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THE STATE IN THE FACE OF THE CHALLENGES OF POSTMODERN TIMES

ABSTRACT

The dynamic character of changes we are observing in the contemporary world makes us ponder on the condition of the state – one of the most firmly established institutions, which has been a central unit in the international system so far. We got used to the unquestionably dominant role of the state as the main architect and arbitrator in both internal affairs and international relations. The superior position of the state has been undermined neither by World Wars nor the global economic crisis. At present, the world order based on the system of national states, commonly known as the Westphalian system, seems to be becoming a thing of the past due to huge international transformations, the most important of which is globalization. The multi-level character of changes affects basic spheres of international cooperation and is exerting an increasing influence upon the state, which is gradually losing its omnipotent position. The article presents how the above-mentioned processes of change create new conditions of the functioning of the state and erode the foundations of its national identity: territoriality of state authority, sovereignty of the country and its generally secular character. All of them have been quite difficult to implement over the past twenty five years. As a result, the postmodern state is becoming less and less autonomous in its operations and is vulnerable to difficulties it encounters in the conditions of a turbulent environment and uncertain future. Not only the complexity of the international system, but also the fragmentation of the national society in the times of growing threats lead to the instability of traditional support usually offered to the state by a more homogenous national background. In these circumstances, the issue of the future of the national state becomes a subject of scientific research.

Keywords: national state, sovereignty, globalization, interdependence, the Westphalian system (sovereignty), international integration, multiculturalism

THIS ARTICLE DISCUSSES the main directions of changes that the state and its institutions are undergoing in the new, post-Westphalian international order. These changes affect the main attributes of statehood, making them erode and lose their unambiguity. The changes which occur as a result of increasing global interdependence mainly refer to globalization and are reflected in the generally growing differentiation and fragmentation of old structures and emerging the new ones.¹ The state as the most important component of the international system has been in the heart of these processes, which affect its territorial structure, borders and the

¹ At the turn of centuries and at the beginning of our century a number of research papers which discuss globalization from different theoretical perspectives were published. Among the most important ones are the works of authors representing different approaches, such as: the world-system theory (Immanuel Wallerstein), conceptual (Anthony Giddens), sociological (Manuel Castells), global transformations (David Held and Anthony McGrew), sceptical (Paul Hirst and Grahame Thompson), geography of global shift (Peter Dicken and Saskia Sassen), legal positivism (Thomas Friedman and Martin Wolf), reformist (Joseph Stiglitz), radical (Naomi Klein, George Monbiot), revolutionary (Michael Hardt and Antonio Negri) and cultural (Arjun Appadurai). The most representative works of the above-mentioned authors include: I. Wallerstein, C. Aguirre Rojas, Ch. Lemert, *Uncertain Worlds World-systems Analysis in Changing Times*, Boulder 2011; A. Giddens, *The Consequences of Modernity*, Stanford 1990; A. Giddens, *Runaway world: how globalization is reshaping our lives*, New York 2000; M. Castells, *The Rise of the Network Society*, Oxford 2000; M. Castells, *Globalisation, Networking, Urbanisation: Reflections on the Spatial Dynamics of the Information Age*, "Urban Studies" 2010, vol. 47, no. 13; M. Castells, *The network society: a cross-cultural perspective*, Cheltenham 2004; D. Held, A. McGrew (eds.), *Globalization Theory: approaches and controversies*, Cambridge 2007; D. Held, A. McGrew, *Globalization/anti-globalization: beyond the great divide*, Cambridge 2007; P.Q. Hirst, G. Thompson, S. Bromley, *Globalization in question*, Cambridge 2009; P. Dicken, *Global shift: mapping the changing contours of the world economy*, New York 2007; P. Dicken, *Tangled webs transnational production networks and regional integration*, Marburg 2005; S. Sassen, *Territory, authority, rights: from medieval to global assemblages*, Princeton 2006; S. Sassen, *Sociology of globalization*, New York 2007; S. Sassen, *Globalization and its discontents, [essays on the new mobility of people and money]*, New York 1998; S. Sassen, *Deciphering the global: its scales, spaces and subjects*, New York 2007; T.L. Friedman, *The world is flat: a brief history of the twenty-first century*, New York 2005; M. Wolf, *Why globalization works*, New Haven 2004; J.E. Stiglitz, *Globalization and its discontents*, New York 2002; J.E. Stiglitz, *Making globalization work*, New York 2006; N. Klein; D.A. Levy, *The front lines of the globalization debate*, New York 2002; N. Klein, *No logo*, London 2001; N. Klein, *The shock doctrine: the rise of disaster capitalism*, London 2007; G. Monbiot, *Heat: how to stop the planet burning*, London 2006; M. Hardt, A. Negri, *Empire*, Cambridge 2000; M. Hardt, A. Negri, *Multitude: war and democracy in the age of Empire*, New York 2004; M. Hardt, A. Negri, *Commonwealth*, Cambridge 2009; A. Appadurai, *Globalization*, Durham 2001.

fundamental attribute of statehood, i.e. sovereignty, which is the main principle of the state's actions both in its internal affairs and in international relations. The latter will be discussed on their three levels of global cooperation: international, transnational and supranational.

First, I am going to discuss changes which concern the principle of territoriality, which is traditionally connected with the state, and the issue of sovereignty, which is inextricably linked with it. Later, I am going to focus on changes which concern the secular character of the modern country and the phenomenon of multiculturalism.² Changes in all of these fields have been described from the perspective of political theory and then analysed from the practical point of view.

