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Nationalism and the state

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Introduction

This chapter is about national ties and how they are supposed to act as a glue that holds the state together in the eyes of its citizens. A nation-state, so the story goes, is one where all the people in the state are bound together by ties of national solidarity. The solidarity legitimates the state – it tells the citizens why they are members and why it is right for the state to exist. In theory the power of the state is really in the hands of the nation because the state is nothing more or less than the great national project.

National stories are told all over the world. Despite its sordid history, the South African state is legitimated as the project of the 'rainbow nation'. The Scots have a new parliament (though not quite a state) that represents the Scottish nation. The newly unified German state allows the nation to shape its destiny as one. East Timor is free from Indonesian domination, and the nation can now have its say. Of course, this is not the whole story. For example, national solidarity appears in a less benign light in the former Yugoslavia, where conflict has raged over national self-determination. When members of one nation live in another state, things often get unpleasant. Very many people have killed and died in the name of the nation, and states have disintegrated into bitterness and conflict as a result.

Nationalism can be very exclusive. Much of the thinking described in this chapter prizes a solidarity that is strong yet socially inclusive. In section 1 the issue of solidarity will be explained. Nationalists argue that solidarity derived from 'thin' concepts like 'justice' and 'utility' cannot bind people to their states. The only solidarity that works is one that appeals to strong affections for communities, in this case the nation. Conceptually, the sources of solidarity have either derived from ideas of ethnicity or from ideas of civic unity (section 2). The stories we tell are often either about common origins, or common social traditions. We may be members of the *Volk* or citizens of 'the land of the free'.

In section 3, three attempts to give civic nationalism the upper hand are outlined. The questions provoked by attempts to redeem civic nationalism concern the coherence and practicality of civic solidarity. Is it possible to have a strong

solidarity that does not descend either into chaos or into ethnic cruelty? Can we say 'we' without presupposing some sort of common character? Civic nationalists think we can, and they argue for a renewal of nationalist thought. However, perhaps they are swimming against currents that are just too strong.

1 On solidarity

Some contemporary political theorists regard nationalism as an anachronistic vestige of less enlightened times, or as a distraction from the real issues of politics. For example, when asked the question 'what reasons do we have to identify with the state to which we belong?' they may answer that we have ties because states have pragmatic and tangible benefits, both economically and socially. Alternatively, they might say that we should not have primary ties to states at all, but should have ties to justice.

For example, Robert Goodin sees the state as having two roles. First, it forces people to "internalise" externalities'.¹ The state ensures that people pay the real cost of their activities, including environmental and social costs. If citizens drive cars, they pay for roads and for the costs of the pollution that they create. The state co-ordinates the payment of these costs. Second, the state may be the primary agent of welfarism where, through any one of a number of political agendas, wealth is redistributed according to certain political criteria.² So, when we ask why we have ties to the state, the answer is that we are tying ourselves to the *usefulness* of the state.

By contrast, John Rawls emphasises justice. His theory is related to Goodin's in that he sees the state as having a redistributive and regulatory role.³ The key to Rawls's understanding of the state is that it is not the starting point of his thinking. Institutions will provoke allegiance if people find them acceptable, and citizens will find them acceptable if they are just.⁴ The formations of states, as manifested in the drawing of their boundaries, are thought by Rawls to be arbitrary. As such, the place of states in the political run of things is just not all that significant. The significant thing, again, is justice. What matters is the development of an 'overlapping consensus' on the habits and institutions by which people, who might otherwise diverge, can get along with each other.

Very many people have argued that the sorts of solidarity envisaged by Goodin, Rawls and others is too 'thin' to be meaningful. This criticism has often come from communitarians and multicultural theorists, who argue that political understanding must take account of the fact that individuals are strongly embedded in communities.⁵ These communities shape individuals in ways that are politically significant. Community membership determines the 'thick' political conceptions that real people, not the abstractions of liberal theory, carry around with them.

As with communitarian and multicultural theory, nationalism emphasises the importance of community membership. Nationalists argue that ties grounded in the justice of institutions, or ties grounded in pragmatic calculation, are not

strong enough to bind people to the state. Solidarity that is rooted in utility or justice as advocated by Goodin and Rawls, is not solidarity in any meaningful sense.

