

The Modern Nation State and Regimes of Violence: Reflections on the Current Situation¹

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Abstract

As a result of the events of September 11, 2001, and by subsequent developments, the questions surrounding the exercise of various forms of violence, public and private, and the role which states have to play — and are able to play — in this context has acquired a new urgency. This applies in particular to the exercise, and control, of violence by states. In the following, I want to rehearse some of the main features of the modern nation state with special reference to the issue of its monopoly on violence. After exploring some of the implications of that basic structural tenet, both internal in the state's relationship to its citizens / subjects and externally in its relationship towards other nation states, I gather some hints regarding the current dynamics of major change that seem to be at work on all this levels. In doing so, I draw specific attention to the constitution and change of a public sphere in relation to what I designate as regimes of violence.

The civilisation of the state

The modern nation state forms one of the central achievements of the grand

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process of rationalisation on which modernity in an encompassing sense resides. In its region of origin in North-western Europe, this form of the state is the outcome of a long series of societal and political transformation that have led to a number of interrelated structural relationships and institutional arrangements. This has generated intricate and contradictory lines of reasoning in the theoretical field as well as trajectories in real life developments. For an understanding it is useful, as a point of departure, to refer to a rather traditional line of reasoning. Regardless of some fashionable free market rhetoric, the presence of a minimally rational state apparatus is a central pre-requisite for a generalised market economy to function. It is only under this condition, that commodity owners and producers can be assured of their property and will find conditions that enable them to make valid assessments of their future chances to invest, produce, and sell. This pertains, above all, to the provision of three decisive and interrelated features without which generalised markets and capitalist enterprises cannot function: a reliable monetary system, and a stable, calculable legal system, along with an executive apparatus that is able to guarantee internal security. Again, the latter is linked, in contradictory ways, to the issues of individual rights and freedoms. Only such an overall institutional framework will furnish the prerequisites for participants in the market to be sure that their contracts be honoured and if necessary, enforced; that they can rely on their assets being secure and their transactions not interfered with, and thus are able to find themselves in a position to make reliable calculations to assess business prospects and investment chances.

Because of their strategic importance for socio-economic development within any broadly defined capitalist framework, these features may be considered as the core functions of modern states. Without going into the issue of definition of the state, the state as we know it today is definitely both a precondition and a product of modernity. As is well known, such states have not emerged uniformly around the globe. Rather, along with other traits of modernity, they have been originally the product of a long historical process that took place in certain regions of Western Europe. Later, obviously similar functional results have been reciprocated by different trajectories in different regions of the world, while in other regions, modernity has brought forth very different forms of polity and state, frequently considered merely as dysfunctional by various strains of development thinking and political analysts.

In any case, by paying some attention to the original model, even though this leads us to some of the roots of an inherently Eurocentric process, we can gain

some insights into the meaning and basic conditions of the modern state. The trajectory of its formation has been construed quite persuasively as a process of the expunction of violence from everyday life and dealings (see Elias 1982, 1994). In a process that lasted several centuries, this has taken the form of disarming the people at large as well as the nobility, of the centralisation of executive power and armed might, later of more or less successful attempts at comprehensive surveillance in the policing of the entire country, and not least, of the creation of a standing army. In the narrative of the process of civilisation, all this amounts, not to the elimination, but to the progressive containment and reorganisation of violence which is present in society. It is one of the merits of Elias's configurationist approach to link these changes on the macro-level closely to the evolution of certain traits in personal behaviour which are also of indispensable for effective functioning within the framework of a market economy: i.a., an habitual long-term view (*Langsicht*), in association with a restrained personal way of behaviour. Obviously, a similar argument would apply to reliable, rational bureaucratic behaviour and to the functioning of office holders and administrative staff in government institutions satisfying the demands on a rational bureaucracy, and again, similar traits are also required for the fulfilment of industrial work requirements.

Let us rehearse briefly some of the main features of this much discussed concept that refer specifically to state formation. Elias takes as a starting point for his genetic account the situation of feudal fragmentation prevailing in France from the 10th through the 13th centuries. In this set-up, the central power of the king dissipated regularly, since he was forced to reward his retainers for their services with land; on the other hand, landed grandees could be controlled only by superior force. They disposed of their own armed might, quite independently of the king, and also law was administered independently on various levels of the feudal ladder of hierarchy. Under such conditions, the king was in fact merely one of a number of competitors for supremacy, in a century long process of elimination struggles. In France, these struggles resulted in a gradual aggrandisement of the king's holdings in land and power, and in the end of this process, power had been centralised in the king as the personified centre of the state, as was territorial control. The central state had become the decisive instance both to protect and restrain its subjects or citizens.

Before moving on to a closer discussion of the monopoly of violence, it should be noted that the pacified environment provided by the modern state (at least, according to its own pretensions), rests on a history not only of violent

disarmament of competitors and elimination contests, but also of the equally violent process of disciplining people, in the words of Karl Marx into accepting a situation where they are 'condemned to eat [their] bread in the sweat of [their] brow[s]' which to start with, had appeared 'by no means essential' to them (1996:704). This is surprisingly close to Max Weber's addressing that 'plainly senseless inversion, according to the unpreoccupied mind' which is implied in moving people's minds from a rationale of 'gain as a means to satisfy [their] wants of life' to one of 'gain as purpose of life', 'from working in order to live' on to one of 'living in order to work' (1920:36). To be sure, distinct from Weber's analysis, for Marx, the history of this conversion, the 'expropriation' of independent producers 'is written in the annals of mankind in letters of blood and iron' (1996:706). The decisive point in his view concerns the shift from overt state administered violence, which has been documented impressively also in more recent social history research (cf. Hay et al. 1976), to the more latent form of violence which Marx coded as the 'dull compulsion of economic relations' (1976:726), supplanting the everyday and routine application of brute force. In this perspective as well, it has to be noted that such systematic application of overt violence remained the rule of the day in the sphere of colonial expansion of Western-style national states which, by the turn of the 20th century, encompassed the entire remaining land area of the globe.