In the discussion on contemporary transformations in the era of globalization, great emphasis has been put on the role of the state, which has become the central unit and the reference point in the international order since the Westphalian system was adopted.³

A series of historic events, such as the fall of the Soviet empire, the collapse of communist governments in Eastern Europe and the consequent reunification of Germany, as well as the enlargement of NATO with countries of the former Eastern bloc, put an ultimate end to the post-Cold War international order, which meant the fall of the bipolar system and uncertain future. It turned out that uncertainty does not only concern the direction of system transformations, but also the development path of the basic unit of the international system – the national state.⁴

The national state can be described as an inherently independent territorial unit, which is governed by the principle of the nation's sovereignty, which is connected with the supremacy of government institutions in internal affairs and reflects the state's supremacy as a legal entity in foreign policy.⁵ In order to analyse the process of the erosion of the character and role of the state in the contemporary world, we need to remember that there are three underlying principles of modern statehood: territoriality, sovereignty and secularity. The emerging, new international order,

² Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, Oxford 2007.

³ A.G. McGrew, P.G. Lewis (eds.), *Global Politics: Globalisation and the Nation-State*, Cambridge 1992.

⁴ Prem Shankar Jha, *The twilight of the nation state: globalisation, chaos and war*, Ann Arbor 2006.

⁵ F. Kratochwil, *Of systems, boundaries, and territoriality: An inquiry into the formation of the state system*, "World Politics" 1986, vol. 34, pp. 27–52; S. Nahlik, *Wstęp do nauki prawa międzynarodowego*, Warszawa 1967, pp. 13–14.

the indicators of which are interdependence, globalization, integration, fragmentation and post-modernity, creates an array of challenges for countries and affects the above-mentioned main principles of statehood.

TERRITORIALITY

The principle of territoriality as the basis of the national state has been a rule since the times of the peace of Augsburg (1555), which established a *modus vivendi* between Lutherans and Catholics based on the principle “whose realm, his religion” (*cuius regio, eius religio*), which was confirmed in the Peace of Westphalia treaties.⁶ Irrespective of the fact that a lot of historians⁷ have overestimated the importance of the Westphalian Treaty, thus, also the year 1648, the resulting establishment of the modern system of sovereign national states made the principle of territoriality the key rule, on which the modern national state should be based. Peter Malanczuk emphasizes its principal importance, writing that “the control of territory is the essence of a state.”⁸

The principle of territoriality says that the mankind is naturally divided into separate territorial (and political) communities with strictly defined borders. Territoriality also means that borders and a territory play more than just an administrative role.⁹ In the functional sense, territoriality means that problems arising in a specific area can be effectively solved by authorities operating within the boundaries of a given national territory. Until recently, the modern state was not able to meet these needs and its political-legal scope of authority was far larger

⁶ A. Gotthard, *Der Augsburger Religionsfrieden*, Münster 2004. See also: J. Larkins, *From Hierarchy to Anarchy: Territory and Politics before Westphalia*, Houndmills, Basingstoke 2009

⁷ L. Gross, *The Peace of Westphalia: 1648–1948*, “The American Journal of International Law” 1948, vol. 42, no. 1; A. Osiander, *Sovereignty, International Relations, and the Westphalian Myth*, “International Organization” 2001, vol. 55, pp. 251–287; D. Croxton, *The Peace of Westphalia of 1648 and the origins of sovereignty*, “International History Review” 1999, vol. 21, pp. 569–591. The revisionist approach to commonly accepted judgements was presented in an interesting work of B. Teschke, *The myth of 1648: class, geopolitics, and the making of modern international relations*, London 2003.

⁸ P. Malanczuk, *Akehurst’s Modern Introduction to International Law*, 7th rev. ed., London–New York 1997, p. 75.

⁹ H. Lacher, *Beyond globalization: capitalism, territoriality and the international relations of modernity*, London 2006; J. Baylis, S. Smith, *The Globalization of World Politics. An Introduction to International Relations*, New York 2001, p. 31.

than the range of social influence of people and groups within the area of its jurisdiction.¹⁰

In theory, we distinguish two basic elements in the principle of territoriality: a general political problem, concerning the territorial scope (as a subject of policy conducted in order to effectively control a society) and a specific problem, which concerns the optimal territorial scope to ensure the proper functioning of democracy.

The principle of territoriality on the ground of political philosophy was deeply analysed by J.J. Rousseau, who tried to define the conditions necessary for direct democracy forms to function.

These conditions are closely linked with political rules, which indirectly concern the issue of territoriality. Rousseau was looking for a way of preventing citizens' economic activity from crossing the political (territorial) borders of their national community, which could lead to the loss of political control over economy.¹¹ Political authorities kept economy within the boundaries of a local community (political unit) in order to fully control it.¹²

The principle of territoriality as a political rule was expected to help the state not only supervise the economic activity of its citizens, but also guarantee its control over the field of internal and external security. It seems possible for the state, despite some difficulties, to exercise general control over citizens, at least in theory, and it is implemented up from the local level. However, it cannot be applied

¹⁰ J. Agnew, *Sovereignty Regimes: Territoriality and State Authority in Contemporary World Politics*, "Annals of the Association of American Geographers" 2005, vol. 95, no. 2 pp. 437–461.

¹¹ History does not provide evidence that methods of exercising political control over economy corresponded to Rousseau's ideas in reality. Even in the glory days of the national state, entrepreneurial activities, especially those undertaken by individual citizens, had to go beyond political borders of countries. Nevertheless, the traditional state traditionally established laws and possessed the instruments of control reaching beyond national borders as it scrutinized the entrepreneurial activity of its citizens using the appropriate protective measures (e.g. the control of money flow and exports).

