

# Nation-state system: Justifications and flaws

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# ABSTRACT

The nation-state system is a pillar of contemporary societies. Its importance for global and national stability has led us to perceive this system as natural. However, what are the justifications of this system? Is the perceived naturalness of this system due to its ability to achieve its objectives, or because it has not been sufficiently challenged? This thesis examines the quality of the nation-state in Western countries by considering its performance relative to its objectives. I first use the work of Yael Tamir (1993) and Will Kymlicka (1995, 2001) as grounds for the liberal justification of the nation-state system. Next, I examine decolonial and feminist perspectives to provide alternative point of views on this system. From these descriptions, I confront the theories of liberal thinkers with the alternative positions of decolonial and feminist authors. At the dawn of this analysis, I elaborate a proposition for the following issue: What should we do with the nation-state? In other words, given the discrimination and exclusion stemming from the nation-state system, what should Western countries do? Preserve, modify, or abandon it?

Key words: Nation-state, national minorities, immigration, special rights, nationalism, liberalism, decolonialism, feminism



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# 1. Introduction

Humanity is diverse. Diverse cultures, languages, religions, political systems, and polities. However, it appears that we agree with the nation-state system. A limited number of territories around the globe are not part of a nation-state. We have become accustomed to this system, which makes it nearly natural. Imagining an alternative is often seen as utopian. However, this system is relatively new in human history.

## 1.1 Emergence of the nation-state system

The nation-state system emerged in 1648 in the Peace of Westphalia (Vaughan, 2011, p. 6). The treaty, originally signed to establish a new balance of power in international politics, implemented three key elements that are still relevant today: secularization of international politics to put national instead of religious interests at the forefront, the state as a sovereign body and the highest authority, and the legal equality of states. This treaty also drew the first borders of European nation-states that we know today and represents the basis of modern international law. However, this treaty did not refer to national communities or identities. It is in a second phase that the idea of establishing a community that is aligned with the state emerged.

Before examining theories related to nation-states, it is necessary to clarify the concepts used in this thesis<sup>1</sup>. A *nation* is a collective of individuals, based on specific cultural and/or ethnic characteristics. *Nationhood* refers to being a member of a nation. *Citizenship* stands for the membership of a state. The *nation-state* is defined as the intersection of nationhood and citizenship. Historically, full congruence, meaning one state per nation, has been the aim of nation-states.

The first theories of the nation-state appeared in the end of the 18<sup>th</sup> century in France and Germany, more than a century after the Treaty of Westphalia (Brubaker, 1992, pp. 6-10). According to Ernest Gellner and Benedict Anderson, nationalist ideologies “were encouraged by socio-historical, economic, and psychosocial forces.” (Gans, 2017, p. 113).

It is in the Article 3 of the Declaration of Rights of Man and of the Citizen, approved by the National Assembly of France in 1789, that the congruence between the state and the nation plainly appeared: “The principle of all sovereignty resides essentially in the nation.” (France, 2022) However, this nation was understood as political, not ethnocultural. In other words, the nation was conceived in France as a community of people who shared laws and legislation.

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<sup>1</sup> For this, I will refer to the conceptualization used by Chaim Gans (2017).

Everyone could be French if they act in accordance with the laws and the legislature; if they are good citizens. French thinkers argued for a common language with the only purpose of developing a political nation where all citizens could communicate together and be equal in front of the state.

In Germany, another conception of the nation was formed in response to Napoleon's occupation. The Romantic movement viewed nations as historically rooted, united by a distinctive spirit of the people, or *Volksgeist*, and expressed through language, custom, law, culture, and the state. However, another influential German group, the Prussians, did not have the same conceptualization of the nation. They saw the nation as a political means of regenerating their state, making it a nation-state. While the Romantic movement saw the nation as existing for a long time, Prussians thought that a nation had to be built to overthrow French occupation. Historically, German nationalism has been built on an ethnocultural Romantic tradition and a political Prussian tradition.

French ideology is called *civic nationalism*, in which the nation-state is formed by the congruence of a state and a political nation. In contrast, *ethnocultural nationalism* is the ideology carried by the Romantic movement, considering the nation-state as a congruence between an ethnocultural nation and a state.

However, these two types of nationalism, exclusively political or ethnocultural, are rarely defended by contemporary authors. Indeed, a new form of nationalism emerged, supported by liberal thinkers, namely, liberal nationalism.

Liberal nationalism is conceived in this work as a school of thought that promotes the congruence of liberal principles, such as individual freedom, personal autonomy, and social justice, and the model of liberal democracy with the necessity to institutionalize nations to protect them.

## 1.2 Historical liberal position on nationalism

One of the first thinkers of this school of thought to address the question of the nation-state and the relationship between a state and a nation was John Stuart Mill. For him, “free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist” (Mill, 1861). In other words, thanks to the congruence of nationhood and citizenship, the state is better able to perform its roles. Thus, historically, according to liberals, one nation must be formed per state in line with civic nationalism.

One of the main events that shook nationalists' theories was World War II. First, due to the atrocities of the Nazi regime, the ethnocultural notion of nationalism disappeared (at least officially). Second, civic nationalism has had to accommodate the growing diversity of the population produced by the increasing arrival of migrants. The combination of these two factors has thus reopened the debate for liberal thinkers, both to take up the space vacated by the abandonment of ethnocultural nationalism and to review the modalities of civic nationalism.

While civic nationalism defined the nation politically, it also had cultural effects. To establish a common language, countries subscribing to this conception of nationalism pursued an assimilationist policy that forced cultural minorities to abandon their language. The influx of migrants into these countries has made this task increasingly difficult. In addition, due to the war, oppressive policies towards cultural minorities became unfeasible. Thus, while ethnocultural nationalism was destined for extinction, civic nationalism was forced to evolve and abandon the ideal of one nation for one state.

A second milestone in the nation-state system was the end of the Cold War. Indeed, the fall of the USSR was synonymous with victory of the American model and liberal democracy. Francis Fukuyama argued this in his essay 'The End of History' (1989). The nation-state system, as part of this liberal democracy model, was victorious against the Soviet bloc.

### 1.3 Justifiers and detractors of the nation-state system

Among the prominent liberal authors that have proposed a justification of the nation-state system are Yael Tamir, with her book 'Liberal Nationalism' (1993) and Will Kymlicka and his books on multiculturalism (1995, 2001). Both authors use the 'autonomy argument' as the basis of their liberal proposition; they argue that nationhood is necessary to ensure individual freedom and thus that nations must be protected.

Tamir (1993) proposes allowing national minorities the freedom to express their cultural differences by giving them self-determination rights. Kymlicka (1995, 2001) argues for a set of group-specific rights for minorities: self-government rights for national minorities to ensure equality between nations, polyethnic rights for immigrants to respect their differences and ensure that they are not unjustifiably disadvantaged, and special representation rights to better represent minority interests in liberal democracies.

In the theories of these two authors, members of a nation-state are members of both the shared political community and their particular cultural community. This means that even though the basic premise remains that one nation is identified with one state, different nations can co-exist in each state when special rights are applied to ensure respect for particularities.

Yael Tamir (1993) was the first author to develop a theory on the importance of belonging to a nation for individuals, and therefore on the need to protect them (Kymlicka and Straehle, 1999). Will Kymlicka (1995, 2001) is credited with developing "the most influential liberal theory of multiculturalism by marrying liberal values of autonomy and equality with an argument about the value of cultural belonging" (Song, 2020). Moreover, I argue that the theories of these two authors partially explain the current practices of nation-states towards national minorities and immigrants. Indeed, I believe that the balance between openness and firmness towards minorities shown by these two authors is observable in liberal Western democracies. For these reasons, the justification of the nation-state that I will analyze will be drawn from the theories of these authors.

The critical assessment of the nation-state is drawn from the work of decolonial and feminist theorists. These two currents of thought have had historical success in challenging the status quo and are recognized for their inclusion of historically marginalized groups. Therefore, I believe that their perspectives on the nation-state system can bring quality elements to this debate.

A decolonial point of view must be understood as the school of thought that makes "visible the mechanisms that have suppressed colonised knowledges and experiences" (Ramasubramanian and Miles, 2018, p. 429). Thus, these thinkers aim to examine the roots of power relations in our system and highlight the oppression suffered by non-white populations.

The authors used for this school of thought are mainly Aníbal Quijano and Immanuel Wallerstein (1992) for their conceptualization of the terms used by decolonial theorists, David Theo Goldberg (2002) for his analysis of the modern state which is, according to him, intrinsically racist, and Houria Bouteldja (2023), who, building on the work of Goldberg (2002) offers a historical analysis of the modern capitalist and racist system to conclude with her proposal: create a new political imaginary that serves the interests of whites and non-whites.

A feminist point of view aims to examine how mainstream political theory has neglected the specific conditions of women in society. In other words, feminist authors uncover "ways in which women and their current and historical concerns are poorly depicted, represented, and addressed." (Satz, 2013).

The main feminist authors used in this thesis are Nira Yuval-Davis et al. (1989) and Nira Yuval-Davis (1997), who have shown that nationalist theories are gendered; "men and women are assigned specific roles, functions, and powers" (Auslander and Zancarini-Fournel, 2000, p. 17). Deniz Kandiyoti (1991), V. Spike Peterson (1996) and Leora Auslander and Michelle Zancarini-Fournel (2000), will be used for their identification of the role of the nation-state in

the marginalization of women. Finally, Siim and Stoltz's (2015) theory is developed. They consider that the feminist perspective on nationalist agendas needs to evolve because, in their view, the relations between genders and nations have recently changed.

## 1.4 Focus of the thesis

The nation-state is global, and thus multilayered. Flaws in this system can be found within the nation-state, where inequalities may arise between citizens or unjustified discrimination against non-citizens. Inequalities can also be found between nation-states, as dangerous or even fatal situations for migrants and stateless people can be created through an unjust system. Finally, depending on the theories of this system, inequalities can be generated among nation-states.

For a variety of reasons, this thesis focuses on the situation created within nation-states, particularly Western nation-states. First, I want to make an effective contribution to the debate, which requires restricting the scope of my research. Second, I consider it ethically inappropriate for an author who has lived only in Western countries to analyze other countries. Third, liberal theorists primarily argued for the nation-state for internal reasons: the efficacy of the state and cohesion of the population. Hence, the logical first step in a research project on the nation-state is to study its internal consequences. Fourth, the nation-state system was created, fortified, and propagated by western countries. The debate on the nation-state system builds mainly on the specificities of these countries. To meaningfully participate in this debate, I have used the same grounds as the other authors. Fifth, due to the importance of Western countries in international relations, if any of these countries sought to change the nation-state system, it could spread worldwide and change the course of history. Sixth, Western countries have created institutions that compete with the nation-state (e.g., EU, UN). This shows the openness of Western countries in changing the system they have created. Seventh, I have seen in the same countries social tensions related to citizenship and nationality (e.g., Brexit 2020, US Capitol attack 2021). Therefore, it makes sense to rethink the justification for our nation-state system today in Western countries.

## 1.5 Research question

Consequently, this thesis aims to answer these central questions: Given the discrimination and exclusion stemming from the nation-state system, what should Western countries do to resolve these within their nation-state? Should they preserve this system by relying on liberal theorists' justifications, modify it to address its flaws, or abandon it because of its inability to solve these problems?

There is extensive debate among liberals regarding the justification for congruence between nationhood and citizenship. As we shall see from decolonial and feminist perspectives, there are multiple critiques of this system. For example, we can take the work of Susan Moller Okin (1999), who analyzes Kymlicka (1995) and argues that there is a tension between feminism and multiculturalism because the rights of certain groups can put women at risk. However, a study aimed at delving into multiple liberal theories that justify this system from diverse alternative perspectives is lacking. In my view, such an examination is necessary to begin a thorough evaluation of this system, and this master's thesis aims to fill this gap.

This study is furthermore relevant to the general population. The public sphere rarely addresses this subject, although it is one of the main pillars of our system. In part, this is probably due to the radical change that our society would have to undergo if we decided to change this institution. However, I believe that it is also the absence of an overall assessment and realistic alternative to this system that prevents us from debating it. As explained above, the size of this subject does not allow us to make a complete assessment or develop a detailed alternative. However, our thesis helps to move in this direction.

Moreover, our societies are confronted with global issues such as climate change, migrations, social and economic inequalities, and global conflicts. It appears that we are currently asking ourselves collectively what type of system can tackle those issues and improve the lives of everyone. Our nation-state system is of great importance in our societies, and it therefore has responsibility for the world we have today and will have tomorrow. Thus, in the debate on the future of our societies, it seems essential to discuss this nation-state system: Do we want to keep it, modify it, or find an alternative?

## 1.6 Outline

The second chapter of this thesis will explain in depth the theories of Tamir (1993) and Kymlicka (1995, 2001) to understand the justifications for this system. Chapter 3 addresses the discrimination and exclusion generated by the nation-state system using the theories of decolonial and feminist thinkers. Finally, in the fourth chapter, I confront all these positions and provide my position on the key elements of this debate. The discussion in this chapter will allow me to conclude on what Western countries should do with this nation-state system.

## 2. Liberal's justification for the nation-state system

In this chapter, I review the liberal theories of Yael Tamir (1993) and Will Kymlicka (1993, 2001), who seek to offer justifications for the nation-state system and address inequalities that may stem from it. To clearly understand what makes these two authors different, I will first discuss Tamir's and then Kymlicka's theories. The presentation of these two theories will include the authors' assessment of our current system, a conceptualization of the terms used, the development of their theory, and, finally, the clarifications needed to fully understand what these authors argue for.

Although the reader will be able to see the many similarities between both theories, I decided to study them separately. In doing so, I want to respect the particularity of these two proposals, which, despite their diverse convergences, present multiple distinctions. These differences and similarities will be explored at the end of this chapter to illustrate the variations that may exist among thinkers of the liberal school of thought. This structure will also enable the reader to identify these differences and similarities and thus confirm the quality of my analysis.

My critical analysis of these theories, as explained above, will be carried out in the third chapter in light of the arguments put forward by decolonial and feminist thinkers in the second chapter.

However, there is one aspect of their theory that I need to clarify at this stage of the thesis. As I wish to evaluate liberal theories, I must make it clear that it is indeed theories of this school of thought I am studying. Moreover, both authors use the same argument, the 'autonomy argument', as the ground of their liberal proposition (Tamir, 1993, pp. 35-56, Kymlicka, 1995, pp. 75-106). Alan Patten, in his article 'The autonomy argument for liberal nationalism' (1999), explains the multiple stages of this argument and uses as references the works of Will Kymlicka (1989, 1995) and Yael Tamir (1993), as well as those of David Miller (1995) and Joseph Raz (1994). Although Patten concedes that there are some differences between these authors, he considers them to be negligible and that these authors are presenting the same argument (1999, p. 4). Based on this position, I also consider that I can study this aspect of Tamir's and Kymlicka's theories together.

