

The ambiguous meaning of citizenship

Ulrich K. Preuss

Professor of Law and Politics, Free University Berlin

Paper presented at the University of Chicago Law School
to the Center for Comparative Constitutionalism
December 1, 2003

At one point in human history somebody had the idea that the handling of the affairs of his community was not necessarily incumbent upon the big landowners, the wealthy, the military leaders or the heads of the most powerful tribes, clans, and families, in other words: upon the 'natural' masters of the community; rather, the survival and the well-being of the community might be better served if its matters were conducted by a class of individuals who due to their personal qualities and resources were valuable for the community as a whole. This was the birth of the idea of citizenship.

It is a matter of historiography to find out who was the first to conceive this idea¹ – most authors ascribe it to the Athenian political leader and reformer Solon [about 630-560 B.C.] – whereas political philosophers and jurists have to ponder the implications and the consequences of that idea for the character of the order of a community in which citizenship is a pivotal institution. Its history of now more than 2500 years encompasses a great diversity of political entities, ranging from the ancient Greek *polis* through the Roman republic, the Roman empire, the medieval towns of North-west Europe, the Renaissance Italian city-republics to its modern version invented in the French Revolution which made it a core element of all variants of the contemporary constitutional state. Even in the modern absolutist state which emerged in the 17th century citizenship had not been entirely abolished and forgotten. Its persisting timeliness can be viewed from the fact that the European Union has recently created the new status of European citizenship (more precisely: Union citizenship) and that, moreover, even the 18th century-idea of humankind and cosmopolitanism has now found its current equivalence in the notion of 'earth citizenship'².

Given that historical duration it is not surprising that the concept encompasses a great number of very diverse layers of meaning. Obviously the *polites* of the small-scale Greek city republic, the *civis Romanus* of the Roman empire with its vastly extended territories reaching from North Africa to England and from the Middle East to Spain, the citizens of the medieval, mostly rural towns with their local trade and manufacture, the militant citizen-warrior of the Renaissance Northern Italian city-republics, the subaltern subject of sovereign statehood of the 17th century and finally the modern citizens of the democratic welfare state do not have much in common, to say nothing about such mysteries like European citizenship and 'earth citizenship'. Or

¹ An excellent comprehensive account of citizenship from its Greek origins until French Revolution has been written by Riesenberg, Peter (1992): *Citizenship in the Western Tradition. Plato to Rousseau*. Chapel Hill/London: The University of North Carolina Press.

² Stewart, Fred (1991): "Citizens of Planet Earth", in G. Andrews (ed.): *Citizenship*. London: Lawrence & Wishart. pp. 65-75.

can we identify something like a trans-historical core substance of citizenship common to all these different variants?

Normally we would think that a concept with such a broad scope of possible meanings in so many different contexts is scientifically useless because all distinctions are blurred in one word. On the other hand, if the same notion is used for the characterization of this great variety of human orders this may indicate that the concept is indispensable for the conceptual construction and the understanding of basic elements of political and legal orders. If the very same concept has been summoned as a conceptual tool for the analysis of so many and so different political entities the reason for this may be that over the centuries the idea of citizenship has offered an attractive and non-trivial, albeit fragile element for the construction of political communities. This is the claim which I want to defend in this paper.

I will try to answer these questions in three steps. In the first and most extensive part I will argue by way of example that whenever the issue of citizenship came up this had to do with the reshaping of the "we" of a polity in a particular manner, resulting in something like a "civic we" as distinct from forms of pre-civic or pre-political "we" (I.). In a second step I will distinguish six different dimensions of citizenship which at different times and to different degrees have shaped this concept. I argue that the combination of these dimensions is characteristic of the modern democratic nation-state in which, therefore, citizenship has reached its perfect meaning and at the same time the beginning of its demise. In particular, the weakening of the political and the cultural role of the nation-state has rendered most of the dimensions of citizenship obsolete or less significant (II.). In a brief concluding outlook I suggest that citizenship as a legal status may be a promising concept for the eventual rise of a global order which is able to cope with cultural otherness in a civilized manner (III.).

I.

When I said at the outset that the starting point of citizenship was the deprivation of the traditional rulers of a community of their unquestioned power monopoly and the transfer of the administration of the common affairs of the community into the jurisdiction of a class of men – as a matter of fact, citizenship was most of the time a purely male institution – who had to care for the well-being of the community as such this did of course not mean that all members of the community became its rulers. The connection of citizenship with democracy is a very late development and was in most European countries not earlier completed than in the first quarter of the 20th century. The genuine political innovation which citizenship signified for the Greek *polis* consisted in the redefinition of those who were qualified and entitled to rule. Had this redefinition entailed the rule of everybody over everybody, the delineation of a distinctive class of individuals who were designated to rule – the citizens – would not have been necessary. Let me elaborate on the innovation for a moment.

1. In Book 3 of his *Politics* Aristotle reflects the history of the Athenian *polis* and of the institution of citizenship over a timespan of almost three centuries and gives the following definition: "The good citizen should know and have the capacity both to rule and to be ruled, and this very thing is the virtue of a citizen". What strikes us as new is that the issue of ruling becomes problematic. Traditionally things had been very simple: those who disposed of the resources necessary for survival – land, slaves, military power, spiritual charisma which gave them access to the Gods – were those who ruled over the others. The Aristotelian "capacity" to rule was a matter of status, not of ability³. This is even more true for the subjects of the rulers. To be ruled had

³ cf. Riesenbergs, p. 6.

never before required any personal capacity, no more than the “capacity” to breathe or to suffer pains. According to Aristotle not only to rule was a “capacity” and, moreover, also a virtue, but also to be ruled. Obviously this meant something quite different from what it had signified in the previous centuries; now it had the meaning of cooperating in the community not on the basis of coerced obedience, but of morally recognized duty. And, consequently, to rule did not mean to coerce, but to actuate the moral capacities of those who are ruled. In other words, citizenship established a relationship of complete mutuality in which each had the capacities and moral qualities to rule and to be ruled – it was a relationship of equals. Pocock rightly states that “this account of human equality excludes the greater part of the human species from access to it. Equality, it says, is something of which only a few are capable”⁴. In fact, throughout the history of ancient Greek citizenship the citizens were always a minority. On no account did they rule only themselves. They ruled over the great bulk of non-citizens: slaves, women, children, metics, aliens and other categories of individuals who lived within the physical boundaries of Attica.

