AN ANALYSIS OF THE PRINCIPLE OF NATIONAL SELF-DETERMINATION

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ABSTRACT

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The purpose of the thesis is to clarify the meaning of the principle of national self-determination. The principle is factored into its component parts and each is examined in turn. It is argued that the extent of the principle is ambiguous, that there is no justification for restricting it to nations, that there is no clear objective or benefit to be expected from a universal application of the principle, that nations normally do not possess rights, and that nations cannot determine themselves in any important sense of the term.

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INTRODUCTION

The purpose of this thesis is to analyse the principle of national self-determination: the claim that every nation has the right to constitute an independent state and determine its own government. The analysis is intended to clarify the meaning of the principle of national self-determination and will proceed by factoring it into its component parts and examining each in turn. Thus the starting-point for this study is an inquiry into the nature of the unit that is supposed to possess the right to self-determination, i.e., the nation. Based on a clarification of the notion of a nation, the study will proceed to a consideration of the notion of a nation possessing a right, and the notion of national self-determination.

I

WHAT IS A NATION?

> The simplest statement that can be made about a nation is that it is a body of people who feel that they are a nation; and it may be that when all the fine spun analysis is concluded this will be the ultimate statement as well.
>
> Rupert Emerson

To describe the nature of a nation has been a perennial problem of political thought. The problematic character of this enterprise is reflected in the great diversity of descriptions that have been presented by both historical and contemporary political thinkers. In this chapter, the most common and recurring elements of descriptions of nations will be examined. The purpose of this exercise is to clarify the nature of what we ordinarily call nations.

A nation is characteristically associated with a particular territory which has been called its "national homeland". However, the nature of this association is often expressed ambiguously. It is often proposed, for example, that a nation occupies a common territory. Such a claim is open to more than one interpretation. On one reading, it might be suggested to the reader that the

territory occupied by a nation is contiguous. Although this is often true, it need not be true; and there are many examples of nations that do not occupy a contiguous territory. There is no territorial contiguity between France and Corsica that does not exist between Italy and Corsica; yet Corsica is considered part of the national homeland of the French. Similarly, the small islands near Newfoundland, St. Pierre and Miquelon, are inhabited by the French; there is, however, absolutely no contiguity between these islands and the mainland of France.

On another reading, the claim that a nation occupies a common territory may suggest that the territory occupied by a nation has peculiar geographical features that serve to distinguish it from the territories occupied by other nations. An example of such a view is voiced by Louis L. Snyder.

> Nations were originally formed in a narrow geographical area between natural boundaries . . . As the population increased, the neophyte nation began to look for wider and more satisfactory natural frontiers, such as oceans, rivers, seas, mountains, and forests. (1)

This claim is simply and obviously false. Few, if any, nations are the product of the growth of one small population that sought wider and more satisfactory natural

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1 Louis L. Snyder, The Meaning of Nationalism, (New York: Greenwood, 1968), p. 25.

frontiers as it grew. Most nations, such as the French, Italians, Germans, and Americans are composed of a mixture of many populations. Moreover, few contemporary nations have, or ever had, a distinctively natural boundary. Nations are the product of a complex combination of political, economic, and social forces. Furthermore, they may be considered accidental entities in the sense that the present-day configuration of nations could have been different if some historical event had turned out differently. Had the French won the Battle of the Plains of Abraham, it is quite likely that North America would have a different character today. Similarly, had the South won the American Civil War, it is likely that it would have become a nation quite distinct from the nation from which it seceded. Secondly, most of the nations of the world are not circumscribed by anything that could be called a natural boundary. The great majority of national boundaries are not natural, but political; and in the main, they have been established by political agreements and military force.

It is generally true that a nation is associated with a particular territory or territories. The territory associated with a particular nation, however, need not have any special features. The territory associated with a particular nation need not even have a well-defined boundary. Border disputes, such as the historical French-German dispute

over the Saar, seem to be evidence of an ill-defined boundary. Most importantly, there is no justification for assuming the necessity of a long-standing historical association of a nation with a particular territory.

> In the always troublesome case of Pakistan there is no good reason to assume any traditional identification of a Pakistani nation still in the making with even an approximation of the divided lands which came to it . . . The boundary lines which were drawn in 1947 correspond to no established territorial division between the two great creeds but only the need to bring together in the new state the areas in which Moslems predominated. (2)

The word 'nation' has been used in different senses. One of the modern and common senses in which 'nation' can be used is synonymous with 'state'. The word 'state' refers to ". . . those political bodies which successfully claim the attribute of sovereignty, i.e. legal independence from any other human organization . . . "[3] In this sense, every state forms a nation, and every citizen is a member of the nation.[4]

This is an accepted use of the word 'nation'. It is not uncommon to refer to states as nations, to the relations among states as international relations, and to the

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[2]Rupert Emerson, From Empire to Nation, (Boston: Beacon, 1960), p. 107.

[3]Benjamin Akzin, State and Nation, (London: Hutchinson, 1964), p. 8.

[4]Frederick Hertz, Nationality in History and Politics, (New York: Humanities, 1943), p. 7.

debt of a particular state as the national debt, and so forth. There is, however, another sense in which the word 'nation' is used. In this second sense, a nation is a group of people which constitute a sort of ethnic group. The individuals which constitute a nation either are, or are believed to be, associated with one another by social characteristics such as common history, character, and culture. It is this sense of the word 'nation' which is important to the present study since it is such a group that is sometimes said to form the proper unit for sovereign government.

Overlooking, or denying the second sense in which the word 'nation' is used, where it is not synonymous with 'state', can only lead to difficulty and confusion. It would be necessary, for example, to deny (in the face of ordinary usage) the fact that each of the Scottish, the Welsh, and the English are nations since it is the three of them together, along with the Irish of Northern Ireland, that are encompassed in the state of Great Britain. Similarly, after World War II, the western boundaries of Poland were moved westward to incorporate the inhabitants of Silesia. It would be necessary to claim, given the first usage, that they suddenly became Poles in spite of the fact that they were largely born as Germans. Finally, if 'nation' were used as an exclusive synonym for 'state', then any discussion of national self-determination would become a discussion of the sovereignty of states,

whereas discussions of national self-determination concern, usually, the political independence of groups of people, such as the Sudeten Germans in Czechoslovakia or the Ibos in Nigeria, who are not represented by a state of their own.