This aspect of both theories is essential, as, for many liberals, nationalism and special rights are considered to be in opposition to liberal principles. Indeed, nationalism is associated with nationalist regimes, such as the Nazi regime, and is therefore discarded (Tamir, 1993, p. 140). Special rights are seen as the protection of groups rather than individuals, and consequently

are attributed to the communitarian school of thought. (Kymlicka, 1995, p. 34). However, Tamir and Kymlicka argue that nationalism and minority rights can promote the fundamental principles of liberalism.

Patten (1999, pp. 4-6) argues that the liberal nationalist argument on autonomy has four stages. First, they argue that their argument is rooted in the core of liberalism, the pursuit of individual freedom, or autonomy. Second, they argue that, to be autonomous, one needs the freedom to choose one's life. To do so, they emphasize "that an individual is only properly free if she has a range of meaningful options to choose from" (Patten, 1999, p. 5). To be meaningful, individuals need a set of options and a standpoint that provides a perspective on the possibilities offered. The next step is to argue that this standpoint is a culture, a nation. In Kymlicka words, "freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us" (Kymlicka, 1995, p. 83). The last step in this theory is to argue that building from the first three steps, "liberals have a very 'good reason' to think that the state ought to preserve and promote national culture(s)" (Patten, 1999, p. 6).

Observing that the current use of nation-states does not protect all nations, Tamir and Kymlicka have developed alternatives. The former proposes a system where all nations can become a majority in a territory, to ensure the use of their cultural particularity, a necessity to guarantee the sustainability of each nation. The second argues that the implementation of a set of special rights ensures protection.

## 2.1 Tamir's theory, a federation of nations

Tamir asserts that the late arrival of theories on the nation-state cannot be explained only by the perceived naturalness developed by Kymlicka and Straehle (1999). Instead, she argues that liberal thinkers have refused to recognize the nationalist aspects of the nation-state. For her, the significant impact of World War 2 on liberal thought was above all the adoption of the universalistic approach, which refused to make differences on the basis of color, race, sex, or religion to distinguish itself from the regimes that produced the horrors of the war. She argues that this change of system is, in fact, the abandonment of the notion of nationalism, left in the hands of imperialism, fascism, Nazism, and racism (Tamir, 1993, pp. 140-141). Based on this historical observation, Tamir examines the nation-state of the second half of the 20th century and proposes changing the system to bring together nationalism and liberalism.

### 2.1.1 The problems of the universalist approach

Tamir claims that the state cannot be culturally neutral. States make mandatory choices in every aspect of society based on cultural assumptions. The legislative body, key political

positions, and state bureaucracy are made up of individuals impregnated with a particular culture. The nation's official languages and historical symbols are reproduced and diffused by the same institutions (Tamir, 1993, p. 148).

Furthermore, she observes that these nation-states have continued to consider themselves as a community "with a distinctive culture, history, and collective destiny" (Tamir, 1993, p. 141). Additionally, Tamir argues that this community was necessary to ensure the development of a welfare state. To justify it and have support from its population, it was necessary to implement a demarcation between those who would benefit from the welfare state and those who would not. To be part of that community, it was not sufficient to be present in the state's territory; a commitment to a certain set of values was required (Tamir, 1993, p. 147). Therefore, she argues that the universalist state can escape cultural impregnation.

Moreover, Tamir asserts that the apparent neutrality and equality of rights were not sufficient to provide equal opportunities to all citizens to pursue their conception of the good. As the state and its institutions cannot escape from cultural aspects, all national minorities are disadvantaged. One nation has access to the structures of the state to practice and flourish its culture, while the other nations do not. Additionally, minorities are not as accustomed to the cultural principles of the political arena as the majority are. This institutional disadvantage forces minorities to spend resources to protect their nation, whereas the majority nation is protected by the state. Thus, beyond the impossibility of the state being neutral and universal, Tamir argues that structural inequalities exist between nations within a state. Hence, Tamir claims that "granting members equal rights is not enough to ensure them equal opportunities" (Tamir, 1993, p. 146). The universalist approach, by not recognizing these aspects, has worsened the condition of minority nations and made their suffering invisible (Tamir, 1993, pp. 146-149).

For her, nationhood comes from the natural necessity of sharing a common destiny with other individuals from the same culture. From this perspective, the deterioration of a nation is also the deterioration of its members (Tamir, 1993, p. 65). Tamir therefore combines this nationalist assumption with the liberal autonomy argument already developed. For her, nations must be protected for the well-being of citizens, since a part of their identity is attached to it and because nations are necessary for their freedom to choose their lives. Thus, she claims that the current nation-state system failed.

She considers that the "nation-state can ensure the widest possible degree of national autonomy and the maximum range of possibilities for the enjoyment of national life" (Tamir, 1993, p. 74). However, Tamir argues that the nation-state model, in which there is one nation per state, is only ideal (Tamir, 1993, p. 74). First, to make this model a reality, she claims that liberal democracies have hidden the existence of minority nations. She argues that they have

partly succeeded and that the development of international institutions, such as the United Nations, is an expression of it. There, the members, the ‘nations’, are only states (Tamir, 1993, pp. 143-144). Second, Tamir argues that the only way to achieve complete homogeneity of a nation-state would necessarily lead to mass slaughter (Tamir, 1993, p. 145). Hence, Tamir considers that this model cannot provide all nations with access to the right of national self-determination.

### 2.1.2 A liberal nationalist theory

For nations to flourish, Tamir argues that they must have a public sphere in which they can fully express their particularities. To resolve the inequalities in the current system, she maintains that all nations must have access to the right of national self-determination. The state, as the only institution capable of deciding on the allocation of space within its territory, is the only one capable of guaranteeing this right (Tamir, 1993, p. 9). Let us now move on to explain the system she proposes that would, according to Tamir, ensure that nationalist and liberal principles are respected and that a public sphere is attributed to all nations.

#### 2.1.2.1 *Modification of the nation-state system*

According to Tamir, national self-determination is conceived by many as both a cultural and a political claim. Indeed, for a nation to be independent and free of any external domination, it must have the sovereignty of a territory. However, for Tamir, self-rule refers to sovereignty, while national self-determination is only “the right to preserve the existence of a nation as a distinct cultural entity” (Tamir, 1993, p. 57). In other words, she considers that this right can be exercised without the political power to ensure it.

Reconnecting to the nation-state, Tamir moves away from the conceptualization of the nation-state where only one nation can be protected, thus privileging only a few to the right of self-determination. Instead, she argues that a state can protect multiple nations (Tamir, 1993, p. 57).

For Tamir, this conceptualization proves that nationalist and liberal claims can coincide. She considers that liberal thinkers have discarded nationalist claims precisely because they claim to justify the domination of one nation in a state (Tamir, 1993, p. 58).

By disconnecting self-determination and self-rule, Tamir argues that a nation does not need to dominate others to be enjoyed. In this sense, Tamir does not see nationalism as a ranking of nations (Tamir, 1993, p. 94). Instead, she considers that “there is one civilisation but many nations” (Tamir, 1993, p. 90). In other words, everyone is part of the same population, but has cultural differences. Insofar as these differences are recognized by one another, Tamir argues that there are no stability issues.

However, she conceives that “in the heat of the battle, most national movements will deny the national rights of their opponents” (Tamir, 1993, p. 91). She claims that these acts must be conceived as irrational since those same nations “will rely on the universal right of all nations to self-determination articulated in the United Nations' charter in order to gather support and justify their own particularistic struggle” (Tamir, 1993, p. 91).

### *2.1.2.2 The new system*

Moving from purely theoretical aspects, Tamir argues for a certain type of society. She is in favor of states of regional size, such as the United States of America or the European Union. She believes that this size of state provides the necessary power to ensure security and prosperity. In this state, every citizen can participate in the decision-making process at every level of the state. To enjoy their national identity, she claims that they are “best cultivated in a small relatively closed, and homogeneous framework” (Tamir, 1993, p. 151). She therefore argues for the segregation of the population into numerous small territories based on each person's nation. The size of those territories is decided by the number of members of a nation. Put simply, Tamir suggests a federation of nations of considerable size to ensure the state's power (Tamir, 1993, pp. 150-153).

Tamir recognizes that this system does not resolve all inequalities between nations. Some nations and their languages will be more powerful and widespread than others will. However, she asserts that this inequality is inevitable and “is endogenous to any liberal national entity and cannot be resolved” (Tamir, 1993, p. 163). It is thus not a moral issue for Tamir since when “one is affiliated with a small nation [it] is a matter of bad luck rather than of unfairness” (Tamir, 1993, p. 157). Moreover, what is at stake for Tamir is equality in national self-determination. Her proposition assures, compared to the current nation-state system, that all nations can flourish and be protected and that all citizens have the liberty to choose and practice their national culture. The inequality of nations within the state is for Tamir only a matter of « technical need for communication” (Tamir, 1993, p. 152).

Moreover, Tamir assures that her proposition is beneficial for both small and large nations. First, Tamir sees the European Union's economic and cultural success as proof that regional cooperation provides advantages that a small state cannot. Second, she argues that nations should consider the long-term benefits of securing their right to national self-determination. Indeed, for her, big nations must be reminded that they cannot assume that their unity will be preserved forever, and that splits of nations occur. A system of segregation is the best context in which such splits could occur, as everyone is assured of enjoying the particularities of their nation. Thus, even for nations that are dominant in their nation-state, it is beneficial to accept the regional scale of the state and the segregation of nations (Tamir, 1993, pp. 152-153).

### *2.1.2.3 Clarification: minorities and immigrants*

However, Tamir recognizes some theoretical and practical tensions in her theory. She tries to solve these issues by providing necessary compromises that are not part of the ideal model presented thus far but are needed to tackle these pressing issues.

First, one could argue that minorities will always exist, and thus her proposition only moves the problem from one level of the state to another. On this point, she argues that we should respect the right of national self-determination for all nations but that some nations do not have enough capacity. Indeed, some nations are either too poor or have too few members. Their self-determination would not be reasonable, because they would not be able to maintain an autonomous national life. However, this does not mean that they must assimilate into other nations. Tamir claims that their diversity should be respected, and that their difficulties are recognized and treated as equals. Since she considers her proposition to be more tolerant to diversity, her system “lessen the risks of national unrest” (Tamir, 1993, p. 161) compared to the current system (Tamir, 1993, pp. 158, 161).

Second, while the liberal ideal endorses freedom of movement, she argues that “free immigration might threaten the national character of each segment” (Tamir, 1993, p. 158). In other words, immigration is dangerous to nations because it threatens their position as a majority in the public sphere. Tamir believes that this opposition between immigration and national self-determination is unbridgeable, but that a balance can be found.

She clarifies, however, that a distinction exists between refugees and immigrants. It is for her an ‘absolute obligation’ to grant refuge to those forced to leave their country (Tamir, 1993, p. 159). Nonetheless, she argues that immigrants do not have the same rights, and that restrictive immigration policies can be justified under certain conditions. She argues that the majority may decide to restrict immigration to maintain their national identity. However, Tamir observes that this argument creates another issue that has to be fixed: the right of national minorities to equal treatment is undermined since “restrictions on immigration [...] only serve the needs of the majority” (Tamir, 1993, p. 160). Therefore, she argues that the restriction of immigration is only justified when members of the minority have the possibility to migrate to a territory where they would be the majority. For this, she uses Israel as an example. For her, the majority, the Israeli, can justify the implementation of a selective immigration policy only if “the largest minority in the state, namely, the Palestinians, would also have a national entity in which they could enact a similar law” (Tamir, 1993, p. 160) (Tamir, 1993, pp. 158-161).

Tamir's proposal is simultaneously an ideal theory and a theory that seeks to be applied. Tamir argues that there are numerous advantages to her theory. First, small nations can enjoy the right to self-determination, which is not possible within the current nation-state system.

Second, it provides equality among nations to become the choice of individuals who now have better individual freedom, because they no longer suffer from assimilationist pressure. Finally, it offers an alternative to the “ethnocentric and xenophobic aspects of nationalism” (Tamir, 1993, p. 154) by promoting a nationalism that is open to diversity and plurality. Her theory also offers an alternative to the universalist approach, which, in attempting to deal with harmful nationalism, denies the national identity of individuals (Tamir, 1993, p. 154).

## 2.2 Kymlicka’s theory, group-specific rights

Without a transition, let us move on to the second liberal proposition studied in this thesis, Kymlicka's theory. As with Tamir's presentation, let us begin with his vision of the current system.

Kymlicka justifies his theory on two grounds: First, as I have already established, he considers nations as necessary to ensure liberal principles. Second, he argues that states cannot be culturally neutral; they promote “unavoidably certain cultural identities, and thereby disadvantages others” (Kymlicka, 1995, p. 108). In other words, by protecting a nation, the state ensures the individual freedom of the majority nation, but fails to do so for minorities. For Kymlicka, the solution lies in establishing minorities’ special rights. Kymlicka suggests three types of special rights depending on the situation: self-government, polyethnic, and special representation rights.

### 2.2.1 The controversy of minority rights

Kymlicka notes that arguing for special rights is controversial among liberal thinkers. He identifies three reasons for this rejection: (1) it has been ignored, or considered negatively, due to multiple historical events; (2) liberals discarded it because it was considered unnecessary; and (3) it was considered to be in opposition to liberal principles. I have explained in the introduction of this chapter that Kymlicka argues that minority rights coincide with liberal principles using the autonomy argument. It is therefore not necessary to develop this aspect of his theory any further. Instead, I focus on why he considers that special rights are necessary and cannot be ignored.

#### 2.2.1.1 *Historical explication*

According to Kymlicka, the first explication of minority ignorance is linked to the European sentiment of superiority. He argues that Europeans have identified the problems of minorities with indigenous groups in the colonies. Due to the racist consideration of these populations as being inferior and by considering the motherland to be homogeneous, minority rights were considered secondary subjects (Kymlicka, 1995, p. 22). Related to this aspect, Kymlicka assumes that minority rights became more important during the British Empire’s hegemony

because of the instabilities present in the colonies. English liberal thinkers have been forced to accommodate the national diversity of these territories. However, because of the decline of the Empire, it became unnecessary to think about it anymore (Kymlicka, 1995, pp. 53-55).

