
A Rival History of Self-Determination

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Abstract

The storyline of the rights of peoples to self-determination during the 20th century gives cause to reconsider the relationship between historical and legal time. Rosa Luxemburg's 1915 Juniusbroschüre presents one invitation to such analysis. By focusing on her question of when and how and why self-determination gains or loses traction as a goal for socialist internationalism, chinks appear in the familiar memorialization of national rights. The life of the concept no longer begins with liberal international law in the atrophied form decided after war. Before there was law, duelling internationalisms struggled (in war and theory) for authority to govern the world, including the shape of internationalism and its conceptual premise. Rediscovering Luxemburg's pamphlet reveals something of the fuller complexity of the preceding moment and the rhythms of memorialization. Luxemburg represents a marginal corner of the relevant contest for the idea of self-determination: from her offering, the synchronic juncture figures as a battle between rival internationalisms; a strategic struggle between opposing socialist factions; and more personally, a quest for recognition of and for herself as a minor person.

International legal and historical thought typically trace the right to self-determination to the peace campaigns of liberal internationalists in 1918 and the Mandates system (for the East) and Minorities regimes (for Europe) they agreed upon after war. Those arrangements elaborate the failure of Woodrow Wilson's wartime promise to humanize the world through collective entitlement and the submission of the League of Nations to the interests of Europe's imperial powers. If, however, historical time runs differently, as a contest between sparring internationalisms, and embedded within its dynamic, a further battle for an idea, the fate of self-determination looks differently. Its destiny becomes contingent, recoverable and open to the voices and interests marginalized by historical events. The question for this study is how to use the idea's conceptual history to defatalize the futures of self-determination, including the disappointments

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accompanying accounts of its post-war form. Attention to Rosa Luxemburg's radical wartime polemic for the self-determining nation presents one invitation to revise the semantic narrative of the idea from its outer margin. The *Juniusbroschüre* or *The Crisis of German Social Democracy* (1915) exposes the contestability of the idea at its first call to suggest that neither history nor law is fatal but rather follow the progressive sweep of military victory as well as the shifting hierarchy of influence over ideas.

Luxemburg's 1915 response to the 'national question' elucidates the wartime struggle for the future of self-determination as a standard or idea for international governance. Her situation at the edge of influence emphasizes her difference in life and amplifies the prescience of her message for understanding the League's failure to stabilize Europe. She speaks for the rights of peoples from a double margin: first as a socialist, agitating for international workers' revolution as the alternative to the liberal variant that dominated the post-war settlements; and second, as the principal antagonist of Vladimir Lenin's radical articulation of self-determination as the prevailing wartime option for socialists. To explore the history of the idea from her perspective follows a narrative line that begins and concludes before the finalization of the terms of peace at Versailles and the concessions made there to attenuate the concept's fuller expression. That is, Luxemburg speaks to the idea's futures and consequently, its indeterminacy and potentialities opened by its political equivocation in her time. Her story is about self-determination when it was still a neologism, an emergent concept in the process of assemblage, still malleable and open to contestation, and not the clear standard of national independence that had currency for the League and continues to hold sway today. Luxemburg's writings consequently supplement contemporary critique by presenting insights about the semantic evolution of self-determination as a concept in a moment of acute disagreement and uncertainty.

Recent international histories of the League, including the accounts by Mark Mazower and Susan Pedersen, join legal histories by Nathaniel Berman and Anthony Anghie, to critique the dilution of the idea as the failure of the liberal, not socialist, promise. The concept crystallizes for them at the point immediately before Versailles, when Woodrow Wilson announced self-determination as the peace strategy for the liberal flag. These authors identify self-determination with the broad claim of nationality to full sovereign entitlement through territorial integrity and political independence. Luxemburg would agree with Pedersen that self-determination failed in the interwar period because the League was a regime of international oversight, not international government, and that its deference to imperial power restricted its capacity to serve a broader spectrum of interest. The difference Luxemburg introduces is to understand the earlier, lived experience of the idea as a critical semantic interval and consequently, an opening for Pedersen's understanding and not merely as a dreamscape, lost to the past. Luxemburg elucidates the liberal orientation of the idea between the wars to be a critical departure, rather than a beginning or innovation, that distills and reformulates the idea for certain interests and purposes. She belongs to the prior moment when the idea represented a question and its final legal architecture was incomplete and without an author.

Three inquiries expose the semantic juncture and its synchronic potential for international legal thought about the rights of peoples: Luxemburg's biographical status

as both vanguard and outsider that place her (like the proletariat workers she championed) as a minor character in life and politics; her illumination of the stakes of self-determination for the agendas of both socialist and liberal internationalism; and her dispute with Lenin about the role of national rights within their shared, socialist mission. Her future, unsettled and impossible in her lifetime, is a way of re-signifying the past by challenging the closed logic that traces power as a series of chronological facts. It is in this gesture that Luxemburg's argument for the rights of peoples remains a compelling clarification of the history of the idea and a revision of its necessary alliance with liberal internationalism.

1 'The most unlikely candidate, as a proper subject'¹

In 1966, Hannah Arendt reviewed a recently published biography of Rosa Luxemburg (1871–1919) for the *New York Review of Books*, a work she found as brilliant in its execution and mysterious in its author's anonymity as its subject was for history.² The irony of the detail was obvious to Arendt. She remembers Luxemburg as a heroine of revolution who remains a 'rather marginal figure' due to the failure of her cause. A pattern of missteps, vilification and the reshufflings of influence cement her unsuitability for a genre preoccupied with the lives of prominent and successful men. Biographical attention nevertheless provokes a reassessment of the legacies of Luxemburg's lived moment for both socialist and world history. For Arendt, rethinking the significance of a life lived in revolution means asking: 'Can it be that the failure of all her efforts as far as official recognition is concerned is somehow connected with the dismal failure of revolution in our century? Will history look different if seen through the prism of her life and work?'³ Injecting the past with the memory of Luxemburg's controversy is a straightforward adjustment. Her outlier status is also a reminder that power perpetuates its own authority by erasing those characters or debates with which it successfully competed for hegemony. Its effect is to notice how key moments and ideas in the early projects of liberal internationalization follow a less seamless, denser narrative of competing propositions and personalities.

To remember Luxemburg as part of the prequel to post-war arrangements clarifies self-determination, as the idea then stood for both liberals and socialists, as the national question. The problem for the League about how to address the claims of Europe's minorities or the East's colonized peoples in the 1920s and 1930s was also Luxemburg's dilemma. She responds to the national question from the vantage of a minor person, a status secured by birth, her politics, and the opinions of others. These details reposition her argument as a personal project to reimagine community and the logic of belonging beyond the nation state. She envisaged working-class freedom

¹ Arendt, 'A Heroine of Revolution', *New York Review of Books* (6 October 1966), republished as Arendt, 'Rosa Luxemburg', in H. Arendt (ed.), *Men in Dark Times* (1968) 33, at 34.

² Arendt, 'Rosa Luxemburg', *supra* note 1, at 34, referring to J.P. Nettl, *Rosa Luxemburg* (1969).

³ Arendt, 'Rosa Luxemburg', *supra* note 1.

through international revolution not nationalism, and envisaged the latter as the mistaken strategy of a capitalist order. Recalling her response to the national question without regard to her particular historical, ethnic and biographical interval mistakenly traps her vision in the terms of her detractors and opponents, socialist and liberal, and misses the correction she seeks to make for both sides. Reading the *Juniusbroschüre* in the context of Luxemburg's life clarifies the stakes of her argument for herself as a minor person and recovers it (and her reputation) from the judgment of others.

Luxemburg's story as a minor person began in a corner of imperial Europe.⁴ She entered the 19th century on 5 March 1870 as the youngest, adored daughter of respectable, middle-class Jews living in Zamość and then in Warsaw, both commercial centres and part of Russian-annexed Poland. Zamość (Austria) and Warsaw (Prussia) were also border communities and positioned the inhabitants of each at the geographical edge of competing empires. Her father's business initially secured for his children many of the opportunities of the assimilated Jewish bourgeoisie: Luxemburg matriculated from a Russian school with fluency in Polish (spoken at home), Russian, German and French and grounding in Russian history, mathematics and science as well as music, literature and domestic crafts; her privileged childhood assured her place in the Jewish–Polish intelligentsia and revolutionary elite, equipping her with the vocabulary of dissent, access to underground literatures and heightened her sensitivity to the unfolding dramas of free-thinking nationalists and socialists – both Poles and Jews – that paralleled the strengthening of imperial rule. Her childhood also coincided with the intensification of anti-Semitism among Polish nationalists and its violent expression in incidents including the Christmas 1881 pogrom in Warsaw. This natural, first habitat was that of a marginal person who suffered stigmatization as a Jew in Poland; the distrust of working classes, including the Yiddish-speaking Polish–Jewish proletariat due to her elevated social status; as a Polish citizen under imperial rule; as the schoolgirl who moved her crippled, stunted frame awkwardly among her classmates and throughout life; as an intellectual and aesthete; and as a youth captivated by the openings and dangers of radical politics and radical men. All involved estrangement from community and the last, though an invitation to new associations, meant living in defiance of law.

