

Self-Determination for National Minorities

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1. Conceptions of self-determination

My discussion will be structured around a distinction between three different ideas of self-determination, which I refer to as the *statist*, the *democratic*, and the *nationalist* conceptions. Each of these conceptions is invoked in international affairs, often as part of a principle that states and other actors are said to have a weighty reason to obey.

The statist conception equates self-determination with the familiar idea of state autonomy. Understood in these terms, self-determination is an enduring notion in international thought. The principle of self-determination imposes a negative duty on states to refrain from interference in one another's affairs.

A variety of justifications for such a principle are often repeated. One standard argument claims that a general norm of non-interference makes a significant contribution to international peace and security. Understood as state autonomy, self-determination excludes various pretexts that states have historically offered for going to war, and thus diminishes the likelihood of war and the need for anticipatory militarization.

A second kind of argument connects the state with its people. It is argued that the citizens of a state have interests in determining the development of their own society. When outsiders intervene, they deny citizens the opportunity to realize this interest and convey the message that citizens will never get their act together to reform their own society. A distinct but related idea is that, given differences of

culture and tradition, outsiders are at significant risk of misjudging the needs of a society targeted for intervention. One size does not fit all, and thus states have no business imposing what works in their own societies onto other peoples and societies. Michael Walzer's influential attempt to ground the "moral standing of states" in a notion of "communal integrity" draws on both of these ideas.¹ A presumption against foreign interventions leaves space for the political community's own politics to determine outcomes, and it reflects the privileged epistemic vantage-point of citizens of that community relative to outsiders.

The democratic conception of self-determination takes as its point of departure this shift in moral accent from state to people. Suppose we accept for the moment that self-determination matters because of the value for a people of being able to shape and determine its own affairs. We must immediately confront the possibility that a state's structures might themselves be substantial impediments to a state population's interests in this area. The internal character of the political system in authoritarian states may be such that nobody could think there is any determination by the people of their own affairs that could be worthy of protection or respect.

The democratic conception takes seriously this possibility and insists that self-determination involves both a negative and a positive condition. Negatively, it requires non-intervention. But, positively, it requires the presence of institutional structures through which the people can engage in a meaningful way in the shaping and determining of their own affairs.

Paradigmatically, those institutional structures are democratic ones, but the approach need not rule out the possibility that a broader range of inclusive structures, such as Rawls's "decent consultation hierarchy," might satisfy the positive condition.² There is also scope, under the heading of the positive condition, to interpret the requirement of democracy or inclusion in a more or less

procedural manner. The requirement might focus narrowly on how collective decisions for the society get made, or it might take a broader look at the degree to which the individuals who make up the people are treated as full or equal members.³

Since the negative and positive conditions may pull in different directions, there is no reason, on the democratic conception, to think that a concern for self-determination always implies non-interference. In some cases, there may be reasons internal to the idea of self-determination for thinking that some form of interference or intervention is justified.⁴ The international community might support human rights campaigners or a democratization movement in some state and believe reasonably that they are promoting self-determination along one of its two required dimensions.

The nationalist conception of self-determination focuses on a condition that is highlighted by neither the statist nor the democratic views. On the nationalist view, the world is home to a number of different socio-cultural groups that can be thought of as nations or peoples. States may be pivotal in creating and maintaining nations and peoples, but, as a conceptual matter, such groups are not equivalent to the populations of states. A particular state may be home to more than one national group, and a particular national group may be spread across more than one state.

On the nationalist conception, it is peoples understood in this socio-cultural sense that ought to be self-determining. Self-determination, in other words, has a *boundary* condition. A people is self-determining only if it is able to determine its own affairs through its own political structures. For this condition to be satisfied, there needs to be congruence between the boundaries of the political unit and the boundaries of the socio-cultural one.⁵

I shall have much more to say about the nationalist conception throughout this paper. For now, let me draw attention to a point that has already been implicit in the language used to describe the three conceptions. Associated with each conception is a specific claim about who the subject or “self” is of self-determination. If the statist conception focuses on the self-determination of the state, and the democratic conception highlights the self-determination of the people defined as the citizens of the state, then the nationalist conception’s concern is with the self-determination of peoples, where peoples are understood as socio-cultural groups having their own sense of national identity.

My aim in this paper is to reflect on which of these conceptions of self-determination is most suitable for adoption into a principle of international law or practice. To keep the discussion focused, I shall assume, for the most part, that the democratic conception is more acceptable than the statist one. Most political theorists gravitate towards a version of the democratic view, and even self-identifying statist, such as Walzer, seem to incorporate weak versions of the democratic conception’s positive condition into their idea of self-determination.⁶ The main question to be considered is whether the democratic conception is all that is needed, or whether a further step to the nationalist conception is also worth taking. For reasons that will be explored below, many commentators are dubious about the nationalist view. The democratic conception, they suggest, is based on important values of democracy, inclusion, and equal membership that are plausibly regarded as matters of fundamental justice. By contrast, the basic concepts and normative commitments associated with the nationalist conception are harder to pin down, and the values involved – to the extent that they can be identified – do not seem like matters of grave moral significance.

Although there is much to be said for this skeptical position, I shall take the opposing view. I think that failure of self-determination in the nationalist sense should sometimes be regarded as a matter of legitimate international concern. A

failure to make space for national self-determination does involve a kind of injustice – even if not a “fundamental” injustice – and it is reasonable for the international community to take proportionate measures aimed at preventing and remedying that situation.

2. A moderate version of the nationalist conception

The nationalist conception is often characterized in ways that make it seem extreme and unpalatable. One instance of this tendency occurs when it is assumed that, on the nationalist conception, the boundary condition can be *substituted* for the positive condition. This version of the nationalist conception holds that it does not matter for self-determination whether democratic structures are in place so long as the authoritarian, or non-democratic, structures that are in place are in some sense controlled by members of the relevant national group, so that the boundary condition is met.

A second tendency in the interpretation of the nationalist conception is to assume that the congruence between political and national that it calls for must take the form of the nation-state. According to this version of the nationalist conception, states should not contain more than one nation, and nations should not be spread over more than one state. Once this understanding of the nationalist conception is locked into place, it is but a few short steps to the worry – famously articulated by Wilson’s Secretary of State, Robert Lansing - that self-determination is a “phrase loaded with dynamite.” Given that state boundaries do not align very well with existing national groups, a principle of national self-determination will immediately raise the specter of endless instability and violent conflict.

