

Freedom From, In and Through the State: T.H. Marshall's Trinity of Rights Revisited

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Each one of T.H. Marshall's trinity of human rights *rested on the state* as, simultaneously, its birth place, executive manager and guardian. And no wonder. At the time Marshall tied personal, political and social freedoms into a historically determined succession of won/bestowed rights, the boundaries of the sovereign state marked the limits of what humans could contemplate, and what they thought they should jointly do, in order to make their world more user-friendly. The state enclosed territory was the site of private initiatives and public actions, as well as the arena on which private interests and public issues met, clashed and sought reconciliation. In all those respects, the realm of state sovereignty was presumed to be self-contained, self-assertive and self-sufficient.

That world, sliced into sovereign enclaves of nation-states, rejecting and disallowing any outside or internal interference with the sovereign's absolute hold over the population under its power, was the ultimate stage of a long process that took off around the 17th century and (at least in Europe) reached its final form at the time Marshall sketched the three stage history of human rights. In the course of that process, a new regime, based on the presumption of the indivisibility of the sovereign power of territorial states, displaced and replaced the segmental, partial and often territorially discontinuous, web-like powers of premodern Europe. To quote Giovanni Arrighi, during that fateful couple of centuries,

rights of private property and rights of public governments become absolute and discrete; political jurisdictions become exclusive and are clearly demarcated by boundaries; the mobility of ruling elites across political jurisdictions slows down and eventually ceases: law, religion, and custom become 'national', that is, subject to no political authority other than that of the sovereign. (Arrighi 2002:31)

Arrighi proceeds to quote Etienne Balibar's succinct summary of the results:

The correspondence between the nation form and all other phenomena toward which it tends has as its prerequisite a complete ('no omissions') and nonoverlapping divisioning of the world's territory and populations (and therefore resources) among the political entities ... To each individual a nation, and to each nation its 'nationals'. (Balibar 1990)

In the world which emerged fresh from the battlefields of the 20th century 30-years war, that presumption was authoritatively elevated to the rank of the least questionable, indeed unassailable principle of the new world order. The United Nations, the organization brought into being with a briefing to police that order, was charged with the protection of sovereign states against aggression and with the guardianship of their indivisible sovereignty. The sanctification of state sovereignty in the UN charter seemed at the time to be simultaneously the best conceivable foundation for a planet-wide arrangement of human affairs as would serve the cause of the world peace; it was also believed to be a destination preordained by the laws of history helped as they were on their unstoppable forward march by the sometimes blundering, but in the end victorious, human reason.

Indeed, for the preceding two centuries during which the marriages were arranged between nations and states, states and sovereignty, and sovereignty and a territory locked in tightly sealed and vigilantly controlled borders, the world was occupied with making the control of human movements the sole prerogative of state powers, with erecting barriers to all the other (that is, uncontrolled) human movements, and manning those barriers with watchful and heavily armed guards. Passports, entry and exit visas, custom and immigration controls were among the most coveted and jealously guarded inventions of the art of modern government. Hannah Arendt recalled the old and genuinely prophetic Edmund Burke's premonition¹ that the abstract nakedness of 'being nothing but human' proclaimed at the dawn of the modern era (and later found to be mostly a ground-clearing operation for the absolute sovereignty of modern states) was humanity's greatest danger. 'Human rights', as Burke noted, were an abstraction, and humans could expect little protection from them unless the abstraction was fleshed up with an Englishman's or Frenchman's rights. 'The world found nothing sacred in the abstract nakedness of being human'—so Arendt summed up the experience of the years that followed Burke's

prediction. 'The Rights of Man, supposedly inalienable, proved to be unenforceable ... whenever people appeared who were no longer citizens of any sovereign state' (Arendt 1989: 300, 293). The new modern configuration offered no choice. It had to be here, or nowhere; in this way, but in no other. Any kind of individual freedom could be hoped for, obtained and preserved solely inside the realm of state sovereignty; courtesy, and by behest, of a sovereign state.