It is unremarkable that this person followed the émigré tide of Polish–Jewish intellectuals into illegal (and anti-bourgeois) organization and mandatory exile in Switzerland (from 1889) and then Germany (from 1898). Her beginnings also confirmed her strangeness, shared by the European intelligentsia, for the working-class protagonist of revolution. The contradictions accompanying her birth meant Luxemburg spoke for the proletariat but apart from her, graduating from the University of Zürich with courses in mathematics, science, philosophy and German economics before completing her doctorate in Polish political economy. Luxemburg was geographically mobile, cosmopolitan

⁴ The following narrative selectively reads Luxemburg's biography in order to explicate the relevance of her minority status for her response to nationalism. For more fulsome (and generalist) accounts see e.g., R. Dunayevskaya, *Rosa Luxemburg, Women's Liberation and Marx's Philosophy of Revolution* (2nd edn, 1991); E. Ettinger, *Rosa Luxemburg: A Life* (2nd edn, 1995); P. Frölich, *Rosa Luxemburg* (1939); Nettl, *supra* note 2.

in upbringing and outlook and, wherever she found herself, a foreigner, an exile whose most visible tie was to Europe's Jewish diaspora. Her insistence on personal autonomy defined her peculiar kind of difference. She risked and periodically lost her legal freedom on account of her pacifism and revolutionary ideals though, unlike the uneducated proletariat she championed, never the volition of her body and soul.

A decade in Zürich (1889 to approximately 1898) completed her revolutionary training and cemented her rise to prominence in the social and political avant-garde of German socialism in the first two decades of the 20th century: she conspired with compatriot, comrade and lover Leo Jogiches as co-founder of the illegal Polish Social Democracy organization (SDKP) which expanded to include Lithuanian socialists (SDKPIL); followed his advice to marry a German to obtain domicile in Germany and qualify for membership in the German Social Democratic Party (SPD); became a leader and a prominent theoretical voice for the SPD's non-parliamentary wing; vigorously and charismatically defended her socialist ideals through public oration, activism and the prolific publication of polemical writings in the first decades of the twentieth century; moved within and against influential socialist circles in Germany and among radical internationalists elsewhere in Europe; suffered innumerable extended periods of imprisonment in Berlin on account of subversive, anti-government activities; and played an instrumental part in the splintering of radical and conservative limbs of the SPD during World War I and the reorganization of its revolutionary members into the Independent Social Democratic Party (USPD) and the anti-war Spartakusbund, which later became the Communist Party of Germany (KPD). It is unsurprising that Luxemburg met her former comrades as her assassins on 15 January 1919, shortly after armistice and her release from prison.

Luxemburg was also a woman. The woman question accompanies the national question insofar as her sex immediately disenfranchised her from her chosen community of actors and speakers. Without suffrage, she could not speak in the Reichstag as a parliamentary member of the SPD. Her sex exaggerated her individualism, lack of orthodoxy and her departure from social and socialist norms. She travelled alone, lived alone, and knew only clandestine love. The intensity of her relationship with Jogiches echoed and sustained their passionate professional collaborations and their acrimonious split redefined her for herself as singular and autonomous: 'I am only I, once more, since I have become free of Leo'.⁵ These words foreshadow her last vindication of revolution as a vindication of self: '*I was, I am, I shall be*' (14 January 1919).⁶

This becoming free through separation, rather than through collaboration, is thematic of Luxemburg's differentiation from feminist politics (even as she defended the suffragette movement in Germany led by her friend Clara Zetkin) and immediately disrupts the broad rationale of working-class solidarity (her *raison d'être*). Her singularity

⁵ 'Letter to Konstantin Zetkin (27 June 1908)', in P. Hudis and K.B. Anderson (eds), *The Rosa Luxemburg Reader* (2004) 22.

⁶ 'Order Prevails in Berlin' (14 January 1919), available at www.marxists.org/archive/luxemburg/1919/01/14.htm (last visited 13 November 2013); see also extract from 'Order Reigns in Berlin', in Hudis and Anderson, *supra* note 5, 233, at 378.

also clarifies the stakes of her particular margin in radical politics and why she could speak for and against the question of self-determination, even where she speaks against national independence. Revolution is the interpretative filter for Luxemburg's unorthodox pledge for the self-determining nation and her contributions to feminism.

She acted and wrote on behalf of the women's movement but understood sexual equality to be a contingency of class equality, not its forerunner or the principal focus for revolutionaries.⁷ Luxemburg tethered her feminism to her socialism because sex inequality compromised the effectiveness of the proletarian struggle. In 1902, she explained that the struggle for universal suffrage was always a 'tactical question' because:

every clear-thinking individual must anticipate, sooner or later, nothing less than a powerful upswing for the workers' movement with the inclusion of proletarian women in political life ... a strong fresh wind would blow ... which would clear out the suffocating air of the current, philistine family life that rubs itself off so unmistakably, even on our Party members, workers and leaders alike.⁸

Recalling the 'red' thread that ties Luxemburg's socialism to her feminism to her refutation of orthodoxy to her marginal status clarifies her theoretical response to self-determination as a deliberate and strategic undertaking for workers and herself. It also explains the motivation for reactions to her by her socialist cohort and refigures these as similarly tactical or opportunistic.

Luxemburg's unorthodox position on organizational and nationalist questions antagonized prominent socialists, during and after her life, not merely because of her argumentative tone or sex but because she insisted on correcting the logic of classical Marxism. During her life, a chorus of hate labelled her as 'Red Rosa', 'Bloody Rosa', 'Rosa the incendiary' and 'Rosa the agent of Tsarism' and perpetuated the 'Rosa myth'. Slander was a political campaign led by comrades (the 'workers and leaders') keen to use her sex as a hook for ridicule, rather than to engage with the problem of theoretical oppositions within socialism. Luxemburg's passionate disagreement with socialists included Friedrich Engels and Karl Marx, her contemporaries, Karl Kautsky, August Bebel, Georgi Plekhanov and Vladimir Lenin, conservative voices within the SPD, and her notable successors including Joseph Stalin. The latter stepped up the anti-Rosa Luxemburgist campaign during the 1920s and 1930s, prompting Leon Trotsky and others to correct the 'vile and bare-faced calumny' that charged her with 'concocting a utopian and a semi-Menshevik schema of Permanent Revolution'.⁹

Efforts after her death to recover Luxemburg for socialist internationalism did not, however, prevent the burying (or filtering) of her archive during the Cold War, even

⁷ For a striking and detailed analysis of Luxemburg's engagement with the 'woman question' in the context of her political theory, see Dunayevskaya, *supra* note 4, at 77–112.

⁸ 'A Tactical Question', in Hudis and Anderson, *supra* note 5, 233, at 236.

⁹ Trotsky, 'Hands off Rosa Luxemburg: Reply to the Slandering of a Revolution' (28 June 1932), available at www.marxists.org/archive/trotsky/1932/06/luxemberg.htm (last visited 13 November 2015). Similar efforts by contemporaries to 'recover' Luxemburg for Marxist scholarship and revolution include, e.g., Frölich, *supra* note 4; Mattick, 'Luxemburg versus Lenin' (1935), in *Anti-Bolshevik Communism* (1978), available at www.marxists.org/archive/mattick-paul/1935/luxemberg-lenin.htm (last visited 13 November 2015); Thalheimer, 'Rosa Luxemburg or Lenin' (3 January 1930), available at www.marxists.org/archive/thalheimer/works/rosa.htm (last visited 13 November 2013).

after Stalin's death on 5 March 1953.¹⁰ A further response after 1919 distils memory by 'mythologizing' and 'canonizing' Luxemburg (and 'Luxemburgism') as the innocuous 'Marxist pacifist', a 'giantess of the soul', 'lyrical dreamer' and the inoffensive, female champion of democratic virtue or even a 'Cold War missile'.¹¹ The strategic effect of these campaigns is confirmation, by socialist not liberal design, of Luxemburg's stuck-ness in historical memory as a minor curiosity.

Attention to her mostly German archive tends for the most part to be the monopoly of radical thinkers and further, of particular tracts within radical thought. A consequence is that remembering Luxemburg usually means disparaging her or having a specialist interest in her revolutionary and economic theory, by Marxists or post-Marxist thinkers, and tends to emphasize the prominence of particular readers rather than the revision of her reputation as a marginal person.¹² The exclusivity of Luxemburg scholarship within and for radical thinking is self-perpetuating and partly explains why historians and international lawyers deprioritize her archive in preference to genealogies of power. The revival of scholarly interest in Luxemburg in the present century, including an ambitious project to republish her collected works by Verso, seeks to popularize her with a broader English-speaking audience. It is uncertain whether the project can overcome patterns of historical bias. Beginning with the publication of her personal correspondence once again invites sentimentalism including John Berger's apparent approval: 'Intrepid, incorruptible, passionate and gentle. Imagine, as you read between the lines of what she wrote, the expression of her eyes. She loved workers and birds. She danced with a limp. Everything about her fascinates and rings true.'¹³ If Verso's German editor notices the dominance of historical campaigns to diminish Luxemburg's stature as a serious thinker, how can the invitation to intimacy that begins the program for republication retrieve her otherwise for the present?¹⁴ Luxemburg's margin continues to fascinate but fascination, then and now, does not let history happen in its broader spectrum.

