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The Constitution of Nations *

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What is the essence of the national relation as nationalists understand it? Every nation has its own history of how it became nationally mobilized, but the fundamental form of that mobilization is the same: that is why all these groups can be described as *nations*. As Tom Nairn writes of the Welsh:

> Welsh *national*ism, of course, has much to do with the specifics of the Welsh people, their history, their particular forms of oppression, and all the rest of it. But Welsh national*ism* — that generic, universal necessity recorded in the very term we are interested in — has nothing to do with Wales … The 'ism' [the Welsh] are then compelled to follow is in reality imposed upon them from without; although of course to make this adaptation it is necessary that the usual kinds of national cadres, myths, sentiments, etc., well up from within.[1]

The fact that different nations offer very different kinds of criteria for national belonging — and very different origin stories for these criteria — ought not to blind the analyst to the fact that it is the same social form, the nation, that emerges in each case. Nations are social facts, like promises, and possess their meaning within a global framework in which every nation has or seeks a place. Nations in their being ought to be amenable to an analysis like the one that the speech-act theorist John Searle made of promises: an analysis that displays the constitution of nationality without depending on the particular motives of particular nationalists, or on the very different sorts of criteria by which different nations have determined their membership.[2] Such an analysis leaves open the question as to whether we *should* be nationalists, even as it aspires to explain what it *means* to be a nationalist.[3]

Before 1900 the peasants who spoke various Baltic dialects were Lutherans or Catholics, yet by the end of the 1920's they were so strongly mobilized as Estonians, Lithuanians or Latvians that neither political repression nor the strongest economic inducements could turn them into Soviet citizens.[4] The first mystery

about nationalism can be stated thus: Why do national communities, constructed yesterday — even if at times out of primordial materials — retain their hold on us?

The nationalist idea is that the inhabitants of the earth are divided into nations, and that each nation ought to govern itself. This idea emerged in the liberal revolutions of the United States, France, and Spanish America.[5] The second mystery about nationalism is then: How has the nationalist idea survived the replacement of liberalism by romanticism, romanticism by social Darwinism, Darwinism by socialism, and socialism once again by liberalism as the spirit of the age? We need to explain the power of the national idea given that the nation is an imagined or invented community. We also need to explain how it is that even though the nation was invented, for a given population to change its national identity is "extremely rare," as Liah Greenfield has put it.[6]

These are the two fundamental mysteries that the academic study of nationalism of the last four decades has sketched out for us. To restate: How can communities constructed only recently have such a hold on our loyalties? How has this hold survived the ideological revolutions subsequent to the emergence of the modern national idea?

To clarify these puzzles I will engage in what Anthony Smith has derided as "the theory of nationalist practice."[7] I will bring together four texts, one rabbinic, from the tractate of the Mishnah (the codification of the oral law) called the *Ethics of the Fathers*, and three American: the Declaration of Independence, Jefferson's letter to Henry Lee of 8 May 1825, and the guarantee clauses of the American constitution. I will use these texts to expound the nature of the national bond with a view to understanding how it is constituted and preserved so as to meet the demands that we are compelled to make on it. Since subsequent national movements, from Spanish America in the Eighteenth Century to East Timor in the Twenty-First, model themselves on the American example, we can understand what these other movements aspire to in willing the nation by elucidating the fundamental elements of the American national aspiration.

To understand the constitution of the national bond I wish to put together Ernest Gellner's account of nationalism, as expanded and modified by his incompletely faithful follower Tom Nairn, with the republican intuitions that motivated the exemplary nationalist revolts of the Eighteenth Century.[8] My purpose in this paper is not to give a causal explanation of why men and women came to see themselves as committed to a particular national identity; for that the reader may look to Gellner and Nairn. This paper will explain what the commitment to a nation is, and why the commitment has

been of enduring force in changing circumstances. **[End Page 68]**

In order to see how the nation is constituted, we must first recognize that the continued existence of the political community cannot be dependent on shared principles or reasons alone. Political loyalty is not justified by particular reasons, and cannot be justified by particular reasons. Reasons matter when we have to decide how our political affiliation is to be expressed. This does not mean that political connections are indissoluble, but merely that the process of formation and dissolution is not governed by the reasons which the participants might appeal to in justifying their actions as members of the nation.

It is true that members of the nation offer arguments that purport to justify their national belonging and its criteria, arguments about who should belong or who should not, but these proffered reasons should be treated following Tom Nairn's prescription, "as a psychoanalyst does the outpourings of a patient."[9] Liah Greenfield writes of Sixteenth Century English nationalism that:

> *National* identity implied a totally new set of boundaries which separated England from the rest of the world. But at that period the existence of a separate entity such as a nation was not self-evident. It was problematic and needed justification and conceptualization in familiar terms. Thus it was only natural that at the time of the centrality of religion in every sphere of social existence, nascent nationalism was clothed in religious idiom.[10]

