Soft Borders

Rethinking Sovereignty and Democracy

Julie Mostov

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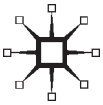

First published in 2008 by
PALGRAVE MACMILLAN™
175 Fifth Avenue, New York, N.Y. 10010 and
Houndmills, Basingstoke, Hampshire, England RG21 6XS.
Companies and representatives throughout the world.

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ISBN-13: 978-1-4039-6553-0
ISBN-10: 1-4039-6553-6

Library of Congress Cataloguing-in-Publication data

Mostov, Julie.
Soft borders : rethinking sovereignty and democracy / by Julie Mostov.
p. cm.
Includes bibliographical references and index.
ISBN 1-4039-6553-6
1. Former Yugoslav republics—Boundaries. 2. Former Yugoslav republics—Politics and government. 3. Nationalism—Former Yugoslav republics. 4. Sovereignty. I. Title.

JN9670.M67 2008
320.1'50949709049—dc22 2007047203

A catalogue record of the book is available from the British Library.

Design by Westchester Book Group.

First Edition: May 2008

10 9 8 7 6 5 4 3 2 1

Printed in the United States of America.

Contents

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Preface

During the breakup of the former Yugoslavia and the ensuing wars in the region, numerous journalists and pundits confidently explained the tragedies of displacement, destruction, death, and horrifying violence in terms of ancient hatreds. "Those people have long histories of bloody conflicts—they cannot live together." This was not the story as I understood it. As a political theorist who had lived, studied, and worked there at various times since the 1970s, I tried to tell a different story—a story of power struggles over territory and resources, boundaries and interests, and terms of belonging. These were struggles waged through national dreams filled with heroic battles, tragic losses, and imagined victories and over ethnicized bodies and sacralized spaces. The conflicts were not spun out of thin air; but their complex roots were tightly linked to the politics of naming, the mapmaking of competing ethno-national "leaders," and a gendered rhetoric of myth, memory, and "naturalized" boundaries.

In the nationalist imaginary of guardians, warriors, and heroes, there was no place for citizens. The guardians' quest for control pretended to democratic norms, framed in the language of self-determination and sovereignty, but it betrayed a disdain for individuals, their choices, and any notion of public welfare. Thus, this study of ethno-national conflict and boundary making brought me back to my earlier interest in the notion of sovereignty, a notion I would need to interrogate in the context of its increasing violation and "mutation" in contemporary practice.

In this exploration, I saw a broader picture of weak states, displaced people, territorial wars, and hardening boundaries juxtaposed with landscapes of movement: flows of capital, weapons, drugs, information, epidemics, and some people. In this picture, relationships of inequality and violence were reflected in differential opportunities for movement and differential status of belonging. At the same time, however, I saw alternative images and negotiations of space in cross-border initiatives and ongoing defiance and contestation of hard borders. This led me to imagine different ways of conceptualizing political space and relationships of social cooperation.

Thus, this study, which began as an attempt to reveal the dangerous and violent consequences of naturalizing ethno-national differences, became a critique of hard border thinking and traditional notions of sovereignty. It became an argument for soft borders and transnational citizenship exercised within and across multiple, fluid polities of different scales: negotiable, flexible, porous, and overlapping spaces of political association.

The work does not romanticize movement but recognizes the cruel grasp of border politics on people's lives. It rejects a notion of sovereignty that encourages fixing political identities, creating hierarchical geographies of place, and facilitating the movement and well-being of some at the expense of others. The argument for soft borders is a plea to reverse the trend of building walls for peace and security and an appeal to open rather than close the opportunities and avenues for collective action.

ACKNOWLEDGMENTS

I have benefited greatly from discussions with friends and colleagues in developing my arguments. I have had a number of opportunities to share my ideas with others and respond to their criticisms and queries. Each of these opportunities has contributed in some way to this work. Rather than take the chance of omitting the names of many who have inspired my thinking or supported my efforts, I have decided to keep my acknowledgments to a minimum. I want to thank specifically those friends who have read and commented on my manuscript or who have listened to my arguments, challenged my ideas, and shared their energy, humor, wisdom, and understanding with me: Sheyna Arthur, Stefano Bianchini, Gabriella Carbonelli, Chin Woon Ping, Elaine DeLancey, Nancy Hirschmann, Duncan Holaday, Rada Ivekovic, Charlie Larson, Magali Sarfati Larson, David Ludden, Vesna Pesic, Nebojsa Popov, Dina Siddiqi, Mohona Siddiqi, and Connie Steel. Special thanks go to all of the DODEs.

Chapter 2 of this book draws on arguments presented in my *Power, Process, and Popular Sovereignty* (Temple University Press, 1992).

The book also expands on arguments presented in "Soft Borders and Transnational Citizens," in *Identities, Affiliations, and Allegiances,* ed. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic, 136–158 (Cambridge University Press, 2007).

I am grateful to these presses for permitting me to reproduce the arguments in these works here.

Other references to my earlier works are found in the endnotes.

Chapter 1

Introduction

Amidst fantasized projects to build higher, longer, and technologically more effective fences against illegal intruders and arguments for fortifying the borders in the United States and Europe, this work proposes a very different approach to borders. Instead of hardening symbolic, legal, and physical boundaries, the object of this work is to think about softening borders, rethinking notions of sovereignty and democracy for the twenty-first century. This soft border approach envisions democratic practices of social cooperation exercised through multiple and overlapping polities by individuals and groups with complex and fluid identities. It reimagines public spaces through practices of collective action that stretch across existing symbolic and territorial borders and are based on functional interdependencies, intersecting interests, and multiple attachments. It draws on my understanding of borders and the politics of national identity developed with respect to southeastern Europe, but I believe that the arguments apply and are important far beyond this context.

Indeed, the disintegration of the former Yugoslavia (and the former Soviet Union) took place in a world in which traditional understandings and institutions of sovereignty were regularly and increasingly being violated and reinterpreted. The ethno-national struggles of postcommunist federations as well as postcolonial states such as Rwanda emerged within a global context of twin processes of integration and fragmentation. The end of the twentieth century offered new democratic possibilities and integrative trends together with enormous economic and political uncertainty, aggressive nationalism, and xenophobic entrenchment. Thus, an argument that evolved as an

attempt to understand and respond to the conflict in southeastern Europe necessarily became an argument about global problems and possibilities. In the following chapters of this work, I will return to the roots of this argument in southeastern Europe, but I want now to set the background for this position in contemporary society and outline the basic assumptions of my argument for soft borders.

BORDERS AND MOVEMENT

While boundaries are regularly and easily traversed today by capital, electronic information, a wide class of goods, environmental hazards, and certain categories of people (privileged passport holders and traffickers), other categories of people are held hostage within the hard borders of their "home" states or blocked at the hard borders of potential "hosts." Today's global economic space of interdependence is one of deep cleavages, severe inequality, and new spatial, scalar, and temporal articulations of social relations and political association.[1]

Global landscapes are defined by a variety of movements and different degrees of rootedness in locations, relations, and cultures, which are themselves dynamic.[2] The range of lifestyles, power, privilege, wealth, and security of the denizens of these landscapes and the groups they move in and through is very wide, as is the range of linkages they establish or by which they are bound. Thus, these denizens compose a picture filled with global entrepreneurs and what Aihwa Ong calls "flexible citizens,"[3] who work and live across borders, often holding at least two passports; dual nationals or permanent residents who live and work abroad at various levels of income, security, status, and ease; undocumented workers, both women and men, who live and toil under a range of hostile conditions with or without families; expatriate "experts" who are part of international development agendas, international non-governmental organizations (NGOs), and global civil society networks; displaced people, asylum seekers, and refugees, who are survivors of ethnic conflict and/or oppression at the hands of one regime or another; virtual activists networking through the Internet; Web customers and workers; and cross-border travelers who make their homes and workplaces in the "borderlands" of the international system refusing to recognize nation-state borders or choosing to cross them at great risk, both ordinary folk whose livelihoods and relations require this risk and traffickers of arms, people, and drugs who profit enormously from these crossings. Finally, there are those who move not at all but whose lives are significantly altered by the movement of others (including armies, humanitarian workers, and family members)

and the flow of goods and services (capital, drugs, and weapons). In this world in which movement is variously privileged, romanticized, and coerced and obstacles to movement are fairly accurate indicators of relationships of power, a politics of hard borders is particularly dangerous to the weak and vulnerable and advantageous to the powerful.

This picture forces us to rethink the ways in which we conceive of political associations and participate in collective action. In this context, designating the nation-space as the exclusive site for democratic decision-making and viewing co-nationals as the only legitimate holders of rights and protections not only is jarringly inconsistent with the reality of many people's lives but also ignores both the potential opportunities and the dangerous threats that this arrangement holds for the denizens of this world. Thus, this work considers possible ways in which to facilitate legal border crossings and cross-border polities as a democratic practice of social cooperation. In doing so, it assumes that individual and group identities are fluid and overlapping and, often, externally imposed; that a critical function of government is the provision of public goods; and that allegiances to different polities do not require long-shared histories or strong cultural ties.

The argument for soft borders, accordingly, challenges ideas about traditional units of political association and social cooperation. It does not suggest any particular arrangement of units or the demise of national or other communities but would certainly affect the relationships of power within communities and between them. It poses questions about jurisdictions and final decision-making authority, challenging a key aspect of the traditional notion of sovereignty. It also questions the linkage between membership in a particular national community and the rights and responsibilities typically associated with citizenship, thus disturbing the power to exclude individuals and groups from the enjoyment of resources and opportunities in a particular territory or space. At the same time, this decoupling of citizenship and nationality also challenges assumptions about the bases of solidarity and bonds for collective action. The arguments in the following chapters will elaborate these challenges and a soft border response.

This work is motivated by what I see to be both the negative consequences of hard border policies and the potentially positive consequences of soft border practices and a rethinking of sovereignty and democracy. Hard borders and hard border thinking undermine people's access to resources, opportunities, and protections; limit possibilities for democratic processes of social choice; and encourage relationships of domination and violence. Hard border thinking

promotes and exacerbates political conflicts, blocks sustainable peaceful conflict resolution, and maintains skewed relationships of power in international markets and development programs. Soft border approaches to political association and collective action increase people's chances of improving the quality of their lives individually and as members of multiple communities and associations. Softening borders encourages sustainable resolutions to ethno-national conflicts and economic and social development. I will elaborate these outcomes in greater depth as we move through the argument in the following chapters.

It should, however, already be clear that this proposal for soft borders is also motivated by certain moral considerations. It is impossible not to place this discussion of significantly different international and domestic relations within a larger discussion of global justice. The overarching argument of this work is to rethink political notions and units of association, to press for a soft border approach to practices and institutions ordering our global society. While I do not specifically address problems of justice, I do point to ways in which hard borders threaten the security and well-being of people—those held hostage to the policies of ethnocrats or blocked at the borders of potential host countries—and suggest that there is something wrong about this. Challenging arguments for hard borders, I address what I take to be the moral arbitrariness of national or ethno-national barriers with respect to the enjoyment of life chances and existing political, civil, and social rights.[4] This work, thus, agrees with theories of global justice that recognize obligations to others beyond national/state borders.[5] It considers the role that boundary-setting strategies play in establishing and maintaining local and global inequalities. And it reveals the ways in which acceptance of the current division of the international order into hard border states and corresponding notions of sovereignty diminishes options for effectively responding to these skewed relationships of power. Thus, while not a central claim of this work, the argument for soft borders offers an avenue toward greater global justice.[6]

This said, I want to note the minimal moral scaffolding that is required to support such a soft border approach. The approach recognizes the equal moral worth of individuals and is concerned that the significant and glaring inequalities in the world today seriously challenge the equal respect and concern that all individuals are due on this account. The argument for soft borders promotes the exercise of transnational citizenship as an important protection of the right to equal respect and concern. It urges us to consider the negative

consequences of hard border politics in global landscapes of fragmentation and integration, marked by mutations, rearticulations, and erosions of sovereignty. It seeks to provide theoretical and practical alternatives to hard border thinking and the institutions and practices associated with it that systematically deny people access to resources and opportunities and leave them vulnerable to acts of violence.

It is a democratic theory, and in this sense it endorses processes and background conditions of social choice that increase the likelihood of more rather than less democracy. Democracy, on this account, is defined by relationships of equality and interdependence.[7] It assumes relationships of nondomination,[8] and it rejects institutions and practices that systematically disadvantage people in collective action. But, while I believe that softening borders is likely to promote democracy, the argument for soft borders does not require a preference for any particular set of institutions. Neither does it endorse any scheme of transnational or world government. Instead, it opens the possibility for more creative understandings of political association and participation in multiple and overlapping polities, which may well be cross-border or transnational. While the soft border approach explicitly rejects the hard border politics of ethno-nationalism and is suspicious of nationalist arguments for hardening borders in the name of domestic democracy and social solidarity, it does not deny the importance of associative obligations or special relationships and commitments among members of particular groups. Those relationships and commitments are not diminished by the softening of borders. On the contrary, they could be better protected or strengthened through cross-border and transnational networks or international legal regimes and bodies.

Nation-state borders have rarely been congruent with the territorial reach of national groups. Indeed, the desire for such congruency has fueled many nationalist struggles and ethnic conflicts, particularly in the context of challenges to citizenship rights for nonnationals within contested borders and nationals beyond these borders in neighboring states. Traditionally, resolutions to these conflicts have been sought through the hardening of borders and movement of peoples (forced migrations, expulsions, ethnic cleansing) or the creation of new states with or without convincing guarantees of the rights of new minorities. The anticipation of such solutions often exacerbates conflicts and the struggle itself leaves a legacy of abuse and insecurity to be exploited by political opponents. Soft border thinking and practical initiatives (political, cultural, and economic) lower the potential gains of would-be ethnocrats and the risks for

nonnationals and neighbors. Soft border thinking promotes creative projects designed to protect cultural resources through cross-border communities and to share economic and social resources among mixed groups without suggesting that anyone relinquish particular group commitments or identity.

The one kind of decoupling that this soft border approach does involve is the decoupling of citizenship from ethnicity or nationality. It is through exclusive citizenship rights granted by nation-states that people become hostages to the powerful politics of hard borders. We are all well aware (whether we acknowledge it or not) of the enormous privileges that citizenship in most wealthy countries holds and the extreme position of vulnerability that the lack of citizenship involves. There is a range of insecurity, discrimination, and inequality of opportunity associated with different citizenships globally and a greater range of conditions linked to other categories of legal status short of citizenship. It is counterintuitive that citizenship as a legal status (gained primarily by being born somewhere or into some ethnic group) should play such a significant role in defining a person's life chances. Thus, this soft border argument envisions that rights and responsibilities of citizenship ought to be enjoyed by all people wherever they live and work on equal terms with others within multiple (multilevel) political associations. Under these conditions, movement across borders would be unconstrained by nationality or ethnicity. Movement might be constrained for other reasons (for example, an arrest warrant for criminal activities or unmet obligations/unpaid taxes in another location.) Removing citizenship rights from their national grounding does not dilute the notion of citizenship with respect to the relationships of individuals in public life.[9]

SOVEREIGNTY

Studies in democratic theory and international relations increasingly take the twin trends of globalization and fragmentation as a starting point for discussion and assume the decreasing relevance of the nation-state in this context. While the notion of sovereignty is increasingly contested, the end of the twentieth and the beginning of the twenty-first century are marked by conflicts over issues of "sovereignty." Our traditional understandings and use of the notion of sovereignty have invested it with a potential for violence, on the one hand, and impotency, on the other—a combination that is not only highly volatile but also inhospitable to democratic development, as the case of the former Yugoslavia demonstrates. Drawing primarily

on that case, I argue that the situation calls for a radical rethinking of the notion of sovereignty and the institutions and practices it grounds.

It is commonplace to note that sovereignty understood in the classical Westphalian tradition of hard borders is conceptually inadequate to define current global processes and international practices. Yet, as I have noted, this notion has remained a prize in the eyes of partisans of independence and secession in southeastern Europe. Traditional notions of state sovereignty provide a conceptual framework for evaluating and constructing processes of social cooperation and for establishing social, legal, and political jurisdictions. These hard border notions of sovereignty still carry enormous symbolic weight and practical consequences, precisely at this historical moment when states' ability to assert sovereign authority is weakening. Fervent claims to formal sovereignty coincide with challenges to the hard border demarcations of the current interstate system and movements toward regional integration. This transitional moment is, thus, characterized by determined articulations of sovereignty and critical reappraisals of the notion of sovereignty, volatile demands for sovereign recognition, and regular relaxation and violation of its principles.[10]

Other authors have offered new ways of looking at sovereignty,[11] articulating changes in social and political relationships of power in terms of patterns of migration, human rights claims, flows of information and capital, and the emergence of global cities. The alternative understanding that I propose follows from my recognition of the consequences of hard border conceptions of political association, including incentives for aggressive nationalism and obstacles to democratic social choice. It follows from a need to rethink accepted units of social cooperation, denaturalize territorial borders, open up the cross-border movement of ordinary actors, and delink the rights of citizenship from ethno-national belonging. At the same time, my argument recognizes that state functions are not disappearing and that weak states are particularly vulnerable to aggressive nationalism and corruption in this global transition moment that Vesna Pesic calls "post-nationalism."[12]

Accordingly, the soft border approach is concerned with increasing the ability of actors at different levels of political association to carry out functions typically associated with the state. It seeks to do this by moving beyond conventional spatial hierarchies of national and local and by promoting the development of multiple and overlapping polities locally, regionally, transnationally, even virtually. These polities are understood as growing out of functional demands for the provision of

public goods and networks of communication, production, commerce, and culture.

OUTLINE OF THE ARGUMENT

In chapter 2, I focus on the notion of sovereignty, both its explanatory value (the extent to which it accurately describes the relationships of power in the contemporary world) and its effect as a symbolic, political, and legal principle in the conduct of political affairs. Toward a rethinking of the notion of sovereignty, I explore the distinction between external and internal sovereignty and propose a relational understanding of internal sovereignty. This takes us briefly through historical debates about the origins and location of sovereignty and contemporary critiques of assumptions about the modern interstate system, sovereignty, and territoriality. Here I consider not only the challenges that come from "violations" of sovereignty in the Westphalian system, but also the opportunities that erosions of sovereignty invite for rethinking the terms of political association and cooperation among individuals in this changing world.

Having introduced a relational understanding of popular sovereignty, I link it to the principle of subsidiarity[13]—addressing issues and situating decision-making at the level closest to those affected—as a means of negotiating jurisdictions in overlapping polities. This partnering will be important in considering possible applications of the soft border approach.[14] As different political entities emerge, the argument for locating decision-making authority should be made in terms of subsidiarity and the ways in which the arrangement facilitates and encourages relationships of equality and interdependence in the processes of social choice.

Before jumping ahead to this relational understanding, I explore the symbolic power of the notion of sovereignty and its link to territoriality (including gendered constructions of space) and continuing relevance in defining people's lives. I recall that the soft border approach is motivated not only by the democratic potential of cross-border polities and transnational public spaces, but also by the destructiveness of hard borders and hard border thinking in this globalizing moment. I look at the ways in which a politics of national identity is tightly linked to this hard border thinking and the territorial assumptions of external sovereignty and an internal sovereignty of the few.

In chapter 3, I explore these boundary-setting practices as a politics of what I call ethnocracy. Ethnocracy can be understood as a

particular type of rule in which power is concentrated in the hands of leaders who promote themselves as uniquely qualified to define and defend the national interests and in which the ruled are collectivities defined by common culture, history, religion, myths, and presumed descent.[15] In order to create political and cultural landscapes that fit their political strategies and aims, ethnocrats attempt to change the demographic makeup of their community and the character of political subjects. Seeking to destroy complex social relations, which might offer resistance to their strategies, they destroy independent social institutions and stunt the development of civic culture.[16] Hoping to gain control over the human and material resources of the nation, ethnocrats combine elaborate historical narratives, national myths, and warnings of national extinction[17] with modern technologies of banking and media. The transition from state to private ownership in postcommunist countries has provided a gray area in which well-positioned ethnocrats have made use of centralized resources, administrative structures, and unregulated economic activity to block democratic economic development. Ethnocracy is intimately linked with the boundary-setting practices of external sovereignty and with hierarchical relationships defined by the internal sovereignty of the few.

Many analysts of ethno-national conflicts, however, are convinced that creating new hard borders is the only way to resolve such conflicts as, for example, in the case of Kosovo. According to most analysts, no real progress toward peace and democratization in Kosovo or Serbia could happen until the status of Kosovo was resolved.[18] At the same time, serious students of the region know that there are no uncomplicated solutions and that all hard border "resolutions" will result in significant difficulties for stakeholders directly and indirectly involved.[19] This is true, generally speaking, when hard border resolutions to questions of status are seen as the only possible options. Posing the stark choice of a hard border option as the only alternative to conflict focuses all attention on potential ethno-national gains and losses. It offers nationalists a particularly successful strategy for hijacking political agendas or drawing attention and resources from other priorities and potential soft border arrangements. In the case of Serbia and Kosovo, everyone focused so much attention on hard border solutions that a soft border alternative became unlikely and undesirable. However, any successful long-term strategy for peace and prosperity in the region will eventually embrace some version of the soft border approach. The present ideal, indeed, for every "sovereign" entity in the region is entry into the European Union.

Tracing the relationship between ethnocracy and hard border notions of sovereignty in southeastern Europe thus leads us to consider a shift in conceptual framework. Within a discourse of sovereignty and hard borders, the dilemmas of simmering ethno-national tensions have few potential solutions. An analysis of ethnocracy encourages us to reject the traditional notion of sovereignty and hard border thinking.

In rejecting traditional notions of sovereignty, I am not suggesting that the functions we typically associate with the state are no longer required. Indeed, weak states unable to fulfill these functions are a significant problem today for the development of democracy and stability in the region and a cause for continued vulnerability to ethnocracy (as fundamentalism and populism). In my soft border argument, I am suggesting that the polities that carry out these functions do not need to be territorial national states with hard borders and internal spatial hierarchies. It is the naturalization of territorial borders that, indeed, supports ethnocracy. Rather, the functions we typically associate with the state can be carried out in a combination of local, regional, and transnational spaces, in overlapping multilevel polities in which people participate in decision-making uninhibited by threats to personal security, violations of rights based on ethnicity (ethnonational identity), and accidents of location. Softening borders means facilitating legal movement and political, economic, and cultural activity across existing nation-state borders.

Before proceeding to this argument, I address the assumption that social cooperation requires thick bonds of common history, language, and culture. To this end, I begin chapter 4 with a critique of a politics of national identity that serves as a mechanism for fixing and naturalizing differences and, accordingly, relationships of domination. I develop this argument drawing on my reading of gender and nation and the politics of naming in the former Yugoslavia.[20] Feminist theory can help us see how nation-building imagery and narratives naturalize national character through gendered metaphors, myths, and relationships. The "natural" gender dichotomy becomes a model for ethnicized binary hierarchies. It facilitates modeling the nation as the primordial family, feminizing the nation-space, and heightening the vulnerability of the nation to violation and occupation. Rejecting this naturalizing turn provides an important tool in dismantling the logic and rhetoric of nationalism and in uncovering relationships of power, which are inherently exclusionary and violent.

The trap in recognizing difference as a political identity is in not paying enough attention to the ways in which the institutionalization of difference can reproduce new sets of "naturalized" identities, binary

oppositions, and hierarchies.[21] An important example of this emerged in the politics of national identity and the breakdown of Yugoslavia. The notion of collective rights was widely theorized and proposed as a guarantee of the enjoyment of linguistic, religious, and cultural expression and local self-government. Yet in the hands of competing ethno-national leaders and self-proclaimed guardians of national values, the notion was used in the service of power struggles that replaced one collective subject—the working class—with another—the nation. Accordingly, individuals were identified as members of either majority or minority ethno-national groups and only publicly recognized as members of such collective subjects.

Rather than the possibility of shifting majorities based on multiple interests and complex identities, the politics of national identity produced the expectation of permanent majorities and minorities. So that one of the few things upon which everyone could agree in the former Yugoslavia was that no one wanted to be a "minority" in the "other's" ethno-national state. Would-be leaders of "minorities" demanded political autonomy or national self-determination and the right to secession—something they in the role of "majority" in their own reconfigured states were not prepared to recognize for new "minorities."

Recognizing that all of us are situated in complex sets of cultural and social relationships does not preclude us from questioning whether these relationships defined by common national myths and memories and a long-shared past are ideal ones for public decision-making. A politics of national identity built on such bonds may provide a mechanism for fixing and naturalizing difference and facilitating relationships of domination. As illustrated by feminist theory and the case of the former Yugoslavia, they may promote notions of belonging inconsistent with democratic choice.

It is usually when vulnerable individuals and groups find themselves excluded from political rights or protections and the provision of public goods that ethno-national or religious belonging becomes critical to their survival. But these relationships of belonging are based on the continued goodwill of elites and the proper conduct of the weak. While they may be a corrective in the absence of democratic practices of social cooperation, thick bonds of belonging are not necessary to the kind of solidarity that makes successful collective action possible.

At the end of chapter 4, accordingly, I begin to address the problem of boundedness and national fellow feeling with respect to forging democratic processes of social choice. The link between nationalism

and citizenship and national identity and democracy is historically limited. The nation-state and national citizenship emerged within a particular international system and a particular conceptual framework of sovereignty, both of which are being challenged today.[22] While the modern notion of the nation played a role in the development of citizenship, its history also made way for organic models of community that promote hierarchical and patriarchal relationships of power and deny the democratic extension of citizenship. The recent conflicts in the Balkans provide an understanding of the ways in which primordial notions of the nation work to naturalize domination and difference and create politics of exclusion, authoritarianism, and corruption. At the same time, the numbers of immigrants, guest workers, refugees, and asylum seekers crossing nation-state borders today challenge milder notions of national identity. Limiting participation in public life to those sharing common national myths, memories, and language prevents many of the current denizens of "host" states from protecting their basic interests and exercising rights and obligations where they live and work. Limiting entry in order to maintain the national character of a territory eventually undermines whatever democratic intentions initially motivated such policy.

The ability to control movement is a powerful determinant of the way in which difference is defined as either an opportunity for self-expression or a source of domination. If only some people exercise the right of movement, then the boundary-drawing exercise is a tool that replicates and fixes differences such that lines are continually being redefined and hardened. Boundary-setting processes that hold people hostages to territories and erect symbolic, legal, economic, and physical barriers among people promote differential relationships of power and standing that are inconsistent with democratic practices of social choice.

Yet, just as there is great resistance to reconceptualize the static units of the interstate system of Westphalian sovereignty, there is significant nostalgia for the notion of national identity. Quite apart from racist/nationalist complaints about the disappearance of white Europe or America, diluted resources, and the loss of unique national character, political theorists appear reluctant to let go of links between nation and state and nationalism and democracy. This is, partly, because fellow feeling is thought to be essential for establishing the requisite trust among members of a polity for collective action: People develop special commitments to those who are like them.

Arguments that are based on moderate or liberal nationalisms, such as David Miller's argument that supports common national histories,

myths, and language as the foundation for resolving collective action problems in a democratic way, imagine a more positive politics of identity than I have described.[23] Yet these arguments support a homogenizing factor in community building that, directly or indirectly, speaks to assimilatory politics, strict rules for immigration and/or naturalization, exclusionary politics around participation in public life, and ethno-national polarization. Given the movement of people and capital or money-producing activities across borders, even moderate nation-based arguments have potentially dangerous and undemocratic consequences, giving voice to "anti-foreigner" parties and politics.

In chapter 5, I continue this discussion, taking up the issue of associative commitments and trust networks. I acknowledge the importance that people attribute to such ties as being constitutive of their self-understanding or as providing valuable connections in the absence of needed social services or public institutions. My argument does not challenge national values but challenges their translation into means of exclusion and mechanisms for fixing hierarchical relationships of power. Religious, linguistic, historical, and cultural affinities are grounds for special ties of friendships and personal solidarity. They are not, however, necessary grounds for the democratic practice of social cooperation. People are able to feel strong affective ties to groups or individuals "like" them and, at the same time, develop political or civic ties to others quite "unlike" them if this is encouraged by institutional design, democratic advocacy, and positive experiences with collective action.

Thus, in chapter 5, I address relationships that foster democratic social cooperation and that make possible an understanding of citizenship decoupled from nationality. I continue by asking, how bounded do democratic polities have to be, and what kinds of bonds provide commitments necessary for democratic practices of social choice? Democratic polities may set some borders, but they ought increasingly to be porous, elastic ones—soft borders. They ought not to provide the opportunity for blocking movement or establishing exclusionary policies, but ought merely to facilitate the management of a particular set of functions typically associated with government, including the provision of public goods, and allow for corresponding processes of social choice. A soft border approach envisions democratic practices of social cooperation exercised through multiple and overlapping polities and by individuals and groups with multiple and fluid identities.

Individuals and groups can develop sufficient commitment to a democratic process of social choice based on their different experiences

of cooperation, expectations of right treatment or respect, and understandings of power. That is, people—in ongoing relationships with others—have certain kinds of experiences with interdependence, dependence, and cooperation that inform their understanding, choices, and actions. These experiences may range from supportive ties between child and parent to degrading economic and psychological relations of domination and abuse.

Similarly, individuals and groups develop different expectations of right treatment or respect through family life, community practices, religious or cultural rituals, or basic life experiences. Some will not expect reciprocity for the respect that they show to others, for acts of kindness and charity, or for the observance of familial obligations; others will expect equal recognition of rights and responsibilities and feel demeaned by the absence of mutual respect in public and private life. Expectations of reciprocity may also be extreme, as in the expectation of revenge and fear of violence, or understated, as in simple acts of civility (one person giving way to another in passing through a door).

Finally, people understand a range of relationships of power: vulnerability, privilege, domination, subordination, equality, and inequality as well as functional hierarchies, such as those of a professor and a student. They may have a very different appreciation of these relationships depending upon their place in them and their sense of the naturalness and inevitability or arbitrariness and injustice of the relationships. Indeed, as with all of the above, these understandings may change over one's lifetime and will leave or will have left a stronger or weaker impact on one's life view and life chances.

Attempts to promote democratization or institution-building for democratic practices of social choice must pay attention to these varied experiences, expectations, and understandings; their distribution and intensity in the particular population or populations in question; and the conditions that might ameliorate or exacerbate bad experiences, such as skewed distributions of resources and lack of governmental accountability. In this sense, democracy is more about institutional design and the background conditions of choice than about shared histories, roots, and values.

In chapter 6, I elaborate the basic features of this soft border approach. The argument for soft borders challenges ideas about traditional units of political association and social cooperation. It does not suggest any particular arrangement of units or the necessary demise of national or other communities, but its implementation would certainly affect the relationships of power within communities and

among them. The argument seeks to sever the link between membership in a particular national community and the rights and responsibilities typically associated with citizenship, denying the nation-state its traditional monopoly over the recognition of such rights.[24] Ideally, softening borders would weaken the state's authority to limit who enters a particular space or to designate the hierarchical status of those "inside" according to ethno-national, racial, gendered, or other ascriptive criteria.[25] This power is already weakened by unregulated movement across borders and new transnational technologies of control over human and financial resources.

Softening borders, while it expresses mobility, does not necessarily involve the physical movement of people. It imagines new configurations of space that include virtual communities and participation in transnational polities or transborder cultural communities locally. Participation in subnational and cross-border polities could, but would not necessarily, require travel, but it would mean that people could participate simultaneously in multiple polities that stretch across previously contested borders. At the same time, softening borders makes the advantages of travel accessible to greater numbers and decreases the danger of traversal. Softening of physical borders (even for very practical reasons such as cross-border water projects or environmental protection) provides the space for symbolic softening of borders that helps to dissolve the naturalized binary differences of outsider/insider entrenched in the discourse of nation or race. Encountering or mixing with the other is not what softening is necessarily about, although crisscrossing of borders at multiple levels has historically produced cultural hybridity and rich creative outcomes. Rather, soft borders undermine the construction of power relations around fixed definitions of difference and institutionalized practices of domination and violence.

Promoting a world of soft boundaries requires rethinking the notion of sovereignty and democratic practices of social cooperation. How would this rethinking be articulated in practice? In chapter 6, I attempt to articulate this rethinking through an elaboration of four important aspects of the soft border approach that have been touched on up to this point. While intimately related, they are separated here for analytical purposes: (1) transnational citizenship; (2) membership in multiple soft border polities; (3) thin bonds strengthened through democratic practices of social cooperation; and (4) access to various levels of transnational or international organizations by a variety of actors. Through a discussion of each of these elements, I link the vision of soft borders to other theoretical and practical concerns voiced in

theories of postnational, denationalized, and disaggregated citizenship and in ongoing debates about globalizing trends, threats, and opportunities. At the same time, I return to themes of exclusion and violence attached to hard border politics and the "last gasps" of nation-state sovereignty.

If we are to move beyond the stranglehold and cyclical patterns of violence encouraged by hard border thinking, we have to recognize that other ways of interacting, producing, and governing are already emerging as part of global processes of border crossing and problem solving. In chapter 7, I consider possible ways to facilitate legal border crossings and cross-border polities as a democratic practice of social cooperation based on functional interdependencies, intersecting interests, and multiple attachments.

Hard border approaches to resolving conflicts in southeastern Europe have left us with the continuation of serious conflicts; with weak governments and fragile political coalitions and alliances unable to provide necessary goods and services or implement fiscal and regulatory policies, establish the rule of law, or gain public trust; and with weak legal economies plagued by crime, illegal trade and trafficking, strained budgets, and increasing gaps between rich and poor. How would a soft border approach help to attack such structural problems as weak governments and weak economies? On the surface of things, it would appear that a major shortcoming of the soft border approach is the absence of mechanisms for extracting revenues for the provision of public goods and establishing bounded polities in which civic cultures and democratic practices of social choice, law, and order develop. However, challenges in the region point us toward strategies that could not only lead to positive change but also support a long-term reorientation of our relationship to borders, an orientation that focuses on state functions rather than on state borders.

These obstacles to stability, security, and progress toward democracy suggest steps toward positive change. They highlight the need for effective and accountable public administration at all levels of government (including effective legal frameworks) and the development of technical and material capacities for strong public institutions (including NGOs and independent media).

This capacity building, however, must be driven by local, practical needs and both local (subnational) and regional strategies voiced by regional players. It makes little sense given the nature of development to limit capacity building in spatial terms to arbitrary and functionally irrational units defined by the hard borders of nation-states. If conditions for cheaper and safer electricity can be created through cross-

border political entities, then the jurisdiction over standards may fall to these entities, ideally taking into consideration the competing or complementary needs, interests, and concerns of smaller and larger units of political association.

Regional economic strategies promoting infrastructure linkages (waterworks; regional power grids; roads, rails, and satellites; and environmental protection) bolster both economic and political capacity. They support power-sharing arrangements at subnational and transnational levels around "state" functions, which are crucial to development and economic growth. They also offer opportunities for the reconfiguration of political power around concrete goals of better lives for the denizens of local communities and cross-border regions, as opposed to externally imposed goals of conflict resolution. The soft border approach explored in chapter 7 responds both to concerns described in earlier chapters about the politics of national identity and hard border notions of sovereignty and to the practical challenges posed by weak states vulnerable to ethnic conflict, financial strains, and global dependencies. It recognizes the potential for meeting these challenges with new social and political imaginaries of space and association.

This alternative understanding of sovereignty, citizenship, and soft borders could lead to a richer and more diverse civil society, overlapping allegiances, local and regional identities, and new expressions of democracy. These expressions of democracy would be built by reimagining public spaces and reconstructing these spaces through relationships of reciprocity and practices of social cooperation that move across symbolic and territorial borders. Softening borders encourages sustainable resolutions to ethno-national conflicts and economic and social development. It offers a possible remedy to a politics of exclusion that holds some people hostage to hard border violence and produces great profits for others, facilitating global processes and institutions that systematically enrich some people while impoverishing others.

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Chapter 2

Locations and Boundaries of Sovereignty

In this chapter, I focus on the notion of sovereignty, both its explanatory value (the extent to which it accurately describes the relationships of power in the contemporary world) and its effect as a symbolic, political, and legal principle in the conduct of political affairs. Toward a reconception of the notion of sovereignty, I explore the distinction between external and internal sovereignty and propose a relational understanding of internal sovereignty. This takes us briefly through historical debates about the origins and location of sovereignty and contemporary critiques of assumptions about the modern interstate system, sovereignty, and territoriality.[1] It is important for us to consider not only the challenges that come from violations of sovereignty in the Westphalian system but also the opportunities that erosions of sovereignty invite for rethinking the terms of political association and cooperation among individuals in this changing world.

Sovereignty has to do with jurisdiction over territory and boundaries of the nation-state and the right to make laws, including the right to determine who is a citizen and who enters the country. The operation of sovereignty in international law separates the territory of one state from another.[2] This formal demarcation by borders or external sovereignty is the basis for membership in international organizations and for participation in the international state system.[3] Recognition of the sovereignty of a nation-state means recognition of the inviolability of its borders and its final authority over what goes on within those borders.[4] This understanding of sovereignty underlies

the Westphalian model of international political life, in which external actors are excluded from "domestic authority structures."[5] This notion of external sovereignty (as a relationship with other states and international institutions) presumes a notion of hard borders. Unregulated or unauthorized border crossings and interventions in internal affairs are violations of sovereignty.

Internal sovereignty designates ultimate authority in society.[6] According to Bodin, "sovereignty is that absolute and perpetual power vested in a commonwealth." The first attribute of sovereignty is the power to make binding law. "All other attributes and rights of sovereignty are included in this power of making and unmaking law."[7] Both Bodin and Hobbes classify forms of commonwealths according to the location of sovereign power. Every body politic is a monarchy, aristocracy, or democracy, the distinction being in the number of those who share in the exercise of power.[8] The location of sovereignty defines the relationship of power within the state, the rights and obligations of citizens, the distribution of public goods and life chances, and the basis of loyalty to the state.

Formal recognition of external sovereignty within the interstate system says little about the location of internal sovereignty and, in most cases, little about its viability. "Sovereignty established an entitlement to rule over a bounded territory, although whether such rule was effective—that is, whether a state possessed sufficient autonomy to articulate and achieve its objectives in relation to other key agencies and forces—was always another matter."[9] Stephen Krasner argues that the effectiveness of political authorities within state boundaries or the nature of the political regime need not empirically or logically influence Westphalian or international sovereignty.[10] Theoretically, external sovereignty (recognition and nonintervention) says little about the organization or effectiveness of internal sovereignty. Yet I would argue that the nature of the regime and its level of effectiveness do affect compromises in external sovereignty (or the ability to resist interventions) and practices of exclusion or inclusion—internal and external boundary-setting practices. External sovereignty and internal sovereignty are intimately linked: Changes in the international state system, perceived violations of external sovereignty, and uncertain or "wrongly drawn" external boundaries have profound effects on strategies to acquire or maintain internal sovereignty. The location of internal sovereignty (in the one, the few, or the many) or the relationships of power in society significantly affect the boundary-setting practices of external sovereignty (for example, the openness of borders). Within its territorial borders, the sovereign state assumes authority over police, military, economics, pol-

itics, demography, and culture. External sovereignty should ensure the absence of external interference in the exercise of this authority and the control of movement across borders.[11]

Contemporary movements that avoid regulation or are unimpeded by territorial boundaries (for example, pollution, disease, finance capital, and electronic messages) put the relevance of this external sovereignty increasingly into question today. Notice of this challenge has become the stock of discussions on globalization and transnationlism. According to Saskia Sassen, "the major dynamics at work in the global economy have the capacity to undo the intersection of sovereignty and territory embedded in the modern state and modern inter-state system."[12] Sovereignty is being unbundled by the global city—a partly "denationalized platform for global capital"—through cross-border activities of transnational corporations and global finance markets and the legal regimes that frame these activities. Sassen notes the emergence of new transnational legal regimes (particularly human rights regimes) and regulatory institutions (either private or supranational) that have taken over functions until recently located in governmental institutions and could undermine the exclusive authority of the state over its nationals.[13] International organizations pursue human rights claims and prosecute violations of humanitarian law and transnational corporations, financial institutions, and entrepreneurs engage in business across borders, all increasingly ignoring principles of external sovereignty. Traffickers of everything from arms and drugs to people violate nation-state regulations and border controls, and states themselves make compromises in sovereignty to protect or promote political or economic interests.[14]

It is probably the case that internal authority structures have always been open to compromises in external sovereignty. John Gerard Ruggie's study of the modern interstate system explains how the conditions of political and economic interaction among the units in this system created the need for "unbundling" of territoriality and sovereignty from the start of the system.[15] This process (beginning with embassies and diplomatic immunities) established spaces for the development of international society and, eventually, for the transnational sea change that we are currently experiencing. Ecological and other interdependencies have encouraged states to engage in trade-offs in which they agree to accept some limitations on their sovereignty (in the form of international regulations) for expected benefits.[16] International responses to environmental degradation demonstrate the relative ease with which the theory and practice of sovereignty adapt to circumstances.

The Westphalian notion of sovereignty, however, based on territoriality and mutual recognition of constitutive units in the system has played a dominant role in international law and in our understanding of the collective political order. The need to be recognized as "a power"[17] in the system and to have final say over the bounded territory of a state is deeply entrenched in our understanding of political legitimacy. Despite radical unbundling of territoriality and sovereignty and erosions of this collective political order,[18] the notions of external and internal sovereignty defined above remain dominant in the way in which politics is conceived. Ruggie argues that the move from the medieval to the modern system of rule involved not only significant changes in the material environment, and the "matrix of constraints and opportunities" within which actors interacted, but also a transformation in what he calls the "social episteme." That is, "the mental equipment that people drew upon in imagining and symbolizing forms of political community itself underwent fundamental change."[19] While the conventional notions of external and internal sovereignty may not accurately describe the relationships of power in the contemporary world, they do describe the symbolic, legal, and resistant political framework within which change is taking place. This framework impedes us in responding creatively to dilemmas facilitated by transnational processes or, more specifically, to fragmentation and ethnic conflict in the face of integrating and globalizing trends. Alternative approaches to ethno-national boundary-setting practices and the hard border politics of national identity require a different social episteme.

This speaks to the need to "denaturalize" the notion of sovereignty. Most of the discussions that I have found questioning the relevance of the term or challenging the assumptions associated with territoriality and sovereignty focus on what I have been calling external sovereignty and on the artificial conceptual distinction between the external world of foreign affairs and the internal world of domestic politics. Both Hendrik Spruyt and Ruggie, for example, challenge the inevitability, mutual exclusivity, and territorial fixness of the modern interstate system of rule by tracing the emergence of this system from the "archetype of nonexclusive territorial rule" in medieval Europe. In the feudal order, people participated in complex networks in which the "occupants of a particular territorial space were subject to a multiplicity of higher authorities,"[20] no one entity had exclusive authority over a territorial space, and rival actors often made claims to jurisdiction over the same domain. According to Spruyt, "at the end of the Middle Ages, the international system went through a dramatic transformation in which the cross-cutting jurisdictions of feudal lords,

emperors, kings, and popes started to give way to territorially defined authorities. The feudal order was gradually replaced by a system of sovereign states."[21] The new modern international system of states explicitly recognized spatial limits to political authority and allowed for more effective control of the material resources within the different societies.

Spruyt reminds us that this particular evolution of the international system based on the notion of sovereignty, as a "principle of territorial exclusivity," based on "internal hierarchy and external autonomy,"[22] was not inevitable but the result of the way in which the units in the older medieval system changed and were in turn changed by the competitive pressures these changes imposed on one another. "all institutions are susceptible to challenges and . . . existing institutions are not necessarily the most efficient responses to such challenges. The sovereign, territorial state emerged because it happened to be better than its alternatives, not because it was the result of some necessary unilinear process."[23]

John Agnew argues that assumptions about the interstate system that conceive of the state as a static, timeless "container" for economic, social, and political processes catch us in a territorial trap. Falling into this territorial trap, we assume that these static states wield sovereignty over their territorial borders and that "domestic" politics within states are discrete and separable from the "foreign" politics of international relations.[24] Accordingly, the international system is made up of mutually exclusive spaces controlled by these sovereign containers and the state is "ontologically necessary" to political life.[25] This prevents us from seeing that territorial borders are the outcomes of strategic interactions of state actors in ongoing renegotiations of power and position among states and within them and that states themselves are dynamic entities "that continually mold and reshape the geographies of the very social relations they aspire to regulate, control and/or restructure."[26]

Stephen Krasner reminds us that, in practice, recognition of sovereignty has always been a question of interest in which the "logics of consequences dominate the logics of appropriateness." With respect to sovereignty, "organized hypocrisy is the normal state of affairs."[27] Thus, some states regularly promote and profit from transnational economic processes and support (if inconsistently) international human rights regimes, at the same time that they defend the privileges of sovereign statehood.

As with external sovereignty, the notion of internal sovereignty is the result of a particular complex of conditions, opportunities, and

constraints as well as theoretical strategies chosen by historical actors and not a fixed and enduring principle. While competing rulers have generally agreed on the importance of "mutual noninterference" to the exercise of effective authority within their respective states, there has been considerable disagreement over the location and nature of this authority. Discussions of external sovereignty tend to ignore the contested history of internal sovereignty and the role of invention in this history. In the next section, I briefly review a part of this history as a background to rethinking the notion of sovereignty. We not only need to reimagine the nature and relationship of units and actors in the international system, but also need to reimagine the "internal hierarchy" of relationships and practices typically associated with the functions/activities of the state.

The Location of Sovereignty

Early theoretical debates about sovereignty focused on the nature of sovereignty, the source of its legitimacy, the concept of divided or shared sovereignty, and its location. The assumption was that it was to be exercised within a particular bounded territory, eventually, within the hard borders of a state. Containing political authority within this territorial space provided effective solutions to historical, economic, and political challenges and processes of change. The ways in which theorists and elites negotiated and justified arrangements of sovereignty within these units resulted in different constitutional designs and more or less stability and viability. The notion of sovereignty was open to reinterpretation in struggles over legitimate political authority and to inventive applications.

