

# On the National State

## Part I: Empire and Anarchy

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There has been much discussion of the military and diplomatic implications of the ongoing violence in Israel, but its most important consequences must surely be the changes taking place in the worldview and self-conception of Israeli Jews themselves. It is no secret that many had long believed Arab hostility to the idea of a Jewish state in the Middle East had largely declined or would soon do so; and that Arab leaders would be willing to make peace with the idea of a Jewish state in exchange for deep territorial concessions and the founding of a Palestinian Arab state west of the Jordan River. Today these beliefs lie in ruins, and former Prime Minister Ehud Barak, who had brought them to their logical conclusion by offering precisely such peace terms at Camp David, recently presented the public with the conclusions he believes must be drawn from this experiment:

[PLO Chairman Yasser] Arafat accepts the fact that Israel exists. But he does not accept its moral right to exist. He does not accept the fact that

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there is a Jewish people, and he therefore does not accept Israel's right to exist as the state of the Jewish people. What he envisions is a Palestinian state... that will continue to press claims against the very foundations of the existence of the State of Israel.<sup>1</sup>

Roughly the same view is expressed by Shlomo Ben-Ami, who served as foreign minister in Barak's government:

What Arafat conceded to Israel at Oslo was only a formal concession. Morally and conceptually, he does not recognize our right to exist. He does not accept the idea of "two states for two peoples"... In a profound sense, he does not accept us. Neither he nor the Palestinian national movement accepts us... The process, from their perspective, is not one of conciliation... but of undermining our existence as a Jewish state.<sup>2</sup>

Faced with such conclusions, Jews in Israel have been forced to reexamine their understanding of the conflict in which they are now engaged. If previously the ongoing warfare and terror conducted against Israel had been understood by many as a struggle to overthrow Israeli rule over certain territories or Arab populations—on the whole a just cause, it was said, even if the methods employed by our enemies were often barbaric—this same war has now taken on a different aspect. For the first time in a generation, the issue is understood by many to be the existence of a Jewish state of any dimensions, and many Israelis have suddenly found themselves in a world which resembles that in which their fathers and mothers lived, and which they themselves had until now known only from history books: Not since 1948 have Israeli Jews been subjected to daily terror in our main population centers and on the roads between them; and not since those days has there been such an awakening to the possibility that the persistence of Jewish national life in Israel might not be a foregone conclusion.

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By now these circumstances have begun to have effects far beyond politics in the limited sense, the most significant of which has been the pronounced reintroduction into the cultural mainstream of long-defunct ideas such as “Jewish patriotism”—a phrase conspicuously used by Ben-Ami in the same interview<sup>3</sup>—along with its cognates, “Jewish interests,” “Jewish sovereignty,” and, of course, “Jewish state.”<sup>4</sup> There is no doubt that the great majority of Jews, including those who had previously found it uncomfortable to think of their country as a Jewish national state, are becoming progressively more open to a reexamination of the principles to which their parents devoted their lives.

Yet such a return to first principles is no simple matter when these principles have been obscured from view for so long. Thirty years of bitter argument over territorial questions—to the exclusion of virtually all else—have left our public discourse shallow and in disarray with regard to nearly every issue that did not relate directly to those questions. Thus we may know, as the former prime minister has declared, that the warfare in which we are presently engaged has as its cause the continued rejection of the idea of a Jewish state by Arab leaders. But not every intelligent person whose inclination is to take the side of the Jews on this issue is today likely to be able to give himself a persuasive account of why such an inclination is just or right. It has been too long since our public has been forced to discuss this subject of the Jewish state in a serious manner, so that even among its most ardent sympathizers, much that was once taken for granted can no longer be taken for granted.

Moreover, even if we were to find that the old formulations are still meaningful to us, the passage of decades has brought with it a profound change in the environment in which the case for a Jewish state must be made. For in those intervening decades, the European Union has made large strides towards achieving the dissolution, or at least the weakening, of many of the national states that were the model on which the Israeli state was based, and many who were once sympathetic to Israel’s cause are

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right to wonder whether this does not make the Jewish state, too, an anachronism. In this context, it is reasonable to ask whether the Jews need to continue making sacrifices for the sake of their state, when the French, Germans, and Italians, and even the English, seem ready to relinquish their respective national states for what many take to be the greater good. And one cannot ignore the fact that this question *is* being asked: Not only in Europe, but in America, Israel, and elsewhere, no small number of intellectuals have awakened from their previous fashion—according to which the national state was such an unmitigated good that “national liberation” had to be made to prevail in every corner of the world—to discover that, in fact, the precise opposite is true, and that it is the delimitation of nations, and their submersion in vast multi-national polities, that should be our business.

The political order is the ground on which our lives are built, and one cannot introduce revisions of this kind in the prescribed character of the state without consequences that few seem to have considered. In the argument that follows, I will try to understand the political order upon which our national states have been built, in a manner that I hope will be of assistance not only to Israelis, but also to members of other nations that are now faced with concerns similar to ours. In doing so, I will seek to elaborate two principles concerning the national state: Of these, the *first*, the principle of national sovereignty, entails a general theory of the independent national state, which explains why civilized men should prefer a political order based on such states to the other options before us. Such a theory has no special applicability to the case of the Jews; it is a general theory, which strives to afford us insight into the enduring nature of the political order of mankind. As such, it would be equally true even if there were no Jewish state, and, indeed, it can provide no necessary grounds for determining that one of the number of independent national states should be a Jewish one. In the latter half of this essay,\* I will turn my attention

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to discussion of a *second* principle, that of Jewish guardianship, which is rooted in the Israeli political tradition, and which seeks to explain why one of these national states should be a Jewish one.

In choosing this method, of mixing universal political principle with principles dependent on the specific experience and circumstances of the Jews, I am departing from what has perhaps been accepted in recent years, whereby discussion of the national state is conducted almost entirely on the level of universals, treating at great length the needs or rights that are supposed appropriate to “all peoples” everywhere; or else almost entirely from the perspective of the requirements, character, and history of one particular people alone. But writings of the first type are premised on the assumption, surely false, that it is possible to base all aspects of the political order on abstract principles, taking little or no account of the realities prevailing in a given time and place. And I think it one of the gravest errors of statesmen and writers in the last century, that they have so often satisfied their own consciences, at the catastrophic expense of actual societies and human beings, by their too ready application of universal principle to problems that cry out for prudence above all else. Arguments of the second type, on the other hand, when taken by themselves, ignore the necessity of periodically transcending ever-pressing local concerns and establishing whether our ideals are in harmony with that which is generally true and right with respect to the affairs of nations. In making use of this mixed method, I think I can offer at least a certain improvement in the manner in which we are accustomed to discussing these subjects.

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## II

Israel was founded as a national state, the state of the Jewish people. As such, it is a specific case of an independent national state, and is indeed one of the classic examples of this kind of state. It is therefore relevant to discuss the Jewish state within the context of the question of the national state in general. Not many years ago, it might have been possible to dispense with such a discussion. For a century and a half, the national state had been seen as an instrument of great moral worth by leading political thinkers and statesmen in the West—so much so, in fact, that many had actively sought to create additional such states, at first seeking to give the gift of political independence to certain peoples or groups of peoples, and in the end seeking to establish states of this kind all over the world according to the principle that became known as the self-determination of peoples. Thus, for example, John Stuart Mill, in *On Representative Government* (1861), argued that the boundaries of independent states should conform to the geographic distributions of peoples, it being “a necessary condition of free institutions that the boundaries of government should coincide in the main with those of nationalities.”<sup>5</sup>

Today, of course, the intuitive support for the national state, as found in Mill and so many others of his day, has long past. As an idea, it has been tainted by the accusation of being a family relation of the Nazi imperial state established in Germany prior to World War II, and of other similar regimes of that period; and especially by the impending collapse, as it seems, of many of the most significant national states of our age into a sovereign European Union, itself a result of the widespread acceptance of the justice of this accusation. Among academics and intellectuals especially, one finds the idea of the national state referred to as a matter of course as a nineteenth-century idea, with the implication that it is

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outdated and ought to be discarded, wherever it is not explicitly decried as evil.<sup>6</sup> And this misrepresentation is widely accepted even in the United States, the greatest national state of our age, whose political and intellectual leaders seem largely unaware that this trend is bringing about the progressive delegitimization of their regime as well.

