

Liberalism, Nationalism, and National Liberation Struggles

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*This paper consists of three parts. Taking John Rawls's recently published *The Law of Peoples* as my starting point, I argue that the principles he enunciates and the definitions he employs necessarily endorse independence for liberal peoples in both a liberal and a not fully liberal world. I then examine the question of the compatibility of liberalism and nationalism, a compatibility that Rawls takes for granted in his discussion. I conclude that, although there is no definitive answer to the question, there are persuasive conceptual reasons for viewing liberalism and nationalism as compatible as well as eminently important practical reasons for attempting a reconciliation between the two. Finally, I argue that the national liberation struggles of liberal peoples in the former Soviet bloc either demonstrate empirically that liberalism and nationalism are compatible or, at the very least, raise important questions about the relationship of liberalism and nationalism that should concern liberals.*

I.

In *The Law of Peoples* John Rawls sets out the following agenda:

By the "Law of Peoples" I mean a particular political conception of right and justice that applies to the principles and norms of international law and practice. I shall use the term "Society of Peoples" to mean all those peoples who follow the ideals and principles of the Law of Peoples in their mutual relations. These peoples have their own internal governments, which may be constitutional liberal democratic or nonliberal but decent governments. In this book I consider how the content of the Law of Peoples might be developed out of a liberal idea of justice similar to, but more general than, the idea I called *justice as fairness* [ital. in original] in *A Theory of Justice* (1971). This idea of justice is based on the familiar idea of the social contract, and the procedure followed before the principles of right and justice are selected and agreed upon is in some ways the same in both the domestic and the international case.¹

¹ Rawls, J. (1999) *The Law of Peoples*, Harvard University Press: Cambridge, pp. 3-4.

The peoples that constitute Rawls's world are fivefold: 1) reasonable liberal peoples, 2) decent hierarchical peoples, 3) outlaw states, 4) societies burdened by unfavorable conditions, and 5) benevolent absolutisms. Reasonable liberal peoples will, argues Rawls, develop a Law of Peoples more or less identical to that reasonable individuals would have developed in the original position.² Rawls also believes that decent hierarchical peoples – “nonliberal societies whose basic institutions meet certain specified conditions of political right and justice”³ – would consent to such a Law. The liberal and decent peoples united in the Society of Peoples may, Rawls continues, justifiably defend themselves against outlaw states and “owe a duty of assistance” to burdened societies. “The aim of the Law of Peoples would be fully achieved when all societies have been able to establish either a liberal or a decent regime, however unlikely that may be.”⁴

My paper proceeds from Rawls's argument and discusses its implications for the ethnocultural communities known as nations and the claim, known as nationalism, that nations should be independent.⁵

Let us assume that, at time t , the world consists of the five kinds of peoples Rawls identifies. Let us also assume that, due to the intrinsic reasonableness of liberalism on the one hand and the ability of liberal societies to promote liberalism and decency and to defend themselves effectively against outlaw states on the other, the world comes to consist of only liberal societies at time $t + n$. That is to say, every society that was formerly decent, burdened, absolutist, or outlawed comes to embrace a liberal order domestically and to subscribe to the Law of Peoples internationally. (I assume that such societies may consist of more than one people.) Would such a world be just? By Rawls's own logic, it could not and would not be just unless and until every individual people in the world subscribed to the Law of Peoples *as a people*.

The first principle of the Law of Peoples unequivocally states that “Peoples are free and independent, and their freedom and independence are to be respected by other peoples.”⁶ For the Law of Peoples to be a genuinely binding

² The Law of Peoples consists of eight principles: “1) Peoples are free and independent, and their freedom and independence are to be respected by other peoples. 2) Peoples are to observe treaties and undertakings. 3) Peoples are equal and are parties to the agreements that bind them. 4) Peoples are to observe a duty of non-intervention. 5) Peoples have the right of self-defense but no right to instigate war for reasons other than self-defense. 6) Peoples are to honor human rights. 7) Peoples are to observe certain specified restrictions in the conduct of war. 8) Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime” (Ibid., p. 37).

³ Ibid., p. 3, fn. 2.

⁴ Ibid., p. 5.

⁵ Definitions of nations and nationalism are discussed in Alexander J. Motyl, (1990) *Sovietology, Rationality, Nationality: Coming to Grips with Nationalism in the USSR*, Columbia University Press: New York.

