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## Liberal Nationalism by Yael Tamir

Ralph F. Gaebler

Indiana University - Bloomington, [gaebler@indiana.edu](mailto:gaebler@indiana.edu)

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## Book Review

### Liberal Nationalism

By Yael Tamir

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### Is Liberal Nationalism An Oxymoron?

RALPH GAEBLER\*

*In this review, Mr. Gaebler addresses the claim that nationalism can supply a sense of community to those who live in liberal societies. He concludes that nationalism is fundamentally incompatible with the liberal values of individualism and tolerance, but that the argument presented in Liberal Nationalism provides a useful critique of liberalism's cultural and psychological deficits. He suggests that neo-Aristotelian ethics offers a better description of liberal community than that afforded by nationalism.*

Not so very long ago, nationalism was commonly viewed as a spent force in world politics. However, its spectacular comeback in central and eastern Europe five years ago proved this view a chimera. We now know that nationalism was not extinguished, but merely suppressed under the political hegemony exercised by the Soviet Union in that area of the world following the Second World War. When the Soviet empire suddenly evaporated, the embers of nationalism flared freely back to life.

Today, the reemergence of nationalism exercises a peculiar allure for political philosophers in the West who are dissatisfied with the alleged deficiencies of liberalism. Graham Walker, for example, deplors the neutral state's tendency to relativize all substantive commitments by viewing them as purely a private matter of personal choice. "As a formal matter," he states, "[the U.S. Constitution] makes authority neutral between religion and irreligion, [but] in fact it makes the state into a promoter of religious

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\* International and Foreign Law Librarian, Indiana University Bloomington, School of Law.

indifference or religious relativism.”<sup>1</sup> In other words, the state “trivializes” religious belief by robbing it of its epistemological bite.<sup>2</sup>

Walker looks to constitution-making in central and eastern Europe as an opportunity to mine nationalism for fresh ideas more congenial to his moral outlook. In fact, Walker explicitly recommends a kind of constitutionalism that deliberately mixes liberal and non-liberal values. Boiled down to its essence, this kind of constitutionalism rests on a single fundamental premise, which Walker describes as “explicit constitutional preference for a non-liberal, communal value should be constructed [s]o as to deter the legal or political abolition of dissenting alternatives (except in the case of dissenters whose value systems exalt murder, genocide, torture, theft, and slavery).”<sup>3</sup> However, as sensible as his proposal appears at first blush, Walker fails to explain why mixed constitutionalism would necessarily be any more attractive to constitution-makers in central and eastern Europe than the full-blown liberal variety. He argues that “a state can favor one side of a value polarity without having to go so far as to outlaw the other,”<sup>4</sup> but this explanation merely assumes away the nettlesome circumstances of political and cultural life in eastern Europe that he initially set out to address.

Walker's proposal, therefore, is lacking in two respects. First, it fails to explain why nationalists should adopt it. Even more fundamentally, it fails to explain how nationalism and liberalism can be reconciled and then blended together in the manner Walker suggests. Without such an explanation, liberals are left with a deeply skeptical impression of nationalism as little more than a totalitarian urge.

In her recent book, *Liberal Nationalism*, Yael Tamir addresses precisely this issue from a fundamentally liberal perspective.<sup>5</sup> She attempts to demonstrate that liberalism and nationalism are not only reconcilable but even complementary, or as she puts it, “no individual can be context-free, but . . . all can be free within a context.”<sup>6</sup> The critical move in her argument is to stipulate a benign form of nationalism, which aspires to cultural rather than

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1. Graham Walker, *The New Mixed Constitution: A Response to Liberal Debility & Constitutional Deadlock in Eastern Europe*, 26 *POLITY* 503, 508, 511 (1994).

2. The assertion that values relativized to individual preference are epistemically trivial is at the heart of a highly interesting debate between moral realists and moral relativists. However, a description of that debate lies beyond the scope of the issues discussed in this review.

3. *Id.* at 511-12.

4. *Id.* at 512.