And there were such sovereign states, in abundance, filling fast the surface of the globe, each willing to oblige or ready to be persuaded or compelled to oblige. Monopoly of the rights allotment was the coveted prize of the 'national liberation' struggle. Indeed, the grounding of human rights (whatever their contents) in the all-embracing and indivisible yet also exclusive sovereignty of the nation-state supplied arguably a better protection of its territoriality than even the most fortified and closely watched borderlines. Rights were admittedly perishable goods and bore ill foreign travels. Only the highest and the mightiest among the people would take the risk of leaving their native abode on their own will, while the most desperate and downtrodden would follow their example (if at all) only if forced and left with no other choice.

Territoriality could be a nightmare but it was also the promise of a shelter, a warrant of security, and altogether a better deal for every human in a world that had already made of the territoriality of powers, identities and rights the supreme principle of the world order. In such a world, in each and any of its sovereign territorial segments, the inconceivable could be conceived: in such a world, a marriage of freedom with security, a miracle of secure freedom seemed possible and within reach but also, given the power of human reason and the logic of reason-guided politics, inevitable. T.H. Marshall's account of modern history chimed well with the spirit of the time in which it was written. As it became, however, abundantly clear in the half-century that followed, the Owl of Minerva, true as always to its habits, visited Marshall's study at sunset—at the end of the day ...

Neal Lawson's summary of the most recent trends strikes a dissonant chord when read aside the reassuring story above. Speaking, like Marshall did before, in tune with the wisdom of his time (though a different time, that of the early 21st century), Lawson observes that the government 'becomes merely the handmaiden for the global economy' (Lawson 2005). No longer is the state the omnipotent master of its territory—neither real nor putative, neither in its practice nor in its dreams, neither in its current work nor in its boldest ambitions. Law-

son agrees with Thomas Frank (2001) in his diagnosis of the rise and rise of 'market populism'—'with the market now viewed as the ultimate tool of democracy' and 'each individual "casting their vote" all day every day for the good and services that matter to them'; 'everywhere collective voice ... is replaced by atomised and competitive individualised choices'.

Handmaiden of the global economic powers or not, the state cannot simply submit its resignation, pack up its belongings and make itself absent. It remains in charge of law and order inside its territory and held responsible for the way this function is performed. Paradoxically, it is precisely its meek and ever more complete submission to other powers, both inside or outside its territory but in each case beyond its control, that makes well nigh inescapable not just the retention, but the extensive as well as intensive expansion, of its order-protecting policing function.

By freeing the market still further and allowing its boundaries to seep into the public sector, the government has to pick up the bills of market failure, of externalities the market refuses to recognise, and act as a safety net for the inevitable losers of market forces.

Such curtailed and transplaced governmental concerns are a far cry from the kind of engagement Marshall recorded. Instead of a great leap towards equity and justice, they are focused on security operations; instead of the promotion of ever fuller citizenship, they aim at the cleaning of debris and social-waste disposal.

Let us note, however, that it is not just the occasional market *failure* that prompts the present shift in governmental priorities. Deregulation of market forces and surrender of the state to the one-sidedly 'negative' globalization (that is, globalization of business, crime or terrorism, but not of political and juridical institutions able to control them) needs to be paid, and daily, in the currency of social devastation, of the unprecedented frailty of human bonds, ephemerality of communal loyalties and the brittleness and revocability of commitments—whose consequences saddle the state governments with no lesser a burden than did the tasks related to the establishment, maintenance and daily servicing of the social state that endorsed the whole trinity of T.H. Marshall's freedoms. It is the day-in, day-out normality, not the occasional failures of deregulated markets and negative globalization, that now prompts the growth, and ever faster growth, of the social bills which governments find themselves obliged to pick up.

As the protective network of social rights weakens and no longer is trusted to last for the duration and so to offer a solid frame for future

plans, the bane of insecurity and fear (which the welfare state vision of Lord Beveridge proposed to eliminate once and for all and whose imminent demise Marshall's historically determined model of three pillars of citizenship implied) returns—but it is obliged now to seek other remedies, elsewhere. To quote Lawson once more: 'As there is nothing else to fall back on it is likely that people then give up on the whole notion of collectivism ... and fall back on the market as the arbiter of provision.'