The version of the nationalist conception that I shall defend avoids both of these tendencies, and in this sense is more moderate than the view that critics often have in mind. On a moderate nationalist view, it is necessary that the negative

condition, the positive condition and a boundary condition *each* be satisfied. It is not enough for self-determination that the state be free from external interference and that it constitute itself in a democratic or broadly inclusive manner. Its democratic or inclusive structures must themselves be organized within particular boundaries so as to empower national groups. Equally, however, it is not sufficient that the boundary condition be satisfied, if the positive or negative conditions are not. The moderate nationalist conception rejects the idea that, so long as national groups are given space to determine their affairs in a way that fits with their own beliefs and traditions, they are self-determining even if they determine those affairs in an authoritarian manner.⁷ On the moderate nationalist view, in other words, the relationship between the boundary and positive conditions is one of addition rather than substitution. Thus the view offers little cover to actual or aspiring nationalist authoritarian regimes that insist on being left alone by the international community.

A second distinctive feature of the moderate nationalist conception is that it does not claim that national minorities ought, in general, to possess their own state. To satisfy the boundary condition, it is sufficient that some meaningful form of internal autonomy be given to national minorities. This may involve federalism, or devolution, or some other form of regional autonomy, which seeks to empower a national minority by making them the local majority within a territorial unit of the state. Or it might conceivably involve some form of non-territorial autonomy in which the structures of representation are designed in such a way that a national minority has control over some of its own affairs.⁸

The moderate nationalist conception, as I understand it, thus focuses on internal rather than external state boundaries, and in this sense on internal rather than external self-determination.⁹ It does not rule out the possibility that external self-determination (e.g. secession) might be an appropriate remedy for a persistent, unjustifiable failure on the part of a state to offer internal self-determination to

national minorities. But the moderate nationalist conception does not imply any general or “primary” right on the part of national minorities to choose their own political status.¹⁰

So the version of the nationalist conception that I want to defend is moderate in two key respects. First, the conception accepts that democratic or inclusive structures are an essential condition of self-determination and thus avoids the objection that it ends up legitimating authoritarian nationalist regimes. And, second, it regards internal sub-state political arrangements as an adequate vehicle for the self-determination of national minorities: there is no requirement that every national group have its own state. Of course, it is one thing to announce this moderate position as the view to be defended; it is another to defend it with an argument that really does justify the moderate conception without entailing the extreme and unpalatable positions with which the nationalist conception is often associated. Without such an argument, the restriction to the moderate nationalist position will seem ad hoc, and the arguments themselves will seem untenable.

I think the arguments I lay out below do favor the moderate nationalist conception over other variants of the nationalist view. They point to reasons for thinking of the boundary condition as a supplement to, rather than a substitute for, the positive condition. And they point to reasons for thinking that self-determination appropriately takes an internal rather than an external form in the usual circumstances of modern pluralistic societies.

3. Subject populations and indigenous peoples

One approach to evaluating the competing conceptions of self-determination is by asking which is most consistent with widely endorsed developments in international law and practice. A virtue of the nationalist conception is that it can help to make sense of some important cases. The subject populations of

overseas colonies and indigenous peoples are two categories of cases in which many commentators would agree that there are strong claims to self-determination. It is widely thought that the populations of overseas empires ought to have had the right freely to determine their own political status: it was appropriately up to them whether they wished to become an integral part of the colonial state or whether they wished to become an independent state of their own. This right, and the associated “saltwater test” which limited the right to the populations of overseas colonies, was recognized by the international community in the post-war years.¹¹

Likewise, many commentators would accept that indigenous peoples have a right to self-determination.¹² It might not be feasible, in many instances, for such peoples to form their own independent states, but they should at least be able to enjoy autonomy or self-government within the larger state in which they find themselves. In recent years, this right has been formally recognized by the international community. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007) affirms that indigenous peoples have a right to “self-determination” (Art. 3), the exercise of which may involve a “right to autonomy or self-government in matters relating to their internal and local affairs” (Art. 4).

These cases are significant for our discussion because they involve attributing a right of self-determination to groups that can be understood as social and cultural in character. In neither kind of case is the subject of self-determination considered to be the whole population of an existing or even previously existing state. In the colonial case, the group wielding the right to self-determination was in practice often defined by administrative boundaries established by the colonial power. But these boundaries were clearly not the whole story, since, according to the saltwater test, a group defined by the same kind of administrative boundaries but located on the historic territory of the imperial power would not have the same right. A plausible interpretation of this set of facts is that the subject population of

an overseas colony possesses a right to self-determination at least, in part, because of its social and cultural distinctiveness vis-à-vis the population of the colonial power.¹³

The connection with the nationalist conception is even clearer in the case of self-determination by indigenous peoples. These groups are clearly not defined as the population of an existing state or as the population of an administrative unit of an existing state. Nor did they typically possess states in the recent past, although they often do claim to have had their own institutions of self-government. What is generally true of indigenous peoples is that they are culturally and socially distinct from the majority population of the state.

Based on these considerations, one might think that aspects of the nationalist conception of self-determination are already present in international law and practice. A full embrace of the nationalist conception would be a matter of making these anticipations of that conception more explicit and applying them more consistently across other kinds of cases. It would mean, for instance, extending the self-government rights enjoyed by indigenous peoples to all national minorities.

It should be said that advocates of the democratic conception resist this whole line of argument. They deny that subject populations of overseas colonies or indigenous peoples enjoy self-determination rights *qua* cultural or social groups. Instead, the fundamental feature of these groups is that they have been, and in many cases continue to be, particularly vulnerable to the rights abuses and forms of exclusion that are salient under the democratic conception.¹⁴ The democratic conception can allow for the possibility that territorially concentrated populations which are denied equal membership may have remedial rights to self-government of some form. From the perspective of the democratic conception, then, the developments relating to decolonization and indigenous peoples do not

imply any commitment to the nationalist conception. Instead, these cases showcase the remedial rights that can be defended by the democratic conception, rights that may extend beyond the colonial and indigenous cases but do not extend to all national minorities.

There is more that could be said about this particular argument. One might wonder what the democratic conception would say about the theoretically possible (even if historically rare) case of an overseas colony governed on the basis of democratic principles. For instance, I suspect that many observers would judge that the present-day inhabitants of Nouvelle-Calédonie have a basic right to freely determine their own political status.¹⁵ And one might also wonder what the democratic view would say about indigenous peoples whose members are genuinely treated as equal citizens by the state in which they live. The democratic conception implies that the rights to internal self-determination announced in the UNDRIP should be reconsidered in the future if indigenous peoples find themselves consistently governed in a democratic or inclusive manner. This is not the position generally taken by indigenous peoples themselves, however, nor is it anticipated in the UNDRIP.