And yet this criticism, popular though it may be, has not succeeded in undermining the fundamental justice and reasonableness of the idea of the independent national state. We are all of course familiar with the difficulties attendant in the creation of such states, which must inevitably contain minority populations whose sense of solidarity with the state will not be identical to the sympathies found among the majority, and whose vulnerable condition has frequently permitted persecution at the hands of that majority. But there has never yet been offered an alternative to the national state capable of redressing the difficulties inherent in it without in effect proposing to introduce free peoples back into the tyranny of the era that preceded it, and that had led to the extension of the system of modern national states in the first place. Indeed, the theorists of multinationalism whose speculations are now so much in fashion—being both derived from and at the same time a fertile basis for proposals for the continued expansion of the European Union—seem hardly aware that what they are embracing is in effect a return to the Austro-Hungarian Empire of the Hapsburgs, a state which was viable just so long as it remained a despotism, and which, the moment it began to leave off being a despotism, instantly ceased to be viable.<sup>7</sup>

The national state is one of the central ideas in the political tradition of the West, and it is in many respects the lynchpin of this tradition, serving as the premise—often a hidden premise, but a necessary one nonetheless—on which is founded our understanding of ideas such as popular sovereignty, the rule of law, and representative government, as well as our conceptions of personal liberty and civil equality. These and similar ideas emerged in the wake of the consolidation of the classical national states, and especially England, as the most humane alternative to

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the two major ordering principles that had been previously known to Europe: The idea of the centralized power of the imperial state, as represented by the memory of the Roman empire, and as pursued by the Catholic Church in such guises as the Spanish empire and the German Holy Roman Empire; and the ordered anarchy of the feudal system, in which the state often hardly existed, and even the right to make law and wage war was delegated down to countless local nobles arrayed in ever-shifting combinations.

The tyranny and disorder represented by these two alternatives was of course not new; it had persisted in nearly all times and places in history. But for Christians, especially after the advent of Calvinism and the Church of England had brought about the widespread circulation of the Hebrew Bible translated into the vernacular, there seemed to be another alternative, inspired by the history of ancient Israel. The Bible depicted the twin scourges faced by the Jews in terms that were hardly less apt for the passage of centuries: The fear, on the one hand, of a barbaric anarchy such as that represented by the period of the Judges; and that of enslavement to the imperial states represented by Egypt, Assyria, and Babylonia, on the other. But it also described a recourse: The establishment of a united Jewish kingdom, whose purpose was to provide relief from anarchy, while at the same time resisting the world-embracing pretensions of the imperial states.

This biblical alternative, the theoretical counterpart to what we today call the national state, seems to have had a sympathetic hearing among the English from the dawn of their history. They had glimpsed a reflection of themselves in it as early as Bede's *Ecclesiastic History of the English People*, which appeared in the year 730, and which had already then recognized the potential of the national state for freeing the English from the perpetual strife that persisted among their own petty kingdoms, as well as from the constant threat of subjugation to foreign invaders.<sup>8</sup> For Tudor England, sustaining itself only with the greatest difficulty against



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domination by imperial Spain, this national alternative became the inspiration and the spiritual bulwark of English liberty. Such sentiment, familiar to us through Shakespeare's nationalist histories from *Richard II* to *Henry V*—written in the years immediately following the defeat of the Spanish Armada in 1588—was accompanied during Elizabeth's reign by intense public interest in English-language translations of the Bible, culminating in John Lyly's conception of England as "a new Israel, his chosen and peculiar people." It was this new Israel, as it proved its mettle against imperial power, that subsequently became the model for the contemporary national state, throughout Western Europe and beyond.<sup>9</sup>

Now, if we are to understand the significance of this political tradition of the national state, we must first ask what characterized the political world prior to the introduction of this new ideal. In other words, in a world of empire and anarchy, what is it that distinguishes between the one ideal type and the other? It seems to me that the distinction can be grasped most readily if we understand it to be rooted in a difference over principal political loyalty: In speaking of an imperial state, I have in mind a state whose jurisdiction tends towards the rule over all, whereas anarchy tends towards the rule of each one over himself alone. This is not to say, of course, that there has ever been a perfect anarchy in which each one ruled himself alone and was loyal to none other, any more than that there has ever been an imperial state that succeeded in ruling over all of mankind. But it is nevertheless true that what we mean by an empire is a state that is in principle boundless in terms of its extent, so that the individual proffers loyalty and obedience to a jurisdiction that might easily include, if not today then tomorrow, any other member of humanity. Under anarchy, on the other hand, the individual proffers loyalty and obedience to a collective whose bounds are sharply drawn, and circumscribed only to those people with whom he could in principle be personally acquainted—whether they be members of his family, clan, tribe, manor, town, militia, or gang. In other words, anarchy is the rule of the familiar

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man, who is presumed to care directly for the needs of the individual; whereas empire is the rule of the universal mind, which is presumed to care directly for the needs of mankind.

Understood in this way, we find that neither empire nor anarchy are concepts concerned in the first instance with numeric quantities such as the extent of the territory or population of the state, or the number of its competitors. Rather, we recognize the difference between empire and anarchy as a substantive difference in the nature of the political allegiance of the individual. For if allegiance is given to a familiar individual or lord, and if allegiance to this lord will remain unshaken on the day he withdraws his allegiance from his own lord and gives it to another, then there can be no question but that this is anarchy; and this is true even if we are no longer speaking of a crime family of a dozen individuals, but of a feudal fiefdom the size of half of France. The anarchic or feudal loyalty remains always with the particular and concrete individual who is our lord, and to whom we have sworn allegiance. Under empire, on the other hand, one's allegiance is never to a familiar individual, but rather to the empire itself, whose ruler is distinguished precisely by the fact that he is so remote and unapproachable as to in effect be no more than an abstraction. If the appointed governor of an imperial province should on a given day determine to go over to the enemy, it should surprise us greatly to find that this defection would entail the automatic defection of the entire province. For the people of this province care not whether the governor is this individual or that one. His identity is immaterial, since their allegiance is to the abstraction of the empire, of which the governor is no more than a momentary representative. Indeed, the treason of a high official, although unusual, is known to every imperial state, no matter how well regimented, and can take place without altering the fundamental character of the empire. But on the day that we see such a treason take place, and this official's underlings are found to declare their allegiance to the traitor, then we can be certain that the imperial state is in dissolution, and is become anarchy.

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Once this difference is understood, it is obvious why men who live in an imperial political order find anarchy to be the greatest imaginable evil. For it is no doubt correct that great masses of humanity depend for their lives on the order provided by the empire. By placing his loyalty to the familiar individual above loyalty to the empire as a whole, one has in effect *denied his obligation to all of the masses of humanity who are unfamiliar to him*, and who depend on the empire for the order that makes life itself possible. In this way, he becomes an enemy not only of the empire, but of humanity as well. In the same fashion, we can see why men who are committed to an anarchic or feudal order regard the encroachment of agents of the imperial state with such horror. For in demanding that allegiance to the empire be placed above loyalty to the familiar individual who has in fact afforded protection to and cared for the needs of those dependent on him, these agents of empire demand nothing less than the *sundering and betrayal of the concrete bonds of affection and self-interest* that have stood at the foundation of society and stability.

On this basis, we can recognize that empire and anarchy are not merely political constructs, or competing methods of ordering political power. Each is in fact a political ordering principle that draws its legitimacy, and therefore its strength, from its rootedness in the moral order. It is for this reason that men understand the political order in which they live and to which they are committed in terms of principle; and that the struggle between empire and anarchy is not only a war of opportunists and villains seeking the greatest power for themselves, but equally a confrontation between men of good will who disagree regarding the degree of moral legitimacy and sanction that can be ascribed to each of the respective political orders.

Thus our effort to identify the principles that underpin the respective political orders leads us to conclude the following: *First*, that the imperial state is always predicated on the principle of the unity of unfamiliar humanity. Even in an empire which is not yet universal in its extent or in its official self-understanding, the individual is nevertheless asked to

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sacrifice on the basis of an obligation he is presumed to have towards the great mass of unfamiliar men, who, though they be perfect strangers to him, are nonetheless men such as he is. According to this principle, each individual must give his utmost to the common order of mankind, whether or not he is presently the beneficiary of this order, for only in this fashion can the generality of mankind prosper. And it is this, the claim to bring order and even progress to mankind, which gives moral sanction to the laws and wars of the imperial state, even where these seem to have no apparent bearing on the well-being of the specific individual.

The difficulty with this principle of unity with the mass of unfamiliar men is that, being so abstract that it is always detached from the apparent interests of each concrete individual, it quickly becomes detached from the concrete interests of all of them—while at the same time leaving none with the standing to complain about the expropriation of his property and life, since these are carried out in the name of the generality of humanity, whose needs and interests the individual cannot reasonably presume to understand. This being the case, it is also true that wherever this principle is imbedded in the heart of the state, whether this state seems on its face to be vicious or benign, it logically gives birth to conquest and to the subjugation of neighboring peoples, depending only upon the measure of force that it is capable of bringing to bear.<sup>10</sup>

*Second*, we can see that an anarchical order is rooted in the principle of loyalty to the familiar individuals from whom one receives tangible assistance, and whose concerns and interests are to a large degree self-evidently one's own. Under this ordering principle, nothing is done on the basis of distant abstractions such as right and justice, and even public needs such as the making and enforcement of laws and the waging of war are determined by the familiar individual. Thus wars are private wars, and law is privately made law, and each individual becomes a pawn in a perpetual test of strengths between one band and the next.<sup>11</sup>

In this way, two of humanity's most noble principles—the unity of purpose with unfamiliar mankind, and the loyalty to one's familiar

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associates—are each made to exceed its rightful place and to attempt to determine man's conduct in spheres in which they have nothing to offer and can only wreak destruction. And it requires no great insight to recognize that when either one of these ideals is accepted as the legitimate ordering principle of the political world, it quickly engenders not the freedom of peoples, but their enslavement. For just as empire tends to become the enslavement to the will of the one great ruler who, in his wisdom, is supposed to speak for the needs of vast sections of humanity, so too does anarchy mean enslavement to an endless strife among petty strongmen. And it is clear that when one stands helpless before the arbitrary power and violence of others, it matters little whether the tormentor be one will or many.

