

National Self-determination: Political, not Cultural¹

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Many liberal theorists misinterpret nationality and the demand for national self-determination. This paper asks what is the claim for national self-determination. Following this, it is asked which way of meeting the demand is the best one. While analysing the circumstances in which the demand is raised, it is argued that this claim is political rather than cultural, and that therefore some of the solutions which have been put forward in theory and in practice (especially autonomy) do not meet this claim. It is also argued that the failure of many Western politicians and political theorists to address the demand for national self-determination as a political demand derives from three reasons: methodological, moral and ideological.

Introduction: Meeting the Demand for National Self-determination

Many people believe we should treat nationality seriously, that feeling oneself to be a part of a nation is good, and that therefore in principle it should be allowed to everybody.² But what is the right way of expressing this identity and of acknowledging it?

When discussing this question, as well as the concepts of nationality and nationalism, several political theorists and philosophers seem to be embarrassed, especially those who think of themselves as 'liberals'. It may be that this is due to a conflict between two values which liberals find fundamental:

¹ Earlier versions of this article were presented at the IPSA conference in Berlin, 1994, and at the ECPR meeting in Bordeaux, May 1995. I would like to thank Brian Barry, Harry Beran, Linda Bishai, Simon Caney, Michael Freeman, Paul Gilbert, Chandran Kukathas, Percy Lehning, David Miller, Brendan O'Leary, Saul Smilansky, and Hillel Steiner for their comments.

² I do not intend to argue this point. The reader may refer to David Miller, 'In defence of nationality', *Journal of Applied Philosophy*, 10 (1993), 3–17, Kai Nielsen, 'Secession: the case of Quebec', *Journal of Applied Philosophy*, 10 (1993), 29–44, and Brian Barry 'Self-government revisited' in Miller and Siedentrop (eds), *The Nature of Political Theory* (Oxford, Clarendon, 1983) pp. 121–55. Among the basic needs of human beings, it is claimed, is the need to belong to a group beyond one's immediate social environment. It is further claimed that the nation constitutes such a group, and it corresponds to this need. Nor am I discussing the issue which is sometimes tied up with national self-determination, namely tolerating illiberal minority groups within a liberal state. For a very interesting discussion of this problem see the exchange between Chandran Kukathas 'Are there any natural rights?', *Political Theory*, 20 (1992), 105–40; 'Cultural rights again', *Political Theory*, 20 (1992) and Will Kymlicka, 'The rights of minority cultures', *Political Theory*, 20 (1992) 140–7. Their ideas are further discussed and challenged by Michael Freeman, 'Minority rights and ethnic conflict: a problem of liberal-democratic theory and practice', paper delivered at the IPSA conference, Berlin 1994.

universalism on the one hand, and the right to national self-determination – which reminds them of another fundamental value, namely, the right to autonomy – on the other. In addition, state-of-nature liberals have in mind a society of equals who form together a nation and a state on a basis of equal and common interests. But this image is far removed from the actual cases one faces nowadays.

And so, liberal theorists search for the moral grounds for the right of national self-determination. This paper does *not* deal with these moral grounds. Nor does it discuss the *right* to self-determination.³ Rather, I ask a question which is *prior* to the search for the moral grounds for national self-determination, and that is: what *is* the claim for national self-determination? I argue that this claim is political rather than cultural, and that therefore some of the solutions that have been put forward in theory and in practice do not meet this claim. This argument is demonstrated by applying the arguments about national self-determination to the Palestinian case.

I also discuss possible explanations for the philosophers' failure to address the demand for national self-determination as a political demand, and for the fact that Western theorists and politicians offer solutions which are far from meeting the demand. I raise three reasons: methodological, moral, and what I term the 'ideological-linguistic gap' between the demanding groups and the group of Western theorists who reflect on these demands.⁴

Self-determination: a Few Conceptual Clarifications

Let me start by defining the demand for self-determination. First, a group demands the power to define its public or collective actions (including the management of its voluntary organizations, its education, and so on), to choose its regime or government, and to control its collective destiny. This demand may include separation from the existing state. Thus, I want to distinguish between the terms 'national self-determination' and 'secession'. The reason is that secession implies, it seems, that there is one side which is responsible for all the trouble: Quebec in Canada, the Croats in Yugoslavia. (Indeed the Serbs kept asking: why do they care so much about their independence? What is wrong with the [then] current situation?) The seceding side is therefore thought to have the obligation to put forward some very strong argument for this move.⁵ It is even assumed, sometimes, that since the seceding side is responsible for the whole matter, it should therefore in certain ways compensate the other side, or what is left of the ex-state. In contrast to this attitude, the notion of self-determination is neutral, and does not imply that any side is to be blamed for anything.

Another reason for preferring 'national self-determination' to 'secession' is that the former refers to national groups only, whereas the latter may include

³ Which could also be a myth, as De George forcefully argues in his 'The myth of the right of collective self-determination', in W. Twining (ed.), *Issues of Self-Determination* (Aberdeen, Aberdeen University Press, 1990) pp. 1–7, or on the other hand a collective right, as Walzer claims in his 'The moral standing of states', *Philosophy and Public Affairs*, 9 (1980) 209–30. The reader is free to decide for herself.

