

Cultural Nationalism and Just Secession

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Should the international community formally recognize the state of Palestine? Do the Uyghur people in the Chinese province of Xinjian have the right to secede from the People's Republic of China and create their own independent, sovereign state?¹ What about the Francophones in Quebec, the Tibetans in China, or the people of Northern Ireland? According to the *just-cause theory*, a group may secede from their current state and create a new one if the group suffered from serious injustice—e.g., colonization or serious human rights violations (Brilmayor 1991; Buchanan 1997; Norman 1998). On the other hand, the *plebiscitary theory* suggests that so long as the group wins enough votes in a referendum on secession, both the current state and the international community should recognize the legitimacy of the new state (Beran 1977; Copp 1998; Gauthier 1994; Philpott 1995; Wellman 2005). For supporters of these two theories, it does not matter what type of group is creating a new state. So long as the relevant conditions are fulfilled, any group may create its own state.

In contrast, some philosophers believe that it is important to examine the nature of the group. In particular, it matters whether the seceding group is a national group whose

¹ A right to secede does not imply a right to recognitional legitimacy. When a group suffers from systematic, state-imposed oppression, it may be justified in seceding from the current state. However, if the new state also violates the human rights of a sub-group, then the international community need not recognize the legitimacy of this new state (Buchanan 1999).

members share a *national culture*. Because this theory emphasizes a group's status as a national community, it is commonly referred to as the *national self-determination theory* or *the nationalist theory*. This theory holds that national communities have a *prima facie* right to govern themselves exactly because of their status as such.²

In this paper, I will consider the nationalist theory. Before proceeding, I should make two points of clarification. First, nationalism is commonly associated with two separate principles—*civic* nationalism and *cultural* nationalism. The former holds that citizens of the same state should share the same culture. If they do not, then the state should implement public policies to create a shared civic culture. In contrast, cultural nationalism holds that a national community with a shared culture should have its own state. If it does not, then it has the right to create one. This paper will consider the soundness of the cultural nationalist claim only. Second, a national group may claim to have many different rights other than the right to create a state—e.g., the right to cultural preservation or proportionate representation. This paper will not consider the other possible rights of national groups but will focus only on their purported right to establish a sovereign state.

The principle of cultural nationalism holds that every national community, simply by being a national community, has a *prima facie* right to self-government (Margalit and Raz 1990; Miller 1995; Nielsen 1996; Tamir 1993). If one wants to claim that only national communities enjoy this right, she must explain why this particular type of group is entitled to

² Here, I shall give cultural nationalists the benefit of the doubt and assume that it is possible to draw clear boundaries between the new and the old states. This assumption, however, does not apply to national communities whose members live intermingled with members of other groups. When this happens, two groups may have competing claims to the same territory (Lee 2014, 207-211).

the right to self-government. In this paper, I will analyze the strategies that a cultural nationalist may adopt in defense of the right to self-government. In section I, I explain how we should understand the cultural nationalist claim. In sections II, I consider four arguments for cultural nationalism—the *Argument from Historical Injustice*, the *Argument from Inequality*, the *Instrumental Value Argument*, and the *Intrinsic Value Argument*. I critically examine these arguments and explain why they fail. I then describe three reasons why cultural nationalism must be rejected in section III. Cultural nationalism must be rejected because it can be used to justify colonialism, it undermines inter-group cooperation, and it is incompatible with multiculturalism. In section IV, I consider three objections and respond to them. I conclude that none of the arguments successfully justifies the generalized claim that all nations have the right to self-government.

I. Understanding the Cultural Nationalist Claim

Cultural nationalists claim that every national community, just in virtue of being a national community, has a *prima facie* right to create its own independent, sovereign state. This is so unless there are countervailing reasons not to do so. This claim takes the form “all X’s have a right to ϕ ,” where ‘X’ refers to national communities and ‘ ϕ ’ refers to independent statehood. At a minimum, this claim requires that the international community “treat like cases alike.” Whatever is granted to one group on account of its national culture—rights, benefits, or status— must also be granted to other national groups.

To justify the principle of cultural nationalism, proponents must explain the reason why national communities are singled out for the right of independent statehood. The argument structure for such a right would be similar to that for human rights or any other right. For instance, to claim that all humans have rights to life and liberty is to claim that all human beings, just in virtue of being human, have these rights. Whatever it is that makes one human being entitled to those rights—rationality, humanity, or membership in a certain

species—all human beings possess that quality somewhat equally. If so, we must grant each human being the same rights. Similarly, to claim that all animals have rights against cruel treatment, one must explain what it is about animals that entitles them to this right. If all animals, human and nonhumans alike, have the capacity to suffer, then this fact alone confers on all of them equal rights against cruel treatment. Furthermore, once we learn the basis of those rights, we have the information necessary to determine to which rights humans or animals are entitled. This information can also help us to determine whether those rights are adequately protected by social institutions.

