

The Need for Nations

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Roger Scruton

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Author

Roger Scruton was until 1990 professor of aesthetics at Birkbeck College, London, and subsequently professor of philosophy and university professor at Boston University, Massachusetts. He now lives with his wife and two small children in rural Wiltshire, where he runs a post-modern farm, specialising in mythical animals and soothing fictions. He has published over 30 books, including works of philosophy, literature and fiction, and his writings have been translated into most major languages.

Foreword

The nation state is under threat. It is being undermined by the spread of global corporations and supranational institutions, such as the EU and the WTO. It is also derided by many liberal intellectuals as a divisive anachronism. In this little book, Roger Scruton defends the nation state. He attacks the accretion of power by supranational organisations and explains why the liberal intellectuals who support this trend are wrong. Although he would normally be classified as a conservative thinker, Scruton's defence of the nation state cannot be readily located on the conventional political spectrum. His case is based on general democratic and cosmopolitan grounds that can appeal to both Left and Right.

Scruton begins his book with the following words:

Democracies owe their existence to national loyalties—the loyalties that are supposedly shared by government and opposition, by all political parties, and by the electorate as a whole. Wherever the experience of nationality is weak or non-existent, democracy has failed to take root. For without national loyalty, opposition is a threat to government, and political disagreements create no common ground (p. 1).

A viable democracy requires a community to which most people feel they belong and to which they owe their loyalty. They must feel part of a collective 'we'. They must be linked by ties of reciprocal obligation that ensure they help each other in time of need, that motivate them to participate in political life and respect the outcome of the democratic process when they lose. They must also feel that important decisions affecting the community are under their collective control. If these conditions are not satisfied, democracy will atrophy, respect for law will decay, and the society may even break up into warring factions. Scruton recognises that various types of polity could in theory satisfy these conditions. In the modern world, however, the nation state is the only serious candidate. Global or regional institutions and organisations, such as the UN, the EU, the WTO or multinational corporations are not alternatives to the nation state. Indeed, the very existence of such entities pre-supposes a network of strong nation states to underpin them, to raise taxes, to provide armed

forces to act on their behalf, to mobilise popular feeling behind them, and to ensure the rule of law. If nation states are seriously undermined, the result will not be global harmony, as liberal utopians believe, but global anarchy.

Scruton is not a narrow nationalist. Indeed, he rejects the label 'nationalist' altogether, because of its overtones of aggression and domination. Instead, he prefers the terms 'patriot' and 'national loyalty'. He loves his own country and he believes that the world would be a better place if people in other countries had similar feelings. He has no desire to exploit or dominate the rest of the world, and he defends the right of other countries to self-determination. This is clear from his attack on the World Trade Organisation for its treatment of developing countries and interference in what should be their internal affairs.

Although motivated in the first instance by concern for his own country, Scruton's defence of nations and nation states is based on universal principles. He quotes with approval the cosmopolitan philosopher, Immanuel Kant, as an opponent of supranational government on the grounds that 'laws progressively lose their impact as the government increases its range, and a soulless despotism, after crushing the germs of goodness, will finally lapse into anarchy'. Those enthusiasts who would like to see 'ever closer and deeper union' in Europe should bear these words in mind. Over the past 30 years the range of issues over which national governments have jurisdiction has been getting steadily narrower, and in many important areas virtually nothing of substance can now be decided at the national level. As this process continues, national democracy will become an empty shell and the peoples of Europe will be progressively disenfranchised. The result will be alienation and resentment. Moreover, where popular feelings are strong, individual countries will start to defy the rules of the Union. This has already happened in a spectacular fashion to the Growth and Stability Pact. The two countries responsible for imposing this pact in the first place, France and Germany, have refused to abide by it and the pact has been abandoned. Whatever its intrinsic merits, this is a dramatic departure from the rule of law and it may well be a sign that

Europe is beginning to lapse into the anarchy against which Kant warned. If France and Germany can defy the rules with impunity today, why not Britain or Poland tomorrow?

In defending European nation states against such follies as 'ever deeper and closer union', and the proposed EU Constitution, Roger Scruton is performing a service to the whole of Europe. This is an eloquent and convincing book. It will be of interest to democrats of all political hues.

Robert Rowthorn

King's College, Cambridge

Editor's Introduction

This book makes the case for independent nations and the sense of national loyalty that underpins them.

Each nation will be attached to its own unique values. In our case, whether our loyalty is to England, the UK or both, patriotism is the bond of unity that protects freedom and democracy. In a free society we each agree to be protected by the same laws, with the intention of sheltering us sufficiently from aggressors to permit us all to give of our best. Democracy assumes perpetual disagreements, some strongly felt, but allows us to live in peace despite disharmony. It encourages compromise, consensus, and the advance of knowledge in the light of clashing opinions.

Why English patriotism came to be associated with reactionary opposition to progress is a mystery. It was always about love of a country that institutionalised progress by setting free the talent, energy and idealism of all its people. That is why this country gave birth to the industrial revolution, which brought vast improvements in the quality of life for all. And it is why we remain at the frontier of the scientific and technological advances of our own day. As Scruton explains, English patriotism is not a threat to others in the way that German nationalism was because the latter was an ideology of dominance that knew no territorial bounds. Our patriotism is the ideal of people who choose to live in a well-defined locality called England. If others freely choose to live according to the same lights in their own land, good for them, but there is no desire to force our ways on anyone else.

David G. Green

Note on the 2020 Commemorative Edition

This is the text of the 2004 edition and is republished to commemorate the untimely death of Sir Roger Scruton in January 2020.

Introduction

Democracies owe their existence to national loyalties—the loyalties that are supposedly shared by government and opposition, by all political parties, and by the electorate as a whole. Wherever the experience of nationality is weak or non-existent, democracy has failed to take root. For without national loyalty, opposition is a threat to government, and political disagreements create no common ground. Yet everywhere the idea of the nation is under attack—either despised as an atavistic form of social unity, or even condemned as a cause of war and conflict, to be broken down and replaced by more enlightened and more universal forms of jurisdiction.

But what, exactly, is supposed to replace the nation and the nation state? And how will the new form of political order enhance or conserve our democratic heritage? Few people seem prepared to give an answer, and the answers that are offered are quickly hidden in verbiage, typified by the EU's adoption of the ecclesiastical doctrine of 'subsidiarity', in order to remove powers from member states under the pretence of granting them.ⁱ Recent attempts to transcend the nation state into some kind of transnational political order have ended up either as totalitarian dictatorships like the former Soviet Union, or as unaccountable bureaucracies, like the European Union today. Although many of the nation states of the modern world are the surviving fragments of empires, few people wish to propose the restoration of imperial rule as the way forward for mankind. Why then and for what purpose should we renounce the form of sovereignty that is familiar to us, and on which so much of our political heritage depends?

We in Europe stand at a turning point in our history. Our parliaments and legal systems still have territorial sovereignty. They still correspond to historical patterns of settlement that have enabled the French, the Germans, the Spaniards, the British and the Italians to

say 'we' and to know whom they mean by it. The opportunity remains to recuperate the legislative powers and the executive procedures that formed the nation states of Europe. At the same time, the process has been set in motion that would expropriate the remaining sovereignty of our parliaments and courts, that would annihilate the boundaries between our jurisdictions, that would dissolve the nationalities of Europe in a historically meaningless collectivity, united neither by language, nor by religion, nor by customs, nor by inherited sovereignty and law. We have to choose whether to go forward to that new condition, or back to the tried and familiar sovereignty of the territorial nation state.

At the same time our political élites speak and behave as though there were no such choice to be made—just as the communists did at the time of the Russian Revolution. They refer to an inevitable process, to irreversible changes, and while at times prepared to distinguish a 'fast' from a 'slow' track into the future, are clear in their minds that these two tracks lead to a single destination—the destination of transnational government, under a common system of law, in which national loyalty will be no more significant than support for a local football team.

In this pamphlet I set out the case for the nation state, recognising that what I have to say is neither comprehensive nor conclusive, and that many other kinds of sovereignty could be envisaged that would answer to the needs of modern societies. My case is not that the nation state is the only answer to the problems of modern government, but that it is the only answer that has proved itself. We may feel tempted to experiment with other forms of political order. But experiments on this scale are dangerous, since nobody knows how to predict or to reverse the results of them.

The French, Russian and Nazi revolutions were bold experiments; but in each case they led to the collapse of legal order, to mass murder at home and to belligerence abroad. The wise policy is to accept the arrangements, however imperfect, that have evolved through custom and inheritance, to improve them by small adjustments, but not to jeopardise them by large-scale alterations the consequences of which

nobody can really envisage. The case for this approach was unanswerably set before us by Burke in his *Reflections on the French Revolution*, and subsequent history has repeatedly confirmed his view of things. The lesson that we should draw, therefore, is that since the nation state has proved to be a stable foundation of democratic government and secular jurisdiction, we ought to improve it, to adjust it, even to dilute it, but not to throw it away.

The initiators of the European experiment—both the self-declared prophets and the behind-the-doors conspirators— shared a conviction that the nation state had caused the two world wars. A united states of Europe seemed to them to be the only recipe for lasting peace. This view is for two reasons entirely unpersuasive. First, it is purely negative: it rejects nation states for their belligerence, without giving any positive reason to believe that transnational states will be any better. Secondly, it identifies the normality of the nation state through its pathological versions. As Chesterton has argued about patriotism generally, to condemn patriotism because people go to war for patriotic reasons, is like condemning love because some loves lead to murder. The nation state should not be understood in terms of the French nation at the Revolution or the German nation in its twentieth-century frenzy. For those were nations gone mad, in which the springs of civil peace had been poisoned and the social organism colonised by anger, resentment and fear. All Europe was threatened by the German nation, but only because the German nation was threatened by itself, having caught the nationalist fever.

Nationalism is part of the pathology of national loyalty, not its normal condition—a point to which I return below. Who in Europe has felt comparably threatened by the Spanish, Italian, Norwegian, Czech or Polish forms of national loyalty, and who would begrudge those people their right to a territory, a jurisdiction and a sovereignty of their own? The Poles, Czechs and Hungarians have elected to join the European Union: not in order to throw away national sovereignty, but under the impression that this is the best way to regain it. They are wrong, I believe. But they will be able to see this only later, when it is too late to change.

Left-liberal writers, in their reluctance to adopt the nation as a social aspiration or a political goal, sometimes distinguish nationalism from ‘patriotism’—an ancient virtue extolled by the Romans and by those like Machiavelli who first made the intellectual case for modern secular jurisdiction.ⁱⁱ Patriotism, they argue, is the loyalty of citizens, and the foundation of ‘republican’ government; nationalism is a shared hostility to the stranger, the intruder, the person who belongs ‘outside’.