Furthermore, Kymlicka claims that the wars of the 20th century contributed to this negative vision of these rights. While nationalist conflicts were not considered an important internal issue, it was, before the end of World War II, the reason for international instability. The Nazi regime's use of minority rights to justify the invasion of Poland and Czechoslovakia has had a profound effect on people's minds. Moreover, the Cold War, being unrelated to nationalist claims but to ideological claims, contributed to putting nationalist claims in history books (Kymlicka, 1995, pp. 55-56).

In addition, American liberals saw their country as a 'polyethnic' nation-state. In Kymlicka's jargon, the United States of America was conceived as a land of immigration, not a land of national minorities. Additionally, as non-citizens, these groups did not qualify for any special rights (Kymlicka, 1995, p. 56). Moreover, in the context of the desegregation of the country and the emergence of a « 'ethnic revival' amongst immigrant groups" (Kymlicka, 1995, p. 57), the implemented policies were hostile to any rights that would differentiate, and therefore separate, the American population.

It is relevant to note that Kymlicka considers that liberal thinking has been mainly influenced by theorists of these two countries: the United Kingdom and the United States of America. Thus, the ignorance of minority rights by liberal thinkers in these two countries could be generalized to the rest of the school of thought.

#### *2.2.1.2 Unnecessary*

Let us now consider why liberal thinkers believe that minority rights are unnecessary. First, Kymlicka observes a change of mentality toward minorities over time. Indeed, identified for a long time as backward populations, Kymlicka recognizes that these racist attitudes have become less and less present. However, he argues that this does not imply the recognition of minorities as nations. Instead, after being considered as sub-races, they have become a « disadvantaged 'racial minority' or 'ethnic group' for whom progress requires integration into the mainstream of society » (Kymlicka, 2001, p. 22). Identifying them as ethnic groups and not as national minorities did not justify any special rights.

In addition, it was assumed that common citizenship and human rights would be sufficient to ensure the integration of these populations and respect their fundamental individual rights (Kymlicka, 1995, p. 3). Furthermore, following the way religious conflicts were resolved in Europe, thinkers believed that fundamental rights were sufficient. It was "by guaranteeing

individual freedom of worship” (Kymlicka, 1995, p. 3), and not by giving special rights to religious minorities, that religious conflicts were solved.

Nevertheless, the consequence of this policy of common citizenship rights has, according to Kymlicka, 'systematically' privileged the majority nation. As the majority, they have been able to decide without considering the specificities demanded by minorities, the drawing of internal boundaries, the use of their language in public services, the choice of public holidays, and the division of legislative power. Thus, although there is equality among citizens in law, there is inequality in practice (Kymlicka, 1995, pp. 51-52). According to Kymlicka, special rights are necessary to resolve, or at least reduce, these structural inequalities.

The inequalities described by Kymlicka have, in his view, been clearly identified by the people who suffer most from them. These minorities include all those who feel marginalized, including indigenous peoples, racialized people, women, homosexuals, and people with disabilities. In addition, he argues that these minorities no longer accept them. They call for a change in society to allow recognition of their different identities and to have a society that accommodates differences instead of excluding and stigmatizing (Kymlicka, 2002, p. 329). Moreover, Kymlicka claims that there is “a clear shift in public opinion towards viewing minority rights not just as a matter of discretionary policies or pragmatic compromises, but rather as a matter of fundamental justice” (Kymlicka, 2001, p. 6). Thus, beyond the necessity of minority rights, Kymlicka argues that they can no longer be ignored in the face of growing public demand.

Beyond theories, Kymlicka notes that changes are already taking place. He even considers that “Western democracies have arguably worked out some successful practices despite the absence of normative theory” (Kymlicka, 2001, p. 5). Therefore, Kymlicka observes that while few theories address the subject of minority rights and the implication of the state as building a nation, special rights are granted in Western countries. This allows him to notice that there is a gap that he wishes to fill between liberal theories and the practice of liberal democracies (Kymlicka, 2001, p. 4).

Moreover, he claims that such rights are necessary if liberals are committed to the well-being of democratic citizens. He asserts that in these countries, nations were built to ensure unity and loyalty for the state and give social rights to those who were previously excluded (Kymlicka, 2002, p. 328). However, while some were more included, others remained excluded; “blacks, women, indigenous peoples, ethnic and religious minorities, gays and lesbians- still feel marginalized or stigmatized despite possessing the common rights of citizenship” (Kymlicka, 2002, p. 328). Consequently, he argues that nation-building processes

have instead marked the state with a cultural identity that has shaped how the state structures society, excluding those who do not share that culture (Kymlicka, 2002, p. 345).

Note, however, that Kymlicka makes very little use of the term *nation*. Instead, he uses the term *societal culture*, which he defines as “a culture which provides its members with meaningful ways of life across the full range of human activities [...]. I have called these ‘societal cultures’ to emphasize that they involve not just shared memories or values, but also common institutions and practices” (Kymlicka, 1995, p. 76). Put differently, to ensure the sustainability of societal cultures, they must be protected by a state and used in both public and private spheres.

Kymlicka considers “that there are certain valid purposes that are promoted by these nation-building policies [...]. But it is not legitimate to pursue these goals by assimilating, excluding, or disempowering minorities, or by imposing costs and burdens on groups that are often already disadvantaged.” (Kymlicka, 2001, p. 2). As a solution, Kymlicka proposes implementing special rights for minorities guaranteed by a state that has the capacity to protect multiple societal cultures. In other words, he argues that the nation-building processes of majority and minority rights should be “understood and evaluated together” (Kymlicka, 2001, p. 3).

In summary, Kymlicka believes that minority rights can no longer be ignored in the face of growing demand from Western populations. Moreover, they are necessary because common citizenship rights are insufficient to adequately account for cultural differences and because they counterbalance the inequalities created by nation-building processes. Finally, they are justified to ensure everyone’s freedom of choice, a key principle of the liberal school of thought.

### 2.2.2 Group-specific rights

For Kymlicka, only ‘group-specific rights’ can solve the problems described so far. As explained, Kymlicka identifies systemic inequalities for a wide range of minorities. However, he decided to focus on the specific cases of national minorities and immigrants, which are, in his view, of a different nature. He distinguishes them by considering that the ‘new social movements’ “have been marginalized within their own national society or ethnic group” (Kymlicka, 1995, p. 19). In other words, although these new social movements, such as women or homosexuals, also deserve special study, their marginalization is not linked to our state system, but to norms within cultures.

Kymlicka distinguishes at least three types of group-specific rights: self-government rights, commonly named political autonomy; polyethnic rights to assure equality in economic and political institutions; and special representation rights to fix the unrepresentativeness of our

democracies. Kymlicka focuses on the legitimacy of these rights and how and to whom they can be applied, depending on the context of each nation and country.

Building on his notion of societal culture, Kymlicka distinguishes two types of minorities: national minorities (e.g., Québécois in Canada, Bretons in France, and American Indians in the USA) and ethnic groups or immigrants. Kymlicka argues that, while the societal cultures of the former must be protected, those of the latter do not. Indeed, he argues that immigrants voluntarily decide to leave their societal culture by migrating to another country. As Kymlicka puts it, “in deciding to uproot themselves, immigrants voluntarily relinquish some of the rights that go along with their original national membership.” (Kymlicka, 1995, p. 96).

This argument is based on the liberal egalitarian theory developed by Rawls (1971) and Dworkin (1981). This liberal principle holds that inequalities that must be rectified should not be chosen. In other words, the social inequality one experiences as a result of his or her choice does not provide grounds for compensation. Kymlicka asserts that immigrants voluntarily decided to deny their right to choose their culture by abandoning their former national membership. According to Kymlicka, this holds as long as immigrants effectively had the choice to remain in their culture of origin (Kymlicka, 1995, p. 95, 109-110).

From this distinction between national minorities and immigrants, Kymlicka builds two categories of countries: multination states and polyethnic states. Multination states refer to countries in which multiple societal cultures merged voluntarily or involuntarily to form a state. By contrast, polyethnic states refer to countries where immigration diversified the population of that territory (Kymlicka, 1995, pp. 6-7). For him, liberal Western democracies are not homogeneous and are either ‘multinational’ or ‘polyethnic’, or both (Kymlicka, 1995, p. 26).

Kymlicka legitimizes different rights depending on the type of minority addressed. Autonomy rights can only apply to national minorities because they possess a societal culture, whereas polyethnic rights are expressly provided to immigrants so that they can better integrate while retaining their differences. Autonomy rights should be considered as the capacity of national minorities to freely decide on the fate of their group. On the other hand, polyethnic rights enable immigrants to continue exercising cultural practices that may sometimes be in tension with the practices of the host country. Concerning the special right of representation, Kymlicka does not differentiate between national minorities and immigrants because both have specific interests (Kymlicka, 1995, p. 6).

Let us now examine the details of his proposal, which explains how these rights should be applied in liberal democracies.

### *2.2.2.1 Three types of rights*

Let us begin with self-governing rights. Kymlicka defines them as a “form of political autonomy or territorial jurisdiction, so as to ensure the full and free development of [national group] cultures and the best interests of their people.” (Kymlicka, 1995, p.27) According to him, these rights have historically been applied to overseas colonies, as Western countries have accepted that former colonies have the right to independently govern themselves. However, these rights are not systematically recognized for nations that we call national minorities, even in cases where they suffered from colonialism. While Kymlicka recognizes the existence of some examples in which self-government rights are allowed in Western democracies, he argues that this choice is made arbitrarily. He claims that every societal culture should have the right to decide which institutions it wishes to belong to. Kymlicka advocates the implementation of federalism in cases where national minorities want to self-govern (Kymlicka, 1995, pp. 27-30).

Let us now turn to the next type of Kymlicka’s group-specific rights: polyethnic rights. He first distinguishes these rights from common antiracism policies that are already applied in liberal democracies. For him, these needed policies, and the recognition of minorities contribution in history, “are primarily directed at ensuring the effective exercise of the common rights of citizenship” (Kymlicka, 1995, p. 31). Thus, they are different from polyethnic rights, which aim to go beyond these shared rights. Polyethnic rights are measures “intended to help ethnic groups and religious minorities express their cultural particularity and pride without it hampering their success in the economic and political institutions of the dominant society” (Kymlicka, 1995, p. 31). These rights, in contrast to self-government rights, have the purpose of ameliorating the integration of minorities in the existing societal culture of the country to which they have immigrated (Kymlicka, 1995, pp. 30-31).

Finally, concerning special representation rights, Kymlicka argues that they are part of the aim of better representing minorities in liberal democracies. These rights would ensure that some seats in legislatures are reserved for minorities (Kymlicka, 1995, pp. 32-33). While he understands that this proposition challenges our traditional view of representation, he claims that seats are already reserved to ensure the representation of ‘communities of interests’ (Kymlicka, 1995, pp. 135-137). Thus, asks Kymlicka why the case of national minorities should differ?

Furthermore, Kymlicka considers special representation rights for ethnic groups to be necessary. First, according to Kymlicka, special representation rights should be seen as solutions for ethnic groups that are structurally oppressed and disadvantaged (Kymlicka, 1995, p. 141). Second, national minorities, in line with the justification for self-government rights, must have a seat at the table when their fate is at stake (Kymlicka, 1995, p. 142).

As liberal democracies are devoted to fighting injustices among citizens, Kymlicka suggests that special representation rights are conceived as temporary (Kymlicka, 1995, p. 141). This marks a distinction from the other two types of rights since he considers that self-government and polyethnic rights are ‘inherent.’ Indeed, national minorities, as possessors of societal culture, should have the permanent right to decide their institutions, and immigrants’ cultural differences must not be intended to disappear, making their permanent protection necessary (Kymlicka, 1995, pp. 30-31).

#### *2.2.2.2 Clarification: illiberal groups and immigrants*

Let us now discuss additional aspects of Kymlicka’s theory to clarify the contours of his arguments. First, he addresses the possibility that national minorities perpetuate principles that oppose liberal principles. He argues that liberal democracy where once illiberal too, and “to assume that any culture is inherently illiberal, and incapable of reform, is ethnocentric and ahistorical” (Kymlicka, 1995, p. 94). Moreover, he asserts that the dichotomy of illiberal and liberal groups is misleading, since the work of liberals is not finished even in liberal democracies. Thus, assimilation of the majority cannot be a solution (Kymlicka, 1995, p. 94).

Kymlicka claims that in such situations, the best liberal democracies could do is to liberalize those illiberal groups (Kymlicka, 1995, p. 95). However, he argues that coercion is not a solution; only incentives are. As contemporary liberals are reluctant to impose liberal principles on foreign countries, imposing them on national minorities would be inconsistent. He acknowledges that this task is not easy, as the line between coercion and incentives is often difficult to draw. The case of immigrants is different, as they have chosen to migrate to a liberal state, and thus, they must comply with liberal principles (Kymlicka, 1995, pp. 167-170).

Second, if people need to have a societal culture, why should migrants integrate into the majority culture and not have special rights that would assure them to maintain their original societal culture? Kymlicka considers this question especially relevant, as some nations have migrated and reformed a society in the image of their nation; colonizers. However, Kymlicka argues that colonizers and immigrants are different, as the former had a systemic will to re-create the motherland system, while the latter, an individual or a family, chose to join a different country (Kymlicka, 1995, pp. 95-96).

Moreover, he claims that immigrants are “demanding increased recognition and visibility within the mainstream society, not national self-government.” (Kymlicka, 1995, p. 98). However, this does not mean that integration relies solely on immigrants’ efforts. It is a ‘two-way process’ where the majority culture must enable good integration (Kymlicka, 1995, p. 96). Polyethnic rights are a way of ensuring this.

Another distinction exists in Kymlicka's theory; between immigrants and refugees. While the former migrated voluntarily, the latter did not do so. Consequently, according to Kymlicka, there are no grounds to refuse to recreate refugees' societal culture. However, since it is their government fault, Kymlicka claims that it is impossible to determine the country in which such societal cultures should be formed. Furthermore, they are often dispersed and too small to form a coherent community, making it difficult to give them self-government rights (Kymlicka, 1995, pp. 98-99). Thus, Kymlicka argues that "the best that refugees can realistically expect is to be treated as immigrants" (Kymlicka, 1995, p. 99).

Additionally, he recognizes that the line between voluntary and involuntary migration is not completely in accordance with the distinction between refugees and immigrants. Indeed, "in a world with massive injustice in the international distribution of resources, and with different levels of respect for human rights" (Kymlicka, 1995, p. 99), it would be incorrect to consider that all migrants have chosen to leave their societal culture. That aspect of Kymlicka's argument makes him consider that his theory "should be limited to what Rawls calls 'ideal theory'" (Kymlicka, 1995, p. 99). In other words, it would be justified to refuse the re-creation of immigrants' societal cultures if the international distribution of resources were just.

