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Liberalism and Nationalism

Paul Kelly

Liberalism and Nationalism are two distinct ideologies that emerged in Europe following the French Revolution, although both have deeper roots in European intellectual history. These ideologies continue to characterize and shape political developments into the twenty-first century and remain a concern of contemporary liberal political theorists such as Hayek, Berlin, Rawls, Taylor Miller and Tamir who wrestle with the extent to which they are complimentary or antithetical. There have certainly been liberal philosophers in the twentieth century who have seen nationalism as one of the most potent threats to liberalism. Yet there have been self-proclaimed liberal nationalists, and some of the most important figures of nineteenth and twentieth century European liberalism such as John Stuart Mill, Max Weber and Isaiah Berlin have been sympathetic to the importance of national identity. There have also been national-liberal political parties in western democracies. This essay will explore the diverse responses to national claims within the liberal tradition and the extent to which these two perspectives can be reconciled.

The history of liberalism and liberal ideas and the history of nationalism provide ample opportunities to confuse and conflate any exclusive definition of

each complex tradition or theory. Nevertheless, one can profit by using John Breuilly's characterization of nationalism as involving three distinct positions; that nations as groups exist; that they have value to their members and in themselves and that because of this value they have a claim to some form of political autonomy.¹ A definition of liberalism is equally controversial but using the structure of Breuilly's analysis whilst replacing nation with individual, to characterize liberalism is instructive. Although liberal theorists differ over how far liberalism is fundamentally a social theory or a substantive ethical and political philosophy both positions acknowledge that it is individualist: that it regards individuals as real; as having fundamental value and in consequence that individuals have a claim to moral and political self-determination usually characterized in terms of rights to freedom and equality.

The debate about the compatibility of liberalism and nationality has been at the heart of the philosophical disputes between individualists and communitarians and between cosmopolitanism and particularism as approaches to political rights and values. This essay will also address the extent to which these distinctions show that liberalism and nationalism are antinomies or merely dichotomies of a larger whole.

To make sense of the recent debates between liberalism and nationality it is necessary to explore the philosophical sources of liberalism before its emergence as an ideology in the nineteenth century and then examine the way in which national identity is incorporated into the liberal political thought through the particular examples of John Stuart Mill² and Lord Acton. This history sets the context for Isaiah Berlin's³ rehabilitation of nationality within liberal theory and its use by contemporary liberal philosophers such as David Miller, Charles Taylor, Will Kymlicka and Yael Tamir who have sought to emphasize national identity against the perceived individualistic cosmopolitanism of John Rawls' A Theory of Justice.

The paper will conclude by arguing that the Berlin inspired reconciliation of liberalism and nationality is unsustainable and the Rawls's notion of a Law of Peoples⁴ provides a better account of the claims of political community with liberalism than that of liberal nationalists without at the same time collapsing into an unrealistic form of cosmopolitanism.

Pre-national Liberalism

As an ideology, liberalism emerged in Europe in the wake of the French Revolution but as a philosophical approach to politics it originated in the

eighteenth century. It would be naïve and anachronistic to claim that Locke, Kant, Hume and Smith were liberals in any straightforward sense it is nevertheless possible to identify sources of liberalism in the complex philosophies of each thinker.⁵ These four thinkers help to identify two distinct strands in the development of liberal thought that have a bearing on the way in which groups are accommodated within a liberal theory and importantly how the idea of nationality features within liberalism. It is worth bearing in mind that the modern concept of a nation was unavailable to all four thinkers.

John Locke and Immanuel Kant are two familiar sources of liberalism as an ethical or moralistic approach to politics and are used as ideal types by contemporary libertarian and egalitarian philosophers to explain and defend their respective theories of justice or individual rights. Both Locke and Kant distil and transform an earlier tradition of natural jurisprudence that sought to explain political authority and the claims of individuals in respect of it.

Although Locke's contract theory appears to provide a text-book account of the construction of political institutions by pre-political individuals agreeing to transfer their natural and moral powers his theory is actually much more complex. Contract theory is methodologically and ethically individualist and it is this feature that is at the heart of liberalism. Individuals are the basis of social institutions and practices and are therefore ontologically prior to social

institutions and associations. This is often considered a hopelessly naïve sociology: a fact appreciated by Locke who tries to draw the sting from just such a critique offered by Sir Robert Filmer's Patriarcha in the first of his Two Treatises of Civil Government. Yet although Locke is an individualist his main concern is not explaining the origin of political institutions but instead he is concerned with justifying and legitimizing political authority in the face of pre-social individual rights and liberties. These rights and liberties are real but they are indeterminate in the absence of authority and institutions that can adjudicate and enforce rights claims. Kant, although not strictly a contract theorist, also extends aspects of this individualistic account of the state even further in using the idea of public right as the basis for the juridical state that confers determinacy on individuals' private right claims. The modern state is required by the existence of individuals who share a common space (in Kant's sense a finite globe) and who make claims of right as part of exercising agency. Kant and Locke are therefore concerned with the idea of a juridical entity and its normative authority and legitimacy and not with the origins of actual political institutions. Indeed Locke's account of the contractual emergence of political authority and the state is accompanied by a separate historical sociology of the emergence of political societies.⁶ Kant's position is also neutral on the historical emergence of actual political communities. Although Locke and Kant do not deny the existence of intermediate institutions between the