English national identity already existed, Greenfield admits, but in order to explain their national belonging to themselves elite Englishmen had to justify this belonging in Protestant terms. Greenfield goes on to assert that Protestantism "provided a sanctuary and protection which it needed to mature", and that "while Protestantism cannot be said to have given birth to the English nation, it did play the crucial role of a midwife without which the child might not have been born," but she does not offer any evidence for the possibility of a relation between populace and state apparatus in the territory we call England that was not an expression of English nationalism.[11] The Protestant justifications of English nationalism had many consequences, but the creation and maintenance of English national belonging was not among them, since even on Greenfield's own description that national belonging preceded the Reformation in England.[12]

Both the psychoanalyst and the student of nationalism seek to explain relations rather than actions, but it is actions that our ordinary practice of giving reasons typically aims to explain. Here the Americans, who (thanks to their civic criteria of belonging) are the exemplary modern nation, began matters with sublime restraint: the American Declaration of Independence which purports to offer

the causes which impel "one people to dissolve the political bands which have connected them with another" does not explain how it is that the Americans came to be one people, as the first sentence presumes, and the British, another.[13]

To understand the national bond as it has been conceived since 1776 we must separate the question of the *nature* of this bond from its *origin* in each particular case. The practical questions regarding the nation, that every nation has to answer for itself, are "who are we?" and "what are we to do?" Yet by the time the question "what are we to do?" arises as a matter of practical political consideration, the question of who we are has already been answered — the nation, however defined, has already *been* defined, even if the definition has not yet penetrated beyond elite intellectual or administrative circles so as to mobilize the wider population that the elite sees as fellow nationals. National identity is never "up for grabs" in that the boundaries of the group are determined virtually from the instance of its political emergence.

The determination of national identity may not be entirely manifest at the beginning of a nation's collective emergence, but the process by which the identity becomes manifest is a process of gradual unveiling of a fixed if incompletely perceived structure of identity rather than one of gradual evolution. One's national identity is therefore something about which it is possible to be ignorant or mistaken. As people come to adulthood they discover that their life possibilities are structured by the national identity they may not have initially realized they possessed.[14] Many a young peasant discovered that he was a Frenchman and a citizen of the Third Republic only when he was conscripted.[15] Conversely, people may believe that they belong to a nation that does not accept them, the most notorious case being that of German Jews who believed that they were German nationals. Even the national group can be mistaken about its composition or its criteria: After Pearl Harbor, many Californians believed, falsely, that their Japanese-American neighbors did not fulfill the civic criteria of American national belonging. Jews seven generations in Frankfurt learned that the German nation did not include them; in the United States after 1945, the majority of those of European descent learned that the American nation did include Japanese-Americans.

Academic students of nationalism have an academic question about causality: why were the national groups divided in this way rather than that, why, say, was the German nation **[End Page 69]** defined so as to exclude would-be Germans of Jewish faith.[16] To understand the central aspects of nationalism we should put these causal questions to one side. Instead, we should start from observations about the constitution of nationalism. To continue the example, in the history of German nationalism the Jewish question was present from the beginning, and it appears that at virtually

every juncture the forces for the inclusion of Jews within that identity were seemingly certain to be overcome. The famous German emphasis on ethnic purity and unity of blood is not a cause of the exclusion of German-speaking Jews but a consequence and excuse or explanation. As Adrian Hastings puts it, in the German lands the Jews "spoke German; even Yiddish was a form of German. A nationalism grounded explicitly on language must include them within the nation. There were too many Jews … and too much long-standing hostility, including Luther's particular hatred for them. A national identity based on blood could conveniently exclude them."[17]

To change the criteria for national membership requires catastrophic shocks. War, genocide, and occupation, were required before Jews born in Berlin or Frankfurt could be recognized as full-fledged German nationals. War, occupation of much of the South, and the threat of a second occupation, to cite a different example, were required before Blacks could become full-fledged American citizens (but these same changes, written into the Constitution, made it inevitable that Chinese and Japanese immigrants would eventually receive full civil rights). To understand the nature of nationalism as a political phenomenon we need to understand why the question of the social boundaries of the nation has always already been answered when the nation is constituted as a collective agent.

The constitution of the nation is best understood in the light of a fundamental distinction between types of human relations: relations whose existence depends on the conscious motives of the participants, and relations in which conscious motives serve only to alter the expression or conduct of the relation without being able to alter the fact of there being a relation. The Rabbis of the Mishnah explained this distinction thus:

> All love that is dependent on something (*davar*), when the thing is annulled the love is annulled. And love that is not dependent on anything, will never ("in this world") be annulled. What is love that is dependent on something? This is the love of Amnon and Tamar. What is the love that is not dependent on anything? This is the love of David and Jonathan
>
> (*Mishnah, Aboth* 5:15).