¹² J.J. Rousseau, *A Discourse on Inequality*, London, 1984. This principle` the practical application of which Rousseau could observe on the example of the functioning of the city-state of Geneva, allowed using direct democracy – democracy defined as the way a society lives. In the introduction to *Discours sur l'origine et les fondements de l'inégalité parmi les hommes* Maurice William Cranston writes that Geneva, which was inhabited by 25 000 people at the time, only 1000 out of 5000 of adult men were numbered among the group that J.J. Rousseau was so proud of.

to external (international) relations to the same degree,¹³ as the state is not able to fully control the situation and dictate conditions in the global arena.

The control of external relations exercised by the state concerns, first of all, the issues of war and peace. In the past, it used to be reflected in thinking that all external dangers come down to threatening the inviolability of national borders. In order to be ready to defend against acts of aggression, countries formed their own armed forces.

Despite the still binding principle of territoriality, globalization results in a new kind of geographical systems relating to political organization and governance, the scope of which exceeds national territories and their borders.

Against this background, the erosion of the territorial foundations of statehood becomes evident, both in respect of law, politics and economy, and as regards ecology, which poses a serious challenge for the state. Wars between countries are no longer the main source of threat. So far, however, traditional instruments of solving international conflicts have not been replaced with any peaceful regime of international security on a global scale.¹⁴ The system of collective security turned out to be imperfect and new international problems resulting from decolonization and the new division of the world lead to internal conflicts, which are not only quite unlikely to be solved quickly, but also jeopardise stability and international peace. Combined with an often tragic fate of the civilian population, they require external intervention, some aspects of which may in turn raise doubts from the perspective of international law. On the other hand, we may observe the growing phenomenon of the “privatization” in the field of the “authorized use of violence,” which was a monopoly of state authority until recently. Private armies, organized like corporations, offer their services to countries which have a mission’s mandate to restore peace in the post-war regions. The phenomenon of collapsed countries

¹³ This control mainly concerns the problem of criminal behaviour of citizens. The state is generally able to guarantee that criminal deeds will be dealt with by national police forces. As far as this form of scrutiny is concerned, if it is effective, crime may be limited to minor offences.

¹⁴ The notion of international regimes is used here in the meaning commonly accepted in the world international relations literature. They are sets of “implicit and explicit principles, norms, rules and decision making procedures around which actors’ expectations converge in a given area of international relations. Regimes are bound by four fundamental elements, which are principles, norms, rules and decision making procedures. These elements are essential to the existence of the regimes and are the necessary elements for the formation of regimes. They manage interactions of different countries and non-state actors in the areas such as the natural environment or human rights.” J. Baylis, S. Smith, *The Globalization of World Politics. An Introduction to International Relations*, New York 2001, p. 970.

is difficult to solve. International law does not provide for any solutions which could lead to the recolonization or seizing the area of a collapsed country within the framework of the mandate policy. Civil wars in the Third World and international terrorism provide a lot of examples of the participation of non-state military forces. Thus, it seems justifiable to conclude that the contemporary state has lost a monopoly on the authorized use of violence.

Traditional instruments of national security policy, which aim at fighting acts of violence and undertaking preventive measures within national borders, consisting in the deployment of troops in threatened regions, have proved to be insufficient today. However, if such deployment occurs, like, for example, in Kosovo in 2001 or in Afghanistan (after the September 11 attacks), the situation forces a significant change in the approach to the mission, both in terms of politics, and with regard to a military strategy.

Another problem is international crime, which involves trafficking in drugs, women and arms. At present, instead of helping to fight organized crime, territorial borders of countries are not a real obstacle because of their "openness."

An accumulating wave of environmental threats, often impossible to handle and monitor, is becoming one of the most important challenges for the territorial state today. Carried by air currents, pollution spreads easily across borders and covers vast spaces, creating a new kind of threat to countries, which cannot protect their territories. Memorable examples include a radioactive cloud floating in the sky after the Chernobyl disaster and a similar cloud which appeared after the Fukushima nuclear plant failure caused by an earthquake.

Paradoxically, what may also affect the territorial foundations of the national state is the development in the field of science and technology. The Internet and the information revolution have cast doubt on all forms of state borders. After all, the virtual world of flowing information does not need any separated physical area. Borders in the traditional meaning of this word have no practical importance here; moreover, they are impossible to delineate. The new, virtual space created thanks to the Internet, affects the global economy and makes it possible to effectively circumvent traditional forms of scrutiny routinely exercised by national police units for combating business crime.

The real-time data and information exchange causes that speculations in the international financial market may lead to serious political problems. Numerous money transfers made by private participants of the international business exchange in order to make profits, reach such a high level that governments must intervene in order to defend their national currency and the economic position of their

country. Attacks on national currencies, such as the one “legally” launched on the pound sterling by George Soros in 1992, revealed a new danger awaiting the national state.¹⁵ It turned out that in some circumstances, a liberal formula of the global free market may be dangerous for the state the currency or economy of which creates an opportunity for speculative games on an international scale.

The experience of the last few years has shown that speculative currency operations carried out by great private tycoons in the international financial markets¹⁶ may even lead to a slump of the whole national finance systems, as it was the case to a certain degree during the 1997 Asian financial crisis.¹⁷ Rare border controls, which are still carried out in the conditions of the traditional trade exchange, do not fulfil its scrutiny functions in the case of most international transactions and that is why they seem to be a relic of a bygone age.