Let me note that the individuals who 'give up on the whole notion of collectivism' surrender their citizenship. Since there is little they may expect from the state except the measures calculated to increase the fearsome flexibility of their life-setting—and particularly little in the way of securing, not to mention guaranteeing, their social standing—the withdrawal of social rights tends to be closely followed by a surrender or disuse by many of their political rights, with personal rights most probably next on the list of the collateral casualties of deregulation. As Jacques Attali recently observed, 'nations have lost influence on the course of affairs and have abandoned to the forces of globalization all means of orientation in the world's destination and of the defence against all varieties of fear ... Individualism is triumphant. No one, or almost no one, believes any longer that changing lives of others has importance for him or her. No one, or almost no one, believes that voting may change significantly his or her condition, and so the condition of the world' (Attali 2004: 9-10). And little wonder: with the economy removed for all practical purposes out of the reach of governments, rational voters would not expect much from reshuffling the incumbents of the ministerial offices. If, in 1954, 53 per cent of Britons thought that the parties vying for power were really different (concluding that their votes mattered, their use of political rights made a difference), the BBC poll carried on the eve of 2001 election showed that 77 per cent of the respondents believed voting wouldn't change anything. (Conclusion: real choice not on the cards and political rights a sham, their use would be a waste of time.)

And so the individual-citizen is turning, or is being turned, into the individual-consumer, likely to resort most gladly to the 'voting with their feet', a strategy which, according to the memorable Albert O. Hirschman's suggestion, most seasoned and dutiful shoppers are inclined to prefer over its much more time and energy absorbing alternative: the strategy of voice. If the individuality of a citizen breeds solidarity and prompts the amalgamation of private interests into public issues, the individuality of a consumer is essentially divisive and

inspires the reverse process: one of dissolving public interests in the multitude of personal and self-centred pursuits resistant to co-ordination and more often than not making solidarity of action irrelevant, counter-productive or just impossible to envisage.

Elsewhere, I suggested the metaphor of hunters as best conveying both the individual consumer's perception of the world as a container full of the potential trophies, and their life strategies wrapped around the search for the 'next big kill' and oblivious or indifferent to the dent which a successful hunt can make in the game population (and so also to the adverse effect their own good luck may have on other hunters' chances). The advent of hunters, who came to replace in the liquid-modern times the premodern gamekeepers concerned mostly with defending the available supplies against abuse and over-exploitation, and the gardeners of the solid-modern era set to make the supplies more profuse, portends the deepening threat to the 'commons', on whose proper management the shared and mutually assured survival depends.

Let's recall that his project of comprehensive and universal collective insurance against individual misfortune Lord Beveridge presented half century ago as essentially a liberal document, indeed the fullest and most consistent manifestation of the ideas of individual freedom originated, elaborated and promoted in the modern era under the sign of liberalism. Only such communally endorsed social insurance would in Beveridge's view make the individual freedoms dear to a liberal heart feasible and available to all. Rephrasing that opinion in Marshall's terms, we may say that according to Beveridge (and to the prevailing public opinion of his time) the combination of personal and political freedoms (freedom *from* the state and freedom *in* the state, or in the alternative, Isaiah Berlin's terminology, 'negative' and 'positive' freedoms) cannot be truly upheld and would remain unattainable to many, unless capped by social rights freedoms *through* the state.

Even leaving aside the question of resources which true individuality calls for but a great number of 'individuals by decree' (people on the receiving side of individualization) may lack, only on the steady rock of *communal* insurance can in our turbulent times rest the individual self-confidence, courage and the sense of purpose required for a genuine individual self-assertion and the exercise of political rights. Many years later Pierre Bourdieu would restate Beveridge's assertion, pointing out that people who have no hold on their present would hardly summon the courage and determination needed to control the future. People haunted by an incurably uncertain future and put off by

the hazards of uninsured ventures would hardly be capable of using their nominal entitlements to autonomous decision and free choice. Granting them freedoms of beliefs, of expression, of life choices, will not by itself enable them to put all such gains into practice.

In as far as such assertions met with loud or tacit, but all the same earnest support across the political spectrum of the time, having been neither questioned nor challenged by at least the mainstream politicians of all parties, one can confidently describe them as 'beyond left and right'. Looking around, Marshall had sufficient reason to view the 'social rights sequel' to the entrenchment of habeas corpus and the steady extension of suffrage as a verdict of reason as well as historical inevitability.

