Civil Society Theory
and Euro-Nationalism
—— *Graham Pollock*

Theorisation and debate have been going on around the concept of civil society literally for centuries and 'civil society theory' could be understood as an umbrella term for the body of theorisation which has emerged. However, the term is used here in a more restricted sense to refer to the contemporary production of an ideological discourse through which academic theory is recycled as the political rhetoric of banal state nationalism.[1] It is not being suggested that all theorists working with the concept of civil society fit the category. 'Civil society theory' is partly the result of the relationship between academia and the construction of political discourse, within the context of increasing media influence. The reception of academic debate within this recycling process introduces and obscures assumptions about values and methodology, which more rigorous academic theorisation should at least make explicit.

Daniele Conversi has distinguished 'professional historians' from both 'official historians' and 'ethno-historians' on the basis that 'the latter two lack a filter of analytical critique',[2] the principle reason being that 'their task is precisely to select those materials that are useful for their nation-building purpose'.[3] It is argued here that

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[1] Daniele Conversi has pointed out that 'there is no specific term to define state nationalism as a distinctive phenomenon' (*The Basques, the Catalans and Spain*. London: Hurst and Company, 1997, p. 6). I am adding emphasis to the concept of 'banal nationalism' from M. Billig, *Banal Nationalism* (London: Sage, 1995) to refer to this phenomenon.

[2] D. Conversi, 'Reassessing current theories of nationalism: nationalism as boundary maintenance and creation' in *Nationalism and Ethnic Politics*, vol. 1. London: Frank Cass, 1995, pp. 74-75.

[3] Ibid.

this same distinction exists between the theorisation of civil society and 'civil society theory'. The latter is a loosely defined body of assumptions difficult to assign to any one theorist or school of thought and more readily detected in shorter articles and journalistic output. These qualifications are not, however, meant as a get-out clause for academics. It *is* being argued that the tendencies attributed to 'civil society theory' are rife within the social sciences.

The first thing to note is that the terminology of the civil society debate has become almost universal within European politics over the last decades of the twentieth century. From left through to right (including what the Catalan historian Josep Termes has termed 'superficial Marxism'[4] and what in Anglophone academia might be termed orthodox or economistic and reductive Marxism) the terminology has been appropriated in the legitimisation of political positions, practices and projects for social and political organisation. The debate over the construction of a political union within Europe is a major example.

The emergence of this quasi-hegemonic language at a time of considerable social and political change within the system of states raises questions about democratic procedure. The transparency of the relationship between opinion makers and those represented, and potentially constrained, within the parameters of institutionalised discourse is of central importance in the implementation of democracy within the emerging Union. In this respect it is significant that academic figures have tended to become more prominent in opinion making and as government advisors throughout Europe. However, the distance between academic discourse and political practice has become an area of secondary theorisation. This is the domain of civil society theory.[5]

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[4] 'Les simplificacions sobre la història de Catalunya i el catalanisme que han emanat del sociologisme, del camp dels juristes i del "marxisme" superficial (que jo vaig etiquetar de "marxisme-lerrouxisme" cap a començaments dels anys seixanta) han estat tan barroers i han tingut tant d'èxit a Espanya que costar Dèu I ajuda desmuntar-les.' (Josep Termes, *De la Revolució de Setembre a la fi de la Guerra Civil [1868-1939]*. Barcelona: Editions 62, 1999, p. 235).

[5] Where a more positive and inclusive meaning is intended I shall speak of 'the discourse of civil society'.

In his critique of civil society theory Robert Fine has set out the following definition, which is taken as a starting point and developed to include the relationship to nationalism.

> *civil society theory* is a loosely defined and diverse set of approaches, which emerged in the 1980s ... Its distinguishing mark is that it *privileges* civil society over all other moments or spheres of social life on the grounds that civil society furnishes the fundamental conditions of liberty in the modern world. Its mission is to defend civil society from the aggressive powers which beset it ... Civil society theory ... *authorises* civil society in relation to both capitalism and socialism, the free market and state planning, Americanism and Russianism. [It] ... elevates civil society as a special domain ... [and] *is not just a theory of civil society but a theory which privileges civil society.*[6]

Fine's article is mainly concerned with the anti-Marxism of civil society theory and argues that the 'dismissal [of Marx] incurs serious costs for civil society theory itself'.[7] It also points out that 'the early Marx and/or "western Marxists" are sometimes exempt from censure, but at the price of forgetting Marx'.[8] Nations and nationalisms are not dealt with explicitly in the article; although American*ism* and Russian*ism* are mentioned, and there is a discussion of Gellner as civil society theorist and a reference to 'nationalistic versions'[9] of civil society theory. However, the observations Fine makes in the conclusion provide insight both into the nature of civil society theory as defined here and the relationship argued to exist to an emerging Euro-nationalism.

Fine argues that when civil society theory grants primacy to civil society 'it unwittingly mirrors its enemies' conceptual armoury'.[10]

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[6] R. Fine, 'The concept of civil society in civil society theory', unpublished manuscript, Warwick University, 2000, p. 2.

[7] Ibid., p. 12.

[8] Ibid.

[9] Ibid., p. 13.

[10] Ibid.

'The simple family remedy of identifying civil society with ethical life not only avoids confrontation with the uncivil nature of civil society, but opens the gates to the hunt for the Alien or Other deemed responsible for its "deformations".'[11] This notion of a 'simple family remedy' emphasises the 'common sense' nature of civil society theory in the negative sense of implicit values and methodological assumptions. However, this is obscured by the air of academia and political correctness attached to the language within which civil society theory is embedded.

It is also relevant that it is a *Westernised* Marxism which is excluded from blanket censure. In spite of its aura of political correctness, civil society theory is potentially a rhetoric of apology for the imperialist practice involved in the creation of the contemporary system of nominal nation states. The rejection of traditional party politics aimed at state control may have been radical in its original intent. However, as one of the implicit assumptions of civil society theory, the doctrine of non-interference with party politics and the state tacitly condones the status quo.