New problems and phenomena of a transnational character are becoming more and more difficult to solve for the countries which encounter them. It is not surprising as they are new issues and the state has not been able to develop appropriate precautionary measures yet. Some of them, such as international terrorism or large-scale international organized crime, require the application of emergency measures, which often stand in contradiction to established principles of a democratic state.¹⁸

Not only security, but also democracy necessitates solving problems of territoriality. Admittedly, these problems do not concern the theoretical essence of democracy raised by Rousseau to the same degree. They only appear in one context: expressed in the question what must be done so that political control would also be democratic.¹⁹

Irrespective of new international phenomena, the question remains how big a country should be, considering the requirements of a democratic system and the possibility of maintaining it, and bearing in mind that on the competence level

¹⁵ Y-W. Cheung, D. Friedman, *Speculative attacks: A laboratory study in continuous time*, “Journal of International Money and Finance” 2009, vol. 28, iss. 6, pp. 1064–1082.

¹⁶ M. Obstfeld, K. Rogoff, *The Mirage of Fixed Exchange Rates*, “The Journal of Economic Perspectives” 1995, vol. 9, no. 4, pp. 73–96.

¹⁷ A. Prakash, *The East Asian crisis and the globalization discourse*, “Review of International Political Economy” 2001, vol. 8, no. 1, pp. 119–46.

¹⁸ Even the issue of collecting and storing biometric data by authorized state institutions is subject to debate and criticism from the defenders of traditional democratic principles.

¹⁹ As it was mentioned above, historical experience indicates some departures from the principle of direct democracy advocated by Rousseau. It was practically applicable only in some small countries, such as Switzerland.

democracy does not involve the transparency of political processes. It does not entail readiness to stand up for someone and does not mean the acceptance of a common political fate. In pragmatic sense, it does not go hand in hand with the possibility of carrying out one's interest through participation. It must also be mentioned that the "territorial borders" of democracy are commonly believed to have a much wider scope than those defined by the national state, although they should be generally smaller than those "defined" by globalization.²⁰

The thing is that a territory under the political authority cannot be too small as the political control of social problems becomes pointless then. On the other hand, it cannot be too large as it may lead to the paralysis of democracy. The plan of the political integration of the European continent may serve as a case study here.²¹ The problem is that we do not know to what degree Europe, more specifically, the European Union (as a political project), will require the imposition of controversial mechanisms of political scrutiny, and to what degree it will embody direct democracy (so far as it is possible).

The first doubt that comes to mind is whether the European Union will be able to exercise real political control. The answer may be generally positive as the ability to exercise political control is first of all dependent on the applicability of regulatory principles in a bureaucratic mode.²² The *acquis communautaire* itself, composed of approximately 900,000 pages of legislation, legal acts and court decisions, includes regulations which imply that at least in this field there is no concern about the lack of the applicability of a bureaucratic apparatus.²³

²⁰ D. Held, *Democracy, the nation-state and the global system*, "Economy and Society" 1991, vol. 20, iss. 2 pp. 138–172.

²¹ C. Joerges, N. Walker, *Europa ein Großraum?; Putting the European house in order*, "EUI working papers in law" 2002, no. 2. See also: S. Konopacki, *Integracja Europy w dobie postmodernizmu*, Poznań 1998, pp. 116–121 and J. Zielonka, *Europa jako imperium. Nowe spojrzenie na Unię Europejską*, Warszawa 2007.

²² G. Majone, *The European Community as a Regulatory State*, [in:] *Academy of European Law* (ed.), *Collected Courses of the Academy of European Law*, vol. V, book 1, 1996, pp. 321–419.

²³ When a country joins the European Union, the existing body of European Union law, composed of about 900 thousand pages of treaties and laws adopted up to the given country's accession to the EU, has to be translated into this country's language. It is the government of this country which is responsible for this task, and the Community institutions are responsible for the completion and publication of translated texts in a special issue of the Official Journal of the European Union. See: *Translation in the Commission: where we stand two years after Enlargement*, MEMO 106/173, Brussels, 27.04.2006, Europa, Press releases RAPID.

Another problem is whether the European Union will be able to fully implement democratic principles. Strictly speaking, can we realistically expect that the need for transparency in decision-making processes will be fulfilled, not only in the activities of government bureaucracy, but also in a broadly defined public sphere? The problem about the Europeans' identity is that there are attempts at producing a conviction about a common fate of the European Union as a political creation. This conviction may be of fundamental importance for the development of Europe's security and common defence policy. From the practical point of view, it may be difficult to persuade people from very far apart, geographically and culturally, regions to jointly defend not only themselves, but also the whole community.

The question also arises as to whether the European Union will be able to ensure such conditions of political participation that would allow members of one national society to influence the public opinion in their country – in other words, so that they could make full use of their political rights and have a sense of being an inseparable part of the *European society*. It is difficult to find solutions to all the above-mentioned problems, which makes us conclude that the territory occupied by the united Europe is much too “vast” (beyond its capabilities).

To sum up, the development of information and communication technology as well as the emergence of new transborder and supranational phenomena, such as the pollution and degradation of the natural environment, the creeping globalization of financial markets, the growing power of multinational corporations, which are becoming increasingly independent from states, as well as the development of international trade, cause that, on the one hand, the territorially defined possibilities of the national state are shrinking and, on the other hand, the problems it needs to solve are increasing.