The monopoly on violence and the notion of power

Still, internal pacification can be understood as a historic achievement, in any case from the point of view of those who were able to enjoy this form of state guaranteed tranquillity. It is easy to see that Elias's ideal-type conception recalls closely a more or less Hobbesian notion of power and the state, and is related as well to largely Weberian concepts of violence and power. This means that at the hypothetical beginning of state formation — Hobbes' state of nature — there is a generalised state of war which endangers the life and well-being of all who therefore are better off to surrender their precarious freedom to the sovereign. The sovereign, be it a single person or an institutional body, will concentrate society's power and thereby be in a position to overpower each individual member. The concept of power as one of overpowering — in contradistinction to more recent concepts speaking more to the processes of balancing and negotiation² —

2. Not surprisingly, such concepts have been debated largely within a feminist social science frame of reference (cf. Lenz/Luig 1990) and in social anthropology (cf. Alber 2000).

has been taken up particularly forcefully in Max Weber's definition as 'any chance to make prevail, within a social relationship, one's own will, even in the face of resistance or reluctance, and regardless of the basis upon which such chance may rest' (1964:38). Above all, the concept of power underlying the Hobbesian notion addresses exclusively *public* violence and leaves out all forms of domestic, 'private' violence, be it exerted within the family household against women and children, or within the enterprise against various categories of workers. What is more, differentiation of the domestic, as well as the public spheres is commonly considered as one of the main products of the formation of modernity — and its protection against the intrusions of the state as one of the main achievements of constitutional development. Therefore, what was involved was not only a fundamental reorganisation of violence, but also a complete recasting of the frame of reference in which violence occurred, was sanctioned or restrained, and evaluated. While this reorganisation did mean an appreciable reduction in the experience of violence on an everyday basis in many regions, for many groups and walks of life, it did not necessarily entail a reduction of over-all violence occurring within the entire social nexus.

The monopoly of violence, as a central feature of the modern state, has thus to be taken with a lot more than just a grain of salt: It does not refer to a comprehensive notion of social reality, but strictly to the sphere of publicly exercised violence. That is, this view, centring around the perspective of the state, while capturing vital and central aspects of the relations of power and violence within a given society, does not exhaust those relationships by far (see also Kössler 1993). For the over-all maintenance and reproduction of its social fabric and material underpinnings, any society is dependent on a host of relationships that are never covered by the state completely, although the state may try to condition most of them, in the modern era e.g. by labour legislation or social security systems. Still, it should be kept in mind that the monopoly of violence residing in the modern state pertains only to the public dimension of violence.

Furthermore, practically from the beginning, the Hobbesian notion was anything but unopposed. Without going into that debate, it should be noted here that in the notion of social contract as put forth by Hobbes (1997) two basic, and problematic, propositions are implied. The first of these propositions concerns the primacy of the state over society. In Hobbes, the hypothetical state of nature is conceptualised as 'warre', generalised violence by individuals against each other. Society is then constituted by the sovereign's overpowering these individuals, *not* by their free contracting or by negotiation. As Adam Ferguson (2000), one of the

early founding fathers of sociology, has pointed out more than 200 years ago, a state of nature in this sense is not only hypothetical, but it runs straight counter to the empirical fact of stateless societies, which probably still constitute the large majority of societies to have existed historically. The conceptual (and conceivably, also the historical) precedence of society before the state does not preclude the state forging and above all delimitating social relationships once it exists. This idea of power as a *socially based* phenomenon may also be gauged from Michael Mann's influential general definition of power as 'the ability to pursue and attain goals through mastery of one's environment' (1986:6). In any case, the important point is that the state's coming into existence pre-supposes some form of social process, such as Elias has sketched out in the case of French absolutism. In this case, a second germane problem appears which is much more general than Hobbes, but can be discerned with particular clarity in his conception. In Hobbes, the sovereign's violent action and his monopoly on violence function in the public or general interest of society, in his language, in the sense of the 'commonweal'. Yet, it is a moot question who determines what the general interest should mean and imply actually, both in structural and long-terms respects and on a more day-today basis. This is true in particular once we depart from the absolutist conception of the state propagated by Hobbes. Once the sovereign has been linked to the notion of popular sovereignty, the general interest, or in Rousseau's celebrated term, the general will (*volonté générale*) becomes enmeshed in the intricate and complex processes of public debate and decision making. Since such deliberations do not take place on a level playing field in real life, the general interest, represented in the broadly Hobbesian tradition in the sovereign state, will respond to hegemonic views, conceptions as well as interests, and if necessary, enforce or defend these with the violent means at its disposal.

Sovereignty, the issue of boundaries and the Westphalian system

Again, the establishment of a state monopoly on violence in this sense and circumscription has been interconnected with the emergence of the economic role of the modern, and in particular also the modernising state. This can be seen as a further set of centralising tendencies. Max Weber, in particular, stressed the structural parallelism and interdependence between modern capitalism, which in his view hinged on the rationalised, productive enterprise and an equally rational, bureaucratic organisation of the state which would safeguard the 'sensitive' 'modern forms of the enterprise' against the any individualistic whims

of officialdom or voluntarist judges; rather, to ensure a safe environment for modern capitalism, the judge her was deemed to become 'more or less an automatic legal clause processing machine, where you throw in files and costs incurred at the top, so that it spits out the judgement along with the more or less sound reasoning at the bottom: - the functioning of which, then, would in any case be by and large *calculable*' (1971:323). Along with a 'rational' legal system in this sense, a further particularly important concern pertains to the issue and guarantee of money. A guaranteed and unitary monetary system implies much more than supplying the need for an indispensable functional instrument to ensure and facilitate business transactions in a generalised market. Along with the legal system, the validity of money both hinges on and serves to engender (or to reproduce) trust and therefore, state legitimacy. Inversely, loss of trust into the monetary system, e.g. as a consequence of runaway inflation such as that experienced in Argentina in 2002, can entail, along with playing havoc with the lives of great numbers of people, an erosion of that legitimacy. The guarantee of the currency is further related to a bounded territory to which it refers, as has been explained in particular in the writings of the French regulation school (Becker 2002: 111).