Alongside generalised talk of entry into a post-national era, the existing system of states continues to be perceived as something of a natural phenomenon. A critical attitude to nationalist movements cohabits with assumptions about the legitimacy of the established system of states and the contemporary state form. It is forgotten that these are in large part nationalist and imperialist inventions. Within this context of ambiguous assumptions, and empowered by the contemporary political currency of civil society discourse, civil society theory becomes the rhetoric of a banal state nationalism.

As political practice, this banal state nationalism is masked by the hypocritical anti-nationalist rhetoric employed by the established states against minorities, who are then branded as *the* nationalists; whilst at the theoretical level, it is obscured by civil society theory's implicit methodological individualism and the assumption of the

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[11] Ibid.

Gellnerian thesis that nations are invented by national*ism*. This combination allows the established states to tar the minorities with a broad ideological brush and deny the legitimacy of community identities as a basis of political mobilisation. In this way the established states avoid confronting the fact that nationalism, as a general phenomenon, is a form of politics *inherent within the existing system of states*, rather than the invention of annoying minority nationalists.

The next section provides an example of the process through which academic theory is recycled as political rhetoric. In working through this example the definition of 'civil society theory' is elaborated further. In an article in the Spanish daily *El País*, the economic historian Gabriel Tortella has argued that, 'nationalism has become the star theme of the social sciences at the end of the 20th century'.[12] While this is certainly correct, it is also important to note that it has done so in spite of the majority of social scientists who, until fairly recently, were predicting the death of the nation. The failure of deconstructive efforts to dissolve nationalism and national identity has resulted in their adoption as antagonists and in a tendency to cite them as the principal stumbling blocks to the progress of the civil society project. It might, therefore, be more accurate to say that nationalism has become the bugbear of the social sciences.

Developing Fine's argument, it can be said that nations and nationalism have joined the ranks of the Other for civil society theory. At the same time, civil society, theorised as their putative successor, has taken on something of the dimensions of the foundational myth[13] held to be characteristic of nationalism. The common ground of theorisation around the concept of civil society allows civil society theory a pervasive influence within the social sciences in general. As a result there has been a tendency towards a blanket dismissal of nationalists as the mere purveyors of myths.[14]

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[12] G. Tortella, 'Nación y raza', *El País*, 31.7.1999, p. 11.

[13] Fine speaks of 'the sacralisation of civil society' ('The concept of civil society in civil society theory', p. 3).

[14] It has suggested been to me that this argument is overstated and it may be that

This incurs a loss for the theorisation and implementation of civil society.

The concepts of 'civil society' and 'nation' vie for the title of most vague and are also in an antagonistic relationship as models for the construction and legitimisation of the (political, legal, cultural) identity of European citizenship. This antagonism is not fortuitous. It is part of the contemporary moment in which attempts are being made to construct a *potentially new* form of state in Europe. However, rather than helping to transcend nationalism and the nation-state system, the anti-nationalist rhetoric of civil society theory tends to camouflage the continuing nationalist practice of the established states. Tortella bears witness to this and, perhaps unwittingly, makes himself a protagonist when he concludes that: 'Today, in Europe, the only progressive nationalism is European, with respect for linguistic and cultural diversity, of course, but with absolute equality before the law with all of its consequences.'[15]

It is difficult to disagree with an argument in favour of 'respect for diversity' and 'absolute equality.' However, on closer examination it turns out that Tortella's argument is in fact an example of banal state nationalism aimed at what he terms the 'micronationalists'.[16] He begins by drawing a distinction between 'progressive' and 'reactionary' meanings of nationalism and goes on to argue that

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attitudes have changed since Eric Hobsbawm argued that 'the phenomenon of nationalist or ethnic politics ... is no longer a major vector of historical development' (A.D. Smith, *Nations and Nationalism in a Global Era*. Cambridge: Polity Press, 1995, p. 8). Nevertheless, Tortella speaks of 'the aggression of the "oppressed nationalities" converting itself into legitimate defense by means of the nationalist myth' (ibid.). And as recently as 1999 the Spanish dailies *ABC* and *La Razón* described the Basque assembly of municipal councillors as, respectively, 'a product for internal consumption' and the decision 'to invent a nation that has never existed' (both cited from *Gara*, 20.9.1999). It is also indicative that Anthony Giddens found it necessary to point out that nationalists are *not* suffering from delusion (*The Third Way: The Renewal of Social Democracy*. Cambridge: Polity Press, 1998, p. 131).

[15] Tortella, 'Nación y raza'.

[16] Ibid.

'the nation was originally a democratic concept which appeared with the French Revolution'.[17]

The role of early nineteenth century resistance to Imperial France within Spanish nationalism is important in interpreting Tortella's argument. During this struggle the notion of the state as a federation of nations would compete with that of a centralised Jacobin state. The attention of readers unfamiliar with Spanish history will be attracted more by the ethical aspect of the argument and the relationship between democracy and concepts of the nation. However, this has to be placed in context by noting that Spanish nationalism would eventually adopt the centralised Jacobin notion of the state. This struggle over the form which the 'Spanish' state is to take, whether it is to be a nation of nations or a federation of nations,[18] is a central issue in the contemporary political conflict in Spain between the state and the autonomous regional governments.[19]

Tortella, then, traces out a schema in which 'the definition of the nation as a community' is seen as a 'romantic concept ... of almost exclusively German origin' and this is placed in opposition to 'the idea of the nation as civil society'.[20] There is an idealist[21] theory of the origin of nations implicit in Tortella's schema which gives primacy to politics understood as top-down elite manipulation and overstates the malleability of group identity. This is combined with

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[17] Ibid.