In his *Defender of the Peace,* Marsiglio (Marsilius) of Padua, writing in the fourteenth century, was one of the first thinkers to articulate a notion of popular sovereignty recognizing the intrinsic equality of all citizens: clerics and laymen, Christians and non-Christians. The collective body of these citizens, what he termed the *legislator humanus,* or "human legislator," was to "order its own life autonomously through its laws."[28] As the human legislator, the people were sovereign, having no authority outside or above them.[29] The kind of government designated by the people—monarchy or republic—was not of great concern to Marsiglio. The essential point was that "original power remained located in the citizenhood." The citizenhood remained the sovereign legislator at all times, even in transferring executive power to a monarch.[30] The legal theorist Bartolus, a contemporary of Marsiglio, arrived at a similar "ascending" theory from the elements of

Roman law.[31] Taking the notion of *lex regia,* used originally to explain the popular basis of the Roman emperor's public power, he argued that the people's uncontested power to make customary law gave them the right to make written law. The difference was in "the way consent came to be expressed: in the one case it was tacit, in the other it was explicit."[32] According to Bartolus, a "free people" made its own laws and had no superior. The assembled people would elect a governing body but would determine how much authority to confer on it.[33]

While these ascending theories managed to make their way into sixteenth-century constitutional theory, they were a threat to the established order and were mostly obscured through theocratic symbols and rituals (such as coronations) or appropriated by monarchists themselves. Arguing for the right to resistance, sixteenth-century monarchomach theorists developed a constitutional theory that established the source of all legitimate authority in the consent of the people as a whole.[34] The people could be represented by the assembled Estates; and when the Estates were not assembled, the monarch was to govern in conformity with the law. If the king refused to recognize the authority of the Estates, he could be resisted, or removed, as a tyrant on behalf of the community.[35] Royalists later used the idea of the original transfer of sovereignty from the people to the Estates to claim that the sovereign nature of government made the monarch subject only to God.[36] If the original granting of sovereignty to the ruler by the people required some obligation on the part of the monarch to recognize customary law and the well-being of the community, it did not prevent these royalists from claiming supreme power for the monarch or denying the people's right to resistance. Theorists of the period developed various, often contradictory, theories of limited sovereignty or double majesty, hoping either to establish strong ground for the absolute right of rulers through an original transfer of power or to justify the right of the Estates to resist the monarch as representatives of the people.[37]

Bodin and Hobbes rejected the sixteenth-century notion of mixed constitutions or divided sovereignty (shared among the people, the nobles, and the king). Sovereignty was absolute but not necessarily arbitrary rule,[38] and it was inalienable and indivisible. According to Bodin, "If sovereignty is, of its very nature, indivisible . . . how can a prince, a ruling class, and the people, all have a part in it at the same time? The first attribute of sovereignty is the power to make law binding on the subject. . . . If no one in particular has the power to make law, but it belongs to all indifferently, then the commonwealth is a

popular state."[39] The French mixture of an aristocratic parliament, a democratic Estates General, and a monarchic head of state was, in his words, "absurd."[40] Hobbes also rejected both the logic and the practicality of the notion of a divided sovereignty—"for powers divided mutually destroy each other."[41] Mixed government, in which the power to levy taxes depends on the general assembly; executive power, on the king; and the power to make laws, "on the accidental consent" of King, Commons, and Lords, endangers the life of the commonwealth.[42]

The notion of divided sovereignty, however, seemed a more flexible way of defining the source of political authority in opposition to the throne. In England in the early 1640s, parliamentary theorists sought to prevent attempts by Charles I to interfere with the constitutional role of Parliament, without claiming the right to depose him. Fearing the more radical members of Cromwell's army, these moderates in parliament were not prepared to reject that part of English legal theory that left the king unaccountable to positive law. Yet, while they were conceding this attribute of sovereignty to the king, they were also claiming the right of Parliament to legislate without the king—to levy taxes and to raise an army, activities typically associated with sovereignty. They found a solution in the theory developed by George Lawson combining sixteenth-century constitutionalist theory with the medieval theories of popular sovereignty. This theory retained supreme power for the people but recognized the authority of Parliament and the king.[43] Lawson distinguished between the constituent power or "real majesty" of the community and the ordinary power or "personal majesty" exercised in England by the two houses of Parliament and the king. According to Lawson, the community institutes a government through the free and deliberate consent of its members in order to promote its common life. The vote of the community binds its members as citizens and as subjects to the government so instituted. Real majesty belonged to the people and personal majesty to the king-in-parliament. The government was a genuine mixture, no part of it having real majesty. If any part were to exceed its jurisdiction, then the people would no longer owe its allegiance to it or any of the other parts.[44] This understanding of sovereignty is better known to us in Locke's articulation in his *Second Treatise*.[45] Edmund Morgan, commenting on the way in which this now well-accepted notion of sovereignty came into being, argues that it would not be too much to say that the seventeenth-century parliamentarians "invented the sovereignty of the people in order to claim it for themselves—in order to justify their own resistance, not

the resistance of their constituents singly or collectively, to a formerly sovereign king."[46]

These different notions of sovereignty were developed, adjusted, and rearticulated through the eighteenth century by theorists such as Rousseau, on one hand, and American Federalists, on the other hand.[47] The question of ultimate authority within the bounded territory of the state revolved around the idea of whether sovereignty could be divided, that is, held jointly by the monarch, parliament, and the people or whether it was indivisible and absolute. This eventually became a question about popular sovereignty—whether or not sovereignty could be represented and whether one could accept both the constitutive sovereignty of the people and the ordinary sovereignty of representatives (including the executive). If popular sovereignty was inalienable, was it also absolute and indivisible and how could this be institutionalized? Different answers would eventually provide theoretical underpinnings to liberal democracy, republicanism, and populism.

Debates about popular sovereignty have gone in and out of fashion, reemerging, for example, after World War II, in J. L. Talmon's study of the seeds of "totalitarian democracy" in Rousseau's notion of popular sovereignty;[48] and later, in concerns about the desirable absence or presence of popular participation in democratic theory and continuing debates about federation, confederation, and consociation. In the late twentieth century, discussions about sovereignty reappear with demands for national self-determination and the challenges of regional integration and transnationalism. We will return to this "reemergence" later on in the chapter and elsewhere in this work. I want presently to turn to problems associated with the term *popular sovereignty* signaled by Talmon's work, but already present in the precautions taken by American Federalists in limiting the potential "tyranny of the majority." This short diversion should, again, provide background for our rethinking the notion of sovereignty.

Theorists generally agree that democracy "refers exclusively to a form of government in which ultimate control rests in the hands of the people rather than in the hands of a single man or small minority."[49] But, the term *sovereignty* linked to the rule of the people has lost currency with liberal democrats because of the dangers of the tyranny of the majority, which it appears to invoke. According to some critics, popular sovereignty merely transfers the absolute rule of the monarch to the absolute rule of the people and eventually leads to anarchy or the despotism of the few in the name of the people. On other accounts, the notion of popular sovereignty is incoherent or unfeasible. The will of

the people as a set of preferences or a shared idea of the common good cannot be revealed through voting, as the results of elections are mere artifacts of the process of choice. If sovereignty requires that the will of the people be implemented, this presents a potentially dangerous or irresolvable problem.

In his introduction to democratic theory, Henry Mayo expressed a common concern of critics. He noted that regularly used phrases, such as "self-government, popular sovereignty, and rule of the people," do little harm "if we do not take them literally." Unfortunately, according to Mayo, "they are often so taken, to the great confusion of the theory of democracy."[50] He continued, "To talk as though the people actually govern in any modern democracy is to perpetuate a fiction, though we may call it a 'noble lie.' If we take at the start the more realistic view that the public merely elects the rulers or policy makers we shall not be disillusioned when we learn that a high and impossible theory drawn from the small models does not and cannot fit the facts of political life."[51] The only way to prevent the danger of a permanent transfer of authority from the people to a despot is to accept a more realistic view of representative democracy, which "institutionalizes the periodic transfer of popular authority by means of free electoral choice of legislators." If legislators manage to promote policies that represent the preferences of the people to an acceptable extent, this is enough to ask of democracy.[52]

S. I. Benn and R. S. Peters agree that popular sovereignty may be "misleading as a political concept," particularly where it implies a unified will residing in the people and exercising binding authority over everyone.[53] Although they recognize that people define democracy with reference to popular sovereignty,[54] they encourage us to understand this reference in a symbolic sense. In the legal sense of the word, parliament or the crown-in-parliament is sovereign. The people are expected to obey its laws as binding. The will of the people may be understood as sovereign in some political or moral sense but only when it is expressed "through a procedure which weighs some wills against others,"[55] that is, through representative government.

In his study on Hobbes, Locke, and Rousseau, Andrzej Rapaczynski argues that "the very idea of absolute sovereignty, whether located in an individual, an assembly, or the people, is in tension with the individualist premises of liberal politics."[56] The search for a new source of sovereignty to replace the divine right of kings ushered in a modern era of politics, distinguished by at least two potentially conflicting assumptions. The new thinking implied that all legitimate authority derived from "man-made arrangements" and that the absolute will of

the people replaced the will of God. According to Rapaczynski, "It is the first implication that liberalism thrives on while the other underlies all those movements which, ever since the French Revolution, have insisted that a reference to vox populi trumps all other arguments in the political domain."[57] Democrats, following the second implication, have endorsed an idea of democratic legitimation in which the state, as an embodiment of the people, "speaks with its own voice and possesses its own will."[58] In the absence of the liberal notion of prepolitical liberty, "there is nothing in democratic ideology that would a priori force one to recognize any particular mode in which the will of the people is to be expressed."[59] The will of the people could be exercised without the benefit of voting.

This reasoning was elaborated by such theorists as J. L. Talmon, who saw the origins of modern totalitarianism in the democratic idea.[60] According to Talmon, the notion of popular sovereignty provides a theoretical expression of the will of the people (Rousseau's General Will) that gains a voice independent of the outcomes of voting or the actual preferences of the members of society. Identified as the general will and expressed through the program of a vanguard party or by the leaders of a mass movement, it provides the seeds for totalitarian democracy. This scenario has appeared as a standard motif in the cautionary tales of critics of popular rule.[61]

For others, the problem with the characterization and justification of democracy based on popular sovereignty revolves around the question of "feasibility."[62] William Nelson, for example, understands popular sovereignty as requiring that "the people's choices, preferences or values are reflected in laws and governmental policy. To say that the people are self-governing is to say that what they believe ought to be done by the state is done."[63] According to Nelson, then, for the theory of popular sovereignty to work, we would have "to find a coherent account of what is meant by 'the will of the people' and . . . an argument to show that state action ought to accord with the will of the people so conceived."[64] In a democracy, the only way to reveal such a will would be through voting. Nelson reminds us, however, that any outcome reached through acceptable majoritarian elections is merely the result of a particular method of aggregation and tabulation; and he suggests that this does not capture the notion of popular sovereignty or its particular appeal. If people desire to govern themselves, it is in order to assert their moral autonomy, to follow only those laws they make directly for themselves. Rule of the people consistent with this notion of moral autonomy must be based on unanimity in decision-making. "In general, then, a government cannot

satisfy the demands of autonomy or liberty unless its acts consistently coincide with the unanimous will of its citizens."[65] Nelson rejects this as anarchy and states that "insofar as we have an argument for the conclusion that popular sovereignty is desirable, we also have an argument to show that no government, including democratic government, is guaranteed to produce popular sovereignty."[66]

Norberto Bobbio posed the problem of popular sovereignty in another way. He was concerned that modern translation of the notion of sovereignty diminished the actual decision-making power of the people. "The model of the democratic state, based on popular sovereignty, was conceived in the image of, and analogous to, the sovereignty of the prince, and hence was a monist model of sovereignty. The real society underlying democratic government is pluralist."[67] He continues by noting that as "an unrestricted mandate was transferred from the sovereignty of the king to the sovereignty of the assembly elected by the people," the rule of the people depends on the relationship between this assembly and the people.[68] In practice, however, according to Bobbio, "the sovereignty of the individual citizen is limited by the fact that the major decisions which affect economic development either are made without consulting representative bodies, or if they are consulted it is only after decisions have already been made in the corridors of power, where the vast majority of sovereign citizens have no say whatsoever." Sovereignty is measured by the degree of representation, but this only emphasizes the lack of power in the hands of the people.[69] If those who are making decisions are representatives of the vested interests of the few, then the citizens cannot be said to be sovereign.

This discussion of popular sovereignty is set aside and superseded with the breakdown of the former communist federations, postcolonial conflicts, multicultural debates and challenges, and movements for regional integration. New notions of shared sovereignty appear as supranational; and transnational institutions contest the ultimate decision-making power of the state. New justifications for sovereignty emerge as ethno-national claims contest the units of self-governance. By the 1990s, almost all mention of the term *sovereignty* has to do with changing relations in the interstate system and recognition of newly emerging states. Concerns about voice and participation appear in discussions about the democratic deficit of transnational organizations. There is little mention of the term *popular sovereignty,* except as a way of justifying ethno-national self-determination, in which the "people" becomes the ethno-nation and in which sovereignty is claimed by this ethno-nation over its (desired or historic, and, often,

contested) territorial space. Success, here, justifies whatever internal distribution of power sovereignty requires. This hard border translation of self-determination has led to limited options that have been more conducive to promoting populism than democracy, as we shall see in chapter 3.

Notions of sovereignty are inventions, yet they are deeply rooted in intellectual, legal, and political traditions. In rethinking sovereignty, we need to remain concerned about the relationships of power being articulated by political institutions. The question of who has final say or how to negotiate shared power remains a critical one embedded in the traditions and practices that have evolved with the current system and that are emerging with the new configurations. In reimagining political association, we need to deal with questions of empowerment that sovereignty was designed to answer.

Relational Sovereignty

The question of empowerment requires us to articulate relationships of power without the hard borders of external sovereignty. To this end, I understand sovereignty as a relationship of individuals in the process of social choice. This approach loosely follows in the tradition of Bodin and Hobbes in distinguishing forms of sovereignty by the location of authoritative decision-making power in the hands of the one, the few, or the many. For sovereignty to be in the hands of the many, there must be an equal distribution of power among those of its number. Following this logic, each member of the whole must stand in a relationship of independence and equality to every other in making authoritative social decisions. Given the unlikelihood of this arrangement in real life, the relationship of individuals distinctive of this popular sovereignty becomes a standard by which to measure existing relations of power. The degree to which institutional arrangements, law, and the distribution of resources in society support this relationship indicates the extent to which people are sovereign. Accordingly, sovereignty has to do with relationships of power and background conditions for social choice rather than with the coincidence of decisions with particular goals said to reflect the people's will. Democracy is, then, defined by the logical requirements of relational sovereignty. Decision processes are democratic to the extent that they support and promote opportunities for citizens to check the power of officeholders, to chart the course and shape the content of policymaking, and to reject policies and processes as incompatible with interdependence and equality.

Given the objections to the idea of popular sovereignty including those briefly outlined above, why not avoid using this troublesome notion at all? I believe that there are several reasons for retaining this notion in a limited way, as a measure of relationships of social choice in this soft border approach to political association. The first has to do with a guiding assumption of traditional notions of internal sovereignty, that is, that in every polity there is some ultimate authority, some individual or group of individuals that exercises final say over social decisions. This notion corresponds to most people's view of reality, but people usually experience it as the sovereignty of the few. That is, social power is concentrated in a small number of hands and exercised by agents of the powerful through various institutions and social relations.

Indeed, many theorists concerned with internal sovereignty highlight the notion of sovereignty as "power over" or the "internal constitution of sovereign power *within* states through the exercise of violence over bodies and populations."[70] The emphasis here is on the sovereign authority to discipline, to commit acts of violence with impunity, and to exclude certain people from legal protection and recognition as citizens or even as persons worthy of the enjoyment of human dignity. Understandings of sovereign power described by theorists such as Bataille and Agamben note the performative aspect of sovereignty in its demonstration of capacity "for visiting violence on human bodies" and its projection as "given" and "natural."[71] These theorists' descriptions of practices of the modern state and its disregard for life, particularly, with respect to refugees, asylum seekers, and the poor and disenfranchised[72] reflect the concerns underlying my critique of hard borders. The idea of soft borders rejects the violence of exclusionary and disciplinary practices, seeking to reconceptualize spaces and frameworks of social cooperation and undermine processes and practices that encourage internal hierarchies of the few. Using the notion of relational popular sovereignty should allow us to draw attention to and reject these processes and practices and replace them with plural, fluid, and overlapping locations of democratic decision-making.

The second reason has to do with misconceptions around the idea of self-government or popular sovereignty that support populist ideologies associated with authoritarian movements, including nationalism. Hard border notions of external sovereignty base exclusionary and expansionist policies on ideas about ethno-national self-determination that at once promote the will of the nation (expressed by the leaders/guardians of the people/nation) and the demand that this will be ex-

pressed within the appropriately defined territorial space as a sovereign national state. A relational notion of popular sovereignty provides an alternative understanding of self-determination that rejects populist/nationalist understandings of the term and meets concerns about coherence and feasibility in decision-making. It is about relationships of social choice, not about the coincidence of choices with the will of the people/nation. It only assumes that individuals do not want to be denied equal standing in processes of social choice and do not want to be systematically disadvantaged in and by these processes.

The third reason for including a relational notion of popular sovereignty in this discussion is to address concerns about potential democratic deficits in multiscalar and overlapping soft border polities. As I discuss in chapters 4 and 5, many theorists argue that democracy requires bounded polities. The soft border approach that I suggest in this work argues that the boundaries of polities can be softened without undermining the democratic nature of social choice. Multiple memberships in overlapping polities are not an obstacle to democracy; whereas hard borders increasingly threaten the democratic potential of global interactions and the rights of individuals. The relational understanding of popular sovereignty suggested here involves a very thin republican model of reciprocity and social cooperation that does not require strong bonds of identity or belonging but that recognizes interdependence as a reality of political life on a number of different levels and across transnational spaces. Focusing on relationships of equality and interdependence makes it possible to talk about democratic processes of social choice across borders and in dynamic spaces of multiple scales.

In the soft border approach, this relational understanding of popular sovereignty works partnered with the principle of subsidiarity to address issues of competence and the exercise of authority in multiscalar and overlapping soft border polities. Subsidiarity, as noted, means addressing issues and situating decision-making at the level closest to the problem at hand or closest to those whose interests are directly or significantly affected. This is frequently translated as the local level when possible and effective.[73] Decisions should be made at higher levels only when necessary to promote the well-being of the individuals concerned. For example, protections of diversity or equal standing may be best recognized at regional or supranational (transnational) levels or the issues at hand may be so interconnected with other global concerns that coordination is needed at various regional or global levels. The question still remains of how to decide

when a matter is best considered at what level.[74] Bringing decisions to the local level does not ensure that power elites or majorities will not practice exclusionary policies or that some people will not be systematically disadvantaged by locally/regionally made decisions. As Stephen Castles and Alastair Davidson note, "Power 'from below' can rapidly turn into a new and more narrow exclusivism. When the *Lega Nord* took control of the rich Italian regions, it adopted exclusionary and then racist policies, first against Southern Italians and then against foreign labour."[75] Moreover, while the language of subsidiarity is attentive to individual agency, it is also potentially paternalistic in the assessment of interests.[76] The relational notion of popular sovereignty provides another measure for determining where decisions should be made that decreases this potential paternalism (for example, by questioning assumptions about where expertise and experience are located) and increases the democratic potential of subsidiarity.

Operationally, linking the two would mean that as different political entities emerge, arguments about where to locate decision-making authority would be made in terms of subsidiarity and the ways in which particular arrangements facilitate and encourage relationships of equality and interdependence in the processes of social choice. David Held articulates this thought in terms of a combination of the principles of inclusiveness and subsidiarity, which "should be taken to entail that decision-making should be decentralized as much as possible, maximizing each person's opportunity to influence the social conditions that shape his or her life. Concomitantly, centralization is favoured if, and only if, it is the necessary basis for avoiding the exclusion of persons who are significantly affected by a political decision or outcome."[77] In order to move beyond hierarchies of power over, the partnering of the relational notion of popular sovereignty and subsidiarity must avoid (re)producing the dichotomies of inclusion and exclusion, us and them, that is typical of hard border sovereignty and must provide a mechanism for designing processes of choice that supports the equality and interdependence of transnational citizens in multiple and overlapping polities. We will return to this partnership in later chapters.

Transitional Moment

In the introduction to this work, I noted that this is a transitional moment in which the processes of integration are met with those of fragmentation, and in which we see new transnational movements and

actors together with resistant and adaptive institutions of state sovereignty. The international system still functions more or less according to the Westphalian notion of sovereignty or the hard border territorial claims of states as sovereign entities in this system. Nation-states are still critical actors in the global economy and in transnational processes. Transnational actors who violate conventional principles of territorial sovereignty, bypassing national regulatory bodies and asserting international legal claims or transnational trade policies, often rely upon national legislation to protect their competitive interests, property rights, and physical security or (depending upon the actors) to implement human rights or health standards. Transnational actors rely upon the policies of nation-states to provide public goods and maintain desirable internal relations of power.

Still, there are considerable challenges to the notion of sovereignty and to the hard border assumptions that support it; and these challenges seek new political solutions in different forms of political association and social cooperation.[78] These challenges come with new technologies and cultural trends: greater mobility, economic growth, regional integration, and new avenues for inclusion as well as increased displacement of peoples, increasing inequalities, new barriers to resources, and violent political and territorial fragmentation. They register a sea change in economic and political processes that require new political and social responses and produce new actors, practices, and institutional alternatives. These actors, practices, and institutions, at the same time, produce and deepen these trends; and not all of them are necessarily improvements.

The varied impact that this transformation has on differently situated people and polities is a part of its history. Transnational movements have expanded participation for some and, at the same time, left huge holes in the road and barriers to participation for others. Transnational capital and crime have prospered, while some people remain hostages within the hard borders of the interstate system. There are significant differences in individuals' and groups' enjoyment of cross-border mobility. The relevance of sovereignty is greater for those who have not yet enjoyed its psychological, symbolic, and political empowerment. These differences and the varied ways in which the current and future changes in the interstate system could affect the life chances of differently situated people should also direct our rethinking of the notion of sovereignty.

The transnational challenges to territorial sovereignty have produced sites of contestation, such as global cities, international courts, transnational financial and intergovernmental networks, and transnational civic

spaces. Appreciation of these sites is critical to our understanding of the current evolution and potential demise of the notion of sovereignty. At the same time, we need to analyze the demands for sovereignty that are part of this evolution.[79] We need to look at the ways in which competencies typically linked to functions of the state still play an important role both in providing for public welfare and in limiting people's access to rights and resources.[80] We particularly need to examine how the notion of territorial sovereignty continues to define the lives of people in places in which the struggle for power takes the form of claims to self-determination and control over a bounded national space in the name of a particular ethno-nation.

The symbolic power of the notion of sovereignty should not be underestimated. In the next chapter, we will see the link between hard border notions of sovereignty and the dangerous politics of ethnocracy. Ethnocrats not only draw on the symbolic power of sovereignty, but also draw on its effectiveness as a tool of empowerment in processes of nation- and state-building. This brings us back to the territoriality of sovereignty, in which sovereignty is coupled with ownership of the nation-space and control over boundaries. "Boundaries are central to the discourse of sovereignty. It is not merely a case of physical boundaries which separate one sovereign state from another, but of cultural boundaries which separate the 'same' from the 'other' and of conceptual boundaries which distinguish the domestic from the international, community from anarchy, the universal from the particular."[81] The enclosing of the nation-space, the defense and expansion of borders (physical, cultural, and symbolic), and the claim to historic rights and belonging to the land are tied up with the notion of territorial sovereignty. Terms such as homeland and motherland increase the possessiveness with which notions of ownership are expressed.[82] Even the resources of the territory are romanticized so that it is not just the wealth produced by inhabitants and taxes collected that belong to the nation, but also the rivers, mountains, and valleys and the blood and bones (ashes) of all of the fallen guardians of this land.[83]

There is also a gendering of the state and the nation that adds to the symbolic weight of sovereignty. According to theorists like Hillary Charlesworth, "the state constituted by international law is bounded, self-contained, closed, separate entity that is entitled to ward off any unwanted contact or interference. . . . Like a heterosexual male body, the state has no "natural" points of entry, and its very boundedness makes forced entry the clearest possible breach of international law."[84] The male construction of the state is juxtaposed with the

feminization of the nation-space (landscapes, farmlands, and battlefields), which is vulnerable to occupation and violation.[85] The nation is adored and adorned, made strong and bountiful or raped and defiled, its limbs torn apart, its womb invaded. The vulnerability and seduction of women/borders (space/nation) require the vigilance of border guards.[86] The masculine state not only protects the space of the nation but also regulates the lives of the inhabitants of this space, as is best seen through its control over entry (immigration) and reproduction. The latter has been articulated in terms of "state fatherhood"; the nation is defined as a family; and motherhood and reproduction are supervised by the "father." Reproduction and sexual relations are political acts and must be put firmly under the control of the state and its moral and cultural institutions (church and family).[87]

This gender imagery helps to naturalize the notion of sovereignty and strengthen emotional attachment to its quest and its struggles to resist violation. It has been particularly effective in the nation- and state-building strategies of nationalists. Contesting the notion of hard borders and the claims of states to territorial sovereignty involves challenging gendered imagery and boundary setting and, at the same, facilitates new avenues for inclusion and cross-border activity. Sassen argues that the spaces of international civil society "represent a space where women can gain visibility as individuals and as collective actors, and come out of the invisibility of aggregate membership in a nation-state exclusively represented by the sovereign."[88] Wresting free from the hold of the hard border nation-state and territorial sovereignty is at the same time a process of creating a new social imagination[89] or as Ruggie calls it a "social episteme" that can embrace attachments to place without the high walls of hard borders and the thick bonds of nationality.

The ideal that I envision of soft borders looks toward greater ease of movement and cooperation across fluid entities. Rather than being threatened by overlapping jurisdictions, the participating units find different mechanisms of resource sharing in a variety of venues for deliberation, production, and exchange. Arrangements gain legitimacy in this dynamic system by offering greater personal security, effective access to democratic processes of social choice, and protection of citizenship and other individual and collective rights. New international/transnational legal regimes, public spaces, and actors necessarily play critical roles in supporting these values within and across the soft borders of emergent multiple polities. This reconceptualization is not limited to conventional polities in space as it enables networks of people, organizations, communities, businesses, and other concerns to engage in public life.

This soft border approach is motivated not just by the challenge to envision cross-border polities and transnational public spaces, but also by the destructiveness of hard borders and hard border thinking in this globalizing moment. In chapter 3, I look at the ways in which a politics of national identity, which I call ethnocracy, is tightly linked to the hard border thinking and territorial assumptions of external sovereignty and an internal sovereignty of the few. Not only does this prove a dangerous combination in ethno-national conflicts, but it also poses huge obstacles to peaceful resolution of complex questions of international membership and the status of individuals, groups, regions, and would-be states.

Chapter 3

Sovereignty and Ethnocracy

The dynamics of state- and nation-building associated with the breakdown of the former Communist regimes in eastern and central Europe put sovereignty at the forefront of political discourse and practice in the late 1980s. The breakdown left a power vacuum to be filled by competing elites eager to lay claim to the resources associated with state authority in the international system. With the prospect of economic and political restructuring, would-be leaders of newly emerging political movements and reconstituted parties began looking at ways to distinguish themselves in future contests for political power.[1] Given the historical aspirations to statehood (or desire for territorial expansion) deeply entrenched in the national memories and myths of their communities, these elites could effectively make their claims in terms of their respective abilities to gain statehood for their ethno-nations (or defend and regain historical boundaries).

These elites were aware that the status of the nation-state in the international system was already eroding. However, they did not see greater European integration or general economic, technological, and cultural trends toward increasing global interaction and interdependence as deterrents to their ethno-national strategies. Indeed, many recognized that access to the integrative processes would be predicated on their first gaining recognition for their respective communities as nation-states. Moreover, competing elites in some former federal entities (for example, Slovenia) figured that they would be in a better position to participate in global markets and integrative processes on their own, free of the burdens of the less developed and politically less progressive entities in their old federal states.

Enormous incentives are still attached to recognition as a separate nation-state, and the process of disintegration and state-building continues to demand our attention and claim lives. The international system, still a system of sovereign nation-states, recognizes states in special ways with membership in international bodies, diplomatic posts, and participation in international agreements and security arrangements. Sovereignty can be seen as "a ticket of general admission to the international arena."[2] International funding agencies provide material and human resources necessary for transition projects to nation-states. Finally, participation in many of the regional organizations or supranational institutions is still organized via state governments. Only nation-states have had a chance to become full members of the United Nations, the European Union or NATO.

In addition to the incentives attached to recognition as a sovereign nation-state in the current international system, there are also internal incentives for state-building strategies, including many defining aspects of sovereignty: lawmaking, policing, taxing, and determining the content and scope of citizenship. In the contests for control over the human and material resources of the "nation," the race to gain sovereign statehood has been a central feature and a justification for what I call ethnocracy.

ETHNOCRACY

Ethnocracy can be understood as a particular type of rule in which power is concentrated in the hands of leaders who promote themselves as uniquely qualified to define and defend the national interests and in which the ruled are collectivities defined by common culture history, religion, myths, and presumed descent.[3] In order to create political and cultural landscapes that fit their political strategies and aims, ethnocrats attempt to change the demographic makeup of the community and the character of political subjects. Seeking to destroy complex social relations, which might offer resistance to their strategies, they destroy independent social institutions and stunt the development of civic culture.[4] Hoping to gain control over the human and material resources of the nation, they combine elaborate historical narratives, national myths, and warnings of national extinction[5] with modern technologies of banking and media. The transition from state to private ownership has provided a gray area in which well-positioned ethnocrats have made use of centralized resources, administrative structures, and unregulated economic activity to block democratic economic development.

The struggle to establish ethnocracy involves five interrelated processes: (1) the changing of boundaries, that is, a redrawing or creation of territorial and symbolic boundaries, boundaries between different collectivities and boundaries between individuals; (2) "nation-building"[6] in which the nation is "recovered" in its unadulterated form, along with a national ideology, vision, and "way of being," the nation's primordial links to the past are reconstructed and celebrated, giving blood ties a central place in national identity; (3) "state-building" in which political and cultural institutions are constructed to ensure the dominance of the "recovered" nation and to redefine the criteria of citizenship and the bearers of political rights; (4) the replacement of one collective subject with another, reducing the number of legitimate political subjects and controlling access to the public arenas; and (5) the changing of landscapes—the destruction of cities and cultural markers and the exclusion, expulsion, and movement of people.[7]

The breakdown of the Communist regimes in eastern Europe left the political field open for competing groups and elites but gave little time for establishing new political associations or identifications. Politicians seizing on the politics of national identity filled this gap. In the former Yugoslavia, guardians of the national interest were successful in winning elections in every one of the newly formed states; and similar-type politicians made significant electoral gains elsewhere (Romania, Hungary, and Russia). Disputed historical borders and conflicting claims to territories "won or lost" in wars or as the result of treaties negotiated by foreign powers provided the backdrop against which securing and expanding existing territorial boundaries comprised an important part of ethno-national programs. Would-be national leaders competing for political power embellished the disputes and the wrongs, and they bemoaned the hardships suffered by "their" people against this historical backdrop. They redrew contested borders and promised to secure proper ones by force, if necessary, or pointed to the plight of co-nationals living outside of the existing borders; they warned of future possible losses of territory or tantalized people with future possible gains. In the former Yugoslavia, mapmaking became an obsession.

Redrawing territorial boundaries in order to realize the congruence of nation and state[8] involves what Katherine Verdery calls a "homogenizing, differentiating, or classifying discourse."[9] That is, it involves another kind of mapmaking: one that draws boundaries among people, separating them from one another or pulling them together under one roof. It corrals people into newly constructed and constricting boundaries, inevitably stripping them of attachments and

identities and imposing new ones. Potential invasions or violations of boundaries by neighbors, also caught up in mapmaking, provide national leaders with material for their own purposes, material suited to inflammatory speeches and helpful in unleashing fears and uncertainties and in awakening anger and national pride.

Construction of symbolic and cultural boundaries between individuals and collectivities reinforces the role of the ethnocratic leader in protecting national geographic borders.[10] Conscious of this, would-be ethnocrats revive stereotypes and prejudices to emphasize differences and dangers and name their opponents accordingly.[11]

The desire to make boundaries irreversible and to reiterate their "naturalness" makes recourse to the storehouse of national mythologies particularly appealing. Images drawn from epic tales and folklore, popularized in newly composed songs and in political speeches, which trace the primordial, eternal nature of the nation and its battle against enemies, transfer the conflicts with "others" from the spheres of politics, economics, and history to the otherworldly sphere of myth. Serbian warriors, for example, are epic heroes fighting for sacred national values but not just these values. Rather, they are waging a war for humanity against the "infidel." They are of epic proportion and their adversaries are less than human or monsters.[12]

Symbolically, religion, language, and gender and, in particular, proper gender roles become boundaries in the national iconography. Women's bodies become boundaries of the nation. That is, not only are women's bodies seen as symbols of the fecundity of the nation and the vessels for its reproduction, but they are also seen as territorial markers. Raping the "other's" women is a violation of territorial integrity, an act of war and conquest. Men who cannot prevent the rape of "their" women are defeated as on the battlefield, since they have failed to protect their borders.[13]

This combination of symbolic and political strategies in the former Yugoslavia mapped out the territories of the contested states and invested everyone in battles over sovereignty. Put in these terms, the lines were drawn and had to be preserved and protected at all costs or the lines had been drawn, but in violation of the historic truths and national interest, and had to be revised. Here the notion of external sovereignty took on special significance in the strategies for recognition and in grievances of past violations, including the Great Powers' manipulation of boundaries and "colonial"-like treatment of the internal borders of the former Yugoslavia.

In this context, linking the quest for internal sovereignty to the principles of self-determination emerged as an effective strategy for

domination. Rather than an argument for the enjoyment of cultural autonomy or popular self-government, self-determination became a justification for the most brutal transformations of social spaces. Following the hard border assumptions of external and internal sovereignty, ethno-nationalists claimed, variously, the right to rule the state in the interests of their (majority) ethno-nation; the right to expand the territory of their state; and the right to secede, if a minority in someone else's national state. In the latter case, this would potentially lead to new waves of exclusions and expulsions and claims to self-government. In the second case, members of the nation living outside of the existing territorial space would be brought home to "their" national space, under the rule of "their own" leaders. The preferred solution would be that these co-nationals break away *with* "their" territory and revise the borders of the homeland.[14] Thus, for example, the Serb leaders of the Krajina region in Croatia announced their demand for independence in a step toward (re)integration with Serbia. (Instead, most Serbs were driven out of their homes during Croatia's military campaign to retake the region and became refugees, not warmly embraced by the "shrinking" Serbian state.) In effect, this process resulted in another hard border option, forced population transfers. In the "worst case" scenario, ethno-national leaders consolidate their position as minority spokespersons within the "other's" state.

According to Yael Tamir, who makes an impressive argument for linking the notion of national self-determination to a liberal framework,[15] the claim to national self-determination need not always carry a demand for the establishment of an independent nation-state. Under her cultural version of the notion, the right to national self-determination is understood as "the right of a nation or, more precisely, the members of a nation, to preserve their distinct existence, and to manage communal life in accordance with their particular way of life."[16] Individuals could enjoy their right to national self-determination without having a separate state, as long as they could find ways to bring features of their nation to expression in the political/public sphere.[17]

This understanding, however, is at odds with the politics of national identity as played out by ruling or would-be ethno-national leaders today. Their resources of power, their popularity and ability to arouse the fears and pride of their people, and, in some cases, their legitimate public authority are based on the assumption that the kind of political autonomy Tamir speaks of is an entirely unsatisfactory interpretation or resolution of national claims and is indeed impossible to

secure or enjoy. It is a compromise, a defeat, humiliating and dangerous. While some national leaders might accept a weak form of this cultural self-determination for a minority collective within their territory, the ethnocrat is wary of the way in which it might be a constant threat to his preferred relationship of power.

Tamir argues that her version of self-determination may be achieved "through a variety of other political setups, including federative and confederative arrangements, local autonomies, or the establishment of national institutions."[18] Within a hard border system of international relations, once national leaders have set their sights on sovereignty, these solutions that offer less possibility for political control are only compromises, "temporarily" accepted because of an unfavorable balance of power, and, perhaps, only after bloody battles, or at the intervention of third parties. Meanwhile, this approach does not undermine the logic of the ethnocrat's project of creating homogeneous ethno-national units, and its legitimation of differentiated rights and intolerance.

The external sovereignty of recognition, membership, and mutual noninterference remains the prize in the interstate system of hard borders (and not just for peoples in southeastern Europe). If all contested territorial spaces were easily separable from the territories in which they are nested, without negative consequences for the populations of either entity, perceived or real economic and political hardships, security risks, and dangers of regional instability, the quest for this prize would be of less concern. Yet this is rarely the case. The consequences are often multiple, cascading, and uneven; that is, there are rarely ever good hard border solutions. Aside from producing violent conflict, the hardening of symbolic and territorial borders impedes access to material, cultural, human, and political resources and arbitrarily defines people's life chances, allegiances, and affinities.

In the ethno-national project, one's place in society is defined by the national interest. Everyone has a special place in preserving the integrity and unity (continuity) of the nation. The special role for women, for example, is to reproduce the social organism and nurture the traditional values of the nation. Drawing on the patriarchal structures of the communities in the region before Communist reforms and the only partial liberation of women under the Communist regimes, nationalist leaders have made a place for women in the politics of national identity that significantly undermines their access to social and political resources. While men are protectors of the nation and its claims to sovereignty, women are reproducers of the nation (biologically and culturally), cultural carriers, and nurturers. Women

are encouraged to "rediscover" their "natural" mission and return to the family, motherhood, and national values, those values that will hold the nation together. Women who reject their assigned role are traitors, internal "others," or enemies.[19]

As women are urged back into private life, so are others. This is part of the landscape change in which civic culture and its manifestations of plurality must be significantly reduced or removed from public arenas. The ethnocrat bases his rule on recognition of his unique ability to define and protect the interests of the nation and on claims of the nation to establish its control over the territory as an expression of self-determination. To maintain power, this would-be ruler must ensure the nation's majority status and his status as guardian of the national interest. The most extreme example of this is the creation of homogeneous communities through terror, violence, and destruction. Short of the use of force, processes constituting ethnocracy create conditions under which difference invites vulnerability and strong incentives to leave one's home behind. The politics of national identity forces people to accept the idea of "incompatibility." Displaced people and refugees are torn from their own communities; their shared neighborhood ties and complex social relations replaced by a new dependency on the ethno-national collective.

Ethno-national leaders acquire and maintain their positions of power through processes that allow for enormous concentrations of political and material resources. The desire to maintain the relationship of power distinctive of their rule does not make ethnocrats likely candidates for democratic reform (Indeed, they have created serious obstacles to it, as we shall see.). Even without going as far as war and acts of physical destruction, the players in the politics of national identity can grind away at the background conditions for democracy or block their potential growth.

Intractable Conflicts?

A short diversion into the history of the fragmenting Yugoslavia helps to point to the ways in which sovereignty over territory defined by hard borders becomes both a prized goal and an incentive to violence, as well as an obstacle to the resolution of conflict. Kosovo was a province of just over 2 million people in southern Serbia, and—until Slobodan Milosevic's rise to power—a federal entity (Autonomous Province) of the former Yugoslavia, with a provincial Communist party organization, a parliament, and representatives in the leadership of the federal and Serbian Communist parties and all federal and Serbian government

organs. As such, Kosovo shared borders with the federal units Montenegro and Macedonia, and with Albania. While it is now over 90 percent ethnic Albanian, it includes the oldest Serbian religious monuments and key historical areas and markers of Serbian national culture.[20] In addition to playing a significant role in the constitution of Serbian culture and national identity, Kosovo has also served as an important site in political struggles: in calculations of power in southeastern Europe in the end of the nineteenth century and following the Balkan wars; in the delicate balance of power maintained by Tito in the Socialist Federal Republic of Yugoslavia; and in the machinations of Slobodan Milosevic in his climb to power in the end of 1980s and in his struggle to maintain power at the close of the 1990s.[21]

During the 1960s and 1970s, the gap in prosperity and a wide range of social and economic indicators between the Province of Kosovo and the rest of Yugoslavia widened; and the demographic situation changed significantly. From some 60 percent of the population in 1961, the number of Albanians virtually doubled in the next 20 years, while the number of Serbs and Montenegrins decreased from around one-fourth of the population in 1961 to less than one-sixth of the population in 1981.[22] A number of economic, social, political, and demographic factors countered the effects of attempted economic development in the region, causing an increase in unemployment and economic dependency. Federal funds were directed to the region; but Kosovo's agricultural production could not keep up with the costs of industrial products; and ineffective investment in capital intensive, higher technology sectors kept unemployment rates rising. To keep unemployment rates from surging further, young people and funds were directed to the provincial capital, Prishtina. Instead of dealing with economic conditions that continued to be a source of contention and frustration in Kosovo and the federation, the federal party and central government made political concessions to provincial Albanian leaders. Increases in provincial autonomy, culminating in the 1974 Federal Constitution, sparked tensions among Serbs, who saw the advanced federal status of the province as an encroachment on Serbian sovereignty and a devolution of Serbia's authority within the federal system. Ethnic tensions increased as uneven development and economic conditions were ineffectively addressed and open discussions of existing problems and possible solutions were circumvented.

In the spring of 1981, riots broke out following student demonstrations and excessive use of force by police. Tanks were deployed; curfew was imposed, and up to 30,000 troops patrolled the province.

This "occupation," as the Kosovars viewed it, was accompanied by loss of lives, arrests, trials, dismissals, increasing bitterness, and anger. Tensions in western Macedonia began to mount as well, as ethnic Albanians there joined the call to resistance and Macedonian authorities responded with force and repressive measures. During the next years, Prishtina University was attacked as a hotbed of radicals and Albanian nationalism. Internal and external criticism and opportunism divided the local party. Some Serbian leaders in Belgrade used the situation to attack Tito's regional policies indirectly and to curtail existing minimal cooperation between Yugoslavia and Albania. Meanwhile, the conflicts in the region encouraged a further exodus of ethnic Serbs and Montenegrins from Kosovo. This exodus of over 100,000 people from 1971 to 1981 helped to encourage a Serbian national backlash and to heighten feelings of isolation and vulnerability among the remaining Serbs and Montenegrins in the province. Over the next few years, tensions continued to rise with increasing economic decline in Kosovo. By 1989, 88 percent of the population was Albanian and unemployment was at 60 percent.[23]

Meanwhile, in 1987, a power struggle was going on in the Serbian Communist Party. Slobodan Milosevic came to power as the leader who promised to retain political control of Kosovo. By 1989, Milosevic emerged as the leader of a powerful bloc in the party. Tapping into growing discontent with the constitutional framework and the increasingly bold nationalist rhetoric voiced by a part of the Serbian intellectual elite, Milosevic used the symbolic capital of Kosovo to legitimize his political actions.[24] In 1989, the bloc led by Milosevic succeeded in passing controversial constitutional amendments in the Serbia National Assembly that would virtually end the autonomous status of Kosovo. Playing on demographic changes and fears of a vulnerable population, the amendments were pushed through as necessary to safeguard the rights of remaining Serbs and Montenegrins. Again, there were protests and serious riots, followed by a state of emergency and new troops in the region. This increased polarization among the federal units, within the League of Communists, and among the people of Yugoslavia.

In June 1990, the Serbian government removed the final legal basis for Kosovo's autonomy, taking administrative control of the province's parliament, the media, local government, and all basic social and economic activities. On July 2, the Kosovar Albanians through their own parallel parliament voted to endorse Kosovo as a sovereign and independent state.[25]

In the 1992 Serbian elections, Albanians boycotted the elections. Those who advocated participation in elections were dismissed from the major political parties active in the region, including Ibrahim Rugova's Democratic League of Kosovo (LDK) and branded as traitors. If all of the eligible Albanian voters in Kosovo had voted against Milosevic, they could (in theory) have ousted him and helped the peace candidate Milan Panic win the election, paving the way for the restoration of civil rights and democratic change within Serbia. At this point, however, the goal among the Albanian leadership was no longer reform within Serbia or Yugoslavia, but the demand to change borders, to gain control of the territory and statehood.[26]

The LDK elites and other Albanian community leaders followed a policy of nonviolent struggle and active lobbying abroad in order to gain protection from increasing human rights violations and recognition for eventual independence. New groups emerged to challenge this policy, including the militant Kosovo Liberation Army (KLA), which openly advocated violence in order to achieve independence for Kosovo. Armed kidnappings and attacks by the KLA on police, military, and government objects were met by harsh Serbian police reprisals and Yugoslav army tanks. The escalating violence brought a tragic loss of lives and destruction of property and uprooted thousands of people of all nationalities. Following Milosevic's rejection of international mediation in 1998 and failed peace talks in Rambouillet, armed conflict continued with Serbian and KLA terror, the murder of civilians and the violent expulsion of thousands of Albanians to Macedonia and Albania; the bombing of Serbia and Montenegro by NATO in the spring of 1999; an uneasy peace under United Nations Security Council Resolution 1244; and violent reprisals toward non-Albanians by the "victorious" KLA and its later incarnations.[27] Milosevic and other Serbian leaders continued to claim that the conflict was an internal matter, as Kosovo was located within the sovereign boundaries of Serbia. They argued that the Yugoslav army's presence was justified in order to protect the territorial boundaries of the state (the external boundaries with Albania and Macedonia). The army and police were there to restore order within state borders and to prevent the flow of arms and armies across these borders.