The dilemma of empire and anarchy is a product of man's nature, and it has dogged his steps in all times and all places. One need only consider the first political images of the Bible—the Tower of Babel, which sought to bring all humanity together in a single, imperial community of purpose; and Noah's Ark, a tiny, familiar community cast adrift from a violent and anarchic mankind<sup>12</sup>—to sense how deep was the impression these two evils made on our forefathers. The problem of empire and anarchy was, indeed, the central political question of the Hebrew Bible. And the recourse it proposed was a *third* type of political order: The distinctive institution of the national state, whose purpose was to transcend empire and anarchy by retaining the vital intuitions of each, while at the same time rendering obsolete that which makes each of them most dangerous.

As with each of the other orders, we may begin our discussion of the national state by asking to whom the individual owes his allegiance. If under empire the allegiance of the individual is directed towards an undifferentiated humanity, and if under anarchy it belongs to the familiar individual, we find that allegiance in the order of independent states is directed towards an entity that sits precisely at the conceptual midpoint between the others: The nation. The nation, we know, is a great

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community of men with a continuous existence in history, such as permits them to understand themselves as being intrinsically distinct from other such great communities—qualities that allow its members, despite the vast size of their community, to have a common interest and will, and at times also to pursue common ends. As such, the nation is an impersonal abstraction, in the same sense that humanity is an abstraction; but at the same time, it is also a concrete and familiar being, in the same sense that the individual who affords us protection under anarchy is a familiar person.

I will not enter here into a disputation with those who believe that the nation is essentially a fiction or an invention, or that it can be made to disappear from history by means of a change in education or political order. It is of course true that the nation does not possess a clear and distinct existence in the same way that an individual does, because an individual is physically distinguishable from all other individuals; nor in the same way that humanity does, because humanity is physically distinguishable from the various species of animals. Nevertheless, the nation is neither a fiction, nor can it be made to disappear from history. In this it resembles numerous other social institutions such as the family, clan, school, city, fief, guild, and army:<sup>13</sup> All of these are in an important sense natural institutions, because their existence derives from unchanging aspects of our nature that cause variants of each to appear time and again under different conditions; yet at the same time, their persistence and specific character in any time or place are sufficiently dependent on circumstance so that they must frequently be discovered or developed anew. The nation shares with these other institutions two traits that are so fundamental that we may rightly include them in our definition of it: First, despite their lack of clear distinguishing characteristics of a physical nature, one can nevertheless readily distinguish their particular instances one from another (as one can distinguish the Rothschild family from the Hirsch family, or Harvard from Yale); and second, they are so constituted

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that, like individual persons, they are purposive institutions, having collective histories, needs, desires, and intentions on an ongoing basis.<sup>14</sup>

In addition, there is another important trait that the nation shares to one extent or another with the other social institutions I have mentioned: The fact that the distinctiveness of each nation from others of its type is intrinsic to the definition of a nation. By this I mean that the existence of the nation, like that of a family, city, or guild, requires as a necessary condition that there be other instances of its type from which it can be distinguished. The Rothschild family, for example, cannot be extended to include the rest of mankind, because in the process of extension it would lose its identity as the Rothschild family, and would become something else; indeed, the very idea of the family is premised on the existence of many families, of which the Rothschilds are only one. The same is true for the city of New York, which could not merge with all other cities and still be New York, any more than the lawyers' guild could absorb all other professions and remain the lawyers' guild. Each is by its nature limited, and would quickly be destroyed by more than a certain degree of extension.

But this quality of intrinsic distinctiveness is not inherent in all human institutions. Although we can, with hindsight, distinguish Rome from other imperial states, or Christianity from other religions, there is nothing intrinsic about the fact of their distinctiveness from their neighbors of the same type. These are social institutions that never suffered from any internal constraint to their extension, and could, as far as we know, have embraced all mankind without ceasing to exist or changing their essential nature.

It is from an understanding of this quality that we come to recognize the special character of the nation. The nation is by far the largest purposive institution that is in principle limited only to one portion of mankind. "Blessed is God, who distinguishes Israel from the nations"—this blessing has been recited by Jews once each week at least since Roman times. And while many have quarreled over whether a benediction of this kind is not

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a reflection of Jewish exclusiveness and arrogance, seldom has it been asked whether the sentiments that bring about this sharp limitation in the political horizon of a nation are not in fact the only possible basis for political humility, and therefore for a political order based on the limitation of empire. It is my contention that the idea of the national state, not only in antiquity, but no less in our day, is precisely this. It offers a natural and powerful instrument for limitation of the desire for indefinite political expansion—a limitation no artifice will be able to impose on regimes that are sympathetic to the ideal of an undifferentiated humanity, but which may well be attainable if one is capable of distinguishing his own people from the nations.

### III

With this in mind, I would like to consider what type of ordering principle arises once we have conceived of a political allegiance that rises above the familiar individual of the anarchic order, but stops only half as high as the celestial dome of unfamiliar humanity. Here, at the inflection point between anarchy and empire, one finds the idea of the independent national state. And here one finds a third ordering principle whose root is in the moral order, and the one that in my view is the best and most noble of the three: The principle of national liberty.

The principle of national liberty offers a nation with an evident capacity for self-government, and with the ability to withstand the siren songs of empire and anarchy, an opportunity to live according to its own understanding. Such a principle therefore conceives of the political order as one in which each such nation is left to pursue its own unique purposes in its own national state. The principle of national liberty thus takes as its point of departure that which is vital and constructive in each of the two



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principles with which it competes: From the principle of empire, it takes the ideal of direct allegiance to the abstraction of the state rather than to familiar men—the practical effect of which is a state monopoly on arms and law such as admits the possibility of domestic peace; and the possibility of living under an abstracted authority that is no longer connected to particular individuals by ties of familiarity, this being the most important condition for establishing impartial justice. From the principle of anarchy, it retains the ideal of a ruler sensitive to the actual interests and aspirations of specific persons living in a particular society; it is this that finds expression in the aim of government over a single nation only—an aim that in effect proscribes foreign conquest, and for the first time permits a conception of the liberty of other nations as a potential good in itself. Indeed, these same two components, *exclusive government* over a given nation, and the *limitation of government* to a particular nation, are the essential prerequisites of national liberty; and together they constitute the ideal of national sovereignty.<sup>15</sup>

We are accustomed to thinking of the political good in Platonic terms, as the quest for the good regime. But the foregoing suggests that the possibility of establishing the good regime may itself require the prior establishment of a tolerable political order, which can serve as the foundation for such a regime. For where the imperial and anarchic principles continue their rule, the good regime—and in particular the institutions that we today associate with free government—is impossible. A state which is not devoted to the principle of governing a certain nation alone, but which instead entertains thoughts of unification with various unfamiliar nations, is ultimately a conquering state, whose energies are constantly dispersed in the emergencies of extension and domination. Such a state tends to see before it imperial interests that are increasingly detached from the reality in which each of its subject peoples lives, so that it is necessarily lacking a proper concern for the troubles of any actual people. Consequently, this type of regime is hardly ever conducive to developing truly representative government or equality before the law, not to speak of a

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decent respect for liberty. Moreover, the imperial state, even when it is not engaged in overt conquest, can never restrain itself from menacing other governments, undermining their legitimacy and traditions, and the integrity of their rule, the better to continue on its course of extension the moment it sees an opportunity to do so.

In the same manner, we find that the premise of personal loyalty to familiar men, which is at the heart of all anarchic order, is in effect a principle of sedition and resistance against every impersonal government, whose role must of necessity be to replace the corruption of individual loyalties with a concern for true justice and the good of the people as a whole. In this, the anarchic principle is inevitably at war with the institutions of free government, as these can only develop where loyalty to individuals has been superseded as the ordering principle of public life by loyalty to all members of an entire people. Thus the principle of anarchy is found not only to be an impossibly poor soil for the development of the institutions of a free people, but also, like the principle of empire, to undermine these wherever they are found.

