

WESTERN POLITICAL THEORY AND ETHNIC RELATIONS IN EASTERN EUROPE

WILL KYMLICKA

1. Introduction

The newly-democratizing states of Eastern and Central Europe sometimes look to the older Western democracies to see how various political issues have been handled. It is rarely possible or appropriate to simply transplant institutions or policies from one country to another, particularly when these countries have such different histories and economic conditions as those in Western and Eastern Europe. However, democratic reformers often want to at least understand the basic principles and ideals that underlie the operation of Western liberal democracies, and which have provided them with stability and legitimacy. Put another way, reformers often want to understand the *political theory* of Western democracies, even though the practical implementation of these underlying principles may differ substantially in Eastern and Central Europe (ECE).

In some areas, particularly with respect to basic individual civil and political rights, it is relatively easy to identify these basic principles. All Western democracies have the rule of law, freedom of the press, freedom of conscience, habeas corpus, free elections, universal adult suffrage etc., and there is a large and long-standing literature by Western legal and political theorists explaining why these are important values. Indeed, we can say that the protection of these rights and liberties is part of the very definition of a liberal democracy. And so the claim of ECE countries to be 'democratic' is measured by how well they accept and uphold these principles.

But when we turn to issues of ethnic relations, it is far more difficult to identify the principles guiding Western democracies. We can find a wide range of policies in the various Western democracies, and

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it is not clear what, if anything, they have in common. What then are the defining features of a liberal-democratic approach to managing ethnocultural diversity?

The problem is not just that various Western democracies have responded differently to issues of diversity, but also that the whole area of ethnocultural relations has been surprisingly neglected by Western political theorists. For most of the twentieth century, ethnicity was viewed by political theorists as a marginal phenomenon that would gradually disappear with modernization, and hence was not an important topic for forward-looking political theorists. As a result, even into the mid-1980s, there were very few political philosophers or political theorists working in the area. (Much the same can be said about many other academic disciplines, from sociology to geography to history.)

Today however, after decades of relative neglect, the question of the rights of ethnocultural groups has moved to the forefront of Western political theory. There are a number of reasons for this renewed interest in issues of ethnicity amongst Western political theorists. Paradoxically, the most important of these was probably the wave of ethnic conflict in ECE that arose during and after the collapse of Communism. Most Western theorists had assumed that liberal democracy would emerge smoothly from the ashes of Communism, and many theorists wanted to understand why issues of ethnicity and nationalism were able to derail this transition.

But there were many factors within Western democracies themselves which also pointed to the salience of ethnicity: the nativist backlash against immigrants and refugees in many Western countries—especially France, Britain, Germany, and the United States—the resurgence and political mobilization of indigenous peoples resulting in the draft declaration of the rights of indigenous peoples at the United Nations; and the ongoing, even growing, threat of secession within some of the most flourishing Western democracies, from Quebec to Scotland, Flanders, and Catalonia.

All of these factors, which came to a head at the beginning of the 1990s, made it clear that Western liberal democracies had not in fact resolved or overcome the tensions which ethnocultural diversity can raise. It is not surprising, therefore, that political theorists have increasingly turned their attention to this issue. For example, the last few years have witnessed the first philosophical books in English in decades—perhaps ever—on the normative issues involved in secession, nationalism, immigration, multiculturalism, and indigenous rights.¹

In this respect, democratic political theorists of ethnic relations in the West are not much farther advanced than those in ECE. Of course, most Western countries have a long—and sometimes bloody—history of dealing with ethnic diversity within a liberal-democratic constitutional framework. But until very recently, the lessons from this history have not been articulated into a well-defined theory, and so the actual principles and ideals which guide Western democracies remain obscure, often even to those who are involved in managing ethnic relations on a day-to-day basis. Moreover, as we will see, ethnic relations within many Western democracies are themselves in a state of flux, as old assumptions and policies are being tested and found wanting.

For all these reasons, Western political theory may have relatively little to offer to people in ECE struggling with ethnic conflicts. Compared to the literature on civil rights, we have only the beginnings of a theoretical literature on ethnic relations. Moreover, this literature is attempting to theorize about a rapidly changing reality. Whereas support for the constitutional and judicial protection of individual civil rights has never been higher in Western democracies, there is no similar consensus about managing ethnic diversity, and indeed virtually every aspect of ethnic relations in the West is subject to controversy.

My aim in this paper, therefore, is not to measure how well the current policies of ECE countries regarding ethnic relations conform to well-defined and long-standing Western principles, for there are no such principles. My aim, rather, is to outline some of the interesting recent work done by Western political theorists, and to see whether any of it is relevant to the debates discussed in this book. I think that these Western theories can help shed some light on the policy options in ECE, but I also think that the debates in Eastern and Central Europe can shed some light on the limitations of these newly-emerging theories.

One reason why Western theorists have failed to grapple satisfactorily with issues of ethnic diversity is that they have been blinded by what I will call the myth of 'ethnocultural neutrality'. It only became possible to develop a coherent liberal democratic theory of ethnic relations when this myth was set aside. So I will start this paper by exploring this myth (section 2), and then explaining the alternative model of ethnic relations which several recent liberal democratic theorists have developed (sections 3–4). I will conclude by examining some of the possible applications of this theory to ECE countries (sections 5 and 6).

becomes so marginalized that it is likely to survive only amongst a small elite, or in a ritualized form, or in isolated rural areas, not as a living and developing language underlying a flourishing culture. Government decisions about the language of public schooling and public administration are in effect decisions about which language groups will survive.