Likewise, if cultural nationalists wish to claim that all national communities possess the same right to independent statehood, they must first explain what grounds this right for all national communities. If this quality applies equally to all national communities, then all national groups would enjoy this right equally. To claim that a national community or the members thereof have a certain right that belongs exclusively to them but not to other types of groups, one must first explain why such a group, but not others, should enjoy this right. In other words, one must respond to Allen Buchanan's challenge: "What's so special about nations?" (1996) Thus, in order to justify a national group's right to self-government, the very first step is to explain the moral value or status of such groups. Once the value of a national community is clarified, we can go on to examine whether it should also be granted the right to self-government.

Therefore, to critically evaluate the cultural nationalist claim, we must begin by understanding what a nation is. Once we understand what it is, we will be in a position to consider the moral status of such a community. Theorizing national culture is very difficult—different national communities have different cultures; even the same community can have very different cultural characteristics at different times (Kymlicka 1995, 104). Not surprisingly, there is controversy surrounding the definition of a national culture (Bauer 1996,

39-77; Kymlicka 1995, 76-80; Miller 1995, 21-27; Moore 2001, 5-9; Patten 2014; Podoksik 2017; Tamir 1993, 63-69; Yack 2012). Here, I cannot go into the details of the complicated debate regarding the definition of a national culture. To help readers get a sense of what a national culture is, I will describe briefly some of these theories and give some examples. This way we can move on to examine the arguments for cultural nationalism.

Philosophers have typically defined national communities with reference to their subjective and objective features. Subjectively, members of a national group typically identify themselves as such and feel attached to the group's homeland and culture. Objectively, we may observe that members of a national culture typically share a history, culture, language, religion, traditions, and customs. For instance, Will Kymlicka defines a national culture as "an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history" (1995, 18). David Miller suggests that there are five distinctive elements in a national community. A national community is composed of a group of persons with shared beliefs and mutual commitment, that it extends in history, is active in its character, is closely tied to a particular homeland area, and can be marked off from other of communities by its distinct public culture (1995, 27). In addition, Bernard Yack characterizes nations as "a categorical community in which the sharing of a singular and contingent cultural heritage inspires individuals to imagine themselves connected to each other—and to certain territories—through time by ties of mutual concern and loyalty" (2012, 70). Further, Alan Patten defines a culture as "what people share when they have shared subjection to a common formative context" (2014, 39).

The exact definition of a national culture is a complex issue that requires a more detailed discussion than I can afford here. In this paper, I shall assume that a national community is quintessentially a *cultural entity whose members share a language, culture,*

and history. Examples of nations include the Pangaah Irish, Koreans, French, Germans, Kurds, and Tibetans. As these examples show, some nations (e.g., Koreans and Germans), have their own sovereign states, others have their own autonomous governments (e.g., Tibetans), and still others do not form any kind of government (e.g., Kurds). Notice that a national community is different from an ethnic group—members of the same ethnic group shares the same ancestral lineage or bloodline, but members of the same national community need not share the same ethnic origin (Moore 2001, 6; Nielsen 1997).

Now that we have a sense of both what national cultures are and what a national culture is, we may go on to consider whether national communities have the right to self-government. Notice that the cultural nationalist claim is different from the federalist thesis advocated by *second-wave nationalists*—e.g., Helder De Schutter (2007), Wayne Norman (2006), and Alan Patten (2014). While cultural nationalists argue that national groups possess certain rights and entitlements, supporters of federalism may or may not agree with this claim. The federalists are concerned with the *best institutional arrangement* in multinational states, not with who has a right to what. Here, I will not consider the political value of federalism. I will consider only the cultural nationalist claim that a national group as such has a right to self-government. Then, in the following sections, I will consider the soundness of cultural nationalism.

II. Four Arguments

a. Historical injustices

National communities are rooted in history. The formation and development of a national culture takes space and time. Nations typically have a homeland where the shared national language, culture, and history are formed and developed. Thus, nations can often trace their origin to some historical homeland. True and fabricated stories about past glories are told as a way of connecting with one's ancestral history (Anderson 1991; Patten 2014; Yack 2012). It

is not surprising that members of a national community are often deeply attached to their historical homeland.

The most commonly accepted argument supporting a group's claim to sovereign statehood appeals to a group's entitlement to its homeland. This argument usually takes the form of an argument from *historical injustice*. According to Margaret Moore, indigenous groups have the right to self-government because they were incorporated into the current society against their will, and the current state government has manifestly failed to work in the best interests of these groups (2003, 90, 100). Moreover, these groups were excluded from the decision-making process through which the current state government was created (2003, 101). A government that incorporates an indigenous group into its current regime via deception, forced colonization, or settlement has no legitimate sovereignty over the group's historical homeland. Thus, the indigenous group has a right to create its own state; neither the current government nor the international community has a right to interfere.