In conclusion, Kymlicka considers that the current nation-state system must be fixed. As a solution, he proposes the implementation of group-specific rights, ranging from granting political autonomy to national minorities, to polyethnic rights to ensure a better integration of immigrants and provide special representative rights to minorities in order to rectify the unrepresentativeness of liberal democracies. Furthermore, he argues that these rights would ensure that everyone has access to a societal culture, necessary for citizens' equality of these countries and to assure the freedom of choice of each individual.

As multiple ethical lines must be drawn to apply this theory, as contexts are different from one country to another, Kymlicka claims that "many important areas of conflict can only be resolved on a case-by-case basis" (Kymlicka, 1995, p. 131). However, one aspect that must be present in every case is the fairness in giving such rights and in the decision-making processes to ensure that the majority considers minorities' points of view and interests (Kymlicka, 1995, pp. 131-132).

## 2.3 Similarities and differences

Tamir (1993) and Kymlicka (1995, 2001) agree on a multitude of aspects: the state cannot be neutral, equal rights are not sufficient, the ideal of the homogeneous nation-state is not

possible, the growing expression of the need to recognize these different identities, the inequalities that the present nation-state system creates between national communities, and the need to create an alternative theory that proposes solutions to these problems.

Furthermore, the alternative system they propose seeks to modify the nation-state. While the nationalist ideal of one nation per state is abandoned, both argue for a system where states remain attached to a nation. However, compared to liberal historical theories, these two authors seek first to justify the link between a nation and a state and propose solutions to compensate for the inequalities this creates for other nations.

Therefore, although Kymlicka seems to want to differentiate himself from Tamir and liberal nationalism, I consider that these two authors are very similar to each other. Indeed, Kymlicka seems to recognize this when he agrees with Tamir that "most liberals are liberal nationalists" (Tamir, 1993, p. 139, as cited in Kymlicka, 1995, p. 93). I consider that the distance that Kymlicka tries to establish between his proposal and that of other liberal nationalists lies in his desire to escape from the term nation, which I explained in section 2.2.1.2, p.22.

Moreover, Tamir and Kymlicka agree on their differentiation between national minorities and immigrants. For both, rights for national minorities are not justified for immigrants.

Additionally, they claim that immigration may be a threat to nations. However, Tamir has a firmer approach than Kymlicka on this issue. Indeed, while she justifies that the nation-state can practice a selective immigration policy under certain conditions, Kymlicka argues for polyethnic rights and special rights that ensure that migrants are properly respected.

However, the difference between Tamir and Kymlicka lies primarily in their proposal. Tamir proposes to give national minorities the freedom to express their cultural differences, a necessary element for their survival. However, unlike Kymlicka, she argues that this does not imply that national minorities have access to institutionalized power. Indeed, Kymlicka argues for self-government rights for national minorities, implying both self-determination and self-rule. He believes that self-determination without self-rule brings too little difference to the current system (Kymlicka, 2001, p. 251).

These similarities and differences lead us to consider that our practice of the nation-state in Western countries is reflected in both theories. Indeed, I consider that without relying on either theory, Western countries balance between these two theories. The shared observations and the broad agreement regarding policies towards national minorities and immigrants of these two authors seem to have an echo in Western populations. National minorities are increasingly respected and selective and restrictive immigration policies are widespread. Depending on the circumstances, institutional power is granted to national minorities, and the cultural particularities of immigrants are better respected.

### 3. Alternative perspectives

This chapter aims to provide alternative perspectives on the nation-state system to assess this system from different point of views. Moreover, this chapter highlights alternative propositions to the nation-state system to avoid the misperception that there is no alternative.

As we saw in the previous chapter, the debate surrounding the nation-state is rapidly linked to the question of who belongs and who obtains which rights. I therefore choose to describe decolonial theories and feminist theories for two main reasons: their respective historical success in challenging the status quo, and their inclusion of historically marginalized groups.

It is relevant to note that decolonial and feminist theorists point out the centrality of race, class, gender, and ethnicity in understanding nationalism (Goldberg, 2002, pp. 251-252 for decolonial theorists and Thapar-Björkert, 2013, p. 808 for feminist). In other words, even though these thinkers focus their theories from a non-white point of view for the first and women's point of view for the second, they do not claim to create a hierarchy between those that are excluded from the current system.

Before I start the explanation of, first, the decolonial, and second, the feminist perspectives on the nation-state-system, it is important to remind the reader that my focus remains within western countries, and thus that certain elements of the two schools of thought theories are excluded from my descriptions. Additionally, I aim to provide a broad sense of what decolonial and feminist authors say about the nation-state system. The aim of this section is not to set an alternative author to the liberal authors studied, but to show that there is a set of parameters of the nation-state system that are not taken into account by these liberal thinkers. Hence, I generalize decolonial and feminist schools of thought, and therefore consider that my descriptions of their theories are not perfect. However, they remain sufficient for the purposes of this thesis.

#### 3.1 Decolonial perspective

Decolonial theorists conceive the nation-state differently than liberal thinkers do. Where most thinkers conceive the history of the nation-state through the emergence of states and nations, decolonial theorists take a more global approach: the nation-state is seen as one of the cogs in the global political and economic system. To understand the decolonial position on the nation-state, I must develop the overarching topic: modernity.

For this school of thought, modernity coincides with the creation of capitalism. According to Wallerstein (1974), three elements are necessary to form a capitalist world economy. First, the “expansion of the geographical size of the world” (Quijano and Wallerstein, 1992, p. 549),

which is the expansion of a European economic system or, in other words, colonialism. Second, the division of the world economy into zones where different products and labor control methods are implemented. This is the creation of the North and the South. Third, the implementation of strong states that would control those territories: modern states (Quijano and Wallerstein, 1992, p. 549).

Decolonial theorists thus consider that capitalism, colonialism, and the modern state emerged together. Therefore, the start of our modern world system is attributed to the year 1492. This position provides the first essential difference between thinkers of this school of thought and the thinkers that I have studied so far. Indeed, while the latter considers that nation-states emerged from the Westphalian treaty in 1648 (Vaughan, 2011, p. 6), the former argues that their development started with capitalism and colonialism in 1492 (Bouteldja, 2023, p. 28).

This section on decolonial thought is divided into three parts. First, I review a few essential concepts for understanding their theories. Second, I explain the decolonial perspective of the evolution of the modern state from 1492 to today. I clarify how capitalism, coloniality, ethnicities, racism, the modern state, and nations are, according to decolonial thinkers, tied together. The third part addresses decolonial responses to liberal theories. Finally, I describe the decolonial assessment of the current system, which leads to their conclusion that the nation-state system is inherently racist.

It must be acknowledged that David Theo Goldberg, one of the main thinkers of this section, is not a decolonial thinker but a critical race theory (CRT) theorist. This school of thought “questions social practices that have perpetuated discrimination and social inequality” (Bonilla Medina and Finardi, 2022, p. 822). The difference between CRT and decolonial thought lies mainly in the scope of analysis, where the former focuses mainly nationally and the latter internationally (Meghji, 2020, p. 647).

However, I use this author for two main reasons. First, authors from both schools of thought have been used together in other studies (Meghji, 2020, Bonilla Medina and Finardi, 2022). Second, Houria Bouteldja (2023), our main author from the decolonial school of thought, relies on Goldberg’s (2002) theoretical ground.

### 3.1.1 Decolonial conceptualization

In this segment, I will examine how decolonial theorists interpret key concepts related to the notion of the nation-state. I must then develop on their conceptualization of *modernity*, the

*capitalist* system, of *coloniality*, and its associated concepts that are *ethnicity* and *racism* and of *the modern state*, categorized into two types: *the naturalist state* and *the historicist state*.

The approach of decolonial theorists to *capitalism* is drawn from the Marxist critique of world economy. Class struggle must therefore be understood as the foundation of decolonial thought. The other elements criticized by decolonial thinkers must therefore be understood as creations of modernity with the aim of providing the dominant classes with additional tools for domination (Breuilly, 1994, p. 22).

Moreover, decolonial thinkers embrace the Marxist conceptualization<sup>2</sup> of one of these instruments, nations. Marxists argue that the state, as a protector of the bourgeoisie, had to develop an alternative unifying force, nations. Hence, nationalism is perceived as an obscuring product of class struggle that “induces classes to act in ways that do not represent their own interests.” (Breuilly, 1994, p. 22).

*Coloniality* is conceived by decolonial thinkers as an international state system that has created and institutionalized dominant and dominated states. Coloniality should not be confused with colonialism. While colonialism refers to the era of formal colonies, coloniality refers to the period in which Western countries dominate the world.

In other words, while formal colonies (colonialism) have disappeared, Western domination over the rest of the world (coloniality) remains. The global system of states remains hierarchical, with Europeans as oppressors of non-Europeans. Decolonial theorists therefore assert that there is continuity between the formal colonial past and present world system. This contrasts with the postcolonial school of thought, which sees our current system as a child of the colonial system. Decolonial thinkers see postcolonialism as a myth that masks the continuity of coloniality (Quijano and Wallerstein, 1992, p. 550, Grosfoguel, 2011, pp. 14-15)<sup>3</sup>.

Congruent to coloniality is the construction of *ethnicity*. In this sense, decolonial thinkers argue that the ethnicities we still use today did not exist before the modern system. Ethnicity is conceived as “the set of communal boundaries into which in part we are put by others, in

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<sup>2</sup> There are several Marxist perspectives on nationalism. Here only the position used by decolonial thinkers is mentioned. See Breuilly (1994, Introduction 3.c), for extensive explanation of the diverse Marxist theories of nationalism.

<sup>3</sup> See Quijano and Wallerstein (1992, p. 550) or Grosfoguel (2011, p. 15) for further explanation on this conceptualization of the current world as a form of colonialism. For more details on the distinction between ‘decolonialism’ and ‘postcolonialism’ also see Grosfoguel.

part I impose upon ourselves, serving to locate our identity and our rank within the state” (Quijano and Wallerstein, 1992, p. 550).

These communal, social, and cultural boundaries are seen as the inherent consequences of the hierarchy of states. Indeed, decolonial theorists argue that Europeans created ethnicities to justify the division of labor. While black Africans were slaves, Native Americans were forced ‘cash-crop’ laborers, and the European working class was wage labor. Therefore, ethnicity served as a categorization. The ethnicity attributed to you determines your position in the work hierarchy. As forms of labor have disappeared, such as slavery, decolonial thinkers argue that the ethnicity-based work hierarchy remains (Quijano and Wallerstein, 1992, pp. 550-551, Ramasubramanian et Miles, 2018, p. 430).

To create a distance between the different workers, a hierarchy of races, or racism, was implemented. As Boutelja states, racism "increases exploitation, divides the social body, consolidates and reproduces [the ruling class's] power" (2023, p. 25). Thus, social hierarchy is added to the hierarchy of work.

Racism has evolved over time, from a set of attitudes in colonial times to systems of segregation and apartheid, to the systematic racism observable today. According to these authors, this reinforcement of racism that divides people was necessary when the ruling class lost some of its political power in the post-1789 era. Today, racism is considered hidden, having "taken refuge in its apparent opposite, universalism and the derivative concept of meritocracy". (Quijano and Wallerstein, 1992, p. 551).

Theorists have reduced the role of *the modern state* has been reduced by theorists, argues Golberg (2002, pp. 6-7). He claims that the state is either viewed as being outside of the political and economic spheres or as an ‘epiphenomenon’ of deeper power relations, such as the mode of production or class relations. However, for decolonial theorists, the modern state is considered central to the construction and maintenance of the current system.

For this school of thought, the modern state is essential as it has the power of exclusion. Indeed, as Bouteldja explains “it was necessary to be able to identify who would benefit from the sharing of wealth and who would be deprived of it” (2023, p. 29). She adds that only the modern state could have achieved that; an institutional entity was necessary not only to formalize the race hierarchy but also to “contain the insatiable rage and revolt of the excluded” (p. 29). Therefore, exclusion occurs both internally and externally, based on racism. Using laws, it decides who can be in a certain territory, who may acquire citizenship, and who will be structurally advantaged (Bouteldja, 2023, pp. 29-30).

Goldberg (2002) distinguishes between two types of modern states, in which the link between racism and the state differs. These are called *naturalist* and *historicist states*. The difference between the two comes from the different conceptualizations of races. On the one hand, naturalists consider “‘Natives’ in a prehistorical condition of pure Being naturally incapable of development” (Goldberg, 2002, p. 43). In other words, some populations, identified by their race, are inferior in nature and cannot be educated to become superior, as white populations are.

On the other hand, historicists consider that inferior populations can be educated and become as developed as superior populations. In other words, there are different phases of human development where whites are developed and non-whites are positioned in an earlier phase of history. Based on this conceptualization of race, naturalist and historicist states act differently. While the former is segregationist, vicious cruel, and intolerant, the latter is assimilationist or integrationist and softly ideologies through subtle coercion. (Goldberg, 2002, p. 87).

For the decolonial school of thought, the evolution of the modern state does not follow a logical transformation from naturalist to historicist. Indeed, they consider them to be two types of states, and that Western countries became historicist states due to contextual conditions. Therefore, it cannot be excluded that the modern state returns to a naturalist state.

For both types of modern states, Golberg argues that “by their (modern) nature [they] systematically produce and reproduce ‘political and cultural homogeneity’ as a matter of their institutional logic.” (Goldberg, 2002, p. 249). Thus, the modern state represents a general will to reproduce sameness by excluding the internal or external Other. Therefore, “the state is not neutral but structurally reproduces and regulates the hierarchies it has helped institutionally to constitute.” (Goldberg, 2002, p. 251). To sum up, the modern state “orders the field of social conflicts, organizes the market and regulates the forms of the social division of labor - as well as the racial division of labor.” (Bouteldja, 2023, p. 40).

### 3.1.2 From 1492 to today

Next, let us examine the evolution of the modern state from 1492 onwards. We will see how, according to this school of thought, we arrived at today’s nation-state system.

