

POLITICAL BOUNDEDNESS AND THE ROLE OF CARTOGRAPHY

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Abstract

I will question the legitimacy of borders via its underlying premise: the supposedly natural boundedness of communities. Two avenues are usually used to show the legitimacy and necessity of borders: either as a way to protect and preserve the conception of the good and the values of an already existing bounded community; or as a way to create a democratic polity, the limits of which are required to uphold the rights of citizens. Either way, what is presupposed is that communities are and/or should be bounded. I will argue that the arguments in favour of political boundedness do not hold up to scrutiny, least of all in the form of territorial borders. This will lead me to a discussion on the precedence of the graphic gesture of drawing the line, and hence on the violence of boundary-making.

Keywords: Boundaries, space, nation, state, cartography, line

Borders are frontier lines which demarcate two nation states. As such, they rely on two main premises: that political communities are and should be bounded, and that this boundedness requires a manifest and visible delineation on the ground. It means in effect that the form of the modern nation-state has been seen as the ideal solution to the political problem of boundedness: linearly demarcated territories, which express and make visible a political reality, that of national communities which want or need to separate. In other words, the issue of boundaries is inseparably political

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and spatial, but it is viewed as spatial only as a consequence of the political: we tend to view boundaries as a necessary consequence, a subsequent corollary, of the need for political boundedness.

I will argue that it all actually happened the other way around: we decided on a spatial demarcation, then invented the political arguments that were required to shore it up. What mattered was to create lines; *ex post*, we then made something - a people, a *demos*, a nation - out of what or who was inside. My point is not just historical (the boundaries came first, then the creation and elevation of the nation). What was at stake, fundamentally, was a changing theory of vision, a changing conception of space, which then led to a reconceptualization of the polity, and in turn, to the need for political separation. Political boundedness is, I hold, fundamentally a parallogism.

I will first show that the arguments for political boundedness are unconvincing; then how our concept of space, and the necessity of lines and boundaries came to shape and inform our concept of the political. I will then turn to the metaphysics which underpin this shift, which also explain why all arguments for either political boundedness or territorial rights ultimately leave us wanting.

The limitations of the arguments on enclosing the nation

The boundedness argument takes several forms. Its common thread, though, is to argue from the existence of a commonality in a community to the importance of preserving it through a boundary-making process; in other words, to defend the importance of enclosing, encasing the community in a political institutional framework. The causality here is from the nation to the state: a nation exists, therefore an isomorphic institutional frame is required to sustain it.

The main argument posits that national boundaries are required to preserve the common good understood as a social and cultural good. This communal good, built over time, is usually understood as a form of national identity, including values, traditions, cultural practices, possibly a religion, and a common history. This is naturally at the heart of the communitarian argument; it posits a pre-existing common good, which informs and shapes individuals; such a common good is also often brought up in discussions

on immigration ethics, in order to attempt to found the right to exclude. The gist of the argument is that cultures and such common goods are best protected by an isomorphic political institution. Boundaries are essential to preserve the natural boundedness of communities, it is said.

However, such an isomorphism between nation and political institutions is disputable on several grounds:

First, it is based on an essentialist, substantialist conception of culture and the common good, which is not sustainable.¹ Cultural identity presents us with the paradox of Theseus, and is inherently unstable²: the idea of encasing it like a sausage goes against the very idea of a living culture. Secondly, why would the common good be a *national* good, requiring borders? Cultures thrive in many settings and spatial surroundings – think of regional, local, or urban cultures – none of which requires political separateness to be viable. There is no incompatibility between a political entity and the preservation, or even the protection, of several distinct cultures within it. In other words, the spatial and juridical coincidence of culture and polity is not warranted. As Lord Acton wrote in his 1862 piece on *Nationality*:

The combination of different nations in one State is as necessary a condition of civilised life as the combination of men in society. (...) Where political and national boundaries coincide, society ceases to advance.³

Let us further note that the underlying (utilitarian) premise that such cultural identities should, as a matter of public obligation, be preserved is not entirely convincing. We are, as private individuals, interested in having a “cultural market” as diverse as possible, on aesthetic and personally educational grounds; there is undeniably a private interest in maintaining various common cultural goods; but does public reason sustain such a position? Is there a public *obligation* to uphold cultural diversity? Jeremy Waldron notes that there is something artificial about a commitment to

¹ Kwame Anthony Appiah, *Race, Culture, Identity: Misunderstood Connections*, The Tanner Lectures on Human Values, University of California at San Diego, 1994.