In the United States, the result of these decisions was to establish the hegemony of English. Nor was this just an unintended or accidental by-product—it was the express aim of government decisions to establish this hegemony. These decisions were all made with the intention of promoting integration into what I call a 'societal culture'. By a societal culture, I mean a territorially-concentrated culture, centred on a shared language which is used in a wide range of societal institutions, in both public and private life—schools, media, law, economy, government, etc.—covering the full range of human activities, including social, educational, religious, recreational, and economic life. I call it a *societal* culture to emphasize that it involves a common language and social institutions, rather than common religious beliefs, family customs, or personal lifestyles. Societal cultures within a modern liberal democracy are inevitably pluralistic, containing Christians as well as Muslims, Jews, and atheists; heterosexuals as well as gays; urban professionals as well as rural farmers; conservatives as well as socialists. Such diversity is the inevitable result of the rights and freedoms guaranteed to liberal citizens—including freedom of conscience, association, speech, political dissent, and rights to privacy—particularly when combined with an ethnically diverse population.

The American government has deliberately promoted integration into such a societal culture—that is, it has encouraged citizens to view their life-chances as tied up with participation in common societal institutions that operate in the English language. All levels of American government—federal, state, and municipal—have insisted that there is a legitimate public interest in promoting a common language, and the Supreme Court has repeatedly affirmed that claim in upholding laws that mandate the teaching and use of English in schools and government functions.³ Nor is the United States unique in this respect. Promoting integration into a societal culture is part of a 'nation-building' project that all liberal democracies have engaged in. Indeed, many other Western countries have been much more aggressive and coercive in their attempts at nation-building.

Obviously, the sense in which English-speaking Americans share a common 'culture' is a very thin one, since it does not preclude dif-

ferences in religion, personal values, family relationships or lifestyle choices. Indeed, this use of the term 'culture' is in conflict with the way it is used in most academic disciplines, where culture is defined in a very thick, ethnographic sense, referring to the sharing of specific folk-customs, habits, and rituals. Citizens of a modern liberal state do not share a common culture in such a thick, ethnographic sense. But if we want to understand the nature of modern state-building, we need a very different, and thinner, conception of culture, which focuses on a common language and societal institutions. While this sort of common culture is thin, it is far from trivial. On the contrary, as I discuss below, attempts to integrate people into such a common societal culture have often been met with serious resistance. Although integration in this sense leaves a great deal of room for both the public and private expression of individual and collective differences, some groups have nonetheless vehemently rejected the idea that they should view their life-chances as tied up with the societal institutions conducted in the majority's language.

So we need to replace the idea of an 'ethnically neutral' state with a new model of a liberal democratic state—what can be called the 'nation-building' model. While the idea of a culturally neutral state is a myth, this is not to say that governments can only promote one societal culture. It is possible for government policies to encourage the sustaining of two or more societal cultures within a single country—indeed, as I discuss below, this is precisely what characterizes multinational states like Canada, Spain, Belgium, or Switzerland.

However, at one point or another, virtually all liberal democracies have attempted to diffuse a single societal culture throughout all of its territory. They have all engaged in this process of 'nation-building'—that is, a process of promoting a common language, and a sense of common membership in, and equal access to, the social institutions operating in that language.⁴ Decisions regarding official languages, core curriculum in education, and the requirements for acquiring citizenship, have all been made with the express intention of diffusing a particular culture throughout society, and of promoting a particular national identity based on participation in that societal culture. Other common-'tools' of nation-building in the West have included the development of a national media, the adoption of national symbols and holidays, the renaming of streets, towns, and topographic features, such as rivers or mountains, in the majority language to memorialize majority heroes or events, and so on.⁵

Moreover, in some countries, these nation-building policies have

2. *The Myth of Ethnocultural Neutrality*

As I noted earlier, Western theorists have had little explicit to say about how a democratic state should deal with ethnocultural diversity. But in so far as they had an answer at all, it was that the state should be 'neutral' with respect to ethnocultural differences. Liberal states should be 'neutral' with respect to the ethnocultural identities of their citizens, and indifferent to the ability of ethnocultural groups to reproduce themselves over time. Or this view, liberal states treat culture in the same way as religion—that is, as something which people should be free to pursue in their private life, but which is not the concern of the state, so long as they respect the rights of others. Just as liberalism precludes the establishment of an official religion, so too there cannot be official cultures that have preferred status over other possible cultural allegiances.

For example, Michael Walzer argues that liberalism involves a 'sharp divorce of state and ethnicity'. The liberal state stands above all the various ethnic and national groups in the country, 'refusing to endorse or support their ways of life or to take an active interest in their social reproduction'. Instead, the state is 'neutral with reference to language, history, literature, calendar' of these groups. He says the clearest example of such a neutral liberal state is the United States, whose ethnocultural neutrality is reflected in the fact that it has no constitutionally recognized official language (Walzer 1992a: 100–1; cf. Walzer 1992b: 9).

Indeed, some theorists argue that this is precisely what distinguishes liberal 'civic nations' from illiberal 'ethnic nations'. Ethnic nations take the reproduction of a particular ethnonational culture and identity as one of their most important goals. Civic nations, by contrast, are neutral with respect to the ethnocultural identities of their citizens, and define national membership purely in terms of adherence to certain principles of democracy and justice (Pfaff 1993: 162; Ignatieff 1993).

This principle of ethnocultural neutrality has often been cited in the West as grounds for rejecting any claims by minorities for distinctive rights that go beyond the standard set of individual civil and political rights accorded to all citizens. Providing explicit recognition or rights to a minority group, on this view, is a radical departure from the traditional neutrality of the liberal state.

There is growing recognition, however, that this idea of ethnocultural neutrality is simply a myth. Indeed, the claim that liberal-democratic states—or 'civic nations'—are ethnoculturally neutral is

manifestly false, both historically and conceptually. The religion model, with its strict separation of church and state, is altogether misleading as an account of the relationship between the liberal-democratic state and ethnocultural groups.

