Nationalism – The "Measles of Mankind"[1]

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I would like to present here an illustration of one way in which order and justice in international relations are mutually dependent. Thus, I am suggesting an evolutionary approach to justice. Moreover, I maintain that scholarship has a role to play in that evolution. Scholarship may have little measurable impact on policy change (Kacowicz and Mayer, 2008). But it is part of larger processes of cultural change that may not always be traceable to individual or collective actors.[2] However, one way the cultural reference frame spanning the world may change is through the interventions of scholars who, through their work, value or devaluate ideas that are taken as normative in the cultural reference frame (Dusche 2002a).

A Note on Justice

To find out what is just we have to leave the real world and enter the world of counterfactual situations. Example: If you were in my position, would you still think that what you are doing to me is just? Any argument for justice involves such a move (imagine that you were me; imagine a just society without knowing your position in that society). The purpose is to induce a change of perspective in the person with whom you are arguing. Any argument for justice can be countered by a call for realism (but I am not you; but society is never just; but I know my position in society). Any discussion about justice could end here: There is no justice. Full stop. No point of further debate. But if you are being treated with injustice, you'll surely protest. On what basis? Two options are possible. You can appeal to the way things are normally done; or, if things are normally done in an unjust manner, you can appeal to the way the norms should be – that is, more just.

The first refers to the norms that really govern a group of people. The second refers to principles of ethics that tell you what the norms of that group should be if they were to be just. Both are counterfactual, but to different degrees. The first is counterfactual in the sense that norms that actually govern a society are not observed in every instance; that is, their status as a fact corresponds to a generic rule and not a natural law. The second is counterfactual to a higher degree. No society is governed by norms that are actually just. Every system of norms leaves room for improvement. If one takes counterfactuality to ever higher levels, one loses relevance. The further normative speculation is removed from real life, the less it can tell us concretely how we should behave in an actual situation. There is therefore a point also for the anti-counterfactualist. The point is, Be relevant! But without removal from reality, we cannot even begin thinking about justice.

Counterfactuality leads us to empathy and empathy leads us to inclusiveness. A most just system of norms would be achieved if we could counterfactually put ourselves into the shoes of all those who are affected by our individual or collective actions. We would consider a system of norms to be just if we sincerely believed that we would support it no matter whose shoes we were in. There are different ways of "fooling ourselves" into the shoes of everyone else. One method every child is familiar with is to distribute a heap of sweets evenly and let the other children choose their heaps, thereby ensuring that each person is comfortable no matter what position they end up in. Another way would be to imagine that we are all sitting at a conference where the basic tenets of a society are being decided and the roles that we play in that society are only distributed after we have all agreed on its norms (Rawls' "veil of ignorance"). A third way of "fooling" ourselves into the shoes of everybody else would be to

imagine that we will all debate the basic tenets of our society until we reach a perfect agreement (Habermas' discourse ethics). Of course such perfect agreements are not practical. Thus, the pragmatist has a point against the consensualist: Be practical! However, without recourse to the regulative idea of agreement from the perspective of every person affected, biases will distort our picture.

A way of balancing the demands of the consensualist and the pragmatist in the present example is to differentiate cases in which a full consensus is required and cases in which it can be replaced by a quorum. A case in point is fundamental rights. One could argue that consensualists and pragmatists could agree on reserving majority decisions only to those matters that do not adversely affect the fundamental rights of persons. In that case, no quorum, however large, could justify jeopardizing a persons' life or physical, mental, and spiritual integrity, for example. Thereby questions of life and death are excluded from the realm of practical, but imperfect, political or juridical decision making. The reason is that if I put myself into the shoes of a person whose life or integrity is being called into question, I cannot imagine that I could have ever agreed to a norm justifying such a decision.

Let us push this consideration to its logical limit. Suppose all (and I mean literally all) who are affected by the decision would agree to commit collective suicide. Would you call this decision unjust? The point of this consideration is to lead to a very fundamental decision in developing a theory of justice: Do we need to supplement a theory of justice with metaphysical or religious considerations or do we not? If you answer "yes" to the above question, you have to introduce extraneous reasons to justify your decision – extraneous to the 100 percent consensus as a ground for the legitimacy of that decision. If you answer "no," as I do, you reject the relevance of metaphysical or religious considerations in theories of justice. Now, what is the status of this argument? This is not (yet), obviously, an exercise in theory of justice, for it is too far removed from reality. No group of people, in reality, will ever come to a 100 percent consensus. But it is an exercise of conscience. It helps us (me) to test my intuition about what is just and what is unjust. Only after I know that I can devise a theory of justice that tells me how I get from a real but unjust situation to a more just situation whose achievement is still realistic.

