 2017, p. 11.

Westerners who emerge unscathed by any of those traumatic events. Eastern Europeans – Krastev himself is one of them – are since then “struck [...] by the newly discovered sense of the fragility of all things political.”¹⁶

The most moving passages in Krastev's book are about the impact and collective interpretation of immigration (refugees as well as economic migrants, in his analysis this juridical distinction has no relevance) in countries like Bulgaria or Romania. Krastev shows extensively that the lottery of your birth-place is today decisive for your chances in life all over the world – not your own education or that of your parents but your passport. For that reason the so-called migration-crisis reveals a central contradiction in the philosophy of liberalism: “How can our universal rights be reconciled with the fact that we exercise them as citizens of unequally free and prosperous societies?”¹⁷

For many people in Eastern Europe, *demographic* facts and prognoses are very relevant. For them is true that “a democratic imagination is a demographic one.”¹⁸ In Bulgaria, the prognosis is that the population will be reduced with 27 % in 2050 – the country has seven million inhabitants at the moment. This produces the fear of “ethnic disappearance”. From the perspective of many people in Bulgaria, the arrival of migrants means their own exit from history, and the popular argument, that an aging Europe needs migrants is only strengthening their existential melancholy. And then Krastev adds a personal note:

When you watch on television scenes of elderly locals protesting the settlement of refugees in their depopulated villages where not a single child has been born for decades, your heart breaks for both sides – the refugees, but also the old, lonely people who have seen their worlds melt away. Is there going to be anyone left to read Bulgarian poetry in one hundred years?¹⁹

Of course, you can put this all aside as nationalist sentimentality from the side of threatened majorities in Europe's periphery, but I don't think that is just and wise. I can relate here with what Kurt Appel says about the necessity to “overcome the borders” between the living and the dead.²⁰ The nation, Krastev writes, “not unlike God, is one of humanity's shield against the idea

16 Krastev 2017, p. 12.

17 Krastev 2017, p. 29.

18 Krastev 2017, p. 50.

19 Krastev 2017, p. 50.

20 Appel 2019.

of mortality. It is in the memory of our family and our nation that we hope to continue living after our death.”²¹

Well, my suspicion is, that the recent separation of liberalism and democracy and the rise of ‘illiberal democracy’ diagnosed by Krastev and others²² since the ‘refugee-crisis’ has, among other things, to do with the neglect of the relevance of patriotism in Western liberal political thinking. Initially, in 2015, someone remarked in a debate in the Netherlands on Europe, the European Union distributed refugees over Europe in the same way they were used to distribute fish-quota. The threatening renationalization of Europe since the refugee-crisis must be a moment to rethink patriotism and nationalism (and the difference between the two), to rethink the impulse to draw lines and to demarcate borders, but also, the urge to transcend borders and even: to know of no bounds when we act in the name of the love of our *patria*.

2 Love and Justice

At this point of my argument, I want to bring in the work of the American philosopher of law Paul W. Kahn, who has a sharp understanding of the shortcomings of liberal political thinking, and who broadens the discussion on liberalism and democracy in a liberal democratic regime to the conceptual pair of ‘love’ and ‘justice’.²³ Kahn points out a crucial lacuna in the liberal theory of the modern political project.

This theory puts *justice* at the center of the liberal state. Such a state understands legal rules to be the object of continuous re-evaluation and reform in light of the demands of justice. This idea of justice itself appears as the realization of (practical) reason, and we get access to this reason by some variant of the ‘veil of ignorance’ (J. Rawls). Justice under law, we say therefore, is ‘blind’; it ignores the identity and character of the person who makes claims. It implies, among other things, that ‘morally bad individuals, are as entitled to due process as the saints among us.’²⁴

This is the great achievement of the Enlightenment, one of the ‘roots’ of Europe. But then Kahn introduces a second great theme in our Western cultural inheritance (this time with Jewish and Christian roots), namely *love* and, related to love, *sacrifice*. As human beings, he writes, we want “not only to live

²¹ Krastev 2017, p. 51.

²² See Rupnik 2016.

²³ See Kahn 2001, 2005, 2008a and b, 2011.