Consider the actual policies of the United States, which is the allegedly prototypically 'neutral' state. Firstly, it is a legal requirement for children to learn the English language in schools. Secondly, it is a legal requirement for immigrants over the age of 50 to learn the English language to acquire American citizenship. Thirdly, it is a *de facto* requirement for employment in or for government that the applicant speak English. Fourthly, decisions about the boundaries of state governments, and the timing of their admission into the federation, were deliberately made to ensure that anglophones would be a majority within each of the fifty states of the American federation.²

These decisions about the language of education and government employment, the requirements of citizenship, and the drawing of internal boundaries, are profoundly important. They are not isolated exceptions to some norm of ethnocultural neutrality. On the contrary, they are tightly interrelated, and together they have shaped the very structure of the American state, and the way the state structures society. They have played a pivotal role in determining which ethno-linguistic groups prosper, and which ones diminish.

One of the most important determinants of whether a culture survives is whether its language is a language of government—that is, whether its language is used in public schooling, courts, legislatures, welfare agencies, health services etc. Having publicly-funded education in one's mother tongue is crucial, since it guarantees the passing on of the language and its associated traditions to the next generation. And since governments account for 40–50 per cent of GNP in most Western countries, the language of government employment and contracts is also a major factor in determining which language groups prosper and which diminish. And in countries where military service is compulsory, the language of army units has played a similar role. Compulsory military service in French-language army units was pivotal in turning 'peasants into Frenchmen', as a famous study of French nationalism put it (Weber 1976), just as mandatory service in Hebrew-language army units remains an important tool of national integration in Israel today.

Given the spread of standardized and compulsory education, the high demands for literacy in work, and widespread interaction with government agencies, any language which is not a public language

been strikingly successful in extending a common societal culture throughout the entire territory of the state. Consider France or Italy. Who could have predicted in 1750 that virtually everyone within the current boundaries of France or Italy would share a common language and sense of nationhood? Other paradigmatic 'nation-states' in the West include Portugal, England, and Germany. There are other countries, as we'll see in the next section, where certain minorities have strongly and successfully resisted nation-building policies. But the quest to become a nation-state has been, and remains, a powerful one in most Western democracies.

Why has the implementation of liberal-democratic principles, and the consolidation of liberal-democratic states, been so closely tied historically to the promotion of a common national language and societal culture? This is a profoundly important question, yet it has been almost entirely ignored by liberal political theorists. None of the major figures in the liberal tradition has engaged in a sustained discussion of the justification or goals of nation-building policies, or of the limits on its permissible forms. For example, is it permissible for a liberal state to insist that immigrants learn the majority language as a condition of citizenship? One looks in vain for a discussion of this or other nation-building policies in Locke, Kant, Mill, Popper, Rawls, or Dworkin. This is a major gap in liberal theory, and much work remains to be done in filling it.⁶

One might think that this nation-building is purely a matter of cultural imperialism or ethnocentric prejudice. But many recent liberal theorists—known as 'liberal nationalists'—argue that this sort of nation-building serves a number of important and legitimate democratic goals.⁷ For example, a modern economy requires a mobile, educated, and literate workforce. Standardized public education in a common language has often been seen as essential if all citizens are to have equal opportunity to work in this modern economy. Indeed, equal opportunity is often defined precisely in terms of equal access to mainstream institutions operating in the dominant language.

Also, participation in a common societal culture has often been seen as essential for generating solidarity within modern democratic states. The sort of solidarity required by a welfare state requires that citizens have a strong sense of common identity and membership, so that they will make sacrifices for each other, and this common identity is assumed to be facilitated by a common language. Moreover, a common language has been seen as essential to democracy—how can 'the people' govern together if they cannot understand one another? In short, promoting integration into a common societal culture has

been seen as essential to social equality and political cohesion in modern states.

In these and other ways, nationhood can be seen, in Canovan's words, as 'the battery' which makes Western states run: the existence of a common national identity motivates citizens to act for common political goals (Canovan 1996: 80). Modern states need to be able to mobilize citizens in pursuit of a wide range of goals—as Cairns and Williams put it, 'what the state needs from the citizenry cannot be secured by coercion, but only cooperation and self-restraint in the exercise of private power' (Cairns and Williams 1985: 43)—and nationalism is one of the most effective means of mobilizing citizens. The 'battery' of nationalism can be used to promote liberal goals—such as social justice, democratization, equality of opportunity, economic development—or illiberal goals—chauvinism, xenophobia, militarism, and unjust conquest. The fact that the battery of nationalism can be used for so many functions helps to explain why it has been so ubiquitous. Liberal reformers invoke nationhood to mobilize citizens behind projects of social justice such as comprehensive health care or public schooling; illiberal authoritarians invoke nationhood to mobilize citizens behind attacks on alleged enemies of the nation, be they foreign countries or internal dissidents. This is why nation-building is just as common in authoritarian regimes in the West as in democracies. Consider Spain under Franco, or Greece or Latin America under the military dictators. Authoritarian regimes also need a 'battery' to help achieve public objectives in complex modern societies.

3. *Towards Ethnocultural Justice: The Dialectic of Nation-Building and Minority Rights*

While the role of nation-building in the operation of liberal democracies requires more study, it is already clear, I think, that this nation-building model requires us to radically rethink the issue of minority rights. The question is no longer how to justify departing from a norm of neutrality, but rather do majority efforts at nation-building create injustices for minorities? And do minority rights help protect against these injustices? Put another way, the standard for evaluating minority rights claims is no longer ethnocultural neutrality but ethnocultural justice.

Western political theorists are just beginning to rethink minority rights in this new way. This process of rethinking is complicated, since

majority nation-building programmes impact differently on different types of groups. The sorts of minority rights being claimed, therefore, and the issues of justice they raise, vary from country to country, and from group to group. However, enough work has been done in the last few years to see the outlines of a new liberal theory of minority rights, which I will try to sketch in the rest of this section.