We must be careful about the implications of the historical injustice argument. This argument does not imply that historical injustice conclusively or permanently defines the relationship between an indigenous group and the current state. There could be two radically different possibilities. Among unjustly included communities, some persistently resist the rule of the new government while others come to embrace its sovereignty. For instance, there are indigenous groups in the world that have, since their inclusion, consistently resisted the current government by violent or peaceful means. These groups seem to be in a better position to retain the justice-based claim to statehood. In contrast, some indigenous communities come to embrace the new government via various forms of consent, e.g., acceptance of governmental funding, participation in elections, etc. It seems to me that in the former case, a group may retain its right to restore the *status quo ante*, while in the latter the situation is more complicated. Further, it also seems to me that in the former case the state

has never earned its sovereignty, while in the latter case the group may come to accept the government and the state may thus gradually earn legitimacy over the indigenous community.

Consider, for instance, the aboriginal communities in contemporary immigrant societies such as the U.S., Canada, Australia, New Zealand, and Taiwan. These aboriginal communities were incorporated into the current societies against their will, at least at the beginning. Surely this fact alone gives these communities a right to re-claim their historical homeland and to deny the political authority of the current state government. However, aboriginal communities may come to embrace the new society, say, by re-negotiating the terms of cooperation. This is not to say that historical injustice can then be forgiven. Transitional justice demands that the government formally acknowledge past injustice. Sometimes it also requires that restitution be paid to victims (Murphy 2010, 128-131). Even when restitution is not demanded, it matters whether the government officially recognizes the past wrongdoing and publicly apologizes to the indigenous community. Once past injustices are recognized and proper restitution made, the society will be governed by new terms of cooperation, to which the minority nation has explicitly agreed.

The historical injustice argument provides the strongest defense for the right of *indigenous groups* that were involuntarily incorporated by the current state to secede from the current society and create their own governments. Other communities—nonindigenous, immigrant communities or indigenous communities that voluntarily formed a coalition with the current government—do not enjoy this right under the historical injustice argument. This argument is essentially an argument from anti-colonialism. Indeed, if an indigenous community was incorporated into the current society against its will, it has at least a *prima facie* claim to restore the *status quo ante*. Such a claim is not enjoyed by national communities that do not have a history of dispossession or colonization. Accordingly, the argument from historical injustice does not apply to all national communities, but only to

those that continue to suffer from and actively resist historical injustice. However, anti-colonialism applies to all groups suffering from unjustified colonization, whether the group has a unified national culture or not. At the heart of this argument is a rejection of imperialism and expansionism. Before French colonization, the tribes in Africa did not form national cultures. From a cultural nationalist perspective, this means that they lack a claim to independent statehood. However, if the point is to resist colonialism, then it does not matter whether these groups have a shared culture or not. If colonialism is wrong, then the colonial government should be removed, and the colonized have a right to decide whether and how they want to govern themselves. Thus, the argument from historical injustice fails to support the cultural nationalist claim that all national communities have the right to create their own states.

b. The Argument from Inequality

Next, let us consider the argument from inequality. Two separate claims are associated with the title “the equality argument for national self-determination”—*the formal equality claim* and *the reparation claim*. The formal equality claim holds that all nations are equally entitled to the right to self-government. To justify the formal equality claim, supporters must explain the moral value of a national culture and why groups with such cultures are entitled to govern themselves. I will consider these arguments, including the instrumental and the intrinsic value arguments, in sections c and d. In this section, I will focus on the reparation claim.

Supporters of the reparation claim typically begin by showing that national minorities are situated in socially disadvantaged positions due to their minority status. As a result, they suffer from persistent inequality—e.g., their desired policies and candidates are often outvoted by members of the majority group, they do not enjoy equal opportunity due to implicit or explicit cultural bias, etc. Such systematic inequality calls for redress. One way for multinational states to rectify such inequality is to give minority groups the right to self-

government (De Schutter 2007, 2011; Gans 2003; Kymlicka 1995; Norman 2006; Patten 2014). Before analyzing this argument, I should note that, as far as I know, no philosopher has actually appealed to the argument from inequality to defend cultural nationalism. Nevertheless, it is worthwhile to consider, strategy-wise, whether the argument from inequality can be used to support the cultural nationalist claim.

The type of wrong involved in the argument from inequality is different from the one involved in the argument from historical injustice. Inequality may exist even when there is no historical injustice. For instance, a group may agree to form a confederation with another one. When this happens, the group cannot claim that they suffer from historical injustice if both agree to the terms of cooperation and the terms are fair. However, even when the initial union was created fairly, it is possible that a group becomes significantly weaker, for instance because of population decline. When this happens, they become vulnerable to the types of disadvantages associated with being members of a minority national culture.

The argument from inequality begins by showing that members of minority groups suffer from *de facto* inequality. Once this is made clear, the natural second step is to ask how we can solve the inequality problem. How can we compensate for the losses of minority groups?