[18] The rather ambiguous notion of a 'nation of nations' forms part of the rhetoric of the conservative Popular Party and the Spanish Socialist Party. The idea of a federation of nations and/or regions is the idea normally championed by the minority nationalists and some versions of the Socialist Party such as the Catalan PSC, although the precise understanding of 'federation' varies considerably.

[19] It also presents many of the problems which would have to be overcome in order to form an effective political union within Europe.

[20] Tortella, 'Nación y raza'.

[21] Taking this idealist theory to extremes, in what A.D. Smith termed 'The imitation of Kant' (*Theories of Nationalism*. London: Duckworth and New York: Harper Row, 1971), Elie Kedourie argued that Kantian philosophy effectively caused nationalism.

a loose functionalism (yet another characteristic of civil society theory) which inverts cause and consequence to argue, for example, that by virtue of being an 'almost purely geographic entity ... [Italy] did not have to resort to great cultural, linguistic or racial abstractions'.[22]

The idea implicit in this reading of history is that Spain as a unified 'geographical entity' is more democratic than Spain as a federation of autonomous regions. This becomes clear when Tortella then argues that 'the Germanic concept of the nation tends to present itself as a victim'[23] and uses this to draw a parallel with contemporary 'oppressed nationalisms'.[24] These are finally portrayed as 'romantic nationalists who are against Jacobin equality before the law'[25] and in favour of a return to the feudal structures of mediaeval Europe.

On closer examinationTortella's conclusion about 'absolute equality before the law' is a discrete moral assertion rather than the result of his historical schema. The schema is there to support a set of judgements drawn up *a priori* rather than as a database from which logical deductions are to be made.[26] The moral assertion *seems* irrefutable because the relative abstraction allows 'respect for diversity' to be combined unproblematically with 'absolute equality before *the* law'.

'Abstraction' here means the separation of the historical evidence from the moral and political discourse. This separation allows the moral argument to be taken as the starting point and utilised to do violence to the historical data. And this is the overweening power of universalising discourse. At a certain level of abstraction all empirical content is removed and arguments become so empty that no one can disagree. However, the corollary is that they are also progressively more difficult to apply to real human societies.

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[22] Tortella, 'Nación y raza'.
[23] Ibid.
[24] Ibid.
[25] Ibid.

When the moral assertion is placed in the context of the historical schema it turns out that *the* law referred to is not the product of the objective ethical think-tank envisaged in some conceptualisations of civil society.[27] The law being referred to via the historical schema is that embodied in the actual constitutional arrangements of those states, such as Italy, which are said to have followed the model of revolutionary France. However, if the history of imperialist France and fascist Italy had been given more prominence, this would have shown that constitutional arrangements are often the outcome of violence and imposition as much as negotiation and agreement. It is not unknown for them to undergo frequent radical change and there has been no cut-off point at which states can be said to have achieved the definitive universal constitution. Indeed the extent to which the Spanish constitution has overcome the legacy of Franco's dictatorship is still an issue in contemporary politics.[28] And in this regard 'abstraction' can also be understood, within the globalisation of politics, as the distance between the 'foreign' consumer of the discourse and the material reality being subjected to political analysis.[29]

The conception of the law implicit in the moral assertion about equality is that of a static abstraction divorced from the historical

[26] It has been argued that the study of Catalan nationalism *Catalanismo i Revolució Burguesa* by one of the framers of the Spanish constitution, Jordi Solé Tura, uses this same technique of presenting what is essentially a political thesis as empirical history (Antoni Estradé, 'El tractament del Nacionalisme Catalá en les Ciències socials' in *Nacionalismes i Ciencies Socials: Colloqui Internacional Barcelona*, Fundació Jaume Bofill, Barcelona: Editorial Mediterrània, 1996, p. 18).

[27] Such as J.L. Cohen and A. Arato, *Civil Society and Political Theory*. Cambridge, Massachusetts: MIT Press, 1982.

[28] In his book *Jubilar la Transició* (Barcelona: La Humanitat Columna, 1998), the secretary of the Catalan Left Republican Party (ERC) argues that a second transition is needed to finally democratise the state and overcome the Francoist legacy.

[29] The 'Spanish' newspaper most commonly found on 'foreign', i.e. British, newspaper stands is almost certainly *El País*, which published Tortella's article and which has been accused of being a forum for banal Spanish state nationalism (Arcadi Calzada and Carles Llorens, *Reconstrucció Nacional*. Barcelona: Edicions Destino, 1995, p. 99).

process which, in reality, produced these constitutions and whose power relations they continue to embody. It is a conception of absolute equality in which the notion of positive discrimination and the correction of historical injustices is impossible.[30] The assumption implicit in this conception is that society has already achieved the effective implementation of democracy and equality within the existing constitutional arrangements. Phenomena such as institutionalised racism and sexism are invisible, not to mention the whole gamut of abuse through minor legislation and bureaucratic formalities which tend to be left out of the great ethical debates. Positive discrimination and corrections to the constitution appear unnecessary because the history of oppression and coercion through which real constitutions emerged is never allowed to enter the abstract model.

Once this idealist assumption is exposed, it becomes clear that the appeal to absolute equality before the law is in effect a call to silence the minorities and enforce the existing constitutional arrangements of the established states. By placing the moral assertion about equality alongside the historical schema, a shift is made, implicitly and illegitimately, from legal abstraction to political practice. This sleight of hand allows banal state nationalism to move to the moral high ground of constitutional patriotism. And when the topic under discussion is the construction of a legally enforceable model for European citizenship, this sort of legal absolutism has potentially oppressive consequences for the real human citizens of a future Euro-state.

