

## Liberal Nationalism and Secession

KAI NIELSEN

---

## I

I want to explicate and defend the right of nations to some form of substantial political self-governance. This entails the right in certain circumstances (circumstances to be characterized in a moment) of nations to secession. I shall further argue that we should be more permissive about this than are many theoreticians (among them prominently Allen Buchanan).<sup>1</sup> The presumptive right to secession, where the majority of its citizens clearly express their preference for it, should generally be taken to be unproblematic. *Pace* Buchanan, *the burden of proof* will be to show that, in some particular circumstance or type of circumstance, this right (being defeasible as all rights are) should be overridden. There is, that is, a presumptive right of a nation to secede from a larger multinational state or centralized state should the majority of the members of that nation wish to do so. The burden of proof is not to establish that the right to secede is a general standing right, but, on the contrary, against this right to secede, that, for a particular case or range of cases, that this right can be justifiably overridden. I argue that this is the attitude to be taken in liberal democracies, particularly when both the remainder nations and the seceding nations are liberal democracies. In liberal democracies the right of a people to political self-governance is so deeply embedded that it cannot be easily overridden. Indeed the case for overriding it would have to be very strong. The step to secession, of course, should not be taken lightly, but a presumptive right to secession on the part of a people should always be acknowledged in a liberal democratic society. Such an acknowledgment is clearly tied to what it is to have a respect for democracy and (*pace* Buchanan) to the egalitarian belief in an equal respect for persons and for autonomy.

I proceed by first setting out my conception of a nation, of nationality and of liberal nationalism and why I believe that cultural-national membership is of deep significance to individuals and how this justifies their establishing some form of political self-governance for nations even when to do so involves the secession from a state, even a state that is not oppressive. Having set out my case I shall critically examine the powerful case made by Allen Buchanan that there should be no such strong presumption of the right to secession.<sup>2</sup>

## II

I shall limit myself to what should be said concerning the liberal democracies of the rich capitalist democracies and whatever successor socialist liberal democracies that we might in time come to have. I do this not because I think these are the only societies worth talking about. That would be absurd. I do it because our thinking about nationalism, its justifiability or lack thereof, and of secession should be significantly different when we are talking about such societies than when we are talking about the nations of the former Soviet Union, the former Yugoslavia, or of much of Africa. Our thinking should be much more contextual than it usually is. We must be very cautious about grand scale generalizations. We should, of course, if such can be had, like an account ('theory' may be too grand a word) that we could generalize to cover all the world. But we need more humble beginnings. There is enough to be sorted out if we just stick to the rich liberal democracies. I shall resolutely so restrict myself.

## III

There are myriads of definitions or characterizations of 'nation' and, for 'nation', its not being the name of a natural kind, there is no such thing as being the correct definition of 'nation'. But some definitions are more perspicuous and more useful than others. David Miller and Allen Buchanan give closely related conceptualizations (characterizations) that well bring out what a nation is. Miller takes a nation to be 'a group of people who recognize one another as belonging to the same community, who acknowledge special obligations to one another, and who aspire to political autonomy—this by virtue of characteristics they believe they share, typically a common history, attachment to a geographical place, and a public culture that differentiates them from their neighbours.'<sup>3</sup> Buchanan relatedly, but less fully, characterizes nations as 'encompassing cultural groups that associate themselves with a homeland, and in which there is a substantial (though not necessarily unanimous) aspiration for self-government of some kind (though not necessarily for independent statehood)'.<sup>4</sup>

Both authors stress the importance of a common culture. Miller speaks of a public culture and Buchanan of an encompassing culture and other authors with related characterizations of nation speak of an organizational culture or of a societal culture. They are all gesturing in the same direction. Often, though not invariably, that encompassing culture carries with it a distinctive language and where it does, that language becomes very important to that nation. This is plainly true for the Catalonian and Flemish nations. As well, for a group

to constitute a nation, people in that group must generally have a sense of a common history and an historical attachment to a particular territory which they see, though sometimes only in aspiration, as their homeland in which they will practice some form of political self-governance. There must also be a mutual recognition between the members of a nation of their common membership and a recognition that they owe special obligations to each other that they do not owe to others. The members of any nation will aspire to in *some way* control a portion of the earth's surface. This makes the very idea of a nation, as distinct from some other cultural groups (an ethnic group, for example, made up of immigrants to a country) inherently political. They wish to be *mâitre chez nous*, to have political autonomy and some form of self-government. Again that distinguishes a nation from an ethnic group or even a national minority not in search of nationhood.

I spoke above of 'in some way' controlling a portion of the earth's surface or of having 'some form of self-government' because, given the extensive mix in many places of different peoples on the same territory—often different peoples long resident in the same territory—there are more nations than there are feasible nation-states and for some nations, the Samaritans, the Lapps, the Faeroese—and *perhaps*, as well, the Kurds, the Welsh, the Catalonians, and the Basques—their nations are too small or too scattered to be viable states. The First Nations in Canada, Quebec, and the United States are very good examples of nations that, while they can and should have some form of self-governance, they are arguably too small and too vulnerable to form states. They are plainly nations, but they are either too intermingled with other peoples on the same territory or are too small or too poor or too much without infrastructures to form viable states. But there are weaker forms of self-government short of statehood that could, and indeed should, be theirs.

So nations are inherently political *and* inherently cultural. The nationalism of a nation will give force to both of those aspirations. And these features will mark them off from other groups. Liberals, socialists, and communists, for example, will cut across cultures and across nations. And ethnic groups of immigrants living in a state will not aspire to a homeland or to a *political* community. As immigrants they will seek to adapt to, and in some considerable measure adopt, the public (encompassing or integrating) culture of the country to which they have immigrated. For them the issue is not to form a political community, to say nothing of seceding from the state to which they have immigrated. For them a crucial desideratum is to integrate successfully into their new adopted homeland while still preserving something of their ethnic identity. Only if they are for a long time oppressed will they sometimes move, if they are there in sufficient numbers, from being simply an ethnic group to becoming a nation seeking political autonomy. In such a circumstance they become a nation for they already have a common culture—a culture which is becoming more encompassing.

National minorities are distinct from both nations and ethnic groups. Like nations they are historically rooted in a state. They are groups whose historic homeland has been incorporated into a larger state through conquest, colonization, or voluntary federation. But unlike a nation they do not seek political autonomy; they do not seek a form of self-government. They do not see themselves as a *political* community, but seek to insure that their rights are protected and their common culture preserved and respected. The Lapps in Norway and Sweden are a good example, as are the Swedish-speaking Finns in Finland, the Alsatians in France, the German-speaking minorities in the south of Denmark, the Danish-speaking minorities in Flensburg and its surroundings, and the Tyroleans in Italy.

Sometimes the borderline between national minorities and aspiring nations is fragile as the struggles of Tyroleans in the first two decades after the end of the Second World War well illustrates. Still the distinction is an important one to make. In, for example, a sovereign Quebec the First Nations would remain nations and the immigrants ethnic groups, but the historically rooted anglophone community would become a national minority with the distinctive rights of a national minority. They would have rights that ethnic groups would not have, but also, as a national minority, they, without aspirations to nationhood, would not have rights to some form of self-government as, by contrast, the First Nations do. The same thing would obtain for the franco-phone minorities in the rest of Canada; they are national minorities in Canada in a way the Poles, Germans, and Italians are not. Similarly, the anglophone minority in a sovereign Quebec would become a national minority while the immigrant groups would not.

#### IV

I am now in a position to specify what is distinctive about liberal nationalism, principally, but not exclusively, by contrasting it with ethnic nationalism.<sup>5</sup> All nationalisms—liberal nationalisms, ethnic nationalisms, and authoritarian non-ethnic nationalisms (e.g. the nationalisms of Argentina, Brazil, and Chile under their dictatorships)—are cultural *and* political nationalisms. Those things just go with being nationalisms of *any kind*.<sup>6</sup> But pressing for the protection of their distinctive cultural institutions, including, where they have a distinct language, their language, does not turn a nationalism into an ethnic nationalism and, as well, seeking to form a state or some other form of political community to work to preserve and enhance their national and cultural identity does not make such nationalists into ethnic nationalists or make them chauvinistic. An ethnic nationalism will be rooted in an ethnic conception of the nation where membership in the nation and citizenship in a state will be rooted in *descent*. What determines membership or citizenship

in an ethnic nation is who your ancestors were, not the language you speak, your cultural attainments, your conception of yourself, where you live, or what your loyalties are. This nationalism is exclusionist, xenophobic, backward-looking, and deeply anti-liberal. Where it, in some modified form, persists in some otherwise liberal states, e.g. Germany, it is an anachronism firmly to be condemned as running against what liberalism and democracy are all about. Where nationalism is rightly despised and condemned it is either this nationalism or the sometimes non-ethnic nationalism of some authoritarian states (e.g. Chile under Pinochet). But liberal nationalism, while remaining cultural and political as all nationalisms are, is none of these things. It is a nationalism which is non-exclusionist. Citizenship is open to anyone, with a landed immigrant status within the territories of these liberal democracies and immigration is at least reasonably open and is certainly not based on ethnic, racial, or religious grounds. It is, that is, quite independent of descent and ethnic background. Anyone who wishes to have full citizenship and be a part of the nation may, at least in principle, do so if they learn its language, history, and customs and are willing to abide by its laws. Perhaps in certain difficult circumstances they will have to as well meet certain educational or other work-skill requirements. Membership, with the recognition that goes with it, is defined in terms of participation in a common culture, in principle at least open to all, rather than on ethnic grounds. Both the Québécois and the Flemish stress open access to their nations and they protect the historic rights of their national minorities to have schools, hospitals, and other public services in their own languages and the right to use this language in parliament.