5. Yael Tamir, *LIBERAL NATIONALISM* (1993).

6. *Id.* at 14.

political self-determination. With that stipulation, she endorses liberal nationalism not only for those countries currently torn apart by ethnic and religious conflict, but for all countries, and confidently predicts that "political entities" based upon it will replace the nation-state as we know it.<sup>7</sup>

Ultimately, Tamir's ambitious undertaking must be judged a failure. Her stipulated form of nationalism, as a kind of voluntary association, is insupportable in a world still plagued by "ethnic cleansing." Indeed, one could argue that ethnic intolerance has been one of the identifying hallmarks of nationalism throughout its history. Moreover, it is indisputable that nationalism has always been driven by the desire for political, not merely cultural self-determination.<sup>8</sup> But despite its ultimate failure, *Liberal Nationalism* is still useful in the same way a failed scientific experiment might be useful to demonstrate the falsity of a proposed hypothesis; along the way, Tamir offers a far more trenchant critique of liberalism than vague, communitarian bromides have yet been able to deliver.

Tamir begins by arguing that the development of personal identity depends upon achieving both autonomy and cultural embeddedness. Although apparent opposites, emphasizing reflection and choice on the one hand and community solidarity on the other, she claims these two ideals actually stand in a mutually dependent and dialectical relationship. The relationship is dialectical because membership within a particular cultural community is both a precondition and an object of choice. It is a precondition because choice can only be exercised with respect to the cultural community one already knows, and it is an object because community identity is, at least to some degree, a matter of choice not fate. Tamir refers to phenomena such as "identity renewal" and "assimilation" to illustrate this latter point.<sup>9</sup>

It is important to note that Tamir's theory of personal identity is fundamentally liberal, in that community membership is ultimately reduced to a matter of choice.<sup>10</sup> The elective dimension of cultural identity is emphasized by Tamir's claim that the "right to culture," as she puts it, involves the right to

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7. See e.g., *id.* at 151. See generally, *id.* at 149-167.

8. Hans Kohn has argued that nationalism, by definition, is ethnocentric and political. "What remains constant in nationalism through all its changes is the demand of the people for a government of the same ethnic complexion as the majority. Every people awakened to nationalism sees political self-determination as its goal." Cultural self-determination, by contrast, merely "precedes the quest for political self-determination and prepares the ground for the latter." Hans Kohn, *Nationalism*, in 11 INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL SCIENCES 63, 65 (David L. Sills ed., 1968).

9. TAMIR, *supra* note 5, at 29.

10. In this respect, Tamir differs markedly from critics, such as Walker, who view ethical relativism as a barrier to the formation of cultural identity.

re-create culture, as well as to identify with one that is already well-established.<sup>11</sup> Yet her reason for interpolating nationalist values into liberalism is partly to replace liberalism's notoriously weak description of human psychology with something that better reflects human motivation and behavior. Like communitarians and civic republicans, Tamir cannot accept a description of human beings as rational calculators who operate from the vantage point of egoistic self-interest. She prefers a richer description that recognizes the importance of shared cultural life to human well-being.

At the same time, Tamir seeks to define and to limit the right to culture by reference to liberal theory. This involves two important claims. First, the right to culture can only be justified by reference to the value individuals find in cultural identity.<sup>12</sup> As a result, the enjoyment of one's culture implies "a state of mind characterized by tolerance [of] and respect [for] diversity" both within one's own group and among those who are outsiders.<sup>13</sup> Those who strongly identify with one culture should nevertheless be able to "respect and value commitments similar to their own in other people . . . without viewing them as competitors."<sup>14</sup> Liberal theory thus distinguishes the celebration of cultural solidarity from unsavory nationalist movements, such as Nazi fascism, which do not ground their claims in universal theory, but in particularist claims about such issues as racial purity and historical destiny. Nationalist movements based on justifications such as these lack any principled, internal check on their intolerance of other cultures.