It is often argued, particularly by the "ordinary man", that language is the identifying characteristic of a nation; i.e., the people that speak the same language belong to the same nation. Language, however, cannot be an essential characteristic of a nation because many nations are multilingual. Belgians speak French or Flemish, Fins speak Finnish or Swedish, and the Swiss speak French, German, or Romansh. The language criterion for identifying nations is further weakened when one considers the number of nations that share the same language. English is the language of many nations including the Americans and Australians. German is spoken by the Swiss, the Austrians, and the Luxemburgers. Spanish is spoken by the majority of nations in South and Central America. Consequently, language does not appear to be even an unrefined guide to identifying or distinguishing nations.

Both the "ordinary man" and the theorist have been known to claim that the people constituting a nation share a common history. This characteristic of nations appears in many and different conceptions of nation. According to Sir Ernest Barker, a common history is the necessary prerequisite for the "common stock of thoughts and feelings" and the "comm-

on will" that makes a group a nation.[5] That a nation has a common history is central in Ernst Renan's definition. It is one of the constituents of the "soul" or "spiritual principle" that Renan calls a nation.[6] Boyd Shafer, however, challenges the view that nations have a common history.

> A common group history . . ., if it goes back much beyond the nineteenth century, is for most contemporary peoples almost fictional. It is real only in the sense that they have come to believe in it. The belief is real; the actuality never existed. (7)

In the foregoing, attention is tacitly directed to a noteworthy distinction: the notion of a common history can be understood in an objective and a subjective sense. In the objective sense, the common history of a nation dates back to the time that it was recognized as a distinct society. Shafer is quite correct in his claim that the common history of a nation refers to the beliefs that the members of a nation commonly hold about their past. This can resemble mythology in some cases. ("Spanish kings were traced back to Tubal, grandson of Noah."[8]) In other cases, it is merely a glori-

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[5]Sir Ernest Barker, National Character and the Factors in its Formation, (London: Methuen, 1927), p. 17.

[6]Ernst Renan, "Qu'est-ce qu'une Nation?", in Louis L. Snyder, ed., The Dynamics of Nationalism: Readings in its Meaning and Development, (New York: D. Van Nostrand, 1964), p. 9.

[7]Boyd C. Schafer, Nationalism - Myth and Reality, (New York: Harcourt, Brace & Co., 1955), p. 54.

[8]Ibid., pp. 54-55.

fied version of actual historical events. Jeanne d'Arc, for example, is generally considered to be the greatest symbol of French patriotism, but she fought not so much for her nation as to restore her rightful king and stop the fighting in France so that the Christians could unite against the infidel.[9]

Ernst Renan considers the subjective version of a nation's common history to be an integral part of a nation.

> A nation is a soul, a spiritual principle. Only two things constitute this soul, this spiritual principle. One is in the past, the other is in the present. One is the possession in common of a rich legacy of remembrances, the other is the actual consent, the desire to live together, the will to continue to value the heritage which all hold in common. (10)

Such a view is untenable. The members of a nation need not believe that they possess a rich legacy of remembrances in common; nor is it necessary for them to show any evidence of the wish to live together. The Irish of Northern Ireland share a common history, in the objective sense, if anyone does. The present civil strife between the Protestants and the Roman Catholics, however, seems to testify that they do not wish to live together and that they do not value their common heritage. Their legacy of remembrances includes memories of events such as the Protestant victory at the battle of the Boyne in 1690 where William III defeated

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[9]Ibid., p. 55.

[10]Renan, op. cit., p. 9.

James II. Such historical events are generally viewed from different perspectives and have served as a source of division rather than unity within the nation. In varying degrees, the same holds true for most nations. Among Canadians, there have been many instances of friction between anglophones and francophones. Indeed, the historical origin of the Canadians can be traced back to the battle of the Plains of Abraham in 1759 where the British defeated the French and, thus, determined the fate of the territory and the people that were to become Canada and the Canadians. The Americans and the Spaniards have both fought civil wars. Obviously, a nation need not even believe that they have a common history in any important sense of the word.

Closely related to the view that the people that constitute a nation have a common history is the view that they have a common destiny. These views are often found together.

> The nation is a community of people who feel that they belong together in the double sense that they share deeply significant elements of a common heritage and that they have a common destiny for the future. (11)

There are at least two possible interpretations of the notion of a common destiny. In the first sense, the common destiny of a nation could be understood as the special purpose or mission of a nation. Senator A.J. Beveridge, for example, believed that the American nation had such a destiny.

11Emerson, op. cit., p. 95.

> And of all our race He (God) has marked the American people as His chosen nation to finally lead in the regeneration of the world. This is the divine mission of America and it holds for us all the profit, all the glory, all the happiness possible to man. (12)

In this example, the special mission of the Americans has been ordained by God. The destiny of a nation, however, need not be of divine inspiration. Professor Cramb, in 1900, believed that the special mission of the British was the task of civilizing the world.[13] This mission, according to Cramb, came to the British as the telos of a natural course of events. It is interesting to note that both authors ascribe what is basically the same mission to their respective nations, and both made their claims in the same year.

Since Beveridge's and Cramb's claims are mutually exclusive, both cannot be correct. It is possible that neither of them are correct. Both are rather nebulous and impossible to prove or disprove. Both seem to be presented as suitable justifications for acts of imperialism, colonialism, and racism which are prima facie hostile and unjustified. These seem to be typical features of special mission or destiny claims.

It is also typical of such people, however, to accom-

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[12]Congressional Record, Vol. XXXIII, Part I, (January 9, 1900), in Snyder, ed., op. cit., p. 279.