I feel some sympathy for that approach. Properly understood, however, the republican patriotism defended by Machiavelli, Montesquieu and Mill is a *form* of national loyalty: not a pathological form like nationalism, but a natural love of country, countrymen and the culture that unites them. Patriots are attached to the people and the territory that are *theirs by right*; and patriotism involves an attempt to transcribe that right into impartial government and a rule of law. This underlying territorial right is implied in the very word—the *patria* being the ‘fatherland’, the place where you and I belong.

Territorial loyalty, I suggest, is at the root of all forms of government where law and liberty reign supreme. Attempts to denounce the nation in the name of patriotism therefore contain no real argument against the kind of national sovereignty that I shall be advocating in this pamphlet.ⁱⁱⁱ I shall be defending what Mill called the ‘principle of cohesion among members of the same community or state’, and which he distinguished from nationalism (or ‘nationality, in the vulgar sense of the term’), in the following luminous words:

We need scarcely say that we do not mean nationality, in the vulgar sense of the term; a senseless antipathy to foreigners; indifference to the general welfare of the human race, or an unjust preference for the supposed interests of our own country; a cherishing of bad peculiarities because they are national, or a refusal to adopt what has been found good by other countries. We mean a principle of sympathy, not of hostility; of union, not of separation. We mean a feeling of common interest among those who live under the same government, and are contained within the same natural or historical boundaries. We mean, that one part of the community do not consider themselves as foreigners with regard to another part; that they set a value on their connexion—feel that they are one people, that their lot is cast together, that evil to any of their fellow-countrymen is evil to themselves, and do not desire selfishly to free themselves from their

share of any common inconvenience by severing the connexion.^{iv}

The phrases that I would emphasise in that passage are these: 'our own country', 'common interest', 'natural or historical boundaries' and '[our] lot is cast together'. Those phrases resonate with the historical loyalty that I shall be defending in this pamphlet.

To put the matter briefly: the case against the nation state has not been properly made, and the case for the transnational alternative has not been made at all. I believe therefore that we are on the brink of decisions that could prove disastrous for Europe and for the world, and that we have only a few years in which to take stock of our inheritance and to reassume it. Now more than ever do those lines from Goethe's *Faust* ring true for us:

*Was du ererbt von deinen Vätern hast,
Erwirb es, um es zu besitzen.*

What you have inherited from your forefathers, earn it, that you might own it. We in the nation states of Europe need to earn again the sovereignty that previous generations so laboriously shaped from the inheritance of Christianity, imperial government and Roman law. Earning it, we will own it, and owning it, we will be at peace within our borders.

Citizenship

Never in the history of the world have there been so many migrants. And almost all of them are migrating from regions where nationality is weak or non-existent to the established nation states of the West. They are not migrating because they have discovered some previously dormant feeling of love or loyalty towards the nations in whose territory they seek a home. On the contrary, few of them identify their loyalties in national terms and almost none of them in terms of the nation where they settle. They are migrating in search of citizenship—which is the principal gift of national jurisdictions, and the origin of the peace, law, stability and prosperity that still prevail in the West.

Citizenship is the relation that arises between the state and the individual when each is fully accountable to the other. It consists of a web of reciprocal rights and duties, upheld by a rule of law which stands higher than either party. Although the state enforces the law, it enforces it equally against itself and against the private citizen. The citizen has rights which the state is duty-bound to uphold, and also duties which the state has a right to enforce. Because these rights and duties are defined and limited by the law, citizens have a clear conception of where their freedoms end. Where citizens are appointed to administer the state, the result is ‘republican’ government.¹

Subjection is the relation between the state and the individual that arises when the state need not account to the individual, when the rights and duties of the individual are undefined or defined only partially and defeasibly, and when there is no rule of law that stands higher than the state that enforces it. Citizens are freer than subjects, not because there is more that they can get away with, but because their freedoms are defined and upheld by the law. People who are subjects naturally aspire to be citizens, since a citizen can take definite

steps to secure his property, family and business against marauders, and has effective sovereignty over his own life. That is why people migrate from the states where they are subjects, to the states where they can be citizens.

Freedom and security are not the only benefits of citizenship. There is an economic benefit too. Under a rule of law, contracts can be freely engaged in and collectively enforced. Honesty becomes the rule in business dealings, and disputes are settled by courts of law rather than by hired thugs. And because the principle of accountability runs through all institutions, corruption can be identified and penalised, even when it occurs at the highest level of government.

Marxists believe that law is the servant of economics, and that 'bourgeois legality' comes into being as a result of, and for the sake of, 'bourgeois relations of production' (by which is meant the market economy). This way of thinking has been so influential that even today it is necessary to point out that it is the opposite of the truth. The market economy comes into being because the rule of law secures property rights and contractual freedoms, and forces people to account for their dishonesty and for their financial misdeeds. That is another reason why people migrate to places where they can enjoy the benefit of citizenship. A society of citizens is one in which markets flourish, and markets are the precondition of prosperity.

A society of citizens is a society in which strangers can trust one another, since everyone is bound by a common set of rules. This does not mean that there are no thieves or swindlers; it means that trust can grow between strangers, and does not depend upon family connections, tribal loyalties or favours granted and earned. This strikingly distinguishes a country like Australia, for example, from a country like Kazakhstan, where the economy depends entirely on the mutual exchange of favours, among people who trust each other only because they also know each other and know the networks that will be used to enforce any deal.² It is also why Australia has an immigration problem, and Kazakhstan a brain drain.

As a result of this, trust among citizens can spread over a wide area, and local baronies and fiefdoms can be broken down and over-ruled. In

such circumstances markets do not merely flourish: they spread and grow, to become co-extensive with the jurisdiction. Every citizen becomes linked to every other, by relations that are financial, legal and fiduciary, but which presuppose no personal tie. A society of citizens can be a society of strangers, all enjoying sovereignty over their own lives, and pursuing their individual goals and satisfactions. Such have Western societies been until now: societies in which you form common cause with strangers, and which all of you, in those matters on which your common destiny depends, can with conviction say 'we'.

The existence of this kind of trust in a society of strangers should be seen for what it is: a rare achievement, whose pre-conditions are not easily fulfilled. If it is difficult for us to appreciate this fact it is in part because trust between strangers creates an illusion of safety, encouraging people to think that, because society ends in agreement, it begins in it too. Thus it has been common since the Renaissance for thinkers to propose some version of the 'social contract' as the foundation of a society of citizens. Such a society is brought into being, so Hobbes, Locke, Rousseau and others in their several ways argue, because people come together and agree on the terms of a contract by which each of them will be bound. This idea resonates powerfully in the minds and hearts of citizens, because it makes the state itself into just another example of the kind of transaction by which they order their lives. It presupposes no source of political obligation other than the consent of the citizen, and conforms to the inherently sceptical nature of modern jurisdictions, which claim no authority beyond the rational endorsement of those who are bound by their laws.

The theory of the social contract begins from a thought-experiment, in which a group of people gather together to decide on their common future. But if they are in a position to decide on their common future, it is because they already have one: because they recognise their mutual togetherness and reciprocal dependence, which makes it incumbent upon them to settle how they might be governed under a common jurisdiction in a common territory. In short, the social contract requires a relation of membership, and one, moreover, that makes it plausible

for the individual members to conceive the relation between them in contractual terms. Theorists of the social contract write as though it presupposes only the first-person singular of free rational choice. In fact it presupposes a first-person plural, in which the burdens of belonging have already been assumed.

Even in the American case, in which a decision was made to adopt a constitution and make a jurisdiction *ab initio*, it is nevertheless true that a first-person plural was involved in the very making. This is confessed to in the document itself. 'We, the people ...' Which people? Why, *us*; we who *already belong*, whose historic tie is now to be transcribed into law. We can make sense of the social contract only on the assumption of some such precontractual 'we.' For who is to be included in the contract? And why? And what do we do with the one who opts out? The obvious answer is that the founders of the new social order already belong together: they have already imagined themselves as a community, through the long process of social interaction that enables people to determine who should participate in their future and who should not.

There cannot be a society without this experience of membership. For it is this that enables me to regard the interests and needs of strangers as my concern; that enables me to recognise the authority of decisions and laws that I must obey, even though they are not directly in my interest; that gives me a criterion to distinguish those who are entitled to the benefit of the sacrifices that my membership calls from me, from those who are interloping. Take away the experience of membership and the ground of the social contract disappears: social obligations become temporary, troubled, and defeasible, and the idea that one might be called upon to lay down one's life for a collection of strangers begins to border on the absurd.

Membership and Nationality

It is because citizenship presupposes membership that nationality has become so important in the modern world. In a democracy governments make decisions and impose laws on people who are duty-bound to accept them. Democracy means living with strangers on terms that may be, in the short-term, disadvantageous; it means being prepared to fight battles and suffer losses on behalf of people whom one neither knows nor particularly wants to know. It means appropriating the policies that are made in one's name and endorsing them as 'ours', even when one disagrees with them. Only where people have a strong sense of who 'we' are, why 'we' are acting in this way or that, why 'we' have behaved rightly in one respect, wrongly in another, will they be so involved in the collective decisions as to adopt them as their own. This first-person plural is the precondition of democratic politics, and must be safeguarded at all costs, since the price of losing it, I believe, is social disintegration.

Nationality is not the only kind of social membership, nor is it an exclusive tie. However, it is the only form of membership that has so far shown itself able to sustain a democratic process and a liberal rule of law. To see that this is so, and why it is so, it is well to compare communities defined by nation with those defined by tribe or creed. Tribal societies define themselves through a fiction of kinship. Individuals see themselves as members of an extended family, and even if they are strangers, this fact is only superficial, to be instantly put aside on discovery of the common ancestor and the common web of kin. The tribal mentality is summarised in the Arabic proverb: 'I and my brother against my cousin; I and my cousin against the world'—a proverb that captures the historical experience of Muslim Arabia, and which contains the explanation of why democracy has never taken root there. Tribal societies tend to be hierarchical, with accountability

running one way— from subject to chief—but not from chief to subject. The idea of an impartial rule of law, sustained in being by the very government that is subject to it, has no place in the world of kinship ties, and when it comes to outsiders—the ‘strangers and sojourners’ in the land of the tribe—they are regarded either as outside the law altogether and not entitled to its protection, or as protected by treaty. Nor can outsiders easily become insiders, since that which divides them from the tribe is an incurable genetic fault.