Where a nationalist movement prevails in a *liberal* democratic society, the state will, as will any state, in certain respects privilege the encompassing culture of the nation. But it will only do so in ways that will at the same time protect the rights of its minorities and indeed protect rights across the board. A central aim of a nationalist movement in a liberal democracy, as well as everywhere else, is to protect, and beyond that, if it can, to insure the flourishing of the culture of the nation that that nationalist movement represents. But, if it is a liberal nationalism, it will not seek to stamp out, or otherwise repress, other cultures and will actively work to preserve the culture and cultural institutions of the First Nations in its midst and of its national minorities. But it will also insist that there be a common cultural currency across society; it will insist that that common currency (that public culture) be learned by all the children in the society, *perhaps* very isolated native peoples apart. The children will learn, that is, the official language of that culture or, if (as in the United States) there is no official language the dominant (the *de facto* official language, if you will) of that culture as well as some reasonable bits of its history and customs and some knowledge of its political system and laws. There will through its educational system be this form of socialization. This is what a nation-state must do to preserve itself and to keep the

society from being a Tower of Babel. If *per impossible*, liberalism gained such a neutrality, it would have gained something that would undermine any form of such socialization. But this socialization, into a culture, some form of which is inevitable, will not—indeed cannot if the state is a liberal democracy—be at the expense of minority rights and cannot turn either the people of its First Nations, its national minorities, or its immigrant citizens into second-class citizens. It cannot do those things and remain a liberal democracy. Its failure here is a measure of its failure as a liberal democracy.

There is one further thing that needs to be said about liberal nationalism before I turn to my argument for a strong right of secession for such nations, unencumbered by the strong restrictions that Buchanan would place on it. It is not only necessary that a liberal nationalism not be an ethnic nationalism; it must be a reiterated, generalizable nationalism and not a nationalism of the manifest destiny of a chosen people who can run roughshod over other peoples in terms of its allegedly privileged place in history as being the wisest and the best. It must not only be non-exclusionist; it must, as well, not be chauvinist or expansionist. There can be no favoured *Volk*, no single people destined to have a pre-eminent place in the sun, while the rest are judged in one degree or another, to be inferior and are placed in a subordinate position. (The nationalism of the white settlers in the former Rhodesia described so graphically by Doris Lessing is a paradigm case of such an ethnocentric nationalism.) Rather than a nationalism for God's chosen people, a liberal nationalism will be a reiterated nationalism which claims that *all* nations have a right to some form of self-government and the right, and indeed the same right, when certain generalizable conditions prevail, to justifiably secede from the state in which the nation exists in a multinational state or a centralized state which denies its multinational character and in which one nation dominates the other nation or nations in the society. A just social order will be a social order where all peoples—all nations and all national minorities—will have institutions which protect their culture and which will enhance and protect their national and cultural identities.

## V

However, this just assumes that the preservation and enhancement of a national-cultural identity, which is also a conception fitting in with a liberal democracy, is something of great importance to human beings. But why should a liberal democracy or people in a liberal democracy care about preserving such an identity? Indeed should they care about preserving their cultural identities? Why not just think in terms of individuals and in terms of what would maximize their secure flourishing, including a commitment to equal respect for all people and, as well, to what would strengthen their self respect? What,

as Buchanan asks, is so special about nations and having a robust sense of national identity? Why not, as Andrew Levine and Harry Brighouse ask, as well, just be cosmopolitans without any attention to such particularisms?<sup>7</sup>

First a red herring needs to be cleared out of the way. Cosmopolitanism and a caring about a more local identity (something that makes one a member of a particular and, for one, a cherished community) need not at all stand in conflict. One, for example, can be proud of being an Icelander and be very much committed to one's homeland, its traditions and distinctive culture and be committed to working to see it flourish without being chauvinist about it, thinking that 'the Icelanders are the best'. One can have such warm feelings about one's nation while also having cosmopolitan interests and commitments as well. There is, for most people at least, a place where one feels most at home, a place that one longs for after a long absence, and there is, in that particular culture, for many people, a reasonably definite answer—more accurately, an important part of an answer—to the question, 'Who am I?'. But that is perfectly compatible with valuing others and without feeling that their traditions are inferior to one's own and with taking an active interest in what goes on in the world. Moreover,<sup>8</sup> it is psychologically impossible for us to be 'free floating cosmopolitans' with no roots in a particular culture. If we are to be focused at all we must have roots in a particular culture. To the extent that we get extensively detached from those roots we will in one way or another suffer psychologically. But we should also not be ethnocentric, cooped up in our particular culture; we should both be cosmopolitans and have particular attachments. We should, that is, be cosmopolitans but *rooted* cosmopolitans.<sup>9</sup>

If we are not to be alienated and disconnected from our cultural environment we not only need to develop our powers, but to have an understanding of who we are. Self-definition is an indispensable condition for human flourishing.<sup>10</sup> But self-definition involves, though it, of course, involves much more than this, seeing ourselves as New Zealanders, Dutch, Irish, Ghanians, Canadians, or whatever. Or at least this sense of national identity has come into being with the establishment of industrial societies.<sup>11</sup>

When a Dane, for example, meets a fellow Dane abroad there is usually a spontaneous recognition of a common membership in a nation which is not the same when she meets, for example, a Chilean, though, if she is a liberal democrat, equal respect will go to the Chilean and, if she is reflective and cosmopolitan, she will take an interest in the different life experiences, conceptions of things, and cultural attunements of people with nationalities different than her own. But normally there will be a sense of at-homeness and an affinity with her fellow Danes that is rooted in their having a common culture: the songs they sing, the structure of jokes, the memories of places, a sense of a common history, literary references, political experiences, and the having of all kinds of common forms of intimate ways of living.

Nations, to summarize, are encompassing cultures associated with a particular territory where there is an aspiration on the part of at least a majority of the members of such encompassing cultures for a homeland. Encompassing cultural groups are cultures which pervade the whole range of an individual's major life activities and function as an indispensable source of self-identification and self-definition. Moreover, the very existence of such a culture requires social structures and a complex cluster of interdependent institutions. Without this being in place in the lives of human beings there can be no secure and stable sense of who they are and without that there will be little in the way of human flourishing. Instead people will experience anomie and alienation. These encompassing cultures—these nations—will have a fragile and insecure existence if they do not have a substantial degree of self-government. Moreover, in industrial societies such as our own—the rich capitalist, constitutional democracies—such a nation will be most secure when it has a sovereign state of its own. To achieve that may require it to secede from the multinational state or from some severely centralized state of which it is a part. In a liberal democracy there is a *presumption* that every nation has a right to its own sovereign state. This is a *presumption* which is always defeatable and sometimes defeated. I have discussed some of the considerations that could justify its defeat in a particular situation and I will return to this when I consider Buchanan's critique of such a claimed general right. But in arguing for the right of a nation to a state of its own I am not (*pace* Hegel) assuming that states are loveable institutions. They are not. But that unloveableness notwithstanding, we can see from what has been said above that for people to have such a nation-state is to have something which makes a very deep link with what is required (instrumentally required) to give sense to their lives. When, as sometimes must be the case, their nation, and for good reasons, cannot have a state of its own, there is, as a result, more fragility and anomie in their lives. That they can sustain a stable sense of identity is more at risk. This is why in liberal democracies—where human rights are protected and there is a general egalitarian ambience—I attach this strong form of political recognition to nations with the hope that circumstances will make it possible, without denying the conditions of a liberal social order, for nations to have nation-states of their own. We have here nationalism with a human face.

