Henrik Enroth

University, State, and Society Past and Future: The Interpretation of the *Magna Charta Universitatum* and its Principles

The preamble of the Magna Charta Universitatum strikes a hopeful note for the future. Not only do the signatories look forward to "far-reaching co-operation between all European nations;" they also express their belief that "peoples and states should become more than ever aware of the part that universities will be called upon to play in a changing and increasingly international society […]." While a charter of this kind may clearly claim a long and proud pedigree in what the document itself calls "the European humanist tradition," the preamble is essentially directed towards the future. Yet the preamble offers no suggestions as to what kind of part universities will actually be called upon to play in a changing and ever more international society, nor who or what will call upon them to play such a part.

To turn this apparent neglect against the signatories or against the institution in which they gathered would be to profoundly misunderstand the very nature of the charter. A charter is neither a catalogue of facts, nor an empty statement of ideals, nor indeed a road map for the realization of ideals. The Magna Charta Universitatum, like so many documents of its kind, leaves it to the future to fully realize principles bequeathed from the past and held dear in the present. By suspending its principles between between past and future, and between the real and the ideal, the charter assigns a permanent responsibility: it is up to us, today, to ponder the interpretation of its principles, and to see to their realization as best we can.

This inevitably begs the question of our current ability to heed this responsibility and grasp what it might involve for us today. Being a social scientist by training, I take this to be a question not only of the mindset of all us individuals who together make up today's universities; this is also, and at least as importantly, a question of what kind of institution we together make up, and, perhaps most importantly, a question of what kind of relations this institution currently entertains and historically has entertained with other institutions surrounding it.

The principles of the Magna Charta Universitatum state that the university is "an autonomous institution" that must be "morally and intellectually independent of all political authority and economic power." Furthermore, research and teaching "must be inseparable" in the university, and "to fulfil its vocation it transcends geographical and political frontiers, and affirms the vital need for different cultures to know and influence each other." As I hope to show in this essay, these principles do not as they stand provide plain and unproblematic guidance for actual universities in their daily endeavors; the principles of the Magna Charta Universitatum in effect raise a host of questions of principle, vexed questions concerning the nature of the university as an instition and its relations

to other institutions past, present, and future. This essay is devoted to what I take to be the some of the most urgent of these questions.

As institutions go, the university has quite a remarkable track record. It can claim the honor of being the second oldest institution with a continuous history in the Western world, surpassed only by the Roman Catholic Church.[1] However we wish to date its birth or write its history, the university well antedates all those institutions which we today tend to think of when we discuss its present state and future fate. Its origins in medieval Europe makes it older than that age-old institution we call the state.[2] If we take a state to be the "sole source of law and legitimate force within its own territory, and […] the sole appropriate object of its citizens' allegiances," then we have to await the middle of the seventeenth century for clear expressions of such an institution.[3]

By the same token, the university is far older than that modern thing called "society." Certainly, for all we know human beings have always formed more or less inclusive collectives in which they interact in a more or less permanent and orderly fashion, and when we need a generic term for such collectives, "society" is handy indeed. But if we take society to be not just a comprehensive collective of human beings, but something different and clearly distinct from the state yet circumscribed by its territory and its claim to authority, then we have to wait at least until the middle of the eighteenth century.[4]

Now I am no specialist on the history of the university, medieval or modern, and this is not the place to chronicle its birth and growth in detail.[5] My point of departure in this essay is the kind of university for which the Magna Charta Universitatum has been drafted: a distinctively modern university. Yet in order to understand that institution and its relations to its surroundings we need to make some historical stopovers along the way. Attending to the university's relations to state and society, I shall describe episodically, and inevitably in an elliptic fashion, the forging of these relations from the Middle Ages to the turn of

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[1] See Sheldon Rothblatt and Björn Wittrock, "Introduction: Universities and 'Higher Education'" in Sheldon Rothblatt and Björn Wittrock (eds.), *The European and American University since 1800: Historical and Sociological Essays* (Cambridge: Cambridge University Press, 1993), p. 1.

[2] On the medieval origins of the university, see Walter Rüegg, "Themes" and Jacques Verger, "Patterns" in Hilde de Ridder-Symoens (ed.), *A History of the University in Europe,* vol. I (Cambridge: Cambridge University Press, 1992).

[3] Quentin Skinner, *The Foundations of Modern Political Thought,* vol. I (Cambridge: Cambridge University Press, 1978), p. x. Cf. Quentin Skinner, "The State" in Terence Ball, Russell L. Hanson, James Farr (eds.), *Political Innovation and Conceptual Change* (Cambridge: Cambridge University Press, 1989).

[4] See John Keane, "Despotism and Democracy: The Origins and Development of the Distinction between Civil Society and the State 1750-1850" in John Keane (ed.), *Civil Society and the State: New European Perspectives* (London: Verso, 1988).

[5] See the impressive work done by Hilde de Ridder-Symoens (ed.), and the contributors to *A History of the University in Europe,* vol. I (Cambridge: Cambridge University Press, 1992) and vol. II (Cambridge: Cambridge University Press, 1996).

the nineteenth century, and then discuss the possible dissolution of these relations today.

In the rest of this essay, I first consider the relations between university and state prior to the modern period. Here I try to show that the university not only antedates the state thanks to its medieval origins; it has also tended to clash with the state. Second, I sketch the relations between nation state, society, and university as they evolved from the eighteenth century on. Here I hope to show that its medieval origins notwithstanding, the modern university has also been intimately tied to both state and society since the late nineteenth century, and it has catered for the needs of both. Third, I discuss the ways in which the relations between nation state, society, and university may be about to be transformed today due to ongoing processes of European integration, internationalization, and globalization. By way of conclusion, I suggest that we today need to reconsider the relations between university, state, and society, taking into account both the university's medieval origins, its modern legacy, and current processes of fundamental change in the world. Here the Magna Charta Universitatum may prove to be of utmost value, but it also points to some profound challenges that lie ahead.

University and State

A complication for any attempt to account for the rise and development of the university as an institution is the relative lack of consensus on both the nature of this institution and the exact point in time when it first appeared. This need not bother us that much for present purposes, however; suffice it here to point to some fundamentals. Accounts of the origins and evolution of the university invariably portray it as it was portrayed when it first appeared: as a moral and legal corporation. In the Middle Ages, the latin term *universitas* was used to describe various collectives of human beings unified for some specific reason or purpose. *Universitates* in general enjoyed certain rights and liberties, and, in the words of one scholar, by implication at least some "degree of independence and internal cohesion."[6]

Since *universitas* was a generic term, at least from the twelfth century on universities as institutions of learning were often distinguished from other *universitates* by adding their *differentia specifica* to the term: a university was thus called a *universitas scholarium* or a *universitas magistrorum et scholarium,* depending on whether the corporation in question consisted of students only, as in Bologna towards the end of the twelfth century, or of both teachers and students, as in Paris from 1208.[7] Beyond these minimal characteristics, however, consensus ends and disagreement about dates of birth begin. If we opt for a corporation consisting of both teachers and students, then we have to wait until 1208 and the University of Paris; if we settle for a corporation of students, then Bologna is the winner.

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[6] Jacques Verger, "Patterns," pp. 37-38.

[7] See Jacques Verger, "Patterns," p. 37; Walter Rüegg, "Themes," p. 6.

However we place our bet in this respect, we should note another fundamental fact by way of introduction, one that arguably served as a necessary although not sufficient precondition for the rise of the university: *peregrinatio academica,* the widespread mobility of teachers and students across Europe. Such mobility was since long an established practice in the twelfth century, and it seems safe to say that everything else aside, the influx of students and itinerant teachers were crucial in turning the schools of Bologna and Paris into universities.[8] The importance of *peregrinatio academica* for the university as an institution is perhaps best demonstrated by the case of Bologna, where students who were natives of the city of Bologna did not properly belong to the university, precisely by virtue of their citizenship and the rights and liberties that followed with it. Thus, as Jacques Verger has remarked, medieval students were foreigners by definition.[9]

It has often been pointed out that the medieval university, precisely in being described as a *universitas,* was conceptualized by the same means as any other corporation, ecclesiastical or secular.[10] Yet the upshot of the medieval habit of describing a collective of human beings as a *universitas* has not always received the attention it deserves. As we shall see, this is very much to the point if we wish to understand later relations between university and state. The notion that a collective of individual persons may together constitute a collective person, a corporation, was nothing new to the twelfth century. Already in Roman Law, certain collectives of human beings had been described as persons.[11] Moreover, for the medieval commentators on Roman Law, the scholastic debate about the status of universals formed a congenial backdrop for treatises on the legal status of groups, as the very term *universitas* suggests.[12]

To describe a collective of human beings as a collective person did not only address the matter of moral and legal status. Implicitly, this also provided a solution to a riddle that had haunted medieval thought from the very beginning: the problem of identity over time. Ever since Augustine, temporality had posed quite a problem for medieval thought. As is well known, Augustine drew a sharp distinction between the earthly realm and the Kingdom of God, to the effect that "time and eternity parted company," as John Gunnell has put it.[13] For the individual human being, the separation of time and eternity corresponded to the separation of body and soul, the former being subject to time and thus decay, the latter being able to contemplate the very nature of time by virtue of itself being

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[8] See Hilde de Ridder-Symoens, "Mobility," pp. 280-282.

