

Liberalism, Nationalism and Ultra-Nationalism

Moshe Halbertal

In liberal approaches that are based mainly on John Rawls' political theory, the neutrality of the state is an essential element in its commitment to equal treatment of its citizens and to pluralism. The principle of neutrality stipulates that the state should avoid taking sides on what ought to be the proper good life of its citizens. In constructing the basic structure of the state and in formulating its principles of justice, the state shouldn't give any preference to a particular way of life or culture. The aim of the state regarding such matters is to secure the rights of individuals and communities to determine their way of life and their conception of the good as they see fit, as long as they grant the same right to other individuals and communities who live alongside them. The state as such, we might say, has no identity.

Rawls shapes the neutrality of the state with the aid of a thought experiment which is conducted behind the veil of ignorance. According to Rawls, this imaginative entry behind the veil of ignorance constitutes the ideal opening position for establishing the foundational political structure of the state. Within this thought experiment, citizens initially shed any knowledge of their ethnic, cultural or religious identity, their concept of the good or their preferred way of life. They have no knowledge as well of their future social class, earnings and natural talents. Under these conditions of uncertainty, according to Rawls, participants in this impartial procedure will choose the kind of framework that does not give preference to any ethnic group or to any form of life; rather they will choose a state that will be neutral to all such components of identity. The political and constitutional arrangements of

such a state chosen by these participants would not violate the justified concern of its citizens for equal treatment, independent of their particular form of life and their conception of the good. Such a neutral state would not endorse any political and legal content that is biased towards a particular ethnic or culture group from among the groups that constitute the state. With regard to such matters, the state's concerns would be confined to ensuring the rights of citizens and communities to flourish side by side, such rights will be given to individuals and communities as long as they recognize a similar right of other individuals and cultures in their midst.

The position that supports the neutral state negates the liberal credentials of any nation state be it ethno cultural nationalism or civic nationalism, since a nation state is one in which groups express their form of life in one way or another in the very identity of the state. The unilateral secession of Norway from Sweden in 1907 which was based on the claim that the Norwegians constitute a separate ethno-cultural community, and therefore deserve a state of their own, cannot be justified in terms of the neutral state. The same objection should be applied as well to the present demand of some Quebecois separatists for independence from Canada, since their future state would not be neutral but would embody in its public symbols, official language and calendar, and in its centralized education the particular traditions of the French Canadian nation. (The Quebecois or Norwegian minorities might have been justified in demanding the turning of Sweden or Canada into a neutral state, but the secessionists' demands for national self-determination are incompatible with the basic liberal stance of the neutrality of the state). This is true as well with less consequential repercussions such as the status of the Anglican Church as the official state church of England, or the definition of Irish identity in Ireland's constitution as based upon Catholic Christianity. Or for that matter the many states that have the

symbol of the cross in their flags. If the neutrality of the state is a necessary condition for liberal democracy, then nation states cannot be liberal democracies in the full sense of the term.

In principle, the prevalence of nation states shouldn't serve as a philosophical argument against neutrality; it just points out the radical nature that is implied by accepting neutrality as the main criterion for liberal democracy. I think that there are inherent problems with the principle of neutrality that don't withstand a critical examination, and it therefore cannot serve as the exclusive ultimate condition for the liberal and democratic commitment. Some other criteria are needed in order to distinguish a liberal democracy from an ultra-nationalistic state.

Among the functions of any political entity is the establishment of a structured division of labor between its citizens that guarantees the possibility of collective action. Such cooperative schemes demand a shared state calendar and official language. In the necessary determination of both an official language and a shared calendar a profound cultural decision is already implied. The question of what the official state language will be touches upon the foundation of the cultural identity of the state and it is no wonder that its determination is at the heart of a variety of claims for partition and secession. The French separatists in Quebec were inspired by cultural concerns attached to the state's official language, and in Belgium the language question takes center stage in the division between the Flemish and Walloons, which threatens the political unity of the state. In India the formation of the official language of the state was a source of great tension and complexity, and in Congo for example, in order to overcome the deep cultural tensions between the different groups that constitute the state, the French language, although it had been the former language of the colonial power that controlled Congo, was accepted as the official language of the

state. The determination of state language is a major cultural decision and the state cannot take a neutral stance towards such a question. Even if we thought that neutrality is needed for a commitment to democracy and liberalism, no political entity can function without a shared language in its educational system and state institutions. As for Rawls, the following question should have been raised: What is the language used in the deliberation behind the veil of ignorance?