## VI

Buchanan believes that sometimes nations have a right to secede. But his view of when this is so is much more restrictive than my own. He articulates and defends a particular version of what he calls a Remedial Right Only Theory of Secession.<sup>12</sup> For Buchanan, a group has the right to secede only if



1. The physical survival of its members is threatened by actions of the state (as with the policy of the Iraqi government toward Kurds in Iraq) or if it suffers violations of other basic human rights (as with the East Pakistanis who seceded to create Bangladesh in 1970); or
2. Its previously sovereign territory was unjustly taken by the state (as with the Baltic Republics).<sup>13</sup>

It must also be the case for the group to have the right to secede 'that there be credible guarantees that the new state will respect the human rights of all of its citizens and that it will co-operate in the project of securing other just terms of secession.'<sup>14</sup> This includes a fair division of federal properties in the old state, a fair apportioning of the national debt, a negotiated determination of new boundaries, agreed on arrangements for continuing, renegotiating, or terminating treaty obligations, and provisions for defence and security.<sup>15</sup> In his classification of types of theories of secession, my account, as distinct from his Remedial Right Only Theory, is a variant of a Primary Right Theory. It is an account which, as he rightly says, claims that a group constituting a nation 'can have a (general) right to secede even if it suffers no injustices, and hence it may have a (general) right to secede from a perfectly just state'.<sup>16</sup> Here 'just' must be construed in an uncontroversial and thus minimal sense, accepted by both theories, i.e. violation of uncontroversial individual moral rights and not engaging in 'uncontroversially discriminatory policies toward minorities'.<sup>17</sup> My account, as we have seen, also accepts the last set of conditions for the right to secede, e.g. credible guarantees that human rights will be respected, boundaries negotiated, a fair division of the national debt made, and the like. I would further add, where after protracted negotiations the seceding state and the remainder state cannot agree about borders, the fair distribution of the national debt or of federal properties and the like, the dispute should be settled in binding arbitration by an international tribunal. It is here where international law is very important. But my account differs from his Remedial Right Only Theory concerning his first two conditions. It need not be on my account that the physical survival of a nation is threatened. It may instead be the case, on the one hand, that only its cultural survival is threatened (say, the loss of its language) by the larger state in which it abides or, on the other, even that just the democratic will of the majority of the nation desiring to secede is not acknowledged by the state where secession is an issue. If either of these things obtain, then the state opposing the secession acts wrongly. There is here, I argue, (*pace* Buchanan) also a *general* right to secede that his account does not acknowledge. Put simply, the nation that would secede to form a state of its own need not have prior to that time been treated unjustly in the state in which it abides. It is sufficient on my account, provided the human rights of all people in the territory in question are protected, that the majority of the people of the nation want to secede and vote (in a simple majority) to secede. I would indeed bite

what Buchanan regards as the bullet, and 'go so far as to recognize a right to secede even under conditions in which the state is effectively, indeed flawlessly, performing all of what are usually taken to be the *legitimizing functions* of the state'.<sup>18</sup> (That a nation *has* such a right does not, of course, mean or entail that in such circumstances that it should *exercise* that right or even that in all instances it is reasonable to do so. I have the right to run for mayor in Montreal and it is important that I have that right, but I shall never do so. A people will not in fact secede without reason. So it is very unlikely that a nation will secede from a flawlessly just state. But it is important in a democratic ethos that it have the right to do so. So my view is very much more permissive than Buchanan's.)

Buchanan thinks such a permissive view is both dangerous and absurd—being in a very bad sense utopian. I think *au contraire* that it is entailed by a firm and clear commitment to the right, in a democratic society, of a people to be self-governed. That is something which is very central to democracy. The difference between us can be narrowed a bit by noting that Buchanan is giving a general theory of secession for all societies—democratic and undemocratic, liberal and illiberal—while I am only talking about the conditions under which secession is justified when the contending groups are both firmly and resolutely a part of liberal democratic societies and are committed to its values.

Consider in this context Buchanan's Minimal Realist argument for preferring Remedial Right Only Theories to Primary Right Theories. The former, as he puts it, 'places significant constraints on the right to secede, while not ruling out secession entirely. No group has a (general) right to secede unless that group suffers what are uncontroversially regarded as injustices and has no reasonable prospect of relief short of secession.'<sup>19</sup> Why accept such a very restrictive view which, Buchanan's intentions to the contrary notwithstanding, would *seem* at least to wed us to the *status quo*? Buchanan's reasons are realistic *realpolitik* ones. The majority of secessions, he reminds us, 'have resulted in considerable violence, with attendant large-scale violations of human rights and massive destruction of resources . . .'.<sup>20</sup> Given this experience we should move in the direction of secession with caution and reluctance. There is another realistic reason as well. When a national minority in a state forges itself into a nation and secedes, this will often, indeed typically, result in a *new* national minority within the new state. 'All too often,' as he puts it, 'the formerly persecuted become the persecutors.'<sup>21</sup> Moreover, frequently 'not all members of the seceding group lie within the seceding area, and the result is that those who do not become an even smaller minority and hence even more vulnerable to the discrimination and persecution that fueled the drive for secession in the first place'.<sup>22</sup>

However, it is just here that the restriction in scope concerning arguments for secession is crucial. I only argued about what should be said about

secessionist movements in secure liberal democratic societies where all significant segments of the population, including the secessionists, are firmly committed to liberal democratic values. There, secession or not, the 'considerable violence', 'large-scale violations of human rights', 'destruction of resources' cannot obtain, nor could there, so long as the liberal state is functioning as a liberal state should, be persecution of or discrimination against minority groups new or old, large or small. These things are incompatible with *the very idea of liberal democracy*. And suffering from such injustices need not be the motive for secession in such societies. A society or cluster of societies, even in the severe strains of conflict over secession, cannot, if they are stable liberal democratic societies with both sides committed to such values, engage in wide-ranging violence or in massive violations of human rights, destruction of resources, persecution, or discrimination. This, if you will, is true by definition. Liberal democrats could not behave in this way and remain liberal democrats. So we lovers of democracy need not, and should not, have such a restrictive theory of secession for *such societies*, a theory which makes, if the recipe is followed, secession very difficult.

Buchanan could reply that I am engaging in a conventionalist's sulk by appealing to what is in effect an absurd ideal theory distant from the real world. It isn't what is entailed by the very idea of a liberal democracy that counts, but what happens in the real world of liberal democracies: the actually existing liberal democracies. But even there, the clash in Northern Ireland deeply involving Britain aside, liberal democracies have behaved in a manner that conforms rather closely, but not perfectly, to what the very idea of a liberal democracy requires. Consider Norway seceding from Sweden, Iceland from Denmark, the division of Belgium, the expected devolution of Scotland and Wales. Tensions were, and, where the struggle is ongoing, still are high and rhetoric and propaganda flowed or flows, as the case may be, freely, but there was (is) little or no violence, persecution, or human-rights violations and certainly no massive destruction of resources. Moreover, as things calmed (calm) down, relationships of reasonable co-operation came (will come) into being. There neither was nor will there be any undermining of the liberal social order or tearing apart of the liberal social fabric. There was arguably even a strengthening of it. The relationships between Ireland and Britain and Spain and the Basques, however, do not fit this model. But with the latter it is not clear that we have stable liberal democracies with the traditions that go with them. And in the case of the struggle in Northern Ireland, it is not at all clear that all the major players are committed to *liberal* democracy. There is indeed a Protestant majority in Northern Ireland, but what is not clear is that the Ulster Unionists are committed to *liberal* democracy and the same could be said for some of their adversaries. But, even *if* we take these to be cases of liberal democracies slipping into violence and fanaticism in the course of struggles for secession, it remains the case that

secessions have peacefully taken place in societies where all the contending forces were more firmly liberal democratic than the ones slipping into violence. There—and they are the more common case in liberal democracies—none of the ill effects predicted by Buchanan followed during or in the wake of secession.

Of course, the existing states in the UN and in the international law establishment will stick together to seek to sustain the idea of the territorial integrity of states, i.e. of the existing states. They are pretty much, in this respect, like an old boys club. And, of course, we do not want a circus of anarchy, but, as a matter of historical fact, states come and go and it is not such a terrible thing if changes occur, particularly if the societies in question are liberal democratic ones with very distinct nations harnessed together rather artificially, and where the flourishing of these nations, or at least the smaller nations, within the umbrella state, could be enhanced by separation and no great harm would accrue to the remainder state by separation. A state should not, and indeed in most instances will not, break up without good reason. And when it does break up there will always be some dislocation and not all the after effects will be good. But some of them will be very good indeed. A nation or a people—which before had been treated as a national minority or worse still like an ethnic group—can now be in control of its own destiny as much (and as little) as any nation-state can be in the modern world.<sup>23</sup> States do come and go, and sometimes they break up, perhaps without the conditions that Remedial Right Only Theories could sanction obtaining, with no great harm resulting, and arguably sometimes with considerable gain, e.g. Iceland from Denmark and Norway from Sweden. If Quebec should secede from Canada, Scotland from Britain, and Wales from Britain, their thoroughly liberal democratic environments staying intact, it is anything but evident that that would not give more people more control over their lives and a fuller self-realization than the continuing of the *status quo*. Moreover, this could obtain without harming others in the remainder state. Quite possibly more good would obtain all around. At the very minimum, this idea should not be rejected out of hand. Perhaps in some of these cases—the case of Wales, for example—it would not be practically feasible. Here we should go case by case. But there are no good grounds for the rejection of the putative right to secession on high moral or legal principle. And, at the very least, none of the dire results that Buchanan believes must just go with secession seem at all to be in the cards in such cases. It looks at least like it is better to go in the more permissive direction of what Buchanan calls Primary Right Theories than in the direction of Remedial Right Only Theories.