The guarantee of sound market conditions therefore is also dependent on the effective exercise of sovereignty by the state. As is well known, the very concept of sovereignty is a product of modernity, dating back to the experience of the religious wars in France and England. Against the backdrop of an incisive experience of turmoil and insecurity, to guarantee a minimum of order, the institution of a sovereign instance, imbued with practically absolute power, seemed to hold out a credible promise of overcoming such an unbearable plight. Sovereignty also for such reasons is bound up intimately with the concept and practice of the monopoly of violence and the exercise of legitimate force. In Bodin and especially, in Hobbes who laid the main foundations of the theory of sovereignty, sovereignty is conceived as an absolute and exclusive right to exercise (public) violence, and its legitimacy is also based on the actually or potentially violent subjugation of the sovereign's subjects, even if this act is conceived as the basis of the social contract. Hobbes, to be sure, construes the social contract as the only way out for the subject to save his life in the face of overwhelming power.

The assertion and exercise of state sovereignty thus implies the actual or virtual (the credible threat of) application of public violence within society, monopolised by the state.

Yet sovereignty also implies the exercise of power in an outward direction, vis-à-vis other sovereigns. Around the same time when Hobbes laid the theoretical foundations for the theory of sovereignty, the exercise of violence between sovereign states was also given something of an incipient regime. Modern sovereignty in terms of the international system was shaped decisively by the Westphalian Peace treaty of 1648 which ended the Thirty Years' War that had ravaged most of Central Europe. The important treaty provisions that were to shape much of the future concerned the mutual recognition of the sovereign states/princes, their obligation to actually control their territories, and modalities for regulation for conflict (cf. Giddens 1984: 49-50). The theatre of the Thirty Years' War had mainly been the "Holy Roman Empire" which then encompassed, besides Germany, present-day Austria, Belgium, Czechia and Slovenia, besides territories now belonging to Poland, Italy, and France, while the Netherlands and Switzerland left the nexus of the empire in terms of the peace treaty. In terms of state structure, what one may term a failure of the medieval elimination contests to produce a definite result here had led to an extremely variegated and chequered array of greater and minor principalities, and the war had been fought, i.a. over these princes' as well as neighbouring powers' rights in relation to the emperor who in traditional terms had been construed as the secular paramount ruler. By officially rescinding this idea, the contracting sovereigns created a system where they mutually recognised each other as equals, which entailed also respect for each other's sovereign, i.e. absolute rights to act on their respective territories without outside interference. Obviously, there was some hope that in this way inter-state violence might be contained, at least in some measure. However, by the very same token, while sovereigns did no longer have any legitimacy for meddling in other sovereign's *internal* affairs, *outward* relations, i.e., conflict and war between such sovereigns, was not impeded by this arrangement. The Westphalian Peace can be considered as the starting point of the modern form of international relations which therefore have been dubbed frequently as the 'Westphalian system'. From following experience, it is quite obvious that in effect, this system has been anything but a means to prevent war and violence, in particular on an inter-state level.

War and the dispossession of the state

As it soon turned out, the system instituted by the Westphalian Peace pitted sovereigns against each other and gave them leeway to construct changing

alliances that led to whole series of wars. This system, then, along with the disarmament of the people and nobility and the professionalisation of warfare led to ever growing expenditure for standing armies and the waging of war which in turn entailed towering public debts (cf. Krippendorff 1985). In France, this was one main trigger to bring about the revolution of 1789. In this way, we can see an important linkage: The modern re-organisation of public violence was a central momentum and a main reason for the sweeping remodelling of the state, of public finance, and of the relationship between state, society and economy. Burdened by rising demands for the support of standing armies, the monarchies of Western Europe were no longer able to meet these costs from the proceeds of the customary levies or the economic enterprises states embarked on under the system of mercantilism. Increasingly, monarchic sovereigns had to rely on a mounting debt to finance their expenditure, and this changed the whole system of power relations, in particular the position of the state vis-à-vis society. Thus, the most important consequence that arose from state indebtedness around the turn of the 19th century was the dispossession of the state (cf. Goldscheid 1976). Shorn of its entrepreneurial role of mercantilist times, the state had to rely on a much more systematic form of taxation. This was exactly the lever employed by the Third Estate in the *État Generaux* which the French king saw himself constrained to convene in 1789 in order to find a way out of his financial predicament. From the claim that consent to taxation must also entail control over state policy arose not only the fervour of the revolution in France, as before in North America, but in particular, a sweeping remodelling of state-society relations. In this way, the modern structure of the taxation state is linked intimately to the evolution of state sponsored violence in modernity. Again, the dispossession of the state, its re-formation into the taxation state, along with the disembedding of the economy (Polanyi 1957), can be considered as one of the two main features of the Great Transformation: In both cases, 'disembedding' takes place in the sense that the structures concerned — in one case, economic relations, in the other case the state apparatus and its personnel — are disentangled and severed from the ties that before had bound them to society at large. By this token, in the ideal type construction in any case, economic as well as administrative agents are now in a position to act irrespective of formerly existing loyalties or obligations of reciprocity (cf. on this Schiel in Kössler/Schiel 1997: 138-42). In other words, both state and economy have been constituted as separate spheres with registers of action that are no longer directly dependent on the rest of society. This has created leeway for the severance of an economy,

conceived in utilitarian terms, from the concerns of subsistence and human reproduction on the one hand, and for the cutting off of a rational bureaucracy from considerations of a personal, relational nature on the other.