This is a rejection of the Platonic formula that all love is love of something: according to the Rabbis, the highest form of love ought somehow to be independent of things. "Why do you love me?" she asks. Woe, woe, if her lover knows why.[18]

Yet some love is, indeed, the love that depends on things or facts. In verses from 1914 and 1919 the Jew and German

nationalist poet Julian Bab therefore prefers to speak on national belonging as more deeply rooted even than love:

> *Und liebst du Deutschland?— Frage ohne Sinn!Kann ich mein Haar, mein Blut, mich selber lieben?Ist Liebe nicht noch Wagnis und Gewinn?!Viel wahllos tiefer bin ich mir verschriebenund diesem Land, das ich, ich selber bin.*
>
> And do you love Germany? — A nonsense question!Can I love my hair, my blood, my self?Is love not still a matter of risk and gain?Far more deeply unchosen am I given over to myselfand to this country, the I which I myself am.[19]

To protect this belonging, communities defend themselves against changes in opinion, lest their own ties be overcome by newly presented facts. Speech and writing can therefore be used not only to change opinions about things, but also to protect human relations from facts, dependence on which threatens them. We must recognize that the power of reason to persuade must somehow be tempered by human relations, if speech is to be kept within its humane bounds. All human relations are mediated by the possibility of speech, but not all are dependent on the content of what is said. Talk is not aimless even when its aim is to maintain a relationship rather than to communicate.

Thus the approach to nationalism that takes nationalist historiography as making truth claims, and assesses nationalism based on the historical truth of these claims is largely fruitless. If the constituted nation as a product of nationalism was so weak as to depend for its existence on belief in any particular fact or set of facts, it could not hope to present itself to us as a permanent human bond. "Jewish patriotism" writes Moses Hess, "is a natural feeling, it does not need to be demonstrated nor can it be confuted."[20] Academic students of nationalism have deconstructed the naturalness of nationality, but have responded to nationalism's resistance to reasoning, to what Hess calls "demonstration" and "confutation", with the claim that it must express irrational passions. National belongings appear to arise "naturally", because one's sense of belonging cannot be dated to the acquisition of any particular belief about the people or its supposedly immemorial traditions. In order that Theodor Herzl could be impressed by the fate of Alfred Dreyfus into abandoning his hopes for Jewish assimilation into the Christian majority and embracing Zionism, Herzl first had to feel that what he and Dreyfus shared as Jews was more important than what separated the citizen and officer of the French Third Republic from the journalist and subject of Kaiser und König Franz Josef. **[End Page 70]**

The great historian Ernest Renan was himself led astray by nationalism's independence of particular facts when he wrote "To

forget and — I will venture to say — to get one's history wrong, are essential factors in the making of a nation; and thus the advance of historical studies is often a danger to nationality."[21] It is the national tie that produces the national myth, and not the other way around: nationalist historiographers are expressing the connections that they feel or would like to feel, and their products are consumed by readers who themselves wish to express the national connection that they too recognize.

What produces national belonging are not shared beliefs about national history or national origin, but a shared place within the world-structuring system of modern, "capitalist," economic development. National mobilization proved the only method, not by any means a uniformly successfully method, for trailing regions and especially their educated cadres to emulate the success of the leading regions.[22] The Welsh nationalist historian Gwyn Williams writes:

> Nations do not grow like a tree, they are manufactured. Most of the nations of modern Europe were manufactured during the nineteenth century; people manufactured nations as they did cotton shirts. The processes were intimately linked, as peoples called non-historic invented for themselves a usable past to inform an attainable future, under the twin stimuli of democratic and industrial revolutions.[23]

Within that national mobilization, nationalist historiography is the method by which the chattering classes rationalize the national connection that changes in social structure have precipitated.

To relate to a nation through the critique of its nationalist historiography would be like relating to a married couple by a critical analysis of their courtship letters. As David Archard writes, "it is not clear that the deconstruction by intellectuals of particular myths will have general practical impact."[24] For example, the post-Zionist historians in Israel have accompanied the Israeli public on the journey from Shamir to Sharon, which if not quite a full circle at the very least does not represent a radical transformation of Israeli Jewish national consciousness. Critical historians can (at least briefly) reduce people to stammering about their shared identity, but few, very few, lovers are parted from a want of eloquence.

What is it, then, to be nation? As a working hypothesis, I suggest that the fundamental form of the nation is nowhere more clearly expressed than in Article IV, section 4 of the United States Constitution.[25] This is the only clause that is not permission, a prohibition, or a specification, but a guarantee: "The United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against Invasion; and on the Application of the Legislature, or of the Executive (when the

Legislature cannot be convened) against domestic Violence." Every other clause of the Constitution is devoted to constituting a government of the United States that is capable of fulfilling this guarantee. A nation is a group that aspires to constitute a government capable of fulfilling the two-fold guarantee offered in the United States Constitution, the guarantee to its members against invasion from without and against disorder from within. "A community of citizens," as the eminent Americanist Harry Jaffa has written, "is a community of those willing to fight for each other."[26]

As guarantees these aspirations must be unconditional. "This Union shall be perpetual", as the States proclaim in the American Articles of Confederation. Those with whom a people enters into a conditional or temporary alliance of defense are *allies*, not fellow nationals. It is the unconditional commitment to permanency in the national relation that saves what would appear to be a community founded in mutual interest from the vagaries of those interests. A nation may, under certain circumstances, attempt to realize these aspirations through a binational or multinational state, but the adherence of the nation to that state – the adherence of Scotland to the UK, for example – is conditional. By contrast, the overwhelming majority of *Quebecois* are either separatists or "conditional Federalists," but they are unconditionally *Quebecois*.