[13]J.A. Cramb, "Britain's World Mission", in Snyder, ed., op. cit., pp. 95-97.

pany the nebulous claim of a special mission or glorious destiny with much more mundane empirical generalizations as support or reinforcement. Senator Beveridge, for example, supports his claim that God advocates American imperialism in the Philippines by pointing out that the Philippinos are "children", "not capable of self-government".[14] Empirical generalizations of this nature, if they have any meaning, are almost always false. In particular, the aforementioned example is as easily falsified as finding a mature and intelligent Philippino. Falsifying the claims that are intended to reinforce the special mission claim result in making the latter increasingly implausible.

The second sense in which common destiny is spoken of is much more plausible and much more mundane. In this case, it is said that the members of a nation feel that their union in nationhood is permanent; that they feel that they naturally belong together and will remain together. This is probably true in the majority of cases. It is, however, not a necessary truth and exceptions are not rare. During the American Civil War, for example, the Southerners obviously felt that they did not have a common destiny with the balance of the Americans. Presently, the Irish of Northern Ireland do not seem to feel that they naturally belong together just as a significant proportion of the Québécois do not feel that they

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[14]Beveridge, op. cit., p. 297.

belong within the balance of the Canadians. Also, although the belief in the permanence of nations is widespread, in actual fact, nations change and evolve in time. Minorities are assimilated into a common fold and occasionally, a disaffected minority breaks away and asserts itself as a member of the community of nations. The Louisiana French have, for all intents and purposes, been assimilated into the American norm. In Canada, the Province of Quebec could secede at any time. This would undoubtedly effect a profound change in the character of Canada as we now know it. If the Québécois were successful in their bid for independence, it is quite likely that they would be granted wide-spread recognition as a nation just as the East Pakistani experienced when they asserted themselves by proclaiming the independent state of Bangladesh. Moreover, it is not inconceivable that one nation could develop out of the eastern Provinces and another out of the western Provinces after such an eventuality. The result would be three nations where we now have one or two (whether or not Canada embodies one or two nations is the subject of an ongoing debate in Canadian politics).

Nations have sometimes been referred to as races. Senator Beveridge, in the passage quoted above, refers to the Americans as a race. Races are supposed to refer to subdivisions of mankind that are differentiated by physical characteristics. Thus, if Senator Beveridge is not speaking

metaphorically, this implies that the Americans possess at least one distinctive physical characteristic in common. This, however, is impossible, for the American nation is made up of emigrants from many other nations. Similarly, it is highly unlikely that any other nation would qualify as a distinct race because no nation exists, and has ever existed, in isolation from other nations. Furthermore, if it is the case that the Americans, or any other nation, were found to possess a heretofore undiscovered physical characteristic which distinguished them from the rest of mankind, it would still remain to be proved that this made them different in any behavioural sense.

> According to present knowledge there is no proof that the groups of mankind differ in their innate mental characteristics, whether in respect of intelligence or temperament. (15)

When the idea of race enters into political and social discussions it is usually the social idea of race that is entertained as opposed to the simpler biological idea of race. The social idea of race associates physical and behavioural characteristics, and maintains that both are held in common heredity by distinctive intrabreeding populations.[16]

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[15]Ashley Montagu, Statement on Race, (New York: Shuman, 1951), p. 17.

[16]Ashley Montagu, The Idea of Race, (Lincoln, Nebraska: University of Nebraska Press, 1965), p.5.

> Upon this view, not only are physical and behavioural traits determined by 'race', but so are the collective achievements of the peoples characterized by such traits. (17)

All existing evidence suggests that genetic differences are of no importance in determining the social and cultural differences between various groups of mankind.[18] Nevertheless it is not uncommon to find the opposite claimed.

The existence of national character has been the subject of much dispute in political thought. This is sometimes associated with race. Sir Ernest Barker, for example, maintains that race is one of several factors influencing the formation of national character.[19] Others, such as Hans Morgenthau, do not attempt to account for the factors responsible for the development of national character. Instead, they merely assert its existence.

> We are only interested here in the fact - contested but (it seems to us) incontestable... - that certain qualities of intellect and character occur more frequently and are more highly valued in one nation than in another. These qualities set one nation apart from others, and they show a high degree of resiliency to change. (20)

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[17] Ibid., p. 5.

[18] Montagu, Statement on Race, p. 15.

[19] Barker, op.cit., Chapter 1

[20] Hans Morgenthau, Politics Among Nations, (2nd ed., New York: Alfred A. Knopf, 1959), p. 118.

Morgenthau's conception of national character is not uncommon. It is noteworthy that one must be able to recognize a nation before it can be said that it has a character. Thus national character is not presented as an essential characteristic of a nation. Furthermore, it is noteworthy that Morgenthau's view of national character is merely a variation of the simplistic view of national character which maintains that every member of a given nation possesses a given psychological trait (or traits). This view manifests itself in statements such as "Americans are inventive", "the British have common sense", and "Germans are disciplined". The simplistic view is refuted by the discovery of a single counter-example to what is claimed to be the case. Morgenthau maintains that the members of each nation display certain psychological traits in varying proportions and these proportions tend to be invariant through time. Thus, Morgenthau speaks of the ". . . individual initiative and inventiveness of the Americans, the undogmatic common sense of the British, (and) the discipline and thoroughness of the Germans . . . "[21] A few counter-examples do not falsify any of these generalizations because Morgenthau can claim that they are exceptions to the general rule. An attempt will be made to show that such generalizations are equally difficult to prove as they

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[21] Ibid., p. 122.

are to disprove.

It is noteworthy that the characteristics that the various nations are alleged to have are dispositional. They do not refer to directly observable characteristics. Rather, they describe habits or propensities to act in certain ways in certain kinds of situations. Therefore, to ascertain whether or not an individual American, for example, has initiative and is inventive, it is necessary to observe his behaviour for a period of time in order to see how he acts and reacts to situations in his daily experience. Also, it is necessary to have a precise idea of what is to count as evidence for having the alleged characteristics. This is not simple or straightforward since dispositional qualities, such as those that Morgenthau ascribes to members of various nations, can manifest themselves in an infinite number of ways. Also, the identical act can often be interpreted as evidence for different dispositions. Where a man risks his life, for example, he may be described as courageous or foolhardy with equal justification. In addition, Morgenthau must be able to specify how frequently an individual must display evidence of having a particular dispositional quality, such as "initiative", before he qualifies as being an individual with such a characteristic. Only after Morgenthau, or any other national character theorist, has studied the behaviour of the members of several nations for a period of time, and has satisfied the other prerequisites, then he may make some pronounce-

ments about national characters. Such a study has yet to be done.