Tribal ideas survive in the modern world not merely because there are parts where they have never lost their hold on the collective imagination, but also because they provide an easy call to unity, a way of recreating loyalty in the face of social breakdown. ‘Racism’ is a much abused word. A respectable definition of it, however, would be this: the attempt to impose a tribal idea of membership on a society that has been shaped in some other way. This is what the Nazis attempted to do, and they were, in their way, successful. But their success was purchased at the cost of the political process, and the democracy which had brought them power vanished as soon as they acquired it.

Distinct from the tribe, but closely connected with it, is the ‘creed community’—the society in which membership is based in religion. Here the criterion of membership has ceased to be kinship and has instead become worship and obedience. Those who worship my gods, and accept the same divine prescriptions, are joined to me by this, even though we are strangers. Creed communities, like tribes, extend their claims beyond the living. The dead acquire the privileges of the worshipper through the latter’s prayers. But the dead are present in these new ceremonies on very different terms. They no longer have the authority of tribal ancestors; rather, they are subjects of the same divine overlord, undergoing their reward or punishment in conditions of greater proximity to the ruling power. They throng together in the great unknown, just as we will, released from every earthly tie and united by faith.¹

The initial harmony between tribal and credal criteria of membership may give way to conflict, as the rival forces of family love and religious obedience exert themselves over small communities.

This conflict has been one of the motors of Islamic history, and can be witnessed all over the Middle East, where local creed communities have grown out of the monotheistic religions and shaped themselves according to a tribal experience of membership.

It is in contrast with the tribal and credal forms of membership that the nation should be understood. By a nation I mean a people settled in a certain territory, who share institutions, customs and a sense of history and who regard themselves as equally committed both to their place of residence and to the legal and political process that governs it. Members of tribes see each other as a family; members of creed communities see each other as the faithful; members of nations see each other as neighbours. Vital to the sense of nationhood, therefore, is the idea of a common territory, in which we are all settled, and to which we are all entitled as our home.

People who share a territory share a history; they may also share a language and a religion. The European nation state emerged when this idea of a community defined by a place was enshrined in sovereignty and law—in other words when it was aligned with a territorial jurisdiction. The nation state is therefore the natural successor to territorial monarchy, and the two may be combined, and often have been combined, since the monarch is so convenient a symbol of the trans-generational nature of the ties that bind us to our country.

Nations and Nationalism

Much learned ink has been spilled over the question of the nation and its origins. The theory that the nation is a recent invention, the creation of the modern administrative state, was probably first articulated by Lord Acton in a thin but celebrated article.¹ Writers from all parts of the political spectrum seem to endorse versions of this view, arguing that nations are bureaucratic inventions, by-products of 'print capitalism' (Benedict Anderson), of colonial administration, of the bureaucratic needs of modern government. Ernest Gellner has even gone so far as to describe nationalism as a philosophy of the book: the instrument by which the new bureaucrats sought to legitimise their rule in post-Enlightenment Europe, by affirming an identity between the people and the literate intellectuals who are alone competent to govern them.² Thinkers of the left (Eric Hobsbawm, Benedict Anderson) and the right (Kenneth Minogue, Elie Kedourie) have agreed on many points, and the received idea can fairly be summarised by saying that the nation is a peculiarly modern form of community, whose emergence is inseparable from the culture of the written word.³ Radicals use this fact to suggest that nations are transient, with no god-given right to exist or natural legitimacy, while conservatives use it to suggest the opposite, that nationality is an achievement, a 'winning through' to an order that is both more stable and more open than the old creed communities and tribal atavisms which it replaces.

The arguments are involved and difficult. But they are of great relevance to our circumstances today, and it is important to take a view on them. When it is said that nations are artificial communities, it should be remembered that there are two kinds of social artefact: those that result from a decision, as when two people form a partnership, and those that arise 'by an invisible hand', from decisions that in no way intend them. Institutions that arise by an invisible hand have a

spontaneity and naturalness that may be lacking from institutions that are explicitly designed. Nations are spontaneous by-products of social interaction. Even when there is a conscious nation-building decision, the result will depend on the invisible hand. This is even true of the United States of America, which is by no means the entity today that the Founding Fathers intended. Yet the USA is the most vital and most patriotic nation in the modern world.

The example also illustrates Lord Acton's thesis. Nations are composed of neighbours, in other words of people who share a territory. Hence they stand in need of a territorial jurisdiction. Territorial jurisdictions require legislation, and therefore a political process. This process transforms shared territory into a shared identity. And that identity is the nation state. There you have a brief summary of American history: people settling together, solving their conflicts by law, making that law for themselves, and in the course of this process defining themselves as a 'we', whose shared assets are the land and its law.

The 'invisible hand' process that was so illuminatingly discussed by Adam Smith depends upon, and is secretly guided by, a legal and institutional framework.⁴ Under a rule of law, for example, the free interaction of individuals will result in a market economy. In the legal vacuum of post-communist Russia, however, this free interaction of individuals has produced a command economy in the hands of gangsters. Likewise the invisible hand that gave rise to the nation was guided at every point by the territorial law. This 'law of the land' has been an important shaping force in English history, as Maitland and others have shown.⁵ And it is through the process whereby land and law become attached to each other that true national loyalty is formed.

Now people cannot share territory without sharing many other things too: customs, markets and (in European conditions) religion. Hence every territorial jurisdiction will be associated with complex and interlocking loyalties of a credal and dynastic kind. However, it will also be highly revisionary of those loyalties. The law treats the individual as a bearer of rights and duties. It recasts his relations with his neighbours in abstract terms; it shows a preference for contract over status and for definable interests over inarticulate bonds. It is

hostile to all power and authority that is not exerted from within the jurisdiction. In short, it imprints on the community a distinctive political form. Hence when the English nation took shape in the late Middle Ages, it became inevitable that the English would have a church of their own, and that their faith would be defined by their allegiance, rather than their allegiance by their faith. In making himself head of the Church of England, Henry VIII was merely translating into a doctrine of law what was already a matter of fact.

At the same time, we must not think of territorial jurisdiction as merely a conventional arrangement: a kind of ongoing and severable agreement, of the kind that appealed to the social contract thinkers of the Enlightenment. It involves a genuine 'we' of membership: not as visceral as that of kinship; not as uplifting as that of worship; but for those very reasons more suited to the modern world and to a society of strangers in which faith is dwindling or dead.

A jurisdiction gains its validity either from an immemorial past, or from a fictitious contract between people who already *belong together*. Consider the case of the English. A settled jurisdiction, defined by territory, has encouraged us to define our rights and liberties and established from Saxon times a reciprocal accountability between 'us' and the sovereign who is 'ours'. The result of this has been an experience of safety, quite different from that of the tribe, but connected with the sense that we belong in this *place*, and that our ancestors and descendents belong here too. The common language—itsself the product of territorial settlement—has reinforced the feeling. But to suppose that we could have enjoyed these territorial, legal and linguistic hereditaments, and yet refrained from becoming a nation, representing itself to itself as entitled to these things, and defining even its religion in terms of them, is to give way to fantasy. In no way can the emergence of the English nation, as a form of membership, be regarded as a product of Enlightenment universalism, or the Industrial Revolution, or the administrative needs of a modern bureaucracy. It existed before those things, and also shaped them into powerful instruments of its own.

To put the matter simply: nations are defined not by kinship or religion but by a homeland. National loyalty is founded in the love of

place, of the customs and traditions that have been inscribed in the landscape and of the desire to protect these good things through a common law and a common loyalty. The art and literature of the nation is an art and literature of settlement, a celebration of all that attaches the place to the people and the people to the place. This you find in Shakespeare's history plays, in the novels of Austen, Eliot and Hardy, in the music of Elgar and Vaughan-Williams, in the art of Constable and Crome, in the poetry of Wordsworth and Tennyson. And you find it in the art and literature of every nation that has defined itself as a nation. Listen to Sibelius and an imaginative vision of Finland unfolds before your inner ear; read Mickiewicz's *Pan Tadeusz* and old Lithuania welcomes you home; look at the paintings of Corot and Cézanne, and it is France that invites your eye. Russian national literature is about Russia; Manzoni's *I promessi sposi* is about resurgent Italy; Lorca's poetry about Spain, and so on.

The achievement of European civilisation is enshrined in such works of art. Europe owes its greatness to the fact that the primary loyalties of the European people have been detached from religion and re-attached to the land. Those who believe that the division of Europe into nations has been the primary cause of European wars should remember the devastating wars of religion that national loyalties finally brought to an end. And they should study our art and literature for its inner meaning. In almost every case, they will discover, it is an art and literature not of war but of peace, an invocation of home and the routines of home, of gentleness, everydayness and enduring settlement. Its quarrels are domestic quarrels, its protests are pleas for neighbours, its goal is homecoming and contentment with the place that is ours. Even the popular culture of the modern world is a covert re-affirmation of a territorial form of loyalty. *The Archers*, *Neighbours*, *EastEnders*: all such comforting mirrors of ordinary existence are in the business of showing settlement and neighbourhood, rather than tribe or religion, as the primary social facts.

It is my contention that people need to identify themselves through a first-person plural if they are to accept the sacrifices required by society. As I have tried to argue elsewhere, the first person plural of

nationhood, unlike those of tribe or religion, is intrinsically tolerant of difference.⁶ It involves a discipline of neighbourliness, a respect for privacy, and a desire for citizenship, in which people maintain sovereignty over their own lives and the kind of distance that makes such sovereignty possible. The ‘clash of civilisations’ which, according to Samuel Huntington, is the successor to the Cold War is, in my view, no such thing. It is a conflict between two forms of membership—the national, which tolerates difference, and the religious, which abhors it.⁷

But then, how do we explain the Terror, the Holocaust, the Spanish civil war—to name but three modern horrors—if we do not see the Nation as one part of the cause of them? This is where we should distinguish national loyalty from nationalism. National loyalty involves a love of home and a preparedness to defend it; nationalism is a belligerent *ideology*, which uses national symbols in order to conscript the people to war. When the Abbé Sieyès declared the aims of the French Revolution, it was in the language of nationalism:

The nation is prior to everything. It is the source of everything. Its will is always legal... The manner in which a nation exercises its will does not matter; the point is that it does exercise it; any procedure is adequate, and its will is always the supreme law.⁸

Those words express the very opposite of a true national loyalty. Not only do they involve an idolatrous deification of the ‘Nation’, elevating it far above the people of whom it is in fact composed. They do so in order to punish, to exclude, to threaten rather than to facilitate citizenship and to guarantee peace. The Nation is here being deified, and used to intimidate its members, to purge the common home of those who are thought to pollute it. And the way is being prepared for the abolition of all legal restraint, and the destruction of the territorial rule of law. In short, this kind of nationalism is not a national loyalty, but a religious loyalty dressed up in territorial clothes.