⁶ Rawls, *Law of Peoples*, p. 37.

agreement between and among peoples, every people must subscribe to it. But in order to subscribe to the Law, every people must of course be free and independent. All liberal peoples are free in a world consisting of liberal societies, but they are not necessarily independent. Inasmuch as the Law of Peoples applies to peoples and not to states or societies, a liberal world order requires that all liberal peoples be free *and* independent.

But that is to say that a liberal world order would have to promote – indeed, it would be premised on – separatism. Where two or more liberal peoples inhabit, say, a formerly outlaw state or burdened society, they would have to establish their own liberal societies and their own instruments of self-rule. Then, and only then, could they, as free and independent peoples, subscribe to the Law of Peoples and partake on an equal and independent basis in the Society of Peoples.

There are at least three other reasons that a Rawlsian liberal world order would promote the independence of peoples. First is that every people must have a territory. Thus, Rawls argues:

Unless a definite agent is given responsibility for maintaining an asset and bears the responsibility and loss for not doing so, that asset tends to deteriorate. On my account the role of the institution of property is to prevent this deterioration from occurring. In the present case, the asset is the people's territory and its potential capacity to support them *in perpetuity*; and the agent is the people itself as politically organized. The perpetuity condition is crucial. People must recognize that they cannot make up for failing to regulate their numbers or to care for their land by conquest in war, or by migrating into another people's territory without their consent.⁷

A liberal people inhabiting a formerly outlaw state, burdened society, benevolent absolutism, or decent hierarchical society will of course occupy a particular geographic and social place, but that place can function as a territorial asset only if it becomes the people's holding in perpetuity. Perpetual assets can be deemed such only if there is mutual agreement that the territory in question does indeed belong to this liberal people and not to that one. Otherwise, deterioration, even if unlikely, may occur, and the temptation to engage in war and/or migrate may, however improbably, emerge.

Second is that Rawls recognizes that each people has a "further interest" – namely, "a people's proper self-respect of themselves as a people, resting on their common awareness of their trials during their history and of their culture with its accomplishments. Altogether distinct from their self-concern for their security and the safety of their territory, this interest shows itself in a people's insisting on receiving from other peoples a proper respect and recognition of

⁷ Ibid., p. 8.

their equality.”⁸ Because this further interest is a perfectly legitimate feature of every liberal people, it follows that all liberal peoples will insist on proper respect and recognition of their equality and, more important, be willing to reciprocate by granting respect and recognition to all peoples. But if membership in the Society of Peoples entails adherence to the Law of Peoples and adherence to the Law of Peoples entails freedom and independence, then it follows that any self-respecting people will want to be independent. Moreover, every self-respecting people will want nonindependent liberal peoples to be independent and therefore self-respecting.

The third argument for independence is that, in a liberal world, there can be no liberal or geopolitical argument against it. If all societies are liberal domestically and adhere to the Law of Peoples internationally, if all societies reject war, annexation, and illegal migration, if all societies pursue trade, abolish armies, and are fundamentally decent, then there is no liberally grounded argument against national separation and the creation of an independent people with its own territory and government. In particular, private property will, *ceteris paribus*, be no obstacle to separation, as its status will remain sacrosanct regardless of the liberal territory in which it happens to be located. It may be the case that secession will entail discussion, disagreement, negotiation, and a redrawing of maps, but reasonable liberal peoples will surely be able to resolve all such contentious issues. By the same token, the creation of new governments may entail some costs, but material costs can be no argument against promoting freedom, independence, self-respect, and proper asset utilization. If money matters at this level of the analysis, then it would also have to be a factor in determining whether or not equal participation in a liberal domestic order is really worth the material costs. But no Rawlsian could possibly accept such a trade-off. Short-term transaction costs would be a small price to pay for the creation of a universal Society of Peoples.

In sum, Rawlsian liberals in a Rawlsian liberal world would have to be nationalists or nationalist sympathizers. Indeed, the willingness to accede to and promote secession would be the mark of a true Rawlsian liberal. A perfectly liberal world would therefore consist of a vastly larger number of self-governing units than today's system of states, but, as there is no argument against separation at any stage of the process and as the costs are likely to be minimal, nonexistent, or irrelevant, preventing or discouraging separation would be a profoundly illiberal policy. And there is no reason to expect such *matryoshka* nationalism to result in interethnic chaos and violence: reasonable liberal peoples who pursue trade and abjure war with one another have no reason to exchange insults, whip up passions, grab territory, and build armies.