Taken together, these observations suggest that free institutions can develop only under a particular kind of political order: Such institutions must come into being, if they are to come into being at all, in that space that exists between the transition of a people from personal to national loyalties, on the one hand; and their acceptance of imperial assumptions for themselves, on the other. It is here, and only here, that one finds the possibility of political life ordered in accord with the principle of national sovereignty, and it is this principle that holds the key to the establishment of the good regime and of free government generally.

Upon examination, we find that the relationship between the principle of national sovereignty and the existence of free institutions stems from five advantages which national sovereignty enjoys over its rival ordering principles: *First*, as suggested above, the order of the national state is superior to that of anarchic order in that it renounces the corruption of loyalty to individuals, and bases the state on the loyalty of each individual

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to the abstraction of the nation. This substitution of a very great body of individuals as the principal object of political loyalty permits the suppression of combat as a legitimate means of resolving conflict within an extended territory, and therefore the banishment of war to the periphery of experience; that is, war ceases to be an instrument for the defense of petty local interest, and becomes an instrument for the defense of the common sphere of domestic order and peace alone. Similarly, it is this abstraction of the nation that permits the enforcement of order and justice to be removed from the realm of personal commitment and prejudice. These two developments, the depersonalization of warfare and the depersonalization of justice, are the bedrock of the national state that separates it from the feudal or anarchic order. Upon these it is possible to build a rigorous understanding of a common interest and therefore sentiments of solidarity with a broad public. And these, in turn, permit the emergence of doctrines of the rule of law, representative government, and civil equality.

*Second*, the national state differs from the imperial state in being premised on the principle of national liberty. As such, it tends to disdain conquest, preferring to allow neighboring peoples to govern themselves in peace so long as they do not pose a threat to its citizens—a revision in the nature of the state that permits the emergence of the intuition that the state has fulfilled its principal worldly mission if it succeeds in redeeming the one people it represents and governs; and that it is absolved of the responsibility of bringing the remainder of mankind under its grace. To the degree, then, that national liberty and sovereignty can become the common ordering principle of an order of states, each can, for the first time, find itself secure in its pursuit of domestic tranquility, as a result of the common renunciation by each civilized national state of its need to be the liberator and conqueror of all the others.

*Third*, it is the tendency of the sovereign national state to accept the idea that each nation will have, by virtue of the principle of national liberty and sovereignty, the ability over time to develop its own unique

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purposes, traditions, and institutions worthy of being honored by others. By contrast, it was the mark of the revolutionary imperialism of Napoleon that he could countenance no regimes not modeled after his own, with the result, for example, that even so ancient an institution as the Venetian city-state, whose traditions had survived for more than a thousand years, was to him no more than an abomination that had to be destroyed utterly. Echoes of this same intolerance can be heard, as well, in certain circles in the emerging European Union, for whom the idea of limiting their sovereignty and law to any specific group of nations does not seem to appear nearly so excellent a principle as their indefinite extension for the good of humanity.<sup>16</sup> In opposition to such a view, the principle of the national state entails recognition of the legitimacy of the unique constitutions and traditions of other nations, and this in turn provides the ground for relations of true peace and mutual respect.

*Fourth*, the national state, by virtue of its proximity to other sovereign states with which it is in natural competition for influence, wealth, and glory, must constantly be on its guard against losing the sympathies of its most able citizens, who may readily become critical of the state, or even find a home elsewhere, should the government prove too oppressive. Thus there exists in the order of sovereign states a significant check on tyranny that does not exist in the imperial state: That which arises from the fear of rulers lest their state begin to appear inferior in comparison to neighboring states, thereby driving wealth and talent that might have been their own into the hands of their rivals, while winning for them opposition at home and humiliation abroad.

*Fifth*, it is for precisely this reason that we find that the rulers of sovereign states, who find themselves in constant competition with other members of the order of similar states, are forever concerned to imitate that which is wise and useful and beautiful in the institutions of other nations, so that they may in this way improve their own. In this respect, the order of independent states stands in obvious contrast with the

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conditions prevailing under empire, in which the nations become lethargic and passive, either mindlessly aping whatever they find in the culture of their rulers, or else fearfully nursing their own indigenous culture in resentful hatred of all that is foreign. It is only under conditions of national sovereignty, in which the customs and policies of other nations are graced with the mantle of legitimacy, that we find nations looking in earnest at what brings success and happiness to their competitors—so that each nation, by caring for its own according to its own traditions and inspirations, ends by sharing with all humanity from its own unique store of experiment and experience.

In addition, it is difficult to pass over the fact that it is not only the institutions of freedom that appear to emerge within the limited regimes that arise under conditions of national sovereignty. It is also the case that those periods of man's history which we find most admirable in terms of the kind of men they produced and their fruitfulness in terms of works of wisdom and art seem to have been periods in which men were governed by small, competing states, whether these be national states or the anarchic order of the independent city-state: One thinks of ancient Greece and Israel, as well as the Italian states of the Renaissance, and the states of the age of European reformation, enlightenment, and romance, including especially Holland, England, France, and the German states of central Europe.<sup>17</sup> At the very least, it would seem necessary to take notice of the fact that a very great proportion of the heritage of mankind has been the product of the tradition of such states; whereas the contribution of the imperial state to our common humanity has been, in comparison, strikingly sparse. Why this should be the case is not a question to be answered lightly, but I would at least venture that the order of independent national states or city-states seems to offer the greatest opportunities to men of ability who, when they could not find favor and conditions appropriate to their genius in one state, have found it possible to make their way elsewhere. The imperial state, with its insatiable desire for that which is

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common to the generality of nations, naturally promotes an altogether different environment, ultimately offering the man of ability but one opportunity: Either he succeeds in molding himself to the desires of the one great political and cultural power or, more likely, he does not. And this kind of opportunity, as it seems, comes to little when compared to the flourishing that becomes possible under independent states, each one jealous of its own sovereignty and glory.

In all these considerations—the ability to sustain the establishment of an impersonal order of domestic peace and justice; the tendency to disdain conquest; the willingness to respect the laws and traditions of other states; the fear of neighboring states as an impediment to domestic tyranny; the jealousy of other states as an inducement to learning from them; and perhaps also the competitive environment in which the greatest of men’s achievements naturally find their place—it is evident that the order of sovereign nations is superior to the imperial and anarchic principles with which it competes. In this regard I am reminded of the tradition of the rabbis, according to which the number seventy is taken to represent the nations of the world<sup>18</sup>—a figure that well captures the complexity of the natural political order, which finds its reflection in the principle of national sovereignty. And it reflects, too, the extraordinary difficulty of seeking to maintain a world of sovereign states, with all of the questions that such a conception of the political order inevitably raises.<sup>19</sup> Surely, it is far simpler to strive for the establishment of *one* world empire; or to permit an *infinite* number of independent polities within anarchy, as many as there are human collectives capable of expressing the common will of their members.

But I believe that one must choose: Whether it is simplicity that one desires in the political order, or freedom. If it be the former, then one must, indeed, place one’s weight on the side of empire and anarchy, whose immense attractiveness and power derive from the irresistible beauty of the absolute. But if it be freedom that one seeks, then there is no choice but to learn the much more difficult craft that a complexity such as that

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suggested by the rabbis represents. I think that when the matter is weighed carefully, one must conclude that no less than the freedom of humanity depends on our ability to maintain the ideal of national liberty and sovereignty, and to strive for its judicious application as the basis of the political order.

#### IV

Before proceeding to examine some of the limitations inherent to the principle of national sovereignty, I would like to consider one question that may arise, which is whether the state from which the order of sovereign states is built must be a national state. For even if the imperial state is to be rejected for its preoccupation with expansion, and anarchy for its corruption, would it not be possible to recombine these principles as many of the academic writers on the subject propose, creating instead an altogether different kind of state—a state that would have a stable and ingrained aversion to expansion, as does the national state, but which would be home to many nations and cultures, and united by a common government and flag?<sup>20</sup> That is, could we not possibly seek a world that would be comprised of states not dissimilar to Austria-Hungary of the mid-nineteenth century, after it had been forced by Napoleon at swordpoint to renounce its aspiration to rule all Europe as the legitimate heir to the Roman Empire?

In considering this argument, it is worth beginning with John Stuart Mill's critique of the multi-national state, which sought to disabuse us of the belief that such states are conducive to liberty. As Mill wrote:

Free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if

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they read and speak different languages, the united public opinion necessary to the working of representative government cannot exist.... An altogether different set of leaders have the confidence of one part of the country and of another. The same books, newspapers, pamphlets, speeches do not reach them. One section does not know what opinions, or what instigations, are circulating in another.... [and] none feel that they can rely on others for fidelity in a joint resistance.... An army composed of various nationalities has no other patriotism than devotion to the flag. Such armies have been the executioners of liberty through the whole duration of modern history. The sole bond that holds them together is their officers and the government which they serve; and their only idea, if they have any, of public duty is obedience to orders.<sup>21</sup>

Mill's argument is premised on the observation that the principal ties of fellow-feeling among men, when they are considered in great bodies, are those that bind the individual to his people. It is this emotional bond that serves as the basis of free society. So long as this bond remains firm, men will be willing to sacrifice personal advantage for the common good; and this willingness permits the national state to develop just and free institutions internally, and to provide for the common defense against external enemies. The multi-national polity does not benefit from the existence of such a bond among its citizens, so that its government and defense can only be conducted on another basis: That of loyalty to officers or the fear of them, the discipline of obedience to orders, and "devotion to the flag" that represents the state. It is striking that these are the attributes of anarchic rule—that of the feudal order, for example, or of the criminal gang. In other words, the insistence on constructing a multi-national state is the decision to dispense with the positive bonds that can unite the members of a national state, and instead to choose an order based on the kind of ties that bind criminals to their gang leader. Such a state, Mill argues, will be the hangman of liberty.