However, we must not confuse the exclusivity of the citizens’ rule in ancient Athens with mere oligarchy. True, it was the rule of the few over the many, but the few did not rule on behalf of themselves, but on behalf of the *politeia*, i.e., on behalf of the community based upon the cooperation of the *polites* – the citizens – and the law which gave this cooperation an institutional shape. What transformed the tribal society of Attica as it had existed before Solon into a political entity – the *polis* – was the invention of the principle to bind people together not through dependency but through the creation of a community of equals, bound together by an ethics of mutuality and constituted by the law. This community of *polites* embodied the *polis* and ruled on behalf of the *polis*. This amounted to no less than the reshaping of the traditional Attican society. Traditional bonds of personal dependency and loyalty were transformed into the loyalty to the *polis* which developed a distinct identity.

This new social construction of a “we” remained the hallmark of citizenship until our times. It is a very specific “we”, not just one which gives expression to any kind of belonging which also families or tribes develop. It is a “we” based on the sense of equality, symmetric mutuality and responsibility for the community as such. Essentially citizenship means a status of duties, rights and, yes, also privileges (with respect to non-citizens) for individuals who as citizens constitute a political community. It is this constituent character of citizenship which makes this status so unique; it implies that there is no pre- or extrapolitical basis of the polity. The polity is based and its survival and well-being is dependent on the symmetric mutuality of equal citizens. Admittedly this is an ideal type, a model which was rarely fully achieved in the reality of human societies. But once the idea of the construction of a political “we” out of the reciprocal relations of equal citizens had been invented, it has never been forgotten until our times. In his sociology of the city Max Weber had identified this new construction of communities as political entities as an achievement of western civilization. Analyzing the medieval European cities he found out that the coherence both of the *polis* and of these medieval European cities was not based upon the traditional bonds of family, clan, tribe or of other primordial groups, that is, they were not communities of blood; rather, they rested upon what he called the corporate unity of the city dwellers⁵. A distinct sphere of corporate unity on the city level could emerge in

⁴ Pocock, J. G. A. (1992), "The Ideal of Citizenship Since Classical Times", in *Queens Quarterly*, Vol. 99, No. 1, pp. 35-55, reprinted in and quoted from R. Beiner (ed.) (1995) *Theorizing Citizenship*. Albany: State University of New York Press, pp. 29-52 [31].

⁵ Weber, Max (1964): *Wirtschaft und Gesellschaft. Grundriß der verstehenden Soziologie*. Köln/Berlin: Kiepenheuer & Witsch, pp. 936 ff.

these western-type cities because they were the location of settlement for individuals who were alien to each other, bound together through oaths of fraternization and by legal rules which confirmed their mutual civic affiliation. This, as it were, 'abstract' connection constitutes the sphere of the political based upon citizenship.

It would be misleading to view citizenship as a status which embraces purely 'communitarian' virtues. In the *polis* citizenship was primarily a privileged status with respect to the majority of the non-citizens in terms of legal and monetary benefits and political power. *This* was not entirely new. What was new was that it shifted the time-honored system of loyalties, dependencies and rewards from the established oligarchs to the community as such, the *polis*. Historians have told us that the different stages of the development of citizenship in ancient Athens from Solon [about 630-560 B.C.] through Cleisthenes [about 570-508 B.C.] and Pericles [495-429] until Aristotle's lifetime (384-322) had always been accompanied by significant social transformations, frequently prompted by social upheavals, or by the needs of wars⁶. Each time the definitions of who qualified for the status of citizenship were modified, and this means that each time the community was reshaped in terms of who had which rights, duties, responsibilities and access to both material and immaterial benefits. Unsurprisingly that changed the established distribution of rights, duties, responsibilities and both material and immaterial benefits. Citizenship was a new answer to an old and seemingly eternal problem of all communities, namely how to allocate protection, the benefits and all kinds of rewards of the community in accordance with an individual's the merit for and loyalty to the community. Citizenship created incentives for the individuals to commit themselves and to shift their loyalty to the community as such.

If this is the realistic core of the original ancient Greek concept of citizenship, why then do we regard it largely as a normative ideal embodying the individual's best qualities of high-spiritedness, public-mindedness, active participation and self-sacrificing for the public good? Why has citizenship not been linked to such ideals as, for instance, the ideal of military heroism, of the glory of power, the ideal of self-reflexive introspection (the early Christian ideal), or, to give a final example, to the ideal of individualistic assertive self-development, ideals each of which predominated in certain periods of human history? The answer is paradoxical at first glance: because the reality of citizenship is so bleak. If it is the community of citizens – a community of equals – which constitutes the backbone of the polity, its strength and capacity to survive depends largely upon the intensity of the bonds of reciprocity, trust and readiness to assume duties for the community. This is a quite fragile foundation of the polity, but this fragility is the consequence of replacing the oligarchs with the 'community as such'. It is vulnerable to internal division and struggle for benefits and privileges, and therefore the coherence of this fragile polity is always in jeopardy. The hortative appeals to the ideal of citizenship and its communitarian spirit indicate the inherent dangers of this truly novel kind of polity. They invoke a myth, they do not reflect a social reality. But we know that myths frequently are the cement of society.

2. If we compare the *polis*-model of citizenship with the institution of citizenship of the Roman empire, the contrast could hardly be more salient. Ancient Greek citizenship had been invented and practiced in their small scale city-states. Originally quite similar to Greek citizenship, Roman citizenship parted company with the Greek in the process of Rome's geographical enlargement to a universal power. Since the Romans did not yet know the institution of representation which enables the political participation of individuals who are not physically present, they invented, as it were,

⁶ Manville, Riesenber, Chr. Meier

citizenship as a *legal* status, an institution which we today might call a 'functional equivalent' to *political* inclusion. In the territorially extended and extremely heterogeneous Roman Empire citizenship outside the city of Rome proper meant inclusion of non-Romans in the scope of Roman legal institutions – the *ius civile*, particularly the *ius commercium* and the *ius connubium*, as distinct from the more restrictive *ius gentium* which applied to the *peregrini*, the aliens. At the same time these new *cives* were excluded from the channels of political participation which existed in and for the people of the city of Rome itself. Frequently – already in the era of the Republic – the Romans conferred Roman citizenship as a reward on towns which had supported them in their numerous military battles with rival powers⁷. Incidentally it should be mentioned that the Romans also developed a quite realistic sense of space and instruments of its political and administrative control, including the introduction of cadastres, maps and, as we know from Christian history, the census⁸. There are some obvious connections with the territorial extension of citizenship, but I leave that here aside.