[9] Jacques Verger, "Patterns," p. 41.

[10] Walter Rüegg, "Themes," p. 8; Jacques Verger, "Patterns," pp. 37-38.

[11] See Ernst H. Kantorowicz, *The King's Two Bodies,* pp. 304-305.

[12] Cf. Ernst H. Kantorowicz, *The King's Two Bodies,* p. 304.

[13] John G. Gunnell, *Political Philosophy and Time* (Chicago: The University of Chicago Press, 1968, 1987), p. 242.

exempt from it.[14] Groups of human beings, on the other hand, lacking both body and soul, had to be differently endowed in order to persist over time. Here the church provided a paradigm case, claiming as it did the privileged position of mediator between transitory time and the eternity of God.

As Thomas Aquinas argued, the church certainly has a body, but its body is altogether different from the bodies of natural persons, since it not only encompasses the members that actually form part of it at any given point in time. The body of the church is a *corpus mysticum,* and this mystical body further encompasses all its members past and future, actual and potential – Christians deceased and yet to be born, pagans, Jews, and Mohammedans yet to be baptized. It is thus a body which cannot grow old, let alone perish, thanks to the successive substition of its constituent members, which can and do grow old and perish.[15] As already Corinthians had made clear:

For as the body is one, and hath many members, and all the members of that one body, being many are one body; so also is Christ. For by one Spirit we are all baptized into one body, whether we be Jews or Gentiles, whether we be bond or free; and have been all made to drink into one Spirit. For the body is not one member, but many.[16]

Thus understood as a collective person with a mystical body, the church, in the words of Ernst Kantorowicz, "compared structurally with Christian angels," while its members were mere mortals, their corporeal bodies living and dying in time.[17] The church thus became conceived of not as a natural but as a ficticious person, a *persona ficta,* capable of staying identical with itself over time regardless of the natural persons composing it, which may change without a corresponding change in the collective person itself. And the concept of *persona ficta* soon proved to be applicable not only to the church as a whole and the various ecclesiastical groups composing it, but also to groups in general.

It is against the backdrop of this old problem of identity over time that we should read many twelfth- and thirteenth-century glosses on Roman Law. Franciscus Accursius, legal scholar and teacher at Bologna, argued in his *Glossa Ordinaria* that a law court in Bologna remained identical with itself over time even if all its judges might be replaced, and in the same stroke he applied that principle of identity to the people of Bologna as well:

For just as the [present] people of Bologna is the same that was a hundred years ago, even though all be dead now who then were quick, so must also the

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[14] Augustine, *Confessions* (New York: Liveright, 1943), Book 11, ch. 15, p. 286. Cf. Paul Ricoeur, *Time and Narrative*, vol. I (Chicago: Chicago University Press, 1984), ch. 1.

[15] Ernst H. Kantorowicz, *The Kings Two Bodies*, pp. 308-309.

[16] I Corinthians 12:12-14 (King James).

[17] Ernst H. Kantorowicz, *The Kings Two Bodies*, p. 304.

tribunal be the same if three or two judges have died and been replaced by substitutes.[18]

Later Bartolus de Saxoferrato in a gloss of his own could apply the same argument to the university of Bologna itself, when he stated that "*universitas representat unam personam,*"[19] and he even extended the argument to the whole world, which Bartolus took to be "some kind of *universitas.*"[20] Thus, at a time when no clear-cut distinctions existed between what we retrospectively might be tempted to call political, legal, and theological concepts, a *universitas scholarium* could conveniently be conceptualized in the same terms as any other kind of *universitas.* In this minimal medieval sense, then, to be a university was simply to enjoy legal status and to remain self-identical over time, by virtue of being a group of individual persons joined in a common pursuit and thus personified and incorporated into a collective person.

So to sum up, when it was applied to a *universitas scholarium,* this concept endowed the individual members of the *universitas* with certain rights and liberties, and it endowed the *universitas* as a whole with legal recognition and an unbroken continuity in time. But what about other kinds of *universitas?* That is, for present purposes, what about the state? Without venturing too far into the treacherous field of state theory, we should first of all recall that in the modern sense of the term, a "state" is an impersonal institution of political authority: the state is generally held to be distinct both from the rulers who exercise its authority at any given point in time, and from the society or community over which its authority is exercised.[21] That said, we should also note that this modern view of the state partly developed out of the notion that groups of persons may constitute a collective person.

Recall here for starters what may be the most cogent medieval statement of the state as a person writ large, John of Salisbury's *Policraticus* (1159). In *Policraticus,* John evoked a vivid organic image of the body politic, complete with head, heart, stomach, and limbs. Following a standard operating procedure in medieval thought, John invented an ancient authority – the "Instruction of Trajan," by Plutarch – to lend credence to his claims. Then he proceeded to consider the whole of the body politic in terms of its constituent parts, and its parts in terms of the whole:

The position of the head in the republic is occupied […] by a prince subject only to God and to those who act in his place on earth […]. The place of the heart is occupied by the senate, from which proceeds the beginning of good

[18] Franciscus Accursius, *Glossa Ordinaria* (Venice, 1584), quoted in Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1957), p. 295.

[19] Bartolus de Saxoferrato, *Commentaria in Digestum vetus, Infortiatum, Digestum novum, Codicem* (Venice, 1567), quoted in Ernst H. Kantorowicz, *The King's Two Bodies,* p. 309.

[20] Ernst H. Kantorowicz, *The King's Two Bodies,* p. 304.

[21] See Quentin Skinner, "The State," p. 112.

and bad works. The duties of the ears, eyes and mouth are claimed by the judges and governors of provinces. The hands coincide with officials and soldiers. Those who always assist the prince are comparable to the flanks. Treasurers and record keepers […] resemble the shape of the stomach and intestines […]. Furthermore, the feet coincide with peasants perpetually bound to the soil […].[22]

Yet however forceful this image is in order to demonstrate the essential unity of the body politic and its subservience to God, it inevitably gives rise to a problem: how can the body politic be safeguarded against the decay which any body naturally suffers due to its temporal existence? Even if its head, heart, stomach, and members all avoid "the infirmity of sin," as John exhorted, the body politic must surely perish some day.[23] Again, how are we to account for the identity of a group of human beings over time? And again, the final solution to this problem was to strip the body politic of some of its naturalistic imagery, and describe it as a ficticious rather than a natural person. Once that had been done, "the state organism became a 'body' in the juristic sense: an *universitas* which 'never dies'."[24]

Yet such a state organism was still not the modern kind of state, clearly distinct from both rulers and ruled, and this precisely insofar as it was a *universitas.* Thus far we have stayed within the confines of medieval thought, and as long as we do that all kinds of *universitas* may be described in the same terms. What we have here is a general kind of institution which has the capacity to remain identical with itself over time even though its individual members may come and go, and this kind of institution may be specified as being ecclesiastical, secular, or scholarly. But what if we leave behind the medieval division of the world into *sacerdotium, regnum,* and *studium?* If we do that, and insofar as we instead buy into predominant modern views of the matter, we shall find that the university and the state are quite different kinds of institution after all.

Transposed to modern political thought, the description of the state as a *universitas* is not without its appeal, but not without its problems either. We should recall at this point that the medieval *universitas* was a group of human beings which not only enjoyed legal status and remained identical with itself over time, but which also aspired to some common pursuit. But this does not seem to be the case with the modern state. As citizens of modern states, we rarely think of the state in terms of "persons associated in respect of some identified common purpose, in the pursuit of some acknowledged substantive end, or in the promotion of some specified enduring interest."[25] Some may perhaps want to think of themselves as a nation or a people in terms like these, but this seems a rather odd way to describe the state. So while the state does enjoy legal status and

[22] John of Salisbury, *Policraticus* (Cambridge: Cambridge University Press, 1990), Book V, ch. 2, p. 67.

[23] John of Salisbury, *Policraticus,* p. 142.

[24] Ernst H. Kantorowicz, *The King's Two Bodies,* p. 311.

[25] Michael Oakeshott, "On the Character of a Modern European State" in *On Human Conduct* (Oxford: Clarendon Press, 1975), p. 203.

remains essentially the same over time, we usually do not think of it in terms of a group of persons, let alone a group of persons in pursuit of some common objective.

Instead we tend to think of the state in the abstract, as a wholly impersonal institution of political authority, yet in what is arguably the paradigmatic statement of this modern view, the state is nevertheless described as a person. Witness Thomas Hobbes's *Leviathan* (1651):

A Multitude of men, are made *One* Person, when they are by one man, or one Person, Represented; so that it be done with the consent of every one of that Multitude in particular. For it is the *Unity* of the Represented, not the *Unity* of the Represented, that maketh the Person *One.* And it is the Represented that beareth the Person, and but one Person: And *Unity,* cannot otherwise be understood in Multitude.[26]

Thus a multitude of men, which is not yet a unity, "reduce all their Wills, by plurality of voices, unto one Will: which is as much as to say, to appoint one Man, or Assembly of men, to beare their Person […]."[27] Hobbes's prose is bound to seem abstruse to us today since we are no longer accustomed to speak of the state as a person, but what we have here is a familiar idea: political authority rests not with the actual man or men who represent the multitude, nor does it rest with the multitude itself; political authority instead rests with "the Person" through which Hobbes thinks the multitude becomes one, a person which those who represent merely "beare," like a mask. Simply put, political authority is an "office," to use one of Hobbes's own preferred terms; it is not a divine gift or the possession of a ruler or a people.[28] As Quentin Skinner and others have argued, this is an embryonic expression of the kind of state with which we are still accustomed today, a state that is distinct both from the society or community over which it exerts political authority, and from those who wield political authority.[29]

Thus, insofar as the modern state is distinct from both rulers and ruled, and insofar as we moderns are still entitled, as Hobbes thinks we are, to describe the state as a person, its personality is obviously different from the corporate personality of the medieval *universitas,* and it is rather difficult to make sense of at that. Unlike the personality of the *universitas,* the personality of Hobbes's state is entirely abstract; it is a *persona* rather than a person, a mask rather than a man writ large.[30] Still Hobbes quite frequently uses the term "corporation" to describe

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[26] Thomas Hobbes, *Leviathan* (Cambridge: Cambridge University Press, 1991), p. 114.