Our familiarity with our own nation (whichever it may be) from everyday experience suggests that it is composed of individuals possessing a great variety of traits. Prima facie, there is much more variety of characters within each nation than there is among nations. In other words, there appears to be an absence of any marked and decisive differences of individual characters and cultural traits between nations.[22]

Karl Deutsch has provided an imaginative conception of nation which merits consideration.[23] The fundamental characteristic of a nation, for Deutsch, is that it is a large group of persons that are linked together by complementary habits and facilities of communication.[24] The most obvious facility of communication is language. A nation need not be unilingual but its members must be able to communicate with each other. Greater linguistic uniformity obviously facilitates communication. Where there is linguistic diversity, other communicative facilities must be sufficiently developed in order to overcome the language barrier; otherwise, the

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[22]Hertz, op. cit., p. 40.

[23]Nationalism and Social Communication, (2nd. ed., Cambridge: M.I.T. Press, 1966)

[24]Ibid., p. 96.

group on each side of the barrier would not call the other a part of "themselves". A facility for communication includes any means of storing or transporting information such as a newspaper, television network, or library. Membership in a nation consists in the wide complementarity of social communication; i.e., the ability to communicate more effectively, and over a wider range of subjects, with members of one group than another.[25] This presupposes a large pool of commonly-held information. To illustrate the idea of communication, let us imagine the meeting of a francophone farmer from Quebec and an anglophone school teacher from British Columbia. If both were unilingual, they could not communicate with any effectiveness. With the help of an interpreter, however, they may be able to discuss a wide variety of topics ranging from the previous evening's hockey game to the previous year's election. Moreover, some of the experiences that they could discuss may be based on a sympathetic understanding of a few of each other's experiences such as paying taxes to the same government or serving in the same army.

On this view, an examination of the clear-cut examples of the world's nations, such as the French, the Italians, and the Swiss, would reveal that they are separated from each other by gaps in communication. Patterns of communication form a dense network within a nation. These dense networks

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[25] Ibid., p. 97.

are linked by comparatively sparse communicative links. A borderline case of a nation is one in which patterns of communication are not highly developed or not sharply differentiated from other areas. If a group of people is not differentiated in this way it is not recognizable as a nation using Deutsch's model.

The attractive aspect of this conception of nation is its compatibility with a great many definitions of nation in the history of political thought. John Stuart Mill, for example, maintained that

> a portion of mankind may be said to constitute a Nationality if they are united among themselves by common sympathies which do not exist between them and others. (26)

In a loose, perhaps metaphorical sense, Mill was correct since people tend to develop sympathies with those people with whom they communicate and become familiar.

Similarly, Lord Acton was partially correct when he said that "a nation is . . . a political being . . . developed in the course of history by the action of the state ...."[27] Political boundaries are a significant influence on the patterns of communication among people.

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[26] Utilitarianism, Liberty, Representative Government, (London: J.M. Dent & Sons, 1910), p. 359.

[27] "Nationality", The History of Freedom and Other Essays, J.N. Figgis and R.V. Laurence, eds., (Freeport, N.Y.: Books for Libraries, 1907), p. 293.

Even Ernst Renan's definition is sensible when placed against a background of Deutsch's model of a nation.

> A nation is a soul, a spiritual principle. Only two things constitute this soul, this spiritual principle. One is in the past, the other is in the present. One is the possession in common of a rich legacy of remembrances, the other is the actual consent, the desire to live together, the will to continue to value the heritage which all hold in common. (28)

Patterns of communication associate and differentiate groups of people. It is a history of effective communication, and the familiarity which it breeds, which gives rise to a feeling of "commonly" experienced historical events and the propensity to refer to one group as "us" and to other groups as "them".

Another attractive aspect of Deutsch's conception of nation is that it is flexible. People can be linked together to form a nation by complementary habits and facilities of communication as a result of various factors. Consequently, this conception of nation does not depend too heavily on the existence of any one of the characteristics that have often been considered to be essential for nationhood, such as common history, territory, or language. Populations that constitute nations, in Deutsch's sense, are certain to manifest some of these characteristics at least to a degree. A common territory and a common language facilitate social communication within a population; but neither is essential for it. Where

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[28]Renan, op. cit., p. 9.

one of these factors is absent, some other factor which facilitates social communication may compensate. So long as a population can be differentiated from other similar populations by a nexus of social communication, Deutsch would say that it was a nation.

Deutsch's conception of a nation is sophisticated and describes actual nations with much greater accuracy than any other considered. Even it, however, admits of exceptions. The obvious exceptions are the politically and ideologically divided nations in East and West Germany, North and South Vietnam, and North and South Korea. Clearly, the Germans, Vietnamese, and the Koreans are each divided by a break in habits and facilities of communication which is as extensive as any that exists between any two nations. Nevertheless, they consider themselves to be one nation and are generally so considered by others.

An attempt has been made in the present chapter to clarify what is meant by 'nation'. To achieve this end, some of the common claims about nations have been considered. Our examination has revealed no characteristic that could suitably serve as a criterion for nationhood. Apparently, nations do not possess any characteristic in common that distinguishes them from other populations. On the basis of the foregoing considerations, the strongest statement that can be made about a nation is that it is a population that calls itself

a nation and is so called by others. This, however, results in a significant number of borderline cases. Populations such as the Québécois, the Ibos, the people of Bangladesh, and the Basques are examples of such borderline cases. Whether or not they are nations has been the subject of debate. Many people refer to them as nations and many others explicitly deny that they are nations. Consequently, they cannot be classified definitely as either nations or "not-nations". There is no definitive method for ascertaining precisely which populations constitute nations and which do not.