Readers can draw their own conclusions concerning Nazism, fascism and the other disorders of the national idea. Let it be said merely that there is all the difference in the world between self-defence and aggression, and that Nazism would never have been defeated had it not been for the national loyalty of the British people, who were

determined to defend their homeland against invasion.⁹ Each case must be judged on its merits, and the messy stuff of human history cannot easily be shaped into a uniform sense. But in every case we should distinguish nationalism and its inflammatory, quasi-religious call to re-create the world, from national loyalty, of the kind that we know from our own historical experience.¹⁰ Nationalism belongs to those surges of religious emotion that have so often led to European war. National loyalty is the explanation of that more durable, less noticeable and less interesting thing, which is European peace.

Britain and Its Constituent Nations

Readers will have noticed that my mentions of our own historical identity have referred to England, not Britain. What is the relation between those two entities? Does not the existence of a British identity and of a United Kingdom of Great Britain and Northern Ireland already offer a counter-example to the idea that the peace of Europe resides in a balance of power among nation states?

Again the question is one that has occupied much learned discussion, and excited strong political passions. And it underpins some of the uncertainty and confusion of our foreign policy, of our attitude to the European Union, and of the outlook conveyed by New Labour's spate of random and frivolous constitutional experiments. The fact is, however, that since national loyalties are defined by territory, they can be multiple, and can nest within each other without conflict. In this they are manifestly unlike religious or tribal attachments, even when—as in the case of inherited monarchy—a vestige of tribal sentiment lingers on in symbolic form. Thus the union with Scotland occurred by a legal process whose effects could not be avoided, once James VI of Scotland had inherited the English throne. Even if other differences—kinship and religion—remained; and even if the idiolect of Scotland was a spur to separatist intentions; the British nation (which at first called itself an 'empire') was an inevitable result of the juridical process. It would be wrong to see this process as purely political, since the new state resulted from it and did not produce it. Moreover, the two jurisdictions have retained their own law and aimed for harmony rather than assimilation. The process should be seen for what it is: an accommodation of neighbours, whose geographical proximity, shared linguistic inheritance and overlapping customs create a long-standing alliance between them. It is perfectly possible, therefore, for Scots to regard themselves as sharing their British

nationality with the English, even if they have another and more visceral nationality as Scots. For when loyalties are defined by territory, they can contain each other, just as territories do.

But what of England? What nationality do the English confess to, and for what territory will they fight? They call themselves British nationals. No such thing, however, is written in their passports, which refer instead to 'the United Kingdom of Great Britain and Northern Ireland', and which 'request and require', in the name of Her Britannic Majesty, that the bearer should be allowed to pass freely. Legally speaking, they are subjects of the Queen—or rather, of the Crown, which is not a person or a state or a government but a 'corporation sole', a collective with at most one member: an entity recognised only by the common law of England, an ancient product of the English imagination which embodies the idea that legitimate authority cannot be accorded to a real human being but only to the legal mask that hides him.

In a distinguished book, the historian Linda Colley has argued that the idea of Britain was invented to give credibility to the Union, to sustain the Protestant religion of England and Scotland, and to fortify Great Britain against continental power.¹ Her version of British history is fast becoming orthodoxy. And it is true that there was a British Empire, that the English learned to describe themselves as Britons, and that Britain and Britishness became the common currency of sovereign claims. But still, the idea of a British national identity makes sense only because of the other and more deeply rooted identities that it subsumes. The Scots continue to describe themselves as Scots; the Irish as Irish—or, if they reject the Republic, as 'Unionists', meaning adherents to the strange legal entity described in their passports. The Welsh, who provided us with our most determinedly English kings, the Tudors, are still, in their own eyes, Welsh. The English remain English, and in their hearts it is England that secures their loyalty; not Scotland, Ireland or Wales. Only one group of Her Majesty's subjects sees itself as British, but not English, Scottish, Irish or Welsh—namely, those immigrants from the former Empire who have adopted British nationality while retaining ethnic and religious

loyalties forged far away and years before. Many of our fellow citizens are 'British Pakistanis', while 'English Pakistani' suggests someone of English descent resident in Pakistan, rather than a Pakistani immigrant to England. Such examples illustrate the flexibility and openness of the national idea, and the way in which local, tribal, religious and ethnic loyalties can be co-opted to an ongoing project of nation-building. The British experience therefore illustrates the way in which a composite national identity can be forged into a single jurisdiction, while also providing shelter to minorities who may as yet have no national loyalty at all but whose children, it is hoped, will be brought up to acquire one.

This does not mean that Britain has displaced England as the object of our patriotic sentiments. On the contrary. We are heirs to the deep historical experience of England as a homeland and a territorial jurisdiction, a place of uninterrupted settlement under the rule of a common law. This law has long been recognised as possessing an authority higher than any individual or any government, and has shaped the character and the peculiar law-abidingness of British people, whether of Saxon or of Celtic descent.² Thanks to this territorial and legal inheritance, the British people can draw on a national identity that has shown itself more able to withstand shocks and acts of aggression than any other in Europe: the identity that is centred on England. To be British is to partake of that national identity. It is an identity that is permissive towards difference, and that allows other loyalties to nest within it and around it. And this is simply one instance of a great virtue in the national idea, and one that uniquely suits it to the troubled times in which we live.

The Virtues of the Nation State

In modern conditions national loyalty has the following widely recognised advantages:

- We, as citizens of nation states, are bound by reciprocal obligations to all those who can claim our nationality, regardless of family, and regardless of faith.
- Hence freedom of worship, freedom of conscience, freedom of speech and opinion offer no threat to our common loyalty.
- Our law applies to a definite territory, and our legislators are chosen by those whose home it is. The law therefore confirms our common destiny and attracts our common obedience. Law-abidingness becomes part of the scheme of things, part of *the way in which the land is settled*.
- Our people can quickly unite in the face of threat, since they are uniting in defence of the thing that is necessary to all of them—their territory.
- The symbols of national loyalty are neither militant nor ideological, but consist in peaceful images of the homeland, of the place where we belong.
- National loyalties therefore aid reconciliation between classes, interests and faiths, and form the background to a political process based in consensus rather than in force.
- In particular, national loyalties enable people to respect the sovereignty and the rights of the individual.

For those and similar reasons, national loyalty does not merely *issue* in democratic government, but is profoundly assumed by it. People bound by a national ‘we’ have no difficulty in accepting a government whose opinions and decisions they disagree with; they have no

difficulty in accepting the legitimacy of opposition, or the free expression of outrageous-seeming views. In short, they are able to live with democracy, and to express their political aspirations through the ballot box. None of those good things are to be found in states that are founded on the 'we' of tribal identity or the 'we' of faith. And in modern conditions all such states are in a constant state of conflict and civil war, with neither a genuine rule of law nor durable democracy.

The virtues of the nation state are revealed in two characteristics that are often cited by those who are most wedded to transnational governance: accountability and human rights. Ever since Terence half-humorously asked the question *quis custodiet ipsos custodes?*—who will guard the guardians?—the question of accountability has been at the forefront of all constructive political thinking. However benign the monarch, the ruling class, or the 'vanguard party', there is no likelihood that he, she or they will remain benign for long, when answerable to no one but themselves. Government offers security to the citizens only if it is also accountable to them. Accountability is not brought into being merely by declaring that it exists, nor even by setting up institutions that theoretically enshrine it. It is brought into being when citizens are active in enforcing it. This requires the ability to mobilise opinion against the rulers, in such a way as to remove them from power. That in turn can occur only if citizens stand up for one another's right of protest, and recognise a common interest in allowing a voice to opposition. Citizens must co-operate in maintaining the institutions that will subject political decision-making to the scrutiny of a free press and a rule of law.

National loyalty is the rock on which all such attitudes are founded. It enables people to co-operate with their opponents, to recognise an agreement to differ, and to build institutions that are higher, more durable and more impartial than the political process itself. It enables people to live, in other words, in a depoliticised society, a society in which individuals are sovereign over their own lives yet confident that they will join together in defence of their freedoms, engaging in adversarial politics meanwhile.

The point is illustrated by recent experience of imposing democratic rule on countries sustained by no national loyalty. Almost as soon as democracy is introduced a local *élite* gains power, thereafter confining political privilege to its own gang, tribe or sect, and destroying all institutions that would force it to account to those that it has disenfranchised. This we have seen in Iraq, Syria, and everywhere in Africa. Accountability to strangers is a rare gift, and in the history of the modern world only the nation state, and the empire centred on a nation state, have really achieved it.

Moreover, every expansion of the jurisdiction beyond the frontiers of the nation state leads to a decline in accountability. This is the undeniable truth about the European Union. If a Bill came before Parliament tomorrow, purporting to forbid the publication of arguments in support of the nation state, a process would immediately begin, in the ranks of the opposition and the press, the end result of which would be either the defeat of the Bill or the eventual fall of the government. If, however, a directive were to arrive from Brussels to the same effect, nothing coherent would happen. Nobody could be compelled to relinquish office for having dared to propose such a thing: after all, the directive would issue from bureaucrats who were appointed, not elected. The Commissioners would argue that they were only following guidelines laid down in a previous directive; that national governments were at fault for not scrutinising that directive more closely, that in any case the directive is simply carrying further the goal of 'ever closer union' and is validated by the Treaty of Maastricht. This is in fact exactly what we have seen in the response of the Commission to EU proposals to make 'racism and xenophobia' into an extraditable criminal offence throughout the Union. Since this offence is not recognised by our criminal law, and is undefined by the European courts, it is quite possible that I am guilty of it, in making this protest on behalf of the nation state. But what process would enable me or my representatives to hold the initiators of this legislation to account, and to compel them to pay the price for having introduced it?

In short, we have only to observe the workings of the European Union to observe that, without the constant invocation of national

identity and the common interest enshrined in it, free speech could be abolished as easily as honest accounting. Indeed, financial accounting is one of the most notorious failures of transnational institutions, and one that illustrates their general inability to answer for their misdeeds to those who suffer from them. Consider the case of the European Commission. No accountant has been able to pass its accounts since the moment of its foundation. And when the accountant draws public attention to this fact, he or she may even be dismissed by the Commissioner supposedly responsible, as someone unfit to hold such an office. The ensuing scandal lasts for a few days, but the Commissioner in question—in the most recent case, Neil Kinnock—simply smiles his way through the storm, confident that nobody is empowered to dismiss him for such a minor bending of the rules. Look at other transnational institutions and you will find that the same kind of corruption prevails. The case of the UN has been well documented: those of UNESCO, the WHO, and the ILO likewise.¹ Nobody is empowered to guard these guardians, since the chain of accountability that allows ordinary citizens to remove them from office has been effectively severed.