A different approach considers the relevance of Luxemburg's status as a marginal figure for her anti-nationalist internationalism. Her position puts her at odds with the orthodoxy of others, both socialist and liberal, and figures her less a heroine of revolution, as Arendt suggests, than a heroine of her own cosmopolitanism and its invitation to a different kind of belonging attuned to her particularized and personalized

¹⁰ Arendt, 'Rosa Luxemburg', *supra* note 1, at 55.

¹¹ See, e.g., Arendt, 'Rosa Luxemburg', *supra* note 1, at 38; G. Adler, P. Hudis and A. Laschitzka (eds), *The Letters of Rosa Luxemburg* (2011), at xiii. In her commentary to the presentation from which this article evolved, Alexandra Kemmerer alluded to the practice of deliberate devaluation of Luxemburg's work in the re-issue of selected writings in socialist East Germany, long after her death. Here, marginalization was through a conscious, though subtle, strategy of infantilization by the inclusion of photographs representing Luxemburg as a young child.

¹² Recent examples include N. Fraser, 'The Significance of Rosa Luxemburg for Contemporary Social Theory', Keynote Address at Capitalist Oligarchies and Rosa Luxemburg's 'Accumulation of Capital' (Berlin, March 2014), available at <https://soundcloud.com/rosaluxstiftung/nancy-fraser-the-significance> (last visited 13 November 2015); J. Berger, 'A Letter to Rosa Luxemburg' *New Statesman* (18 September 2015), available at www.newstatesman.com/2015/09/letter-rosa-luxemburg-0 (last visited 13 November 2015).

¹³ Dust jacket to Adler, Hudis and Laschitzka, *supra* note 11.

¹⁴ *Ibid.*, at xiii.

historical interval. Luxemburg's alienation, not necessarily by capital and frequently by comrades, takes account of her lived experience as a Polish-Jewish-Socialist woman and explains why remembering her contributions to debates about the rights of minor peoples or nations is not merely apt but necessary. Her marginal status arguably shaped her empathy for community in its international orientation of borderless solidarity, propelled by and for the global proletariat. Her claim is for herself as much as for working-class freedom. Remembering this elucidates the richness of the contests for self-determination before the ideal settled according to liberal priorities after war. More significant is the recollection not merely of the stakes of Luxemburg's marginal voice, but the reality that historical time, like concepts, is not linear but episodic and emerges from (not in spite of) the congested and diverse zone of words and action that typify human experience. Here, in the flux of life and battle, an idea is discoverable not in its final form but in its prequel state: contingent, open and real.¹⁵

2 When Conflict Becomes Generative

A Conceptual Form and Conceptual Time

Luxemburg did not make her anti-nationalist debut or dénouement in 1915.¹⁶ She reiterated her resistance to the theoretical and tactical cogency of claims by peoples to

¹⁵ Reading Luxemburg's contributions as part of the (hidden) theoretical evolution of self-determination responds to Anne Orford's original and thoughtful provocation to the present generation of international lawyers about the different scholastic methods of international history and international law. She considers, for example, how '[t]he self-imposed task of today's contextualist historians is to think about concepts in their proper time and place – the task of international lawyers is to think about how concepts move across time and space. The past, in other words, may be a source of present obligations'. Orford, 'The Past as Law or History? The Relevance of Imperialism for Modern International Law', History and Theory of International Law Series Working Paper 2012/2, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2090434 (last visited 13 November 2015), at 2; Orford, 'On International Legal Method', 1(1) *Leiden Journal of International Law* (2013) 166, at 170–177; Orford, 'Histories of International Law and Empire', ESIL Lecture Series, University of Paris, 23 January 2013, available at www.youtube.com/watch?v=b5UzTLEMko (last visited 13 November 2015). Others follow Orford's lead to explain how histories of international law put the discipline's present character and direction 'into context' by elucidating the transmission of an idea across time and space in order to understand the past for today. E.g., Koskenniemi, 'Vitoria and Us: Thoughts on Critical Histories of International Law', 22 *Rechtsgeschichte Legal History* (2014) 119, at 119–120, 135. This article begins to explore how biographical 'contexts' as well as ideological contests might also place legal concepts within a relevant trajectory (the moving 'across time and space'). Here, the views of a minor person and dissident highlight the selective patterns of remembrance (and forgetting) that coordinate the distillation of an idea ('self-determination') in its ultimate form as law.

¹⁶ Writings on the national question by Luxemburg include 'In Defense of Nationality' (1900); 'The Polish Question and the Socialist Movement' (1905); 'The National Question and Autonomy' (articles published in 1908–1909 in *Przegląd Socjaldemokratyczny*, including 'The Nation State and the Proletariat' (1909); 'The Right of Nations to Self-Determination' (1909)); 'The Russian Revolution (1918): H.B. Davis (ed.), *The National Question: Selected Writings by Rosa Luxemburg* (1976) and the Rosa Luxemburg Archive, available at www.marxists.org/archive/luxemburg/ (last visited 13 November 2015). See also Luxemburg's famous 'organizational' disagreement with Eduard Bernstein's reformism, discredited by her as the dangerous concession to capital and, consequently, wrong-footed 'revisionism' or 'opportunism': 'Reform or Revolution – 1898–1899', in P. Buhle, *Reform or Revolution and Other Writings* (2006) 3.

self-determination before, during and after the *Juniusbroschüre*.¹⁷ Decades before World War I, for example, her anti-nationalist refrain jarred against intensifying popular sentiment in her birthplace and the general support for Polish independence by international socialists. This division on nationalist policy set the tone for Luxemburg's subsequent writings on the question and responses to her by socialists. On Luxemburg's analysis, Polish independence presented a false economy for internationalism because it tracked a path from Tsarist oppression to monopoly by the bourgeoisie and consequently, deferred the social question or worse, mistook proletarian freedom to be the accoutrement of the existing order. A youthful Luxemburg spoke against a blanket socialist policy for 'freedom from annexation' at the 1896 International Congress in London:

In order to win independence for Poland, the Polish proletariat would not only have to break the grip of the three most powerful governments in Europe, but would also have to be strong enough to overcome the material conditions of existence of its own bourgeoisie. In other words, despite its position as an enslaved class, it would have to take the position of a ruling class at the same time and to use its rule to create a new class state, which, in turn, would be the instrument of its further oppression.¹⁸

The explanation was that independence from Tsarist domination in 1896, or subsequently, was reactionary because it assumed freedom was possible through reform (not revolution) and, hence, was compatible in theory and practice with capitalist domination. To this last point, Luxemburg never shifted. National independence was not the proletariat's immediate task where it involved, as it frequently did, relaxing her opposition to economic exploitation.

The complications of the Polish question reveal Luxemburg's commitment to her methods and not to the establishment of a contrary, singular dogma. She was a tireless tactician (a 'realist' and a 'theorist') whose views gather meaning from the particulars of her moment and margin, but also from her opposition to the imperial patterns of capital. Her theoretical interventions about self-determination link back to the fundamental, strategic dilemma of how to mobilize working-class resistance against capitalist domination. Numerous commentators defend Luxemburg's opposition to national independence as arising from her organizational theory and not in spite of it.¹⁹ Any adjustment to her position was context specific and reflects the coordination of her revolutionary politics in response to a particular lived experience, in a particular historical moment. This means national self-determination reiterated itself to Luxemburg as an option to which she responded by considering and reconsidering

¹⁷ Others also emphasize Luxemburg's 'adamant, unbending, stubborn, intransigent opposition to the "rights of nations to self-determination"' in general and that of Poland ... in particular', see e.g., Dunayevskaya, *supra* note 4, at 51; Frölich, *supra* note 4, at 22; Mattick, *supra* note 9. Helen Scott notes that Luxemburg was, however, willing to support claims for independence by the Southern Slavs against Turkish rule. Scott, 'Introduction', in H. Scott (ed.), *The Essential Rosa Luxemburg* (2008) 1, at 9 and 32, n. 25.

¹⁸ Frölich, *supra* note 4, at 26, n. 9.

¹⁹ See note 9 in this article.

its viability for furthering revolutionary goals against capital, both internally (within the nation) and against imperial conquest (internationally).

Noticing how Luxemburg places and re-places her question into context(s) helpfully elaborates how international legal concepts also ‘move across time and space’.²⁰ Her commentary about national rights complicates contemporary conversations about the methods of international law and international history in two senses: first, Luxemburg speaks not of but to the future form of the principle from the margin of influence, enabling that margin where law was (at least during the interwar years) unable or unwilling to do so; and second, her voice extends the relevant conceptual trajectory to the moment before power settled when alternatives to the ‘Wilsonian moment’ were still visible and contestable.²¹ That is, Luxemburg speaks when time did not merely figure in the image of the triumphant but belonged to multiple claimants. The year 1915 was equally Wilson’s, Lenin’s or Luxemburg’s moment. Then, each speaker represented an opening onto a potential future; each invited a response; each anticipated confirmation of his or her vision for peace by victory or defeat. What followed was not accidental but emerged from the context of their struggle and characterizes the resolution as a deliberate choice, the reordering of political influence, and a distillation of the earlier articulation of claim.