Nevertheless, it is exactly these same attributes that are today praised so highly by advocates of the multi-national state: Loyalty to the officials



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of the state; obedience to their laws and commands; and a “thin” citizens’ culture focused on the flag and a handful of other symbols acceptable to all because they mean little or nothing at all—these are proposed as the mortar that will hold together the multi-national and multi-cultural states of the coming world.

But on this score, too, Mill is right. The multi-national state, should it come into being, will in short order begin moving down one of two roads: Either it will attempt to make do with the thin gruel of a concocted common culture, or it will transcend this panacea and adopt for itself a real guiding ideal capable of winning the loyalty of many of the peoples gathered under its roof. In the first case, the government of the new multi-national state will soon find that there is nothing in its arsenal that can bind together the cauldron of conflicting dreams and fears, loves and hatreds, that are the very real substance of the life of nations; and it will be forced to resort to the tried and true methods of maintaining order in anarchy, deputizing strongmen capable of keeping the various peoples in line through personal loyalty and fear, lest the state disintegrate into rival national states or complete chaos. In the second case, the new multi-national state will become conscious of its need for an ideal, and will once again seek it in the ordering principle of an undifferentiated humanity—thereby hurling itself down the road that leads to the imperial state, with all this entails.

Nor is this only a matter of theory. We have seen all of these possibilities with our own eyes in the experience of those contemporary states that most closely paralleled the multi-national ideal: Russia and Yugoslavia—states that have attempted to maintain themselves as multi-national entities, in the process oscillating, as one might expect, among the poles of feudal despotism, revolutionary empire, and chaos. In particular, it is important to take note of the strenuous efforts made over recent years to liberalize the Russian regime, while at the same time holding the multi-national state together. But of course, the results have been such as to inspire little confidence, resembling nothing so much as the futile efforts

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to liberalize and at the same time hold together the dying multi-national state of Austria-Hungary. Indeed, if there is to be any hope for the creation of a moderate and stable Russia, it seems obvious that this hope exists only in its reconstitution as a national state.

Among advocates of an order of multi-national states, there are a few who seem uneasy over the lack of historical precedents that might hint at the feasibility of their utopia. When pressed, they often turn to the United States, which they assert to represent the ideal of an undifferentiated humanity, while at the same time having forgone the taste for foreign conquest. And indeed, the American example is of the utmost importance, precisely because there has never in history been a state in such a position of power that has not used this power for expansion. How is it, we must ask, that the United States has been the most powerful state on earth for at least half a century, and yet not a single voice has been raised among its citizens during this time calling for the annexation of Canada? I am certain that some will attribute this to the liberality or humanity of Americans, but this is no answer; there are many Americans who are neither liberal nor humanitarian, and yet none of them are interested in such a course.

There is only one reasonable answer to this question, and this is that America's disinterest in expansion results from the fact that it is a classic national state. Far from having an undifferentiated view of humanity, or from embracing a multi-national identity held together only by loyalty to a common flag and citizenship, Americans have from the time of their founding understood their nation to be sharply and intrinsically differentiated from all other nations, not least the European nations with which they have the greatest cultural affinities. This fact evidences itself not only in terms of America's external relations, which are premised on a rigorous application of the principle of the sovereignty of nations, but also in its internal constitution and policies, which, outside of the most extreme intellectual circles, show not even a slight willingness to adopt a multi-cultural (not to mention multi-national) identity. On the contrary,

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American willingness to accept significant differences in culture ended during the Civil War, which was fought to eradicate the “peculiar institution” of slavery and the culture and economy based on it; attempts by the Mormon church to establish a territory on American soil that would tolerate the peculiar marital institutions of that religion were likewise stamped out by the state with utmost vigor. Indeed, the large numbers of immigrants that have come to America’s shores since have been assimilated into its unique national culture almost without a trace, and there is as yet no reason to believe the challenge posed by the present waves of immigrants—in whose name a few radicals have entertained the idea of establishing Spanish-speaking educational institutions—will end any differently. It is therefore not the supposed diversity or tolerance of the United States, but rather its extraordinary cultural homogeneity, which has been the cornerstone of its national unity and the foundation of its free institutions.

The achievement of a world in which the leading political power is not an imperial state is an unprecedented achievement in history, and one that has had unprecedented consequences for the liberty of nations everywhere. This is the achievement of the national state, an institution that reflects the accumulated wisdom of Western civilization regarding the kind of political order conducive to the freedom and well-being of men. Much as the ideal of national liberty may have fallen out of favor, the nature of men, which led to the development of this ideal and permitted its success in its contest with empire and anarchy, remains unchanged. And as those who now advocate discarding this hard-won institution in favor of the new multi-national state seem to have devoted little thought to the qualities of our nature that allowed this institution to flourish, one suspects that their capacity to replace it with something better is next to nonexistent. In the effort to create the multi-national state, they may perhaps—after experiencing hardship on a scale we can scarcely imagine—succeed in creating out of an existing welter of nations, a single, culturally undifferentiated nation such as the United States. Or they may

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find themselves forced to relearn what their forefathers had already discovered at great expense, and return to an order of national states not so dissimilar from the one they have set such store in abandoning. Or, finally, they may succeed in uprooting the principle of national sovereignty, in so doing returning mankind to an older order of empire or anarchy, with all this implies. But in any case, one suspects that they must sooner or later be confronted by the limits imposed on the political order by our nature. Such a confrontation always leaves one much wiser, even if diminished in other ways.

## V

I do not believe it is possible to advance too many defensible claims concerning absolute and universal principle. Even the most rigorously binding moral norms cease to function at the limits of the range of possible experiences; even the most useful and worthy political principles become worthless and even evil when interpreted as being applicable to all possible circumstances. The proscription against taking innocent life, for example, is a principle of morality and justice as great as any known to man. And yet innocent lives are taken in every war, by men and governments whose commitment to this principle is often beyond question. Such bloodshed is accepted as part of war even by civilized and humane nations, because it is understood that moral principle can only have force where it is possible for it to be applied in practice. A state that is unwilling to participate in a war whose consequences will include the shedding of innocent blood is a state that must capitulate at the first sign of war; and such a state clearly cannot protect its own population against terror and bloodshed. In other words, the principle negates itself in the extreme case, and the attempt to apply it in such a case leads to the opposite of its

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intended purpose. For this reason, we must say that the principle is limited; and that there are areas in which it cannot be applied, and therefore has no force. The fact that the proscription of bloodshed is and must be limited in this manner does not in any way weaken the *absolutely binding* character of this moral principle where it can be applied. But it does mean that such principles cannot be *absolutely applicable* across the entire range of possible circumstances.

I believe this much is obvious. Less obvious is the relationship between the applicability of principle and the power of the state. In a certain sense, the concept of the universal applicability of principle tacitly relies on the availability of infinite resources or infinite power. One can only consider the application of principle where there is sufficient power to apply it in practice, and as one approaches the extreme case, the power that must be made available in order to realize the principle grows dramatically. Thus while the state is and must be committed to bringing a murderer to justice “no matter what it takes,” in practice the actions of the state are limited by the availability of resources. The apprehension of a given killer is necessarily a function of the forces available to press the pursuit: The forces necessary to bring to justice a man who murders his wife in a rage are far smaller than those necessary to lay hands on an experienced professional killer; and these are, in turn, inadequate to the task of extracting such a killer from the protection of a crime family or drug cartel with a small army at its disposal. In the extreme case, it is an entire state that affords the killer refuge, whether by negligence or design, and nothing short of invasion by the full force of a nation’s military will bring the killer to justice. In each case, the cost of justice escalates. In the extreme case, the cost of justice is full-scale war. Perhaps one can imagine an infinite power that could routinely brook such obstacles in the pursuit of absolute application of the principle of justice without significant injury to itself. But any lesser power cannot pursue justice “no matter what” without overextending its capacities and doing itself harm. And once this harm is sufficiently great, the very capacity of the state to enforce justice

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is impaired, and the pursuit of the principle is found to negate the principle. One then reaches the limits of the principle's applicability, and these limits are found to depend in part on the scale of the power at hand.