²⁴ Kahn 2001, p. 5.

in a world that we observe to be just, but one that we experience as valuable in and of itself."²⁵ Sacrifice: that is the transformation of my body into an expression of some ultimate meaning: the love for my family, my friends, but also for the historical maintenance of my polity, my *patria*. My *patria* also means: I belong to it, I see myself as part of it. This desire for a meaning that comes with love does not concern the problem of unjust law, it is about the *limits* of the law. It is the problem of the relationship of the universal to the particular.

Love, Kahn writes, "begins when we find ourselves so linked to others that we cannot imagine ourselves standing apart".²⁶ The move from justice to love opens also the possibility of the move from (reasonable) contract to sacrifice. For, loving my family, I do not only put their well-being above that of others, and even above my own well-being. In the end, sacrifice *denies* the autonomy of the self upon which the ideal of legitimate legal authority must stand. Therefore also the convergence of love and death: love is always a kind of 'death' of the autonomous self.

2.1 *Four Dangerous Liaisons and Clashes*

Here, already, we are approaching the danger zone, because this self-understanding threatens the liberal (and even more the neoliberal) political imaginary we are used to – West-European citizens perhaps even more than Americans and East-Europeans. In this liberal imaginary, we make clear distinctions and then institutional boundaries between public (contractual) reason about justice on one hand, and private love, nonpolitical private loyalties (such as religion) and individual conceptions of the good on the other. I shall describe in short four forms of the blending and also clashing of 'love' and 'justice' in the meaning Kahn gave to these terms. It is not more than a research program.

2.2 *Love Reinforces Justice and Vice Versa*

The first liaison between love and justice is the very dramatic but today in Europe also discredited political imaginary of *pro patria mori*.²⁷ The model can also imply revolutionary politics, when we read for *patria* the new *Heimat* of a just and peaceful society in the future. This imaginary is presented by Kahn in several books as the model of the sovereign state and its challengers. Regularly, this state "places its citizens in a position in which the willingness to sacrifice

²⁵ Kahn 2001, p. 5 and Kahn 2005, Part II: 'Love and Politics', pp. 143–315.

²⁶ Kahn 2001, p. 6.

²⁷ See De Wit 2016.

life stands in a reciprocal relationship to the license to kill.”²⁸ This is the sovereign ethos of the battlefield: a license to injure and kill is granted to those who suffer the risk of injury and death. The soldier not only defends but even participates in the sovereignty. This state can be challenged by a new instance of sovereignty, for example in the case of a revolutionary organization. Such an organization also displaces the reciprocity of killing and being killed. Even a non-violent revolution by a revolutionary movement cannot be successful “if at the threat of violence the people retreat from the public forum.”²⁹

An example of the fusion of love and the violent struggle against injustice we can see in the movie *Bram Fischer* about the South African lawyer who defended the accused (among them Nelson Mandela and Walter Sisulu) in the so-called Rivonia-trial in 1964 – the movie is based on these historical facts. In secret, Fischer was also member of the same revolutionary movement as the captured man, accused of subversive, violent actions against the policy of *Apartheid*. In this movie, we see for a period of time the happy mingling, transition or cross-fertilization of love and justice. Fischer’s wife supported him whole-heartedly, knowing that she could lose him at any moment due to the dangerous nature of his adventure. The love between them is more than a ‘private’ affair; it participates in the struggle for a new society and a new rule of law. This struggle can go ‘beyond law’, as a series of revolutionary actions it is not legal nor illegal.³⁰ For the existing order, such actions are terrorism and criminal behavior, for the revolutionaries, they are necessary in the struggle for justice, in ‘worshipping new gods’, in the words of Kahn.³¹ But, of course, the connection between love and justice is always fragile, endangered by the nature of your job (exposing yourself and others to repression, death and injury), but also by the fragility of every patriotic love: you can lose it, or even feel betrayed by your own country or other revolutionaries.

2.3 *The Conflict between Law and Love*

The second model is a core narrative in the history of the West, the *conflict* between love and justice. The prototype here is Sophocles’ *Antigone*. The tragedy

28 Kahn 2008a, p. 132.

29 Kahn 2008a, p. 138.

30 Derrida describes the *aporia* of a revolution: “On the one hand, it appears *easier* to criticize the violence that founds since it cannot be justified by any preexisting legality and so appears savage. But on the other hand, it is *more difficult*, more illegitimate to criticize this same violence since one cannot summon it to appear before the institution of any preexisting law: it does not recognize existing law in the moment that it founds another.” (Derrida 1990, p. 1001).