⁴ The theory of national self-determination that is put forward here seems to me to be better because it is liberated from the chains of liberalism in its *thin* meaning – a theory of individualism and liberty.

⁵ See, for example, A. Buchanan, *Secession*, (Boulder CO, Westview, 1992).

any group which wants to secede; in such cases the rationale may vary, which makes it impossible to construct a single theory.⁶

Another confusion which should be removed is between multi-ethnic and multi-cultural societies. Multi-culturalism may take two forms. In one form, there are two or more ethnic groups, which not only have different folklore (e.g., folk dances, myths and ceremonies) but also different cultures (i.e., sets of values and norms). In the other form there is only one ethnic group but there are two or more dominant traditions of culture. For example, in Israel there is the secular culture of European Jews and the religious culture of the Sephardi (oriental) Jews, to mention only two. Of course, there is no claim for self-determination on the part of either of these two groups nor could there ever be any; but several demands have been made for separate education, and the state supports several educational systems. It also finances two different Rabbinate, one for oriental and one for European Jews. Multi-culturalism, thus, is a less urgent political question, in that it does not lead the sides to consider separation at all. On the contrary: multi-culturalism implies that an ethnic group acknowledges the plurality of cultures within it. Multi-ethnic societies, on the other hand, raise questions of separation. This is because ethnic groups closely resemble nations.

Here many scholars see fit to draw a distinction between *demos* and *ethnos*: *demos* is the 'people', *ethnos* is the ethnic group. I fail to see why this distinction is needed. First, the term 'ethnic' derives from the Greek work 'ethnos', which meant a 'nation'.⁷ Indeed, nations can be defined either according to territories and the peoples who live within them, or according to citizenship, or according to ethnicity. Unlike territorial (and citizenship) nationalists, ethnic groups which claim to be nations define their units by reference to history, myths, symbols and sentiments. *Demos*, on the other hand, is defined by reference to citizenship. But cannot one be a citizen in a state even though one is not a member of the nation?⁸ Moreover, there is a basic difficulty with using the concept of 'demos' or 'people' with reference to a group's demand for national self-determination: in order to discuss the 'people' we should have in mind citizens; but in many cases of a demand for national self-determination, the group under consideration does not enjoy (at least full) citizenship. Thus in order to speak of a people we must first have separation (or secession), which is

⁶ I owe this point to Simon Caney.

⁷ According to Liddell and Scott, *A Greek-English Lexicon* the word was used in the *Iliad* as a 'number of people accustomed to living together', and after Homer it meant a 'nation or a people'. This meaning is ascribed to 'ethnos' in the works of the Greek historian Herodotus as well. And the *Oxford Dictionary of Current English* writes: 'ethnic: of group of mankind having common national or cultural tradition'.

⁸ This is, perhaps based on a communitarian definition of a nation. According to this interpretation, the Americans are not a nation in the strong sense of the word. Paraphrasing Robert Entman's book about American politics, *Democracy Without Citizens* (New York NY, Oxford University Press, 1989), I would claim that this is a case of citizens without a nation. Indeed, what holds Americans together is mainly the constitution: but this is a matter of citizenship. They do not hang to each other in obligations of welfare and well-being in the way one would find in many European countries. For further discussion see my *Why Posterity Matters* (London, Routledge, 1995) in which a moderate theory of communitarianism is put forward. See also the 'Introduction' in S. Avineri and A. de-Shalit, *Communitarianism and Individualism* (Oxford, Oxford University Press, 1992).

impossible if the separation is based on a right of a people . . . But this is not the case with the concept of 'nation', because it is based on ethnicity.⁹

At this point I should admit that there is a difference between a nation and an ethnic group: one can join a nation, but one cannot join an ethnic group. Barry argues that this is 'the significant point' about ethnicity.¹⁰ But apart from this, the only difference between an ethnic group *per se* and such a nation is the political aspiration of this group. However, there are times in which the ethnic group adopts political aspirations as well. In such circumstances we can say that political and ethnic divisions coincide.¹¹ In the Middle East or Yugoslavia, for example, ethnic nationalism is much more common and important than territorial nationalism. So when I say 'multi-ethnic societies', I have in mind societies in which one or more ethnic groups claim the right to *national* self-determination.¹²

Until now I have distinguished self-determination from secession, and self-determination in multi-ethnic societies from self-determination in multi-cultural societies. Now, how is it possible to define the cases, or circumstances, in which the issue of national self-determination should arise?

One alternative is to follow the democratic theory of self-determination (sometimes called the Wilsonian theory), claiming that the answer is a function of a people's will. Peoples may be governed only by their own consent, so if the parties want to separate, they should do so.¹³ Some scholars, however, have argued that this would lead to tribalism.¹⁴ I think that it is a promising approach, but problematic, and I shall return to it below. Another alternative, the nationalist theory of self-determination, is to pose certain conditions (objective criteria of nationality) for self-determination. This may seem a bit paternalistic, but if the conditions are drawn along more-or-less reasonable lines, it may look persuasive.