Ernest Renan famously spoke of the "sentimental side" of nationality, which was to explain what interests could not.[27] A better analysis is that national union is a foreswearing of the calculation of transient benefits: that foreswearing is rationalized by the evocation of "national sentiments." "The love of country, allegedly a primary sentiment, [is] based on the national commitment, rather than generating it," as Liah Greenfield writes of the ideal-typical American case.[28] There is a precise analogy here to Coase's theory of the firm: those economic relations occur within firms for which the cost of bargaining and strategizing would be too high were the relation contractually negotiated for every interaction.[29] It is precisely this cost of bargaining over tranquility and the common defense that the nation eliminates by its permanent mutual guarantees. The existence of a nation is not "a daily plebiscite," notwithstanding Renan's authority for this claim, too, any more than is the formally voluntary employment relation a daily job interview or daily job offer.[30]

The commitment to be a nation need not be voluntarily acquired, and generally is not voluntarily acquired. Fellow-nationals *are* committed, whether or not they have voluntarily committed themselves. "Governments," says the Declaration of Independence, "are instituted among Men, deriving their just powers from the consent of the governed," but the American people who are in process of instituting a new government for themselves are not claimed to be constituting themselves as a

people by their consent. According to the authors of the Declaration, governments consist of a minority of "governors," **[End Page 71]** deriving their just powers from the consent of the governed," while peoples, when they rule themselves (in extraordinary situations by constituting and dissolving governments) do not consent to their own actions – they simply do them. Thus peoples do not "consent" to be peoples, they either do or do not do the actions that shared peoplehood requires.[31] Of course, the fact that peoples do not voluntarily or even consensually enter into the national tie is, from the social contract point of view, an objection to recognizing the normative force of this tie. This is just to say that the social fact of the nation cannot be understood as a social contract.[32]

To those who approach every political phenomenon through the conceptual vocabulary set out by Isaiah Berlin, the guarantee clauses in the United States Constitution might seem to be a guarantee of negative liberty, an assurance that all of the power of the union is proffered to assure the freedom of the individual citizens of the several states from interference or trespass. The guarantee clauses would simply amount to a solemn promise to undertake the protection of the persons and the property of the citizens of the several states from invasion in the legal as well as military sense, or in Maurizio Viroli's phrase, "liberty understood as 'negative' liberty under the shield of just laws."[33]

Viroli in the text I have quoted is concerned to distinguish the tradition of modern republicanism in which he places himself from cultural or ethnic nationalism, but also from the civic republicanism derived from Aristotle. For modern republicans, Viroli claims, "Citizenship did not mean membership in a self-governing ethical and cultural community, but the enjoyment and exercise of civil and political rights as a member of a *respublica*, or *civitas*, which is primarily a political community established to allow the individuals to live together in justice and liberty under the protection of the law."[34]

But who does the "establishing" and who does the "allowing"? The nation relates or aspires to relate to the government as of that nation's own making or constitution, not as a separate standing power to which it gives its consent or on which it "confers authority."[35] Viroli's "negative" liberty might best be described as "passive" liberty in keeping with the grammatical passives that he prefers to use in describing it. His citizens are free not only in the sense that their basic liberties are protected but also in the sense that they seem to be free riders on a system of protections for which in the end they are not held to account, even if they are obliged by their patriotic bonds to defend it. Viroli does not intend to defend free-riding, but rather the commitment of citizens to their shared liberty.[36] Yet the conceptual and historiographical

distinctions he has adopted are not suited to his purposes.

Viroli asserts point-blank that "the interpretation of republicanism as an intellectual tradition derived from Aristotle is a gross historical error."[37] If error it be, this error has a pedigree virtually as long and as notable as the modern republicanism to which Viroli pledges allegiance. Here is Jefferson describing to the distinguished Revolutionary War hero Henry "Light Horse Harry" Lee "the object of the Declaration of Independence":

> Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, andc.[38]

Jefferson's claim to have synthesized the elementary principles of Greek, Roman, and modern republicans looks bizarre to those of us brought up on the historiography of liberalism that distinguishes it from ancient civic republicanism. Jefferson's claim eludes even the revised historiography of Viroli, who assigns to the Greeks exclusively a republicanism that valorizes participation, and grants to the Romans the laurels of the founders of the modern republic devoted to the protection of negative liberty.