I won't explore these issues further here. I think there is a suggestive case for the nationalist conception based on consistency with the treatment of decolonization and indigenous peoples. But it seems clear that the case is hardly a decisive one. Proponents of the democratic conception have their own interpretation of the precedents in question, and they might also question whether the nationalist interpretation is in danger of proving too much. To the extent that international practice regarding decolonization has shown deference to tyrannical post-colonial regimes (e.g. Idi Amin's Uganda), precedent seems to prefer authoritarian over moderate nationalism. To defend the moderate nationalist conception, a deeper argument is called for. It is necessary to explain why something that is

normatively important would be lost or ignored by stopping at the democratic conception and not taking the further step to the moderate nationalist one.

4. Conceptualizing national minorities

Given doubts about an argument based on existing law, it is best to look for a deeper justification of the nationalist conception. The conception faces a number of serious challenges. First, and most basically, there is a challenge to its ontology. Is the concept of a national minority a coherent one? Second, even if a coherent notion of national minority can be specified, is there a good reason to think that self-government for such a minority has any special value? Third, even if the first two challenges can be met, it is questionable whether providing self-government to national minorities is a matter of justice. Finally, even if all of the above challenges can be answered, it may be that institutionalizing a right to self-government in international law or practice would have objectionable consequences.

We might call these the problems of *ontology*, *value*, *justice*, and *institutions* respectively. In this section, and the three that follow, I shall say something in response to each challenge. I consider them one by one, but it is worth noting that the most difficult form of challenge attacks along several fronts at once. Such attacks allow that a given objection might be answered in a particular way, but insist that answering it this way makes it even harder to handle one of the other objections.

The result of the discussion, I hope, is more than a catalogue of responses to criticisms of the nationalist view. The theoretical and normative basis of such a view should come into focus, and the reasons for endorsing it over an account of self-determination that stops with the democratic conception should become apparent.

At first glance, the problem of ontology may seem strange to some readers. There are standard lists of national minorities familiar from news reports and discussed in political science and law. These lists include, to mention just a few examples, the Quebecois, the Scots, the Catalans, and the Russian minorities in various states that once were part of the Soviet Union..The lists do not seem especially controversial and are not typically accompanied by any caveat about relying on a problematic category.

However, when state officials first seriously struggled with the problem of identifying distinct nationalities, in the years after the First World War, they did find the task to be much more difficult than was expected. The various standard criteria for identifying national groups – language, ethnicity, self-identification – all led to different conclusions.

In recent years, the problem of defining and identifying national groups has become intertwined with concerns about essentialism. Can national groups be identified in a manner that does justice to their invariably heterogeneous, dynamic, contested, and interrelated character? And can a non-essentialist account of national groups avoid reducing them to mere patterns of discourse (like 17th century witch-talk) having little positive normative resonance?

I believe that there is a way of identifying distinct national groups that neither essentializes them nor reduces them to mere patterns of discourse.¹⁶ An ontology of groups can avoid essentialism by focusing, at the fundamental level, not on the traits (beliefs, values, etc.) that all members of the group supposedly share in common, but on the social lineage of the (heterogeneous, contested, fluid) traits that members do have. On a social lineage account, individuals belong to the same group when they are, to an appropriate degree, the products of a common social environment. They share in exposure to a common set of

social institutions and practices, and (in part for this reason) they interact more intensively with one another than they do with individuals outside the group. Or at least this was true of them earlier in their lives. Individuals belong to a *distinct* group – for instance, a minority group, rather than the majority – when the common social environment that they share or shared is to, some degree, isolated from the environment that forms others. The institutions and practices that create a common social experience for the minority group are not and were not present (to the same extent) in the lives of the majority, who instead are or were subject to a different set of institutions and practices.

This characterization of groups is too broad in the sense that it is likely to include groups that are not specifically *national* in character. For a group to be national, three further conditions are needed. The first is that the distinctive social environment which gives rise to the group is *multidimensional* in character. That is, there are a number of different institutions and practices which each exert a common influence on members of the group and which do not exert such an influence on non-members. In a paradigm case, a national minority is concentrated in its own territory, separated geographically from the majority population. It possesses its own distinct language, and its own institutions of government, administration, and education. The religion professed by most of its population is different than the dominant religion amongst the majority. In part because of these various differences, the minority is treated by the media, and by businesses, as forming their own market. In these ways, and perhaps others, a whole series of structures, which influence the socialization of individuals, coincide in impacting all and only the members of the group. In virtue of these several different dimensions of distinctness, the social experience and formation of members of the group is quite different from that of non-members.

In practice, actual national minorities fall short of this paradigm in various ways. Like the Scots, they may speak the same language as the national majority. Or

like the Catalans, they may practice the same religion as the majority. In addition, even where there is “isolation” along some or all of the dimensions, it may be quite modest in degree. The members of the minority may live interspersed amongst members of the majority, and interact with them in many contexts. Institutions of administration or government that are peculiar to the minority may be a thing of a past, living on only in the narratives and identity of members of the group. There will certainly be forms of commerce, technology, and economic organization that encompass minority and majority alike and, indeed, some that are global in their reach. The important point is that distinct national groups pass a threshold level of social and historical isolation from the majority population that is discernible along a number of different dimensions.

Second, for the group to be considered “national,” the distinctive social environment that makes it a group must generate a distinctive pattern of beliefs, values, concerns and allegiances – what might be called a distinct *culture*. It need not be that everyone in the group shares the same beliefs, values, concerns and allegiances. This would be to fall back into essentialism. But the frequency with which different beliefs, values, etc., are held amongst the minority should diverge from the pattern amongst the majority if the group is to count as a national minority for the purposes of my account. This second, *cultural* condition is not logically entailed by the multidimensional social isolation condition. But it should be clear that the two conditions are contingently quite highly correlated. It would be surprising if a group formed under conditions of multidimensional social isolation did not exhibit a distinctive pattern of beliefs, values, and concerns, relative to others whose formative influences are quite different.

A third requirement of a national group is that there be a widespread sense of identification with and valuing of the group formed by the distinctive social environment. It need not be true of everyone, but many people should think of themselves as members of the group, value their membership, and – importantly,

if the group is to be considered a *national* one – want the group to be self-governing with respect to at least some matters. Again this *identity* condition is not necessitated by the first condition, but there is likely to be a contingent association of the two. Where an identity is present, this may reinforce the tendency to social isolation, as members of the group prefer, in certain contexts, to interact with other members. And where there is social isolation, based on a distinctive set of common institutions and practices, this may engender an attachment to those institutions and practices, and to one's fellows who have also been formed by them. It may engender, that is, an identity.