The right to culture is limited in another important respect, as well. Cultural choices belong to a category of choices that are important because they are constitutive of identity, but they do not win in every clash with other choices, even non-constitutive ones. For example, a small group of kosher Jews wishing to eat only ritually prepared meats may not be able to do so because they are too expensive without obtaining an unfairly large subsidy from the rest of the community.<sup>15</sup> This would constitute an "external" limit on the exercise of the right to culture, and would in this case result from the Jews' bad luck in belonging to a locally very small minority. "Internal" limits might also defeat a particular cultural practice as when, for example, only five male

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11. TAMIR, *supra* note 5, at 49.

12. *Id.* at 83.

13. *Id.* at 90.

14. *Id.* at 94.

15. *Id.* at 41.

Jews are available, yet the conduct of public prayers requires the presence of ten.<sup>16</sup>

Despite these limitations, Tamir insists that the right to culture is only meaningful if individuals have a right to express their cultural identity in public. As she puts it, “[R]efusing individuals the right to express their culture in the public sphere in compliance with the ruling culture compels them to forgo their identity.”<sup>17</sup> Thus, Tamir would support the right to wear religious dress to school and the right to hear prayers at important events such as graduation, as long as prayers for all religious groups wishing to participate were included. Moreover, should the state choose to subsidize a particular culture directly, the right to culture would justify the introduction of some means to divide the subsidy between all cultures on a pro rata basis.<sup>18</sup>

As previously noted, Tamir hesitates to address the political implications of the right to culture. Indeed, she states that “the right to national self-determination is merely a particular case of the right to culture.”<sup>19</sup> As such, it implies the existence of a definite public space for the autonomous pursuit of cultural activities. Beyond that, Tamir becomes extremely vague. We know only that the right to self-determination does not necessarily entail sovereign statehood, and that it “can be satisfied through a variety of political arrangements.”<sup>20</sup> The problem here is that Tamir does not want to view the exercise of political power as vital to the enjoyment of culture for fear that it

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16. *Id.* at 55. One issue Tamir does not adequately address relates to the definition of cultural practice. In determining whether to accommodate a particular practice, how is the relevant authority to distinguish between authentic practice and conduct that is merely idiosyncratic or eccentric? Tamir’s answer is that “proof that a certain practice plays a constitutive role in the history of a certain [culture] should count as an argument in favour of allowing individuals to adhere to it.” *Id.* at 39-40. On the other hand, Tamir’s claim that individuals have a right to re-create culture suggests that individuals should not be limited in self-expression to what has already been accepted as part of a tradition. One partial solution to this contradiction is to regard individuals who make unique claims not as eccentric, but as cultural minorities of one. In many instances their claims could be defeated simply by showing that the cost of accommodation would far outweigh the benefit conferred. However, there would still be other instances where the cost-benefit ratio is not greatly affected by the size of the minority group.

17. *Id.* at 54.

18. *Id.* at 55.

19. *Id.* at 73.

20. *Id.* at 75. In her last chapter, Tamir does attempt to sketch the future shape of “political entities” based on liberal nationalism. She foresees the demise of nation-states in favor of both larger and smaller political groupings. On the local level, autonomous, national communities will make cultural policy, while power to make ecological, strategic, and economic decisions will attach to supranational, regional organizations. However, this chapter is largely disappointing because the relationship between the two levels is left completely unclear. Can decision-making power realistically be divided up in this fashion? Will the local, national communities be sovereign in any way? Will they be multi-national? Even general questions such as these are not addressed.

would undermine her vision of multiple nations cooperating within a single "political entity." As a result, her concept of nationalism as a form of cultural voluntarism does not really justify any political arrangements beyond those already embodied in the neutral state.

Although Tamir says little about the political shape of national self-determination, she has much to say about its character. As a special instance of the more general right to culture, the right to national self-determination is limited in precisely the same manner. Thus Tamir characterizes liberal nationalism as "polycentric"<sup>21</sup> and "pluralistic"<sup>22</sup> by definition. It "cherishes the open society."<sup>23</sup> Relations among nations are governed by the principle that each is to have the greatest amount of autonomy compatible with a similar degree of autonomy for all. Thus a nation-state can restrict immigration in order to preserve cultural homogeneity, but only if it has fulfilled an obligation to help assure equality among all nations and only if would-be immigrant minorities have an alternative destination where they could enjoy membership in a national majority.<sup>24</sup> Tamir believes that liberal nationalism has a natural moderating effect on cultural claims, through "reiterative universalism," or the recognition that others have motives and goals similar to one's own.<sup>25</sup> However, it is important to note that her view of relations among nations could lead to arguably harsh results. For example, Quebec's policy of attempting to snuff out its existing anglophone community by discouraging English-speaking immigrants would be entirely justified.<sup>26</sup>