SOVEREIGNTY

In the context of international relations, the concept of sovereignty refers to the state's independence from external influences and having supreme authority within its territory.²⁴

²⁴ S. Nahlik, *Wstęp do nauki prawa międzynarodowego*, Warszawa, 1967, pp. 13–14. In a more general meaning “sovereignty is the condition of a state being free from any higher authority. The state has supreme authority domestically and independence internationally. A sovereign state has a sovereign supreme ruler to protect or to guard that sovereign state.” J. Baylis, S. Smith, *The Globalization of World Politics. An Introduction to International Relations*, New York 2001, p. 972.

Like in the case of territoriality, the application of the principle of sovereignty brings a lot of problems today. National sovereignty in its classical form is subject to relativization as new non-state and para-state political structures appear. On the one hand (like in Europe), we are witnesses to the emergence of transnational regimes (supranational systems of authority, which operate above national governments); and on the other hand (on a global scale), international regimes are growing in importance. The latter may operate regardless of a country and its help, without the need for cooperating with it, which means, in practice, that they may exercise authority on their own, without governments and state institutions.²⁵

Irrespective of the above-mentioned structures, which weaken sovereignty, we observe some important processes of political differentiation of the main participants of international life, which pose a challenge for the dominant role of state entities, which has been unquestionable so far. As a result, a strong link between politics and the state has become difficult to maintain.²⁶

Such a deep change needs referring to history in order to be better understood. Until recently, the process of the concentration of state authority was evident. Its first stage was the establishment of the national state; and then, as the concentration of power grew, the imperial state emerged. Finally, the bipolar bloc system, which left its mark on the international relations of the Cold War era, developed.²⁷

In turn, newly emerged countries, which have just joined the international game, implement only partial solutions to the most urgent problems, which are more and more often of a global nature. This is coupled with the awareness of the need for establishing international regimes, which in turn entails the acceptance of the presence of non-state, “private” actors on the international scene, which include some well-known international organizations and multinational corporations.²⁸

²⁵ J.H. Jackson, *Sovereignty-Modern: A New Approach to an Outdated Concept*, “The American Journal of International Law” 2003, vol. 97, no. 4, pp. 782–802; T.L. Ilgen (ed.), *Reconfigured sovereignty: Multi-layered governance in the global age*, Aldershot 2003.

²⁶ J.A. Camilleri, Jim Falk (eds.), *The end of sovereignty? The politics of a shrinking and fragmenting world*, Aldershot 1992; J.A. Agnew, *Globalization and sovereignty*, Lanham 2009.

²⁷ Now that the competition between two blocs constituting the bipolar Cold War system has come to an end, we observe the developing process of the decentralization of power. Large political entities, such as the Soviet Union and Yugoslavia, have collapsed and some new movements towards the right of nations to self-determination have led to an unexpected growth in the number of new countries in the international arena; unprecedented since the times of colonization.

²⁸ D. Held, A. McGrew, D. Goldblatt, J. Perraton, *Introduction*, [in:] *Global Transformations*, D. Held, A. McGrew, D. Goldblatt, J. Perraton (eds.), Cambridge 1999, pp. 2–30. See also: E. Brahman, *New Threats and New Actors in International Security*, Basingstoke 2005.

If this trend continues, the identity of the sovereign national state may be replaced by making it a part of transnational structures and, additionally, the relations based on the principles of public-private partnership will emerge and become common. However, as a result of serious system disorders, such as the current financial crisis accompanied by the growing debt of countries or a wave of revolutionary unrest in North Africa and the Middle East, which result in recession in national economies, the above-mentioned trend may be reversed. In the times of growing uncertainty and turbulence, the state as the most proven form of organization may again gain importance. In order to understand current problems with sovereignty, we need to refer to traditional political philosophy. It was already at the beginning of the modern era that Thomas Hobbes uttered his famous statement which has found its permanent place in the history of ideas: "It is not wisdom but authority that makes a law."²⁹ The authority becomes authority in the full sense of this word when it is able to make and implement decisions in the conditions of no competition in this field.³⁰ The authority in the modern state was superior to any other social, political or economic institutions out of necessity. It had to, as it was accurately expressed by Max Weber, to have exclusive rights in the field of the "monopoly on violence."³¹ In internal relations, it was the police that was authorized to use violence, whereas in external relations, it was the military forces that could use it.

Bourgeois revolutions brought a new order, which resulted in the need for redefining the idea of sovereignty. In the bourgeois system, the sovereign royal power was replaced with the nation's sovereignty. The change of the definition resulted in the change of the subject of sovereignty, but it did not change its foundation – reflected in the idea that it is the national state that has the ultimate and absolute right to implement the decisions it has made.

In the present situation, which has developed under the influence of globalization processes and other associated phenomena in the postmodern world, claims that result from their right to make final decisions inevitably become subject to relativization. For ages, it has been the state's unquestionable prerogative to make sovereign decisions about making war or peace. Thanks to the dissemination of this prerogative, mutual relations among sovereign countries have been institu-

²⁹ T. Hobbes, *Leviathan or The Matter, Forme and Power of a Common Wealth Ecclesiasticall and Civil*, London 1651, p. XXVI.

³⁰ *Ibidem*.

³¹ M. Weber, *Politik als Beruf*, München–Leipzig 1919.

tionalized, either in the form of the system of the balance of powers or the system of collective security.

The principle of national sovereignty was significantly limited soon after 1945. It is evident on three levels of relations: international, transnational and supranational ones.