[27] Thomas Hobbes, *Leviathan,* p. 120.

[28] Cf. Thomas Hobbes, *Leviathan,* pp. 231ff.

[29] See Quentin Skinner, "The State."

[30] Cf. David Runciman, *Pluralism and the Personality of the State* (Cambridge: Cambridge University Press, 1997), pp. 253-256; Martin Hollis, "Of Masks and Men" in Michael Carrithers, Steven Collins, Steven Lukes (red.), *The Category of the Person: Anthropology, Philosophy, History* (Cambridge: Cambridge University Press, 1985).

the state, thus suggesting that it might in fact be of the same kind as the *universitas* after all.

But the ambiguities and niceties of *Leviathan* aside, the modern state cannot easily or coherently be described as a *universitas* unless we disregard some of our fundamental notions about political authority.[31] And although the state certainly enjoys legal recognition and to all appearances remains identical with itself over time, these qualities are usually attributed to its abstract character, thus implicitly denying that the state is a group of persons joined in a shared pursuit.[32]

Rather unsurprisingly, the idea that the political authority of the state is wholly abstract, and more like a *persona* than a person, has prompted much criticism in modern political thought, hoping to unveil the state and expose something more tangible and real behind the perfidious mask of political authority.[33] Now if we draw out the implications of this modern view of the state, and if we did not know better, we might think that the fate of the university had in fact been sealed already by the middle of the seventeenth century, and that no such institution could possible have outlived the translation of *Leviathan* into political practice in the age of absolutism.

In Hobbes, as in numerous other modern state theorists from Rousseau to Fichte, no *universitates,* no corporations of persons, can be allowed within the state, save those that have been voted into existence by the state itself.[34] Indeed, Hobbes even described the universities of his day as hotbeds for radicals and republicans, with their wicked divisive doctrines.[35] In actual practice, however, the university as an institution managed to maintain its autonomy and independence throughout the early modern period, with some concessions, torn as it was between emerging state and declining church jurisdiction, and suffering from dropping enrolments in the seventeenth century.[36]

In chapter XXIX of *Leviathan,* Hobbes presents his own case against the *universitas* with perfect clarity, lamenting "those things that weaken, or tend to the dissolution of the commonwealth." Notable among those things are "the great number of Corporations; which are as it were many lesser Common-wealths in the

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[31] Cf. Michael Oakeshott, "On the Character of a Modern European State;" David Runciman, *Pluralism and the Personality of the State,* pp. 13-33.

[32] Cf. Andrew Vincent, "Can Groups Be Persons?," *The Review of Metaphysics*, vol. 42, 1989, pp. 687-715.

[33] For an analysis, see Jens Bartelson, *The Critique of the State* (Cambridge: Cambridge University Press, 2001).

[34] See David Runciman, *Pluralism and the Personality of the State,* pp. 24-31. Cf. David Gross, "Temporality and the Modern State," *Theory & Society,* vol. 14, no. 1, 1985, p. 63.

[35] See Hilde de Ridder-Symoens, "Mobility" in Hilde de Ridder-Symoens (ed.), *A History of the University in Europe,* vol. II (Cambridge: Cambridge University Press, 1996), p. 446.

[36] See Notker Hammerstein, "Relations with Authority;" Maria Rosa di Simone, "Admissions" in Hilde de Ridder-Symoens (ed.), *A History of the University in Europe,* vol. II (Cambridge: Cambridge University Press, 1996).

bowels of a greater, like wormes in the entrayles of a naturall man."[37] Given that the multitude of men become one person only by being represented by one man or one assembly of men, Hobbes's state simply cannot afford any corporations within itself, since that would threaten to annul its unity, and thus throw the multitude of men straight back into "that miserable condition of Warre" from which the state promised an escape.[38]

So while the state does not itself seem to be a *universitas,* it does claim the sole authority to grant or deny the existence of *universitates.* This peculiarity of the modern state has not only proved resilient throughout later developments in theory and practice; it has also provoked criticism ever since Hobbes's day, and critics have often ended up reinterpreting the state precisely as a *universitas,* medieval-style.[39] Still today this peculiarity resounds in debates about the proper relation between the state and voluntary associations in what we have since come to know as "civil society."[40] To what extent should associations enjoy autonomy and independence in relation to the state, and to what extent should they be subservient to and dependent upon the state for their existence? This relation between state and society is itself of considerable importance for our understanding of the modern university, and I will return to it in the next section.

So perhaps luckily for the university, while Hobbes's *Leviathan* may be the beginning of the story of the modern state, it is certainly not the end of it. Although the state construed as an abstract institution of political authority *à la* Hobbes may not easily be described as a *universitas,* other construals of it have tended in that direction. And in order to understand the strange double-bind between the university and the modern state, we need to take a look at what happened to the state after it had been turned into an abstract institution of political authority in the seventeenth century, and see what happened to the university in the process.

Nation State, Society, and University

As an account of the kind sociopolitical conditions we are familiar with today, what I have said so far is obviously incomplete, and we have to add at least two elements to the picture in order for us to feel more at home. First, we need to say something about how the state as an abstract institution of political authority merged with the nation as a conrete and historically evolved institution of political community. Second, we need to sketch how the nation state as a fusion of political authority and community became distinct from society as an institution of interacting individuals and associations. Taken together, as we shall see, this intricate arrangement of nation state and society gave birth to a new kind of

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[37] Thomas Hobbes, *Leviathan,* p. 230. Cf. David Runciman, *Pluralism and the Personality of the State,* pp. 25-26.

[38] Thomas Hobbes, *Leviathan,* p. 117.

[39] See e.g. John Neville Figgis, *Churches in the Modern State* (London: Longmans, Green, and Co., 1914).

[40] Cf. David Nicholls, *The Pluralist State: The Political Ideas of J. N. Figgis and his Contemporaries* (Oxford: St. Martin's Press, 1975, 1994), pp. ix-xx.

university, worlds apart from the medieval *universitas,* not least through its rather intriguing relations to state and society.

Dating – that is, setting birth dates – is always a difficult and not always a very useful activity, and the debate about the dating of nationhood is a long and complex affair that we can fortunately sidestep here. As one might expect, different approaches to the thing itself tend to lead to different dates of birth.[41] What is beyond debate is that the term *natio* occurs already in Roman usage, meaning a community of people of shared descent, and that the term retained that meaning throughout the Middle Ages. In its early usage, however, the term *natio* was typically used to designate local or regional belonging, rather than belonging to a comprehensive community subject to the same political authority.[42]

The medieval universities provide us with one of the best examples of this usage. Students in a *universitas scholarium* were often divided into different *nationes,* depending on their regional belonging, a habit that lingers in many universities to this day.[43] And if anyone thinks that the birth of national stereotypes should be dated to our own modern age, witness Jacques de Vitry, a preacher and student of theology at Paris, vehemently and systematically give the different *nationes* their due:

The English are drunken cowards, the French proud, soft and effeminate; the Germans are quarrelsome and foul-mouthed, the Normans vain and haughty, the men of Poitou treacherous and miserly, the Burgundians stupid brutes, the Bretons frivolous and flighty, the Lombards miserly, spiteful and evil-minded, the Romans vicious and violent, the Sicilians tyrannical and cruel, the men of Brabant are thieves and the Flemings are debauched.[44]

What we should focus on here, however, is not national sentiment of this age-old and all too familiar kind, let alone the predilection for stereotypes which inevitably seems to go with it. Instead we should attend to the birth of the nation state as an institution of political community, and that means jumping ahead almost six centuries while staying in Paris. In August 1788, King Louis XVI agreed to convene the French Estates General for the first time since 1614, thus prompting the question whether this archaic body should again convene in accordance with the old stratification of society into clergy, nobility, and the third estate.[45]

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[41] For an overview of some common approaches, see John Breuilly, "Approaches to Nationalism" in Gopal Balakrishnan (ed.), *Mapping the Nation* (London: Verso, 1996).

[42] See e.g. Jürgen Habermas, "The European Nation-State: Its Achievements and its Limits" in Gopal Balakrishnan (ed.), *Mapping the Nation* (London: Verso, 1996), p. 282.

[43] See Jacques Verger, "Patterns," p. 39.

[44] Jacobus de Vitry, *Historia Occidentalis. 7, de statu Parisiensis Civitatis,* quoted in translation in Hilde de Ridder-Symoens, "Mobility," p. 282.