Thus gradually a class of individuals could arise who were distant to each other in many respects, ranging from geography through economic and social status to descent, and who were connected by the fact that they shared the same law in relevant areas of their lives, like commercial activities and personal security. Remember that Saint Paul was protected from cruel and unjustified punishment by a local despot in one of the Asian Roman provinces by invoking his status as a *civis Romanus*⁹ and his right of appeal (*ius provocationis*)¹⁰. Almost two hundred years later, 212 AD, emperor Caracallus issued the famous *Constitutio Antoniana* which declared all free men of the Roman empire *cives Romani*. With that act Roman citizenship finally lost its character as an exclusive privilege. But it did not render citizenship meaningless altogether. Roman citizenship created a class of translocal, multiethnic and multilingual individuals which formed a previously unknown context, namely an 'international legal community'. This 'international legal community' reduced the particularistic customs which regulated economic and social life in the numerous provinces of the Empire to mere local habits. This is not to say that these provincial, municipal and local habits were no longer relevant for Roman citizens. Instead, there emerged a duality of statuses, reflecting the belonging of the *civis Romanus* to two communities, his native local community and the world of Rome¹¹. (Incidentally, this is an early forerunner of European citizenship, a legal and political status which supplements citizenship of the Member States of the EU).

Whatever the relation of these dual statuses may have been in the Roman Empire, it is safe to say that by connecting citizenship with the Roman Law the Romans established a uniform quasi-cosmopolitan standard of world civilization. A Roman citizen was a person who had partially stepped out of the parochialism of his local origin and had become, so to speak, a 'world citizen'. The law opened a province of social interaction in which persons could recognize each others as equals irrespective of their differences in terms of descent, religious affiliation, and social rank¹². The

⁷ Cf. A.N. Sherwin-White (1939) *The Roman Citizenship*. Oxford: Clarendon Press, pp. 170 ff.

⁸ Cf. Nicolet, C. (1991). *Space, geography, and politics in the early Roman Empire*. Ann Arbor: Univ. of Michigan Press.

⁹ Acts 16:37, 21:37-39, 25:10-12.

¹⁰ Sherwin-White, 214 f.

¹¹ Sherwin-White, 212 ff.

¹² However, given that in Roman law the family and the *patria potestas* are the basic entities of the law, not the single individual, women could not be legal proprietors and hence not participate in the legal community, see Maine, Henry Sumner [1864] (1986) *Ancient Law. Its Connection With the Early History of Society, and Its Relation to Modern Ideas*. Tucson: University of Arizona Press, 147 ff..

diversity and otherness of individuals was no longer a barrier to their economic and social intercourse, nor was the geographical remoteness of the 'others'. This changed the society as a whole. Once the spatial restrictions and the barriers of the individuals' otherness are overcome, new and many more options of social, in particular economic interactions emerge. The society gets more differentiated, diverse and dynamic, and individuals get more chances to shape their lives, i.e., to choose their loyalties, the sources of their benefits and the means of the protection of their person and their property.

Earlier I contended that citizenship is invoked whenever the boundaries of the polity are redrawn, new kinds of loyalties, benefits and empowerments are established and hence the identity of the polity is redefined. Does Roman citizenship satisfy this criterion? Can we say that this territorially dispersed status of citizenship constituted a polity, something like a "we" which embodies a particular sense of collective identity with the capacity to exercise power on behalf of this "we"? If we expect an active, participatory, power-related "we" the answer is clearly negative. But if we think in terms of loyalties, dependencies, and capacities to act the legal status created something like the consciousness of belonging to a particular universe of 'civilization'. Thus one could perhaps say that this universe of diffused power may have created the – admittedly weak – "we" of a passive, mostly subaltern, quasi-cosmopolitan entity weakly integrated by some kind of an ethics of universalism. But there was something more. Sherwin-White, the author who has dedicated a whole book to the institution of Roman citizenship makes the claim that when Caracallus issued the *Constitutio Antoniana* he pursued the goal to enhance the *maiestas populi Romani* as a warranty of its unity. "The unifying element", he writes, "that held together the very diverse constituents of the empire was their common interest in Rome, and Caracallus' edict identified the whole population of the empire with Rome..."¹³. This idea may become plausible in view of the empire's experience of repeated invasions of 'barbarians' who were the embodiment of all what Rome and the Romans were not, namely anti-civilization forces *par excellence*. Thus, the idea of Roman civilization can be seen as an explicitly political and polemical concept embodied in the extension of citizenship on those who, despite their great degree of diversity, were united against the barbarians¹⁴.

3. I pass over the history of the *civis* as a legal status in the long period of the Middle Ages. Here it survived in the *civitates* of the small rural cities and formed a counter-concept against feudal forms of dependency. In a nice play upon the Latin word *civitas* the medieval jurist Johannes from Viterbo read the three syllables of *civitas* as "*citra vim habitas*", which translates into: you live beyond violence. The city is the place of armed safety which means liberty for the citizens as opposed to the status of vassalage, serfdom and domination imposed by feudal lords on the folk of the surrounding country areas. Within the town the citizens are a quasi-aristocratic minority who have exclusive access to certain privileges, immunities and resources and who are entitled to a specific honour. In this respect the medieval city-related status of citizenship was quite similar to that of the ancient Greek *polis*.

4. Normally Macchiavelli is regarded as the political thinker who marks the deep and consequential paradigmatic shift from the largely Aristotelian concept of politics as the embodiment of the human aspiration to a normatively integrated good life in the society to its 'realistic' understanding as the art of gaining and keeping power.

¹³ Sherwin-White, 223.

¹⁴ Sherwin-White, 296 f.

However, much more significant for the understanding of the modern concept of the polity has been Jean Bodin, who published his *Six Books of the Commonwealth* in 1576, some sixty years after the publication of Macchiavelli's *Prince*. Obviously Bodin's reasoning was strongly influenced by the experience of the religious wars which had ravaged large parts of Europe and particularly France since the middle of the 16th century. Bodin must be credited for having developed an entirely new conceptual construction of the polity and, as a consequence, of the citizen. He rejected the traditional view that a polity – in his words: *a res publica*, a commonwealth – had to be defined as a mutual bond of loyalty and protection between the ruler and the ruled, embedded in the overarching idea of justice. For him a commonwealth was the “rightly ordered government of a number of families, and of those things which are their common concern, by a sovereign power”¹⁵. Note that Bodin does no mention of any purpose of the commonwealth as a constitutive element. Sovereignty means absolute, perpetual and undivided power of the ruler. It includes his authority to impose unilaterally laws on his subjects which has the important implication that they have no right to resistance if they think that the law is unjust¹⁶. The genuinely new concept of polity consists in the claim that it is constituted by sovereign power and, consequently, by command and obedience rather than by any kind of compact. “It is neither the towns nor its inhabitants that makes a commonwealth (in the French original: *République*), but their union under a sovereign ruler...”¹⁷.

