



The Romance of the Nation-State

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The theory I espoused in "Just War and Human Rights" entitles nations to wage war to enforce basic human rights.¹ This entitlement stems from the cosmopolitan nature of human rights. The rights of security and subsistence, with which I was concerned, are necessary for the enjoyment of any other rights at all; no one can do without them. Basic rights, therefore, are universal. They are no respecters of political boundaries, and require a universalist politics to implement them, even when this means breaching the wall of state sovereignty.

Since the time of the French Revolution, which linked the Rights of Man with the demand for national sovereignty, cosmopolitan theories have been criticized by appealing to the ideology of nationalism. National sovereignty, it was thought, gives people their most important entitlement: a state that expresses their traditions, history and unity—their "national soul."² Attack the state, and you attack the soul of its people. The cosmopolitan vision of humanity is really a flattening universalism, a philosopher's conceit. As Herder says, "Every nation has its own core of happiness just as every sphere has its center of gravity! . . . Philosopher in a northern valley, with the infant's scales of your century in your hand, do you know better than Providence?"³

1. See *Philosophy & Public Affairs* 9, no. 2 (Winter 1980): 160-181.

2. See Hannah Arendt, *The Origins of Totalitarianism*, rev. ed. (New York: Meridian, 1958), pp. 230-231.

3. "Auch eine Philosophie der Geschichte zur Bildung der Menschheit," *Werke*, ed. Suphan, vol. 5, pp. 501 ff.; quoted in Ernst Cassirer, *The Philosophy of the Enlightenment*, trans. Koelln and Pettegrove (Princeton: Princeton University Press, 1951), pp. 232-233. See also Cassirer, *The Myth of the State* (New Haven:

Nationalism may have originated as an ideology of liberation and tolerance; in our century it is drenched in blood. What Mazzini began, Il Duce ended; other examples are equally obvious and equally painful. The violence of modern nationalism and its indifference to basic human rights arises, I believe, from the conviction that the only right which matters politically is the right to a unified nation-state. Its picture of the nation-state, however, is a myth. It emphasizes a nation's commonality, affinity, shared language and traditions and history, what Mazzini called "unanimity of mind."⁴ The picture glosses over intramural class conflict, turmoil, violence, and repression; these it represents as the reflection of inscrutable processes akin to national destiny.⁵ This view I shall call the Romance of the Nation-State. In place of respect for people it sets respect for peoples; in place of universalism, relativism.

What disturbs me about Walzer's essay is its acceptance of the premises of nationalism.⁶ Walzer embodies his anti-cosmopolitanism in five theses: (1) that nations are comparatively self-enclosed (p. 227); (2) that "the state is constituted by the union of people and government" (p. 212); (3) that the political and moral status of a nation is aptly characterized by the metaphor of the social contract; (4) that "the only global community is . . . a community of nations, not of humanity" (p. 226); and (5) that the main moral principle of international politics is "pluralism": respect for the integrity of nations and their states; in particular, respect for their right to choose political forms which from our point of view are morally deficient.

Yale University Press, 1946), pp. 176-186; Isaiah Berlin, *Against the Current* (New York: Viking, 1979), chaps. 1, 13; and Berlin, *Vico and Herder* (New York: Viking, 1976).

4. For this citation, together with a short survey of nineteenth-century nationalist ideology, see Victor Alba, *Nationalists Without Nations* (New York: Praeger, 1968), pp. 5-17.

5. Even Mill seems to subscribe to this, for according to Walzer it is his idea "that citizens get the government they deserve, or, at least, the government for which they are 'fit,'" *Just and Unjust Wars* (New York: Basic Books, 1977), p. 88.

6. Parenthetical references in the text are to Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy & Public Affairs* 9, no. 3 (Spring 1980).

This is a molecular theory of world politics, in which self-contained nation-states are the units of moral regard: molecular, because each is bound together from within and presents itself as a unit from without. The fourth and fifth theses yield the anti-cosmopolitan international morality that underlies Walzer's theory of *jus ad bellum*; these theses depend, however, on the first three, which represent the Romance of the Nation-State.

The social contract metaphor is central to this myth. It suggests reciprocity, coincident interests, mutual obligation, formal equality of the parties. But the presence of these features is not a conceptual truth about the nation-state, nor, I think, a factual one. The metaphor and the myth, I shall argue, lead Walzer to a deficient account of human rights and a blindness to the threat physical repression poses to political processes.

The controversial thesis of Walzer's essay is this: he believes that states which oppress their people may, nevertheless, be considered legitimate in international society, as long as they do not fall under what he calls the "rules of disregard." Intervention is allowable in a nation when a national minority is seceding from it; when a foreign power has intervened in a civil war it is fighting; or when it is massacring, enslaving, or expelling large numbers of people. In these instances, Walzer argues, "the absence of 'fit' between the government and community is radically apparent" (p. 214). The rest of the time we are obliged to act *as if* states are legitimate. Walzer calls this "the politics of *as if*" (p. 216); its leading principle is "a morally necessary presumption: that there exists a certain 'fit' between the community and its government and that the state is 'legitimate'" (p. 212). Hard as it is for liberal democrats to believe, foreigners may want their tyranny—there may be a "fit" between government and people.

What supports this presumption? According to Walzer, foreigners just can't judge an alien culture's fit with its government. "They don't know enough about its history, and they have no direct experience, and can form no concrete judgments of the conflicts and harmonies, the historical choices and cultural affinities, the loyalties and resentments, that underlie it" (p. 212).