[45] See S. E. Finer, "Chronological Note: The Pre-Revolution 1786-8," in Emmanuel Joseph Sieyès, *What is the Third Estate?,* trans. M. Blondel (London: Pall Mall Press, 1963), p. 33.

In response to this question, Emmanuel Joseph Sieyès wrote a pamphlet that would not only usher in the French Revolution, but also become one of the definitive statements of nationhood in modern thought. In *What is the Third Estate?* (1789), Sieyès responded to this question not simply by discussing the minutiae of representation and voting in the Estates General. Instead he urged a reconsideration of the prior question of whom or what was to be represented in the first place, and for Sieyès the answer was clear: the nation as a whole. As Sieyès explained, technical questions about how the three estates ought to be represented and how their representatives ought to vote as a unified body in the Estates General were in a sense beside the point, since the three estates did not constitute a unified body. Hence, he wrote,

the true question is whether the orders, as now constituted, could unite to vote by heads? No, they could not. If one relies on true principle, they cannot vote *together* at all, either by heads or by orders. Whatever the proportion arranged between them, it cannot achieve the intended aim: viz. to bind all representatives together by a *single* common will.[46]

Such a single common will can only belong to the nation, Sieyès argued, and only on the basis of the nation's will can legislative and executive bodies be constituted:

The nation is prior to everything. It is the source of everything. Its will is always legal; indeed it is the law itself. […] Those which establish the legislative body are *founded* by the national will before any constitution has been established; they form the first stage of the constitution. Those which establish the executive bodies must similarly be the *ad hoc* product of a representative will. Thus all the parts of a government are interrelated and, in the last analysis, depend on the nation.[47]

For us today, *What is the Third Estate?* may perhaps at a quick glance seem like rampant nationalist propaganda, of the kind our recent history has taught us to be wary of. But if so, that is probably because we have grown so used to the kind of institution which Sieyès sketches and in a sense calls into being that we find it difficult to unpack and scrutinize it. Far from peddling nationalist chauvinism, Sieyès in the above quote outlines the relation between political authority and political community as we still tend to understand it today. When Sieyès declares that the nation is prior to and the source of everything, he is not saying that we all have to be nationalists in the contemporary crude sense of the word, and throw ugly stereotypes at each other. Rather he is pointing to the fact that popular self-rule – or "democracy," as we would have it – requires a body of people which can decide on the conditions for its ruling itself. For Sieyès, such a body of people is called "nation."

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[46] Emmanuel Joseph Sieyès, *What is the Third Estate?,* p. 88.

[47] Emmanuel Joseph Sieyès, *What is the Third Estate?,* pp. 124-125.

So in Sieyès, political authority becomes predicated on the prior existence of a political community, as we still believe it is, or at least should be. In that sense, Sieyès provides at least one of the missing links between Hobbes's kind of state and our own, by reversing the order of priority between represented and representative. As we recall, in Hobbes, "it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One,*" and that is one of the things a present-day reader of *Leviathan* is likely to find most disturbing. Today we are not altogether comfortable speaking of political representation at all if those to be represented owe their very existence to their representative. Surely it should be the other way round?[48] Sieyès kindly straightened out this relationship for posterity, so that it is now the unity of the represented, not the unity of the representative, that makes the nation state one.

Thus what happened when Sieyès asked and answered the question *What is the Third Estate?* was in effect that *Leviathan* was infused with a democratic spirit which still animates the state today. Robert Wokler has spelled out the upshot of this move:

> In addition to superimposing undivided rule upon its subjects, the modern state further requires that those who fall under its unity be united themselves – that they form one people, one nation, morally bound together by a common identity. […] Joined together with [Hobbes's] conception of the unity of the representer, as outlined in the sixteenth chapter of his *Leviathan,* the modern state generally requires that the represented be a moral person as well, national unity going hand in hand with the political unity of the state.[49]

The attempts of Sieyès and other late eighteenth-century writers to defend and make good political sense of the idea of a people ruling itself also brought with it a renaissance for the kind of corporeal imagery that had been so crucial to the Middle Ages. But now it was the nation or the people rather than the state – that is, the political community as the source of the political authority of the state – that were spoken of as a corporation, or as a body politic. Jean-Jacques Rousseau's *The Social Contract* (1762) is probably the first and best modern example of such bodily rhetoric, and even though Sieyès did not make as much as Rousseau of the body as a rhetorical device, he still took recourse to it at crucial points in his argument.

Sieyès suggested that the nation had developed historically from a mere aggregate of individuals "who wish to unite" into a community with a common

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[48] Cf. Hanna Fenichel Pitkin, "The Concept of Representation" in Hanna Fenichel Pitkin (ed.), *Representation* (New York: Atherton Press, 1969).

[49] Robert Wokler, "The Enlightenment and the French Revolutionary Birth Pangs of Modernity" in Johan Heilbron, Lars Magnusson, Björn Wittrock (eds.), *The Rise of the Social Sciences and the Formation of Modernity: Conceptual Change in Context 1750-1850* (Dordrecht: Kluwer Academic Publishers, 1998), pp. 48-49. Cf. István Hont, "The Permanent Crisis of a Divided Mankind: 'Contemporary Crisis of the Nation State' in Historical Perspective," *Political Studies*, vol. 42, 1994, pp. 166-231.

will, and at this latter point the image of the body came to the fore. "[W]ithout *singleness* of will," Sieyès explained, the nation "could not succeed in being a willing and acting body."[50] Corporational analogies like these should not be dismissed as signs of an innocuous preference for quaint medieval images. Along with this imagery, and along with the kind of institution it was used to express, came once again a manifest distrust of lesser corporations within the greater. Just as Hobbes's state could not easily contain corporations within itself, the nation of Sieyès or the republic of Rousseau had no place for them either. In fact, this was all the more so in the case of Rousseau and Sieyès, since they unequivocally described the political community as a corporation, in contrast to Hobbes's equivocating around the personality of the state.

Although he reversed Hobbes's relation between represented and representative, Sieyès nevertheless bought into Hobbes's underlying logic of unity; he only applied it to the nation instead of the state.[51] Thus, wanting to portray the nation as a primordial unity in order to make his point against the Estates General, Sieyès no more than Hobbes could afford anything that might seem divise of that unity. So by picturing the nation as a body, Sieyès could lend instant rhetorical force to his case against corporations within the nation; the image of a body within a body is an immediately discomforting one, stirring up, as it does, vivid images of nasty parasites and intestinal disorder.

The entire argument in *What is the Third Estate?* was based on the conviction that the nobility simply did not belong to the nation, and to discuss their appropriate place within it would be like

deciding on the appropriate place in the body of a sick man for a malignant tumour that torments him and drains his strength. It must be *neutralised.* The health of the body and the free play of its organs must be restored so as to prevent the formation of one of these malignancies which infect and poison the very essence of life itself.[52]

Or take Rousseau's remarks to similar effect in the *Social Contract:*

[I]f groups, sectional associations are formed at the expense of the larger association, the will of each of these groups will become general in relation to its own members and private in relation to the state. […] Thus if the general will is to be clearly expressed, it is imperative that there should be no sectional associations in the state, and that every citizen should make up his own mind for himself – such was the unique and sublime invention of the great Lycurgus.[53]

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[50] Emmanuel Joseph Sieyès, *What is the Third Estate?,* p. 121. Cf. Jean-Jacques Rousseau, *The Social Contract,* pp. 61-62.

[51] Cf. István Hont, "The Permanent Crisis of a Divided Mankind," p. 203.

[52] Emmanuel Joseph Sieyès, *What is the Third Estate?,* p. 174.

[53] Jean-Jacques Rousseau, *The Social Contract,* p. 73.

What we learn from these statements seems to be that the nation state is inherently hostile to other collectives of human beings within itself, being a fusion of an abstract state and a concrete corporation of citizens. In Wokler's words, this particular combination of political authority and community has left us with a "personification of the body politic as a whole," much in the vein of Hobbes, and a nation *a là* Sieyès, with "the ascription of a corporate personality to all its true members."[54] Accordingly, if we focus primarily on the nation that underpins it, it does seem possible to interpret the modern state as a *universitas* after all, and insofar as that is indeed possible, other *universitates* within the nation state do seem to be in trouble.

But surely this is an exaggerated or even conspiratorial view of the nation state as an institution, and it certainly seems to fly in the face of our experiences as citizens of actual nation states. Clearly, as long as we stay reasonably democratic, all available evidence suggests that the nation state is perfectly able to accommodate other collectives within itself; indeed, is not freedom of association one of the fundamental principles for the kind of open society on which modern Western democracies like to pride themselves? Before we can spell out the relation between the university and the nation state, we need to consider this objection. This brings us to the next piece of the puzzle.

Even if the kind of state we moderns know first-hand is a nation state, nationhood is obviously not all there is to the modern state. We are furthermore accustomed to regard the state as something distinct from the society in which we live our lives among family, friends, acquaintances, and colleagues. Thus in addition to being citizens of a nation state, we also interact more or less freely as individuals and as members of associations in a society, and this without any necessary ties to our capacities as citizens, save for one crucial thing: when we interact in a society we usually enjoy some of the liberties ensured by our citizenship, and our doings are by the same token subject to the restrictions that come with being a citizen of a nation state.