individual and the state they account for these in individual terms and most importantly they do not regard such intermediate institutions or associations as having a normative status that is irreducible to the rights and ethical status of the individuals who compose them. Two things follow from this. First, there is no normative role for a nation in Locke and Kant's political theory. Both acknowledge the idea of a people and attach significance to it in their international political theory,⁷ but in each case it is clear that this is a juridical entity that is coextensive with the state or political community. To suggest, as does Meisels, that a territorially bounded juridical community is a root of the nation⁸ is misleading and potentially leaves the concept of nation to be so broad as to be meaningless. Second, the idea of a state derived from individual rights and liberties as either a philosophical presupposition or as a practical implication exhausts the idea of political community. The ethically individualist liberalism that can be derived from natural jurisprudence and which is exemplified in the political thought of Locke and Kant is primarily a 'state-focused' political theory where the state is the implication of a philosophy of rights, obligations, and their sanctioning powers. Any accommodation between this variant of liberalism and national identity must therefore subordinate the claims of nation to the prior ethical and political claims of individuals as rights bearers. Yet the juridical individualism of Locke and Kant also challenges any simplistic identification of liberalism with a universalist-cosmopolitanism that

claims that the primary obligations of individuals are to all other individuals irrespective of geographical and cultural distance. Both Locke and Kant acknowledge that there are ethically significant political communities that are not straightforwardly captured with the idea of a voluntary association, but they regard these as features of a complex moral economy of individual rights and liberties and not as implications of fundamental ethical communities as moral particularists claim.

As we have seen this juridical source of liberal individualism in natural jurisprudence can accommodate an historical and sociological account of political communities but it subordinates this to the prior logic of moral norms. But the liberal tradition also involves a different account of liberalism as a social theory as opposed to an ethical philosophy. This social theory tradition is closely associated with the ideas of David Hume and Adam Smith, although as with Locke and Kant one must again caution against a simplistic claim that Hume and Smith are liberals.

Hume and Smith have accounts of liberty, rights and legitimate institutions but unlike the tradition of natural jurisprudence they do not assert the priority of these normative claims but instead provide accounts of the emergence of moral and political practices and norms as consequences of un-coerced social

interaction. Hume challenges the tradition of natural jurisprudence with his naturalistic philosophy and conventionalist account of the emergence of private property, promise keeping and the associated artificial virtue of justice.⁹

Government in turn, also evolves to support and enforce the sanctions of justice when society becomes more complex and the opportunity to avoid the consequences of non-compliance with societal norms arises. Hume argues that the simple idea of the evolution of conventions provides the basis for the norms that characterize moral and political life. Hume turns from philosophy to history in his later works¹⁰ and develops an historical account of freedom in the context of the particular institutions of the English constitution. Hume's idea that a system of liberty emerges as a complex social practice and not as a series of rational deductions from normative premises gave rise to a conception of conjectural history that is developed and expanded in the work of other Scottish Enlightenment thinkers such as his friend Adam Smith.

Smith's Lectures on Jurisprudence¹¹ provides an anthropological account of law and government emerging through four stages of development from a primitive hunter-gatherer lifestyle through pastoral and agricultural forms of society and into the fourth and final stage of commercial or civil society. Each stage involves a greater degree of social complexity through a process of historical and cultural evolution. Smith's social anthropology and conjectural

history provides a developmental account of liberty as a social practice exemplified in a society of private property, security of contract and commercial exchange. Smith's account of liberty is essentially negative as it emphasizes a neutral role of government as a guarantor of the system of natural liberty through its provision of defense against external enemies and its protection of property and the rule of law. As with the tradition of natural jurisprudence and contract theory the role of the government is to enforce the law and punish infractions of the rights and liberties of its subjects, but the crucial difference is that these liberties are the result of an evolving social system. The key to maintaining that social system of natural liberty involved maintaining the balance between institutions within society. For Smith the emphasis is on civil society, commerce and trade as the ultimate guarantors of natural liberty and not the primacy of a sovereign state. Society is not equivalent to the state and Smith is more concerned with the role and scope of government than with theorizing the state as a juridical implication of natural and fundamental rights or ethical claims.

Hume and Smith provide a model of a liberal order as a commercial society where the boundaries between polities are porous and open to trade and commerce rather than a closed juridical system of rights. This model does not deny that individuals have particular attachments or that they find significance

in the fellowship of other individuals in groups and associations, but it does deny a place for intermediate natural communities of significance such as nations which have a natural claim of authority over individuals. Indeed, it was argued, the idea of commerce as the spread of material culture and civilization had a tendency to break down barriers between people and establish relationships of interdependence and mutual regard which undermined classical ideas of republican liberty and solidarity. And it was precisely for this reason that Rousseau, a contemporary and correspondent of Smith, considered the ideas of commerce and trade as incompatible with the maintenance of a general will.¹² The theorists of civil society, such as Smith, who shaped the ideas of classical liberalism emphasized liberty in opposition to government and saw the state as a necessary instrument for enforcing contract and property rights but not as the expression of a popular will or as constituting a people: the state as the institutions of government and the law fits within the idea of society and is not coextensive with it. Similarly the boundaries of society are merely accidental and contingent having a particular history, and at least according to these thinkers they were likely to become less important as trade and commerce established social connections amongst those previously isolated.

Although neither Locke, Kant nor Smith deny the possibility of individuals associating into groups that are distinguished by language and tradition, they do

not provide any ethical or sociological support for the view that nations are real entities of any kind in the same way that they insist that individuals are real entities both methodologically and ethically. Concepts such as territoriality, sovereignty, self-determination and 'people' many appear to serve as building blocks for nationalism or the vehicle through which national identity is exercised, but they need not be seen as place-holders for a nationalist completion of an abstract and incomplete liberal theory as we can see when these ideas return to the centre of liberal political philosophy in the twentieth century. Yet for much of the intervening period nationalist critics of liberalism starting with Herder in 1790s, and some liberal nationalists made precisely the claim that liberalism was abstract and incomplete without the addition of the reality of national identity and national groups.