Recent historiographies about the right to self-determination focus on the ascension and decline of the liberal version between World Wars.²² These narratives figure the idea as the innovation of liberal internationalism and track its triumphs and failures against the standard set by its own vision for peace. Glenda Sluga, for example,

²⁰ Orford, ‘Law or History?’, *supra* note 15.

²¹ Erez Manela defines the ‘Wilsonian moment’ as the brief flourishing of the idea of self-determination as a strategy for peace proposed by the US president, Woodrow Wilson. The episode traces the president’s rhetorical commitment to self-government from the second half of 1918, when an Allied victory became plausible, until February/March 1919 when negotiations about the text of the peace settlements excluded the prospect of a general right. E. Manela, *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (2007), at 6.

²² For details of the international legal arrangements, including the minorities regime, settled during the Paris Peace Conference in 1919, see, e.g., Anghie, ‘Nationalism, Development and the Postcolonial State: The Legacies of the League of Nations’, 41 *Texas International Law Journal* (2006) 447, at 448–451; Berman, ‘“But the alternative is despair”: European Nationalism and the Modernist Renewal of International Law’, in N. Berman (ed.), *Passion and Ambivalence: Colonialism, Nationalism, and International Law* (2012) 117; Berman, ‘A Perilous Ambivalence: Nationalist Desire, Legal Autonomy, and the Limits of the Interwar Framework’, 33 *Harvard International Law Journal* (1992) 353; C. Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878–1938* (2004), especially at 133–264; Kymlicka, ‘Minority Rights in Political Philosophy and International Law’, in S. Besson and J. Tasioulas (eds), *The Philosophy of International Law* (2010) 377; Manela, *supra* note 21; Mazower, ‘Chapter 2: Empires, Nations, Minorities’, in M. Mazower (ed.), *Dark Continent: Europe’s Twentieth Century* (1999) 40; M. Mazower, *Governing the World: The History of an Idea* (2012), at 31–64. For influential histories of the League’s role in the mandates system from its creation in 1920 to its decline in 1939, see, e.g., Anghie, ‘Chapter 3: Colonialism and the Birth of International institutions: The Mandate System of the League of Nations’, in A. Anghie (ed.), *Imperialism, Sovereignty and the Making of International Law* (2007) 115; Pedersen, ‘Back to the League of Nations’, 112(4) *American Historical Review* (2007) 1091; S. Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (2015). See also G. Sluga, *Internationalism in the Age of Nationalism* (2013).

explains 'internationalism in the age of nationalism' to be the 'radically renovated' version of internationality that belongs to the 'realism' of the emergent structures of liberal international law and its institutional life during and beyond the 20th century.²³ Such realism or 'objectivity' locates the modern organization of the world within the 'liberal political mainstream' and judges it as the 'adult' and progressive form of the 'nation-state' system and its nationalist premise.²⁴

The return to the beginnings of self-determination within international legal thought focuses on the texts of post-war international law, particularly the minorities regimes which conditioned the territorial settlements or the rights of states to enter the League. The effect replicates the historian's assumption about the liberal authorship of collective rights. Disciplinary differences explain why Berman reads the Minority Treaties as the transformative suggestion for contemporary frameworks of international law rather than, as Mazower reflects, a moment of mismanagement and error that permitted the tragic unfolding of Europe's last century.²⁵ International lawyers return to the earlier articulation of collective protections for critique but also for disciplinary understanding of the subsequent evolution of the idea of self-determination and minority rights from the point of origin in international legal thought until now. For Berman, the 'alternative' to international law 'is despair' not because he shares its liberal ethos but rather because legal principles reflect the reality of power and consequently, hold the greatest opportunity for justice.²⁶ He reads the Minority Treaties as signalling a revolutionary alliance between 'a newly autonomous international law' and nationalism, and the platform for an emergent experimentation in legal thought. The initiatives remain significant not merely for failing to protect Europe's minorities, as all agree, but also for 'inventing the conceptual framework that continues to shape international law's relationship to nationalism'.²⁷

²³ Sluga's title ('Internationalism in the Age of Nationalism') describes a 'twentieth-century kind' of internationalism that is 'objective' and 'realist' insofar as it follows the governance structures of liberal international law. Sluga, *supra* note 22, at 5–6, 12–18. See Manela ('internationalization of nationalism') and Mazower ('nationality as internationalism') who also redescribe internationalism as the modern legal project of liberalism. Manela, *supra* note 21, at 55–135; Mazower, *Governing the World*, *supra* note 22, at 48–54.

²⁴ Sluga, *supra* note 22, at 2. Sluga explains the end of World War I in terms of the 'apogee of nationalism', in its first expression pursuant to the vision of the League, and the 'apogee of internationalism', upon pursuit of a new kind of 'world government' under the direction of the United Nations (at 79–117). Histories of human rights reiterate this sentiment. See, e.g., S. Moyn, *The Last Utopia: Human Rights in History* (2010); S. Moyn, *Human Rights and the Uses of History* (2014), especially at 121–133.

²⁵ Berman envisages the complex, paradoxical alliance between nationalism and international law articulated by the Minority Treaties. Berman, 'But the alternative is despair', *supra* note 22; Mazower, *Dark Continent*, *supra* note 22.

²⁶ Berman cites, without elaborating, the phrase of Theodore Woolsey's contemporaneous commentary of the first Minority Treaty, the 'Little Treaty of Versailles', and adopts it as the title of his influential critique of nationalism within 'modernist' international law. Berman, 'But the alternative is despair', *supra* note 22, at 117. See also Woolsey, 'Editorial Comment: The Rights of Minorities under the Treaty with Poland', 14 *American Journal of International Law* (1920) 392, at 396; Berman, 'A Perilous Ambivalence', *supra* note 22.

²⁷ Berman, 'But the alternative is despair', *supra* note 22, at 124.

The selectivity of the scholastic pattern affirms the balance of world power after war to truthfully record historical outcomes. A further effect, however, is to narrow historical time in two respects: first, as Arendt observes, history contrives a story about the feats and slips of power – the destiny of self-determination did, in fact, become the task for liberal internationalism after war; and second, patterns of remembering necessarily forget (or de-emphasize) dissenting and earlier voices that might, otherwise, provide a different measure for critique. Luxemburg may, for example, shed light on why it was inevitable that the wartime optimism for the rights of peoples atrophied beneath the imperial interests that held the balance of power in the League.

Indeed, the *Juniusbroschüre* presents an argument against the misuse of the national question as the premise for war by imperial power whichever side of the battle line it took. Here, upon the rupture of imperial war among imperial powers, self-determination or the rights of peoples was a false promise given by capitalists who had everything to lose by untying the economic from the political question. Luxemburg's intervention arguably eclipses that of Lenin and other socialists because of her adamant refusal to decline, absolutely, the claim of minorities for national independence by refiguring the right and articulating what it entails for workers.

For Luxemburg, the idea of self-determination repeatedly shows up not as the edifice produced by liberalism but as a contingent and mobile form that the drama of conflict – military and ideological – determines. Conceptual time follows historical time by refracting or accepting particularized demands or exaggerating particular burdens, for particular peoples or for particular interests. The *Juniusbroschüre* enters at an important juncture for international history and international law because it is here, at the outset of war, that the liberal variant of self-determination was still vulnerable to the contingencies of the battlefield. Luxemburg's pamphlet puts Polish independence aside to concentrate instead on what had, all along, represented the primary struggle between capitalist imperialism and international revolution for the right to govern the world. The contest between the two alternatives surged into focus in the context of war. It was here, in the heat of military contestation, that the battle for world order was also a battle for the self-determining nation.

B *Juniusbroschüre*²⁸

When Germany went to war in 1914, Luxemburg found herself in a Berlin women's prison with a new impetus for revolution and a new context for the national question.²⁹ She wrote the *Juniusbroschüre* during the unfolding of the first months of battle

²⁸ All references are to the 1919 translation of *Juniusbroschüre* published by the New York offices of the Socialist Publication Society. Luxemburg, *The Crisis in the German Social Democracy (The "Junius" Pamphlet)* (1915 [1919]). The serious photograph of an adult-Luxemburg placed on the reverse of the front-endpapers and opposite the title page is strikingly dissimilar from the infant that appeared in later editions of her writings in East Germany. Cf., note 11 in this article.

²⁹ Luxemburg spent the greater proportion of World War I in prison on account of being a 'dangerous revolutionary' before her release by the November Revolution in 1918. For details of her 1913 trial and wartime imprisonment, see Adler, Hudis and Laschitza, *supra* note 11, at 329–348; Frölich, *supra* note 4, at 221–224; Nettel, *supra* note 2, at 488–492; Scott, *supra* note 17.

as a plea to the German proletariat soldier against imperial war. Pacifism did not mean that she relaxed her agitational stance, but it did heighten the dangers of subversion. Her anti-Reichstag, anti-war message meant her text was illegal. The prospect of further sanction explains her self-censorship, first by suppression of the text until her release in 1916 and then, by her preference for a pseudonym.³⁰ Her first biographer explained '*Junius*' to be the 'pen-name of the great English champion of liberty against the absolutist schemes of King George III', which 'acquired new lustre' under Luxemburg's hand.³¹ Paul Frölich understates, however, his subject's tone. Yes, 'the work becomes a guide to modern history and proletarian strategy' and yes, her obvious 'aim was to enlighten, to persuade, to solve the problems raised by the war', but no, it is impossible to suggest that 'her feelings are restrained, her indignation held under control'. The pamphlet survives as polemic: flamboyant, sensational and anxious to persuade its working-class reader to put an end to arms.