As obvious as all this may seem to us today, this understanding of society has a history of its own. Exact dating need not concern us here either, but according to popular scholarly opinion a distinction between state and society gradually evolved in the period 1750-1850.[55] Prior to that period, and from Aristotle to Kant, the term "civil society" – *koinonia politiké, societas civilis, société civile, bürgerliche Gesellschaft, societá civile* – was by and large used synonymously with the term "state" – *polis, civitas, état, Staat, stato* – in political

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[54] Robert Wokler, "The Enlightenment and the French Revolutionary Birth Pangs of Modernity," p. 70.

[55] See e.g. John Keane, "Despotism and Democracy: The Origins and Development of the Distinction Between Civil Society and the State 1750-1850" in John Keane (ed.), *Civil Society and the State: New European Perspectives* (London: Verso, 1988); Jean L. Cohen, Andrew Arato, *Civil Society and Political Theory* (Cambridge, MA: MIT Press, 1992); Charles Taylor, "Modes of Civil Society," *Public Culture,* vol. 3, no. 1, 1990, pp. 95-118; Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (Oxford: Berg Publishers, 1988).

thought. The two terms expressed basically the same core concept: a collective of human beings living under its own laws.[56]

But from having been seen as virtually identical for centuries, state and society became gradually more distinct in the course of the eighteenth century, and the distinction between them has posed a persistent problem in political thought ever since. For given that state and society are indeed different institutions, how should we conceive of the difference and the relation between them? This is not the place to trace the career of this distinction in detail, or to exhaustively account for the interpretations it has been subjected to from David Hume and Adam Ferguson to Thomas Paine and Alexis de Tocqueville. For present purposes, two general observations and a few illustrations may suffice.

First, as we have seen, the modern state has long been thought of as conducive to unity, whether that unity has been thought to flow from its political authority or from the community underpinning its authority. In contrast, and beginning in the eighteenth century, society has often been associated with a condition of plurality, distinct from the condition of unity associated with the state. Second, and as we have also seen, the state has usually been understood in terms of its authority, and thus in terms of legitimate force over its subjects. In contrast to this, society has at least since the middle of the eighteenth century been widely associated with liberty, sometimes construed as the very antithesis of the authority of the state, sometimes as dependent on it, but in any case as distinct from it. As I said, this would be an unduly simplistic picture were my aim to do justice to the plethora of eighteenth- and nineteenth-century interpretations of the distinction between state and society. Luckily, we can cut some corners for the purposes of this essay, and I take the above remarks to convey the bottomline of several influential interpretations and reinterpretations of this distinction.

For illustrations of this long and complex process, we should begin with Thomas Paine's *The Rights of Man* (1791-1792). According to Paine, society precedes the state both logically and temporally, in the sense that all human beings possess a natural sociability which on an aggregated level, and if realized in a truly "civil" society, amounts to a capacity for extensive self-government. As John Keane has put it, "this natural sociability predisposes individuals to establish peaceful and happy relations of competition and solidarity based only on reciprocal self-interest and a shared sense of mutual aid."[57] Thus in addition to being an institution of plurality and liberty, Paine's society also contains a principle of unity within itself, harking back to older conceptions of *societas civilis*.[58]

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[56] See John Keane, "Despotism and Democracy," pp. 35-36. Cf. Antony Black, "Concepts of Civil Society in Pre-Modern Europe" in Sudipta Kaviraj and Sunil Khilnani (eds.), *Civil Society: History and Possibilities* (Cambridge: Cambridge University Press, 2001), p. 33.

[57] John Keane, "Despotism and Democracy," pp. 44-45.

[58] Cf. Antony Black, "Concepts of Civil Society in Pre-Modern Europe;" István Hont, "The Language of Sociability and Commerce: Samuel Pufendorf and the Theoretical Foundations of the 'Four-Stage Theory'"

This view of society as a largely self-regulating patch-work of individual self-interest and general sociability does obviously not leave much room for the state as an institution of political authority, save as an ultimate safeguard against the fragility of human nature. With unity already built into the very fabric of society, Paine could both terminologically and conceptually reduce "the state" to the hard core of "government," and declare that "[s]ociety in every state is a blessing, but government, even in its best state, is but a necessary evil […]."[59] Accordingly, "[t]hat which is called government, or rather that which we ought to conceive government to be, is no more than some common center in which all the parts of society unite."[60]

But if Paine was at pains to clearly distinguish society from the state, he felt no need to turn nation and society into categorically distinct institutions. Writing only a few years after Sieyès had pamphleteered his authoritative statement of nationhood, Paine pointed out that "[g]overnment is nothing more than a national association; and the object of this association is the good of all, as well individually as collectively." And when he went on to spell out the implications of this notion of national government, he repeated the fundamentals of his view of society:

Every man wishes to pursue his occupation, and to enjoy the fruits of his labors and the produce of his property in peace and safety, and with the least possible expense. When these things are accomplished, all the objects for which government ought to be established are answered.[61]

Thus in Paine, we find no clear-cut distinction between nation and society. The two terms seem to denote two vaguely and far from consistently different outlooks on the same body of people, the term "nation" carrying its established connotation of unity, and the term "society" signifying both plurality and liberty. Pushing the logic of Paine's argument a bit, and at the risk of imposing on his writings a terminological consistency that is not really there, we might say that "nation" is the name for a body of people regarded with an eye to their unity, whereas "society" is the name for the same body of people regarded with an eye to their plurality; but both unity and plurality are attributes of one and the same body of people.

The kind of society of which Paine speaks is thus best described as a precarious cross between earlier construals of commercial society and Sieyès's nation, while the state is rather ironically demoted to an organ of government for

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in Anthony Pagden (ed.), *The Languages of Political Theory in Early-Modern Europe* (Cambridge: Cambridge University Press, 1987).

[59] Thomas Paine, *Common Sense* in Bruce Kuklick (ed.), *Thomas Paine: Political Writings* (Cambridge: Cambridge University Press, 1989), p. 3.

[60] Thomas Paine, *The Rights of Man,* Part II, in Bruce Kuklick (ed.), *Thomas Paine: Political Writings* (Cambridge: Cambridge University Press, 1989), p. 170.

[61] Thomas Paine, *The Rights of Man,* p. 185.

an ultimately self-governing society *cum* nation. But clearly Paine's sharp distinction between state and society crucially depends on his smooth fusion of nation and society, since without a sense of national unity, and with the state reduced to a near redundant organ of society, what would be left of society does not look so civil at all; rather, in the absence of nationhood, we would be thrown back into that sad condition which Adam Ferguson had already and so forcefully lamented in his *Essay on the History of Civil Society* (1767). As Ferguson had explained, "under a general indifference to national objects," society degenerates into "a scene for the gratification of mere vanity, avarice, and ambition […]."[62]

G. W. F. Hegel was very much aware of this risk, which, following Ferguson and others, he took to be immanent in modern society.[63] In Hegel's *Elements of the Philosophy of Right* (1821), several crucial steps are taken in the development of the modern distinction between state and society and it is fair to say that Hegel has left us with a lasting legacy in this respect, whether or not we belong to the all but extinct breed of devoted Hegelians. For one thing, Hegel himself spelled out what is still a widely shared assumption today, namely that "[t]he creation of civil society belongs to the modern world."[64] For another thing, he brought the disjunction between society and state to the breaking point, only to relate them again in the historical evolution of ethical life – *Sittlichkeit.* As to the resulting relations between state and society, it is hard to overestimate the importance Hegel's efforts, regardless of the later fate of German idealism.

In a first and consequential move, Hegel swiftly deprived society of any remaining connotations of unity. For him, unity among human beings flow from the patriarchal family and from the completion of *Sittlichkeit* in the state. But in between family and state, we find society as a realm of pure plurality, and this for Hegel was both a historical fact and a matter of fact in actual societies. "In civil society," he explained, "each individual is his own end, and all else means nothing to him,"[65] and "the ethical is lost in its extremes, and the immediate unity of the family has disintegrated into a plurality."[66] Moreover, in Hegel's view, society is above all the realm of what he called "the estate of trade and industry," and therefore "the corporation" is a central unit in it:

[T]he member of civil society, in accordance with his *particular skill,* is a member of a corporation whose universal end is therefore wholly *concrete,* and no

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[62] Adam Ferguson, *An Essay on the History of Civil Society* (Edinburgh: Edinburgh University Press, 1966), p. 258.

[63] On Hegel and the Scottish Enlightenment, see Laurence Dickey, *Hegel: Religion, Economics, and the Politics of Spirit 1770-1807* (Cambridge: Cambridge University Press, 1987), pp. 186-230.

[64] G. W. F. Hegel, *Elements of the Philosophy of Right* (Cambridge: Cambridge University Press, 1991), § 182, p. 220.

[65] G. W. F. Hegel, *Elements of the Philosophy of Right,* § 182, p. 220.

