

## **Nationalism, liberty and justice**

### **NATIONALISM AND LIBERTY**

#### The conflict

Must a liberal state eschew nationalist policies on the grounds that they will conflict with the liberty of individuals or disadvantaged minority groups, and undermine cultural pluralism? We can argue that nationalist policies (preserving, protecting and enhancing the national identity and culture of the majority) will come into conflict with core liberal values.

First, they will conflict with the neutrality of the state if the majority culture is promoted while the cultures of minority groups are not. A liberal state should instead provide special rights to minority groups in order to protect their cultures. Second, nationalist policies based on particular traditions and values can interfere with individual autonomy. Third, if it is a duty of individuals to promote the national heritage, this can interfere with their free creativity, e.g. writers or composers being told what they can and cannot do. Fourth, nationalist policies will undermine diversity within the state.

Historically, nationalist states have not fostered multiculturalism, and have overlooked the interests of minority groups. But must this always be the case? David Miller argues, first, that national identities need not be exclusive, but can include the trait of welcoming foreigners and living peaceably with them. Second, national identity does not exhaust any individual's identity, so many connections can be made with others on different levels. Third, a single national identity, such as being British or American, can encompass many ethnicities and considerable cultural difference. A national identity need not require sacrificing one's distinct cultural values, as long as there is not outright conflict between the two.

However, this reply only works for *liberal* national identities that respect other cultures, individual rights, and so on. Furthermore, if we distinguish between cultural and national identity, is there a real, unified national identity left of any value?

#### National community and positive liberty

A different approach questions the conflict between nationalism and liberty, rather than trying to resolve it. First, national self-determination is a form of positive liberty, the ability to make decisions and take actions that express what is national values. Second, nationalism may also support the positive liberty of individuals.

We can argue that the value of liberty lies in being able to make and act on meaningful choices. But what are the conditions under which this is possible? A number of philosophers have defended a crucial role for community (and so they are known as 'communitarians'). To make meaningful choices, an individual must acquire a set of concepts and values that create a network of meaning for them and enable them to understand the culture around them and their own life. These concepts are embedded in a language, the values are embedded in social and cultural practices. Morality is learned and acquired not in an abstract form, but in the particular form in which it is present in the community. So it is only within a community that provides a framework of meaning

and value that an individual can make meaningful choices. Therefore, such communities are a necessary condition for individual liberty.

Secondly, the protection of liberty requires that individuals restrain themselves from interfering with others' liberty. Our willingness to act morally is formed within a moral community, one that recognises the obligations individuals within the group have to one another.

The nation is often characterized as the kind of community defended here. It preserves and protects its language, culture and values; it recognises special bonds of obligation between its members.

We shall not discuss whether communitarians are right about the role of community, though this has been a matter of considerable debate. Does their argument, if correct, support nationalism? First, are nations the *only* or the *best* communities for providing meaningful choices? Are there other sub- or non-national communities (based on regional, ethnic, religious, cultural identities) that could equally provide the needed framework in the absence of nationalist policies? Has the argument accepted too many of nationalism's myths? The idea that there is such a thing as a true history of a national group, which suffices to distinguish it from outsiders, and which unifies it as a coherent and distinctive social group over time, simply does not account for the facts of nationality and nationalism as a social phenomenon.

Second, even if nations are the right kind of community, must the values and culture of the nation be expressed via nationalist policies adopted by the state? Third, the argument only works to resolve the tension between nationalism and liberty if the values of the community support and encourage the positive liberty of individuals. Very authoritarian communities may provide meaning, but they may prevent autonomous choice. Finally, the positive liberty of its members may conflict with the positive or negative liberty of other citizens, e.g. if national values include forms of discrimination.

Once again, it is only a *liberal* national identity that resolves the tension between nationalism and liberty.

### Cross-border movement

Does a nation-state have the right to control its borders, and does this conflict with the rights of individuals to freedom of movement? On the one hand, individuals can have strong reasons for wanting to move to another state. On the other, states feel the need to control immigration to protect the way of life of their citizens.

All liberal states recognise the right of people to *leave* a state. Without a right to emigration, then individuals would be effectively coerced to be part of a particular state, undermining the idea that democracy is based on consent. But if individuals have the right to leave a state, don't they also need the right to enter another state? Freedom of movement is a core liberal right. Without it, individuals will not be able to 'pursue their own good in their own way'. Why should it stop at borders?

However, there are many justified restrictions on movement even with the state, e.g. where complete freedom of movement would threaten private property, public goods, environmentally important locations or national security. Likewise, any right to

immigration still recognise restrictions to protect national security, public order, and the survival of liberal and democratic institutions.

But is there a right to immigration? First, the right to decide who may join the community is a central feature of self-determination for any group, including nation-states. Second, without this control, the solidarity of fellow nationals, their shared understandings and values, would be threatened. If anyone could join a state, over time, the population would cease to have any internal cohesion and sense of national identity. Third, a strong national culture, which would be threatened by immigration without limits, supports other goods, such as redistribution and equality of opportunity.

But we can object that these arguments from national values etc. simply don't apply at the level of states. In today's world, most *states* are *multi-national*. Nations do not control borders; states do. However, the arguments can be made on the basis of a *civic* or *political* culture and identity. First, instead of obligations to fellow nationals, we have obligations to fellow citizens and we may appeal to the preservation of a political culture to defend immigration controls.

