Nation and Empire in the Age of Internationalism

A workshop

Monday 21 July 2014
9am to 5pm

CCANESA Boardroom
Level 4, Madsen Building
University of Sydney, Australia

Held under the auspices of the Laureate Research Program in International History, the Sydney Intellectual History Network and the Nation-Empire-Globe Research Cluster.

Advance registration required. Please note there are a limited number of spaces available for students, researchers and others. Register at http://sydney.edu.au/intellectual-history/news-events/nation-and-empire-registration.php

9.00-9.15am
Marco Duranti (Sydney) and Glenda Sluga (Sydney), Welcome and Introduction

9.15-10.45am
Panel 1: Did nationalism give birth to international human rights norms?

Chair/Respondent: Glenda Sluga (Sydney)

Samuel Moyn (Columbia), ‘Why the Founder of Nationalism and Internationalism Spurned Human Rights: Reflections on Giuseppe Mazzini and His Legacy’

Roland Burke (La Trobe), ‘The Paradoxical Nationalism of the Universal Declaration and the Human Rights Covenants, 1947-66’

10.45-11.00am Coffee break
**11.00-12:30 pm**

**Panel 2: How did the end of colonialism transform the nation-state?**

*Chair/Respondent: Danielle Celermajer (Sydney)*

Todd Shepard (Johns Hopkins), ‘The Age of “Grands Ensembles”? The Algerian War and the Nation-State Question’

Jessica Whyte (Western Sydney), ‘International Humanitarianism and the Neoliberal Assault on the Postcolonial Nation-State’

**12.30-1.00 pm Lunch**

**1.00-2:30 pm**

**Panel 3: How internationalist is international law?**

*Chair/Respondent: Michael Sevel (Sydney)*

Philippa Hetherington (Harvard), ‘Do Emigrants Belong to the Nation? Governing Cross-Border Movement in Russia and Eastern Europe, 1870-1917’

Jacqueline Mowbray (Sydney), ‘Linguistic Nationalism in International Law’

**2.30-2.45 pm Coffee break**

**2.45-4.30pm**

**Panel 4: Is the European Union a successor to continental European empires?**

*Chair/Respondent: Vrasidas Karalis (Sydney)*

Peter Becker (Vienna), ‘Fragile Connections: State, Society, Politics, and International Life in the Habsburg Monarchy’

Stella Ghervas (Harvard), ‘The Ghost of Empire? Reinterpreting the European Union’

Marco Duranti (Sydney), ‘Is Supranational Justice Compatible with the Democratic Nation-State? The Splintering of European Civilization, the Rise of Universal Human Rights and the Crises of European Democracy’

**4.30-5.00 pm**

**Closing discussion: Does the rise of the ‘global’ mean the demise of the ‘international’?**

Remarks by Marco Duranti (Sydney) and Glenda Sluga (Sydney)


**Panel 1: Did nationalism give birth to international human rights norms?**

**Samuel Moyn (Columbia), ‘Why the Founder of Nationalism and Internationalism Spurned Human Rights: Reflections on Giuseppe Mazzini and His Legacy’**

This paper addresses the thought of nineteenth-century thinker Giuseppe Mazzini, with an eye to his twentieth-century relevance. The focus is on how he envisioned the future of the international order on the basis of the nation-state, and the emphasis is on his failure to envision our interest in international human rights. The reasons for this were two: it would be unnecessary, given the modular protections of states themselves, and it would distract from moral community, and the duties (rather than rights) that were at its center. Lessons are drawn for the twentieth century, through how Mohandas Gandhi and others read Mazzini’s texts.

The paper begins by taking up the internal relation of rights and nationhood in his thought and politics. Abstractly put, individual protection and collective emancipation went together and could not be conceptualized separately. It is for this reason that, much like fellow liberal nationalists, Mazzini failed to envision the need for international rights—a modular nationalism, someday replaced by a universal political organization, would not require them. The paper suggests that, for this reason, the “invention of decolonization” in the twentieth century was simultaneously the fulfillment and betrayal of Mazzini’s vision. The paper concludes, however, by taking up Mazzini’s emphasis on duties, which resounded into the twentieth century as well.