Such bounding of the sphere in which principle can be applied has an inevitable effect on the general character of the political life of nations. For if what can be achieved in practice limits the applicability of principle, then it follows that a higher standard will have force where there is an agent with sufficient power to realize this higher standard. Thus in the arena of domestic politics in an established state, the very presence of a sovereign government possessed of an effective monopoly of force affords a relatively high degree of applicability to normative principle. It is for this reason that domestic politics so often inspire the sense that a given principle or right can be treated as an absolute. One has to think hard to reach the borders of experience where the application of the principles of domestic law—the right to one's life, for example, or the right to property—brings about the negation of these principles and they cease to be operative. In the relations among nations, on the other hand, the absence of an agent with an effective monopoly of power—and the existence of such an agent in the world arena would be an evil greater than any of those we might hope to remedy thereby—means that nearly every principle one is inclined to apply rapidly collides with its limits, and that the applicability of principle is consequently far more circumscribed.<sup>22</sup>

It is recognition of this difference between the domestic and foreign spheres that has led to the development of the extreme theories of *raison d'état*, according to which there can be no moral considerations regarding the affairs of nations. Yet it would seem that a true understanding of the conditions prevailing outside the state does not require such an exclusion of principle from the affairs of nations, but rather its limitation. Indeed, the politics of nations cannot require the renunciation of principle, without which every murderer on his route to power will deserve the assistance of our nation in direct proportion to the number of the slain. What is needed, rather, is the recognition that principle cannot be equally

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applicable in the absence of an agent possessed of a universal monopoly of power. Moreover, it is manifestly false that a nation unwilling to take into account the limiting effects of the lack of power, and of the self-negation of principle that is the inevitable consequence of insufficient power, can be said to pursue a policy that is in some sense more moral than that of a nation acting from an awareness of the limits of principle. On the contrary, the state that squanders its energies in pursuit of a supposed moral aim that is in fact no more than a mirage, only diverts public resources from the pursuit of other, no less pressing matters of principle, and ends by losing its influence even in those matters in which it might have wielded real influence.

That this fundamental political truth is poorly understood by some is evident from the example of Belgium, whose parliament has recently declared that its law is applicable universally to war crimes committed everywhere on earth, and is consequently being inundated by court cases initiated by every aggrieved party, Arab and Jew, in the Middle East—cases that its courts have neither the competence nor the resources to adjudicate. But the same vanity on the part of statesmen that in this case has made for such splendid farce is elsewhere a very real threat to the well-being of peoples. This is particularly true with regard to those who have championed the absolute applicability of the principle of national liberty over the course of the past century. In the hands of President Woodrow Wilson and others, what was the truly noble dream of the American founders—the attainment of national liberty for a society oppressed by a distant power—was transformed into a categorical imperative that sought to bring the American experience to every people in the world. For Wilson, this principle was blessed with universal applicability due to the birth of a “new world” in which “the day of conquest and aggrandizement is gone,” and in which “this happy fact [is] now clear to the view of every public man whose thoughts do not still linger in an age that is dead and gone.” Encouraged by the sense of unlimited power that accompanies such chiliarism, Wilson declared his Fourteen Points to be “the moral climax

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of... the culminating and final war for human liberty,” and the content of this climax to be the absolute applicability of the principle of national liberty: “All peoples and nationalities,” he said, would henceforth have a “right to live on equal terms... with one another, whether they be strong or weak. Unless this principle can be made its foundation, no part of the international structure of justice can stand.”<sup>23</sup>

But of course, Wilson’s international structure of justice did not stand. Like all moral systems that follow Kant in preferring the absolute applicability of principle to a reasonable chance of success in practice, Wilson’s new world had no chance of succeeding. Consider, for example, the Versailles policy regarding Austria-Hungary, which was, after the collapse of Russia, the only state that could perhaps have served as an impediment to German expansion to the south and east. Wilson himself had had the foresight to suspect Germany of seeking for herself “a place of mastery among the peoples of the world,” and yet the postwar settlement was aimed not at assuring that this could not happen, but rather at pursuing the principle of the sovereignty of all peoples, whether strong or weak. The result was the dismantling of the Austrian Empire and its replacement by half a dozen weak states—a decision that dramatically strengthened Germany’s eastward position, paving the way for Hitler’s devastation, twenty years later, of each of these countries in turn.<sup>24</sup>

I do not know whether the dissolution of Austria provides us with an unequivocal case of political myopia; certainly there was something important to be said for Czech independence, for example. Yet it does shed light on the manner in which the principle of national sovereignty, when applied categorically, can bring about its own negation and the enslavement of peoples as readily as it can bring about their freedom. One must bear in mind that the world comprises thousands of peoples. More than four hundred distinct languages are spoken in India alone. Nor is there any way to place a downward boundary on what may be reasonably called a “people” once there exists a powerful political incentive to claim such a title; when necessary, every nation can be reduced to peoples,



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peoples to tribes, tribes to clans, clans to families, without limit. The granting of sovereignty is the recognition of the principle of a monopoly of power; but the indefinite extension of the principle of sovereignty entails the dissolution of each existing monopoly in favor of ever-smaller potential sovereignties, draining the idea of the monopoly of meaning and bringing the principle of sovereignty to its negation. In other words, in trying to grant sovereignty to one and all—whether they be strong or weak, benign or imperialistic, Western in outlook or openly hostile—one in the end grants actual sovereignty to none, instead returning the world to a night of anarchy and empire. Like the foolish king who discovers he can pay his debts by ceaselessly minting currency, statesmen of the last century discovered they could reap good feeling by ceaselessly minting sovereignties. But sovereignty, like currency, quickly depreciates in value when circulated in too great a quantity, and is soon enough found to be worthless.

There is a second limitation on the principle of national sovereignty that must be treated here, which concerns the freedom of each sovereign nation to pursue its own distinct purposes and policies. As I have suggested, this freedom is the basis for the maintenance of a government in keeping with the interests and aspirations of a given people; and it is also responsible for creating an order of unique nations, with the particular experiences of each contributing to the overall stock of mankind's knowledge of the craft of government. Yet this having been said, I do not believe it is possible to accept the argument that has been made, most famously by Hobbes, to the effect that the principle of national freedom entails perfect and unlimited freedom of action for each sovereign state, and that this, in fact, is the very meaning of the idea of sovereignty. For just as the principle of national sovereignty becomes unworkable and even evil when transformed into an absolute right of every people to independence, so too does it become unworkable and even evil when interpreted as an absolute right of government to pursue any end it wishes, using every means at hand. For we know that at the limits of experience, such an

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absolute sovereignty cannot be tolerated: A state whose purpose is the extension of empire or anarchy throughout the world, for example, cannot claim the liberty to do so on the basis of the principle of national freedom, for this would mean the destruction of the very order by virtue of which this freedom exists.

Similarly, the right to limit the sovereignty of such an imperial state, or, in the extreme case, even to deprive such a state of its sovereignty altogether, does not derive from an independent premise, according to which every state has a natural right to self-defense. There can be no such right, which would lead to the “right” of even such overtly imperial states as Hitler’s Germany or the Soviet Union to defend themselves—that is, the right of the criminal to continue in his crimes so long as he has the force of arms to forestall interference. Rather, one must see the source of the right to interfere in the machinations of imperial powers as being in the ordering principle of national sovereignty itself, which is ultimately irreconcilable with the legitimacy of such powers. I do not intend here to defend an absolute principle of violence against empire, as I think that such principles, applied categorically, do at least as much harm as good; and as experience has shown, we may find it necessary to maintain a relatively mild despotism such as the Austrian Empire, or even an imperial terror like that of Stalin, as during the campaign against Nazi Germany, in an attempt to protect the freedom of nations more generally. But the fact that we may be constrained by prudence to collaborate with tyrants must not cloud our vision concerning the reason for such collaboration, which is the limitedness of our own strength, and not any acceptance of regimes whose aim is indefinite extension within the order of sovereign states. And should the opportunity arise to weaken these countries so that they might do that much less harm, I say that every state that still has its independence would be justified in taking it.

If we attend carefully to the implications of this argument, we will understand that this premise, of the illegitimacy of empire and anarchy within the order of sovereign states, applies just as well to the relations

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between sovereign states and the peoples that reside within their borders. It is clear that no state was ever founded by means of a social contract, and one may doubt whether the circulation of this fiction has been of benefit to men.<sup>25</sup> Nevertheless, it is true that those who undertake to establish a state on the basis of national freedom do unilaterally incur obligations in doing so, by nature of the enterprise in which they are engaged. Just as a parent, in bringing children into the world, undertakes an obligation to raise them, and not only those whom he favors; and just as a teacher, in setting foot in the classroom, undertakes an obligation to educate his students, and not only those who excel; and just as a store-keeper, in setting out his wares, undertakes to sell to all who can pay him and have need of his goods, and not only his townsmen; and just as a soldier, in taking up arms, undertakes to defend all who live in the land, and not only those who are supporters of a particular faction—so too does the national state have, by virtue of the exclusive powers it claims, an obligation to care for all of the citizens and residents of the territories on which it establishes itself. Such obligations are not contractual; they do not come into existence by consent, and they cannot be discarded by choice. Nor is it possible for the sovereign national state to use its unique purposes and aspirations, which are derived from the principle of national liberty, as a legitimate justification for the neglect or abuse of those who live within its bounds.