For nationalists, such a solidarity fails to do two things. It fails to describe the reasons why people have experienced solidarity in the past, in situations when their relationships with their states were neither hugely beneficial nor just in the senses that Goodin and Rawls hold. Such a solidarity also fails to tell us why people should regard a state as *theirs*. Justice, almost always universalist in intention, and pragmatic calculation, always contingent on benefits, cannot explain the feelings of ownership that French people have regarding the French state, or that Spaniards feel regarding the Spanish state.

A theory of nationalism explains the affection people feel for their state. Nationalists argue that the mutual affections of co-nationals are a positive part of political life. National affections help legitimate states, creating a sense of membership and ownership. National membership is the root of legitimate authority. The state can tell us what to do because the state is *our* national project.

2 The nation and the nation-state

Historically, constitutional democracy is linked to the nation-state. When absolute monarchs ruled states, states were regarded as legitimate in virtue of the authority of the king, who was thought to receive his authority from God. Solidarity had nothing to do with it. When kings were overthrown across Europe and in America, the question of legitimacy arose. One answer to this question was that authority should be defined, at least in part, by solidarity. Boundaries were conceived as being dependent on something other than political decisions. Boundaries of states reflected the territorial spread of nations.

In France, the link between nationalism and state power was enshrined in the Declaration of the Rights of Man and the Individual, adopted in August 1789. The declaration was to serve as the preamble to France's Revolutionary constitution of 1791 and was drawn from the constitutions of some American states, and from the philosophies of Locke, Voltaire and Rousseau. Article III states that 'The principle of all sovereignty resides in the Nation. No body or individual may exercise any power other than that expressly emanating from the Nation'. Article III was derived specifically from Rousseau's writing.⁶

There are two ways of thinking about the nation. When the thinkers of the French revolution thought of sovereignty as being vested in the nation, they meant that it was vested in the people born in France. However, the second wave of nationalism, beginning in the late nineteenth century, thought of the nation as a *Volk* – as a group tied by their shared nationhood, not by their being born in a certain state. In its first manifestation at the origins of the civic tradition, the nation was decidedly subordinate to the bourgeois state and attendant rights held by all the citizenry. The second wave was rooted in the romantic origins of pre-political groups. According to ethnic nationalists, the state was subordinate to the nation, because the nation was there first.⁷

2(a) *Civic nationalism*

As I said, in the civic tradition the nation was assumed to be more or less everybody in the state. Political structures were set up in line with the classical republican ideas of citizenship and discourse. However, a state like France was too big to appeal to the sorts of strong solidarity that existed in medieval city-states, where it was likely that everyone knew each other. The looser phenomenon of national consciousness provided an appropriate story around which solidarity could be built.

Quite literally, the state was deemed to be the national project. It belonged to everyone, because everyone was involved in sustaining it. The appeal to nation would present people with the interest and reference that overrode other, more contingent concerns. Now, one could lose from the everyday rough and tumble of the political world, and yet be given a reason to stay loyal. You might not have your way in deciding the direction the ship of state was going to take, but you were always part of the crew.

The civic national ideal also enshrined a concept of equality that had been missing in the monarchical state. Not only were you part of the crew, but you had as much right to be captain as everyone else. As such, the experience of inequality was substantively different to the experience of inequality under monarchism. Now inequality was thought of as a facet of merit, not of birth. All members of the state were to be treated as equals without being equal in merit. Success was linked to effort. The supposition that every member could, through their own effort, climb to the top of the pile, was part of the basis for people's nationalist affections. And if you were a loser, you could console yourself, so the story went, by the knowledge that you were still a member of the crew. 'Socially humiliated and discontented people find in the membership of the nation a new sense of pride, a new dignity: "I am poor, but at least I am American (or German or Italian)".'⁸ You were still, so the story went, an author of and participant in the great national project.

2(b) *Ethnic nationalism*

The second sort of nationalism chiefly developed across central and eastern Europe. This nationalism was not based on the prior presence of a state or on the need to legitimate a state. Instead it was based on groups that made claims to statehood. These groups appealed to the potent romantic brew of perceived cultural and ethnic commonality to justify their uniqueness – the qualities that separated them from their peers in whatever state they happened to find themselves in.