In the former Socialist Federal Republic of Yugoslavia, under the 1974 Constitution, the Autonomous Province of Kosovo enjoyed a special status (together with the Autonomous Province of Vojvodina) in the Republic of Serbia and in the federation. As an Autonomous Province, Kosovo had its own representatives in federal bodies and its own voting power in these bodies. It also had its own provincial

political organs and delegates in all of the Serbian republican institutions. Only Serbia proper (Serbia without its two provinces) did not have its own political institutions. This constitutional arrangement was part of Tito's balance-of-power strategy. From the start, it struck various components of the Serbian leadership as a diminution of Serbia's status within the federation. At the same time, members of the Albanian leadership in Kosovo sought republican status for the province. Republican status, among other things, carried with it the possibility of secession. Serbian leaders argued that the main motivation of the call for "Kosovo—Republika" was secession and union with Albania. Thus, it was "natural" for an ambitious politician (Milosevic) seeking to push his way to the top of the Serbian nomenclature to present himself as able and willing to defend the territorial integrity of Serbia and its ability to control life within its borders. Milosevic's rhetoric was the rhetoric of hard borders and sovereignty, and only later, when it was necessary in the boundary-setting processes of ethnocracy, did he and his party join forces with nationalist intellectuals and parties. As noted in the brief chronology above, Milosevic moved rapidly to strip Kosovo of its autonomy and put all of its public institutions under the central government in Belgrade. At the same time, he also stripped the province of its formal cultural autonomy, gaining control of the Albanian school system and state media.

Throughout the 1990s, the rhetoric of hard borders and sovereignty continued to provide legitimacy to the politics of Milosevic's regime. The strategies of the Kosovar Albanians presented another aspect of this problem. Reckoning that they could not enjoy basic rights protections within the state, they sought the protection of transnational institutions under universal principles of human rights. Following this strategy, the Kosovo Albanians refused to participate in Serbian elections, even in an attempt to remove Milosevic and members of his party from parliament. In seeking to establish rights protection through transnational organizations and gain support for independence, they also implicitly accepted the same principles of sovereignty as their opponents and a conventional understanding of multiple memberships. The leadership reasoned that participation in the Serbian elections would dilute both their claims of exclusion from political life and their grievances about violations of human rights. This would significantly undermine their hopes of international intervention in the crisis and of independence (under the protection of the U.S. or NATO troops). At the same time, they reasoned, participation in elections and parliament would be seen as accepting the legitimacy of the status quo, in which Kosovo was merely a voting district.

Moreover, Kosovo Albanian elites maintained their positions of power within the community as defenders of the ethno-national interest and the parallel Kosovar institutions that they governed before the NATO intervention and Resolution 1244. Assuming that participation in one political community (Serbia) would undermine the legitimacy of the parallel one, the party leadership vetoed the exercise of the ballot in Serbian elections. Whether Milosevic would have acknowledged electoral defeat, or whether the opposition would have abused the solidarity of Albanian voters, as many of the latter suspected it would have, this strategy increased the gap between the different populations even further. As the rights of citizenship as members of the Serbian/Yugoslav state came to mean nothing to Albanians, they increasingly articulated their national identities in exclusionary narratives and in terms of future statehood.[28] While Serbs, Montenegrins, and Albanians occupied the same territorial space, they were no longer members of the same polity or society. The symbolic boundaries between the communities became harder than the territorial ones.[29]

Some analysts argued that there could be no peace or stability in the region until Kosovo gained independence; others were more concerned about the snowball effect of fragmentation. They feared that independence would set a dangerous precedence, encouraging other "terrorists" or "freedom fighters" to take up arms to reach their goals and, in particular, that it would destabilize the fragile Macedonian state. Indeed, local conflicts erupted into civil war in the Former Yugoslav Republic of Macedonia (FYROM) in 2001, when FRY (Serbia and Montenegro) and FYROM signed a bilateral treaty rectifying the state border between the two countries. This act was contested by Albanian leaders in Kosovo, who considered the border theirs; by traffickers, who preferred an unregulated border agreement; and by nationalist Albanian leaders in Macedonia, who saw this as an opportunity to press their demands for greater political autonomy for western Macedonia.[30] The Ohrid Peace Agreement, brokered by the European Union, increased local autonomy, civil protections, and collective rights for local Albanians but left many unconvinced about the future of FYROM, within its current borders.[31] Resolution of Kosovo's status in favor of its independence also opened up the question of the status of the northern part of Kosovo; the political and civil liberties and personal security of the remaining Serbian population;[32] the status of ethnic Albanians in the Presevo Valley in southern Serbia; and the question of Republika Srpska, the Serbian entity in the still-fragile Bosnia and Herzegovina. After all, if borders were going

to be "upgraded" or changed, why shouldn't all of the contested ethnically defined regions claim the right to sovereignty?

The UN approach to Kosovo was first a policy of "standards before status," in the hope that the development of the economy, local self-government, and rule of law under 1244 would provide the rights protections necessary for all groups in the region and lead in the direction of European integration.[33] Yet both Albanian and Serbian key political actors kept the status question in the forefront of their political struggles, focusing on hard border solutions. Late in 2005, confronted with ongoing tensions, little advance on "standards," and the desire to "resolve" the crisis in Kosovo,[34] the UN Security Council approved the appointment of a new special envoy, Martti Ahtisaari, to begin a final status process. Ahtisaari presented his proposal on the settlement of this process to the UN Security Council in February 2007.[35] Debate over this proposal and over the final "status" of Kosovo continued to define political agendas in the region through February 2008 when Kosovo declared its independence. The struggle continues as Serbia rejected this declaration as a gross violation of its sovereignty and, in the wake of theses actions, other boundaries and allegiances are being questioned.

Hard Border Thinking and Political and Economic Instability

Almost 20 years of struggles waged and solutions sought in the name of hard borders and statehood in southeastern Europe have left the region with these unresolved ethno-national conflicts; weak governments and fragile political coalitions hard-pressed to provide necessary goods and services, establish rule of law, and gain public trust; and weak legal economies plagued by corruption, illegal trade and trafficking, energy shortages, inhospitable conditions for investment, poverty, and increasing gaps between rich and poor.

While the wars involving the region's most obvious ethnocrats (Milosevic and Tudjman) are over, the potential for violent conflicts sparked by competition for informal or formal power or exacerbated by ethnocratic strategies and the politics of national identity still play a role in the region and undermine stability and democratic aspirations. The legacy of ethnocracy and its language and processes of state- and nation-building remain as obstacles and available tools of reaction in the face of enormous economic challenges, fragile democratic alliances, and weak public institutions. The practices of recognizing "natural" inequalities and irresolvable differences among groups as a

given, equating tolerance with disloyalty, promoting communalism, and reducing civic engagement to endorsement of ethno-national leaders and interests (as defined by the former) are, unfortunately, still alive today in the region's hard border politics.

Governments in the region are not only made up of fragile coalitions and uncomfortable alliances but also lack the capacity to govern effectively and support reform. The old regimes left a legacy of inefficient bureaucracy and informal ties of favors and connections, encouraging discretionary practices and widespread corruption. With the breakdown of the old regimes, the new governing elites took control of state-owned properties and enterprises to ensure ruling party/government control over productive resources and then moved to consolidate their own power and wealth through covert and illegal channels. During the regional wars, the border areas between Montenegro and Albania (and then, Albania, Macedonia, and Serbia) became major routes for smuggling/trafficking.[36] Later, Belgrade used the NATO bombing to distract attention from huge economic problems and to deepen collaboration with local organized crime. The shrinking of political and economic space accelerated the criminalization of politics and competition among local power groups, leading to "assassinations" of "businessmen" and politicians.[37] The criminal investigations in the wake of the assassination of Prime Minister Zoran Djindjic uncovered elaborate crime networks with intimate connections to Milosevic and would-be ethnocrats in the military, army, police, and nationalist political parties.[38]

Reports from Bosnia and Hercegovina point to the same phenomena. During the war from 1992 to 1995, ethnocrats combined forces with criminal networks to support wartime political objectives that became critical components of the postwar conflict and significant obstacles to effective implementation of the Dayton Peace Agreement.[39] Black-market control of customs operations and the maneuvering of public funds through a leading bank enabled nationalist parties—the Serbian Democratic Party (SDS) and the Croatian Democratic Union (HDZ) respectively—to maintain their power and "actively pursue policies designed to disrupt the post-Dayton constitutional order."[40]

Throughout the region, the politics of favors, personal ties, covert transactions, and bribes infected all levels of local and central government. Even those public offices or actors not involved in some form of illegal activities have been tarnished by "association." The breakdown of the command state and its mechanisms for generating revenues and

providing social benefits facilitated the emergence of "alternative safety nets" and general acceptance of black-market economies and corruption in public administration. Progressive parties have had to deal with the legacies of these practices and the distrust of public institutions in their efforts to establish reform and legal economies.[41]

Inherited rigid bureaucracies have also created obstacles to the implementation of reform measures and preparations for transition to market economies. Lack of transparency in budgetary processes, procurement policies, and the use of public resources has also undermined public trust and created unfavorable business conditions. At the same time, establishment of regulatory reform and internal controls has upset fragile coalitions, as these reforms necessarily involve the devolution of power traditionally held in the hands of political elites.[42]

Central and local governments lack legitimate and effective means for extracting revenues for public goods, affecting the provision of clean water, public transportation, garbage collection, health care, education, and legal frameworks for secure, legitimate economic activity. Inability to generate resources for public goods and, thus, to maintain schools, hospitals, and infrastructure; to pay salaries of public servants and pensions; and to provide minimum health and welfare benefits creates conditions marked by dissatisfaction and social unrest. Widening gaps in income and buying power, particularly with illegal sources of income contributing significantly to the growing wealth of a few, provide fodder for members of failed governments and old regimes eager to use differential access to resources to stoke and flame (rekindle) ethnic conflicts.

The lack of governing capacity in central and local governments and weaknesses in the judicial system are compounded by social factors associated with war, poverty, and social disintegration: poor health, alcoholism, drug abuse, prostitution, homelessness, HIV/AIDS, family violence, and serious disaffection among young people.[43] The combination of vulnerable groups in all segments of society and shrinking state budgets produces frustration and uncertainty, which, in turn, fuel ethnic tensions, social unrest, and violent crime.

The weaknesses in governance are tightly linked to illegal economies (smuggling and trafficking of humans); corrupt business practices; uneven and slow economic development; lack of significant foreign investment; energy shortages and serious deficiencies in infrastructure; and urban and rural poverty. The regional economies are struggling with structural change, privatization, and limited access to markets, capital, and global economic processes.

The dissolution of the former Yugoslavia and the wars that followed severely disrupted economic activity in the successor and neighboring states, increasing the downturns in their economies; destroying homes, farms, factories, and communities and displacing people.[44] The past years have left the region fractured economically and socially, disrupting the legitimate flow of goods and people. Poverty and problems of access to public services and employment have increased the potential for tension in areas already weakened by ethnic conflict.[45]

While there has been some privatization of firms and the emergence of new small- and medium-size enterprises (SMEs), the lack of regulatory and legal frameworks has undermined a system of checks that would encourage real private sector development and investment. At the same time, inflation, complex tax systems, and administrative hurdles have increased serious constraints on private sector and SME development. Rigid and slow bureaucracies and corruption in processes such as licensing have encouraged SMEs to operate within the "gray" economy. The lack of legal and social institutions that could provide some predictability, fairness, and transparency in society has undermined the potential for private investment and economic growth. A weak civil society and lack of independent media have made it easier for corrupt officials to promote their own interests or those of their friends or ethnic community at the expense of the public good. Members of ethno-national minorities and other marginalized groups have been particularly vulnerable to such contingent privileges based on political loyalty to corrupt officials or membership in the majority ethno-national group.[46]

This brief and pessimistic description of the impact of the politics of national identity in the former Yugoslavia illustrates how conventional notions of sovereignty have provided a mechanism for the consolidation of power in the hands of ethnocrats (even as members of governmental opposition parties) and have offered little in response to the overwhelming problems of weak public institutions and economies.

Hard border resolutions of conflicts generally benefit competing ethnocrats and their allies. Ordinary people end up as hostages within their own national/ethnic borders or as refugees and undesirable outsiders with respect to the spaces of the European Union or the United States. They remain prisoners and political captives of hard border politics and hard borders, while others (elites and traffickers) make use of openings created by the global movement of capital, information technology, and the open borders of international crime.

Erosions of state sovereignty caused by the boundary-crossing nature of contemporary economic, political, ecological, and cultural processes ought, one might think, to erode the authority of ethnocrats or, at least, provide spaces for resistance to ethnocrats. The logic of globalization should undermine the ethnocrat's ability to pit groups against one another and to skew relationships of power toward the rule of the few. Yet it is precisely in the context of global, transnational trends that ethnocrats have devised their state- and nation-building strategies. These trends have supported the boundary-setting practices of national guardians and have yet to support the development of internal networks or relationships of power that are necessary to democratic practices of social cooperation. Transnational interventions in southeastern Europe (Bosnia, Kosovo, Macedonia) have had only limited success in breaking ethnocratic power struggles and in significantly improving the chances of stable democratic development.[47]

This is because the formulation of the problem itself makes certain assumptions about the conceptual framework of potential solutions. The dilemmas are situated in a discourse of sovereignty and hard borders that "privileges a particular reading of reality."[48] A rereading of reality requires taking into consideration the complex set of interactions that the processes of fragmentation and integration have ignited. While the notion of sovereignty has been regularly violated in practice and lacks explanatory power in the face of new nonstate actors, globalizing trends, and transnational institutions and networks; the notion has real symbolic and political power and presents a dangerous obstacle to stability and prosperity in regions such as southeastern Europe today. In fragile stages of state-building, the inability to provide for security or other public goods strengthens the priority of control over territorial boundaries. Coercive force is justified in the name of gaining a monopoly over its use. The erosion of sovereignty provides further justification for hardening of borders and increasing internal repression. When the state is weak, this process evolves in particularly anarchic ways (paramilitaries, assassinations, clandestine economies, etc.)[49]

In rejecting the traditional notion of sovereignty, I am not suggesting that the functions we typically associate with the state are no longer required. Indeed weak states unable to fulfill these functions are a significant problem today for the development of democracy and stability in the region, and they are a cause for continued vulnerability to ethnocracy (fundamentalism and populism). But the polities that carry out these functions do not have to be constrained to the form of

territorial national states with hard borders and internal spatial hierarchies. The naturalization of territorial borders supports ethnocracy. Instead, functions typically associated with the state can be carried out in a combination of local and transnational spaces, in overlapping multilevel polities in which people participate in decision-making uninhibited by threats to personal security and violations of basic rights based on ethno-national identity.

Softening borders means facilitating legal movement and political, economic, and cultural activity across existing nation-state borders and severing citizenship from nationality. This delinking of sovereignty, citizenship rights, and ethnicity or nationality rejects the importance of national belonging to political association, the exercise of rights, and the enjoyment of public goods and services. In the next chapters, I argue that democratic social cooperation does not require thick bonds of association or the hard boundaries of a sovereign state. Ethnocracy, on the other hand, is intimately linked with the boundary-setting practices of external sovereignty and with hierarchical relationships defined by the internal sovereignty of the few.

Chapter 4

The Politics of National Identity

The hard border politics of ethnocrats directs us toward a soft border approach to political association and social cooperation that rejects thick bonds of ethno-national belonging as criteria for enjoyment of the resources, rights, and obligations of citizenship. Accordingly, this chapter is both a study of a politics of national identity that naturalizes and fixes identities in hierarchical and potentially violent arrangements and an exploration of ways in which the notion of soft borders works to denaturalize difference. Significant literature on identity politics has emerged in the last 15 years, and while some explorations into notions of identity have enriched studies in democratic theory in the name of difference, I have taken a different approach to democracy in this study. Drawing on my reading of the history of Yugoslav political arrangements for identity categories and work on gender and nation, I link the opening of symbolic and territorial space to the flourishing of difference. This approach considers the importance of space in the exercise of difference but questions the nostalgic reification of place (homeland or site of origins) that associates it with a particular scale (nation-state) and exclusivity (against a multiplicity of spheres of engagement.)

The particular strength of many feminist theories[1] is that they take a critical stance with respect to the politics of national identity in pointing out the ways in which nation-building imagery and narratives naturalize national character through gendered metaphors, myths, and relationships. The "natural" gender dichotomy becomes a model for ethnicized binary hierarchies.[2] It facilitates modeling the nation as the primordial family, feminizing the nation-space, and heightening the vulnerability of the nation to violation and occupation. Rejecting this naturalizing turn

provides an important tool in dismantling the logic and rhetoric of nationalism and in uncovering relationships of power, which are inherently exclusionary and violent.

The trap in recognizing difference as an exclusive political identity is in not paying enough attention to the ways in which the institutionalization of difference can reproduce new sets of "naturalized" identities, binary oppositions, and hierarchies. Important examples of this have emerged with the practice of naming in the former Yugoslavia and, more generally, with the fixing of collective identities in the politics of ethno-national state-building.[3]

The Politics of National Identity in the Former Yugoslavia

In this politics of national identity, being a "constituent people," a "nation," secured a special place for a national group and its parent republic within the federal Yugoslav system. A constituent nation had to be consulted before any significant changes in the organization or nature of the state could take place; it had the power of veto on constitutionally designated issues of importance; and it had the right to secede from the federation. The status became a means of rewarding loyalty and compensating for compromise; an institutional mechanism for balancing power; a desired position; and, thus, a matter of contention. Finally, denial of this status was a sign of defeat and humiliation. The Muslims of Bosnia and Herzegovina sought and gained the status of nation. Albanians in Kosovo sought and were denied this status in the former Yugoslavia. Serbs in Croatia were members of a constituent nation in Yugoslavia but became minorities in the new Croatian state. Numerous members of previous constituent peoples (Serbs, Croats, and Muslims) who lived outside of their "parent" republics were turned into minorities with the disintegration of Yugoslavia, initially without legal regulation of their status and adequate rights and protections.[4] The humiliation and dangers associated with this diminished status served to justify war.[5]

This notion of constituent nations was an effective tool for gaining commitment to the federal state. The different peoples could accept the name "Yugoslavia," without fear that their identities would be drowned in the federation. At the same time, the rights of nationhood sapped the federation of its authority. Increasingly, this arrangement became a way of undermining integrative practices and a way of concentrating economic interests within separate "parent" republics. It encouraged a federal politics of playing one republic or block of

republics against another and balancing benefits and burdens within the whole. National balancing acts took on various forms including efforts to counter the over representation of Serbs in federal institutions and party organs. In some cases, this meant matching the punishment of officials or intellectuals in one republic with similar punishments in another.[6] Moreover, the emphasis on the "sovereignty" of nations clarified the need of gaining this status for those without it (for example, Albanians). It also, in a paradoxical way, undermined the cultural opportunities and protections of members of the nation living outside of their parent republics. They were not covered by arrangements organized for "nationalities" or minorities living there. Thus, for example, Serbs living in Croatia did not have the range of separate cultural institutions, from journals to special school programs, available to Hungarians or Italians living there.

In the absence of integrative institutions, this distinction of nationhood—possibly unavoidable as a building block of the country—posed a constant threat to its survival. This is made clear by a brief examination of three practices and processes—integral parts of the former Yugoslav political and economic system—that expressed integrative intentions but whose implementation brought divisive results. These are (1) "*konsensus*" ("unanimity"), a decision rule designed to emphasize shared goals and common interests, which basically came to mean republican or regional veto of legislation in the service of competing national interests; (2) "*self-management socialist democracy,*" a political system based on the idea of decentralized decision-making by workers and citizens in their workplaces and neighborhoods, which came to mean, in fact, decentralized decision-making among republican/regional elites in local power triangles; and (3) "*ključ*" ("key") or national quota system, which was designed with the apparent desire of reflecting the multinational character of the state in the composition of federal personnel and in the distribution of opportunities and resources, but which came to mean positions filled according to regional/national loyalties and the power struggles among publicly unaccountable republican elites.

Appearing in modified form in the 1953 Constitutional Law, *konsensus* was introduced as an additional guarantee of the equality of the Yugoslav nations and their respective federal units.[7] Together with parity of representation in federal political bodies (state and party), it was to guarantee the equality and sovereignty of the six constitutive nations and proportionate protection and representation for the other nationalities. As provided for in the 1974 Constitution, it came to be seen as a means of preventing the federation or any one republic or alliance of

republics from becoming a power over all of the other federal units. Being "outvoted" as the result of *majorizacija* (majoritarianism) was posed as *the* major threat to republican/national interests. This threat—backed up by theoretical arguments about harmonizing viewpoints rather than encouraging competition—justified the increasing use of unanimity as a decision rule.[8] It was said to prevent republics and provinces from being overruled within the federation and to promote the image of unity rather than conflict and competition.

Konsensus as increasingly used in the 1970s and early 1980s, however, also facilitated greater control over outcomes by the party and regional leaderships and obscured responsibility for decisions taken. It encouraged pressure politics, with the ever-present threat of veto and enabled one federal entity or coalition to dictate social choices regardless of the preferences of others. It facilitated bypassing public decision procedures in favor of private negotiations in special councils of "experts" and party and state politicians. It protected the status quo by making the adoption and execution of new policies increasingly difficult. And again it helped blur lines of accountability.

A major assumption of consensus-based theories is the existence of shared goals and a minimum of potential conflict over significant issues of common concern.[9] This was precisely the problem. While people certainly held some long-term goals in common, the only legitimate unifying or "synthesizing factor" was the League of Communists and its ideological program. Tito retained absolute power and the capacity to arbitrate conflicts until his fatal illness; but the League itself (along with its transmission organizations, the Socialist Alliance and the trade union) had also become divided along republican (provincial) lines. Moreover, with economic conditions undermining the cohesion of the Yugoslav working class, proclamations about the common long-term interests of self-managers had lost their motivating force. Rather than promoting much-needed integration and solidarity, the use of *konsensus,* thus, encouraged republics to take defensive positions within the larger community, protecting their particular interests.

Since the 1979 onset of acute economic difficulties, there were numerous cases in which one or two republican or provincial delegations refused to give consent to federal legislation, exacerbating energy and currency crises.[10] The increasing frequency of "temporary measures" taken when failure to reach agreement required legislation severely retarded the realization of the economic stabilization program prepared in 1981 and adopted, belatedly, in 1983.

The attempt to apply the concept of *konsensus* as a decision rule in industry, business, transportation and communication, social services,

and cultural institutions led to a similar situation, undermining economic and social integration and encouraging decentralized elite linkages. The process of adjusting interests (through complex systems of "self-management agreements" and "social compacts") allowed for informal decision-making by "power triangles" comprised of managers, creditors, and local officials.[11] Again, rather than promoting harmony, this system encouraged adversarial relations among the basic organizations of the self-management system. The need to conclude self-management agreements as a means of adjusting interests throughout the system created a situation in which, as of 1983, there were approximately 7 million such agreements and related regulations requiring cohorts of "tutors" and "mediators" to interpret and present them to workers.[12]

The committees, boards, and councils where proposals were "harmonized" and where negotiations were conducted behind closed doors by local power triangles or regional elites were supported by this decision rule (and its place in the self-managed notion of democracy). This was but one way in which decision-making by individuals was preempted by republican sovereignty. Such practices seriously limited the possibility of independent and equal participation of citizens (working people) in determining or even influencing the conditions of their lives and work. They created a political culture of collective subjects and not only cynical and apathetic citizens but also "incompetent" ones.[13]

Self-Management Socialist Democracy was defined as participation of workers and citizens in the process of social choice where they live and work.[14] It was institutionalized through the (almost incomprehensible) delegate system. Stemming from the workers' councils of basic organizations of associated labor and local neighborhoods and communities, this delegate system was an elaborate network of delegations extending up through the Federal Assembly.[15] Designed to go beyond professional political representation and to provide channels for direct decision-making, this pyramid of delegates and delegations developed into an unaccountable web of political institutions (with almost no integrative capacity).

This system designed in theory to establish decentralization and democratization of decision-making merely decentralized centers of power and supported republican and local power triangles. Delegate decision-making was highly ritualized (masking real decisions made behind closed doors) and consisted mainly in giving a rubber stamp to decisions made by republican blocs on the basis of national interests.

Both chambers of the federal assembly were composed of delegations chosen on a territorial basis. The Chamber of Republics and Provinces was designed to represent the territorial units of the federation; but the Federal Chamber, which was supposed to be a forum for self-management interests, was also divided up into republican/provincial delegations.

There was no chamber that was structured to serve as a general body for the delegates of citizens or workers at large.[16] There was no political body that could provide for the integration of citizens or a discussion of interests not related to or filtered through regionally defined interests. The people hit hardest by the economic crisis had no means of affecting economic policy through representatives at the highest level of decision-making, except through grievances that were put forward as republican ones.

The results of a public opinion study, canvassing 4,500 workers from all the republics and provinces, showed that workers throughout the country had fairly uniform positions on many issues and that these often differed from those of their respective republican leaderships.[17] However, there was no way to register such preferences through the political process. The arrangement provided no means for the equal representation and aggregation of individual preferences along the lines of one person, one equal effective vote.[18] Individual and collective concerns or interests were expressed only in so far as they coincided with republican (ethno-national) interests.

The workings of the "delegate system" introduced by the 1974 Constitution were unquestionably complicated, with few people knowing who or where their delegates and delegations were above the level of their workplace or neighborhood. Moreover, delegate assemblies rarely initiated, formulated, or debated alternative policies. Instead, executive organs at all levels played a dominant legislative role. Delegates normally had little choice except to affirm or reject prepared decisions. The election of delegates was based on lists composed with little citizen input and with rarely more candidates than posts to be filled; delegate elections were not opportunities for public discussion of policies or agendas. It was assumed that delegates would represent republican/provincial interests as members of delegations.

By 1985, the political system had already come under public criticism, with calls for open selection of candidates, elections of delegates from lists that allowed for a choice among a number of people for one post, free public debate, and other generally accepted democratic decision procedures. Yet critics were still hesitant about suggesting a return

to a multiparty system, concerned that it would almost certainly mean parties divided along ethno-national lines.[19]

These problems in the system of self-management were compounded by a personnel policy that by the early 1980s was already under increasing criticism. Appointments to federal positions were based on a *regional quota system or* "*key.*" The republican parties looked to their regional interests, and governmental personnel were dependent on the goodwill of their respective republican power centers.[20] Meanwhile, the principle of rotation and short terms (usually one year), introduced to eliminate professionalism and personalized power, came to mean "horizontal rotation" from one position to another, increasing linkages among those for whom politics was a profession.

With decision-making in coordinating, consultative, or other executive bodies behind the scenes, there was no accountability. The primacy of the territorial principle in the political system gave great weight to republican (ethno-national) power centers in determining policy. There were no institutional mechanisms through which citizens could demand, or even hear, explanations for policy positions, ill-conceived programs, unrealized plans, or misuse of resources. (Under these conditions, people were hard-pressed to reject the official line that the other republic(s) were to blame.) Officials could easily claim to be accountable to republican/ethno-national interests when it was they who defined and interpreted these interests.

Placing territorial sovereignties over popular sovereignty (exercised through federal and republican elections) and giving primacy to ethno-national interests in the construction of the political and economic systems worked to undermine the economic strength of the country and its institutional and social resistance to collapse.

Nation-building and state-building efforts on the level of the federation were inconsistent and weak, shored up by reliance on the cohesive power of the party (LCY), the authority and rule of Tito, the secret police and army, and the myths and accomplishments of the national liberation struggle led by Tito, the party, and many of the commanding officers of the Yugoslav National Army. Nation-building efforts eventually came to rely increasingly on pride in Yugoslavia for its success as a leader in the nonaligned movement, its international appeal as an alternative path to socialism and model of independence vis-à-vis the Soviet Union, its beautiful tourist attractions, or its fame in such sports as basketball and water polo (depending on the sector of the population in question) and decreasingly, on Partisan victories and festivals celebrating the founding of the republic (Dan Republika) and Tito's birthday (Dan Mladost). Short-lived attempts to promote

Yugoslavism[21] ran counter to the rules of the game, which defined the contours of state-building in this balance-of-power system, and primarily left their mark on members of multiethnic communities in Bosnia and Herzegovina and members of the "1968 generation."

At the same time, people had become accustomed to living on the whole territory of Yugoslavia: living in one place, vacationing and going to school in another, even serving in the army in different republics. People came to enjoy the benefits of the larger Yugoslav market for their goods (or their company's goods), a Yugoslav passport and good relations with most of the world, being associated with winning teams, a beautiful coastline, Olympic skiing terrain, a lively music scene, and a reputation for well-trained professionals. People may not have developed a Yugoslav sense of nationhood but enjoyed the benefits of living in Yugoslavia and moving freely within it. Accepting for the most part that this would continue to be the case, people intermarried, made friends, developed scientific projects, and bought property in other republics and with people of other ethnonational groups. Moreover, while Yugoslavia was still functioning as a whole, those dispersed members of national minorities (ethnic groups) or members of nations living in other than their parent republics felt relatively sure that they could enjoy the basic rights and protections afforded everyone and continued to sink their roots in these places. Of course, some had already been there for generations. Thus, the actual breakdown of Yugoslavia would not be a mere matter of clearing the debris of unworkable or ineffective efforts at nation-building.

While official documents describing the rights and obligations of "citizens and working people" and the social relationships of self-management, including the 1974 Constitution and the Law on Associated Labor, talked about these actors as individuals, the reality of the political situation, as seen in the brief discussion above, was that individuals participated in political decision-making (if at all) through their collectives (basic organizations in the workplace and local communities) and were represented as members of republican (ethnonational) collectives in a system in which lines of accountability could not be directly traced. While individuals' different interests based on income, education, social status, and political power were increasing, this expression of difference did not find a way into the political system, nor was there any way in which individuals with similar concerns across republican lines could have coordinated their efforts to further these interests through the political system. The confusing notion of a "pluralism of self-management interests" was introduced to recognize

the possible different interests of admittedly competing production units, self-managed enterprises, and territorial divisions (from local communities to republics). Still, these different interests were articulated as the interests of collectives and "harmonized" accordingly. Although individual citizens were actively pursuing their own interests or visions—promoting their careers, traveling abroad for professional education or commercial activities, or taking part in a variety of cultural, athletic, social and even countercultural events—they (with the exception of some party activists and a small number of dissidents) did not participate as individuals with similar needs or conflicting positions in the political system. Social bonds built through the exercise of citizenship and relationships of reciprocity or civic patriotism were for the most part extremely weak, and avenues for building them were very few.

The stage was set for alternative state-building processes along republican/provincial lines. When it appeared that the international community was prepared to recognize ethno-national claims to statehood based on the right to national self-determination, competing republican leaders moved into position to present themselves as uniquely qualified to define and defend their respective ethno-national interests and to mobilize the nation. The lack of integrative institutions on the federal level; the lack of mechanisms of decision-making that involved individuals as citizens; and the consequent lack of civic bonds left civic alternatives to ethno-national state-building to a small number of "cosmopolitans" soon to be called "traitors."

In the early 1980s, with the increasing public discussion of economic and political crises, criticisms of both the economic and political systems suggested that the elaborate or cumbersome structures of the self-management and delegate systems were soon to be jettisoned. Republican leaders began to test the limits of the federal rules of the game and stake out their claims to control national (republican) resources and federal policies directly affecting them. The accepted rules of the game were tossed when Serbia significantly changed the makeup of the federation. Albanians were right. Not being recognized as a "nation" left them unprotected. Slobodan Milosevic took a bold step with his policy statements on Kosovo and subsequent actions that revoked the constitutional status of Kosovo and Vojvodina and, thus, changed the constitutional arrangement of Serbia and Yugoslavia. His success signaled a sea change in the life of the federation and in interrepublican relations. The breakdown of the LCY, led by Slovenia in 1990, reiterated this. Republican elites eager to fill the

spaces opening up began vigorous processes of nation-building and state-building (along the lines of ethnocracy).

The public vocabulary reflected this: Some terms, such as "nation" and "constitutive people," continued to grow in importance; others were replaced: "working class" or working people was replaced by the appropriate ethno-national collective identity; the slogan "brotherhood and unity" was replaced by calls for national unification and "razgranicenje" (separation) along ethno-national lines; and "national self-determination" became the basis for building a political system rather than workers' self-management.

In the processes of ethnic mobilization that attended the breakdown of the former Yugoslavia, we saw old complaints resurfacing and old battles being refought, often with dramatic embellishment and conveniently partial memories. With the rapid constitution of new states, we saw again the design of political institutions and practices being subordinated to ethno-national interests, a story, as we saw in the previous chapter, being replayed with extremely dangerous consequences.

The scenarios constituting ethnocracy that unfolded with the collapse of Yugoslavia ushered in a second generation of unresolved national questions. On the one hand, nothing changed—there were nations and ethno-national minorities; on the other hand, the socialist ideology of "brotherhood and unity," no matter how weak, was missing. In its place came a strange combination of nationalist ideology and formal recognition of international conventions upholding the rights of minorities or members of different ethnic groups. With the design of the new political communities, citizens were addressed, accounted for, and recognized as members of collectivities; and the distinction between "constituent" nations and others (called nationalities, national minorities, or ethnic groups) remained part of the vocabulary. Despite multiparty systems and parliamentary arrangements that structurally diverged from the old delegate system and provided the institutional background for democratic representation, the ethno-national collectivization of political and social life persevered. Thus, the unresolved national questions of the old Yugoslavia remained unresolved questions for the new states. The term assigned to a group remained as important as ever, a direct source of both tension and violent conflict.

Milosevic rose to power in Serbia, promising to right the wrongs of the 1974 Constitution and, among other things, to abolish two federal units of the federation. The struggles of Albanians to be called a "nation" and to gain republican status for Kosovo were entirely

within the Yugoslav approach to national questions. This would, as much as anything, assure them the right to be consulted on any changes in the organization of the community, equal voice and veto in battles over the distribution of resources, and protection from Serbian intervention in internal affairs. Theoretically, their position was rejected because the Albanian parent country was outside of Yugoslavia; like Hungarians and other minorities, they could not be considered a constituent people. More to the point, the constituent peoples enjoyed the right of secession. The claim to republican status by Kosovars was seen by Serbs (and Macedonians)[22] as a sure step toward secession. The Albanian student protests in 1981, seen as a prelude to demands for a republic and secession, were brutally put down, as were subsequent actions. Finally, Milosevic made his move, abolishing Kosovo's special status as an Autonomous Province. Indeed, not being a nation had proved extremely dangerous to the Albanians.

Soon, the tides changed, and Serbs found themselves minorities in Croatia. Serbs living in Croatia had been members of a constituent nation while Croatia was part of Yugoslavia. This had, in part, been the Yugoslav solution to Serbia's national question. With Croatia's declaration of independence, Serbs would go from being members of a nation to being members of an ethnic minority. Given the political and symbolic significance of these terms in the existing historical framework, this transformation was truly unsettling. Moreover, it provided would-be Serbian ethnocrats in Serbia and Croatia with invaluable ammunition in their struggles to mobilize the people. While Tudjman and competing Croatian nationalists reluctantly conceded to formal protections and equal rights for minorities according to international conventions, this made little difference given the significance of the terms already deep in people's understanding.[23] "Minority" had become a term of inferior and subordinate status. This was made clear in the very language of the basic principles set out in the Croatian Constitution, in which the long-held dream of a national homeland was invoked. Serb demands to retain the title of nation within Croatia were met with the same arguments used earlier: Their parent country lay outside of the state and this would be a prelude to secession.

Tragically, this pattern also became the rule in Bosnia and Herzegovina. In 1971, Muslims became a nation in Yugoslavia and Bosnia and Herzegovina was soon described as the republic of its constituent peoples: Muslims, Serbs, and Croats. The first multiparty elections in Bosnia and Herzegovina in 1990 resulted in a "coalition government" of the Serb Democratic Party, the local branch of the

Croat Democratic Community and the Party of Democratic Action, which was primarily Muslim in all respects but name. The nonnationalist parties that took part in the elections were defeated. According to Vojin Dimitrijevic, this was a case of strategic voting. "In an atmosphere of mistrust, the voters landed in an almost perfect prisoner's dilemma and many of them, in the last moment switched their allegiance from political to national choice. The elections thus resembled a fateful census, where most voters cast their ballots for their respective national party. It was clear that the coalition of the three nationalist parties could not run the country: it eventually fell apart and party leaderships transformed themselves into headquarters of embattled paramilitary organizations."[24] When the republican parliament decided to hold a referendum on independence, the Serbian Democratic Party, led by Radovan Karadjic, refused to recognize it. Given the numerical superiority of the allied Croats and Muslims, this was seen as a case of "majorizacija." According to Karadjic (following the old logic), the Croatian and Muslim representatives in parliament had "preglasili" outvoted the Serbian representatives and in doing so had undermined the constitutional principle according to which Serbs were a constituent people without whose agreement relationships within the state could not be changed. In Dimitrijevic's words, "One of the rules of the emerging communitarian order is that no ethnic group is willing to submit to any numerical majority of citizens."[25] The alternative to "submission" became war.

Competing ethno-national leaders, thus, simultaneously played the role of arrogant majority and militant minority[26] and led their subjects into escalating conflicts. With the end of violent combat and the ascent of reform governments in most countries of the wider region, claims to collective rights have continued to convey fixed relationships of inequality: political marginality, inferiority, and vulnerability.[27]

The Politics of National Identity and Gender

The process of imposing fixed collective identities promotes a dangerous politics of national identity. The brief history of the importance of collective naming in the former Yugoslavia and its successor states provides one picture of how the link between the politics of national identity and hard border notions of sovereignty alternately promotes violent conflict and undermines democratic practices of social choice. Variations on this theme throughout the world today must spring to the reader's mind. Seemingly intractable ethnic conflicts simmer and

explode not because different (ethno)national groups cannot get along but because these collective identities are part of a politics of national identity based on a kind of "institutionalized segregation"[28] that reproduces inequalities among groups set into competition with one another through ethnically defined resource allocation and ethnonational capture of the state apparatus and public policies.[29]

We can see this logic and its consequences in ethnocratic nation-building strategies designed to make the desired boundaries of the nation irreversible and to confirm the "natural" character of ethnic differences. This is particularly effective with the gendering of membership and citizenship. A common fate of women as members of the community/nation is that while being held responsible for the continuance of the nation, they are in some way, always suspect; they are symbols of the purity of the nation but are always vulnerable to contamination; they embody the homeland but are always potential strangers, "both of and not of the nation."[30] The precariousness of a woman's place in the home/nation, which at the same time is her designated space, underlines the danger of exclusion and the pressures to conform. According to Ritu Menon, women "simultaneously but oppositionally 'belong' to community and country: to the former as far as the regulation of the personal domain is concerned; to the latter in all other civil and criminal matters. The state's willingness to 'enter' the private domain in order to demonstrate its sensitivity to the question of community identity and rights is in direct contrast to its reluctance to 'interfere' with the same domain by legislating in favor of women's equality within it."[31] As Deniz Kandiyoti puts it: "the regulation of gender is central to the articulation of cultural identity and difference. The identification of women as privileged bearers of identity and boundary markers of their communities has had a deleterious effect on their emergence as full-fledged citizens . . . evidenced by the fact that women's hard-won civil rights become the most immediate casualty of the break-down of secular projects."[32]

In the conflicts following the breakdown of the former Yugoslavia, we see this in the gendering of boundaries and the violation of symbolic and national spaces through metaphors of rape and the actual assault and occupation of women's bodies.[33] This designation of women's bodies as markers of national space, as bearers of national identity, and as the boundaries of the nation is echoed in the rhetoric of national motherhood and assaults on women's reproductive rights. Women have a special duty to reproduce the nation and ward off the threat of demographic tragedy. Control of women's sexuality is tightly linked to control of national space and reproduction and the

transgressing of symbolic and physical borders. There is a kind of transnational patriarchal consensus around the notion of women as markers of national culture and territory and the role of masculine guardians of the nation (and state) in protecting "their" women as such. It is, in large part, this consensus that motivates both violence against women in ethnic conflicts and missions to "save" them,[34] acts that are essentially attacks on "their" men and "their" nation. Women who transgress the constructed cultural, sexual, and physical boundaries of their nation or who fail to play their proper roles not only are vulnerable to exclusion and hardship but also are caught in a role that they may unwillingly play in the strategies of others.

This gendered aspect of the politics of national identity reflects the complexity of this politics and the ways in which women and others living in minority positions among dominant nations or in host countries are often caught in the bind of multiple identities and divided loyalties.[35] Institutionalizing group membership as a political identity creates cycles of exclusion and inclusion from which it is difficult to break. It reduces the options for other avenues of recognition and representation that follow from individuals' multiple interests and identities, linking cross-border forays to a betrayal of group interest. This is clearly not just the case of the former Yugoslavia. For example, while many feminists and democrats in India reject communalisms that restrict women's rights, they are often hard-pressed to support calls for universal civil codes as these are seen not as expressions of universal respect for human rights, but as efforts to impose the dominant majority's collective norms and rights on all.[36] Ritu Menon notes, "Stiff opposition from religious conservatives in all communities, as well as vociferous campaigning for a uniform civil code by extremist right wing Hindu political parties have ensured that women's status as citizens in India's secular national polity is fundamentally unequal."[37]

The identity politics of multiculturalism poses this problem: Rights talk based on a universal respect for persons is often seen as the discourse of the dominant liberal tradition, which erases the different experiences, needs, and voices of people in minority positions. Multicultural advocates argue for institutional arrangements that will preserve particular collective ethno-national identities against the homogenizing majority culture. While the result of such group efforts should be greater recognition and effective representation of minorities, it might also be further marginalization or oppression of difference within groups.[38] This possibility has led to a series of debates about whether multiculturalism is good for women.[39] Rather than

join this discussion of identity politics within the context of hard border notions of sovereignty and political association, the point of this soft border approach is to rearticulate the terrain of choices in soft spaces and overlapping polities.

Hard border notions of sovereignty reduce the available options for individuals and groups, making it difficult to break out of these cycles. Hard borders fix difference into political identities, which find expression in majority and minority political parties or limited avenues for inclusion in the processes of social choice. Individuals or groups within collectivities who look beyond the group for enjoyment of civil or human rights are put in the position of acting or appearing to act against their own community (even *for* its political opponent). As group identity is important to people, having to seek external (secular state or international) avenues for protection or exercise of individual rights is often too demanding personally to be an acceptable choice. Individuals should not have to assimilate to a dominate culture or hide distinguishing elements of their culture or religion in order to make certain claims on public goods or to gain access to rights and resources in the places where they live and work.

The position of women within a global system of structural inequalities reiterates these tensions. Within the context of compromised sovereignty in the global economy, postcolonial nation-states must often defend local resources against global capitalist accumulation. The need to support these efforts imposes a "responsibility to given culture on postcolonial feminisms."[40] The soft border argument recognizes the continued role of the state in negotiating or resisting global processes, even as it simultaneously seeks to transfer these functions to multiple cross-border or regional polities. The approach also recognizes the ways in which individuals and groups are situated in religious and national communities and may see themselves as acting most effectively and appropriately through these communities in seeking reforms or defending local resources and pursuing their interests. According to Marie-Aimée Hélie-Lucas, writing about feminism in Islamic countries, "women's organizations range from participating in the fundamentalist movement, to working for reform within the framework of Islam, and to fighting for a secular state and secular laws. In spite of this wide range of tendencies and strategies, all of them have internalized some of the concepts developed and used by fundamentalists. In particular, they have internalized the notion of an external monolithic enemy, and the fear of betraying their identity—defined as group identity, rather than gender identity in the

group."[41] The soft border argument acknowledges the complex dynamics of this tension. While rejecting the political fixing of national identities in ways that systematically deny individuals access to resources, rights, and public goods, it does not challenge people's attachments or allegiances. It challenges the notion that reference to a "given" national space, culture, and community is enough to lay claim to exclusive political control of a territory and the people within it. And it challenges weaker notions of national values and community that hold individuals and groups hostage to regimes of second-class citizenship.

A critical factor here is the hardness of community—group and state borders.[42] That is, hard border thinking promotes notions of membership that reduce options for collective action to either-or propositions—ruling out participation in multiple polities and cultural communities within and across state boundaries. In this trajectory of hard border politics, identities are essentialized and flattened and difference is hierarchically defined. While difference may be "asserted as a mode of contestation against oppression and exploitation," it may also be a "vehicle for the legitimation of domination."[43] We need to distinguish "between 'difference' as a process of differentiation referring to the particularities of the social experience of a group, from that whereby 'difference' itself becomes the modality in which domination articulates."[44] There are no uniform solutions to the negotiation of multiple identities and the desire to participate in political and social projects in defense of cultural difference or open access to global markets. The soft border argument seeks to open the options for such negotiation and to weaken the impact of discriminatory practices associated with a hard border politics of national identity. Naturalized binary hierarchies (following the pattern of gender relations) emerge through the articulation of ethno-national differences that separate majorities and minorities, citizens and residents, and documented and undocumented workers. These hierarchies create relationships of domination and subordination and restrict the legal movement of people to those areas where they properly "belong."

The notion of softening borders does not attempt to erase distinct experiences, relationships, and modes of expression but allows for a malleability of relations and gives voice to a multiplicity of desires and voices. Thus, in a vision of overlapping polities and unrestricted movement, difference involves a complex appreciation of opportunities for representation, association, and understanding rather than the designation of exclusion, inclusion, and relations of subordination

and domination. This soft border approach de-territorializes association and allegiance, but not as an act of violence as political exile, forced migration, and "ethnic cleansing" or economic exigency. Rather, it recognizes that people are already dislocated, in movement, and territorially redefined without moving, as a result of complex historical, political, technological, and economic processes. It weakens primordial notions of purity and contamination and, thus, lessens the vulnerability of border crossers (within and across communities). It promotes a notion of difference that recognizes and valorizes the varied experiences, needs, and desires of different people and groups and rejects a politics of difference that naturalizes and fixes identities in hierarchical and potentially violent arrangements.

The literature on contemporary diasporas speaks to the relationship between softening borders and denaturalizing difference. The diasporic subject encounters regular efforts to categorize and is engaged in a dynamic process of (re)definition of self in negotiating everyday life. "Diasporic traversals question the rigidities of identity itself—religious, ethnic, gendered, nation."[45] The fluidity of articulated identity and the multiplicity of attachments to community are a part of the experience of migration. The class-based, racial, gendered, ethnic, and sexually defined aspects of this experience separate the "others" from one another but also provide potential elements for new linkages of solidarity and association. At the same time, blurring what might be critical to group and individual identities, the "host" nation is ready to homogenize these differences into salient ones from the point of view of the immigration office, police, political constituencies, dominant ethnic/religious groups, and economic elites.