Rawls's argument for a Law of Peoples has important implications for national liberation even before the world is uniformly liberal. Imagine the world as consisting of liberal peoples, decent hierarchical peoples, outlaw states,

⁸ Ibid., pp. 34-35.

burdened societies, and benevolent absolutisms at any time before $t + n$. Why should a liberal people, A, *not* separate from a liberal society, B, and thereby join the Society of Peoples? If both peoples are truly liberal, then non-self-governing people A is entitled to self-respect, perpetual assets, and independence, while self-governing people B cannot possibly have any liberal, or even geopolitical, reasons to object. Trade would still continue, property would still remain in private hands, war would still be unthinkable, and relations would still be harmonious.

Now imagine that liberal peoples in all four nonliberal societies constitute underground liberal sub-societies. Such self-constitution is likely to be difficult, especially in outlaw states, but it is certainly possible and probably even desirable. After all, better pockets of liberal decency in nonliberal settings, than no liberalism at all. Would these liberally self-constituted societies be justified in pursuing secession? And would the eighth principle of the Law of Peoples – “Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime” – morally obligate existing liberal societies to help them?

The answer to both questions is “yes.” If liberal peoples have a right to independence in a fully liberal world, then the reasons for independence would be no less, and probably even more, persuasive in a nonliberal setting. At the very least, if they attain independence, they can join the Society of Peoples and subscribe to its Law. Moreover, insofar as totalitarian outlaw states most nearly reproduce two of the defining characteristics of the original position – atomized individuals deliberating behind a veil of ignorance – one might even argue that liberal self-constitution under such conditions most closely approximates “true” liberalism and is thus most deserving of solicitude.

But there is another important argument for separation relating to the fifth principle of the Law of Peoples: “Peoples have the right to self-defense but no right to instigate war for reasons other than self-defense.”⁹ If independent liberal peoples have that right, even though outlaw states threaten them only “from outside,” then nonindependent liberal peoples must have the same right, especially since they are subjected to continual attack by the outlaw state. Under conditions such as these, it is probably a moral obligation of independent liberal peoples to assist oppressed liberal peoples. Naturally, oppressed liberal peoples would have to acknowledge that non-self-governing liberal peoples have an equal right to equality and independence in the liberal societies that would arise if and when they, the oppressed liberal peoples, succeed in separating.

Things are somewhat more complicated with the other three nonliberal societies Rawls discusses. Chances are that decent hierarchical societies that are signatories to the Law of Peoples will not be engaged in a state of war with their minority peoples, but even so, the pursuit by such peoples of independence would appear to be a liberal good that should not be resisted. Leaving a

⁹ Ibid., p. 37.

benevolent absolutism is little different from the above two cases, while seceding from a burdened society should presumably be permitted if and only if it does not signally worsen the living standards enjoyed by the population that stays. The burden will not change if poorer or more or less materially equal peoples leave. On the other hand, richer peoples may presumably separate if they oblige themselves to assist their former fellows in the burdened society above and beyond what other liberal peoples might reasonably be expected to do.

II.

Although Rawls evidently sees no difficulty in reconciling liberalism with nationalism, there are at least three arguments for their compatibility:

1) It is a historical fact that nationalists have espoused liberalism, democracy, authoritarianism, fascism, totalitarianism, and communism and that liberals, democrats, authoritarians, fascists, and totalitarians have espoused nationalism. It may therefore make sense to conclude, as does Mark Hagopian, that nationalism can be parasitic on all ideologies precisely because it is not an elaborate worldview, but an “ideal” or action program.¹⁰ Admittedly, the empirical fact that liberal and nationalist individuals have been able to span the ideological spectrum does not prove that their views really were compatible with the ideologies they adopted. Contradictions may have been submerged or been deemed unimportant for tactical reasons. If so, although undeveloped nationalisms may be compatible with other ideologies, it could be the case that a fully developed nationalism would be tantamount to a political philosophy or ideology and thus be incompatible.