As Charles Taylor notes, the process of nation-building inescapably privileges members of the majority culture:

If a modern society has an 'official' language, in the fullest sense of the term, that is, a state-sponsored, -inculcated, and -defined language and culture, in which both economy and state function, then it is obviously an immense advantage to people if this language and culture are theirs. Speakers of other languages are at a distinct disadvantage. (Taylor 1997: 34).⁸

This means that members of minority cultures face a choice. If all public institutions are being run in another language, minorities face the danger of being marginalized from the major economic, academic, and political institutions of the society. Faced with this dilemma, minorities have—to oversimplify—four basic options:⁹

1. They can emigrate *en masse*, particularly if they have a prosperous and friendly state nearby that will take them in. This has rarely occurred in the recent history of the West, but is more important in Eastern Europe.
2. They can accept integration into the majority culture, although seek to negotiate better or fairer terms of integration.
3. They can seek the sorts of rights and powers of self-government needed to maintain their own societal culture—that is, to create their own economic, political, and educational institutions in their own language.
4. They can accept permanent marginalization, and seek only to be left alone on the margins of society.

Each of these reflects a different strategy that minorities can adopt in the face of state nation-building. To be successful, each of them—except emigration—requires certain accommodations from the state. These may take the form of multiculturalism policies, or self-government and language rights, or treaty rights and land claims, or legal exemptions. Different forms of minority rights reflect different strategies about how to respond to, and to limit, state nation-building pressures.

We can find some ethnocultural groups that fit each of these categories and other groups that are caught between them. For

example, some immigrant groups choose permanent marginalization. This would seem to be true of the Hutterites in Canada or the Amish in the United States. But the option of accepting marginalization is only likely to be attractive to ethnoreligious groups whose theology requires them to avoid all contact with the modern world. The Hutterites and Amish are unconcerned about their marginalization from universities or legislatures, since they view such 'worldly' institutions as corrupt.

Virtually all other ethnocultural minorities, however, seek to participate in the modern world, and to do so, they must either integrate into the majority society or seek the self-government needed to create and sustain their own modern institutions. Faced with this choice, ethnocultural groups have responded in different ways. I will briefly discuss five types of ethnocultural groups that are found within Western democracies: national minorities, immigrants, isolationist ethnoreligious groups, metics, and racial caste groups. In each case, I will discuss how they have been affected by majority nation-building, what sorts of minority rights claims they have made in response to this nation-building, and how these claims relate to underlying liberal-democratic principles.

3.1 *National Minorities*

By national minorities, I mean groups that formed complete and functioning societies on their historic homeland prior to being incorporated into a larger state. National minorities can be subdivided into two categories: 'substate nations' and 'indigenous peoples'. Substate nations are nations which do not currently have a state in which they are a majority, but which may have had such a state in the past, or which may have sought such a state. They find themselves sharing a state with other nations for a variety of reasons. They may have been conquered or annexed by a larger state or empire in the past; ceded from one empire to another; or united with another kingdom through royal marriage. In a few cases, multinational states arise from a more or less voluntary agreement between two or more national groups to form a mutually beneficial federation.

Indigenous peoples are peoples whose traditional lands have been overrun by settlers, and who have then been forcibly, or through treaties, incorporated into states run by people they regard as foreigners. While other minority nations dream of a status like nation-states, with similar economic and social institutions and achievements, indigenous peoples typically seek something rather different: the

ability to maintain certain traditional ways of life and beliefs while nevertheless participating on their own terms in the modern world. In addition to the autonomy needed to work out that sort of project, indigenous peoples also typically require of the larger society a respect and recognition to begin to make amends for indignities they suffered for decades or centuries as second-class citizens—or even non-citizens or slaves.

The contrast between indigenous peoples and substrate nations is not precise, and there is no universally agreed definition of 'indigenous peoples'. One way to distinguish substrate nations from indigenous peoples in the Western context is that the former were contenders but losers in the process of European state-formation, whereas the latter were isolated from that process until recently, and so retained a premodern way of life until well into this century. Substrate nations would have liked to form their own states, but lost in the struggle for political power, whereas indigenous peoples existed outside this system of European states. The Catalans, Basques, Flemish, Scots, Welsh, Corsicans, Puerto Ricans, and Québécois, then, are substrate nations, whereas the Sami, Inuit, Maori, and American Indians are indigenous peoples. In both North America and Europe, the consequences of incorporation have been much more catastrophic for indigenous peoples than for other national minorities.¹⁰

However they were incorporated, both substrate nations and indigenous peoples have typically resisted state nation-building, and have fought to maintain or regain their own self-governing institutions, often operating in their own language, so as to be able to live and work in their own culture. They demand to maintain or regain their own schools, courts, media, political institutions, and so on. To achieve this, they typically demand some form of autonomy. At the extreme, this may involve claims to outright secession, but more usually it involves some form of regional autonomy. And they typically mobilize along nationalist lines, using the language of 'nationhood' to describe and justify these demands for self-government.¹¹ While the ideology of nationalism has typically seen full-fledged independence as the 'normal' or 'natural' end-point, economic or demographic reasons may make this unfeasible for some national minorities. Moreover, it is increasingly clear that substantial forms of self-government can be achieved *within* the boundaries of a larger state, and so there is a growing interest in exploring these other forms of self-government, such as federalism.

In short, national minorities have typically responded to majority-

nation-building by seeking greater autonomy which they use to engage in their own competing nation-building, so as to protect and diffuse their societal culture throughout their traditional territory. Indeed, they often seek to use the same tools that the majority uses to promote this nation-building—for example they seek control over the language and curriculum of schooling in their region of the country, the language of government employment, the requirements of immigration and naturalization, and the drawing of internal boundaries. We can see this clearly in the case of Flemish or Québécois nationalism, which have been concerned precisely with gaining and exercising these nation-building powers.

How should liberal democracies respond to such minority nationalists? Historically, liberal democracies have tried to suppress minority nationalisms, often ruthlessly. At various points in the eighteenth and nineteenth centuries, for example, France banned the use of the Basque and Breton languages in schools or publications, and banned any political associations which aimed to promote minority nationalism; the British in Canada stripped the Québécois of their French-language rights and institutions, and redrew political boundaries so that the Québécois did not form a majority in any province; Canada also made it illegal for Aborigines to form political associations to promote their national claims; and when the United States conquered the Southwest in the war with Mexico in 1848, it stripped the long-settled Hispanics of their Spanish-language rights and institutions, imposed literacy tests to make it difficult for them to vote, and encouraged massive immigration into the area so that the Hispanics would become outnumbered.