Kymlicka proposes that multinational states officially recognize certain group-specific rights of national communities, including the rights to proportional representation, cultural practices, and sub-state self-government (1995, 26). These rights are group-differentiated according to national membership because a group of citizens may suffer from inequality by virtue of their national membership. Nonmembers who do not suffer in a similar manner do not need these rights. In fact, giving members of the majority culture these rights would defeat the purpose of equal treatment. Notice that the package of group-differentiated rights may vary depending on the type of inequality and disadvantage a national group actually

endures. After all, the point of the argument from inequality is to treat citizens equally. This requires that the government take measures to compensate for the loss to citizens whenever unjustified inequality arises.

Although Kymlicka suggests that minority groups should enjoy the right of self-government at the sub-state level, one might wonder whether his argument entails that minority groups should enjoy the right to create their own states. Kymlicka suggests that we should be more open to the secessionist option; he thinks that there is nothing wrong with allowing minority groups to create their own independent, sovereign states (1995, 186).

Can the argument from inequality be used to support cultural nationalism? There are two reasons why I believe the answer is no. The first has to do with the type of *authority* involved in the right to self-government, and the second the type of injustice involved in minority status and how to redress it.

First, we may distinguish between two types of public affairs— those that are purely cultural and those that are not (Lee 2014, 212-8). To preserve a community's culture, a group needs to have authority over its internal, cultural affairs. However, this does not entail that it must also have authority over other types of affairs that are irrelevant to the well-being of its culture, or that also affect the well-being of nonmembers. In the case of personal autonomy or individual self-government, one's interest in autonomy justifies her authority over her self-regarding affairs only; it does not give her authority over other-regarding affairs. Likewise, a group's interest in cultural preservation would give it a right over its cultural affairs, but not over other types of affairs that affect the well-being of others (Moore 2001, 61). However, giving a national community the right to self-government will give them political authority not only over their cultural affairs, but also over other types of public affairs that are irrelevant to their culture. This is inadequate because it gives the group the authority to effect other-regarding affairs.

Supporters of cultural nationalism may wonder whether the majority group is already enjoying the authority over others-regarding affairs, given the political power they actually have. Depending on the how political power is distributed by state institutions, the majority group may or may not have political authority to effect affairs beyond their culture. This brings me to my second point. A state can be a nation state or a multinational state, depending on the design of its political institutions. If political power is distributed evenly among members of different cultures, then the society is a multinational state. If we are concerned about fair political cooperation between majority and minority groups, then laws and policies can be reformed to ensure equal participation and influence—quota in the legislature and various ad hoc committee, etc. That is, it is perfectly possible for institution arrangements to be made to ensure the equal distribution of political power. If so, then the state can reasonably be labeled a multinational state, not just a nation state—e.g. Switzerland, Belgium, or Canada. They may not be perfect, but these societies are by and large ruled by laws that offer equal recognition and protection for all constituent groups (Lee 2018). On the other hand, if political institutions are such that members of minority culture consistently suffer from systematic disadvantage, then fair cooperation is not possible and the group has a right to withdraw from the state.

If it is possible for states to be adequately multinational—by properly recognizing the national cultures of their constituent groups and allowing each proportional representation in the legislature—then it is not clear how a minority may claim the right to independent statehood by claiming to be victims of inequality. Creating a nation state is a rejection not of inequality, but of inter-group cooperation. I do not deny that many minority groups suffer from grave injustice or inequality because their government is dominated by the majority national group. Minority groups in these states have a right to create a state of their own because of the injustice they suffered. Nonetheless, a multinational state is still possible and

must be preserved. Giving minority groups the right to secede undermines multinational states. I will discuss this point in more detail in section III.

Thus, the argument from inequality cannot justify the generalized claim that all national groups have the right to independent statehood. It provides moral justification for minority groups to secede from nation states only, but not multinational states.

c. The Instrumental Value Argument

Some believe that a national group should be granted the right to create its own government because a national culture provides the ideal environment for effective democratic governance. A national culture can make substantive contributions to the successful operation of democratic institutions in at least three respects—by creating the kind of incentives necessary for the fulfillment of *civic duties*, and by contributing to both *deliberative* and *representative* democracy.

Shared fellow feeling is important for the successful running of democratic governments. For instance, there are several civic duties that a government needs its citizens to fulfill—such as paying taxes, joining the army, or fulfilling jury duties. If citizens do not share fellow feelings with one another, then it is likely that they will try to shun those duties. If enough people do so, society will have difficulty maintaining these important institutions. Such distrust is commonly observed among citizens who belong to different national cultures. On the other hand, if citizens share the same cultural lineage, they are more likely to trust one another and be willing to fulfill their civic duties. Other things being equal, it is better that citizenship coincides with membership in a nation (Miller 1995, 84).