2) Although contemporary liberalism generally opposes the nationalisms of nonindependent peoples, it is indifferent to and possibly even supportive of the successful nationalisms of independent peoples. That is to say, liberalism takes as its starting point the existing division of the world into self-styled nation-states.¹¹ Liberalism may criticize these states for the policies they pursue internally and externally, but it does not question the fundamental legitimacy of their existence – even though liberals fully appreciate that states are the products not of rarified social contracts but of wars and that boundaries are “arbitrary”. Moreover, when peoples are the objects of genocidal or oppressive policies by outlaw states, liberalism is even willing to countenance secession. In other words, liberalism is comfortable with successful nationalisms and more or less at ease with tragically unsuccessful ones. The claim that liberalism must stand in opposition to striving nationalisms can therefore hold only if liberalism is defined as unconditionally privileging the state and ignoring all injustice short of mass murder. Needless to say, such a redefinition subverts liberalism. The only

¹⁰ Mark Hagopian, *Ideals and Ideologies of Modern Politics* (New York: Longman, 1985).

¹¹ See Margaret Canovan, *Nationhood and Political Theory* (Cheltenham, 1996)

alternative to self-destruction is, I suggest, accommodation to that range of “normal” nationalisms found between the status quo and genocide.

3) The claim that liberalism and nationalism are always and everywhere intrinsically incompatible entails a view of both as consisting of changeless and timeless essences. Such a view reifies, decontextualizes, and dehistoricizes both liberalism and nationalism. Worse, it ignores the fact that, although any theory, philosophy, or ideology of liberalism and nationalism must entail a clear understanding of both concepts, there cannot be one, and only one, definition of any concept. All concepts are “essentially contested.”¹² As a result, the question of whether or not liberalism and nationalism are compatible ultimately depends on how we define them. We can define them as being incompatible or we can define them as being compatible. Rawls, like Yael Tamir, Will Kymlicka, and many others, see no incompatibility mostly because both the liberalism and the nationalism they discuss are “soft.”¹³ Their versions of liberalism take it as a given that “individuals” are no less (or no more) of an abstraction than “nations” and that non-abstract individuals are concrete human beings with languages and cultures. By the same token, their versions of nationalism do not imagine nations as primordial entities. In contrast, the liberal (as well as nationalist) argument for incompatibility entails “hard” versions of both liberalism and nationalism. According to the binary opposition favored by liberals, the really real individual confronts and brooks no compromise with the really unreal nation. Hard-boiled nationalists employ the same modifiers but in reverse order.

There is, *a priori*, no reason for preferring soft to hard or hard to soft definitions of liberalism and nationalism. The only way to answer the question of compatibility, therefore, is to say “it depends”. Why might we prefer one version of liberalism and nationalism to another? Among other things, it depends on the project. If our hope is to promote liberalism in a nationalist world and if we expect the world to remain nationalist for some time to come,¹⁴ it makes sense to construct maximally compatible versions of both and then attempt to liberalize nationalism (or, possibly, to nationalize liberalism). Alternatively, if we are indifferent to the liberal project’s impact on the world of genuinely concrete human beings and/or believe that nationalism is on its last legs anyway, then a maximalist liberalism probably makes more sense.

III.

It is in fact the case empirically that liberal and decent peoples have pursued liberation from outlaw states by means of “national liberation struggles.”

¹² Connolly, W. (1974) *The Terms of Political Discourse*, Heath: Lexington, MA.

¹³ Tamir, Y. (1993) *Liberal Nationalism* Princeton University Press: Princeton; Kymlicka, W. (1995) *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Clarendon: Oxford.

¹⁴ I make the argument for nationalism’s likely longevity in (1999) *Revolutions, Nations, Empires: Conceptual Limits and Theoretical Possibilities*, Columbia University Press: New York, pp. 99-113.

The existence of such cases suggests that the issues discussed above cannot be divorced from consideration of concrete ethical choices facing liberals and nationalists alike. Solidarity, and the Estonian, Latvian, Lithuanian, and Ukrainian Popular Fronts were just such national movements of liberal and decent peoples defending themselves against the predations of an unjust, repressive, and arguably genocidal regime – the Soviet Union. (Whether or not the independent states that emerged after 1989-1991 were also liberal is of course another question.)