Mill and the rise of liberal nationalism

Herder developed a counter-enlightenment critique of universal rationalism and an ideal of cultural history that was to profoundly affect many early nineteenth-century Romantic thinkers because of his theories about the expressive role of language and the concept of culture as the expression of the natural unit of a nation.¹³ The idea that language is a vehicle that expresses the collective life of mankind has influenced contemporary thinkers such as Isaiah Berlin and

Charles Taylor and has played a role in the development of contemporary communitarian critiques of individualistic liberalism.

Much of Herder's cultural nationalism was aesthetic as opposed to political, but it influenced subsequent philosophers such as J.G. Fichte (1762-1814) in the wake of the French Revolution and it captured the spirit of national liberation that was unleashed in the wake of Napoleon's assault on the *ancien regime* powers and in the anti-French reaction to Napoleonic imperialism. With the defeat of Napoleon and the attempt to reestablish an imperial order in Europe the struggles of peoples for national liberation and self-determination grew. Rising political leaders such as the Hungarian Lajos Kossuth (1802-94) in central Europe, Giuseppe Mazzini (1805-72) in Italy and Daniel O'Connell 'the Liberator' (1775-1847) in Britain, appealed to the concept of a nation as the basis for their struggle for independence from the pre-revolutionary imperial order. National struggles such as that of Greece against the Ottoman Empire inspired Romantic poets such as Lord Byron and political radicals such as Jeremy Bentham to campaign for rights to political self-determination, and in Byron's case also inspired him to join the national struggle fighting against the Ottoman Turks. Mazzini founded a group named Young Europe in 1834, which argued for a second revolution to extend national liberty and self-determination as the earlier French Revolution had extended individual liberty.

Many of these new nationalist leaders drew on liberal ideas of political self-determination and individual liberty in their struggles against the old order. The early nineteenth century rise in nationalist sentiment combined Romantic ideas of national identity and solidarity with liberal ideas of political liberty, individual freedom and constitutional government. Although the concept of the nation and national identity originated as an aesthetic critique of enlightenment rationalism and individualism in the writings of Herder it took the events following the collapse of the French Revolution in Europe and South America to bring liberalism and nationalism together as a political movement. Mazzini, Kossuth, O'Connell and Simon Bolivar in South America, were all influenced by liberal political ideas and espoused ambitions for liberal constitutional orders in place of political absolutism. Indeed for much of the early nineteenth century liberalism and nationalism were interconnected. This had an important impact on the subsequent development of liberal political theory and gave rise to the idea of liberal nationalism, an idea that is given its most forceful Anglophone statement in the nineteenth century in the political theory of John Stuart Mill (1806-1873).

Mill's position in the liberal canon is unchallengeable yet deeply controversial. Mill's On Liberty (1859) remains one of the iconic texts of the liberal canon yet his defense of liberty on utilitarian premises is potentially self-undermining. His

Principles of Political Economy (1848) is a classic statement of liberal political economy and remained a standard work in the field until the late nineteenth century, yet the chapters on socialism are also seen as marking a rupture in the classical liberal tradition that paved the way for the state interventionism of new liberalism.¹⁴ His utilitarianism, libertarianism and political economy all build upon the ideas of his liberal predecessors but Mill also famously drew on the thought of Romantic thinkers and developments in nineteenth century French and German philosophy. His 1861 Considerations on Representative Government is as important contribution to liberal engagement with the rise of democracy and develops the idea of representative democracy originated by Jeremy Bentham. Chapter xvi of this work marks an important milestone in liberal thinking about government and the state as it involves an explicit statement about the place of nationality. Mill writes:

A portion of mankind may be said to constitute a Nationality if they are united among themselves by common sympathies which do not exist between them and any others – which make them co-operate with each other more willingly than with other people, desire to be under the same government, and desire it should be government by themselves or a portion of themselves exclusively.¹⁵

He goes on to explain the origin of a spirit of nationality in terms of language, race or descent and possibly even geography, but most importantly he departs from purely essentialist accounts of national origins of the sort found in Herder and Fichte by focusing on the history of ‘political antecedents’, what one might re-describe as a political tradition. In the short opening section of chapter xvi Mill intimates many of the ideas that were to characterize accounts of liberal nationalism and theories of the place of nationality in twentieth-century liberal and democratic politics.

For Mill nations are real in the sense of being groups and entities that act in the world and make political claims, but he also retains his methodological individualism by seeing nations as groups of individuals who share common ends, desires or preferences. Nationality works through the aspirations and beliefs of the individual members of groups and as such he rejects any methodological or ontological claim about the priority of national groups over individuals. In this respect he intimates the idea of ‘imagined communities’ developed by Benedict Anderson.¹⁶ Imagined communities (Mill uses the phrase ‘communities of recollection’) are real but they are real because they are thought into existence in the acts and discourse of those who use the idea of nationality as a ground of identification. There is no attempt to modify the ontological individualism that underpinned Locke’s and Kant’s conception of a

