
What Can We Learn from Lord Acton's Criticism of Mill's Concept of Nationality?

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Summary

The author discusses John Stuart Mill's and Lord Acton's conflicting concepts of nationality. The article continues by introducing contemporary approaches to the Mill – Acton debate by Will Kymlicka and Elie Kedourie. The author opts for Kymlicka's criticism of Mill's liberal nationalism and rejects Kedourie's argument that Mill and Acton share the same concept of nationality. In the third part, the author discusses the implications of the Mill – Acton debate in light of the processes of Croatia's joining of the EU.

Key words: nationalism, nationality, Mill, Acton, Kymlicka, Kedourie, EU



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In this paper I will write about the two very different and confronted concepts of nationality: J. S. Mill's and Lord Acton's. I will try to show that this almost a hundred- and-fifty-year old disagreement on the concept of nationality still has a lot of intellectual power and that some of these ideas cannot be avoided in contemporary discussions of the issue. My essay consists of three segments. The first one (A) presents Mill's concept of nationality and Lord Acton's criticism.

In the second segment (B), I compare two different understandings of the Mill – Acton disagreement. I will briefly present Kymlicka's rejection of Mill's ideas, and discuss in more detail Kedourie's attempt to show that in essence Mill and Acton share the same concept of nationality. Kedourie's understanding is quite original and, in my opinion, wrong. I will show why.

In the final part of the essay (C), I will try to answer the question from the title. For me, the question is the following: Can we today, when Croatia is trying to become a member of the European Union, learn something from the two distinguished English writers who wrote in the 19th century?

A

J. S. Mill presented his thoughts on nationality in *Considerations on Representative Government*, chapter XVI 'Of Nationality as Connected with Representative Government'. The title of the chapter is quite significant because Mill discusses nationality towards the end of the book on representative government (the book has 18 chapters). "A portion of mankind may be said to constitute a Nationality if they are united among themselves by common sympathies which do not exist between them and any others – which make them co-operate with each other more willingly than with other people, desire to be under the same government, and desire that it should be government by themselves or a portion of themselves exclusively" (Mill, 1988: 391). The essence of nationality is the national feeling, which is the will of the people to live together in their state. There is nothing natural or racial in Mill's definition. A nation is not a biological unit, but a community based on a strong sentiment of nationality, like Switzerland, which is a nation that consists of a few "different races". "Where the sentiment of nationality exists in any force, there is a *prima facie* case for uniting all the members of the nationality under the same government, and a government to themselves apart" (Mill, 1988: 392). Consequently, this means that when in an empire there is no will to live together, there is no reason for its existence. It is not possible to organize a proper representative government in a state in which people do not want to live together. Mill explains: "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, 1988: 392). This is probably the most important point of the entire chapter, and the reason why Mill discusses nationality in his book on representative government. It seems quite obvious that for Mill a nation state was the right setting for a representative government. So, ideas of separation and assimilation flow almost naturally from Mill's original position. "If the unreconciled nationalities are geographically separate, and especially if their local position is such that there is no natural fitness or convenience in their being under the same government (as is the case of an Italian province under a French or German yoke), there is not only an obvious propriety, but if either freedom or concord is cared for, a necessity, for breaking the connection altogether" (Mill, 1988: 398).

Mill's sentences on assimilation are even more dramatic, and, in our age of cultural sensitivity, they are almost vulgar. Without any hesitation Mill says: "Experience proves that it is possible for one nationality to merge and be absorbed in another: and when it was originally an inferior and more

backward portion of human race the absorption is greatly to its advantage. Nobody can suppose that it is not more beneficial to a Breton, or a Basque of French Navarre, to be brought into the current of the ideas and feelings of a highly civilised and cultivated people – to be a member of the French nationality, admitted on equal terms to all the privileges of French protection, and the dignity and prestige of French power – than to sulk on his own rocks, the half-savage relic of past times, revolving in his own little mental orbit, without participation or interest in the general movement of the world. The same remark applies to the Welshman or the Scottish Highlander as members of the British nation” (Mill, 1988: 395). So, in Mill’s opinion, a nation state – the ideal setting for a representative government – can be secured by separation or assimilation. However, sometimes neither of the two solutions is possible. This was the case with Hungary, which was composed of Hungarians, Slovaks, Croats, Serbs, Germans and Romans. When numerous nations are mixed in a way which makes separation impossible and assimilation unthinkable, the only way, writes Mill, is “to make a virtue of necessity” and to live together in one state under equal rights and laws. Obviously, this is not a particularly promising setting for a representative government. Mill’s chapter is short and mercilessly clear. He sounds like a genuine liberal nationalist.