Jefferson's Declaration of Independence (which is the subject of the passage from his letter to Henry Lee) is primarily about violations of the public right of the self-governing colonies by the trespassing ministers of George III. The twenty-eight grievances listed in the Declaration of Independence relate to acts taken to repress resistance by colonial legislatures. The grievances are infringements on both their political and their civil liberties, on both positive and negative liberty, in Berlin's terminology. Twenty of the twenty-eight grievances relate principally to acts that repress the rights of collectivities to govern themselves, and only eight of them refer principally to violations of individual rights.[39]

In the American situation, as the revolutionaries grasped it, both the civic liberty that they sought and the political liberty that they understood to be its necessary means were endangered by English misrule. The colonists were aware of the possibility that a misplaced emphasis on "political liberty" could cost citizens dearly

in terms of their "civil" or "civic liberty", their individual rights. As Gouvernour Morris wrote in his "Political Enquiries" of 1776: "If we consider political in connection with civil liberty we place the former as the Guard and security to the latter. But if the latter be given up for the former we sacrifice the End to the Means."[40] Berlin and other defenders of negative **[End Page 72]** liberty have always been willing to admit that political liberty was a *possible* means of securing negative freedom,[41] but they do not share the nationalist understanding that this means is in fact *necessary.* Nor is the question raised by nationalism whether democracy or self-government is a *logically necessary* support for liberty, but rather, whether they are *practically* or *empirically necessary* instruments for the perpetuation of liberty.

Ernest Gellner's posthumous works express a rather sour anti-nationalism concealed in the hope that we can somehow "colonize simply everybody — i.e. deprive their political units of sovereignty."[42] The nationalist wants to know which nation is to do the colonizing. Even if he can be reassured that this colonization will be implemented by truly transnational institutions, he will then want to know how such institutions will be held responsible for their conduct, and to whom. Gellner's own theory of nationalism explains why the apparatus of modern states, and the social and educational preconditions of that apparatus, constitute nations. The nationalist believes that his or her nation can maintain the benefits that modern states can provide, most importantly public accountability, only by maintaining the social networks and institutions that renew national ties and thus national divisions.

The liberal republican nationalism of the American founders sees the individual as the final safeguard of his own rights. The ground of self-determination is rooted in individual freedom. Through the exercise of my public rights and obligations I guarantee the liberty of others in return for their guarantee to me, even at risk to my life. The people are the only safeguards of their own rights, the nationalist asserts: this is not a logical inference from the concept of negative freedom, but a practical inference from experience with human despotism.[43] To reply to this inference from experience with depictions of imaginary enlightened despotisms is to mislead us, the nationalist claims, with the notion that someone else will bear the burden of governing us so as to protect our liberties.[44] The modern, especially European, politics of human rights sees these rights as trumps that trump even the proposed means of enforcing them.[45] The politics of human rights is therefore incapable of asking the fundamental question about how we are to protect *our own* rights, the nationalist worries, while remaining accountable for our actions insofar as these relate to the rights of others.

The distinction between autonomy in internal affairs demanded

by so-called cultural nationalists, and self-determination in external affairs demanded by nationalists, is vast. It is the distinction between trusting others to take care of your problems and feeling compelled to do it oneself. The demand for national self-determination is the demand that we, constituted however we are constituted, must decide for ourselves how our rights are to be protected. There is, no doubt, something paranoid in the view that one's rights can only be secured in one's own hands. "Why make a fetish of self-government if your basic rights will be better protected by outsiders?", as David Miller asks rhetorically. Miller, for his part, is not convinced by the suspicious objection to what he calls "benevolent imperialism."[46] Unlike the Oxford don, the nationalist qua political actor is rarely persuadable, by any evidence, that outsiders can be relied upon unconditionally — if they were willing to make an unconditional commitment to protecting his group's rights, he replies, they *ipso facto* no longer preserve their status as outsiders. A certain paranoid style is thus the inevitable companion of nationalism.

A less loaded word than paranoid would be "jealous." Republican nationalism fosters our suspicion of our governments, but claims that this very readiness to suspect is what keeps the government deferential to our wishes and fears and therefore our own government and not an alienated state.[47] National self-determination is a maximin strategy. Like other modern programs, it takes its bearings from the worst possible situation.[48] In that respect there is symmetry between the nationalists who believe that their liberties can never be secure in foreign hands and the anti-nationalists who see in every national movement the seeds of Dachau.

The nationalist believes that his people, however it is constituted, must bear the burden of governing itself so as to protect its liberties. To that end therefore the people must be armed, not against external enemies, but also against internal "subversives" — to use the language of the Constitution, they must be armed against "invasion" and "domestic violence." It is because the arms are primarily for internal use or for defense against invasion that the liberal republic is not necessarily an imperial republic.

I have explained the nationalist aspiration as an expression of the need to constitute a people capable in its turn of constituting a government powerful enough to provide for the common defense and maintain public order. It follows from this account of the nationalist project that the will to be a nation is the will to act on these fundamental political interests of fellow-nationals in maintaining self-government without separate regard for the interests of non-fellow nationals. We cannot condition our fulfillment of our national commitment on the interests or desires of non-fellow

nationals: consistent with the unconditional form of our national obligation, we can consider the interests of others, even *would-be* fellow citizens, only insofar as our interests intertwine with theirs or are already secured. Since nations are exclusive, even when defined civically rather than ethnically, the costs of the national project are borne in great part by the excluded.[49] This is, of course, an explanation for the intractable nature of many national conflicts, not a justification for it.

Why can't we residents of Palestine all just get along in a political framework that includes both Jews and Arabs, say? The problem is that one such "we," "we Jews," are already getting **[End Page 73]** along in a nationally constituted state whose framework is intended as unconditional and therefore permanent: to reconstitute the state would involve we Jews, as individuals, in very large costs and dislocations.

