

individual rights claims. Second, they are subordinate to the claims that a *state* has on its citizens. Third, any false nationalist beliefs, e.g. regarding a common origin, should only be tolerated if they are not harmful. And fourth, the legitimacy of nationalist claims derives from the choices of individuals (e.g. expressed through association or democracy).

### The right to self-determination

We can argue a nation has the right to self-determination on the basis of utility: giving a nation its own state will promote democracy, equality, and the sentiments that bond a moral community. Or we can argue that self-determination is *intrinsically* valuable to a group, just as it is to an individual. For *any* group, having the power to organize its affairs and dispose of its resources as it chooses is valuable. Where the group is formed by a shared identity, and individuals can express their views within the group, group self-determination expresses the self-determination of individuals. It also extends its, as the group will be able to achieve much more than individuals taken alone. But are these arguments enough to establish a *right*?

Does a national group within an existing state have the right to secede and set up its own state? Historically, such behaviour has led to political instability and war, e.g. in the Balkans. We can reply that violence is rarely, if ever, justified in the pursuit of self-determination, but this doesn't show there is no such right. However, second, there is simply too little territory for every candidate nation to have its own state (and many claim the same territory). This rules out an unconditional right to statehood. But could there be a right under certain conditions?

The argument from utility doesn't necessarily support secession, as nations can be given a degree of autonomy *within* an existing state, and this may be the best way to secure democracy, equality and moral communities. The argument from identity suggests that the most important issue is whether a nation's identity is compatible with the majority national identity in the state. If it is not radically incompatible, then it could be allowed a degree of self-determination within the state, over matters that primarily concern its interests. If its identity is radically incompatible then secession may be justified.

(David Miller argues that even then, there are three other considerations. First, the new state and the rump state must be viable. Second, the new state should not itself contain minorities with radically incompatible identities, or the issue of secession will simply be repeated. And third, the impact of secession on other minority nations in the rump state must be taken into consideration.)

According to the argument so far, there is no clear right to self-determination for nations that are not already states, only a claim. Nation-states, however, already have a degree of self-determination. But how far does this right extend? Nationalists have traditionally claimed not just the creation of a state, but also its maintenance, strengthening, and even its expansion. Does the right of self-determination involve *complete* sovereignty over both internal affairs and relations with other states?

Finally, it is worth noting, for all this talk of rights, many nationalists have argued that a nation has not only the right but also the *obligation* to pursue self-determination. An obligation to whom? To the nation itself and its individual members, past, present and future.

First, it exists because an aspect of the interest of human beings justifies holding some person(s) to be subject to a duty. Second, the interests in question are the interests of individuals as members of a group in a public good and the right is a right to that public good because it serves their interest as members of that group. Thirdly, the interest of no single member of that group in that public good is sufficient by itself to justify holding another person to be subject to a duty. (*The Morality of Freedom*, p. 208)

Raz's account explains how a group can have rights that individuals cannot, viz. that the interests of individuals, taken individually, are not enough to create the relevant duty or duties, but their interests, taken collectively, are enough. He also draws attention to the fact that some goods are public: they are necessarily (at least in practice) available to all members of the group if they are available to anyone and their enjoyment by one individual doesn't compete with their enjoyment by others. Examples include clean air, being part of a flourishing culture, and national self-determination.

### The rights of a nation

Do nations have rights? Two important rights a nation might have are the right to political self-determination and the right to maintain its particular culture. If a nation has these rights, then how strong are the rights? We return to these specific rights in the next section, after looking at implications of the claim that nations can have rights.

Rights always give rise to duties. Specifying the right involves specifying what duties it grounds, and who holds those duties. We might expect that a nation's right would impose duties of non-interference. If the nation is also a state, then other states would have the duty not to interfere with its political self-determination. If the nation is a smaller group within a state, perhaps the state has the duty not to interfere with or undermine its culture, or even the duty to grant it some self-determination.

Do the rights of a nation impose duties on individual members, e.g. to sacrifice their self-interest in support of the national interests? Can individuals be required to defend the nation, or to protect and preserve its traditions and culture?

If a nation's rights impose duties on its members, most nationalists think that these duties hold towards one's own nation only. We do not have the same duties towards nations *generally*. So the duties must be grounded on what ties an individual to a specific nation, viz. national identity. How can national identity impose duties? Religion, gender, sexual orientation and many other traits contribute to one's identity. So do other groups relating to identity – 'women', 'Muslims', 'homosexuals' – also have rights that impose duties on their members? Or is the nation a group of greater importance, morally and politically, than other kinds, and so can claim rights where they others cannot?

We can argue national identity is distinctively political, rather than personal, because a nation, unlike other groups, is identified with a geographical place and a distinct cultural and historical identity (actual or imagined). We can argue that our cultural inheritance is the basis of our values and moral identity. A nation is also a group characterized by the demand for unified political self-determination, which is not true of other groups. These special features of national identity could be argued to impose duties on members where other group identities do not.