To return to Walker's formulation of the issue, does Tamir succeed at demonstrating why a dominant cultural group would accept a constitution that "deter[s] the legal or political abolition of dissenting alternatives . . . ?" As

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21. *Id.* at 93.

22. *Id.* at 90.

23. *Id.* at 80.

24. *Id.* at 160-61.

25. *Id.* at 90.

26. Quebec has primary control over immigration to the province under an agreement most recently negotiated with the Government of Canada in 1991. Under the terms of this agreement and its implementing legislation, immigrants to Quebec must contribute to Quebec's "distinct identity." See IMMIGRATION CANADA, CANADA-QUEBEC ACCORD RELATING TO IMMIGRATION AND TEMPORARY ADMISSION OF ALIENS, pmbi., Annex A(IV)(14) (Can.-Quebec). It is arguable that Tamir's principle of national self-preservation would also support Quebec's policy of barring access to English language schools to all but those whose parents are native-born, English-speaking Quebecers. CHARTER OF THE FRENCH LANGUAGE, R.S.Q. (1977) Ch. C-11, § 73. The Canadian Supreme Court held this provision unconstitutional with respect to excluded English-speaking Canadian natives, as a violation of section 23 of the Charter of Rights and Freedoms. *Quebec Ass'n of Protestant School Boards et al. v. A.-G. Que. (No.2)*, 1984 (2) S.C.R. 66. However, non-English-speaking Canadian natives and immigrants must still obtain permission to have their children educated in English.

just noted, in attempting to separate culture from politics, Tamir implicitly endorses the even more liberal formulation of a completely neutral state. Therefore, she is committed to demonstrating at least as great a capacity for tolerance in nationalism as Walker's formulation demands. However, Tamir's argument up to this point is purely descriptive, turning on an assumption that the achievement of cultural identity will be viewed as an element of "individual self-authorship." But Tamir provides nothing to support this assumption, other than "reiterative universalism;" and the facts of cultural life today, as throughout the twentieth century, seem to belie it.

Tamir finds her answer in what she calls the "morality of community."<sup>27</sup> One should keep in mind that cultural identity, for Tamir, is not merely descriptive, but normative. That is, it generates moral duties. In general, acceptance of membership in a national community "implies the reflective acceptance of an ongoing commitment to participate in a critical debate about the nature of the national culture . . ."<sup>28</sup> More specifically, it generates "associative obligations," which flow from our intuitive belief that we owe a special duty of sympathy and care to those with whom we share a communal tie or personal attachment. This special set of obligations differentiates Tamir's ethics from Rawlsian principles of justice, which reject the idea that one owes special duties to particular others. Yet Tamir argues that "associative obligations" are fully compatible with Rawlsian principles, and even lead to "a much greater commitment to global justice than that advocated by most liberal writers."<sup>29</sup>

The basic claim underlying the morality of community is that moral duty should be grounded on care or affection, rather than mutual disinterestedness or rational egoism. In other words, individuals are not required to overcome

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27. TAMIR, *supra* note 5, at 90, 95-116.

28. *Id.* at 89.