Lord Acton passionately disagrees with Mill’s ideas. He explains why in his famous essay titled, *Nationality* (1862). In Acton’s opinion, the theory of nationality is “more absurd and more criminal” than the theory of socialism, because its goal is neither liberty nor prosperity. It sacrifices both “to the imperative necessity of making the nation the mould and measure of the State” (Acton, 1948: 194). Acton recognizes a dangerous connection between the French Revolution and nationalism of the 19th century. The revolution “taught the people to regard their wishes and wants as the supreme criterion of right” (Acton, 1948: 195). The new destructive force made a break with tradition and history. The sovereignty of people was born. Acton recognizes a direct link between the sovereignty of the people and national self-determination. In his opinion, they are essentially the same and equally undesirable. Mill’s nation state is rejected by Acton because it does not protect individual liberties as well as multinational states. Quite the contrary, nation states are a threat to liberty. “The presence of different nations under the same sovereignty is similar in its effect to the independence of the Church in the State. It provides against the servility which flourishes under the shadow of a single authority, by balancing interests, multiplying associations, and giving to the subject the restraint and support of a combined opinion. ... The diversity in the same State is a firm barrier against the intrusion of the government beyond the political sphere which is common to all into the social department which escapes legislation and is ruled by spontaneous laws. ... The co-existence of several nations under the same State is a test, as well as the best security of its freedom. It is also one of the chief instruments of civilization; and, as such, it is in the natural and providential order, and indicates a state of greater advancement than the national unity

which is the ideal of modern liberalism” (Acton, 1948: 185). For Lord Acton multinational empires like the Austro-Hungarian represent a perfect political framework for the protection of individual liberties and the development of the people in general. Consequently, separation and assimilation are rejected in the strongest terms. Both create nation states and stop inter-cultural, inter-racial fertilization. For Acton the nation state is the political and cultural equivalent of inbreeding. On the other hand, multinational states create fruitful interaction between nations and cultures. This simultaneously defends individual liberty and regenerates the entire society. Multinational states and empires tend towards diversity and harmony, while nation states towards uniformity and unity. The only type of nationality Acton supports is the purely political nationality formed by the state. In his opinion, Switzerland is the best example of political nationality because the Swiss are ethnically French, German or Italian, but the only nationality that has the claim upon them is the political one. Clearly, Acton completely rejects Mill’s argument presented in Chapter XVI of *Considerations*.

B

The Mill-Acton debate on the concept of nationality was revisited by a number of political writers. In this segment of my paper, I will deal with two of them: Kymlicka and Kedourie. I decided to compare them because they clearly disagree. Kymlicka presents a standard understanding of the problem in his book, *Multicultural Citizenship* (1995) and uses J. S. Mill as a typical example of the old-fashioned anti-multiculturalist liberalism, while Kedourie presents a very original interpretation of the Mill-Acton discussion in his well known book, *Nationalism* (1960).

In Will Kymlicka’s opinion, J. S. Mill was a liberal nationalist and assimilationist. He is a key figure in the liberal tradition, so his attempt to link individual liberty with a representative government organized by a people understood as a nation is paradigmatic. T. H. Green shared Mill’s belief that a common nationality gives a needed sense of political allegiance. Kymlicka holds that this type of liberalism has undesirable assimilationist consequences. “According to this stream of political thought, since a free state must be a nation state national minorities must be dealt with by coercive assimilation or the redrawing of boundaries, not by minority rights” (Kymlicka, 1995: 52). So, minority rights are not discussed because Mill’s liberalism encourages assimilation and separation. Unlike Mill, Lord Acton argued that multinational states check the abuse of state power and defend individual liberties much better than nation states. Acton’s and Mill’s ideas on the relationship between individual liberty and nationality cannot be reconciled. Acton’s ideas are naturally much closer to Kymlicka’s attempt to reconcile liberalism and multiculturalism; however, he does not try to reinterpret Acton in a multicultural way and only mentions him as a distinguished

member of the anti-assimilationist camp.¹ Kymlicka sees the disagreement between Mill and Acton in a very standard way and recognizes the Millian approach as the origin of the problem he is trying to solve.