Buchanan could respond that what I have said unfairly makes his account sound more statist and authoritarian than it actually is. ‘Remedial Right Only Theories,’ on his account, ‘hold that a general right to secession exists only where the group in question has suffered injustices’—things that plainly and

uncontroversially have been taken to be injustices.<sup>24</sup> But, Buchanan insists, the qualification 'general' is critical here. Remedial Right Only Theory allows that there can be *special* rights to secede if the state from which a distinct nation would secede *grants* it the right to secede or if the constitution of the state includes a right to secede or if 'the agreement by which the state was initially created out of previously independent political units included the implicit or explicit assumption that secession at a later point was permissible'.<sup>25</sup> But this seems to me only marginally less restrictive than a Remedial Right Only Theory would be without such riders. It does not give a people even nearly strong enough rights to self-determination—rights that a liberal democratic society, fully respecting individual autonomy and the right of a people to govern themselves, would want to see instituted. For it is still, on Buchanan's account, the constitution or the authoritative will of the government of the state from which a people wish to secede or prior political arrangements of that state which determines whether the nation which wishes to secede can legitimately secede. It is *not sufficient*, on his account, for secession to be legitimate that a people (1) be genuinely a people (that is, a nation in the sense that Buchanan has defined and I have accepted); (2) in a fair democratic vote (as in a referendum with the issue clearly stated) have a majority of its members vote for secession; (3) for the various guarantees such as protection of minority rights to be firmly in place; and (4) for there to be a negotiated settlement on borders, on the division of the national debt, and on joint assets and the like. These are *necessary* conditions for justified secession and over them Buchanan and I are agreed. But Buchanan wants *additional conditions* as well. On Buchanan's account, the political arrangements of the state from which a nation wishes to secede call the tune. That state ultimately determines what can legitimately be done. That a nation can legitimately secede from it is a matter of *noblesse oblige* on the part of that state. But this runs too strongly against very deep considered judgements about democracy and the self-determination of peoples to be acceptable in a liberal democracy where everyone can be expected to play by the democratic rules of the game, e.g. no repression, violation of human rights, persecution, no negotiating in bad faith, and the like.

Buchanan, I am confident, would continue to resist by claiming that my account is too utopian and does not meet the conditions of *minimal realism* that any even nearly adequate substantive normative political account must meet. 'Primary Right theories', he has remarked, 'are not likely to be adopted by the makers of international law because they authorize the dismemberment [*sic*] of states even when those states are perfectly performing what are generally recognized as the legitimating functions of states.'<sup>26</sup> Because of this, Buchanan has it, Primary Right theories 'represent a direct and profound threat to the territorial integrity of states—even just states'.<sup>27</sup> Because states 'have a *morally legitimate* interest in maintaining their territorial integrity

they should oppose Primary Right theory'.<sup>28</sup> I grant that liberal democratic states, including (when they come on stream) socialist liberal democratic states, have a morally legitimate interest in maintaining their territorial integrity. But I would certainly not generalize that to all states. Moreover, I think that Buchanan exaggerates when he says that Primary Right Theory represents a direct and profound threat to the territorial integrity of states. *Theories* seldom have such causal powers. But, even if they did, morally speaking, a people wanting to govern themselves, particularly when their very nationhood is at risk, is standardly, but not invariably, a *morally more stringent claim* than the claim to the territorial integrity of what, at least in effect, is a multinational state. And this is most prominently so when the nations making up the multinational state are not equal partners. This has typically been the case with secessions in liberal democratic societies. Transition has been, and can be expected to be, orderly though not without bitterness and, in both the seceding state and the remainder state, the generally recognized legitimating functions of the state have remained in place. A paradigmatic example is when Iceland seceded from Denmark. Protection of individuals' rights and the stability of their lives remained firmly in place in Iceland. And, after secession no partition took place and the two nations—the Danish and the Icelandic—now both nation-states maintained, without conflict, their respective territorial integrity. Or, more accurately, Iceland's territorial integrity was intact. The Icelandic nation had its homeland securely on the territory it claimed and territorial integrity returned to Denmark as well, as soon as the Nazi occupiers were driven out—something that was quite independent of the issue of Iceland's secession, though many Danes understandably resented that Iceland seceded when Denmark was under occupation. But that does not substantially touch the reasonableness or justifiability of the secession. Moreover, *pace* Buchanan, the 'incentive structure in which it is reasonable for individuals and groups to invest themselves in participating in the fundamental processes of government in a conscientious and cooperative fashion over time' were enhanced in the case of Iceland and not undermined in the case of Denmark.<sup>29</sup> And the case of Iceland and Denmark is not atypical of secession cases which have gone through the works or are in the offing in firmly liberal democratic societies.

Buchanan is right that in societies that are in the ball-park of being just societies, we want the rule of law and the effective enforcement of a legal order to remain intact. But he has his sociology and history wrong. There was no such breakdown with secession in such societies and it is not reasonable to expect it to happen if Scotland secedes from Britain or Quebec from Canada. After all Scotland/Britain and Quebec/Canada are not Serbia/Bosnia or Russia/Chechnya. Buchanan sees, wherever there is secession, the threat of anarchy, violence, and the stamping on people's rights. But this has not happened in firmly liberal democratic societies and it is not plausible

to think that it will happen as new cases come on stream, though sometimes some extremist and sensationalist segments of the mass media make it sound as if it might. But that is just irresponsible sensationalist rhetoric. Territorial integrity is a desideratum, but, in liberal democratic societies, it does not have nearly the critical weight that Buchanan assigns to it. His account, his intentions notwithstanding, has a conservative *status quo* effect.

Buchanan has a further *realpolitik* argument against accounts of secession such as my own. Buchanan argues that such accounts 'would encourage even just states to act in ways that would prevent groups from becoming claimants to the right to secede, and this might lead to the perpetration of injustices'.<sup>30</sup> He adds 'Clearly, any state that seeks to avoid its own dissolution would have an incentive to implement policies designed to prevent groups from becoming prosperous enough and politically well-organized enough to satisfy this condition.'<sup>31</sup> A state, he has it, is justified in so acting even if it acts only from the morally legitimate interest of preserving its own territorial integrity.<sup>32</sup>

If we are doing ideal normative political theory, this contention of his is plainly mistaken. Recall we are talking about secession in liberal democracies where the seceding nation will remain a liberal democracy and in seceding it will be determined to play by liberal democracies' rules. The state from which it is seeking to secede indeed has a morally legitimate interest in preserving its own territory, but not at the expense of acting unjustly or in some other morally untoward way. A just state, as Buchanan takes it to be, particularly if it is a liberal democratic one, could not, while remaining just, so act as to perpetrate injustice by so treating a group so as to deliberately prevent them from becoming prosperous or politically organized. This is to treat them in an uncontroversially morally untoward way that runs flat against that for which a liberal democracy stands. In so treating them, there would be a manipulating of people and not even in any paternalistic manner for their own good. There would be with such behaviour no treating its citizens as moral equals, as ends in themselves, and there would be the deliberate harming of some for *reasons of state*. In this, the reasons of state come to a preserving the state's own territorial integrity at the *expense* of some of its citizens and at the expense of liberal values, e.g. autonomy and self-determination. Preserving their own territory is a morally legitimate state function, but not, in the case of a threatened peaceful secession, to do so at the expense of so harming its citizens and not treating them as having equal moral standing. Such behaviour is not morally acceptable in a liberal democracy. This is particularly starkly wrong when the seceding state would be a liberal democratic state respecting rights and the like and where no extensive harm, or in some instances no harm at all, would result to the remainder state as a result of the secession.

It might in turn be replied that while this may be well and good for purely ideal normative theory, it is not for a normative theory in touch with the

real world. For such a normative theory, it could be claimed, Buchanan's argument remains intact. In *really existing* liberal democracies, as elsewhere, states will fiercely resist secession and will indeed play dirty pool with actual secessionist movements. And indeed the secessionist movements will respond in kind.