Accountability, in short, is a natural by-product of national sovereignty which is jeopardised by transnational governance. The same is true of human rights. Although the idea of human rights is associated with the Universal Declaration of Human Rights incorporated into the UN Charter, this universalism should be taken with a pinch of salt. Rights do not come into existence merely because they are declared. They come into existence because they can be enforced. They can be enforced only where there is a rule of law. And there is a rule of law only where there is a common obedience, in which the entity enforcing the law is also subject to it. Outside the nation state those conditions have never arisen in modern times.

Societies of citizens enjoy political freedom; but it is not this freedom that guarantees their rights: it is their rights that guarantee their freedom. Rights in turn depend on the web of reciprocal duties, which binds stranger to stranger under a common rule of law.

That is why the invocation of universal rights—so often made in the name of transnational governance—is so dangerous. A brief glance at

the history of the human rights idea will illustrate the point.

The claim that there are universal 'human rights' did not originate in the courts. It stepped down there from the exalted realm of philosophy, but only by first putting a foot onto the throne of politics. It arose out of medieval speculations about natural justice—the justice that reigns supreme in Heaven, and which stands in judgement over human laws. But the idea came into its own with the political philosophers of the Enlightenment, and specifically with Locke's version of the social contract, according to which all human beings retain a body of 'inalienable natural rights' that no political order can override or cancel. The idea of the 'rights of man' became thereafter a tool in the political struggles of eighteenth-century Europe, a weapon in the hands of the people (or at least, in the hands of those who claimed to represent the people) against allegedly despotic sovereigns. But did it actually offer to the ordinary citizen the kind of protection that real citizenship requires?

Consider the case of the French Revolution. When the Revolutionaries faced the problem of forging a new constitution for France, their solution was to issue a 'Declaration of the Rights of Man and of the Citizen'. Attempts by a few cautious members of the National Assembly to include a Declaration of Duties were dismissed as covert apologies for the reactionary powers that had just been swept away. And what was the effect of this Declaration of Rights? When the Bastille was stormed in 1789, seven inmates were discovered, and released amid general rejoicing (two of them turned out to be mad, and had to be locked up again). Four years later the prisons of France contained 400,000 people, in conditions that ensured the deaths of many of them. Justice was administered by Revolutionary Tribunals that denied the accused the right to counsel, and that punished people for offences defined in the same vague and philosophical language that had inspired the original Declaration, and which could therefore be interpreted to mean anything that the prosecutor desired. By the time the whole experiment came to an end, hundreds of thousands of Frenchmen had perished, and Europe was in the grip of a continent-wide war. By removing justice from the courts, and vesting it in a philosophical doctrine, the Revolutionaries had removed all

rights from the people and transferred them to those who expounded the doctrine—the self-appointed philosophers who had made themselves kings.²

Stalin's 1933 'constitution' for the Soviet Union likewise contained elaborate declarations of the rights of the Soviet citizen, causing gullible Westerners to hail the document as the most liberal constitution that the world had ever known. As with the French precedent, however, the constitution neglected to provide the ordinary citizen with the means to apply it. Application, interpretation and implementation were all vested where they had begun, in the ruling party, and ultimately in Stalin.

We should learn from those examples. Rights are not secured by declaring them. They are secured by the procedures that protect them. And these procedures must be rescued from the state, and from all who would bend them to their own oppressive purposes. That is exactly what our common law jurisdiction has always tried to do. Although the Bill of Rights declared some of the rights of the British subject, it was, in doing so, merely rehearsing established procedures of the common law, and re-affirming them against recent abuses. In particular it upheld the principle contained in the medieval writ of *habeas corpus*—a principle that is not upheld by the *code napoléon*, and which is still not enforced in Italy or France, but which has always been regarded as fundamental in our country, since it places law in the hands of the ordinary person, and removes it from the hands of the state. It is a fundamental link in the chain of accountability, by which our rulers are forced to answer to us for what they do.

If we compare the history of modern Britain under the common law with that of Europe under the civilian and Napoleonic jurisdictions that have prevailed there, we will surely be impressed by the fact that the jurisdiction which has so persistently refused to define our rights has also been the most assiduous in upholding them. This is because it recognises that rights can be enforced by the citizen against the state. The state is accountable to all citizens since it owes its existence to the national loyalty that defines its territory and limits its power. When embedded in the law of nation states, therefore, rights become realities; when declared by transnational committees they remain in the realm of

dreams—or, if you prefer Bentham's expression, 'nonsense on stilts'.

Panglossian Universalism

Those virtues of the nation state do not merely make it the most reliable vehicle for political loyalty in the modern era. They impose upon its critics the obligation to explain just how those virtues can be achieved through transnational government. And this obligation has never been discharged.

The only authority habitually cited in defence of transnational government is Kant who, in *Perpetual Peace*, argued for a League of Nations as the way to secure permanent peace in the civilised world.¹ Under the League, sovereign nations would submit to a common jurisdiction, to be enforced by sanctions. The purpose would be to ensure that disputes are settled by law and not by force, with grievances remedied, and injustices punished, in the interests of an order beneficial to all. This is the idea embodied first in the League of Nations, which consciously honoured Kant in its name, and then in the United Nations.

What Kant had in mind, however, was very far from transnational government as it is now conceived. He was adamant that there can be no guarantee of peace unless the powers acceding to the treaty are republics. Republican government, as defined by Kant, both here and elsewhere in his political writings, means representative government under a territorial rule of law, and although Kant does not emphasise the idea of nationality as its precondition, it is clear from the context that it is self-governing and sovereign nations that he has in mind. Kant goes on to argue that the kind of international law that is needed for peace ‘presupposes the separate existence of many independent states... [united under] a federal union to prevent hostilities breaking out’. This state of affairs is to be preferred to ‘an amalgamation of the separate nations under a single power’.² And he then gives the principal objection to transnational government, namely that ‘laws

progressively lose their impact as the government increases its range, and a soulless despotism, after crushing the germs of goodness, will finally lapse into anarchy'.³

Kant's *Perpetual Peace* proposed an international jurisdiction with one purpose only—to secure peace between neighbouring jurisdictions. The League of Nations broke down precisely because the background presupposition was not fulfilled—namely, that its members should be republics, in other words states bound together by citizenship. (The rise of totalitarian government in Russia and Germany meant the abolition of citizenship in those countries; and of course it was those countries that were the aggressors in World War II.) Kant's presupposition has been cheerfully ignored by the defenders of transnational government, as has the limitation of international jurisdiction to the preservation of peace. We have reached the stage where our national jurisdiction is bombarded by laws from outside—both from the UN and the EU—even though many of them originate in despotic or criminal governments, and even though hardly any of them are concerned with the maintenance of peace. Even so we, the citizens, are powerless to reject these laws, and they, the legislators, are entirely unanswerable to us, who must obey them. This is exactly what Kant dreaded, as the sure path, first to despotism and then to anarchy. And it is happening. The despotism is coming slowly: the anarchy will happen quickly in its wake, when law is finally detached from the experience of membership, becomes 'theirs' but not 'ours' and so loses all authority in the hearts of those whom it presumes to discipline.

The architects of the European Union have always been aware that the Union can gain authority only by colonising the territorial jurisdictions of nation states. They have also recognised in their hearts that national loyalty is a precondition of territorial jurisdiction. Hence the secrecy advocated by Jean Monnet, the need to conceal the goal from the people whose goodwill had to be retained and exploited.⁴ For the same reason the EU has imposed its laws through directives issued to national parliaments, hoping to co-opt existing loyalties in order to ensure that those laws are respected and applied. The aim has been to keep national sovereignty in place just so long as is necessary to secure the structure that will suddenly replace it. This is the point we are now

at. It is still the case that national legislatures, national police forces and national courts have been conscripted to the task of enforcing the bureaucrats' decrees. But when the proposed European police force comes into being, with continent-wide powers of extradition for offences not recognised in our own common law, we will be confronted by the reality. It is to be hoped that our political class will wake up before that time to the extreme danger in which they will be placing the European nations.

The proposed EU constitution, like the UN Charter, exemplifies a culpable blindness to human nature, a refusal to recognise that human beings are creatures of flesh and blood, with finite attachments and territorial instincts, whose primary loyalties are shaped by family, religion and homeland, and who—deprived of their homeland—will assert their identities in other and more belligerent ways. The UN Charter of Human Rights and the European Convention of Human Rights belong to the species of utopian thinking that would prefer us to be born into a world without history, without prior attachments, without any of the flesh and blood passions that make government so necessary in the first place. The question never arises, in these documents, of how you persuade people not merely to claim rights, but also to respect them; of how you obtain obedience to a rule of law or a disposition to deal justly and fairly with strangers. Moreover, the judicial bodies established at the Hague and in Strasbourg have been able to extend the list of human rights promiscuously, since they do not have the problem of enforcing them. The burden of transnational legislation falls always on bodies other than those who invent it.

The result is that national jurisdictions that have incorporated the UN Charter and the European Convention are now obliged to confer rights on all-comers, regardless of citizenship, and hence regardless of the duties of those who claim them. Immigrants coming illegally into Britain can claim a 'right of asylum' under the UN Convention on Refugees and Asylum. This, acting together with the Human Rights Act, which partly incorporates the European Convention into English law, bestows in effect full protection and rights of citizenship, even though there is no question of the asylum seeker being called upon to pay taxes, to fight for the country in war time, or to fulfil any

obligation other than the general obligation to obey the law. Asylum seekers can even claim welfare benefits and sue local councils that do not provide acceptable accommodation—a spectacle that has profoundly shocked native British citizens.

That is one example of the way in which universalist conceptions of rights, defined without reference to history or citizenship, so as to by-pass the affections in which the sense of duty is ultimately grounded, erode the authority of the nation state. And by eroding the nation state, which is the only state which really has the maintenance of rights on its agenda, they therefore contribute, in the long run, to the erosion of rights themselves.