Kedourie's thinking is quite different. Like Kymlicka, he has problems with liberal nationalism, but unlike Kymlicka, Kedourie wants to show that Mill and Acton are not all that different. In *Nationalism*, he criticizes Woodrow Wilson's 'Fourteen Points' and tries to show why the Anglo-American understanding of nationality should be distinguished from the continental German-type nationalism.

President Woodrow Wilson introduced his famous 'Fourteen Points' in January 1918. The 'Fourteen Points' insisted on the right of national self-determination. Wilson believed that "the peoples of Austria-Hungary should be accorded the freest opportunity of autonomous development" that "an independent Polish state ... should include the territories inhabited by indisputably Polish populations" and that "a readjustment of the frontiers of Italy should be affected along clearly recognizable lines of nationality" (Kedourie, 1986: 130).

Kedourie finds the language of the 'Fourteen Points' dangerously nationalistic, and asks a question: How did an educated American president come to speak in this way? The answer is surprisingly simple. Wilson derived his belief in the right of self-determination from his understanding of the American Revolution. He tried to apply the lessons of American experience in another historical and political context – post-World War I Europe, and he made a mistake. The fundamental principle of the American Revolution, writes Kedourie, was the right of the people to democratically organize their government. That doctrine has nothing to do with continental (European) nationalism. It is essentially Whiggism based on Locke's political philosophy. The doctrine proclaimed "'No taxation without representation', and vindicated the rights of free-born Englishman. For such a doctrine, what is important is that men are able to decide freely who their rulers shall be ... and to guard the rights of the citizens from their encroachments. But it is quite easy to mistake the limits of this doctrine, and to believe that it entails propositions which it does not in any way entail" (Kedourie, 1986:131).

J. S. Mill was one of the thinkers who made this mistake, says Kedourie. In *Considerations on Representative Government* Mill insists that the

¹ "Other liberals argued the opposite position, that true liberty was only possible in a multination state. For example, Lord Acton argued, against Mill, that the divisions between national groups and their desire for an internal life of their own serves as a check against the aggrandizement and abuse of state power. This debate was revisited by British liberals during and after World War I. For example, Alfred Zimmermann defended Acton's claim that a multi-nation state checks the abuse of state power, while Ernest Barker, defended Mill's belief that a nation-state can best sustain free institutions. Here again very different views about the status of national minorities were defended, yet each side claimed that it represented the truly liberal view" (Kymlicka, 1995: 53).

boundaries of government should coincide with the boundaries of nationality, which is the fundamental principle of continental nationalism. Kedourie wants to show that Mill was actually not a nationalist because there is nothing natural in his understanding of nationality. He simply believes that the question of government should be decided by the governed. The starting point of Mill's thinking about nationality is also Whiggism, which automatically makes any genuine nationalism impossible. "This theory assumes not so much that humanity ought to be divided into national, sovereign states, as that people who are alike in many things stand a better chance of making a success of representative government" (Kedourie, 1986:132).

For Kedourie, one of the best examples of Whiggism is Acton's essay, *Nationality*, in which the author tries to protect the concept of individual liberty and openly attacks the French Revolution and Mazzini's concept of nationality. What happened in 1918 was a misunderstanding. "The Englishmen and Americans were saying, People who are self-governed are likely to be governed well, therefore we are in favour of self-determination; whereas their interlocutors were saying, People who live in their own national states are the only free people, therefore we claim self-determination" (Kedourie, 1986:133). So the problem rests in a mix-up between the sovereignty of the people and national self-determination.

Kedourie's presentation of Wilson's alleged mistake is very interesting. It looks as if Wilson, Acton and Mill share the same, or almost the same, concept of nationality; the concept based on the principle 'No taxation without representation'. I believe that the distinguished gentlemen interpreted in Kedourie's intellectual operation would be very surprised at his conclusion for a number of reasons. Kedourie does not talk about the concept of the sovereignty of the people which was one of the fundamental principles of the American Revolution. This is not surprising because Lord Acton attacks the concept when he criticizes the French Revolution. Kedourie also forgets to point out that Acton attacked Mill's understanding of nationality. If Mill and Acton are essentially the same, how could such a clever thinker like Acton not recognize this? Acton believed that Mill's concept of nationality was very close to Mazzini's.

What is the difference between Acton and Mill? Mill clearly does not believe that God's plan was to divide Humanity into nations and that each nation should have its own nation state, but it seems obvious to him that sometimes a nation-state is simply a necessary setting for democratic institutions.