Mobility is a powerful determinant of the way in which difference is defined as a source of domination or an opportunity for expression. If only some people exercise the right of movement, then the boundary-drawing exercise is a tool that replicates and fixes differences, such that lines are continually being redefined and hardened. De-territorialization and re-territorialization become hostile acts that global capital wields against the immobile or that ethnocrats celebrate as the fulfillment of national destiny and reclaiming of nation-statehood. The privileged travelers who experience "post-September eleventh" security as just an annoyance or who have profited enormously from transnational workforces and free-trade zones are, at the same time, ready to defend the hard border politics of sovereign states or regions, as in fortress Europe, and the hierarchical organization of difference.

CITIZENSHIP AND THE POLITICS OF NATIONAL IDENTITY

A framework that would reduce the impact of hard borders for less-privileged denizens of global society is one that undermines the lethal power of naming. This means rearticulating the spaces within which political decision-making takes place and the status of the possible participants. This rearticulation would involve a move toward decoupling citizenship from nationality. That is, redefining the criteria for citizenship, so that we can think about it as a "multi-tiered concept" severed from an exclusive relationship to the nation-state.[46] Citizenship in this way could be exercised in multiple and overlapping polities at subnational, national, and transnational levels. (I return to this theme in more detail in chapter 6.)

This encourages us to recognize the historically limited link between citizenship and nationalism and to reconceptualize citizenship beyond the borders of the nation-state. The link between national or ethnonational identity and citizenship is an artifact of modern history. Citizenship develops with the integrative support of national identity but as a conceptually distinct notion of political membership.[47] This historical tie eventually becomes a limit to the extension of citizenship. It becomes an exclusionary tool with sometimes frightening consequences and a brake on our political imagination. Reconfigurations of political space with the integrative processes of the European Union have begun to open up this imagination. Changes in the makeup of European populations with large numbers of immigrants and a multinational workforce have pushed theorists and practitioners to think about how to expand the notion of citizenship.[48] The process of European enlargement challenges closed national conceptions of citizenship. At the same time, people and groups worldwide are struggling to assert their particular identities against majority, host country, and global capital's cultural, economic, and political domination. This is a striking characteristic of the twin processes of integration and fragmentation. My claim in this work is that a way to move beyond the lethal consequences of these struggles is to continue to soften the physical, legal, institutional, and symbolic borders that separate people by denationalizing citizenship. This means rejecting national belonging as a criterion for citizenship, such that people increasingly are able to enjoy the political, civil, and social rights typically associated with citizenship where they live and work through multiple and overlapping polities.

Yet, just as there is great resistance to reconceptualize the static units of the interstate system of Westphalian sovereignty, there is significant

nostalgia for the notion of national identity. Quite apart from racist/nationalist complaints about the disappearance of white Europe or America, diluted resources, and the loss of unique national character, political theorists appear reluctant to let go of links between nation and state and nationalism and democracy. This is, partly, because fellow feeling is thought to be essential to establishing the requisite trust among members of a polity for collective action and, ultimately, for personal sacrifices necessary to defend the polity.[49]

Democratic theories typically assume that people develop civic bonds, exercise political rights, and fulfill obligations of democratic citizenship within territorially bounded political associations. "Thick" theories of bonding argue that strong cultural and ethno-national ties and historical memories of a shared past are, indeed, critical to the fellow feeling necessary to bind citizens together to build a common future.[50] This "thick" notion of bonding supports arguments for hard border states (with tough immigration regulations) within which individuals can develop distributive arrangements for common welfare and define national interests based on a common past and shared values and culture. Preferably, such shared values are communicated through a common language and cultural heritage. Communitarians and liberal nationalists assume, furthermore, that people have special commitments to those who are like them.[51]

I do not find arguments that ground political obligation and social cohesion on national identity and common culture convincing. The previous discussion of naming and the gendered nature of national identity lead me to question the use of thick national or ethno-national bonds as building blocks of democracy. These identity-based bonds support notions of privilege: Only those who belong can be sure that they will enjoy the benefits (protections and goods) of public life. Those who appear to question what belonging requires or who question the national interests (as defined by ethno-national leaders) find themselves in a precarious place. Vulnerability does not support relations of interdependence or trust. Moreover, practices in the name of the nation in which "others" are treated with hostility eventually undermine everyone's sense of security.[52] Relationships of sameness reaffirmed by institutionalized segregation and public exclusion of others support internal hierarchies of belonging and fears about one's own standing in the group, particularly in contexts in which the costs of being an outsider/"traitor" are psychically and materially high. The result is an enfeebled citizenry, which is vulnerable to autocratic leaders.[53]

The social bonds created through a focus on ethno-national belonging and the exclusion of those who do not belong are ones that

enervate rather than empower citizens. The bonds among citizens that empower them as actors and enable them to check the activity of leaders[54] are not those created through processes of ethno-nation-building, particularly those processes that promote a state identity defined by the national culture, language, and religion of the dominant/majority nation. Indeed, the experience of contemporary nationalism suggests that would-be national leaders (ethnocrats) are more interested in producing opportunities for public expression of belonging rather than choice and in preventing their cheering crowds from becoming bodies of citizens.[55] They are not interested in the establishment of "enabling" social bonds. As Nenad Miscevic notes, the bonds of belonging that are associated with nationalism discourage relationships of choice associated with democracy. Ethno-national leaders mobilize the people/nation through organic models of family belonging and maintain their positions of authority through people's fear of being left outside, unprotected. What distinguishes nationalism, he notes, "from its universalistic competitors (say, liberalism or socialism) are two principles of priority. First, the issue of belonging—that is, who belongs to a given community—is politically more important than that of the manner in which the community is being governed. . . . Secondly, non-voluntary belonging is essential in contrast to the chosen, voluntary kind."[56] In the politics of ethnocracy, identification with and loyalty to the nation does not involve choice but acceptance of the obligations of belonging and the mission of the nation as articulated by its guardians. The nation acts as a collective agent through its leaders. The "active" member participates in reaffirming nationally defined interests but does not exercise judgment.

At the same time, national guardians (ethnocrats) maintain their positional gains through the absence of mechanisms for accountability. In the violent conflicts in southeastern Europe, these gains have been substantial and provide few models or examples (I know of none) of redistributive solidarity.[57]

Political allegiances, effective political participation, and social cooperation in the production and distribution of public goods do not require long-shared histories or deep cultural ties. Religious, linguistic, historical, and cultural affinities are likely grounds for friendship, advocacy, and personal solidarity. They are not, however, necessary grounds for the democratic practice of social cooperation. People who share national and cultural ties may deprive one another of voice and vote or access to rights and resources and people who share few such ties may support mutually beneficial policies and democratic terms of social choice. Changing economic and social interdependen-

cies offer new opportunities for democratic institutional design and collective action. Patterns and practices of fixing identities and naturalizing historical relationships undermine this renegotiation of political association and its fluid configuration and articulation of space, time, and movement.

In chapter 5, I explore the question of how bounded democratic polities have to be and what kinds of bonds provide commitments necessary for democratic practices of social cooperation. Democratic polities may set some borders, but they ought increasingly to be porous, elastic ones—soft borders. A soft border approach envisions democratic practices of social cooperation exercised through multiple and overlapping polities by individuals and groups with multiple and fluid identities.

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Chapter 5

Democratic Polities: Thin Bonds and Soft Borders

In the preceding chapter, I suggested that thick notions of bonding (common national myths, memories, and long-shared past) are not likely to be effective building blocks of democratic cooperation today. Such bonds provide a potential mechanism for fixing and naturalizing differences, facilitating relationships of domination, and promoting notions of belonging inconsistent with democratic choice.[1] Instead, the promise of democratic social cooperation in the twenty-first century rests on assumptions about the multiple and fluid identities of individuals and groups exercised in overlapping and soft bordered polities. Continuing this argument, I return to the decoupling of political association from national identity and propose a different model of social choice in which the bonds linking citizens are thin ones based on a common present and a near future and the different experiences of cooperation, expectations of right treatment, and understandings of power that citizens bring to collective action.

Nationalism and Democracy

As noted earlier, the link between nationalism and citizenship and between national identity and democracy is historically limited. The nation-state and national citizenship emerged within a particular international system and a particular conceptual framework of sovereignty, both of which are being challenged today. While the modern notion of the nation played a role in the development of citizenship, its

historical movement also made way for organic models of community that promoted hierarchical and patriarchal relationships of power and denied the democratic extension of citizenship.[2]

Within the bounded nation-state, relationships of reciprocity based on equal rights and obligations could develop. "The institution of citizenship was an intrinsic element in the territorialization of the modern state; and it is within this form of nonstratified political space that citizenship assumes its role and the institutional expression of popular sovereignty."[3] The thrust of the French Revolution removed the aristocratic privilege of open borders and established a political space within which the law would no longer (at least formally) arise from particular interests. The law would come from all and apply to all. This notion follows from Rousseau's understanding of sovereignty: Under the terms of his social contract, each party comes together to form a union that is "called by its members *State* when passive. *Sovereign* when active, and *Power* when compared with others like itself. Those who are associated in it take collectively the name *people,* severally are called *citizens,* as sharing in the sovereign authority, and *subjects,* as being under the laws of the State."[4]

This understanding of popular sovereignty, tied to a particular territorial space and conceived of as a state- and nation-building process, provided a theoretical and practical foundation for democratic resistance to autocratic rule. At the same time, the boundary-setting nature of this sovereignty also registered exclusions, and this was also part of its history: "By inventing the national citizen and the legally homogeneous national citizenry, the revolution simultaneously invented the foreigner."[5] Citizenship developed with the integrative support of national identity but as a conceptually distinct notion of political membership. Eventually, this historical tie became a limit to the democratic extension of citizenship. This practice of boundary setting infected the social spaces and undermined the democratic terms of association, creating internal boundaries and differentiated rights or privileges.

The relationship between national identity and citizenship reemerged in different forms in national liberation struggles in eastern and central Europe in the nineteenth and twentieth centuries and against colonial powers in Asia and Africa in the twentieth century. However, the border-drawing exercises of European empires: mapping and claiming territory; designating homelands; defining and redefining national space and culture; and recognizing differentiated levels of political status established a trajectory for independence and democracy that in many ways undid these aspirations from the start. Ethnic identities were politicized and hierarchically fixed[6] and hard borders

were set, frustrating unrealized national goals and creating new ethno-national territorial ambitions.[7] Efforts to redefine the terms of political association following the breakdown of postcommunist federations in eastern Europe and the former Soviet Union were caught up in these conflicting ethno-national and democratic ambitions. The case of the former Yugoslavia provides us with an unfortunate example of the "victory" of the ethno-national in policies of exclusion, authoritarianism, corruption, and brutal violence.

Arguments about the necessary link between national identity and a democratic polity are also challenged by the numbers of immigrants, guest workers, refugees, and asylum seekers crossing nation-state borders. Limiting participation in public life to those sharing common national myths, memories, and language prevents many of the current denizens of "host" states from protecting their basic interests and exercising rights and obligations where they live and work. Uncertain status increases vulnerability to discrimination in employment and housing as well as to crime and violence. It tears at core values of a democratic society, such as equality under the law, recreating the lines of citizen and foreigner within. The idea, however, that the "demos" may be denied its choice of who gets to join may also seem, to some, undemocratic. In presenting the soft border approach in one forum, I was challenged by a member of the public, who argued that if in a democracy the people are supposed to rule, then shouldn't they rule over "who belongs"? Indeed, Michael Walzer compares rules about entry into a country to those of entry into a club.[8] Once accepted into the club, however, all should enjoy equal rights. But who *belongs* to any particular space and who can claim "original" membership in "its" demos are highly contested questions, as our short digressions into the recent history of the former Yugoslavia confirm (recall the notion of a constituent nation).

Joseph Carens argues that "although democracy presupposes a demos, membership in the demos is not something that the demos itself is morally free to grant or withhold as it chooses on the basis of its own inclinations or even its own interests."[9] Attempts to protect the homogeneity of the demos or to define it in terms of ethno-national belonging and purity have produced horrifying examples of violence in terms of both "ethnic cleansing" and people's desperate attempts at entry. This violence reflects the diverging paths between democracy and nationalism; a divergence which is further reflected in the differentiated status of individuals within the space of the modern state. Democratic citizenship evolved with the idea that individuals ought to be the authors of the laws that govern them. "To exclude people from

citizenship is to fail to treat them as free moral agents with a right to participate in collective determination of the laws to which they are subject, with which they are expected to comply, and which profoundly shape the social world in which they live."[10]

Models of transnational citizenship or multilevel citizenship have, thus, emerged to meet the aspirations of denizens of today's world and the changing demands of democratic practice.[11] Together with migratory patterns and demographic conditions, these models continue to challenge legal codes and practices, pushing countries and entities like the European Union to adopt a range of new options for citizenship and participation in public life.[12] While there has been considerable backlash in the last few years, multiple citizenship options remain on the agenda and open to discussion.[13]

Challenges to state sovereignty from a wide range of transnational actors and cross-border phenomena, such as global warming, infectious diseases, and trafficking in people, drugs, and weapons also require reconfigurations of political power that transcend the nation-state and take democracy beyond the nation.[14] The growth of transnational issue areas "has been accompanied by the extraordinary growth of institutionalized arenas and networks of political mobilization, decision-making and regulatory activity which transcend national political jurisdiction."[15]

As the historically limited relationship between citizenship and national identity changes, we need to rethink the political frameworks for democracy and the ways in which democracy can be practiced. The soft border approach questions the privileging of the nation-state as the primary space within which democratic decision-making procedures can be secured. It seeks to depoliticize ethno-national identities by rearticulating the spaces within which political decision-making takes place and the criteria for enjoying citizenship rights. Softening nation-state borders (and those of hierarchically defined sub and supranational entities) opens up alternatives for cross-border linkages and new spaces of social cooperation and political association. Rather than proposing that successful collective action requires shared national or religious values or even common national language, the soft border approach argues that people quite unlike one another can engage successfully in a democratic practice of social cooperation. This is not to ignore the ways in which people's different backgrounds and memberships (based on religion, ethnicity, race, gender, class, and sexual orientation) affect their standing in any process of social choice. Emphasis on multiple associations and contextual institutional design should offer effective ways to negotiate difference, rectify past

discrimination, and recognize the collective needs and claims of groups, without reifying group distinctions.

Special Ties and Commitments

Before outlining my argument for thin bonds that would support a soft border practice of democratic social cooperation, I want to say something about other kinds of bonds that are very much a part of people's lives. The soft border approach could be seen as not acknowledging and properly accounting for "the associative relationships that individuals do and almost certainly must develop to live successful and rewarding lives,"[16] including, among others, linguistic, religious, and cultural ties. This approach, however, does recognize the importance that most people attribute to associative ties and commitments and that these ties may not be a matter of choice. They are constitutive of many people's self-understanding but also experienced differently as either voluntary or ascriptive identifications. These ties provide resources for a fulfilling life and the means to pursue different life plans, and they fill gaps in services not provided by the state at local or national levels. The latter function, unfortunately, is also often the source of corruption and ethno-national "capture" of critical state functions, including the provision of public goods.

I want to make a short diversion to elaborate here, partly, because of arguments such as Craig Calhoun's that urge us not to devalue the ways in which people depend on ethnic, national, and communal solidarities to solve practical problems in their lives.[17] In countries, such as those of the former Yugoslavia in which connections (*veze*) under the socialist system provided the best assurance of access to available resources, good treatment by a dentist or car mechanic, and consideration for a job, being without connections posed bleak prospects. With the breakdown of the old regime, some of the same people who were able to provide access earlier remained good connections. That is, they were able to convert their position within the socialist system into similarly powerful positions based on ethno-national belonging. Ethno-national allegiances took over the work of providing connections. While informal networks of connections based on family relations, neighborhood, or childhood ties remained, membership in a particular ethnic or national group (and adherence to the official definition of national interests) replaced party membership as a major means of "solving practical problems." This encouraged the ethno-national polarization of society: Few people were prepared to be without this connection, especially without an

alternative network of civil institutions and associations to take its place.

Given past reliance on "connections" and no or few developed alternatives, people recognized that protection from the worst outcomes of change would most likely be secured through religious, ethnic, and national ties. At the least, people recognized that not identifying along these lines would make them vulnerable to others and would leave them without the new currency. With heightened conflicts along ethno-national lines, this became increasingly dangerous. National leaders played upon this fear of isolation and the safety of belonging. In the governments that emerged in these ethnic conflicts, these ethno-national connections set the stage for ethnocrats to capture social property, state functions, and introduce corruption at local and national levels throughout the region.[18]

The reliance on ethno-national connections, thus, emerged with the breakdown of the socialist system. Historically, this was likely, given the ascendancy of ethnocracy in all of the republics and the lack of civil society under socialism. But this reliance was just that—a historical alternative in the absence of democratic institutions. At the same time, opposition groups created alternative networks of solidarity. The *Belgrade Circle* weekly forums were a good example of these, as were the regular manifestations of the antiwar groups, such as the Center for Antiwar Action, Women in Black, and the Civil Resistance Movement. While the public activities of these groups were organized either to provide an alternative source of information or to protest the policies and practices of the Milosevic regime, nationalist intellectuals, and the media, they also provided much-needed opportunities for breaking down isolation and fear and establishing new social ties and networks of solidarity. Unfortunately, these networks were mostly limited to urban centers and appealed predominately to intellectuals, people in minority positions, and better-educated young people. Yet, as it turned out, they became better sources of solidarity for many refugees and impoverished co-nationals than were nationalist *veze*.[19]

The soft border approach acknowledges the various roles of what Charles Tilly calls "trust networks,"[20] in interpersonal relations and public life. According to Tilly, these networks "consist of ramified interpersonal connections mainly of strong ties, within which people set valued, consequential, long-term resources and enterprises at risk to the malfeasance, mistakes, or failures of others."[21] These networks play a role both in supporting democratic social choice and in undermining democracy-building efforts. On the one hand, if integrated

into public politics, they can increase political participation and checks on government. On the other hand, trust networks may provide a means "for elites to secure their own advantages without subjecting themselves to the costs and constraints of public policy," or for members to subordinate government to their interests (as in the case of ethnonational patronage-based authoritarian and theocratic regimes).[22]

Historically these networks emerged within local and national boundaries, but they are now branching out with electronic communication technologies across state borders, making linkages to transnational social movements or transnational criminal networks. People are, thus, enmeshed in different kinds of relationships, including: credit networks, mutual aid societies, and religious groups as well as family, kinship, and communal ties, which, to a greater or lesser extent, affect the ways in which they participate in public life or enjoy access to resources and opportunities. My argument optimistically envisions that softening borders will encourage the integration of trust networks into public politics in democracy-promoting rather than exclusionary and corruption-promoting ways.

Some theorists, however, would argue that national culture provides much more than just a basis for informal networks; it provides the context in which people develop their core values, those values that are critical to them as persons and as actors in public life.[23] We draw our values (which may change with our life experiences) from a number of sources including religion, family, national traditions, literature, and even media personalities. The soft border approach argues that decoupling citizenship from nationality does not weaken value-formation or values or necessarily challenge the privileged position of national culture or religion in value formation. It is not an assault on national values or ties but on their translation into means of exclusion and mechanisms for fixing hierarchical relationships of power. The soft border approach privileges democratic values over ones that would systematically disadvantage individuals or groups. At the same time, it is not a theory about the particular ways in which collective action should be exercised. Rather, it facilitates the negotiation of difference on the basis of current common interests, concerns, commitments, and needs through different levels of political and social engagement by breaking down the boundaries of engagement.

Still, the soft border argument that I am putting forward is a challenge to hard border notions of sovereignty and a challenge to the investment of the nation with the power of the state. It is hard to untangle romantic feelings of attachment to the nation (manifested in histories and images of suffering, victorious struggles, homelands,

and heroes) from the political and economic issues of control over territory and resources. Thus, this soft border argument may appear recklessly out of conformity with the hopes of individuals and groups to see their nation-state survive or their nation recognized as a state. (Recognition of state sovereignty is still the prize in ongoing ethnonational conflicts.) But the reality is that even as conflicts over borders are being waged, integrative processes are moving forward: global markets, global cities, European Union enlargement, transnational advocacy networks, and transnational arms production and sales. Real solutions to problems of poverty reduction, environmental protection, containing epidemics, and curing disease are structurally both local and transnational. Moreover, given contemporary weaponry, technology, and cross-border networks of solidarity, both defense of territories and peoples and attacks on territories and peoples are increasingly international or transnational affairs. While state-level polities are still key players in global struggles, I am convinced that sustainable peace and security are linked to the softening of borders and the sharing of political power across multiple and multilevel polities. Without committed transnational diplomacy, webs of cross-border alliances and cooperation, and multilevel action to address global inequalities, we cannot create shields against global or local violence.

Thus, the soft border approach is attuned to both special ties and commitments and the need to move toward a recalibration of political association. This leads us to explore what I mean by thin bonds exercised in multiple polities.

DEMOCRATIC BONDS

How bounded do democratic polities have to be and what kinds of bonds provide commitments necessary for democratic practices of social cooperation? Democratic polities may set some borders, but they ought increasingly to be porous, elastic ones—soft borders. They ought not to provide the opportunity for blocking movement or establishing exclusionary policies but merely facilitate the management of functions typically associated with social cooperation, including the provision of public goods, and allow for corresponding democratic processes of social choice. A soft border approach envisions democratic practices of social cooperation exercised through multiple and overlapping polities by individuals and groups with multiple and fluid identities.

Participation in multiple and overlapping polities does not prevent people from holding consistent views, pursuing coherent interests,

making and keeping commitments, and having long-lasting affiliations or allegiances. Softening borders (and, thus, opening avenues of political association) facilitates both long- and short-term alliances and allegiances around shared interests based on a common present, near future, and the need for what we typically consider state functions (legal, economic, and social). This notion follows from a very thin understanding of republican citizenship tied to individuals regardless of their country of origin or ethnic and national identities. It stresses the possibility of relationships of reciprocity and mutual respect in collective action, within and across fluid, soft border polities. In a complementary vein, working to develop a "looser conception of republican solidarity which is more accommodating of difference," John Schwarzmantel looks to the work of Jean-Luc Nancy, which rejects any idea of a fixed political community as "fusion" or "common being." Schwarzmantel argues, "Nancy's concepts can thus open the way to a new conceptualization of republican solidarity which is not viewed in rigid terms, as some fixed essence to which all citizens have to conform, but which is seen as an ongoing and never finalized process of interaction between holders of different identities."[24] The common thread here is the idea of reciprocity, even active civic engagement, linked to fluidity and difference.

Democratic processes of social choice are defined by relationships of equality and interdependence. Processes of social choice are more or less democratic to the degree to which these relationships of equality and interdependence are given substance by the background conditions of choice. This notion of democracy assumes a rejection of relations of domination and violence and institutions and practices that systematically disadvantage people or groups in collective action. As mentioned earlier, this notion is grounded in the assumption of the equal worth of persons and, thus, in terms of cooperation that promote equal concern and respect. The more opportunities people have to practice social cooperation according to these terms, or more or less according to these terms, the stronger are the civic bonds that join them. Democratic social cohesion is a product of the recognition that citizens have of one another as equal partners in social and political practices, as bearers of equal rights and responsibilities, or as participants in a game according to the same rules. The more citizens experience the benefits of "playing" under such rules, the greater becomes their trust in one another and the process.

Having said this, what would ensure equal standing in these polities when the members are significantly diverse in terms of economic resources, gender, religion, ethnicity, and language? The background

conditions of social choice significantly affect the voices of differently situated individuals and groups, their representation, and recognition in decision-making. The soft border approach aims to affect those conditions, in part, by disassembling the monolithic political authority of would-be ethnocrats and undermining the power of the majoritarian national state to mask its domination through seemingly universal civil codes. At the same time, it looks to institutional design growing out of the contextually based experiences, expectations, and understandings of members of fluid polities to produce more or less democratic terms of social choice and acceptable (not always desirable to everyone) outcomes of collective action.[25]

We all bring to the table intuitions and knowledge about collective action (gathered through political, familial, and group interactions) sufficient to facilitate our cooperation on a number of levels of social choice. Individuals and groups can develop sufficient commitment to a democratic process of social choice to recognize the outcomes as authoritative based on their different experiences of cooperation, expectations of right treatment or respect, and understandings of power. People—in ongoing relationships with others—have certain kinds of experiences with interdependence, dependence, and cooperation that inform their understanding of collective action, their empathy for other stakeholders, their choices, and their actions in the face of decisions made. These experiences may range from supportive ties between child and parent to degrading economic and psychological relations of domination and abuse.

Similarly, individuals and groups develop different expectations of right treatment or respect through family life, community practices, religious or cultural rituals, or basic life experiences. Some will not expect reciprocity for the respect that they show to group leaders, for acts of kindness and charity, or for the observance of familial obligations; but, at the same time in a different context, they expect equal respect and concern from others and feel demeaned by the absence of this right treatment in public life. Other people's expectations of mutual respect might demand a particular division of labor within the family or recognition of special needs, such as wheelchair accessible ramps. Expectations of reciprocity may also be extreme as in the expectation of revenge and fear of violence, or they may be understated as in simple acts of civility (one person giving way to another in passing through a door). While the content of expectations may be different, people can understand the idea that individuals or groups bring a range of expectations about right treatment or respect to collective action and can debate among themselves about what

constitutes right treatment in particular democratic practices of social cooperation.

People understand a range of relationships of power: vulnerability, privilege, domination, subordination, equality, and inequality, as well as functional hierarchies, such as professor and student. They may have a very different appreciation of these relationships, depending upon their place in them and their sense of the naturalness and inevitability or arbitrariness and injustice of these relations. These understandings may change over one's lifetime and will leave a stronger or weaker impact on one's life view and life chances and the ways in which one approaches collective action.

Attempts to promote democratization or institution-building for democratic practices of social choice must pay attention to these varied experiences, expectations, and understandings: their distribution and intensity in the particular population(s) in question and the conditions that might ameliorate or exacerbate bad experiences, such as skewed distributions of resources and lack of governmental accountability. It might be easier to draw on common expectations of respect and acknowledgments of wrong treatment locally, but these can be translated into claims to certain rights and protections at a variety of levels of government. Similarly, in cross-border polities or larger regional entities, we should be able to translate local understandings of power relations into protections against abuse in decision-making rules or into public practices that could serve to build relationships of trust. Assuming this ability to translate, workers in "host" countries[26] would not require a significant acculturation or assimilation process measured in long years of residency or measured by language and history tests in order to be able to participate in public decision-making. Storytelling and translation, thus, become an important aspect of democratic advocacy and education in the life of different polities. Stories on this account are not aimed at nation-building (praising the victories and lamenting the tragedies of a particular ethnonational group) but at drawing lessons for collective action.

Ideally, democratic institutions promote (and are supported by) relationships of interdependence and equality in the processes of social choice, opportunities for effective participation in public life, and access to social rights and resources that give political and civil rights equal worth. Awareness that this democratic ideal does not conform to everyone's vision of collective life or that some people's experiences or understandings will make them highly skeptical of, or resistant to, such democratic ideals is critical to the design of particular institutions. The varied experiences, expectations, and understandings

of individuals and groups provide the stuff from which democrats need to draw in institution-building and advocacy. In this sense, democracy is more about institutional design and the background conditions of choice (conditions that reduce opportunities for abuse of power, offer a variety of opportunities for exercising one's voice, and increase material security and exit and entry options) than about shared histories, roots, and values.

As noted above, democratic processes require minimally that institutions and practices recognize the formal equality and interdependence of individuals in social choice. Thin ties among citizens of a polity are strengthened through reiterated experiences of collective choice in which this relationship is actually approximated. The more citizens experience the benefits of "playing" under such rules, the greater becomes their trust in one another and the process. The ideal situation is that people accept or internalize these basic democratic principles and corresponding notions about themselves and their rights as citizens of democratic polities. While this is an ideal part of the soft border notion, the aim of softening borders and thinking about political association outside of the container of the sovereign nation-state does not depend upon people's having either internalized any particular democratic principles or having placed the exercise of citizenship rights high on their list of priorities. Given a commitment to the equal moral worth of individuals, the soft border approach is aimed at undermining terms of association that promote relationships of domination and inequality. The soft border approach assumes that people drawing on their own experiences, expectations, and understandings will—when possible—reject those terms of political association that systematically deny them equal concern and respect.

The ideal picture of democratic social cooperation also assumes a certain level of political and social stability and regularized, transparent decision procedures such that playing the game reaffirms commitments to its democratic rules. In many places in the world, unfortunately, formally democratic decision procedures do not afford circumstances that inspire faith in democracy. In weak states, for example, where the absence of the rule of law has encouraged the control of public goods for private gain by corrupt politicians and officials, democratic reformers may be hard-pressed to find institutional mechanisms for regaining public trust. In this case, however, neither multiparty elections nor the ascendance of leaders who possess particular ethno-national characteristics or values will inspire that confidence.

The violation of democratic practices does sometimes inspire public resistance. The success of such resistance might provide the basis

for further commitment to democracy. The possibility of commitment to democracy is increased by the softness of borders and the multiplicity of polities in which people can exercise public choice. Participation in plural (overlapping) political associations does not weaken commitments to democracy but improves access to enabling resources, reduces entry and exit costs, and increases the likelihood that people will find themselves among shifting majorities as well as the likelihood that elites will be accountable to their constituents.

While one's experience with government at a local level may be discouraging, cross-border activities in a regional clean-water or electrical project or participation in a regional educational board or cultural association might provide positive experiences that reaffirm an intuition about, or belief in, democratic practices of social choice. Fluid and open memberships in different levels of political association provide people with more options for securing the delivery of public goods (including protections and resources) or for enforcing democratic accountability.

It is precisely this issue of public goods, however, that leads some theorists to promote hard border polities and national fellow feeling.[27] They argue that only within a national community can we develop the kinds of relationships of solidarity that will support democratic collective action and redistributive policies that promote the equal respect and concern necessary to democratic citizenship. Commitments to social justice grow out of our shared meanings and common understandings about the goods to be distributed. Shared national values, language, and history provide the common threads that tie people—"strangers"—together and provide the basis for trust and solidarity among them.[28] According to David Miller, "in acknowledging a national identity, I am also acknowledging that I owe special obligations to fellow members of my nation which I do not owe to other human beings."[29] The shared values and history of the national community are "the sources of the obligations that we owe each other."[30] Moreover, a "thick" national political culture is necessary to maintain trust in our shared institutions.[31] Contra Miller, Andreas Follesdal argues that trust—"a shared set of practices with some public, common value platform" does not require a "thick" public political culture or a set of individuals who have political (autonomy) or shared territorial aspirations.[32] I have tried to suggest the same. Trust can be built through successful collective action motivated by intersecting interests in producing services and products typically associated with the state. Trust in democratic institutions, likewise, is built upon people's experiences of social cooperation and the expectations and understandings that

they bring to collective action. It is bolstered by effective institutional design (given the particular economic, social, and cultural circumstances of choice) and democratic advocacy.

Thick national bonds do not, in themselves, dispose people to egalitarian principles and redistributive institutions nor do they dispose them to trust in public institutions. Such bonds might discourage democratic principles by encouraging special preferences for co-nationals or ethnonational majorities rather than equality under the law.[33] There are places for special preferences but not the arenas of public choice. As we saw with trust networks, they can support democracy or inhibit it. Patron-client relationships or cronyism and nepotism are typical ways in which privileging special commitments undermines democratic politics.[34]

Only in very small communities might we rely upon solidarity and the norms of a thick local culture for the regular provision of public goods and welfare benefits. Resolution of free-rider problems in all other communities requires a combination of effective institutions (for collecting and redistributing resources, decision-making about revenue producing and redistributive policies, and monitoring implementation) and the threat of sanctions. This combination is bolstered by positive experiences in collective action[35] or positive experiences in response to "collective bads."[36] Reiterated positive experiences of cooperation need not, however, be had in the same place. Experiences, expectations, and understandings carry forward from one form of association to another. Good experiences in one venue support positive expectations in another. Negative experiences of dependence or inequality may increase a person's aversion to risk and decrease trust or, alternatively, increase a person's desire to seek and support a fairer game of social choice. People are able to feel strong affective ties to groups or individuals "like" them and, at the same time, develop civic ties to others quite "unlike" them if this is encouraged by institutional design, democratic advocacy, and positive experiences with collective action.

MULTIPLE AND OVERLAPPING POLITIES

The question of coordination problems does require us to consider issues of jurisdiction. At the start of this chapter, I noted that democratic polities may set some borders, but they ought increasingly to be porous, elastic ones—soft borders. They ought not to provide the opportunity for blocking movement or establishing exclusionary policies but facilitate the management of functions typically associated with

government and allow for corresponding democratic processes of social choice. Soft borders are fluid and porous such that they are inclusive (open to newcomers and cross-border activity) and dynamic (but not expansionist in a zero-sum way). The expansion of borders to include a new town in a cross-border polity, for example, would not necessarily endanger the exiting polity within which the town lies because of the overlapping nature of polities. It might signal officials in the original polity (let us say, nation-state) that the town was not getting what it needed from them and increase their attentiveness to earlier complaints or concerns. Competition would, thus, improve accountability. While secession in theory would be possible, it would be unlikely, as the costs would make little sense without the promise of hard border sovereignty.[37] Rather than fragmentation, soft borders would lead to new reconfigurations of local decision-making and regrouping of alliances around the growing list of transnational issues. Thus, we would see an increasing emergence of multilevel polities.

According to coordinators of the Green Paper prepared for the Council of Europe (COE), *The Future of Democracy in Europe: Trends, Analyses and Reforms,* Philippe Schmitter and Alexander Trechsel, " 'Multi-level governance' is a term often used to describe the plurality of decision making modes within the European Union. Multi-level may refer to the 'vertical' dispersal of political authority from the state upward to supranational—European Union—level and downward to subnational/regional level; and/or 'horizontal' dispersal that is involved when non-state actors are brought into the process."[38] My use of multilevel polities recognizes similar vertical and horizontal dispersals of political authority, but without a hierarchical understanding of "upward" and "downward." It also recognizes the challenges to democratic representation, transparency, and accountability presented at all of these different levels of government and at their intersections.[39] The soft border approach envisions the emergence and development of multiple and overlapping polities from different points of origin—some, out the devolution of nation-states to subnational and cross-border polities and others, expanding from local to larger regional initiatives, growing from common goals and activities that require economies of scale. These may include virtual networks and a wide range of transnational actors and/or evolve as "supranational" entities such as the European Union.

In chapter 2, I introduced the idea of a partnership between subsidiarity and a relational notion of popular sovereignty to help in thinking about questions of jurisdiction and the formal "allocation

and use of competencies across . . . multiple levels of aggregation,"[40] as these polities emerge and develop. To recall, subsidiarity means addressing issues and situating decision-making at the level closest to the problem, that is, closest to the individuals whose interests are directly affected. This means situating decision-making at the local level when possible and effective.[41] Decisions should be made at higher levels only when necessary to promote the well-being of the individuals concerned. As this puts the burden of the argument on those who would take decisions to a "higher level," use of this principle has been seen by some as a way of protecting member states within the European Union against centralizing or integrationist trends.[42] Yet, in the argument that I am making, there is no reason to assume that the nation-state is the level "closest to the citizen." Indeed, it may often prove to be the case that in terms of effectiveness and attention to democratic practices of social choice, decisions ought to be taken in local municipalities or at transnational levels. Deliberation over the comparative effectiveness of a particular scale of decision-making and location of decision-making authority could stimulate both identification of local needs and discovery of common interests that promote integrative policies and practices. According to Grainne de Burca, decision-making "authority may be spread across different levels of government, with an inevitable interaction between those different levels and actors in adopting and carrying through a particular policy in a given sphere." She gives an example from the field of environmental policy, "where the development of policies to combat global warming might be best undertaken at the international or supranational level, whereas planning decisions as to the preservation of 'greenbelt' areas or on the zoning of land are more appropriately adopted at national or local levels."[43]

The relational notion of popular sovereignty increases the democratic potential of subsidiarity by checking the relationships of power at different levels of choice. Operationally, linking the two would mean that as different polities emerge or redefine themselves, arguments over jurisdiction would be made in terms of subsidiarity and the ways in which this arrangement facilitates and encourages relationships of equality and interdependence in the processes of social choice. As noted in chapter 2, bringing decisions to the local level by itself does not ensure that power elites or majorities will not practice exclusionary policies or that some people will not be systematically disadvantaged by locally/regionally made decisions. This is why the institution of subsidiarity needs to be partnered with a measure for promoting equal standing in the processes of social choice.

This leads us to questions about the accountability, transparency, and accessibility of decision-making processes and elected and appointed actors, especially when moving from local to transnational arenas of choice. What about the "democratic deficit" in transnational decision processes? This democratic deficit has become a much-discussed theme not only for democratic theorists writing on the European Union but also for supporters and critics of transnational organizations and systems of global governance. Taking on such deficits requires attention to relationships of power and institutional design, providing public spaces for effective deliberation, transparency, and accountability in bureaucratic offices and constituent access to multilevel government.[44] This becomes particularly challenging with respect to global economic structures. Many decisions are made today by transnational companies, financial institutions, and international organizations that act beyond the control of most individuals and nation-states or are organized according to principles that have little to do with democracy. Moreover, access to global markets is still determined, to a great extent, by the passport you carry and "your" country's place in the international state system. People are affected by global networks and processes whether they move within them or stay in their local community, but they rarely have the opportunity to engage, define, and regulate these processes. Access to global transnational space or effective local linkages to regional entities must be an option for local actors and groups as they attempt to define and promote their life plans in ways consistent with democratic processes of social choice.

If global markets marginalize particular publics and threaten democratic practices of social cooperation, then the responses need to be both local and global. This does not require joining a world government but the opening and reconfiguring of spaces of political participation and the recognition of multiple memberships in overlapping polities. This is the logic today supporting many transnational advocacy networks.[45] Given the openness and informality of some of the transnational spaces, they appear to offer more avenues and mechanisms for participation in cross-border and regional projects than do traditional nation-state forums.[46] But appearances can be deceiving.

Violent conflicts and human rights tragedies in the last 20 years in the former Yugoslavia, Africa, and other parts of the world have helped to mobilize the development of transnational human rights organizations and international courts. Increasingly, individuals and groups (victims of violence, refugees, and displaced people) are looking to

these organizations and international human rights conventions for protection from the acts of states or groups within them and to secure benefits typically associated with national citizenship.[47] For these people who need to look to international organizations in order to secure their human rights under the current interstate system, the democratic deficit emerges in a particularly disabling way. Having to appeal to international organizations under hard border regimes establishes relationships of dependency and inequality. While claims are made on the basis of universal human rights, it is the people whose rights are not acknowledged by the states where they live who are seeking protection at the international level. In order to be successful, they have to convince others that their rights are being violated or endangered and hope that the international body in question can rectify the situation; the route is not autonomic. Moreover, rights carry reciprocal responsibilities.[48] Yet, under this external process of rights recognition, the second part of the equation falls out. This undermines the equal standing of the "recipient." The recipients are rarely able to participate as members or decision-makers in these international organizations. This aspect of the democratic deficit brings us back to the need to focus on the relationships of social choice and to decouple the enjoyment of basic rights from the hard borders of state sovereignty.

Transnational peacekeepers and international organizations have been limited in their ability to remove constructed barriers to democratization and significantly change relationships of power. In southeastern Europe, interventions (Bosnia, Kosovo, Macedonia) have been, at best, temporarily successful in stopping ethnocratic power struggles rather than in significantly improving the chances of stable democratic development. Again, this has often been because most activities have been directed through old institutional arrangements and hard border solutions to economic and political change.

The United Nations Development Programme's Global Partnership for Development annual reports outline the agency's commitment to realizing the Millennium Development Goals (MDGs): building stronger democracies, generating equitable growth, preventing conflict and supporting long-term recovery, protecting the planet to benefit the poor, halting the spread of HIV/AIDS, and transforming women to transform societies.[49] Yet this process is stuck in a traditional development mindset that sees development processes through "national strategies" and existing state governments. "Brokering partnerships," an aspect of the UNDP strategy that acknowledges the complex global processes of human development, means brokering "cooperation among a larger network of partners, including donor

countries, the private sector, civil society, international financial institutions and regional bodies."[50] However, there is little emphasis on strategies to build new configurations of political association among countries in development or to support local cross-border alliances and transnational cooperation brokered at local or regional levels. This reiterates the donor-recipient dichotomy and, I would argue, reduces not only opportunities for democratic practices of transnational collective action but also chances of realizing the MDGs. (I will return to this theme in chapters 6 and 7.)

Global trends, the steady emergence of transnational actors, and the increase of transnational issues offer the potential for new public spaces, effective participation in multilevel polities, and increased avenues for democratic engagement. Movement in this direction, however, speaks to the need for three significant changes. First, it requires undermining hard border thinking and meeting challenges to state sovereignty with a decoupling of citizenship from nationality. Second, it requires recognizing new principles of political association based on thin bonds and an appreciation of how different people and groups can translate their wide range of experiences, expectations, and understandings into successful practices of collective action. And third, it requires a relational notion of popular sovereignty partnered with the principle of subsidiarity.

The soft border approach to democratic social cooperation seeks to depoliticize ethno-national identities by arguing that the enjoyment of public goods and basic rights such as citizenship should be independent of membership in any particular identity community. Softening nation-state borders (and those of hierarchically defined domestic subdivisions) opens up alternatives for cross-border linkages and new spaces of social cooperation and political association. Thus, in chapters 6 and 7, I consider possible ways in which to facilitate legal border crossings and cross-border polities as a democratic practice that respects ethno-national ties and identities but that does not recognize them as relevant criteria for denying people access to public goods and services and the enjoyment of citizenship rights. I argue that borders can be softened by recognizing allegiances to overlapping polities including those that stretch across the boundaries of existing nation-states and by facilitating different kinds of participation based on functional interdependencies, intersecting interests, and multiple attachments. In chapter 6, we now turn to the basic features of this soft border approach.

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Chapter 6

Transnational Citizens in Multiple Polities

In this chapter, I elaborate the basic features of the "soft border" approach, which calls for a transnational notion of citizenship rights, exercised in overlapping soft-bordered polities by individuals and groups with multiple memberships and allegiances. When I presented this idea at a recent conference on sustainability in Vietnam, one of the members of the public who introduced himself to me as a libertarian economist professed a great amount of interest in my argument. At first I could not see the link, but then he began to interpret my argument for soft borders as an endorsement of secession, including the secession of individuals with their property from whatever polity they find themselves in.[1] This alerted me to a misunderstanding that the notion of soft borders might suggest. This is not an argument for an increasing devolution of power or the emergence of ministates and stateless nomads; rather, it is an argument for a reconfiguration of political space and membership linked to an ongoing "unbundling" of sovereignty, territoriality, and political power.[2] It imagines the strengthening of subnational polities through transnational linkages and the emergence of new polities based on economic and political interests, strategic alliances, and functional interdependencies—from the joining of cross-border towns to the enlargement of supranational entities such as the European Union or MERCOSUR. Softening borders, at the same time, means breaking down the physical and symbolic boundaries of inclusion and exclusion that create fixed political identities of minority

and majority, assign hierarchically differentiated memberships, and keep people trapped within the hard boundaries of their "home" states or at the borders of potential "hosts."

The argument for soft borders challenges ideas about traditional units of political association and social cooperation. It does not suggest any particular arrangement of units or the necessary demise of national or other communities, but its implementation would certainly affect the relationships of power within communities and among them. The argument seeks to sever the link between membership in a particular national community and the rights and responsibilities typically associated with citizenship, denying the nation-state its traditional monopoly over the recognition of such rights. Softening borders would weaken the state's power to exclude individuals and groups from the enjoyment of resources and opportunities in a particular territory or space and to designate the hierarchical status of those "inside" according to ethnonational, racial, gendered, or other ascriptive criteria.

Softening borders, while it expresses mobility, does not necessarily involve the physical movement of people. It imagines new configurations of space that include virtual communities and participation in transnational polities or transborder cultural communities locally and globally. Participation in subnational and cross-border polities could, but would not, necessarily require travel but would mean that people could participate simultaneously in multiple polities that stretch across previously contested borders. At the same time, softening borders makes the advantages of travel accessible to greater numbers and decreases the danger of traversal. Softening of physical borders (even for very practical reasons such as cross-border water projects or environmental protection) provides the space for symbolic softening of borders that helps to dissolve the naturalized binary differences of outsider/insider entrenched in the discourse of nation, ethnicity, or race. Encountering or mixing with the other is not what softening is necessarily about, although crisscrossing of borders at multiple levels has historically produced cultural hybridity and rich creative outcomes. Rather, soft borders undermine the construction of power relations around fixed definitions of difference and institutionalized practices of domination and violence.

Promoting a world of soft boundaries requires rethinking the notion of sovereignty and democratic practices of social cooperation. How would this rethinking be articulated in practice? There are four important aspects of the soft border approach that require elaboration. They are intimately related but separated here for analytical purposes: (1) transnational citizenship; (2) membership in multiple soft

border polities; (3) thin bonds strengthened through democratic practices of social cooperation; and (4) access to various levels of transnational or international organization by a variety of actors.

Transnational Citizenship

If we are talking about reconfiguring given notions of political space with a view to increasing the democratic potential of the twenty-first century, then we need to begin by softening the physical and symbolic boundaries of the nation-state, reimagining processes of social choice and the ways in which people and groups gain access to political and social resources. While a variety of nonstate actors have taken up functions typically associated with the state, nation-states still lay claim to many regulatory and legislation functions. Nation-states play critical roles in the global economy and dominate international political forums. At the same time, technology, global finance and markets, and a wide range of transnational organizations, actors, and movements create challenges that betray the weakness and limited capacities of nation-states and provide new avenues and opportunities for political association and collective action.[3] The idea of softening nation-state boundaries is a recognition that the nation-state is neither the exclusive arena nor the most effective arena for political action *and* that its hard borders have become detrimental to the equal respect and concern due denizens of our world. Accordingly, the soft border approach is not about changing the configuration of political space into larger and more complex entities also with hard borders (àla fortress Europe),[4] but about reimagining political association in fluid soft border polities that facilitate easy movement in and out and deflate the awesome power of membership. This means a decoupling of citizenship and national (ethnic, racial, and religious) identity.[5] This strikes at one of the key features of traditional notions of sovereignty: the authority to define who belongs and who does not—who may enter and who may not—and the status of the denizens within the territory of the state. The soft border approach is an argument for retiring this authority (not for placing it at a higher instance).