31 Kahn 2008a, p. 136.

Antigone begins with the dead body of Polynikes lying outside the city's walls. Antigone demands out of respect for family and religion that the body of her brother can become the object of traditional religious ritual. In the classical tradition of warfare, Kahn explains, defeat was the moment where all men were killed, the women and children sold into slavery, and the city razed. The people, he writes, "are literary destroyed to prove the emptiness of their faith."³²

Of course, today we call that practice genocide, but "the legal prohibition has hardly done away with the impulse" to destroy our enemies. Kahn illustrates this with the example of the contemporary 'war on terror' in the US. While an ordinary criminal remains a member of the community, the terrorist is to be denied that much recognition. Best of all,

from the sovereign point of view, would be to "disappear" him, to remove him from the human world of memory. This was no doubt the impetus behind the creation of extrajudicial prisons by the Americans after September 11. The state's end is to leave the terrorist perpetually in the space of sovereignty beyond the walls of law. For the United States, that space was to be Guantánamo.³³

To be an 'unlawful combatant'³⁴ means, to be condemned to invisibility – so that he cannot appear as a martyr for his own political faith. No one knows, for example, the grave of Osama Bin Laden. In short, there is no sharp difference between Kreon and the United States: "Just as Polynikes is left to be eaten by animals, and so made invisible, the modern state would render terrorists invisible."³⁵

From a religious point of view, that is hardly acceptable, as Sophocles' tragedy shows. In an essay on modern fundamentalism, the German (Roman Catholic) philosopher Robert Spaemann also refers to Sophocles' famous tragedy and took the side of Antigone, for whom there exists a religious duty to bury her brother.³⁶ In this essay, Spaemann makes a distinction between two kinds of fundamentalism, a *religious* or *philosophical* fundamentalism and *political* fundamentalism. According to him, ordinary people are all fundamentalists in the first sense of the term, because we all are people for whom there are things that are holy (*heilig*), something that we are not prepared to give up, in Kahn's

³² Kahn 2008a, p. 145.

³³ Kahn 2008a, p. 146.

³⁴ For the expression 'unlawfull combattant', see Heller-Roazen 2009, especially chapter 15 and Luban 2018.

³⁵ Kahn 2008a, p. 146.

³⁶ Spaemann 1989, p. 47.

vocabulary: because we are not only *rational* but also *loving* people. “I am here to love, not to hate”, Antigone explains her claim in the tragedy. This first form of fundamentalism is a non-political attitude, because the sphere of democratic politics is the sphere of mediation, of breaking the claims of the absolute. For example, when for me human rights are moral symbols of the absolute or *Das Unbedingte*, Spaemann explains, I also have to accept that human rights cannot simply be “implemented”, but at the very most be respected. Political fundamentalism, in contrast, is totalitarian politics and even nihilism; it judges every single life from the point of view of its political functionality. So, Kreon may have political reasons of *Staatsraison* to forbid the burying of Polynikes, but, according to Spaemann, his *hubris* is therein, that his calculations do not respect what is older and more fundamental than the political system. This creates a conflict between love and the calculations of justice by the state.

2.4 *Law against Love: the Expansion of Reasonable Justice*

“Both justice and love impel us toward the universal”, Kahn writes – they tend to be boundless, so to say.³⁷ In the third and fourth model I will describe the implications of both potentialities. First the expansion of justice at the expense of ‘love’. From the perspective of justice, nationality and the boundaries of a concrete political community are irrelevant and irrational. Behind Rawls’ veil of ignorance, also the prioritizing of my family is hardly defensible: haven’t other people an equally just claim upon me? In the same vein, the precepts of religion can also appear backward and unjust; even religious education of children can and is sometimes attacked as indoctrination and disrespect for the ‘autonomy’ of young people. Moreover, is religion not becoming dangerous as soon as it pretends to be more than a question of private choice or individual design? And of course, from the standpoint of justice, especially *war* is a failure of law, a remnant of irrationality.