To this I have two responses. First, we still should for contexts such as this construct an ideal normative political theory in terms of what would obtain in a perfectly functioning liberal democracy. Thus, where we have a perspicuous constitution, we can clearly see what we should aim at in such an ideal world. With that clearly before us we can then see what accommodations we need to make to the actually existing political and social realities to get an account which here and now could guide policy while remaining the most morally adequate account available. Secondly, and quite differently, it is not clear that for the rich capitalist liberal democracies, the only firm democracies we have at present, that the Remedial Right Only Theory would be better, or even as good, at deterring such behaviour on the part of states as the Primary Right Theory. True, it would offer an incentive for the state to behave more justly, but, where there is a nation in its midst which wishes to run its own show, being treated as a national minority, or even worse as an ethnic group, there would remain, Remedial Right Only Theory or not, a creditable threat of secession. This being so, the incentive would remain on the part of the state to design policies to prevent those groups from becoming prosperous enough and politically well-organized enough successfully to take a road to secession. But, where secession is at all a threat to the existing state, there would, where the state in question is one of the rich capitalist democracies, be a sizeable number of people normally resident in a distinct territory of that state with a keen sense of nationality. Some of them would be well-educated and reasonably powerful. They, and others as well, would clearly see the state's actions as manipulative and repressive and they would respond by more forcefully struggling against it. And seeing the plain injustice of such repressive measures, some people in the existing state, with another nationality than those struggling to secure their nationhood, or with no sense of nationality (if such there be), will come, as well, to be critical of the state's behaviour. In the real world where nations are treated merely as national minorities or worse still just as ethnic groups, we will get struggle and strife and secessionist movements arising no matter what. We should at least know where the heart of the injustice lies. It lies—as ideal theory makes clear—in putting roadblocks on the way of a nation's right of self-determination when, in seeking self-determination, that nation does not violate the rights of others and is committed to not unfairly treating those it is seceding from or discriminating against its own minorities.

Buchanan also in effect argues that a view such as mine, as any variant of a Primary Right Theory, does not take the reasonable path, usually favoured



in international law, of first trying to accommodate the aspirations for autonomy of a nation by urging, and seeking to put into place, arrangements *within* a state for it to become a decentralized federalized state: *a genuinely multinational, but still decentralized, state*. This way of proceeding might very well be able to protect a nation's aspirations for autonomy—remember that autonomy admits of degrees and of kinds—including the having of some form of self-governance, short of nation-state sovereignty, while still keeping the principle, so central in international law and so cherished by states, of the territorial integrity of the state.<sup>33</sup>

If the turn to decentralization, rather than secession, prevents nations from flourishing, and stably sustaining themselves in viable regions, then decentralized federalism is a farce: there is little in the way of a genuine self-governance there. However, if the decentralization is very deep—perhaps the cantonal system of Switzerland is an example—then the nations within such a decentralized federalized state would have a very considerable autonomy and a very considerable amount of self-determination. Then whether to go for decentralization or secession would be a real question and sometimes a decentralized federalism, with its resultant multinational state, could be the best option. But it would not have the obvious superiority that Buchanan thinks it has, for still, under the decentralized federation, a nation would not have as full a self-governance as it would have with outright secession. In making, or trying to make, judgements here, we need, as we do in most complex moral situations, to realize we will need to make trade-offs. In such situations we need to go very carefully case by case, attending to the details. Still, all that notwithstanding, if my previous arguments against Buchanan have even been near to the mark, namely my arguments that secession in liberal democratic societies would not produce the anarchy, instability, repression, and the weakening of the rule of law that Buchanan believes is very likely to go with secession, then it still seems that the scales are likely usually to be tipped in favour of secession. A nation, forming a nation-state, can have full self-governance—full sovereignty—while entering into co-operative arrangements with other nation-states. The Scandinavian Union is a good example. The key thing is that the ethos be stably liberal democratic. In such an ethos secession carries with it no terrors. Peoples will come to have the fullest form of self-governance possible while still being able to enter into co-operative arrangements with each other—arrangements which will enhance the flourishing of the members of each nation.

## VII

In his 'What's So Special About Nations?' Buchanan, from a different angle, and even more deeply than in his 'Theories of Secession', attacks Primary

Right theories of secession.<sup>34</sup> If his arguments are sound they completely undermine the account of secession I gave in Sections 1–6. I think, however, perhaps not being able to see the mote in my own eye, that their soundness is very much in question. I shall try to show why.

I have argued that under conditions of modernity membership in a distinctive nation is critical for one's self-identification and self-definition. Where such local identities are not in place people will experience alienation and will not flourish. There is, if you will, that much truth in communitarian claims. Without nationhood involving necessarily self-governance in some form, people will be psychologically crippled or at least seriously disadvantaged. Questioning the wisdom of what he calls the new-found enthusiasm for national self-determination, Buchanan rejects root and branch such conceptions.

Again there are several red herrings to be disposed of. First I, and other Primary Right theorists, agree that the doctrine that every nation should have its own state is both impractical and dangerous. As I have made plain here, and as others have as well, including Buchanan, there are just too many nations for them all, given the territorial space that is available, to have nation-states of their own.<sup>35</sup> Sometimes nations must be part of a multinational state or be in some other way federated or confederated in a larger state and be content with a more limited form of self-governance than they would have if they had a nation-state of their own. But my point was, and is, that this is, in many circumstances at least, a *second best* that sometimes we must—including morally speaking 'must'—just accept. But it is, all the same, a second best and given the deep importance of nationality to people, it, where no harm to others ensues, or everything considered a lesser harm ensues, is usually better for each nation to have its own state. That will be an important ingredient in the maximizing of human flourishing all around and to seeing that the opportunities for it are as fairly distributed as possible. To illustrate, by translating into the concrete, it is too bad that the Israelis and Palestinians do not have separate uncontested territories on which to build their states and fulfil their aspirations for a homeland. But that is not the way things have turned out, so we must settle for something far more complicated and less satisfactory, but which still, given the circumstances, is the best thing to do. And where in other places, say, Lebanon or much of the territory that was once Yugoslavia, where people with distinct national identities are so mixed on the same territory, then the only reasonable and decent thing to do is to go for a genuinely multinational decentralized state. But these are second-best solutions determined by humanly inescapable social realities. Given the critical importance of nationality for people, where *possible without violating the human rights of minorities* or denying the genuine nationality of anyone in favour of another nationality, each nationality should have its own nation-state. Often this cannot be and then, to repeat, we must go for a second best.

There is a second red herring to be put in the fish disposal unit. In trying to counter this new-found enthusiasm for national self-determination, Buchanan rightly asserts that 'the basis for ascribing the right to secede has nothing to do with nationality *as such*'.<sup>36</sup> Sometimes nations have a remedial right to secede but never, he has it, do 'nations *as such* have a right' to secede.<sup>37</sup> What he is very concerned to deny—he returns again and again to his 'as such' conception in his 'What's So Special About Nations?'—is the claim that a nation *as such*—that is, *just in virtue of being a nation*—has a right to some substantial form of self-government. As he puts it in summarizing his position, 'I have not argued that nations do not have rights of self-determination; only that *as such* nations do not.'<sup>38</sup>

But his conception here is also a red herring; nations as such, nationalities as such, have no inherent or intrinsic value. Nationalists need not, and should not, flounder about with such murky notions. And a Primary Right theorist need not and indeed should not assume it or so argue. The thrust of my argument was to show the very crucial instrumental value, strategic instrumental value, of nations and nationality for human self-definition and self-identity and with that for human flourishing. I attach no independent value to nations and none to some *reification* 'a nation as such'—whatever that is—but rather I attach a central instrumental value to nations and nationality in the realization of human good. (This will be explicated in what follows.) Buchanan's arguments against nations *as such* having a right to secede have no critical force. They are diversionary, directed at a strawman.

Buchanan develops something he calls his *equal respect objection* to Primary Right theories. It is directed at the claim 'that nations *as nations* [*sic*] have the right to self-government (short of independent statehood)'.<sup>39</sup> The Primary Right Theory makes a stronger claim as well. But it also makes this weaker claim. I did just that when I argued that there are too many nations for them all to have states of their own so that the only thing nations have an unqualified general right to is *some form* of self-government. It is this weaker claim, which could be true even if the stronger claim is false, that Buchanan's equal respect objection is directed against. His objection is that the singling out of 'nations *as such* [*sic*] for such rights of self-government', while denying them 'to other groups, is morally arbitrary and this arbitrariness violates the principle that persons are to be accorded equal respect'.<sup>40</sup>

For starters, as I have already pointed out, we do not single out nations *as such* for rights of self-government, but we centre on nations because of their key—or, so as not to beg any questions, allegedly key—*instrumental* value in giving people a sense of themselves, something which is essential for their flourishing and their overcoming alienation. That claim *may* be false—something we will subsequently turn to—but, true or false, it is not morally arbitrary. It claims that every human being under conditions of modernity needs for her secure self-realization a sense of nationality and that everyone

so situated should have a clear sense of nationality if she is to be able to live a good life. That is why we give such moral weight to considerations of nationality. Rather than a violation of the equal respect for persons principle, it is a consideration that is solidly in accordance with it. Equal respect for persons is one of the underlying deep moral motivations for our commitment to nationality.