The emphatic tone of the *Juniusbroschüre* reinforces the stakes of the contest for the future of self-determination as well as the difficulties of participating in civic and ideological struggles from exile. Luxemburg's prison cell becomes the metaphor for her enduring alienation from spheres of influence and the counter-register she adopts against power. As counter-text, the *Juniusbroschüre* elucidates why it was inevitable for the Wilsonian moment to lose traction without shifting the economic bases of imperial order. Her explanation reiterates her strategic view, in the new light of war: '[s]o long as capitalist states exist, i.e., so long as imperialistic world policies determine and regulate the inner and the outer life of the nation, there can be no "national self-determination" either in war or in peace.'³²

The reality of an international system built on 'imperialistic world policies' necessarily excluded satisfaction of national claims and contradicted the hopeful rhetoric of the American 'prophet for peace'. Luxemburg gleaned from 'capitalist history' a different reality where 'invasion and class struggle are not opposites ... but one is the means and the expression of the other'.³³ In her estimation, national self-defence was a false premise for freedom where invasion is the 'means' that capital deploys to broaden its markets and consequently, its range of exploitation. The only 'effective preventative' for capitalist expansion (also her strategy for peace) was the class struggle. Here, Luxemburg deploys the logic of Marxist revolution to foreshadow the destiny of liberal peace after war. Her purpose, however, was to shape the future not to predict it. She considers the stakes of self-determination for the contest between liberal and socialist internationalism in her moment, at the outset of war.³⁴

The *Juniusbroschüre* presents a theoretical argument against capitalist war by responding to concessions made by the parliamentary faction of the SPD to the

³⁰ Frölich, *supra* note 4, at 217–222.

³¹ *Ibid.*, at 218.

³² *Juniusbroschüre*, *supra* note 28, at 95.

³³ *Ibid.*, at 92–93.

³⁴ Luxemburg's analytic methods parallel those suggested by international lawyers insofar as the pamphlet re-contextualizes the relevance of capitalist history for her present. See note 15 in this article.

Reichstag ('the Reichstag group'). When peace in Europe ruptured, German socialists voted with the government to increase war credits to fund military deployment and accepted civil peace as a formal condition of war. The catastrophe for the proletariat soldier was not merely his immediate jeopardy in battle but his diversion from the class struggle in aid of the imperial war. Luxemburg explains:

The Liberal ... can explain away this graveyard quiet in Germany with a characteristically liberal explanation; to him it is only a temporary sacrifice, for the duration of the war. But to a people that is politically ripe, a sacrifice of its rights and its public life, even temporarily, is as impossible as for a human being to give up, for a time, his right to breathe. A people that gives silent consent to military government in times of war thereby admits that political independence at any time is superfluous.³⁵

The two sides of politics – liberal and socialist – correspond to the economic division between capital and labour and the different internationalist visions of empire and revolution. War magnifies the maleficence of the liberal-capitalist-imperial order that imperils the proletariat soldier, as a causality of battle, and his struggle, as the causality of the militarist's political economy. The opening pages of the pamphlet describe, for example, the 'hoarse croak of the hawks and hyenas of the battlefield' as a metaphor for the opportunistic toll of liberal imperialists whose 'profits are springing, like weeds, from the fields of the dead'.³⁶ War is the outermost stage of capitalist development, premised on the accelerating economic drive to accumulate and its support plan of militarism, imperialism, and nationalism.³⁷ It is unsurprising, then, that the outstanding feats of war for Luxemburg encompassed not 'military' advancements, national security or the consolidation of interstate alliances but, the 'killing of the proletariat nation' and the commodification of battle as demand surged for 'cannon fodder'.³⁸

Over almost 130 pages, Luxemburg establishes her case by tracing the imperial and military patterns of Germany, and other European empires, in the decades preceding 1914.³⁹ She also outlines the different underpinnings of Russian ambitions for international influence in the context of its predominately agrarian economy and the traditional exploitation of peasants by the nobility.⁴⁰ There, arguments for national independence or self-defence were reactionary in a double sense because the servicing of capitalist endeavours in war did nothing about the dominant structures of exploitation under the tsar. For Germans, Russians and other European workers, Luxemburg

³⁵ *Juniusbroschüre*, *supra* note 28, at 86. Chapter VI analyses the deleterious effects of 'civil peace' for revolutionary goals in Germany and elsewhere in Europe (at 78–90).

³⁶ *Ibid.*, at 7–8.

³⁷ *Ibid.*, at 96–98.

³⁸ *Ibid.*, at 12, 113, 128.

³⁹ Luxemburg argues her case against capitalist war through critique of historical examples, including an extended study of the Deutsche Bank's investment in the Turkish railway where she describes it as a state institution and the economic 'pacemaker' of German 'imperialism'. *Ibid.*, at 41–48, 57. In the same chapter, Luxemburg gives an extended account of European imperialism in the East to explain the economic backdrop to world war (at 49–65).

⁴⁰ See discussion relating to note 18 in this article; and *Juniusbroschüre*, *supra* note 28, at 66–77.

uses the history of liberal internationalism, a term that encompasses law, to unlace socialist explanations for supporting a war based on national interests.⁴¹

History shows that the events of 1914 and 1915 did not ‘create a new, unheard of situation’ but marked the beginning of ‘the same world war toward which German imperialism had been driving for decades’.⁴² For Luxemburg, the novelty of the rupture was the event’s dramatic unmasking by the capitalist order of its own errors. During war, capitalist-liberal government materializes as it really is: ‘[n]ot as we usually see it, playing the roles of peace and righteousness, of order, of philosophy, of ethics’ but rather, exposing itself ‘as a roaring beast, as an orgy of anarchy, as a pestilential breath, devastating culture and humanity ... in all its hideous nakedness’.⁴³ War exposes the false promise of capitalist-liberal internationalism (and its flawed design for international governance after war) by refiguring its rhetoric as the means used to legitimize or disguise exploitative practices. In the hands of capitalist imperialists, peace, justice and freedom through collective entitlement were not only unlikely but also impossible. The *Juniusbroschüre* outlines a causative theory of war that agrees in general terms with socialist political economy.

Luxemburg’s original intervention was not, however, her theorization of the economic bases for war but rather, the re-working and re-contextualization of her theory of self-determination in the moment of military crisis. Each problem entwined with the other to set out the full danger of bipartisanship for the realization of the ideal. On 4 August 1914, the German chancellor announced, ‘[w]e are not driven by the desire for conquest’ but rather, ‘we are inspired by the unalterable determination to preserve the land upon which God has placed us for ourselves, and for all coming generations. ... We grasp the sword in self-defense.’⁴⁴ In endorsing the rhetoric of power, socialists across Europe relinquished the national question to capitalist interests, commodifying the idea of self-determination and extending the economic logic of class to war.⁴⁵ The nation could not find its way to freedom through this reasoning. Luxemburg says Germany ‘[n]onchalantly ... fastened the laurels of the liberator of European culture to its helmet’ at the start of war but, in light of its history, could only assume the ‘role of the “liberator of nations” ... with visible discomfort and rather awkward grace’.⁴⁶ The rhetoric reiterated the techniques of ‘colonial warfare’ determined to mobilize local populations against the traditional rulers and expose the local political scene to imperial interests.⁴⁷

⁴¹ Liberal internationalism sometimes includes ‘law’, where treaties and agreements are necessary to avert the risks of competitive capitalist economies, but principally means the newly global ambitions and reach of power and its exploitation of working classes. For references to international law see, e.g., *Juniusbroschüre*, *supra* note 28, at 7–8, 56–57, 71. Again, the use of ‘history’ to understand the present reflects methodological currents within contemporary international legal thought. Orford, *supra* note 15.

⁴² *Juniusbroschüre*, *supra* note 28, at 64.

⁴³ *Ibid.*, at 8.

⁴⁴ *Ibid.*, at 23.

⁴⁵ Luxemburg repeatedly explains war as a ‘capitalist-imperialist’ project. See, e.g., *ibid.*, at 97–104.

⁴⁶ *Ibid.*, at 68. E.g., Polish and Jewish minorities in Russia were falsely led, as they also were in the 1905 revolution, by German promises of nationalist support against the tsar. *Ibid.*, at 71–77.

⁴⁷ *Ibid.*, at 68–69, and for further applications of this argument, see 26–29, 57–61, 64–65, 126–128.

