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CONCLUSION

Over several decades now, the dominant trend in politics and academia has been to defend supranationalism and multiculturalism. In the previous three chapters, I have attempted to sketch what this means in practice, by pointing out the powers of three supranational courts and three supranational organizations that have been installed over the past decades, as well as the extent to which multiculturalism has manifested itself in society and to what consequences this may lead.

In their several ways, supranational institutions take away from their member states elements of national sovereignty. As a result, member states can be bound by rules or decisions they never intended to or have never agreed upon, that may go against their interests or their preferences.

Not all of these decisions are of landmark importance. Nor are all supranational institutions necessarily powerful and wide-ranging. The WTO has a limited field of competence. The ECHR has few means of enforcing its dicta. But seen in their totality, each of them taking away perhaps only a small portion of the national power to decide in certain fields of policy, a web of supranational commitments has been spun up in the past decades, that, viewed in its entirety, now performs a significant part of all political and judicial decisions that have effect in European states.

All these organizations emerged fairly recently and their powers are still relatively limited. But if nothing changes, they will continue to expand their hold over their member states, and ultimately may come to dominate national law and overshadow national policies for years to come. Forming a network of decision making institutions, the supranationalism these organizations exercise poses problems of several kinds.

Firstly, it implies that national governments can be outvoted by majorities of other nations. Secondly, it implies that non-national judges are entrusted with decisions on matters of law and morals that national judges are not anymore. Thirdly, these supranational majorities and non-national judges are not, and cannot, be submitted to the kind of checks and balances that national parliaments and judges are, as long as no integrated political structure, i.e., a world state, exists.

While this supranationalism has increasingly become a reality, most Western states have embraced to a smaller or larger extent a policy of multiculturalism accompanying the influx of considerable numbers of immigrants from different cultural backgrounds since the 1960s and 70s. As a result, national cohesion and
the idea of a national identity has now become questionable in most of these
countries. While proposals for legal pluralism are still limited, in practice there
have already been set up informal sharia courts and other parallel systems of
solving conflicts that pass by the national laws.

Moreover, there is a general tendency to applaud cultural diversity and to
stress the equal value of separate communities within nation states. As a con-
sequence, as will be discussed more in depth in chapter 8, it has now become
questionable even whether ‘such a thing as the Dutch identity exists’\(^1\) – or, for
that matter, the Frenchman, the German, or the Dane.

My argument in this book is that these developments are, despite all their
resonance of bringing people together and respecting others, ultimately incom-
patible with representative government and the rule of law.

It may be important to stress once again that although I have gone in some
length to describe the actual functioning of the several supranational institutions
and the policy of multiculturalism, my argument against supranationalism and
multiculturalism is not dependent on any currently existing arrangements; the
problems related to them are conceptual and apply to their very nature. I have
attempted to present a flavor of the developments European countries have
involved themselves with, and to point out the extent to which these organiza-
tions and courts may override national preferences, as well as the extent to which
multiculturalism may – and does – dilute national cohesion.

It also seems worthwhile to stress one more time that the idea that borders
should be effaced is to be distinguished from the idea that the nation state should
enlarge its scope. Supranationalism and multiculturalism do not amount to the
belief that, as economic interests span present borders, and national differences
diminish, peoples of different national origins may over time recognize neigh-
bors as members of their own tribe and join into new, more encompassing, i.e.
larger nation states. This would mean a continuation of national sovereignty,
but applied on a larger scale.

By contrast, supranationalism and multiculturalism are the philosophies of
abolishing borders altogether, not of expanding them. Moving beyond borders
means leaving the whole idea of a nation state behind in favor of a political
system of overlapping loyalties and jurisdictions, of communities, double or
even triple or quadruple passports, and ‘deep diversity’.

This confusion seems to bring together commentators of entirely different
persuasion under the thesis that ‘the nation state is finished’. Take the example

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of Kenichi Ohmae and Henry Grunwald, who both subscribe to the view that 'the nation state will have to dissolve'.


> The nation state has become an unnatural, even dysfunctional, unit for organizing human activity and managing economic endeavor in a borderless world.\(^2\)

A borderless world. Indeed, that is the idea of supranational multiculturalism: not *enlarging* borders, but *removing* them. The late political commentator Henry Grunwald, in a January 2000 op-ed for *The Wall Street Journal* entitled *A World Without a Country?*, predicted that the ‘nation state will undergo sharp limitations of its sovereignty’ and that ‘just as the old, petty principalities had to dissolve into the wider nation state, the nation state will have to dissolve into wider structures.’

These two ideas, though seemingly bearing much resemblance, are fundamentally different. The first is in line with the assault on borders, the second is simply a continuation of national sovereignty, but on a larger scale. Although we will come to speak of problems of scale, that is not the essential theme of the dispute.

Firstly, the dispute is about whether any form of national sovereignty should be maintained or pursued (as could be the case with a future ‘United States of Europe’), or whether, as we have witnessed the results of multiculturalism and supranationalism, centralized decision-making and relatively harmonious sociological communities should be abandoned on the whole. To begin answering that question, we will now commence discussing representative government and the rule of law.