According to Hannah Arendt, the second wave of nationalism was substantially different from the first wave in that civic nationalism 'even in its most wildly fantastic manifestations, did not hold that men of French origin, born and raised in another country, without any knowledge of French language or culture, would be "born Frenchmen" thanks to some mysterious qualities of body and soul'.⁹ The new form of nationalism, or 'tribalism' as Arendt called it, was characterised by a concentration on the nation as a set of

shared characteristics. The problem with this is that it was not confined to national borders, as civic nationalism was. So, pan-Germanism was an aspiration to unite the Germanic peoples of Europe, not a celebration of national achievement. This nationalism justified, and justifies, what we now call Balkanisation – the attempted division of territory along supposedly ethnic lines.¹⁰

The rise of ethnic nationalism and of imperialist racialism led to the sidelining in the more established nation-states of the republican traditions associated with civic nationalism. In France, where the republican tradition had been strong, the tone of statehood started to tend towards the authoritarian. Now the Dreyfusard appeal to ‘the stern Jacobin concept of the nation based upon human rights – that republican view of communal life which asserts that (in the words of Clemenceau) by infringing on the rights of one you infringe on the rights of all’¹¹ fell on deaf ears. In Germany, where there was little in the way of a republican tradition, ‘antirepublicanism was even more pronounced’.¹² The automatic right of state members to citizenship disappeared, and those who were deemed to be outside the nation were regarded as being beyond the protection of the state. Now, you were not of a place because you were born there. You were of a place because it was your home, your birthright.

The Jacobin tradition was usurped by the ethnic drives of the new nations, by people who drove their self-conceptions into increasingly narrow corridors and away from the democratic embrace of republicanism. Now we associate nationalism with racism, intolerance and ethnic hatred. The nation is largely, though not solely, the cause of the Balkan wars, of intolerance towards immigrants and of innumerable breaches of human rights. If we are interested in a moral world that reflects diversity, plurality and inclusion, we tend to fear nationalism’s rise.

The problem is that, without denying the dangers of nationalism, very many people also recognise that the nation creates important social bonds. We cannot and should not ignore the nation, despite the cruelties associated with its ethnic manifestation. It is the root of solidarity in the nation-state that is still the primary focus of our political lives.

The contemporary nation-state is being squeezed, both from above and from below. The world we have inherited is made up of increasingly multi-ethnic societies, with stronger global institutions and changes in the nature of communications media, travel and education. As a matter of course, people make claims to sovereignty within state borders. People also make moral and legal appeals to institutions that exist beyond state borders. The nation-state is under pressure from all sides. Nevertheless, the weakening of the nation-state should not hide the fact that nationalism tapped, and still taps, directly into people’s deepest affections. The nation is still a political issue. It has never gone away.

3 Transcending ethnic nationalism

Can we derive a notion of nationalism that does not hark back to the ethnic nationalisms of the late nineteenth and early twentieth centuries? Is it possible

to hold nationalist sentiments without betraying a liberal or pluralist outlook? Some thinkers wish to preserve the legitimacy of states by restoring nationalism to its civic roots. The legitimacy of states, they argue, is under threat both from reactionary ethnic nationalists and from the dissolution of communities, as traditionally conceived. In a globalised world, the nation can play an important stabilising role. While ethnic nationalism is not desirable, neither is a situation where states cannot relate to their citizenries. Nationalists want to develop an agenda that will help reorientate people back to a relationship with their democratic states.

3(a) *Postnationalism*

Postmodernist thinkers 'hold this belief in common: that the project of modernity is now deeply problematic'.¹³ As anti-dogmatists, they try to show how sets of concepts that had been accepted as similar or identical in the past are in fact separate. Their political conceptions tend to be oppositional. This is because of the inherently challenging nature of postmodern questions. Postmodernists present a challenge to perceived unity, and to accepted power. They challenge the supposed structures of the modern world.

In *Postnationalist Ireland*, Richard Kearney's self-proclaimed agenda is to separate into their constituent parts and varieties a series of nationalist concepts that have been assumed to be identical, or to be related. He argues that the relationship between citizens and the state, and indeed between each other, must be taken apart. Once this is done, people might derive value from nationalist ties without supposing that they should link national membership to ownership of the state. This can only be done if people understand that the basis of their ties is not real but 'imagined,' as Benedict Anderson put it – something that is not natural and has no implications beyond itself.¹⁴ People must realise that their identities are not unitary and complete, but are disparate, heterogeneous and complicated.