In line with this reasoning we can establish a liberal philosophy of history towards the progressive realization of the liberal rule of law that is based on what Michael Walzer once named the liberal “art of separation”. After the separation of the household from the public forum (the Greek achievement), and after the detachment of the church from the legislative chamber (the pre-modern achievement) our modern welfare state separated the market from administrative agency.³⁸ In the end, we produce the ‘new man’, tripped of ‘irrational’ attachments in a world without war, nationality and politics and, of course, without sacrifice. The down side of this model is the elimination of the enemy

37 Kahn 2001, p. 13.

38 Kahn 2001, p. 7. See Walzer 1984.

as a *legitimate* political figure, enemies are framed – in line with Fukuyama’s utopia of the End of History – not as political opponents but as criminals, terrorists and monsters because they are delaying the regime of the universal rule of law. Carl Schmitt³⁹ was anxious about such a moralizing of enmity – rightly so, I think. In a recent essay on Schmitt the Dutch writer and essayist Arnon Grunberg suspects that the political realization of a real universal brotherhood of man where human rights are respected is only possible when humanity is “beaten and whipped to unification” – with massive violence, in other words.⁴⁰ But, especially today, probably the weightiest problem is what Krastev called the ‘central contradiction’ of universal liberalism that is revealed by the revolution of migration: the promise of universal rights clashes with the huge inequalities in the diverse societies where we must enjoy these rights.

2.5 *Grateful Love Transcends the Borders of Justice*

Does prudent scepticism towards the contradictions, paradoxes and perverse ultimate consequences of a global reign of justice imply that we in Europe will be better off by returning to the good old nation-state, as some suggest today? I think we can stick to the Universalist promise of liberal democracy by not striving for the global expansion of rational justice at the expense of particular attachments (‘love’), but the other way around, by beginning to think of ourselves as loving and beloved. Once again, Paul Kahn can help us a little bit. If I cannot think of myself apart from the objects of my love, then “I cannot accept the idea that a reason stripped of love can generate the hierarchy of values that should guide my life”.⁴¹ For example, I did not choose my wife on the basis of justice – we fell in love despite the directions of law. (In my personal case: because she was a South African, we had to follow a lot of procedures and admin before we were allowed to live together)

And why is it that I cannot explain why I love her, in terms of her qualities? Kahn gives a gripping answer on questions like this. He writes: “Through the particular, we grasp the whole. We love the world that makes itself present through the other. The object of our love links us to the macrocosm.”⁴² At these moments, it seems that “loving the particular other, the entire world is redeemed.”⁴³ Love puts in perspective the whole vocabulary of justice, contract, the autonomous self that invests its will etc., because through love, we

39 Schmitt 1996; and Heller-Roazen 2009, Chapter 16.

40 Grunberg 2019, p. 27.

41 Kahn 2001, p. 9.

42 Kahn 2001, p. 14.

43 Kahn 2001, p. 15.

can experience “that we are not the source of value in the world; rather, we marvel at the value revealed through love.”⁴⁴

So it is not despite but thanks to my love for particular people, places and communities that I can feel connected with other people who think of themselves as loving and beloved. It is because of our “erotic soul”⁴⁵ that we will always experience discomfort with ordinary politics that separates citizens from non-citizens, friends from enemies etc.

Well, on the basis of these experiences, we can distinguish nationalism and patriotism. If nationalism has to do with aversion to or even hatred of the alien other, patriotism is a form of love that wants to connect with every political community and every migrant or refugee, because we all “marvel at the value revealed through love”. Therefore, Kahn writes, “love will always destabilize justice” (that is: the concrete configuration of political communities of citizen and non-citizen, friends and enemies), because for love, *sympathy* is the master virtue. But what makes our world a tragic place, we must add, together with Kahn, is that also the opposite is true: justice will always destabilize love: we *have* to make calculations on the basis of (local, not universal) justice, sympathy cannot be our only virtue.

3 **Complication: Contemporary Voices on Patriotism and Nationalism**

Can we really establish a stable boundary between patriotism and nationalism, between love for my country that links us to the “macrocosm” (Kahn) and aversion to the alien other that makes me narrow-minded? Let’s interrogate some other contemporary political philosophers on this question.