**Roland Burke (La Trobe), ‘The Paradoxical Nationalism of the Universal Declaration and the Human Rights Covenants, 1947-66’**

In the years that immediately followed 1945, human rights emerged as the concept with perhaps the boldest pretensions to internationalism. Its foundation stones were formulated by international architects, in international space, for a global audience. Its most articulate advocates, notably the International League for the Rights of Man, extended their sinews across the Atlantic, and episodically to oceans beyond. Explicitly cast as universal, and inhering in the individual, human rights as configured in the post-war era were philosophically above and beyond the state, a “a common standard of achievement for all peoples and all nations.” Yet they relied emphatically on the mediating power of sovereignty to ensure their realization.

This paper explores the bitterly contested partitioning between the international, the national, and the individual in the formative decades of the human rights order between 1947 and 1966. It argues that international law, as it related to human rights, departed little from the notion of a world of states and citizens. The principal shift was in ensuring that the state was itself properly configured to promote rights. The centrality of the right to self-determination, first introduced in the UN General Assembly in 1950, insistently internationalized national sovereignty; and in the process elevated, rather than diminished, the status of the state. Across these debates on decolonization, which recast legitimate sovereignty, through the global distributional challenges posed by resource intensive ‘positive’ rights, to the fraught issue of individual petitions, human rights were firmly embedded in the realm of the international and national. When the moment approached to transform aspiration into law, even the most modest deviations from the model state, notably federalist systems, encountered substantial problems. Those that stood outside the state were still more disruptive – regarded primarily as a pathological edge-case, one to be improvised around with a flimsy legal patchwork, rather than a test of universal law.
While some historians have tended to take the 1948 Universal Declaration of Human Rights at its eloquent word, and approach the 1940s as the prodromal expression of radical, unalloyed universalism, its authors remained deeply engaged with sovereignty. The history of human rights was international and intra-state as much as it was disruptively transnational. Although the subsequent turns of the 1970s pushed human rights toward an avowedly global and supranational crusade, much of it remained, and remains, in the orbit of states. The history of a maximally internationalist concept is paradoxically not one of maximal internationalism.

Panel 2: How internationalist is international law?

Philippa Hetherington (Harvard), ‘Do Emigrants Belong to the Nation? Governing Cross-Border Movement in Russia and Eastern Europe, 1870-1917’

The period 1880-1917 was the great age of emigration from the Russian empire, as millions of Russian subjects moved to settler communities in North America and the southern hemisphere, many never to return. Russian state organs were slow to acknowledge the extent of cross-border movement from the empire, and when they finally did they raced both to enact stricter border regimes and to reform out of date emigration laws that made it illegal to denaturalize. At the same time, international migrant organizations, especially those within the Jewish community including the Jewish Colonization Association and the Jewish Association for the Protection of Girls and Women, lobbied the Russian state to provide greater protections for emigrants both as they crossed borders and, through the Russian consular network, once abroad. In this period, international efforts to coordinate aid to, and campaign on behalf of, emigrants from Russia formed the foundations of some of the most important migration-related international organizations operational today, including the International Labor Organization and International Organization for Migration.

My paper will trace the mutual constitution of international law and humanitarian norms protecting emigrants, and Russian migration law at the fin-de-siècle. As Russian jurists and bureaucrats struggled to come to terms with the extent of emigration from the empire, they were confronted with representatives of emergent international non-governmental organizations campaigning on behalf of migrants themselves, who called on the imperial state to come to the aid of destitute Russians abroad. This posed a problem: if emigrants could be considered de facto traitors for leaving in the first place, were they worthy of consular protection? In the end, Russian lawmakers decided that they were, a decision that I argue fundamentally altered the legal understanding of national and imperial subjecthood in pre-war Eastern Europe while consolidating the position of international migrant organizations as intercessors for a growing imperial diaspora.

Jacqueline Mowbray (Sydney), ‘Linguistic Nationalism in International Law’

Language is a critical element of national identity and frequently functions as a focus for nationalist sentiment. This paper considers the relationship between linguistic nationalism and international law. It argues that while international law claims to transcend the national, offering a ‘universal’ regime within which to address global issues, the rise of international law and the emergence of supranational organisations in fact open up opportunities for linguistic nationalism, both within and among states.