For decolonial theorists, Western states were naturalist states from the start of colonialism until the nineteenth century. As explained above, the creation of hierarchies of states and ethnicities did not ensure the sustainability of the system. First, the tools of the state were used to implement racist laws that “materializes and legitimizes the violence exercised by ... the big owners and the State itself” (Boutledja, 2023, p. 40). Bouteldja goes on to explain that in the United States, “nothing predestined European workers (among them real slaves) to ally themselves with the big owners.” (Boutledja, 2023, p. 40). In fact, at the beginning of

colonization, the existence of different races had not yet been internalized, and thus, cohesion within the same race had not yet been achieved. From then on, the threat of unity among the poor class, black slaves, and white migrants was likely to develop and challenge the system. The solution was to materialize the differences between ethnicities in terms of living conditions. It is the beginning of financial advantages and improved working and living conditions for the white proletariat. The greater the distance within the poor class, divided into two, with whites on one side and non-whites on the other, the less risk there was of social instability (Bouteldja, 2023, p. 24-25)

The nineteenth century marked a turning point in the modern era. First, the inevitable revolts and independence of the oppressed signaled the need to change the system. But Bouteldja highlights another aspect that is at least as important: According to her, at that time "part of the bourgeoisie realized that, in the age of industrialization, wage labor was more efficient and above all more profitable than slavery" (Bouteldja, 2023, p. 44). Thus, not only is the pressure of revolt becoming increasingly difficult for the state to contain, but the system it defends is not optimal for capitalism.

At the same time, social struggles, wars, and the need for labor made Western countries more diverse (Bouteldja, 2023, p. 44). This growing diversity and the end of slavery called for the necessary reinforcement of the races. Diversity means more interactions between ethnicities, and the end of slavery means more ties between ethnicities in the workplace and less power of control for the ruling class over the workforce. Racism has been reinforced to perpetuate the distance between the white and non-white poor. As Quijano and Wallerstein put it, "ethnicity had to be reinforced by a conscious and systematic racism" (1992, p. 551). This is the beginning of the homogenization policies of Western states; the creation of nations.

According to Bouteldja, nations were created to further promote the organic link between whites, and thus obscure class conflicts. For her, this new relationship, built from the previously formed racial contract, was based on a social racial contract (Bouteldja, 2023, pp. 53-54). The creation of a nation included material benefits for all members, meaning that the rulers had to make compromises on their power; they had to share a part of their wealth with the state, and with that, a part of their power. These compromises would, however, ensure standing stability for the state, and thus for capitalism and its rulers (Bouteldja, 2023, pp. 49-51).

Goldberg (2002) argues that race and nation are defined together. Both create homogeneity by excluding diversity outside of it. Modern states are used as frontiers of nations and instruments of exclusion. (Golberg, 2002, p. 10, pp. 245-247). Therefore, with the creation of nations came the notion of the nation-state. Golberg argues that the state became the face of an identity, the nation, that had to be reproduced by its citizens. Moreover, Bouteldja claims

that the nation-state is “the concrete superstructure that condenses new power relationships” (2023, p. 51). Decolonial thinkers therefore conclude that the nation-state is inherently racist.

The process of homogenization, argues Bouteldja, was detrimental not only for non-whites but also for regional cultures (2023, p. 44). She adds that in cases where the links between races were numerous and homogenization of the entire population seemed impossible, systems of segregation and apartheid were put in place. (2023, p. 41).

This period, starting from the nineteenth century, is considered as the transitional era between the naturalist and historicist states. Indeed, even though most Western countries evolved in that direction, opposition was expressed by a portion of the white population that did not want to give up their absolute power. These groups are now commonly called ‘white supremacist’.

Suffering from this transition, they responded with acts of violence against minorities. This is notably the case for black communities in the United States. Moreover, this white supremacy resulted in the seizing of power of the Nazi regime in Germany, characterized by Bouteldja as “the naturalist state par excellence” (2023, p. 44). The victory of the newly historicist states, the United Kingdom, the United States of America, and France, against naturalist Nazi-Germany, also marked the victory of this new system over naturalist states (Bouteldja, 2023, pp. 44-45).

However, multiple elements challenged the stability of these historicist nation-states after the war: the ending of colonial states, globalization, and the emergence of strong non-white economies. Western countries used debts and military interventions in officially independent states and increased connections between white nation-states. For instance, the creation of the European Community is seen by decolonial theory as a way for its members to maintain their global hegemony while losing their colonial empires. Since the nation-state lost its global power gained via its former colonies, this supranational institution was needed to ensure the survival of the ruling class.

However, Bouteldja asserts that, as the EU has developed with its sights set on the rest of the world, the social benefits of national members slowly became insufficient. Indeed, because of open markets, the state increasingly relied on the racial aspect of the contract. In other words, as national communities are increasingly unstable due to its fragile social leg, it had to rely on its other leg, the racist one. As a sign of this, and as the inherent racist grounds of the European Community, Bouteldja mentions the modification in 2019 of title of the ‘European Commissioner for Migration’ to “Commissioner for the Promotion of the European Way of Life” (Bouteldja, 2023, pp. 59-65).

### 3.1.3 Decolonial theorists on liberal theories

Let us now turn to a more direct confrontation between the decolonial perspective and liberal theories. Golberg (2002) argues that liberalism has been key in the evolution of modernity and the modern state, that by aiming to accommodate to diversity they have obscured structural racism and that they are stuck within the framework of homogeneity of the state.

As decolonial criticizes modernity and as liberals have been the defenders of modernity, their theories have legitimized racism. In Golberg's words, "as modernity's definitive doctrine of self and society, of morality and politics, liberalism has served to make possible discursively, to legitimate ideologically, and to rationalize politico-economically prevailing sets of racially ordered conditions and racist exclusions." (2002, p. 5) He furthermore adds that compromises regarding race have been essential in sustaining the dominance of liberalism. For instance, as homogenization became increasingly problematic, liberals promoted a model that went beyond races, that is, colorblind. However, he argues that these compromises have obscured structural racism and racist attitudes (Golberg, 2002, pp. 5-6).

This argument is Goldberg's position on multiculturalism. He argues, citing Kymlicka (1995), that multiculturalist concerns do not answer the pressing question. Their focus is on how "a modern constitutional state can 'recognize and accommodate cultural diversity'" (Goldberg, 2002, p. 254), while it should be looking at the institutional structures that create, sustain, and reproduce exclusion. In other words, the system is broken, and multiculturalism is seeking to repair it, whereas Goldberg believes that this unrepairable system needs to be abandoned. He asserts that by remaining within the framework of the nation-state, multiculturalists are always framed within the aim of homogenization, which is one of the fundamental aspects of this system. (Goldberg, 2002, pp. 254-255).

Moreover, he asserts that liberals, including multiculturalists, such as Kymlicka, must reconsider their conception of citizenship as it is made of three key points: "first, of the disposition to frame citizenship in identity terms; second, of the state taken as a coherent, a singular entity; and by implication third, of citizen-members as settled and more or less statically located within the space of the state." (Goldberg, 2002, p. 267). This conception makes citizenship static and bound to territory and its borders. Thus, outside of its links with the nation in today's system, there is a dichotomy between members and non-members on unjust grounds since one does not decide where he/she is born (Golberg, 2002, pp. 263-267). Golberg thus considers that liberals should, if they want to accommodate diversity, focus on changing the concept of citizenship and have a heterogeneous society as a horizon.

### 3.1.4 What now?

The decolonial perception of the current system is that an alternative political system is needed. The nation-state system, based on the racist logic of colonialism, needed for an economic system that benefits only a few people, must disappear.

Grosfoguel furthermore adds that the nation-state, as a product of modernity to maintain the capitalist order, may not be the solution since it “leads to developmentalist illusions” (Grosfoguel, 2011, p. 29) and cannot solve the global issue that is capitalism (Grosfoguel, 2011, p. 20, 24, pp. 29-30).

Goldberg, however, considers that not everything in the system must be changed. Even though modernization was made on racist grounds and through violence and exclusion, it also brought material benefits and progressive virtues. Indeed, the conditions of poor whites and non-whites are better today than before. In his words, “The virtues of liberal modernizing are real, to be sure, even as they are partial.” (Goldberg, 2002, p. 253).

Thus, only the racist elements of modernity have to be abandoned (Goldberg, 2002, pp. 241-244, 253-254). As Goldberg argued that nations are inherently racist, for the modern state to not be racist, it has to detach itself from national projects. In other words, the nation-state system must disappear and be replaced by a non-racist system.

Additionally, Bouteldja argues that the modern state is not a totalitarian state; it is democratic, liberal, and social, and where non-whites are ‘tolerated’. It is this toleration and the difference in living conditions between Western and non-Western countries that also maintains this system (Bouteldja, 2023, p. 154). As a solution, Bouteldja proposes creating a new political imagination that combines the interests of whites and non-whites (Bouteldja, 2023, pp. 164-165).

Bouteldja (2023) argues that, for the first time in history, the white bourgeoisie is declining, the white working class is losing its privileges, and that only two solutions can emerge: fascism or a social revolution. Since she considers that the ruling class uses nationalist racist instruments to make the current system survive, she claims that the bourgeoisie prefers the fascist solution to the socialist one (Bouteldja, 2023, pp. 65-66).

## 3.2 Feminist perspective

Thapar-Björkert claims that “feminist contributions have [...] highlighted the marginalization of women and gender from mainstream analyses of nationalist movements and nation-state formation.” (Thapar-Björkert, 2013, p. 803). According to her, there are three reasons why women and gender have been overlooked in nationalist theories.

First, theorists assume that the collective process of nationalism is similar for men and women. Second, nationalist authors conceive women's role in nation formation as insignificant, and therefore hide it. She argues that "nations and nationalism were conceived as only about men and masculinity" (Thapar-Björkert, 2013, p. 806). Third, women were considered outside the public and political spheres. Excluded because their role was in the private sphere, their positions and experiences within the national community were obscured. While this critique of the dichotomy of the private and the public sphere has a long history, Thapar-Björkert argues that "the scholarship on nationalism unconsciously reinstated the same divisions by placing women on the margins of the public-political sphere." (2013, p. 807) Moreover, she points out how the nation has been developed from the heterosexual family imaginary that is connected to the role of women outside of the public sphere (Thapar-Björkert, 2013, pp. 806-807).

Feminist theorists argue that nationalist theories are gendered. To say that nations are gendered means "that men and women are assigned specific roles, functions and powers" (Auslander and Zancarini-Fournel, 2000, p. 17). As men hold power, women are expected to sacrifice themselves for the benefit of the national community. The first part of this section of the feminist perspective is dedicated to unfolding the implications of the gendered nations. I use the fundamental contributions of Nira Yuval-Davis et al. (1989) and Nira Yuval-Davis (1997). I complement their contributions with the work of other feminist authors who have worked on this issue.

Unlike Kymlicka's argument (1995, p. 19), feminist theorists consider that cultural norms *and* state system contribute to the marginalization of women. In the second part of this section, I will examine what this entails. Thanks to the work of Deniz Kandiyoti (1991), V. Spike Peterson (1996) and Leora Auslander and Michelle Zancarini-Fournel (2000), I identify where the roots of the problem are according to the feminist perspective.

In the last segment, we will see how feminist authors examine the recent role of women in nations. For instance, Siim and Stoltz (2015) argue that the relationship between genders and nations has recently changed.

### 3.2.1 Gendered nations

Yuval-Davis et al. (1989) have identified the ways in which women play a role in national processes. In doing so, they establish the differences and similarities between men and women in the national agenda. Women and men have different roles and thus responsibilities for the nation to sustain itself or develop. As their main argument, they consider that the woman's role is to reproduce the bodies and ideologies of the nation and to be the symbolic boundaries of the nation(Thapar-Björkert, 2013, pp. 807-809).

First, women are portrayed as the mothers of the nation; they are the reproducers of members of the nation. The mother's analogy must be understood in its entirety: the role of the mother in the nation is the same as the idealization of motherhood within the family. In correlation, the nation-state is thus considered to be the 'home' of that family (Thapar-Björkert, 2013, p. 807).

Additionally, regarding the role of reproducers, motherhood implies certain qualities that women should specifically have to perform their roles. For instance, women are expected to be affectionate, kind, and self-sacrificing for the nation, if necessary. Thapar-Björkert points out that this self-sacrifice also applies when men have to fight in war; women's "heroism lay in her willingness to sacrifice her children for the nation" (2013, p. 812). Moreover, as mothers of the nation, they represent it. As it has been developed in the context of the family, Nagel argues that women are expected to be 'pure'. If she is not, her shame would also be the shame of her family and nation (1998, p. 249).

In those conditions, where women must reproduce the nation's population, must be pure, and able to self-sacrifice, the power to control birth is often taken away from their hands. Firstly, "abortion is often projected as a threat to the nation" (Thapar-Björkert, 2013, p. 812).

Secondly, sexual relationships are regulated via social-cultural, legal, or coercive policies to ensure that the 'appropriate' culture is reproduced and that boundaries between groups remain in place (Peterson, 1996, p. 6). Lastly, authorities use social benefits as incentives to foster high reproduction rates.

The role of women as mothers is hence threefold: it puts the survival's responsibility of the nation on women's shoulders, it creates a mother identity of pureness and of self-sacrifices, and, in combining these two elements, it becomes justified to control their body (Thapar-Björkert, 2013, pp. 811-812). Insofar as control is carried out by authorities, this can be seen as the first aspect in which the nation-state plays an important role in women's lives. Indeed, while nations would portray women as mothers of the nation, it is thanks to the power of the state that this role may be forced on them.

In relation to their role as mothers, women are considered essential to the transmission of national ideology. They are expected to raise the children of the nation and teach them passed-down practices, values, and beliefs. (Peterson, 1996, p. 6).

Peterson (1996) has also elaborated on the consequences of assigning these roles outside the household, an aspect missing from Yuval-Davis et al.'s (1989) theory according to Walby (1997). According to Peterson, these roles "involves a gendered division of power and labor that institutionalizes inequality or inequalities within the group" (1996, p. 7). In other words, the identification of women and men creates social expectations regarding their job

opportunities. While men may have access to powerful positions, with high wages, women's access is restricted.

In addition, women are, according to the feminist perspective, symbolic boundaries for the nation. As Kandiyoti explains, they are "custodians of cultural particularisms" and "the symbolic repository of group identity" (Kandiyoti, 1991, p. 434). She has furthermore determined, building on the work of Yuval-Davis et al. (1989), that women as symbols have three implications: (1) they may be controlled to preserve the nation's identity and to make a distinction from other nations; (2) they may not be in contact with diversity and must reproduce the habits, language, and other traditions of the nation, (3) cultural differences are often expressed in women's clothing.

Furthermore, feminist authors argue that national concrete symbols are also gendered. Kandiyoti mentions the vocabulary used, such as motherland or patria (Kandiyoti, 1991, p. 434), and Auslander and Zancarini-Fournel point out that the symbols of the nation are often women, as it is for France with the Marianne and for Germany with the Germania (Auslander and Zancarini, 2000, p. 17).