One such attempt was made by Nielsen. His conditions were that the group should have a cultural identity, should have lived in a particular territory for a long time, should form an extensive majority and at the same time respect the liberties of the minorities living in that territory. Margalit and Raz argue along similar lines: the group should form a substantial majority in a territory, the new state should be likely to respect the fundamental interests of its inhabitants,

⁹ See also the discussion of this question in R. E. Ewin, 'Peoples and secession', *Journal of Applied Philosophy*, 11 (1994), p. 225.

¹⁰ Barry, 'Self-government revisited', p. 134.

¹¹ Ernest Gellner has already argued that nationalism is 'primarily a principle which holds that the political and national unity should be congruent'. Gellner, *Nations and Nationalism* (Oxford, Oxford University Press, 1983), p. 1. E. J. Hobsbawm also adopts this use of the term in his *Nations and Nationalism Since 1870* (Cambridge, Cambridge University Press, 1990). I dare even claim that in order for the nation to be *constitutive* of its members, it has to be an ethnic group as well. But this is, perhaps, an issue for another paper.

¹² But then there are cases in which multi-culturalism is only a reflection of multi-ethnicism. In that case the discussion should focus on the ethnic aspect, because this tends to raise more radical and, from our point of view, more interesting demands.

¹³ H. Beran, 'The place of secession in liberal democratic theory' in P. Gilbert and P. Gregory (eds), *Nations, Cultures and Markets* (Aldershot, Avebury, 1994); H. Beran, 'A democratic theory of political self-determination for a new world order'. Paper presented at the IPSA conference, Berlin 1994; H. Beran, 'An attempt to formulate a democratic theory of the right of political self-determination and secession', unpublished paper (1995).

¹⁴ Michael Walzer, 'The new tribalism', *Dissent* (1992), 162–71; D. Philpott, 'In defence of self-determination', *Ethics*, 105 (1995), 352–85.

and measures should be adopted to prevent the damaging of just interests of other countries.¹⁵ But while these conditions are morally speaking acceptable, they imply bizarre political consequences. For instance, the Jewish orthodox community in Brooklyn is qualified, according to this theory, to have its own state. And yet, one does not think of it as a separate *political* community.

For this reason, I believe, Miller's criterion is sounder.¹⁶ Central to the idea of nationality, he argues, is not individual will but the notion of identity. So the right question to be asked is not whether or not the groups want to form a separate political entity, but rather whether the group has a collective identity which is incompatible with the national identity of the other groups in the state, and whether the group as an obligation-generating community should enjoy self-determination.¹⁷ This leads to my argument that the demand for national self-determination is about the political, rather than the cultural life of a nation.

What is a Cultural Demand and What is a Political Demand?

Unlike several scholars who discuss national self-determination, who base their theory on the idea of one's right to a culture, I argue that national self-determination is a political rather than a cultural demand. I have to distinguish between the two concepts, and I do this in two ways. My first approach is to examine the arrangement which the demand is meant to evoke. A political demand is directed towards an institutional arrangement: it demands changes in legislation and economic policies, the setting up of new political institutions (government, political committees, etc.) and the re-definition of their borders, both geographically and functionally. Examples could be a demand to establish a committee of inquiry, a strike by a union, or a 'pro-life' demonstration demanding legislation which will restrict abortion.¹⁸ A cultural demand, on the other hand, is directed at recognition of a particular set of values and towards changing one's consciousness. It therefore aims at fostering toleration and mutual respect in social life or in *civil society*. Examples could be women's demand to be treated with equal respect in the job market, or a march of the Jehovah's Witnesses.

At this point it may be argued that, contrary to my claim, sometimes demands are made by the majority and may not be tolerant at all, e.g. that the state should not let Muslims pray in a certain place. But if so, then *these* demands are not cultural but political: they call for the state to take action, intervene and change the political arrangements. This leads to the second way in which the two kinds of demand are distinguished, which is according to the sort of action at which the demand aims. A political demand calls for a *positive* effort, i.e. a political act which aims at establishing new political factors or institutions. A cultural demand, on the other hand, usually calls for a *negative* effort, e.g. to refrain from harming the group or its individuals and their culture,

¹⁵ Nielsen, 'Secession: the case of Quebec'; A. Margalit and J. Raz, 'National self-determination', *Journal of Philosophy*, 87 (1990), 439–61.

¹⁶ Miller, 'In defence of nationality', pp. 12–3.

¹⁷ See also David Miller, *On Nationality* (Oxford, Oxford University Press, 1996), ch. 4.

¹⁸ See also James Tully's analysis of the demands in Canada, where people demand 'constitutional protection' for their language and cultures, and 'constitutional recognition as official language minorities'. Tully, 'The crisis of identification: the case of Canada', *Political Studies*, 42 (1994), p. 78.

or in other words to refrain from preventing the group from exercising its customs and holding its values. Therefore, it does not necessarily aim at establishing new institutions.