First of all: there seems to be a growing consensus among political philosophers that a democratic constitutional state not only needs *democratic* institutions and *procedures* that guarantee the rule of law, but also a certain *unity* and identity of the political community. In short: a democratic political community must not only provide for its *legitimacy*, but also for its national *unity*, the ‘we’ of a *patria*.

This point is first of all made by conservative theorists, for example the well-known British philosopher Roger Scruton. In an essay from 1990 titled ‘In defense of the Nation’, he criticizes, just like Kahn did, as we saw, what he calls the “full liberal theory of the state”. According to this theory, the modern state is a purely political creation, whose job it is “to provide a framework of

44 Kahn 2001, p. 15.

45 Kahn 2005, Part II, 4: ‘The Faculties of the Soul: Beyond Reason and Interest’, pp. 145–183.

authority and a body of laws within which individuals and groups [are] at liberty to live the way they [want].”⁴⁶ Scruton finds the *roots* of this liberal theory in European history partly in the legacy of Christianity, partly in the legacy of Roman law. The political-theological distinction between *regnum* and *sacerdotium*, political and religious community, in the end made possible the transition from religious to territorial loyalty, and this transition was subsequently confirmed by the territorial jurisdiction of secular Roman Law.⁴⁷ Later, the political legitimacy of this transition could be framed as the legitimacy of a “social contract”. This implies that no obligations can be imposed on the citizen that are not the result of his own action.

Against this theory, Scruton claims that we find it plausible that “every political order depends, and ought to depend, upon a non-political idea of membership”, and that as citizens, we have obligations we never choose.⁴⁸ It is only *on the basis* of this pre-political ‘we’ that we find it plausible to think of relations in contractual terms. Therefore, each society is at the same time inclusive and exclusive: it discriminates between inhabitants and foreigners, it establishes privileges and benefits for its citizens, and implicates non-contractual duties and pieties toward future and preceding generations. Aiming at the liberal theory, Scruton writes: “Contracts are means; membership is always at least partly an end in itself.”⁴⁹ Therefore, a political community always embraces a particular “conception of the good”, rooted in language, rituals, culture, history, and sometimes also religion. Without these, social duties are only instrumental, even annoying, they can be cancelled. Especially: without this ‘end in itself’, to lay down your life as a soldier for unknown people becomes an absurdity.

In 1990 already, Scruton is pessimistic about the question whether the idea of the nation he is defending will survive. The nation is under attack, not only from the side of the liberal theory, but also from the side of the adherents of a so-called “multicultural society” who, in Scruton’s view, use the liberal theory to discredit the nation-state. In 2005, when he once again wrote on the subject, his chapter on the nation-state can be read as an intellectual preparation on the Brexit ten years later. “We in Europe”, we read,

stand at a turning point in our history. [...] the process has been set in motion that would expropriate the remaining sovereignty of our

⁴⁶ Scruton 1990, 2002, 2006.

⁴⁷ Scruton 2002, p. 4.

⁴⁸ Scruton 1990, p. 303.

⁴⁹ Scruton, 1990, p. 307.

parliaments and courts that would annihilate the boundaries between our jurisdictions that would dissolve the nationalities of Europe in a historically meaningless collectivity, united neither by language, nor by religion, nor by customs, nor by inherited sovereignty and law. We have to choose whether to go forward to have that new condition, or back to the tried and familiar sovereignty of the territorial nation state.⁵⁰

3.1 *Political Patriotism*

It is not necessary to endorse Scruton's anti-European position, to share his view that a political community needs a certain patriotism, a "First-person plural", and not only a contractual legitimacy. In his own vocabulary, he subscribes to the viewpoint of Kahn.