The dispossessed, taxation state was forced to turn to its subjects for alimentation, which turned out an important prod towards citizen participation. Progressively, the nation state emerged in the sense of a state that was considered, no longer as the heritage and instrument of any particular dynasty and its often motley assortment of territories, but as the representative and instrument of an overarching nation, in the sense of a popular basis for the state. Only later was this constellation, which had emerged in the great revolutions of the late 18th century, translated into the kind of ethnic exclusionism that has shaped so much of 19th and 20th century history (cf. Hobsbawm 1992).

Contradictions of the monopoly on violence and the need for societal control

Even from this brief sketch, we can gauge an idea of what seems to lie at the basis of the great conceptual difficulties that exist in coming to terms with the modern nation state. This can be understood as a set of dialectical tensions which shape the system of the organisation of violence. These tensions evolve between poles that are identical with two central traits of the modern state: concentration of the exertion of violence and control of violence, both in the public field at home and in external relations. Yet, as has been indicated, the monopoly on violence, limited as it is to the public sphere, is not equivalent to an absence of violence, as particularly some readings of the process of 'civilisation' in the Eliasian version may suggest. This monopoly disregards systematically important realms of life which are defined as 'private' in modern capitalist societies, above all, the enterprise and the family, although state sponsored regulations have of course been introduced here, as it were *ex post* (cf. Kössler 1993).

What is more, the modern state's monopoly on violence is anything but the elimination of violence even in the public realm where it applies. What we are rather confronted with is a thoroughgoing *re-organisation*, a *re-ordering* of (public) violence. Thus, the modern nation state in its internal dimension does hedge violence precisely by enforcing its monopoly, by overpowering, not only just law-breakers but all too frequently, dissidents and opponents as well. The monopoly on violence therefore implies, in direct and apparent as well as in more latent and structural ways, a systematic *application* of violence, precisely to

safeguard the main conditions of the functioning of public and economic life under prevailing production and property relations. This monopoly also extends outside the state's realm in the sense that the sovereigns, by their mutual recognition under the Westphalian system, mutually guarantee to each other comprehensive control of their territories, also to foreclose unwarranted violent action reaching out from one state territory to the other; up to the formal banning of war (safe for self-defense) under the UN Charter, this limited outward violent action also to state controlled, formalised, if catastrophically destructive war. As we shall see below, this situation has since changed fundamentally.

Past and current examples for such employment of violence by states include the day-to-day use, mainly of police power to maintain public order; specific efforts to install and maintain an effective border regime which in former times, mainly guarded internal markets against the competition by imported goods that might put to risk domestic industries, while today it is maintained by many states largely to give effective force to the exclusionary logic of citizenship; the repression of dissent; the homogenising impact of state institutions on societies which may be backed up by violent means; wars for various purposes. In particular the internal applications of violence deserve some comment, before we turn to the problem of wars or the regime of violence in international relations.

The monopoly on violence forms a basic instrument to ensure the everyday safety of a state's citizens (or subjects) from random acts of force, as a necessary corollary to stripping them of possession of their own means of violence. A public realm that is in this sense pacified, i.e. devoid of random violence, may also be considered as a necessary pre-condition for a public discourse and debate that involves more than the chosen few. In this sense, the monopoly of violence in its dimension of ensuring public peace and order has been associated with the emergence of a civil society and a public sphere (see e.g. Dunn 2001: 51), i.e., a sphere of basically free deliberation and debate, indispensable for any meaningful involvement of citizens into the affairs of state. All this presupposes a generally accepted or in any case, a prevalent idea of public order. As can be seen from many instances, consensus on such questions is not as self-evident as may be supposed at first sight. At the same time, such consensus is obviously subject to debate in the public realm, which may lead potentially to shifts and re-definitions. Free-flowing public discourse is in this way inherently self-reflexive and self-critical. But all this is fraught with conceptual difficulties as well as with problems in the real world. Suffice it to say that the disarming of citizens has to date not been accomplished yet in a country such as the US, and in this sense a

very crucial aspect of the concept of a strictly civilian, basically non-violent public order is subject to major controversy. Again, it has for a long time been characteristic for the upholding of public order in Britain that police would not be equipped with fire arms. Furthermore, the public realm or civil society, i.e. the space of ideally uninhibited articulation and organisation of interests and concerns, is anything but a level playing field. From a broadly Gramscian perspective in particular, civil society and public space appear rather as shaped deeply by relations of domination and inequality that are characteristic of modern capitalist society (cf. Kössler/Melber 1993: 60-82). Therefore, the idea of public order and the concrete ways and means how it is enforced is subject to definition and to public debate, most likely to be defined and redefined by hegemonic processes. Public discourse, then, is decisively impacted, but not exclusively determined by societal power relations, and this applies also to the prevalent idea of public order. These are not arcane concepts and debates. Rather, such processes find their concrete and palpable expression in the treatment of dissidents by police, in the quality of courts of justice, or in the leeway accorded to the media in any society bounded by a nation state. These hints point further to the importance of public scrutiny of state actions, once more incumbent on civil society structures; and further yet, to the issue of 'civilising', in an Eliasian sense, the performance of state organs and agents in the execution of the monopoly of violence (see e.g. Hinz 2002: 325-6).