Oikophobia

But can national loyalties really endure in the modern climate of opinion? This is a vexed question that must be answered case by case, and with due regard to all the stresses and strains of local history. Consider our own case: that of England. Nobody brought up in post-war England can fail to be aware of the educated derision that has been directed at our national loyalty by those whose freedom to criticise would have been extinguished years ago, had the English not been prepared to die for their country. To many of the post-war writers, the English ideals of freedom and service, for which the war in Europe had ostensibly been fought, were mere ideological constructs—‘ruling illusions’ which, by disguising exploitation as paternal guidance, made it possible to ship home the spoils of empire with an easy conscience. All those features of the English character that had been praised in war-time books and films—gentleness, firmness, honesty, tolerance, ‘grit’, the stiff upper lip and the spirit of fair play—were either denied or derided. England was not the free, harmonious, law-abiding community celebrated in boy’s magazines, but a place of class-divisions, jingoism and racial intolerance. Look beneath every institution and every ideal, the critics said, and you will find the same sordid reality: a self-perpetuating upper class, and a people hoodwinked by imperial illusions into accepting their dominion.¹

To refute this vision of my country is not something that I can undertake in this pamphlet: though I have attempted the task elsewhere.² It is important to note, however, that this torrent of criticism has been almost entirely devoid of comparative judgements. Indeed it amounts to little more, in retrospect, than a catalogue of failings that are natural to the human condition, which may have been endowed by the English with a peculiarly English flavour, but which

will be encountered everywhen and everywhere—even in Scotland.

At the same time, precisely because it is in the nature of a protest against the human condition, this kind of criticism is infectious. What began as a *jeu d'esprit* among intellectuals very soon translated itself into political orthodoxy, facilitated by the Celtic bias of the Labour Party, and by a European *élite* intent on extinguishing the memory of the Second World War. Consciously or unconsciously, recent political decisions have had the undoing of England as their real or apparent objective, and the result has been a confusion of identity among the English that might lead one to conclude that, in our case, at least, national loyalty is on the verge of extinction. The official map of Europe makes no mention of England, but only of 'regions' marked on the map with the same bureaucratic arbitrariness that carved up the Ottoman Empire. The Labour Party is determined to endorse these regions with elected assemblies, so depriving the English of all hope of a parliament of their own. At the same time the Scots and the Welsh have been granted their own national assemblies, and the Northern Irish have been placed in a situation that renders the 'unionist' position (i.e. the position that reaffirms the crown of England as the source of political authority) all but untenable. The English, by contrast, are ruled from Westminster by a government composed largely of Scots, and by parliamentarians who do not hesitate to vote on English issues even when they represent Welsh or Scottish constituencies. Constitutional reforms of a far-reaching kind have removed or will remove those institutions that created the English way of doing things—not least being the hereditary House of Lords, and the Lord Chancellor (whose office is not merely the oldest in the land after that of the monarch, but also responsible for that aspect of the English law—the doctrine of equity— which did more than any other to create the 'little platoons' of the English people³). And English common law has now been made subject to a régime of 'human rights' whose final court of appeal is outside the kingdom, in a court dominated by judges brought up on the civilian and Napoleonic systems. Crucial matters concerning national sovereignty are debated outside our parliament, and the government itself seems determined to deprive the English

people of the means to protect their national identity. It has even been proposed that in any referendum on the future of our national currency EU citizens resident in Britain should be allowed to vote—a *de facto* recognition that sovereignty and national identity have already been sundered, in the interests of a transnational jurisdiction that refuses to recognise national boundaries.

All those facts are familiar. My response to them is to point out that the seeming loss of national loyalty is a feature of our political élites, but it is not shared by the English people. The ‘we’ feeling is still there in our national culture, and is responsible for such support as our politicians receive for their increasingly random gestures. Mr Blair may or may not have been right to take us into war in Iraq; but his ability to do so was contingent on the fact that, in a crisis, the British generally, and the English in particular, re-group around the old first-person plural. Even if we go to war reluctantly, we still go to war as *we*, obeying *our* government, and not as subjects ruled by some alien *them*. (Contrast the attitude of the Czechs to war fought on behalf of the Austro-Hungarian Empire—brilliantly conveyed by Jaroslav Hasek in *The Good Soldier Schweik*.) In its attempt to persuade us to accept the current levels of immigration, our government appeals to *our* traditions of hospitality, asks us to accept the newcomers not as competitors for our territory but as refugees, to whom *we* owe charitable protection. In every major crisis, the government falls back on our historic identity and unaltered loyalty, in order to persuade us to accept even the changes that threaten those precious possessions.

It will not have escaped the reader’s notice that this historic identity, both in its English and in its British manifestation, has entered a state of crisis. This crisis has come about because the loyalty that people need in their daily lives, and which they affirm in their unconsidered and spontaneous social actions, is constantly ridiculed or even demonised by the dominant media and the education system. National history is taught (if it is taught at all) as a tale of shame and degradation. The art, literature and music of our nation have been more or less excised from the curriculum, and folkways, local traditions and national ceremonies are routinely rubbished. We see the effect of this

when the British take their holidays in foreign parts. Needing to affirm their national identity, and deprived of the culture that would enable them to feel proud of it, they have recourse to loutish belligerence, slouching from village to village with drunken howls, swinging bottles and beer cans in their prehensile arms.

Those disinherited savages owe their condition to the fact that their mentors and guardians have repudiated the national idea. This repudiation is the result of a peculiar frame of mind that has arisen throughout the Western world since the second world war, and which is particularly prevalent among the intellectual and political élites. No adequate word exists for this attitude, though its symptoms are instantly recognised: namely, the disposition, in any conflict, to side with 'them' against 'us', and the felt need to denigrate the customs, culture and institutions that are identifiably 'ours'. Being the opposite of xenophobia I propose to call this state of mind oikophobia, by which I mean (stretching the Greek a little) the repudiation of inheritance and home. Oikophobia is a stage through which the adolescent mind normally passes. But it is a stage in which some people—intellectuals especially—tend to become arrested. As George Orwell pointed out, intellectuals on the Left are especially prone to it, and this has often made them willing agents of foreign powers.⁴ The Cambridge spies offer a telling illustration of what oikophobia has meant for our country. And it is interesting to note that a recent BBC 'docudrama' constructed around that deplorable episode neither examined the realities of their treason nor addressed the suffering of the millions of their East European victims, but merely endorsed the oikophobia that had caused the spies to act as they did. The resulting portrait of English society, culture, nationhood and loyalty as both morally reprehensible and politically laughable is standard BBC fare—prolefeed, as Orwell described it in *Nineteen Eighty-Four*.

Nor is oikophobia a specifically English, still less specifically British tendency (although Scots seem relatively immune to it). When Sartre and Foucault draw their picture of the 'bourgeois' mentality, the mentality of the Other in his Otherness, they are describing the ordinary decent Frenchman, and expressing their contempt for his

national culture. A chronic form of oikophobia has spread through the American universities, in the guise of political correctness, and loudly surfaced in the aftermath of September 11th, to pour scorn on the culture that allegedly provoked the attacks, and to side by implication with the terrorists.

This frame of mind finds a natural home in state institutions, since these offer the power base from which to attack the simple loyalties of ordinary people. Hence European parliaments and bureaucracies contain large numbers of oikophobes whose principal concern in exercising power is to pour scorn on national values and to open the way to their subversion. The domination of our own national parliament by oiks, as we might call them, is partly responsible for the assaults on our constitution, for the acceptance of subsidised immigration, and for the attacks on customs and institutions associated with traditional and native forms of life. The oik repudiates national loyalties and defines his goals and ideals *against* the nation, promoting transnational institutions over national governments, accepting and endorsing laws that are imposed on us from on high by the EU or the UN, though without troubling to consider Terence's question, and defining his political vision in terms of universal values that have been purified of all reference to the particular attachments of a real historical community. The oik is, in his own eyes, a defender of enlightened universalism against local chauvinism. And it is the rise of the oik that has led to the growing crisis of legitimacy in the nation states of Europe. For we are seeing a massive expansion of the legislative burden on the people of Europe, and a relentless assault on the only loyalties that would enable them voluntarily to bear it. The explosive effect of this has already been felt in Holland and France. It will be felt soon everywhere, and the result may not be what the oiks expect.

The New World Order

The spread of oikophobia through the Western élites provides some support to those who believe that the nation state is unsustainable, and must inevitably give way to sovereignty of another kind. It is therefore pertinent to address two of the current arguments against the nation state—that of Philip Bobbitt and that of George Monbiot— since they issue from the pens of influential writers, and engage with real and understandable sentiments.

Bobbitt has argued that the nation state will soon be a thing of the past, that humanity is evolving inexorably in the direction of the ‘market state’, in which the bond between citizen and state is conceived not as a hereditary obligation like that of family or tribe, but as a freely chosen contract, in which the state is expected to deliver benefits (security, prosperity and other secular goods) in return for obedience.¹ Loyalty to the state is an elected loyalty, which can be set aside when it ceases to pay, and which has no real element of membership, as opposed to free contractual choice. There is an element of truth in this—which is that, when people believe that this is so, it becomes so. But the mass of humankind doesn’t believe it. Ordinary people live by unchosen loyalties, and if they are deprived of nationhood, they will look elsewhere for the ties of membership— to religion, race or tribe. It is true that they will then see citizenship as a mere commodity, and the state as having no durable claim on them. But the result is not a new form of sovereignty but a kind of parasitism on a sovereignty maintained by the national loyalties of others.

This parasitism is what we witness in the Islamist sleepers in our inner cities, and in the criminal networks that trade in passports as they trade in human beings and drugs. If everybody regarded citizenship as a commodity, rather than the expression of an existential tie, then sovereignty would collapse, as it has collapsed in the failed states of

Africa. What Bobbitt calls the 'market state' is not a state at all, but a condition in which sovereignty disintegrates under pressure from universal predation.

This is relevant to the situation in which we—and the Americans in particular—now find ourselves. People don't die to uphold contracts; in emergencies contracts are repudiated, loyalties deepened. It is because the USA exists as a nation state, determined to defend its people and its territory, that war took place in Iraq. No American soldier in that war saw himself as carrying out some clause of a political contract. He was preparing to sacrifice himself for his country, and success depended upon him remaining steadfast in that resolve.

Bobbitt has written² that September 11th imbued America with the will to take military action, and he is surely right. But another way of putting the point is that the first Gulf War was not really fought by the American nation. It was fought in the spirit of Bobbitt's 'market state', by a military that was 'doing a job', trying to minimise risks and get out alive. Hence it was more or less futile. The second Gulf War was fought in a different spirit, the spirit of the nation state; and both its success, and the succeeding problems, show that nation states remain the sovereign agents in international politics, while 'market states' remain a fiction in the mind of Professor Bobbitt.