In summary, then, a national group is a group of people who are formed by a distinctive, multidimensional social environment, who exhibit a distinct culture as a consequence, and many of whom have a national identity focused on the group in question. I believe that this account picks out all or most of the groups that are commonly mentioned as national minorities, and does so without falling into the essentialist trap or reducing such minorities to a normatively dubious social construction. Some of the characteristic features of nations that I am drawing attention to here, such as the presence of distinctive beliefs and concerns, and the widespread desire for self-government, are familiar from standard accounts in the literature.¹⁷ The twist I am proposing is to think of members of a national group as sharing a common social lineage. The social lineage account can embrace the idea that nations are settings in which certain beliefs, preferences and identities are especially prevalent while at the same time accommodating the fact that typically not everyone in the group shares these beliefs and attitudes.

5. The value of self-government

As we saw before, a second challenge to the nationalist conception of self-determination is to explain why it would matter to members of a national minority that they enjoy self-determination. The general shape of my answer to this challenge is quite conventional. Like several other theorists who have discussed

the issue, I shall describe two main benefits of self-determination.¹⁸ The first highlights the instrumental value of self-determination; the second its intrinsic value.

The instrumental benefit relies on the idea that a national minority is defined, in part, by a common culture. As we saw, this does not mean that everyone in the group shares the same values, beliefs, concerns, etc., but it does mean that certain values, beliefs and concerns are more prevalent (and others are less prevalent) than they are amongst the national majority. Self-determination makes it easier for members of a group to express their distinctive values and preferences in political decisions and outcomes. When a group is in the majority in a constituency, it has greater power to bring about decisions and outcomes that reflect commonly held beliefs, values, and concerns than would be the case if its members are thrown into a collective decision-making process dominated by a culturally distinct majority.

It is easy enough to see how this argument might go for the cases of overseas colonial subjects or indigenous peoples. Relative to the ones that prevail in the metropolitan or national majority, the dominant beliefs, values and concerns within the colonized or indigenous group are likely to be quite distinct. Whereas carving out jurisdictional spaces in which such a group can be self-governing helps to ensure that laws and public decisions more fully reflect its distinctive beliefs and approaches, this sensitivity to the group's particular concerns would be much less likely were its members to constitute only a small minority in a much larger jurisdiction. The argument seems particularly strong in the case of indigenous peoples, but there is no categorical reason not to apply it to other national minorities. An argument of this kind was often made by Scots in favor of devolution, and is echoed again today by Scots who favor full independence. The pro-devolution Scots maintained that Scottish political values were systematically

thwarted during the Thatcher years (when the vast majority of Scottish MPs were in opposition) and that devolution would make it harder for this to happen again.

So self-determination is valuable for members of national groups, then, in the straightforward sense that it allows them to more easily express and realize their distinctive (non-self-determination-related) values and preferences. One way to put this point is by saying that, *all else being equal*, it is good when individuals can be governed by political decisions and outcomes that “fit” with their own values and traditions. When there is a fit of this kind, individuals are “at home” in their public life and institutions. Public life is understandable and meaningful to them—familiar and comfortable. As we noted earlier, this notion of “fit,” or what Walzer also terms “communal integrity,” is sometimes offered as a reason for *dropping* the positive condition (democratic institutions) in favor of the boundary condition. My claim is that “fit” is indeed relevant, but its relevance plays out as part of the case for autonomy for national minorities *within* democratic or inclusive institutions. It is implausible to regard the values related to “fit” as cancelling or outweighing the values realized by democracy, since the instrumental benefits of democracy may themselves be very substantial. But acknowledging this point is consistent with insisting that “fit” is relevant to how democratic institutions are organized.

A familiar objection to this instrumental argument is that it tacitly relies on a form of essentialism. Although the concept of culture appealed to by the argument is avowedly non-essentialist, the real work might seem to be done by a different concept according to which everyone who shares a culture holds some distinctive set of values and preferences. If essentialism is truly being foresworn, then presumably it is more accurate to say that self-determination will help some members of the group and hinder others. Scots with Thatcherite values might have done better in realizing their values in a unitary Britain than under

devolution. The decisions and outcomes made in a Britain-wide forum were likely to be a better “fit” with their values.¹⁹

This objection raises an important point. It suggests that we should regard the claim that self-determination has instrumental value for members of the group as shorthand for the weaker claim that it has instrumental value for *some* members of the group. But, for our purposes, the weaker claim should suffice. Suppose it is granted that both the majority and the minority in a national group have some claim to a jurisdiction in which their values and preferences are able to flourish. And suppose that the majority preferences do better in a sub-state jurisdiction (e.g. in decisions made by the Scottish Parliament) and the minority’s preferences do better in the state-wide setting (e.g. in decisions made in Westminster). An argument for self-determination (i.e. empowering the Scottish national identity by assigning some powers to the Scottish Parliament) could still be made in one or other of two ways. One could argue that, if forced to choose one or the other, it is more important to achieve a fit with the preferences of the majority in the group. Or one could argue that, under a system of devolution or federalism, jurisdictions are assigned in such a way as to fit with the majority in some areas and with the minority in other areas, thereby achieving a kind of equality or evenhandedness. The second of these possibilities anticipates the proposal to be offered in the next section for handling situations in which there is more than one national group present on the territory on which some particular group is seeking self-determination.

The intrinsic benefits of self-determination can be described more succinctly. Two variants of the argument can be distinguished, one of which relies on a particular view of cultural preservation, while the other makes do without it. The cultural variant starts from the premise that people often value their culture and desire its preservation. It adds to this a non-essentialist conception of what it means to preserve a culture. Preserving a culture is not a matter of preserving any

particular value or tradition, since no particular value or tradition is definitive of the culture. Instead, a culture is preserved over time when its members – rather than the members of the majority society – retain control over the mechanisms of cultural transmission from one generation to the next, even if the substantive values and preferences of the new generation diverge quite markedly from those of their elders. On this view, self-determination is valuable because it is one of the mechanisms by which members of the national minority control the socialization of members of the next generation.