The idea that national freedom should be equated with state authority will inevitably lead to instability. In the face of contrary feelings, the state cannot maintain the unity of a diverse population. We should acknowledge the different sources of legitimacy and identity. Authority can be based on these different sources. The ethnic nation is not the sole source of identity and of legitimation. If we want stability, authority must be dispersed above and below the nation-state: 'nations and states are of our own making and can be remade according to other images'.¹⁵ If we understand the fact that our institutions are invented, then we will be willing to think about them creatively, and will reject the old dogmas.

Kearney replies to the question 'can citizens live by law alone?' in the negative. To try to 'cure' people of their communal ties would inevitably descend into totalitarian oppression. Instead, our communal expressions should find 'more appropriate forms'.¹⁶ We should not hijack the state and turn it into a medium for the ethnos. Instead, we should recognise the things that hold us together as well as the things that keep us apart. The transcendence of ethnic nationalism

lies in the recognition of the dubious grounds of ethnicity, both morally and historically. The post-nation is the self-knowing nation.

Margaret Canovan argues that Kearney's approach is problematic. The way we think about ourselves is not so clear. Following Arendt, she writes that 'politics is not a matter of moulding passive material. Free politics means action engaged in by plural actors, and no one can control or predict its outcome'.¹⁷ The aspirations of postmodern nationalists may be too optimistic. Holders of identity may be too stubborn to develop the realisations that Kearney wants.

The arguments of postmodernists are far removed from the prevailing feelings of people. When it comes to identity, appearances may deceive. Post-modernism is, at best, ahead of its time. Indeed, as Canovan says,

encouraging citizens to debate matters of common identity may generate more enlightened and cosmopolitan views, but it could just as well provide opportunities for populist mobilisation that might reinforce entrenched conceptions of 'us' and 'them,' or lead to re-imagined identities of an even less palatable kind. The increasing success, in Western Europe and elsewhere, of political parties hostile to immigration is a reminder of these possibilities.¹⁸

3(b) *Liberal nationalism*

In *On Nationality*, David Miller argues that liberalism and nationalism do not have to conflict. He starts from the premise that nations can provide people with a context for thick ethical outlooks—for concrete feelings of loyalty, bravery and the like, as opposed to thin, ethereal notions of justice and virtue. People's sense of value, or right and wrong, can come from the more concrete conceptions propagated by the nation. The nation also presents a rich foundation in our globalised, homogenous world. We should value the cultural depth that can be found amongst people who live their lives in rooted communities.¹⁹ Nationalism provides us with a home. Nations exist to the extent that people believe they exist. The truth or falsity of those nationalist beliefs is not an issue.

The specific nation is 'strangely amorphous when we come to ask about the rights and obligations that flow from it':

Whereas in face-to-face communities, especially perhaps those with defined objectives, there is a clear understanding of what each is expected to contribute towards the welfare of other members, in the case of nationality we are in no position to grasp the demands and expectations of other members directly, nor they ours.²⁰

We may be able, Miller writes, to discern the national self-images of specific people. For example, Americans think of the USA as the 'land of the free.' Such images shape the way that people conceive of their national relationships. But Miller points out that such concepts have to do with political culture and not with national membership in the abstract. In the abstract sense, the nation has no specific moral qualities.

Nevertheless, the idea that people should

regard their nationality merely as historical accident, an identity to be sloughed off in favour of humanity at large, carries little appeal. If national identities are distasteful, or have distasteful aspects, it seems more reasonable to work from within, to get people to reassess what they have inherited, come to a new understanding of what it means to be German or Canadian, than to dismiss such identities from an external standpoint.²¹

In a way, Miller sees a potential for us to gain control over our national traditions, instead of regarding ourselves as passive products of our nations.

Miller argues that people within the state should be included even if they regard themselves as different to the main current of national identity. 'If a state houses a minority who for one reason or another do not feel themselves to be fully part of the national community, but who do not want or cannot realistically hope to form a nation-state of their own, then national identity must be transformed in such a way that they can be included.'²² A plural society demands a pluralist nationalism. It is important to

free the public sphere of symbols, practices and unstated assumptions that prevent the members of some groups from participating as equal citizens. I do not mean that the public sphere should become culturally neutral: it expresses the shared national identity of the citizens, and this must have some determinate content that varies from place to place. But national identities have always been in a state of flux, and the challenge now is to remake them in a way that is more hospitable to women, ethnic minorities and other groups without emptying them of content and destroying the underpinnings of democratic politics.²³

Perhaps Miller, just like Kearney, is a bit optimistic. Can his argument propagate change? Certainly when we think of, say, German identity, we think of a transformation that is linked to the traumas of self-recognition in the wake of Nazism and the Holocaust. However, other identities have not been forced into such self-recognition or have refused such self-recognition. Changes in national identity may happen, but there is no guarantee that the politics of members will end up turning in one direction rather than the other. We may wish for nations to be nicer, but we cannot make our wishes come true.