A. Casteñeira has taken issue with conceptualisations of civil

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[30] In fact Tortella takes the notion of 'micronationalism' from Aleix Vidal-Quadras, the ex-leader of the conservative Popular Party in Catalonia. Vidal-Quadras is obsessed with the idea that moves to recuperate the Catalan language (which was banned under the Francoist dictatorship) within Catalonia itself are an infringement of the human rights of Spanish speakers. He is also the founder of a group which, interestingly, calls itself 'Civic Forum' and has gone to the extent of taking the argument of linguistic discrimination by the Catalan autonomous government to the European Parliament.

society which begin with 'a process of creation of categories'.[31] Pointing to the different content given to the concept when used in Catalonia or Madrid he speaks of 'the ambiguity of a term which allows it to be used comfortably by forces which are ideologically opposed'.[32] Theorisation which starts out from (supposedly) abstract models rather than material history can be reductive. The claim to universality, and the removal of particular interests through abstraction can be used to force hidden or banal assumptions onto the perception and analysis of reality. 'The reality of the model ... [is] substituted for the model of reality',[33] and is eventually forced onto the material world itself through the influence of theoretical discourse on government policy.

When the empirical reality is an immigrant, or a member of a minority community, the result of absolute equality before the law (using a model which is supposedly abstract and universal but which is in reality imbued with the values and assumptions of the established nationalities) is often cultural and political exclusion or forced assimilation.[34] However, this homogenising effect is obscured by the implicit individualism of civil society theory, which once more ignores the shift being made from the abstract concept of the universal citizen to that of individual members of real historical communities.

S. Giner has argued that human communities 'are not a collection of atomised, uniform and solitary individuals … as one might suppose from a reading of the legal texts … [or] classical political philosophy'.[35] And while this observation should be something of

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[31] A. Castiñeira, 'El llarg debat sobre la societat civil: el cas català', in *Societat Civil i Estat del Benestar*. Barcelona: Pòrtic Assaig, 1999, p. 102.

[32] Ibid., p. 108.

[33] Pierre Bordieu cited in Richard Jenkins, *Rethinking Ethnicity*. London: Sage, 1998, p. 145.

[34] The anti-nationalist and constitutionalist rhetoric of the Spanish government under President Aznar, which has been combined with restrictive legislation on the rights of immigrants and constant attacks on the languages, cultures and educational systems of the autonomous regions, is an example.

[35] S. Giner, *Carta sobre la Democracia*. Barcelona: Ariel, 1998, p. 158.

a commonplace in the social sciences, the issue continues to exercise contemporary debate. For example, in the review of a very recent publication,[36] one critic takes issue with what he sees as the author's notion of 'community … as a relationship between individuals' which aims at 'the eventual transcendence of struggles over interest and identities',[37] and goes on to argue that 'struggles around interests and identities remain … crucial and *should* go some way to defining what progressive action is'.[38] The question of whether or not this critique is justified is irrelevant here, but its existence shows that the issue of methodological individualism[39] is still very much alive. Although the issue is likely to remain unresolved, the assumption of methodological individualism is implicit in civil society theory's appeal to seemingly unproblematic notions of absolute equality and universal citizenship.

Giner's comment highlights the constant danger of falling into this sort of idealist individualism when theorisation is restricted to the classical texts of legal and political philosophy. In this respect it is worth remembering that the civil society project is often termed the continuation of the Enlightenment project.[40] This serves in turn to remind us that the 'absolute equality' preached by the theorists of the French Revolution was followed by the imperialism of Napoleon and the emergence of a series of national movements in reaction to it. Unless it is recognised, for the moment at least, that the idea of a universally applicable constitution is just that — *an idea* — then absolute equality before *the* law can effectively become a choice between one nationalism and another.

It is not being argued here that it is methodologically wrong to

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[36] D. Schecter, *Sovereign States or Political Communities? Civil Society and Contemporary Politics*. Manchester: Manchester University Press, 2000.

[37] N. Stammers, 'Post-state politics?', *Studies in Social and Political Thought*, no. 3, University of Sussex, 2000, p. 52.

[38] Ibid. Original italics.

[39] I.e. the question of the extent to which it is legitimate to theorise from the assumption that society is an aggregation of solitary individuals or whether individuals are to be seen as the products of society.

[40] Fine, 'The concept of civil society in civil society theory', p. 6.

invoke ideal or abstract models. It is being argued that recognition of the distance between the idea, or value, and its material articulation means accepting that constitutional arrangements are, of their nature, a process in continual evolution. In order for this to be a democratic and potentially more peaceful process, the implicit and polarising assumption that a clear dichotomy exists between good state nationalisms and bad 'micronationalisms' has to be dropped. The inherent nationalism of the contemporary state system has to be recognised. The polarisation of the relationship between universalising and differentiating tendencies for politically opportunist motives has to be abandoned. And ways have to be found to articulate minority interests as part of the progressive transformation of the system of states.

Finally, this must not be construed as the sacrifice of the majority through special treatment and concessions. A non-ideological critique of nationalism will show that in reality, and within a form of democracy which allows and foments self development, we are all non-identical minorities.

The foregoing has argued that civil society theory generates a rhetoric of banal state nationalism. Paraphrasing Tortella's description of the minority nationalisms, civil society theory might also be described as a 'sociological abstraction with an aura of philosophy and objectivity which hides its political interests'. Within the historiography, or what Fine terms the iconography,[41] of civil society theory, the concept of civil society (re)emerges within grass roots mobilisation which distrusts and eschews traditional state-oriented politics. One of the key aspects of civil society theory is that, through what has been described as a process of sacralisation,[42] it posits 'civil society' as the alternative to both the nation (understood as the font of legitimacy and focus of identity

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[41] Ibid., p. 8.