According to this approach, then, individuals could theoretically participate in social choice wherever they happen to live and work as well as in multilevel political associations and transnational polities. Participation at any level would require some stake[6] in the life of the polity noted by a period of residency or some established connection; but ethno-national identity would not be a legitimate criterion for excluding anyone from establishing the residency or stakes necessary for

political participation and enjoyment of membership. Established connections might include employment or residency without long-term goals or growing up, being educated, and maintaining ties to a place despite residence elsewhere.[7] The soft border approach would, however, lean toward the idea of recognizing the political rights of those with current stakes in institutions and practices of social cooperation, recognizing that people may well enjoy multiple memberships in different polities.[8]

I have said relatively little about the content of transnational citizenship, and that is intentional. This soft border argument is concerned primarily with relationships of social choice. The argument assumes that anyone can potentially establish multiple relationships of political association throughout the globe. The ideal is that the terms of social cooperation in these collectivities reflect the relational notion of popular sovereignty, that is, equality and interdependence in the processes of social choice.

The soft border approach (more practically) envisions a softening of borders such that visa regimes that currently block people's entry into different countries would be lifted, and rights typically associated with citizenship in those spaces could be exercised and enjoyed by all people who come to live and work there. This does not necessarily signal the disappearance of countries but the softening of hard borders separating geographic and political spaces and blocking access to rights and resources. What happens to the notion of a country would be a part of the history of the twenty-first century. Let us imagine that this would happen more or less gradually and extensively. Polities would ideally emerge, reconfiguring political space locally and transnationally according to interests and needs—perhaps as joint construction projects that grow into regional political associations, as global cities, and as supranational entities following the pattern of the European Union or as cross-border solutions to ethnic conflict. In this changing landscape, ethno-national (and other) identities could find their expression in local and cross-border cultural or religious communities as well as through multiple political associations. The soft border approach, by rejecting a hard border politics of identity, would discourage fixing identities into political status and restricting access to rights and resources accordingly. In this sense, individuals would "move" over the soft borders of polities articulating their identities, fulfilling obligations, establishing relationships, and pursuing interests.

As it is, different polities are already experimenting with political status for long-term guest workers and residents who are not citizens

that would enable them to participate in local decision-making where they live and work.[9] Numbers of noncitizens already manage to enjoy social services, public education, and health care as community members or taxpayers and other benefits based on their own economic resources. And dual citizenship has increased the ease with which some individuals participate in decision-making that affects their multilayered lives and interests.[10] Other individuals and groups have succeeded in exercising rights claims to legal protection, employment opportunities, and cultural practices through international organizations, conventions, and human rights regimes. These options signal various levels of recognition of the importance of securing the benefits of citizenship. But this exercise of rights and responsibilities is contingent and insecure and reaches only a certain number, leaving many caught in the cruel grasp of hard border politics.[11] Moreover, recourse to human rights conventions does little to block the avenues for amassing enormous power controlled by actors from ethnocrats to transnational corporations and traffickers under the current politics of hard borders.

Transnational citizenship would ideally remove the insecurity of being "undocumented" or holding limited visas, the fear of being exposed to violence and discrimination, and the humiliation of being treated as "disposable" labor or a threat to order and community. Transnational citizenship aims at dismantling the legal and material borders that provide opportunities for discipline, conflict, and violence and for consolidating power in the hands of the few. Softening borders and reducing the power that comes from politicizing belonging would help to soften the symbolic borders of racial and ethno-national discrimination.

The soft border approach does not assume that individuals are unattached to either their group identities or particular places (particularly those places occupied or contested by others). Recognizing the importance of identity affiliations in political and social life, the soft border approach rejects neither claims to group recognition in social choice nor the idea that past histories of discrimination or systematic denial of access to resources may require remedies of affirmative action. It rejects the fixing of political status based on racial or ethnonational or other identities such that these categories create and reiterate the boundary-setting authority of elites and the hard border politics of exclusion.

Recognizing precisely that people are attached to the place where they grow up or where their families live or where people speak the same language and share in the same religious practices, the soft

border approach does not picture a world of nomads, traveling with bundles of rights on their backs. As a result of ethno-boundary-setting practices and wars, however, there are many nomads traveling without any rights on their backs. The reality of refugees, displaced persons, and other transnational migrants speaks to the recognition of transnational citizenship rights. The differences and commonalities among these migrants—from entrepreneurs to asylum seekers—speak to the need for multiple reconfigurations of political space that facilitate the inclusion of dynamic and diverse populations in collective choice.

As recent history and ongoing conflicts regularly remind us, the borders of polities and cultural communities rarely coincide. The soft border approach recognizes this and makes it possible for people to form and participate in cultural (ethno-national or religious) and transnational bodies beyond the borders of an existing country space. Ethnic conflicts, as we have seen, exist in large part because of the prevailing notion that the ethno-nation has a right to its own state and is impoverished to the extent that it does not. This interpretation of self-determination, while presented as a democratic ideal, has not produced particularly democratic solutions as of late or been driven by democratically minded leaders. As part of a politics of national identity embedded in the hard border struggles of the twentieth and twenty-first centuries, it has revealed more authoritarian and discriminatory foundations than democratic ones. Despite the best intentions of some patriots and advocates of self-determination, ethnocrats have managed to exploit the context and conditions in which these struggles have unfolded, trapping the process of ethno-national liberation in vicious cycles of exclusion, violence, and corruption. The tragedy is that most people have accepted the fact that both national culture and democracy require the hard boundaries of a sovereign state in order to grow and thrive. This perhaps was true at one historical moment, it no longer is. Neither democracy nor national culture needs a sovereign hard border state to be vibrant. On the contrary, both democracy and cultural communities need new calibrations of political space to remain vital and in touch with stakeholders today.

There is no doubt that current approaches to violent conflicts over control of territory and claims of sovereignty provide few answers and seemingly little optimism for long-term peaceful alternatives. Still the idea that a more viable approach can be found in softening borders may seem to some highly idealistic and, even, dangerous. On the contrary, building walls and establishing mechanisms to block people's movements heighten violence, promoting mistrust, militarization, and

crime—such barriers are "not only inefficient but objectively harmful to society and the economy."[12] Those committed to violating borders or desperate to cross them manage to find a way. Facilitating movement through soft borders would decrease the incentives for illegal movement, increase the possibilities for local economic and social development, and provide effective resistance to remaining traffickers and militants in ethno-national struggles.

Recognizing the way in which the "turmoil" across Pakistan's borders has distracted leaders from dealing with pressing concerns for economic and political stability in Pakistan, Shahid Javed Burki, a former finance minister of Pakistan, recently considered what he described as an innovative approach to the question of frontiers. "What could be done with these two ill-defined borders that cut across one of the world's most sensitive regions? I would suggest turning them into 'soft frontiers' that allow the easy movement of people, goods, and commodities across the border. There will be no visa restrictions and trade will take place unhindered by tariffs and customs procedures." Burki notes, "There is an understandable hesitation to move in that direction. Indians are fearful that a less regulated border will facilitate the movement of jihadis from Pakistan into their part of Kashmir. Kabul has the same fear. The Americans would like to prevent the Islamic militants in Pakistan's wild west from sweeping into Afghanistan. Pakistan does not wish to see US and Indian soldiers easily march into its territory in pursuit of jihadi groups." But, he then adds—and this is the point, "These fears may be realized if the status quo is maintained."[13] A soft border approach here and in similar "hotspots" including those of southeastern Europe provides a way to reconsider the demographic barriers and economic consequences of hard borders and provide solutions that look toward opportunities for improving living conditions rather than entrenching difference.

This requires a new "imaginary," a willingness to rethink the notion of a polity and the relationships between political power and territory. Residents of a contested territory could now move freely across the borders of political, social, and cultural spaces, engaging in economic activity and collective action, participating in overlapping polities and other communities, as would their neighbors in bordering regions. Incentives for separate nation-states would become increasingly less meaningful to individuals (in national majorities or minorities) with the possibility of multiple memberships, transnational citizenship, and the decreasing currency of "state sovereignty."

Of course, this notion would provoke strong opposition. Ethnocrats are not likely to embrace a diminution of their boundary-setting authority

and, thus, control over the establishment of criteria for citizenship and the recognition of associated right claims. Nor, for that matter, are many more democratically minded leaders, politicians, and theorists comfortable with formulas for transnational citizenship.[14] The notion not only goes against accepted notions of state sovereignty (and political power) but also goes against ideas about security, public welfare, and rule of law, some deeply entrenched in privilege, interest, and tradition. At the same time, contemporary challenges, or what Aiwha Ong calls "mutations" in sovereignty and citizenship,[15] are already imposing new adaptations of political space and institutional design.

Changing relationships of power always involve processes of contestation and renegotiation. They may involve radical shifts in legislative, executive, and judicial power and be accompanied by significant unease as well as new understandings of roles and rules of association and cooperation. Advocacy for soft borders and transnational citizenship will need to address these changing relationships of power.

Soft border advocates will need to address beliefs that transnational citizenship threatens national values and traditions, dilutes the notion of citizenship, and saps its democratic potential. The ability to promote democratic relationships of choice, according to liberal nationalists and communitarians, depends upon the closed nature of the borders and the construction of a national community.[16] While Walzer adds that these hard external borders should be coupled with opportunities for easier paths to naturalization and enjoyment of equal citizenship for noncitizens already inside, not all hard border advocates agree, as the current debates in the United States and within the European Union suggest.[17] Tough immigration policies are proposed with stiff requirements for naturalization, limited work permits, and criminalization of undocumented workers. As Linda Bosniak outlines in her discussion of the dilemmas of contemporary citizenship, many political and legal theorists separate their approaches to immigration from their positions on naturalization or alienage. Few theorists, she notes, except those who promote notions of denationalized or postnational citizenship, are ready to give up the authority of the nation-state to define the terms of entry and the status of persons residing within. While she herself grapples with the contradictions of a "hard-on-the-outside, soft-on-the-inside conception of citizenship,"[18] she confirms the suspicion of the soft border approach: Hard external borders inevitably create internal borders of exclusion and inequality.

> The condition of alienage, though sometimes lamented, is presupposed by the boundaries that are understood to make equal citizenship possible. . . . While the social exclusion these individuals [the undocumented] suffer is recognized as objectionable, the territorial exclusion that creates their status also seems essential, at least some of the time, as a precondition for achieving social justice within the community—and indeed, as a constitutive condition of the political community's existence altogether. Yet, of course, it is precisely enforcement of these borders that produces the immigrants' social exclusion in the first place.[19]

Bosniak notes the preference among liberal democrats for a strategy of "splitting" questions of who gets in from the question of equal rights for those already inside. "Defenders of immigrants' rights within liberal democratic societies make use of this rhetorical strategy all the time. We deploy the community's articulated ideals to challenge its exclusionary practices; we insist that it make good on its promise to include 'everyone.' "[20] Yet she concludes that "elimination of unpalatable (from a liberal democratic perspective) exclusionary commitments through ejection to the community's geographic edges is simply not possible; exclusionary national boundaries are with us on the territorial inside as well. . . . The quest for unmitigated inclusion within the community can therefore serve as a regulative ideal, but in actuality, such inclusion is a fantasy."[21] The boundaries of community serve not only as hard external borders but also as internal markers of differentiated status.

It *is* likely that transnational citizenship would change the demographic makeup of a polity and increase the array of languages spoken, foods eaten, and holidays celebrated, all of which might be seen as a threat to traditional national values. But such changes are part of an ongoing process. "National values" are dynamic and the evolving product of a complex interweaving of people and culture, economic, political, and social processes. We just freeze "our" picture of community as something natural and unchanging. It is how we frame the process of change that is important; and the soft border approach provides a positive framing that turns threats into opportunities for constructive cooperation. Diminishing group vulnerability creates greater trust in collective action and potential democratic processes of social choice.

Rather than diluting the notion of citizenship, this soft border approach breathes life into the notion. The soft border approach revives citizenship's inclusive political potential in a world in which citizenship has come to signal exclusive membership or relatively meaningless rights of political participation. Citizenship, which many people

have come to see as merely access to a passport or a status to be worked around, has the chance of becoming a public role of engagement. Transnational citizenship in soft border polities would offer opportunities for uncoerced sharing and recognition of different values and traditions as well as the fostering of common concerns around everyday needs and interests and larger global issues. The argument for softening borders and recognizing transnational citizenship is grounded in an appreciation of the way in which cooperation is related to equal standing in processes of social choice. Polities based on thin bonds are potential sites for coalition building and inclusive approaches to collective choice. Soft border polities emerging from functional interdependencies provide opportunities for reinvigorating political participation.

Questions of different citizenship status encourage us to look at other obstacles to the enjoyment of equal citizenship, including but not limited to race, gender, class, and sexual orientation and to consider how these are also connected to larger economic and political processes. Laws governing election rules, voting districts, administrative systems, and civil rights (including property rights) are crucial mechanisms for ensuring the political dominance of the ethno-nation. Ethnocrats use criteria for citizenship, contested grounds for legal standing, and access to community resources to intimidate people, reiterate the national character of the state (as they define it), ensure the numerical superiority of the dominant nation, and control political activity.[22] This logic is reproduced in immigration policies and the discriminatory politics of second-class citizenship for nonnationals living and working in "host" countries. Refugees, immigrants, and guest workers are reminded of their vulnerability within host communities when their political and social status in the politics of national identity is translated into limited access to resources (education, health care, and property) and rights of political participation. This situation becomes more complicated when nonnationals or even citizens with immigrant roots become symbols of challenges posed by global economic processes and are perceived as responsible for the international policies of their countries of origin or their larger religious or ethnic communities. Differentiated citizenship rather than providing national unity increases suspicion of difference in general.[23]

The notion of transnational citizenship in the soft border approach pushes us to consider the design of institutions to promote easy inclusion and to look at the conditions of choice that support inclusion on equal terms. Moreover, the soft border approach is sensitive to the

ways in which differently situated people differently experience globalizing trends and border crossings. Paying attention to opportunities for and obstacles to inclusion on equal terms, the approach helps to establish what Nira Yuval Davis calls a "transversal politics of coalition building."[24]

Would transnational citizens, however, necessarily be democratically inclined or committed to promoting soft borders in policy and practice? This is a question of the background conditions of choice and the effectiveness of advocacy, as it is in any democratic polity. Efforts to filter out potential nondemocrats or to build walls around "democratic preserves" are doomed to backfire. On the one hand, they encourage misunderstanding and distrust among people who will increasingly find themselves interacting—if not as denizens of the same geographic space and partners in social cooperation, then as participants in common global processes and struggles to overcome epidemics and environmental hazards or as adversaries in violent conflict. On the other hand, "wall-building" strategies reaffirm notions of exclusion that get reproduced as symbolic and political boundaries among different members of existing polities, undermining the democratic values, practices, and institutions of what were to be protected enclaves. The challenge for democrats in soft border polities, as in all polities today, is to consider issues of institutional design and access to resources and opportunities that support preferences for democratic processes of social choice and that provide new avenues for checking accumulations of power inside and outside of these processes.

The work of democratic advocacy, thus, involves attention to emerging avenues and obstacles for political engagement locally and globally and creation of mechanisms for greater public participation in decision-making. Transnational citizenship reframes the question of obligations across borders and the opportunities for responding to questions of global justice in transnational processes. The argument for soft borders rejects the randomness of privileged access to resources but also recognizes the stake people have in protecting resources that could provide them with the means to security and well-being. Thus, transnational citizenship speaks to a range of collective actions that aim at promoting sustainable development of local and global resources and creative problem solving at multiple institutional levels for the production and provision of (local and global) public goods and the prevention of (local and global) public bads.

MEMBERSHIP IN MULTIPLE POLITIES

While the soft border approach is concerned with reducing the capacity of ethnocrats to fix criteria for political membership and define the contours of what constitutes a viable forum for political participation, it also focuses on opening up the alternatives for economic, social, and political participation through uninhibited movement and the reconfiguration of political space. Softening borders should increase creative efforts to respond to the concerns of stakeholders in multiple and overlapping polities, recognizing new patterns of collective choice and new demands on our understandings of criteria for political participation.

As transnational citizens, everyone would potentially have the right to participate in political life in multiple polities as well as in other forms of association. According to the soft border approach, then, rights typically associated with citizenship would be exercised and enjoyed by people in the multiple polities in which they live and work. Ethno-national identities would continue to be articulated through family, kinship, and cultural communities and a range of possible local and transnational networks. Public recognition and support of these communities and challenges from these communities to polities would ideally be a question of public debate and democratic decision-making at the level most appropriate to the activities in question. Yet ethnocrats would neither remain the sole guarantors and arbiters of group identity, membership, and access to political, social, and civil rights nor be in a position to reduce political agendas to struggles over ethno-national interests (as they define them). Majority or minority status would not lead to a fixed political status.

The soft border approach would encourage political participation in polities bounded by "thin" relationships of reciprocity and equal concern and respect, negotiated through people's different experiences, expectations, and understandings. Civic bonds within overlapping polities would develop out of people's reiterated experiences of cooperation on terms that support their equality and interdependence and by background conditions of choice that promote these terms. Enjoying formally equal rights and responsibilities, participants in these polities might work together in governmental bodies or through cultural communities and other organizations of civil society to ensure access to the material and institutional resources that give worth to these formal rights and responsibilities. This soft border approach, though, does not assume that everyone wants to participate in public life. Some people may find the obligations of active citizenship an

unwanted burden;[25] others may limit participation to voting or signing petitions. The approach does betray a preference for engaged citizens, but what is crucial to it is the conviction that exclusionary policies undermine the democratic fabric of public life. The vulnerability of status or membership produces skewed distributions of power and potential relationships of domination that not only undermine effective collective action but also encourage conflict and distrust. Thus, while everyone need not participate in public life, no one who has a stake in it should be barred from participation. And no one ought to be denied the possibility of establishing a stake (stakes) in a polity or multiple polities based on ethnicity or place of origin.

Membership in one polity would not exclude membership in other political associations. Membership would be based on a stake in the life of the polity, a voluntary commitment to share a common present and future. This notion of a stake would emerge with the softening of borders, as it already has in some places in the form of local voting rights.[26] The soft border approach would push this practice in the direction of transnational citizenship. On this account, sharing a common present presupposes some appreciation of the past but not necessarily a common past. Sharing a common future assumes common commitments to the welfare of the polity and people living there as well as some shared interests and values, but it does not mean that participants should be considered less serious or trustworthy if they neither tie their distant futures to the polity[27] nor share all of the same values. Multiple memberships would encourage participation in social choice where people live and work without fear of loss of membership in other polities (overlapping, nested, or spatially distant) where they also maintain stakes.

Softening borders and encouraging multiple layers of political association, could, it might be argued, upset a whole array of institutional arrangements and lines of authority from representative bodies and electoral units to courts and public schools. Soft border practices might add layers of decision-making, even confusion about accountability and collection and allocation of resources.[28] Rather than potential jurisdictional nightmares, however, the practices and institutions developed to soften borders—guided by subsidiarity and relational popular sovereignty—could also provide more avenues for creative problem solving, resource sharing, and citizen involvement in monitoring the production and provision of public goods (processes often artificially limited by state borders).

The emergence of new cross-border polities coupled with arguments for establishing new regional jurisdictions over provision of

public goods would likely force hidden issues of accountability to the surface. This might provide the occasion for rethinking the configuration of political association and decision-making authority. This, in turn, would pose questions at national levels and disturb accepted and, often, unaccountable or inefficient hierarchies of power in favor of more effective and more democratic arrangements. The very process of renegotiating jurisdictions could provide forums for democratic debate, for example, over organizational arrangements that skew relationships of power in favor of a select few. The process could also expose the difference between participation in multiple polities and the holding of multiple functions within a polity in ways that produce significant and harmful conflicts of interest and corruption.[29]

Regular renegotiation of jurisdictions ought not, on this account, to be seen as an excuse to change the rules of the game in order to protect certain privileges and promote particular interests against the public good. Thus, arguments for renegotiation would also have to follow accepted principles. This is one of the important challenges of the soft border approach—but one with which it is worth grappling. The history of political association is full of these renegotiations and these processes are ongoing.[30] The current challenge is for advocates of democratic relations of social cooperation to push these processes into the open and to consider what principles for renegotiating jurisdictions and arguments for reconfiguring political space best promote democratic practices of social choice.[31]

Softening nation-state borders, it could be argued, would undermine national security[32] and even encourage disregard for the rule of law. Traffickers, corrupt financiers, and terrorists already operate as if borders were very soft. Yet they make their profits or set their goals relying on the existence of hard borders or the hard border struggles of others.[33] Thus, while the prospect of softening borders may seem to increase risks to security, it could offer great opportunities for decreasing the profitability of cross-border crime and conflict and, thus, illegal border traffic.[34] It is already generally accepted that regional cooperation is critical to combating human trafficking and smuggling. The soft border approach makes this cooperation part of a larger project that decreases incentives, isolates criminal cross-border activities, and adds layers of cooperation and joint governance. The question of forging a common European Union approach in the fight against terrorism reflects both the recognized need to engage in collective action in order to combat crimes and prevent terrorist attacks *and* the resistance to dropping national vetoes over judicial policies connected to policing efforts. Countries opposing a radical shift in judicial

powers to the European Union argue that security matters are the preserve of sovereignty states. Yet the Spanish Justice Minister Juan Fernando Lopez Aguilar argues that a united approach to crime has been essential to preventing human trafficking and smuggling problems, "If we are to respond and be effective, the decision-making process is important, he said. It really matters."[35]

Reconfigurations of political space and relocations of decision-making that question the sovereign authority of the nation-state with respect to security issues pose similar debates about the role of the nation-state in promoting and protecting national economies. Softening borders through transnational citizenship might be seen to undermine state-based struggles to gain better terms of trade and protection of national resources for poor countries and, thus, struggles for global justice. Soft borders might be seen to undermine proposed redistributive schemes and affirmative measures based on responsibilities taken on by wealthier nation-states and regulated through intergovernmental agencies. The notion might even appear to support a neoliberal ideal of free access to natural resources and markets with little resistance (and no weight behind international regulation). It is far from clear, however, that the nation-state system supports poorer countries in their efforts to resist the economic domination of wealthier ones and transnational corporations and organizations,[36] nor that a soft border polity would lack regulatory bite. On the other hand, it appears more likely that more effective regional entities (such as MERCOSOR,[37] particularly, with the entry of Venezuela) will succeed in pushing for greater trade equity for poorer countries. The possibility of participation in multiple and overlapping polities increases the points of access and networks of influence that representatives and advocates of currently underrepresented economies and regions might have. But changes in the configuration of political and economic space will also require changes in the composition, funding, and governance of international or transnational organizations and regimes of international law.

Thin Bonds

As noted earlier, a common concern held by liberal nationalists is that detaching citizenship from national identity and membership in a particular polity would result in an impoverished kind of democracy. Generations in a place and singularity of social ties, however, do not necessarily ensure a person's commitment to the common good. The soft border approach argues that decoupling citizenship from

nationality does not weaken civic responsibility in collective choice or necessarily challenge the position of national culture or religion in the formation of people's values or notions of public good. But it does challenge the translation of national identity and membership into means of exclusion and mechanisms for fixing hierarchical relationships of power. The soft border approach promotes the democratic notion of equal standing in processes of social choice.

Other potential critics might counter that softening borders would weaken internal sources of solidarity and defense and choke domestic economies with a flood of poor "aliens," undermining the character and stability of the nation, particularly of wealthier communities. Softening borders, on the one hand, would initially increase the legal movement of people from poorer to richer places. On the other hand, it might provide greater incentives for investment in poorer or less developed regions and facilitate cross-border alliances that address structural inequalities in production and trade. It could create conditions under which people are more likely to find security and good employment at home. Softening borders helps to prevent unaccountable ethnocrats (autocratic national leaders) from siphoning off local resources, soliciting funds from the diaspora for weapons instead of schools or hospitals and waging political campaigns against nonnationals. "Ethnic cleansing," which follows the logic of a hard border politics of national identity, is responsible for large waves of desperate refugees and displaced people.

Hard border policies and practices are part of a politics of fear in the face of ongoing challenges to the nation-state system of sovereignty and threats to the status quo. Supporters hope to maintain dominance by exploiting fear of the consequences of illegal border crossings and affirming the contributions of "legitimate" border crossers. The proponents of hard borders—be they ethnocrats in postcommunist republics or anti-immigration politicians in the United States or Europe—while blocking the movement of some, position themselves to take advantage of global, transnational processes. The soft border approach is an alternative to this politics of fear and hypocrisy.

The notion of transnational citizenship and potentially multiple memberships in political associations would neither undermine democratic participation in collective choice nor threaten the public welfare. As I argued earlier, thin bonds established among participants in various practices of social cooperation are consistent with the flourishing of democratic processes of social choice. If people are not denied access to processes of social choice because of their particular group affiliations or attachments and are not expected to give up or

ignore these affiliations and attachments when they join together with others in decision-making over common concerns, they are more likely to find these decision processes affirming and useful. If, however, they find themselves over and over again in a minority position with respect to the outcomes of decisions, they will likely find these processes frustrating and even unjust. This would be the case no matter what the basis of this minority position would be. If it is coupled with procedural aspects of discrimination and exclusion, the frustration and sense of injustice is heightened. Thus, as we discussed earlier, democrats concerned with promoting inclusion and undermining relationships of inequality and domination must be sensitive to the ways in which people and groups might be systematically disadvantaged by the design of institutions of choice and the background conditions of collective action.

Effective collective action, however, as discussed in the previous chapter, does not require that people be like one another. We all bring to the table intuitions and knowledge about collective action (gathered through individual, familial, and group interactions) sufficient to facilitate cooperation on a number of levels of social choice. That is, individuals and groups can develop sufficient commitment to a democratic process of social choice to recognize the outcomes as authoritative based on their different experiences of cooperation, expectations of right treatment or respect, and understandings of power. Thus, we can imagine a wide range of different people in local, cross-border, and transnational polities engaging in collective action together on the basis of their various experiences, expectations, and understandings. Concerns about safe streets, clean air, employment opportunities, educational programs, safe energy supplies, and preventative health care may be held commonly by various people across a range of particular affiliations. Parents from different ethnic or linguistic groups might approach these common concerns differently, but with the softening of geographic borders and the possibility for multiple engagement in an array of local, cross-border, and transnational civil society organizations, they should be able to find ways to address their concerns—perhaps not all in the same space—but in reconfigured soft bordered places. As the domination of a state supported majority would be deflated through transnational citizenship and soft borders, recognition of difference would be more likely to find its way into policy options. Compromise on ethno-national issues would no longer be viewed as capitulation but as one of a set of compromises among shifting minorities and majorities. Recourse to transnational courts or other mediating bodies would be the equal right of all those involved.

In urban centers and polities with significant immigration, hard border advocates often invoke the threat of newcomers who are unable or unwilling to support effective collective action and democratic processes of social choice. It is probably the case that some of these critics are not much interested in promoting democracy but rather in maintaining their own group privileges or in gaining power on the promise to do so. To give them the benefit of doubt, however, I will assume that hard border advocates are concerned about clashes of ethnic, cultural, and religious difference undermining democratic social choice. The soft border approach, however, argues that transnational citizenship increases the potential for effective collective action and democratic social cooperation among short- and long-term sojourners of soft-bordered polities representing a wide array of different ethnicities, races, linguistic, religious, and cultural backgrounds. A working mother trying to navigate local bureaucracies to meet the educational and health needs of her children, adapting to new public languages and cultures may not have much time for politics. But there is no reason why she might not want to bring her experiences, expectations, and understandings to a public meeting about transportation routes and noise pollution or vote at various levels from local to regional elections. The outcomes of local elections may affect her life for the next few years and regional elections may change her long-term educational or career options. Her past may affect her trust in the process and desire to put time aside to participate; her religious and cultural difference may or may not have anything to do with her interest and choices in public life. Her stake in the outcomes of choice and her standing in the process make her a potential participant in collective choice. Her experiences in this process will affect the bonds that she establishes with others as a citizen in her respective polities. Civic bonds of these sorts that are strengthened through positive experiences in collective action (in multiple or single spaces) will provide the resources necessary to promote and defend democratic polities.

On the other hand, generations of common life and shared language and religion are not enough to create civic bonds among people when the processes of social cooperation, background conditions of choice, and political leadership encourage pursuit of individual or group privileges, corruption, marginalization and discrimination of others, and violent conflict.

The soft border approach envisions the development of thin civic bonds through processes of social choice supported by the relaxation of nation-state boundaries, restrictions on movement, and political

status. These bonds would emerge with reconfigurations of political space and the reimagination of political association. It might take time for people to trust one another and to draw on local, regional, and transnational resources for social cooperation and complementary communities of solidarity and interest. But border crossings would not be seen as violations of sovereignty or attacks on national identity, and this would make cooperation less risky. As national identity and full membership in the nation-state would no longer be the ticket to citizenship rights and access to political and economic resources or even participation in transnational organizations, the power of ethnocrats to mobilize people against their better interests would be significantly reduced.

Access to International and Transnational Forums

According to Saskia Sassen, "We are seeing the relocation of various components of sovereignty onto supranational, nongovernmental, or private institutions. This brings with it a potential strengthening of alternative subjects of international law and actors in international relations"[38] She adds, "The fact that individuals and nonstate actors can make claims on states under the rule of law based on international human rights codes, signals a development that goes beyond the expansion of human rights within the framework of nation-states. It can redefine notions of nationality and membership."[39]

This picture is indeed encouraging, but the argument forwarded in this work is not an endorsement of the "relocation" of sovereignty to supranational institutions or informal and competing nongovernmental "sovereigns." While the terrain of "variegated sovereignty" or "overlapping sovereignties"[40] is likely to continue to mutate, the ideal arrangement to emerge from this "competition" would be multiple and overlapping soft border polities in which sovereignty is located in the many—manifested by dynamic and flexible relationships of equality and interdependence in the processes of social choice. The argument does not call for a supranational sovereign but complex networks and overlapping forms of political association, economic cooperation, and cultural engagement.

Who or what, however, would enforce the transnational rights claims the argument calls for? Who would maintain the "soft" quality of borders? What would prevent re-territorialization of difference or manipulation of movement? Existing polities would have to soften

their borders, participate in reconfiguration processes, negotiate and agree with new political and legal jurisdictions, and recognize the transnational rights of present and future residents, as would supranational bodies. Advocates of democratic inclusion active at all levels of government and social and cultural life would still have to work to soften or erase symbolic borders. They would need to continue to promote respect for difference, monitor practices, engage in educational campaigns, and encourage open media, transparency, and accountability in decision-making. If international organizations and transnational bodies were needed to keep territorial borders open, who would authorize, monitor, and fund these bodies? The soft border argument as a response to ongoing global challenges poses its own series of questions. These are questions that from one perspective or another require our consideration. Recognition of fragmentation and mutation or unbundling of sovereignty encourages us not only to describe the emerging changes in relationships of power and institutional structures but also to explore alternatives.

A serious challenge is the potential for greater exclusionary and disciplinary politics with the ascendancy of transnational actors and global politics. We have already noted the potential democratic deficit at supranational and transnational levels.[41] The fact that people are not represented in bodies that make decisions directly affecting their lives has become a much-discussed theme with respect to the European Union or transnational advocacy networks, not to mention neoliberalism and rearticulations of empire. Even organizations involved in poverty reduction and democracy-building at international or transnational levels do not facilitate the inclusion of all stakeholders in dialogue or consultation. Background conditions of inequality among states also contribute to a democratic deficit. Poor countries and regions lack decision-making access to organizations and bodies that significantly affect their lives, such as the WTO, IMF, and WIPO. In response to the rising importance of cross-border issues, the international community has forged a number of international regimes. However, one of the critical shortcomings of these regimes, as argued by Inge Kaul, is that "they reflect more the interests and concerns of the richer countries than those of the poorer. Thus, even where developing countries make efforts to strengthen their national public domains, they may introduce norms and standards or policy regimes that, in the way they are shaped at the present, may not always be fully conducive to national development concerns, notably pro-development endeavors."[42] Current challenges to peace and security that emerge as consequences of "underprovision or malprovision (maldesign) of certain

global public goods"[43] require cooperative solutions that aim at investment in the redesign of international institutions rather than at costly ad hoc corrective actions. The under or malprovision of global public goods reflects a lack not only of the voice of developing countries but also of an "effective forum for participatory global priority setting and policy oversight."[44] State-based approaches to global injustice limit cross-border and regional strategies to poverty reduction and sustainable development, inhibit effective challenges to the current mechanisms for extracting and distributing global resources, and block significant change in the structure and membership of international organizations and networks.

As noted earlier, this democratic deficit similarly emerges as people look to international organizations in order to gain human rights protections.[45] Under the current state system of hard borders, appeals made in the name of human rights can create new relationships of dependency and inequality. People whose human rights have been violated or denied by the state where they live or trampled by military or transnational corporate actors have to convince others of the urgency of their case and hope that an international body will or can rectify the situation. It might happen that others (governments or agencies) claim these rights for them (in their name)—more or less independently of their input. Success in gaining protection, thus, might, at the same time, deny these individuals or groups standing as rights bearers. Rights to security or bodily integrity carry reciprocal responsibilities, but the "victims" of violation are rarely recognized as rights bearers with responsibilities.[46] Excluded from enjoying basic civil or social rights where they live, they may not have any say about the way in which their rights are recognized or about the political significance that is made of their "plight." They are often excluded from the conversation about what constitutes a violation of their rights.[47] This undermines the equal standing of those seeking protection or recognition under international law. While they are stakeholders in international law, they are rarely able to affect decision-making in international institutions or organizations.

The soft border argument provides a framework for increasing access to and participation in international law regimes and bodies concerned with the provision and protection of public goods. Multiple memberships in local, cross-border, and transnational bodies could provide an answer to the lack of democratic representation and accountability. Participation in such bodies as a transnational right would make it possible for people to engage in the design and implementation of claims to rights or resources on very different footing than they

now do. That is, instead of scenarios in which embattled individuals or groups make claims against "their nation-state" or inhospitable "hosts" through transnational organizations, the soft border approach envisions scenarios in which empowered transnational citizens exercise rights and responsibilities through a number of inclusive channels, multilevel polities, regional or transnational networks, and other forms of association. This would not only change the relationship of individuals and groups to international bodies but also the nature of the demands put on claimants. Given the understanding of multiple allegiances and memberships, appeals to international law or human rights regimes would be less likely to put anyone at risk of being excluded from her community or of having to accept "universal rights" defined by a hostile majority group. At the same time, in regional ethnic conflicts, international actors would not be involved in "bargaining" with ethnocrats and be cast as, or assume the role of, violators of ethno-national sovereignty. Rather, the soft border approach would lead to scenarios in which transnational bodies work with affected transnational citizens and their local/regional associations to resolve conflicts and build and implement mechanisms for peace. Instead of freezing ethno-national conflicts and reifying hard borders, this approach would politically and symbolically disarm ethnocrats and open the design and implementation of peace-building and development processes to the people caught in these conflicts.

The unbundling of sovereignty has already had important implications for the emergence of new actors in cross-border relations and as subjects of international law. "Women are confined to the realm of the given state and rendered invisible from the perspective of international law insofar as they are subsumed under the state's sovereignty."[48] Thus, one of the positive aspects of globalization has been the creation of new avenues for participation by nonstate actors and previously marginalized groups, particularly women. "Once the sovereign state is no longer viewed as the exclusive representative of its population in the international arena, women, and other nonstate actors can gain more representation in international law; contribute to the making of international law; and give new meaning to older forms of international participation, such as women's long-standing international peace efforts."[49] This is an ideal outcome of the unbundling of sovereignty, more likely to be realized in overlapping soft border polities, where new actors are not vulnerable to questions of differential status and may hope to attain a voice in public choice.

Local NGO efforts and ties with transnational advocacy networks in the former Yugoslav republics have been impressive, particularly

with respect to women's groups and appeals to international law, yet they have also been subject to the limitations of an international system of hard borders and state-defined citizenship regimes. In addition to problems of funding, often defined by external donors and the agendas of international agencies, they are marginalized and their legitimacy is undermined by a system that recognizes the nation-state as the key spokesperson and actor in development projects, peacebuilding, and political representation. While nonstate actors have not been elected—and this could be a democratic deficit—they are critical actors in multilevel democratic discussions. A soft border approach would accommodate the inclusion of NGO activists at various levels of dialogue and debate. At the same time, the transnational status of local actors would help to change their relationship with respect to colleagues from wealthier, more established advocacy networks or transnational organizations. Overlapping soft border polities peopled by transnational citizens would complement the expansion of international civil society, providing more points of access and a greater democratic sensibility. Such soft border policies would help to erase the recipient status of certain regions or groups. Participants from these regions or groups would formally have the equal status of transnational citizens and a greater chance of exercising or enjoying that equal status through their multilevel memberships and associations.

Hard borders and hard border thinking undermine people's access to resources, opportunities, and protections; limit possibilities for democratic processes of social choice; and encourage relationships of domination and violence. Hard border thinking promotes and exacerbates political conflicts; blocks sustainable peaceful conflict resolution; and maintains skewed relationships of power in international markets and development programs. In contrast, soft border approaches to political association and collective action increase people's chances of improving the quality of their lives individually and as members of multiple communities and associations; of enjoying physical security and bodily integrity; and of participating in public life in ways that are meaningful to them. Softening borders encourages sustainable resolutions to ethno-national conflicts and economic and social development. It offers a possible remedy to a politics of exclusion that holds some people hostage to hard border violence and produces great profits for others—facilitating global processes and institutions that systematically enrich some people while impoverishing others.

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Chapter 7

Reconstructing the Polity

Although I have talked about the notion of soft borders as an ideal, the fact is that borders are fluid, porous, and regularly renegotiated in practice. Not only are they constructed and reconstructed in historical imaginations and through warfare and diplomacy, but they are also regularly traversed, reconfigured, and deployed as part of the everyday economic, social, and cultural activity of individuals and groups throughout the world.[1] Cross-border activity and (re)negotiation of borders take place both formally and informally through governmental and nongovernmental organizations, the transactions of local farmers and transnational corporations, and the shadow networks of traffickers at all levels of trade. Theoretically, we lag behind this practice, not wanting to let go of comforting configurations of power defined by state sovereignty and hard borders. There are many reasons for this, some of which have been discussed in this work in terms of ethnocracy and similar efforts to maintain skewed relationships of power. Others are more complex in that they tie the organization of the bounded nation-state to ideas of social solidarity and democratic rule of law.

We have to break out of this conceptual bind not only because it captures so little of contemporary reality but also because it supports relationships of inequality and systemic violence. Hard border concepts fuel politics of fear and exclusion, fixing notions of membership and belonging and exacerbating vulnerabilities of those over whose bodies symbolic borders are constructed and for whom physical borders are lethal. Softening of borders does not mean creating a world without political borders—it means recognizing the fluidity and

malleability of such borders; it emphasizes the negotiability of these borders and the polities within them. Softening means facilitating legal movement and exchange across political units and also opportunities for political and economic participation in multiple polities. On the contrary, hard borders pose differentiating barriers to movement and obstacles to social and economic cooperation and, in some cases, create conditions of "statelessness" or extreme insecurity.[2] Softening borders, then, requires a conceptual sea change in which we articulate the fluidity and negotiability of political and social space. I have argued that this can be done by looking at institutional arrangements in terms of the relationships of social choice that they facilitate. In defining political or legal jurisdictions, actors at different levels of political association may (re)negotiate their terms of social cooperation, embracing transnational citizenship rights and a relational understanding of popular sovereignty that can cross geographic, social, cultural, and symbolic borders. The preferred political entity for decision-making, thus, becomes a question of inclusivity and equal standing and democratic accountability and effectiveness in responding to interests and in meeting needs.

This approach recognizes different notions of democratic decision-making based on the affected interests of diverse stakeholders.[3] "If diverse people beyond borders are effectively stakeholders in the operation of select regional and global forces, their *de facto* status as members of diverse communities would need to be matched by a *de jure* political status."[4] Given the spillover effects of actions across the globe and the deep interconnections of global capitalism, it makes sense to reexamine the boundaries of political association within and across existing units and consider new transnational architectures of decision-making. The soft border approach in doing this, however, does not propose a transnational theory of vertically nested territorial units.[5] Doing so would not appreciate the ways in which economic and political spaces are constructed through global processes, or as Aihwa Ong suggests the ways in which "governments adjust political space to the dictates of global capital."[6] A transnational architecture that does not question boundary-setting practices is likely to produce new global hierarchies. The soft border approach is an attempt to interrogate the fixing of boundaries and undermine the coercive power of de- and re-territorializing processes. It is particularly concerned with the ways in which hard borders and nationality may significantly limit people's ability to address policies and practices that affect their lives. It is an attempt to think about ways in which to decenter processes for redefining political space so that these processes are tools

of the people who inhabit such space. From this point of view, most arguments for increasing the democratic nature of supranational entities or transnational organizations do not adequately address the nature of borders and boundary making.

Under a hard border regime, arguments about affected interests beyond national borders can be seen as paying insufficient attention to the dominant role of stronger, richer states (or groups from these states) in transnational bodies or in the definition and resolution of global concerns. Moreover, in a world of hard borders, arguments about affected interests beyond national borders can be seen as violations of sovereignty or lead to irredentist claims and ethnocratic pretensions: the need to protect or rescue cross-border lands, resources, and people. Suspected violations of sovereignty or group rights can be distorted into calls for retaliation and denial of others' rights or translated into support for separatist movements and counter measures against these potential terrorists. It is the reiteration of the hardness of borders that turns cross-border concerns and logical social cooperation into dangerous transgressions, a tool for a domestic politics of heightened nationalism and an argument for violent conflict. Hard border notions of sovereignty make borders appear un-negotiable: Any compromise is seen as treason—inconceivable from the point of national interests. This is the bind in which our current conceptual framework keeps us. So, while spheres of sovereign control are diminishing and the notion is increasingly inconsistent with everyday reality, the international community is still organized in a way that confers state sovereignty as a coveted prize. Indeed, international negotiators of territorial and ethno-national conflicts today are caught up in devising complex solutions that avoid words like *sovereignty* or *independence* because of the symbolic weight of these concepts and the sense—which cannot be voiced—that there are no good solutions based on the exclusivity of hard borders.[7] Thus, the need to elaborate the notion of negotiable, soft borders and reiterate those elements of this concept—like transnational citizenship—that enable political and social engagement across borders as effective, creative, and mutually beneficial strategies rather than as political defeats and symbolic tragedies.

If we are to move beyond the stranglehold and cyclical patterns of violence encouraged by hard border thinking, we not only need to recognize the emergence of competing reconfigurations of power in contemporary global processes but also need to explore soft border alternatives. Thus, in the following pages, I consider possible ways in which the idea of multiple and overlapping soft border polities might be realized as a democratic practice of social cooperation based on the

functional interdependencies, intersecting interests, and multiple attachments of individuals and communities.

I draw again on the recent experiences of conflict and transition in southeastern Europe in order to suggest that contemporary challenges of transition speak to the need for softening borders in a way that might, at first, appear counterintuitive. Since 1989, countries in the region have variously experienced ethnic conflicts and violent fragmentation; weak governments and fragile political coalitions and alliances; and weak legal economies plagued by crime, illegal trade and trafficking, and increasing gaps between rich and poor. The uncertainty of clear administrative borders has appeared to increase the instability of the region. How would a soft border approach help to attack such structural problems as weak governments and weak economies?

On the surface of things, it would appear that, in fact, a major shortcoming of the soft border approach is an absence of mechanisms for defining and sustaining legitimate jurisdictions for the effective rule of law, extracting revenues, and establishing policy for the provision of public goods. However, I want to argue that a different view toward the challenges in the region points us toward soft border strategies for change, in which the focus is on state functions rather than on state borders.

The breakdown of the command state in southeastern Europe and its mechanisms for generating revenues and providing social benefits facilitated the emergence of "alternative safety nets" and general acceptance of black-market economies and corruption in public administration. The politics of favors, personal ties, covert transactions, and bribes infected all levels of local and central government in the early stages of transition.[8] Reformers (in and outside of government) have had to deal with the legacies of these practices and the distrust of public institutions in their efforts to establish reform and legal economies.[9]

Public administrations suffer from a lack of transparency about the use of public resources, budgetary processes, and procurement policies; impartiality in decision-making; and a widespread lack of accountability among public officials. This translates into a lack of public trust and poor governance. Inadequate checks and balances and internal controls and the absence of civil society oversight increase the potential for administrative discretion. Hierarchical, centralized fiscal structures create disincentives for innovation and cost saving and encourage dependencies and cronyism. Municipalities that succeed in collecting revenues and controlling costs are penalized by

measures that transfer a sizeable amount of the monies to the central government. On the other hand, decentralization of local governance under the same conditions has created opportunities for local officials to gain significant discretion over resources without real accountability and transparency. The establishment of regulatory reform and internal controls has only been minimally pursued by most political parties as these reforms necessarily involve the devolution of power traditionally held in the hands of political elites. There is a kind of unspoken consensus among politicians not to disturb a system that involves significant economic gains and political privileges among their ranks.[10]

Central and local governments lack legitimate and effective means for extracting revenues for public goods, affecting the provision of clean water, public transportation, garbage collection, health care, education, and legal frameworks for secure, legitimate economic activity. Inability to generate resources for public goods and, thus, to maintain schools, hospitals, and infrastructure; to pay salaries of public servants and pensions; and to provide minimum health and welfare benefits creates conditions marked by dissatisfaction and social unrest. Widening gaps in income and buying power, particularly with illegal sources of income contributing significantly to the growing wealth of a few, provide fodder for members of failed governments and old regimes eager to use differential access to resources to stoke and flame or rekindle ethnic conflicts.

These weaknesses in governance are tightly linked to illegal economies (smuggling and trafficking of humans); corrupt business practices; uneven and slow economic development; lack of significant foreign investment; serious deficiencies in infrastructure; and urban and rural poverty. The regional economies are struggling with structural change; privatization; and limited access to markets, capital, and global economic processes.