² Vincent Descombes, *Les Embarras de l'identité*, Paris : NRF, 2013.

³ Lord Acton, “Nationality”, *The Home and Foreign Review*, July 1862, reproduced in <http://www.panarchy.org/acton/nationality.html>.

preserve culture, which often translates into “tak[ing] a favoured ‘snapshot’ version of it, and insist[ing] that this version must persist at all costs, in its defined purity, irrespective of the surrounding social economic and political circumstances”⁴. Even if such a public obligation could be established, the problem would remain of *which* cultures deserve protection, thereby implying a possible – and very problematic – hierarchy. This is the path chosen by e.g. Martin Buber, who deems nations with “unjustified and meaningless” existences to be doomed to wither away⁵: the mere continuity of a community does not in and of itself qualify it for continued existence – said culture further needs to exhibit some higher moral or political purpose. Although Martin Buber’s version seems brutal to contemporary eyes in its unequivocal hierarchisation of nations and peoples, it is however, conceptually, not far from what contemporary authors such as Will Kymlicka, Avishai Margalit or Joseph Raz do when they need to choose which groups are entitled to collective rights.⁶

This allows us to draw the important temporary conclusion that *even if* we can rationally show that cultural pluralism is an important political good, the political organisation required to protect it is not necessarily that of a bounded polity; there is no direct isomorphism between nation and state. So, the first, cultural or communitarian argument for boundedness is insufficient to prove the necessity of boundary-making processes.

The second series of arguments rests on an individualistic premise: political boundedness is good for the individual. The national community becomes the main locus of self-fulfilment. Yael Tamir expresses it forcefully in *Liberal Nationalism* – national culture is supposedly such a source of personal realisation and fulfilment that it even allows us to “lessen the solitude and alienation characteristic of modern life”.⁷ The importance of the nation and its culture for human flourishing is frequently emphasised.

⁴ Jeremy Waldron, “Minority Cultures and the Cosmopolitan Alternative”, in *University of Michigan Journal of Law Reform*, Vol. 25, 1992, p. 755.

⁵ Martin Buber, *Israel and the World: Essays in a Time of Crisis*, New York: Schocken, 1963, p. 221.

⁶ See Will Kymlicka, *Multicultural Citizenship – A Theory of Minority Rights*, Oxford: Clarendon, 1995, p. 11, and Avishai Margalit, Joseph Raz, “National Self-Determination” in Thom Brooks (ed.), *The Global Justice Reader*, London: Wiley-Blackwell, 2008, p. 80.

⁷ Yael Tamir, *Liberal Nationalism*, Princeton: Princeton University Press, 1993, pp. 85-86.

Kymlicka's notion of "societal culture" is paradigmatic. He defines it as the culture which "provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres".⁸ Similarly, Avishai Margalit and Joseph Raz's "encompassing groups" tend to shape "to a large degree [the individuals'] tastes and opportunities, and (...) provide an anchor for their self-identification and the safety of effortless secure belonging".⁹ Now, according to these thinkers, belonging to such a group understood as culturally distinct, geographically concentrated, institutionally complete is the fundamental anchor point in the process of individual self-identification, and it is fundamental in the way we construct our personal identity. As such, it constitutes, in Kymlicka, Margalit and Raz's discussion, the normative basis for deciding which cultures should be allocated collective rights, and in particular, the right of self-government.

The problem with this argument is manifold. First of all, the overly vague assessment that national life gives you an anchor point for your self-fulfilment would need much precision to be convincing, besides the fact that it is empirically disputable, as well as historically constructed; such a broad statement does not either explain why this particular national culture would be more decisive for an individual's identity, rather than any other dimension. Further, unless you revert to the first argument on the common good, this is still not enough to make the case for political separation. This line of argumentation seems singularly weak.

The third line of arguments in favour of boundedness is of a political nature, and appears at first sight more difficult to object to. Here, boundedness is held to be good for political reasons.

It is firstly stated that the exercise of citizenship requires a "we-feeling", a collective identity, a *subjective* foundation for solidarity. Citizenship means accepting certain sacrifices, in particular through income taxation or, more radically, in warfare, in order to allow others to live well; such sacrifice must be based on a minimum of identification with fellow citizens,

⁸ Will Kymlicka, *op. cit.*, p. 76. Emphasis added.