Why is the Demand for National Self-determination Political rather than Cultural?

Several scholars have recently argued that national self-determination is a claim for *cultural* independence and that nationalism in general is based on the right to a culture.

Nielsen, for instance, thinks of a nation as a group of people who 'perceive themselves as having a distinct culture and traditions', and even asks 'why care about such *cultural* things as self-definition?'¹⁹ And Tamir claims that a nation is a community in which individuals develop their culture, and they therefore regard their position within a nation as 'membership in a . . . cultural group'. Indeed, she argues that 'the right to national self-determination stakes a cultural rather than a political claim, namely, it is the right to preserve the existence of a nation as a distinct cultural entity'.²⁰ But if Tamir and Nielsen are right, we can be satisfied with the preservation of a certain 'national culture' (whatever that means) in one of the big and splendid museums. No doubt a number of museums can preserve a culture much better than many politicians. Will the people who demand national self-determination be satisfied with such an arrangement?

Tamir believes that the idea of basing the right to self-determination on the right to a culture is the one that best accords with a liberal viewpoint. That is possible, but then this simply means that liberalism is inadequate on this particular matter. Moreover, it seems strange that it is the liberals who nowadays try to tie together nationalism and the right to a culture. A nationalism which is based on culture and cultural distinctions was, not very long ago, a concept characteristic of right-wing, or romantic theorists such as Herder (although it may be argued that there are remains of romantic thought in the works of a few liberal theorists). Indeed, Herder's nationalism was not political, and it 'distrusted the state as something external, mechanical, not emerging spontaneously from the life of the people'.²¹

But the claim for national self-determination is a political rather than a cultural one. If we look at my distinction between the two, it would seem that the claim for national self-determination involves more than a demand to be tolerated. For example, the Quebecois' culture and language have been tolerated and respected, and yet many of them thought that this did not reflect a situation of self-determination. Indeed, meeting their claim would involve legislation and the re-definition of institutions within the state, and perhaps even a new state.

The demand is actually the claim to have control over our lives. This does not mean control over every individual's private life, but over the public aspect of one's existence, i.e. the system of mutual relationships which reflect and sustain

¹⁹ Nielsen, 'Secession: the case of Quebec', pp. 30, 33. emphasis added.

²⁰ Y. Tamir, *Liberal Nationalism* (Princeton University Press, 1993), pp. 6, 57.

²¹ E. Kamenka, 'Nationalism: ambiguous legacies and contingent futures', *Political Studies*, 41, special issue (1993), p. 83.

one's membership of a certain collective. Here the self is defined within the context of a community, but one that has to be real, actual, and functioning and performing. Otherwise these communal ties are too abstract, which makes it impossible for the self to be defined by them. The words of Cohen come to mind:

A person does not only need to develop and enjoy his powers. He needs to know who he is, and how his identity connects him with particular others. He must . . . find something outside himself which he did not create . . . He must be able to identify himself with some part of objective social reality.²²

Moreover, self-determination is closely related to self-realization, not only of the nation as a collective entity, but also of individuals as persons who belong to a wider community.

Self-realization, however, cannot be merely a mental situation (and hence this community cannot be only cultural). It must also be a political situation at least so that, in order for people to realize themselves, they must not be dependent on the goodwill of a second party. People then must be certain that their self-realization in all spheres of life will not be prevented by the government, the church, and so forth. They should therefore be politically active and watch such institutions carefully. In addition, they must participate in politics in order to decide collectively upon public matters which sometimes reflect and sometimes influence their self-realization.

So the claim for national self-determination is about the realization of one's potential status, ability and collective character, which may be achieved only through participation in autonomous political institutions. But in many cases members of certain ethnic groups are denied access to these institutions, either officially or in practice.²³ The demand for national self-determination is thus a positive rather than merely a negative demand: it aims at establishing those institutions which are needed for the realization of the self-determination. (This point relates to the second distinction between a political and a cultural demand.)

When, for example, a Palestinian demands national self-determination, she is not asserting that she would like to control her private life, e.g. her job, her shopping activities, her love-affairs. Many Palestinians do control these aspects of their lives and yet nevertheless demand national self-determination.

But the same principle also applies to cultural life. The Palestinians are allowed more-or-less to have their own newspapers and theatre, and practice their own religion. But when they claim national self-determination they are not referring to these aspects of life: they want to be able to choose among and vote for Palestinian parties, to observe Palestinian laws, to pay taxes to a Palestinian authority, and to have a history (and indeed, myth) of Palestinian independence, from which their identity and self-definition can derive.²⁴ Thus, the

²² G. A. Cohen, *History, Labour and Freedom* (Oxford, Clarendon, 1988), p. 139. This paragraph is not necessarily related to nationality, and Cohen is quoted without any relation to the fact that he is originally from Quebec.

²³ Notice that these cases are much more severe than the way Philpott describes a group which achieves self-determination and is now 'better able to participate, better represented, better able to deliberate . . . (and) more autonomous'. Philpott, 'In defence of self-determination', p. 360.