Kandiyoti concludes in claiming that the citizenship of women will always be in jeopardy if they are served as symbolic boundaries. "Wherever women continue to serve as boundary markers between different national, ethnic and religious collectivities, their emergence as full-fledged citizens will be jeopardized, and whatever rights they may have achieved during one stage of nation-building may be sacrificed on the altar of identity politics during another" (Kandiyoti, 1991, p. 435). In other words, as long as the priority of the nation-state is to protect the nation and women are the symbols of that nation, women's rights are secondary and can be modified according to the context. (Kandiyoti, 1991, pp. 434-435).

Moreover, the centrality of the nation has further implications for Abdou (2017) and Sluga (1998). For Abdou, "nationalist narratives are a-politicizing inequalities" (2017, p. 87). In other words, due to the predominance of the nationalist agenda and the importance of homogenization, inequalities within the nation are omitted. As a common commitment to national identity is set, there is no room for discussion on internal issues. Connected to this point, Sluga argues that anyone that would challenge the gender order of the nation would become an enemy (1998, p. 90). Feminism is therefore considered a threat to the nationalist agenda.

The problem of the centrality of the nationalist agenda is also one of Susan Okin Moller's arguments in her examination of Kymlicka's theory: In her text 'Is multiculturalism bad for women?' she argues that tensions exist between multiculturalism and feminism and that Kymlicka prioritizes cultural group rights over gender equality. She furthermore considers

that special minority rights may worsen women's conditions. While Kymlicka argue that cultural groups that do not respect women's right cannot be granted special rights, Okin claims that "the subordination of women is often informal and private" (Okin, 1999, p. 22), a blind spot in Kymlicka's argumentation. In that sense, she explains that most cultures are discriminatory for women, but that this is even more the case for non-Western minorities. Thus, Okin concludes that Kymlicka's special rights may be a threat to women.

### 3.2.2 The role of the nation-state

#### 3.2.2.1 *The nation and state couple*

Next, let us take a closer look at the role of the state and its connections with these gendered nations. Auslander and Zancarini-Fournel claim that the 'feminization of the nation' has emerged with the formation of nation-states. Indeed, they consider it to be within the couple of the state and the nation that our system becomes gendered (Auslander and Zancarini-Fournel, 2000, p. 16).

To ensure the stability of the nation-state, specific roles were attributed to women, becoming mothers of the nation, and to men becoming fathers of the state. Thus, while women bear the responsibility of the nation's reproduction, men "are supposed to serve the state in the military, political and economic spheres; this is the territory of the rational" (Auslander and Zancarini-Fournel, 2000, p. 17).

Peterson (1996), in the same line of thought, explains that "men are socialized to be aggressive, competitive, protectors of the nation, and even life-takers" (Peterson, 1996, p. 8). The nation-state not only created these roles for men and women, but also reproduced them for its survival. Hence, they argue that this system, as an attributer of identities, is problematic for women and men (Auslander and Zancarini-Fournel, 2000, pp. 9-11).

The gendered nation and state have further implications. As women reproduce the nation and men protect it, Peterson (1996) and Thapar-Björkert (2013) explain the importance of rape. They argue that, in this context, "rape constitutes an instrument of militarized, masculinized nationalism, and it is on a women's body that the politics of the nation are mapped" (Thapar-Björkert, 2013, p. 811). Hence, as women are the nation, their bodies become synonymous with the territory of the nation-state. The role assigned to women becomes physically dangerous as the soiling of women's bodies becomes the soiling of the nation (Peterson, 1996, p. 7).

Furthermore, as men represent the state, the territory of the nation-state, and thus the body of women, are their propriety they must protect. An act of rape or invasion would represent the

failure of men and the loss of their ownership right over the women's body and state territory (Peterson, 1996, p. 7, Thapar-Björkert, 2013, p. 811).

### *3.2.2.2 The roots of the problem*

Peterson (1996) recognizes that each state must implement social reproduction to defend the integrity of its territory, generate sufficient resources for its population and maintain its legitimacy. For her, the problem lies in the type of social practice that is reproduced. For Peterson, these processes are gendered and historically established on the model of the family, which, as we have seen, is damaging to women's conditions. In this sense, the state has a major role in the reproduction of social practices through its multiple channels (Peterson, 1996, p. 8).

Nevertheless, Peterson emphasizes the advantages that the state can confer for women, and in particular, the welfare state. This type of state, which recognizes a national community, aims to ensure acceptable living conditions for all citizens. Since women are generally poorer than men, state protection guarantees a certain quality of life. Here again, Peterson considers that welfare benefits reproduce gendered divisions of labor and, therefore, power. (Peterson, 1996, p. 8).

According to Peterson, this represents a dilemma for women. While their living conditions have improved partly thanks to the welfare state, this same welfare state, based on gendered practices, limits opportunities for women. In other words, women are empowered and disempowered at the same time by the welfare state (Peterson, 1996, p. 8). Beyond the welfare state, Kandiyoti argues that as long as the gendered nation plays a central role in society, gender equality cannot be achieved (Kandiyoti, 1991, pp. 432-433).

To summarize, feminists have identified multiple ways in which women are disadvantaged in the nationalist agenda. They bear the responsibility to reproduce ideologies and provide enough children to ensure the nation's sustainability. As iconographic representatives and carriers of cultural distinctions, they must be pure and self-sacrificing in their nation's interests. Consequently, their role does not allow them to occupy important positions in economic and political spheres reserved for men. The nation-state, which institutionalizes nations, plays a central role in these processes. Even if the state provides some benefits for women, it also legitimizes nationalist gendered practices that discriminate against women. As Kandiyoti explains, nations may appear as 'tyrannical' than tribes or loyalties lineage, but the difference lies in the legal power that the state provides (1991, p. 429). Therefore, the nation-state becomes an instrument for the production and reproduction of these processes.

As a solution, feminist authors propose changing our conception of nationalism and its social practices. As McClintock puts it, “if nationalism is not transformed by an analysis of gender power, the nation-state will remain a repository of male hopes, male aspirations and male privilege” (1998, p. 77). They consider that cultural and traditional nationalist practices may be transformed to empower men and women (McClintock, 1993, p. 78; Kandiyoti, 1991, p. 441).

### 3.2.3 Evolution in the feminist perspective

The roles assigned to women, particularly as mothers, are at the heart of the feminist perspective on nationalism. Feminist authors have recently questioned whether this aspect remains the main point of national narratives regarding women. Siim and Stoltz (2018) and Abdou (2017), for instance, argue that contemporary versions of nationalism have evolved, and thus that the feminist perspective must also.

Siim and Stoltz (2018) consider that nationalists no longer portray women as mothers of the nation but use women’s rights as an instrument in an exclusive notion of citizenship. In other words, “liberal values of gender equality and women’s rights have increasingly replaced the focus on the family and motherhood as central values in nationalist politics of belonging” (Siim and Stoltz, 2018, p. 13). The welfare state plays a central role here, as it distinguishes those who may have access to these rights from those who do not. In this new form of nationalism, women's rights are respected and protected only if they are members of the good nation (Siim and Stoltz, 2018, p. 1, 13). Abdou claims that “as such they are not primarily about gender-equality or about women’s rights, but they are used instrumentally” (2017, p. 87). Therefore, these feminist authors argue that for the privilege of Western women, other injustices are created, which feminists cannot accept.

Moreover, Abdou (2017) asserts that women suffer the most from migration. She argues that immigration regulations, particularly restrictive family reunification rules, and risks on migration roads greatly endanger women. Thus, beyond global justice concerns, women’s conditions are still in danger of this new form of nationalism.

As a solution, Siim and Stoltz (2018) propose to rethink the concept of citizenship. They consider that since our world has globalized, it is necessary to think beyond the nation-state when addressing social justice. Therefore, “the reconstruction of citizenship must be both transnational and multilayered to be able to address inclusionary and exclusionary processes and framings of citizenship within and beyond the nation state” (Siim and Stoltz, 2018, p. 14).

In conclusion, the feminist perspective on nationalism considers that a paradox may appear if women pursue a nationalist agenda. Indeed, as women may materially benefit from their nationhood, supported by a welfare state, they endanger the problem to be forever limited and discriminated against compared to men. Two central aspects of feminist thinking clash: improving life conditions of women and gender equality. However, the position of feminist of the twentieth century can be summarized with the following quote: “As members of these groups, women have interests in their success [...]. But, insofar as the groups reproduce masculine dominance, identification with and support for them is problematic for feminists.” (Peterson, 1996, p. 6). Moreover, as Abdou (2017) and Siim and Stoltz (2018) explain, this question has become even more difficult to address. Indeed, as women's conditions have greatly improved and nationalist discourses have incorporated gender equality, it has become more complex for women to oppose nationalism.

What is clear, however, is the multiple ways in which pursuing a nationalist agenda and how the nation-state contributes to the discrimination and exclusion of women. In the private sphere, in the household, or in the public sphere, in the economic and political environment, women suffer from social practices, norms, and rules implemented in the interest of the nation in using the tools of the state. The nationalist agenda being central thanks to its institutionalization, gender equality cannot be a priority and may even be considered a threat to the stability of the nation-state.

## 4. What should we do?

The purpose of this chapter is to provide my views on the nation-state situation and answer the central questions of this thesis. To do this, I need to focus on several aspects of the debate.

First, the current state of the system must be assessed. For this purpose, I will draw on the work of the thinkers studied in this paper, whether from the liberal, decolonial, or feminist schools of thought. This section also enables us to establish the convergences and divergences that exist between these different thinkers.

Once I have established my observations, I will begin by examining the options open to Western countries with regard to the nation-state. The first option, which is to preserve the system as it is, is addressed first. All authors proposed alternatives to this system, suggesting that it would be logical to set this option aside. However, to enable us to rule out this option definitively, I will develop several arguments.

This leaves us with the choice to modify or abandon the nation-state system. To make this choice, I analyze Tamir and Kymlicka's theory, as I believe that it is by analyzing theories that defend this system that we can determine whether modifying it will result in a satisfactory system. Put differently, these analyses will allow us to answer the underlying question of this thesis: to solve the problems of the nation-state system, should it be reformed, or is a more radical transformation necessary?

In this section, I determine whether the main flaws of the nation-state system identified by all thinkers studied have been addressed. I am also attentive that these alternatives do not create unjustified discrimination or exclusion. Furthermore, this section will allow us to elaborate on an alternative position to that of the authors I have examined.

### 4.1 The nation-state system, my diagnosis

Let us begin this section by stating that there are many convergences when it comes to assessing the situation of the nation-state system. In this discussion, I will give my position on the various subjects addressed by the authors.

The first point of agreement with one of the authors is the perceived naturalness of the nation-state. Indeed, as Kymlicka and Strachle (1999) explain, the combination of the centrality of the nation-state in our society and the absence of any clear justification has created this feeling of naturalness. Like them, I see this as problematic. Beyond the moral problem of considering a social product as natural, without justification, it becomes difficult to underline the responsibility that the nation-state may have in the issues of our society. Without a clear *raison d'être*, how can we assess whether this system contributes positively or negatively to

the pursuit of a just society? The theories of the authors we have studied allow us to begin this evaluation.

#### 4.1.1 A consensus among thinkers

The first point of convergence between the authors is that the state cannot be culturally neutral. This position has become clear to many in the face of the presupposition of civic nationalism and the post-WW2 universalist approach, which saw the state as culturally neutral. I agree with the authors that every social creation is impregnated with a specific culture. This is particularly apparent in the foundations of structures as well as in the way they are used. To support this point, I point out numerous elements that show the cultural characteristics of state actions. The post-war establishment of the welfare state, analyzed by Tamir (1993), is a striking illustration of this.

Second, homogenization of nation-states is impossible. Indeed, it appears to us that all authors have come to the conclusion that a commitment to homogenize a nation-state resulting from the assumption that there should be one nation for one state has led countries to use harmful means. They either eliminated populations, assimilated and destroyed cultures, or excluded and marginalized citizens. As explained in Section 2.1.1, p. 15, even Tamir, a proclaimed nationalist, argues for renouncing this unfeasible ideal.

Beyond this general understanding, decolonial thinkers have provided additional information on the harmfulness of homogenization processes. They pointed out the economic purpose of this homogenization. Indeed, while Tamir and Kymlicka express concerns about national minorities because nationhood is essential for individual freedom, decolonial thinkers argue that nations are primarily instruments of domination. Nations unified whites against non-whites for economic and material gains. For the white rulers it meant the assurance for them to keep their power and for the white poor it meant the assurance to have a certain quality of life.

My perception is that liberal thinkers' and decolonial thinkers' perspectives are not mutually exclusive. As nations assure the unity of Western populations, and thus their capacity to continue their dominance over the world, they have also become of great importance in people's lives. In this sense, I understand nations as necessary cultural communities for many individuals, including non-whites. However, I also understand nations as having a historical responsibility for the domination of Western populations within and outside their nation-states.

Feminists have also provided insightful information on homogenization processes. As Thapar-Björkert argues, women and men experience differently the nationalist processes (2013, pp. 806-807). When women's specific conditions are not considered, homogenization processes

are carried out according to the male model, and the discriminations from which women may suffer are hidden.

We can thus state that there is a form of consensus that the state cannot be neutral and that homogenization policies must be abandoned because of the impossibility of achieving it and because of the many harms it engenders. I am subscribing to this vision.

However, it is my concern that current political debates in Western liberal democracies do not reach the same consensus. I consider the rise of the extremes of the political spectrum in recent years to be evidence of this. Some advocate greater openness to diversity, while others seek to protect what remains “pure” in Western nations.

Several elements lead us to believe that the majority is forming on the side of the latter. The first striking aspect is the existence of a European Commissioner in charge of protecting European culture. Furthermore, since this commissioner was previously in charge of migration, as Bouteldja (2023) highlighted, European culture is considered to be in danger due to the diversity stemming from immigration. The vocabulary used to describe these migrations, such as 'crisis' or 'waves', also show the perception of danger.

I also observe an increase in the firmness of Western countries' migration policies. I note that some of the leaders who implement such policies are considered mainstream politicians. Moreover, we also see that the moderate right, which, for decades, has argued for a demarcation between them and the more extreme right-wing fringe, is moving closer to the latter on these issues (Chambraud and Le Bars, 2023).

Given that most Western migration policies aim to reduce the number of immigrants, I conclude that while homogenization is hard to achieve, it remains the ideal for Western countries today. Therefore, if a consensus emerges on this issue in the future, it would seem to be the opposite of what the thinkers I have studied have concluded.