⁹ Avishai Margalit, Joseph Raz, "National Self-Determination", in *Journal of Philosophy*, Vol. 87, n° 9, Sept. 1990, p. 448.

and what better identification could we find than the one based on the cultural group we already form, a group which already shares common practices, language, religion, history? The problem here is manifold, including the vague psychological assumptions about subjective identification which are not tested, just posited; but suffice it to say that the “we-feeling” is always historically and socially constructed. If an identification to my fellow-citizens is required, then a cosmopolitan would e.g. argue that we should construct an all-encompassing we-feeling. There is nothing incoherent about it, and the warm, fuzzy “we-feeling” is insufficient to make the case for boundaries.

The second political argument is the recognition argument, which states that a political group necessitates an external other to define itself; a “we” requires a “they” from which it differentiates itself, without which it cannot assert its own identity. At its extreme point, this identity-from-difference position takes an agonistic turn, as is e.g. the case with Carl Schmitt’s openly confrontational definition of the political: he defines it as the designation of an enemy;¹⁰ there is no polity without the friend/foe distinction. Without going as far as Schmitt’s *agon* as the fundamental condition of politics, the idea that a group requires an external other to exist has become a *lieu commun* which many deem to not even require justification.¹¹

It often appears as a collective version of Hegel’s dialectic of recognition, according to which a subject requires the recognition of another subject in order to fully become a subject: my own self-perception of being a free consciousness and a subject needs an objective certification and validation through the acknowledgment by another consciousness. Charles Taylor bases his own “politics of recognition” on Hegel’s (as well as Rousseau’s) analysis,

¹⁰ Carl Schmitt, *The Concept of the Political*, transl. George Schwab, Chicago: Chicago University Press, 1996, p. 26.

¹¹ E.g. Michael Walzer, “The New Tribalism: Notes on a Difficult Problem”, in *Dissent*, n° 39, Spring 1992, pp. 164-71; Chantal Mouffe, *The Return of the Political*, London: Verso, 1993; C. Mouffe, *The Democratic Paradox*, London: Verso, 2000; Dominique Schnapper, *La Communauté des citoyens: Sur l’idée moderne de nation*, Paris: Gallimard, 1993; David Miller, “In What Sense Must Socialism Be Communitarian?”, *Social Philosophy & Policy*, n°6, Spring 1999, pp. 51-73.

in order to establish the “close connection between identity and recognition”, be it for individuals or for communities.¹²

But while the case for the demand for recognition makes sense in the case of the formation of the individual self, it is much more problematic to extend it to communities, the identities of which are not constructed in the same manner as individual identity: in spite of the oft-noted isomorphism between the self and the nation-state (and because of it), collective identity is not structured and formed on the same basis as the individual self; neither does it require the same elements of differentiation. In particular, as Vincent Descombes suggests in his *Embarras de l'identité*, collective identity requires for the group to represent itself as the subject and maker of its history; this in turn supposes two conditions: a diachronic identity, and a consciousness of itself as a group (the subjective representation of the collective unity, as Benedict Anderson's imagined community).¹³ Now these two conditions may be met through internal and/or temporal differentiation: they do not intrinsically require the encounter with an external other, i.e. a group outside the group itself. In other words, the subjective representation of the group *qua* group and its diachronicity, while they may require differentiation and dialogical conditions (in Taylor's terms), do not require an exterior alterity; the recognition may happen within the group itself, through other members of the same community. Similarly, the differentiation could happen in contradistinction with a previous era of its own collective life (typically, contemporary Germany defining itself in contrast, or rather in opposition, to its Nazi past).

As Arash Abizadeh shows, the “arguments in defence of the particularist thesis (that only communities with an external other can be the basis for identity) suffer from a fallacy of composition”.¹⁴

Hence, *even* if we were to grant the requirement of differentiation for the formation of the collective self (which we might not have to, mind: a group does not necessarily need to define itself by exclusive terms, but can

¹² Charles Taylor, “The Politics of Recognition” in *Multiculturalism and the Politics of Recognition*, Princeton: Princeton University Press, 1992, pp. 32-53.

¹³ Benedict Anderson, *Imagined Communities*, London: Verso, 2006.

¹⁴ Arash Abizadeh, “Does Collective Identity Presuppose an Other? On the Alleged Incoherence of Global Solidarity”, in *The American Political Science Review*, vol. 99, n°1, Feb. 2005, p. 48.

possibly do so by inclusive ones), there is not much of a rational case for the need of another, external and different group, for the constitution of a collective self.