It is generally more practical for the excluded group to try to constitute a nation for themselves than to reconstitute the national order of the already nationally mobilized group so as to bring the excluded group in either as individuals or as a nation within a now binational state. Even if the state is binationally organized, as was true of the Austro-Hungarian Empire with increasing rigidity in its last half-century, the admission of new nations to the order requires that the cost of reconstitution be paid again each time. It was not the Germans, even the most rabid *Grossdeutsch* nationalists, nor the Hapsburg dynasts, who responded to Slav national demands with the intransigence that provoked the initiating crisis of the First World War, but the Magyar political elite that had benefited from the reconstitution of the Empire as a binational — that is, German-Hungarian — state after 1866.[50]

Nations were constituted easily — political entrepreneurs were astonishingly successful in many places in mobilizing peoples into nations whose *social* boundaries have remained remarkably stable over time. That firmness of the national construction is the great puzzle for political scientists. Yet we should not allow the enigmatic status of the explanandum — the power of the national idea — to drive us to theories or policies that deny the existence of the enigma. The search for primordial roots of nations to explain the persistence of the national idea today presumes that the circumstances of the past can impact our lives without being mediated by present-day social relations.[51] The "postmodernist" presumes that we can be free of the burdens of national division once we understand how these divided groups were forged by interested parties. The persistence of the national idea after 1789, despite its origin only slightly before it, gives the lie to both presumptions. The peasants, turned so rapidly and completely into Frenchmen, cannot with equivalent rapidity be turned into

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Endnotes

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1. Tom Nairn, *The Break-up of Britain: Crisis and Neo-Nationalism* (London: NLB, 1977; expanded edition 1981), p. 335.

2. See John R. Searle, *Speech Acts: An Essay in the Philosophy of Language* (Cambridge: Cambridge University Press, 1969), pp. 54–64, 175–198; on the constitution of social facts see also Philip Allott, "The Theory of the British Constitution," in *Jurisprudence: Cambridge Essays,* ed. Hyman Gross and Ross Harrison (Oxford: Oxford University Press, 1992); and on nations as social facts see Anthony W. Marx, *Faith in Nation: Exclusionary Origins of Nationalism* (Oxford: Oxford University Press, 2003), p. 8. Among the particular motives from which we have to abstract is the sentiment of a shared culture, since some actually existing and stable nations (Switzerland is the most notable example), contain within the nation itself multiple cultures if we rely on linguistic markers; see Arash Abizadeh, "Does Liberal Democracy Presuppose a Cultural Nation? Four Arguments," *American Political Science Review* 96 no. 3 (September 2002):495–509. Whether these nations possess multiple public cultures, as Abizadeh claims, is less clear: a voter's pamphlet in French, German, Italian, and Romansch is an artifact from a single, albeit multilinguistic, public culture.

3. This is simply an illustration of Raymond Geuss's distinction between what is legitimate in a certain social order and what is legitimated by the normative considerations that we ourselves find plausible or compelling; Raymond Geuss, *History and Illusion in Politics* (Cambridge: Cambridge University Press, 2001), pp. 41–42.

4. On the Baltic cases see e.g. Ernest Gellner, "Do Nations have Navels?" *Nations and Nationalism* 2 (1996):366–70; on the general invalidity of the argument from "constructed" to "reconstructible" see Jacob T. Levy, *The Multiculturalism of Fear* (Oxford: Oxford University Press, 2000), pp. 9–10.

5. Benedict Anderson, *Imagined Communities: Reflections on the Origin and the Spread of Nationalism,* revised edition (London: Verso, 1991); Anthony D. Smith, *Nationalism and Modernism* (London: Routledge, 1998), p. 126.

6. Liah Greenfield, *Nationalism: Five Routes to Modernity* (Cambridge: Harvard University Press, 1992), p. 490.

7. Anthony Smith, *Myths and Memories of the Nation* (Oxford: Oxford University Press, 1999), p. 170.

8. Ernest Gellner, "Nationalism," in *Thought and Change* (London: Weidenfeld and Nicholson, 1964); *Nations and Nationalism* (Ithaca: Cornell University Press, 1983); *Nationalism* (New York: New York University Press, 1999); Tom Nairn, *Break-up of Britain*; *The Enchanted Glass: Britain and its Monarchy* **[End Page 74]** (London: Radius, 1988); *Faces of Nationalism: Janus Revisited* (London: Verso, 1997); *After Britain: New Labour and the Future of Scotland* (London: Granta, 2000).

9. Nairn, Break-up of Britain, p. 93.

10. Liah Greenfield, *Nationalism,* pp. 62–3.

11. Indeed, Greenfield's own account of Wyatt's 1553 rebellion — whose central motive, she shows, was the nationalist rejection of the prospect of a Spanish King in the person of Mary's husband Philip (59) — suggests the national bond was strong enough to be politically decisive apart from the tie of Protestant sympathies.