Kedourie's attempt to show that Acton and Mill are actually not very different cannot work because Mill believes that national self-determination and the sovereignty of the people are indistinguishable. "One hardly knows what any division of the human race should be free to do if not to determine with which of the various collective bodies of human beings they choose to associate themselves" (Mill, 1988: 392).

What about Kedourie's thesis that W. Wilson was a Whig from America who did not understand Europe? How close are Acton and Wilson? Previously I showed that Acton recognized a link between the French Revolution and nationalism. This is not surprising because for Acton revolution is the worst enemy of civil freedom. Modern America was born in the Revolution which broke the connection with the British Empire in order to achieve national independence. Americans were certainly not a nation in European sense, but they were the people. This is why the concept of the sovereignty of the people plays such a big role in the American Revolution. As an American, W. Wilson recognizes the link between sovereignty and democracy. Democracy for him is a form of self-government based on a new authority – the people. Democracy is the self-government of the people. Sovereignty of the people is the essence of the Revolution and that idea is genuinely American. The people free from tradition, destroying the existing institutions in order to create a new constitution – this was Acton's vision of Hell. The level of destruction was much lower in America than in France but the principle was the same. For Americans the rights of Englishmen were the rights of all mankind; for the French the rights belong to men and citizens, not to the members of the French nation. Both revolutions insist on abstract humanity. The sovereign is the people and the people consist of free and equal individuals, who have a right to create their institutions. There is nothing nationalistic in the French sovereignty of the nation because the nation means the people.

If the concept of the sovereignty of the people is in the foundations of both revolutions and if only one ended up in terror it is impossible to conclude that the national sovereignty automatically leads either to revolutionary terror or totalitarianism. It is clear that the American understanding of self-government and Acton's understanding of self-government are not the same. As an American, Wilson understood that sometimes it is necessary to break the connection with an empire in order to create democratic institutions.

I believe that Mill and Wilson share the same understanding of nationality, and this understanding is different from Acton's and Kedourie's. Kedourie's theoretical operation is wrong. In a certain historical context, national self-determination can become a presupposition for a democratic constitution, and that is a possibility which is almost unthinkable for Kedourie. That is why he had to reinterpret Mill and Wilson, and that is the reason for his error. In my opinion, the standard interpretation of the Mill-Acton disagreement on nationality, the one also shared by Kymlicka, is correct. What can we learn from that story?

C

The first question I asked myself when revisiting Mill's and Acton's thoughts on nationality was whether any of their moves could be used in a historical moment in which a newly created nation-state, like Croatia is trying to join a multinational union, such as the EU?

Mill and Wilson would perfectly understand Slovenia's decision to sever the ties with the former Yugoslavia. They would also understand Croatia's decision to do the same but would probably find it too costly. What about Croatia's attempt to become a member of the European Union? A slightly reinterpreted Acton can be useful for those who are enthusiastic about the EU. In the self-perception of a number of Croats, Croatian culture is distinguished from Balkan culture by its essential European nature. This may be a delusion but it is a helpful one in this moment of national history. We cannot be forcefully assimilated into European culture when the fact that we are allegedly already very European distinguishes us from, let's say, the Serbs. So the fear that we will lose the right to make cottage cheese in a traditional way, or the right to slaughter pigs in our backyards may not be all that powerful and politically important. There is virtually nobody in this country who believes that our culture should be protected from the wicked European influence like the Amish or Native Americans are protected in the US. There is no real fear of assimilation into another culture or nation. Croatian citizens are afraid that the Croatian state will lose its sovereignty. This fear should be distinguished from nationalism, because it is shared by Croatian citizens who do not have strong national feelings. It can also be argued that Croatia's importance and international standing would actually increase with its membership in the European Union. In addition, one could make a case, in a clearly Actonian way, that membership in the EU would secure the satisfactory rule of law and increase the protection of individual liberties.

Both Mill and Acton believed that some nations and races are more developed than others, but Acton was not an assimilationist. So in the case of Croatia, Acton is more useful than Mill because it would be difficult to argue that to live with other European nations within the EU would not be beneficial for Croatia, and it would be really arrogant to deny that some of them are more developed than us.

However, if Mill's idea that a functioning representative government presupposes a community of people with fellow feeling capable of creating a united public opinion is correct, the future of democratic institutions of the EU does not look very bright. The European Union is not a community, especially not a political community. However, if one accepts Kedourie's interpretation according to which Mill believed that "the people who are alike in many things stand a better chance of making a success of representative government", one could hope that Europeans are capable of becoming a watered-down version of the Swiss, the only nation Mill and Acton agree on.

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