The *Juniusbroschüre* affirms the methodology underpinning Luxemburg's usual resistance to the national question. Never suggesting a wholesale rejection of the viability of national agendas for socialist agendas, the feasibility of the idea once again depends on contextual factors and calls for an idiosyncratic approach. Paring back Luxemburg's polemic and the drama of world events, the pamphlet reflects a meticulous practice that addresses the past for the present, both facts and theories, rather than the arguably looser and reactive application of Marx as dogma. Whether national independence and the survival of the nation state serves bourgeois ambitions for market acquisition reappears as the question to coordinate her response. She discovered that the emotive allure of the nation, its independence or its safety, could not supply its own answer if freedom was the ultimate goal.

The Reichstag group erred when it assumed that the nation could, in this case, supply both its means and ends. Parliamentary members of the SPD explained the absence of any alternative 'since we have been unable to prevent the war, since it has come in spite of us, and our country is facing invasion', and relayed their case for battle as a rhetorical question that discovered its probative answer in the national question: 'Shall we leave our country defenceless! ... Shall we deliver it into the hands of the enemy? Does not Socialism demand the right of nations to determine their own destinies?'⁴⁸ For parliamentary socialists, war signified a crisis that like any natural, unlooked for, disaster demanded an unequivocal and urgent response: 'When the house is on fire, shall we not first try to put out the blaze before stopping to ascertain the incendiary?'⁴⁹ The life of the nation mandated, as an ethical obligation for both sides of politics, a newly formed alliance between capital and labour.

C Bereavements for the Self-Determining Nation

Three related errors comprise the catastrophic slip that Luxemburg attributes to the alliance between the Reichstag group and the government. The first comprised a fundamental betrayal by socialists of their own cause and missed, in further error, an historical opportunity to progress working-class politics. Both the error of betrayal and missed opportunity exemplify a third, conceptual error about the meaning of self-determination for socialists. The Reichstag group's vote for war credits and civil peace confused the internal and external logic of the self-determining nation. Self-defence means, as the party correctly gauged, collective freedom through territorial integrity and protection from foreign invasion. As a positive claim for national diversity, Luxemburg explains self-defence also required equality before the law and the protection of the economic, political, ethic and cultural plurality of all citizens within the nation state.

On the first two counts, parliamentary solidarity disappointed its nationalist rhetoric because it involved the cessation of the class struggle and lent symbolic support to

⁴⁸ *Ibid.*, at 91. See also the parliamentary speech of the Reichstag group on 4 August 1914 (at 20).

⁴⁹ *Ibid.*

the capitalist-imperial war.⁵⁰ Luxemburg interpreted the concession to military rule as ‘an anti-socialist measure’, comprising the voluntary sacrifice by the SPD of ‘the fundamental principle of its existence’, the revolutionary struggle.⁵¹ In escaping its own pretext, the Reichstag group misappropriated ‘the old socialist principle of the right of nations to self-determination, as an explanation of their vote in favour of war credits’ and discovered for the first time the new possibility that ‘[s]elf determination for the German proletariat was the straight-jacket of a state of siege’.⁵² Luxemburg sustains her polemic throughout the *Juniusbroschüre*. She repeats accusations of ‘betrayal’ and ‘criminality’, accusing her own party of capitulating before its bourgeois enemy, perverting patriotism, abrogating the pacifist spirit of socialism, interrupting the ‘unalterable historical law’ of class struggle, accepting its own impotency and lengthening the imperialistic war.⁵³ The mistake underpinning civil peace was first, the suspension of class struggle in the moment of war and second, the failure to use war for progressive ends. Luxemburg says parliamentary dissent ‘would have preserved the intelligent proletariat from delirium’ and ‘would have awakened the masses in an incredibly short time’. The SPD would, in such circumstances, be the ‘lighthouse keeper of Socialism’, rallying working classes everywhere against the war, and securing ‘the popular demand for peace in all countries’.⁵⁴

In these mistakes, the Reichstag group also misinterpreted the idea of self-determination by eliding an important distinction between its internal and external expression. National self-defence is equally a strategy for freedom from foreign invasion and for citizens within the nation state. The analytic model (inside/outside), immediately and fundamentally captures the logic of the nation state with an interior and exterior political life; follows the analytical model Luxemburg uses elsewhere to explain the accumulation of capital; and dedicates national solidarity to the broader goals of the international proletariat.⁵⁵ For Luxemburg, failure to recognize the ‘internal’ significance of ‘self-defence’ transformed civil peace from a merely symbolic error into a tragic misconception about the self-determining life of the nation. She rejects the parliamentarians’ reasons for civil peace: ‘To be sure. Fie upon a people that capitulates before invasion and fie upon a party that capitulates before the enemy within.’⁵⁶ To define self-determination in terms of freedom from invasion forgets the idea’s richer compass for the rights of citizenship. Luxemburg clarifies her dispute with

⁵⁰ Voting for war credits did not, given the socialist’s one-quarter minority in the Reichstag, determine the practical capacity of the German government to enter or continue with its military program. *Ibid.*, at 109. Luxemburg also notes the ‘deplorable one-sidedness’ of a civil peace that did not mitigate workers’ exploitation or the advancement of capitalism (at 82).

⁵¹ *Ibid.*, at 83–84.

⁵² *Ibid.*

⁵³ *Ibid.*, at 15, 17, 21, 84, 91–92.

⁵⁴ *Ibid.*, at 113–114.

⁵⁵ The metaphor of interiority and exteriority exemplifies historical law by which capital exhausts local markets and resources and must, in order to accumulate, secure an expanding geography of exploitation. R. Luxemburg, *The Accumulation of Capital* (1913 [2003]).

⁵⁶ *Juniusbroschüre*, *supra* note 28, at 91–92.

the Reichstag group by reference to the rights it ‘passively’ relinquished within the fatherland:

It is true that Socialism gives to every people the right of independence and the freedom of independent control of its own destinies. But it is ... a perversion of Socialism to regard present day capitalist society as the expression of this self-determination of nations. Where is there a nation in which the people have had the right to determine the form and conditions of their national, political and social existence?⁵⁷

This passage announces Luxemburg’s original clarification of the right to self-determination as extending to the inner life of the nation state and the primary struggle there for equal recognition of all peoples as citizens.

The self-determining nation in its internal dimension is not merely compatible with international socialism, but is its fundamental premise and task. For Luxemburg, the internal imperative necessarily belongs to revolution because ‘Socialism alone can create such nations, can bring self-determination of their peoples’ in both Europe and in the colonies.⁵⁸ If this interpretation of the national question fits within her methodological strategy of placing and replacing her question into the present context, it also represents a departure from the one-dimensional form of collective entitlement that gathers popular support in law and politics, before and after war. Standard formulations of the right to national self-determination posture a utopia of independence and safety as the idea’s simple, emotive drawcard that applies equally across time and space.

In its simplicity, a one-dimensional version of the idea belongs to liberal internationalists and, as Peter Nettl also suggests, can ‘suddenly become a Marxist object unto itself, like a meteor falling into the deliberations of the astronomers’.⁵⁹ Luxemburg rejects the implications of missing the fuller complexity of the principle for political and economic life within the nation state:

To the Socialist, no nation is free whose national existence is based on the enslavement of another people, for to him colonial peoples, too, are human beings, and, as such, parts of the national state ... So long as capitalist states exist, i.e., so long as imperialistic world policies determine and regulate the inner and the outer life of the nation, there can be no ‘national self-determination’ either in war or in peace.⁶⁰

Contemporary legal analysis normalizes the inside/outside analytic model proposed in the *Juniusbroschüre* by explaining self-determination in terms of the split between the idea’s internal/external aspects or for others, the separation of claims of identity from those of territory.⁶¹ Unsurprisingly, normalization is also an appropriation by liberal international law and makes no reference to the principle’s early articulation in radical thought.

⁵⁷ *Ibid.*, at 94. Also see, *ibid.*, at 122.

⁵⁸ *Ibid.*, at 95.

⁵⁹ Nettl, *supra* note 2, at 505.

⁶⁰ *Juniusbroschüre*, *supra* note 28, at 95.

⁶¹ A. Cassese, *Self-Determination of Peoples: A Legal Reappraisal* (1995), at 5–6; Waldron, ‘Two Conceptions of Self-Determination’, in Besson and Tasioulas, *supra* note 22, 397.

Luxemburg's wartime analysis of the national question foreshadows contemporary historical and legal analyses of the Mandates system and Minorities Treaties.⁶² Recollecting her work speaks to the aliveness of the contest for the right to shape collective entitlements and offers a new conceptualization of why, theoretically, the future under imperialism could not be otherwise. Luxemburg proposed that substantive, lasting peace (as opposed to 'civil peace') requires the coincidence between the idea's internal (citizens' rights) and external (territorial integrity) dimensions. Not only was the language of 'self-determination' missing from the systems of protections under the League, the international community also and more seriously, ignored the imperative presented by the internal life of the nation. Pederson says the Mandates system was significant because it applied to territories in a vital 'conflict zone where empires clashed and territory changed hands'. Consequently, the interwar regime represents a failed 'effort at global stabilization' or 'global settlement' that rose and fell around imperial interests, rather than a story determined by and for mandated peoples.⁶³

Mazower makes a similar point in respect of the Minority Treaties where the mantra of toleration not entitlement served the interests of existing or powerful state structures: the 'underlying premise of thoroughgoing liberalism was that assimilation into the civilized life of the nation was possible and desirable'.⁶⁴ In the preceding darkness of World War, the Reichstag also expected and received the proletariat's concession to the interests of the nation state, assimilating the interests of working-class soldiers within the national ambitions of capitalists.⁶⁵

The significance of the *Juniusbroschüre* for understanding the instability and contingency of self-determination before international law arises from its critique of the liberal form and its proposal for a different, more complex figuration. The stakes of self-determination in its prequel moment were not only about who would shape the idea but also its final form. Luxemburg highlights this contingency and points to the other future that the fray of military contest accelerates or brings close to hand. Here, the drama of battle, in and of itself, exposes the contingent potential of Luxemburg's vision for the inner life of the nation in a further sense. War would not merely determine the balance of power in Europe but presented to workers both the cause and alternative to despair by creating an opening for the renewal of class consciousness.