Indeed, at the height of the 'solid' phase of the modern era, in nation-states constituting its subjects as, in the first place, producers and soldiers and used to measure their well-being and potency by the numbers of people fit and ready for the hardships of industrial work and soldiering, a constant and comprehensive communal care for people temporarily left out of active service must have appeared to thinking people of all classes and political camps as a most profitable as well as indispensable investment. Without such investment, the state in charge of the nation's well-being would not be able to perform its task of continuous 'recommodification' of capital and labour. Their contentious rhetoric notwithstanding, the otherwise hostile camps of the class and political divisions, would have looked at that point and seen it eye to eye.

They don't any longer, and again they have many sound reasons not to. Or perhaps they are again of the same mind, but what they agree on now and so what commands nowadays the well-nigh universal consent and can be viewed for that reason as the issue 'beyond left and right', is the exact opposite to the object of the old consensus.

The provisions offered for the 'redundant' people unable to provide for their own living no longer seem to be a good investment. The poor and indolent, once classified as the 'reserve army of labour', have been recast as *flawed consumers*, likely to draw on communal resources instead of adding, now or in a near future, to communal prosperity. They are likely to remain a drag on the taxpayer's (that is, the proper, fully fledged and capable consumer's) disposable cash for the duration—a luxury which, as the politicians echoing the tabloids hasten to opine, 'we (that is, members of the society of consumers) cannot afford'.

The wellbeing of a country tends to be measured these days by the amount of money changing hands and by the speed with which the

changing is done, rather than by the size of factory crews—and full employment is no longer on the agenda. Neither can the ‘excessive’, the ‘economically redundant’ population be siphoned off, as of yore, to far away garrisons, colonial offices and trade posts, or ‘no-man’s lands’ yearning for the pioneers. What follows, is that people laid out by the continuing economic and technological developments can be neither re-included nor effectively excluded from the society of consumers over which the present day governments preside. Purely and simply, the country would be better off were such people suddenly to disappear from the streets and state registers; but there is nowhere to which they could move or be moved. It should not therefore come as a surprise that the underlying shift, seldom articulated explicitly and yet easy to spot between the lines of official speeches, is from the right to care determined by inalienable ‘social rights’, to social rights being a reward for ‘those who’ve deserved it’ through their actual and prospective contribution to the economic prosperity of the country, measured primarily by the viability and vigour of the consumer markets.

The most recent round of curbs imposed in Britain on immigration and asylum policies vividly illustrates that shift. As the Home Secretary Charles Clarke spelled it out, ‘migration for work, migration to study is a good thing ... What is wrong is when that system isn’t properly policed, and people are coming here who are a burden on the society, and it is that which we intend to drive out ... So we will establish a system ... which looks at the skills, talents, abilities of people seeking to come and work in this country, and ensures that when they come here they have a job and can contribute to the economy of the country’.² All the other claimants—prospective immigrants with not enough ‘brownie points’ for professional education and experience in the kind of services in which the country suffers a deficit of home-grown professionals—are to be denied social rights and in due course deported altogether: just how would one, if only one could, proceed with the native ‘redundant’ population, recently renamed, symptomatically, ‘the underclass’? The prime minister, as the press reported, hailed the home secretary’s plans, arguing that they would address the public’s justifiable concerns about abuse of the immigration and asylum systems. They would, said Tony Blair, ensure that it is ‘only people you really need to come in and work that get work permits’.³

As always in Blair’s public statements, the words must have been rehearsed in focus groups, carefully chosen and weighed, with the view on striking a responsive chord in the mood of the electors.

Ostensibly, they have been aimed only at the aliens knocking on Britain's door, but they would not amount to a convincing case if they did not chime in with the way 'the population at large', that is a decisive majority of the voters, think about the underdogs, or (what after years of cuts in social provisions amounts to much the same) about the 'welfare recipients' (that is, people who do not just possess, but also use, their 'social rights'). Criteria for 'external exclusion', to deploy Christian Joppke's distinction (2005), are after all brewed and tested at home; they are but applications of the principles arising from domestic practices of 'internal exclusion'.