Language serves as a major identity feature even in states that are not based on a core of ethno-cultural majority but are civic nations. France, which has been the major example of such a political ethos of civic nationalism, is not a neutral state and it shapes a shared sense of community and loyalty through the medium of the French language, which is defined constitutionally as the language of the republic. The imposition of French as the language of the republic gave birth to the French nation, and the absorption of immigrants into the French nation is fully determined on their cultural integration to the French nation through its language and culture. The determination of a state language is a major cultural decision and the state cannot take a neutral stance towards such a question. Even if we thought that neutrality is needed for a commitment to democracy and liberalism, no political entity can function without a shared language in its educational system and state institutions.

The same dilemma is expressed in matters of calendar, which are essential to the ability of citizens to function collectively. In the USA, which is supposed to represent in the most successful fashion the neutral conception of the state, the calendar is biased towards Christians, and a Muslim, for example, who celebrates the Eid al Adha is in an inferior position in comparison with a Christian who celebrates Christmas. Such inevitable decisions do not facilitate neutrality, and the claim of the neutrality of the state serves to mask the dominance of the majority culture. (It is

possible to achieve multicultural schemes in which the state recognizes a number of official languages and calendars but the multicultural state is not a neutral state).

The inability to maintain neutrality in the political sphere is apparent in one of the most important functions of the modern centralized state – public education. Though defenders of neutral liberal education claim that the aim of public education is the cultivation of a citizen who is capable of deliberate and meaningful choices regarding his or her preferred way of life, and therefore such education is in principle neutral, the centralized and public education of the state plays a crucial role in the reproduction and continuity of particular linguistic, historical and literary traditions. In literature classes students study mainly the classical canon of their particular culture, and in such a manner language, self-perception and human ideals are shaped; in history classes collective memory and civic ideals are constructed in line with a particular culture. In addition, in avoiding the study of scriptures, which is supposed to guarantee educational neutrality in matters of religion, an implied stance is assumed. In states that are presumably neutral, minorities must carry the heavy financial burden of funding private schools that allow their cultural continuity, since the public schools -- in the guise of neutrality -- perpetuate the culture of the majority. Members of the majority culture in supposedly neutral states are free from such financial burdens.

The limitations of state neutrality apply as well to immigration policy. Control of immigration is one of the main ways in which states manage to preserve their identity without direct interference with the lives of their citizens. In principle, the only justification for limiting immigration in a neutral state ought to be based on two arguments. The first is the loyalty of the immigrant to the values of liberal democracy, and the second is the preservation of the state's economic stability, which enables the

state to continue to provide its citizens with the welfare and prosperity that they enjoy. Yet in examining restrictions on immigration, a certain cultural preference is the norm, and liberal states including those in the EU allow themselves a neutral position after they have guaranteed a cultural majority with the aid of direct or indirect immigration policies. A fully open border policy is not enacted in any state, which tend to preserve themselves as bounded entities through immigration policies. In addition to these inherent obstacles in achieving neutrality, even within the narrow scope in which the coercive machinery of the liberal state is put to use, it is difficult to avoid the influence of different worldviews when it comes to a variety of policy decisions. In addressing issues such as abortion or stem cell research, states with Catholic or Evangelical majorities might adopt different legislation than those from states with secular, Hindu, Muslim or Jewish majorities.

For these reasons a state cannot ensure neutrality and therefore state neutrality cannot serve as the ultimate criterion for its liberal democratic commitments. Yet, the challenge to the neutrality of the state shouldn't rest solely on the impossibility of achieving the ideal of neutrality. The challenge to neutrality and the difficulties of achieving it doesn't imply that political entities should not strive to achieve it as much as possible. Liberalism then might be defined not as a binary condition but as a condition that is measured by the degree of neutrality achieved within a state. Yet, there is a positive right to self-determination that can be granted to members of cultural communities who have a legitimate and basic interest in expressing their identity and in caring that it thrives and continues. Such groups, given certain important restrictions that will be discussed at length in the coming pages, have a right to self-determination which includes a sovereign territory in which they

constitute the majority of the population and in which a cultural shared space is created where their historical and cultural identity finds expression.

It is important to stress that within a liberal democratic framework, the right of self-determination doesn't reside in the nation or the group as an independent entity in and of itself. In an ontological sense, nations and groups do not form a moral subject that can be a carrier of rights. Group rights are mediated through the individuals who constitute the group; individuals who have a stake in their cultural identity which is essential to their self-definition and provides them with meaningful orientation to life in the form of linguistic and literary traditions, shared memory, life cycle symbols and rituals, and other goods that come with participating in a form of life. In their relation to culture, individuals have an interest not only in belonging to a culture (whatever it may be) as a framework that grants them space for choice and practicing their autonomy. They have a strong attachment to their own particular culture, and they will go to great lengths to preserve and perpetuate it. Their cultural identity is as precious to them as their property or freedom, and since rights serve as tools for protecting deep-seated, vital concerns, cultural concerns fall within the sphere of rights.