When Bodin refers to sovereignty, he always speaks of a commonwealth (*res publica*, *république*). The ruler's supreme power is vested in the prince so that he can maintain the order of the *res publica*; he is not sovereign for the sake of satisfying his personal lust for power. That means that there are public affairs, issues which concern the commonwealth as such. Consequently in Bodin's concept of polity the citizen plays an important role. A citizen is an individual who “sets aside his private concerns to attend public affairs”. But in leaving the household its master does not only become an equal and associate with the other heads of households in the public sphere, but, what is of utmost importance for Bodin, he becomes a subject to the sovereign because it is the sovereign power of the ruler which constitutes the polity. Thus, consistently, he defines a citizen as “a free subject dependent on the authority of another”¹⁸. He rebuffs the view held by Aristotle and other political thinkers that a citizen is defined by his access to public office, or by his right to have a voice in public affairs. Rather, it is “the mutual obligation between subject and sovereign”¹⁹ which makes a man a citizen, whereby we must not misunderstand the term “mutual obligation” as a reciprocal compact. Mutual obligation means what almost three generations later Hobbes defined as the essence of politics, namely the exchange of obedience of the subject for protection of the sovereign. This relation of subjection does by no means limit the unilateral character of the power of the sovereign over his citizens. “It is”, as Bodin repeats again and again, “the submission and obedience of a free subject to his prince, and the tuition, protection, and jurisdiction exercised by the prince over the subject that makes the citizen”²⁰.

Obviously Bodin's concept of the polity and of the citizen aimed at shifting the loyalties of the inhabitants of the kingdom from their feudal lords and masters and their statist corporations to the centralized authority of the monarchy. Writing his *Six*

¹⁵ Jean Bodin *Six Books of the Commonwealth* [1576], Book I, chpt. 1 (abridged ed. By M.J. Tooley, p. 1)

¹⁶ Book I, chpt. 8 (pp. 25 ff.).

¹⁷ Book I, chpt. 2 (p. 7).

¹⁸ Book I, chpt. 6 (p. 18).

¹⁹ Book I, chpt. 6 (p. 21).

²⁰ Book I, chpt. 6 (p. 21).

Books in French language – what was quite unusual for a scholarly book – he desperately tried to create a constituency for the monarchy’s mission to guarantee order, not necessarily justice. Thus, he invents the citizen – in the Aristotelian tradition a symbol of a public-minded, responsible and virtuous man – as an obedient subject. In fact, the obedience of the subject is the virtue of the citizen of Bodin’s sovereign polity. This virtue is the condition for the coherence of the monarchy, and we may therefore say that, somewhat paradoxically, the obedient subject is the constituent factor of Bodin’s monarchy as a new kind of polity. This paradox is best expressed in Spinoza’s observation: *oboedentia facit imperantem*²¹ – obedience makes the ruler. Bodin’s construction does not create the “we” of a citizenry, but the “we” of the monarchical commonwealth. That is what makes citizenship such a multifaceted concept: whenever a new construction of the polity and the political is on the agenda, it starts with a new definition of citizenship. Obviously we have to understand this concept as embodying the attributes which qualify a person for being a constituent part of a polity who cares about the polity – be it by participation (*polis*), be it by identifying themselves with the acquired level of civilization (Rome) or by exercising the virtue of obedience to the sovereign (Bodin’s concept of the monarchy). Since different polities are defined by different requirements with respect to their members the concept of citizenship is open to a great number of potential meanings.

As we know, Bodin’s concept of a citizen as an obedient subject became the starting point of the modern idea of citizenship. This was only possible because finally the modern absolutist state defeated the estatist and corporate power of feudalism and succeeded in establishing a new social pattern of the individuals’ survival in the community, creating very different types of loyalties, dependencies, rewards and benefits. Hobbes’ notion of sovereign power became the hallmark of modern statehood. His subjects (whom he, like Bodin, calls citizens) are mutually bound to obey the sovereign; they owe their lives, their residual liberty, their property, their honours, in one word, their entire status in the society to the sovereign. What is an even more important characteristic of this Leviathan is that its subjects are equals and that they form an association, a collective body which is still entirely passive and subaltern, but which possesses, so to speak, a latent identity as a corporate unity of subjects. One hundred years later Rousseau found the theoretical construction to turn this passive body active and to conceive a new political “we”, the people. [But before “we the people” and, consequently, also a democratic concept of citizenship could finally materialize in the 20th century-Europe it is necessary to briefly characterize its precursor and pioneer, the modern nation, or, more precisely, the modern nation-state.

5. We know from history that since the second half of the 18th century at the latest the virtue of obedience ceased to be attractive enough to hold the French monarchy together. The most active and dynamic part of the its subjects – the industrial, commercial and educated middle class – demanded the right to get actively involved in the shaping of the polity, i.e., the right to rule. When the Abbé Sieyès in his famous pamphlet of 1789 ‘What is the Third Estate?’ justified this right on behalf of the ‘third estate’, he delivered the message: it is not the French state, i.e. the territory and its inhabitants, which is the true political entity of the time, but the French nation. This is much the same of what we learnt from Bodin earlier, namely that “it is neither the towns nor its inhabitants that makes a commonwealth ...”. Whereas Bodin continues

²¹ B. de Spinoza *Tractatus theologico-politicus* [1670], in *Opera* (ed. J.v.Vloten/J.P.N. Land), Vol. 1. Den Haag 1882, p. 565.

“...but their union under a sovereign ruler”, Sieyès claim is: but their union as a nation. He defines the nation as a body of associates living under a common law and represented by the same legislature. This association is very different from Bodin’s construction of the French polity, in which, as we saw, the sovereign king embodied France as a political entity in that he by virtue of his sovereignty transformed the sum total of his inhabitants into the union of passive obedient subjects. In Sieyès’ vision the nation is generated by an act in which individuals establish legal bonds among themselves and transform this association into a political entity by setting up a body which represents them. In other words, the nation is actively created by those who associate with each other – and this is not the sum total of the permanent residents of the territory.