Even in states that are supposed to be nationalist in the civic sense, like the USA, incidents of exclusion and repression are not uncommon. American nationalism may focus on the rhetoric of freedom, but it can also turn towards violence against foreigners or other outsiders. If we agree that identities are here to stay as part of the political landscape, then we have to admit that nobody knows how to control them. Nobody knows how to make nationalism nicer.

3(c) *Patriotism*

Miller and Kearney seek to renew nationalism. Patriots, on the other hand, regard themselves as focusing on a solidarity that can be distinguished from nationalism. They argue that nationalism cannot simultaneously guarantee stability and an acceptable ethical outlook. We cannot rely on national affections

to come up with a political outlook that respects citizenship and equal liberties. Instead of directing our affections towards the nation we should direct them towards the legitimate democratic structures of the state.

Maurizio Viroli writes that

the ideological victory of the language of nationalism has relegated the language of patriotism to the margins of contemporary political thought. And yet, when peoples become engaged in struggles for liberty, when they have to face the task of rebuilding their nations after experiences of war and totalitarian regimes, theorists are able to recover elements of the old language of patriotism under the predominant rhetoric of nationalism.²⁴

Our civic tradition may be weak, but it is not dead.

Viroli argues that the 'patriotism of liberty' is neither nationalist nor universalist. Just like liberal nationalists, patriots do not seek to create homogeneity in cultural, ethnic and linguistic spheres. Neither do they expect us to engage solely with abstract universal concepts. Instead, patriots argue for a 'particularistic love' of 'common liberty and the institutions that sustain it'. They argue for

love of the common liberty of a particular people, sustained by institutions that have a particular history which has for that people a particular meaning, or meanings, that inspire and are in turn sustained by a particular way of life and culture. Because it is a love of the particular it is possible, but because it is a love of a particular liberty it is not exclusive: love of the common liberty of one's people easily extends beyond national boundaries and translates into solidarity.²⁵

Viroli has little to say about how such a love can be created, but he does point out that the patriotic tradition has been carried through centuries of political writing. Patriotism is the inclusive love of 'our' liberty.

Similarly, Jürgen Habermas argues in favour of 'constitutional patriotism', which is based on his sophisticated sociological theory, as presented in his two-volume *The Theory of Communicative Action*.²⁶ Habermas argues that, over time, social discourses become progressively more rational through the 'unforced force' of the better argument. Societal action rationalises as a result of open discourse concerning the reasons for action. Constitutional patriotism is a post-traditional phenomenon. Habermas argues that, in a post-traditional society, people have moved on from developing allegiance based on nationalist or other sentimental and mystical outlooks. Instead, they place their allegiance in the just political procedures of the state, based upon universalist and discursive principles.

Constitutional patriotism is a rational outlook because of the way that it has been decided. This marks it out from nationalism. The only thing that guarantees democratic rights is an explicit statement in a constitution. But that constitutional statement is nothing unless it is accompanied by an attachment to its moral standpoint. Habermas writes that

the universalist principles of constitutional democracy need to be somehow anchored in the political culture of each country. Constitutional principles can neither take shape in social practices nor become the driving force for the dynamic

project of creating an association of free and equal persons until they are situated in the historical context of a nation of citizens in such a way that they link up with those citizens' motives and attitudes.²⁷

As *Attracta* Ingram argues, it is part of the liberal state that it is unified by certain shared values and the institutional structures that carry them over time. The idea involves willingness to view people, for purposes of politics, as generic individuals rather than as members of this or that clan, tribe or nation'.²⁸ Ingram's point is that tight bonds can be created through ties to the political structures of the liberal state. The constitutional patriot's cause is obviously different to those of Kearney and Miller. Instead of looking to adjust nationalism, or to promote a kinder, gentler nationalism, Habermas wants to move away from nationalist feelings altogether. At least, that is, when it comes to thinking about politics.