Culture such as language and way of life is a social good, it is a good achieved within a group and in a community. Therefore, respecting individuals' concern with culture is practiced by recognizing them as members of a community which deserves self-determination. The moral reality that seems to compel the granting of such a positive right is the deep attachment of many individuals such as Norwegians, Kurds, Czechs and others to their particular cultural communities, and their aspiration to achieve a sovereign space in which they can reside in their cultural home and make it flourish.

The flourishing of cultural communities doesn't necessarily have to lead to the creation of a full fledged sovereign nation states. Multiethnic multicultural states such as Switzerland, Canada or to a certain degree the USA might provide for cultural expression and flourishing of different groups as well. The decision of whether the Norwegians and the Swedes, or the Czechs and the Slovaks, should have stayed in a multiethnic state or whether they should have separated into two nation states as they did, was a choice between two legitimate possible ways of organizing political life. Multiethnic states are rather rare and they can be, for a variety of historical, demographic and geographic reasons, rather unstable. Such legitimate choices ultimately must be left to the will of the different groups that will decide in what particular way they wish to practice, if at all, their right to self-determination, as is currently the case with the choice given to the Scots in England. After the breakdown of the Soviet Union in the early 1990th the Baltic States - Estonia, Latvia and Lithuania could have opted to form a Baltic multi-ethnic and multicultural federation, modeled on Switzerland, they could have opted as well to form a shared state striving for neutrality in the shape of the USA. They opted for three separate nation states, including all the elements that define a nation state which among other elements included limitations on Russian immigration to stop the ongoing Russification of their states. That choice of the Baltic States to form three nation states was an expression of the will of the majority of their respective citizens and as such it should be respected. In forming themselves as three separate nation states they didn't block their future possible emergence as a liberal democratic states. Needless to say that if thirty million Kurds will achieve their own deserved self-determination as a unique national group, or the Tibetans will be freed from the Chinese yoke to form their own nation state it wouldn't turn them as such as illiberal states.

The mere fact of a state being a nation-state therefore doesn't turn it into an illiberal state, and the criterion that defines it as a liberal democracy does not depend on that state's adherence to absolute neutrality and to its lack of identity as such. The liberal democratic commitment of nation states depends, rather, on other principles that can be articulated in the state's adhering to three conditions. These three principles are essential in distinguishing liberal nationalism from ultra-nationalism: **The first condition**, and the central one, is that the particular national identity of the nation state does not cause any harm to the political, economic, cultural and civic rights of citizens who do not belong to the majority. The fact that the calendar of the USA is in many respects Christian doesn't render it an illiberal state. Such an illiberal reality emerges only if the basic political rights of Hindus, Buddhists, Muslims and Jews are violated, if they are deprived of the right to vote, for example, or if the taxes levied on them are higher, their occupational opportunities diminished, or they are prevented from freely practicing their religious life.

For example, some Catalans wish to establish an independent state of their own with Barcelona as its capital, based on their claim that they constitute a distinct ethno-cultural group which deserves the right to self-determination. In this future state, as in all other European nations states – Denmark, Finland, Norway Germany the Czech Republic and others which have a language and state symbols with affinity to the dominant national culture – the Catalan language will be the official language, the state symbols will be connected to the culture of the Catalan ethno-cultural majority, the official calendar will be shaped in relation to Christianity and to events in Catalan history and culture, and public education of Catalans will ensure the continuity of Catalan culture, inculcating it to the next generation. Revenues from taxation will be distributed solely among Catalan citizens and not across Spain, and

the foreign policy of the Catalan state will reflect the interests of the ethno-cultural majority of the state. It is very probable that Catalan's immigration policy, like that of all contemporary European and Scandinavian states, will attempt to safeguard the Catalans' majority in its sovereign territory. These aspects of the Catalan state will not reflect anything unusual in the modern political history of the west.

Catalonia will not be a neutral state in any meaningful fashion, and there is no reason that it should be. Members of the Catalan ethnic cultural group might deserve a right to self-determination, which includes a sovereign territory inhabited by a Catalan majority in which a Catalan cultural public space is created and the culture of the majority is expressed. The test of the question of whether Catalonia or any other state is a liberal democracy is not dependent upon whether it is neutral in its identity. It will be judged as legitimate in relation to the first condition stipulated - whether its character as a nation state eventually leads toward discriminatory policies towards the political, economic and cultural rights of the non-Catalan minorities that reside in Catalonia. The legitimacy of the nation state that was created or will be created will be dependent on the preservation of the rights of the new minorities and on the fact that the national character of the state does not violate the basic rights of its minorities.