The development of modern international law as a constraint on the exercise of state power has opened up space for the claims of national minorities within states, with dealings between states
and these minority groups now understood as a legitimate subject of regulation by international law. In particular, the claims of linguistic minorities to use their own language find specific legal protection in international documents, from the inter-war minority treaties to modern international instruments such as the 1995 European Framework Convention for the Protection of National Minorities. At the same time, the language policy of international law-making bodies, such as the UN and EU, becomes a site of contest between competing (state) nationalisms.

By tracing the history of language policy within key international institutions, I demonstrate how nationalism and national politics are in work in debates over what languages should be used as the official and working languages of these organisations, and consider the implications of this phenomenon for the structure of international law. I conclude that linguistic nationalism is both the subject of ‘management’ by international law and a force which shapes the nature and operation of international law itself.

Panel 3: How did the end of colonialism transform the nation-state?

Todd Shepard (Johns Hopkins), 'The Age of “Grands Ensembles”? The Algerian War and the Nation-State Question'

What role did plans to create supranational states play in both French and Algerian national projects during Algeria's revolution? This talk examines new archival sources from French and Algerian archives to suggest both that such projects were more significant than current scholarship admits and that they offer insight into a transnational "era of grands ensembles" (1945-1962). In this period, as the discussions of scholars, anticolonial activists, state planners, and international organizations such as UNESCO reveal, it was presumed that the age of the nation-state had past. What French and Algerian plans emphasize, however, is that many participants in this discussion were also certain that nations would continue to flourish, if they became part of supranational states.

Jessica Whyte (Western Sydney), 'International Humanitarianism and the Neoliberal Assault on the Postcolonial Nation-State'

In his 1978-79 lecture course The Birth of Biopolitics, Michel Foucault highlights the contemporary prevalence of what he refers to as “state-phobia”. This state-phobia, as he defines it, has two important elements: first, the belief that the state possesses an inherent power of expansion in relation to civil society, and second, the belief in a continuity between various state forms—the welfare state and the totalitarian state for instance. Although Foucault makes clear he does not want to assert the illegitimacy of a hatred of the state, he nonetheless suggests that this ‘state phobia’ is insufficiently critical about itself and its provenance, which he traces to neoliberal thought of the 1930s and 40s. "All those who share in the great state phobia should know that they are following the direction of the wind", he writes.

While Foucault singles out the Austrian neoliberals and Soviet dissidents as important vectors of this state-phobia, this paper will examine another vector that Foucault does not mention: the new generation of activist humanitarian organizations (with whom Foucault was closely aligned) which, throughout the 1970s and 1980s, challenged the principle of national sovereignty. In opposition to the anti-colonial nationalism of the previous decade, figures like Bernard Kouchner, and the members of the Médecins Sans Frontières spin-off Liberte Sans Frontières, launched an attack on the anti-colonial privileging of self-determination and national sovereignty over individual rights. Moreover, they developed a critique of Third-Worldism that rested on the assimilation of the
postcolonial state to the paradigm of ‘totalitarianism’; postcolonial states were portrayed not as weak states subjected to continuing neocolonial exploitation but as excessively strong states whose power was inadequately limited by human rights.

This paper revisits these debates in the context of the rise (and what a 2014 Foreign Affairs article dubbed the fall) of the ‘failed state paradigm’. Today, in a context in which the violence that wracks many postcolonial societies is attributed not to the (totalitarian) strength of the state but to its weakness, or ‘fragility’, the anti-Third-Worldist critique of the self-determining, postcolonial nation-state has been recycled to justify new, invasive forms of state building. The incorporation of state-phobia into state policy in a neoliberal era is a sign, I suggest, that we are witnessing the ‘mutual ruin’ of the old paradigm of the sovereign state and of the anti-statism that emerged to confront it.

Panel 4: Is the European Union a successor to continental European empires?

Peter Becker (Vienna), ‘Fragile Connections: State, Society, Politics, and International Life in the Habsburg Monarchy’

The Habsburg monarchy is a fascinating case for a discussion about the relations between nationalism and internationalism. It neither developed into a nation state, suffered strongly from the centripetal dynamics of nationalist movements especially in the Austrian part of the dual monarchy, and did not actively participate in the new internationalism of the 19th century.