In addition, shared national culture may also contribute to deliberative democracy and representative democracy. Members of the same national group are more willing to work with one another during the process of deliberative democracy and are more willing to make compromises for people with whom they share fellow feelings. This is because citizens who

share the same cultural background tend to trust one another more (Miller 1995: 98). Further, citizens who share the same national culture better know the needs and aspirations of one another and are more likely to represent their co-nationals better than a nonmember (Mill 1991, 228). After all, co-nationals share an interest in the preservation of the same national culture. Accordingly, a shared cultural background can help create conditions that are useful for democratic institutions. Therefore, if we value democracy, we must allow national communities to create their own states, because they are ideal candidates for functioning democracy.

Some might wonder if national cultures really do provide a nourishing environment for democratic institutions. One may question the extent to which co-nationals share fellow feelings or trust one another. Here, I will not explore these issues. Mutual trust and fellow feelings are matters of fact that can be verified only by empirical investigation.³ Regardless, I will assume that these claims are true—co-nationals tend to trust one another more and share common sympathies.

Would this concession help establish that national communities have the right to independent statehood? There are at least two reasons why it would not. First, one may observe similar qualities of mutual trust and fellow feelings among other types of groups—

³ Currently there is no study that examines the correlation between identification with a national culture and willingness to support relevant public institutions. One type of study that might shed light on our understanding of the relationship between mutual trust and willingness to make contribution to support public institutions are studies that examine the correlation between the level of identification with a state and the willingness to support tax or welfare schemes (Hjerm and Schnabel 2012; Miller & Ali 2014). There is no consensus among researchers that a positive correlation exists.

for example, a gang, a family, or a neighborhood. However, we do not believe that these groups should also be granted the right to create their own democratic governments just because they have qualities that are potentially beneficial for democratic institutions. Second, most people do not believe that just because an individual or a collective agent shares certain qualities which are instrumentally valuable to a certain institution, that agent automatically obtains a right to the creation of that institution. Thus, the instrumental value argument cannot justify a national group's right to create a government.

A proponent might insist that groups demonstrating instrumental qualifications for creating sound democratic states have some type of *pro tanto* right to pursuing their aspiration of political autonomy. That is, she may believe that groups have done nothing wrong in attempting to create their own states. This might be the most reasonable interpretation of the instrumental value argument. However, even though it may be all right for groups to engage in nation-building projects, this still does not justify the group's right to do so. I will consider this objection in more detail in section VI. ii.

Perhaps the appeal of instrumental value is still too weak to justify any claim to national sovereignty. Next, I will consider arguments that appeal to the intrinsic value of a national culture.

d. The Intrinsic Value Argument

Two separate theses are associated with the intrinsic value argument. One makes a claim about the intrinsic, non-instrumental value of a *national culture*, and the other about the intrinsic value of a nationalistic institution—namely, a single *nation state*. It seems obvious to me that the latter claim is quite incompatible with the contemporary liberal values of pluralism and multiculturalism. I will consider reasons why this is so in section III. In this section, I will consider the argument for the first claim only. This argument holds that all

nations enjoy the right of self-determination equally because national cultures have intrinsic value.

The intrinsic value argument attempts to justify the political rights of a national community by appealing to the intrinsic value of a national culture and identity. Supporters of this argument argue that because national identity and culture are very important, the protection of these interests would be sufficient to justify at least a *prima facie* right to the various means by which a community can protect its own culture (Caney 1997; Margalit & Raz 1990; Miller 1995; Nielsen 1996; Tamir 1995). In other words, they assume that if something is intrinsically valuable, recognizing this fact requires that we grant relevant parties a *prima facie* right to *all the means necessary or useful* to protect that value.

To explain the connection between the preservation of a national culture and the right to independent statehood, cultural nationalists argue that the creation of a sovereign state is an important, and most likely the best, way for a national community to preserve its national culture. David Miller points out that the preservation of a national culture often involves the cooperation and coordination of individual members (1995, 87). This can hardly be achieved by individual efforts and requires the regulation of political institutions. Creating an independent state is the best way for a group to ensure the survival and flourishing of its national culture. Thus, cultural nationalists believe that an independent state is a political institution to which a national community has a *prima facie* right.

Notice that a nation's right to independent statehood is neither absolute nor unlimited. It must be weighed against the same right of other national communities, as well as other more fundamental rights. For instance, we can imagine a situation in which the members of two national communities happen to live intermingled with one another. If one of them were to create an independent state, this would inevitably conflict with the same right of the other group and heighten the tension between these communities. Cultural nationalists agree that

under these circumstances a national community cannot exercise its right to create a state. This right is a *prima facie* right and can sometimes be overruled by other more important rights. In other words, even though all nations have this *prima facie* right, not all nations can exercise it.

Does the intrinsic value argument successfully justify the principle of cultural nationalism? The intrinsic value argument identifies qualities and values that are inherent in national cultures. Thus, this argument can possibly justify claims and rights that all national communities have. The next question is, what are those rights? Do they include the right to create a nation state?