The dissolution of the former Yugoslavia and the wars that followed severely disrupted economic activity in the successor and neighboring states, increasing the downturns in their economies and destroying homes, farms, factories, and communities and creating displaced people and refugees in the countries directly involved.[11] The past years have left the region fractured economically and socially, disrupting the legitimate flow of goods and people. Poverty and problems of access to public services and employment have increased the potential for tension in areas already weakened by ethnic conflict.

The lack of legal and social institutions that could provide some predictability, fairness, and transparency in society has further undermined

the potential for private investment and economic growth.[12] Weak civil society and lack of independent media have made it easier for corrupt officials to promote their own interests or those of their friends or ethnic community at the expense of the public good. Members of ethno-national minorities and other marginalized groups have been particularly vulnerable to such contingent privileges based on political loyalty to corrupt officials or membership in the majority ethno-national group.[13]

Regional trade routes and markets disturbed by war, political barriers, and sanctions have remained open for traffickers but are unfortunately still blocked for many legal regional actors, distorting infrastructure development and generation of revenues through agriculture, manufacture, export, and import. Incentives for regional (re)integration have not been sufficiently sensitive to the hard border resistance of elites or to successful citizen initiatives for cross-border cooperation.

Meeting these challenges requires institutions and resources for fulfilling functions typically associated with the state. At the same time, the problems are not likely to be realized within the framework of the container nation-state. That is, these challenges highlight the need for capacity building efforts that are not confined by state borders, that challenge the entrenched privilege and authority of local elites, and that promote resource-sharing in the development of effective public administration and the provision of public goods. These challenges also speak to the need for networks of NGOs and independent media driven by both democratic principles and practical concerns and local (subnational) and regional interests and strategies.

Almost all of the problems described above seek solutions that could be framed in a mix of subnational, regional, and transnational polities, which open up the potential for resistance to fixed political identities that deny and deform cooperative strategies and reiterate debilitating inequalities. Opportunities for positive change, that is, lie in shared natural and human resources and linked infrastructure: combined strategies for sustainable development of energy; joint centers for higher education, training, and research; professional linkages among law enforcement, judicial, and security experts; multilevel health centers, research institutions, and clinical and advocacy networks; cultural exchanges; and open avenues for legal commerce and economic initiative. While this might look like a fairy tale in which they all lived happily ever after, this picture of shared resources and infrastructure is more aligned to real needs and interests than are

reform strategies that seek to fix deeply divisive and corrosive processes and practices within the national container state and its hard border politics.

There are no good solutions to the challenges described above that remain within the nation-state framework. International organizations and intergovernmental agencies and their powerful member states recognize this but respond through various interventions, conventions, and regulations that encourage integrative or cooperative practices but "promise" not to challenge state sovereignty. Programs for political and economic capacity building, such as those supported by the Stability Pact for Southeast Europe, CARDS, and the COE, encourage regional and cross-border cooperation through their funding and documents. The strategy papers for stabilization and democratization in the region acknowledge the critical nature of cross-border infrastructure projects, social and cultural exchanges, economic development, and scientific initiatives.[14] However, most of the funding provided for such cooperation links these projects to national programs and national offices.[15] This approach combined with hard border policies and privileges continues to embolden political elites of weak states who remain designated as the recipients of aid and the agents responsible for implementing conventions and regulations.

Recent studies on west Africa reiterate this same message. While regional integration holds the key to institutional capacity building, eliminating entrenched corruption in national bureaucracies, developing effective cross-border transportation and trade systems, and promoting economic viability and conflict resolution, almost all international assistance is funneled through national governments. "The World Bank and its sister multilateral organizations are structured around country teams that produce state-based statistics, expertise, and professional incentives and predominately loan to individual governments that are henceforth responsible for payment."[16] And while the Bank recognizes that regional integration would lead to accelerated growth, it still funds multistate initiatives at the state level.[17] The United States does even less to enhance regional capacity: "Recent donor reforms emphasizing accountability and 'ownership' actually accentuate these trends by excluding regional projects from consideration."[18] As elsewhere, "this underinvestment in regionalism has prevented all kinds of cross-country public projects—highways, hydroelectric projects, cross-border regulatory agencies—from receiving adequate support."[19] Local actors, however, recognize not only the early histories of regional trade and travel but also labor migrations and

informal cross-border activity and the enormous potential for regional initiatives. With more or less success, the latter are developing through the Economic Community of West Africa (ECOWAS), the West African Economic and Monetary Union (UEMOA), the New Partnership for Africa's Development (NEPAD), the African Union (AU), and the UN's Economic Commission for Africa (ECA).

In its 2005 Central Asia Human Development Report titled "Bringing Down Barriers: Regional Cooperation for Human Development and Human Security," the UNDP acknowledges the critical nature of cross-border cooperation among Kazakhstan Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. The authors outline this in terms of trade and investment; water, energy, and the environment; response to natural disasters; and drugs, crime, and terrorism and praise the efforts of regional organizations that have emerged since the breakup of the former Soviet Union, such as the Central Asian Cooperation Organization (CACO). The report provides a compelling critique of hard borders, noting that

> Recent surveys and case studies reveal that people in all of the countries of Central Asia share frustration and hardships from the borders that were drawn during Soviet times, but that only became divisive after independence. The borders split family and friendship networks, especially in border communities. They disrupt trade and investment. . . . They separate farmers from their traditional lands and water sources. They create opportunities and excuses for harassment and extortion by border guards and customs officials. . . . When administered unfairly, inefficiently and corruptly, borders are costly diversions of resources that drain opportunities for growth and prosperity. They have become potent symbols of the failure of the new states to provide for their citizens in a human and humane manner.

Trapped within the framework of Westphalian sovereignty, however, this lucid description of the costs of hard borders is followed by this conclusion: "Since the borders between Central Asian states and their neighbours are here to stay, the countries in the region, their neighbours and their international partners now face the challenge of creating *borders with a human face*."[20]

Regional efforts and local cross-border initiatives in west Africa, central Asia, and southeastern Europe are not, in themselves, a panacea for fragile economies, conflict-ridden societies, and weak and unaccountable administrations but could offer alternatives—together with a reimaging of political space and transnational citizenship—for infrastructure, human resource, economic, and political development in the face of rigid and increasingly ineffective state structures, citizenship

crises,[21] and ongoing ethno-national conflicts. Keeping in mind the lack of hard border solutions to the challenges outlined in this section, let us consider the opportunities and alternatives suggested by a soft border approach.

Cross-Border Initiatives

Transnational advocacy networks, multinational corporations, and "shadow" networks of illicit trade[22] have become familiar global actors, but the extent of transnational engagement among ordinary people is often lost in the recorded tragedies of ethnic violence and border conflicts. In borderlands where licit but illegal activities are socially accepted, where illicit but legal activities are carried out and illegal and illicit activities thrive, cross-border cooperation is a way of life.[23] The emergence of cross-border polities that would allow for the legal movement of people and facilitate the legal provision of goods and services across geographic, political, and social divides could play a critical role in stemming the lethal combinations of illegal and illicit activities.

Local and regional cross-border initiatives have emerged on both small and large scales throughout the world driven by local needs and interests as well as by multilevel private and public projects, epistemic communities, policy networks, and NGOs.[24] A simple Internet search under "cross-border" uncovers a much wider range of initiatives and entities than I even imagined. From projects on sustainable development, to mapping and protection of park lands, to advocacy networks for workers rights at the Mexican-U.S. border, there are an array of more or less stable, effective, and extensive projects that see themselves as cross-border or transnational. Some of these have emerged from the official projects and forums of UN agencies, such as the United Nations Convention to Combat Desertification (UNCCD), or European Union INTERREG funds for cross-border projects;[25] others have emerged as combinations of private, professional, and local government efforts to share resources or resolve cross-border problems.[26] Examples of transborder initiatives range from those that focus on wildlife habitat from the Yellowstone to the Yukon and water management in the Red River Basin to coastal data integration on Lake Ontario and the St. Lawrence River,[27] from cross-border projects in public health sponsored by European INTERACT,[28] to the protection of the Tisza River Basin by public authorities, civic organizations, universities, and local governments from Serbia, Slovakia, Hungary, Romania, and Ukraine;[29] and from cross-border

desertification projects in the Maghreb[30] to a Pan-European oil pipeline, reaching from the Romanian port of Constance on the Caspian Sea through Serbia, Croatia, and Slovenia to Italy and the European market.[31] The Soros Foundation EastEast Program, Partnership beyond Borders, promotes a broad range of cross-border initiatives including everything from projects on municipal services, NGO development, disabled students, publishing, copyrights and piracy, environmental education, migration and asylum policies, women's involvement in politics, ethics in biomedical research, and trafficking in eastern Europe and southeast Asia.[32] And there are many small, independent advocacy projects. Bikes across Borders, for example, attempts to build solidarity and partnerships by "promoting autonomous transportation and cultural arts" at the U.S.-Mexican borders.[33] Ecoplus in lower Austria has developed a wide range of cross-border projects in business, tourism, infrastructure, and sustainable economic development with the idea of "making borders less of a barrier and encouraging the intensified cultivation of transnational networks."[34] With nine cross-border innovation or impulse centers lining the borders between lower Austria, Czech Republic, Slovakia, and Hungary, ecoplus "coordinates cooperative ventures that overcome borders and contribute to Lower Austria's internationalization."[35] Some of these projects and partnerships are, obviously, more substantial, sustainable, and effective than others. Some of these efforts, such as many of the European Union projects, began as externally funded initiatives and may not last significantly beyond this direct funding;[36] however, the experiences and benefits of these cooperative practices and the networks established are likely to produce more lasting spillover effects.

The soft border approach recognizes the potential of such projects and is an effort to rethink notions of sovereignty and democracy to facilitate political association along these lines. The approach appreciates the fluidity of borders, the benefits of renegotiating political spaces, and the acceptability of multiple memberships in overlapping polities. Rather than an ordered system of "billiard balls," this approach recognizes the complexity and multilayered reality of representation and cooperation. A soft border regime would encourage the juxtaposition of a number of different kinds of local, cross-border, and trans or supra "national" political entities and parallel and complementary intergovernmental and nongovernmental organizations. This mix could include networks of NGOs and advocacy groups; networks of governmental agencies and actors; regional transportation and communication processes and systems; and cultural spaces in

which people exchange knowledge and ideas and share opportunities for self-expression, religious practice, and cultural celebration.

While only some cross-border relationships are likely to take the form of polities, I am particularly interested in the way that these transnational engagements provide ways of thinking about new forms of political association. Regional economic strategies present opportunities for reimagining political space from a soft border approach. For example, infrastructure linkages (waterworks; regional power grids; roads, rails, and satellites; and environmental protection) bolster both economic and political capacity. They support power-sharing arrangements at subnational and transnational levels around "state" functions, which are crucial to development, investment, and economic growth. So, we could imagine that the needs and interests of stakeholders might encourage them to organize decision-making bodies around these common concerns or to push for a renegotiation of political space linking cross-border or regional polities into larger decision-making units.[37] If they find that their understanding of effective and efficient provision of resources and application of solutions meet those of complementary actors, they could then work together toward greater political integration and cooperation promoting a new political space.

Building infrastructure requires sound budgetary, oversight, and decision-making policies, institutions for social inclusion, and private-sector development. Ideally, such projects present strong arguments for cross-border linkages and multilevel political association around recognized needs and interests beyond existing and often rigid and corrupt political units and practices. Local and regional advocates could reasonably argue that it is in the mutual interests of stakeholders to pool resources and maximize their efforts, countering the opposition of hard border national critics.[38] Projects, such as the ones listed above, that already exist (more or less successfully) in borderlands across the globe provide potential models for recognizing functional interdependencies and responding to interests that stretch beyond the artificial confines of the nation-state.

Many such projects involve significant investments of human and material resources, the establishment and monitoring of regulatory policies, and multilevel negotiations among a range of stakeholders. They speak to the need for transnational cooperation and the potential for it as well as to the challenges of including affected parties at various stages of decision-making with different links to the processes of production or delivery of services and with different concerns about the positive and negative outcomes of these endeavors.

Imagining and instituting these links as relationships of social choice, that is, as political relationships on the soft border model, highlights questions of access and accountability at multiple levels of government. On the soft border model, institutions of political association would grow out of stakeholders' needs to manage the use of resources, question the provision of public goods (including systems of taxation and compliance), and monitor investment strategies and financial flows as well as the need to check abuses of power linked to global economic practices and the impact of global externalities (resource depletion, environmental degradation, and trafficking).

Interests and opportunities tied to economic growth and capacity building in the delivery of public goods and effective government would drive the formation of soft border polities. They would emerge from and with interactions between municipalities or other political units (combined municipalities, towns, and villages) within national borders and across them. Ideally, individuals/stakeholders would have real opportunities for effective participation in shaping and implementing policy and regulating or monitoring public finance and administration in local, cross-border, regional, and transnational forums. Civic bonds (capable of resisting ethnocracy) would be strengthened through reiterated practices of social cooperation in concrete political, economic, and social activities. The extension of such cooperation across borders through shared projects would create the potential for strong regional institutions and present democratic alternatives or correctives to hierarchical, corrupt, and opaque processes of social choice and the machinations of ethnocrats at all levels. At the same time, these relationships of cooperation would open up the possibility of cross-border conflict resolution through regular interaction over common concerns (clean water, efficient energy, and increased opportunities for legal trade).

Control of economic resources, however, is a significant motivation for ethnocracy and the violence of hard border politics.[39] Thus, the emergence of cross-border polities would be a direct threat to ethnocrats and the means of their rule. Soft border reconfigurations of political space challenge the state's control over the resources within its territorial space. And while I have described this process as enhancing opportunities and the provision of goods and services, this process could be seen and articulated as a means to create avenues for exploiting national resources and promoting political instability. This possible negative outcome, though, is one associated with hard border regimes.[40] In a soft border regime in which local actors have access to political and human resources beyond the local (and cannot be denied

citizenship rights and benefits or the possibility of free movement), renegotiation of political space would be more likely to support advantageous linkages and increase democratic control of public resources and revenues. Rather than instability, it would be more likely to promote effective ways to meet the diverse needs of inhabitants and promote social cooperation. However, it would most certainly challenge the vested interests of ethnocrats.

The emergence of cross-border approaches to public goods such as security and health, clean water and electrical power offers an effective response to weak governments and weak economies and opportunities for community participation outside of ossified or closed political structures. A soft border context for such approaches would decrease the likelihood that energy development, for example, would be an opportunity for political gains among actors at a distance rather than a process of decision-making among those directly invested in the outcomes of cooperation. Competing claims of legitimate political jurisdiction over increasingly transborder issues would encourage debate about relevant public goods: from costs and issues of quality control to service provision and consumer feedback. The recognition of transnational citizenship would decrease the vulnerability and dependency of participants on connections and corrupt officials and provide exit options. This, in turn, would affect the quality of governance and public demands for transparency and accountability in decision-making. People participate in shadow networks of the "licit but illegal,"[41] because these networks provide goods and services when the state cannot or does not. Renegotiation of the contours of legal political association would bring discussions of resources and reciprocity into the public sphere, linking funding to questions of political legitimacy.

The terrain of public goods poses a number of challenges for polities, which are complicated by the global nature of many of these goods.[42] Indeed, the growing number of what we could consider global public goods and bads requires new ways of thinking about policy-making and new mechanisms for democracy and accountability.[43]

According to Inge Kaul, "the response of the international community to the rising importance of cross-border issues and activities has so far been primarily to forge a rapidly rising number of international regimes. However, these regimes have two critical shortcomings: one, they are often still incomplete, leaving important dimensions unsettled; and two, they reflect more the interests and concerns of the richer countries than those of the poorer."[44] Kaul illustrates her point by looking at the multilateral trade regime, one of

the most extensive international regimes. She notes that "despite all progress towards freer trade, a lot remains to be done on the side of the developed countries to reduce or eliminate still high tariffs and non-tariff barriers, and to phase out the equivalent of more than US $300 billion a year in agricultural subsidies, denying farmers in developing countries a fair chance to compete in international markets."[45] There are similar inequalities, she argues, with respect to the international financial architecture, resulting in a "highly skewed distribution of decision-making power in various financial decision-making bodies."[46] With respect to the financing of global public goods, this leads to policies that confound humanitarian aid and development assistance with international cooperative initiatives in which developing countries are partners in the provision of public goods.[47] Money is spent "controlling the ill-effects of the underprovision or malprovision (maldesign) of certain global public goods," rather than by investing in developing economies.[48] Many countries lack a voice in the provision and design of global public goods, as they lack access to "forums" for "participatory global priority setting and policy oversight."[49] The soft border approach envisions greater access to such forums through regional integrative strategies that grow out of local actors' initiatives and the possibility for political association across previously fixed borders and hierarchically ordered international regimes. Critically, the soft border approach would link participation in the provision of global public goods and the protection from global bads to local and regional priorities for collective action. This would increase the resources available for education, health care, environmental protection, and the collection of relevant economic or social data. It would also help in creating policy strategies that are proactive rather than focused on controlling global bads and responding to crises. The multiple entry points facilitated by overlapping soft border polities would increase the effective engagement and democratic accountability of nonstate actors in the dissemination of information and advocacy.

NETWORKS

Transnational information networks play a critical role in this softening of borders and in enhancing the potential for ongoing renegotiation of political space. Cross-border flows of ideas and networks designed for collective problem solving help to create conditions for effective integrative strategies. They break down symbolic borders, create multiple sources of knowledge,[50] instigate "global cultural flows," and raise

questions about accountability and transparency.[51] The establishment of regional and cross-border educational, research, and training centers increases resources, human capital, and capacities for problem solving. It both encourages and facilitates cooperative strategies to challenges that are increasingly complex and interdependent in nature, such as HIV/AIDS, global climate change, and trafficking of persons. Building educational infrastructure and curricula that promote exchange of knowledge and shared intellectual spaces (including virtual ones) creates greater possibilities for dialogue and intersecting social imaginaries.[52] Cross-border knowledge sharing also provides opportunities for developing interpersonal linkages and common vocabularies (even in different languages). Softening borders promotes the notion of fluid public spaces open to different people, different kinds of debate, and different formats and venues.[53]

These opportunities are limited by hard border regimes. While students and scholars interact on the Internet, visa requirements may stop them from meeting and conducting research together on an ongoing basis. Knowledge dissemination is driven by domestic agendas of wealthier countries.[54] (For example, global health research often neglects diseases associated with poor countries.[55]) Under hard border regimes, participation of experts in cross-border or international associations may still be professionally useful, intellectually stimulating, and practically helpful, but the implementation of solutions may be significantly hampered by hard border politics. This is especially the case when ethno-national policies pursued by national leaders undermine cross-border cooperation and problem solving. Moreover, while intergovernmental agencies promoting common standards in mining, fishing, and energy production promote international cooperation among experts; their discussions and activities are rarely conducted as local or global public debates or open to nonprofessionals. This translates into significant losses for democratic social choice. Consumers or other affected stakeholders might have important input with respect to the activities of such agencies and could build effective cross-border relationships of cooperation through participation in decision-making about these issues that directly affect their lives. Spaces for dialogue within and across multiple soft border polities around common practical concerns and political decisions could help to promote democratic legitimacy, accountability, and effective problem solving.[56]

A number of theorists and leaders have discussed the transnational cooperation of experts as an important trend, complementing and checking global economic processes. Some promote the idea of global

issue networks made up of representatives of governments (at the nation-state level), international NGOs, scientific communities, and businesses organized to find solutions to specific global problems.[57] Others are concerned that many of the actors in these networks are unaccountable to particular constituencies, as most of them are not elected representatives but concerned experts. Anne-Marie Slaughter, for example, notes that

> Global policy networks . . . grow out of various "reinventing government" projects, both academic and practical. These projects focus on the many ways in which private actors now can and do perform government functions—from providing expertise to monitoring compliance with regulations to negotiating the substance of those regulations, both domestically and internationally. The problem, however, is ensuring that these private actors uphold the public trust.[58]

She argues that "corporate and civic actors may be driven by profits and passions, respectively."[59] Thus, she prefers networks of government officials coordinating to exchange information and address global problems on a global scale. In her opinion, national governments hold the members of government networks (as opposed to policy networks) accountable. Still, she envisions a future where these governmental networks could function at a supranational level, that is, a world order in which "the building blocks would not be states but parts of states: courts, regulatory agencies, ministries, legislatures. The government officials with these various institutions would participate in many different types of networks, creating links across national borders and between national and supranational institutions."[60] These networks would link both government counterparts across borders and national governmental officials to supranational counterparts, establishing financial, juridical, environmental, and regional networks as well as enforcement, harmonization, and informational networks. Importantly, Slaughter recognizes the possibility that these networks could become "clubs" dominated by experts from powerful countries. To work against this, she develops five principles to promote an "inclusive, tolerant, and decentralized world order."[61] Both Slaughter's argument and the promotion of global policy networks grow out of the reality of increasing cooperation among experts inside and outside of government in a wide array of intergovernmental agencies, organizations, and networks that are involved in transnational problem solving, advocacy, and decision-making, with or without mechanisms for accountability.

The soft border approach recognizes this reality both as a challenge to nation-state sovereignty *and* as a way to hold on to an exclusive role for nation-states as the source of official representatives to these global networks and agencies. This role, which Slaughter is not quite ready to jettison, is challenged by the soft border approach. That is, the soft border approach rejects the monopoly of the hard border nation-state over the representation of peoples' interests and its capacity to ensure accountability. The soft border approach envisions both cross-border governmental networks and policy networks growing out of multilevel soft border polities, such that these networks do not mimic the hierarchical structure of supranational intergovernmental organizations (such as contemporary financial networks). Without breaking out of the hard border system, the important principles that Slaughter proposes will not be sufficient to prevent global governmental networks from becoming "clubs" of the powerful. Renegotiating political space provides an alternative for bringing transnational knowledge, experience, and creativity to global, regional, and local initiatives and local knowledge to the transnational. This alternative highlights the importance of creating and supporting appropriate multilevel public spaces through accessible educational institutions, independent media, and active political contestation and dialogue.

Democracy

Still the complexity of multiple levels of political association poses questions of democratic cooperation and political obligation. The complex structures and decision procedures of the European Union bureaucracy are often seen as exhibiting a democratic deficit or the "perception" of a lack of democratic legitimacy.[62] By analogy, this criticism could pose concerns about multilevel soft border polities. If decision-making at regional centers or in the commissions of transnational polities (such as the European Union) appears unrelated to or removed from people's lives, then people or groups are less likely to attempt to influence these decisions or view them as "theirs." This poses problems of political obligation or compliance, which are particularly important in a fluid system such as the proposed soft border one. What would make the fluid and overlapping polities imagined here less vulnerable to the endemic weakness and corruption described as plaguing governments and public institutions in southeastern Europe? What reasons would people have to follow the law, pay taxes, and trust in the compliance of other citizens and authorities?

"The need for trust and trustworthiness arises under circumstances of complex mutual dependence, where the regular co-operation of each individual depends on their conscious or habitual expectation of the regular co-operations of others."[63] In earlier chapters, I rejected a thick sense of collective identity as a prerequisite to social cooperation and argued that thick bonds of national identity were more likely to create conditions for distrust, dependence, and vulnerability rather than reciprocal expectations of trust. In soft border polities in which denizens are more likely to have thin bonds among them, trust is a question of institutional design and the background conditions of social choice. Exploring those "institutions that facilitate generalized trustworthiness among strangers,"[64] Andreas Follesdal notes the importance of safeguarding the integrity of outputs, transparency, and checks on the abuse of power through human rights constraints and opportunities for opposition and democratic contestation.[65] These observations about institutional design hold for cooperation in soft border polities.

Processes of social choice that support expectations of positive cooperation (through transparency, opportunities for democratic contestation and competition, checks on abuse of power, effective delivery of services, etc.) will gain people's compliance and legitimacy. Promoting expectations of positive collective action also involves recognizing that people have different experiences with cooperation and relationships of power and that these experiences should be brought to bear in the design of collective institutions. The possibility of participation in multiple polities and access to larger integrated entities via subnational or cross-border polities offers more routes for representation. The exit options offered by transnational citizenship and the softness of borders promote the accountability of leaders and legitimacy of government. Thus, ideally, increasingly democratic polities would emerge out of the needs and concerns of people engaged in various different ways in providing and using goods and services, sharing information, regulating standards, and establishing new configurations of political space or in challenging the rigidity of existing borders and pushing for new integrative patterns.

There are no particular recipes for a world of soft borders, as the articulation of political space, on this account, is an ongoing process. Local and cross-border polities, for example, might find efficient and effective ways to resolve common problems by working together in such areas as: health awareness and disease prevention, road repair, protection of property rights, waste management, water supply, education, sports and programs for young people. They might cooperate

in enacting laws that will inhibit political intimidation, monitor favoritism in government procurement and hiring practices, and provide disclosure of official assets through transparent record keeping and public access to information. Repeated successful interactions might lead them to merge some decision-making bodies or create new common ones: The soft border political associations that would emerge would remain fluid, their malleable borders open to renegotiation.

Global Cities

Global cities with large numbers of migrants and a juxtaposition of class and ethnic differences stand out as a particular kind of soft bordered political space, as subnational units, which are linked at various levels and in innumerable ways to large transnational systems and local (often distant) communities. They facilitate the flow of people, capital, knowledge, information, culture, and commodities of all kinds through old trading routes, popular migrations, and new technologies of space and time. These global "nodes" that operate in a complex network of electronic, material, and interpersonal linkages create new centers of power and challenges to existing systems of political authority and territoriality. They facilitate linkages with diasporas, avenues for shadow transactions, and spaces in which people can "lose" themselves as anonymous economic actors or thrive in political cooperation, engagement, and contestation. They are spaces filled with rich possibilities and dangerous spaces in which ties can become chains and "free" markets, prisons. Cities are spaces in which skewed relationships of power are exacerbated and the side-by-side extremes of wealth and poverty often thwart the creative and reformative potential of transnational opportunities and openings.

Global cities are properly conceived as soft bordered not only because of the nature of the flows that move through them and the networks that link them globally and locally but also because these cities are the product of ongoing renegotiations of space—territorial and virtual. They are the product of malleable, shifting social imaginaries that define and redefine the political landscapes. The democratic potential of global cities would be supported by transnational citizenship, terms of social cooperation that promote the equality and interdependence of loosely linked actors in processes of social choice, and recognition of these actors' multiple attachments in other polities and communities. These cities are potential powder kegs as zones of tension that threaten traditional national self-understandings: They resist

attempts to stop the flow of newcomers, to recreate a homogeneous public, and to stifle voices and languages of difference in order to hold on to a particular notion of the nation. The urban rural divide fills discussions of national imagery and nationalist discourse: The rural areas maintain the purity of the nation and its traditional values and ways; the city facilitates mixing with others, fostering change and a loss of values and traditions. The cities (often capitals) that have emerged as hubs of transnational capital and global immigration bring these differences into stark contrast and elicit the kinds of nationalist backlash seen in much of the West. If we cannot reenvision these cities as simultaneously local and global, as part of a new reconfiguration of overlapping and fluid soft-bordered polities, we are left with the emerging global city as a potential war zone rather than as a model of creative solutions to social cooperation, economic growth, and democratic engagement. As Holston and Appadurai note, these cities are sites to investigate new understandings or requirements of citizenship.[66] I would say that they also are sites in which we can recognize the need for retheorizing borders and promoting the constitutive features of a soft border regime.

Linkages for Peace and Security

If we look at current conflict zones (Middle East, Kashmir, Georgia, Azerbaijan, Afghanistan, Kosovo), the notion of softening borders appears to be counterintuitive. As elaborated in earlier chapters, it appears that solutions to ethnic or national conflicts are to be found in hardening borders, in creating tighter security and stricter regulations with regard to transborder activity, and in resolving undefined national status or questions of sovereignty.[67] Indeed, in the current system of hard borders, conferring sovereignty may appear to be the best of possible solutions, all considered to have a range of negative outcomes. As noted earlier, in a case like Kosovo where the question of hard border status (sovereignty) has become so fused with political and symbolic meaning, anything short of that solution appears to be a vote for Serbian ethno-nationalism. Diplomats, thus, feel "forced" into the corner of a hard border solution. Yet, the moment this decision takes place and is recognized internationally, cross-border and regional cooperation will be the key to peace and stability in the area.[68]

If we are to think of a future in which there are better possible solutions to regional conflicts, we need to think in terms of softening borders. Hard border politics encourage the kind of political positioning that fixes and polarizes political identities and prevents com-

promise positions such that people are held hostage to escalating threats of imminent danger and, then, violent conflict. Hard border regimes exacerbate the vulnerability of minority status, increase systemic inequalities and exclusions, and support unaccountable ethnocrats or autocrats. Yet the poverty of our available responses in the face of the cleavages we have created (ethnic, racial, and class) leads us to build fences, walls, enclaves, and ghettos—all of which tend to increase the cleavages and few of which have made any of us more secure. The Berlin Wall came down, amidst celebrations far beyond the city it divided, but today new walls are being erected: Some have become the object of controversy and public resistance and others have escaped our attention, but on the soft border account, they are all potentially destructive.[69]

Attempting to reduce conflicts by fortifying existing hard borders or by creating new hard borders has become an increasingly transnational project engaged in by neighbors and transnational armies, multinational alliances, and transnational private military companies. Local violence is increasingly understood in global contexts and often linked to the transnational organization, financing, and activities of cross-border movements (seen as terrorists or liberators). The consequences of these endeavors, then, call for international humanitarian interventions and transnational conflict resolution. Most of these transnational enterprises from UN or NATO peacekeeping forces to OSCE or European Union organized peace-building efforts also follow the logic of hard borders. Yet, on the ground, often invisible cross-border networks built by local peace organizations defy this logic, taking small steps to restore activities of daily life, including cross-border communication.

The soft border approach is particularly interested in the latter, that is, in increasing the voice, visibility, and efficacy of grassroots cross-border peace networks. Breaking the mold of the nation-state system and increasing opportunities for different levels of political association opens up space for different actors to emerge at crucial moments in conflict resolution and in renegotiation of political jurisdiction and decision-making authority. Hard border regimes are caught in negotiations with the very structures that had the most to benefit from conflict. The latter see peace negotiations as alternative strategies for holding on to political and economic power. Breaking the mold of hard border politics is critical in reaching out to the populations affected by the power struggles of elites, to those whose lives will depend on the nature of the peace and the design of its institutions. It is crucial to women's effective involvement in peace-building and peacekeeping.

Under the current hard border state system, despite declarations calling for gender mainstreaming in promoting international peace and security (UN SC Resolution 1325), women's voices and experiences are largely excluded and marginalized at high level negotiations.[70] Yet, at the grassroots level, women have been consistent leaders in peace movements and in cross-border peace-building efforts. In February 2007, when the official Kosovar and Serbian negotiating teams were clearly in deadlock, the Women's Peace Coalition established by women's peace networks from Kosovo and Serbia wrote a joint letter to Martti Ahtisaari, Special UN Envoy to the Secretary General in charge of negotiations on the future status of Kosovo, reminding him of their long-standing efforts toward peace and their lack of presence in negotiations.

> Despite our many advocacy efforts and United Nations Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325), which calls for women's inclusion in postconflict decisionmaking, we feel that our respective governments have failed to involve women as equal partners in the negotiation process concerning Kosovo's final political status. The Women's Peace Coalition advocates strongly for the implementation of UNSCR 1325. Therefore we urge the relevant bodies to involve women during all processes of building the new state of Kosovo, including drafting the constitution. While UNMIK failed to implement UNSCR 1325, we hope any new international presence in Kosovo will steadily involve women in all monitoring processes. The Kosovo Women's Network and the Women in Black Network in Serbia launched the Women's Peace Coalition in March 2006 as an independent citizens' initiative founded on women's solidarity that crosses the divisions of ethnicity and religion, as well as state borders.[71]

This letter and the wide efforts of women peace activists in Kosovo and Serbia[72] have not been covered in the international press; they do not conform to the rhetoric and practice of "irreconcilable differences" that define hard border conflicts; and they have little influence in chambers of decision-making. They do not fit with the ethnonational fixing of political identities or rejection of border crossing and are, thus, marginalized in hard border conflict resolution models and state-based international organizations. Yet any real steps toward postconflict reconciliation and reconstruction will depend upon women's participation in this work; recognition of this is a major factor behind the adoption of SCR 1325. Hard border hierarchical regimes, however, are likely to continue to resist the effective recognition of women's voices in defining and designing postconflict processes and alternative models of association and cooperation that

facilitate the kind of symbolic and physical border crossing that peacebuilding requires.

States—as rigid formations fighting for their existence—are resistant to change. Women and other groups previously excluded from political participation have better chances of moving into effective decision-making roles through alternative routes—new alliances, networks, or emerging subnational and cross-national polities. These alternative routes not only create new avenues for entry into regional, international, and transnational bodies but also force greater accountability of personnel at all levels of government. They create a space for negotiating relationships of social choice through the experiences, expectations, and understandings of a wide range of affected actors and groups.

A soft border approach that includes recognition of transnational citizenship and the possibility of membership in multiple and soft border polities offers a different way of thinking about promoting cooperation in place of conflict. Focusing on state functions rather than on state borders and reimagining political association based on thin bonds of social cooperation opens the door to peaceful engagement based on elementary shared needs and interests. Opportunities for interaction would emerge not because there is external pressure on people to "get along," but because it makes sense to do so. People are more likely to recognize their common needs when this cooperation does not make them vulnerable to potential discrimination associated with nationality-based citizenship or group belonging, that is, when cooperation does not mark someone as a traitor or support relationships of inequality. On the soft border approach elaborated here, cooperation relies not on thick bonds of identity but on trust built through reiterated positive experiences of social choice.

Reconstructing the Polity

An alternative understanding of sovereignty, citizenship, and soft borders as elaborated in the preceding chapters could lead to flexible and responsive polities, a richer and more diverse civil society linked through local, regional, and global networks, and new expressions of democracy. These expressions of democracy would be built by reimagining public spaces and reconstructing these spaces through relationships of reciprocity and practices of social cooperation across symbolic and territorial borders.

This soft border approach does not ignore relationships of power in politics but calls for the regular reassessment of political association and cooperation. It recognizes that people experience borders and

bordering processes differently and that the most vulnerable members of any society are those for whom borders are the hardest. Accordingly, it looks to softening borders as a mechanism for reducing inequalities in resources, access, and standing in political association and social choice.

Challenges to state sovereignty and the territorial borders of nation-states are processes that can take us in many different directions. Financial, commercial, military, and political processes of border "violations" could lead to new forms of empire, dependency, and inequality among individuals, groups, and regions. We can see trends that point to such possibilities—more or less frightening scenarios of globalization. At the same time, we can imagine different trends and possibilities that draw on the immense resources of our collective (and diverse) wealth, knowledge, and experiences and that break old patterns of separating, classifying, and reifying space, individuals, and groups. The idea of softening borders, so that we participate in a regular renegotiation of multiple and fluid political spaces (including virtual ones), appreciates the ways in which arrangements of resources and status promote the power of the few. Rethinking sovereignty and democracy in terms of soft borders offers alternative ways of arranging resources and rights and of imagining and constructing multiple relationships of social choice. It offers ways that affirm the equal concern and respect due persons and provides effective avenues for negotiating their differences as well as their common needs and interests. This is a challenge well worth our efforts.

Notes

Chapter 1

1. Ngai-Ling Sum, "Rethinking Globalisation: Rearticulating the Spatial Scale and Temporal Horizons of Trans-Border Spaces," in *State/Space: A Reader,* ed. Neil Brenner, Bob Jessop, Martin Jones, and Gordon MacLeod (Oxford: Blackwell Publishing, 2003), 208–224.
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3. Aihwa Ong, *Flexible Citizenship: The Cultural Logics of Transnationality* (Durham, NC: Duke University Press, 1999).
4. "Nation-state borders lack any fundamental ethical standing." Charles Jones, *Global Justice: Defending Cosmopolitanism* (Oxford: Oxford University Press, 2001), 2.
5. See, for example, Veit Bader, "Practical Philosophy and First Admission," *SAIS Review* 20, no. 1 (2000): 39–59; Charles R. Beitz, "Does Global Inequality Matter?" in *Global Justice,* ed. Thomas Pogge (Oxford: Blackwell Publishing, 2001), 106–122; Simon Caney, *Justice beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005); Joseph H. Carens, "Aliens and Citizens: The Case for Open Borders," in *Theorizing Citizenship,* ed. Ronald Beiner (Albany: State University of New York Press, 1995), 229–253; Robert E. Goodin, "What Is So Special about Our Fellow Countrymen?" *Ethics* 98, no. 4 (1988): 663–686; Thomas Pogge, "Cosmopolitanism and Sovereignty," *Ethics* 103, no. 1 (October 1992): 48–75; Thomas Pogge, "Justice across Borders: Brief for a Global Resources Dividend," in *Social Justice,* ed. Matthew Clayton and Andrew Williams (Oxford: Blackwell Publishing, 2004), 264–285; Henry Shue, *Basic Rights: Subsistence, Affluence, and US Foreign Policy,* 2nd ed. (Princeton, NJ: Princeton University Press, 1996); and Kok-Chor Tan, *Justice without Borders: Cosmopolitanism, Nationalism, and Patriotism* (Cambridge, UK: Cambridge University Press, 2004).
6. Veit Bader, for example, argues for "fairly open borders" by establishing the injustice of closed ones in a world of extreme poverty and inequality: "In a world of severe poverty and gross global inequality, it is morally indefensible for wealthy countries to institute restrictive first admission or close their borders. Wealthy states have a moral obligation to fight global

poverty and to admit more people into their societies." "Practical Philosophy and First Admission," 39–40.

7. The notion of "interdependence" suggests individual agency in ongoing relationships with others, distinguishing this notion from an abstract notion of independence. See Nancy J. Hirschmann, *The Subject of Liberty: Toward a Feminist Theory of Freedom,* for an exploration of feminist notions of freedom (Princeton, NJ: Princeton University Press, 2003).
8. Ian Shapiro thinks of democracy "as a means of managing power relations so as to minimize domination." *The State of Democratic Theory* (Princeton, NJ: Princeton University Press, 2003), 3.
9. I disagree with theorists who see the notion of citizenship losing its meaning. See, for example, David Jacobson, *Rights across Borders: Immigration and the Decline of Citizenship* (Baltimore: The Johns Hopkins University Press, 1997).
10. Hendrik Spruyt describes how in another transitional moment, "the fullest articulation of feudal organization and the church, both in a theoretical and practical sense, occurred shortly before their demise. Such articulations seem to occur exactly when institutional challenges arise." *The Sovereign State and Its Competitors* (Princeton, NJ: Princeton University Press, 1994), 193.
11. To name just a few: Jens Bartelson, *A Genealogy of Sovereignty* (Cambridge, UK: Cambridge University Press, 1995); Thomas J. Biersteker and Cynthia Weber, eds., *State Sovereignty as Social Construct* (Cambridge, UK: Cambridge University Press, 1996); Brenner, Jessop, Jones, and MacLeod, *State/Space*; Joseph Camilleri and Jim Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World* (London: Edward Elgar Publication, 1992); Manuel Castells, *The Rise of the Network Society* (Oxford: Blackwell Publishing, 2000); Thomas Blom Hansen and Finn Stepputat, eds., *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World* (Princeton, NJ: Princeton University Press, 2005); Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999); Kenishi Ohmae, *The Borderless World* (New York: Harper Collins, 1990); Aihwa Ong, *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty* (Durham, NC: Duke University Press, 2006); Pogge, "Cosmopolitanism and Sovereignty," 48–75; and Spruyt, *Sovereign State and Its Competitors.* These works and others are cited at various places in this book.
12. Following Pesic, postnationalism does not mean that nationalist goals have been realized or eschewed; rather, they persist as unmet priorities or latent threats. A critical feature of postnationalism is the unresolved nature of existing national questions: Conflicts or decisions have been put on hold by peacekeeping agreements, peacekeeping forces, and a combination of incentives and pressures from the international community. "Nacionalzam nemoguce drzave," *Helsinska Povelja,* no. 99–100

(September-October 2006): 19–25; in English, "Nationalism of the Impossible State: A Framework for Understanding the Unsuccessful Transition to Democratic Legitimacy in Serbia," <http://www. bgcentar .org.yu/documents/PaperonLegitimacyChangeVesnaPesic.doc> (accessed 20 January 2007).

13. "The principle of subsidiarity regulates the *allocation* and *use* of authority within a political order where there is no unitary sovereign. The principle holds that powers or tasks are to rest with the sub-units of that order unless a central unit is more effective in achieving certain specified goals." Andreas Follesdal, "Subsidiarity and Democratic Deliberation," ARENA Working Paper WP 99/21, <www.arena.uio.no/publications/wp99_21.htm> (accessed 7 June 2006).
14. Partnering the principle of subsidiarity with relational popular sovereignty reinforces the democratic nature of the principle reaffirming the inclusive values and integrative vision of the soft border approach. On the relationship between subsidiarity and equality, see Follesdal, "Subsidiarity and Democratic Deliberation," and Grainne de Burca, "Reappraising Subsidiarity's Significance after Amsterdam," Harvard Jean Monnet Working Paper No. 7/99, <http://www.jeanmonnetprogram.org/papers/99/990701.html> (accessed 7 June 2006).
15. Julie Mostov, "La formation de l'ethnocratie," *TransEuropeenes: Revue culturelle international* no. 8 (Fall 1996): 35–44.
16. Rejecting the compatibility of civil society and the organic "national" community, a Bosnian Serb leader lamented, "they want to make Serbs into citizens," that is, to replace the essential being of a member of the nation with an enervated "empty" civic personality. *Vreme* (Belgrade), 9 March 1992, 54.
17. See Julie Mostov, "The Use and Abuse of History in Eastern Europe," *Constellations* 4, no. 3 (January 1998): 376–386.
18. For example, International Crisis Group, *Kosovo Status Delay Is Risky,* Europe Report no. 177 (10 November 2005), available at <http://www.crisisgroup.org/library/documents/europe/balkans/177_kosovo_status__delay_is_risky.pdf>.
19. International Crisis Group, *Kosovo: The Challenge of Transition,* Europe Report no. 170 (17 February 2006), available at <http://wwwcrisisgroup.org/library/documents/europe/balkans/170_kosovo_the_challenge_of_transition.pdf>; Susan L. Woodward, "Does Kosovo's Status Matter? On the International Management of Statehood," *Südosteuropa* 55, no. 1 (Spring 2007): 1–25.
20. On gender and nation, see, for example, Wendy Bracewell, "Women, Motherhood, and Contemporary Serbian Nationalism," *Women's Studies International Forum* 19, no. 1/2 (1996): 25–33; Urvashi Butalia, *The Other Side of Silence: Voices from the Partition of India* (New Delhi: Viking, 1998); Mushirui Hasan, ed., *Invented Boundaries: Gender, Politics and the Partition of India* (New Delhi: Oxford University Press,

2000); Rada Ivekovic, "Women, Nationalism, and War: 'Make Love Not War,' " *Hypatia* 8, no. 4 (Fall 1993): 113–126; Rada Ivekovic and Julie Mostov, eds., *From Gender to Nation* (Ravenna, Italy: Longo Editore 2002); Caren Kaplan, Norma Alcaron, and Minoo Moallem, eds., *Between Woman and Nation: Nationalism, Transnational Feminism, and the State* (Durham, NC: Duke University Press, 1999); Tamar Mayer, ed., *Gender Ironies of Nationalism* (London: Routledge, 2001); Ritu Menon and Kamla Bhasin, *Borders and Boundaries: Women in India's Partition* (New Brunswick, NJ: Rutgers University Press, 1998); Julie Mostov, " 'Our Women'/'Their Women': Symbolic Boundaries, Territorial Markers, and Violence in the Balkans," *Peace and Change* 20, no. 4 (October 1995): 515–529; Uma Narayan, *Dislocating Cultures: Identities, Traditions, and Third World Feminism* (London: Routledge, 1997); Katherine Verdery, "From Parent-State to Family Patriarch: Gender and Nation in Contemporary Eastern Europe," *East European Politics and Societies* 8 (Spring 1994): 225–255; and Nira Yuval-Davis and Flora Anthias, eds., *Woman-Nation-State* (London: Macmillan, 1989).

21. For the way this played out in Rwanda, see Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ: Princeton University Press, 2000).
22. Jurgen Habermas, "Citizenship and National Identity: Some Reflections on the Future of Europe," in *Theorizing Citizenship,* ed. Ronald Beiner (Albany: State University of New York, 1995), 255–281.
23. David Miller, *On Nationality* (Oxford: Oxford University Press, 1995).
24. Yasemin Nuhoglu Soysal posed this challenge in the early 1990s in *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press, 1994). For examples of related discussions, see Rainer Baubock, *Transnational Citizenship: Membership Rights in International Migration* (Aldershot, UK: Edward Elgar, 1994); Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (Cambridge, UK: Cambridge University Press, 2004); Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, NJ: Princeton University Press, 2006); Joseph H. Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness* (Oxford: Oxford University Press, 2000); Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging* (New York: Routledge, 2000); and Ong, *Neoliberal as Exception*; Saskia Sassen, "The Repositioning of Citizenship: Emergent Subjects and Spaces for Politics," *Berkeley Journal of Sociology* 46 (2002): 4–25; as well as an excellent symposium on citizenship, "Changing Citizenship: Theory and Practice," *PS: Political Science & Politics* 38, no. 4 (October 2005): 667–699.
25. This argument recognizes that formal citizenship status is not the only obstacle to equal standing in processes of social choice. See Nira Yuval-Davis, "Citizenship, Territoriality and the Gendered Construction of Difference," in Brenner, Jessop, Jones, and MacLeod, eds., *State/Space,*

309–325; and Ruth Lister, *Citizenship: Feminist Perspectives,* 2nd ed. (New York: NYU Press, 2003).