The second variant of the intrinsic argument maintains that the value of self-determination derives simply from the fact that the aspiration to collective self-determination is one of the constituting features of a shared national identity. To have a national identity is to have a set of attitudes and dispositions, one of the most important of which is the desire for some degree of collective self-determination. The self-determination of some particular national identity group is a good for individuals in that group in the simple sense that it accommodates, or gives expression to, the desire for self-determination shared by (most) people with that identity. The accommodation of this desire may in turn be one of the sources of self-respect for some individuals. Their respect for themselves may, in part, be a function of the respect that is publicly accorded their identity group through the creation of institutional jurisdictional spaces in which the group can be self-determining.²⁰ Where respect is at stake in this way, the claims about justice considered below should be given added weight.

6. Justice and Self-Determination

So self-determination is valuable for national minorities in several different ways. It allows many in the group to more effectively realize their values and preferences and to enjoy the Walzerian good of communal integrity. And it offers an important tool with which to preserve the minority's culture and to provide the more direct satisfaction of the desire for self-determination itself.

The question we must now explore is how the values associated with self-determination should figure into an account of what is owed to persons as a matter of justice. For the most part, the arguments for the value of self-determination appeal to ways in which various values and preferences of individuals would be satisfied by such an arrangement. But, since there is no general right to have one's values and preferences satisfied, an additional step in the argument needs to be completed. One could accept that self-determination is valuable in the ways that I have outlined and still not think that that any issue of justice is at stake. And, even if one thought that some form of justice was involved, one might question whether the injustice involved in denying a national minority self-determination should be of any concern to those who frame international law and conduct international affairs.

A first step in completing the argument is to observe that the self-determination of national groups is a good that can be distributed more or less equally depending on political arrangements.²¹ At one extreme, for instance, political arrangements might not provide any space for self-determination at all to some national group. At the same time, those with a different national identity may, in this situation, readily be able to identify with the political community in which collective decisions are made. It may be both the case, for instance, that they think of the entire state, and all fellow citizens, as forming their community of belonging and that it is at this statewide level that political decisions are made.

On the other hand, self-government need not be so unequally distributed. Constitutional arrangements can be put in place, for example, that empower people with a sub-state national identity—through federalism or devolution—while at the same time providing a degree of self-determination to statewide national identity holders as well—through the retention of certain democratically controlled powers by the central state. Provided that significant functions and

responsibilities are assigned to each level, a kind of rough equality in self-determination is worked out.

Consider again the case of Scottish devolution. This arrangement enhances equality in two different respects. First, and most obviously, devolution brings about greater equality between citizens in Scotland with a Scottish national identity and citizens in England who have a British national identity. The Scots enjoy some degree of self-determination in the association that they value, and can expect to enjoy some of the instrumental and intrinsic benefits outlined above that derive from this arrangement. Because of the powers retained in Westminster, Britain-identifiers in England enjoy self-determination alongside all British citizens, although they do not get to participate in determining for the Scots those questions that are assigned to the Scottish parliament.

Second, devolution enhances equality *within* Scotland between those whose identity is primarily Scottish and those whose identity is primarily British. Whereas the creation of uniquely Scottish institutions, including a Scottish parliament, gives public expression to the Scottish identity, retaining certain powers and responsibilities in London gives a public, political life to the British identity. This second relationship of equality helps to explain why the goods associated with self-determination do not count in favor of secession or a massive delegation of powers to the sub-state authority. A devolution, or a secession, that assigned too many powers to the sub-state authority would end up denying equal opportunity for self-determination to citizens of the sub-state unit who maintain a statewide identity. Had the Scots voted to secede in the September 2014 referendum, a valuable form of equality would have been undermined. Herein lies my reason for thinking that the argument I've been developing for the nationalist conception of self-determination favors the moderate version rather than a stronger version of that conception which justifies, or even demands, a state for each nation.

Once it is noticed that the opportunity for self-determination can be distributed more or less equally to members of different intrastate national groups, it becomes plausible to think of self-determination as a matter of justice. For the various reasons reviewed in the previous section, it can matter a great deal to people whether the group they identify with enjoys self-determination or not. Nobody has a claim of justice that all the things that matter to them will be guaranteed in full. But people do plausibly have a claim of justice to equal treatment in the distribution by public institutions of resources and structures that provide opportunity to attain the goods that matter to them.

In previous work, I have argued that the notion of equal treatment that is being invoked here can be rooted in a fairly fundamental principle of liberal thought – the principle of liberal neutrality.²² All else being equal, a liberal state ought not to be taking sides amongst the different preferences and attachments of its citizens. Of course, it should take sides when liberal values themselves are at stake, but there is a large range of preferences and attachments that are permissible from the standpoint of liberal values. Towards these permissible preferences and attachments, the state should extend neutral treatment: relative to an appropriate baseline, it should confer equivalent benefits to, and impose equivalent burdens on, the pursuit and enjoyment of the different preferences and attachments that people have. A scheme of public institutions that gives some space for self-government to national minorities and some to those who identify with the national majority does a better job of realizing neutrality in this sense than either a unitary state or a state that has been dismembered by secession.

The principle of liberal neutrality is itself grounded in an even more basic idea in liberal thought: the idea that the state should leave its citizens with a fair opportunity to pursue and enjoy the preferences and attachments that they in fact have. The fundamental principle of the account, then, is an individual one: fair

opportunity for individuals to pursue and realize their conceptions of the good. But the argument is that group recognition and self-determination can be consequential for the pursuit of individual conceptions of the good. Fair treatment of individuals thus requires attention to be paid to (among many things) the fair treatment of groups. Because fair opportunity for individuals is the fundamental concern, the account being offered here does not justify – and indeed counsels against – the political accommodation of groups and group structures that treat individuals (be they members or non-members) in a harmful, oppressive, or otherwise unfair manner. There is continuity at the deepest level of the theory between individual human rights and the moderate nationalist conception of self-determination: both have a common source in fundamental individualist principles of liberal thought.

As I mentioned above, it is possible to accept this argument and still think that self-determination is not a matter of justice as far as the international community is concerned. On this kind of view, devolution-seeking Scots would have a claim of justice against fellow Britons, but there would be no issue of justice as far as the rest of the world is concerned.

But this position seems confused to me. If one accepts the democratic conception of self-determination, then one should be open to the idea that justice claims that, in the first instance, are internal to some state can end up a matter for international concern if they are not satisfactorily resolved within that state. Consider the case of a state that denies basic freedoms of speech or association to an ethnic minority in its population. The members of that minority have a justice claim, which in the first instance is directed at the state and at fellow citizens. But if this justice claim is consistently overlooked or rejected, then, on the democratic conception at least, there are grounds for the international community to take remedial actions of some sort. In addition, given the risk of rights violations occurring, there may be grounds for international monitoring and

advocacy efforts, even directed at states where no actual rights violations in need of remedy are occurring. The key point is that nothing about where the claim of justice is directed in the first instance is relevant to whether a persistent injustice (or danger of such injustice) might be a matter of international concern.