A stronger argument seems to stem from the requirements of the polity. Democracy needs a limited people to be meaningful; it means ruling, and being ruled by, equals, who have equal status and rights; it requires to “produce the people”, in Balibar’s terms.¹⁵ National partition is required by democratic theory itself, as can be seen in Rousseau’s theory, e.g. The argument here is that of national partition on the basis of the exigencies of *citizenship*.

In this version there is no predetermined people: the determination of the people hinges solely on a (democratic) procedure which operates as principle of legitimacy. The problem here becomes how to determine, through a fair procedure, who will be a member and who will be excluded. This was e.g. the idea behind the French version of the social contract, as expressed among others by Renan or Sieyès. In Renan’s famous words, a nation is “reiterated in the present by a tangible fact: consent, the clearly expressed desire to continue a common life. A nation’s existence is (...) a daily plebiscite”.¹⁶ The people is constituted by those who express and reiterate their common will to live together: the essence of a nation is the social contract, i.e. the free and willing adhesion to the principles of the Republic. Such participatory version of citizenship is thus “particularizing and exclusionary”.¹⁷ In other words, it is the common rational will, and the history of common participation to political institutions, which procedurally constitutes the essence of the nation. Over time, this common will and political cooperation “thicken” into a national culture. Political cooperation gels into a sense of common nationhood and cultural identity. The state

¹⁵ Etienne Balibar, “The Nation-Form: History and Ideology” in *Race, Nation, Class – Ambiguous identities*, London: Verso, 2011, pp. 93-94.

¹⁶ Ernest Renan, *What is a Nation?*, text of a conference delivered at the Sorbonne on March 11th, 1882, transl. Ethan Rundell, Paris: Presses-Pocket, 1992, p. 10.

¹⁷ Jean L. Cohen “Changing Paradigms of Citizenship and the Exclusiveness of the Demos”, *International Sociology*, vol. 14 (3), September 1999, p. 249. Citizenship used to be understood as requiring a unique set of capacities. In the classical ideal, the citizen had to be male, propertied, the head of a household and able and willing to take up arms. See John G. A. Pocock, “The Ideal of Citizenship since Classical Times”, in *Queen’s Quarterly*, 99/1, 1992, pp. 33–55.

becomes the nation,¹⁸ instead of the nation giving rise to the state. What matters here is that the exclusiveness of the *demos* does not depend on the liberality of the rules of access to citizenship: it is inherent to the concept of citizenship.

But stating that the nation or the people is brought about by the state does not solve the normative problem of membership: how do we decide which individuals are legitimate (and long-standing enough) participants in political cooperation to belong to the “people”? How long must one cooperate in the political institutions to be considered a member? And what gives one right to cooperate? The problems of nationality laws are well known. Who exactly is part of the people? The rules of membership should be decided by the participating members; but who decides the criteria for selecting the participating members? How do states decide their boundaries? Who is a member? More importantly, “who questions, who decides, who justifies and who defines who ‘Who’ is?”¹⁹ The question is not just a first order issue (who is member of the group?) , but also a second order question (who decides who is member?). There is no satisfactory definition of membership or belonging to a group or a culture; no set or cluster of criteria can be satisfactorily established that could decide who is or not a member. If democracy is the political theory according to which a justification is owed to *all* those over whom power is exercised, then the justification is owed to non-members as much as it is to members.²⁰ In other words, the democratic group cannot simply wash its hands of the foreigners it unilaterally excludes, because that very exclusion is a form of power and coercion which requires a justification.

So, the argument that we need political separation in order to found democracy hits two fundamental obstacles in the form of the impossible justification of *i*) its rules of access to membership and *ii*) its unilateral exclusion of non-members to whom a justification is *also* owed.

¹⁸ This incidentally naturally undermines the traditional distinction between the “civic” and “ethnic” definitions of a nation.

¹⁹ Ulrich Beck, “The Cosmopolitan State: Redefining Power in the Global Age”, *International Journal of Politics, Culture, and Society*, Vol. 18, No. 3/4, The New Sociological Imagination, Spring - Summer 2005, p. 144.

²⁰ Arash Abizadeh, “Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders”, *Political Theory*, Vol. 36, n°1, Feb. 2008, p. 41.