The prime minister's words manifest the divorce of interests and ethics, in whose marriage 'the welfare state' and Marshall's 'social rights', were born. In Marshall's time, calculation of interests and ethical concerns of the nation used to point in the same direction, and the policies they prompted used to overlap—but they no longer do; the rights to the first and the last word have been assigned to the interest. Social rights are now to be offered selectively. They ought to be given if and only if the givers decide that giving them would accord with their interest; not on the strength of humanity of the recipients. And the two sets of people—those who pass the second test and those who would pass the first—do not overlap.

The routinely offered explication of the current prevalence of interest over ethics is that the extant structures of social state would not be able to accommodate a massive influx of the immigrants. To make such explication as 'self-evident' as it is commonly viewed, or simply to allow it to make sense, many tacit assumptions are needed—and most of those assumptions would not stand scrutiny (most conspicuously, the assumption that admitting more work-able people to the country will detract from the resources needed to finance the collective insurance policy, rather than preventing them from shrinking catastrophically in view of the current demographic trends: falling birth-rate combined with the lengthening of life expectation). But critical voices are few and far between. They are seldom heard and even less frequently listened to if voiced.

What the most common though misleading explanations gloss over is that the old consensus supporting the desirability and necessity of the 'welfare state' had collapsed well before the immigration pressures acquired the volume presently ascribed to them. The majority opinion turned away from the previously unquestioned belief in social rights as integral part of humanity, and quite a few years before those pressures had been promoted to the rank of the 'main reason' of the

social state's troubles (a promotion that simultaneously manifests and hides, let me repeat, the tendency to retreat from the postulate of the universality of social rights).

Already in 1988, in his Tanner Lectures, Albert O. Hirschman brought to public attention the impending crisis of the social state—although (not unexpectedly) he did not think it necessary to resort to the new world-wide migration as an explanation. A historian of ideas rather than a sociologist, Hirschman focused on the marked shift in thought, rather than on the more subterranean overhaul of the socio-political configuration which undersigned the now rejected consensus. Summarising the debate already under way for more than a decade, he listed three theses widely deployed to condemn the old consensus and promote the new: the 'perversity', the 'futility', and the 'jeopardy' theses. The first censured the impotence of 'welfare bureaucracy', charged with channelling its services to wrong addresses and offering either wrong cures for genuine ailments or medicines for putative illnesses. The second thesis charged the welfare provision with endemic and incurable inefficiency and ineffectiveness. And the third accused the whole idea of social state of the sin (or crime) of breeding dependency and cutting the ground under 'negative liberty'. In direct opposition to Marshall, the 'jeopardy' thesis intimated that far from being the logical culmination of personal rights, social rights were in practice, if not yet in theory, their radical and implacable enemies.

As a sociologist rather than a historian of ideas, I am inclined to focus less on the meanders of common mental attitudes than on the causes of their commonality; more exactly, on the transformation of the socio-political configuration from such as could produce an almost universal endorsement of T.H. Marshall's 'logic of rights', into such as has brought such endorsement under fire, multiplied the ranks of its detractors and paved the way to the central stage for the proponents of (to use the language they most commonly deploy) 'cutting social expenditures and taxes'. This, in last account, led to the denial of the principle of collective insurance and—again in practice if not in theory—of the universal entitlement to social rights that include the right not only to biological survival but also to social respect and human dignity. I suggest that the decisive factor among the set of correlated transformations which underlay the rising popular support for, or the absence of, effective resistance to the gradual dismantling of Marshall's trinity of rights, was the consistent weakening of human bonds resulting from the interrelated processes of deregulation, privatization and individualization.

Virtual elimination of collective bargaining from labour markets for all but a few trades and professions, bringing all forms of collective action including strikes and picketing to the verge of illegality, loosening the limitations previously imposed on dismissals and phasing out almost all protections against redundancy, the new uncurbed 'flexibility' and freedom of movement on the side of employers and managers, coupled with the falling control over the employment conditions and continuing immobility on the side of the employees—all cut at the roots of labour solidarity. When suppressed for a long time and stripped of their past institutional scaffoldings, the impulses of 'joining ranks' and 'marching shoulder to shoulder' tend to wilt and fade, further stifled by ever more vigorous individual competition. Flexible employment, plagued as it must be with scarce or nonexistent expectation of its long-term stability, does not favour solidarity. Indeed, 'flexibility' of labour markets renders solidarity unproductive, if not downright inimical to individual short-term and middle-term interests.