However, Buchanan could abandon his nation *as such* talk and still forcefully argue that, only instrumental value or no, too much weight is being given in the Primary Right account to nations and nationality. Even in conditions of modernity, it is not for all people an indispensable part of their self-definition. In support of this, he brings forth a number of empirical considerations that certainly are deserving of careful consideration. Like Jeremy Waldron, he argues that there are many individuals, particularly in societies such as ours, for whom nationality is not nearly as important as defenders of nationality, including defenders of liberal nationalism, have alleged.<sup>41</sup> Why, Buchanan asks, should 'nations—among all the various sources of allegiance and identification—deserve . . . [the] very strong form of political recognition' that nationalists and Primary Right theoreticians accord to them? In facing this very forceful question, it is important, however, to keep in mind that my argument for a general non-remedial right of nations to some form of self-governance was limited in scope. While remaining, at least for the purposes of the present essay, agnostic about societies other than liberal democratic ones, I only argued for my Primary Right account for liberal democratic societies. But, and here is the sting of Buchanan's argument, it is precisely in such societies that claims like mine and David Miller's about the socio-psychological centrality of nationality become problematic. In such societies, Buchanan remarks, where

there is substantial freedom of religion, of expression, and of association—pluralism will continue, with new groups and new conceptions of the good evolving over time. Some groups will attract or hold members, flourish for a time, then lose their grip on individuals' allegiances and identities, just as individuals will revise and in some cases abandon their initial conceptions of the good.<sup>42</sup>

Moreover, 'there is no uniformity as to the *priorities* persons attach to their multiple identifications. Some think of themselves first as fathers or mothers or members of a family, and second as Swiss, or Americans, or Blacks, or Hispanics, or Christians.'<sup>43</sup> Others have different priorities here. There is no even nearly uniform cultural pattern. And I would add, giving more fuel to Buchanan's fire, that some have these varied allegiances without having the foggiest idea of what priorities they have among them. Others *ambivalently* prioritize things in some contexts one way, and in other contexts prioritize them in another, without a sense of how more globally for themselves coherently to order their priorities. And there are still others, probably less

frequent in our societies than the varied people I described above, but still there in considerable numbers, whose 'primary self-identification is religious or political-ideological'.<sup>44</sup> Finally there are some individuals for whom no *single* identification is more important than any other. Being a father, a professor, a socialist, or being French is no more or no less important than any other identification. How in such a world—a world that is our modern world (if you will, 'postmodern world')—can we reasonably privilege nationality? Indeed can we rightly privilege nationality?

The point is, I agree, that generally, special purposes apart, we cannot reasonably so privilege nationality or, for that matter, anything else. The crucial point to see about our modern societies, and perhaps other societies as well, is

that in pluralistic societies nationality will be only one source of identification and allegiance among others, and for some people it will be of little or no importance relative to other sources of identification and allegiance, whether these are cultural or occupational or religious or political or familial.<sup>45</sup>

Given that cluster of sociological facts (and with Buchanan I take them to be facts), and given such a dynamically pluralistic society to single out nations as the group that is entitled, among the various groups, to self-government is to give, Buchanan has it,

a public expression of the conviction that allegiances and identities have a single, true rank order of value, with nationality reposing at the summit. So to confer a special right of self-government on those groups that happen to be nations is to devalue all other allegiances and identifications.<sup>46</sup>

But this is incompatible, Buchanan asserts, with the fundamental liberal principle of equal respect for persons. Moreover, it is incompatible with the liberal assumption that governments are to act as the agent of its individual citizens. To give such priority to nations, Buchanan avers, 'is an insult to the equal status of every citizen whose primary identity and allegiance is other than national and to all who have no single primary identity or allegiance'.<sup>47</sup> It is a form of *discrimination* and as such it 'violates the principle of equal respect for persons'.<sup>48</sup> And, to move from individuals to groups, it is also the case that groups other than nations, i.e. other cultural associations, including prominently religious and political-ideological ones, are similarly disadvantaged and in effect discriminated against. Here we have a powerful cluster of considerations that must be soundly met if I am to make out my case for secession and for a liberal nationalism.

## VIII

The cluster of considerations we have seen Buchanan raising in the last few pages constitutes, I believe, his strongest challenge to the type of liberal

nationalist views on secession that I have articulated. It seems to me that it must be acknowledged that in modern societies, with their dynamic pluralisms, that not all people give that pride of place to the nation that *some* nationalists assume they do and that, as different as people are, it is not at all evident, to put it minimally, that without such strong nationalist identifications all people, or perhaps even most people, will suffer anomie.

Is there any kind of reasonable response that can be made to Buchanan? Buchanan suggests one himself only to set it aside after perfunctorily examining it. But I think there is more to be said for it than he acknowledges. So I shall examine it and extend it a bit. In speaking of a nation we spoke of an *encompassing culture*. What is special about a sense of national-identification is that it functions to encompass our other identities 'by integrating them and making them cohere together'.<sup>49</sup> It is in modern societies the integrating structure for our other identities. One's sense of family, say, is very strong. One's family life is the centre of one's life. But the kind of family that it is; the language it speaks; the practices that constitute its family life; the various roles and expectations that the members of the family have; the way the family makes social bonds; the way they see themselves in relation to others and the like is very much structured by their particular encompassing culture. And that difference is felt and appreciated by the members of these various encompassing cultures. One's encompassing culture is very much hooked up with a sense of who one is, and having a sense of who one is, is vitally important to everyone.

Encompassing culture does not, of course, *equal* language. The Québécois and the French have the same language, but they are different nations, i.e. their encompassing culture is not the same. The same is true for Americans and English-speaking Canadians and for the English and the Scots. But all the same Wittgenstein is on the mark when he says that the forms of language are the forms of life. Language is standardly very closely linked with an encompassing culture and an encompassing culture with language. This comes out very clearly when for a people their language is threatened or thought to be threatened with extinction, displacement, or devaluation. In such circumstances nationalist feelings and nationalist struggles come into being and broadly across the culture among people with various identifications and various more particular allegiances, and from different strata of the society. This seems to me to show how much of an integrating structure nationality (given its intimate, but not invariable, link with language) is in the lives of people. But it does not follow from this (*pace* Buchanan) that it must be, or even should be, at the *summit* of everyone's or even *anyone's* allegiances and identifications or that the nationalist need be claiming that it is. Being a good musician, being a gentle lover, being politically committed, being a kind and caring person, being a good Catholic, being a dedicated teacher, being an active member of one's local community, being a talented dry-fly fisherman,

and a myriad of other things may be more important to one, sometimes vastly more important to one, than one's nationality, but, for most of these things at least, one's nationality provides the context of choice for these things and the integrating structure for them. How deeply important it is to one is revealed when one has a sense that one's language, and with that one's encompassing culture, is being threatened. That is too close to the bone—too close to what one is and what one can do—to be accepted with equanimity. But that does not mean that of all one's allegiances and identifications, one's highest one, and the most important one—the one one prizes the most—is one's nationality. Not at all. Sometimes that may be so but certainly not always or even usually. What it does mean is that in modern societies nationality as encompassing (integrating) culture presents the context for the secure realization of the others and that it is one that we would be at a loss to be without.

So there is no question (again *pace* Buchanan) that consistent liberal nationalists, while remaining consistent, can discriminate against people whose scheme of values is such that they do not place nationality on top. To do so would run against everything for which liberalism stands. People, for example, with a weak sense of national identity will not be regarded by liberal nationalists as less valuable members of the community. And it is not true that liberal nationalists just rather unwittingly assume that or that, to be consistent, they must assume it. In a liberal society people are not valued in that hierarchical way and a liberal nationalism far from requiring it repudiates it. But it does see, in most circumstances, the necessity of preserving the cultural life of the nation of which one is a member and, by generalization, liberal nationalists acknowledge that this holds for the people of other nations as well, for this (the having of such an encompassing culture) provides the context of choice where people, any and all people, can carry out their various life plans. In that way it is very like a Rawlsian primary good. Without an encompassing culture—without something which makes us a 'we' so that we can know who we are—we could do none of these things, could carry out none of our life plans; we could have very little, if anything, by way of a conception of the good. Being a good musician is indeed a very international thing, but an individual who is devoted to the task of coming to be a good musician comes to that in a particular culture, the very form it takes for her is not entirely free of that culture, and, more centrally, a person is not only a good musician but a certain kind of person and that carries with it the stamp of a particular encompassing culture. That stamp should not be seen, and standardly is not seen, as an infliction, but as an empowerment and something that gives us a sense of at-homeness in a very big, sometimes alienating, and amazingly diverse world. Each individual needs to have a sense of who she is and that sense carries with it, though that is not all that self-identification carries with it, a sense of being Dutch, Catalanian, Fijian, Faeroese, and the like. Moreover, nationality is politically important here for it provides the

context of choice for people in realizing, and indeed in even being able to form, life plans. Thus nationality—people being members of a nation—is vital in politics without for a moment (*pace* Buchanan) implying or involving nation worship. There is no assumption at all for liberal nationalists that nationality is superior to other allegiances and identities. So liberal nationalism with its stress on the importance of nationality certainly does not involve ‘an insult to the equal status of every citizen whose primary identity and allegiance is other than national . . .’.<sup>50</sup> A government, where it is decent, acts as the agent of the people: that is for *all* individuals under its jurisdiction. But to do so effectively it must, while continuing to respect individual rights, act to preserve the common encompassing culture of a people without which they, both as individuals and as groups, can do nothing, including, repairing the ship at sea. But in continuously repairing the ship at sea there will be a gradual changing of that encompassing culture. Modern societies will standardly be dynamic pluralisms, but that is perfectly compatible with liberal nationalist projects. Quebec before the quiet revolution was one thing: Quebec after it is something else again.