Let us examine the intrinsic value argument by looking at its structure. This argument tries to justify a nation's right to an independent state by making two claims: First, national cultures and identities are intrinsically valuable. Second, creating an independent state is the best way for a national community to protect its identity and culture. Thus, a national community has the right to create an independent state. In other words, the reason why a national community has a *prima facie* right to create an independent state is that this right contributes instrumentally to the preservation of something with intrinsic value—namely, a national culture. If I have a right to V, it seems that my right to V would entail that I also have the right to adopt the means that would help me obtain V, at least when my doing so would not be in conflict with other people's rights to V.

Can one justify an agent A's right to do X by showing that doing X is the best, or even the only, means for her to preserve an important value or interest? I believe that we cannot. To see why, it will be helpful for us to consider one of Judith Jarvis Thomson's thought experiments. In the famous violinist example (1971, 48), it is assumed that the reader can save the life of a famous violinist by having her circulatory system plugged into that of the violinist. Most would agree that the life of the famous violinist is intrinsically valuable,

but most people would deny that the violinist has a right to use the reader's body without her consent. It would be very nice if the reader decided to stay attached to the violinist to save his life, but the violinist does not have the *right* to use the person's body, even though he clearly has a right to life. In other words, the right to life does not automatically entail the right to *all the means necessary* to save one's life. In a later section of the same essay, Thomson asks us to consider a hypothetical situation in which her life could be saved if her fevered brow could be touched by Henry Fonda's cool hand (1971, 55). Again, even though we acknowledge that Thomson has a right to life, her right to life does not give her a right to demand Fonda's touch. In both cases, even though a human life is in danger, we do not think that the dying person has the right to the means necessary for sustaining her life, even when that is the *only* means.

Likewise, recognizing the intrinsic value of a national culture would not entail that we must also recognize a nation's *prima facie* right to the means necessary to preserve its culture. If so, then the intrinsic value argument still fails to justify the right of a national community to create an independent state.

III. Positive Arguments: Why Reject Cultural Nationalism?

So far, I have tried to refute four arguments for cultural nationalism. Because proponents may come up with new arguments not considered in this essay, readers may wonder whether my objections are sufficient to refute the cultural nationalist thesis. That is, even if my arguments are sound, I still have not yet conclusively refuted cultural nationalism.

Although I believe that national identity and culture are important, and that national communities should enjoy certain group-specific rights to protect their national cultures, I will argue that it is a bad idea to give national communities rights to create their own states. In this section, I will consider three reasons why we must reject cultural nationalism. Some of my reasons were mentioned briefly in earlier sections. First, cultural nationalism can possibly

justify some form of colonialism and colonialism is wrong. Second, cultural nationalism undermines cooperation among different national communities in multinational states. Lastly, cultural nationalism is incompatible with the value of multiculturalism. If my arguments are sound, then there are strong reasons to reject cultural nationalism.

i. Cultural Nationalism Lends Moral Support to Colonialism

Let us assume for the sake of argument that cultural nationalism is a sound moral principle. What would this mean? It would mean that any group with a unique culture is entitled to create its own state, unless there are countervailing reasons not to do so. This means that indigenous as well as nonindigenous immigrant groups are equally entitled to create their own states. This seems implausible. Indigenous groups have rights to the territorial area of their homeland by virtue of a history of residency. Nonindigenous groups, on the other hand, do not enjoy this right. If a nonindigenous, immigrant group is also entitled to create its own state outside of its homeland, then the claim of the immigrant group will clash with that of the indigenous group. Most people think that in cases like this, only the indigenous group enjoys the right to have its own state in the same territorial area, or at least the indigenous group's claim outweighs that of the nonindigenous one. The question is, why is this so?

If the reasons are based on the group's status as national groups or on their interests in cultural preservation, then given that both indigenous and nonindigenous groups are equally national groups and have strong interests in preserving their separate cultures, the claims of both are equally strong. In other words, culture-based reasons alone cannot explain why the indigenous group has a right or a stronger claim. The most plausible explanation must appeal to the indigenous group's right over its homeland. Once this is established, it does not matter whether another group has a national culture, or that its culture is declining—the indigenous group has the right to territorial sovereignty over its homeland and other national groups must respect its right.

Moreover, if a nonindigenous group can claim a right to create a state by virtue of having a culture, then national groups can use this principle to create new states outside their homeland. Cultural nationalism can then be used to justify colonialism and settlement policies. There are some controversies surrounding why colonialism is wrong—some argue that the wrongness lies in the violation of the right of national self-determination, others suggest that the wrong is in the violation of territorial rights, while still others claim that colonialism displays a distinct type of procedural wrong (Ypi 2013). Regardless of the disagreement regarding the nature of the wrongness of colonialism, it seems that most people agree that colonialism is wrong (Valentini 2015; Ypi 2013).