CHAPTER 2

1. According to Joseph Camilleri and Jim Falk, "The trends of globalization and domestic fragmentation are expected to weaken the conceptual and practical foundations of sovereignty: (1) by challenging the notion that state authority is exercised . . . within clearly demarcated boundaries; (2) by calling into question the claims that within its territory the state's authority is unlimited and indivisible; and (3) by suggesting a growing disjunction between state and civil society, between political authority and economic organization, and between national identification and social cohesion" *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World* (London: Edward Elgar Publication, 1992), 254–255.
2. "The prevailing concept of the international legal system is that territorial boundaries establish statehood and that territorial boundaries are the basis for state sovereignty." Robert McCorquodale, "International Law, Boundaries, and Imagination," in *Boundaries and Justice: Diverse Ethical Perspectives,* ed. David Miller and Sohail H. Hashmi (Princeton, NJ: Princeton University Press, 2001), 155.
3. This notion of sovereignty includes three of Krasner's four usages of sovereignty: international legal sovereignty, Westphalian sovereignty, and interdependence sovereignty. Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999), 3.
4. Thomas J. Biersteker and Cynthia Weber make this distinction by separating the concepts of state and sovereignty and defining the "territorial state" as a "geographically-contained structure whose agents claim political authority within their domain," and by defining sovereignty "as a political entity's externally recognized right to exercise final authority over its affairs." Biersteker and Weber, eds., "The Social Construction of State Sovereignty," in *State Sovereignty as Social Construct* (Cambridge, UK: Cambridge University Press, 1996), 2; See also R.B.J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge, UK: Cambridge University Press, 1993).
5. Krasner, *Sovereignty,* 20.
6. This would be similar to what Krasner calls "domestic sovereignty." *Sovereignty,* 11–12.
7. Jean Bodin, *Six Books of the Commonwealth,* trans. M. J. Tooley (New York: Macmillan, 1955), 44; See Julie Mostov, *Power, Process, and Popular Sovereignty* (Philadelphia, PA: Temple University Press, 1992), 28–36.
8. Mostov, *Power, Process, and Popular Sovereignty,* 37. According to F. H. Hinsley, "the idea is that there is a final and absolute political authority in the political community." *Sovereignty,* 2nd ed. (Cambridge, UK: Cambridge University Press, 1986), 26.

9. David Held, "The Transformation of Political Community: Rethinking Democracy in the Context of Globalization," in *Democracy's Edges,* ed. Ian Shapiro and Casiano Hacker-Cordon (Cambridge, UK: Cambridge University Press, 1999), 86–87.
10. Krasner, *Sovereignty,* 12.
11. Neil Brenner, Bob Jessop, Martin Jones, and Gordon MacLeod, eds., "Introduction: State Space in Question," in *State/Space: A Reader* (Oxford: Blackwell Publishing, 2003), 2; John Agnew, "The Territorial Trap: The Geographical Assumptions of International Relations Theory," *Review of International Political Economy* 1, no.1 (1994): 53–80.
12. Saskia Sassen, *Globalization and Its Discontents: Essays on the New Mobility of People and Money* (New York: New Press, 1998), 92.
13. Ibid., 94–95. "International human rights, while rooted in the founding documents of nation-states, are today a force that can undermine the exclusive authority of the state over its nationals and thereby contribute to transform the interstate system and international legal order. Membership in nation-states ceases to be the only ground for the realization of rights," 95.
14. Sovereignty is revered and held sacred when it suits the interests of those in power in the international system and violated freely when it does not. For the most part, it has been in the interests of those in power that *others* revere and respect sovereignty. See Krasner's version of this: *Sovereignty,* 9, 3–42.
15. John Gerard Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organization* 47, no. 1 (Winter 1993): 164–165; See also Friedrich Kratochwil, "Of Systems, Boundaries, and Territoriality: A Inquiry into the Formation of the State System," *World Politics* 39, no. 1 (1986): 27–51.
16. On "sovereign bargains," see Karin T. Litfin, "Sovereignty in World Ecopolitics," *Merschon International Studies Review* 42, no. 2 (Autumn, 1997): 167–204.
17. "The critical parameter to fix concerned the right to act as a constitutive unit of the new collective political order. The issue was not who had won more power, but who could be designated as a power. Such a designation . . . involved the mutual recognition of the new constitutive principle of sovereignty." Ruggie, "Territoriality and Beyond," 162.
18. Sassen also uses the term *unbundling,* for example, the "incipient unbundling of the exclusive territoriality we have long associated with the nation-state." *Globalization and Its Discontents,* 81; see also *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996).
19. Ruggie, "Territoriality and Beyond," 160–162.
20. Hendrik Spruyt, *The Sovereign State and Its Competitors* (Princeton, NJ: Princeton University Press, 1994), 12; See also Ruggie, "Territoriality and Beyond," 160–165.
21. Spruyt, *Sovereign State and Its Competitors,* 3.
22. Ibid.
23. Ibid., 193.

24. Agnew, "Territorial Trap," 53–80.
25. Brenner, Jessop, Jones, and MacLeod, "Introduction," 2.
26. "This continual production and transformation of state space occurs not only through material-institutional practices of state spatial regulation but also through a range of representational and discursive strategies through which the terrain of sociopolitical struggle is mapped and remapped by actors who are directly involved in such struggles." Brenner, Jessop, Jones, and MacLeod, "Introduction," 11. See also Brendan O'Leary's introduction to his edited volume: Brendan O'Leary, Ian Lustick, and Thomas Callaghy, eds., *Rights-Sizing the State: The Politics of Moving Borders* (Oxford: Oxford University Press, 2001).
27. Krasner, *Sovereignty,* 6–9.
28. Walter Ullmann, *Medieval Political Thought* (Middlesex, UK: Penguin Books, 1970), 207–208. See also Mostov, *Power, Process, and Popular Sovereignty,* chap. 3.
29. Ullmann, *Medieval Political Thought,* 208.
30. Quentin Skinner, *The Foundation of Modern Political Thought,* vol. 1 (Cambridge, UK: Cambridge University Press, 1978), 62–63.
31. Ullmann, *Medieval Political Thought,* 208.
32. Ibid., 215.
33. Ibid., 216–217.
34. Julian Franklin, *John Locke and the Theory of Sovereignty: Mixed Monarchy and the Right of Resistance in the Political Thought of the English Revolution* (Cambridge, UK: Cambridge University Press, 1978), 1–7, 31, 34.
35. Ibid., 2–6.
36. Hinsley, *Sovereignty,* 132–144.
37. See Mostov, *Power, Process, and Popular Sovereignty,* 184n17.
38. David Gauthier, *Logic of the Leviathan: The Moral and Political Philosophy of Thomas Hobbes* (Oxford: Clarendon Press, 1969), 171; see also Mostov, *Power, Process, and Popular Sovereignty,* chap. 2.
39. Bodin, *Six Books of the Commonwealth,* 52–53; Julian Franklin, *Jean Bodin and the Rise of Absolutist Theory* (Cambridge, UK: Cambridge University Press, 1973), 29.
40. Bodin, *Six Books of the Commonwealth,* 54–55.
41. Thomas Hobbes, *Leviathan,* ed. Michael Oakeshott (New York: Collier Books, 1962), 240.
42. Ibid., 242, 243. Bodin and Hobbes classified forms of commonwealth according to the location of sovereign power; that is, every body politic was a monarchy, aristocracy, or democracy, the distinction being in the number of those who share in the exercise of sovereign power. Mostov, *Power, Process, and Popular Sovereignty,* 37.
43. Franklin, *John Locke and the Theory of Sovereignty,* 7; see also Mostov, *Power, Process, and Popular Sovereignty,* chap. 3.
44. Franklin, *John Locke and the Theory of Sovereignty,* 77–81.
45. John Locke, *The Second Treatise on Government,* ed. C. B. Macpherson (Indianapolis, IN: Hackett, 1980), 47–48.

46. Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton, 1988), 49–50; see also Franklin, *John Locke and the Theory of Sovereignty,* 123.
47. Rousseau followed in the tradition of Bodin and Hobbes, while the American Federalists followed the Lockean tradition of sovereignty. See Mostov, *Power, Process, and Popular Sovereignty.*
48. J. L. Talmon, *The Origins of Totalitarian Democracy* (New York: Praeger, 1960). See Mostov, *Power, Process, and Popular Sovereignty,* chap. 1.
49. David Miller, "Democracy and Social Justice," in *Democracy, Consensus and Social Contract,* ed. Pierre Birnbaum, Jack Lively, and Geraint Parry (London: Sage, 1978), 76.
50. Henry B. Mayo, *An Introduction to Democratic Theory* (New York: Oxford University Press, 1960), 72.
51. Ibid., 73.
52. Ibid., 95. See also S. I. Benn and S. R. Peters, *The Principles of Political Thought: Social Foundations of the Democratic State* (New York: Free Press, 1965), 336–344. For varied responses to popular rule, see Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley: University of California Press, 1984); and David Held, *Models of Democracy* (Palo Alto, CA: Stanford University Press, 1987).
53. Benn and Peters, *Principles of Political Thought,* 308.
54. Ibid., 395.
55. Ibid., 397.
56. Andrzej Rapaczynski, *Nature and Politics: Liberalism in the Philosophy of Hobbes, Locke, and Rousseau* (Ithaca, NY: Cornell University Press, 1987), 25.
57. Ibid.
58. Ibid., 26.
59. Ibid.
60. Ibid., 26n1. See also Talmon, *Origins of Totalitarian Democracy,* and John W. Chapman, *Rousseau—Totalitarian or Liberal?* (New York: AMS Press, 1968), 74–79.
61. See for example, Bernard Crick, "Sovereignty," in *The International Encyclopedia of Social Sciences* (London: Macmillan, 1968), 80.
62. William N. Nelson, *On Justifying Democracy* (London: Routledge & Kegan Paul, 1980), 53. William Riker combines the incoherence arguments with Talmon's concerns about populism. *Liberalism against Populism: A Confrontation between the Theory of Democracy and the Theory of Social Choice* (San Francisco, CA: W. H. Freeman, 1982).
63. Nelson, *On Justifying Democracy,* 54.
64. Ibid., 54–55.
65. Ibid., 63.
66. Ibid., 69.
67. Norberto Bobbio, *The Future of Democracy: A Defence of the Rules of the Game,* trans. Roger Griffin (Minneapolis: University of Minnesota Press, 1987), 28.

68. Ibid., 29.
69. Ibid., 83.
70. Thomas Blom Hansen and Finn Stepputat, "Introduction," in *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World,* ed. Hansen and Steppatat (Princeton, NJ: Princeton University Press, 2005), 2. Michel Foucault would also have us look at the "disciplinary power" of the notion of sovereignty: "sovereignty and disciplinary mechanisms are two absolute integral constituents of the general mechanisms of power in our society." *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977* (Brighton, England: Harvester Press, 1980), 108.
71. Hansen and Stepputat, "Introduction," 4, 13–18; Thomas Blom Hansen, "On Legality and Authority in India," in Hansen and Stepputat, *Sovereign Bodies,* 170–171; Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life,* trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998).
72. Hansen and Stepputat, "Introduction." Agamben focuses this notion on the control and degradation of "bare life" in concentration camps and refugee camps: *Homo Sacer,* 166–180. See also Aihwa Ong on "zones of exclusion" in "(Re)Articulations of Citizenship," *PS: Political Science & Politics* 38, no. 4 (October 2005: 697–699.
73. In the European Union, this is often expressed in the following manner: "as close as possible to the citizen." See Andreas Follesdal, "Subsidiarity and Democratic Deliberation," ARENA Working Paper WP 99/21, <http://www.arena.uio.no/publications/wp99_21.htm> (accessed 7 June 2006).
74. With respect to the use of this principle in the European Union, Grainne de Burca writes: "The concept of subsidiarity continues to express, and to raise, fundamental questions about the appropriate locus of political and legal authority within a complex and multiple-layered polity, which is itself situated within an increasingly interconnected international 'order.'" See "Reappraising Subsidiarity's Significance after Amsterdam," Harvard Jean Monnet Working Paper 7 (1999), http://www.jeanmonnetprogram.org/papers/99/990701.html> (accessed 7 June 2006).
75. Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging* (New York: Routledge, 2000), 209. For another look at the Northern League, see John Agnew, "Territorial and Political Identity in Europe," in *Europe without Borders: Remapping Territory, Citizenship, and Identity in a Transnational Age,* ed. Mabel Berezin and Martin Schain (Baltimore: The Johns Hopkins Press, 2003), 219–242.
76. See Paolo G. Carozza, "Subsidiarity as a Structural Principle of International Human Rights Law," *The American Journal of International Law* 97, no. 1 (January 2003): 38–79; Andreas Follesdal, "Subsidiarity," *Journal of Political Philosophy* 6, no. 2 (1998): 231–259; and Follesdal, "Subsidiarity and Democratic Deliberation."

77. David Held, "Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective," *Government and Opposition* 39, no. 2 (2004): 375.
78. Given current changes in the economic milieu (multinational corporations, global banking and financial institutions, offshore production and joint ventures, global environmental problems, human migration, and growing economic interdependence), "there is no a priori reason why social actors and some political entrepreneurs would see the organization of international relations through a system of states as their most preferred institutional arrangement." Spruyt, *Sovereign State and Its Competitors,* 188.
79. "We should recall furthermore that the fullest articulation of feudal organization and the church, both in a theoretical and practical sense, occurred shortly before their demise. Such articulations seem to occur exactly when institutional challenges arise." Spruyt, *Sovereign State and Its Competitors,* 193.
80. "The operation of international law confirms the power of the state and the acceptance that sovereignty is in the hands of states alone. It results in privileging certain voices and silencing others. It allows elites in a territory to gain and exercise power, particularly political and economic power, at the expense of most of the people living in that territory." McCorquodale, "International Law, Boundaries, and Imagination," 143.
81. Camilleri and Falk, *End of Sovereignty?* 237–238.
82. "Emotion is a constitutive dimension of territory. The feeling 'mine, not yours; ours, not theirs' colors social and political space." Mabel Berezin, "Territory, Emotion, and Identity: Spatial Recalibration in a New Europe," in Berezin and Schain, *Europe without Borders,* 7.
83. Katherine Verdery, *The Political Lives of Dead Bodies: Reburial and Postsocialist Change* (New York: Columbia University Press, 1999); Julie Mostov, " 'Our Women'/'Their Women': Symbolic Boundaries, Territorial Markers, and Violence in the Balkans," *Peace and Change* 20, no. 4 (October 1995): 515–529.
84. Hilary Charlesworth, "The Sex of the State in International Law," in *Sexing the Subject of Law,* ed. Ngaire Naffine and Rosemary Owens (Sydney, Australia: LBC, 1997), 259. See also McCorquodale, "International Law, Boundaries, and Imagination," 143.
85. See V. Spike Peterson, "Gendered Nationalism: Reproducing 'Us' versus 'Them,' " *Peace Review* 6, no. 1 (March 1994): 4–5; see also Mostov, " 'Our Women'/'Their Women,' " 522–523.
86. Mostov, " 'Our Women'/'Their Women.' "
87. For a striking picture of this from another part of the world, see Geraldine Heng and Janadas Devan, "State Fatherhood: The Politics of Nationalism, Sexuality and Race in Singapore," in *Nationalisms and Sexualities,* ed. Andrew Parker, Mary Russo, Doris Sommers, and Patricia Yaeger (New York: Routledge, 1992), 343–364.

88. Sassen, *Globalization and Its Discontents,* 99. Moreover, she notes, "The needs and agendas of women are not necessarily defined exclusively by state borders," 100.
89. In other words, this is a process to "challenge the 'iron grip of the nation-state on the social imagination.'" Brenner, Jessop, Jones, and MacLeod quoting P. J. Taylor in *State/Space,* 4.

CHAPTER 3

1. See Julie Mostov, "La formation de l'ethnocratie," *TransEuropeenes: Revue culturelle international* 8 (Fall 1996): 35–44. Hinsley notes that the concept of sovereignty "has been the source of greatest preoccupation and contention when conditions have been producing rapid changes in the scope of government or in the nature of society or both." *Sovereignty,* 2nd ed. (Cambridge, UK: Cambridge University Press, 1986), 2.
2. Michael Ross Fowler and Julie Marie Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty* (University Park: Pennsylvania State University Press, 1995), 12. See also Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999), 14–20; Robert McCorquodale, "International Law, Boundaries, and Imagination," in *Boundaries and Justice: Diverse Ethical Perspectives,* ed. David Miller and Sohail H. Hashmi (Princeton, NJ: Princeton University Press, 2001), 138.
3. Anthony Smith, *National Identity* (London, UK: Penguin, 1991).
4. Rejecting the compatibility of civil society and the organic "national" community, a Bosnian Serb leader lamented: "they want to make Serbs into citizens," that is, to replace the essential being of a member of the nation with an enervated "empty" civic personality. *Vreme* (Belgrade), 9 March 1992, 54.
5. See Julie Mostov, "The Use and Abuse of History in Eastern Europe," *Constellations* 4, no. 3 (January 1998): 376–386.
6. Katherine Verdery defines nation-building as "the production of a community imagined as a single body (ideally contained within actual or possible state borders)" and state-building as "the building of organizational and institutional structures and arenas, related to governance within fixed borders and to interactions across them." "The Production and Defense of 'the Romanian Nation' 1900 to World War II," in *Nationalist Ideologies and the Production of National Cultures,* ed. Richard G. Fox, American Ethnological Society Monograph Series, no. 2 (1991), 82. See also Julie Mostov, "'Our Women'/'Their Women,': Symbolic Boundaries, Territorial Markers, and Violence in the Balkans," *Peace and Change* 20, no. 4 (October 1995): 515–529.
7. These moves are not new, only the circumstances are. Note this passage by Verdery about Romanian national ideology before World War II: "Talk about the Romanian Nation served partly to consolidate state

power by constructing a nation subject to state policies; it also represented the masses in a way that silenced them and opened them to surveillance, control, and reform by the state and intellectuals." "Production and Defense of 'the Romanian Nation,' " 83.

8. Ernest Gellner, *Nations and Nationalism* (Oxford: Basil Blackwell, 1983).
9. Katherine Verdery, "Whither 'Nation' and 'Nationalism'?" *Daedalus* 122, no. 3 (Summer 1993): 38.
10. See Ivan Colovic, *Bordel Ratnika: Folklor, Politika i Rat,* 2nd ed. (Belgrade: Biblioteka XX Vek, 1994).
11. See Nebojsa Popov, "Srpski Populizam: Od Marginane do Dominantne Pojave," *Vreme* (separate) 135 (24 May 1993). For an English version, see Nebojsa Popov, " Serbian Populism and the Fall of Yugoslavia," *Uncaptive Minds,* vol. 8, nos. 3–4 (30) (Fall 1995–Winter 1996): 83–111. Robert M. Hayden, "The Use of National Stereotypes in the Wars in Yugoslavia," paper prepared for the colloquium on "National Images and Stereotypes as Factors of Political Change in Central and Eastern Europe," Royal Netherlands Academy of Arts and Sciences, Amsterdam, 18–20 May1994.
12. Ivan Colovic, "The Propaganda of War: Its Strategies," in *Yugoslavia: Collapse, War, Crimes,* ed. Sonja Biserko (Belgrade: Centre for AntiWar Action/Belgrade Circle, 1993), 115–119.
13. Mostov, " 'Our Women'/'Their Women'," 524–525.
14. Vesna Pesic, "Nationalism of the Impossible State: A Framework for Understanding the Unsuccessful Transition to Democratic Legitimacy in Serbia," <http://www.bgcentar.org.yu/documents/PaperonLegitimacyChangeVesnaPesic .doc> (accessed 20 January 2007).
15. Yael Tamir, *Liberal Nationalism* (Princeton, NJ: Princeton University Press, 1995).
16. Ibid., 69.
17. Ibid., 70–71.
18. Ibid., 9; see also Allen Buchanan, "Self-Determination and the Right to Secede," *Journal of International Affairs* 45, no. 2 (Winter 1992): 351.
19. Franjo Tudjman, the leader of the ruling party in Croatia, publicly "blamed the tragedy of the Croatian nation on women, pornography and abortion." Women who have abortions are called not just murderers but also "mortal enemies of the nation"; their gynecologists are "traitors." Renata Salecl, "Nationalism, Anti-Semitism, and Anti-Feminism in Eastern Europe," Graduate Faculty, New School for Social Research, East and Central Europe Program, Democracy Seminar Working Papers, no. 11 (February 1992), 11. See also Rada Ivekovic, "Women, Nationalism and War: 'Make Love Not War,' " *Hypatia* 8, no. 4 (Fall 1993): 113–126, and Mostov, " 'Our Women'/'Their Women,' " 515–529.
20. The most important Serbian medieval monasteries are found in the region, including the Pec Monastery, the seat of the Serbian Patriarch. Much of the rhetoric of ethnocrats in Serbia has revolved around the famous Battle of Kosovo (1389) and its elaborate mythology, in which the

Serbian Prince Lazar was defeated in battle against the Turks. The Kosovo legend with its romantic elements of heroism and sacrifice was to turn a "defeated" population into a defiant nation. See Olga Zirojevic, "Kosovo in the Collective Memory," in *The Road to War in Serbia: Trauma and Catharsis,* ed. Nebojsa Popov (Budapest: CEU Press, 2000), 189–211.

21. For a look at this from a number of angles, see the excellent volume edited by Nebojsa Popov, *The Road to War in Serbia: Trauma and Catharsis* (Budapest: CEU Press, 2000); see also Jasna Dragovic-Soso, "*Saviours of the Nation*"*: Serbia's Intellectual Opposition and the Revival of Nationalism* (London: Hurst, 2002); Vesna Pesic, "Ethnic Mobilisation in Serbia," *MIRICO: Human and Minority Rights in the Life Cycle of Ethnic Conflicts,* <http://www.eurac.edu/NR/rdonlyres/33FF862C-E91B-46CD-8A2A-B21E28C261F9/0/SerbiaReportWEB.pdf> (accessed 3 March 2007).
22. This information on Kosovo and the chronology and analysis on the next few pages draw on the following works: Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics* (Ithaca, NY: Cornell University Press, 1984); Enver Hoxja, "The Politics of Partition in Kosovo: Ethnicity, Territoriality, and Nation-Building," in *Regional Cooperation, Peace Enforcement, and the Role of the Treaties in the Balkans,* ed. Stefano Bianchini, Joseph Marko, Craig Nation, and Milica Uvalic (Ravenna, Italy: Longo Editore, 2007), 117–152; Noel Malcolm, *Kosovo: A Short History* (London: Macmillan, 1998); Julie A. Mertus, *Kosovo: How Myths and Truths Started a War* (Berkeley: University of California Press, 1999); Popov, *Road to War in Serbia;* Pesic, "Ethnic Mobilization in Serbia"; Srdja Popovic, Dejan Janca, and Tanja Petovar, eds., *Kosovski cvor—dresiti ili seci?* [Kosovo Knot: Untie or Cut?] (Belgrade: Hronos, 1990); Sabina P. Ramet, *Nationalism and Federalism in Yugoslavia, 1962–1991,* 2nd ed. (Bloomington: Indiana University Press, 1992); Miranda Vickers, *Between Serb and Albanian: A History of Kosovo* (London: Hurst, 1998); and Miranda Vickers, "Historical Survey of Recent Events in Kosovo," paper prepared for Forum on Ethnic Relations roundtable, Anatomy of the Kosovo Crisis, Zabljak, Montenegro, July 1998.
23. For more on the demographic picture of Kosovo, see Srdjan Bogosavljevic, "A Statistical Picture of Serbian-Albanian Relations," and Hivzi Islami, "Demographic Reality of Kosovo," in *Conflict or Dialogue,* ed. Dusan Janjic (Subotica, Serbia: Open University, 1994), 17–29, 30–53; see also Nada Raduski, "Demografska slika Kosovo," paper prepared for Zabljak roundtable, Zabljak, Montenegro, July 1998.
24. See Popov, *Road to War in Serbia;* Predrag Tasic, *Kako je ubijena Druga Jugoslavija* [How the Second Yugoslavia Was Killed] (Skopje, FYROM: Stamparija Katje, 1994).
25. See Hoxja, "Politics of Partition in Kosovo," 129.
26. Hoxja, "Politics of Partition in Kosovo"; Vickers, "Historical Survey of Recent Events in Kosovo," 8; Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, DC: Brookings Institution, 1995), 341.

27. UN resolution 1244 recognized the territorial integrity of Serbia yet provided a way for Kosovo to be virtually separate from Serbia, under the UNMIK administration. United Nations Security Council, UNSR 1244, S/Res/1244, 10 June 1999, <http://www.un.int/usa/sres1244.htm> (accessed 10 June 2006). "Reaffirming the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (FRY), the resolution authorizes an international (military and civilian) interim administration to provide for Kosovo's 'substantial autonomy within the FRY.' . . . In the current situation, it is, however, for the international community a thin line between respecting *de jure* Yugoslav sovereignty over Kosovo and *de facto* administering the protectorate, with both Prishtina and Belgrade keeping a jealous and vigilant watch." CEPS, *Europa South-East Monitor,* Issue 53, (March 2004): 1.
28. Shkelzen Maliqi, *Kosovo: Separate Worlds; Reflections and Analyses 1989–1998* (Prishtina, Kosovo: Dukagjini PH, 1998).
29. Public opinion polls done in Kosovo confirmed this as "what was already known." Aleksandar Ciric, "Anatomy of the Kosovo Crisis: Nothing New—Chaos Continues," *Vreme* [news digest agency], no. 304 (2 August 1997), <http://www.scc.rutgers.edu/serbian_digest/304/t304–9.htm> (accessed 6 June 2007).
30. Western Macedonia is home to a concentrated number of Albanians and has borders with Kosovo and Albania. (Ethnic Albanians make up 25 to 35 percent of the FYROM population, depending upon who is counting.) See Robert Hislope, "Crime and Honor in a Weak State, Paramilitary Forces and Violence in Macedonia," *Problems of Post-Communism* 51, no. 3 (May-June 2004): 18–26.
31. Biljana Vankovska, "The Role of the Ohrid Framework Agreement and the Peace Process in Macedonia," in Bianchini, Marko, Nation, and Uvalic, *Regional Cooperation and Peace Enforcement,* 41–63; see also International Crisis Group, *Macedonia's Public Secret: How Corruption Drags the Country Down,* Europe Report no. 133 (14 August 2002), <http://www.crisisgroup.org/library/documents/report_archive/A400739_14082002.pdf> (accessed 2 June 2006); and International Crisis Group, *Macedonia: No Room for Complacency,* Europe Report no. 149 (23 October 2003), <http://www.crisisgroup.org/library/documents/europe/49_macedonia_ no_room_for_complacency.pdf> (accessed 2 June 2006).
32. In March 2004, as a result of a sensational and inaccurate report that three Albanian children had drowned after being chased to the river by Serbs, there was a wave of violence against the Serbian population, bringing loss of lives and destruction to monasteries and cultural objects and causing great concern among both the local and international authorities. Human Rights Watch, "Failure to Protect: Anti-Minority Violence in Kosovo," March 2004, <http://hrw.org/reports/2004/kosovo0704/> (accessed 2 March 2006).
33. "During April 16 meeting in Ireland, EU foreign ministers requested that a road map be prepared for talks on Kosovo's final status in mid-

2005. EU foreign policy chief Javier Solana, however, downplayed reference to final status talks asserting that 'We should not talk about this too much.' He instead appealed for 're-energization' of the 'standards before status' policy." *Balkan Watch,* "EU Foreign Ministers on Kosovo," 6.6 (19 April 2004), <http://www.publicinternationallaw.org/docs/BW/Balkan_Watch.19April_04.pdf> (accessed 2 March 2006).

34. For a report urging a rapid resolution, see International Crisis Group, *Kosovo: Toward Final Status,* Europe Report no. 161 (24 January 2005), 13–18, <http://www.crisisgroup.org/library/documents/europe/balkans/161_kosovo_toward_final_status.pdf> (accessed 2 June 2006).
35. United Nations, *The Comprehensive Proposal for the Kosovo Status Settlement,* <http://www.unosek.org/unosek/en/statusproposal.html> (accessed 1 July 2007). For an excellent discussion of this process, see Susan L. Woodward, "Does Kosovo's Status Matter? On the International Management of Statehood," *Südosteuropa* 55, no. 1 (Spring 2007): 1–25. See also International Crisis Group, *Kosovo: The Challenge of Transition,* Europe Report no. 170 (17 February 2006), <http://wwwcrisisgroup.org/library/documents/europe/balkans/170_kosovo_the_ challenge_of_transition.pdf> (accessed 2 June 2006).
36. Francesco Strazzari and Giovanni Dognini, "Geopolitica delle mafie jugoslave," in *Limes,* Quarderno Speciale, Supplement to no. 2 (May 2000): 21–40; see also Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Cambridge, UK: Cambridge Polity Press, 1999).
37. Ibid.; see also Nenad Dimitrijevic, "Srbija kao nedovrsena drzava," *Rec,* no. 69 (15 March 2003): 5–16.
38. Eric Gordy, "Serbia after Djindjic: War Crimes, Organized Crime, and Trust in Public Institutions," *Problems of Post-Communism* 51, no. 3 (May–June 2004): 10–17.
39. Amra Festic and Adrian Rausche, "War by Other Means: How Bosnia's Clandestine Political Economies Obstruct Peace and State Building," *Problems of Post-Communism* (May–June 2004): 27–34. The authors worked for the Office of the High Representative Anti-Crime and Corruption Unit.
40. Festic and Rausche, "War by Other Means," 27.
41. Vesna Pesic, "State Capture and Widespread Corruption in Serbia," CEPS/Center for European Policy Studies: Working Document no. 262 (March 2007), <http://www.ceps.be> (accessed 1 June 2007).
42. This process helped to undermine the DOS coalition in Serbia and Montenegro (B92 internet reports, July 2001–August 2003, <http://www.b92.net>). See also International Crisis Group, *Serbia's U-turn,* Europe Report no. 154 (26 March 2003), <http://www.crisisweb.org// library/documents/europe/balkans/154_serbia_s_u_turn.pdf> (accessed 2 June 2006).
43. Poverty translates into even less access to public services, especially safe drinking water and sanitation, electricity, and secondary education. See, for example, Paolo Mauro, "Corruption and the Composition of

Government Expenditures," *Journal of Public Economics* 69, no. 2 (1998): 263–279; Mauro, "The Persistence of Corruption and Slow Economic Growth," IMF Working Paper WP/02/213, November 2003, <http://www.imf.org/external/pubs/ft/wp/2002/wp02213.pdf> (accessed 20 November 2006). The Corruption Perception Index of Transparency International points to a strong link between poverty, health, and corruption. For example, "Global Corruption Report Special Focus on Corruption and Health." <http://www.transparency.org/news_room/in_focus/2006/health_corruption/gcr_info> (accessed 4 June 2007).

44. European Commission, "The Stabilisation and Association Process for South East Europe," Third Annual Report, COM (2004) 202, final, 30.03.2004, <http://eur-lex.europa.eu/LexUriServ/site/en/com/2004/com2004_0202en01.pdf> (accessed 2 January 2008). For later reports, see European Commission, Staff Documents for all of the countries of the western Balkans, "Enlargement Strategy and Progress Reports," <http://ec.europa.eu/enlargement/key_documents/reports_nov_2006_en.htm> (accessed 3 March 2007) and information on CARDS, <http://ec.europa.eu/enlargement/financial_assistance/cards/index_en.htm> (accessed 3 March 2007). This section follows my study of reports on the Stabilisation and Association Process (SAP) and other European Commission reports on the region, as well as my own assessment from news reports and visits to the region. See also DRN-ADE-NCG-ECO, *Evaluation of Council Regulation 2666/2000 (CARDS),* Synthesis report, vol. 1, June 2004.
45. International Crisis Group, *Bosnia's Nationalist Governments: Paddy Ashdown and the Paradoxes of State-Building,* Balkans Report no. 146 (22 July 2003), <http://www.crisisgroup.org/library/documents/report_archive/A401057_22072003.pdf> (accessed 10 July 2004); see also International Crisis Group, *Collapse in Kosovo,* Europe Report no. 155 (22 April 2004), <http://www.crisisweb.org//library/documents/ europe/balkans/155_collapse in_kosovo.pdf> (accessed 10 July 2004).
46. See International Crisis Group, *Macedonia's Public Secret;* see also Peter Andreas, ed., "Transnational Crimes and Conflict in the Balkans," special issue, *Problems of Post-Communism* 51, no. 3 (May–June 2004).
47. See Stefano Bianchini, "Introduction. The Balkans, Reform of the Treaties, and European Integration: The Challenges of Stabilization Not Yet Achieved," in Bianchini, Marko, Nation, and Uvalic, *Regional Cooperation and Peace Enforcement,* 9–22.
48. Joseph Camilleri and Jim Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World* (London: Edward Elgar Publication, 1992), 236.
49. Ivan Krastev, "The Balkans: Democracy without Choices," *Journal of Democracy* 13, no. 3 (July 2002): 39–53.

CHAPTER 4

1. See note 20, chapter 1.
2. The gender/sex difference "symbolically permeates all other dichotomies of thinking, all differences within the sphere of the historically consensual and, thus, permeates the historic legitimacy of hierarchies that thrive on binary differences. The global patriarchal consensus about the submission of women to men, accordingly, justifies other subjugations using the mechanism of symbolic 'analogy.' . . . Thus, when the 'national difference' surfaces historically, it appears in terms of gender difference, 'justifying' hierarchies that are set by an assumed natural gender hierarchy." Rada Ivekovic and Julie Mostov, "Introduction," in *From Gender to Nation* (Ravenna, Italy: Longo Editore, 2002), 9.
3. Mary Kaldor characterized this politics as a "primitive grab for power." "Yugoslavia and the New Nationalism," *New Left Review* I, 197 (January–February 1993): 96–112.
4. See European Civic Center for Conflict Resolution. *Democracy and Minority Communities* (Subotica, Serbia: European Civic Center for Conflict Resolution, 1993), 25; Gale Stokes, "From Nation to Minority: Serbs in Croatia and Bosnia," 52, no. 6, *Problems of Post-Communism* (November–December 2005): 3–20.
5. See Vojin Dimitrijevic, "Manjine u hipernacionalnoj drzavi—Minorities in the Hypernational State" (bilingual), *Beogradski krug—Belgrade Circle*, no. 1 (1994): 74–85; and "The Fate of Non-Members of Dominant Nations in Post-Communist European Countries," Jean Monnet Chair Papers, no. 25, Badia Fiesolana, European University Institute, (Fiesole, Italy: 1995); see also Julie Mostov, "The Abuse and Abuse of History in Eastern Europe," *Constellations* 4, no. 3 (January 1998): 376–386.
6. See Walker Conner, *The National Question in Marxist-Leninist Theory and Strategy* (Princeton, NJ: Princeton University Press, 1984), 346; and Sabrina P. Ramet, *Nationalism and Federalism in Yugoslavia, 1962–1991,* 2nd ed. (Bloomington: Indiana University Press, 1992).
7. Veljko Mratovic, "Federalizam i njegova primjena u Jugoslaviji," in *Ustavno pravo i politicke institucije, ed. Mratovic* (Zagreb: Pravni Fakultet, 1981): 305–307.
8. For a discussion of the strong position taken against majority rule by the Croatian leadership, see Steven L. Burg, *Conflict and Cohesion in Socialist Yugoslavia* (Princeton, NJ: Princeton University Press, 1983), 191–193; see also Julie Mostov, "Democracy and Decisionmaking," in *Yugoslavia: A Fractured Federalism,* ed. Dennison Rusinow (Washington, DC: Wilson Center Press, 1988), 105–119.
9. Jane Mansbridge, *Beyond Adversary Democracy* (New York: Basic Books, 1980), 3.
10. *NIN* (Belgrade), 28 October 1984, 15.

11. Najdan Pasic, "Samoupravljanje i normativna sila drzava," *Nase Teme,* no. 6, 1981.
12. *Intervju* (Zagreb), 2 September 1983, 6.
13. See Julie Mostov, "Endangered Citizenship," in *Russia and East Europe in Transition,* ed. Michael Kraus and Ronald Liebowitz (New York: Westview, 1996), 35–50.
14. Edvard Kardelj, *Democracy and Socialism* (London: Summerfield Press, 1978), 141–175.
15. Dusan Bilandzic, *Teorija i praksa delegatskog sistema* (Zagreb: Political Science Department, Zagreb University, 1979).
16. Mijalko Todorovic, *Politicko bice drustvene krize* (Zagreb: Scientia Yugoslavica, 1986), 91–95.
17. *NIN* (Belgrade), 25 May 1986, 17–18.
18. The organization of the federal chamber based on republican/provincial parity was in itself a point of contention. On one hand, it enabled the federal units to be on equal footing with one another. On the other hand, given the great differences in their respective populations, this meant that the ratio of citizens to votes in the Assembly was significantly skewed. As Serbia had the largest population and often voiced this complaint, this problem became associated with the Serbian desire to "outvote" other regions rather than with the democratic principle of one person, one equal effective vote.
19. See Mostov, "Democracy and Decisionmaking," 114.
20. *NIN* (Belgrade), 24 December 1981, 27.
21. See Dimitrijevic, "Manjine u hipernacionalnoj drzavi," 74–85 and "Fate of Non-Members of Dominant Nations in Post-Communist European Countries"; see also Andre Liebich, "Minorities in Eastern Europe: Obstacles to a Reliable Count," *RFE/RL Research Report* 1, no. 20 (1992): 32.
22. In the Macedonian case, the description of the new state in the 1991 Constitution, as the state of the Macedonian nation revived the concerns of Albanians about their status in the new state, and Albanian calls for recognition as a "constituent nation" revived Slavic Macedonian arguments about the potential for secession. See Julie Mostov, "Democracy and the Politics of National Identity," *Studies in East European Thought* 46, nos. 1–2 (June 1994): 17–18. The conflict continues to simmer today, even after the Ohrid Peace Agreement of 2002. See note 31, chapter 3.
23. According to Dimitrijevic, reduction to a national minority was experienced as humiliating degradation, especially if it was accompanied by a triumphant nationalism of the government. "No dialogue is possible between a government that offers only to tolerate alien and unwelcome guests (free to leave if they are not happy) and the leaders of an ethnic group for whom any minority status, even the most favorable is an anathema." "Manjine u hipernacionalnoj drzavi," 84–85.
24. Dimitrijevic, "Manjine u hipernacionalnoj drzavi," 77–78.
25. Ibid., 78.

26. Serbian leaders, for example, refused to consider as legitimate the claims or fears of Albanians in Kosovo (as part of Serbia) at the same time that they militantly proclaimed the legitimacy of the claims and fears of Serbs in a minority position in Croatia. See Mostov, "Use and Abuse of History," 380–381.
27. Mechanisms for recognition and representation that have emerged in the wake of these relationships now occupy the significant energies of local actors and international donors and, in some cases, undermine efforts at establishing effective political coalitions and democratic reforms. The fragile institutions of social cooperation in Bosnia and Herzegovina are a good example of this. See, for example, Gerald Knaus and Felix Martin, "Travails of the European Raj," *Journal of Democracy* 14, no. 3 (July 2003): 60–74.
28. Oren Yiftachel, "Democracy or Ethnocracy? Territory and Settler Politics in Israel/Palestine," *Middle East Report* no. 207 (Summer 1998): 11. Yiftachel also uses the term "ethnocracy" to distinguish this organizing principle from democracy, focusing on the case of Israel. His understanding of ethnocracy is similar to mine in noting the logic of "pervasive and unequal ethnic segregation," ethnicized resource allocation and an organizing principle built on *ethnos* rather than *demos*. However, following traditional assumptions about democratic polities, he argues that the "establishment of inclusive democratic institutions and civil society faces severe difficulties" in Israel because of the absence of clear and permanent borders. This is largely because of his concerns over settler and diasporic involvement in politics ("the legal and political power of extraterritorial Jewish bodies") but also because of the deep symbolic meaning we have already given to territory and borders. Given the entrenchment of hard border thinking and the prize of sovereignty in the resolution of boundary-related conflicts, nothing less than a territorial solution would seem to do for Palestinians or Israelis. See also Iris Marion Young, "Self-Determination as Non-Domination: Ideas Applied to Palestine/Israel," *Ethnicities* 5, no. 2 (June 2005): 139–159.
29. These strategies while more obvious in the hands of would-be ethnocrats in post–communist southeastern Europe or former Soviet republics can also be seen in more or less subtle ways in the politics of populist and anti-immigrant parties in the expanded European Union or the United States.
30. Caren Kaplan, Norma Alcaron, and Minoo Moallem, eds., *Between Woman and Nation: Nationalism, Transnational Feminism, and the State* (Durham, NC: Duke University Press, 1999), 13; Ivekovic and Mostov, "Introduction," 13–14.
31. Ritu Menon, "Do Women Have a Country?" in *From Gender to Nation,* ed. Rada Ivekovic and Julie Mostov (already noted fn 2, p. 163), 58–59.
32. Deniz Kandiyoti, "Identity and Its Discontents: Women and the Nation," *Millennium: Journal of International Studies* 20, no. 3 (December

1991): 443. This is the case not only in South Asia but also in the successor states of the former Yugoslavia and in the fundamentalist challenges to reproductive rights in the United States.

33. Wendy Bracewell, "Rape in Kosovo: Masculinity and Serbian Nationalism," *Nations and Nationalism* 6, no. 4 (October 2000): 563–590; Julie Mostov, " 'Our Women'/'Their Women': Symbolic Boundaries, Territorial Markers, and Violence in the Balkans," *Peace and Change* 20, no. 4 (October 1995): 515–529; Julie Mostov, "Sexing the Nation/Desexing the Body: Politics of National Identity in the Former Yugoslavia," in *Gender Ironies of Nationalism,* ed. Tamar Mayer (New York: Routledge, 2000), 89–112.
34. Mostov, " 'Our Women'/'Their Women' " 523–526; and Menon, "Do Women Have a Country?" 43–62. For a different context, see Lila Abu-Lughod, "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others," *American Anthropologist* 104, no. 3 (September 2002): 783–790.
35. Pheng Cheah, "Given Culture: Rethinking Cosmopolitan Freedom in Transationalism," in *Cosmopolitics: Thinking and Feeling beyond the Nation,* ed. Pheng Cheah and Bruce Robbins (Minneapolis: University of Minnesota Press, 1998), 311–312.
36. Discussions with Urvashi Butalia, Ritu Menon, and Dina Siddiqi, New Dehli, July 2003. See also Uma Narayan, *Dislocating Cultures: Identities, Traditions, and Third World Feminism* (London: Routledge, 1997); and Faustina Pereira, *The Fractured Scales: The Search for a Uniform Personal Code* (Dhaka, Bangladesh: University Press Limited, 2002).
37. Menon, "Do Women Have a Country?" 59.
38. See, for example, Veit Bader, "Associative Democracy and Minorities within Minorities," in *Equality, Rights, and Diversity,* ed. Avigail Eisenberg and Jeff Spinner-Halev (Cambridge, UK: Cambridge University Press, 2005), 319–339; Jurgen Habermas, "Equal Treatment of Cultures and the Limits of Postmodern Liberalism," *The Journal of Political Philosophy* 13, no. 1 (2005): 1–28; Will Kymlika, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995).
39. See, for example, the discussion in Joshua Cohen, Matthew Howard, and Martha Nussbaum, eds., *Is Multiculturalism Bad for Women?* (Princeton, NJ: Princeton University Press, 1999); see also Ayelet Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge, UK: Cambridge University Press, 2001); Sarah Song, "Majority Norms, Multiculturalism, and Gender Equality," *American Political Science Review* 99, no. 4 (November 2005): 473–489; and Cheah, "Given Culture," 311–312.
40. Cheah, "Given Culture," 319.
41. Marie-Aimée Hélie-Lucas, "Women, Nationalism, and Religion in the Algerian Liberation Struggles," in *Opening the Gates: A Century of Arab Feminist Writing,* ed. Margot Badran and Miram Cooke

(Bloomington: Indiana University Press, 1990), 107; Cheah, "Given Culture," 319–321.

42. Loren Lomasky notes that the hardness and softness of borders is a matter of degree, "but the impact of this distinction on the prospects of individual actors is far from obscure." "Toward a Liberal Theory of National Boundaries," in *Boundaries and Justice: Diverse Ethical Perspectives,* ed. David Miller and Sohail H. Hashmi (Princeton, NJ: Princeton University Press, 2001), 57.
43. Avtar Brah, *Cartographies of Diaspora: Contesting Identities* (London: Routledge, 1996), 90.
44. Ibid.
45. Jana Evans Braziel and Anita Mannur, eds., *Theorizing Diaspora* (Oxford: Blackwell Publishing, 2003), 3. "diasporic subjects experience double (and even plural) identifications that are constitutive of hybrid forms of identity; hybrid national (and transnational) identities are positioned with other identity categories and severed from an essentialized, nativist identity that is affiliated with constructions of the nation or homeland," 5.
46. Nira Yuval-Davis, "Women, Citizenship and Difference," Citizenship: Pushing the Boundaries, *Feminist Review* 57, no. 1 (Autumn 1997): 4–27. Davis uses the notion of the "multi-layered citizen" in "Citizenship, Territoriality and the Gendered Construction of Difference," in *State/Space: A Reader,* ed. Neil Brenner, Bob Jessop, Martin Jones, and Gordon MacLeod (Oxford: Blackwell Publishing, 2003), 309–325.
47. "Only briefly did the democratic nation-state forge a close link between 'ethnos' and 'demos.' Citizenship was never conceptually tied to national identity." Jurgen Habermas, "Citizenship and National Identity: Some Reflections on the Future of Europe," in *Theorizing Citizenship,* ed. Ronald Beiner (Albany: State University of New York Press, 1995), 259.
48. See, for example, Rainer Bauböck, ed., *Migration and Citizenship: Legal Status, Rights and Political Participation,* IMISCOE Report (Amsterdam: University of Amsterdam Press, 2006); Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging* (New York: Routledge, 2000) and the Symposium "Changing Citizenship Theory and Practice," *PS: Political Science & Politics* 38, no. 4 (October 2005): 667–699.
49. Charles Taylor, "Why Democracy Needs Patriotism," in *For Love of Country: Debating the Limits of Patriotism,* ed. Joshua Cohen (Boston: Beacon Press, 1996), 119–121.
50. See, for example, David Miller, *On Nationality* (Oxford: Oxford University Press, 1995); Charles Taylor, *Sources of Self* (Cambridge, UK: Cambridge University Press, 1989); and Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983).
51. Miller, *On Nationality,* 93.
52. Nenad Miscevic, *Nationalism and Beyond: Introducing Moral Debate about Values* (Budapest: CEU Press, 2001), 107–121. Moreover, limiting

resources or right treatment to one's compatriots "corrodes" the community's sense of justice. See Daniel Weinstock, "National Partiality: Confronting the Institutions," *The Monist* 82, no. 3 (1999): 533; Kok-Chor Tan, *Justice without Borders: Cosmopolitanism, Nationalism, and Patriotism* (Cambridge, UK: Cambridge University Press, 2004), 155.