Even more, experience has shown that the enormous concentration of power in modern states makes it of vital importance that such power be controlled and limited by formal regulations and processes. In England, the principle of *Habeas Corpus*, which set first limits to the state's plenipotentiaries' rights to arrest or do bodily harm as well as to impinge on personal property, is just about as old as Hobbes' *Leviathan*³, and the great revolutions of the late 18th century were marked by the first formulation of a catalogue of human and civil rights that were meant above all as safeguards against repressive regimes such as had just been abolished by the revolutionary act. Today, the guarantee of human rights has become, on a formal level, an internationally ratified norm, in the form of the UN sponsored General Declaration of Human Rights of 1948 and subsequent international Acts and treaties. Further, human and citizens' rights form routinely part of any constitution laying claim to being a democratic one. On the other hand, the effective enforcement of such rights and above all, the monitoring

3. For this crucial connection, see the by now classical analysis of Macpherson (1964).

of questionable cases and problematic developments remain controversial issues. Here, governments, routinely at times, tend to invoke precisely the principle of the respect for foreign state's sovereignty that forms the mainstay of the Westphalian system. As far as this is propped up with the argument of Eurocentrism inherent in human rights, it should be noted that the whole debate moves within a structurally Eurocentric framework. In particular, it does not make sense to invoke the prerogatives of sovereignty in this way, for these just as human rights are rooted in West European history, and further, form a field of struggle for control over people's lives and resources (cf. further on this, Kössler 2001).

Boundaries and the quest for homogeneity: the gardening state

Still, actions of modern states and their executive organs move within a framework of sovereignty that by now, in theory and official rhetoric at least, appears almost as self-evident. In this, they refer to a territorially bounded social nexus, and this forms one further basic and decisive feature of the modern nation state. Modern states are separated by sharp boundary lines, as opposed to pre-modern fuzzy frontiers (cf. Giddens 1984: 49-50). This is not merely a formal proposition but concerns basic state functions such as the currency, the applicability of specific legal provisions and institutions, or control over the movement of people or the use of specific official and/or school languages. Thereby, these boundaries can become coterminous with the limits of intensive social interaction. Only thus can 'societies' become co-extensive with 'states' in a spatial sense. Effective boundaries form a basic proposition for the creation of a national market and therefore solicit strict policing, which is backed up further by the need for protective tariffs or the fencing off of unwanted immigrants of recent as well as of not so recent vintage. As has been mentioned before, an effective control of these boundaries is also an outflow of the modern notion of sovereignty itself.

The border regime is complemented further by the drive for cultural, above all for linguistic homogenisation, which is aimed both at securing the prerequisites for easy communication in the national market and the underpinnings of a symbolically represented national community. In the mode of the gardening state (Bauman 1991; Schiel 1999), the modern nation state selects useful and approved traits and developments within its realm, including people, while weeding out those deemed harmful or irrelevant. It should be noted that these potentially very violent and repressive features are linked closely, even

inseparably to the 'national' characteristics and therefore also, to tendencies and features of modern states that would probably be considered as progressive by most people. This is linked up with the revolutionary origins of the modern concept of nation and the later career of nationalism (cf. Hobsbawm 1992). Suffice it here to note that the nation was conceived in revolutionary France in opposition to feudal privilege and particularism (*la Grande Nation* as opposed to the many petty and local *nations*) as the encompassing and equalising project to overcome old divisions. Only later did it take on the ethnically bounded hue that has haunted so much of the 19th and 20th centuries. This brand of nationalism linked up quite naturally with the national project of (late) development which may be traced from the German economist Friedrich List (1959) to the array of developmentalist states after World War II and their very variegated successes. Much of the homogenising thrust of nation states is linked to these efforts, as is their frequently militant tendency towards boundary maintenance, including by military means. In turn, the quest for military prowess, or the perceived need to guard against expansionary moves by others as well as the pursuit of a state's own aims of conquest, not only by military means but including the effects of trade in an emergent world market, have spurred efforts towards late development in the sense of self-strengthening movements that were undertaken with varying success by i.a. Prussia-Germany, Tsarist Russia, late Imperial China, Japan, Ethiopia, as well as by a host of late developers during the 20th century.

The international system and international institutions

From these and other considerations, such as the mutual recognition of sovereignty by nation states, it follows that the modern nation state does not exist as a singular entity. Rather, it can only be understood in the context of a plurality of several states, in other words within the nexus of international, inter-state relations. This involves the nation state in a complex web of competition and cooperation, which frequently has taken on a warlike character. As has been indicated, the economics of war in modernity contribute decisively to our understanding of the modern nation state, its origins and dynamics. But our attention here should be directed first and foremost to the differential modalities of the application of violence by the state for internal use on the one hand and for external on the other. Whereas we have seen the internal regime of violence shaped decisively by the modern nation state's monopoly of violence, it is well

known that such monopoly is specifically absent in the international arena. What has been claimed, at least since the Westphalian Peace in 1648, and in intensified form for the last century or so, is an ever denser web of rules and regulations, or regimes that have been instituted to regulate the relationships between states mutually recognising their sovereignty. In the beginning, this has extended mainly to the consequences of the respect of sovereignty in the sense of mutual tolerance, not least in religious matters, as well as to the law of war and somewhat later, in war. In other words, there were rules of diplomacy which included, above all ways to begin, but also to terminate, war. Further, warfare itself became regulated by such provisions as protection for prisoners of war, which entailed mandatory uniforms to distinguish combatants from non-combatants, rules for the treatment of civilians and also the obligations of occupying powers that have become such an important issue after the US-led occupation of Iraq in early 2003. It may also be noted that within this framework, one very important element, the creation of the internationally active Red Cross and recognition of that organisation's specific privileges, resulted from a non-state, civil society initiative, which then also spawned, or was important in bringing about, a series of inter-state regulations in the form of the Hague and Geneva Conventions, governing the law in war.