George Monbiot's concern is at the opposite pole from Philip Bobbitt's. He is not in the business of predicting, but in that of recommending and deciding.³ He opposes the nation state as a source of particularist and self-centred attitudes, an obstacle to world government at a time when no other form of government will ensure the survival of mankind. The problems facing humanity, he argues, are global problems—environmental destruction; systemic imbalance in the distribution of products and resources; social breakdown caused by disease, famine and exploitation; and ubiquitous predation by multinational corporations that cannot be controlled by any merely national jurisdiction. We therefore need world government, in which the interests of all people will be taken into account, and in which legislative powers will match the true extent and seriousness of the global problems that now confront us.

Much as one might sympathise with the humane motivation behind Monbiot's appeal, it goes against all that we know of human nature. In modern conditions loyalties are either universal and religious, or territorial and particular. No form of world government can be built on the first, and the second finds its natural expression in the nation state. Monbiot poses a real question: how is the nation state to confront the problems of a global economy? But his own solution—which is to abolish the nation state and to erect a global government in its stead—belongs with those unfounded experiments that I mentioned at the outset of my argument. Like the French, Russian and Nazi revolutions, the erection of a global government would undermine all the negotiated solutions, consensual institutions and legal precedents on which our democracies depend, and put in their place a vast concentration of power open to seizure by the person, group or party best placed to confiscate it.

This does not mean that we can ignore Monbiot's problem: it is one to which I shall shortly return. But it does mean that we must find a way to reconcile national sovereignty with international obligations. Let us therefore remember that it is not as though people were confronting this problem for the first time in human history.

Threats to the Nation

I am not alone in seeing national loyalty as the precondition of constitutional and democratic government. And I am not alone in believing that the greatest political decisions now confronting us concern the nation and its future. These decisions must be discussed with the utmost honesty if we are to do what is best for our country and for the world. Honesty is difficult, however, since censorship prevails in the media and in the circles of government. Those who defend the first-person plural of nationhood, in however nuanced a way and with however mild a tongue, are apt to be branded as fascists, racists, xenophobes, nostalgists or at best (in our case) Little Englanders. Their arguments are habitually drowned under platitudes about the multicultural society, the rights of minorities, and the new global economy. Powerful bureaucracies in the EU, the UN and the WTO amplify the calls for a new world order, and cast further scorn on the reactionaries who impede their plans. In the emerging conditions it is only the United States of America that actively resists the expropriation of its sovereignty by the UN, and it is little short of a paradox that a state formed by federation, constitution and conscious political choice, should now be the strongest defender of national sovereignty. Why that is so is a difficult question to answer. But it is so, and it is one explanation of the growing divergence of the American and the European vision of government.¹ Moreover, American resistance to the legislative powers of the UN, which threatens its sovereignty, should be set beside its acquiescence in, and indeed exploitation of, the legislative powers of the WTO, which threatens the sovereignty of everyone else. I return to this point below, since it represents the great blind spot in American policy-making in this area.

Those who come to the West in search of citizenship include many who respond to the gift of it with gratitude and loyalty. This is

especially so of those who battle against hardship in order to reach our shores, who work to establish themselves, and who take the entire risk of their migration upon themselves. Unfortunately, such immigrants are now untypical. Asylum seekers enjoy a subsidised existence from the moment of their arrival, the government being obliged by the UN Convention on Refugees and Asylum to offer hospitality at the citizens' expense. The stock of social housing, which represents the savings of local communities, built up on the understanding that this housing was for the use of those who already belong and to whom we owe a neighbourly duty, has been commandeered by incomers who are not neighbours at all. The impact of this on sentiments of national loyalty is little short of catastrophic.

Quite suddenly what was *ours* becomes *theirs*, and the discovery that there is nothing to be done to remedy the situation, that no law, court or government can be appealed to, and that the expropriation cannot therefore be peacefully ended, has a profound impact on people's sense of identity. An identity forged from a shared sense of home is by its very nature threatened by the person who comes to the home uninvited, and with a non-negotiable demand for sanctuary. You may not approve of that fact, but it is a fact nevertheless, and the principal cost of national loyalties. And if it is a cost that you feel cannot be borne, try loyalties of another kind—ethnic, for example, as in the Balkans, or religious, as in the Middle East. In any case, there is no denying that, as a result of the asylum crisis, a gap has opened up between government and people: the 'we' feeling seems no longer to have a voice among our rulers, and—at the same time as making urgent appeals to *us* for patience, tolerance and good will towards strangers—the government continues to act not on *our* behalf but *theirs*.

It is important to see that this national crisis is the direct result of transnational legislation, and could be solved at once were our political leaders to put the national interest before the artificial obligations imposed by the UN and the EU. The UN Convention on Refugees and Asylum dates from 1951, when there were hardly any refugees or asylum seekers in the world. But it has bound the legislatures of the

nation states ever since, despite radically changed circumstances. The convention enables dictators to export their opponents without earning the bad name that comes from killing them. The entire cost of the convention is therefore borne by the law-abiding states—in other words the nation states—whose legal and fiscal systems are now under intolerable strain as a result of the influx of refugees. Delicate matters over which our legislators and judiciary have expended decades of careful reflection (planning law, for example) with the all-important aim of sustaining national loyalty by reconciling *us* with *our neighbours*, are thrown into disarray by a measure that is imposed on us by a bureaucratic system that we can only pretend to control.

An uneasy silence, induced by self-censorship and intimidation, has so far prevailed concerning this, the most important issue facing modern Europe. But people are beginning to wake up to the effect of unwanted immigration not merely on national loyalty, but on the idea of citizenship which has until now been taken for granted. As I indicated above, it is now possible to claim the benefits of citizenship, to sue for them as ‘human rights’, and to acknowledge no duty to the state in return. It is possible even to be a British citizen while engaged in a *jihad* against the British people.² The idea that the citizen owes loyalty to a country, a territory, a jurisdiction and all those who reside within it—the root assumption of democratic politics, and one that depends upon the nation as its moral foundation—that idea has no place in the minds and hearts of many who now call themselves citizens of European states.

The external threat to national sovereignty is familiar from debates over the EU and the UN. But these are not the only attempts to expropriate legislative powers from national parliaments and to vest them in unaccountable bureaucracies. There is also the WTO—the blind spot in the American strategy for a world of sovereign democracies. The WTO has undeniably enhanced the volume of world trade. And this has benefited the economies of some poor countries—at least, in so far as benefit is measured in terms of GDP. But the WTO process has been conducted without regard for the identity of those who are compelled by economic *force majeure* to take part in it.

It has now reached the point where delegates can argue—on behalf of multinational businesses like Monsanto—that national sovereignty is a ‘block on free trade’, and that corporations should be able to sue national governments if they have been denied ‘investor rights’, as when a national government gives preferential terms to native firms.³

Such examples remind one of the words of the gospel: ‘for what shall it profit a man, if he shall gain the whole world, and lose his own soul?’ (Mark 8:36). Imagine free-trade legislation that abolished the jurisdiction of the Philippines in order to impose the more trade-friendly jurisdiction of the US in its stead. This would enormously expand the wealth of the Philippines and enhance the economic prospects of each of the islanders. But it would also abolish the Philippines as a nation state and incorporate them into the United States of America. That example points to the end result of the WTO’s attempt to replace bi-lateral and multi-lateral agreements by global treaties. In effect, the WTO is going the way of the EU. By pursuing free trade at all costs, it threatens the thing that makes international trade into a durable and beneficial feature of the human condition—namely, national sovereignty.

The protests by peasant farmers and local communities against the WTO are of course protests on behalf of a poor way of life against what may prove to be a wealthier one (though not necessarily a happier one or one that they would choose): but they are also a protest on behalf of the way of life that they can call *ours*, against a way of life from elsewhere—indeed from nowhere. Looked at from the point of view of national sovereignty they are gestures of deep patriotism, against a presumptuous force that roams the world like a tempest, vandalising everything in its path.

But this returns us to the problem posed by George Monbiot. In a global economy, it is said, corporations will inevitably become multinational, transferring their business and their assets from one jurisdiction to another in order to maximise profits. Transnational economic activity needs to be controlled by transnational law: otherwise companies will simply migrate from the jurisdictions that attempt to control them and settle where the regulatory burden is

lighter or nonexistent.

In fact, as the WTO illustrates, that is not what happens. Once the possibility of transnational legislation is admitted, the multinationals will commandeer it, in order to open the whole world to their product. Far from being contained by this legislation, they contain it, and use it to break down the only jurisdictions that people have an instinct to obey. The result of the WTO's assault on national jurisdictions is apparent everywhere: in the destruction of local food economies by multinational agribusiness; in the over-riding of local property laws and barriers to migration; in the increasing ownership of land by people who have no obligation to defend it against invasion; in the control of vital services in one country by people who are citizens of another. And so on. In short, multinational businesses have used the transnational institutions in the same way as the oiks—to break down national jurisdictions, and to cancel the loyalties on which they depend. The incongruous alliance of the spivs and the oiks will spell the doom of both; but the result will not be a happy one for the rest of us.

The examples that I have considered illustrate the deep incompatibility between transnational legislation and national sovereignty. They also show what is dangerous when unelected assemblies presume to dictate legislation to national parliaments. A national parliament is accountable to the people who elected it, and must serve their interests. It must strive to reconcile the competing claims that come before it, to balance one claim against another, and to achieve a solution that will enable people to live in harmony as neighbours. A transnational assembly need obey—and can obey—no such constraints. Normally it has just one legislative goal—in the case of the WTO the advancement of free trade—and no duty to reconcile that goal with all the other goods and needs of a real human society. That is why its rulings are so dangerous. They are made on the strength of reasoning that ignores the real database from which rational political choices must be made. The UN Convention on Asylum and Refugees was proposed as an answer to one problem only—and a problem whose scale and gravity have since immeasurably increased.

The UN Assembly had no duty to reconcile its ruling with the many interests that will inevitably conflict with it, and no duty to return to the matter when conditions have changed. The ruling is therefore irrational, in the true sense of ignoring almost all the data that are relevant to its justification. Exactly the same criticism should be made of every single decision made by the WTO—even those which seem advantageous to everyone.

Overcoming the Threats

Those threats are serious and disturbing. But I do not think that we are powerless in the face of them. The external threat to national loyalty comes from political weakness. A concerted effort to return from transnational legislation to bi-lateral agreements would restore much of our lost sovereignty. Since the institutions pressing us to accept their legislative prescriptions—the UN, the WTO, the EU—are without any effective military arm, the cost of defying them will be rapidly outweighed by the benefit. And the cost of obeying them will be a complete disappearance of national loyalty. But they, in turn, are parasitic on national loyalty and could not survive without it. Hence, whether we obey them or defy them, these transnational organisations are destined to disappear. The wise course is to ensure that our territorial jurisdictions survive the crisis: in other words, to hold on to nationality at all costs.