Some might think that allowing nonindigenous groups to create their own states within the boundaries of an existing state is not necessarily a bad thing. Having two separate states might solve the problem of irreconcilable difference. I agree. However, there is a difference between the claim that it is not a bad thing and the claim that the group has a right. The former does not justify colonialism, but the latter does.

ii. *Cultural Nationalism Undermines Inter-Group Cooperation*

Moreover, if the preservation of a national culture is considered to provide a sufficient reason for creating one's own state, then stable cooperation among different groups would be undermined. There are two ways in which multinational states are formed—by voluntary or involuntary coalition. In cases in which the coalition is involuntary, a group can claim a right against colonialism and create its own state, as discussed in section II. What about cases in which groups agree to form a coalition with other national groups?

Consider the case of Switzerland. Let us assume that all constituent groups—the German-speaking, French-speaking, and Italian-speaking cantons—agreed to form a confederation and abide by the terms of cooperation. If so, each participating group has some rights and duties, and if all goes well each group is entitled to expect that cooperation will

continue. Now, imagine that all participating groups act according to their agreement. Can any group unilaterally withdraw from such an institutional arrangement? I think most people would say no. Here, we see how cultural nationalism undermines cooperation among groups. If cultural nationalism is sound, then a group can unilaterally withdraw from such cooperation without consulting the other groups. Such a principle clearly undermines the steady cooperation among different national groups. It is not clear why the fact that a group has its own culture gives it a right to unilaterally secede from a multinational state.

iii. *Cultural Nationalism Is Incompatible with Multiculturalism*

Readers may wonder whether the objections I raise against cultural nationalism are just based on competing values that can override a national community's right to create a state. My first argument appeals to an indigenous group's claim to historical homeland and my second argument the value of agreement. Perhaps these are not evidence that cultural nationalism is not a value, but only that there are other competing moral and/or political values. These are fair points. Here, I want to make the stronger claim that cultural nationalism is not a political value, at least from the perspective of liberalism. Cultural nationalism is incompatible with an important contemporary liberal value, namely, the value of multiculturalism.

As discussed in Section III, it is not clear why each nation must have its own state. If nation states are considered ideal political institutions, then multinational states, regardless of their design and practice, are never as good. This is a very narrow-minded assumption. Although supporters of nationalism are justified in being concerned with the well-being of minority cultures, cultural nationalism does not provide the right solution. The reason is that according to the cultural nationalist thesis, the value of national identity is sufficient to justify a group's right to create an independent government. This thesis is inherently anti-pluralistic and allows public institutions to favor one particular group. If cultural claims can justify the creation of a state institution, then the resulting state will be closely tied to one particular

national culture, but not others. This will result in an exclusionary government, a political institution that favors the majority national group only. This is unfair to nonmembers who are also members of the nation state.

Cultural nationalism attempts to solve a cultural problem by means of a particular set of institutions—namely, the state government. However, a state government is supposed to protect the well-being of all citizens, not just citizens with a particular cultural background. Thus, cultural nationalism is incompatible with multiculturalism.

VI. Objections and Responses

i. National Identity—Cultural or Political?

Readers may wonder whether I have interpreted the cultural nationalist claim correctly. Perhaps what cultural nationalists really want is to protect their *political* identity, not their *cultural* identity (Patten 2014, 239). The point is not to preserve a nation's culture, or to recognize the group's cultural identity. Rather, what cultural nationalists really want is to have their political identity formally recognized in political institutions. This explains why having a nation state is so important for proponents, as it is political recognition that drives nation-building projects.

If this is what national communities are really after—to preserve their political identity, not their national culture or identity, then proponents must be more forthright about this and stop using cultural preservation as a pretense. Besides, even if national identity is about political identity, not cultural identity, this does not mean that a group is automatically entitled to a right of formal recognition. Citizens may have diverse political identities—as Democrats, Republicans, liberals, feminists, etc. However, one does not have a right to have one's identity formally recognized by state institutions just because she has a political identity. A Republican may identify herself as such and wish to shape political institutions according to Republican political ideals. If so, she can exercise her right to freedom of

association and form a political party together with those who share this political identity. However, she does not have a right to demand that state institutions formally recognize her Republican political identity by creating a republican state. Having a political identity alone does not immediately entail a right to formal recognition, not to mention a right to create a separate state.

ii. *The Weight of the Cultural Nationalist Claim*

Moreover, readers may wonder whether the cultural nationalist claim is more modest than the one I present here. Many cultural nationalists make it clear that they are talking about *prima facie* or *presumptive* rights, not absolute rights (Miller 1996, 265; Nielsen 1998, 110). Thus, their point is that if a group wishes to pursue its aspiration of establishing its own nation state, what they do is quite alright; there is nothing wrong in pursuing a group's political ideal.