This is the second, generative potential of battle where the 'necessities' of capitalist collapse and of freedom from capitalist domination reveal tasks for the proletariat.⁶⁶

⁶² See note 22 in this article.

⁶³ Pedersen, *Guardians*, *supra* note 22, at 405.

⁶⁴ Mazower, *Dark Continent*, *supra* note 22, at 57.

⁶⁵ The disappointments of this national plan shaped patterns of working-class protest and radicalization, leading to the November revolution in 1918, the overthrow of the imperial government and the founding of the Weimer Republic in 1919. Scott, *supra* note 17.

⁶⁶ Luxemburg remained committed to the inevitable breakdown or 'collapse' of capitalism though never supported the 'passive fatalism' of international socialism. *Juniusbroschüre*, *supra* note 28, at 104; Luxemburg, *supra* note 55. For an interpretation of the nuances in Luxemburg's thought on the difference between inevitable capitalist collapse and need for, as opposed to the inevitability of, international socialism, see N. Geras, *The Legacy of Rosa Luxemburg* (1976); Geras, 'Barbarism and Collapse of Capitalism', *New Left Review* (November/December 1973), at 17.

Luxemburg echoes Berman's reference to the phrase of an early commentator on the Minorities Treaties, by suggesting there is a way out of despair because 'in the war, out of the war arises, with a new might and intensity, the recognition that the proletarians of all lands have one and the same interest'.⁶⁷ Here, the originality of Luxemburg's marginal voice is her suggestion that war is generative in a double sense: war is the highpoint in the contest for the future of self-determination that armistice would resolve and further, hastens the proletariat to revolution.

3 The Problem of Sect Building, Maharishis and Memorialization

The full contestability of self-determination in its prequel moment before law extends beyond warring internationalisms to encompass prominent rivalries within socialism. The *Juniusbroschüre* clearly admonishes both capitalism and socialism for the part of each in propelling war. Memories of the parallel struggle for the right to self-determination within socialism often slip from view as history and law emphasize the genealogies of power.⁶⁸ The national question was, nevertheless, a central and divisive theme for socialist politics from the mid-nineteenth century and continuously challenged radical thought to consider if and how the oppression of peoples extended the problem of economic domination. To the extent that Luxemburg claimed and lost the national question to socialist giants – Lenin, Kautsky, and later Stalin – details of this second mêlée within her internationalism partly explain the negative thread linking her reputation in life and after-life. The *Juniusbroschüre* elucidates an important corner of the contest for self-determination between socialists at a point of historical crisis – in battle and on the cusp of the Russian revolution.

Luxemburg's pamphlet emphasizes the instability and contingency of the idea of self-determination within radical thought by resisting the orthodox line often associated with Marx and Engels. Her opposition to the political current within her own ranks was exceptional and straightforward:

In the present imperialistic milieu there can be no wars of national self-defense. Every socialist policy that depends upon this determining historic milieu, that is willing to fix its policies in the world whirlpool from the point of view of a single nation is built upon a foundation of sand.⁶⁹

She rebukes all sides of politics but reserves the greater sting for her own. Luxemburg considered, along with socialists everywhere, that the decision by liberal internationalists to go to war exaggerated capitalist opportunism and exploitation. Their greater error was to misuse the national question to tether the proletariat to the capitalist-imperial cause and concede the rights of workers to determine their own fate. A war

⁶⁷ *Juniusbroschüre*, *supra* note 28, at 115. Berman cites, without elaborating, the phrase of Theodore Woolsey's contemporaneous commentary of the first Minority Treaty, the 'Little Treaty of Versailles', and adopts it as the title of his influential critique of nationalism within 'modernist' international law. Berman, 'But the alternative is despair', *supra* note 22, at 117.

⁶⁸ Arendt, 'Rosa Luxemburg', *supra* note 1, at 33–34.

⁶⁹ *Juniusbroschüre*, *supra* note 28, at 95.

of self-defence was inconsistent with revolutionary goals where the 'national state, national unity and independence' represented the 'cloak that covers imperialistic desires, a battle cry for imperialistic rivalries, the last ideological measure with which the masses can be persuaded to play the role of cannon fodder in imperialistic wars'.⁷⁰ The approbation targeted the SPD ('fie upon a party') and became the platform for the splitting of German socialism in 1914.⁷¹ However, and more importantly for the hopes of radical internationalism as a European and world movement, in the moment when revolutionary power mattered most in its theoretical development and tactical application, socialist leaders everywhere insisted the life of the nation required war.

Although Junius never speaks of Lenin, the *Juniusbroschüre* barely screens Luxemburg's assault on the Bolshevik leader's indomitable position and its standard distillation of Marxist theory. The pamphlet's central message immediately inflames the existing dispute between Luxemburg and Lenin by restating its basic premise, announcing to any reader: 'it is always the historic milieu of modern imperialism that determines the character of the war in the individual countries, and this milieu makes a war of national self-defense impossible'.⁷² The *Juniusbroschüre* is a call to action in the form of propaganda directed not to capitalist-imperialists but to Europe's workers and socialist leaders, including those in Germany. It assumes a socialist readership beyond Germany and elaborates a theoretical argument based on classical socialist sources and a socialist reading of history to emphasize, for its broader audience, its consistency with orthodox Marxism. The deliberate, technical panache used to execute her message clearly speaks to Germans and influential foreign socialists, particularly those who disagreed with her earlier statements about the national question.

In 1915, Luxemburg's effort to break free of socialism's 'old alternative stranglehold of nation' was a well-known and long-established theme of the respectful estrangement between her and Lenin.⁷³ Whereas Lenin described a socialist policy for national rights as faithful to orthodox Marxism, Luxemburg insisted that the idea could only be reactionary and a deviation from what Marx and Engels intended. Marxism required strategic consistency for both Lenin and Luxemburg. Any restatement of their difference, on either side, necessarily carried a serious slur. Two years before the *Juniusbroschüre* appeared in February 1916, for example, Lenin's lengthy response to the problem of national self-determination directly disavowed Luxemburg's 'practical' approach as a striking and ignorant departure from orthodoxy.⁷⁴ To disagree meant one or the other was anti-Marxist and in Luxemburg's case, a careless reader who

⁷⁰ *Ibid.*, at 97–98.

⁷¹ The *Juniusbroschüre* appended the 'Guiding Principles concerning the Tasks of International Social-Democracy' which became the policy platform for the International Group (later the Spartakusbund) and from 1919, the German Communist Party. See Frölich, *supra* note 4, at 222–226.

⁷² *Juniusbroschüre*, *supra* note 28, at 102.

⁷³ For a history of their dispute see, e.g., Nettl, *supra* note 2, at 500–519; Davis, 'Introduction', *supra* note 16, 9–48.

⁷⁴ Lenin, 'The Right of Nations to Self-Determination, Chapter 8: The Utopian Karl Marx and the Practical Rosa Luxemburg' (April–June 1914), available at www.marxists.org/archive/lenin/works/1914/self-det/ (last visited 13 November 2015).

‘evidently does not know what Marx’s attitude to the question ... was’ and consequently missed the opportunity to consider it ‘from a genuinely Marxist, not opportunist, standpoint’.⁷⁵ The *Juniusbroschüre* could not but raise the ire of any reader with any claim to influence in socialist ranks who supported the national basis for war.

Lenin’s immediate reaction to the pamphlet’s unknown author was patronizing. His response in October 1916 begins by ‘heartily greeting’ Junius and characterizing his offering as ‘a splendid Marxian work’ with ‘faults and errors’ that are ‘in all probability ... accidental’.⁷⁶ To Lenin, these flaws might be forgiven given the seeming ‘picture of a lone man who has no comrades in an illegal organisation accustomed to thinking out revolutionary slogans to their conclusion and systematically educating the masses in their spirit’. Junius demonstrated promise but missed his mark. Lenin agreed with the unknown author’s characterization of the imperial roots of the 1914 war and reiterated the treachery of the Reichstag group’s concessions to capital. He vehemently objected, however, to the suggestion that this was also a national war and further, that wars of independence were incompatible with revolutionary goals either in the present moment, or generally. Lenin’s dispute with Junius repeated his disagreement with Luxemburg about the proper tactical approach to national independence. Regarding the first error, Lenin acknowledges: ‘Junius came very close to the correct solution of the problem and to the correct slogan: civil war against the bourgeoisie for socialism; but as if afraid to speak the whole truth, he turned back to the fantasy of a “national war” in 1914, 1915 and 1916.’ This was not a national war for independence despite the rhetoric of national self-defence and any fear that it could transform into such, joining the imperialist to the nationalist cause, was obsolete given the advancing revolutionary struggle. The second, more significant count of error did not, of course, reflect Junius’ message. Luxemburg never insisted on the inevitable collapse of national interests into the interests of capital but rather announced the impossibility of nationalist wars in the context of imperial order. Junius clarifies, ‘it is always the historic milieu’ that matters and here, the dominance of capitalist-imperial interests ‘makes a war of national self-defence impossible’.⁷⁷ Luxemburg’s opposition once again exposed her to detractors who focused on her conclusions rather than on the full details of her analytic train.