people or Smith's moral and political economy: individualism remains central to Mill's philosophy and to liberalism. But nor is there any need to modify or reject individualism as Mill simply combines the liberal idea of a people with the sociological or historical category of the nation: 'Where the sentiment of nationality exists in any force, there is a *prima facie* case for uniting all the members of the nationality under the same government'.¹⁷ Mill's argument also prefigures the later functionalist account of nationalism developed by the twentieth-century liberal sociologist Ernest Gellner.¹⁸ Gellner argued that nations are primarily a feature of modernity and are associated with the practice of state building. Nationality is a mechanism through which states consolidate their power; secure their legitimacy and seek to reproduce themselves. Mill explicitly links the idea of nationality to self-government but more importantly he uses the idea of the nation as a way of securing political stability and effective and efficient government. The wider point of chapter xvi was not simply to acknowledge the fact of nationality but to recognize how it could support a liberal representative government in the face of the rise of democracy. Mill saw nationality as a way of taming the more dangerous and destabilizing tendencies of a democratic order by tying together disparate individuals into a single political entity focused around a common set of self-legitimizing institutions and practices. The liberal benefit of a national state is

that it made possible the minimization of coercive legitimation and made possible the liberal ideal of 'soft' or non-invasive government.¹⁹

Where a nation existed and where it could sustain a minimally invasive and coercive political order Mill acknowledged that there should be a right of national self-determination as an extension of the general right of self-government. Nevertheless he remains a liberal first and a nationalist second. Although nations have a *prima facie* claim to self-determination and self-government they do not have a conclusive claim. Indeed Mill is often criticized by defenders of nationalism for an arbitrary distinction between the nations that he approves of and which should have rights to self-determination and those nations he is critical of which should subordinate themselves to dominant nations. Minority nations that have been absorbed into larger nation-states such as the Bretons or Basques in France or the Welsh and highland Scotch in Britain are described as 'inferior and backward' and Mill suggests that such nations should be assimilated into the privileges of a 'civilised and highly cultured people'. All nations are not equal and he makes no claim that they should all enjoy the same rights and privileges. Mill's support for a hierarchy among nations is consistent with his views about the differential development of peoples and his controversial views about the educative and progressive role of British imperial rule in India.²⁰

Acton and the Liberal reaction to Liberal Nationalism

Mill's liberal accommodation of nationality established a paradigm of liberal nationalism that has been developed and defended by some contemporary liberals, but it would be incorrect to see his position as the sole dominant strand of liberal discourse on the nation in nineteenth-century Anglophone thought and the later liberal tradition. Mill's utilitarian liberal nationalism was one of the subjects of Lord Acton's essay on 'Nationality'²¹ in which Acton mounts a liberal critique of liberalism and the idea that states and nations should be combined in single entities.

Acton (1834-1902) is a curious figure in English liberalism coming from an old recusant Catholic family: being educated into a European Catholic culture and civilisation does not look a promising context for a defender of free institutions. Yet despite Acton's Catholicism he was a close correspondent of the great liberal W.E. Gladstone and was thoroughly integrated into English liberal culture, which he celebrated in his historical writings, contrasting English liberalism with rationalist anti-clerical liberalism inspired by the French Enlightenment. Acton acknowledged the importance of national identity as an historical artifact but he criticized the way in which elites used an abstract and artificial conception of the nation to construct an ideology of nationalism and

to assert that it alone should be the principle of unity within a state. It was precisely this point that brought Acton to criticize Mill's argument that all members of a nation have a *prima facie* claim to be brought under one government. Acton saw Mill's argument as a threat to freedom and a liberal order by its strengthening of the power of government and the state and by its single criterion of political inclusion. Against this partisan idea of state nationalism Acton asserted the importance of political pluralism and suggested that multi-nation states such as Great Britain and Austria-Hungary were more likely to ensure political and individual liberty than states with an homogenous national culture which in most cases will be a dominant culture imposed upon minorities. It was for this reason that he supported the Confederacy against the Union in the United States' Civil War.

Acton's liberalism reflects the conception of civil and commercial society as an evolving order of natural liberty familiar from Smith and the Scottish theorists of commercial society rather than the political monism of the social contract tradition in Locke or Kant. Although Acton's Catholicism ensured that he remained committed to a universal natural law he rejected the modernist tendency of post Hobbesian contract theorists to connect the law of nature with the modern sovereign state. A liberal order was not achieved by the rise of a system of sovereign states and the consolidation of state power but by plural

order of powers within and between states that balanced and dispersed political power. Where Mill feared the rise of the democratic masses and their capture of the state, Acton saw the rising power of the state as the primary problem. Freedom was essentially a social order of dispersed power and not ultimately a condition of individuals under a sovereign state. The latter was a confidence trick performed by absolutists such as Hobbes and Bodin and which had deceived the likes of Locke, Kant and their successors such as Bentham and John Stuart Mill. As a Catholic Acton's political sensibility was partly shaped by his membership of a recently oppressed minority in Britain and a culture that challenged the idea of the primacy of state sovereignty as a recent modernist invention that threatened a culture of freedom rather than guaranteeing it: he was the author of two provocatively titled essays on the idea of freedom in antiquity and freedom in the Christian world which show that freedom has evolved and developed and is not the gift of the modern sovereign state.²² The state remained the greatest threat to freedom and the biggest danger from the state was its capture and domination by a partial faction or elite. For Acton the post revolutionary rise of nationalism represented precisely this threat against the traditional orders and institutions that balanced and limited state power.