With the advent of more comprehensive international conventions and organisations with sovereign states as contracting partners, as well as comprehensive institutions, above all the League of Nations and later the United Nations with its host of subsidiary organisations, this has been changed in rather fundamental ways. Not the least consequence emanating from the UN Charter is the ban on warlike aggression and the strict regimentation even of defensive warfare. Thus, even self-defence, while permissible in a situation of emergency, eventually, to remain legitimate, has to be sanctioned by the Security Council, in terms of the Charter. As we are well aware though, this has not prevented a few hundred large and small wars to occur, in particular in Asia and Africa, and to a lesser extent in Latin America and more recently, in the Balkans, since the end of World War II. Still, a growing awareness of global interdependence on a whole number of counts, ranging from the economy to ecology has contributed to a proliferation of international regimes that can be viewed as so many steps towards regulation and rule-bondedness on a supra-national and global level. The instruments of conflict prevention and regulation, vested in the UN and also in regional organisations, form a core part of this system of regulated interdependence which may be considered, with respect to the conception of Elias,

to represent a process of civilisation in the field of international relations, precarious as these achievements may have been.

De-civilising international relations

The post-9/11 situation forces important and disconcerting qualifications on this rather conventional picture. This goes back to the fact that an act of outrageous violence emanating from a non-state source which cannot be defined in territorial terms has been interpreted as an act of war, to be countered by military means, including the targeting of certain state-bounded territories, such as Afghanistan and later Iraq. On a pragmatic level, one might well ask if this kind of response is and can be adequate to the threat stemming from a terrorist network such as Al-Qaeda, which by definition is extremely malleable and hardly lends itself to being pinned down in territorial terms. If we approach the issue from an analytical point of view, we have to note first and foremost the drastic erosion of international regimes, including those of conflict mediation and prevention, that has taken place in the wake of 9/11 and has to be attributed to the mode of Bush Administration's response to the terrorist attacks at least as much as to the outrage itself. This is all the more the case on account of the fact that these disquieting developments fit into an overall trajectory of US international policy moving into a direction of unilateralism, claiming for itself the right to project untrammelled sovereignty. Within the traditional 'Westphalian' system, each state's sovereignty would necessarily be limited by the strict respect for the sovereignty of every other member of the system for the whole arrangement to function. Very often, this has led to problematic situations, lately in particular where human rights issues were concerned. Still, when inter-state institutions and even individual states became active up to intervening into neighbouring countries, the established norm called for doing so within the framework of agreed international regimes that in turn relied on the Westphalian basis. This did not preclude that with concepts of global governance, there was some hope that in the end the Westphalian system itself might be transcended to make place for more up-to-date, and more effectively peaceful, institutions. However, as soon as one particular power claims the right to determine the proper course of action by its sole *fiat*, subordinating not only individual foreign states but the UN itself to these decisions, this whole set-up is basically called into question. This is what the Bush Administration's approach amounted to after 9/11, when it explicitly claimed for itself the right to determine which state was *bona fide* fighting

terrorism, whilst others were made objects of intervention into their internal regimes, or of pressurising them into taking the 'right' decisions in how to fight terrorism

As could soon be seen, the result of this was twofold: On the one hand, international terrorism, along with other more problematic aspects of globalisation such as globalised crime or the little noted 'actual development' of formally illicit cross-border networks in parts of Africa and elsewhere (cf. Duffield 2001: 159; 179), is contributing to subvert the mainstay of sovereignty of the national state, the monopoly of violence and coercion. Violence on a qualitatively larger scale than the more routine and almost familiar forms even of 'organised' crime, which have been one of the main objects of the exercise of that monopoly all along, is being enacted in forms that shun definitions in terms of the national state, of its claim to territorial control and unified state power (cf. e.g. Castells 2000b: ch. 3). What is more, while a global monopoly of violence might be considered as an adequate instrument to rise up to the challenge of non-state, globally networked violence and crime, such a monopoly is nowhere seriously in sight in real life, and on the level of principle, its possible implications in terms of creating a world state are highly questionable.

By early 2003, the limited means at the disposal of the UN and the drawbacks of its institutional set-up, along with the basic policy of a US administration that seems determined to relentlessly assert its position as the sole hegemonic power in today's world rather than to work through this multilateral, institutionalised system as the sole means of global civility in existence, had led to a very dangerous conjuncture. This situation, still persisting later that year, might be foreboding a process in which possibly regulations and restraints which have been built up over a long period of some 350 years (if we consider the globally dominant state system emanating from Western Europe) will be subverted to a considerable degree. This would certainly mean a regression in terms of a supposed trajectory of processual civilisation on the level of international relations.

It should be noted that such a process can be traced well before the incisive date of 9/11, 2001. The decision by NATO to respond to the situation then pertaining in Kosovo by means of a war against Serbia not sanctioned by UN mechanisms bears clear parallels to what happened concerning Iraq in 2002/03. This also pertains to highly questionable information politics in tuning up the crisis in order to legitimate military action. In this context, it is also important to note that the considerable international opposition against the Iraq war,

spearheaded by the governments of France, Russia and Germany, by no means addressed the fundamental issues concerning the future of the international system. This is brought out with particular clarity by the attitude of the German government. While publicly sticking to the anti-war stance that had saved it the elections in September 2002, the so-called red-green government consistently dodged the vital question whether the war was illegal by international law. By this it managed to evade, as quietly as possible, debate about the use by the US airforce of their installations in Germany and of German airspace, both of which were vital for the conduct of the war involving high precision bombing by long-range planes. By the same token, the vital question of the future of the international relations regime was removed from the world agenda and from the public eye, in exchange for speculation about the personal relationships government leaders maintain amongst themselves.