All of these measures were intended to disempower national minorities, and to eliminate any sense of possessing a distinct national identity. This was justified on the grounds that minorities that view themselves as distinct 'nations' would be disloyal, and potentially secessionist. And it was often claimed that minorities—particularly indigenous peoples—were backward and uncivilized, and that it was in their own interests to be incorporated—even against their will—into more civilized and progressive nations. National minorities, therefore, were often the first target of majority nation-building campaigns.¹²

But the attitude of liberal democracies towards minority nationalism has changed dramatically in this century. It is increasingly recognized that the suppression of minority nationalism was mistaken, or both empirical and normative reasons. Empirically, the evidence shows that pressuring national minorities to integrate into the

dominant national group simply will not work. Western states badly misjudged the durability of minority national identities. The character of a national identity can change quickly—for example the heroes, myths, and traditional customs. But the identity itself—the sense of being a distinct nation, with its own national culture—is much more stable. Liberal-democratic governments have, at times, used all the tools at their disposal to destroy the sense of separate identity amongst their national minorities, from the prohibition of tribal customs to the banning of minority-language schools. But despite centuries of legal discrimination, social prejudice, and indifference, national minorities have maintained their sense of forming a distinct nation, and their desire for national autonomy.

As a result, when the state attacks the minority's sense of distinct nationhood, the result is often to promote rather than reduce the threat of disloyalty and secessionist movements. Indeed, recent surveys of ethnonationalist conflict around the world show that self-government arrangements diminish the likelihood of violent conflict, while refusing or rescinding self-government rights is likely to escalate the level of conflict (Gurr 1993, 2000; Hannum 1990; Lapidot 1996). In the experience of Western democracies, the best way to ensure the loyalty of national minorities has been to accept, not attack, their sense of distinct nationality.

There was a time when eliminating this sense of nationhood amongst national minorities was a realistic possibility. After all, France was more or less successful in integrating the Basques and Bretons—but not the Corsicans—into the majority French national group in the nineteenth century. But this is no longer a realistic possibility for Western democracies. The evidence suggests that any national group that has survived into this century with its sense of national identity intact cannot be pressured into relinquishing its desire for national recognition and national autonomy. France was only successful in the nineteenth century because it employed a level of coercion against the Basques and Bretons that would be inconceivable now.¹³ And even where a similar level of coercion has been employed in this century—for example against some indigenous peoples—it has failed to eliminate the minority's national identity. Few if any examples exist of recognized national groups in this century accepting integration into another culture, even though many have had significant economic incentives and political pressures to do so. As Anthony Smith notes, 'whenever and however a national identity is forged, once established, it becomes immensely difficult, if not impossible (short of total genocide) to eradicate'.¹⁴

So earlier attempts to suppress minority nationalism have been abandoned as unworkable and indeed counter-productive. But they have also been rejected as morally indefensible. After all, on what basis can liberal-democratic theory justify the suppression of minority nationalisms while allowing majority nation-building? The two seem on a par, morally speaking. If the majority can legitimately engage in nation-building, why not national minorities, particularly those which have been involuntarily incorporated into a larger state?

Liberal principles do, of course, set limits on *how* majority or minority national groups go about nation-building. Liberal principles will preclude any attempts at ethnic cleansing, or stripping people of their citizenship, or the violation of human rights. As I noted earlier, liberal-democracy is founded upon the principle of respect for individual civil and political rights. Moreover, liberal principles will also insist that any national group engaged in a project of nation-building must respect the right of other nations within its jurisdiction to protect and build their own national institutions. For example, the Québécois are entitled to assert national rights *vis-à-vis* the rest of Canada, but only if they respect the rights of Aborigines within Quebec to assert national rights *vis-à-vis* the rest of Quebec.

These limits are important, but they still leave significant room, I believe, for legitimate forms of minority nationalism. Moreover, these limits are likely to be similar for both majority and minority nations. All else being equal, national minorities should have the same tools of nation-building available to them as the majority nation, *subject to the same liberal limitations*.

These limitations are sometimes described as a matter of 'balancing individual and group rights'. I don't think that the terminology of 'group rights' or 'collective rights' is helpful, for reasons I've explained elsewhere (Kymlicka 1995: ch. 3). But if we do talk about group rights, it is important to distinguish two kinds of rights that a minority group might claim. The first involves the right of a group against its own members, designed to protect the group from the destabilizing impact of internal dissent—for example the decision of individual members not to follow traditional practices or customs. The second kind involves the right of a group against the larger society, designed to protect the group from the impact of external pressures—for example the economic or political decisions of the larger society. I call the first 'internal restrictions', and the second 'external protections'. Given the commitment to individual autonomy, liberal pluralists oppose internal restrictions. Liberal pluralism

rejects the idea that groups can legitimately restrict the basic civil or political rights of their own members in the name of preserving the purity or authenticity of the group's culture, traditions, or bloodlines. However, a liberal conception of minority rights can accord groups various rights against the larger society, in order to reduce the group's vulnerability to the economic or political power of the majority. Such 'external protections' are consistent with liberal principles, although they too become illegitimate if, rather than reducing a minority's vulnerability to the power of the larger society, they instead enable a minority to exercise economic or political dominance over some other group. To oversimplify, we can say that minority rights are consistent with liberal pluralism if they meet two conditions: they protect the freedom of individuals within the group; and they promote relations of equality (non-dominance) between groups.¹⁵ Both state and substrate nation-building should be constrained by these principles.