The point is also made by Charles Taylor, a communitarian political philosopher, yet with a fine-drawn difference that is not irrelevant for our discussion on patriotism, nationalism and (liberal) justice. Taylor emphasizes the *modern* character of the nation state. Such a state presupposes a "change in the way people imagine belonging".⁵¹ While in a hierarchical society one belonged to a society via belonging to some component of it (as a peasant, for example, one was linked to a lord who in turn held power from the king), in a modern nation, by contrast, I think of my citizenship as a *direct* relationship to the state that is the object of our common allegiance, unmediated by any of these other belongings. These modes of imagined direct access are, according to Taylor, linked to modern equality and individualism. Modern individualism, as a moral idea, he writes (and I will return to this later), "doesn't mean ceasing to belong at all [...], but imagining oneself as belonging to ever wider and more impersonal entities: the state, the movement, the community of mankind".⁵² In this horizontal, direct-access society it is the "will of the people", the principle of popular sovereignty, that has become the only acceptable basis for any regime. However, popular sovereignty "doesn't prevent it from being used to justify the most terrible tyrannies".⁵³ In recent history, also communism and fascism were supposed to emanate from the united will of a conquering people, and, as we saw, today we see the rise of the so-called 'illiberal democracy'

⁵⁰ Scruton 2006, p. 1.

⁵¹ Taylor 2011a, p. 86. See for Taylors thinking on Social Imaginaries Latré 2018, pp. 47–73.

⁵² Taylor 2011a, p. 87.

⁵³ Taylor 2011a, p. 89.

and other forms of nationalistic populism as alternatives to representative democracy. Some already talk about "the end of the liberal cycle".⁵⁴

Particularly relevant for our subject is that, according to Taylor, representative democracies based on popular sovereignty asks more from its citizen's than traditional despotism. It requires that its members be motivated to make contributions in the form of "treasure (in taxes) and, sometimes, blood (in war)".⁵⁵ It always expects some degree of *participation* in the process of governance. Here, Taylor uses the word "patriotism", in the sense of "a strong sense of identification with the polity, and a willingness to give of oneself for its sake."⁵⁶ But at this point, he differs from a conservative like Scruton. While for the latter, a pre-political identity (common descent, culture, religion) is necessary for a polity, according to Taylor, patriotism needs to be *politically* defined, without being reduced to the instrumentality of a 'contract'. As a citizen, I love my fatherland because of the *laws* of my country, just as the ancients did, and that was also the case in the American and French Revolutions. The patriot was one who sought the nation's freedom. It was only later that nationalism came to the forefront, for example when the German elite, in opposition to the universal ambitions of the French Revolution, accredited the ideal that "each society must be tailored to the particular genius of the people", that each person has something like a *Volksgeist*.⁵⁷

Besides the need for a political identity – we can mention here also Jürgen Habermas' *Verfassungspatriotismus* – Taylor refers to another reason why especially a modern state must strive for a strong common identity, apart from functional requirements of the modern economy like a certain homogeneity of language, education and culture. This reason has to do with the presence of minorities within a polity based on popular sovereignty. When a minority feels that the common identity of the state does not accommodate them, then "its members feel like second-class citizens", and "trouble of some sort must follow".⁵⁸ Taylor underlines at several places in his work that "the people" also needs to be conceived as a collective unit of deliberation, and that "all voices must be heard".⁵⁹ This is the driving force behind many emancipation movements in modern history: when a certain segment of the population is systematically unheard, like the working class, the marginalized poor, woman, ethnic

54 See Rupnik 2016, and on populism Müller 2016.

55 Taylor 2011a, p. 90.

56 Taylor 2011a, p. 90.

57 See Mishra 2017, especially p. 5, p. 1.

58 Taylor 2011a, p. 92.

59 Taylor 2011b, pp. 34–59; and Taylor 2011c, pp. 124–145.

or linguistic groups etc., “then the legitimacy of democratic rule in that society is challenged”.⁶⁰

Perhaps linked to the histories of emancipation in modern democracies, it is remarkable that the necessity of patriotism, of a ‘warm’ center of identification that transcends individual goals and aspirations, is recently also embraced by a leftist, cosmopolitan thinker like Simon Critchley. In a detailed discussion with Jean-Jacques Rousseau, the author of the *Social Contract* (1762), Critchley must – a little reluctantly – admit that Rousseau was right when he stated that every state needs something like a “civil profession of faith”, a “moral code”, in short, a patriotist *Catechism of the Citizen* (the expression is Rousseau’s) or “civil religion”.⁶¹ The rationality of a contract is thus not a sufficient, nor even a reliable guide: “If you would have the laws obeyed, see to it that they are loved”, Rousseau wrote, and Critchley agrees.⁶²