[66] G. W. F. Hegel, *Elements of the Philosophy of Right,* § 184, p. 221.

wider in scope than the end inherent in the trade which is the corporation's proper business and interest.[67]

But if this is the case, if each individual is but his own end in society, and the most important collectives that exist within it are self-interested corporations composed of self-interested individuals, then division and disorder will clearly pose a constant threat, society being but a condition of pure plurality and unbridled liberty. Thus, and as Hegel knew from Ferguson, civil society easily degenerates into a not so civil condition of vanity, avarice, and ambition in the absence of a principle of unity within it. In response to this plight, Hegel famously described the state as a condition of pure unity at the same time as he described society as a condition of pure plurality. While "the particular interest of individuals" dictated life in society, Hegel suggested that the "strength" of the state "consists in the unity of its universal and ultimate end with the particular interest of individuals, in the fact that they have *duties* towards the state to same extent as they also have rights."[68]

The kind of state of which Hegel speaks here is a nation state, largely as we know it today: a fusion of political authority and community. It is the sense of nationhood held to be inherent in the state which makes it possible for Hegel both to distinguish sharply between state and society, and then to unite them in the historical perfection of *Sittlichkeit.* Thus what we still owe to Hegel in this respect is not primarily related to his philosophy of history; aside from its having been rather unequivocally disproved, the idea that the history of humankind ended in Prussia does not chime very well with currently popular notions about a possible future beyond the nation state. Rather what we do owe to Hegel and others before and after him is the idea that the nation state somehow holds us together as a body of people, while we may interact more or less as we see fit in a society which itself is marked off from the nation state on the basis of its inherent plurality and liberty.

To sum up these elliptic observations about nation state and society, we should begin by noting that the modern state, insofar as it is a nation state, may indeed be seen as a *universitas,* and this in spite of the abstract and impersonal character of political authority. Society, on the other hand, seems to be defined by the very absence of all that which characterizes a *universitas.* Here we have a realm of pure plurality and liberty which in itself seems to lack all sources of internal unity and overarching authority. Yet this is so only insofar as modern society is understood, as it conventionally has been, as being composed of a plurality of *universitates* which taken together rule out any inherent unity in society as a whole. Thus, insofar as the modern nation state is regarded from the viewpoint of the society over which it holds sway, it is not just perfectly able to accommodate collectives within itself; a plurality of such collectives is even essential to it. It is hardly by coincidence that we speak of an open society, not an open nation.

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[67] G. W. F. Hegel, *Elements of the Philosophy of Right,* § 250-251, p. 270.

[68] G. W. F. Hegel, *Elements of the Philosophy of Right,* § 261, p. 283.

Arguably, this understanding of nation state and society is one important backdrop for the prevalence and persistence of nationhood and nationalism in modern sociopolitical theory and practice alike. This is also arguably one important backdrop for the permanent difficulties in making good theoretical sense of society in the modern academic discipline of sociology, as indicated already by Tönnies's renowned distinction between *Gemeinschaft* and *Gesellschaft*.[69] The wisdom contained in our tradition thus seems to say that as moderns, we are doomed to inhabit this precarious nexus of nation state and society, and relentlessly move back and forth between these institutions in our lives as well as in our attempts to understand our lives.

But what, then, has this arrangement done to the university? Let us begin by pointing out some findings in recent research. Although a cherished self-description of the university emphasizes the continuity between the colossal institutions of research and teaching we know today and the medieval corporations of the same name, it has also become customary to point out the university's more recent and, to our modern minds, mundane origins. As has been amply demonstrated in recent research, it was not until the early nineteenth century that the modern university began to take its current shape, after "[t]hree centuries of neglect, decay and even obscurantism," as one commentator has boldly put it.[70]

As suggested by this hyperbole, and as so often, renewal occurred under crisis-like conditions. The fate of the university as an institution was largely an open question around the turn of the eighteenth century, after a long stretch of shaky enrolments and recurrent clashes with ecclesiastical and secular authority.[71] The founding of the University of Berlin in 1810, and the ideal of *Bildung* associated with its founder, Wilhelm von Humboldt, are often mentioned as crucial factors in the nineteenth-century reshaping of the university. In part, the founding of the University of Berlin laid the foundation for the kind of university we still know today, but it was only in the late nineteenth century that the university became what we expect it to be: the primary institution in society for

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[69] See Ferdinand Tönnies, *Community and Society,* (New York: Harper Torchbooks, 1957). Cf. Peter Wagner, "'An Entirely New Object of Consciousness, of Volition, of Thought': The Coming Into Being and (Almost) Passing Away of 'Society' as a Scientific Object" in Lorraine Daston (ed.), *Biographies of Scientific Objects* (Chicago: The University of Chicago Press, 2000); David Frisby and Derek Sayer, *Society* (London: Tavistock, 1986).

[70] Peter Scott, *The Crisis of the University* (London: Croom Helm, 1984), p. 3.

[71] Obviously, this is a massive generalization. For detailed accounts of the developments in the period 1500-1800, see the contributions to Hilde de Ridder-Symoens (ed.), *A History of the University in Europe,* vol. II.

the production and propagation of knowledge, that is, innovative research and state-of-the-art teaching.[72]

With the coming of the modern nation state and the social upheaval that followed in the wake of industrialism, the university was soon made to cater for the urgent sociopolitical needs of the day. The production of specialized knowledge became a means of addressing profound and potentially disruptive processes in society, while education both fed civil servants into the bureaucracies of the state and allowed for the promulgation of a sense of nationhood.[73] In the words of Humboldt, the university was to be "the summit where everything that happens directly in the interest of the moral culture of the nation comes together."[74] Pushing the point a bit, we might even say that far from being autonomous and independent of political authority, the modern university became a continuation of political authority by other means.

But not only did the university become an important vehicle in the formation and perpetuation of the nation state. In a strikingly modern twist, the university as an institution itself became one of the most powerful symbols of nationhood, so that national sentiment was not only built and buttressed through university curricula, but through the very bricks and mortar of actual universities as well. Mythologizing the origins of the university became a way of sustaining the very same sense of nationhood that was propagated through the university. In this circular connection, a new genre of academic literature rose to prominence: the study of the university.

To be sure, texts about universities had been around long before the modern university began to take shape. Catalogues of universities proliferated in the early modern period, many of which contained historical references, compiled in order to provide some guidance in the face of a confusing array of teaching

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[72] See e.g. Sheldon Rothblatt and Björn Wittrock, "Introduction: Universities and 'Higher Education';" Sven-Eric Liedman, "In Search of Isis: General Education in Germany and Sweden;" Björn Wittrock, "The Modern University: The Three Transformations," all in Sheldon Rothblatt and Björn Wittrock (eds.), *The European and American University since 1800: Historical and Sociological Essays* (Cambridge: Cambridge University Press, 1993). For a recent overview, see Björn Wittrock, "The Transformation of European Universities: Disciplines and Professions in England, Germany and Russia," *Contemporary European History,* vol. 13, no. 1, 2004, pp. 101-116.

[73] See the essays collected in Sheldon Rothblatt and Björn Wittrock (eds.), *The European and American University since 1800;* Michael Gibbons and Björn Wittrock (eds.), *Science as a Commodity: Threats to the Open Community of Scholars* (Harlow: Longman, 1985); Björn Wittrock, "Dinosaurs or Dolphins? Rise and Resurgence of the Research University" in Björn Wittrock and Aant Elzinga (eds.), *The University Research System* (Stockholm: Almqvist & Wiksell International, 1985). For American social science in particular, see Dorothy Ross, *The Origins of American Social Science* (Cambridge: Cambridge University Press, 1991); Dorothy Ross, "Modernist Social Science in the Land of the New/Old" in Dorothy Ross (ed.), *Modernist Impulses in the Human Sciences 1870-1930* (Baltimore: Johns Hopkins University Press, 1994).

[74] Wilhelm von Humboldt, *Über die innere und äussere Organisation der höheren wissenschaftlichen Anstalten in Berlin,* quoted in Björn Wittrock, "The Modern University," p. 317.

levels, certificates, and diplomas.[75] Such catalogues served as travel guides or manuals for prospective students, and in that respect they inevitably conjure up our current penchant for ranking higher education – not least since the sheer mass of manuals must itself have caused considerable confusion, in turn calling for further manuals.[76]

Leaving the admittedly fascinating travel guides aside, another even more fascinating genre presaged the modern study of the university. A common medieval and early modern way of bestowing permanence upon universities was to come up with mythological accounts of their founding, often sustained by invoking or simply inventing apocryphal documents. Thus some time between 1226 and 1234 a document was forged in order to prove that the university of Bologna had in fact been founded by Emperor Theodosius in AD 423. Paris drew its lineage back to Charlemagne, whereas Oxford could pride itself on having served as an abode for philosophers who had followed the Trojans after the destruction of the city of Troy. Those of a more modest disposition instead opted for Alfred the Great as the founding father of Oxford.[77]

If these mythologies seem outlandish to us today, we should note that the very same historiographical gesture was taken over more or less wholesale when the modern university was to be provided with an origin suitable for the nation state. This may take us by surprise, given that modern historiography presents itself as a respectable intellectual endeavor in part by marking itself off from mythology. Modern studies of the university clearly owe their existence largely to intellectual developments within the modern university itself; this genre is probably best approached as a multi-parental offspring of the budding disciplines of history, philology, philosophy, and later sociology, to name but a few important contributors. But lest we fall prey to the most naive modern myths of progress, we must nevertheless acknowledge that fact and fiction sometimes blur in wondrous ways in this modern genre as well.