#### 4.1.2 The inequalities of the nation-state system

Structural inequalities stem from the nation-state. Because states cannot be neutral, the nation-state is not neutral. In addition, as the majority nation provides cultural norms to the nation-state, it favors that nation. In this regard, I consider Tamir's and Kymlicka's analyses to be precise. Indeed, as the former focuses on inequalities between nations and how the proclaimed neutrality of the state has made invisible nations' inequalities, the latter considers these inequalities not only for nations but for all minorities.

However, it is above all the contributions of the alternative perspectives that I have presented that give us a deeper understanding of these inequalities. Although I was able to focus on only two categories of minorities listed by Kymlicka as victims of these inequalities (see Section

2.2.1.2, p. 21), it seems to us that their contribution to this debate allows us to better understand the depth of these inequalities.

#### *4.1.2.1 Decolonial thinkers, a different point of view*

I consider insightful the differences in explaining the emergence of the nation-state provided by the decolonial school of thought. By describing the origins of the nation-state as a form of modern state, decolonial thinkers have positioned this debate in a broader one. They integrated the issues of the nation-state into the role played by modern states since the beginning of modernity in 1492. In doing so, they have succeeded in providing a coherent explanation of history by including the nation-state, which enables them to link the whole range of discrimination and exclusion experienced by non-whites since European expansion. Therefore, decolonial thinkers focus on racist discrimination and exclusion stemming from the nation-state and aim to resolve them, instead of focusing on nations that are, like the nation-state, a product of modernity. This difference, which may seem minor, is in fact central.

The consensus that the nation-state system is inherently inegalitarian is, in fact, merely an appearance. Instead, I observe that liberal and decolonial thinkers do not speak of the same inequalities. On the one hand, liberal thinkers believe that all human organizations are inherently inegalitarian, and the nation-state is no exception. However, because the one-state one-nation solution is impossible, they consider that the parameters of our system must change. The practice of the nation-state has created structural inequalities between nations, as the structures of our societies cannot provide space for national minorities. Hence, liberal thinkers such as Tamir and Kymlicka provide alternatives in which all nationhood can be enjoyed.

On the other hand, decolonial thinkers consider nation-states and nations to be the creation of modernity, and therefore perpetuate racial discrimination. Thus, while they do agree with liberal thinkers that human organizations cannot be culturally neutral, they consider that the nation-state system bears inequalities that can be avoided. The institutionalization of the white majority nation in Western countries has offered the means to continue the persecution of non-whites.

However, they recognize that this is coupled with a certain practice of the nation-state, which can make conditions for non-whites more or less harsh. Here, I refer to their conceptualization of naturalistic and historicist states (see Section 3.1.1, p. 32). In other words, for decolonial thinkers, the nation-state system is the bearer of natural inequalities, inequalities created by the way the system is used, and the inequalities it has produced.

Thus, I consider that these two schools of thought differ in terms of the inequalities they refer to. While liberal thinkers focus on nations' structural discrimination, decolonial thinkers focus on the racial structural discrimination. Liberal thinkers situate them in our practice of the nation-state system, thus necessitating its reform, while decolonial thinkers see them at the foundations of this system, prompting them to claim that we should abandon it.

I have identified three types of inequalities between liberal thinkers and decolonial thinkers in this discussion. To clarify what kind of inequalities I am addressing in the next sections of this text, I will use three different terms: *natural inequalities*, which are part of every human organization; *contextual inequalities*, which result from the way the nation-state system is used; and *structural inequalities*, which correspond to inequalities created specifically by this system.

#### *4.1.2.2 Feminist thinkers, a different position*

It appears that the feminist perspective is positioned differently than that of decolonial thinkers. The description of feminist theories on the nation-state leads us to consider that the discrimination and exclusion denounced by these authors have a contextual nature.

I note that most of the feminist arguments are aimed at the characteristics of nations. The role of reproducers of the nation, the resulting social norms limiting women in the political and economic spheres, the feminization of national imagery making women the boundaries and symbol of the nation, or women's rights as a threat to the nationalist agenda, all appear to be characteristics of nations that can be changed. These authors' recognition of the benefits that the state and the national community can bring to women, and the solutions they provide, are further elements that enable us to claim that feminists do not argue that we should abandon the nation-state system.

However, they point out the specific role of the nation-state in the production and reproduction of discriminative norms for women. They argue that the perception of the nation and the state on the imaginary of the heterosexual couple and the legitimacy given to the nation by the state to implement discriminatory policies are key to understanding the role of the nation-state. According to the feminist perspective, the root of nation-state issues lies in gendered nations. Therefore, it is the way in which the nation-state system is used that is questioned.

I believe that the feminist perspective on the situation of women within nation-states has enabled us to identify a number of contextual discriminations and exclusions. In doing so,

they emphasize the role of the nation-state system in the production and reproduction of these inequalities. As such, they have shown the importance of considering the specific role of women in any theory on the nation-state system.

I agree with this assertion, and thus challenge Kymlicka's argument that these issues are merely cultural (1995, p. 5). First, feminists have clearly identified how the state plays an important role in the production and reproduction of gender inequality. Second, Kandiyoti (1991) and Okin (1999) highlight the difficulty of articulating a nationalist agenda with a feminist agenda. This tension shows the importance of taking women's issues into account in any theory seeking to end the inequalities of this system. Kymlicka's response in Okin (1999) contributes to better clarity, but these considerations should appear, in my view, in the main body of his proposition. Third, beyond feminist considerations, I note a paradox in Kymlicka's argument: I am surprised to note that he considers both that the state cannot be culturally neutral and, at the same time, that I can set aside the marginalization of minorities on the grounds that they are purely cultural. Indeed, if the state is impregnated with a culture that marginalizes parts of its population, then the role of the state in this exclusion seems essential to study.

The focus here on the discussion between Kymlicka and feminist authors is precisely because there is a dialogue between the author and this school of thought. However, as far as Tamir's work is concerned, the criticism is even stronger given that the question of women is nowhere mentioned.

As discussed in Section 3.2.3, p. 42, Siim and Stoltz (2018), recent feminist writers, have highlighted the evolution of nationalist narratives, as they focus less on the mother role of women and more on excluding people in the name of protecting women's rights. I recognize that discourses aimed at placing women in a maternal role within the nation are less prevalent today than in the previous century. However, my understanding of feminist theories is more complex and does not stop at the mother's identification. Aspects such as the injunction that women should take care of their children's education, feminism being a source of instability for the national community, and the feminized imagery of the nation are still present today.

Therefore, I disagree with Siim and Stoltz's assertion that women's rights and gender equality have been achieved in Western countries. However, I note that the solutions offered by these authors tend to question the nation-state system in a more global way by considering a change in how we perceive citizenship. However, these theorists reach this conclusion based on global justice arguments. These arguments seem to be central to a comprehensive analysis of

the nation-state system, yet my work focuses on issues that are within the nation-state. Hence, I do not use these arguments, which are beyond the scope of this study.

## 4.2 Another alternative

What I have in common with decolonial and feminist authors is the optimism to consider that racism and sexism, as social constructions, can be deconstructed. I am sensitive to the discrimination and exclusion described by decolonial and feminist authors, which liberal thinkers like Tamir and Kymlicka fail to consider sufficiently. They have tried to demonstrate the presence of racism and sexism, either in the practices or foundations of the nation-state.

I believe that the discrimination described by these authors is, if true, unacceptable when we are collectively committed to the equality of citizens. Furthermore, the agent being singled out is precisely the one who must ensure that the fundamental principles of liberal democracies are guaranteed.

Bear in mind that I consider that Western countries have three options when it comes to the nation-state system: preserve, modify, or abandon it. For me, this choice must be based on where we position inequalities in this system, whether they are natural, contextual, or structural. If we consider that the only discriminations or exclusions stemming from the nation-state system are natural ones, or that the other types of inequalities are negligible, then we must preserve this system. On the other hand, if we consider that the system is responsible for certain discriminations or exclusions, and that these correspond to the way we use it, or that it is a matter of changing certain of its parameters, we should modify the system. Finally, if we consider that the foundations of this system are responsible for discrimination or exclusion and that changing some of its parameters will not end these inequalities, we must abandon it.

### 4.2.1 Preserve the system?

I begin by analyzing the first option, that is, preserving the system. Several factors suggest that no one advocates such a solution. First, I agree with Kymlicka's observation that there is a gap between theory and reality (2001, p. 5). As explained in Section 2.3, p. 27, I consider Kymlicka's and Tamir's proposals to provide a partial explanation of our current system. Thus, I believe that Kymlicka's assertion remains valid today. There is no theory to justify our current system, and thus we cannot identify an author who would be in favor of preserving it.

Next, I note that all the authors studied agree that inequalities arising from the nation-state are not exclusively natural. All identified a significant number of contextual inequalities.

Decolonial thinkers have taken up Goldberg's (2002) conceptualization, which identifies naturalism and historicism as two ways of using the modern state. Feminists have identified

the way in which the welfare state is used as potentially harmful and beneficial to women, depending on how it is conceived. In this respect, I can conclude that there is consensus when it comes to considering that the extent of these inequalities obliges us collectively to at least modify our system.

I can also add that the authors propose solutions to these inequalities in an attempt to resolve them or at least reduce them. Thus, everyone is optimistic that we can collectively do something about these inequalities.

Moreover, it is shared by all the authors studied here that equal rights are insufficient for resolving these inequalities. Citizenship status and human rights do not guarantee that everyone will be treated in the same way by the state. In other words, equality in law does not equate with equality in practice. Tamir and Kymlicka point it out in their proposition (Tamir, 1993, p. 146, Kymlicka, 1995, pp. 51-52). The existence of multiple feminist waves also resulted from this observation. As equal rights were gained in Western countries, gender inequalities remained (Soken-Huberty, 2021). Decolonial thinkers use the same argument when they denounce state racism against non-white citizens (Boutledja, 2023, p. 154).

However, the consensus observed in this discussion regarding the nation-state system is not generalizable. Indeed, the debate on implementing ‘preferential’ selection or special rights, or what is commonly called ‘affirmative action’, remains an ongoing debate among liberal theorists and society as a whole (Fullinwider, 2018).

All of these elements lead us to conclude that Western countries can eliminate the first option. I agree with the authors studied that inequalities are not only natural; they are sufficiently consequent to require solutions; there are options for resolving them; and equal rights are insufficient.

This leaves us with two other alternatives: modifying the system or abandoning it. The choice between the two leads to the following question: Is the nation-state system structurally inegalitarian? In other words, can we identify inequalities in the nation-state system that cannot be resolved by simply changing some of its parameters? The remainder of this paper is devoted to answering these questions.

One way to answer this question is to identify whether I agree with what decolonial thinkers argue. Decolonial thinkers answered these questions affirmatively. For them, the nation-state is a racist state. Racial discrimination can therefore only be resolved if the nation, one of the two central elements of the nation-state, is abandoned. However, the purpose of this work is not to take a position within either school of thought. I believe that positioning ourselves in

favor of decolonial or liberal authors would only have a limited contribution to the debate. I then attempt to bring an additional point of view to those already studied to analyze this system and answer our research question.

To develop my arguments and reach a standpoint on the nation-state, I will follow the following logic: the theories of Tamir and Kymlicka, as defenders of the nation-state system, are examined to identify the flaws that may exist in this system.

#### 4.2.2 Unfeasible, dangerous and unsatisfactory theories

I begin by determining whether these two authors have succeeded in reducing the contextual inequalities of this system. To do this, I first establish the feasibility of their theories. As I consider that there is a gap between reality and theories, I believe that an assessment of the feasibility of alternatives can help us understand the reasons for this gap. Next, I establish whether these theories create unjustified inequalities. Finally, I determine whether inequalities remain in the proposed system. If I consider that these inequalities have not been resolved, I will investigate whether they are contextual or structural. Determining this will enable us to decide whether to modify or abandon the nation-state system.

From the observation of the inequalities created by the nation-state system, Tamir and Kymlicka propose to modify the system to better balance these injustices. Both authors argue for a system in which all nations are treated as equal to ensure that individuals enjoy the cultural particularities of their nation, a necessity for one's autonomy.

To do so, the former argues for the right to self-determination, and the latter for the right to self-governance. Both authors argue that multiple nations may exist within one state, but while Kymlicka argues that national minorities should have the power to decide whether they want to self-govern, Tamir claims that this right is unnecessary. Indeed, she claims that the state can already ensure what is essential for the survival of nations—a public sphere.

I consider however that both of these theories are unfeasible, due to their dependence on the majority's will, dangerous, by justifying a differentiated treatment for immigrants, and unsatisfactory, due to their inability to reduce the inequalities between nations, and

##### 4.2.2.1 *The will of the majority*

As Western countries are democracies, the majority have the capacity to decide on minorities' fates. This aspect is recognized by Kymlicka, who emphasizes the fairness of the majority of decision-making procedures (Kymlicka, 2001, p. 91). I fear that the will of the majority may be difficult to achieve. History has often proven that, in human societies, those in power rarely give away some of their privileges for fairness. Furthermore, I refer here to Western countries that have a history of dominance over minorities.

Kymlicka's optimism seems to stem from his observation that mentalities are changing and that special rights are already being granted to national minorities. I would argue that while national minorities are indeed better accepted by the majority, rights are only given to them through a balance of power and when it is not too costly for the majority.

To support my argument, I take the situation of the Aboriginal nations, Eeyou, Inuit, and Naskapi, in Quebec, Canada, as an example. According to Turgeon (2023), although these nations have been granted rights for self-determination, they are not respected. Mining rights are granted in their territory without their consent, and the judicial system does not allow them to seek justice. As Turgeon points out, "when Aboriginal people go to court to stop companies violating their rights, their requests for injunctions are rejected in an average of 81% of cases across the country" (2023, p. 175).

I believe that Western majorities have applied a form of realpolitik. Realpolitik is "a system of politics or principles based on practical rather than moral or ideological considerations" (Oxford Reference, 2005). In our situation, I argue that special minority rights are, for the most part, granted not on the basis of intrinsic goodwill on the part of the majority, but through pressure exerted by minorities.

We must also consider the context in which minorities are accepted. I believe that the second half of the 20th century enabled all populations of Western countries to benefit from the growing collective wealth. In this context, giving minorities a more prominent place was not too costly for the majority nations. However, since the turn of the century, a number of unprecedented crises have made this sharing of wealth increasingly problematic.

Tamir's optimism appears to arise from the desire that nationalism not be seen as a hierarchy of nations. She claims that "nationalist [...] can respect and value commitments similar to their own in other people- and they can do so, unlike egoists, without viewing the others as competitors and antagonists." (Tamir, 1993, p. 94). However, I am skeptical of the possibility of transforming the meaning of nationalism impregnated by history.