This indicates already that the nation is much more exclusive than Bodin’s and the absolutist state’s body of obedient and passive subjects. This is in itself no remarkable fact since exclusivity is one of the defining attributes of all kinds of social entities. What makes the construction of the nation which came forward in the French Revolution a genuinely political innovation is its characteristic to embody not just its members, i.e. the associates who constitute the nation and who therefore are its citizens, but the whole country, including the great bulk of inhabitants who did not associate with each other and are not represented in a legislative body. How can this be explained? There is one element of the definition of the nation which was not yet mentioned and which Sieyès emphasizes with great passion: sovereignty. The nation can only be understood as a political body if it is in the possession of supreme, undivided and absolute power. Only sovereign power prevents the ‘body of associates’ from becoming subject to any kind of domination by a superior; sovereignty is the guarantee for the nation’s autonomous self-determination. Yet sovereignty is an attribute inherent in the state, and therefore the nation – the body of associates which Sieyès envisages – can only come into being if it gets hold of the state’s sovereign power. This is what the French Revolution achieved, and therefore it is rightly regarded as having given birth to the French nation. If it is now the nation which – instead of the monarch – occupies the place of the sovereign, then it is the nation which fulfills the sovereign mission to create a polity. To repeat the above-quoted words of Bodin, “it is neither the towns nor its inhabitants that makes a commonwealth, but their union under a sovereign ruler” – the ruler not being the sovereign monarch, but the sovereign nation.

The result of this combination of the nation with state sovereignty is the well-known concept of the French *état-nation* which says that the nation as a political body cannot exist outside and independently of the sovereign state. In most other European countries this connection of state and nation was less stringent, in part due to a different concept of the nation. But they too are based upon the assumption that even in states which comprises several nationalities (= ethnic peoples) the nation as a political entity consists of the whole of the state’s nationals on whom citizenship has been bestowed. Thus, despite some differences in other respects, in the context of my topic I treat *état-nation* and nation-state as synonyms.

If the nation transform the “towns and the inhabitants” of the state into a polity this does not mean that the nation is the people. The nation represents or embodies the people in the same sense in which Bodin’s sovereign monarch, by transforming the towns and inhabitants into a commonwealth, embodied the kingdom of France (the idea of the French people did not yet exist at that time). This means that not every subject of the French state did automatically qualify for being a constituent part of the nation. This, then, gives rise to the question of who is a constituent part of the nation and has access to its sovereign power. As we know, the answer is rather conven-

tional: only the economically and socially independent male property-owners. This is the class of individuals who, unsurprisingly, were called citizens. The others remained what they had been under the monarchy, namely subjects or, as distinct from the subjects of other states, Frenchmen. The distinction between mere *Français* (French subjects) and *citoyens* (French citizens) was later codified in the French constitution of 1791. Even Kant, a fervent admirer of the French Revolution and the philosophical herald of republican rule, did not claim that every individual could become a citizen in the republican polity which he envisioned. Quite in line with the prevailing opinions of his time he contended that only those who were neither minors nor women and who were their own masters, i.e., who owned possessions which enabled them to lead an independent life, had the moral qualification for the status of a citizen²².

Obviously the concept of *etat-nation* had a deeper meaning than the mere replacement of monarchical sovereignty with the sovereignty of the nation. It meant a thorough reconstruction of the polity in that the union of obedient equal subjects, owing their loyalty and receiving their protection and other benefits from the monarch, is transmuted into a polity whose coherence and well-being depends on the capacity of the few – the citizens – to embody the many who were merely passive elements of the whole polity. In other words, *the art of ruling* which for Aristotle had consisted in the capacity to rule and to be ruled *became the capacity* to embody or, for that matter, *to represent* the whole of the commonwealth. The nation, the community of citizens, constitutes a distinct identity, a “we” whose distinctiveness consists in its capacity to represent – and hence to rule – the whole commonwealth. Needless to say that the basic structure of the society depends upon the question of who has the monopoly to represent the whole polity: the distribution of resources, benefits, rewards, life chances and, last but not least, the allocation of power as a source of recognition and of both individual and collective self-esteem.

The concept of the nation-state implies a new definition of the political. One of the core issues of the political is now the question of who belongs to the nation – and therefore is qualified to be a citizen, i.e., to take part in the representation of the whole commonwealth – and which qualities are required for this status. As we know, the major political struggles of the European nation-states throughout the 19th century until the end of World War dealt with the question of which social classes belonged to the nation and which were excluded. The two most significant social movements of this period – the labour movement and the women’s movement – which mainly struggled for the status of full and equal citizenship for their respective constituencies are the obvious examples. Before this question was not settled the European nation-states had no clear identity because the boundaries between the relevant “we” and the others were contested. They were drawn according to criteria which clearly violated the principle which in the 19th century rose to prominence: democracy. The principle of the French Revolution, equal national citizenship, constituted the identity of a distinct polity – the nation-state – but it did not constitute the democratic nation-state.]

6. In a democratic nation-state all adult nationals (with few negligible exceptions) are citizens. The political struggles of the 19th and the beginnings of the 20th centuries for the extension of citizenship to the lower classes and to women have been won since a long time. If citizenship is no longer an exclusive status to which special rights and

²² I. Kant Political Writings ... [German: Über den Gemeinspruch..., Werkausgabe XI, p. 151; see also Metaphysik der Sitten, Werkausgabe VIII, pp. 432 f.].

privileges are attached, does the concept then still have a political thrust? The concept is as political as “we the people” is political, since the equal distribution of citizenship among the adult nationals is tantamount to the constitution of “we the people”. But in which sense is “we the people” political? Does it embody particular bonds of mutual obligations among the citizens creating a distinct collective identity, the particular “we” which is based upon the symmetric mutuality of the citizens who are motivated by a sense of responsibility for the protection of this “we”?