In other words, the notion of reverse causality (from the state to the nation) produces an exclusion which is no easier to justify than the idea of an original givenness of peoples. The membership question thus raises a second-order membership question, leading to an infinite regress, which can only be solved by a *fiat*, an unjustified and arbitrary decision. The state might create a people, but it remains as fuzzy and undefinable as the original, nationalist account: the arbitrariness of the people might be a product of political history, rather than its origin; but it is arbitrary nonetheless. This is the invention of a “fictive ethnicity”, in the terms of Etienne Balibar: no nation is ethnic, but as a people slowly gets nationalised, it is represented *as if* it formed a natural community, with an identity of origins, history and culture.²¹

We end up with the same problem of the givenness of the community – the very givenness which the democratic theory fundamentally wanted to avoid, by justifying its existence and norms to its members. What remains fundamentally problematic from the point of view of democratic theory is the internal incoherence of its very justification for boundedness. It claims to require finitude in order to exist, but the problem is that it can never fully justify the exact terms of this finitude.

A philosopher like Vincent Descombes tries to solve the problem by shifting from the normative to the empirical: he acknowledges that the membership issue cannot be solved normatively; but, he says, this is where the lived, historical community plays its part: “How can we evade the problem of circularity? In order to solve it, we need to *humanise* our description of the foundation, i.e. introduce the dimension of anthropological time (...). Instead of a mythical representation of the foundation of our community in a prodigious inaugural self-position [*autoposition*], we are better off using the paradigm [of] the innumerable usages which constitute culture”.²² Alas, far from solving the problem, Descombes only further confirms the intractable arbitrariness of the determination of the *demos*: because only someone who is *already a member* can resort to the continuity of generations, of culture, on anthropological time; the issue, in its political and legal dimensions is by no way answered. This specific problem is highlighted in the conundrum of nationality laws, who always oscillate between *Jus Soli*

²¹ Etienne Balibar, *op.cit.* p. 96.

²² Vincent Descombes, *op.cit.*, pp.115-116. Emphasis original.

and *Jus Sanguini*, is symptomatic thereof. Normative problems cannot be solved by diverting to the empirical data – that’s the exact reason why they are normative. In other words, a polity based on principles of the right, or justice, cannot justify its separation without resorting to a conception of the good.

Political separation hits a wall of unjustifiability, from whatever angle we look at it.

The Spatial Premises of Political Boundedness

The intractable problem of political boundedness is clearly manifested by Descombes’s statement of the circularity problem. I argue that if you turn things around, things make more sense: i.e. what came first was a metaphysical decision to create boundaries, and only *then* justify whatever was inside. Boundaries came before national communities – and creating boundaries means essentially drawing them on a map. I hold that the graphic gesture of drawing came before the concept of a national, bounded polity, and more importantly, conceptually enabled it.

Political modernity indeed seems to be about tracing boundary lines: think of the Vienna Congress in 1885, East and West Timor in 1914, Sykes and Picot in 1916, Yalta in 1945, Radcliffe’s partition of South Asia in 1947; the separation of the two Koreas in the 1940s and the two Vietnams in the 1950s; way earlier, think of the line of Tordesillas treaty, in 1493, the most magical of all lines. Boundaries are remarkably potent: by the stroke of a pen, sovereignties are determined, populations are divided, nationalities are decided, properties are defined, political realities are created, and legal norms, established.

Such spatial delimitations are made possible only because of the existence of maps: without a map, you cannot see your territory, and certainly cannot divide it. The modern notion of the territory, and hence of the boundary, came to the fore with modern cartography, and is a direct consequence thereof. Cartography established the spatial reality of the national territory, and in effect *created* the territory as a single, unified space.

The conjunction between cartography and the emergence of modern State is well known. Jean Baudrillard famously noted that the map “precedes