In my paper, I will try to cast a differentiated look at possible connections between active nationalist movements and passive attitude towards international cooperation. My starting point will be a thorough reading of reform projects regarding the organization of state and administration. In these projects, state-economy-society relations, inadequate for rapidly developing economies and societies, were one of the grievances discussed. These contemporary observations can be easily linked to Michael Mann's lucid comments on the role infrastructural power for state integration towards the end of the 19th century.

I will ask for the role of nationalist movements for the Habsburg monarchy’s problems with infrastructural power. The politicization of state-economy-society relations along nationalist lines will be identified as one of the obstacles of state integration - an obstacle which was also one of the reasons for the monarchy to remain passive vis-a-vis the internationalist movements.

Stella Ghervas (Harvard), ‘The Ghost of Empire? Reinterpreting the European Union’

The definite resurgence of interest in empires as political entities is in our Zeitgeist; indeed, a wide range of authors (such as Zielonka, Zaki, Beck, Grande, Engels) have recently compared the European Union to an empire. There is however another, darker, aspect to the notion of empire: as a “historical ghost”, it feeds nationalist and Eurosceptic attitudes; as a foil to liberties and the rule of law, it also contributes to shaping the policies of the EU itself. More generally, the idea of a continental empire has long been considered antithetic to the European order. So how can we resolve the striking paradox of this twenty-first century resurrection of empire in a peaceful context?

By taking a historical perspective, this paper will define three key markers that apply to all continental empires in modern Europe (the “universal” mission of ruling, the providential figurehead, and the legitimate use of military force). From there, we will proceed to illustrate how a
number of recent comparisons of the EU with an empire have led to a number of contradictions. By contrast, we will argue that a way forward for interpreting the nature of the Pax Europeana might instead lie with another trend of political thought tracing back to the “plans of perpetual peace” of the early eighteenth century, from Abbé de Saint-Pierre to Immanuel Kant.

Marco Duranti (Sydney), “Is Supranational Justice Compatible with the Democratic Nation-State? The Splintering of European Civilization, the Rise of Universal Human Rights and the Crises of European Democracy”

This paper traces the origins of the current crisis of popular legitimacy besetting the European Union and the European Court of Human Rights. This crisis emerged when these supranational institutions became unmoored from the bounded cultural-moral communities of the European nation-state and what was once called ‘civilized Europe’. The genesis of European integration and European human rights law can be traced back to Hague and Paris peace conferences at the outset of the twentieth century. The laws of war and international justice that emerged from these conferences codified a set of new rights and duties for individuals and states alike – but these were not equal, universal rights and duties. These innovations in international law were premised on the willingness of European nation-states and nationalisms to accommodate an older understanding of ‘the usages established between civilized nations.’ The splintering of ‘civilized Europe’ between 1914 and 1945 spurred the genesis of international organisations and justice. At the same time, it pushed liberal internationalists to embrace a thin abstract universalism that could not adequately substitute for those ‘imagined communities’ constructed by European nationalists and imperialists over the past century.

It has been forgotten that the Allies’ invocation of humanity and universal human rights during the Second World War were embedded in appeals to national honour, the defense of European civilization and civic duty. Allies denied Nazi Germany the status of a legitimate sovereign nation-state by describing its leaders as “barbarous’, ‘cowardly’, ‘dishonorable’, ‘bandits’ and ‘gangsters’. At the end of the war, the West sought to reintegrate the German nation back into ‘civilized Europe’ by first punishing these Nazi ‘criminals’ and then having a newly sovereign West Germany subscribe to the European Convention on Human Rights as a condition for participating in Western European integration. The movements for European unity that emerged in the aftermath of the Second World War embraced an older civilizational discourse, one that formed the basis of their campaign for Western European integration in the name of peace, reconciliation, democracy and human rights.

The seeds of the European Union’s and European Court of Human Rights’ present crisis of popular legitimacy were sown as human rights became decoupled from civic duty and social citizenship, as economic integration pushed aside the cultural-moral dimension of European unity, as supranational institutions accrued ever greater powers and EU enlargement proceeded without attention to ordinary Europeans’ sense of a common European identity. The Europe Union now faces a situation akin to that of the Austria-Hungarian empire before the First World War, with ‘enlightened’ cosmopolitan elites unable and unwilling to respond to the rise of populist movements and other centrifugal forces tearing apart the social fabric of European unity.