Without solidarity and the institutionalized, as it were, legally protected and authoritatively promoted solidarity, social rights have little chance and surely no certainty of survival. Let us recall Arendt's verdict: the 'Rights of Man, supposedly inalienable, proved to be unenforceable ... whenever people appeared who were no longer citizens of any sovereign state'. Arendt spoke here of personal and political rights. Of social rights one could say that they also prove unenforceable whenever people appear who are no longer party to a viable solidarity action. And, as we argued before, unless they are capped by effective social rights, political and personal rights prove to be for a large part of the nation little more than one more yarn for dreams and a stubbornly elusive target, rather than a reality.

The big question, of course, is whether the time has arrived to shelve T.H. Marshall's trinity of human rights in the archives, filled to capacity with 'iron laws of history' and proved by history to be somewhat less iron-like than their proponents thought, or whether such a decision would be grossly premature. Whatever the answer to this question may be, I suggest that trying to deduce it from the arguments and counter-arguments currently floated whenever the future of the collective insurance against individual misfortune (once promised and hoped to be delivered by the nation-state) is pondered and debated, would be blatantly wrong.

Whatever the future of social rights may be, it is utterly unlikely that it will be decided within nation states and rest on state initiatives

and management. The most powerful among the factors which militate against social rights today are *global* and operate in a space stretching well *beyond any single state control*. Any undertaking with a chance of withstanding their pressure could be only, as the pressures themselves are, supra-national, indeed, global. In a nutshell, T.H. Marshall's trinity may survive only if raised to the planetary level. A single state or a combination of states, however large its resources might be, cannot by itself secure the future of social rights and so obliquely the future of the other two members of the trinity. The present crisis of Marshall's formula is a global problem, and solutions to global problems can only be global solutions. The carrying capacity of local politics, ably (though sometimes with results we wouldn't be eager to applaud) represented through the era of 'solid' modernity by the institutions of the nation state, is much too small for the task, and is getting smaller by the year.

There is a widespread consensus among the participants of the current debate as to the direction at which the overhaul of the present world order (or disorder, as most observers tend, rightly, to classify it) should aim. Most of them would probably agree with Chantal Mouffe's succinct diagnosis of the root of trouble: 'The lack of political channels for challenging the hegemony of neoliberal globalization is a root cause of the proliferation of discourses and practices of radical negation of the current order' (Mouffe 2004). And so they would have to agree as well that the building of another order, more viable and more hospitable to humanity, needs to proceed through the construction of such 'political channels' that could effectively control, tame and regulate the heretofore purely negative globalization that consists mostly in emancipating business from political supervision and squeezing power out of the state-conducted politics, still as local as two centuries ago. Consensus does not stop, however, far beyond recognition of that rather banally obvious necessity. Beyond that point, views diverge.

Inspired in large part by Carl Schmitt's⁴ vision of the future arrangement of planetary affairs, Chantal Mouffe envisages 'a new global order based on the existence of several autonomous regional blocs'. She believes that such a division of the planet 'would provide the conditions for an equilibrium of forces among various large spaces, instituting among them a new system of international law' (Mouffe 2004). Understandably though not necessarily forgivably, Mouffe abstains from justifying her expectation of 'equilibrium' and the emergence of 'international law', limiting herself to revoking the 'Jus Pub-

licum' of Europe split into dynastic estates. What she glosses over in silence is just how many times that 'Jus Publicum' was violated in 30-year or 100-year religious wars and an infinite number of dynastic ones; and over the fact that it was precisely such a planet divided into territorial blocs that George Orwell expected to emerge by 1984, although it did not occur to him that it would provide the conditions for an equilibrium of forces and a rule of law. She also passes by the fact that whatever grip and binding power the weak and feeble 'Jus Publicum' of premodern Europe could now and then command, it owed not to the 'balance of power' between the independent enclaves, but to the limitation of their sovereignty by the dual all-European powers of the Church and the Holy Roman Emperor. Finally, Mouffe does not mention that more often than not the slogan of the 'power balance', whenever used, signalled simmering antagonisms and imminent wars rather than lasting peace; and that 'balanced power' worked, as a rule, as a standing and perpetually seductive invitation to *divide et impera* initiatives of aspiring emperors who would rather have the extant powers somewhat less balanced than they found them.