But there are also strong objections to the idea of nations having rights. Many liberals argue that the claims of nationalism do not amount to rights. First, they cannot override

Is national sentiment essentially irrational, and indifferent to the individual's self-interest? For instance, is it the product of a 'false consciousness', an ideology imposed on the people by those with political power for their own ends? Is it the product of a Romantic view of 'peoples' and their distinct 'essences', an idealization of the group, and the priority of the group over the individual? Given the violence that ethnic nationalism has given rise to, we may suspect national sentiment to have irrational origins.

However, we may also give an evolutionary defence of it. Individuals who develop a sense of belonging and identification with others do better in evolution. In species that live in groups, those groups that develop bonds of feeling and cooperation will do better than other groups. Culture has taken over the role of blood relations in forming our identifications and feelings, and so national sentiment arises.

## **GROUP AND NATION RIGHTS**

### **Group rights**

Many philosophers argue that groups can have rights. A group right is not a right held by individuals in virtue of being a members of a particular group; e.g. 'gay rights' are not group rights, but the rights of *individual* homosexual people. A group right is a right held by the group *as a whole*, e.g. the right of a nation to self-determination, if there is such a right, is a right held by the nation as a whole, not a right that any individual has.

What does it take for a group to have rights? First, many philosophers argue that the group needs a certain unity and identity. This could be achieved by organization, e.g. a corporation is recognized as having both legal rights and duties. Nations have a identity created by members' sense of unity and identity with one another. Second, the group must have a moral status distinct from its members. There are two criteria for this: the group can act as a group, thereby acquiring responsibilities (and duties) not held by any individual; and the group has interests as a group that can't be reduced to the interests of individual members. If rights are restricted to groups that can literally make choices (e.g. through an established decision-procedure), then many cultural groups would not therefore have rights. If rights are based on interests, we can argue that a group can have rights if it has distinct interests, e.g. if as a group, it can flourish or decline.

Group rights may impose duties on people outside the group, e.g. duties of non-interference; on members of the group, e.g. to support the activities and identity of the group; and on the group itself, e.g. to protect its interests.

### **Group interests**

There are two views of group interests. On one view, the group has distinct interests (e.g. a nation's interest in self-determination) that are not an aggregate (sum) of the interests of individuals. This view faces the objection that only individuals are, ultimately, of moral importance, so the moral status of groups must derive from that of individuals.

On another view, defended by Joseph Raz, the interests of its members, *taken collectively*, generate the group's interests. And so a group right is held by all the members in common, rather than being held by 'the group' as a distinct entity. Raz argues that a group right must meet the following criteria:

## **Nation states**

### **NATIONALISM AND NATIONAL SENTIMENT**

#### Nations

Nations are not states. States are political structures that are sovereign, defining the legal rights and obligations of citizens, and claiming a monopoly on the use of force. A nation is a group of people united in some way (to be explored). Some states contain more than one nation (e.g. the United Kingdom, if the Scots, Welsh and English are distinct nations), some nations are spread across more than one state (e.g. the Kurds, who live in southern Turkey and northern Iraq). We cannot define a nation and nationalism in terms of belonging to a particular state, because the sense of nationalism is often strongest in national groups who do not have a distinct state to call their own. So a sense of belonging or loyalty to a state – a ‘civic’ allegiance – should be separately identified as ‘patriotism’, not ‘nationalism’.

A ‘nation’ is not *any* group of people that aspires to a political organization in common, such as the state or something similar. A nation, distinctively, involves ‘national identity’, normally understood in ethnic and/or cultural terms. (Populist nationalism often appeals to ethnic identity, but the idea of a ‘common origin’ of a people is almost always mythical and can support racism. Philosophers therefore stress cultural factors.) A nation is, normally, a non-voluntary community; members are born into and raised with a particular language, tradition, and culture. This creates a ‘national character’ or ‘form of life’, a ‘collective mentality’ and sense of unity among the people related in this way. So we can explain aspects of individuals’ characters in terms of features of the group. In this way, ‘national identity’ is part of an individual’s identity. National identity also connects the group to a particular geographical place and embodies a historical continuity – the group identifies with people and actions in the past, from whom it inherits duties (to continue certain traditions or values) towards people in the future.

#### Nationalism and national sentiment

‘Nationalism’ refers to the attitude of caring about one’s nation and national identity, and also the policy of a nation to pursue or sustain self-determination. It leads, further, to claiming special duties and rights based on the value of nationality. David Miller summarises nationalism in three claims: ‘that a national identity is a defensible source of personal identity, that nations are ethical communities imposing reciprocal obligations on members which are not owed to outsiders, and that nations have a good claim to be politically self-determining’ (‘In Defence of Nationality’ in *Citizenship and National Identity*, p. 6). The three claims, as we will see, are closely related to each other.

Nationalism involves individuals having a sense of national identity, and with this, feelings of belonging to a common nation. These feelings give rise to a further feeling of solidarity, which may support certain political aims, such as the defence of common liberties and distributive justice. The alternatives to nationalism – either a lack of identification with others (individualism) or an identification with all of humanity (cosmopolitanism) – can seem unfeeling or abstract by comparison.