[42] Ibid. Also A.D. Smith speaks of 'a semi-ideological account of nations and nationalism ... that chimes with the needs ... of a mobile, universalist intelligentsia ... [and] is as much a myth, in the sense of a widely believed and dramatized tale of a sacred past which serves present needs, as the myth of nationalism itself' (*Nations and Nationalism in a Global Era*. Cambridge: Polity Press, 1995, p. 41).

and allegiance), and state-oriented politics (which within the contemporary system of states is always nationalist). Civil society, in spite of its lack of concrete definition, is posited as the actual model for social and political organisation and as the only legitimate focus of social and political discourse. As a result civil society theory sets up a false dichotomy between civil society and the nation.

In order to overcome this false dichotomy the next section offers an alternative schema of nations, nationalism and civil society and explores the 'conceptual armoury' of civil society theory.

Nationalism

For all the subsequent qualifications placed upon it, the work of Ernest Gellner[43] remains the classic point of reference in the orthodox critique of nationalism. The theoretical crux of Gellner's argument is that nations do not exist — nationalism invents them. Toning down the terminology, Benedict Anderson recognised a creative element with his use of the term 'imagined' (as opposed to invented) communities. However, the key critique of Gellner's functional reading of history lies, in my opinion, with A.D. Smith's distinction of national identity from nationalism.[44]

This analytical nuance highlights the existence of (at least) two distinct aspects of the historical emergence of national citizenship. On the one hand there is the 'unintended outcome' of sociological identity, on the other there is the articulation and exploitation of this identity as a political power base. A good case can be made for the argument that some nations existed before the advent of nationalism as a recognised political doctrine.[45] However, once nationalism emerged as the doctrine of the modern state system, nationalism and national identity became reciprocal aspects of a unified process in which the subjective experience of difference

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[43] E. Gellner, *Nations and Nationalism*. Oxford: Basil Blackwell, 1983.

[44] A.D. Smith, *National Identity*. Cambridge: Polity Press, 1991.

[45] J. Armstrong, *Nations before Nationalism*. Chapel Hill: University of North Carolina Press, 1982.

and community asserted itself through the act of politicisation. This understanding of the emergence of national citizenship, as a complex process of interaction and self-transformation, explains what some analysts have seen as the 'paradox … that not only the historical process of the production of nationalism but also its ingredients coincide *suspiciously* in all cases'.[46]

The distinction between political discourse and a sociological process of identity-formation is analytical — in reality these aspects of social organisation are entirely interwoven. However, this analytical distinction is necessary in order to benefit from the insights of the Gellnerian analysis of nationalist politics whilst avoiding the implication that human identity is merely the product of brainwashing and philosophical fashion, as in what A. D. Smith termed the 'imitation of Kant'.[47]

Civil society

An analytical distinction of this sort between political discourse and descriptive sociology can also provide a useful way into the civil society debate. Ferguson's 1767 *Essay on the History of Civil Society*[48] deals with the shift from a society based on the emotional, 'pre-political' bonds of kinship to one based predominantly on legal contract and the logic of self-interest. In this usage, civil society might be thought of as a category of descriptive sociology, even though Ferguson was also raising ethical questions.

Hegel in his 1821 *Philosophy of Right*[49] went on to distinguish the particularism and self-interest of civil society, which he termed a 'centrifugal force', from the cohesive patriotism of the nation. This is more of an abstract theoretical model, which could also be read as a political discourse justifying the role of the nation

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[46] J. Fradera, *Cultura Nacional en una Sociedad Dividida*. Barcelona: Curial, 1992, p. 30. My emphasis.

[47] See note 21 above.

[48] London and New Brunswick: Transaction Books, 1967.

[49] G.W.F. Hegel, *Hegel's Philosophy of Right*, translated by T.M. Knox. Oxford: Oxford University Press, 1967.

state.[50] However, it is also because the various aspects of his system achieve synthesis at the level of the state[51] that it can claim to be a descriptive sociology.

As T.M. Knox points out in his introduction to the *Philosophy of Right*, Hegel's usage marks a crucial shift in the complex history of social and political thought associated with the civil society debate. In order to grasp the content of this shift, it can be noted that, whilst contemporary theory places civil society in opposition to the state or the nation or the economy, the usage prior to Hegel placed civil (or simply civilised) society in opposition to the state of nature. In other words, civil society and the state were practically synonymous — society without a state was simply uncivilised. And if this seems patently obvious to the modern mind it should also be taken as a measure of the extent to which we have come to take for granted the presence of the modern state form. It is often ignored that this is a historical construct rather than a natural phenomenon, as much of the popular theorisation of globalisation seems to imply.

A further crucial step in the 'descriptive sociological' usage of the concept was taken with Marx who, moving on from Hegel, dropped it in favour of the political economy which he termed 'the anatomy of civil society'.[52] However, this should be read as a move towards a materialist conception of civil society, enriched through the introduction of class analysis and political economy, rather than as a form of economic reductionism. By separating out civil society and placing it in opposition to both the state and the economy,

[50] This reading is taken up and dismissed in S. Avinieri, 'Hegel's nationalism', in *Hegel's Political Philosophy*, ed. W. Kaufman. New York: Atherton Press, 1970, pp. 109-136.

[51] Pelczynski has argued that 'Hegel has been frequently misunderstood because he fails to make clear and explicit the distinction between "the state" in the comprehensive sense and the strictly political sense' ('The Hegelian conception of the state' in *Hegel's Political Philosophy* ed. Z.A. Pelczynski. Cambridge: Cambridge University Press, 1971, p. 14).