A possible response might be to argue that the denial of self-determination is not a *fundamental* injustice and that only fundamental injustices ought to be of international concern. This sort of argument would differentiate the denial of self-determination case from the freedoms of speech and association ones that were just mentioned.

I would accept that denial of self-determination does not rise to the level of a fundamental justice. And I would accept that conflicts between fundamental and non-fundamental justice ought to be resolved in favor of the former. But I see no reason to believe that, as a general matter, international concern should be *limited* to matters of fundamental justice.

It is true, of course, that certain expressions of international concern would be out of proportion to a non-fundamental injustice. Military intervention would not be justified, nor would other severe responses (e.g. blockades, far-reaching economic sanctions, expulsion from important international organizations) that are appropriately reserved for extreme cases involving grave moral urgency. Nor, for that matter, would it be proper for the international community to use recognition as a tool for promoting non-fundamental justice, except perhaps in cases where the injustice is strongly resistant to domestic correction and where the risks to the continued realization of fundamental justice are minimal. As a general matter, it is wrong to undermine or disrupt existing states that are doing a tolerably good job of providing fundamental justice to their citizens.

But none of this rules out *proportionate* measures taken by the international community to encourage and incentivize the realization of non-fundamental justice within particular domestic contexts. The mere fact that a particular right or principle is announced in an international covenant or declaration can enable domestic actors to advocate more effectively for the realization of that right or principle. More substantively, the international community can monitor and report on the condition of national minorities, and it can offer various forms of training, and organizational and material support to minorities that are denied self-government. In addition, international organizations (e.g. the European Union) might make respect for self-determination in the nationalist sense a condition for accession or for the receipt of particular benefits. All of these mechanisms, which fall short of recognition as well as more coercive measures, are instruments that international actors might wield to encourage and incentivize compliance with the nationalist conception consistent with a norm of proportionality.

7. Institutionalizing National Self-Determination

A final challenge to the nationalist conception concerns its acceptance into international law and practice. Would the development of a general norm of guaranteeing self-determination for national minorities lead to adverse consequences of various kinds? As we saw near the start of the paper, one argument in favor of the statist conception is that it eliminates any of the possible adverse consequences associated with empowering states (or other international actors) to intervene in one another's affairs. This may seem excessively conservative in that it ignores possible benefits flowing from a practice of international concern. But it is possible that the balance of considerations is different when one examines (as we have done in much of the paper) the choice between the democratic and nationalist conceptions. It might be argued that the democratic conception gets the balance about right between the benefits of international concern, on the one hand, and the risks of adverse consequences, on the other.

To explore this possibility, let us consider two kinds of adverse consequences that are sometimes associated with national self-determination.²³ The first is connected with the fact that, in contrast with indigenous peoples, many national minorities are irredentist in character. They speak the same language as, and share a cultural heritage with, the majority population of some neighboring or nearby state. The national identity of these minorities often expresses itself as a desire for greater cultural and political connection with the “homeland” state and its majority population. When nationalist minorities have this irredentist character, intrastate struggles for internal self-determination can lead to interstate tensions and conflict. Since the nationalist conception legitimates such struggles for internal self-determination, and encourages outsiders to take an interest in their success, the worry is that it will end up destabilizing the interstate relationships that are also implicated. The drive for internal self-determination may diminish the possibilities for peaceful cooperation between neighboring states and raise the likelihood of distrust, enmity, and violent conflict.

A second adverse consequence arises from the fact that members of national minorities may not think that internal self-determination is sufficient. They may instead think that the benefits of self-government will be realized most fully through independent statehood. This sentiment may be especially strong amongst political elites, (would-be) government workers, and others who would gain tangibly from independent statehood. Although the nationalist conception is meant to legitimate internal self-determination only, and indeed the justice argument of the previous section condemns secession in some instances, the worry is that internal self-determination may serve as a stepping stone to external self-determination. The very institutions of intrastate autonomy may be used by secessionist elites as a platform to mobilize for further separation from the state. This possibility would seem to make it possible for states that are home to national minorities to be open to internal autonomy “in theory,” but to reject it “in

practice” on the grounds that it jeopardizes their own territorial integrity and national security. The anxiety about national security is especially plausible when the concerns about irredentism and secessionism are both present. In such a situation, a state may fear that extending territorial autonomy to a national minority may produce a chain of events that leads to the loss of territory to a historic, neighborhood rival.²⁴

This is an important set of challenges to the nationalist conception, and I do not think that it is possible to exclude the possibility that institutionalizing such a conception would have the adverse consequences that are predicted. However, there are ways of minimizing the risks of such consequences, and there are also risks on the other side. No configuration of international law and practice is without some risks. The best that can be done is to try to make the risks as tolerable as possible.

One reason for downplaying the risks of adverse consequences was introduced in the previous section’s discussion of proportionality. The injustice involved in denying internal self-determination to a national minority is, on its own, a non-fundamental one. International action to remedy such an injustice should be proportionate to this non-fundamental character. Most importantly, such action should not undermine the capacity of states to continue delivering fundamental justice to their citizens. This constraint places significant limits on what “homeland” states can do to promote the claims of their kinsfolk who are a national minority in a neighboring state. They cannot escalate their pressure beyond a certain point, e.g. by issuing ultimatums, threatening economic reprisals, arming guerillas, etc., without running foul of the proportionality constraint.

Of course it is true that the risk does not disappear simply by noting the constraint’s theoretical importance: homeland states might simply ignore the

constraint. But this is a very general possibility and is not peculiar to institutionalizations of the nationalist conception. If the democratic conception were to be the established norm of international law and practice, homeland states might still come to the assistance of their ethnic kin in other states in defiance of any proportionality constraint. There is nothing magical about any of the conceptions of self-determination we have been considering. Moreover, there is at least some reason to hope that the nationalist conception would do better than the democratic one at limiting extra-legal intrusions by states in one another's affairs. Compliance with international norms is more likely, all else being equal, if those norms are regarded as legitimate. If no space is made for a practice of international concern for national minorities denied internal self-determination, then homeland states may simply conclude that international norms should be ignored in this area and that they ought to take extra-legal measures in a unilateral way. By contrast, the possibilities opened up by the nationalist conception reduce the "strains of commitment" to international norms, and make it a bit more likely (again, all else being equal) that states will comply with such norms.