International relations

The international character of relations causes a wide array of problems, the most important of which concern the issues of war and peace. The original doctrine did not stipulate any reduction of sovereignty, letting states decide on their own. After all, war was a traditional way of demanding compensation for one's harm, even if it was only imaginary. The principle that a war has to be justifiable and be waged according to certain rules, which was already known in ancient times, went into oblivion. It only revived during religious wars and in the 16th century it contributed to the emergence of a new science – international law – which in this original form was limited to the law of war. The Grotian principle of the law of nations included a set of rules, against which to decide whether a war is just or not, how to wage it and how to make peace and fulfil its conditions. However, in practice, it does not restrict the principle of sovereignty.

Except for the efforts aimed at the establishment of a peaceful system of settling international disputes or the League of Nation's attempt of building a system of collective security, the first real constraint on national security was the adoption of the Charter of United Nations in May 1945. At the prescriptive level, the provisions of the Charter guarantee full sovereignty of state authorities as regards starting a war or the use of force (Article 51 of the UN Charter). In the technical sense, a country may waive this right only out of its own will, i.e. without formally violating the principle of the state's sovereignty.

Nevertheless, especially in relation to Chapter VII of the UN Charter, which says about the possibility of taking joint measures, the prohibition of the use of force acquires significance as it limits the sovereign authority of countries. The case of the Persian Gulf War of 1991 was characteristic in this respect.³² Later international

³² A. Hurrell, P. Hirst, *Politics – War and Power in the 21 st Century*, "Times Literary Supplement" 2003, no. 5216; D. Cooper, *War, Aggression and Self-Defence*, "Commonwealth law bulletin" 2006, vol. 32, iss. 4, pp. 741–743. For more details see: Y. Dinstein, *War, Aggression and Self-Defence*,

interventions undertaken during the civil war in former Yugoslavia, in Afghanistan and Iraq revealed difficulties in acknowledging them as being in full accordance with the letter of the law. The need for a humanitarian intervention and peace missions in the areas which were destabilized by civil wars and international terrorism showed how difficult it was in practice to reconcile the parallel use of the principle of national sovereignty and a humanitarian intervention.

Transnationalism

Transnational relations, which lead to interdependencies, are changing the nature of international relations to an increasing degree. The following two types of the relativization of the principle of national sovereignty have no specific historical connotations, but they result from the gradual evolution of the modern international society.

The first of them is connected with the growing importance of transnational participants of international business relations. Global entrepreneurs and traders are becoming more and more independent from national economies and business policies of countries as the modern state is often unable to precisely define the political framework for its economic activity. In this situation global business partners dictate their own, basic rules of conduct to countries. They are able to negotiate favourable conditions of business in the national territory, because the national state cannot afford to not be involved in global affairs and allow the reduction of its manufacturing potential.³³

The other kind of relativization is connected with the activity of transnational organizations, also known as non-government organizations, which are often competitive to the state. This activity shows how much the political viewpoint is changing as the issues of national territories and state borders have been pushed into the background.³⁴

Cambridge 2005. See also: W. Czapliński, *Odpowiedzialność za naruszenie prawa międzynarodowego w związku z konfliktem zbrojnym*, Warszawa 2009.

³³ S. Cohen, *Les États et les 'nouveaux acteurs'*, "Politique internationale" 2005, no. 107.

³⁴ T. Risse-Kapen, *Bringing Transnational Relations Back*, [in:] *Non-State Actors, Domestic Structures and International Institutions*, Cambridge 1995: 5. The evidence of the weakening authority of states is provided by the fact that well-known non-government organizations, such as Greenpeace or Amnesty International, which used to take the national governments' opinions into account, now ignore them – their campaigns and protests often harm the issues of national sovereignty. See:

Globalization equated with progress makes us aware that it leads to the development of the whole mankind. In other words, it allows us to put ourselves in other people's shoes and have a sense of human solidarity. It is worth quoting Kant here. He said that the "community of the peoples of the earth has developed so far that a violation of rights in one place is felt throughout the world."³⁵ These words, uttered over 200 years ago, have lost none of their relevance. It is true that today a violation of human rights in any part of the world attracts everyone's attention and may arouse a feeling of political responsibility.

What is characteristic of the political activity of international non-government organizations is the fact that they indirectly question the state's exclusive right to sovereignty, i.e. the exclusive right to make decisions preceding action (without the participation of other political entities which compete in the issues of authority). Wherever problems resulting from a violation of human rights or humanitarian disasters arise – as well as problems related to the pollution of the natural environment, natural disasters, starvation, genocide or mass migrations – they draw a strong response from local non-government organizations, which use their right to political participation. National states have to tolerate initiatives of these organizations and try to reach an agreement with them in order to establish rules of cooperation.³⁶

Supranationality

The third direction of changes which harm the national state's sovereignty is the emergence of supranational structures, which first developed in Europe. Their member states agree to delegate some of their authority to a lower management level, giving more power to local governments and individual members of a society, and in the same way transfer some of their sovereignty to a higher level, ceding it to the European Union institutions.

P. Wapner, *Politics Beyond the State: Environmental Activism and World Civic Politics*, "World Politics" 1993, vol. 47, no. 3, pp. 311–40.

³⁵ J. Moore, *Kant's ethical community*, "The Journal of Value Inquiry" 1992, vol. 26, pp. 51–71.

³⁶ In the military field, such cooperation between civilian and military authorities – "CIMIC" (Civil-Military Cooperation) has become a model for the state's supervision over military operations. S.P. Huntington, *Reforming Civil-Military Relations*, "Journal of Democracy" 1995, vol. 6, no. 4, pp. 9–17; L. Jenkins, *A CIMIC Contribution to Assessing Progress in Peace Support Operations*, "International Peacekeeping" 2003, vol. 10, iss. 3, pp. 121–36.