[52] Cited in K. Marx and F. Engels, *The German Ideology* Part One, ed. C.J. Arthur, London: Lawrence and Wishart, 1970, p. 6.

contemporary liberal and post-Marxist theory purges the concept of the critical elements of state, political economy and class conflict. In this conception civil society *is* 'a collection of uniform, atomised and solitary individuals'.[53]

With this purging of the concept the limits of the analytical distinction between politics and sociology become apparent. Indeed, the political power of civil society theory, as conservative rhetoric, lies in the very act of de-politicising history. Instead of an 'emerging bourgeoisie' (which for all its crudity implied a *political* history) we have the inevitable emergence of civil society as a function of progress. However, on closer inspection, 'progress' turns out to be the rationalisation of society *by* the state and the liberation of the economy from the influence of anything other than the internal logic of the market.[54]

The mixture of descriptive sociological and moral intent may have varied in the theorisation of civil society up to and including Marx, but it maintained a necessary link between political discourse and descriptive sociology. Contemporary theorisation however, since the re-emergence of the concept in the 1980s, has taken a distinctly idealist turn. This has been combined, somewhat paradoxically, with a pragmatism which privileges activism and looks to 'the state-civil society schema ... as a criterion to establish what must be done ... in order to reach a goal *whose desirability is taken for granted*'.[55]

The ideological pitfalls inherent in this combination of idealism-activism and anti-theory will now be now explored through the notion of an *analytical* distinction between political discourse and descriptive sociology. A 'political' conception of civil society might be said to differ from a 'descriptive sociological' one in that it starts from abstract notions of 'ought' rather than empirical observation. However, it is a commonplace of contemporary

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[53] Giner, *Carta sobre la Democracia*.

[54] For example, one speaker on the Catalan television programme 'Preguntes amb resposta: El Petroli. Fins quan?' voiced the fairly widely held conviction that, 'the market *is* democracy' (Canal 33, 21.10.2000).

[55] J. Keane, *Civil Society and the State*. London: Verso, 1988, p. 21. My emphasis.

social theory that, whether we care to acknowledge it or not, our perception is theoretically constructed. The distinction between a 'political' and a 'descriptive sociological' conception is, therefore, analytical or heuristic and intended to highlight the *predominance* of normative or descriptive intent and emphasis. It is not being suggested that 'theory' is *necessarily* or *merely* abstract, and 'abstract' is not necessarily being used with pejorative intent but simply to refer to the removal of empirical content. What *is* being suggested is that, while in reality they are a mixture of both political discourse and descriptive sociology, theoretical models do have distinct uses. They do tend to be constructed either as moral utopias advocating the application of norms and practices, that is, predominantly as political projects; or as attempts to describe and explain.

It is easy to see that theorisation which starts from an abstract model with political or normative intent risks introducing value assumptions, and less obvious perhaps that descriptive sociology can do the same. The model of reality we hold implicitly can limit our perception and lead us to look for, and then see, the model rather than reality. This reconfirmed model is then used as a guide in our policy towards reality, and so the vicious circle continues. This is why it is a basic tenet of scientific procedure that we should become aware of the assumptions implicit in our 'background culture' in order to eliminate bias from our perceptions and so make our analysis more objective. However, the danger always remains, inherent within the cycle of theorisation and perception, of producing a reductive model which then effectively delegitimises everything not contained within it. This is what has tended to happen with the reception or recycling of Gellner's theory of nationalism within civil society theory. This loosely functionalist orthodoxy cannot comprehend, and therefore delegitimises, nationalist movements which emerge as the politicisation of difference rather than the manipulation of identity. Civil society theory assumes the Gellnerian orthodoxy and subordinates difference and ethics to the dictates of the functionality of the established system of states and the market economy.

Gellner's work has been described as 'explicitly, brazenly and unashamedly functionalist'[56] and the first three adjectives at least can be applied to his belief in the market economy. However, the notion of 'civil society theory' being developed here emphasises the process of reception in which extrapolations are made and reductive assumptions read in. This means that work capable of more ambiguous interpretation is also recycled within civil society theory as rhetoric in support of positions which the authors themselves might oppose. Jürgen Habermas is a case in point.

Habermas, a major point of reference in the contemporary civil society debate, has been described as 'the intellectual conscience of the left wing of the SPD'.[57] His role as an internationally recognised academic, whose work is then recycled in political debate, is in some ways comparable to that of Anthony Giddens as advisor to New Labour. In his *Theory of Communicative Action*[58] Habermas uses the terminology of 'lifeworld' and 'system' to distinguish communicative rationality, requiring both honesty and trust, from the strategic rationality of the market. Parallels can be drawn with Hegel's schema of the cohesive patriotism of the nation and the centrifugal force of civil society set out above, and again the way in which these aspects are recomposed to form a general description of society is crucial.

Habermas warns that the lifeworld can be 'colonised' by the strategic rationality of the system embodied in money and power. One form which this could take would be an instrumental and opportunistic use of patriotism. To avoid this he insists that the lifeworld cannot be reduced to the empirically observable. In other words, no specific nation or essential identity can provide the content of the lifeworld. This maintains the theoretical coherency

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[56] B. O'Leary, 'Ernest Gellner's diagnosis of nationalism: a critical overview', in *The State of the Nation*, ed. John A. Hall. Cambridge: Cambridge University Press, 1998, p. 51.

[57] D. Schecter, 'The functional transformation of the political world: reflections on Habermas' in *Studies in Social and Political Thought*, no. 1, June 1999, pp. 33-49.

[58] Two volumes, Boston: Beacon Press, 1984 and 1987.

of his argument in favour of a constitutional patriotism by basing it on a notion of law and the constitution understood as open procedures of 'rationality pervious to morality'.[59]

However, reinterpretation of his work ignores this qualification. Either assuming or implying the possibility of an unmediated shift to the empirical, the recycling process goes on to 'replace "generalisable interests" with "rational collective identity" as the legitimate *substantive* referent'.[60] This reinterpretation effectively legitimises the construction of citizenship on the basis of rational*ised identity* rather than an open continuous and rational moral procedure. The way is opened, theoretically, for banal state nationalism to lay claim to rationality and make the shift from constitutional patriotism to constitutional*ism*.