This, I think, is a fine interpretation of the cultural nationalist claim. However, we need to be careful about the distinction between different types of rights-claims. There is a difference between saying that *doing X is all right* and *I have a right to do X*—the former does not entail a duty but the latter does. The cultural nationalist claim as I interpret it at the beginning implies that a national community has a right to create a state and that other states in the international community have a duty to recognize the legitimacy of the new state and even to assist them in their endeavor. However, the new interpretation, which says that it is all right for national communities to engage in nation-building projects, does not imply that. The reason is, when we say that it is all right for an agent to do X, we typically mean that the agent's X-ing is permissible; however, this does not imply that others have a duty to do anything. For instance, it might be all right for me to park my car at the parking space outside my house; however, this does not mean that, if someone has already parked her car there, she has a duty to move her car and let me park my car in that particular space. On the other hand, if I say that I have a right to park my car in that particular spot, I am implying that others

have to respect my right by not parking their cars in that particular spot or leaving any obstacles there. In other words, when I have a right, my right imposes some duties on others.

Therefore, if a group has a right to create its own state, then others have a duty to recognize the legitimacy of the new state. However, if proponents are only saying that it is alright for national groups to engage in state-building projects, then no one has any obligation to assist in their effort or to recognize the legitimacy of the new state.

Under the new interpretation, although it is all right for a group to pursue its political aspirations, other parties are not under any duty to recognize the legitimacy of the new state. Thus, national groups still do not have a right to create their own nation states under this new interpretation.

iii. No Foundation for Legitimate States?

Lastly, readers may be concerned with the implications of my argument. If my arguments succeed, it seems that no form of identity can ever ground a group's right to create a state. If so, then a nation's culture cannot be used to justify the formation of a state. Wouldn't this entail that no state is ever justified in coming into existence? On what ground can we justify the creation and formation of existing states? Does this mean that all existing states are not justified, and thus not legitimate?

This analysis is only partly correct. My theory would entail that, in the Hobbesian State of Nature, no group is justified in creating a state by claiming that they share an identity and wish to express their identity by forming a state that excludes others. Does this undermine the legitimacy of existing states? No, because no existing state is the result of a group of people sharing the same national culture and wishing to form their own nation state. In other words, my denial of the claim that national identity can serve as a source of title (Margalit and Raz, 1990, 442) would not hurt any state because none can appeal to this claim.

Still, I should emphasize that although no group has a right to create a state, this does not mean that I cannot recognize the legitimacy of existing sovereign states. Many existing states were created against a historical background of injustice, including slavery, colonialism, and even unjust war. There are good reasons to doubt whether the founders of these states had a right to create these states. Still, this does not mean that governments as they exist today cannot be considered legitimate. My theory would not imply that we must overthrow all states that do not have a just beginning. Even philosophical anarchism does not require that we overthrow all existent states. Similar to the point I made in section II, it is possible that a state was created in an unjust way, but becomes justified by virtue of the provision of certain public services, including policies of transitional justice. Here, I cannot explain the criteria with which we may evaluate the legitimacy of existing states. The important point is that, although many existing states were created under unjust conditions, this fact does not make it impossible for them to become legitimate.

Finally, readers may be concerned that my theory cannot explain when a group of people can come to create a state, and for this reason my theory is not complete. My response to this challenge is that there are in the history of existing states many injustices, and we should not try to cover these up. Still, saying that there is injustice in the history of a state does not mean that the state must be destroyed. A history of injustice must be rectified, so that the existing institution can become fully just. We should not pretend that states must have a morally sound beginning to enjoy recognitional legitimacy. Such a theory may be complete in the sense that it can explain the origin of legitimate states. Still, it has the fatal flaw of being untrue. We should not pretend that existing states have a sound moral origin because it is simply untrue. In addition, we should not prioritize the value of completeness of a theory to the detriment of truth in history. As John Rawls suggests, “A theory however elegant and economical must be rejected or revised if it is untrue” (1971, 3).

V. Conclusion

In this chapter, I have explained why the four arguments in favor of cultural nationalism—the Argument from Historical Injustice, the Argument from Inequality, the Instrumental Value Argument, and the Intrinsic Value Argument—fail to justify a right to national self-determination. I have also described three reasons why cultural nationalism is not a desirable political principle. While I believe that the preservation of national identity and culture is important, this does not mean that national groups therefore enjoy rights to create their own nation states. Because the cultural nationalist model is inherently problematic (for reasons discussed in section VI), we must seek alternative ways (e.g., rights to special representation or cultural preservation) to preserve a nation's culture and protect members' interests. Just as early democratic thinkers advocated the separation of church and state, I advocate the separation of nation and state. The outdated nation state model belongs to the past, not the future of pluralistic democratic societies.

Notice that my thesis is not that a national group should never be allowed to create its own state, but that there is *no right to national self-determination*. To attempt to create a state, a group may appeal to any of the three theories I mentioned at the beginning—the just-cause theory, the plebiscitary theory, and the nationalist theory. Here, I have rejected the last option only. However, a group can still appeal to either of the other two options to justify its demand to create a state. For instance, an indigenous community involuntarily subsumed by a colonial government has a justice-based right to resist colonial rule and create its own state. Other types of national communities must either identify some type of injustice (e.g. systematic rights violation) or, when no injustice is involved, initiate a referendum on secession.

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