II

THE PRINCIPLE OF NATIONAL SELF-DETERMINATION

> On the surface it seemed reasonable: let the people decide. It was in fact ridiculous because the people cannot decide until somebody decides who the people are.
>
> Sir W. Ivor Jennings

The principle of national self-determination is the claim that every nation has the right to constitute an independent state and determine its own government. An understanding of this principle presupposes an understanding of the three main notions that are included in it: the notion of a nation, the notion of a nation having a right, and the notion of a nation determining itself. In the previous chapter, an attempt was made to clarify what is meant by 'nation'. In this chapter, we shall pass on to a consideration of the implications of the findings in the previous chapter for the principle of national self-determination, and then to a consideration of the notion of a nation having a right and determining itself. Hopefully, the net result will be a clearer understanding of the meaning of the principle of national self-determination, what this principle presupposes, and what it implies.

There are three serious problems associated with the principle of national self-determination which are implied

by our findings in the previous chapter. Firstly, it was concluded that there is no definitive method for determining precisely which populations constitute nations and which do not. As a consequence, the extent of the principle of national self-determination is ambiguous; i.e., we do not know precisely which populations are supposed to have the right to constitute an independent state and determine their own government and which do not. This problem is particularly significant because most appeals for national self-determination have been made on behalf of populations which are, in fact, borderline examples of a nation such as the Québécois, the Ibos, the people of Bangladesh, and the Basques.

Secondly, it was concluded in the previous chapter that nations do not possess any characteristic in common that distinguishes them from other populations. As a consequence, there is no apparent justification for restricting the principle of national self-determination to those populations which are ordinarily called nations. There is no benefit that a nation may enjoy by achieving independence, and managing its own affairs that may not be enjoyed by an ethnic group, a part of a nation, the people of a province, or any other population. Given that nations possess no distinctive common characteristics, the principle of national self-determination is restricted to those populations that are ordinarily called nations. There is no obvious justification for such a restriction. Whether or not a population is ordinar-

ily called a nation can change in the course of time, and such a change need not reflect any other change. An illustrative example is seen in the case of Pakistan.

> Of the more recently created nations the most striking and extraordinary case is that of Pakistan where a nation which almost no one had foreseen and few could credit in advance as even a possibility came into being virtually overnight through its own assertion (or that of a small number of leaders) that a nation existed that had not been there yesterday morning. . . Yet once the assertion of nationhood was made and accepted by the people concerned, the fact that it confounded the theorists was a matter of singularly little relevance. (1)

On the other hand, if the principle of national self-determination were presented without the restriction to nations, then it would amount to the claim that the people of any province, ethnic group, city, village, or family could establish an independent state when they so desired. In this variation, the principle of national self-determination is a euphemism for a strange brand of anarchy. Any population that considered its government disagreeable, or did not wish to obey a particular law, could establish its independence. In order to avoid this consequence, supporters of the principle of national self-determination must cling to the false assumption that nations can be identified with the use of objective criteria.

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[1]Rupert Emerson, From Empire to Nation, (Boston: Beacon, 1960), p. 92.

In some cases, there appears to be more justification for a population that is not a nation to constitute an independent state and determine its own government than there is for a nation. For example, there is no obvious or important advantage for the Croatians of Yugoslavia to constitute an independent state. If they did establish their independence it is unlikely that there would be any significant positive consequences such as an increment in individual liberty or economic wealth. On the other hand the population of a colony such as Mozambique, which does not constitute a nation, has much more justification for attempting to establish its independence from Portuguese rule. The Africans and Asians of Mozambique are ruled by an autocratic Portuguese elite which rules purely in its own interest. For the majority of the population, the opportunity to constitute an independent state and determine their own government would undoubtedly have positive political and economic consequences. Nevertheless, the principle of national self-determination restricts the right to constitute an independent state to nations.

The second problem, to reiterate, is that there is no apparent justification for restricting the principle of national self-determination to those populations which are ordinarily called nations. The third problem is closely related: there is no apparent justification for <u>extending</u> the principle of national self-determination to those populations

which are ordinarily called nations. If, by chance, every nation suddenly had the right to constitute an independent state and determine its own government, there would be no positive consequences that would necessarily follow. Consequently, there is no apparent reason for giving the principle of national self-determination unqualified support. This is a contentious point of view that many would dispute.

John Stuart Mill, for example, maintained an opposing view since he associated the sovereign nation-state with individual liberty.

> Where the sentiment of nationality exists in any force, there is a prima facie case for uniting all the members of the nationality under the same government and a government to themselves apart . . . Free institutions are next to impossible in a country made up of different nationalities. (2)

Mill does not, however, provide any salient reasons to support his position. Where a state embodies more than one nationality, and especially if the nationalities speak different languages, Mill claims that they will be isolated from, and ignorant of, each other.[3] He does not, however, explain how this impedes the existence of free institutions. Moreover, it appears that the people of the same nationality but of different social classes and different regions, such

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[2]Utilitarianism, Liberty, Representative Government, (London: J.M. Dent & Sons, 1910), p. 360-61.

[3]Ibid., p. 361.

as a Toronto stock-broker and a Newfoundland fisherman, are also relatively isolated from, and ignorant of, each other. This does not constitute an obvious or marked impediment to the existence of free institutions in Canada. Mill also claims that the relations between nationalities in a common state will be marked by antipathy and jealousy.[4] This, however, is not necessarily true and where it is the case, there is no reason why it cannot be extinguished without having each nationality establish an independent state. Relatively good relations presently exist among the nationalities of Yugoslavia in spite of past frictions. Apparently, conflicts and differences among various nationalities can be resolved without isolating them in separate states.

Mill's final reason is that in a multi-national state

> . . . the grand and only effectual security in the last resort against the despotism of the government is in that case wanting: the sympathy of the army with the people. (5)

Mill is quite wrong here. There are few, if any, instances in history where the army's sympathy for the people has hindered the rule of a despotic government. In some contemporary South American states, such as Bolivia, despots maintain their power because they have the support of the army. In Greece, it is the army that governs and it governs

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[4] Ibid., p. 361.

[5] Ibid., p. 361.

despotically with precious little sympathy for the people.

Mill also claims that national self-determination is, ipso facto, good. He does not support this claim with any utilitarian arguments; rather, he presents it as if it were perfectly obvious and unquestionable.