Here, it should be borne in mind that such media images in a way only represent graphically one of the central problems of supra-national, mainly inter-state organisations. In the main they are inter-governmental organisations, and the UN is no exception from that rule. Even a regional organisation such as the European Union, certainly the most institutionalised of such bodies that exist so far and now even aspiring to a formal, written constitutional framework, exhibits grave deficiencies on precisely this count. As we move up the institutional ladder beyond the confines of the nation state, there is very little to be seen of democratic constraints and balances that exist in terms of constitutional provision and at times at least are effective, by citizens actively making use of them, in a functioning, democratically constituted nation state. On the contrary, international relations are in principle still managed by governments, and there exists an even wider rift than on the national scale between the corridors of governmental power and an international civil society represented mainly by large NGOs who themselves experience problems and deficiencies of democratic control, particularly on this level of organisation.

The consequences of this state of affairs were demonstrated graphically during the Iraq war in early 2003. Speaking of the states making up the 'coalition of the willing' brought together by the Bush Administration, there was overwhelming popular opposition against participation in this technically clearly illegal and highly risky war at least in three important countries, namely Japan, Italy and Spain, when in the latter, mass demonstrations met brutal police repression, while the overall legitimacy and election prospects of the incumbent governments were apparently not called into question by this clear rift with

popular opinion in the two former countries. Similarly, support of the war both in the US and Great Britain was generated in great part by a propaganda creating grossly false impressions about the linkages between the regime in Iraq and the terrorist attacks of 9/11, and relying on what was, even at the time, apparent as thwarted secret service information and has become a matter of some public scrutiny and debate since then. These points should be recalled here only to put into relief the extent to which government policy, particularly in the field of foreign relations, can and does function quite severed from popular sentiments and wishes.

While in relations between states, then, a disturbing process apparently takes place that may be dubbed, according to taste, deregulation or, in a more analytical vein, de-civilisation, a similar process might well be under way with respect to the internal practice of violence in nation states. This refers to the proliferation of private security services, increasingly associated, in a most tangible and graphic fashion, with gated communities, thus creating spaces of enhanced security that is explicitly not enforced or administered by the state; but it also refers to the modalities of unrestricted enactment of repressive violence, in particular vis-à-vis non-nationals, in terms of border regimes, the treatment of asylum-seeking aliens, or in the extreme form, the placing outside of any body of law of the putative Al Qaeda members currently held at Guantanamo. For internal consumption, the USA PATRIOT ACT of October, 2001 and similar legislation in other countries provide disconcerting evidence for the tendency towards de-civilising a state monopoly of violence that at the same time is being subverted internally as well as externally.

Present Risks: The Role of Civil Society

Such tendencies can be related further to the current debate about the emergence of a 'network state' which in terms of the present discussion means above all, the dispersion of sovereignty among a number of levels, ranging from global cities through emergent regional units right to the level of supra-national institutions which is above all exemplified by the European Union (cf. Castells 2000a: ch. 5). The division of sovereignty may not be such a novel feature as it is often taken to be, since a case can be made that undivided sovereignty has indeed been restricted all along specifically to the European state system proper while its (colonial) periphery has all along been characterised by hierarchically divided sovereignty (cf. Keene 2002). But when projected on-to the regime of violence,

such division can harbour quite dire consequences, well beyond the seemingly rather limited practical issues of providing security on the spot (as is also borne out by colonial experience). The destructive and repressive potentials of concentrated means of violence may well become unleashed once again.

This possibility points also to repercussions in and for the public sphere which displays a structural ambivalence of being both constituted and protected by the state and its monopoly on violence, while at the same time being in constant danger of being curtailed and impinged on by the very same state for reasons of security and to a lesser part, for enforcing conformity. It is in countering this inherent tendency of modern states that vibrant civil societies have one of their most important roles to play. In many ways, the transformation of all aspects of life that has been brought about by the spread of microelectronics and particularly the Internet (for those who have access to it) has created a new situation in the sense of new, even though clearly subaltern, resources and forms of action now available to groups and movements in civil society also on an international scale (cf. Waterman 1998). Still, their potential should not be overestimated in the face of a proliferation of sources, not only of violence, but of quests to control public expression and to shape it in their own interests as well. Control of the use and content of the internet will be one issue in this regard; the behaviour of global players in the media world will be another. Here, solid states claiming control still do play a role (remember Murdoch's retreat in the case of the Chinese edition of Sky Channel). But more dispersed forms of sovereignty, or even its effective subversion may have quite parallel consequences, but certainly unanticipated ones as well.

During its entire existence, the modern state has proven to be an awesomely powerful, often oppressive and dangerous machine. Consequently, there have been various designs and movements to get rid of it. Today, we are confronting a situation where such a perspective is neither anywhere in sight, nor can one be sure that it might be desirable. Yet if the state is here to stay in however modified form, it is incumbent on responsible citizens and civil society on a national as well as international scale to do their utmost to contain its destructive potential and control it — not in the sense of private appropriation as was the case with pre-colonial states and is today in many postcolonial and post-Soviet situations; but rather in strengthening societal control through the constant activity of non-state organisations and their international networks. While it would certainly be unrealistic to expect such formations not to be subject to existing hegemonic relationships, even then they would form — and in their budding forms, e.g. the

World Social Forum, and social fora on regional and subnational scales, they already act as — a vital counterweight against the unlimited exercise of state organised power.