Moreover, Tamir thinks that nationalism is only associated with the fascist regime, while we could consider that we are part of the same 'civilization', meaning that all nations should be equal. I retort that she considers only the extreme forms of nationalism. I claim that Western countries have defended a form of soft nationalism since the post-war period. By 'soft' I mean that these countries prioritize the interest of members of the state's national community but respect the fundamental rights of other nations, at least officially.

Indeed, I consider that Western countries, their universalist and paternalistic approach, and recent civilizing wars suggest that they also consider that some nations are superior to others. Hence, I argue that the hierarchy of nations is not exclusive to fascist regimes. Therefore, the

transformation of the meaning of nationalism is more difficult than Tamir claims. Furthermore, like Kymlicka, Tamir relies on the willingness of majority nations to transform it.

Both authors recognize that their theories contain ideal aspects that may be difficult to achieve. However, both intend to provide a theory that can be implemented. I consider that one of the fundamental aspects on which both theories are based - the will of majority nations - makes both theories too ideal.

This statement does not allow us to make a definitive judgement of the nation-state system, but it enables us to develop one aspect of our conclusion. I argue that when people have privilege and the power to keep it, they tend to do so, even if it is immoral.

Furthermore, I claim that this assertion is stronger for the members of nations. Since nations are considered families, it is even more moral to protect one's relatives than members of other nations. Moreover, moral dilemmas become collective rather than individual issues. Individuals put their nation first because that is what is expected of them. Individuals no longer see this as a moral dilemma.

Let us continue our analysis of these two theories. Although they are not feasible, they contain elements of the nation-state system that I need to analyze to reach a conclusion.

#### *4.2.2.2 Justification of immigrant discriminations*

Both Tamir and Kymlicka oppose the citizens of a territory and immigrants who enter the territory. Indeed, Tamir and Kymlicka wish to give special rights to national minorities but give different statuses to immigrants. For Tamir, immigration has to be restricted “to retain the national character of a certain territory” (Tamir, 1993, p. 161). Kymlicka gives polyethnic rights to migrants to ensure their integration, but argues that they cannot claim self-government rights since they have voluntarily given up that right by leaving their country. I argue that both justifications are weak and do not provide sufficient grounds for restricting immigration and immigrants’ rights.

Tamir argues for a system in which each nation has a territory in which they can flourish and control the public sphere. She claims that immigrants would disequilibrate the balance of nations in the state’s territory. Therefore, restrictions on immigration are required to ensure that the distribution of territories among nations is respected. For me, this justification is weak for multiple reasons. First, I consider that the rebalancing that Tamir is afraid off is unlikely to happen. Changing from one nation majority to another necessitates major population movement.

Tamir's fear has also been taken up by extreme rights in Western countries, with the theory now known as the 'Great Replacement'. Many experts have shown that these arguments are based on conspiracy theories. (Igounet and Reichstadt, 2018, Flanagan and Wilson, 2022). Second, Tamir assumes that nations are in opposition to one another and that an individual can only be attached to one nation. However, the mere existence of dual-nationality citizens proves that individuals can be simultaneously attached to multiple nations. Therefore, instead of considering people of different nations as possible threats, I would argue that these new populations can bring diversity to the majority nation.

Kymlicka's main argument to distinguish national minorities and immigrants is based on the egalitarian liberal theory; inequalities should be addressed only if they are not chosen. Individuals from national minorities did not choose to be born in a minority, whereas immigrants voluntarily decided to leave their country to be a minority in their new country. In my view, this argument is fallacious.

First, I note that Kymlicka acknowledges that his argument is hardly convincing. Indeed, he acknowledges that it is difficult to distinguish voluntary from involuntary immigrants. He therefore conceives his theory as an 'ideal theory', meaning that his argument holds if migration is always voluntary.

However, I claim that immigration is only involuntary. Kymlicka argues that it is difficult to leave one's culture (1995, p. 87) and I agree with him. In addition, if nationhood is indeed essential for individual freedom, how can one decide to abandon it to join a nation that he/she does not know if not because he/she is forced to?

Moreover, I can use the egalitarian liberal theory to support my claim. As no one decides to be born in a minority nation, no one decides to be born in a poor country that does not offer him/her the possibility of flourishing as an individual.

Furthermore, as Kymlicka argues that his theory "should be limited to what Rawls calls 'ideal theory'" (Kymlicka, 1995, p. 99), he also claims that his theory can be applied. I consider these assertions to be paradoxical. I recognize that his argument regarding voluntary immigrants can stand up in an ideal theory. However, as long as injustices exist, his theory does not stand up, and thus cannot serve as a justification for a nation-state system.

Hence, I consider that migration restrictions and the way immigrants are treated in Tamir and Kymlicka's theories are not justified.

Moreover, I argue that their justification is not in the state's interest. It is only because the state is attached to a nation that an immigrant can be a threat. I claim that immigrants do not

seek to replace any cultural community; they wish to find a way to provide for themselves and their families. Therefore, I consider that they have no reason to disrespect the laws and norms of their new country. In that sense, I claim that immigrants should be considered as potential future citizens. Insofar as immigrants respect the laws of their new country, they can only reinforce the stability of the state.

Finally, their justification is dangerous, as I consider that their arguments are used in Western political debates. Since I regard them as fallacious, I consider that Tamir and Kymlicka play a role in the injustices done to immigrants in Western migration policies. Furthermore, as discussed in Section 2.2.2.2, p. 26, Kymlicka observes that, when this treatment is accorded to immigrants, it is difficult to provide differentiated treatment for refugees. Thus, even people recognized as non-voluntary migrants cannot be properly received.

#### *4.2.2.3 Unresolved inequalities*

I begin this segment by deploring the lack of consideration in Tamir and Kymlicka's theories on racist issues in the nation-state system. Even though they may not fully agree with the decolonial perspective in arguing that there is structural racism, I consider that the racist history of Western countries and their view on the universalist approach should drive them to address this issue.

These two authors see the universalist approach solely as obscuring minorities. However, I claim that conflicts between nations are not merely a balance of power, where one nation aims to have more power than another. Since nations contain cultural aspects and racism thrives on cultural differences, I believe that racist attitudes must at least be mentioned.

Furthermore, as Tamir explains, individuals with key political and administrative positions are impregnated with a particular culture (Tamir, 1993, p. 148). I argue that this assertion has more implications than claiming that states cannot be neutral. Since individuals may have a significant impact on state policies, if the same individuals are racist, it should be one of the main concerns of theorists such as Tamir and Kymlicka. Indeed, I claim that racist agents of the state may interfere with the fair protection of numerous nations of the state.

Moving on to another aspect, I argue that Tamir and Kymlicka did not consider some of the conflicts that could emerge from the nation-state system. As human societies have complex histories, territories are, in many places, a source of conflict among different populations. When a nation-state was supposed to protect a single nation, this question required no further thought because it was an international affair.

However, as Tamir and Kymlicka propose a system in which multiple nations may co-exist within the same nation-state, I expected them to provide answers on this subject. Indeed, as territories can have cultural meaning for different nations, empowering a single nation to make decisions can generate conflict. In the same line of thought, the establishment of borders, where the territory of a nation starts and ends, may be problematic. Neither of these authors mention this issue, and therefore, it remains a problem for the nation-state system.

I also believe that Tamir and Kymlicka's proposals offer little satisfaction in terms of their ability to reduce the inequalities on which they have particularly focused. More precisely, Tamir and Kymlicka provide solutions for moral injustices between nations but provide only a few solutions for concrete inequalities.

I observe that both of these authors attempt to improve the capacity of national minorities compared to the majority nation. In doing so, they give these minorities certain rights. However, the only aspect in which nations are egalitarian in their theories is the right to self-governance or self-determination. Apart from that, these nations will remain minorities vis-à-vis the majority and will therefore remain disadvantaged and excluded.

While members of minority nations would enjoy their culture in a certain territory, they will be the subjects of the majority outside the territory assigned to them. In other words, minorities would continue to be disadvantaged citizens but would have access to more rights in a territory that the majority agreed to concede to them. These solutions are unsatisfactory because they perpetuate the privileges of the majority nation.

I argue that as the majority is institutionalized at the highest level of the state, they possess an unrivalled power. Furthermore, since only one nation can be institutionalized at that level, achieving the equality of nations through institutionalization is only possible if there is one state per nation. This is problematic because, like Tamir and Kymlicka, I believe that this solution is idealistic.

I believe that the solution can come from the opposite side of the problem. Instead of giving more rights to minorities, I claim that the majority has access to too many rights. Rather than attributing more power to minorities, I claim that the institutionalized power of the majority must be dismantled. In other words, I argue that the disinstitutionalization of the majority nation can give us the best chance to reduce inequalities between nations.

Moreover, Kymlicka argues that the self-governance of nations is the only way to ensure their survival. I argue, however, that it is the institutionalization of the "first" that creates the need to institutionalize the "second". It is because majorities enjoy a power beyond measure, in

controlling the state, that minorities need the same type of power to be protected. Put simply, minorities need institutions, as long as the majority use institutions to have certain privileges.

Building on Tamir's differentiation of self-rule from self-determination, I argue that a nation does not need state power to survive. Put differently, as Tamir argues, minorities do not need to have the state's power to flourish; I argue the same for majorities. I claim that self-rule and self-determination should never go together because of the inequalities it creates between nations. Additionally, as the state can protect multiple nations, I claim that it can be more efficient in protecting nations if it is not bound to a nation.

In addition, I claim that the necessity of nations to have a public sphere, as Tamir claims, is due to the dominance of the majority. As the majority dominates the public sphere of a territory, the minority requires space to flourish. However, I claim that an unbounded state can ensure that multiple nations flourish in the same public sphere.

I therefore claim that Kymlicka (1995, 2001) who gives self-government right for national minorities officializes the differentiation that the state makes towards its citizens, which was hidden until now. Furthermore, Tamir (1993), who gives self-determination rights without reconsidering the dominant position of the majority nations, is insufficient and ineffective. To clarify, I am not opposed to special rights for minorities, but I believe that the proposition of these two authors does not solve these inequalities.

## 5. Conclusion

To summarize, I consider that modifying the nation-state, as proposed by Tamir (1993) and Kymlicka (1995, 2001), does not resolve the discrimination and exclusion described by all the authors studied. I claim that the nation-state system guarantees the majority nation access to power, which allows them to discriminate and exclude national minorities. While Tamir and Kymlicka provide what I could consider as bandages to the current system, they did not propose solutions to resolve the causes of inequality. By evaluating both theories, I have pointed out that these inequalities are located at the foundation of the nation-state. I argue that by advantaging the majority nation, the nation-state system creates two types of citizens. Since the majority nation has access to unmatched power, I claim that it is insufficient to provide more institutional power to minorities. In other words, solutions that provide self-determination or self-governance for national minorities cannot resolve inequalities between nations and, therefore, cannot be accepted. Put differently, I argue that Western countries should abandon the nation-state system and argue that the only way to achieve a nation's equality is to separate nations from states.

My position is akin to decolonial thinking, which argues for the abandonment of the system that links nations to states and gives greater importance to the meaning of citizenship. However, unlike this school of thought, my argument is not critical to nations or states but only to the nation-state. Indeed, I do not argue for the abandonment of the nation as a form of cultural community, as it is not the topic of my thesis and that this subject must be analyzed in its own terms.

My position is also akin to civic nationalism, as I maintain that the population must find unity not around a nation, and therefore, cultural elements, but around citizenship. However, I believe that the state cannot be culturally neutral. Therefore, an actualization of what civic nationalism is should be actualized.

In that sense, my position is particularly akin to Anna Stilz (2009), who argues, as a civic nationalist, that we should aim for a system where “no language or culture is specially favored or privileged by the state.” (p. 292). As a solution to the state's embeddedness in cultural aspects, she proposes that states promote multiple languages through democratic decision-making. She further argues, as I do, that we should not distinguish national minorities and immigrant groups; “social institutions ought not to be organized in a way that distributes the social bases of self-respect along national lines” (2009, p. 259). I therefore consider that my position is not against the liberal school of thought, as I can find common ground with an author of this school of thought.

Furthermore, I do not consider my argument to be opposed to what Tamir and Kymlicka aimed for in their theories. Both use the autonomy argument to argue that individual freedom—a central element of liberalism—is guaranteed and strengthened when individuals have access to a nation. On this basis, they argue that "the state must preserve and promote the national culture or cultures" (Patten, 1999, p. 6). I argue that this does not imply the institutionalization of nations, as Tamir and Kymlicka do. More importantly, I argue that their solution to preserving and promoting nations creates a distinction between the citizens of a state, which goes against liberal principles. Instead, I propose that the preservation and promotion of nations can be ensured when they are not linked to a national community.

This thesis has enabled us to clarify arguments that justify the nation-state system. However, I consider that no theory serves as a basis for the practices carried out by Western countries and that a gap therefore exists between theory and reality. This gap engenders a lack of justification for some of the current practices of this system in Western countries. While, as we have demonstrated, the theories of Tamir (1993) and Kymlicka (1995, 2001) offer a partial explanation of these practices, I argue that a gap still remains, and therefore, an alternative that could define what is acceptable or not is needed.

This thesis also highlights the theories of alternative thinkers, who are often overlooked in debates about the nation-state. For instance, the marginalization of women is often considered irrelevant. However, thanks to feminist theories, we have demonstrated that this consideration is false. Even though the main reasons for marginalization are cultural, and can therefore be attributed to the nation, the system in which these nations thrive has a role, and consequently, a responsibility in this marginalization.

In addition, I examined the theories of decolonial thinkers who ascribe a different history to the nation-state from that of mainstream thinkers. From this perspective, modern societies are inherently racist. Although we have not taken a position in favor of this theory, we consider its presence in this debate essential. Indeed, it helps us understand the extent of the responsibility that the nation-state can have, and added to the arguments we have developed, it puts forward reasons for arguing the abandonment of the nation-state system.

However, this thesis must be interpreted as only one fragment of the debate on the nation-state. Indeed, we concluded that we must abandon the nation-state system *in Western countries for internal reasons*. Thus, further work analyzing the justification of this system on a global and international scale must be conducted to obtain a complete assessment of this system.

Additionally, in this thesis, we presented only two alternative perspectives to mainstream theories. Minorities cannot be considered to be represented solely through decolonial and feminist theories. The contribution of theories that seek to highlight the specificities of other minorities, such as homosexuals or transsexuals, seems necessary for future research.



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