While theoretically faultless within the context of *The Theory of Communicative Action*,[61] the denial of 'essence' to the lifeworld serves within the rhetoric of constitutionalism to delegitimise the nation, or any other specific community posited as the basis of political mobilisation, in relation to the state.

Constitutional Patriotism

When theory is expounded by figures such as Habermas and Giddens it tends to become a new 'background culture' of assumptions which then become available for use by banal state nationalism. Constitutional patriotism is one of the concepts which has emerged in the discourse of civil society and which civil society theory recycles as political rhetoric in the form of constitutional*ism.* The assumption of the Gellnerian orthodoxy of nations invented by nationalism serves to delegitimise minority nationalisms by arguing that they do not really exist. At the same

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[59] 'Law and morality', in *The Tanner Lectures on Human Values VIII*, ed. S.M. McMurrin. Cambridge: Cambridge University Press, 1988.

[60] Cohen and Arato, *Civil Society and Political Theory*, p. 347. My emphasis.

[61] His less abstract work suggests that this extrapolation might be inherent in his opinions. See J. Habermas, 'Citizenship and national identity: some reflections on the future of Europe', *Praxis International*, vol. 12, no. 1, April 1992, pp. 1-19.

time however, this functionalist reading of history is combined with a privileging of the state as the embodiment of rationality. This then serves to legitimise the construction of citizenship as a function of the banal nationalist model of the Euro-state. In this way, as Fine argues, civil society theory 'mirrors the conceptual armoury' of nationalism.

Attempts are made to resolve this somewhat paradoxical affinity between nationalism and its putative successor by drawing a distinction between nationalism and patriotism. Nationalism, it is argued, is negative because it emphasises cultural difference and so tends towards exclusion and racism. Patriotism, on the other hand, is thought to be a necessary cohesive force and antidote to low levels of political participation.[62] However, one must then ask what patriotism focuses on, if not the nation or some 'ethnic' or cultural identity.

Radical ecology and universal humanism might provide coherent answers but must be ruled out because they would have to infringe civil society theory's doctrine of non-interference with the state. The state would be another coherent answer which would, however, be reminiscent of fascism; and the economy would be suggestive of either amoral market capitalism or nationalist protectionism. And so the process of elimination leads finally to the idealist and ideological notion of the constitution detected in Tortella's article. However, as argued above, without the prior abolition of the existing system of nominal nation states, constitutionalism turns out to be banal state nationalism. Constitutional patriotism is dependent on a non-existent universal constitution plus the possibility of its unmediated implementation, if it is to avoid degeneration into banal state nationalism.

Constitutional patriotism defends a cosmopolitan notion of citizenship which refers to minimums and argues that 'non-essential' 'cultural' elements are optional extras which cannot and

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[62] In the last elections for the European parliament, for example, a mere 23% of British voters turned out.

should not form part of the debate.[63] The argument seems undeniable in the abstract but, once again, the *practice* turns out to be exclusive as, on closer examination, the civic and cosmopolitan notions of citizenship reveal their Westernised cultural bias. Citizenship and the state system lie at the root of exclusion and concentration on 'good' or 'bad' conceptualisations of the nation merely deflects attention from this problem.[64] At the end of the day it is citizenship and the state, rather than the particular form of identity associated with it, which presents the newcomer (or alienated resident) with the bleak choice of *assimilation*, which requires the renunciation of difference, or cultural alienation often leading to political exclusion. This is the opposite of *integration* which would require the system to evolve in order to accommodate difference.

Constitutional patriotism is in reality an idealist 'nationalism without the nation' and, in effect, a nationalism of the state by default. It is part of the ideological rhetoric of civil society theory, used to legitimise a homogenising form of citizenship and the legal absolutism[65] of the established states. Furthermore, this homogenising functionalism tends to move on from the eradication of difference associated with minority identities to threaten that associated with politics *tout court*. 'According to Shröder one can no longer talk of a politics of social democracy but only of a modern political economy.'[66] And the apparently frictionless encounters of political leaders, such as Tony Blair and José Maria Aznar, on the international stage, tend to enforce this perception that no real difference exists anymore.

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[63] The discourse of cosmopolitan citizenship and its *toleration* of difference is critiqued through empirical study by J. Bloomaert and J. Verschueren, *Debating Diversity: Analysing the Discourse of Tolerance*. London: Routledge, 1998.

[64] See D. Brown, 'Are there good and bad nationalisms?' *Nations and Nationalism*, vol. 5, part 2, April 1999, pp. 381-402.

[65] It may seem exaggerated to speak of 'absolutism' in this context. The centuries long synthesis of contemporary political culture has made the state such a central assumption that, as Ignacio Ramonet (editor of *Le Monde Diplomatique*) has argued, it is able to practice, 'an affable and gentle but at the same time terrible oppression which makes each of us convince ourselves that the system is right.' (Interview in *Gara*, 8.9.1999, p. 26).

[66] *El País*, 30.7.1999, p. 4.

Proponents of the 'Europe of nations' argue correctly that 'the European union is a *meeting,* not the *unification,* of citizens and peoples … a mosaic full of colours … which requires each of its pieces to be respected equally'.[67] Unless it is to be a repetition of the nation state, the challenge of the European Union involves transcending the existing paradigm of citizenship. However, the hegemony of consolidated *states* combined with their 'inability … to open themselves to new democratic initiatives'[68] poses a threat of 'top down hetero-determination',[69] as one writer has termed it. This situation presents the social sciences with a choice. The easy option is to tag along as the politically correct lackey of this top-down state building. They will provide sinecures for the few[70] but the corollary will be the progressive relegation of the social sciences to the role of script writer for the government of the day. The true vocation of the social sciences, however, must be to purge the contemporary discourse of ideology and unmask banal state nationalism.

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BIBLIOGRAPHY

Argemí, A., 'Els drets col·lectius dels pobles, un element clau per a la sostenibilitat de la Unió Europea', *Europa de les Nacions*, no. 41, Barcelona, 1999, pp. I-XXII.