This exercise of conscience can tell us, for example, something about just and unjust people(s). We could call an act of collective decision making by way of consensus an act of collective self-determination. A group of persons continuously involved in such acts could be called a "people." We can speak of the self-determination of such a people precisely because there is nothing external to this people that prescribe what it should or should not do, as long as all agree. Now, what are the criteria that constitute such a people from the point of view of a theory of justice? The only criterion that we have used so far in our exercise of conscience was inclusion of everyone who is affected by the decisions of that people. A people would be called just, then, if it includes everybody who is affected by its decisions. A people would be called unjust if it is constituted at the expense of other people(s). Obviously, from this perspective, every more narrow definition of a people via territory, state, nation, ethne, religion, tribe, etc. becomes problematic. This does not mean, however, that they can not be made viable. But their viability will depend on how they manage to conform to the two criteria – inclusion and consensus.

From these two principles one can start devising theories of justice. There is no determinacy in this process. It depends on too many variables and on how the balance is struck in each case between counterfactuality and practicality. In the end, there will be a whole range of alternative but equally viable conceptions of justice. Each of these will try to be universal, but

will in fact be valid only to those included in the process. Which one a polity will adopt for itself is a decision falling outside the domain of ethics. It is a political decision – so much for justice as it concerns the polity. Matters of justice between polities (interstate or international justice) form a second step (Dusche 2002c). But in the end, all we need is a global conception of justice, not a universal one:

The question of norms or normative theories being globally valid hinges on the concept of a globally shared social practice. If one accepts this concept, a truly cosmopolitan moral theory, or theory of justice, becomes conceivable. Still, even this globally justified normative theory would only be internally universal – that is, internal to the global perspective – but this may be all that the universalist ever wanted! (Dusche 2008, 140)

A Note on Order

Since what is just to two conflicting parties depends on the possibility of agreement between the two, a minimally acceptable practice (Dusche 2000, 40f) governing their interaction is needed to even begin with considerations of justice. In an absolute state of war (i.e., in a state of anarchy between states) mutually agreed terms of cooperation do not exist between neighbors. Thus it is said that order is predicated on a minimum of justice (i.e., a minimum of rules agreed upon between conflicting parties). The degree to which these rules are "just" may vary. But at least they are an attempt to prevent the gravest injustices (thus for example the rules of jus in bello, the Geneva Conventions, and the like). In this way, they can form a starting point for the conflicting parties to reach agreement on more just terms of cooperation. Justice in this view is an ideal that can only be approached asymptotically through a process of continuous reform, a regulative idea in the way Kant conceived of justice (Dusche 2000, 34, 37f). Justice, in turn, is predicated on a minimum of order, otherwise it wouldn't be sustainable.

Most scholars agree that the greatest challenge to international order stems from the strife and war that results from religious, ethnic, or nationalist claims to autonomy, sovereignty or supremacy (Dusche 2002b). To my mind, this points to the fact that the system of independent states that we are dealing with in international relations is inherently unstable. Its inherent instability results from the very principle of nationality in international relations, which is the principle according to which each "nation" (if such things exist) should be awarded with a state. "Nations" in this conception are assumed to ontologically pre-exist independently of political intervention and human imagination (Anderson 1983). This ignores the fact that "nations" are put together and split into parts by politically interested people.[3] In the study and practice of international relations this has lead to the widespread confusion between state and "nation". Hence the term "United Nations" where "Nation" means in fact state. Only very few states are actually home to only one "nation" and very few "nations" exclusively own their state)..

The Westphalian state system had consisted of independent dynastic states (kingdoms and multinational empires) and not, as yet, of "nation" states as they are mostly called in the literature.

Only in nineteenth century Europe and America and in twentieth century Asia and Africa have the people identified themselves with the nation, civilization with national civilization, their life and survival with the life and survival of the nationality. From this time on nationalism has dominated the impulses and attitudes of the masses, and at the same time

served as the justification for the authority of the state and the legitimation of its use of force, both against its own citizens and against other states. (Kohn 1982 [1965], 10f)

The instability of the Westphalian system resulted from the relative anarchy that existed among these states.[4] Nineteenth-century nationalism aggravated this situation by introducing the principle of nationality into interstate relations thereby adding a new factor of instability to the precarious situation of kingdoms and empires in times of modernity.