References

- Alber, Erdmute. 2000. *Im Gewand von Herrschaft: Modalitäten der Macht im Borgou (Nord-Benin) 1900-1995*. Cologne: Köppe
- Bauman, Zygmunt (1991): *Modernity and Ambivalence*. Cambridge: Polity.
- Becker, Joachim 2002: *Akkumulation, Regulation, Territorium. Zur kritischen Rekonstruktion der französischen Regulationstheorie*. Marburg: Metropolis.
- Castells, Manuel (2000a): *The Information Age. Vol. II: The Power of Identity*. Oxford: Blackwell.
- Castells, Manuel (2000b): *The Information Age. Vol. III: End of Millenium*. Oxford: Blackwell.
- Duffield, Mark (2001): *Global Governance and the New Wars. The Merging of Development and Security*. London & New York: Zed Books.
- Dunn, John (2001): The contemporary significance of John Locke's conception of civil society. In Sudipta Kaviraj, & Sunil Khilnani (eds.), *Civil Society. History and Possibilities*. Cambridge: Cambridge UP, pp. 39-57.
- Elias, Norbert (1982): *Über den Prozess der Zivilisation. Soziogenetische und psychogenetische Untersuchungen*. 2 vols. Frankfurt-on-Maine: Suhrkamp.
- Elias, Norbert (1998): On the Monopoly Mechanism [from *The Civilising Process*]. In Elias, Norbert *On Civilization, Power, and Knowledge. Selected Writings*. (ed. Mennel Stephen & Johan Gouldsblom). Chicago & London: University of Chicago Press, pp. 345-355.
- Ferguson, Adam (2000): *An essay on the history of civil society (1767)*. Hildesheim: Olms (Reprint).
- Giddens, Anthony 1987: *The Nation State and Violence. Volume Two of A Contemporary Critique of Historical Materialism*. Cambridge: Polity (1985).
- Goldscheid, Rudolf 1976: "Staat, öffentlicher Haushalt und Gesellschaft." In Rudolf Hickel (ed.): Rudolf Goldscheid/Josef Schumpeter, *Die Finanzkrise des Steuerstaates. Beiträge zur politischen Soziologie der Staatsfinanzen*. Frankfurt-on-Maine: Suhrkamp, pp. 253-316 (1926).
- Hay, Douglas (1976): *Albion's fatal tree: crime and society in eighteenth-century England. Policing and prosecution in Britain 1750-1850*. London: Allen Lane.
- Hinz, Michael (2002): *Der Zivilisationsprozess: Mythos oder Realität? Wissenschaftssoziologische Untersuchungen zur Elias-Duerr-Kontroverse*. Opladen: Leske + Budrich.
- Hobbes, Thomas (1997): *Leviathan*. New York & London: W. W. Norton & Company.
- Hobsbawm, Eric J. (1992): *Nations and nationalism since 1780. Programme, myth, reality*. 2nd ed. Cambridge: Cambridge UP.
- Keene, Edward (2002): *Beyond the Anarchical Society. Grotius, Colonialism and Order in World Politics*. Cambridge: Cambridge UP.
- Kössler, Reinhart 1993: *Despotie in der Moderne*. Frankfurt-on Maine/New York: Campus.
- Kössler, Reinhart 2001: Globalization and Human Rights: Some Developmental Reflections. In Frans Schuurman (ed.), *Globalization and Development Studies. Challenges for the 21st Century*. London, Thousand Oaks & Delhi: SAGE, pp. 83-99.
- Kössler, Reinhart/Melber, Henning (1993): *Chancen internationaler Zivilgesellschaft*. Frankfurt-on-Maine: Suhrkamp.
- Kössler, Reinhart/Schiel, Tilman (1997): *Auf dem Weg zu einer kritischen Theorie der Modernisierung*. Frankfurt-on-Maine: IKO.
- Krippendorff, Ekkehard (1985): *Staat und Krieg. Die historische Logik politischer Unvernunft*.

- Frankfurt-on-Maine: Suhrkamp.
- Lenz, Ilse & Ute Luig (eds.) 1990: *Frauenmacht ohne Herrschaft*. Berlin: Orlanda.
- List, Friedrich (1959): *Das nationale System der politischen Ökonomie*. Basel/Tübingen: Kyklos-Verlag Mohr (Siebeck) (1841).
- Macpherson, C.B. (1964): *The political theory of possessive individualism*. Oxford: Oxford UP.
- Marx, Karl (1976): *Capital. A Critique of Political Economy*. Vol. 1. Book 1. *The Process of Production of Capital*. New York: International Publishers (= Karl Marx & Frederick Engels, Collected Works. Vol. 35).
- Polanyi, Karl (1957): *The Great Transformation. [The Political and Economic Crisis of our Time]*. Boston: Beacon.
- Schiel, Tilman (1999): Moderner 'Gartenstaat' und Menschenrechte. Südostasien zwischen kulturellem Partikularismus und rationalisierendem Universalismus. *Peripherie* 73/74, pp. 6-28.
- Waterman, Peter (1998): *Globalization, Social movements, and the new internationalisms*. Washington, D.C.: Mansell.
- Weber, Max (1920): Die protestantische Ethik und der Geist des Kapitalismus. In Weber, Max, *Gesammelte Aufsätze zur Religionssoziologie*. Vol. 1. Tübingen: J.C.B. Mohr (Paul Siebeck), pp. 17-205.
- Weber, Max (1964): *Wirtschaft und Gesellschaft. Grundriss der verstehenden Soziologie. Studienausgabe*. 4th ed., Cologne & Berlin (W): Kiepenheuer & Witsch
- Weber, Max (1971): Parlament und Regierung im neugeordneten Deutschland. In Weber, Max *Gesammelte politische Schriften*. 3rd ed. Tübingen: J.C.B. Mohr (Paul Siebeck), pp. 306-443.