Few would disagree with this characterization of the Soviet system. But it will be necessary to demonstrate just why I claim these movements may legitimately be said to have been representative of liberal and decent peoples. The validity of this claim rests on two sub-claims. First, it is indisputable that all these movements enjoyed enormous popular support. Solidarity claimed a membership of ten million (about one third of the population) and, in the years after General Jaruzelski's crackdown in 1981, succeeded in creating a parallel society, effectively isolating the Communist regime and thereby laying the groundwork for its assumption of power in 1989. The Baltic popular fronts may have enjoyed even greater popular support; the Ukrainian Rukh appears to have been weaker than the others, but in 1989-1991 was still capable of bringing millions of supporters into the streets.¹⁵ Second, the programs adopted by all these movements were either straightforwardly liberal or, at the very least, no worse than decently hierarchical.¹⁶

Do these two sub-claims justify the view that these were liberal and decent peoples engaged in resisting outlaw states? Had these movements been democratically elected, the answer, according to Rawls's criteria, would have to be a resounding "yes." That Solidarity and the popular fronts were not actually elected, however, only marginally weakens their representative credentials. Because democratic elections were impossible under outlaw state conditions, these movements' remarkable ability to mobilize mass support for several straight years – above ground in the case of the fronts, and both above and below ground in the case of Solidarity – was the functional equivalent of, to borrow from Ernest Renan, daily plebiscites.

Regardless of whether these movements, individually or collectively, brought down the Soviet empire, there is no disputing that they were implicated

¹⁵ For discussions of these movements, see Rein Taagepera, *Estonia: Return to Independence* (Boulder, Colo.: Westview, 1993); V. Stanley Vardys and Judith B. Sedaitis, *Lithuania: The Rebel Nation* (Boulder, Colo.: Westview, 1997); Juris Dreifelds, *Latvia in Transition* (Cambridge: Cambridge University Press, 1996); Bohdan Nahaylo, *The Ukrainian Resurgence* (Toronto: University of Toronto Press, 1999); Michael Bernhard, *The Origins of Democratization in Poland* (New York: Columbia University Press, 1993); Timothy Garton Ash, *The Polish Revolution: Solidarity* (New York: Vintage, 1985).

¹⁶ See Charles F. Furtado Jr. and Andrea Chandler, eds., *Perestroika in the Soviet Republics: Documents on the National Question* (Boulder, Colo.: Westview, 1992).

in the collapse of the USSR's brand of imperial totalitarianism.¹⁷ In contrast, the Soviet and East European liberal-democratic dissidents who preceded the formation of Solidarity and the popular fronts were singularly unsuccessful in mobilizing popular opposition, even though they did provide a moral example and generate individual leaders, such as Vaclav Havel and Andrei Sakharov.¹⁸ The national movements proved stronger and more effective than the democrats precisely because the former were based on the nation while the latter were based on the individual. Individual democrats may have known what kind of societies they desired the Soviet Union and its satellites to be, but they had few ideas about how to replace imperial totalitarianism with democracy. For better or for worse, liberalism by its very "nature" has little to say about how to resist, how to mobilize, and how to overthrow an outlaw state. For one thing, liberalism is not about mobilization and it takes states as a given; for another, liberal individuals may be especially susceptible to free-riding and thus to undermining a movement's emergence and consolidation.

National movements, in contrast, have good answers to these questions. How to resist? By using the nation as an autonomous space beyond the reach of totalitarian and imperial control. How to mobilize and avoid free-riding? By drawing on national sentiment and national loyalty. How to overthrow an outlaw state? By creating an alternative society.¹⁹ Because national movements can subvert outlaw states – surely the ultimate evil in Rawls's world order – there may be a case to be made for the claim that even illiberal or nonliberal such movements advance the cause of freedom. But when national movements enjoy enormous popular support and stand for genuinely liberal goals, thus having the right to call themselves the representatives of liberal peoples, the case for their being intrinsically supportive of liberalism becomes well-nigh irresistible. That many Western liberals and democrats either refused to support, or were embarrassed by, such movements in Eastern Europe and the USSR – at precisely the time when open support and non-embarrassment might have made a critical difference to their ability to promote freedom or resist repression – gets at the core of liberalism's (or is it liberals'?) problem with nationalism. By sacrificing genuine freedom on the altar of a hard liberalism's inflexible principles, liberals transform liberalism into a politically irrelevant philosophy and turn their backs on political projects that, like nationalism, may be in greatest need of – and be genuinely open to – liberalism's useful proddings and philosophical interventions.

¹⁷ See Motyl, *Sovietology, Rationality, Nationality*.

¹⁸ See Ludmilla Alexeyeva, *Soviet Dissent* (Middletown, Conn.: Wesleyan University Press, 1985); Rudolf L. Tokes, *Opposition in Eastern Europe* (Baltimore, MD: Johns Hopkins University Press, 1979); Bohdan Nahaylo and Victor Swoboda, *Soviet Disunion* (New York: Free Press, 1990).

¹⁹ I discuss these issues in *Sovietology, Rationality, Nationality*.