Of course there is also an emancipatory idea behind the concept of a nation: that is, the idea of accountability of politics to the people it concerns. The idea has its roots in the enlightenment idea of popular sovereignty. It materialized for the first time in a big way in the French Revolution (with precursors in the English and American revolutions). The French Revolution has inspired all kinds of nationalisms – civic, cultural, ethnic, and religious. Most of them emerged in the time of political romanticism of the late eighteenth and in the nineteenth century. This is also the time of the emergence of mass politics.

Thus, from an ethical perspective nationalism is ambivalent. On the one hand, it stands for exclusion, disenfranchisement, militancy, ethnic cleansing, and genocide. Nationalism can lead to a form of conspiracy of "the people" and their leaders against some "other" who is then subdued and exploited. Thus Einstein could rightly say that "[n]ationalism ... is nothing more than an idealistic rationalization for militarism and aggression" (quoted in Kacowicz 2008). Peoples and their leaders share the spoils. They cloak their complicity in fancy ideology. This ideology permeates every aspect of national life, including academia. On the other hand, nationalism stands for emancipation of "the people" from aristocratic patronage or of "a people" from foreign rule as in the anticolonial struggles of the nineteenth and twentieth centuries.

The ambivalent status of nationalism is resolved in a dialectic fashion in post-national contexts – such as the EU, where violent antagonism is replaced by peaceful cooperation under the umbrella of supranational institutions. From such a perspective, the "measles of mankind" (quoted in Kacowicz 2008), as Einstein called nationalism, are of a past era. Surprisingly, however, this has not led to a decline of nationalism in other parts of the world. Everywhere, masses are still mobilized on identity grounds against "others." This mobilization may involve ethnic (ethno-nationalism) or religious identities (ethno-religious nationalism). Both are forms of identity politics (Dusche forthcoming). Still, masses of people suspend their sense of justice and become a "people" or a "nation" – just to itself but unjust to others. Still, nationalism spawns new nation states and destabilizes the international system (Georgia). Still, identity politics leads to internal strife and raises the question of humanitarian intervention, which de-legitimises the international law regime in the eyes of many people (Kosovo). Still national egotism pre-empts any progression in the way of global justice (the US torpedoing all attempts to establish internationally binding rules or institutions such as the international court of justice, all done in the name of the national interest). And still, academicians and intellectuals are easily caught in the ideological weave of nationalism and its militant consequences.

What is it, we may thus ask, that accounts for the unabated attractiveness of nationalism and the principle of nationality in the world? Two hypotheses: One is that nationalism is attractive because it promises emancipation and empowerment. Then, nationalism is attractive because it promises material well-being. Therefore nationalism will continue to be attractive as long as people feel patronized and dissatisfied with their lack of empowerment and material well-

being. Both hypotheses are about justice. The first is about political justice, the second is about distributive justice.

This reconfirms what we have set out to demonstrate: Stability appears to be a prerequisite for justice and justice appears to be a prerequisite for stability. This paradox is taunting only for the theorist. The pragmatist could start wherever there is an opportunity to challenge the ideological infatuation with nationalism. This is no easy task, as nation states tend to keep their scholars hostage with bonds of loyalty and dependence.

What, in conclusion, is the specific opportunity opening up with German and Israeli scholars of international relations looking at these questions? To my mind, German and Israeli scholars are particularly well positioned to lead the way in challenging the infatuation with nationalism. Both peoples have very exemplary experiences with nationalism, both with its promises and hazards. Both have very exemplary experiences with supranational institutions of governance, both with their impartiality and with their biases.

Nations have for the most part affirmed their selves by depreciating "others." For present generations there is an alternative to be considered: to affirm themselves not against any other nation but against their own past national selves. This is what the enlightenment has done with the Middle Ages. By depreciating a past era, the enlightenment was able to venture into a cosmopolitan future without dividing humanity into self and other. This is what led to the establishment of the United Nations and to the Universal Declaration Human Rights after World War II. Since then, the collective rights of peoples are limited by the individual rights of persons. And this is what we need to do today with the extensions of an age of nationalism that is still lingering on in too many parts of the word. It would be particularly significant if Germans and Israelis would join hands in this task.

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Notes

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[2] My idea of cultural change takes off from John W. Meyer's idea of a global cultural reference frame conditioning and legitimizing actors in the world polity (see Krucken and.Drori forthcoming). Indisputably, this reference frame is subject to historical chang,e although the mechanisms of this change may evade causal explanation. They are thus an object of culture studies more than of social science.

[3] Post-nationalist historians have succeeded in shattering this idea. See Geary 2002.

[4] The anarchy was of course mitigated by the cultural reference frame that governed the relations between the European states.