The turn to ultra-nationalism is marked many times by the obsession with the "enemy from within" such as minorities, immigrants, and no less important the institutions that are dedicated to the protection of the minorities. Such a turn towards the "enemy from within" will therefore be accompanied by an effort to control and restrict the independence of the courts, and to try via different legal mechanisms to constrain NGOs whose mission is the protection of human rights and vulnerable minorities. But besides the different constitutional and legal mechanisms that are used

in discriminating against minorities, there is as well a larger gestalt that pervades the identity formation of ultra-nationalists. Such movements tend to form an identity through negation, in which the animosity and resentment of the other ethnic, religious or racial minorities constitutes a shared perverse bond for the dominant majority. A liberal national majority ought to perceive minorities as a source of enrichment and opportunity rather than a source of threat. It also perceives its own identity as multilayered and complex, and as a dynamic product of exchange and interaction with other cultures through history. Needless to say, such a general self-understanding has a reach beyond the formal legal structure of the state to constitute a counter-position to that of the ultra-nationalist toward minorities and immigrants.

The second condition which constitutes the legitimacy of the nation state relates to the demand that the national group that acquired a right to self-determination recognizes the aspiration of other groups to the same right to self-determination which it justifiably claimed for itself. When Serbia was granted the right to self-determination as a separate entity from Yugoslavia it had an obligation to acknowledge the right of self-determination of the Croats and the Slovenians. A nation state turns into an ultra-nationalistic state when it makes an exclusive claim to a right of self-determination, and its denial of the right of self-determination to other nations is often supported by claims that other competing groups do not form a genuine nation.

The history of national conflicts is replete with the argument that the rival group doesn't constitute a genuine nation, an argument that often exploits the fragility of the historical basis of national identity which might be supported by invented traditions, false ethnic genealogies and fabricated mythic pasts. The opponents of national claims tend to apply these sorts of arguments with great historical rigor,

while not directing the same rigor to their own questionable historical claims. Anti-Catalan separatists might insist that Catalan is only a dialect of Spanish rather than a genuine language of its own, and the larger Serbian ultra-nationalists since the end of the 19th century perceived Bosnians and Croats as part of the Serbian nation. The Israeli-Palestinian conflict gave rise to a spectrum of sophisticated historical and conceptual claims recruited for the purpose of denying the other's national claim for self-determination. Though such arguments are unilaterally employed as tools of political propaganda, they sometimes point to genuine problems in the historical claims that are made, given that national histories are fraught with a-historical mythic dimensions. And yet, pointing to the possible artificiality of national historical claims shouldn't serve as a weighty argument in denying groups their right to self-determination. The carriers of the right to self-determination are not directly the groups or the nations in themselves, and the question of whether they genuinely exist or are mere fictitious entities is of no political and moral interest, though it might be a fascinating question to historians of nationalism. What is morally crucial for the sake of claims to self-determination is the actual consciousness of individuals who perceive themselves as part of such groups, mythic or not, and that these individuals who are the aggregate carriers of the right to self-determination have genuine concerns about their cultural continuity and identity. The second condition that is stipulated for the legitimacy of a nation state is thus meant to address respect for the actual genuine attachment of individuals and their aspirations.

The third condition for the legitimacy of a nation state concerns its obligation to address and compensate for harms that occurred in the establishment of the newly founded state, mainly to indigenous populations and minorities that resided in its territory. Since nation states will never be fully homogenous and those who become a

minority through its establishment will naturally resist its creation and are often greatly harmed in the process, the nation state must assume responsibility for addressing them. The descendants of nations who have gained their independence at the expense of the rights of minorities and indigenous people are not guilty of acts that were committed by previous generations, but given the fact that their collective existence is the fruit of such crimes, they bear responsibility for addressing them. It is precisely in such cases that the lack of direct guilt doesn't imply a discharging of responsibility.