Armstrong, J., *Nations before Nationalism.* Chapel Hill: University of North

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[67] A. Argemí, 'Els drets col·lectius dels pobles, un element clau per a la sostenibilitat de la Unió Europea', *Europa de les Nacions*, no. 41, Barcelona, 1999, p. VII. My emphasis, my translation.

[68] Ibid., p. II.

[69] F. Letamendia, *Gara,* 29.9.1999, p. 19.

[70] Jon Juaristi, ex-ETA terrorist turned Spanish nationalist and author of several anti-nationalist tracts, was finally rewarded for his Spanish constitutionalist demagogy by the Popular Party government of José Maria Aznar, who gave him the post of director of the National Library.

Carolina Press, 1982.

Avinieri, S., 'Hegel's nationalism', in *Hegel's Political Philosophy*, ed. W. Kaufman. New York: Atherton Press, 1970, pp. 109-136.

Billig, M., *Banal Nationalism*. London: Sage, 1995.

Bloomaert, J. and Verschueren, J., *Debating Diversity: Analysing the Discourse of Tolerance*. London: Routledge, 1998.

Brown, D., 'Are there good and bad nationalisms?', *Nations and Nationalism*, vol. 5, part 2, April 1999, pp. 381-302.

Canal 33, 'Preguntes amb resposta: El Petroli. Fins quan?', 21.10.2000.

Cohen, J.L. and Arato, A., *Civil Society and Political Theory*. Cambridge, Massachusetts: MIT Press, 1992.

Conversi, D., *The Basques, the Catalans and Spain*. London: Hurst and Company, 1997.

Conversi, D., 'Reassessing current theories of nationalism: nationalism as boundary maintenance and creation', in *Nationalism and Ethnic Politics*, vol. 1. London: Frank Cass, Spring 1995, pp.73-85*.*

Calzada, A. and Llorens, C., *Reconstrucció Nacional.* Barcelona: Edicions Destino, 1995.

Carod Rovira, J.L., *Jubilar la Transició.* Barcelona: La Humanitat Columna, 1998.

Castiñeira. A., 'El llarg debat sobre la societat civil: el cas català' in *Societat Civil i Estat del Benestar*. Barcelona: Portic Assaig, pp. 97-109.

Estradé, A., 'El tractament del nacionalisme Catalá en les siències socials' in *Nacionalismes i Ciencies Socials Colloqui Internacional Barcelona*, November 1996, Fundació Jaume Bofill. Barcelona: Editorial Mediterrània, 1996, pp. 17-39.

Fine, R., 'The concept of civil society in civil society theory', unpublished manuscript, Warwick University, 2000.

Ferguson, A., *Essay on the History of Civil Society*. London and New Brunswick: Transaction Books, 1967.

Fradera, J., *Cultura Nacional en una Sociedad Dividida.* Barcelona:

Curial, 1992.

Gellner, E., *Nations and Nationalism.* Oxford: Basil Blackwell, 1983.

Giddens, A., *The Third Way: The Renewal of Social Democracy.* Cambridge: Polity Press, 1998.

Giner, S., *Carta sobre la Democracia*. Barcelona: Ariel, 1998.

Habermas, J., *The Theory of Communicative Action*, two volumes. Boston: Beacon Press, 1984 and 1987.

Habermas, J., 'Law and morality', in *The Tanner Lectures on Human Values VIII*, ed. S.M. McMurrin. Cambridge: Cambridge University Press, 1988.

Habermas, J., 'Citizenship and national identity: some reflections on the future of Europe', *Praxis International*, vol. 12, no. 1, April 1992, pp. 1-19.

Hegel, G.W.F., *Hegel's Philosophy of Right*, translated by T.M. Knox. Oxford: Oxford University Press, 1967.

Jenkins, R., *Rethinking Ethnicity*. London: Sage, 1998.

Keane, J., *Civil Society and the State.* London: Verso, 1988.

Letamendía, F., *Gara*, 29.9.1999, p. 19.

Marx, K. and Engels, F., *The German Ideology* Part One, ed. C.J. Arthur. London: Lawrence and Wishart, 1970.

O'Leary, B., 'Ernest Gellner's diagnosis of nationalism: a critical overview', in *The State of the Nation*, ed. John A. Hall. Cambridge: Cambridge University Press, 1998, pp. 40-88.

Pelczynski, Z.A., 'The Hegelian conception of the state', in *Hegel's Political Philosophy*, ed. Z.A. Pelczynski. Cambridge: Cambridge University Press, 1971, pp. 1-29.

Ramonet, I., 'Le Monde Diplomatique', Interview in *Gara*, 8.9.1999, p. 26.

Schecter, D., 'The functional transformation of the political world: reflections on Habermas' in *Studies in Social and Political Thought*, no. 1, University of Sussex, 1999, pp. 33-49.

Schecter, D., *Sovereign States or Political Communities? Civil Society and Contemporary Politics*. Manchester: Manchester University Press, 2000.

Smith, A.D., *Theories of Nationalism.* London: Duckworth and New York: Harper Row, 1971.

Smith, A.D., *National Identity.* Cambridge: Polity Press, 1991.

Smith, A.D., *Nations and Nationalism in a Global Era.* Cambridge: Polity Press, 1995.

Solé Tura, J., *Catalanismo i Revolució Burguesa*. Barcelona: Edicions 62, 1967.

Stammers, N., 'Post-state politics?', *Studies in Social and Political Thought*, no. 3, University of Sussex, 2000, pp. 50-58.

Termes, J., *De la Revolució de Setembre a la fi de la Guerra Civil [1868-1939].* Barcelona: Editions 62, 1999.

Tortella, G., 'Nación y raza', in *El País*, 31.7.1999, p. 11.