> One hardly knows what any division of the human race should be free to do if not to determine with which of the various collective bodies of human beings they choose to associate themselves. (6)

Here, Mill appears to be giving support to the unrestricted variation of the principle of national self-determination according to which any population could declare its independence when it so desired. The immediate problem with this view is that it is likely to result in conflicting claims. For example, the people of Quebec may wish to disassociate themselves from the rest of Canada, but the people of Canada as a whole may wish to preserve the present association intact. Obviously it is impossible for all populations to determine which other populations they will be associated with.

Bertrand Russell saw nothing admirable in "the sentiment of similarity and . . . instinct of belonging to the same group or herd"[7] which, in his estimation, constitutes a nation. Nevertheless, he regarded national sentiment as

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[6] Ibid., p. 361.

[7] Political Ideals, (London: Unwin, 1917), p. 78.

a fact which should be taken account of by political institutions.[8]

> There can be no good international system until the boundaries of states coincide as nearly as possible with the boundaries of nations. (9)

Russell does not say, however, what it is that would be good about such an international system. He claimed that

> . . . government can only be carried on by force and tyranny if its subjects view it with hostile eyes, and they will do so if they feel that it belongs to an alien nation. (10)

While this remark seems to be appropriate to colonial situations where a population has no hand in choosing its government or influencing its policies, it does not preclude the possibility of an independent democratic multinational state. In such a state, it cannot be said that the government belongs to an alien nation; rather, the government is likely to be composed of members of all nations within the state. If the citizens came to view the government with hostile eyes, then they would vote it out of power. Thus, there is no question of force and tyranny.

Woodrow Wilson unquestionably believed that a world community of sovereign and democratic nation-states would

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[8] Ibid., p. 79.

[9] Ibid., p. 77.

[10] Ibid., p. 80.

have positive consequences. In his estimation, the only governments which had any natural right to rule were those that were democratically elected by an independent nation and only ruled over the nation that elected them into power.[11] The principle of national self-determination is an integral part of Wilson's conception of democracy. In addition, Wilson's

> . . . belief in the goodness and the power of world opinion, which might be termed the General Will of humanity, and its identity with the General Will of every democratic nation, enabled him to hold the view that the self-determination of nations, and national sovereignty, was a possible basis, indeed the only possible basis, of World peace. (12)

There is no obvious reason, however, why two democratic nations would never go to war with one another. It is difficult to point to a clear-cut example of such an occurrence mainly because democratic governments are not found in any abundance in history. Nevertheless, the onus is on the supporters of the principle of national self-determination to show why it will have this, or any other, positive consequence. All three theorists considered here have failed in this regard.

Based on our examination of the notion of a nation in

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[11]The Public Papers of Woodrow Wilson, eds. Ray Stannard Baker & W.E. Dodd, (New York: Harper & Bros., 1925), I, p. 542-544.

[12]Alfred Cobban, The Nation State and National Self-determination, (revised ed., London: Collins, 1969), p. 59.

the previous chapter, we have discovered three problems: (1) the extent of the principle of national self-determination is ambiguous, (2) there is no justification for restricting the principle of self-determination to nations only, and (3) there is no justification for giving the principle of national self-determination unqualified support. Each of these problems suggests that the principle of national self-determination is not the product of careful reflection and serves as good grounds for jettisoning it.

Nevertheless, the principle of national self-determination is a significant feature of contemporary politics. Almost every state has at least one minority that has claimed at one time or another the right to secede with reference to the principle of national self-determination. In Canada it is the Québécois, in Britain the Welsh, in Spain the Basques, in France the Bretons, in Nigeria the Ibos, in Belgium the Flemish, in the United States the South, in the Soviet Union the Estonians. For this reason alone, it merits consideration.

The principle of national self-determination should be read as an ought statement. It is simply not the case that every nation has the right to constitute an independent state and determine its own government. When appeals have been made for the independence of a particular population, reference is made to the principle of national self-determi-

nation as a right which nations ought to have. In any particular case, where a nation, such as the Finns in 1918, has succeeded in establishing its independence, it has been as a consequence of force rather than an appeal to rights.

It is obvious that nations do not, in fact, have any right to national self-determination. Whether or not nations ought to have such a right is an independent question. Before considering that question, however, one should ask oneself whether or not it is even possible for a nation to have a right. Is a national right similar to an individual right? Or, is it similar to the right of a state? Perhaps all three are sui generis, or perhaps one, two, or all three of them are chimeras. A thorough examination of this complex notion of rights is not possible at this time. There are, however, a few observations and distinctions that should be made insofar as they bear on the issue at hand.

Normally, we speak of individual rights as if they were an integral part of a legal system. They are embodied in a constitution which establishes the fundamental rules and principles according to which an institution, such as a state, is governed. Individuals had no rights in Hobbes' and Locke's "state of nature". They were not, however, deprived of any rights either. This paradoxical manner of speaking suggests that the notion of an individual right is a legal notion since it makes no sense to speak of individual

rights beyond the context of a legal system. A legal system, however, is a characteristic of a state. Moreover, the legal systems of sovereign states are independent of each other in the sense that the nature of one does not depend on the nature of any other. Furthermore, the legal systems of sovereign states are supreme; i.e., any of the laws which compose the legal system of a sovereign state cannot be declared unlawful because they contravene a law of any other legal system. Thus, it is sovereign states that embody legal systems and maintain individual rights in the ordinary sense of the word.

The notion of a right of a state is not comparable to the notion of the right of an individual mainly because there is no legal system in the international arena which is comparable to the legal system of a sovereign state. International law is based on precedents which have been established in the intercourse of sovereign states. Consequently, it is axiomatic that international law recognizes the sovereignty of states. Recognition of the sovereignty of individual states implies that no state, or any other institution, has any right to interfere in the internal affairs of any other state. The system of international law, however, is not an effective legal system. Firstly, no international court can take jurisdiction over international disputes without

the consent of the states concerned.[13] Secondly, there is no power to enforce international laws or judgments of international courts. An intuitively more accurate picture of what is at hand would be gained if "international law" were renamed "international etiquette" since it merely embodies customs, or what is traditionally considered to be proper behaviour, in international intercourse.