What we need, in other words, is a consistent theory of permissible forms of nation-building within liberal democracies. I do not think that Western political theorists have yet developed such a theory. One of the many unfortunate side-effects of the dominance of the 'ethnocultural neutrality' model of the liberal state is that liberal theorists have never explicitly confronted this question. Yet this is the key question we need to address. The question is not 'have national minorities given us a compelling reason to abandon the norm of ethnocultural neutrality?', but rather 'why should national minorities not have the same powers of nation-building as the majority?'. This is the context within which minority nationalism must be evaluated—that is, as a response to majority nation-building, using the same tools of nation-building, subject to the same liberal limits. And the burden of proof rests on those who would deny national minorities the same powers of nation-building as those which the national majority takes for granted.

There is no guarantee that minority nationalisms will respect these boundaries of liberalism. In Flanders and the Basque Country, for example, there are radical wings of the nationalist movement that are illiberal. More generally, we can see an ongoing struggle within all minority nationalist movements between the liberal and illiberal elements. The extent to which a particular form of minority nationalism is liberal or illiberal can only be determined by examining the facts, not by conceptual fiat or armchair speculation, and the clear trend throughout most Western democracies is towards a more open, liberal, and democratic conception of minority nationalism.¹⁶ And I

see no moral basis for majorities to reject the legitimacy of such liberal forms of minority nationalism.

For both prudential and moral reasons, therefore, an increasing number of Western democracies that contain national minorities accept that they are 'multination' states, rather than 'nation-states'. They accept that they contain two or more nations within their borders, and recognize that each constituent nation has an equally valid claim to the language rights and self-government powers necessary to maintain itself as a distinct societal culture. And this multinational character is typically manifested in some form of territorial autonomy for the national minority, and which may be explicitly affirmed in the country's laws and constitution.

In some countries, this shift to territorial autonomy has been achieved by adopting a federal system, since federalism allows the creation of regional political units, controlled by the national minority, with substantial and constitutionally protected powers of self-government. Countries that have adopted federalism to accommodate minority groups include Canada (for the Québécois), Belgium (for the Flemish), Spain (for the Catalans, Basques, and Galicians), and Switzerland (for the French-speaking and Italian-speaking minorities).¹⁷

It is important to distinguish these 'multination' federations from federal systems that were not designed as a response to ethnocultural pluralism—for example the United States, Australia, Germany, or Brazil. In these uniaxial federal systems, the federal units do not correspond in any way with distinct ethnocultural groups who desire to retain their self-government and cultural distinctiveness. In the United States, for example, a deliberate decision was made *not* to use federalism to accommodate the self-government rights of national minorities. Instead, it was decided that no territory would be accepted as a state unless national minorities were outnumbered within that state. In some cases, this was achieved by drawing boundaries so that Indian tribes or Hispanic groups were outnumbered (e.g. Florida). In other cases, it was achieved by delaying statehood until anglophone settlers swamped the older inhabitants (e.g. Hawaii; the Southwest). As a result, none of the fifty states can be seen as ensuring self-government for a national minority, the way that Quebec ensures self-government for the Québécois.¹⁸

We can call the American federal system a form of 'administrative-territorial' federalism, rather than 'multination' federalism. American federalism is a way of dividing powers on a territorial basis within a single national community, whose members are dominant within each

of the subunits. It is not a way of accommodating minority self-government. The same is true in Brazil, Australia, or Germany. In multinational federations, by contrast, the boundaries and powers of one or more subunits are defined with the intention of enabling a national minority to exercise self-government. This is the sort of federalism we see in Canada, Belgium, Spain, and to a lesser extent in Switzerland.¹⁹

In other countries, or for other national groups, there may be geographic or demographic reasons why federalism in the technical sense will not work. In these cases, we see the emergence of various *quasi-federal* forms of territorial autonomy. For example, Britain has recently adopted a quasi-federal system of devolution to Scotland and Wales, which now have their own legislative assemblies. And while Puerto Rico is not part of the American federal system—that is, it is not one of the fifty states—it has a special self-governing status within the United States as a 'Commonwealth'. Similarly, while Italy and Finland are not federations, they have adopted special forms of territorial autonomy for the German-speakers in South Tyrol; and for the Swedes in the Åland Islands. In all of these cases, territorial autonomy enables national minorities to establish and govern their own public institutions, often operating in their own language, including schools, universities, courts, and regional parliaments.

This trend towards quasi-federal forms of autonomy is even clearer in the context of indigenous peoples. Indigenous peoples in most Western democracies have demanded and increasingly acquired substantial forms of self-government over their lands. Indian tribes in the United States and Canada are recognized as having rights of self-government, and are acquiring—or reacquiring—control over education, health care, policing, child welfare, natural resources, and so on. Similarly, the Scandinavian countries have created a Sami Parliament; the Maori in New Zealand have increased autonomy.²⁰

Following Philip Resnick (1994), I will call these 'multination federations'. They are not all federations in the technical sense, but they all embody a model of the state in which national minorities are federated to the state through some form of territorial autonomy, and in which internal boundaries have been drawn, and powers distributed, in such a way as to ensure that each national group is able to maintain itself as a distinct and self-governing societal culture.

This trend towards multinational federalism is very widespread in the West. Amongst the Western democracies with national minorities, only France and Greece have firmly rejected any notion of territorial autonomy for their historic minorities. Most national minorities have

substantially more autonomy than they had 30 or 50 years ago, and few—if any?—national minorities have had their autonomy reduced over that period.

This trend is, I believe, one of the most important developments in Western democracies in this century. We talk a lot—and rightly so—about the role of the extension of the franchise to Blacks, women, and the working class in democratizing Western societies. But in its own way, this shift from suppressing to accommodating minority nationalisms has also played a vital role in consolidating and deepening democracy.²¹ Indeed, it is important to stress that these multinational federations are, by any reasonable criteria, successful. They have not only managed the conflicts arising from their competing national identities in a peaceful and democratic way, but have also secured a high degree of economic prosperity and individual freedom for their citizens. This is truly remarkable when one considers the immense power of nationalism in this century. Nationalism has torn apart colonial empires and Communist dictatorships, and redefined boundaries all over the world. Yet democratic multinational federations have succeeded in taming the force of nationalism. Democratic federalism has domesticated and pacified nationalism, while respecting individual rights and freedoms. It is difficult to imagine any other political system that can make the same claim.