12. For some potent evidence for the strength of English national sentiment long before the 15th Century origin preferred by Greenfield, see Adrian Hastings, *The Construction of Nationhood: Ethnicity, Religion, and Nationalism*, (Cambridge: Cambridge University Press, 1997), pp. 35–55.

13. I owe this point to Charles Kesler.

14. Because a national identity structures an individual's or group's possibilities whether they are aware of the identity ascribed to them or not, I find it impossible to agree with Jacob Levy that national identity is a matter of individual subjective consciousness, or with Liah Greenfield that "if a particular identity does not mean anything to the population in question, the population does not have this particular identity"; Levy, *The Multiculturalism of Fear*, p. 80; Greenfield, *Nationalism: Five Routes to Modernity*, 13. Whether a three-year-old is German does not depend on whether or not she understands the question "Bist du ein Deutches Kind?"

15. On the process of national mobilization see Eugen Weber's classic study, *Peasants into Frenchmen* (Stanford: Stanford University Press, 1976).

16. On this exclusion see e.g. Moses Hess, *Rome and Jerusalem*, tr. Maurice J. Bloom (New York: Philosophical Library, 1958), foreword; George L. Mosse, *The Nationalization of the Masses: Political Symbolism and Mass Movements in Germany from the Napoleonic Wars through the Third Reich* (New York: Howard Fertig, 1975; reprinted 1999), pp. 130–1; Robert Wistrich, *The Jews of Vienna in the Age of Franz Joseph* (Oxford: Littman Library of Jewish Civilization, 1989), pp. 211–12.

17. Adrian Hastings, *Construction of Nationhood*, p. 110; contrast Liah Greenfield, *Nationalism*, p. 369, "German nationalist consciousness was

unmistakably and distinctly racist from the moment it existed ..." The most powerful document of the Jewish longing to be German that I have seen is Victor Klemperer's *Lingua Tertii Imperii*, where an ethnic or racial understanding of national belonging (and Klemperer does not hesitate to compare Nazism and Zionism) is constantly contrasted with a linguistic or cultural one. Klemperer, a Jew and Romance philologist who survived the war thanks to his Gentile wife, is constantly trying to persuade himself that if only he can root out the Nazi lexicon from German speech and thought he can vindicate his own claim to be German; Victor Klemperer, *The Language of the Third Reich: LTI – Lingua Tertii Imperii: A Philologist's Notebook*, tr. Martin Brady (London: Athlone, 2000).

18. I owe this illustration to a sermon preached by Rabbi Shmuel Krauthammer, Rabbi of Young Israel of Petah Tiqwa, Israel.

19. Quoted with approval, albeit with a certain irony, by Klemperer, *LTI*, p. 202. I have slightly modified the translation.

20. Hess, *Rome and Jerusalem*, fourth letter, p. 27.

21. Ernest Renan, *Qu'est-ce qu'une nation* (1882), translated as "What is a Nation?" in Alfred Zimmern, *Modern Political Doctrines* (London: Oxford University Press, 1939), p. 191.

22. Nairn, *Break-up of Britain;* Gellner, *Nationalism*, pp. 34–5. In the paradigmatic American case, rivalry in the carrying trade between American and British merchants was a crucial motive in the Revolution.

23. Gwyn A. Williams, "When was Wales?" in *The Welsh in Their History* (London: Croom Helm, 1992), p. 190.

24. David Archard, "Myths, Lies and Historical Truth," *Political Studies* 43 (1995):472–81.

25. On the United States as the ideal or ideal-typical nation see Anderson, *Imagined Communities,* Greenfield, *Nationalism*, p. 403.

26. Harry V. Jaffa, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Lanham, MD: Rowman and Littlefield, 2000), p. 5. One can, of course, discover that one has more than one national identity, that one is subject to "incompatible demands of supreme loyalty," to use Jacob Levy's phrase (*The Multiculturalism of Fear,* pp. 78–9). Levy is wrong, however, to see such a conflict of duties as impossible or logically contradictory; as many children of divorced parents can testify, incompatible demands of loyalty are perfectly possible, if frequently tragic.

27. Ernest Renan, "What is a Nation?," p. 201.

28. Nationalism, p. 435.

29. Ronald Coase, "The Nature of the Firm," *Economica* 4(1937):386–405, collected in Ronald Coase, *The Firm, the Market, and the Law* (Chicago: University of Chicago Press, 1990). The analogy to the firm captures, I think, how Rogers Brubaker wants us to think about the nation "not as substance but as institutionalized form"; Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996), 16.

30. "What is a Nation?," p. 203; perhaps Renan did not mean to be taken literally, but see Elie Kedourie, *Nationalism* (London: Hutchinson, 1960), p. 81, who accepts the metaphor as a literal description of nationalism and then proceeds to critique nationalism — and not Renan's metaphor — for the reason I give in the text. In any case, Renan's metaphor has led some subsequent students astray by assuming that national belonging is best understood as a matter of individual consciousness rather than social structure.

31. Contrast Rogers Smith, *Stories of Peoplehood* (Cambridge: Cambridge University Press, 2003), pp. 86, 137.

32. See Geuss, *History and Illusion in Politics*; Michael Walzer, *Arguing about War* (New Haven: Yale University Press, 2004), pp. 42–43.