Different democratic countries will suggest different answers. But as a general tendency we can observe that democracies have two basic problems in the sustenance of the coherence of their political identity. One relates to the socio-economic fractures among the citizenry, the other to the increasing difficulties of today’s democratic nation-states to rely upon a collective Self which is the active subject of the principle and the right to democratic self-determination. Both problems are essential for the idea of democratic citizenship.

a) Democratic rule means, roughly speaking, the rule of everybody over everybody; everybody takes part in the production of collectively binding decisions. This is more demanding than it seems at first glance. To make collectively binding decisions signifies that the members of the collectivity do not only bind themselves, but at the same time they bind the others, just as much as they are bound by the others. This requires a certain amount of reciprocal trust, empathy and understanding. Although today hardly anybody is so naive as to claim that democracy “implies that in regard to particular issues citizens are in principle prepared to treat their fellow citizens’ interests as their own”²³ it is still necessary that the citizens are not so alien to each other with respect to how they experience the world in which they live physically together that they increasingly have difficulties to respect each other as equals and to accept the decisions of the others as the acts of their likes. For a long time some conceptions of society inspired by the Marxist theory claimed that in a class-divided society one common national citizenry which could make collective decisions according to the majority principle could not evolve. However valid the theory of an irreconcilable conflict between antagonistic socio-economic classes may be, it cannot be denied that also non-Marxists who were concerned about the coherence of a democratic society under conditions of class divisions advocated policies of socio-economic equalization and homogenization as a remedy against the alienation of the disadvantaged parts of the population from the democratic system. But there was only one theoretician who explicitly connected the problem of socio-economic inequality with the concept of citizenship. This was the British sociologist T. H. Marshall who in two seminal lectures given at Cambridge in 1949 under the title “Citizenship and Social Class” submitted an understanding of citizenship which reflected the modern class conflict characteristic of the advanced capitalist countries of Europe²⁴.

Marshall’s basic assumption is that citizenship is a status of equality. Referring to England, he reconstructed a historical development which started with the recognition of civil rights of the individuals (like the rights to free movement, religious freedom, or to acquire and to hold property) in the 18th century, was enlarged by political rights, notably the right to vote, in the 19th century, and was finally perfected in the 20th century with the establishment of social rights, including, among others, the right to education, health care, unemployment pay, children’s allowances and old age pen-

²³ Scharpf, F. W. (1996) Democratic Policy in Europe, *European Law Journal* 2:2, pp. 136-155 [137].

²⁴ Marshall, T. H. (1950). *Citizenship and Social Class and other essays*. Cambridge: Cambridge University Press.

sions²⁵. Each stage of this development entailed (on this account) a step towards more equality among the members of the society. Most surprising and innovative was the link between social and economic welfare with the status of citizenship. The legal measures of the past which, like the Poor Law or the diverse Factory Acts, had aimed at the protection of the poor and the workers had deprived the beneficiaries of these laws of their citizenship rights in that their dependency disqualified them as free and equal members of the society. The general feeling was „that those who accepted relief must cross the road that separated the community of citizens from the outcast company of the destitute“²⁶.

It is against that background – which in different variants can be found in many other European countries of the 19th and beginning 20th centuries as well – that we must understand Marshall’s claim that social citizenship is a reversal of this tradition and must be understood as a status which includes “the right to share to the full in the social heritage and to live a life of a civilised being according to the standards prevailing in the society”²⁷. Obviously this amounts to a thoroughly new scheme of the individuals’ participation in the society’s resources. Individuals get access to certain goods and services by virtue of their quality as citizens, i.e., as members of the polity who are respected as equals. Social citizenship must not be misunderstood as a scheme in which ‘disabled citizens’ are provided with the goods and services which the ‘able citizens’ accomplish by their own. Within the logic of *Marshall’s* concept social citizenship is not a special status for the poor and needy. Nor is it an instrument to equalize incomes in the society. Rather, the issue is equality of status which entails that the population „is now treated ... as though it were one class“²⁸.

This brings me back to the issue of democratic citizenship. Social citizenship is an institution which aims at the strengthening of the bonds of mutuality among the nationals/citizens of the state through equalization, at least through an approximation of their socio-economic statuses. It aims at bridging the class cleavage in order to set up one consistent citizenry. Since in a democratic polity citizenship is no longer an exclusive status which indicates a claim to excellence, status equality has become the virtue of democracy and of its concept of citizenship. It constitutes and reinforces the “we” of a polity which takes pride in its sense of solidarity and mutual responsibility. This is the reason why the welfare state has become an important element of national identity in many European countries. Thus we may say that social citizenship constitutes a political “we” which infuses a sense of commonness in the democratic polity where the rule of everybody over everybody gives rise to the desire to overcome the inherent alienage of the many “everybodies” in a class-divided society.

b) There is still another dimension of democratic citizenship which serves the same purpose of removing alienage among the members of the polity. This is the connection of citizenship with the legal institution of nationality. Alienage can not only be the result of social remoteness and class division – T. H. Marshall’s concern – but may, in particular in a world of intense global tourism, migration and all kinds of cross-national transactions, also originate from cultural otherness. Here we encounter the paradox that in a democratic system notwithstanding the fact that everybody is automatically presumed to be qualified to rule there remains the need for special reasons why people trust their rulers, which means: why everybody trusts everybody.

²⁵ pp. 10 ff., 46 ff.

²⁶ p. 24.

²⁷ p. 11.

²⁸ p. 58.

In a political system in which few rule over the many, it is important to know who belongs to the few, but it is entirely insignificant who belongs to the many; being a ruler implies excellence, being ruled requires no more than obedience, and in this respect all subjects are equals. In a democratic system all members of the demos qualify for taking part in the rule. Democracy is a political system in which we all are equal and excellent at the same time. This means that all, not just a few, must fulfill the above-mentioned requirement for binding others, namely to merit the trust and the feelings of reciprocity of all others who bind and are mutually bound through their collective decisions. Hence, the definition of those who belong to the demos is of great importance for the working of democracy. Before individuals are admitted to citizenship – the right to rule and to bind others – they must be admitted to the demos. Obviously it is the status of nationality which bestows this right of entry on the individuals who qualify. Who qualifies in a democracy?

Given that the demos and the status of citizenship of the modern democracy is bound to statehood, it comes as no surprise that the state's criteria of belonging apply, that is: only nationals qualify for belonging to the demos, to the group of the "everybodies" who merit to be trusted to make the right decisions over other people's lives. Nationality is a status which is bestowed on the individuals who fall within the jurisdiction of the state, according to which the individual is affiliated to this (and to no other) state and with respect to whom this state has specific rights and responsibilities. Although each state has the right to define the rules according to which an individual may acquire its nationality, there are, however, certain requirements of international law which have to be met in order to obligate a state to recognize the decision of another state to confer its nationality on an individual. In the famous *Nottebohm* case the International Court of Justice ruled in 1955, that "nationality is a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties. It may be said to constitute the juridical expression of the fact that the individual upon whom it is conferred ... is in fact more closely connected with the population of the State conferring Nationality than with that of any other State"²⁹.