Mouffe's suggestion has been advanced in opposition to the alternative itinerary hopefully leading towards the establishment of the potent 'political channels' able to regulate the play of global forces: a 'cosmopolitan democracy', working towards the perspective of 'global democratic governance', to use the terms used by David Held and Daniele Archibugi (Archibugi & Held 1995: 7, Held 1999: 125). In the words of Archibugi, the programme of cosmopolitan democracy is based on the assumption that important objectives—control of the use of force, respect for human rights, self-determination—will be obtained only through the extension and development of democracy. This would require international institutions that, in Mouffe's rendition, would allow individuals 'to have an influence on global affairs independently of the situation in their own countries'. And so the choice on offer is, roughly, between a 'multipolar world order' with a number of blocs ('super states' or alliances of states) vying/co-operating with each other in the process of perpetually rehashing and readjusting the balance of forces on one hand, and a network of essentially non-state institutions of global reach, oblivious to territorial sovereignties and bypassing the state governments, on the other.

Let us note that—at least since Karl Jaspers's blunt condemnation of the nightmarish eventuality of 'one planet-one state' scenario—few if any political thinkers consider a worldwide hegemony of one super-power as a viable solution to the quandary of the new world order. A

uniform planetary political body shaped after the pattern of the homogenizing state seems to be decidedly out of political science fashion. In elaborating and debating their own anticipations or projects, most thinkers assume, explicitly or implicitly, that variety (whether territory bound or extraterritorial) is here to stay, and that the management of the planetary political body would have to abandon the uniformizing ambitions which guided the era of nation-building. Clifford Geertz unfailingly captured the dominant mood of our time when, in the Ninth Annual Irving Howe Lecture delivered at the City University of New York in November 2004, he noted the worldwide move from the initial intention of the 'fabrication of unities' to the 'navigation of difference' and concluded that 'multiplicity, "the world in pieces", is with us now, late and soon'.

I can't be sure what T.H. Marshall's choice would be, were he to join the debate at its present stage. I suspect, though, that he might point out that unlike most other intentions and institutions historically developed in the era of nation-building and postulated indivisibility of the nation state's sovereignty, the trinity of rights retains fully its topicality at the times when a new, *planetary* political order, transcending the boundaries and the sovereignty of states, is *in statu nascendi*. Its message has lost nothing of its power of persuasion: now as much as before, no personal and political rights are likely to be secure unless supplemented by social rights, and *the struggle for personal and political rights remains unfinished as long as the social rights have not been won*.

The edge of Marshall's precept therefore remains as sharp as ever. Its apparent loss of cutting capacity derives more from the absence of a firm object on which, once pressed, it could leave a lasting impression, than from its bluntness. The volume of nation state sovereignty is too volatile to be certain that the impression will last, let alone be indelible. As to the planetary level, the well-entrenched institutions which could respond to its pressure by reshaping global social realities through political practice are nowhere in sight. The fate of Marshall's trinity is inextricably interwoven with the fate of such institutions—that is, of such institutions as are potent enough to guide human rights and freedoms, through the times of humanity-building, along the itinerary they traversed once in the era of nation-building; in other words, of the institutions of which one could say what in Marshall's time had been said of the state: that from them, in them and through them humans gain the three equally indispensable, since mutually dependent, aspects of their freedom.

NOTES

1. Edmund Burke, *Reflections on the Revolution in France* (1790), quoted by Arendt after Everyman's Library version edited by E.J. Payne.
2. BBC News, 6 February, 2005.
3. BBC Radio 4's *The Westminster Hour* with Andrew Rawnsley, 6 February, 2005.
4. See in particular Carl Schmitt, 'Die Einheit der Welt', *Merkur*, 1/1952.

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