Viroli does not want us to detach ourselves from the ties that we have. He is not asking us to remove ourselves from our deep communal structures.²⁹ Habermas's feelings about the benefits of such levels of commonality are somewhat open to question. It is difficult to know whether he wants us to forget national ties altogether or to associate our national ties with pride in our constitutional achievements.³⁰ Either way, neither thinker is suggesting that we completely rid ourselves of ties of birth. You do not become a citizen of your state by sitting an examination – you do so by being born there. The important thing is that we transcend the drive towards ethnic and cultural hegemony in our society. The patriotic drive, according to both Viroli and Habermas, is sufficient to tie us to our states. However, patriotism being sufficient for solidarity is less important than the fact that it is moral and rational in a way that nationalism is not.

That said, there is some doubt as to whether constitutional patriotism would create ties that are strong enough to bind people together in the way that a nation is supposed to. For example, we may take some pride in the institutions of the European Union, say the Convention on Human Rights, but that does not necessarily make us feel European in the same way that we feel British or Irish or French.³¹ If patriotism does transcend ethnic nationalism, there is a risk that it will lead to the loss of solidarity in established states. That might mean greater instability, as people turn their political attention to levels above or below the nation-state.

Conclusion

In the introduction to this chapter, two questions were asked. First, is it possible to have a strong solidarity that does not descend either into chaos or into ethnic cruelty? Second, can we say 'we' without presupposing some sort of common character? Civic nationalists believe both questions can be answered affirmatively. However, there are problems with the various attempts to transcend

ethnic nationalism, as surveyed in the first section. We might believe, somewhat optimistically, that nationalist ideas can be transformed. Kearney and Miller certainly believe this. Yet this strategy risks inadvertently legitimating old-style ethnic nationalism. If it is impossible to adjust nationalist ties in a way that rids us of the ethnic fixation, it might be safer to reject nationalism as a whole. Possibly any type of communal endeavour is exclusionary inasmuch as solidarity presupposes exclusion. The only inclusive solidarity may be a loose global solidarity. Instead of seeking a thicker solidarity, we could concentrate on the sort of concerns that Goodin and Rawls appeal to, as discussed in section 2. If this leads to the weakening and eventual dissolution of the nation-state, then so be it.

Of course, exclusion is not necessarily a problem in itself. The nation-state, whether we like it or not, is still the primary focus of political life. What civic nationalists and patriots want us to do is to realise that exclusion is an arbitrary thing. We should include all those who live inside our territories and simultaneously admit that the territory and its boundaries have no moral relevance. We may live in a nation-state, but that does not determine what our political actions will be. The problem with this view is that civic nationalism or patriotism may not be strong enough to create solidarity. Purely political solidarity may not be enough. National stories invest too much in common origin and the like to be open to adjustment in the direction of civic consciousness. Dangerous though it is, the ethnic nation may be more compatible with what people really need.

Yet, something does seem to be happening, certainly across the rich part of the world. To be sure, for some people the baby of social solidarity has been thrown out with the bath water of nationalism. Nationalism is irrelevant to them because they find all such bonds irrelevant. However, some others, without necessarily dropping national bonds altogether, express a more cosmopolitan sympathy with those who are not national members. Ideals of universal human rights are spreading globally, and within states. Very many people ignore nationalism when it comes to making decisions about the nature of sovereignty. It just does not figure in their ideas of right and wrong. They may maintain their pride in national achievements, whether cultural or political, but they do not think of the nation as the limit of their moral environment. Their moral environment is characterised by a multiplicity of considerations. While they want to get things right at home, they are also concerned that things are wrong elsewhere. And the fact that things are wrong elsewhere is seen as their business. People are not just civic nationalists – they also exist beyond nationalism.

Notes

- 1 R. Goodin, *Motivating Political Morality* (Oxford, Blackwell, 1992), p. 27.
- 2 R. Goodin, B. Headley, R. Muffels and H.K. Dirven, *The Real Worlds of Welfare Capitalism* (Cambridge, Cambridge University Press, 1999), p. 39f.
- 3 J. Rawls, 'Constitutional Liberty and the Concept of Justice', originally published in