It is not necessary to discuss here the *ius sanguinis* and the *ius soli*, the obvious two basic criteria and their various combinations which modern states commonly use in order to draw the boundaries between their nationals and the "others", i.e. the foreigners. What is important is that these boundaries have by no means become less important in the age of democracy. On the contrary, they have become an inherent element of the concept of democracy of most European states. After all, it is nationality which defines who belongs to the "we" of the democratic nation-state.

In the modern nation-state democracies the defining role of the "we" of the polity has been shifted from citizenship to nationality. In the framework of modern democracy citizenship has lost its character as a constituent element of the polity; it has been replaced by that of a pre-civic "we", the "we" of nationality. The particular ingredients of citizenship – the symmetric mutuality of the citizens as constituting the political community, and the sense of responsibility for the community as such – have not disappeared, but they are not necessary for the upholding of the "we" of the nation-state. The "civic we" can be superseded by a "national we" which, as we know, can easily relapse to nationalism which is explicitly anti-civic. Thus, paradoxically, whilst citizenship has finally come to its fulfillment in modern democracy, it has at the same time to suffer a decreasing political significance.

²⁹ International Court of Justice. Reports of Judgments, Advisory Opinions and Orders. *Nottebohm* Case, Second Phase, Judgment of April 6th, 1955, p. 23.

II.

This observation gives rise to the more general question of whether citizenship, once invented in ancient Greek democracy, has come to an end under the conditions of modern nation-state democracy. Can we say that its function to create special patterns of mutuality and loyalties on the basis of a status of equality has largely been accomplished in modern democratic welfare states (where they exist)? Before giving a tentative answer to this question I want to outline the different meanings of citizenship some of which we have already encountered in the sketchy exposé of its history of the last 2500 years. Since I hypothesize that citizenship has always been a crucial element of the construction of a politically relevant "we", this has the implication that it had always a polemical thrust. Political concepts are always polemical concepts, they aim at drawing boundaries and are directed against qualities which have to be excluded from the meaning of the concept. Thus it seems appropriate to explore the different meanings of citizenship in the light of their polemical quality. It is my assumption that the concept of citizenship – as political concepts in general – has lost its relevance to the degree to which its polemical character has withered away.

I suggest to distinguish the following six different dimensions of citizenship and their respective polemical thrust.

- (1) Citizenship defines an individual's attachment to a particular ruler or political power. This is the dimension of subjecthood. It draws boundaries to other states and preserves the exclusivity of the attachment to this and no other state. Its polemical meaning is directed against multiple loyalties of the individual.
- (2) Citizenship denotes a legal status according to which the relevant individuals are both empowered and protected by equal rights. This is the legal dimension of citizenship. Its polemical meaning is directed against privileges, status hierarchies and the dominance of local customs as the expression of domination of local lords.
- (3) Citizenship embodies the right (the duty, the virtue) of active participation in the political process, i.e. the capacity to rule. This is the political dimension of citizenship. It is polemically directed against any kind of dependency, i.e., of being subject to the willpower of another ruler.
- (4) Citizenship expresses the individual's belonging to a particular community which carries a sense of sharing a distinct collective identity with one's likes. This is the identity dimension of citizenship. It is directed against "others" who do not share the values, traditions and cultural habits of one's own polity.
- (5) Citizenship comprises the bundle of rights which are bestowed upon the individual in the framework of the welfare state. This is the dimension of social integration. Its polemical spearhead is directed against "others" who do not contribute to the national social product and hence cannot be the beneficiaries of solidarity.
- (6) Finally citizenship embodies the cultural meaning of a sophisticated form of life which is dedicated to the world of ideas, the art and the sciences, which is closely tied to the urban sphere of a city. This is the dimension of cultural distinction. It draws boundaries to the class of uneducated and uncivilized individuals who are unable or unwilling to share the cultural capital of the polity.

This is not the place to elaborate on these different dimensions of citizenship. For the present context it is important to realize that ideally all of them have been united in the concept of citizenship attached to the democratic nation-state. The citizens of the democratic nation state are the subjects of this state (national), they are endowed with a bundle of equal legal rights which empower them to engage in a broad range of interactions (legal status), they enjoy manifold constitutional rights to participate and to be represented in the political process (political dimension), their membership in their particular national state give them a sense of national belonging (identity), the

enjoyment of social and economic rights integrate them into a dense network of social solidarity (social integration), and finally we may say that at least in Europe the cultural ideal of citizenship [*Bildungsbuergertum*] evolved in a process which was closely connected with the political struggle of the educated and propertied middle classes for their political emancipation in the form of a nation-state (cultural distinction).

The question which we have to answer is whether those six dimensions of citizenship have preserved their polemical thrust under the present-day conditions of the democratic nation-state. I will restrict myself to few brief remarks to each of them.

(1) The states' endeavours to avoid multiple citizenship, more precisely: multiple nationalities is still there, although the urgency of this aim has considerably subsided in a world in which at least democratic states do no longer wage wars against each other, are open to cross-national marriages and family relations and frequently eager to attract foreign work force and other kinds of joint enterprises all of which entail multiple loyalties.

(2) The polemical thrust of the legal status of citizenship has of course lost its feudal and absolutist enemy; but it is not by accident that the principle of legal equality has been codified in all modern constitutions. The danger that social, economic or cultural power and inequality can be transformed into political power and privileges looms large in all human societies. Thus the idea of legal equality as the basic thrust of citizenship is still valid and of great and persisting political significance.

(3) Whether the same can be said of the political dimension of citizenship is less clear. Of course all democratic systems provide ample possibilities, including constitutional and statutory rights, for active participation of the citizens in the political process; frequently they are encouraged and even admonished to use these rights lest democracy may not be damaged. This latter observation may be interpreted as an indication that in fact democracy has lost its polemical drive because after the end of the cold war it is nowhere challenged. At the same time in many democracies one can observe widespread frustration and alienation of citizens from the democratic system. In other words, democracy is not challenged by external forces which intend to impose their willpower on the citizens and to deprive them of their political independence; it is endangered from within. It is democracy itself which puts democracy in jeopardy. Thus it seems as if the traditional polemical thrust of the political dimension of citizenship has largely faded away.