Addressing such past issues is a complex matter. Sometimes most of the indigenous population was exterminated by force or disease such as in the USA or Australia, or sometimes not much of it is left as in the case of Argentina. And yet, land claims or cultural concerns of the remnant that was left from these past crimes deserve recognition. States were founded or consolidated as well not on extermination but on mass expulsion of population such as the expulsion of the Greek minority from Turkey, or the Turkish minority from Bulgaria or the expulsions of Germans from eastern central European states after the Second World War. Addressing these wrongs gets complicated as time passes. The expelled populations might be already integrated in their relatively new environment, and returning them to their original homes means at times causing unjustified harm to the present inhabitants who might already have resided there for a number of generations. Population transfers were also perceived as a legitimate means of lowering tensions and affirming rights, and sometimes expulsions that caused immense suffering were a result of mutually agreed or practiced population exchanges, such as the ones that occurred in the formation of India and Pakistan. And yet, the third condition of the legitimacy of the nation state stipulates that with all these complexities, especially those that are involved with the

actual return of expelled populations to their former land or home, financial compensation or other means of addressing the harms must be assumed.

The third condition is tied as well to a larger and more elusive concern which is related mainly to the realm of symbols. A major feature of ultra-nationalist movements is their denial of an honest reckoning with the nation's past. This concern transcends the strictly legal realm but it is no less crucial. It manifests itself in the public construction of historical memory through monuments and museums and sometimes it manifests itself in direct or indirect punishment of movements and individuals who have the integrity to look honestly into a nation's past. Pride in the cultural and political achievements of historical communities that takes the form of patriotism has value, but when it blinds an honest account of the past, it blocks the possibility of a genuine accountability and sometimes, in particular historical conditions, it distorts the possibility of preventing a repetition of the harm or its continuity.

The particular order that the three conditions were laid out is important, since it reflects their relative weight and the gradual extent in which the legitimacy of the nation state is undermined when it violates these conditions. The violation of the first condition - respect for minority rights -- constitutes a graver harm to the legitimacy of the nation state than the violation of the second condition -- accepting other groups' right to self-determination, and the violation of the second condition has harsher and more damaging consequences than the violation of the third condition, which demands assuming responsibility for past harms done while establishing the nation state.

These three elements, which constitute the line that demarcates between liberal nationalism and ultra-nationalism, share a general sensibility that underlines the ultimate challenge of modern states. States are sites of partiality, they give preference to their own. States provide education, health, employment, infrastructure and other great social benefits to their own citizens, and they form themselves as bounded realms of distribution. (The large disparities between states as distributive bounded units is, among other things, the driving force of immigration. An immigrant wishes to improve his or her condition by gaining an entitlement to the benefits of a preferable distributive unit). Unconstrained preference of your own is the mark of the ultra-nationalist. One devastating effect of this kind of competitive nationalism is its debilitating effects on the possibility of fighting climate change. The denial of human made climate change is essential to ultra-nationalists perspective since confronting global warming necessitates large scale cross borders cooperation, the type of cooperation that is essentially alien to the ultra-national sentiment.

Conditions of military conflict highlight the tendency to unconstrained preference of one's own in its most costly and brutal form. In wars, soldiers are fighting to defend their own citizens; it is an associative obligation, and it is true of the most liberal democratic states. Yet in defending their own, armies might involve unintended collateral harm to civilians of the other side. Should an army risk its own soldiers to minimize collateral harm to civilians, and what is the weight that is given to the cost of life to the other side in calculating proportionality considerations? If I take Israel as an example of such ethical debate concerning war, the ultra-nationalists are marked by an unconstrained preference to their own in such painful questions of war ethics. It is in precisely that delicate balance between the particular and the

universal in which the shift to ultra-nationalism occurs. Liberal states give preference to their own, and they ought to, but it should be a deeply constrained preference.

But achieving such constraints is not about shedding and denying identities. Liberalism, or cosmopolitanism, is not a form of life; it should be a constraint on any form of life. I would even dare to introduce a further claim. Entrenched identities might be a source of great evil, but many times they are a source of courageous good. A strong opposition to the Armenian genocide came from the quarters of pious Muslims who had a deeply entrenched identity, and during the Holocaust great acts of resistance were inspired by deeply held religious convictions such as the saving of Jews by some French Huguenots. The question is not one of having an identity but rather what kind of an identity. Universalist commitments are crucial but they have more force and resonance when they are articulated as part of the particular identity itself. Merkel's outstanding policy towards refugees was not motivated solely by an abstract universal obligation to reduce human suffering, but by her understanding of the particular commitments that stem from the particular German history of the twentieth century. The bulk of Syrian refugees reside in Jordan, Lebanon or Turkey, and the reception of these refugees in these countries is grounded within a particular Muslim commitment to the obligation of hospitality. It is for these reasons that I don't think that in confronting the ultra-nationalist surge, the struggle against identity as such should be at the forefront.