²⁴ The same applies to the Jews' movement of national determination, which flourished *after* the cultural emancipation of Jews in Europe, and *after* Jews had gained much more control over their private lives than formerly.

Palestinian Declaration of Independence emphasizes parliamentary participation and the need to form a constitution, rather than cultural activities.

In general, the demand for national self-determination entails that the individuals in this nation should be citizens, engaged in politics as members of a community committed to the realization of certain (their own) common goods, rather than participating as individuals who seek their self-interests, as it is implied by the right-to-culture school of thought. Perhaps for this reason Margalit and Halbertal revise the right-to-culture argument, arguing that the right is to a *certain* culture rather than to culture. A certain culture, then, becomes a common good. And yet, this is not enough, because they still regard the common good in cultural rather than political terms: 'shared values and symbols . . . are meant to serve as the focus for citizens' identification with the state, as well as the source of their willingness to defend it even at the risk of their lives'.²⁵

Why, then, do theorists cling to the culture-argument? This may be because of an ambiguity with regard to the use of terms in different contexts. For most of the Western theorists, the term 'national self-determination' is affiliated with the striving to become part of humanity, to regain the human condition of autonomy; it is attached to the struggle to be part of the liberal world, of the more progressive forces; it is seen as decolonization, as civilization, as an effort made to become part of the world of liberty, rights, and justice.²⁶ Thus it is seen as part of centrifugal forces, from the centre to the global. These theorists, therefore, universalize the notion of national self-determination: they make it part of liberalism.

On the other hand, the notion as it is put forward and used by the groups that demand national self-determination is centripetal, from the global and the greater units to the smaller ones. These groups demand the disengagement from the 'other', the global, or humanity, by asserting that 'we are not merely part of humanity, but rather we are also different and distinguished: we have our own political identity which we want to preserve, sustain and establish institutionally'. This is the language of particularization rather than universalization, and it seems that the liberal approach to the question of national self-determination is not sensitive enough to this, perhaps because it is rooted in the world of universalism.

²⁵ See A. Margalit and M. Halbertal, 'Liberalism and the right to culture', *Social Research*, 61 (1994), p. 491. My interpretation here may be challenged along the lines that sometimes the majority views the minority's demand for self-determination as a threat to the majority's own existence. Indeed, many Israelis regard the Palestinian demand for a state as a threat not only to their free access to holy places in Hebron, East Jerusalem and other parts of the occupied territories, but rather to the existence of the state of Israel. It goes without saying that one of the conditions for granting national groups a state (I discuss this below) is that these groups respect the other groups' self-determination (cf. Margalit and Raz, 'National self-determination', pp. 457, 461). Of course the problem still remains whether these conditions are likely to be fulfilled. If the state is established for the sake of advancing the interests of a nation A, this may be in contrast to the interests of nation B. (cf. T. Kapitan, 'Nation, territory and the principles of self-determination', presented at the APA conference, May 1994, p. 9). Notice, however, that often the problem starts when one group suppresses the other (see my discussion below), not letting its members become citizens, at least not in the full sense. (See Yo'av Peled's distinction between liberal citizenship, i.e. having rights, and republican citizenship, i.e. being active *de facto* in the moral and political discourse which shapes the community: Peled, 'Ethnic democracy and the legal construction of citizenship', *American Political Science Review*, 86 (1992) 432-43.

²⁶ Hillel Steiner, 'Territorial justice', paper presented at the ECPR conference, Bordeaux, 1995.

Demands for National Self-determination: some more Clarifications

There are societies in which different ethnic groups do not trouble to claim national self-determination. I shall discuss the reasons for this below, when I review the alternative solutions. But here I wish to draw attention to this fact, since many scholars have claimed that several middle-way solutions are acceptable, because they have proved to be successful in many societies. But we should not ignore the following: (1) we should *not* interpret these groups' decision as meaning that they have chosen to define themselves as forming part of a larger nation (e.g. the Scots in Britain). Rather, for various reasons they have put this question aside. From time to time the issue may arise again, and there may be circumstances in which they will demand national self-determination. (2) These cases are often related to a background of democracy, popular sovereignty and some sort of homogeneity.²⁷ In such cases there is not hostility. Enmity, however, exists in cases where there have been political and economic inequalities or colonial relationships with racial tensions; or where an ethnic group forms the majority, and denies to the minority group(s) participation in the political discourse and representation in political institutions. Thus, enmity will derive mainly from two causes: economic, and ethnic. Of course, in most cases, the two are intermingled or parallel but, at least theoretically, there may be instances in which one of the causes is dominant.