- 1963, reprinted in J. Rawls (S. Freeman [ed.]), *Collected Papers* (Cambridge, MA, Harvard University Press, 1999), p. 90.
- 4 In *The Law of Peoples* (Cambridge, MA, Harvard University Press, 1999), p. 27f. Rawls develops the distinction between states and people, implying that peoples are groups interested in justice, while states are purely strategic entities.
 - 5 See, for example, W. Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford, Clarendon Press, 1995); M. Sandel, *Liberalism and the Limits of Justice* (Cambridge, Cambridge University Press, 1982); C. Taylor, 'The Politics of Recognition', in A. Gutman (ed.), *Multiculturalism: Examining 'The Politics of Recognition'* (Princeton, NJ, Princeton University Press, 1994, 2nd edn). See also the responses of J. Rawls, *Political Liberalism* (New York, Columbia University Press, 1993) and B. Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge, Polity Press, 2001).
 - 6 J.-J. Rousseau, *The Social Contract and Other Later Political Writings*, tr. V. Gourevitch (Cambridge, Cambridge University Press, 1998), p. 63.
 - 7 On the differences between sorts of nationalism, see H. Arendt, *The Origins of Totalitarianism* (first published 1948) (London, Harvest, 1976), pp. 226ff, 267ff; A. Smith, *Nationalism and Modernity* (London, Routledge, 1998), pp. 125ff; E. Hobsbawm, *Nations and Nationalism since 1780* (Cambridge, Cambridge University Press, 1990), pp. 101ff.
 - 8 M. Viroli, *For Love of Country – An Essay on Patriotism and Nationalism* (Oxford, Clarendon Press, 1995), p. 15.
 - 9 Arendt, *Origins of Totalitarianism*, p. 226.
 - 10 Supposed because ownership does not necessarily depend on who is in the majority in an area. It may just as well be the case that a certain group lays claim to an area because the group that lives there now are either the descendants of colonisers or because the ethnic group has a certain association to that piece of ground.
 - 11 Arendt, *Origins of Totalitarianism*, p. 106. In 1894, Alfred Dreyfuss, a Jewish army officer, was arrested and falsely convicted of espionage in the wake of the Franco-Prussian war. With the complicity of the state and the press and despite the arrest of the real culprit, anti-Semitic officers tried to deny his innocence. They were challenged by Emile Zola in his famous letter, 'J'Accuse'.
 - 12 J. Isaac, 'A New Guarantee on Earth: Hannah Arendt on Human Dignity and the Politics of Human Rights', *American Political Science Review*, 90:1 (1996), p. 62.
 - 13 H. Foster, 'Postmodernism: A Preface', in H. Foster (ed.), *Postmodern Culture* (London, Pluto Press, 1985), p. ix.
 - 14 B. Anderson, *Imagined Communities* (London, Verso, 1991), p. 6f.
 - 15 R. Kearney, *Postnationalist Ireland* (London, Routledge, 1997), p. 69.
 - 16 Kearney, *Postnationalist Ireland*, p. 185.
 - 17 M. Canovan, 'Patriotism is not Enough', *British Journal of Political Science*, 30:3 (2000), p. 430.
 - 18 Canovan, 'Patriotism is not Enough', p. 430.
 - 19 D. Miller, *On Nationality* (Oxford, Oxford University Press, 1995), p. 185f.
 - 20 Miller, *On Nationality*, p. 68.
 - 21 Miller, *On Nationality*, p. 184.
 - 22 Miller, *On Nationality*, p. 188.
 - 23 D. Miller, *Citizenship and National Identity* (Cambridge, Polity Press, 2000), p. 80.
 - 24 Viroli, *For Love of Country*, p. 161.

- 25 Viroli, *For Love of Country*, p. 12.
- 26 J. Habermas, *The Theory of Communicative Action, Volume One – Reason and the Rationalisation of Society*, tr. T. McCarthy (Boston, Beacon Press, 1984); J. Habermas, *The Theory of Communicative Action, Volume Two – Lifeworld and System: A Critique of Functionalist Reason*, tr. T. McCarthy (Boston, Beacon Press, 1987). Habermas is notoriously difficult, and should be approached with some caution. However, a number of clear and helpful introductions to the theory of communicative action are available. Try W. Outhwaite, *Habermas – a Critical Introduction* (Cambridge, Polity Press, 1994).
- 27 J. Habermas, 'Citizenship and National Identity', in J. Habermas *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, tr. W. Rehg (first published 1990) (Cambridge, Polity Press, 1996), p. 499.
- 28 A. Ingram, 'Constitutional Patriotism', *Philosophy and Social Criticism*, 22:6 (1996), p. 12.
- 29 Viroli, *For Love of Country*, p. 3.
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