3.2 *The Slide from Patriotism to Nationalism*

In summary, we can say that from Scruton, Taylor and Critchley we learn that a close relationship of individual citizens with a particular *patria* or ‘community of fate’ (Max Weber’s *Schicksalsgemeinschaft*) is indispensable in a liberal democracy, but also that it is not easy to separate nationalism and patriotism in a clear way. Taylor talks about “a sort of dialectic of state and nation. It is not just that nations strive to become states; it is also that modern states, in order to survive, strive to create national alliances to their own measure.”⁶³

While Scruton defends the national community and patriotism as historically grown “social unity” or membership,⁶⁴ he tries to distance himself from the “ideology of the nation” because it is not the task of the state to “manufacture” the deeper forms of loyalty. Yet, in his own discourse, the dividing line between patriotism and nationalism, crucial as it may be for his position as a conservative who believes in organic development, is remarkable thin and also fit for manipulation. For example, for Scruton, nationalism *can* be acceptable as “emergency-measure, a response to external threat”. Also “deportation”, and “forced assimilation”, although not morally justifiable, is acceptable for him in emergency-situations.⁶⁵

60 Taylor 2011c, p. 124.

61 Critchley 2007. See p. 82: “I have come to this conclusion [that a democratic state needs a civil religion, TdW] with no particular joy, as someone with little enthusiasm (in the literal sense of the term) for religion, whether organized or disorganized.”

62 Rousseau 1997, p. 13.

63 Taylor 2011a, p. 91.

64 Scruton 2006, p. 12: ‘Nations are spontaneous by-products of social interaction.’

65 Scruton 1990, p. 300.

We can then ask, isn't the logic of nationalistic rhetoric that politicians and other actors begin to stress that our national unity is *threatened*, and that 'exceptional' political measures are necessary to *protect* this unity? Is the *saveguarding* of national unity not at the same time a form of creating and *inventing* this unity? Of course this undermines his identity as a conservative thinker, when we understand this – as Scruton does – as a trust in “unintended” ties and relationships. The conservative is nearing his (explicit) opponents: liberal thinkers with their trust in the manipulability of society, and totalitarian politics that wants to enforce social or national unity with political directives. One is tempted to get sarcastic here and ask: was the British Empire also an example of 'organic' growth and natural development?

To close off one can say that in the case of Critchley, the philosopher is a bit reserved and anxious in accepting the 'religious' or 'sacral' dimension of a political community, and that is understandable. He published his text on Rousseau in 2007, during the 'war on terror', realizing that the recent interwoven-ness of politics and civil religion in the US and elsewhere is “defined by violence”.⁶⁶

4 Populism and Meritocracy

To summarize: when we endorse the reasons that contemporary political philosophers put forward in favor of the necessity of patriotic loyalty in a liberal democracy, we must at the same time realize that the slide to assertive and even aggressive nationalism is not impossible. As Kahn writes: “We take the first step toward evil when we draw a border. [...] Without borders, there are no enemies.”⁶⁷

Let's now return to Krastev and his meditation on the recently experienced 'fragility' of political matters, especially in central Europe, and the contemporary revealing of the 'central contradiction' in the philosophy of liberalism between the 'cosmopolitan' promise of universal rights and the harsh realities of unequal conditions to enjoy these rights. Both result not only in existential melancholy in countries in central Europe (and not only there),⁶⁸ but also in a “suspicion of anything cosmopolitan” and a “revolt against tolerance” in the name of populist identity politics.⁶⁹

66 Critchley 2007, p. 82. See Lincoln 2006.

67 Kahn 2008b, p. 6.

68 Krastev observes the same melancholy in Houellebecq's novel *Submission*, an “anatomy of the decline and surrender of secular Europe in the face of rising Islam” (Krastev 2017, p. 28).