Now, in cases of enmity it is very unlikely that the political institutions will be free, democratic, and stable. Usually there will be opposing interests with regard to the continuation of the ruling institutions.²⁸ If they represent the ethnic group which is in the majority, the other, minority group, will demand different institutions. If, on the other hand, the arrangement is more of less egalitarian, as it was, for example, in Lebanon in the 1960s, the group which forms the majority will tend to break the arrangement. But at this point the distinction between cases in which the conflict is wholly ethnic, and those in which it is mainly economic comes into play. In the latter, a new form of distribution (sometimes affirmative actions) can often prevent the worse-off or the better-off from looking for separation. Thus, the most crucial cases are those in which enmity derives from ethnic conflicts. So, at this point we shall leave all other kinds, and concentrate on these cases. My argument hereafter is that such cases should be solved by political solutions which involve the formation of new states.²⁹

The Solutions and their Application in the Case of Israel and the Palestinians

I now want to take the Israeli–Palestinian conflict as a case-study for the evaluation of different solutions to the demand for national self-determination in multi-ethnic societies. I do this because, in this case, several solutions have been proposed by both sides, and it seems that they cover all the possible

²⁷ For further discussion of such cases see J. Kellas, *The Politics of Nationalism and Ethnicity* (London, MacMillan, 1991).

²⁸ Cf. Miller, 'In defence of nationality'.

²⁹ I should stress that other theorists have emphasized the importance of enmity as well, but in another context, that of the colonial relations. For example, R. S. Bhalla suggested that the principle of self-determination is acceptable as a legal principle only in its application to the liberation of colonial territories. Here I adopt a broader position. See Bhalla, 'The right of self-determination in international law' in Twining, *Issues of Self-Determination*.

alternatives. But first, I should dismiss the argument that is sometimes put forward that this specific conflict is not a conflict within a multi-ethnic society, but one between two neighbouring societies like that, for example, between Israel and Syria, or one of decolonization. I shall not elaborate on this issue, because to do so would demand another paper. The history of the conflict, I assume, is known to the reader. Those who are familiar with this history are led to the definite conclusion that this is a conflict *within* a society, but, if the reader still remains sceptical, think of the names of these two national movements. Israelis claim Zion, or the land of Israel; Palestinians claim Palestine. Geographically speaking, the land of Israel and Palestine are two names for exactly the same territory. The two ethnic groups claim the same piece of land.

Three solutions to the problem have been put forward: that is, if we exclude the two solutions suggested by the extreme right in Israel and the Hamas organization respectively, that Israel maintain its control over all the relevant territories, or that it be totally swallowed by a single Palestinian Islamic state.

The first solution we shall consider is the one being currently adopted: autonomy. Two types of autonomous regimes are possible: a regime of power sharing or functional autonomy (where the group has various rights vs. the state, in particular in certain spheres of public life), and a regime of several regional organizations. The former decrees that Israel will control foreign affairs and security, and the representative bodies of the Palestinians can be said to be half-autonomous, because the Israeli authorities can veto any legislation which they find harmful to their security interests. The Palestinians, however, will have full control over their economy, education, cultural activities, environmental policies, communication and transportation.

If – as several liberal theorists say – the demand for national self-determination primarily concerns the status of a group's culture, it may be satisfied with certain arrangements that respect that culture and allow it to flourish within a framework of cultural pluralism. But to this I have already replied with my argument that national self-determination is a political rather than cultural demand.

Tamir puts forward another reason why autonomy can be regarded as a sufficient solution. (Indeed, she mentions 'local autonomies' as one possible solution.) The merit of such a solution, she suggests, is that it allows *all* nations to enjoy it 'in some form'. Many theorists join her in thinking that allowing every ethnic group to have its own state is unthinkable, because it threatens the current international order. Tamir is honest enough to face the morality of such a claim. But when she asserts that her solution allows all nations to enjoy self-determination 'in some form', she forgets that some nations enjoy it in much more satisfactory forms than others. Indeed, oppressed nations are likely to obtain only what they can achieve without political power. And so, the PLO thus far is enjoying very little: the Cairo agreement between Israel and the PLO in early May 1994 grants the Palestinians precisely the right to a culture, and not much more. Although they have their own political institutions, every law the Palestinians want to pass has to obtain the authorization of the Israeli authorities. Can this be seen as national self-determination by those who demand it and want to fully enjoy it?

So the second version of autonomy is where there are several regional organizations. But then autonomy regimes may lead to obnoxious discrimination: since the more powerful party (Israel, in our case) allows the less powerful

one (the Palestinians) to have autonomy, and since this is defined as self-government in a certain territory, it may lead to segregation. In the final analysis, is not Apartheid a form of an autonomy regime?

Autonomy may be a solution to something, but not to the Palestinian demand for national self-determination. Perhaps it is a solution to Israel's needs: I doubt this as well, but examining this point is not my purpose here. The demand is political, and it therefore requires free institutions and a grass-roots democracy with active and meaningful participation, enabling Palestinians to determine their own rules, form independent foreign relationships, do business using their own currency, and have their own history of independence. All this is lacking in the solution of autonomy.