## **GLOBAL DISTRIBUTIVE JUSTICE**

The theories of justice we discussed were each developed to apply *within* a state. But given the moral equality of individuals, if it is unjust that the resources someone has depends on their race or gender, then isn't it wrong that it depends on their nationality or citizenship? For example, if justice requires distribution according to need, shouldn't that mean meeting need wherever it occurs in the world? In this section, we look at three positions on global justice.

### **Cosmopolitanism**

Cosmopolitanism is the view that nation-states are irrelevant to considerations of justice. We have the same duties of distributive justice towards all human beings, regardless of where they live. Some philosophers apply Rawls' theory of justice (see the handout 'Rawls and Nozick on justice') internationally, arguing that justice means we must place *all* individuals behind the veil of ignorance, irrespective of citizenship. We therefore end up with a global version of the Difference Principle – the only justification for inequality is that it benefits the worst-off *globally*.

Rawls himself rejects this approach, because his theory begins from assumptions about the nature of *society*, in particular that society is a system of cooperation for mutual advantage, and that justice defines rights and duties in relation to social institutions on the basis of *social* co-operation. But these assumptions do not apply internationally. Cosmopolitans respond that international cooperation does exist, e.g. in economic and cultural activities. But we can object that these are too weak, and don't generate the relationship needed for Rawls' theory of justice.

We can also object that cosmopolitanism ignores the nature of the state. A just state is justified in imposing a particular distribution. For global redistribution, we would need the institutions of the state to be replaced by coercive global institutions. This would undermine the powers of the state. Cosmopolitanism conflicts with the nature of the state as a set of institutions that legitimately holds power over its citizens regarding matters of distribution.

### Global justice and nationalism

Nationalism involves two claims that appear to conflict with global justice as understood by cosmopolitanism. First, it says that nations have a claim to self-determination, which will include determining its principles of justice. Different nation-states may choose different principles. Second, it may claim that individuals have duties of justice owed to fellow-nationals that are not owed to foreigners. States may even seek to promote their own citizens' interests through the international distribution of resources, through aid and trade. So nationalism rejects the view that justice requires that we treat all human beings, fellow nationals and foreigners, in the same way regarding matters of distribution. The arguments for this position are the same as the arguments for nationalism generally.

But even we have special duties to fellow-nationals, this doesn't show that we have *no* duties to foreigners. When does justice permit us to show partiality to fellow-nationals? To 'preserve' the nation we need only show partiality *when the existence of the nation is under threat*. But global justice will not destroy nations.

Nationalists can reply that it might. First, as we saw above, global justice could considerably undermine national self-determination. Second, massive transfers of resources out of a national community would threaten the bonds between individuals in the community. The national bond is expressed in solidarity, and this in turn, is expressed by special obligations that give priority to fellow nationals. If we could not show partiality, then the sense of connection to a national community would be threatened. Furthermore, solidarity provides the *motivation* for distribution in the first place.

Even if these arguments are correct, this still doesn't show that we have no duties of justice to foreigners. Can we be justified in preferring the interests of fellow-nationals over those of the most needy in some other country? Unless showing such preference would break down the bonds of national community, it has not been shown that we are.

### Rawls, Miller and global justice

We saw in the discussion of cosmopolitanism that Rawls rejects the direct application of his theory of justice to global justice. But he develops an analogue in *The Law of Peoples*. We need to imagine what each nation-state, or 'people', would agree to in an initial state of choice. In doing this, we cannot imagine that all nation-states are liberal, or this would make the theory quite irrelevant to our world as it is. Illiberal states must be respected, on the grounds both of autonomy and the liberal tolerance of diversity.

Rawls argues that the agreement 'peoples' would come to defines global justice. First, peoples would recognise each other's freedom and independence (self-determination), including the duty of non-intervention and the right to self-defence. Second, they would agree to honour human rights, not *liberal* human rights, but those who rule sincerely believe that they are working for the common good, and therefore offer citizens the opportunity to express their views politically in some way (a 'decent' state). Third, peoples would recognise a limited duty of distribution to assist peoples who live under conditions so unfavourable, e.g. famine, that they are prevented from having a just or decent political regime. This, of course, is a *much* less demanding principle of justice than the Difference Principle or the principles of equality, need or desert.

Rawls' conclusions depend on his assertion that we must respect the autonomy of states/peoples. But we can object that respecting the autonomy of an illiberal state could

be respecting the right of those in power to deny autonomy to the citizens. Can justice require us to respect the right of those in power to deny justice to their citizens? If citizens reject and resent inequalities imposed by their government, then how can justice require us to respect these inequalities?

However, if citizens *accept and defend* inequalities between them, e.g. because it expresses their conception of social justice, then we can argue that justice and nationalism both require that we respect this. David Miller (*Nationalism*, Ch. 10) argues that global distributive justice cannot be the application of one principle of justice, globally, because what distributive justice requires depends upon the particular community. Each community has different understandings of what should be distributed – money, work, status, power, opportunity – and on the meaning and significance of each of these. They have different criteria for distribution, different understandings of desert, responsibility and need. Competitive societies will tend towards principles of desert, collaborative ones towards need or equality. In each case, the *right* theory of justice depends on the values of the community.

Miller and Rawls accept that global justice still requires respect for basic human rights (which he expresses as conditions necessary of a minimally adequate human life) and a duty to help other nations that are struggling with conditions that prevent them from securing a just or decent political regime. However, *relative* inequality between states is not an issue of justice. Rawls argues that many differences of wealth are the results of local differences in how the states run their affairs, and there is little a foreign state can do to alter these factors. Miller argues that there is no neutral standard by which inequality can be measured given the different understandings of goods.