In such a context, the notion of a right is rather vacuous. A state is normally said to have the right to that which is traditionally sanctioned among states. A state may do anything that it wishes, however, irrespective of any other considerations, if it has enough power. The factors governing relations among states in the contemporary world are similar to the factors governing the relations among individuals in the proverbial "state of nature" of Hobbes and Locke. They are simply force and diplomacy (i.e., the threat of force). The international arena is not, in fact, a legal context and it is gratuitous to speak of rights in this arena, as if they were other than that which a state has the power to do.

What sense does it make to speak of national rights? A nation may be said to have rights which are embodied in the constitution of the state that it inhabits. Where a

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[13]Morgenthau, op. cit., p. 261.

nation is divided between two states, part of the nation enjoys the rights in one state, and part enjoys the rights in the other. Nations, however, do not enjoy such rights because they are nations, but simply because they are inhabitants of the particular state in question. It is possible to have a national right stipulated in a constitution. The constitution of the Soviet Union, for example, stipulates that every nation may secede when it so desires. It is doubtful that any nation in the Soviet Union could actually exercise this right; but assuming that it could, this would be an example of a national right. Where a nation constituted an independent state, it may be suggested that it has certain rights, such as they are, in the international arena. It seems, however, to be more appropriate to call these rights the rights of the state rather than the rights of the nation. The state would have the very same rights whether it was composed of one nation or many. The nation is a population. International rights do not belong to the members of any such population as individuals or as a group in any direct sense.

The principle of national self-determination does not appear to fit in anywhere. It is out of place in state legal systems because it is universal and ascribes a right to all nations regardless of state boundaries or legal systems. Similarly, it is out of place in international law

because it is not based on the recognition of the sovereignty of individual states. In fact, it threatens the sovereignty of the existing configuration of states. In spite of this, attempts have been made to accomodate the principle of national self-determination in the international arena; principally in the United Nations. These attempts, however, have had very limited success. The earlier Dumbarton Oakes version of the Charter of the United Nations included no mention of the principle of national self-determination. At San Francisco, however, the sponsoring governments introduced it as an amendment to existing articles.[14] Article 1, Section 2, states that

> the purposes of the United Nations are: . . . (2) to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples . . . (15)

Article 55 reads as follows:

> With a view to the creation of conditions of stability and well being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote . . . (16)

The striking feature of these proclamations is that they are vague and in need of interpretation. Furthermore, any

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[14]Emerson, op. cit., p. 301.

[15]Morgenthau, op. cit., Appendix, pp. 549-50.

[16]Ibid., p. 550.

interpretation given must be reconcilable with Article 2 Section 7 of the Charter:

> Nothing in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require Members to submit such matters to settlement under the present Charter . . . (17)

Let us now proceed to a consideration of the notion of national self-determination. What does it mean to say that a nation determines itself? It would seem that a self-determining nation freely makes choices and initiates actions in accordance with its own preferences. Is such a phenomenon possible, and if so, what does it involve?

Frederick Hertz pointed out that the phenomenon of national self-determination presupposes that there exists some means of forming and expressing the national will.[18] If, by chance, a nation does not have the means of expressing its will, or if it does not have a will to express, then it would appear that a nation could not determine its own government. Consequently, the principle of national self-determination would be absurd.

What is a national will? Is it a prerequisite for national self-determination? Prima facie, one would assume that the national will is the faculty by which a nation

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[17] Ibid., p. 540.

[18] Nationality in History and Politics, (New York: Humanities, 1943), p. 240.

makes decisions and initiates actions. It is difficult, however, to imagine how the mass of people that constitute a nation, widely differing in opinions and interests, can possess such a faculty. Nevertheless, the belief in the existence of a national will is commonplace in the history of political thought and several contemporary political theorists endorse it as a reality. Frederick Hertz describes the national will as the work of a ruling elite, be it a dynasty, a Church, a ruling class, or a party; and it is composed of the common aspirations of the various parties and classes of the nation overriding their antagonisms.[19] Ruling elites have, indeed, claimed legitimacy for their rule on the grounds that they interpret the national will and rule according to it. If Hertz is correct in his claim that this is all that there is to the national will, then it is probably safer to say that the national will is that which the ruling elite either believes to be the common aspiration of all segments of the nation, or it is what the ruling elite propagates as the common aspiration of all. In any case, the notion of the national will is not, as one might have supposed, a faculty by which a nation makes decisions and initiates actions. Other contemporary academics have maintained such a view. Hans Kohn, for example, maintains that "the most essential element (of a nation) is a

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[19] Ibid., p. 239.

living and active corporate will".[20] Similarly, a Study Group of Members of the Royal Institute of International Affairs maintained that one of the six features possessed by nations is "a certain degree of common feeling or will".[21] In neither case, however, are the authors able to describe the nature of the national will with any degree of clarity or detail.

Somewhat surprisingly, Karl Deutsch, a committed empiricist, makes an attempt to describe the seemingly nebulous and ephemeral notion of national will.

> Will . . . may be described as the set of constraints acquired from the memories of past experiences of the system (in this case, the nation), and applied to the selection and treatment of items in its later intake, recall, or decisions . . . Will . . . is the ability to freeze the setting of a goal, and even the course chosen toward it, once the decision has hardened. (22)

This is rather complex and somewhat obscure. Its meaning, however, is clarified by an example that Deutsch gives us of the forming of the national will:

> Thus governments in wartime may ban all items of information suggesting the wisdom of making peace; or leaders of a nation may ban from its

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[20] The Idea of Nationalism, (New York: Collier, 1944), p. 15.

[21] Nationalism: A Report by a Study Group of Members of the Royal Institute of Internationalism, (New York: Augustus M. Kelley, 1966), p. xx.

[22] Karl W. Deutsch, Nationalism and Social Communication, (2nd. ed., Cambridge: M.I.T. Press, 1966), p. 177.