In addition, if one is seriously concerned about the excessive zeal of homeland states for the self-determination rights of ethnic kin in neighboring states, then this may be a reason for taking the practice of international concern out of the hands of particular states and placing it instead in the hands of international bodies and organizations.²⁵ Defending such a proposal is beyond the scope of the present paper. The point is simply that endorsing the nationalist conception does not automatically entail new permissions for particular states to protect "their" kinfolk in other states.

Let us turn now to the worry that internal self-determination would serve as a launching pad for efforts to mobilize external self-determination. The key to addressing this concern is for international law and practice to offer a firm

guarantee of the territorial integrity of states that do an adequate job of following the nationalist conception. To a degree, this guarantee is already established. There is no right to unilateral secession in international law, and there is certainly no such right in cases where there is no pattern of serious injustices calling to be remedied. However, to say that there is no right to secede is not equivalent to saying that (basically just) states have a right to territorial integrity. It may be that additional norms need to be developed that make it clearer to states that they can extend internal autonomy to national minorities, and generally govern in an adequately just fashion, and feel secure that the international community will not support or recognize a unilateral attempt to secede.

As an illustration of such a mechanism, one might imagine the European Union adopting a two-part policy towards states seeking membership in the union. It might insist, (1), that candidates for admission adopt or credibly commit to adopting a meaningful scheme of internal autonomy for national minorities. At the same time, the EU could itself commit to, (2), refusing membership to any group that sought to use such a scheme as a stepping stone to full independence. Faced with loss of membership in the EU, it is unlikely that groups benefitted by internal autonomy would try to propel themselves onward to independent statehood.

Admittedly, none of these considerations fully rule out the possibility that a state might harbor legitimate fears about its territorial integrity should it establish autonomy arrangements. In part for this reason, claims to self-determination made by national minorities should not be considered to have preemptory force. They can be outweighed by other considerations, such as a reasonable fear that self-determination would lead to one or more of the adverse consequences described above. To say that the value of self-determination is “outweighed” in these contexts is not, however, to say that it disappears from the scene altogether. Even though states are not obliged to establish self-determination in

these contexts, a residue of the underlying values still remains. States ought to work, over time, to build up the conditions that are propitious for self-determination, such as friendly relations with neighbor states, observance of human rights, and participation in international organizations that protect the territorial integrity of just states. In this sense, national majorities should not lock a rejection of autonomy for national minorities into their long-term constitutional structures, but ought to lay the groundwork for an eventual adoption of such arrangements when the conditions are ripe.²⁶

8. Conclusion

The view of self-determination elaborated in this paper has been defended before. In the early 1990s, as European institutions struggled to deal with nationalist conflicts that erupted with the collapse of communism, the idea that national minorities should enjoy a right to internal autonomy arrangements came briefly into fashion. Several European bodies proposed a norm along these lines, arguing that it was a reasonable compromise between secession, on the one hand, and the unitary structures of the nationalizing state, on the other. Reflecting this context, perhaps, Cassese concluded his influential 1995 book, *The Self-Determination of Peoples*, with a call for the extension of a right to internal self-determination to encompass autonomy for national minorities.²⁷

Despite this brief burst of enthusiasm for what I have called a nationalist conception of self-determination, international law and practice have shown little sign of moving in the direction that Cassese and other reformers were advocating. The main obstacles to reform are political. As a general rule, state officials tend to be skeptical of any proposal that would open their states up to additional monitoring and interference by the international community. As we saw in the previous section, in some contexts states may have legitimate fears that internal autonomy schemes would lead to the loss of territory through secession and/or to intra- or inter-state violent conflict.

In addition to the political obstacles, however, there have also been intellectual ones. There is widespread skepticism amongst liberal-minded actors that national self-determination is an attractive and weighty idea. My aim in the present paper has been to address these intellectual obstacles. I've sketched a moderate version of the idea, and argued that it is coherent and appealing. Although it would be unwise for the international community to insist that every state abide by norms of internal self-determination in the near future, the promotion of such norms is a worthy long-run goal of international politics.

Notes

¹ Michael Walzer, "The Moral Standing of States: A Reply to Four Critics," *Philosophy and Public Affairs* 9:3 (1980), pp. 209-29.

² For discussion of institutional arrangements in this broader range, see John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999); Joshua Cohen, "Is there a Human Right to Democracy?," in *The Egalitarian Conscience: Essays in Honour of G.A. Cohen*, ed. Christine Sypnowich (Oxford: Oxford University Press, 2006), pp. 226-48, and "Minimalism about Human Rights: The Most We Can Hope For?," *Journal of Political Philosophy* 12:2 (2004), pp. 190-213; and Charles Beitz, "The Moral Standing of States Revisited," *Ethics and International Affairs* 23:4 (2009), pp. 325-47, and *The Idea of Human Rights* (Oxford: Oxford University Press, 2009).

³ Ronald Dworkin argues that rule by the people implies not just democratic procedures but the protection of various substantial rights. *Freedom's Law: The Moral Reading of the American Constitution* (Cambridge, MA: Harvard University Press, 1997).

⁴ Beitz, "The Moral Standing of States Revisited," makes a related argument. In Beitz's view there are several reasons to value what he terms "internal self-determination," and reflection on these reasons should guide claims about the nature and normative implications of self-determination. One such reason is the instrumental connection between self-determination and the protection of rights and interests. A second is "developmental": self-determination may help a community to develop certain capacities required for effective governance. And a

third is “constitutive”: individuals may identify with their political community and value its political agency. Against Walzer, Beitz argues that considerations of self-determination do not exclude the legitimacy of humanitarian interventions against rights-violating authoritarian regimes. It is not that self-determination is outweighed by other values, but that the reasons for caring about self-determination in the first place are conflicted in this sort of case.

⁵ Ernest Gellner defines nationalism as “primarily a political principle, which holds that the political and national unit should be congruent.” *Nations and Nationalism* (Ithaca, NY: Cornell University Press, 1983), p. 1.

⁶ For instance, Walzer responds to the objection that the perpetuation of a state regime may be a matter of bare military force by insisting that the successful use of military force to maintain a regime is typically predicated on some reasonable level of social support. Walzer, “The Moral Standing of States,” pp. 219-22.

⁷ This suggestion is defended by Walzer in “The Moral Standing of States,” and is criticized by Beitz, “The Moral Standing of States Revisited.”