There is no guarantee that all of these Western multinational federations will stay together in perpetuity. But we can safely say that many of these states would have either fallen apart or degenerated into authoritarian rule a long time ago had they not learned to accommodate minority nationalisms. We actually know very little about the sources of stability in multinational states: this is a surprisingly neglected topic in both sociology and political theory. But the evidence in the West strongly suggests that democratic stability can only be achieved by recognizing, not suppressing, minority national identities.²²

3.2 *Immigrants*

By immigrant groups, I mean groups formed by the decision of individuals and families to leave their original homeland and emigrate to another society, often leaving their friends and relatives behind. This decision is typically made for economic reasons, although sometimes also for political reasons, to move to a freer or more democratic country. Over time, and with the second and subsequent generations born in the new country of residence, they give rise to

ethnic communities with varying degrees of internal cohesion and organization.

But it is essential to immediately distinguish two categories of immigrants—those who have the right to become citizens, and those who do not. Much confusion in the academic literature, and the wider public debate, has arisen from conflating these two cases. I will use the term 'immigrant group' only for the former case, and will discuss the latter case, which I will call 'metics', below.

Immigrants, then, are people who arrive under an immigration policy which gives them the right to become citizens after a relatively short period of time—say, 3–5 years—subject only to minimal conditions—such as learning the official language, and knowing something about the country's history and political institutions. This has been the traditional policy governing immigration in the three major 'countries of immigration'—namely, United States, Canada, and Australia.

Historically, immigrant groups have responded very differently to majority nation-building than national minorities. Unlike national minorities, the option of engaging in competing-nation building has not been either desirable or feasible for immigrant groups in Western democracies. They are typically too small and territorially dispersed to hope to recreate their original societal culture from scratch in a new country. Instead, they have traditionally accepted the expectation that they will integrate into the larger societal culture. Indeed, few immigrant groups have objected to the requirement that they must learn an official language as a condition of citizenship, or that their children must learn the official language in school. They have accepted the assumption that their life-chances, and even more the life-chances of their children, will be bound up with participation in mainstream institutions operating in the majority language.

Western democracies now have over 200 years of experience concerning how such groups integrate, and there is little evidence that legal immigrants with the right to become citizens pose any sort of threat to the unity or stability of a liberal democracy. There are few, if any, examples of immigrant groups mobilizing behind secessionist movements, or nationalist political parties, or supporting revolutionary movements to overthrow elected governments. Instead, they integrate into the existing political system, just as they integrate economically and socially.²³

So immigrants have not resisted majority nation-building campaigns to integrate them into the mainstream society. However, what immigrants have tried to do is to renegotiate the terms of integration.

Indeed, recent debates over 'multiculturalism' in immigrant countries are precisely debates over renegotiating the terms of integration. Immigrants are demanding a more tolerant or 'multicultural' approach to integration that would allow and indeed support immigrants to maintain various aspects of their ethnic heritage even as they integrate into common institutions operating in the majority language. Immigrants insist that they should be free to maintain some of their old customs regarding food, dress, recreation, religion, and to associate with each other to maintain these practices. This should not be seen as unpatriotic or 'unAmerican'. Moreover, the institutions of the larger society should be adapted to provide greater recognition and accommodation of these ethnic identities—for example schools and other public institutions should accommodate their religious holidays, dress, dietary restrictions, and so on.

How should liberal democracies respond to such demands for immigrant multiculturalism? Here again, liberal democracies have historically resisted these demands. Until the 1960s, all three of the major immigrant countries adopted an 'Anglo-conformity' model of immigration. That is, immigrants were expected to assimilate to existing cultural norms, and, over time, become indistinguishable from native-born citizens in their speech, dress, leisure activities, cuisine, family size, identities, and so on. To be too visibly 'ethnic' in one's public behaviour was seen as unpatriotic. This strongly assimilationist policy was seen as necessary to ensure that immigrants became loyal and productive members of society.

However, beginning in the 1970s, it was increasingly recognized that this assimilationist model is unrealistic, unnecessary, and unjust. It is *unrealistic* because no matter how much pressure to assimilate is applied, immigrants never fully lose their distinctive identities and practices. The 'melting pot' image was never accurate. Immigrants do indeed integrate into common institutions and learn the dominant language, but they remain visibly, and proudly, distinctive in their ethnic identities and attachments. Pressuring immigrants to assimilate is also *unnecessary*, since the evidence shows that immigrants who maintain a strong sense of ethnic identity and pride can nonetheless be loyal and productive citizens. And, finally, pressuring assimilation is *unfair*, since it denies equal respect to immigrants, and turns integration into an oppressive process.

Immigrant demands for a more 'multicultural' model of integration are, I think, a fair response to majority nation-building. If liberal democracies are going to pressure immigrants to integrate into common institutions operating in the majority language, then we

need to ensure that the terms of integration are fair. To my mind, this demand has two basic elements:

- (a) we need to recognize that integration does not occur overnight, but is a difficult and long-term process which operates intergenerationally. This means that special accommodations are often required for immigrants on a transitional basis. For example, certain services should be available in the immigrants' mother tongue, and support should be provided for those organizations and groups within immigrant communities which assist in the settlement and integration process;
- (b) we need to ensure that the common institutions into which immigrants are pressured to integrate provide the same degree of respect, recognition, and accommodation of the identities and practices of ethnocultural minorities as they traditionally provided for the dominant group. This requires a systematic exploration of our social institutions to see whether their rules, structures, and symbols disadvantage immigrants. For example, we need to examine dress codes, public holidays, or even height and weight restrictions to see whether they are biased against certain immigrant groups. We also need to examine the portrayal of minorities in school curricula or the media to see if they are stereotypical, or fail to recognize the contributions of ethnocultural groups to national history or world culture.