The other solution is a federation. The advantage of such an arrangement is that the two or more partners maintain their diversity within a single political unit, thus avoiding the economic and symbolic burdens of forming two separate political units. Power is distributed among two or more regional sub-units, respecting each others' authority within certain borders and for certain functions. Some Palestinians and Jordanians (including, recently, King Hussein) regard the economic benefits of such an arrangement as crucial. But this solution leads towards one of the other two: either that of autonomy, in the case of a federation with Israel (because the federal government will be very strong, serving the interests of the more powerful side now, i.e. Israel); or else the third solution – a separate and independent state – in the case of a federation with Jordan (because the two sides will prefer a loose federal government). So, again, it is either autonomy or a new state. In the Israeli–Palestinian case, the new state is the political body reflecting the importance given to the political processes by which a national group should conduct its public life. If nationalism is a political rather than cultural principle, then it implies that the national and political bodies should correspond to each other, or reflect each other. Thus, when an ethnic group demands self-determination – especially in cases of ethnic hostility – this should imply not only a form of national definition, but also a state.

Possible Criticisms: Balkanization?

At this point, many people raise a pragmatic question. They are ready to admit that national self-determination implies political solutions which are 'deeper' than autonomy. But then they qualify this conclusion. Miller, for example, writes:

People who form a national community in a particular territory have a good claim to political self-determination; there ought to be put in place an institutional structure that enables them to decide collectively matters that concern primarily their own community. [But he then adds:] Notice that I have phrased this cautiously, and have not asserted that the institution must be that of a sovereign state.³⁰

I believe that the reason for this attitude is that these scholars value the status quo, and not without reason: looking around us we see that one split leads to

³⁰ Miller, 'In defence of nationality', pp. 5–6.

another: the Balkan syndrome, as Miller calls it, or Lebanonization, as Hobsbawm calls it.³¹ This criticism is pragmatic, and so is my answer: in cases where there is enmity deriving from national aspirations, can one deal with it in a better way than through the creation of a new state? Let me make myself clear: if the two or more groups are able to live together, perhaps a new sovereign state is not the best solution, and a 'meaningful' autonomy will satisfy the groups. An example could be Quebec: these people want to preserve their French orientation. The act of leaving the Canadian federation would inevitably produce strong economic and commercial relations with the USA, so the next step would be a process by which Quebec is likely to become 'Americanized'. This would threaten the French heritage of the Quebecois and finally their politics. So perhaps, ironically, it is better for them to stay within the Canadian federation as a means of defending their separate identity.

Another pragmatic reason why Quebec may wish to remain within Canada is put forward by Tully: a new state will not solve the problem of political identification, since 'each new state would face the same problems of cultural diversity within their borders. There are, for example, eleven Aboriginal First Nations within the present borders of Quebec. They occupy over half the territory of present-day Quebec and claim the right of self-determination ... if Quebec separates'.³²

But in Canada there is no hostility – at least, not at the Yugoslavian or Israeli–Palestinian level. Keeping the Yugoslav federation together would have meant that the Croats and Muslims in Bosnia would perhaps have enjoyed some cultural autonomy, but they would never have satisfied their aspirations as Croats or Bosnians; and granting the Palestinians autonomy may perhaps result in a better economy for the Palestinians, at least at first. But what about the realization of their self-identity?

Another possible pragmatic argument against my claim that national self-determination implies granting the group a state is that it would cause a domino effect which would increase the risk of war. This could be taken either as an argument based on history, in which case it seems that the terrorism by suppressed ethnic and national groups has caused severe damage as well, and that separation did not always lead to violent conflicts (e.g. Czechoslovakia); or it could be taken as a theoretical argument, in which case one can answer that small states lack the economic resources needed for massive and non-conventional armament, which implies that even if there are conflicts, the harm may be less severe.

At this point some people agree that national self-determination implies some form of autonomy, but wonder whether the demanding group can do without a (specific) territory. These theorists claim that the 'self-determination' claim is to a new government rather than to land and that, as Philpott argues, states do not own land in the regular sense of the word.³³ Some even go so far as to

³¹ Hobsbawm is, perhaps, right when he distinguishes between Balkanization and Lebanonization. The former is the return of many nations to declare their autonomy or independence, whereas the latter stands for 'autonomist and separatist aspirations of threatened minorities within national entities'. E. J. Hobsbawm, *Nations and Nationalism Since 1780*, (Cambridge, Cambridge University Press, 1992), p. 186.

³² J. Tully, 'The crisis of identification', pp. 79–80.

³³ Philpott, 'In defence of self-determination', p. 370.

reconstruct the notion of sovereignty, so that it does not refer to territory.³⁴ But it seems that this is a very Western way of looking at things. People in developed countries tend to change their homes quite often, for a variety of reasons from market prices to new jobs; whereas people in less developed countries and in agrarian societies tend to value their 'place' and 'home' very much, and will rarely move from their homes. There are also many states which cannot be described according to Philpott's words, because land is state-owned. But moreover, most definitions of sovereignty still refer to territory, and if not by 'this state owns that territory', then by 'this state *is* that territory'.