I believe that none of this is in need of proof. However, since the national state has so frequently been tarred with the accusation of its being inimical to minority populations—to the Arabs in Israel, for example—it is essential we understand that the abuse and neglect of such minority populations is itself past the limiting point of the principle of national liberty, and that it must therefore be recognized as illegitimate. This is not only for the reasons of abstract right that are usually adduced in this regard, but no less because such abuses negate the principle of national liberty itself, which is the foundation on which the political order rests.

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My belief in this regard is based on the recognition that the principle of sovereignty obliges every national state to oppose empire and anarchy wherever these raise their heads.<sup>26</sup> As I have remarked, the ability of states to apply this principle outside their borders is greatly circumscribed by the limitation of their powers. But the circumstances are markedly different within the borders of the state. There, the government generally enjoys an overwhelming advantage over any other agent, so that its obligations cannot be dismissed on account of its lack of ability. Wherever imperial powers and anarchical ones have extended their tendrils into the territory of the national state, there it has the greatest obligation—because there it has the greatest ability—to root these out without hesitation. I refer here not only to such agents as have the support of foreign governments, but also to those that are of local origin, and those whose origins are as yet cloaked in shadows. In this context, one should never forget that already in *Mein Kampf*, years before coming to power, Hitler had promised that if Germany dealt firmly with what he called the “racial poisoning” that afflicted it, that country “must someday become lord of the earth.”<sup>27</sup> I am sure the Weimar authorities had one hundred reasons not to respond ruthlessly in Hitler’s case. But we have learned from experience that all of these considerations only serve to divert us from doing our duty, which in such cases is unambiguous.

This reasoning returns us to the relation of the national state to its minority populations. I have already said that the principle of national sovereignty cannot be indefinitely extended, and that the result, as all recognize, is that every national state must invariably contend with the presence within its borders of societies that do not—and often will not under any circumstance—see themselves as standing in the same relation to the purposes of the state as does the greater part of its population. This is to a certain extent inevitable; mankind has never known a political order in which all minority populations were satisfied with their status, and it seems that it never will. But the real question is what will be the

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policy of the state, which is often the single greatest factor in any such question.

Let us consider the extreme case. We know that the Nazi imperial state was directly involved in instigating violence against the Jews, and that after its initiation of a general war, it also turned to an active policy of systematic murder. But for our purposes it is more relevant to consider the Nazis' prewar policy, which in some ways resembled the pogrom policy of imperial Russia. If we consider this policy, we see very clearly that it was the purpose of the state to *withdraw its protection* from the Jews. The essence of the state's policy, as exemplified by word and deed, was the creation of a clearly delineated sphere of anarchy within the imperial state—a sphere in which, it was known, the Jews would become fair game for one and all, including, but by no means exclusively, the officials of the state. Under these conditions, the German Jews did in fact revert to a condition of political anarchy, in which any resistance, escape, refuge, or relief was not a consequence of state activity, but resulted from the efforts of private persons, or of private persons banding together to form small groups under the leadership of familiar individuals in a position to offer some slight degree of assistance or protection.

Although this is, as I say, the extreme case, it is nevertheless instructive regarding the political condition of minorities in a more general way. It is the allegiance to the nation, as opposed to the allegiance to familiar individuals, that makes the national state possible, and that in fact creates it. But the moment the individual finds that his allegiance to the state has been severed—that is, from the moment he no longer believes, whether for good reasons or for evil ones, that he can rely on the state for his protection and needs—this individual reverts to a condition of anarchy. From this moment on, he begins to act as do all other individuals in anarchy, striving to identify familiar individuals who can to one degree or another offer him protection and assist him with his needs more generally. Where there are more than a handful of such individuals, there begins a

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process of establishing what is in effect a feudal order within certain parts of the state—an order that presents immense opportunities both for organized crime, which assumes some of the functions of the state in return for profit; and for imperialist and anarchist opponents of the state, who find the sphere of anarchy created within the state to be an ideal grounds for recruiting adherents to their cause. Both of these developments are clear signs of the decline of the state, and, if it does not respond forcefully and correctly, will also bring about its end.

Moreover, the establishment of such a feudal order within one state tends to produce what have been called “graduates”—individuals who have learned the methods of establishing such spheres of anarchy, and of establishing an alternate order within them, and who for reasons of profit or political ideals seek out and train men of similar abilities in other states. In this way, the feudal or imperial order, once established within one state, rapidly extends itself into others, so that what perhaps seems at first to be a problem pertaining to only one nation, with the passage of time reveals itself to be a threat to the entire order of sovereign states.

Now, in the national state the problem of minority populations is directly related to the problem of anarchy. For every minority population, to the degree that it is aware of its interests and purposes, will necessarily view these in a manner that is at the very least slightly removed from the interests and purposes of the national majority. As such, every minority population is potentially fertile ground for disaffection, for the decision to forgo allegiance to the state, and therefore for the establishment of anarchy within the state. To neglect or abuse a minority population is therefore not only to behave imprudently or immorally in the narrow sense. The affection of minority populations is a necessary premise of the order of sovereign states, without which such an order cannot persist. For this reason, the imperative of ensuring the welfare and affection of minority populations is an essential and binding principle of the order of national states, in much the same way that the opposition to empire is an essential and binding principle within such an order.

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There is obviously much more to be said on this subject, but I will for the moment limit myself only to this: Like the principle of opposition to empire, the principle of assuring the well-being and affection of minority populations cannot always be applied in the same manner in every case. There are minority populations whose disaffection is to a substantial degree the result of genuine abuse and neglect, in which case the national state is itself guilty of creating a sphere of anarchy within its own borders, and consequently of threatening the order of sovereign states as a whole; and there are minority populations whose disaffection is cultivated by external powers using both fear and incitement as tools to cultivate such disaffection. And of course, there are minority populations that are moved towards disaffection and anarchy by both. In some cases, the problem of disaffection must be dealt with by far greater attention to the needs of the community in question; while in other cases, there is a need for the state to apply far more rigorous measures to deprive anarchic elements of their aspirations by force. And here, too, there may be a need for both.

Determining what must be done if the national state is to fulfill its obligations under such very different circumstances will require much effort. But one would be wrong to conclude, therefore, that what is needed is to devote yet more attention to devising and juggling abstract normative categories. It is in the sphere of political prudence that we will find solutions to a problem that, perhaps more than any other, threatens to destroy the achievement of the national state and return us all to an earlier order based on an endless cycle of anarchy and empire.

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## Notes

1. *Mabat*, Israel television channel 1, August 20, 2001.
2. *Ha'aretz*, September 14, 2001. Ben-Ami also recently pronounced that “The paradigm of Oslo no longer exists—nor does Barak’s paradigm and mine. It no longer exists.... We have to be brave enough to look at reality. All of us need to rethink things.” *Kol Israel Radio*, September 29, 2001.
3. *Ha'aretz*, September 14, 2001.
4. Regarding the efforts to disestablish the use of the term “Jewish state,” see Yoram Hazony, “Did Herzl Want a ‘Jewish’ State?” in *AZURE 9* (Spring 2000), pp. 37-73.
5. In referring to nationality, Mill meant a people “united among themselves by common sympathies which do not exist between them and any others,” based first and foremost on “identity of political antecedents, the possession of national history and the consequent community of recollections; collective pride and humiliation, pleasure and regret, connected with the same incidents in the past.” Regarding these, he argued that “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...” John Stuart Mill, “On Representative Government,” in H.B. Acton, ed., *Utilitarianism, On Liberty, and Considerations on Representative Government* (London: Everyman, 1984), p. 391.
6. On the widespread acceptance of the myth that the nation is a “construct” largely invented in the past two centuries, see Anthony D. Smith, “The Myth of the ‘Modern Nation’ and the Myths of Nations,” *Ethnic and Racial Studies*, January 1988, pp. 1-26. For what is perhaps the archetype of this type of claim, see Elie Kedourie, *Nationalism* (Oxford: Blackwell, 1960). Best among its recent interpreters is Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of National Communities* (New York: Verso, 1991).
7. See, for example, Yael Tamir, *Liberal Nationalism* (Princeton: Princeton, 1993), pp. 151, 170 n. 7; Jurgen Habermas, “Is There a Future for the Nation-State?” in *The Inclusion of the Other: Studies in Political Theory*, eds. Ciaran Cronin and Pablo de Grieff (Cambridge: Massachusetts Institute of Technology, 1998), pp. 117-119, 160-161; Vaclav Havel, speech before the Canadian Senate and House of Commons, April 29, 1999, reprinted as “Beyond the Nation-State,” *The Responsive Community* (Summer 1999), pp. 26-33. One scholar who has recognized that these beliefs are leading to the reemergence of the Hapsburg empire as the institutional structure of Europe is Adrian Hastings, *The Construction of Nationhood: Ethnicity, Religion, and Nationalism* (Cambridge: Cambridge, 1997), pp. 121-122, 200.