It must be remembered here that the European Union is in fact a traditional intergovernmental agreement based on international law (at least in the part concerning the Council of the European Union and the European Council). Moreover, considering the status of the European Commission, the Union is a highly developed supranational organization, whose *acquis communautaire* takes priority over national legislation.³⁷ The “supranational” mode of gradually reducing national sovereignty and replacing it with quite an enigmatic category of shared sovereignty has far-reaching implications, irrespective of the fact that it is difficult for national states to accept a loss of their sovereignty.³⁸

THE SECULAR CHARACTER OF THE STATE

At present, the vast majority of countries are in fact secular. The religious wars of the 17th century clearly revealed the limitations of religion as the basis for the establishment of political communities. State organization generally evolved towards the separation of the religious sphere and that of public policy.³⁹ As the state became more secular, it no longer drew its legitimacy from religious or transcendental sources.⁴⁰ Moreover, as soon as the dualistic, medieval idea of *Corpus christianum*⁴¹ became a thing of the past, it was possible to talk about the state in the strict sense of this word – the secular and church leadership of the political commonwealth. It does not mean, however, that the secular political commonwealth, presently known as the “state,” does not have its own problems. From the very beginning, the formula of a secular state had an effect on the way it functioned. It is connected with the notion of the reason of state (*raison d'état*).

³⁷ W. Sandholtz, A. Stone Sweet, *Integration, Supranational Governance, and the Institutionalization of the European Polity*, [in:] *European Integration and Supranational Governance*, W. Sandholtz, A. Stone Sweet (eds.), Oxford 2004; A. Menon, S. Weatherill, *Democratic politics in a Globalising World: Supranationalism and legitimacy in the European Union*, “LSE Law, Society and Economy Working Papers” 2007, no. 13.

³⁸ J. Agnew, *Territory and political identity in Europe*, [in:] *Europe without borders: remapping territory, citizenship, and identity in a transnational age*, M. Berezin, M. Schain (eds.), Baltimore 2003, pp. 219–242.

³⁹ P. Hamburger, *Separation of Church and State*, New Haven 2002.

⁴⁰ The above considerations do not refer to the characteristics of confessional states, which today are located in the cultures that are different from the Western one.

⁴¹ J.A. Jr. Wood, *Christianity and the State*, “Journal of the American Academy of Religion” 1967, vol. XXXV(3), pp. 257–270. See also: J.E. Wood, *Church and State in Historical Perspective: A Critical Assessment and Annotated Bibliography*, Westport 2005.

Another important feature of the secular state is the issue of its legitimacy, thanks to which we find out what being guided by the interest of the state really means and what makes people follow state norms and be driven by the “reason of state?”

In this context, secularity means that, as religious aspects of life vanish, the original sense of politics crystallizes. The modern definition of the reason of state was formulated by Niccolò Machiavelli, whereas Frederick the Great, the King of Prussia, must be considered its chief promoter.⁴²

Tolerance introduced by Prussia was based on an indifferent attitude towards the issues of a language, customs and religion. However, the state was far from being tolerant as regards its requirements concerning sovereignty and national security.

Machiavelli's *The Prince* became a symbol of the new approach towards political reality. From then on, the state was defined as the one acting on the basis of the reason of state – Machiavelli described it as a part of the secular world view regarding history and a political system.⁴³ A political system, “free” from the influence of Divine Providence, was not intended to protect anything but itself. That is why

Machiavelli conceived the idea of the “reason of state,” which was to become an imperative for the country – the duty to protect it at all costs. According to this, all moral or legal norms functioning within the framework of a political system are effective as long as they are able to protect the state, both in internal and foreign affairs.

The secular character of the modern state and an increasingly racially mixed society, which is becoming less homogenous (and more multi-ethnic), causes that the acceptance of nationalism as the functional ideological foundation of the state seems rather a doubtful remedy. Waves of migration, which are triggered off by many factors and are heterogeneous by nature, bring newcomers from

⁴² In one of historical works, we find an accurate description of the Prussian state as a “rational state,” rather than a “national state.” In reality, in Prussia the principle of rationality was considered to be the superior principle in ruling the country. Each royal subject could think, say and write whatever he wanted on the condition that it did not harm the “reason of state.” See: S. Haffner, *The rise and fall of Prussia*, London, 1980 and C. M. Clark, *Iron kingdom: the rise and downfall of Prussia, 1600–1947*, Cambridge 2006.

⁴³ The traditional view of history was marked by the idea of Divine Providence, according to which “all things are subject to divine providence, not only in general, but even in their own individual selves.” (*Dei providentia mundus administratur, idemque consulit rebus humanis non solum universis, verum etiam singulis*).

abroad, who form a new category of dwellers, who need to become integrated within the society.

This problem draws attention to the mechanisms which should be used by the secular state in order to meet the needs of newcomers and other foreigners. In an increasingly more diverse (racially, ethnically and culturally) society, assimilation, which was traditionally preferred by the advocates of national ideology as the best method of integration, cannot be adopted as the only real solution. It must be noted that the problem of integrating immigrants, who come from such a wide variety of cultures, gives rise to a lot of difficulties. When trying to tackle the new challenges that the modern state faces, one must remember about the significance of long-established ideas, which have shaped our notions and expectations about the national state. The state which so far has been the main actor in international relations and the basic point of reference to international law.