33. Maurizio Viroli, *For Love of Country: An Essay on Patriotism and Nationalism* (Oxford: Oxford University Press, 1995), p. 171 n. 23.

34. Viroli, *For Love of Country*, p. 173. Civic nationalism is, as the term "civic" implies, an urban phenomenon — the consequences for the rural population of the imposition of civic patriotism are detailed in Eugen Weber's *Peasants into Frenchmen*: "Patriotism," Weber writes, "was an urban thought, a handle for an urban conquest of the rural world that looked at times like colonial exploitation" (p. 98).

35. Apart from this distinction between constituting a government and authorizing or consenting to powers separately constituted, I would accept David Miller's formulation that what "is new and distinctive in modern ideas of nation and nationality, is the idea of a body of people capable of acting collectively and in particular of conferring authority on national institutions"; David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), p. 30. **[End Page 75]**

36. Viroli, *For Love of Country,* p. 10.

37. Viroli, *For Love of Country,* pp. 170–1.

38. Letter to Henry Lee of 8 May 1825; *Thomas Jefferson*: *Writings*, (New York: Library of America, 1984), p. 1501.

39. The political right that the Americans assert in the Declaration goes beyond "the right to political input regarding such laws as invaded their private sphere" mentioned by Jürgen Habermas to include such issues as the regulation of naturalization and military affairs. Habermas's brief discussion of the crisis of the first British Empire at least has the merit of seeing the problem in the relation between rights and the political mode of their protection; *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society,* tr. Thomas Burger (Cambridge: MIT Press, 1989), p. 266 n. 62.

40. Quoted in Paul Rahe, *Republics Ancient and Modern* (Chapel Hill: University of North Carolina Press, 1992), pp. 562–3.

41. Isaiah Berlin, "Two Concepts of Liberty," in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), p. 165.

42. Ernest Gellner, *Language and Solitude: Wittgenstein, Malinowski, and the Hapsburg Dilemma* (Cambridge: Cambridge University Press, 1998), 144; see also ibid., *Nationalism* (New York: New York University Press, 1997), pp. 102–8; on this shift in Gellner's position see John A. Hall, "Introduction," in Hall (ed.), *The State of the Nation: Ernest Gellner and the Theory of Nationalism*

(Cambridge: Cambridge University Press, 1998). Rogers Smith speaks of "the moderating belief that membership in the human species ultimately matters more than membership in its political subdivisions" (*Stories of Peoplehood,* 173); but does not explain why this belief — which has historically been incorporated not just in contemporary *bien-pensant* upper-middle-class cosmopolitanism but also in Trotskyite faith in world revolution and the Nazi commitment to world conquest for the sake of species-wide eugenic racial hygiene — should be described as "moderating."

43. As Michael Hardt and Antonio Negri write, "The first characteristic of the U.S. notion of sovereignty is that it poses an idea of the imminence of power in opposition to the transcendent character of modern European sovereignty"; Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2000), p. 164. Quentin Skinner and Philip Pettit have argued that in order to be free the maintenance of my (or our) freedom must not depend on the arbitrary will of others; see Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998), esp. p. 70 n. 27; Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997). I do not want to dispute the conceptual claim of Pettit and Skinner, but simply to point out that the logically weaker claim about the practically or empirically necessary securities of liberty is what is doing the work of the argument.

44. See Berlin's ode to Frederick the Great and Josef II; "Two Concepts of Liberty" p. 129 n. 3; and contrast Tom Nairn's dismissal: "The ideal, somewhat god-like state conditions which the traditions of the Hapsburg Empire encouraged social democrats to believe in"; Nairn, *The Break-up of Britain,* p. 86 n. 49.

45. Noteworthy here is the attempt to enforce upon states decent treatment of prisoners of war while denying to states the right of reprisal, the primary method of enforcing the moral conventions of war through the end of World War II.

46. Miller, *On Citizenship,* pp. 78–9 and n. 31.

47. On the need for a moment of trust in republicanism to counteract the moment of suspicion see Nancy Rosenblum, "Fusion Republicanism" in *Membership and Morals: The Personal Uses of Pluralism in America* (Princeton: Princeton University Press, 1998), esp. p. 318.

48. Viroli claims that the patriotism he would defend requires the hero's sacrifice of "all" only in extraordinary circumstances. Yet as the guarantee clause of the United States Constitution indicates, the modern republic is characterized by its mode of dealing with the extraordinary. The next step is to understand that the politics of the extraordinary, of which modern republicanism is one variation, is not the only coherent politics. It may, however, be the only coherent politics in the extraordinary, but seemingly interminable, nuclear age.

49. Russell Hardin, *One for All: The Logic of Group Conflict* (Princeton: Princeton University Press, 1995), pp. 230–1.

50. See the chapters on Austria and Hungary in Louis Namier *Vanished Supremacies: Essays on European History, 1912–1918* (New York: Harper and Row, 1963).

51. See Gellner, *Nationalism*, p. 92.