There is no finer example of this than the University of Bologna. Let us backtrack from the present, and from the occasion for this essay, that is, the fifteenth anniversary of the signing of the Magna Charta Universitatum in Bologna in 1988. The signing itself was occasioned by the nine-hundredth anniversary of the University of Bologna. Yet as of 1992 historians had found no evidence that the university had actually been founded in 1088, a date which instead appears to have been fabricated for the celebration of its eight-hundredth anniversary.[78] Before the great jubilee in 1888, a *comitato esecutivo* had been appointed, the members of which included Giosuè Carducci, renowned poet, Professor of Italian Literature at Bologna, and later Nobel Laureate (1906).

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[75] See Willem Frijhoff, "Patterns" in Hilde de Ridder-Symoens (ed.), *A History of the University in Europe,* vol. II (Cambridge: Cambridge University Press, 1996), p. 51.

[76] For a sample, see the select catalogue of catalogues in Willem Frijhoff, "Patterns," pp. 107-108.

[77] The false origins are discussed in Walter Rüegg, "Themes," p. 7.

[78] Walter Rüegg, "Themes," pp. 4-5.

Carducci's patriotism, manifested both in poetry, prose, and polemics chimed well with the circumstances of the anniversary. This event took place at a time when the political unification of Italy was still far from consolidated, and that was a cause for which Carducci felt very strongly. Accordingly, a suitably archaic date was chosen for the commemoration of Bologna, certainly not out of the blue – a thirteenth century document was invoked to sustain the claim – but definitely out of a larger concern for Italian nationhood and the future of the country.[79]

Now the dating of the founding of the University of Bologna may or may not be accurate; that is not the point here. The point is instead that this quasi-mythological historiography of the university must be seen against the backdrop of the process of Italian unification in the late nineteenth century. Regardless of the degree of accuracy in the dating of the birth of the university, the very act of dating bestowed both greatness and permanence on the Italian nation, and it inscribed the university as an essential institution in the midst of that nation, both signifying and upholding its greatness and permanence. Strikingly modest in comparison with the more shameless AD 423, 1088 was nonetheless a product of its own day, albeit one fabricated by celebrated scholars using the tools of their trades.

Thus construed, then, the modern university has been intimately tied to the exigencies of nation state and society all along, but it has also been profoundly complicitous in their very formation.[80] From this sober – or perhaps disillusioned – modern perspective, there may seem to be little or no point in complaining about the university's current lack of autonomy and independence due to various political master plans, social engineering, and economic forces. At the end of the day, the only university we know by direct acquaintance has always both sustained and been sustained by social and political demands within the nation state.

And even though autonomy and independence seem to be necessary attributes of the university, many of us have learnt the hard way that universities are not in fact the wholly self-suffcient bodies their spokespersons sometimes pretend they are, and we should try to heed the implications of this fact.[81] Borrowing a convenient distinction from Sir Isaiah Berlin, the university is not just in need of negative liberty in order to survive; it needs its positive liberty as well.[82] The principle of autonomy and independence of course demands that the university has a decent safeguard against state encroachment, but that alone is not enough. Precisely in order to safeguard against other kinds of encroachment and

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[79] See Giosuè Carducci, "Per l'ottavo centenario dello studio di Bologna" in *Prose di Giosuè Carducci 1859-1903* (Nicola Zanichelli: Bologna, 1928). Cf. Walter Rüegg, "Themes," p. 5.

[80] Cf. Björn Wittrock and Peter Wagner, "Social Science and the Building of the Early Welfare State" in Dietrich Rueschemeyer and Theda Skocpol (eds.), *States, Social Knowledge, and the Origins of Modern Social Policies* (Princeton: Princeton University Press, 1996).

[81] Cf. Jacques Derrida, "The Principle of Reason: The University in the Eyes of its Pupils," *Diacritics,* vol. 13, no. 3, 1983, p. 19.

[82] See Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), pp. 118-172.

related threats, the modern university has paradoxically come to depend on the support of the political authority of the state for its survival.

Already Humboldt argued that "[t]he appointment of university teachers has to be exclusively reserved for the state," and this in order that the university be protected against its own internally divise tendencies; that is, in less euphemistic terms, the endless bickering of its professors.[83] Today the university's dependence on the state for its independence is of course more of an external affair. This is perhaps most obvious in economic matters, where at least European universities in general have grown dependent on state funding in order for their autonomy and independence to be anything but a pipedream. Shorn of support from those who wield political authority in the state, the university is thus in obvious jeopardy of becoming the hand-maiden of those who wield economic power in society.

By now we should be in a position to see the general logic behind the tense relations between the university and the modern state. On the one hand, construed as an autonomous and independent corporation, the university seems to be at odds with the nation state *qua* nation. On the other hand, and as a clever response to this dilemma, the university has also been turned into a most cherished asset of the modern state in the creation and recreation of a sense of nationhood among its subjects. And it is only such a sense nationhood which today allows us to describe the state *qua* nation as a *universitas,* and it is only by being described as a *universitas* that the nation state can present itself as a source of unity among its subjects in the first place. Thus when regarded from viewpoint of the nation state, the university seems to run the risk of being absorbed by that comprehensive *universitas* in whose service it has been employed.

Unfortunately, things do not look much better if we change perspectives and instead regard the university from the point of view of society. From that viewpoint, the university seems to be but one autonomous and independent association among others in society, and thus it may easily disappear among those associations and the relations between them. Or, if we take a Marxist turn, the university seems to be but another bulwark of the dominant class in society, and thus it easily disappears among the great many associations and institutions that are either permeated by the interests of that class, or conditioned by the power structure that prevails in society.

From this it is tempting to conclude that through these modern developments, the university as an institution was not only transformed into something quite different from its medieval prototype; it even ceased to be an institution of the same kind as the medieval university, insofar as it no longer *de facto* possesses the autonomy and independence which *de jure* seem to be necessary attributes of a proper corporation. Under these harsh modern circumstances, to invoke the medieval *universitas* as an ideal for today's university seems to be to fall prey to a particularly damaging and melancholy kind of nostalgia, longing for something that we have not only irretrievably lost but

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[83] Wilhelm von Humboldt, *Über die innere und äussere Organisation der höheren wissenschaftlichen Anstalten in Berlin,* quoted in Björn Wittrock, "The Modern University," p. 318.

which we in effect never even had to begin with. So perhaps the undeniably dull choice between absorption and disappearance is the best we can hope for?

Yet such a conclusion ought to be avoided, for at least three substantial reasons, setting aside no less compelling emotional ones. First, we might well suspect that the university has never in fact enjoyed the unconditional autonomy and independence we take to be inherent to it; it seems reasonable to approach this principle as both necessary and impossible all at once, insofar as actual universities have always had their autonomy and independence both enabled and circumscribed by their relations to their surroundings.[84] Second, we should note that it is only at this point in time, that is, only at the point of entry to our own modern age, that worries about the autonomy and independence of the university come to the fore in the first place, and this because the old corporational status of the university appears to have dissolved into a much more intricate and diffuse set of relations to nation state and society.[85] Third, and most importantly in the present context, we should also acknowledge that there is in fact more to the university as an institution than mere corporational autonomy and independence, and that perhaps our modern sensibilities have predisposed us to lock on to these particular aspects of this highly complex and most resilient institution. It is to this latter point I shall now turn by way of conclusion.

A University beyond Nation State and Society?

Given the historically developed connections between nation state, society, and university, what are we to make of the university in a world where nation states and national societies are widely believed to matter less than they used to? What will happen to the university's autonomy and independence if the institution which has come to sustain that autonomy and independence – the state – no longer itself enjoys the autonomy and independence it used to? To me it seems that in order to successfully address this question we need to reconsider the very principle of autonomy and independence, and try to reinterpret it beyond the confines imposed on us by the modern preoccupation with the corporational status of the university.

Here we should begin by pointing to two relatively recent and largely parallel processes, one inside the university, the other outside it. First, and ever since the interbellum years, there has been an ever intensified, if sometimes unintended, questioning within the university itself of the very notion that the university may pride itself on a common purpose that is exclusive to it and universally embraced by its members. Second, and at least since the the 1950s, European integration, internationalization, and globalization have clearly

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[84] See Paulo Nardi, "Relations with Authority" in Hilde de Ridder-Symoens (ed.), *A History of the University in Europe,* vol. I (Cambridge: Cambridge University Press, 1992); Notker Hammerstein, "Relations with Authority." Cf. Kenneth Minogue, *The Concept of a University* (Berkeley: University of California Press, 1973).

[85] Cf. Björn Wittrock, "The Modern University," pp. 331f.

escalated outside the university, along with a general awareness of such processes and their impact.

If we take these developments seriously, as I believe we should, they will prove to be of utmost consequence for our understanding of the university as an institution, as well as for our assessment of its future prospects. Yet professional arrogance might easily get in the way here. Stubbornly clinging to our inherited ideals, we might argue that since the university well antedates the nation state, it will surely prove capable of outliving it as well. Closer integration within the European Union, internationalization, and globalization may well make the nation state increasingly obsolete, but this does nothing to change the standing of the university in the world in which we live. At first blush, the argument is both compelling and self-flattering: we were here before you, and we will still be here when you are gone.

At a second glance, however, this argument merely begs the question: granted that the modern university evolved in intimate interdependence with nation state and society, we cannot expect it to remain completely unaffected by a possibly profound transformation of these institutions. At the same time, the university has arguably become ever more difficult to characterize in terms of a common nature or pursuit, while this seems to hold true of the society surrounding it as well. While the university has subjected its own received ideas and ideals of science to questioning and critique, national identities seem less and less compelling in many, but certainly not all, societies.