The prominence of Bolshevik policy after the Russian Revolution and Luxemburg’s premature death decided the meaning of self-determination for socialists. The retraction of her thought from influence within radical circles also explains why recent scholarship reduces the ideological contest for self-determination before Versailles to two antagonists. This literature sometimes recalls that Wilson met Lenin as the champion of liberal internationalism against the ‘champion’ of its alternative. This simplification does not take account of divisions within socialism and further, overlooks the reality that neither Lenin nor Luxemburg actually won the debate.⁷⁸ Neither was

⁷⁵ *Ibid.*

⁷⁶ Lenin, ‘The Junius Pamphlet’ (October 1916), available at www.marxists.org/archive/lenin/works/1916/jul/junius-pamphlet.htm (last visited 13 November 2015).

⁷⁷ *Juniusbroschüre*, *supra* note 28, at 95.

⁷⁸ Davis, *supra* note 16, at 10.

present at Versailles. The Wilson-Lenin binary gathers reinforcement from Lenin's cultish stature as the hero of revolution who, after his death in 1924, became the saint of the political theology cultivated by his successor.⁷⁹ The binary further reflects the deliberate excising of Lenin's antagonists from favour by Stalin. Trotsky defends Luxemburg and himself against Stalin by explaining, 'Lenin was not born Lenin full-fledged' but 'made himself Lenin', and was re-made into a secular saint under 'the Stalinist imprint'.⁸⁰ Other defenders of Luxemburg downplay the division between her and Lenin, refiguring the past as '[n]ot Luxemburg or Lenin but Luxemburg and Lenin'.⁸¹

Despite these patterns of memorialization, the *Juniusbroschüre* arguably reflects the highpoint of the dispute within socialist internationalism, and between socialists and liberals, to claim the idea of self-determination for the future. Remembering Luxemburg recalls the full vitality of the conceptual *mêlée* before armistice and the strangeness of the idea that followed as a liberal innovation.⁸² Both Luxemburg and Lenin identified the 'self-determining' nation to be a peace strategy two years prior to Wilson's 'Four Principles of Peace' address.⁸³ The Bolshevik leader insisted upon the equivalence between socialist victory and the right of nations to self-determination, understood as the 'right to free, political secession from the oppressing nation' or political independence. His version admits the theoretical likelihood for an equivalent arrangement under capitalism while also insisting upon its actual impossibility in an economic sense. Lenin explained in 1916:

not only the right of nations to self-determination, but all the fundamental demands of political democracy are 'possible of achievement' under imperialism, only in an incomplete, in a mutilated form and as a rare exception. ... The intensification of national oppression under imperialism makes it necessary for Social-Democracy not to renounce what the bourgeoisie describes as the 'utopian' struggle for the freedom of nations to secede, but, on the contrary, to take more advantage than ever before of conflicts arising also on this ground for the purpose of rousing mass action and revolutionary attacks upon the bourgeoisie.⁸⁴

The forgetting of Luxemburg's objection to Lenin's peace strategy belongs to patterns of forgetting the economic dimensions of the socialist version of democratic rights. Her claim, including details of her ideological encounter with Lenin, remain lost for those like Sluga, who are intent on remembering the history of the 'real' or 'adult' internationalism.

⁷⁹ O. Figes, *A People's Tragedy: The Russian Revolution* (1997), at 804.

⁸⁰ Trotsky, *supra* note 9.

⁸¹ Thalheimer, *supra* note 9.

⁸² For some historians, Wilson's enduring status as the 'chief icon of self-determination' is 'puzzling in retrospect' given the earlier pre-eminence of the Bolshevik leader's commentary: Manela, *supra* note 21, at 52–53; cf., noting the general relevance of Soviet nationalism for minorities during the inter-war period, Mazower, *Dark Continent*, *supra* note 22, at 49–50.

⁸³ *Ibid.* For Lenin's conceptualization of national entitlement, see, e.g., Lenin, 'The Socialist Revolution and the Right of Nations to Self-Determination', *Vorbote* (April 1916), at 2 (written January–February 1916), available at www.marxists.org/archive/lenin/works/1916/jan/x01.htm (last visited 13 November 2013).

⁸⁴ *Ibid.*

4 The Past and Its Future

'Hands off Rosa Luxemburg!' is the emphatic title of Trotsky's 1932 effort to restore Luxemburg's reputation, and the truth of her strategic vision to his present.⁸⁵ Remembering Luxemburg is also significant today, particularly as scholarly agendas renew interest in the history of collective entitlements and protections supervised by the League between World Wars. If these writers uniformly express disappointment in Wilson's wartime promise for peace, the effect is to concede the fate of self-determination to its liberal design. This storyline accurately traces the genesis and evolution of the idea in the new post-war constellation set by liberal international law to explain the inevitability of World War II as the next national war. Restoring Luxemburg's idea of self-determination to these accounts is one way out of such fatalism because she loosens the concept from its certain future. Her entry is in the moment before law, on the cusp of peace but before its champions and villains became clear. That is, in the moment when the idea of self-determination was still a coin in the air waiting to fall into one side's hand, a question that was equally Wilson's, Lenin's or Luxemburg's as much as it represented the claim for independence of Europe's minorities or of other peoples oppressed by imperial rule.

The *Juniusbroschüre* reverses Engel's famous adage about the dangers of capitalism in order to take advantage of the contingent potential of the national question in 1915.⁸⁶ Luxemburg begins by repeating her forebear's observation about the historical crossroads facing communities organized according to economic divisions: 'Capitalist society faces a dilemma, either an advance to socialism or a reversion to barbarism.' Her conclusion recapitulates the 'barbarism' of world war and takes from its example a new 'dilemma', not for capitalist society, but for the oppressed class. Luxemburg explains 'the Gordian knot of the proletarian movement' and the 'real problem the world war' placed before socialism is how to mobilize and how to actualize '*the readiness of the proletarian masses to act in the fight against imperialism*'.⁸⁷

Her question is an invitation to a different future through revolutionary struggle and her final phrase her answer, 'Proletarians of all countries, unite!' This Luxemburg is the willing antagonist who had the future to gain or lose, for herself as much as for socialist internationalism. This Luxemburg insists 'passive fatalism can never be the role of a revolutionary party' and finds the conceptual malleability of self-determination, in the flux of ideological struggle and war, to be integral to the task of defatalizing the future.⁸⁸ Her methods remain suggestive for the methods pursued by contemporary international legal thought because she rediscovers the concept's past, as Engels or Marx envisaged, for her present. Anne Orford's explanation of the movement or transmission of a legal idea 'across time and space' captures the same mobility and possibility implicit in Luxemburg's attention to the unknown, still malleable, future form of the national question.⁸⁹

⁸⁵ See note 9 in this article.

⁸⁶ *Juniusbroschüre*, *supra* note 28, at 18, 122–123.

⁸⁷ *Ibid.*, at 123.

⁸⁸ *Ibid.*, at 104.

⁸⁹ Orford, 'On International Legal Method', *supra* note 15, at 175.

The author of the *Juniusbroschüre* is also the same minor person and youth who decades earlier ‘crossed the border to freedom’ after lying to a Polish priest of her desire for conversion and hiding ‘under straw in a peasant’s cart’.⁹⁰ Crossing borders became a metaphor for her subversion of the normative reality proposed by liberals and socialists for nations or peoples, as well as a symbol of the contingent opening, the generative potentiality present in all conflict – whether it be the working out of a concept or question for a people, or the struggle between nation states for dominance on the battlefield. Luxemburg’s claim for self-determination ‘defatalizes’ the future of the idea, hers as much as Lenin’s, Wilson’s, or ours, through a radical theoretical commitment to its politicization. Her technique and insights refresh the story of national rights by returning it to the ‘will to break out of the fatalism of neoliberal’ or liberal thinking that was rife and expectant and precarious before law.⁹¹

⁹⁰ Frölich, *supra* note 4, at 9.

⁹¹ The French sociologist, Pierre Bourdieu, makes a similar argument for working-class solidarity against late 20th-century capitalism. He outlines a strategy for the ‘foundations to be laid for a new internationalism’ and speaks of the ‘will to break out of the fatalism of neoliberal thinking, to ‘defatalize’ by politicizing, by replacing the naturalized economy of neoliberalism with an economy of happiness’. Bourdieu, ‘For a New Internationalism’, in P. Bourdieu (ed.), *Acts of Resistance: Against the New Myths of Our Time* (1998) 60, at 65–68.