53. This is much like what Alexis de Tocqueville feared would be the fate of a democracy without the independent institutions of American society to counter the "dangers of despotism." *Democracy in America,* ed. Richard D. Heffner (New York: Mentor, 1956), 304.
54. See Julie Mostov, "Endangered Citizenship," 35–50.
55. See Predrag Tasic, *Kako je ubijena Druga Jugoslavija* (Skopje: FYROM: Stamparija Katje, 1994), 120–127.
56. Miscevic, *Nationalism and Beyond,* 119–120.
57. According to Miscevic, nationalist regimes "have sought to destroy the very tissue of social solidarity whenever they have come to power," 113. He adds that "nationalism provides merely a smoke screen for a very unjust redistribution of wealth." *Nationalism and Beyond,* 114.

CHAPTER 5

1. "We may agree with Miller's claim that trust among citizens is important. But it remains an open question whether nationalism is the only source of trust, whether it indeed is such a source at all—and whether what Miller proposes is actually nationalism." Andreas Follesdal, "The Future Soul of Europe: Nationalism or Just Patriotism? A Critique of David Miller's Defence of Nationality," *Journal of Peace Research* 37, no. 4 (2000): 504. Nenad Miscevic also poses this same question. *Nationalism and Beyond: Introducing Moral Debate about Values* (Budapest: CEU Press, 2001), 109–121.
2. The meaning of the term "nation" according to Jurgen Habermas "changed from designating a pre-political entity to something that was supposed to play a constitutive role in defining political identity of the citizen within a democratic polity. In the final instance, the manner in which national identity determines citizenship can in fact be reversed. Thus, the gist of Ernest Renan's famous saying, 'the existence of a nation is . . . a daily plebiscite,' is already directed *against* nationalism." "Citizenship and National Identity: Some Reflections on the Future of Europe," in *Theorizing Citizenship,* ed. Ronald Beiner (Albany: State University of New York Press, 1995), 258. See also Hauke Brunkhorst, *Solidarity: From Civic Friendship to a Global Legal Community,* trans. Jeffrey Flynn (Cambridge, MA: MIT Press, 2005), 111.
3. Andreas Behnke, "Citizenship, Nationhood, and the Production of Political Space," *Citizenship Studies* 1, no. 2 (1997): 253–255.
4. Jean-Jacques Rousseau, *The Social Contract and Discourses,* ed. and trans. G.D.H. Cole (London: Dent, 1973), 175–176.

5. Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992), 46–47.
6. Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ: Princeton University Press, 2000).
7. "The emphasis of anticolonial nationalisms on boundaries and territories has something to do with how European colonialism was experienced by the colonized. For many colonialism was an acute experience of displacement. . . . These experiences gave meaning to nationalist emphasis on a family of ideas all of which, in the end, connected identities to imagination of place: home, boundary, territory, and roots." Carol A. Brekenridge, Sheldon Pollock, Homi K. Bhabha, and Dipesh Chakrabarhy, eds., *Cosmopolitanism* (Durham, NC: Duke University Press, 2002), 2.
8. Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983), 31–63.
9. Joseph H. Carens, "Immigration, Democracy, and Citizenship," Political Theory Workshop, University of Chicago, 2005, 1, <http://ptw.uchicago.edu/carens01.pdf> (accessed 29 May 2007).
10. Joseph H. Carens, "On Belonging: What We Owe People Who Stay," *Boston Review of Books* (Summer 2005), <http://www.bostonreview.net/BR30.3/carens.html> (accessed 29 May 2007). Carens is talking about people who have already entered a country in this particular argument. But, as we shall revisit in the next chapter, restrictions on entry have a way of creating or exacerbating lines of division within national borders and of increasing the vulnerability of those who are "different."
11. See note 24, chapter 1 and note 48, chapter 4.
12. Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging* (New York: Routledge, 2000).
13. See Rainer Baubock, ed., *Migration and Citizenship: Membership Rights in International Migration* (Aldershot, UK: Edward Elgar, 1994); and the European Union Web site: <http://ec.europa.eu/citizenship/index_en.html> (accessed 20 March 2007).
14. See Carol C. Gould, *Globalizing Democracy and Human Rights* (Cambridge, UK: Cambridge University Press, 2004). Gould addresses the challenges of democratizing globalization and expanding democratic participation in cross-border contexts. She provides an excellent discussion of some of the main proponents of different notions of global or cosmopolitan democracy (such as David Held, Daniele Archibugi, Richard Falk, and Thomas Pogge), 159–216.
15. David Held, "Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective," *Government and Opposition* 39, no. 2 (2004): 368; see, for example, John S. Dryzek, "Transnational Democracy," *Journal of Political Philosophy* 7, no. 1 (1999): 30–51; Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders* (Ithaca, NY: Cornell University Press, 1998); and Daphne Josselin and William Wallace, eds., *Non-State Actors in World Politics* (New York: Palgrave, 2001).

16. Charles R. Beitz, "International Liberalism and Distributive Justice: A Survey of Recent Thought," *World Politics* 51, no. 2 (1999): 291; see also Kok-Chor Tan, *Justice without Borders: Cosmopolitanism, Nationalism, and Patriotism* (Cambridge, UK: Cambridge University Press, 2004), 135–202.
17. Craig Calhoun, "Social Solidarity as a Problem for Cosmopolitan Democracy," in *Identities, Affiliations, and Allegiances,* ed. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (Cambridge, UK: Cambridge University Press, 2007), 285–302; and "Constitutional Patriotism and the Public Sphere: Interests, Identity, and Solidarity in the Integration of Europe," in *Global Justice: Transnational Politics,* ed. Pablo De Greiff and Ciaran Cronin (Cambridge, MA: MIT Press, 2002), 275–312.
18. See Timothy Garten Ash on the former Yugoslavia in 1999: "A few people have grown rich, mainly war profiteers, gangsters and politicians—the three being sometimes hard to distinguish." "Cry the Dismembered Country," *The New York Review of Books* 46, no. 1 (14 January 1999); Miscevic, *Nationalism and Beyond,* 113; and Brunkhorst, *Solidarity,* 116.
19. Serbian refugees from Croatia were not embraced with enthusiasm or social solidarity by nationalists in Serbia when they arrived at its borders. Interestingly, those who did reach out to them were activists from antiwar and feminist NGOs.
20. According to Charles Tilly, "the characteristic enterprises in which trust networks figure importantly include cohabitation, procreation, provision for children, transmission of property, communication with supernatural forces, joint control of agricultural resources, long-distance trade, protection from predators, maintenance of health, and collective response to disaster." *Trust and Rule* (Cambridge, UK: Cambridge University Press, 2005), 13.
21. Ibid., 12.
22. Ibid., 150.
23. Tan, *Justice without Borders,* 90, 135–162. See, for example, Alasdair MacIntyre, "Is Patriotism a Virtue?" in *Theorizing Citizenship,* ed. Ronald Beiner (Albany: State University of New York, 1995), 209–228.
24. John Schwarzmantel, "Community as Communication: Jean-Luc Nancy and 'Being-in-Common,'" *Political Studies* 55, no. 2 (June 2007): 463.
25. On an "institutional turn" in political theory, see Veit Bader, "Associative Democracy and Minorities within Minorities," in *Equality, Rights, and Diversity,* ed. Avigail Eisenberg and Jeff Spinner-Halev (Cambridge, UK: Cambridge University Press, 2005), 319–339.
26. This concept of "host" countries and "guests" would disappear with the softening of borders.
27. David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), 9.
28. Tan, *Justice without Borders,* 181. Miscevic, drawing on the case of Croatia, questions whether "the love of one's people and country really lead to social solidarity and encourage a more egalitarian distribution." He answers that the nationalist regimes of the former Yugoslavia have not

shown themselves to be egalitarian. "the boundaries of national solidarity have turned out to be narrow to the extreme." *Nationalism and Beyond,* 2.

29. Miller, *On Nationality,* 49.
30. Ibid., 178; Follesdal, "Future Soul of Europe," 505.
31. Miller, *On Nationality,* 195; Follesdal, "Future Soul of Europe," 509.
32. Follesdal, "Future Soul of Europe," 510; see also Simon Caney, *Justice beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005), 174–175.
33. This "priority" for conationals also undermines democratic commitments to justice based on equal concern and respect or, in Henry Shue's terms, basic rights to security and subsistence. See *Basic Rights: Subsistence, Affluence, and US Foreign Policy,* 2nd ed. (Princeton, NJ: Princeton University Press, 1996), 131–152, 173–180. See also Robert E. Goodin, "What Is So Special about Our Fellow Countrymen?" *Ethics* 98, no. 4 (1988): 663–686.
34. Tan, *Justice without Borders,* 146.
35. See, for example, Marcia Grimes, "Organizing Consent: The Role of Procedural Fairness in Political Trust and Compliance," *European Journal of Political Research* 45, no.2 (March 2006): 285–315.
36. Russell Hardin, "Democracy and Collective Bads," in *Democracy's Edges,* ed. Ian Shapiro and Casiano Hacker-Cordon (Cambridge, UK: Cambridge University Press, 1999), 63–83.
37. On secession, see Thomas Pogge, "Cosmopolitanism and Sovereignty," *Ethics* 103, no. 1 (October 1992): 48–75; Allen Buchanan, "Democracy and Secession," in *National Self-Determination and Secession,* ed. Margaret Moore (Oxford: Oxford University Press, 1998), 14–33; Caney, *Justice beyond Borders,* 153–156.
38. Philippe C. Schmitter and Alexander H. Trechsel, *The Future of Democracy in Europe: Trends, Analyses and Reforms,* Green Paper for the Council of Europe (Strasburg: Secretary General of the Council of Europe), 58–59.
39. "Multilevel governance and decentralization challenge democratic norms of accountability of politicians and other authorities at various levels because such systems tend to blur the opportunity spaces for political choice enjoyed by each level. Measures for regaining accountability include more transparency and political contestation concerning decision makers, both with regard to their *de jure* powers and their *de facto* ranges of choice." Ibid., 58.
40. Ibid., 59.
41. Andreas Follesdal, "Subsidiarity and Democratic Deliberation," ARENA Working Paper WP 99/21, 1999, <http://www.arena.uio.no/publications/wp99_21.htm> (accessed 7 June 2006); "Subsidiarity," *Journal of Political Philosophy* 6, no. 2 (1998): 231–259.
42. Follesdal, "Subsidiarity and Democratic Deliberation"; Grainne de Burca, "Reappraising Subsidiarity's Significance after Amsterdam," Harvard Jean Monnet Working Paper no. 7/99, 1999, <http://

www.jeanmonnetprogram.org/papers/99/990701.html> (accessed 7 June 2006).

43. Grainne de Burca, "Reappraising Subsidiarity's Significance after Amsterdam."
44. Thorsten Benner, Wolfgang H. Reinicke, and Jan Martin Witte, "Multisectoral Networks in Global Governance: Towards a Pluralistic System of Accountability," *Government and Opposition* 39, no. 2 (Spring 2004): 191–210.
45. See Dryzek, "Transnational Democracy" 30–51; Keck and Sikkink, *Activists beyond Borders;* and Peter Evans, "Fighting Marginalization with Transnational Networks: Counter-Hegemonic Globalization," *Contemporary Sociology* 29, no. 1 (January 2000): 230–241.
46. Saskia Sassen, *Globalization and Its Discontents: Essays on the New Mobility of People and Money* (New York: New Press, 1998).
47. Alison Brysk, ed., *Globalization and Human Rights* (Berkeley: University of California Press, 2002).
48. Shue links this to an "institutional turn in thinking about human rights." He argues, "The best arrangement is often one that allows victims of rights violations to become the agents of their own salvation, but this often depends upon institutions that support empowerment." *Basic Rights,* 166–167. The soft border approach seeks to create such an institutional environment of empowerment.
49. United Nations Development Programme (UNDP), Global Partnership for Development, Annual Report 2006, <http://www.undp.org/publications/annualreport2006/english-report.pdf> (accessed 20 October 2006).
50. UNDP Annual Report 2006, 22.

CHAPTER 6

1. For discussions of secession, see Thomas Pogge, "Cosmopolitanism and Sovereignty," *Ethics* 103, no. 1 (1992): 48–75; Allen Buchanan, "Democracy and Secession," in *National Self-Determination and Secession,* ed. Margaret Moore (Oxford: Oxford University Press, 1998), 14–33.
2. See note 18, chapter 2.
3. Transnational networks and new frameworks of association are not necessarily more democratic or less open to domination and violence. As part of a reconfiguration of political space, they offer new challenges and opportunities. Aihwa Ong, *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty* (Durham, NC: Duke University Press, 2006), 21; Fred Halliday, "The Romance of Non-State Actors," in *Non-State Actors in World Politics,* ed. Daphne Josselin and William Wallace (New York: Palgrave, 2001), 25–37; Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton, NJ: Princeton University Press, 2006).

4. Etienne Balibar, "The Borders of Europe," in *Cosmopolitics,* ed. Pheng Cheah and Bruce Robbins (Minneapolis: University of Minnesota Press, 1998), 216–229; and *We the Peoples of Europe: Reflections on Citizenship* (Princeton, NJ: Princeton University Press, 2004).
5. This notion of transnational citizenship also recognizes the ways in which people are excluded based on market preferences for certain skills and categories of labor. Ong notes the ways in which "components formerly tied to citizenship . . . are being disarticulated from one another and rearticulated with governing strategies that promote an economic logic in defining, evaluating, and protecting certain categories of subjects but not others." *Neoliberalism as Exception,* 16; see also Thomas Blom Hansen and Finn Stepputat, eds., *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World* (Princeton, NJ: Princeton University Press, 2005), 33.
6. For different notions of stake holders, see, for example, Rainer Baubock, "Expansive Citizenship—Voting beyond Territory and Membership," *PS: Political Science & Politics* 38, no. 4 (October 2005): 683–687; David Held, "Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective," *Government and Opposition* 39, no. 2 (2004): 386–388; and Carol C. Gould, *Globalizing Democracy and Human Rights* (Cambridge, UK: Cambridge University Press, 2004), 219–234.
7. See Claudio Lopez-Guerra, "Should Expatriates Vote?" *Journal of Philosophy* 13, no. 2 (2005): 216–234; Albert Kraler, "The Legal Status of Immigrants and Their Access to Nationality," in *Migration and Citizenship: Legal Status, Rights and Political Participation,* ed. Rainer Baubock (Amsterdam: Amsterdam University Press, 2006), 33–65.
8. "An individual's perceived interest in contributing to his or her local community will always be shaped as much, if not more, by the concrete stakes he or she has in that community as by any formal right to relocate that may be exercised in the future." T. Alexander Aleinikoff and Douglas Klusmeyer, "Plural Nationality: Facing the Future in a Migratory World," in *Citizenship Today: Global Perspectives and Practices,* ed. T. Alexander Aleinikoff and Douglas Klusmeyer (Washington, DC: Carnegie Endowment for Peace, 2001), 82.
9. See Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging* (New York: Routledge, 2000); see also note 24, chapter 1 and note 48, chapter 4.
10. See Kraler, "Legal Status of Immigrants" 33–65; Aleinikoff and Klusmeyer, "Plural Nationality," 63–88.
11. See, for example, Thomas Blom Hansen and Finn Stepputat, "Introduction," in *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World, 1–36* (Princeton, NJ: Princeton University Press, 2005); William Walters, "No Border: Games with(out) Frontiers," *Social Justice* 33, no. 1 (2006): 21–36; Pam Alldred, "No Borders. No Nations. No

Deportations," *Feminist Review* 73, no. 1 (2003): 152–157; and James Holston and Arjun Appadurai, "Cities and Citizenship," in *State/Space: A Reader,* ed. Neil Brenner, Bob Jessop, Martin Jones, and Gordon MacLeod (Oxford: Blackwell Publishing, 2003), 296–308.

12. Vladimir Kulossov, "Border Studies: Changing Perspectives and Theoretical Approaches," *Geopolitics* 10, no. 4 (2005): 619.
13. Shahid Haved Burki, "Softer Borders Can Make Strong Nations," *Financial Times* (6 January 2006), 11.
14. Although transnational citizenship is already enjoyed de facto by global elites and corporate entities, they often rely upon states to block the legal movement of others.
15. Ong, *Neoliberalism as Exception*.
16. Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983), 31–63.
17. Sassen notes not just processes of "denationalizing of particular components of the national" but also "the renationalizing of others." She continues, "I tend toward interpreting this renationalizing of membership politics as rooted in older alignments of the nation-state which, as they weaken or operate in reduced domains, emerge in a kind of prioritized, that is extreme, form, which can easily be seen as strength when it is in fact a diminished factor . . . a last gasp." *Territory, Authority, Rights,* 414.
18. Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, NJ: Princeton University Press, 2006), 124 and chapter 6.
19. Bosniak, *Citizen and the Alien,* 139.
20. Ibid., 140.
21. Ibid.
22. A striking example of this is the terror that Vojislav Seselj, head of the extremist Serbian Radical party wrought over the town of Zemun as mayor. Seselj pledged to rid Zemun of Croatians ("Ustashe") and other non-Serbs by evicting them from their apartments, preventing children from entering day-care facilities, encouraging acts of violence and vandalism, and threatening the courts and other public offices (those not under his direct control as the mayor of Zemun). Seselj extended these same methods of violence to "traitors" or Serbs who defended the rights of ethnic Others and opposed his policies. For a chronology and analysis of Seselj's aggression, see Stojan Cerovic, "Anatomija jedne destrukcije," *Vreme* (26 July 1997): 18–22. These policies have not changed much under current elected officials of Seselj's Serbian Radical Party now that he sits in The Hague.
23. This point is clearly made in Rada Ivekovic's analysis of the riots in France in 2005. "The rupture is economic, social, class articulated and in that sense also indirectly, but fundamentally political. But the nationalistic public opinion, much of the media, the political class, have been irresponsibly trying all these days to construct the unrest as a communal and

religious one, and to identify the rioters as only north African or Muslim, which they are not. Most of them have been French for one or several generations: for how long will they be considered immigrants?" "French Suburbia 2005: The Return of the Political Underground," *Lettre International*, Berlin, 71 (Winter 2005–2006).

24. Nira Yuval-Davis, "Women, Citizenship and Difference," *Feminist Review* 57, no. 1 Citizenship: Pushing the Boundaries (Autumn 1997): 19.
25. Holston and Appadurai, "Cities and Citizenship," 298.
26. Rainer Baubock's notion of stakeholder citizenship, for example, "combines insights from republican and liberal perspectives. From the former it retains the idea that citizenship is a status of full membership in a self-governing polity and that voting rights should generally be attached to such status. From the latter it derives a principle of inclusion that would give stakeholders a subjective claim to membership and electoral rights." "Expansive Citizenship," 686. This notion justifies a condition of long-term residence and the requirement of having to apply for naturalization, more stringent conditions than those proposed by the soft border idea of transnational citizenship.
27. For discussions of time horizons, see Rainer Baubock, "Sharing History and Future? Time Horizons of Democratic Membership in an Age of Migration," *Constellations* 4, no. 3 (January 1998): 320–345; and Veit Bader, "The Cultural Conditions of Transnational Citizenship: On the Interpenetration of Political and Ethnic Cultures," *Political Theory* 25, no. 6 (1997): 771–813.
28. As is it, some have already described the current situation as "neomedievalism" or the presence of a "plurality of overlapping, competing, and intersecting power structures—institutions, political processes, economic developments, and social transformation—above, below, and cutting across states and the state system." Philip Cerny, "Terrorism and the New Security Dilemma," *Naval War College Review* 58, no. 1 (2004): 12.
29. Vesna Pesic, "State Capture and Widespread Corruption in Serbia," CEPS/Center for European Policy Studies: Working Document no. 262 (March 2007), <http://www.ceps.be> (accessed 1 June 2007).
30. Recall John Gerard Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organization* 47, no. 1 (Winter 1993): 139–174; Hendrik Spruyt, *The Sovereign State and Its Competitors* (Princeton, NJ: Princeton University Press, 1994); Sassen, *Territory, Authority, Rights*.
31. According to Held, "the boundaries demarcating different levels of governance will always be contested, as they are, for instance, in many local, sub-national regional and national polities. Disputes about the appropriate jurisdiction for handling particular public issues will be complex and intensive; but better complex and intensive in a clear public framework than left simply to powerful geopolitical interests (dominant states) or market-based organizations to resolve them." "Democratic Accountability," 382.

32. However, while Cerny, for example, sees a "new security dilemma" in the decline of the reliability of interstate balances of power and lack of alternative possibilities for global and transnational security, making "increasingly intractable and complex civil and cross-border wars the norm," he does not believe that nation-states will ever "regain their unitary, sovereign, hierarchical, multifunctional character." "Terrorism and the New Security Dilemma," 29. Cerny notes that solutions to the global security deficit in this "neomedieval" world are not to be found in the traditional hard border state responses but in war on the political, economic, and social causes of terror that recognizes the highly complex, dynamic, and interconnected processes of globalization. "Terrorism and the New Security Dilemma," 11–33.
33. "In their very designs, schemes and actions terrorists predicate the sovereign state and state systems, which is the relevant political and legal context within which terrorism is conceived. Terrorists attack states via their citizens to force their governments to change the course of foreign or domestic policy. Some terrorist groups, particularly, separatists and irredentists, display state-like ambitions and pretensions." Robert Jackson, "Sovereignty and Its Presuppositions: Before 9/11 and After," *Political Studies* 55 (June 2007): 311–312.
34. "Bridging conceptual gaps and discourses relating to issues of 'security' involves rethinking relations across political, cultural and social space, as well as across artificial boundaries." Carl Grundy-Warr and Clive Schofield, "Reflections on the Relevance of Classic Approaches and Contemporary Priorities in Boundary Studies," *Geopolitics* 10, no. 4 (2005): 650–662.
35. Similar obstacles remain to a European Union–wide central intelligence agency *International Herald Tribune,* 23–24 September 2006, 3.
36. "While developing countries are asked to open their domestic markets to foreign competition in the name of free trade (and its alleged benefits), they are at the same time denied access to markets in the developed world due to high tariffs and stiff competition from heavily subsidized products . . . in developed countries." Kok-Chor Tan, *Justice without Borders: Cosmopolitanism, Nationalism, and Patriotism* (Cambridge, UK: Cambridge University Press, 2004), 32. Isolation within hard borders will not rectify these "rigged terms of trade" for poor countries.
37. For more on MERCOSUR (the "common market of the southern cone"), see <http://www.mercosur.int/msweb/portal%20intermediario/es/index.htm> (accessed 20 May 2007).
38. Saskia Sassen, *Globalization and Its Discontents: Essays on the New Mobility of People and Money* (New York: New Press, 1998), 92.
39. Ibid., 96–97.
40. Ong, *Neoliberalism as Exception,* 7.
41. "many people are stakeholders in global political problems that affect them, but remain excluded from the political institutions and strategies

needed to address these problems." Held, "Democratic Accountability," 370.

42. Inge Kaul, "Global Public Goods: A Key to Achieving the Millennium Development Goals," Discussion Draft, UNDP, prepared for the Third Forum on Human Development: Cultural Identity, Democracy, and Global Equity, Paris, 17–19 January 2005, 4.
43. Ibid., 7.
44. Ibid., 8.
45. This concern with the hard border framework for human rights protections undermines neither the importance of human rights advocacy nor the ways in which human rights regimes can challenge the state, "from above and below." See Alison Brysk, "Introduction: Transnational Threat and Opportunities," in *Globalization and Human Rights,* ed. Alison Brysk (Berkeley: University of California Press, 2002), 1–16.
46. Henry Shue, *Basic Rights: Subsistence, Affluence, and US Foreign Policy,* 2nd ed. (Princeton, NJ: Princeton University Press, 1996), 166–167 (see note 48 in chapter 5); see also Andrew Kuper, "Relief: More Than Charity," in *Global Responsibilities: Who Must Deliver on Human Rights?* ed. Andrew Kuper (New York: Routledge, 2005), 155–172.
47. This has been particularly true in the rhetoric around protecting Muslim women's rights. See Lila Abu-Lughod, "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others," *American Anthropologist* 104, no. 3 (September 2002): 783–790.
48. Saskia Sassen takes this argument from Karen Knop in "Re/Statements: Feminism and State Sovereignty in International Law," *Transnational Law and Contemporary Problems* 3, no. 2 (1993): 293–344; see *Globalization and Its Discontents,* 93.
49. Sassen, "Globalization and Its Discontents," 94. Sassen notes that international civil society represents "a space where women can gain visibility as individuals and collective actors, and come out of the invisibility of aggregate membership in a nation-state exclusively represented by the sovereign," 99.

CHAPTER 7

1. See, for example, Urvashi Butalia, "The Nowhere People," in *Tales of Nowhere People,* ed. Arindam K. Sen (Kolkata: Center for Development Activists, 2001), 113–122; Willem van Schendel, "Stateless in South Asia: The Making of the India-Bangladesh Enclaves," *Journal of Asian Studies* 61, no. 1 (February 2002): 115–147. "Border spaces may . . . be ideal research sites for the examination of some of the everyday 'transversal struggles' of globalised life." Carl Grundy-Warr and Clive Schofield, "Reflections on the Relevance of Classic Approaches and Contemporary Priorities in Boundary Studies," *Geopolitics* 10, no. 4 (2005): 653.

2. There are some 15 million recorded stateless people in the world, living under conditions of extreme vulnerability. See, for example, Seth Mydans, "Stateless, With Borders All Around," *New York Times,* Week in Review, 8 April 2007, <http://www.nytimes.com/2007/04/08/weekinreview/08mydans.html> (accessed 9 April 2007).
3. For different approaches to the notion of affected interests, see Ian Shapiro, *Democratic Justice* (New Haven, CT: Yale University Press, 1999; Robert E. Goodin, "Enfranchising All Affected Interests, and Its Alternatives," *Philosophy & Public Affairs* 35, no. 1 (2007): 40–68; Rainer Baubock, "Expansive Citizenship—Voting beyond Territory and Membership," *PS: Political Science & Politics* 38, no. 4 (October 2005): 683–686; and Carol C. Gould, *Globalizing Democracy and Human Rights* (Cambridge, UK: Cambridge University Press, 2004). Baubock considers the notion of stakeholdership "less vague and overinclusive than affected interests," 686. Gould uses the notion of "importantly affected interests" linked to the protection and promotion of human rights, calling attention to the importance of cross-border political associations.
4. David Held, "Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective," *Government and Opposition* 39, no. 2 (2004): 375.
5. Gould's work, as I understand it, also rejects this territorial approach, proposing instead "the full institutionalization of a system of human rights across borders" and "specifying a universal requirement for democratic decision making," *Globalizing Democracy and Human Rights,* 166. On "territorialist" approaches, see Gould, *Globalizing Democracy and Human Rights,* 166–180.
6. Aihwa Ong, *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty* (Durham, NC: Duke University Press, 2006), 78. She uses the term "graduated sovereignty" to refer to the effects of a flexible management of sovereignty adjusted to the demands of global markets, producing different "spacialities of government and gradations in citizenship rights and benefits," 76, 76–79.
7. Note the following reference to international diplomats: "there isn't much enthusiasm, especially in the EU, for creating an ethnically divided and poverty-stricken ministate in the most volatile corner of the Continent. It is just that diplomats now believe they have no choice. 'The other alternatives are all worse,' says Carl Bildt, a former envoy to the European Union and the United Nations." John W. Miller, "Arranging Independence for Kosovo—Diplomats Encounter Few Easy Solutions for Isolated Territory," *The Wall Street Journal,* 5 April 2006.
8. This is reiterated in all of the articles in the Special Issue on "Transnational Crime and Conflict in the Balkans," guest ed. Peter Andreas, *Problems of Post-Communism* 51, no. 3 (May–June 2004).
9. Vesna Pesic has clearly outlined the ways in which Prime Minister Zoran Djindjic was handicapped by these legacies and the remaining hard bor-

der ethnocratic orientation of Kostunica and other representatives of Serbian nationalism. See "Nationalism of the Impossible State: A Framework for Understanding the Unsuccessful Transition to Democratic Legitimacy in Serbia," <http://www.bgcentar.org.yu/documents/PaperonLegitimacyChangeVesnaPesic.doc> (accessed 20 January 2007).

10. Vesna Pesic, "State Capture and Widespread Corruption in Serbia," CEPS/Center for European Policy Studies: Working Document no. 262 (March 2007), <http://www.ceps.be> (accessed 1 June 2007).
11. This section draws on my reading of European Commission reports and my own assessment from news reports from the region and visits to the region. See note 44, chapter 3.
12. According to Transparency International's Corruption Index for 2006, Serbia is at 90; Macedonia, 105; Bosnia and Herzegovina, 93; and Albania, 111. "Corruption Perceptions Index" <http://www.transparency.org/ policy_research/surveys_indices/cpi/2006> (accessed 4 June 2007).
13. See International Crisis Group, *Macedonia's Public Secret: How Corruption Drags Down the Country,* Europe Report no. 133 (14 August 2002), <http://www.crisisweb.org/library/documents/report_archive/A400739_14082002.pdf> (accessed 2 June 2006).
14. A good discussion about the potential for Cross-Border Cooperation (CBC) in southeastern Europe can be found in the Council of Europe's contribution to a comprehensive strategy for stabilization, democratization, and reconciliation in the region: COE, "Strengthening Local Democracy and Developing Cross-Border Co-operation in South-Eastern Europe," document prepared by the COE's Directorate of Co-operation of Local and Regional Democracy, Strasbourg (7 June 2006), 30–52, <http://www.coe.int/local/transfrontier> (accessed 20 July 2006). The COE supports legal institutions and scientific cooperation and research for Transfrontier Cooperation (TFC); the European Union provides primarily financial assistance for CBC, largely through INTERREG and, in southeastern Europe, CARDS.
15. The European Outline Convention on TFC adopted in 1980 in Madrid laid the foundation for TFC in Europe on the basis of agreements concluded between local authorities on both sides of the borders. In the 1990s, the convention was amended to encourage regional and local authorities to conclude transborder agreements directly <http://www.coe.int/local/transfrontier> (accessed 20 July 2006). While new instruments have been developed to encourage this within the European Union, direct local cooperation across borders is often blocked by hard border thinking with respect to southeastern Europe.
16. Seth Kaplan, "West African Integration: A New Development Paradigm?" *The Washington Quarterly* 29, no. 4 (Autumn 2006): 81–97.
17. Ibid., 85.
18. Ibid. See also Nancy Birdsall, *Underfunded Regionalism in the Developing World* (Washington, DC: Center for Global Development,

November 2004). On East Asian regionalism, see Mark Beeson, "Rethinking Regionalism: Europe and East Asia in Comparative Historical Perspective," *Journal of European Public Policy* 12, no. 6 (December 2005): 969–985.

19. Kaplan, "West African Integration," 86.
20. UNDP, "Bringing Down Barriers: Regional Cooperation for Human Development," Central Asia Human Development Report, 2005, 2 (emphasis mine), <http://europeandcis.undp.org/?wspc=CAHDR2005> (accessed 10 October 2006).
21. See, for example, Francis M. Deng, "Ethnic Marginalization as Statelessness: Lessons from the Great Lakes Region of Africa," in *Citizenship Today: Global Perspectives and Practices,* ed. T. Alexander Aleinikoff and Douglas Klusmeyer (Washington, DC: Carnegie Endowment for International Peace, 2001), 183–208.
22. See Carolyn Nordstrom, "Shadows and Sovereigns," in *State/Space: A Reader,* ed. Neil Brenner, Bob Jessop, Martin Jones, and Gordon MacLeod (Oxford: Blackwell Publishing, 2003), 326–343; Carolyn Nordstrom, "Invisible Empires," *Social Analysis* 48, no. 1 (Spring 2004): 91–96; and Mark Galeotti, "Underworld and Upperworld: Transnational Organized Crime and Global Society," in *Non-State Actors in World Politics,* ed. Daphne Josselin and William Wallace (New York: Palgrave, 2001), 203–217.
23. Willem van Schendel and Itty Abrahms, "The Making of Illicitness," and Willem van Schendel, "Spaces of Engagement: How Borderlands, Illegal Flows, and Territorial States Interlock," in *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization,* ed. Willem van Schendel and Itty Abrahms (Bloomington: Indiana University Press, 2005), 1–37, 38–68.
24. In the 1990s, a number of experiments in "global governance" emerged, such as the World Commission on Dams, Minerals, Mining and Sustainable Development Initiative, which were designed as multi-stakeholder and cross-sectional endeavors to focus on critical problems that states and interstate systems could not address. Participants included multinational corporations, intergovernmental agencies, and other cross-border nonstate groups as well as state actors. International Institute for Environmental Development (IIED), "Breaking New Ground," Final Report on Mining, Minerals, and Sustainable Development (MMSD), 2002, <http://www.iied.org/mmsd/mmsd_pdfs/finalreport_es.pdf> (accessed 10 October 2006); see also United Nations Division for Sustainable Development Partnerships, <http://webapps01.un.org/dsd/partnerships/public/partnerships/title_D_1.html> (accessed 10 October 2006).
25. INTERREG III is a European Union Initiative that aims to stimulate interregional cooperation in the European Union. It is financed by the European Regional Development Fund (ERDF). "This INTERREG initiative is designed to strengthen economic and social cohesion throughout the EU, by fostering the balanced development of the conti-

nent through cross-border, transnational and interregional cooperation. Special emphasis has been placed on integrating remote regions and those which share external borders with the new Member States. The INTERACT Programme aims to contribute to the quality of the INTERREG Community Initiative by enabling and encouraging the exchange of experiences and know-how, generated in INTERREG." <http://www.interact-eu.net/604900/0/0/0> (accessed 11 June 2007). INTERREG and INTERACT initiatives support a wide range of cross-border and transnational initiatives, with more or less success. See also the Council of Europe Web site for more on CBC, including reports, analyses, and lists of projects <http://www.espaces-transfrontalier.org/en> (accessed 11 June 2007).

26. For an empirical study of regional institution-building across national borders, see Joachim Blatter, " 'From Spaces of Place' to 'Spaces of Flows'? Territorial and Functional Government in Cross-Border Regions in Europe and North America," *International Journal of Urban and Regional Research* 28, no. 3 (September 2004): 530–548. Blatter outlines four ideal types of cross-border institutions: commissions, connections, consociations, and coalitions. According to his research, "We can conclude that in four border regions in Europe and North America there exists indeed a trend towards 'glocalization.' The institutionalized links between subnational actors and official inclusion of subnational actors in cross-border institutions are undermining the exclusive gate-keeper role which national executives held during most of the twentieth century. The modern political system which separated the world into neatly separated spaces of place is becoming transformed. Spaces of place like territorial states are no longer the only imaginable basis for creating and defining primary political communities and institutions," 545.
27. Federal Geographic Data Committee (FGDC). *Cross Border Projects.* <http://www.fgdc.gov/international/cross_border_projects> (accessed 10 September 2006).
28. "Cross-border Health Community Menton-L'Azienda." <http://www.interact-eu.net/604900/604903/0/project?id=3883> (accessed 10 October 2006). To search the INTERREG or INTERACT project database, go to <http://www.interact-eu.net/604900/604903/0/0>.
29. *IHLT, Public Benefit Company, "Research Institute of Social, Environmental and Economical problems".* <http://www.ihlet.org/aboutus.php> (accessed 1 June 2007).
30. Arab Center for the Studies of Arid Zones and Drylands (ACSAD) in pursuance of the United National Convention to Combat Desertification (UNCCD), <http://www.gtz.de/en/weltweit/maghreb-naher-osten/12053.htm> (accessed 17 June 2007).
31. *B92 News,* B92 bilten vesti (3 April 2007): 15, <http://www.b92.net> (accessed 3 April 2007).
32. East/East Partnership beyond Borders Program, <http://www.soros.org/initiatives/east/> (accessed 17 June 2007).

33. Bikes across Borders, <http://www.bikesacrossborders.org> (accessed 17 June 2007).
34. Ecoplus, <http://www.ecoplus.at/ecoplus/e/6235.htm> (accessed 17 June 2007).
35. Ecoplus, <http://www.ecoplus.at/ecoplus/e/sitemap.asp?sstr=impulse%20centers> (accessed 17 June 2007). These cross-border impulse centers bring together more than 250 communities and cover 97 percent of lower Austria's border regions. "With a Cross Border Impulse Centre (CBIC), pre-existing psychological barriers between countries can be broken down by way of fostering economic, social and cultural cooperation, motivating business people to initiate more international working relationships—even after the EU Enlargement."
36. Some theorists caution "the premature" assumption that cross-border regions (CBRs) in Europe are a significant challenge to the sovereignty of the nation-state, as they in large part flourish "because of their increasingly relevant role as implementation units for European regional policy in a context of multi-level governance." Markus Perkmann, "Cross-Border Regions in Europe: Significance and Drivers of Regional Cross-Border Cooperation," *European Urban and Regional Studies* 10, no. 2 (2003): 153. According to Perkman, the increase in cross-border regions today can be explained largely by INTERREG programs, 167–168.
37. Softening of borders may have very humble origins, that is, what might become soft border polities do not have to begin with some wholly developed vision of a transnational political association or even the elements of future regional political entities. "Although the political ambitions and development of the EU may have expanded dramatically over the ensuing years . . . its origins . . . may be found in economic initiatives that seemed unremarkable at the time . . . neither were its principal architects necessarily as 'visionary' about the long-term implications and prospects of European co-operation as might seem the case in retrospect," 976–977. Beeson, "Rethinking Regionalism," 969–985.
38. Cross-border constructions projects could also become "hyjacked" or dominated by combinations of private companies and professional associations. See Saskia Sassen, "When National Territory is Home to the Global: Old Borders to Novel Borderings," *New Political Economy* 10, no. 4 (December 2005): 523–541. However, opportunities for stakeholders to join in collective action around such endeavors could make builders more accountable to local/transborder concerns.
39. Struggles over water, mining or fishing rights, and oil are staples of cross-border and, accordingly, ethnonational conflicts.
40. Amitav Acharya examines the Bush administration arguments about "selective sovereignty" that would legitimate intervention in states that are accused of supporting terrorists. "State Sovereignty after 9/11: Disorganized Hypocrisy," *Political Studies* 55 (June 2007): 274–296.

41. Willem Van Schendel and Itty Abrahms, eds., *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization* (Bloomington: Indiana University Press, 2005).
42. P. B. Anand, "Financing the Provision of Global Public Goods," *World Economy* 27, no. 2 (2004): 215–237; Inge Kaul, "Global Public Goods: A Key to Achieving the Millennium Development Goals," Office of Development Studies, UNDP, Prepared for the Third Forum on Human Development: Cultural Identity, Democracy and Global Equity, Paris, 17–19 January 2005; Inge Kaul and Katell Le Goulven, "Institutional Options for Producing Global Public Goods," in *Providing Global Public Goods: Managing Globalization,* ed. Inge Kaul, Pedro Conceicao, Katell Le Goulven, and Ronald U. Mendoza (New York: Oxford University Press, 2003), 371–409. "In the absence of a global government with tax-raising powers, voluntary cooperation and building of global or regional coalitions is necessary." Anand, "Financing the Provision of Global Public Goods," 235.
43. See David Held and Anthony McGrew, "Political Globalization: Trends and Choices," in Kaul, Conceicao, Goulven, and Mendoza, *Providing Global Public Goods,* 185–199.
44. Kaul, "Global Public Goods," 4.
45. Ibid., 4–5.
46. Ibid., 5.
47. Ibid., 5–6. "Confounding aid and financing for global public goods has serious implications for developing and industrial countries—and for the world. First, aid resources are redirected from the national priorities of developing countries to international—often donor country-driven—priorities. As a result development may suffer, and poverty may even increase. Second, aid does not bring out the proper scarcity value of such critically important global services as biodiversity conservation or carbon sequestration. As a result developing countries providing these services might be underpaid. Third, because of this undervaluation wrong policy signals are sent to industrial countries and important policy reforms in these countries, such as energy, may be delayed." Inge Kaul, "How to Improve the Provision of Global Public Goods," in Kaul, Conceicao, Goulven, and Mendoza, *Providing Global Public Goods,* 39.
48. Kaul, "Global Public Goods," 7.
49. Ibid., 8.
50. Granted, the flows of electronic information include both the inclusionary voices of democrats and the exclusionary messages of ethnocrats. And while electronic media, Internet blogs, and cell-phone messages challenge even the most vigilant border guards, they also provoke violations of privacy and invasive searches and surveillance.
51. See Thorsten Benner, Wolfgang H. Reinicke, and Jan Martin Witte, "Multisectoral Networks in Global Governance: Towards a Pluralistic System of Accountability," *Government and Opposition* 39, no. 2 (Spring

2004): 191–210; Diane Stone, "The 'Policy Research' Knowledge Elite and Global Policy Processes," in Josselin and Wallace, *Non-State Actors in World Politics,* 113–132.

52. The Bologna system for university education, encompassing an increasing number of countries across Europe, is creating such a shared educational space. See <http://ec.europa.eu/education/policies/educ/bologna/bologna.pdf> (accessed 27 May 2007).
53. See Craig Calhoun, "The Democratic Integration of Europe: Interests, Identity, and the Public Sphere," in *Europe without Borders: Remapping Territory, Citizenship, and Identity in a Transnational Age,* ed. Mabel Berezin and Martin Schain (Baltimore: The Johns Hopkins University Press, 2003), 243–274.
54. Ariel Colonomos, "Non-State Actors as Moral Entrepreneurs: A Transnational Perspective on Ethics Networks," in Josselin and Wallace, *Non-State Actors in World Politics,* 76–89.
55. Global Forum for Health Research, *The 10/90 Report on Health Research, 2001–2002,* Geneva: Global Forum for Health Research, 2002, <http://www.globalforumhealth.org/Site/000__Home.php> (accessed 17 June 2007).
56. Gould, *Globalizing Democracy and Human Rights,* 201–216.
57. Held, "Democratic Accountability," 378–382; Kofi A. Annan, *We the Peoples: The Role of the United Nations in the 21st Century* (New York: United Nations, Department of Public Information, 2000), 70; and Jean-Francois Rischard, *High Noon* (New York: Basic Books, 2002).
58. Anne-Marie Slaughter, *A New World Order* (Princeton, NJ: Princeton University Press, 2004), 9.
59. Ibid., 10.
60. Ibid., 6.
61. Briefly the principles are (1) global deliberative equality (maximum participation of individuals and groups at all levels), (2) recognition of legitimate differences—pluralism, (3) positive comity—"principle of affirmative cooperation," (4) global checks and balances (e.g., relationship between national courts and ECJ in European Union), and (5) subsidiarity. Slaughter, *New World Order,* 29–30.
62. Andreas Follesdal, "Survey Article: The Legitimacy Deficits of the European Union," *The Journal of Political Philosophy* 14, no. 4 (2006): 441–468.
63. Ibid., 454.
64. Ibid., 456, 456–461.
65. Ibid., 462.
66. They propose that cities and their regional suburbs "are especially privileged sites for considering the current renegotiations of citizenship." James Holston and Arjun Appadurai, "Cities and Citizenship," in Brenner, Jessop, Jones, and MacLeod, *State/Space,* 297.

67. Some legal theorists attempt to find another solution to conflict resolution around questions of sovereignty by developing a theory of "earned sovereignty." While unbundling the functions of sovereignty, this attempt to rethink the issues remains within the hard border framework of the notion of sovereignty. James R. Hooper and Paul R. Williams, "Earned Sovereignty: The Political Dimension," *Denver Journal of International Law and Policy* 31, no. 3 (2004): 355–375.
68. For an example of what this may look like, see the GPKT (Gjilan/Gnjilave; Preševo; Kumanovo; Trgoviste) Initiative. This initiative connecting Macedonia, Serbia, and Kosovo was created to "promote sustainable interethnic and cross-border practices" for the micro region, regardless of the final status of Kosovo (it is funded through 2008). A recent GPKT Business Forum gathered around 150 cross-border participants. "GPKT Municipal and Economic Development Activities." <http://www.gpkt.org> (accessed 17 June 2007).
69. Note the immediate negative reaction to the plan of the United States in April 2007 to build a 12-foot high 3-mile wall between Sunni and Shiite neighborhoods in Baghdad. The United States had to abandon this plan within days. An April 2007 article on the international pages of *The Guardian* following the first responses to this plan locates some 25 barriers (blocking immigrants and terrorists or separating disputed territories and conflict zones) built in recent years, heralding "The new age of the wall." According to the author, "The Baghdad barrier is just the latest string of fences, screens and other such engineering solutions to the quest to keep people apart, for their own protection or for the benefit of rulers. The conflict resolution business is in decline and the concrete industry is taking its place." Julian Borger, "Walls around the Globe: Security Fences or Barriers to Peace?" *The Guardian,* 24 April 2007, 23.
70. NGO Working Group on Women, Peace, and Security, *Security Council Resolution 1325 on Women, Peace and Security—Six Years On Report,* SCR 1325 and the Peacebuilding Commission, October 2006, <http://www.womenpeacesecurity.org> (accessed 17 February 2007). See S/Res/1325 (2000), United Nations Security Council Resolution 1325 (2000). Adopted by the Security Council at its 4213th meeting on 31 October 2000, http://www.peacewomen.org/wpsindex.html (accessed 10 June 2006). <http://www.peacewomen.org/un/sc/1325.html> (accessed 10 June 2006).
71. *Kosovar Women's Voice* 4, no. 2 (Spring 2006), <http://www.womensnetwork.org> (accessed 16 February 2007).
72. On peace activism in Serbia and Women in Black, see <http://www.zeneucrnom.org/index.php?lang=en> (accessed 8 August 2007).

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Index