> schools all references to the virtues or achievements of its chief foreign rival. Similar results may be obtained by an opposite kind of constraint through the forced intake or recall or forced circulation of selected items supporting the course chosen, in amounts far beyond the usual, so as to drown out all contradictory items. (23)

Thus, it becomes clear that the Deutsch conception of national will resembles Hertz's insofar as it is the handiwork of an elite. National will is composed of the preferences and beliefs that an elite has formally taught, and otherwise cultivated, by all and any means at its disposal, into the nation.

On the one hand, there are those that claim that national will is a faculty by which a nation makes decisions and initiates actions. Descriptions of and evidence for the existence of such a faculty have been lacking or unconvincing. On the other hand, there are those that describe the national will as something other than such a faculty. Hertz and Deutsch, for example, claim that the national will is merely the product of the efforts of an elite. This would suggest that national self-determination is a chimera since it cannot be said that it is the nation that expresses its will or determines its own government under such circumstances. Self-determination presupposes circumstances in which

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[23] Ibid., pp. 177-78.

the members of a nation can determine their own government free from pressure, terror, suggestion, prejudices, and ignorance.[24]

Given that nations are populations with no special characteristics in common that serve to distinguish them from other populations, it is possible to consider the phenomenon of national self-determination as a particular kind of collective-choice. A collective-choice is the aggregation of individual preferences about alternative social actions.[25] Social actions are those actions which involve the joint participation of many individuals. On this view, the phenomenon of a nation determining its own government is somewhat similar to the phenomenon of the local church group determining the date and place of the annual spring picnic. Since other groups can make choices and initiate actions without a will, there appears to be no good reason why a nation cannot do likewise. Both phenomena, however, require some sort of mechanism for registering individual preferences, and the existence of a rule or rules for determining the collective-choice based on the distribution of individual preferences. In direct democracy, for example, individual preferences for alternative

[24]Hertz, op. cit., p. 245.

[25]Kenneth Arrow, "Values and Collective Decision-making", in Philosophy, Politics, and Society, 3rd series, P. Laslett & W. Runciman eds., (Oxford: Blackwell, 1967), p. 223.

social actions are registered by counting votes. On the basis of the distribution of preferences, a collective-choice is made in accordance with a rule such as "the majority preference determines the collective-choice".

The application of the principle of national self-determination is thwarted by the absence of a means of registering individual preferences and the absence of a rule for translating the aggregate of individual preferences into a collective-choice. The first impediment can be breached easily since individual preferences can be registered by holding a plebiscite. But how is the appropriate rule for determining the collective-choice to be determined? This cannot be determined by the nation because the nation's choice presupposes the very rule that it would establish. The likely source for such a rule would be the people that have the power to organize and administer the plebiscite in the nation in question. This, however, changes the complexion of the notion of national self-determination.

Since the members of a nation do not have a role in selecting the rule by which their preferences will be translated into the "national choice", the nation's collective choice, or the national choice, must be considered with suspicion. If the rule for translating the aggregate of individual preferences into a collective-choice happened to be that "individual preferences must be unanimous before

any national choice could be made", then it could be said that any choice made reflected, indeed, the nation's preference. The high improbability that a large population would unanimously agree to any proposal makes national self-determination a practical impossibility. Any other rule would be problematic.

Let us suppose that a national choice was to be made in accordance with the rule that "the majority preference shall determine the collective-choice". If the result of a subsequent plebiscite was that fifty-five percent of the population preferred policy A to policy B, and forty-five percent preferred the opposite, it would be misleading to report that the nation as a whole preferred policy A. Nevertheless, the nation would have chosen policy A in accordance with the rule for translating the aggregate of individual preferences into a national choice. With a different rule, such as "a two-thirds majority preference determines any collective-choice", then the resulting national choice would have been different even though the distribution of individual preferences would have remained unchanged. Clearly, the phenomenon of national self-determination is significantly influenced by this factor which the nation itself does not determine.

Let us now suppose that a particular population has been identified as a nation and a plebiscite is to be held

in order to determine whether or not it wishes to constitute an independent state. In such a case, the authority with the power to decide upon the rule for translating the aggregate of individual preferences into a national choice must make its choice rather arbitrarily. There is no rule which is obviously suitable. If the unanimity rule is used, then one fool, or wiseman, can thwart the realization of the wishes of the great mass. If the majority rule is used, then almost one-half of the nation may be forced into a political arrangement which it does not desire. There is no apparent justification for either of these rules, or any other that may be suggested. The people whose lives are to be affected have no hand in selecting them. The people on the losing side of the choice may very well refuse to abide by the result with the justification that the winning side has no moral claim to their allegiance. If part of a nation wishes to constitute an independent state and determine its own government, and another part prefers some other political arrangement, there is no apparent justification for demanding or coercing the smaller or weaker part to conform. In other words, there is no justification for extending the principle of national self-determination to nations and, at the same time, denying it to parts of nations or any other segment of mankind. To reiterate a point already made, however, extending the

principle of national self-determination to any disaffected population is not to introduce into the domain of international affairs a means for lawful and peaceful political change to replace the present means of diplomacy, revolution, and war. To extend the principle of national self-determination to any disaffected population is to endorse the very antithesis of lawful political change since any population that did not wish to obey a particular law could circumvent it by claiming its independence as a state. It remains the case, however, that diplomacy, i.e., the threat of force, and force constitute the principle means by which differences are settled among states.

CONCLUSION

In the foregoing analysis of the principle of national self-determination, several significant conclusions have been reached. Firstly, the extent of the principle of national self-determination is ambiguous. Secondly, there is no justification for limiting the principle of national self-determination to nations. To extend it to all populations results in a strange variation of anarchy. Thirdly, there is no justification for extending the principle of national self-determination to nations. Fourthly, nations do not normally possess rights. Fifthly, there is no sense in which a nation can make a choice as if it were an organic whole, and the freedom for a nation to determine itself is purchased at the cost of denying a part of a nation the same opportunity.

There is nothing in this thesis that should be interpreted as a defence of the status quo. There is nothing sacred about state boundaries. Furthermore, there are instances where it is quite justifiable for a population to try to secede from the state of which it is a part. This thesis has attempted to show that this belief is not amenable to formulation as a general rule such as the principle of national self-determination.

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