If the state of the globalization era seems to be losing its established prerogatives, which result from traditional constitutional principles: territoriality, sovereignty and secularity, one should ponder about the causes of such a situation. The key to understanding the state's problems in the contemporary age seems to be multiculturalism in internal policy as it undoubtedly reflects current global transformations. The state is losing its monolithic character, not only because of growing interdependence in international relations, but also because its society is becoming less homogeneous and is undergoing fragmentation. As a result of widespread migrations for economic reasons and waves of political refugees looking for an asylum, national societies are disintegrating, becoming more and more differentiated in terms of race, world view and culture. They are creating a characteristic ethnic melting pot, in which new identities may be blended. This problem cannot be solved through the policy of assimilation, which used to be preferred by the state, because circumstances have changed and, regardless of the weakening of state-building ideas, there is a need for adapting to changes brought about by globalization. Societies, which formally live within state borders, irrespective of the growing disintegration, are generally becoming more and more heterogeneous, open and cosmopolitan by nature.

The usefulness of national ideology for solving contemporary problems of the identity of societies and their cohesion seems limited to the old formula of assimilation, which in the new circumstances may become a source of conflict rather than a positive factor which shapes social cohesion. As the more democratic idea of the civil society is more universal by nature, despite its limitations caused by differences in the development of social culture, may play an important role in

the unification of a society, but this is likely to happen in unspecified future. The idea of the secular state also encounters new barriers in many parts of the world because of the renaissance of religion, which appeals to growing masses of immigrants. In these circumstances, the idea of multiculturalism seems to be worth discussing in the context of the above-mentioned problems.

MULTICULTURALISM

At the beginning of the 21st century, the mutual link between the secular “reason of state” and the secular nationalism seemed less obvious than in the past and sometimes it is even questioned. The key problem in the conditions of newly formed national commonwealths is the multiculturalism of societies inhabiting the same state territory. In empirical and social categories, multiculturalism involves lack of the homogenous cultural model, which could become the foundation of statehood. In all countries of Europe, long-established national cultures are being continuously enriched and complemented. Refugees and migrations, as well as the internationalization of the labour market, trigger off cultural differentiation in Europe to an unprecedented degree.

What also plays an important role is the fact that more and more indigenous Europeans are deriving pleasure from discovering the Far East spiritual and medical observances. It all leads to interactions of alternatively treated cultural functions, which significantly hampers or even cripples their representative overview.

In the field of politics, multiculturalism involves different social groups’ requests concerning the need for keeping their collective identities. They demand that their particular group identity be publicly recognized through wearing special clothes, celebrating different festivals, using characteristic definitions of gender roles in the practice of social life, introducing specific church architecture or religious rituals, etc.⁴⁴

What is becoming a problem today is the question how to transform the traditional national state so that it will fulfil its integrative function in the conditions of multiculturalism. At present, we observe the tendency to replace national cultures

⁴⁴ W. Kymlicka, *Multicultural odysseys: navigating the new international politics of diversity*, Oxford 2007.

by environmental cultures (such as the culture of fundamentalist environments, traditionalist culture or modernistic culture).

Under the influence of such processes as globalization or internationalization, it is becoming evident that the dividing lines which delineate external borders of social-cultural environments have begun to blur. Unlike geographical borders, they are almost always very easy to cross.⁴⁵ We often find it difficult to talk about the European culture, whereas globalized environmental cultures are becoming increasingly common. What is more, environmental cultures tend to form mutually exclusive borders, both in the national and global contexts. Thus, the question arises as to whether the country is able to offer any level of normative integration, which, in the face of such differences, may be always found doubtful.

The question remains whether the postmodern reality and the conditions it has determined is tantamount to the emergence of post-national conditions. It is true that postmodernism seems to be setting the direction of changes today. However, the current state of play and the freshness of experience do not make it possible to authoritatively predict the future shape and scope of the postmodernist transformation of the state.

FINAL CONCLUSIONS

In the light of the above considerations it must be said that the changing role of the state in internal relations and its position in the international arena are part of the wider process of change, in which the influence of powerful factors of global transformations becomes visible. These changes are of a multiple character and are a series of events of a historical, political, economic, social and cultural nature. Processes of interdependence, integration, globalization and fragmentation significantly influence not only the traditional institutions of state organization, but also affect the sphere of notions and political philosophy which have shaped the modern state. As regards the monolithic character of the state and its extremely dominant position on the global scene, it must be emphasized that changes in the international environment and the associated problems disorganize and weaken the state unit, which has new competitors in the form of international non-government

⁴⁵ R. Schipper, *Book Review: Thomas Meyer, "Identity Mania: Fundamentalism and the Politicization of Cultural Differences"* (London–New York 2001), "Millennium – Journal of International Studies" 2003, vol. 32, pp. 145–147.

and private organizations as well as giant multinational corporations. Some of those huge companies have wealth which often exceeds the assets of small or developing countries, not mentioning bankrupt states. The factors which determine the state's new position in the international system are also of an intangible character. They are associated with the new, post-Westphalian vision of the world order, in which countries are no longer the only constituents of the global system and have to share authority and influence with international organizations and multinational corporations. The new type of international relations, which have changed under the influence of technological innovation and new political ideas, represents a fresh environment, in which the distribution of roles and competences in maintaining the world order as well as the division of responsibility have not yet been established. Although the changes affecting the postmodern state are comprehensive, they become more evident when we view them from the perspective of the three main principles of state organization: territoriality, sovereignty and secularity. Countries in the contemporary, post-Westphalian world face the need for re-evaluating their fundamental ideas, such as sovereignty, the reason of state or the national interest. The state also has to establish the rules of their participation in the polycentric world, in which they still play a stabilizing role. They bear greater responsibility, coupled with the need for cooperation with other participants of international relations, which will be based on partnership rather than dominance.