29. *Id.* at 96. The liberalism of Rawls can be identified as a species of hypothetical contractarianism, according to which principles of right conduct reflect the agreement rational people would ideally come to using fair procedures and uninfluenced by prejudice. In other words, principles of right conduct emerge from an authoritative reasoning process and can therefore be deemed universal. The universal principles of right conduct that emerge from Rawls' hypothetical social contract constitute a qualified form of the rational egoism typical of liberal philosophy generally. It is individualistic, both in its assumption that moral conduct must be justified by reference to the needs of individuals, and in its assumption that individual need will be determined by self-interest. However, Rawlsian liberalism results in a form of redistributive justice nevertheless, because an impartial moral agent would naturally recognize the needs of others. Tamir uses Rawls as a foil to establish the framework of her argument. She endorses his substantive principles of redistributive justice, but rejects his effort to justify them on the basis of a hypothetical agreement between impartial moral agents. Indeed, the crux of her argument is that true moral agency presupposes a range of human attachments that render impartiality an undesirable ideal.

their partiality. To the contrary, partiality is the building block of moral decision-making. Tamir puts it this way:

[The morality of community] rejects the view that to reason ethically, to consider things from a moral point of view, means to rely exclusively on an *impartial* standpoint, and argues that the essence of morality does not concern the ways in which an impersonal, disinterested self acts toward impersonal and equally disinterested others, but rather the ways in which moral agents, bound by ties and relationships, confront other, no less situated persons.<sup>30</sup>

But if individuals are permitted to indulge their preferences, and to treat people they feel connected to differently than those to whom they have no connection, how do they develop the tolerance of others that would be necessary in a state with a mixed or fully liberal constitution? Tamir's answer is basically two-part. First, she claims that people are risk-averse and will tend to accept "the alternative the worst outcome of which is superior to the worst outcomes of the others."<sup>31</sup> Second, she claims that people's risk-aversion will be deepened by several considerations. One such consideration is the possibility that one's own position will change for the worse, particularly in a mobile society. Another is that the moral agent will have to consider the preferences and interests of others. First the moral agent has to consider the preference of those to whom he has an immediate connection, then of those who are in a position to influence the well-being of the former. "The spread of care thus looks like a set of concentric circles--individuals care most about those in the circle closest to the centre, but are not indifferent to the welfare of those who occupy farther positions."<sup>32</sup> As a result, the moral agent will be carried away from his immediate ends and will come to understand and defend a much broader range of ends. Tamir refers to this phenomenon as "transitivity."<sup>33</sup> As a result of transitivity, people will be guided by Rawlsian principles of justice, and social institutions will end up being impartial as between different conceptions of the good that members of the same political community might endorse.

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30. *Id.* at 106.

31. *Id.* at 107 (citing JOHN RAWLS, A THEORY OF JUSTICE (1972)).

32. *Id.* at 109.

33. *Id.* at 111.

But what about moral agents who live in a society much less mobile and cosmopolitan than our own? Tamir herself reminds us that the right to culture belongs also to those who have no interest in leading a liberal life,<sup>34</sup> and that illiberal communities generate associative obligations just as surely as liberal ones do.<sup>35</sup> Will transitivity occur in such communities in sufficient degree to generate real tolerance? Tamir's answer is that the quest for a morality of community that can reconcile liberalism and nationalism is "theoretical."<sup>36</sup> It might indeed be rational in closed societies for members "to protect only the interests of their own ingroup."<sup>37</sup> In other words, there is no reason to assume that nationalists would find mixed constitutionalism palatable, much less the neutral state.

Thus, Tamir appears to fail at her main task, in so far as she seriously recommends liberal nationalism as a cure for ethnic and religious strife around the world.<sup>38</sup> However, the concept of associative obligation is still useful, and Tamir demonstrates that something like it is necessary to make Rawlsian liberalism work. Specifically, she points to three problems inherent to liberalism, each of which can only be overcome by assuming the existence of associative obligations. First, she argues that inward-oriented policies of distributive justice are unwarranted in the modern, liberal welfare state, without some notion of communal loyalty to justify discrimination against non-members. The principle of equal respect and concern, without more, would advocate a global scheme of redistribution across political boundaries. Even more fundamentally, liberalism has no means of demarcating boundaries between members and non-members. The contract theory underlying liberalism simply takes the existence of a group for granted, with the result that voluntary consent to join in political association is completely hypothetical. Moreover, even if voluntary consent is taken seriously, liberalism has no reason to limit who can join. Contractarian principles provide no basis for disregarding the interests of others, and membership should be open to all. Finally, Tamir points out the problematic nature of political obligation in the liberal state. If obligation is viewed as a matter of free, rational choice, why

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34. *Id.* at 31-32, 71.