the territory (...). It is the map that engenders the territory".²³ Cartography is a way of producing knowledge, but just as much, a way of producing political and social realities, and a tool to command space. While pre-modern political entities consisted of multiple overlapping social, religious and political affiliative and relational spaces, the modern notion of sovereignty is eminently spatial: you rule over a territory, and only via the territory, over the people in or on it. Territory is a spatial concept, and a fundamentally visual one. And the new cartographic advances of the 16th and 17th centuries allowed just that: they embodied and enabled the synoptic view of the newly formed State, as well as its rational, impersonal and uniform rule; the sovereign eye could be conceived of only when the territory became visible as a whole – on a map. Space became an autonomous entity to be ruled, possessed, conquered, in its own right – and importantly, independently of its inhabitants. The close affinity between cartography and political power works in several ways: while maps enhance and legitimise political authority, they also, more subtly, create the conditions of possibility of new political identities, as well as social and political practices. Maps empower: the newly acquired visibility of their territory allowed by cartography thus created new opportunities for agency, conquest, appropriation, and division²⁴. Maps allowed rulers to seize control and assert authority over a surface area without reference to what or who was on the ground. The 18th century Cassini maps of France are to a certain extent paradigmatic of this two-way production power of maps, both representations and creators of powers. As the mapmakers progressively created the maps of the whole country through endless processes of triangulation, the rulers solidified and modified their rule over a land now made both homogeneous within the borders and heterogeneous to what was outside it. Maps recorded, magnified and enhanced political power by allowing it to be displayed under one single gaze: power could be reified and carry ontological weight, at an age where, as Walter Ong noted, knowledge shifted from being conceived in terms of discourse of hearing and persons, to one "where it is conceived of in terms of observation and sight

²³ Jean Baudrillard, *Simulations*, transl. Paul Foss, Paul Patton, and Philip Beitchman, New York: Semiotext, 1983, p. 2.

²⁴ On this issue, see, among others, Jeppe Strandsbjerg, "The Cartographic Production of Territorial Space: Mapping and State Formation in Early Modern Denmark", in *Geopolitics* 13(2), 2008, pp. 335–58 and Jordan Branch, *The Cartographic State*, Cambridge University Press, 2014.

and objects".²⁵ This newfound unity and autonomy of political spatiality also gave it a sudden instantaneity: thanks to the map, the territory could be viewed *at a glance*. Thanks to cartography, knowledge of the territory became a purely spatial affair, that could be calculated and deducted in some ministerial room or cartographer's cabinet in no time. In a Kantian way, maps were the condition of possibility of Nation-states as objects of incredibly and increasingly efficient political rule.

"The great man is a little man with a good map" says Bruno Latour cheekily.²⁶ In other words, the State became territorial in part thanks to cartography. Cartography profoundly modified the nature of boundaries, both in principle and in reality; here, the crucial element is the ability to draw lines: the concept of a delineated territory could naturally only emerge when a thin line could be drawn on paper.

This precedence of graphism and of the drawn line over the concept of the political has metaphysical reasons: it comes down to the changing conception of space which emerged in the Renaissance and was theorised by Descartes. From the closed world to the infinite universe: we went from an Aristotelian concept of space which worked as an aggregate of locations and places, with absolute situationality, to a space conceived as a *tabula rasa*, a flat, infinite expanse, abstract and isotropic in nature, it could then be geometrised, gridded, framed, shaped and drawn upon.

Two attributes are particularly important for us – because these are the two properties which will have direct bearing on the political covenant: space's unitotality and its divisibility. In other words, space is now an abstract, homogeneous extension, which allows for a new constructivism of the mind; in particular, space is all about dividing and cutting it out.

The possibility of cutting out precisely delineated objects also entails the discontinuity and exclusion between bodies. More than the common milieu of belonging, modern space is the very possibility of distinction and exclusivity: positing one-next-to-another. Space's divisibility may be seen as a consequence of extension: extension actually entails a *multiplicity* of extensions, situated next to, and excluding, each other. An extended being cannot but exclude all its neighbours: extension is exclusion. This is precisely what the modern state system is about.

²⁵ Walter J. Ong, "System, Space, and Intellect in Renaissance Symbolism," *Bibliothèque d'Humanisme et Renaissance* 18 (1956), p. 224.

²⁶ Bruno Latour, "Visualisation and cognition", in H. Kuklick (ed.), *Knowledge and Society Studies in the Sociology of Culture Past and Present*, Jai Press, vol. 6, 1986, p. 19.

The new concept of space also meant a greater emphasis on the construction of space as opposed to the objects depicted within it, and hence presupposed a notion of space as an empty– or at least emptiable –, abstract and homogeneous container. This is exactly what we see in national territories: emptiable, sealable Tupperware boxes. In other words, the representation of boundaries preceded the construction of the modern Nation-state, and enabled it. Epistemology became a prerequisite of modern politics. Carl Schmitt, in his *Nomos of the Earth*, described this change as marked by a “global linear thinking”²⁷: early modernity became dominated by creating, and drawing lines, as a means of establishing law and political bodies.