By the end the nineteenth century the Millian paradigm of liberal nationalism had apparently won against the liberal pluralism of Acton, becoming the

dominant liberal discourse especially following the policy of the US President Woodrow Wilson to advance liberal nationalism in the face of the break up of the continental European empires in the Versailles Treaty after the First World War. The redrawing of the European map, and that of the Middle East following the collapse of the Ottoman Empire, applied the Millian and Wilsonian idea that states and nations should converge (except in the case of the Kurds which became a source of instability to the present day). But the consequences of the Wilsonian settlement also precipitated a liberal challenge to liberal nationalism that reflected Acton's liberal pluralism. Perhaps unsurprisingly some of the most forceful twentieth century liberal critics of nationalism were Austrians such as F.A. Hayek and Karl Popper.

Hayek and Popper developed their political philosophies in the context of the collapse of the Austro-Hungarian Empire and the rise of state nationalism in central Europe. Following the Second World War they both became prominent liberal critics of totalitarianism, but whilst this was primarily directed against the threat of soviet communism Hayek in particular also challenged the idea of nationalism as a threat to a liberal international order. In The Road to Serfdom (1944) Hayek directs his attention at Nazism arguing that it combined socialism with nationalism. Where many critics of Nazism have tended to down-play the role of nationalism in the face of the peculiar version of genocidal racism that

led to the Jewish holocaust, Hayek was quite clear that nationalism was a central and dangerous element of totalitarianism which challenged the idea of an open international order by its principle of national uniformity as a criterion of collective organization and inclusion. Hayek's critique of nationalism is similar to that of Acton, indeed Hayek was quite explicit about his intellectual debt to Acton in the development of his mature liberal theory in The Constitution of Liberty (1960).²³ As a theorist of liberalism as a spontaneous order that is undermined by the imposition of arbitrary and partial political conception of a collective good, Hayek's social theory could only regard national identity as an artificial construction imposed on a people. That said, like Acton he did not deny the existence national fellow-feeling, the problem was not the matter of fact, which Hayek could hardly deny although he was skeptical of claims about its significance, but the way in which it was used to justify a partial collective ideology. Where the Millian paradigm had elided the social fact of national identity and fellow-feeling with the normative claims of the sovereign state, Acton and Hayek rejected this strategy as a false ideological form of politics. The struggle within liberalism over the place of national identity remains a special case of the struggle over the place of the state in a liberal order. Mill and Acton, just as Locke and Smith hold opposite positions in that debate. Hayek's position alongside Acton and Smith has placed him outside the main debates within academic liberalism following Isaiah Berlin and

John Rawls who return the discussion of liberalism to the context of a juridical state.

Liberal cosmopolitanism and the critique of liberal nationalism

The experience of mid-twentieth century European history as mediated through the writings of classical liberals such as Hayek, has been unpromising for liberal nationalism. The debate about the compatibility between nationality and liberal values has returned to the heart of liberal political theory since the 1990s and has been spear-headed by David Miller, Will Kymlicka, Yael Tamir, Charles Taylor and Margaret Moore all of whom can be situated in debates that are inspired by two dominant late twentieth-century political philosophers, Isaiah Berlin and John Rawls.

Berlin is one of the most elusive of contemporary liberal political philosophers; a passionate defender of negative liberty and value pluralism through works that purport to be the history of ideas; he is a critic of nationalism as a manifestation of the politics of resentment but he is at the same time a defender of national identity and national belonging.²⁴ Some scholars have explained Berlin's sympathy for liberalism and the value of national identity in his own conflicted attempts to reconcile his adopted Englishness with his

Latvian Jewish background and later Zionism.²⁵ Although there is a danger in biographical reductionism, Berlin's own philosophical position is not incompatible with such interpretations. Berlin was an anti-systematic political thinker as befits his philosophical training in Oxford realism and ordinary language philosophy. Political philosophy is necessarily a second-order reflection of a first-order moral and political language that is given by experience, tradition and practice and not derived from pure reason. It is not a science and does not have its own peculiar body of knowledge. The political theorist's task is to analyse and explain the origins of that political language and this involves the deployment of philosophical (or logico-linguistic) analysis and historical reflection and criticism. This involves the task of sifting through our moral and political experience to make the best possible sense of it. This attention to the grammar of a political or moral language can nevertheless draw our attention to features of moral and political experience that do not fit with systematization or logical coherence. For Berlin, one of the facts of moral experience is the ubiquity of conflict at the level of values and commitments, thus it is by no means incoherent to value both liberal principles and recognize the claims of national belonging. Indeed one of Berlin's criticisms of nationalism is that it reduces national sentiment to a single exclusive or monistic ideology.

Berlin's value pluralism is also manifest in his preoccupation with the ideas of anti-liberal and anti-enlightenment thinkers,²⁶ many of whom shape the development of Romanticism and nationalist politics in the nineteenth century and who influence the communitarian philosophy of some of Berlin's more famous students such as Charles Taylor.²⁷ Although he remains a liberal in politics and personal life, Berlin's recognition of the significance of national identity inspired other Jewish liberal political philosophers such as Avishai Margalit, Joseph Raz and most importantly Yael Tamir to develop complex perfectionist versions of liberalism. Berlin's impact on Tamir's book Liberal Nationalism²⁸ is openly acknowledged and profound, yet Tamir pursues the relationship between liberal values and national (particularly in her case Zionist national) identity in much greater depth including the vexed political claims to recognition and self-determination.