35. *Id.* at 101.

36. *Id.* at 104.

37. *Id.* at 110.

38. At one point, Tamir seems to endorse complete cultural and political separation as a legitimate nationalist goal. *See, id.* at 123. However, this would render the entire project of liberal nationalism superfluous.

should the moral agent feel bound to *his* state, rather than to whichever one has the fairest government?

In each of these cases, liberalism cannot get off the ground without presupposing the existence of associative obligations. In light of this critique, perhaps Tamir's book is best read as a contribution to the psychology of liberalism. For she demonstrates effectively that a much richer explanation of human motives and interests must be read into liberalism, and that this can be accomplished without disturbing Rawlsian principles of justice. That is an important accomplishment.<sup>39</sup>

However, the question remains whether nationalism is the best source from which to derive our enriched characterization of human motives and interests. Tamir seems peculiarly bound to the notion that our quest for meaning within a community can only be supplied by identification with a cultural or ethnic group. I would argue that Tamir's recipe is still not rich enough to encompass the full range of meaningful, communal interaction. Moreover, despite Tamir's theoretical elaboration of the morality of community, it would be foolhardy to ignore the dismal record on nationalism in the twentieth century.

Neo-Aristotelian ethics offers a different, and to my mind preferable, means to achieve the enriching effect sought by Tamir. Emphasizing the role of emotion in the development and exercise of judgment, as well as the importance of particular circumstances in the shaping of moral choice, practical reason, or phronesis, is similar to the morality of community in many respects.<sup>40</sup> Most importantly, it shares the conviction that the ideal vantage point from which to make moral decisions is not some Olympian impartiality, but rather a deep and reflective involvement in one's own particularity. To put it slightly differently, moral judgment is not the sure result of a rational procedure, but a matter of conjecture, given one's experience and current circumstances. It is always tentative, always open to revision, as new circumstances arise.

Like Tamir's nationalism, neo-Aristotelianism can, in theory, engender a deep sense of commitment to community as the context in which one develops character and moral judgment. Accordingly, each moral agent will share a

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39. Tamir employs Rawls as the archetype of liberalism for the purpose of demonstrating her thesis that nationalism and liberalism are compatible. She thus runs the risk of being construed simply an apologist for a modified form of Rawlsian liberalism. However, it is important to keep in mind that her observations about the need for, and possibility of, psychologically enhanced liberalism stand on their own, quite aside from her specific endorsement of redistributionist principles of justice.

40. See, e.g., MARTHA NUSSBAUM, *THE FRAGILITY OF GOODNESS* (1986) (especially chapters eight, ten and twelve); NANCY SHERMAN, *THE FABRIC OF CHARACTER* (1989).

kinship with those particular others whose experiences overlap and help shape his own and ultimately with all who have developed in similar circumstances. What emerges from this is a reflective community, but not necessarily one in which ties are derived from specific, shared cultural beliefs. It is a community which truly cherishes individual self-authorship as the source of all happiness and virtue. Nationalism, by way of contrast, seems to require the surrender of individual identity, or at least the equation of individual identity with that of the cultural group to which one belongs.<sup>41</sup> That is not an impulse that liberals should welcome.

In sum, Tamir cannot demonstrate the compatibility of nationalism and liberalism. Truly liberal nationalism does not supply a rationale for any special political or cultural entity; and the nationalism that does is of a sort no liberal could endorse. However, despite the shortcomings of *Liberal Nationalism*, Tamir succeeds admirably at forcing those who read this book to deepen and clarify their own ideas about liberalism. It is an engaging book, one that will repay those who make the effort to read it closely.

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41. Tamir mentions Jesse Owens' accomplishments at the 1936 Olympic Games as a "national victory." *Id.* at 85. Similarly, she argues that the "well-being" and "self-esteem" of members of the Israeli community were affected when S.Y. Agnon was awarded the Nobel Prize for literature. *Id.* at 96. Although superficial, these examples do reveal the degree to which, even by Tamir's admission, nationalism involves an equation of the individual and the group.