The boundary signalled a new manner of viewing the territory and appropriating it. The graphic invention of the boundary created the isomorphism typical of the nation-state: a multi-layered cake made of coextensive and superimposed layers of language, culture, law, nationality public goods, etc.

By enclosing the territory, the boundary has also enclosed all the other components of the nation: the notion of nation includes the possibility of closure of the group, of a clear delimitation of the members of the group and the criteria of belonging. And this is where the problem of political boundedness comes in: it is the result, not the origin, of the visibly enclosed territory on the map. The limits of the community are undefinable – but the illusion of a clear delimitation of the bounded community stems from this fictional belonging to the same territory, that fixed delineated surface area. Zygmunt Bauman writes:

The search for an 'objective definition' [of a nation] obliquely legitimizes the nationalistic claims that it is the sharing of certain attributes that 'makes a nation', that integrates a certain number of people into a spatial and temporal unity, rather than exposing the fact that the 'commonality' itself (of land, of language, of tradition) is always an artefact of boundary drawing activity.²⁸

²⁷ Carl Schmitt, *Nomos of the Earth*, Transl. G.L. Ulmen, New York: Telos Press, 2003, p. 87.

²⁸ Zygmunt Baumann, “Soil, Blood, Identity”, in *The Sociological Review*, 1992, p. 46.

It is the specific mode of spatialisation of the national community which explains the exclusionary characteristic of the *demos*. In other words, the problem of boundedness (the rules on membership) is inextricably linked to the boundary problem (the geographical drawing of lines). We view citizenship as membership in a community which occupies a bounded space on Earth, and, crucially, there is no space left unoccupied.

This precedence of drawn boundaries over and above any concern for the polity is particularly salient in an extraordinary piece of international legislation, the rule of *Uti Possidetis Juris*, which states in essence that boundaries as drawn on the map are eternal.

Uti Possidetis Juris first arose in Roman law as a means of maintaining the *status quo* of a situation of ownership. The principle was later embedded in international law as a means of consolidating the *de facto* situation following hostilities – in other words, it is a principle which endorses the foundational violence of states. The principle came to full force during the era of decolonisation in the 20th century: it stated that the borders of a newly independent colony should be the same as the administrative limits established prior to independence (it was implemented notably in Africa). It consecrated the continuance of boundaries, although these were widely acknowledged to be entirely artificial, drawn on a piece of paper, independently of the geographic, political, social and ethnic reality on the ground. The International Court of Justice specifies that no matter what the political and social situation is on the ground (i.e. regardless of any political boundedness issues), the boundaries should remain. What is particularly telling in the case of the African decolonisation is that *Uti Possidetis* could acquire such a fundamental operative power *precisely because* of the precariousness of the colonial boundaries in their geographic and historical context. The boundaries might not be legitimate by any criteria... but the mere fact of their existence is enough to give them the force of perpetual law. It operates as a divine fiat. The more illegitimate, the more powerful, so to speak. The International Court of Justice noted in the Libya/Chad case that: “A boundary established by treaty thus achieves a permanence which the treaty itself does not necessarily enjoy. The treaty can cease to be in force without in any way affecting the continuance of the boundary. In this instance the Parties have not exercised their option to terminate the Treaty,

but whether or not the option be exercised, the boundary remains (...) The establishment of this boundary is a fact which, from the outset, has had a legal life of its own.²⁹

Conclusion

Whichever way we envisage it, boundaries remain normatively unjustifiable, "both absolutely compelling and hopelessly arbitrary",³⁰ always suspended to a pure factuality, and retrospectively legitimised by the institution of the Nation-state. When Walter Benjamin in his *Critique of Violence* shows that the rule of law and the institutional framework of the State always rests on a foundational, "law-establishing" violence, which only *ex post facto* acquires a legitimacy as concealed in the juridical,³¹ we may now see this initial and original violence as the boundary-making territorialisation of the State. The foundational violence is nothing but the divine *fiat* of its spatialisation.

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²⁹ ICJ Reports, 1994, Parag. 73, p. 37.

³⁰ Richard Ford, "Law's Territory (A History of Jurisdiction)", *Michigan Law Review*, Vol. 97, n° 4, February 1999, pp. 850-851.

³¹ W. Benjamin, "Critique of Violence", in *Selected Writings*, Cambridge: Belknap Press of Harvard University Press, 1996.

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