Tamir addresses the issue of national self-determination by distinguishing between a cultural and a political claim and suggests that many nationalists conflate the two. The former acknowledges the importance of culture as a source of identity, values and language whereas the latter connects these with exclusive control of territory and collective political agency. Furthermore, she acknowledges the ubiquity of cultural pluralism within modern states. From these two premises she concludes that the recognition of national identity does

not entail a claim or a right to political self-determination. As such she acknowledges the force of the liberal criticism of the nationalist's claim to reconcile national culture with political and territorial claims of the sort that underpinned Wilsonian nationalism, whilst at the same time not denying the importance of national belonging within individual and social identity. Mill's liberal nationalism had only ever asserted a contingent connection between the existence of national identity and political autonomy: Tamir's argument is not just a more forceful assertion of that contingency, instead she refocuses attention on nationalism as a form of culturalism, thus linking her argument with liberal multiculturalists such as Will Kymlicka. Similarly she does not deny the third element of Breuilly's typology of nationalism she just redirects attention from a narrow identification of nation and state to address other ways of accommodating national cultural claims such as providing internal protections and through the distribution of resources within a state. Tamir's argument is thus consistent with the fundamental perspective of post Berlinian liberal theory which takes the statist character of the domain of politics for granted and sees the task of the political theorist in moralistic terms as the justification of norms of distribution within pre-existing states. This Berlinian inspired liberal nationalism challenges the individualistic cosmopolitanism of Hayek and classical liberals which attach no great significance to culture and identity. This is also the background presupposition of another great

contemporary liberal philosopher John Rawls although Rawls is often considered a target of contemporary liberal nationalism as he inspires a more radical liberal cosmopolitanism that undermines the significance of states, nations and cultures in its Kantian focus on free and equal individuals and their rights.

Rawls' three great works of political philosophy make virtually no reference to the idea of nationality²⁹ and his theory of justice returns to the social contract tradition of Locke and Kant. Like Berlin, from whom he drew some inspiration, Rawls does not offer a theory of the state or an account of the political processes through which real politics manifests itself. Instead, the task of the political philosopher is reduced to an ethical one of regulating the distribution of the benefits and burdens of social cooperation. To this end Rawls argues that social or distributive justice is the first virtue of political institutions and the primary concern of political philosophers. Consequently, Rawls cannot have anything to say about the justness of a state system or how territory should be divided between states and national groups: all of these issues are either presupposed as settled or are outside the scope of philosophical resolution. It is precisely this denial of the place of national identity that has encouraged political philosophers who are sympathetic to the issue of social justice to reintroduce the claims of nation and nationality into

liberal arguments. Foremost amongst these is David Miller who argues that Rawls either, presupposes an established national community, or requires the cultivation of national identity to motivate the form of redistribution that social justice requires.³⁰ Miller's argument ranges beyond commentary on Rawls and advances an account of national identity as both a political fact and a basis for social and political cohesion within a modern state, but he differs importantly from Tamir in acknowledging that national identity can form the basis of political rights and that these curtail the individualist cosmopolitanism that some commentators have argued follows from Rawls's theory of justice as fairness.³¹

Rawls's apparent failure to acknowledge that he presupposes a territorially defined national political community at the heart of his theory of social justice is not the only reason why his theory has attracted criticism from liberal nationalism, a further reason is provided by the original choice situation in which his two principles of justice are identified. A Theory of Justice employs the idea of a social contract in two important senses. Firstly, the social contract is a metaphor for a political society as a scheme of social cooperation agreed between individuals who differ about fundamental ends and goals. In other words it assumes that the common good is the problem and therefore that it cannot be presupposed as a way of solving problems of social cooperation. To

this extent Rawls repeats Berlin's claim about the ubiquity of pluralism. The social contract also functions as a device for choosing or legitimating the two principles that he claims constitute justice as fairness. To this end he imagines an original choice situation in which representative individuals choose the principles that govern the distribution of the benefits and burdens of social cooperation. To ensure that they do not merely choose what is in their narrow self-interest they are required to choose behind a hypothetical veil of ignorance that denies them knowledge about their specific conception of the good, but also crucially about features of their particular identity. Thus individuals would know nothing about their, gender, culture, religion (if they have one) or nationality.

This model of individual choice behind a veil of ignorance has inspired a rival tradition of communitarian criticism often associated with thinkers such as Charles Taylor. The communitarian critics claim that choosers or selves who are unencumbered by the elements of their identity denied to them behind the veil of ignorance, would either not be able to choose at all, or more importantly they would cease to be selves or individuals in any recognizable sense. For communitarians we are constituted as selves through identity conferring practices such as culture, morality, nation, religion, and without these there would be no individuals. This argument often called the 'social thesis', claims

that our identities are socially constituted and that the isolated individual of classical liberal theory, especially that of Locke and Kant is a mere philosopher's fiction or an abstraction taken too far. Although some communitarians have taken this argument to undermine liberalism, many liberals have sought to accommodate the social thesis within liberal discourse. It can be found at the heart of Tamir's defence of the importance of national identity and in Will Kymlicka's arguments for cultural recognition and protection in his liberal multiculturalism. As we have seen this argument also reflects Berlin's rejection of an 'inner citadel' view of the liberal self and his commitment to cultural and value pluralism. If the cultural sources of self-identity are preconditions of autonomous choice then liberals need to cultivate and protect those valuable contexts of choice as a condition of a liberal and autonomous lives. Rawls is therefore criticized for being too Kantian and anti-perfectionist in his conception of liberalism. Liberal nationalism positions itself as a modest liberal communitarian position that avoids the desiccated individualism of Rawls' Kantian liberal cosmopolitanism.

The argument thus far has been to show how the liberal nationalist argument has become interwoven with the discussion of two of the most important recent liberal political philosophies, what has not been done is assess whether this engagement has enhanced liberal theory or weakened the claims of nation

within liberalism. In the closing part of this section I will argue that the concessions contemporary liberal nationalists have won in these arguments are either weak or non-existent.