The problem posed by the global economy and the outreach of the multinationals can be solved in a similar spirit. It is only free-market dogma that persuades people that free trade is a real possibility in the modern world. All trade is massively subsidised, usually in the interests of the stronger party—as American agriculture is subsidised, not merely by direct payments to farmers, but by laws that permit GM crops ruled unsafe elsewhere, by standards in animal welfare that we in Britain would not countenance, by the existence of publicly funded roads and infrastructure that ensure rapid transport of goods to the port of exit, and so on. And all trade is or ought to be subject to prohibition and restriction in the interest not merely of local conditions but also of moral, religious and national imperatives. If free trade means the importation of pornography into Islamic countries, who can defend it? If it means taking advantage of sweated or even slave labour where that is available and importing the tortured remains of battery-farmed

animals wherever they can be sold, why is it such a boon? If it means allowing anonymous shareholders who neither know nor care about Hungary to own and control the Budapest water supply, is it not the most dangerous of long-term policies? The fact is that free trade is neither possible nor desirable. It is for each nation to establish the regulatory régime that will maximise trade with its neighbours, while protecting the local customs, moral ideals and privileged relations on which national identity depends.

Multinationals would benefit if each nation state insisted on its rights in this matter. McDonalds, for example, had it been constrained to respect local aesthetic norms, to adapt its signage, its architecture and its product to local customs and expectations in every market, would be able to switch its investments freely around Europe without suffering the growing contempt and hostility with which it is now regarded and which is beginning to impact on its share value. It would be a local citizen wherever it is established, one restaurant among others, competing on local terms, and with the flexibility to survive in one place when it fails in another.

The internal threats to nationality are more difficult to confront. But again the matter is not hopeless. Immigration controls have collapsed largely as a result of transnational legislation. Restore sovereignty, and these controls can be once again put in place. Return control of the education system to parents, and the oiks will no longer be in charge of it. Withdraw from the European Convention on Human Rights, and historical allegiance can once again regulate relations between the citizens of European states, with duties re-affirmed as the enduring price of their rights. All those are feasible policies, and indeed have been, in various combinations, proposed by democratic parties contending for power in the national parliaments of Europe.

Those who excuse the bureaucratic excesses of the EU often argue that we must be part of the Union, in order to influence it. And by arguing in that way they show their deep agreement with what I have tried to put across in this pamphlet. They too recognise that the question of the EU is a question of our destiny, our decisions, our autonomy, our long-term interests. And that 'our' is defined over the

territory of a nation state. The accession states of Eastern Europe are joining the Union, not in order to renounce their sovereignty, but in order to protect it from the threats posed until now by the Russian behemoth, and in order to shorten the painful transition to a full capitalist economy. Turkey longs to join the EU, in order to ratify its status as a nation state, and to protect its nationhood from the religious and tribal loyalties that threaten it from the South and the East. In short, the EU depends upon the thing that it seems bent on destroying. By restoring sovereignty to our national parliaments, we would therefore bring hope to our continent. By removing sovereignty from them, we shall invite first the despotism and then the anarchy that Kant feared.

Notes

1: Introduction

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- i See the definition of ‘subsidiarity’ in my *Dictionary of Political Thought*, 2nd edn, London: Pan, 1996.
 - ii The distinction is carefully set out and defended by Maurizio Viroli in *For Love of Country: An Essay on Patriotism and Nationalism*, Oxford, 1995.
 - iii The leading defender of a left-liberal patriotism is John Schaar. See especially ‘The Case for Patriotism’, *American Review*, 17, May 1973, and *Legitimacy in the Modern State*, New Brunswick, NJ, 1981. The case has been made in the context of English socialism by Hugh Cunningham, ‘The Language of Patriotism, 1750-1915’, *History Workshop*, 12 (1981), and eloquently taken up by Viroli in *For Love of Country*, 1995.
 - iv J.S. Mill, *A System of Logic*, 10th edn, London, 1879, vol. 2, p. 522.

2: Citizenship

- 1 I adopt this definition in order to identify an ideal that has been defended in various forms by Aristotle, Machiavelli, Montesquieu, Kant and the American Founding Fathers. Republican government is not to be contrasted with monarchy (our own government is both), but with absolute rule, dictatorship, one-party rule and a host of other possibilities that fall short of participatory administration. Nor are republican governments necessarily democratic on my definition.
- 2 See Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity*, New York, 1995.

3: Membership and Nationality

- 1 I take the term ‘creed-community’ from Spengler, and discuss what it means in *The West and the Rest*, London, 2002.

4: Nations and Nationalism

- 1 J.E.E. Dalberg-Acton, first Baron Acton, ‘Nationality’, in *The History of Freedom and Other Essays*, ed. J.N. Figgis and R.V. Lawrence, London, 1907.

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- 2 Ernest Gellner, *Nations and Nationalism*, Oxford, 1983.
 - 3 Benedict Anderson, *Imagined Communities*, 2nd edn., London, 1991; Eric Hobsbawm, *Nations and Nationalism since 1780*, Cambridge, 1990; Elie Kedourie, *Nationalism*, London, 1960; and Kenneth Minogue, *Nationalism*, London, 1967.
 - 4 See Adam Smith, *Inquiry into the Nature and the Causes of the Wealth of Nations*, 1776, and the discussion of 'invisible hand' explanations in Robert Nozick, *Anarchy, State and Utopia*, 1974.
 - 5 F.W. Maitland, *The Constitutional History of England*, London, 1908.
 - 6 See *The West and the Rest*, 2002. See also Jonathan Sacks, *The Dignity of Difference*, London, 2002, in which the Chief Rabbi defends the respect for cultural and religious difference that the nation state makes possible, and which vanishes when the only form of available membership is religious or tribal.
 - 7 Samuel Huntington, *The Clash of Civilisations and the Remaking of World Order*, New York, 1996.
 - 8 E. Sieyès, *What is the Third Estate?*, tr. M. Blondel, ed. S.E. Finer, London, 1963, pp. 124 and 128.
 - 9 The case should be contrasted with that of the Russian, Belorussian and Ukrainian people who, in the crisis caused by invasion, also wished to defend their territory, but did not know whether this meant repelling the invaders or welcoming them, precisely because their government had no national legitimacy, and had worked unceasingly to extinguish national loyalties from the moment when Lenin first seized power. See Vasily Grossman's portrayal of Stalingrad, *Life and Fate*, 1988.
 - 10 On the religious nature of nationalist bellicosity see Adam Zamoyski, *Holy Madness: Romantics, Patriots and Revolutionaries, 1776-1871*, London, 1999.

5: Britain and its Constituent Nations

- 1 Linda Colley, *Britons: Forging the Nation, 1707-1837*, New Haven and London: Yale University Press, 1992. Colley's thesis was anticipated in Hilaire Belloc, *History of England*, London, 1915.
- 2 I have argued the point in *England: An Elegy*, London, 2000. The idea of

English law as standing above all powers within the state, including the sovereign, goes back to medieval times, being explicitly affirmed by the 13th-century judge, Henry de Bracton, in his *De legibus et consuetudinibus Angliae* of c. 1220.

6: The Virtues of the Nation State

- 1 See Rosemary Righter, *Utopia Lost: The United Nations and World Order*, New York, 1995. On the WHO see Robert D. Tollison and Richard E. Wagner, *Who Benefits from WHO?*, London: Social Affairs Unit, 1993.
- 2 Interpretations of the French Revolution are always controversial. For the substantiation of what I say in this paragraph see René Sedillot, *Le coût de la Révolution française*, Paris, 1987; Simon Schama, *Citizens*, London, 1998; and my essay 'Man's Second Disobedience' in *The Philosopher on Dover Beach*, Manchester, 1990.

7: Panglossian Universalism

- 1 Kant, *Perpetual Peace*, in Hans Reiss, ed., *Kant: Political Writings*, 2nd edn, Cambridge, 1991.
- 2 Kant, *Perpetual Peace*, p. 113.
- 3 Kant, *Perpetual Peace*, p. 113.
- 4 See the entry on Jean Monnet in Rodney Leach's invaluable *Europe: A Concise Encyclopedia of the European Union from Aachen to Zollverein*, 3rd edn, London, 2000.

8: Oikophobia

- 1 Among the seminal works devoted to the debunking of England, the following are of special importance: Raymond Williams, *The Country and the City*, London, 1973; E.P. Thompson, *The Making of the English Working Class*, London 1963 and *Whigs and Hunters: The Origin of the Black Act*, London 1975; Perry Anderson, 'Components of the National Culture', *New Left Review*, vol. 50, 1968; Anthony Sampson, *The Anatomy of Britain*, London, 1962 (a book that has been several times updated, in search of new grievances whenever the old ones have been answered); Correlli Barnett, *The Collapse of British Power*, London, 1972 and *The Audit of War: The Illusion and Reality of Britain as a Great Nation*, London, 1986.
- 2 See Scruton, *England: An Elegy*, 2000.

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- 3 See the remarks on the law of trust (equity's most important by-product) in F.W. Maitland, *Selected Essays*, London, 1911, p. 129, and Scruton, *England: An Elegy*, 2000, pp. 117-19.
 - 4 George Orwell, 'The Lion and the Unicorn', in *The Lion and the Unicorn: Socialism and the English Genius and Other Essays*, London, 1941.

9: The New World Order

- 1 Philip Bobbitt, *The Shield of Achilles*, New York and London, 2001.
- 2 www.opendemocracy.net
- 3 See George Monbiot, *The Age of Consent*, London, 2003.

10: Threats to the Nation

- 1 But see Robert Kagan, *Paradise and Power*, New York, 2001.
- 2 The case of *al-muhajiroun* is now sufficiently notorious—see John Marks and Caroline Cox, *The 'West', Islam and Islamism*, London: Civitas, 2003, and my *The West and the Rest*. It is only one case of many, however, all of which illustrate what happens to citizenship, when citizenship is detached from the national idea. It is bought and sold like a forged passport, to become a tax on other people's loyalty.
- 3 Such were the provisions of the proposed Multinational Agreement on Investment, which was not in fact adopted by the WTO, following a campaign against it, but whose provisions are constantly being resurrected by multinationals at the WTO negotiations. Moreover, some of these provisions are already incorporated into the North American Free Trade Agreement under Chapter 11, effectively neutralising attempts by the Canadian government to protect its sovereignty in matters vital to its survival. Thus the government of British Columbia is being currently sued by a US water corporation for having banned the export of its water. See Paul Kingsnorth, 'Cancun: Why You Should Care', in *The Ecologist*, June 2003. It is to be hoped that the collapse of negotiations at Cancun will lead to a re-think of American policy over free trade.