69 Krastev 2017, p. 38 and p. 55.

In a recent Dutch diagnosis of the rise of populism, political philosopher Sybe Schaap stated that populist movements conceive the old Roman term *populus* (people, Volk, volk) as a “normative concept” – the idea of a homogenous community of the *populus*, as becoming visible in a certain equality in characteristics or identity. This normative concept is from the start a “declaration of war” upon other parts of the population that are defined as ‘alien’ to the *populus*.⁷⁰ While Schaap thinks that this idea of substantial identity has something ‘medieval’ and also antidemocratic, he also admits that contemporary populism is the expression of a desire for “solidarity and security” that should be taken serious.⁷¹

Concerning this issue, Krastev makes a very interesting point towards the end of his book. He suggests that the rise of more or less assertive nationalist populism has to do with the crisis of the “meritocratic vision of society”. ‘Meritocratic’ we can call a society where “the most talented and capable people are placed in leading positions.”⁷² Perhaps this sounds as a good social imaginary, and Krastev calls to mind Rawls, who expected that to be a loser in a meritocratic society is not as painful as being a loser in an openly unjust society because “the fairness of the game would reconcile people with failure”.⁷³ Krastev suspects that currently the great philosopher may be wrong. Why? When you listen to the populist rhetoric of aversion to the ‘elite’ and to ‘experts’, you hear their hatred is not aimed at people who are rich or corrupt, but towards people who, “not unlike soccer stars”, declare their success as a result of their hard work. These people have no relationships with other people except for the celebration of victories, *and* they always have an “exit option”. In short, the meritocratic elites in times of globalization and European integration are “no loyalty” elites, people who are “trained to govern, but are not taught to sacrifice”- their very mobility is a reason not to trust them.⁷⁴

Against this background it is not surprising that the new populist leaders promise “unconditional loyalty to ethnic, religious or social groups” and promote a social imaginary where the *family* is the model of society. In a family the members support each other not simply because everyone deserves it but because everyone shares something in common. They promise to nationalize the elite, and to (re-)establish the national and ideological constraints that were removed by globalization. They promise “not competence but intimacy.”⁷⁵

70 Schaap 2017, p. 8 and pp. 71–78.

71 Schaap 2017, p. 74.

72 Krastev 2017, p. 87.

73 Krastev 2017, p. 92.

74 Krastev 2017, p. 90.

75 Krastev 2017, p. 91.

As examples of nationalist-populist rhetoric one can think of the above-mentioned Roger Scruton, who derives the meaning of the term nation by using the model of kinship and common descent, and who conceptualizes the nation-state as a symbolic body.⁷⁶ The Dutch populist leader Thierry Baudet did the same by writing: "[...] to be at home has an ethical, an esthetical and a political dimension. It is a moral place, a beautiful place, a place where a 'we' exists. [...] What is true for the 'small' home, is true for the 'big' home, the home of the community."⁷⁷ One can be very skeptical about the forged continuity here between the natural relations in my family-home and the fabrication of my nation,⁷⁸ but the promise of intimacy cannot be overlooked.

I think we must embrace one element in this desire for 'security and solidarity' (Schaap), namely the aspect of undeserved and unconditional belonging. It was valued by a Flemish political philosopher in 2001 in a reflection on the diverse dimensions of belonging and recognition – the latter is an important concept in the philosophies of Charles Taylor, Axel Honneth and Avishai Margalit. "Social belonging", Bart van Leeuwen writes, "does not depend in a direct way on performance. We don't have to prove ourselves or excel in some activities to be considered a full member." And here he quotes Margalit: "To be a good Irishman [...] is a matter of achievement. Being Irish is solely a matter of belonging."⁷⁹

But perhaps the most moving testimony of the relevance of an unconditional 'home' is from Jean Améry, a Jewish-Catholic philosopher who had to flee his country, was arrested by the national socialists in Belgium and survived Auschwitz. In a long reflection on the experience of involuntary exile, he draws the conclusion that it is unwise to play out the idea of 'belonging' against the idea of 'freedom', or loyalty towards the particular against being a citizen of the world. After all, he concludes, a man "must possess a homeland (*Heimat*) to be able to leave it behind", and "cultural internationalism can only thrive within the boundaries of national security."⁸⁰

76 Scruton 1990: p. 319: "[...] the non-political stands to the political as the body to the soul"

77 Baudet 2014, p. 74.

78 See for the difference between small-scaled 'natural' relationships and the political (and not seldom also violent) birth and survival of states and nations also Terpstra 2017.

79 Leeuwen 2001, p. 763.

80 Améry 1966, p. 94.

Biography

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