Kymlicka and Tamir both deploy the culturalist or 'social thesis' argument to support the claims of national identity and whilst this makes a good point about the social context of choice and identity formation it can at best make nationalism a contingent element in that process. When confronted by the claims of rival nations in the context of multi-nation states, or when having to adjudicate between the claims of national recognition and of social justice, egalitarian liberals such as Kymlicka and Tamir side with universalist-liberal values over the claims of nation or of culture. Tamir's cultural theory offers a weak defense of the nation as her liberalism requires the priority of just treatment and where liberalism has to choose between culture and freedom or equality, it will always chose the latter values. If all that is being claimed is that liberalism can accommodate liberal versions of nationalism then the point is true but trivial. If something stronger is being claimed on behalf of national identity then the culturalist argument for national recognition becomes more problematic. Miller and Moore³² do indeed make stronger claims for national recognition, although Miller's recognition of claims to rights to national self-determination or secession is heavily qualified, but they face the problematic

challenge of why national cultural claims should automatically trump the claims of other cultural groups. The argument that national identity is special and prior to other group identities because it creates the bases of solidarity that sustain functioning states and democracies is open to the challenge that it is either circular or false as it defines as a nation whatever holds a state together including in multi-nation states such as the UK or states like the US where the idea of the nation is largely meaningless unless it refers to constitutional patriotism. If we interpret the nation in liberal nationalism to be so broad as to accommodate the ideal of constitutional patriotism or the bases of political obligation in a stable multi-nation state such as the UK, then we exhaust it of any explanatory content and contradict precisely the claims of the culturalist argument deployed by Tamir, Kymlicka and ultimately Berlin, which sees a richer tradition of language and culture at the heart of national identity.

Yet in rejecting the claims of nationality within liberalism we should not assume that this consigns liberalism to a desiccated cosmopolitan individualism or a universalist utopia. In weaving between individualist cosmopolitanism and national particularism in his last work, John Rawls recovers the idea of a law of peoples to regulate a global order. The Law of Peoples is a short, pregnant and complex work which recovers ideas that are at the origins of liberalism in the ideas of Locke and Kant. Rawls's primary task is to extend the contractarian

perspective of his political liberalism to the international and global realm and show why he posits a two level contract theory – between individuals within political communities and between peoples at the global and international level – rather than through the global extension of his idea of a closed domestic society as some of his cosmopolitan followers had argued. At the heart of the second level of contract is the notion of a people which is distinct from the idea of an existing state or a nation. The crucial point is that both existing states and nations may count as peoples but such an overlap is wholly contingent as the idea of a people is a normative and juridical category. In choosing to conceptualise political communities and their interrelationships in terms of a law of peoples Rawls recovers the tradition of Locke and Kant which distinguishes between the moral and juridical conceptualization of political relationships and the historical or anthropological facts of political experience. It is precisely this distinction that is overlooked by contemporary liberal nationalism. Furthermore, by acknowledging the idea of a political community between the individual and the global realm, the juridical idea of a people undercuts the nationalist claim that liberalism is too preoccupied with individuals and their rights to make sense of political experience.

Conclusion

Liberalism and nationalism are at best uneasy companions. Liberalism's social ontology denies the primacy of nationality as an account of political community and its ethical theory denies the moral primacy of nation or any other kind of community or association above the claims of individuals to equal concern and respect. Consequently liberalism can only accommodate the claims for national recognition on liberal terms. As we have seen that does not deny that the national fellow-feeling of a liberal people sustains the free institutions and personal rights and liberties of a liberal order. All that said, the positive relationship between liberal and national ideals and values is politically contingent and in the long run unstable, although how unstable is an historical and empirical as opposed to a philosophical question. Some liberal theorists assumed that the logic of liberalism is that of a cosmopolitan order where the personal liberty and free movement of individuals dilute the ties of identity groups and national identity. It is precisely for this reason that nationalist politics often involves language protection policies, special social provision and other restrictions on individual behavior to sustain the bases of national identity from the challenge of cosmopolitan culture and economic globalization. These provisions can be benign although they clash with some core tenets of liberalism, but where they are benign they also have unfortunate consequences for national identity as the more a nation becomes a liberal civic nation the less significance the idea of national identity has as a source of solidarity. This does

not mean that solidarity becomes less important for liberals but it does suggest that accounts of liberal solidarity can dispense with appeals to the social fact of national belonging and identity as their justification.

Although liberalism can accommodate a place for national identity, where stronger claims are made for national identity, as in most traditional political nationalisms, the uneasy relationship completely breaks down. Liberalism cannot and need not support nationalist claims for the national communities to be states and for significant national groups to secede from existing states to achieve national self-determination. In the last analysis liberalism is a person-regarding political philosophy and insofar as it needs to accommodate rights to group self-determination this must be for person-regarding reasons alone. Such arguments are not well served by being confused with ideas of nationalism or nationality. The challenge for liberalism remains the same as it was for the early precursors of liberalism such as Locke or Kant; to distinguish the legitimate claims of groups of individuals to organize their affairs collectively, from the idea that there are national communities which have a claim to recognition and self-determination that are not reducible to the rights and interests of their members.

¹ J. Breuilly, 'On the Principle of Nationality', in G. Stedman Jones and Gregory Claeys eds., The Cambridge History of Nineteenth Century Thought, (Cambridge, 2011), p. 77.

² Mill and Acton are discussed as exemplars because of the clarity of their engagement with national identity and its political salience. It is not claimed that Mill or Acton exhaust the discussion of liberalism and nationality within discourse of nineteenth century liberalism.