Teaching is perhaps the most obvious example of societal demands on the university. Yet if we take our point of departure in students' expectations that their education be useful, insightful, or both, this is a point where the changing nature of society surely provides a new backdrop to the principles of the Magna Charta Universitatum. Whether students approach our universities with the aim of making themselves employable in an ever more dynamic and international labor market, or simply with the aim of enriching their minds, as the English text of the Magna Charta nicely puts it, the kind of society in which such demands arise arguably owes increasingly less to the nation state and its fusion of political community and authority. Economic, technological, and cultural developments which cut across nation state boundaries thus compel us to rethink the institution of society in order to make sense of the very notion that society places demands on the university.

If we are to take seriously the idea that the university needs to attend to the demands of society, we must therefore also take seriously the prospects of a transnational or even a global society. This is not to say that we should assume that such a society is about to become a reality any time soon; but it is to say that we need to ask ourselves what it would mean to attend to the demands of such a society, were it ever to be realized. So, should that happen, what kind of society might we envisage? The answer, of course, is that nobody knows, but we cannot assume any *a priori* boundaries; beyond that, we can only venture a few guesses based on currently popular hypotheses.

If we are to imagine a society whose boundaries are less than stable, we will arguably not be able to presuppose cultural homogeneity and value consensus

either; nor can we be sure that the perceived needs of labor markets will not change rapidly, perhaps in unexpected ways. In short, deprive society of the nation state, with its political community and authority and its imposed boundaries, and we end up with a transnational version of the kind of entity which many sociologists have struggled with during a large part of the twentieth century: a comprehensive web of human relations which itself cannot be expected to yield any necessary or enduring ties between the individuals and collectives who are related to each other.[86] From the viewpoint of contemporary social science, to envisage such an institution may well help us better understand and explain already manifest processes of change within and between existing national societies.[87] But from the viewpoint of the university as an institution, to envisage this kind of society also seems to pose new and confusing challenges to the autonomy and independence of the university.

This brings us to the changing nature of political authority under current conditions of European integration, internationalization, and globalization. These processes may constitute a test case for the political support of university autonomy. The university will inevitably be in limbo insofar as an established order of states is currently transforming into something as yet both unknown and unknowable. If the university indeed depends upon the support of political authority in order for its autonomy and independence to be effective, and if the state is no longer the sole source of political authority, then the university is bound to suffer some insecurity until new constellations of political authority are safely in place. In the meantime, the sheer existence of a document like the Magna Charta Universitatum might do much to lessen that insecurity. So, what might we expect from a possible dissolution of our inherited relations between nation state, society, and university?

First, we might expect to find ourselves somewhat at a loss as to our identity as academics, precisely to the extent that our institution has been construed in terms of the sociopolitical demands of the nation state. Second, we may expect the ultimate conditions of our subsistence to be profoundly affected as well. Insofar as the nation state is no longer the sole beneficiary of the production and propagation of knowledge, we have no reason to believe that the nation state will continue to provide the bulk of the means for those activities. Third, and related, in the absence of the backing of established political authority we should expect the university to become increasingly fragile and thus, paradoxically, more likely than ever to succumb to the subterfuges of political authority and the lure of economic power.

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[86] On the development and mutations of such a concept of society, see Peter Wagner, "'An Entirely New Object of Consciousness, of Volition, of Thought': The Coming Into Being and (Almost) Passing Away of 'Society' as a Scientific Object" in Lorraine Daston (ed.), *Biographies of Scientific Objects* (Chicago: The University of Chicago Press, 2000).

[87] See Jens Bartelson, "On the Redundancy of Civil Society" in Jan Hallenberg et al. (eds.), *Transitions: In Honour of Kjell Goldmann* (Department of Political Science, Stockholm University, 2003).

That these are profound challenges for the modern university should be obvious, and I take their effects to be manifest in our institution already. I leave it to the reader to come up with examples. But, perhaps less obviously, these challenges also contain some rather exciting possibilities, and heeding those possibilities may well be urgent in light of the profundity of the challenges. To me, the intensified questioning of the nation state which we see today in both theory and practice should alert us to some aspects of the university which have been there all along, but which have been easily neglected or underemphasized simply because they defy the outlook on human institutions imposed on us as residents of nation states. Yet what remains of the university beyond the nation state is hardly some eternal medieval essence, but rather a delicate opportunity to rearticulate and reassert our institution.

This should be done in light of the current questioning of the nation state, but also against the backdrop of the university's extraordinary permanence and resilience throughout the ages. Simply put, insofar as the modern university became what it is largely in response to processes of change in the late nineteenth century, today we should reconsider its nature in response to current processes of change, not least since the latter might be about to undo many of the outcomes of the former. Thus, the kind of changes we are currently dealing with requires a change of tack. It does not suffice either to rearticulate the sociopolitical exigencies for which the university should cater beyond the nation state, or to recapitulate the dogmas of autonomy and independence yet again. The reason is simple: both the functional construal of the university and the attendant construals of its autonomy and independence have been worked out in relation to the nation state and national society.

Clearly the modern university has both sustained and been sustained by the nation state, but it has also been able to remain precariously distinct from agencies of the state and from societal associations and institutions, as evidenced by the recurrent celebrations of its elusive autonomy and independence. But granted that such autonomy and independence do in fact exist, however relative and precarious they may be, from whence do they flow? To me, they too originate in a community of sorts, but in one that is both markedly different from, prior to, and beyond that of the nation state: the global academic community.

Directly or indirectly, research and teaching in a modern university are subject to an ongoing transnational exchange or mobility of theories, methods, concepts, findings, and people. This mobility preceded, and it may well in part have contributed to, the processes we today like to speak of in terms of European integration, internationalization, and globalization, but it may also in turn have benefited from those processes and the increasing mobility they foster in the world in general. Herein, in the community formed and constantly reformed through this mobility, not in some mysterious medievalism, lie the ultimate sources not only of the university's autonomy and independence *vis-à-vis* nation state and society, but also of its authority to assert its autonomy and independence in the face of abusive political or economic practices. It is the great feat and good fortune of the university as an institution that it has managed to maintain and develop this transgressive mobility throughout the formation, transformation, and

possible dissolution of a form of political life based entirely on local mores and manners and exclusive boundaries.

Thus, were it not for the fact that the university by far antedates the nation, it would be fair to say that the university has been an transnational institution all along. As it happens, the university may well be the most successful example in the whole of human history of a truly cosmopolitan institution. Arguably, insofar as the modern university has enjoyed tense relations to the institutions with which it has interacted, this is not so much due to some particular qualities inherent in our professional activities or ways of life, as to the simple fact that our activities and ways of life are inherently transgressive. As a global institution, the university transcends the political community and authority of the nation state, and many of the practices in which we engage professionally reflect this. Meanwhile, as residents of nation states we tend to adhere to their community and authority, and act accordingly.[88]

But although mobility has allowed the modern university to maintain its autonomy and independence *vis-à-vis* nation state and society, and although its particular kind of mobility may well be the sole remainder of the university beyond the nation state, we must not fool ourselves by believing that mobility is a universal remedy for abusive political or economic practices. While mobility for long clashed with the nation state fusion of political authority and community, we can easily imagine how mobility today may serve the political or economic interests of those who are most eager to leave the nation state behind, whether in the name of European integration, cosmopolitan democracy, or global capitalism.

Thus, and somewhat paradoxically, the very transitional phase that promises to liberate the university from its symbiotic relationship with the nation state may itself prove to be the greatest threat against its autonomy and independence that we have seen in a long time. In the face of such a threat, it is imperative that the Magna Charta Universitatum not be turned into an object of post-nationalist politics. That is, while the university should indeed take the opportunity to study and carefully debate the process of European integration and all that is entailed in it, it should not let itself be turned into a purveyor of a European national identity in the making. Facing what the *universitates* of the Middle Ages knew as an *interregnum*, the university now more than ever needs to ponder the fundamentals of its professional activities and ways of life. Here the principles of the Magna Charta should be approached as a suitable starting point, not a conclusive codification.

During *interregna,* the early Middle Ages sometimes took recourse to divine authority in the absence of its worldly counterpart. "Burgundy lacking a king, while our Lord Jesus Christ rules here and everywhere," one document reads.[89] In our supposedly secular day and age, such divine intervention is no longer available to us when we find political authority and community wanting, but that is not to say that we lack *ersatz* divinities. The very ideas of European integration, globalization, cosmopolitanism, and capitalism arguably all serve

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[88] I owe this point to Jens Bartelson. Cf. "On the Redundancy of Civil Society," p. 120.

[89] Quoted in Ernst H. Kantorowicz, *The King's Two Bodies,* p. 334.

analogous functions today; whether we embrace them or fear them, ongoing processes of European integration and globalization promise to take us from one constellation of sociopolitical order and cultural practices to another, thus promising that our current and confusing *interregnum* will be a brief one.[90]

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[90] Cf. Jacques Derrida, *The Other Heading,* pp. 4-83; Jens Bartelson, "Three Concepts of Globalization," *International Sociology,* vol. 15, no. 2, 2000, pp. 180-196; Sofia Näsström, "What Globalization Overshadows," *Political Theory,* vol. 31, no. 6, 2003, pp. 808-834.