It is not that this sense of nationality (once more *pace* Buchanan) necessarily, or even typically, provides the primary source of self-identification for everyone. For some their religion will do that, integrating and rendering coherent their identifications and the like. But, as we have seen, religion, in the forms it takes, in its very possibility of arising and being sustainable, requires even more encompassing cultural structures, structures that go with nationality, e.g. we worship in a particular way, in a particular language, and with a whole battery of other practices.

There is no claim among liberal nationalists that nations are morally primary. The privilege that nations have in the political order is strategically instrumental. It is not that in a liberal society that the nation sets the moral order of the life of the people; that it tells them what conceptions of the good are legitimate or what life plans are acceptable. And, while I do argue, as Will Kymlicka does as well, that one’s culture provides a meaningful context for choice and that without such a context autonomy is impossible, I do not deny that some people can over time, and usually with considerable effort, change their culture (even their encompassing culture), alter that is, what it is to have a certain nationality, and that with new cultural materials they will have a new, or partly new, meaningful context of choice. And it is a good thing, as Harry Brighouse has put it, that cultures become in that way permeable.<sup>51</sup> Liberal nationalism neither tells a tale of cultural imprisonment nor does it entail it. The (*pace* Jeremy Waldron) extensive changing of one’s culture is very rare and for most people it is impossible, but the possibilities of such change are there for some few privileged people. Waldron and Buchanan are right that since this is so for some people there is no need for people to maintain their culture of origin. Indeed, by not doing



so or completely doing so, we might even gain a certain kind of hybrid vigour here where people change—more realistically, partially change—their culture. But that does not mean we can be *rootless individuals shorn of all culture*. That is not even intelligible. What a few individuals might become is *polynational*. They could have an amalgam, stable or unstable, of several nationalities. I suspect that as a matter of fact the polynationalism that Waldron speaks of is very rare and so thinking of oneself may well be fraught with self-deception. But I need not, and do not, deny either that it can occur and that, if it occurs, it could be a good thing or that it could yield hybrid vigour. What I deny is that it is common and that it can be an option for anything more than a small élite. And I deny, as well, that it is a necessary condition for being a thoroughgoing cosmopolitan. Thus it seems to me of minor political and sociological significance.

What is so special about nations, among the various groups, that entitles them to political self-government and to a presumption, everything else being equal, to statehood, is that they, in contrast to the other groups, are encompassing (integrating) cultures, located historically on a territory which the people making up the nation regard as their homeland or, if they are in diaspora, aspire to make their homeland and furthermore, and distinctly, that they are of sufficient size and with sufficient infrastructure to be able to carry out the functions of a state. (There is no algorithm here for what constitutes 'sufficient size' or 'sufficient infrastructure'.) Such groups are (a) capable of self-government and (b) should, everything else being equal, be self-governing because that alone provides a thoroughly secure meaningful cultural context of choice which, in turn, is necessary for autonomy and human flourishing. No other group meets both conditions (a) and (b). The First Nations in Canada and the United States provide *problematic* cases. *Perhaps* they do not meet all these conditions, e.g. they *might* lack the size or infrastructure, and thus they might have a right to self-government but not to full self-government, and thus, not to complete sovereignty. Or perhaps in certain circumstances they might have that right, but it might be unwise for them to *exercise* that right. But it would have to be shown, to deny them full self-government, that the infrastructure could not in time be provided by the state in which they now exist or that they were too small or necessarily too weak to be self-governing or that they had no reasonable territorial claim.

## IX

There is a final issue to which I shall now turn. It is the claim forcefully made by Buchanan in 'Theories of Secession' that Primary Right theories of secession operate in 'an institutional vacuum' and in doing so provide us with no guidance to the urgently practical question of what *institutional* responses

are ethically appropriate to the secessionist challenges that actually face us. Theories, such as my own, the argument goes, are utopian in a bad sense for they can provide little in the way of moral guidance for the institutional reform of our international institutions, including the most formal of these, the international legal system.<sup>52</sup> Again we members of the chattering classes (of which philosophers are charter members) are constructing useless ideal theories that provide no guidance concerning actual questions concerning what is to be done.

In taking a more institutional approach to secession, Buchanan contends that we should distinguish between two questions and come to see that they require quite different answers. They are:

1. Under what conditions does a group have a moral right to secede, independently of any questions of *institutional* morality, and in particular apart from any consideration of international legal institutions and their relationship to moral principles?
2. Under what conditions should a group be recognized as having a right to secede as a matter of international institutional morality, including a morally defensible system of international law?<sup>53</sup>

His dichotomy, I think, like so many dichotomies, is more confusing than helpful. How, for example, is it possible—conceptually possible, if you will—to float free altogether from institutional morality? Morality, as one of our forms of life, is inescapably institutional such that ‘a morality free of all institutional constraints’ is an oxymoron. But to go on in this vein might be thought to be diversionary nit-picking. So, having registered a protest, I will let Buchanan’s dichotomy stand. In doing so I will take him to be saying that persons centring on the first question give scant consideration to how international law works or to the situations and contexts of possibilities of actual states, while those concentrating on the second question put such matters front and centre. Buchanan’s claim is that theories of the sort I have articulated, whatever their intuitive attractions, will not continue to remain attractive when serious attempts are made to institutionalize them.<sup>54</sup> ‘Moral theorizing about secession’, he argues, ‘can provide significant guidance for international legal reform only if it coheres with and builds upon the most morally defensible elements of existing law . . .’<sup>55</sup> Primary Right theories, including my own, do not do that. Thus, even if all my previous criticisms of Buchanan’s account were sound, still, as he sees it, my own positive account, since it does not meet this institutional constraint, must be woefully inadequate. A normative theory of secession, the argument goes, which does not take such institutional considerations into account from the very beginning, is just spitting into the wind. It is the idle speculations of some free-floating intellectuals.

Again I shall bite Buchanan’s bullet and do precisely what Buchanan thinks I should not be doing. I have argued in this chapter for a general moral right

to secede under certain conditions and I have spelled out what those conditions are. I have not considered how my normative argument could be incorporated into international legal regimes. And I am not proposing what I am proposing as an international legal right. Rather I am saying that if the general moral right I am claiming for liberal democratic societies is indeed such a moral right, then, whether it is actually incorporated into international legal regimes or not, it should be. As things stand, even if with a morally progressive understanding of the legal order, it cannot be taken as well to be an international legal right, then so be it. Then the international legal system should be altered so that it comes to be in accordance with that moral right. The moral tail should wag the legal dog. We should not tailor moral or normative political theory and our moral principles to square with the legal system.

It is just such a 'high-handed', if not 'high-minded', or, I expect Buchanan would think, 'light-minded', attitude that Buchanan believes to be thoroughly mistaken, and, if taken seriously, dangerously mistaken. It simply ignores, he has it, the decisive role of actually existing states as makers of international law and thus does not have even the minimal realism that any adequate normative theory of secession must have.<sup>56</sup> States, as we have seen Buchanan arguing, and as I have responded to, will stick to a principle of territorial integrity, in the teeth of secessionist challenges and the international legal order will, except over the most extreme cases, and sometimes not even then, where clear and extensive violations of human rights are involved, support the *status quo*, i.e. the firm territorial integrity of the existing system of nation-states. I have argued against the acceptance of this bit of *realpolitik*, as something which is morally acceptable, as something which is just to be taken as an institutional fact of life not to be subject to moral assessment. It yields, to put it minimally, a too restrictive account of the right to secession and, if accepted, firmly commits us to the *status quo*. Where we limit ourselves, as I have, to secession crises that emerge in liberal democratic societies, it makes secession in those societies too difficult in a way that works against or conflicts with the very deepest constitutive normative commitments of liberal democracies. In societies that are *actually such democracies* (if indeed there are any) Primary Right theories, if acted upon, will not create the perverse incentives of which Buchanan speaks and liberal democratic societies, to the extent they are actually genuinely liberal democratic, will not be so intransigently committed to actually existing borders. There will, of course, be a presumption in favour of these borders, not lightly to be set aside, but where secessionist issues come to the fore in such societies there will be no principle of territorial integrity *über alles* (excepting only the most extreme cases where states, against a people, commit extensive and repeated human-rights violations). I have resisted such territorial integrity *über alles*, arguing that it is a morally arbitrary statist conception.