³ I. Berlin, 'Nationalism: Past Neglect and Present Power', in The Proper Study of Mankind, (London, 1998), pp. 581-604.

⁴ See J. Rawls, The Law of Peoples, (Cambridge, 1999).

⁵ Until recently histories of political thought made precisely this claim, whereas almost all recent scholarship has attempted to extricate these thinkers from behind the shadow of liberalism. See G.H. Sabine, A History of Political Theory (New York, 1937), H.J. Laski Political Thought in England From Locke to Bentham, (New York, 1920), and compare with J.Dunn, The Political Thought of John Locke, (Cambridge, 1969) and D. , Winch, Adam Smith's Politics, (Cambridge 1978).

⁶ See J. Waldron, 'John Locke: Social Contract versus Political Anthropology', in D. Boucher and P. Kelly, The Social Contract From Hobbes to Rawls, (London, 1994), pp. 51-72.

⁷ J. Locke, Second Treatise, §§ 145-6. I. Kant, Metaphysical First Principles of the Doctrine of Right, §§ 53-5.

⁸ T, Meisels, Territorial Rights, (New York, 2009) p. 159.

⁹ D. Hume, A Treatise of Human Nature, 3 vols., (London 1739-40).

¹⁰ D. Hume, A History of England, 6 vols., (London 1754-62).

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- ¹¹ A. Smith, Lectures on Jurisprudence, [ed. Cannan 1896]. Smith's lectures were delivered between 1750-1764 at Glasgow University but were not published during his lifetime.
- ¹² J-J. Rousseau, On the Social Contract, (1762).
- ¹³ Johann Gottfried Herder (1744-1803) was a student of Kant but was also influenced by J.G. Hamman (described by Isaiah Berlin as the 'magus of the north').
- ¹⁴ J. Gray, Liberalism, (Milton Keynes 1984).
- ¹⁵ J.S. Mill Considerations on Representative Government, in The Collected Works of John Stuart Mill, Vol XVIII Essays on Politics and Society 2., ed. J.M. Robson, (Toronto, 1977), chapter xvi.
- ¹⁶ B. Anderson, Imagined Communities, (London, 1991).
- ¹⁷ J.S. Mill, Considerations on Representative Government (CW) pp. 546-553.
- ¹⁸ E. Gellner, Nations and Nationalism, (Oxford, 1983).
- ¹⁹ This is a perspective held by contemporary defenders of nationalism, see C. Calhoun, Nations Matter: Culture, History and the Cosmopolitan Dream, (London, 2007).
- ²⁰ See G. Varouxakis, Mill on Nationality, (London, 2002), pp. 19-20, and B. Parekh, 'Decolonising liberalism', in A. Shtromos ed., The End of 'Isms'? Reflections on the fate of ideological politics after Communism's collapse, (Oxford, 1994), p. 91.
- ²¹ J.E.E.D. Acton, 'Nationality' in The History of Freedom and Other Essays, ed J.N. Figgis and R.V. Laurence, (London, 1907), pp. 270-300.
- ²² J.E.E.D. Acton 'The History of Freedom in Antiquity' and 'The History of Freedom in Christianity' in Selected Writings of Lord Acton vol. 1., Essays in the History of Liberty, ed. J. Rufus Fears, (Indianapolis, 1986), pp. 5-54.
- ²³ In establishing the Mont Pelerin Society in 1947 Hayek had originally suggested that it be called the Acton-Tocqueville society to indicate its commitment to a non-statist classical liberalism.
- ²⁴ Much of Berlin's work comprises essay length studies of philosophers and political thinkers which differ significantly from the methodologically self-conscious writings of many professional historians of ideas. Nevertheless, Berlin's provocative reflective and critical readings are often genuinely insightful contributions to political thought whether they serve satisfy historians of ideas as genuine history. Berlin is more properly considered a practitioner of a form of political thinking that proceeds through the

reflection on the ideas of past thinkers as opposed to a practitioner of historical synthesis. See G. Crowder, Isaiah Berlin, (Cambridge 2004)

²⁵ See Arie M. Dubnov Isaiah Berlin: The Journey of a Jewish Liberal, New York 2012 and for a critical response Joshua L Cherniss A Mind in its Time: The Development of Isaiah Berlin's Political Thought (Oxford, 2013).

²⁶ I. Berlin, The Crooked Timber of Humanity, (London 1991) and The Magus of the North, (London 1994).

²⁶ C. Taylor, Sources of the Self, (Princeton, 1990).

²⁸ Y. Tamir, Liberal Nationalism, (Princeton 1993).

²⁹ Rawls' A Theory of Justice rev edn., (Oxford 1999) makes only one reference to nation in 538 pages and this is in the context of just war; his Political Liberalism (New York 1993), makes no reference to nation or nationality and his final book The Law of Peoples (Cambridge, MA, 1999) does refer to nationality but in purely cultural terms following Tamir.

³⁰ D. Miller, On Nationality (Oxford, 1995) and National Responsibility and Global Justice (Oxford, 2007).

³¹ See S. Caney, Justice Beyond Borders, (Oxford, 2006). Caney along with Thomas Pogge regard Rawls' later A Law of Peoples as a betrayal of the individualist cosmopolitanism of his early work on justice as fairness, whereas nationality theorists such as Miller think that Rawls is insufficiently attentive to the place of a nationality within liberal theory.

³² M. Moore, The Ethics of Nationalism, (Oxford, 2001) for a more forceful defence of the culturalist argument for national recognition that is prepared to challenge liberalism.