I am not claiming that the formation of a new state is always realistic and feasible. Sometimes the price may be so high in terms of population transfer that it may not worth it (e.g. Krym in the Ukraine). In addition, there is something praiseworthy in the ability of different ethnic groups to live together. In such cases we should encourage them and sustain the existing political frameworks. To put it in other words: conflicts which are not antagonistic may be solved by changing or reforming the circumstances which may have caused the conflict. But if antagonistic conflicts can be solved either by *suppression* or by *separation*, then should we not choose the latter?³⁵

Another criticism might be that one cannot in fact distinguish the cultural from the political. While this may be true in many cases, I am not claiming the opposite. Rather I want to emphasize the political in the demand for national self-determination, because recently the cultural was over-emphasized to a degree that distorted the demand itself. This may be related to a methodological (and perhaps political) mistake which most theorists have made. They start with the consequences of meeting the demand for national self-determination, i.e. the polarization of many existing states to many more. They therefore start from the assumption that 'we' cannot afford so many states, and hence re-interpret the demand for national self-determination and its moral grounds. My claim is that philosophers and political theorists should analyse the issue the other way around: first analyse the demand and look at its moral grounds and then ask what the political implications are.

This may be related to what seems to be the dialogue between those who have and those who do not have. Those who have tend to dismiss the demand for national self-determination more easily than those who do not have, claiming that we already have too many states in this world. But they can afford that assertion because they have already enjoyed, or benefited from, having a state. It was while he was attending a conference in Luxembourg, one of Europe's tiniest states, that the British Foreign Secretary claimed that Slovenia was not to be allowed to become independent, since it was too small to be a viable state.³⁶ This only shows the unfairness of this claim, or of the idea that those who already have states can offer a 'different arrangement' to those who do not.

To illustrate this point, think of yourself eating ice-cream, while your son comes and asks for a portion of ice-cream for himself. Since it was the last portion of ice-cream you have had, and since you are too lazy to go to the shop and buy some more, you answer: 'Sorry, son, we've just run out of ice-cream;

³⁴ Linda Bishai, 'Altered states: secession and the problems of liberal theory', presented at the ECPR conference, Bordeaux, 1995.

³⁵ The notion of antagonistic conflict is taken from Mao Tse-Toung, although the meaning here is different.

³⁶ I owe this example to Michael Freeman.

but I can offer you a nice piece of cake'. Your son insists on ice-cream, and you reply again: 'Why don't you taste these wonderful grapes?'. Your son is surprised: 'Daddy, I am asking for ice-cream, just like you have just had. Why are you offering me cakes and fruits?'

This seems frustrating and unjust, unless one puts forward a very good reason why you deserve the ice-cream whereas your son does not. Except for the fact that you were first to have it, I cannot see any explanation; but this fact is arbitrary, morally speaking, and hence should not be accepted as a good enough reason.

Another criticism is related to the issue of democracy within the state vs. democracy between states. Since we are democratic and liberal when we grant national self-determination to the demanding group, we must insist that the latter is liberal and democratic itself.³⁷ Since in many cases the groups which demand national self-determination are not liberal and democratic, there is less need to meet their claims.

This seems a bit hypocritical. If, for example, the Palestinians declare that they intend to establish an Islamic republic, or the Croats do not become liberals, will they lose their rights to self-determination? How can we say so while our governments go on trading with China, sending weapons to totalitarian regimes, or neglecting the abuse of human rights in so many countries with which they cooperate economically, while we benefit from this cooperation?³⁸

Another criticism is that, since my theory is related to cases of hostility, my argument emphasizes the aspect of enmity, and thus of xenophobia, in the group's claim to self-determination. Perhaps it does, but my answer is twofold. First, this aspect of national self-determination troubles theorists because *prima facie* it makes the nation into a closed body, and thus chauvinistic. But there have been many cases in which the nation, having been defined in this way, is nevertheless still not closed; and there are other cases in which the nation has been defined in more liberal terms and yet remains very closed indeed. As an example of the former, think of the Croats and Serbs: there have been many mixed marriages which made it possible for a person from one national group to join the other. As an example of the latter, think of Switzerland, and how difficult it is to obtain Swiss nationality. Second, enmity and hostility are already here. The question is how to live with them, and what to do in order to reduce them. Should we ignore them? True, Israelis do not love Palestinians, and Palestinians detest Israelis. Croats and Serbs do not love each other either. But there are times when enmity derives from the inability of the partners to realize themselves as they would like to within a single framework. At such times, it is wise to get peacefully divorced instead of continuing to fight in the same household. The peaceful divorce is an

³⁷ Philpott, 'In defence of self-determination', pp. 371–5. For a different attitude see W. E. Connolly, 'Democracy and territoriality' in F. Dolan and T. Dumm (eds), *Rhetorical Republic* (Amherst, University of Massachusetts Press, 1994).

³⁸ Obviously, it would be better if there were more liberal and fewer illiberal states. Also, it does not follow that we cannot specify at least a few minimal conditions for granting the right for a state. We can, perhaps, distinguish between the group not harming fundamental rights and not harming derivative rights. And yet, if we want to do so, we must first have a clearer theoretical justification for this distinction, which, I suspect, we still lack.

agreement which does not *solve* the problem, but which makes it *manageable*. Indeed, sometimes enmity declines after years of separation, and some sort of co-operation again becomes possible.

(First submitted: 13 June 1995; finally accepted: 24 August 1995)