⁸ For discussion of the non-territorial alternative, see Rainer Bauböck, “Multinational Federalism: Territorial or Cultural Autonomy,” Working Paper, accessed at <http://dspace.mah.se/bitstream/handle/2043/690/Workingpaper201.pdf?sequence=1>

⁹ On internal vs. external self-determination, see Antonio Cassese, *Self-Determination of Peoples: A Legal Reappraisal* (Cambridge, UK: Cambridge University Press, 1995). In general, internal self-determination is a matter of what internal arrangements of self-government there are, while external self-determination is a matter of external borders. Typically, a concern for internal self-determination is identified with the presence or absence of democratic institutions. On my view, internal self-determination is also a matter of whether and how internal boundaries are drawn (e.g. federal subunits). In the closing pages of his book (pp. 348-65), Cassese considers internal autonomy arrangements and also uses the term “internal self-determination” to characterize them. Internal boundaries are a major topic in the political theory literature. See, e.g. Will Kymlicka, *Multicultural Citizenship* (Oxford, 1995), *Finding Our Way* (Oxford, 1998) and *Politics in the Vernacular* (Oxford, 2001) Margaret Moore, *The Ethics of Nationalism* (Oxford, 2001) pp. 139-41; Allen Buchanan, *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law* (Oxford, 2004).

¹⁰ Allen Buchanan, "Theories of Secession," *Philosophy & Public Affairs* (1997) distinguishes between "primary" and "remedial" rights to secession, and argues for the latter over the former.

¹¹ The "Salt-water test" is the phrase used to describe the doctrine laid out in UN General Assembly Resolution 1541 (1960), Annex, Principles IV and V. For the phrase, see, e.g., Hurst Hannum (ed.) *Documents on Autonomy and Minority Rights* (Dordrecht: Martinus Nijhoff, 1993), p. 23.

¹² S. James Anaya, *Indigenous Peoples in International Law* (New York: Oxford University Press, 1996); Will Kymlicka, *Politics in the Vernacular*, ch. 6, *Multicultural Odysseys* (Oxford: Oxford University Press, 2007), and "Minority Rights in Political Philosophy and International Law," in *The Philosophy of International Law*; Allen Buchanan, *Justice, Legitimacy, and Self-Determination* .

¹³ This is supported by the text of UN General Assembly Resolution 1541, which refers to a "territory which is geographically separate and is distinct ethnically and/or culturally" (Annex, Principles IV and V).

¹⁴ For arguments in this vein, see Charles Beitz, *Political Theory and International Relations* (Princeton, 1979) pp. 92-105; and Allen Buchanan, *Justice, Legitimacy, and Self-Determination*, ch. 9. Will Kymlicka attributes a similar "remedial" view of indigenous self-determination to James Anaya. Kymlicka, *Politics in the Vernacular*, ch. 6.

¹⁵ By agreement with French authorities, they are entitled to hold a referendum on secession in between 2014 and 2018. I am suggesting, however, that there is a more basic claim here that does not depend on the fact of an agreement.

¹⁶ I draw at this point on Alan Patten, "Rethinking Culture: The Social Lineage Account," *American Political Science Review* 105:4 (2011), pp. 735-49.

¹⁷ See, e.g., Joseph Raz and Avishai Margalit, "National Self-Determination," in Raz, *Ethics in the Public Domain: Essays in the Morality of Law and Politics* (Oxford: Oxford University Press, 1994), pp. 125-45; Yael Tamir, *Liberal Nationalism* (Princeton, 1993); David Miller, *On Nationality* (Oxford: Oxford University Press, 1995); Margaret Moore, *The Ethics of Nationalism*; and Wayne Norman, *Negotiating Nationalism*.

¹⁸ Raz and Margalit, "National Self-Determination;" Miller, *On Nationality*

¹⁹ For an objection of this form, see Beitz's 1999 Afterward to *Political Theory and International Relations*, pp. 191-98. See also Jeremy Waldron, "Two

Conceptions of Self-Determination.” In *The Philosophy of International Law*, ed. Samantha Besson and John Tasioulas, 397–413. Oxford: Oxford University Press

²⁰ On the connection between self-respect and self-government, see Charles Taylor, *Reconciling the Solitudes* (McGill-Queens Press, 1993); Margalit and Raz, “National Self-Determination”; David Copp “Democracy and Communal Self-Determination” in Robert McKim and Jeff McMahan (eds.) (Oxford, 1997), 284–85; and Moore, *Ethics of Nationalism*, pp. 59-61.

²¹ This paragraph and the next few borrow from Alan Patten, “Democratic Secession from a Multinational State,” *Ethics* 31:4 (2002), pp. 558-86. See also Alan Patten, “Conception Libérale de la Citoyenneté et Identité Nationale,” in *Nationalité, Citoyenneté et Solidarité*, ed. Michel Seymour, 232–56 (Montréal: Éditions Libe 1999); “Equality of Recognition and the Liberal Theory of Citizenship.” In *The Demands of Citizenship*, ed. Catriona McKinnon and Ian Hampsher-Monk, 193–211 (London: Continuum); and *Equal Recognition: The Moral Foundations of Minority Cultural Rights* (Princeton: Princeton University Press, 2014). The general suggestion that minority rights are rooted in a notion of fairness or fair treatment is quite familiar in the literature. See, e.g. Kymlicka, *Multicultural Citizenship and Politics in the Vernacular*; Joseph Carens, *Culture, Citizenship, and Community* (Oxford, 2000); and Moore, *The Ethics of Nationalism*.

²² Alan Patten, “Liberal Neutrality: A Reinterpretation and Defense,” *Journal of Political Philosophy* (2012). I argue for the connection between neutrality and minority rights in *Equal Recognition*, chapters 4-5.

²³ Both are discussed by Kymlicka: “Western Political Theory and Ethnic Relations in Eastern Europe,” in *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, eds. Kymlicka and Magda Opalski (Oxford: Oxford University Press), pp. 13-105, and *Multicultural Odysseys*.

²⁴ See Kymlicka, *Multicultural Odysseys*, for a detailed account of the tendency for national majorities to “securitize” ethno-cultural relations by claiming that accommodations for minorities would pose an existential security threat to the state. Kymlicka finds the tendency to be especially pronounced in post-Communist Europe.

²⁵ For a suggestion along these lines, see Cassese, *Self-Determination of Peoples*, pp. ??

²⁶ See also Kymlicka, *Multicultural Odysseys*, pp. ??.

²⁷ See also Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination*, (Philadelphia: University of Pennsylvania Press, rev. edition 1996 [1990]), Conclusion.