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Perhaps the best recent essay on the national state is Roger Scruton, "In Defense of the Nation," in *The Philosopher on Dover Beach* (New York: St. Martin's Press, 1990).

8. Hastings, *Construction of Nationhood*, pp. 36-39.

9. An early academic formulation of this view can be found in the writings of Hans Kohn, who argued that "the essential traits of modern nationalism originated with the Hebrews," and found their first full expression in the Calvinist and English revivals of "the nationalism of the Old Testament." Kohn also finds important contributions to nationalism from within the ancient Greek tradition. See Hans Kohn, *The Idea of Nationalism* (New York: Macmillan, 1946), p. 19; Hans Kohn, *Nationalism: Its Meaning and History* (Malabar, FL: Krieger, 1965), pp. 11-12. By far the best discussion to date of the impact of the Hebrew biblical model on the establishment of the English national state and its later imitators is Hastings, *Construction of Nationhood*, pp. 14-123; the quotation from the Elizabethan playwright John Lyly is cited there on p. 57. Hastings also draws attention to the influence of the Hebrew Bible on the development of other Christian national states, from France to Ethiopia. On Israel as an ancient national state, see Steven Grosby, "Religion and Nationality in Antiquity: The Worship of Yahweh and Ancient Israel," *Archives Europeennes de Sociologie* 23:2 (1991), pp. 229-265. For a relevant discussion of the Hebrew biblical tradition and the rise of the Jewish national state in Judea during the Hasmonean period, see Doron Mendels, *The Rise and Fall of Jewish Nationalism: Jewish and Christian Ethnicity in Ancient Palestine* (Cambridge: Eerdmans, 1997); Anthony D. Smith, *National Identity* (Reno: University of Nevada, 1991), pp. 33, 49-50; Anthony D. Smith, *Nations and Nationalism in a Global Era* (Cambridge: Polity, 1995), pp. 53-54.

An interesting correlate of this argument is that the national state has great difficulty establishing itself where the influence of the Bible has remained weak. The lands of Islam, for example, continue to be bedeviled by the difficulty of advancing beyond the principles of empire and anarchy. See Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996), pp. 174-179. It is interesting to compare these to a neighboring biblically inspired state such as Ethiopia. See Hastings, *Construction of Nationhood*, pp. 150-151.

10. Even the Mongol invasions were conducted in the belief that Genghis Khan had been divinely chosen to unite the world under one law, and that conquest was necessary in order to force recalcitrant peoples to accept the justice of his court. For a discussion of the unity of mankind as the ordering principle of imperial states, see Michael Walzer, "Nation and Universe," in *Tanner Lectures on Human Values* (Salt Lake City: University of Utah, 1990), vol. 11, pp. 538-542.

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11. I have always thought that trial by combat, in which justice itself is reduced to a function of physical strength, is a most potent symbol of life under such an order.

12. Genesis 6:5-8:14; 11:1-9. For a discussion of biblical confrontation with the imperial state, see Yoram Hazony, *The Dawn: Political Teachings of the Book of Esther* (Jerusalem: Shalem Press, 2000).

13. To this list one can add government, tribe, people, and religion, which I refrain from directly mentioning only in the interest of clarity—since all of these can be transformed into nations under certain conditions.

14. I distinguish these from temporary institutions such as alliances, which have a will on an ad hoc basis. I also distinguish here between a religious order, which can act as a body and have a will, and a faith, which many men may share but which has no means of acting as a body. This last distinction is similar, although not perfectly so, to the difference between a nation and a people.

15. On the limitedness of the nation, see Anderson, *Imagined Communities*, p. 7.

16. See Pierre Manent, “Europe and the Nations,” lecture delivered at a colloquium organized by the University of Chicago (by Professor Nathan Tarcov) and the University of Michigan (by Professor Richard Zinman) and sponsored by the Konrad Adenauer Foundation, Budapest, June 1998; Jeremy Rabkin, “Is European Union Policy Eroding the Sovereignty of Non-Member States?” *Chicago Journal of International Law* (Fall 2000), pp. 273-290.

17. For other formulations of this argument, see Adam Ferguson, *An Essay on the History of Civil Society*, ed. Fania Oz-Salzberger (Cambridge: Cambridge, 1995), pp. 60-62; Anthony D. Smith, *The Ethnic Origins of Nations* (Cambridge, Ma.: Blackwell, 1986), p. 218.

18. Succa 55b; Genesis Rabba 66:4. See also the commentary of the Rashbam on Genesis 10:15.

19. For a discussion of how a universal right to self-determination of peoples can and should be squared with a limitation on the number of national sovereignties, see Ruth Gavison, “The Jewish State: Its Nature and Justification,” Zalman C. Bernstein Memorial Lecture in Jewish Political Thought, sponsored by the Shalem Center in Jerusalem, January 25, 2001.

20. Writers such as Jurgen Habermas, for example, imagine multi-national nations being constructed around a kind of “constitutional patriotism,” by which the members of various nationalities will be willing to fight in the common defense of a constitutional document in some fashion modeled after the American constitution. Habermas, “Is There a Future for the Nation-State?” p. 118.

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But this argument ignores the fact that the American constitution was the reflection of a substantial common culture, which was the basis for the belief that the United States were, or would soon become, a single nation—of which the American constitution was the symbol, but not the essence. With regard to “constitutional patriotism,” this is possible if the European nations united under this constitution are prepared to give up their independent national identities, and become instead a single nation such as are the Americans. I have yet to come across a European statesman or intellectual figure who is willing to commit to such a program. The idea of a patriotism that adheres to a constitution and not to a nation cannot be considered a serious possibility. Men form attachments to a people, and only thereafter to the constitutional documents that reflect the ideals of that people.

21. Mill, “On Representative Government,” pp. 392-394.

22. It is worth noticing that this sense of the absolute quality of moral norms is absent in anarchic order, where no power is capable of imposing what appears to be a universal standard in more than a very limited area. For this reason, rights recognized in the anarchic order are always local, particularistic, and customary in nature.

23. Woodrow Wilson, “An Address to a Joint Session of Congress,” January 8, 1918, in Arthur S. Link, *The Papers of Woodrow Wilson*, vol. 45 (Princeton: Princeton, 1984), pp. 538-539.

24. Henry Kissinger, *Diplomacy* (New York: Simon and Schuster, 1994), pp. 242-243.

25. Strangely, the extensive opposition of political thinkers to the idea of the social contract has made little impression. Here, for example, is Hume: “Nothing is a clearer proof that a theory of this kind is erroneous, than to find that it leads to paradoxes repugnant to the common sentiments of mankind, and to the practice and opinion of all nations and ages. The doctrine which founds all lawful government on an original contract... is plainly of this kind.” David Hume, “Of the Original Contract,” in *Essays: Moral, Political, and Literary*, ed. Eugene F. Miller (Indianapolis: Liberty Fund, 1985), pp. 465-487, esp. 486. See also Ferguson, *Essay on the History of Civil Society*, pp. 24-29, 118-120; Benjamin Constant, “Principles of Politics,” in Biancamaria Fontana, ed., *Political Writings* (Cambridge: Cambridge, 1988), pp. 176-178; G.F.W. Hegel, *Philosophy of Right*, trans. T.M. Knox (New York: Oxford, 1967), pp. 156-167.

Roger Scruton’s argument is highly suggestive on this score as well. As he writes: “Advocates of the social contract, for example, suppose men to be gathered together by the very contract which settles their future obligations. But how were they gathered, and who did the gathering? On what basis are those unborn to be admitted to the contract? How do we distinguish those who are entitled to

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the contract from those who are 'barging in'? There is no satisfactory position for the contract theorist to take, short of universalism: If the contract is open to anyone, it is open to all. Anything short of world government is therefore tainted with illegitimacy." Scruton, "In Defense of the Nation," p. 320.

26. For example, the state, in my estimation, has an obligation to jealously guard against the delegation of its sovereign powers to entities that are not directly answerable to its citizens. In an age in which it is becoming regrettably common for influential individuals to see renunciation of aspects of national sovereignty as a mark of enlightenment, I think a discussion is long overdue as to whether such shedding of established national powers—as opposed to the traditional method of doing business by means of short-term, ad hoc agreements—is in the long term likely to do more to preserve our freedom or to impair it.

27. Adolf Hitler, *Mein Kampf* (New York: Houghton Mifflin, 1971), p. 688.