(4) The identity dimension of citizenship is perhaps the one which has most suffered from the much-debated fact that the nation-state is no longer a closed political entity with exclusive control over its territory and its inhabitants. In all advanced European nation-states considerable numbers of immigrants have been naturalized, i.e., have become citizens, and their presence, together with the visibility of the much bigger communities of their likes who for different reasons were not naturalized, but live permanently in their host country, has caused a high degree of cultural diversity. Moreover, in most European countries the sharp distinction between nationals and non-nationals in terms of their rights has strongly been levelled to the effect, that most fundamental rights, civil, economic and social rights are accorded to the permanent residents of the state irrespective of the nationality of the beneficiary. Furthermore, open borders for the unimpeded influx of ideas, images and cultural symbols from all over the world have undermined the traditional cultural homogeneity among the native populations, and what has been called the 'individualization of lifestyles' has also contributed to the fact that the citizens of the European nation-states no longer define their identity exclusively through the belonging to this (and no other) polity. It seems, rather, that the democratic character of the modern nation-state and

its sweeping inclusiveness may have caused the need for more exclusive kinds of belonging to the effect, that, while national citizenship is by no means denied or deprecated, it has largely obtained the status of being just one among a plurality of identities. With respect to the citizens of the Member States of the European Union I should mention that they are automatically citizens of the Union, a status which does not replace national citizenship but is additional to it. This adds a further diversifying and multiplying element to the patchwork of identities which has become characteristic of more and more individuals. Thus, the increase of tolerance and understanding of “others” and “otherness” has undermined the polemical thrust of national identity.

(5) Likewise the dimension of social integration has considerably been weakened in the last two decades. While even today many European states take still pride in their welfare systems as a pivotal element of their national identity, for obvious reasons they have great difficulties to maintain even the basic standards of the different welfare schemes. Due to the global mobility of production the national labour force, the main source of the revenues of the systems of social security, is under enormous strain of international competition and, given the proportion of unemployment, ever less able to feed the social security system. Hence, everywhere in Europe governments have undertaken a shift from the paradigm of social solidarity to that of self-reliance and self-responsibility. The polemical drive against “others” who do not contribute to the national social product has lost its integrative force in view of the fact that the demise of welfare state’s basic institutions is the result of the anonymous forces of what we call globalization. Occasional campaigns of the mass press against so-called ‘social parasites’ – people who ‘undeservedly’ extract benefits from the welfare system – must be seen as a familiar attempt to find scapegoats for a structural problem which lies beyond the control of the government.

(6) The dimension of citizenship with respect to cultural distinction has had a strong tradition in 19th century Germany where it somehow substituted for the political and economic weakness of the German middle classes. This dimension of citizenship had served as a kind of *ersatz* for a genuinely political identity. Still, also in Italy and France cultural distinction has always been an element of the concept of citizenship and its mission to cherish culture and to maintain civilization. While the desire or distinction has by no means disappeared in the modern mass democracy, and while even cultural distinction plays an important role at least in some European countries, there is no indication that this desire is still attached to the concept of citizenship. Culture, too, has adopted a global character; not accidentally today we speak of the cultural heritage of mankind. Whilst the particularity of the origin and the embeddedness of cultural goods in specific historical, geographical and national contexts cannot be denied, it has become unusual for modern nation-states and their citizens to define their identity through the notion of national culture as a national asset. Hence there is no longer a barricade on which citizens have to defend national culture. Where culture today poses as national culture it has largely become commercialized folklore.

To strike the balance, there is only one dimension of citizenship which has survived the predicament of the nation-state without major damages: the legal dimension. The recognition of the individual as a legal person and the protection of the law is the essential legacy of the Roman Empire which endows individuals with a basic status of security with respect to his and her societal environment. The law connects people who are strangers – and who therefore are inclined to treat each others as enemies who defy peaceful social intercourse – in that it creates the minimum of trust which allows them to engage in mutual commitments and in both long-term and long-distance transactions. This is the precondition for their confidence in the future and in the constancy of its societal parameters which in turn encourages them to de-

velop their capacities and their knowledge and to transmit it to the next and to future generations. Moreover, certainty through the law is an important incentive for people to invest their capabilities in hazardous ventures. As we know, all this is of crucial importance for what we call civilization; it is not by accident that citizenship and civilization share the same etymological roots.

III.

How can we explain the lessening of the significance of the other dimensions of citizenship? It has to do with the changing meaning of the political. This is of course a long story which cannot be told here; it may suffice to recall that the construction of a “we” which is able to engage the whole person in its deepest layers up to the point, as *Max Weber* put it, that the members of the “we” are „expected ultimately to face death in the group interest“³⁰ is no longer the predominant pattern of how people organize their lives. The “we” constituted by citizenship is a community which incorporates the full range of the moral capacities of its members. This is why the term citizen is always associated with ‘good citizen’ or ‘virtuous citizen’. Today the individuals’ moral capacity is rarely invested in one single sphere which is considered to determine the existential conditions of his or her life and which we normally call the sphere of the political. Given the multitude and variety of social spheres in which today individuals are involved in their struggles for a decent life, their needs for protection, for access to resources, and for the distribution of their moral capacities have become highly diversified. Citizenship is no longer the one single status which embodies the moral personality in his or her entirety, just as little as the modern polity monopolizes the access to the resources on which the individual is dependent for a decent living.

To be sure, there are other constructions of the “we” which are different from the “we” constituted by citizenship, the most topical being the ethno-cultural “we” of nationalism and that of religious fundamentalism. They are challenges to our civilization which have yet to be met. Given the great moral and civilizing force which the idea of citizenship has unfolded in the long history of human civilization, we should try to use it as a constituent element of our future world. This does not necessarily mean that we should seek to revitalize elements which have become obsolete. But the legal dimension which has remained vital in our present world may also be promising for the future.

It has been said again and again that the world has become a ‘global village’, which means that the inhabitants of this world have become neighbours in terms of physical proximity and mutual communicative accessibility. It does not mean, though, that we have become neighbours in cultural terms. We live in a village as strangers who do not understand each other and, out of mutual suspicion and fear, very frequently use violence against each other. It is neither possible nor desirable to aspire to metamorphose all the alien villagers to friends or neighbours who share the same world view. But it is desirable to connect them in a way which allows them to trust each other and to engage in mutual economic, social and cultural intercourse. Hence, the development of international law into a legal bond which not only binds states and international organizations but extends more and more the benefits of the law on individuals would be a desirable path of coping with the difficult problems of the ‘village of strangers’. The ultimate vision is to bestow on each and every ‘villager’ the status of a legal citizen, a kind of *Constitutio Antoniana* for the whole world, which means: for preserving and developing civilization on a global level.

³⁰ Weber, Max (1978) *Economy and Society: An Outline of Interpretive Sociology* (transl. by G. Roth and C. Wittich). Berkeley-Los Angeles-London: University of California Press, p. 903.