I find no plausibility in this. True, *if* we don't know enough about a foreign culture to judge its "fit" with its government, we should give it the benefit of the doubt and presume the fit is there. But why presume we are ignorant? We aren't, usually. There are, after all, experts, experienced travelers, expatriates, scholars, and spies; libraries have been written about the most remote cultures. Bafflingly, Walzer does not mention the obvious sources of information even to dismiss them. He seems to take as an a priori truth—it is part of the Romance of the Nation-State—that without "direct experience" a member of one culture cannot, ultimately, know what it's really like to be a member of another. But this is of a piece with "no man can really know what it's like to be a woman" or "you can't know what it's really like to be me": even granting their validity, we don't assume that such considerations preclude making true judgments about other people. That is more like solipsism than pluralism, and if it were true it would spell the end, not the principle, of politics.

Of course Walzer is right that the lack of fit between government and people should be "radically apparent" to justify intervening, because intervention based on a misperception is horribly wrong. But what does it take to make things radically apparent? In my view, Walzer's rules of disregard set the threshold too high; what he calls "ordinary oppression" can make the lack of fit apparent enough. Let us look at ordinary oppression in a medium-size dictatorship. Each year there are a few score executions, a few hundred tortures, a few thousand political imprisonments, a few million people behaving cautiously because they know that a single slip will bring the police. The police and army believe that if the government falls they are dead men; it is the bargain they accepted to escape the poverty of their villages. They take their foreign-made fighters, small arms, and pepper gas and hope for the best.

If this is a "union of people and government," why are the jails so full? Surely all those strapped to the torture table are not misfits in their own culture. I think we should aim at a more common-sense explanation than Walzer's of why people put up with the regime, such as the idea that they are afraid of being "disappeared" (to use a phrase

current in Argentina and the Philippines). The government fits the people the way the sole of a boot fits a human face: after a while the patterns of indentation match with uncanny precision.

It was central to my argument in "Just War and Human Rights" that under ordinary oppression peoples' socially basic human rights are violated—not, to be sure, on the scale envisioned in Walzer's third rule of disregard, which refers to what the Nuremberg court called "crimes against humanity," but systematically enough to define the state's political physiognomy and justify intervention. Walzer's theory of intervention as aggression is also based on individual rights, but those that control are the rights emphasized by nationalism: to fight for the homeland and to live under institutions formed by one's fellow-nationals. They are rights to a nation-state, not claims against it.

This difference is illustrated by Walzer's analysis of the recent Nicaraguan revolution. He emphasizes the fact that in the wake of their initial defeat the *Sandinistas* were forced to clarify their program and solidify their political base. This is indeed an instance of self-determination, and if Walzer's position is that, other things being equal, it is better that it should happen than not, he is undoubtedly right. Let us not forget, though, that other things were not equal. Fifty thousand people were killed in the second round of revolution, Nicaragua's productive capacity was ravaged, and Somoza's followers had an additional year to strip the country of everything they could crate. Because of this, the new government has been forced to make a number of deals that have weakened its political base. Neither should we dismiss as unimportant the fact that Nicaraguans had to live under an oppressive regime one year longer. We cannot ignore, as Walzer's theory does, the cost in blood, the bottom line in an account that makes socially basic human rights its guiding concept.

The problem with Walzer's argument is this. Human rights accrue to people no matter what country they live in and regardless of history and traditions. If human rights exist at all, they set a moral limit to pluralism. For this reason Walzer's appeal to pluralism begs the question, for making pluralism the overriding value is incompatible from the outset with a theory that grants universal human rights.

Rights, moreover, are crucial values for us—as Walzer points out,

they are deeply connected with our notions of personality and moral agency. Thus, when murders, tortures, imprisonments go unchecked, more so when their perpetrators (the worst people in the world) are treated *as if* they are legitimate, the common humanity of all of us is stained. In this way, the politics of *as if*, in which we acknowledge rights but turn our backs on their enforcement (p. 226), fails to take our values seriously. It raises politics above moral theory.

Walzer sees it differently. He claims that he is defending politics while his critics are expressing "the traditional philosophical dislike for politics." This, he says, is because we are unwilling to tolerate unwanted outcomes of "the political process itself, with all its messiness and uncertainty, its inevitable compromises, and its frequent brutality"; we would restrict the outcomes by force of arms (p. 31).

But why is this less political than standing by while an uprising against a repressive regime is crushed by force of arms? Repression is itself an attempt to restrict, or rather, to eliminate the political process. It subjects politics to the essentially apolitical technology of violence, the "great unequalizer." Intervention, when it is just, should restore self-determination, not deny it. In this respect it is similar to counter-intervention of the sort countenanced by Walzer's second rule of disregard—an analogy which is particularly apposite in view of the fact that military technology is usually provided to repressive regimes by foreign powers.

Walzer dismisses the ability of sheer force to stifle the political process because force cannot prevail against the united community, while if the community is not united intervention would be wrong. But a united community is a rare political achievement, particularly under conditions of class oppression and terror, and I think it is wrong to make it the yardstick of politics—doing so is another metamorphosis of the Romance of the Nation-State. One might doubt whether in a civil war an intervener can know which side to support. But the entitlement to intervene derives from the cosmopolitan character of human rights; one intervenes, then, on behalf of socially basic human rights, for it is these which enable people to enjoy their political rights. Walzer's hands-off approach, on the other hand, waiting for the day when the nation unites, simply yields to guns and tanks.