Buchanan realizes such a response can be made and he faces it in the last two pages of his 'Theories of Secession'.<sup>57</sup> He imagines, and I believe rightly so, a Primary Right theorist responding to him by saying that they and Buchanan are simply engaged in two different enterprises. Buchanan, the argument goes, is offering a *non-ideal* institutional theory of the right to secede while the Primary Right theorist is 'offering an *ideal*, but none the less, institutional theory'.<sup>58</sup> Buchanan puts the following words into the Primary Right theorist's mouth. Primary Right theorists 'are thinking institutionally . . . but they are thinking about what international law concerning secession would look like under ideal conditions, where there is perfect compliance with all relevant principles of justice'.<sup>59</sup> In such an ideal world none of the untoward consequences Buchanan mentions concerning secession could arise and so there are no grounds in ideal theory for restricting the right to secede in the way Buchanan does. Ideal theory, being an ideal theory, depicts *counterfactual* conditions, but it does show us what *ideally* would be the best thing and that shows us what we should do our best to approximate in whatever ways are practicable under real life conditions.

Buchanan responds by saying that if Primary Right theories 'are only defensible under the assumption of perfect compliance with all relevant principles of justice, then they are even less useful for our world than my [that is Buchanan's] criticisms heretofore suggest—especially in the absence of a complete set of principles of justice for domestic and international relations'.<sup>60</sup>

This response only seems to have force because Buchanan makes his ideal theory more ideal than the ideal theory that the Primary Right theorist needs to deploy. Buchanan builds into his characterization of ideal theory the condition of 'perfect compliance with all relevant principles of justice' and then rightly points out that that kind of ideal theory is as useless as 'Christian Science' for providing any guidance in the real world at least in the context of theorizing about nationalism. But it is utterly gratuitous to foist that condition of perfect compliance onto the Primary Right theorists' conception of an ideal theory or perhaps onto any useful conception of an ideal theory. The proper characterization of ideal theory, without that dangler, is that we are articulating an ideal theory, for liberal democratic societies, which involves thinking institutionally about what international law concerning secession would look like under ideal conditions, i.e. under conditions in which states in such societies actually behaved in accordance with the moral principles embedded in the very idea of liberal democratic society, e.g. respected human rights, were committed to a principle of equal respect for all persons with its prohibitions on exploitation, manipulation, and the like and is, as well, a society committed to achieving and sustaining autonomy and indeed as much as possible equal autonomy. This is the counterfactual ideal conception of a liberal democratic society that ideal theory assumes. It says nothing about

perfect compliance of individuals or about the invariant behaviour of individuals in that ideal conception of a liberal democratic society.

Setting aside for the purposes of ideal-theory construction questions of political sociology, I attempt to give a perspicuous characterization of what an ideal liberal democratic society would be without asking the question whether there is much likelihood that we could have an instantiation of such a society as distinct from something of an approximation of it. I try to give a characterization of what such a society would look like. But nothing need, or should, be said about perfect compliance of individuals or about having 'a complete set of principles of justice for domestic and international relations'. The former is 'Christian Science' and with the latter it is not evident that we even understand what we are asking for in asking for such a 'complete set' of principles of justice. The ideal theory that the Primary Right theorist needs, just as the ideal theory that Buchanan claims for his own, is open-ended and in various ways indeterminate as any reasonable normative account, ideal or non-ideal, must be. As in the body of my chapter my ideal account unfolded, I worked with articulating what it would be for our societies to be liberal democratic societies. With these ideas and ideals and on the assumption that this is the kind of society (deliberately idealized) we are talking about, we can come to say, where such liberal democratic principles are generally being adhered to, when secession would be justified and when it wouldn't be. In doing this we do not need to bring in anything about perfect compliance of individuals or about having a complete set of principles of justice both domestic and mondial.

The world we know is, of course, quite distant from the very idea of a liberal democratic society—our idealized picture. But by clearly seeing what should be done in a world (a counterfactual world) of well-functioning liberal democratic societies, we can, keeping this model firmly in mind, then, taking the hurly-burly real world into account, attend to determining what qualifications would need to be made for a non-ideal theory to articulate the best possible approximation in real life conditions to what is set out in the ideal theory. We would with the non-ideal theory have a theory saying something about what is to be done in real-life situations in the harsh, hard world that we know. There with such a non-ideal theory we would, as well as attending to the ideal theory, have also to consider what John Dewey called the means-ends continuum. That is, we would not only have to consider the ideal, but the probabilities and conditions for attaining or at least approximating what the ideal calls for and the costs of such an attainment. But without the ideal theory we would not know in what direction we should try to go in the correcting of our actually existing institutions. An analogy might help. We know that there cannot be such a thing as a frictionless plane, but understanding the idea of it, the conception itself, we gain some idea of in what direction we would have to go to get as little friction as possible. There is

no good reason not to believe that Primary Right theories articulate an ideal theory which provides something to be approximated in real-life situations and in doing that provides something of a useful guide for real-life situations. Where we can see how we can, if we follow certain policies—policies that could actually be put into practice—we will be likely to come as close as possible to the ideals specified in a sound ideal theory, we will then have the best real world account we can gain. Our reach, as the old saw goes, must exceed our grasp—or what is heaven for?

## NOTES

1. A. Buchanan *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec* (Boulder, Colo.: Westview 1991); id., 'What's So Special About Nations?' in J. Couture, K. Nielsen, and M. Seymour (eds.), *Rethinking Nationalism* (Calgary: University of Calgary Press, 1996), 283–310 and A. Buchanan, 'Theories of Secession', *Philosophy and Public Affairs*, 26/1 (1997), 31–61.
2. Buchanan, *Secession*; id., 'What's So Special About Nations?'; id., 'Theories of Secession'.
3. D. Miller, 'Secession and the Principle of Nationality', Ch. 4 of this volume.
4. Buchanan, 'What's So Special About Nations?'
5. K. Nielsen, 'Cultural Nationalism, Neither Ethnic nor Civic', *Philosophical Forum*, 28/1–2 (1996–7).
6. *Ibid.* Purely 'civic nationalism' is an oxymoron.
7. A. Levine, 'Just Nationalism: The Future of an Illusion', 345–64 and H. Brighthouse, 'Against Nationalism', 365–406 in Couture, Nielsen, and Seymour (eds.), *Rethinking Nationalism*.
8. *Pace* M. Nussbaum, 'Patriotism and Cosmopolitanism' and 'Reply' in J. Cohen (ed.), *For Love of Country* (Boston: Beacon Press, 1996), 3–17, 131–44.
9. K. A. Appiah, 'Cosmopolitan Patriots', and B. R. Barber, 'Constitutional Faith', in Cohen (ed.), *For Love of Country*, 21–9, 30–7.
10. G. A. Cohen, *History, Labour and Freedom* (Oxford: Clarendon Press, 1988), 132–54.
11. E. Gellner, *Nations and Nationalism* (Ithaca, NY: Cornell University Press, 1983).
12. Buchanan, *Secession*, 27–80, and id., 'Theories of Secession', 37.
13. *Ibid.* 37.
14. *Ibid.*
15. *Ibid.*
16. *Ibid.* 40.
17. *Ibid.*
18. *Ibid.*
19. *Ibid.* 44.
20. *Ibid.* 45–6.

21. Ibid. 45.
22. Ibid.
23. E. J. Hobsbawm, *Nations and Nationalism Since 1780* (Cambridge: Cambridge University Press, 1990).
24. Buchanan, 'Theories of Secession', 36.
25. Ibid.
26. Ibid. 45.
27. Ibid.
28. Ibid. 46.
29. Ibid. 46–7.
30. Ibid. 52.
31. Ibid.
32. Ibid. 53.
33. Buchanan, *Secession*, 53.
34. Id., 'What's So Special About Nations?', 283–310.
35. Id., *Secession*, 48–50.
36. Id., 'What's So Special About Nations?', 298, italics mine.
37. Ibid.
38. Ibid., italics mine.
39. Ibid., italics mine.
40. Ibid.
41. J. Waldron, 'Minority Cultures and the Cosmopolitan Option', *University of Michigan Law Reform*, 25 (1992), 751–93.
42. Buchanan, 'What's So Special About Nations?', 293–4.
43. Ibid.
44. Ibid.
45. Ibid.
46. Ibid.
47. Ibid.
48. Ibid.
49. Ibid.; see also Buchanan, *Secession*, 53.
50. Buchanan, 'What's So Special About Nations?', 295.
51. Brighouse, 'Against Nationalism'.
52. Buchanan, 'Theories of Secession', 33.
53. Ibid. 31–3.
54. Ibid. 32.
55. Ibid.
56. Ibid. 59–60.
57. Ibid. 60–1.
58. Ibid. 60.
59. Ibid.
60. Ibid. 60–1.