The move towards such a 'multicultural' model of immigrant integration is very widespread in the West. The first country to officially adopt such a 'multiculturalism' policy at the national level was Canada in 1971. But it has since been adopted in many other countries, from Australia and New Zealand to Sweden, Britain, and the Netherlands.²⁴ And while the United States does not have an official multiculturalism policy at the federal level, it too has implicitly adopted such an approach. One can find multiculturalism or 'diversity' policies at virtually all other levels of American government and in virtually all public institutions, from school boards and hospitals to the police and army. As Nathan Glazer puts it, 'we are all multiculturalists now' (Glazer 1997).

Some people worry that these immigrant multiculturalism demands do not just involve a renegotiation of the terms of integration, but in fact involve a rejection of the very idea of integration. According to critics, demands for multiculturalism are actually attempts by immigrants to avoid integrating into the mainstream society, and to avoid

having to participate in common institutions operating in the majority language.

But this is incorrect. It would be self-defeating for immigrants to seek multicultural policies that would impede their integration. After all, the overwhelming reason why people emigrate is for economic reasons—to get a better life for themselves and their children. They have decided to leave their original society and culture, and emigrate to another, more prosperous society, with the hope of taking advantage of the greater educational and employment opportunities it provides. They make this decision knowing full well that they can only take advantage of these opportunities if they are willing to adapt to the new society, to learn its language and customs, and integrate into its academic, economic, and political institutions. If they valued cultural maintenance over economic gain, they would not have come in the first place.²⁵ Given that the predominant motivation of immigrants is economic, and given that they don't have the option of trying to create a parallel society in their own language, it would only make sense for immigrants to seek a sort of 'multiculturalism' which is consistent with their socio-economic integration into the larger society.

And indeed if we look at the actual demands pressed by immigrant citizens, this is what we see. These demands are best understood as revising the terms of integration, not abandoning the goal of integration (Kymlicka 1998: ch 2). Immigrants seek changes within mainstream institutions—schools, workplaces, courts, police forces, and welfare agencies—so as to make it easier to participate within these mainstream institutions. They want to reform these institutions so as to provide greater recognition of their ethnocultural identities, and greater accommodation of their ethnocultural practices, so that they will feel more at home in these institutions. Thus they want schools to provide more information about the immigrant experience; workplaces to accommodate their religious holidays or traditional dress; government agencies to provide health care and welfare benefits in a way that is culturally sensitive; and so on. Far from impeding integration, these policies assist it.

This suggests that concerns about the impact of multiculturalism on integration are overstated. Having said that, there is no reason to leave this to chance. It is appropriate, I think, for liberal states to continue to expect immigrants to learn the dominant language as a condition of gaining citizenship, as well as something about the history and political institutions of their new society. Similarly, it is

appropriate for liberal democracies to continue to insist that the children of immigrants learn these things in school.

In fact, very few immigrants within Western democracies oppose these requirements. When immigrants demand multiculturalism, they are not rejecting the idea that they and their children have a responsibility to learn about the larger society, or that the larger society has an interest in instilling in children the sorts of knowledge and capacities needed for democratic citizenship.

In this sense, multiculturalism is not seen as competing with, or a substitute for, citizenship. Multiculturalism is rather the flip side of citizenship. It is recognition of the fact that the integration of new citizens is a two-way street just as immigrant citizens are expected to make a commitment to their new society, and to learn about its language, history, and institutions, so too the larger society must express a commitment to its immigrant citizens, and adapt its institutions to accommodate their identities and practices. Just as immigrant citizens are expected to make a new home in the receiving country, so the receiving country must make them feel at home.

I need to stress again that I am discussing the sort of multiculturalism that is sought by immigrant citizens. This is very different from the sort of 'multiculturalism' which is offered to metics, such as the multiculturalism policies which Germany formerly adopted towards its Turkish guestworkers, which I will discuss in section 3.4 below.

In my view, the vast majority of what is done under the heading of multiculturalism policy in Canada and Australia, not only at the federal level, but also at provincial and municipal levels, and indeed within school boards and private companies, can be defended as promoting fair terms of integration. These policies are not only justified in principle, but have been working well in practice to smooth the integration process for immigrants (Kymlicka 1998: chs. 1-7).

Others may disagree with the fairness of some of these policies. The requirements of fairness are not always obvious, particularly in the context of people who have chosen to enter a country. Here again, Western political theorists have not yet developed a fully satisfactory theory of fair terms of integration. But this is the relevant question we need to address. The question is not whether immigrants have given us a compelling reason to diverge from the norm of ethnocultural neutrality, but rather how can we ensure that state policies aimed at pressuring immigrants to integrate are fair?²⁶

3.3 *Isolationist Ethnoreligious Groups*

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Whereas most immigrants wish to participate in the larger society, there are some small immigrant groups which voluntarily isolate themselves from the larger society, and avoid participating in politics or civil society. As I noted earlier, this option of voluntary marginalization is only likely to be attractive to ethnoreligious groups whose theology requires them to avoid all contact with the modern world, such as Hutterites, Amish, or Hasidic Jews, all of whom emigrated to escape persecution for their religious beliefs. They are unconcerned about their marginalization from the larger society and polity, since they view its 'worldly' institutions as corrupt, and seek to maintain the same traditional way of life they had in their original homeland.

In order to avoid contact with the modern world, and to maintain their traditional way of life, these groups seek exemption from various laws. For example, they demand exemption from military service or jury duty, since these would implicate them in the operation of worldly governments. And they have demanded exemption from compulsory education laws, in order to ensure that their children are not exposed to corrupting influences—for example they seek the right to take their children out of school before the legal age of 16, and to be exempted from certain parts of the core curriculum which teach about the lifestyles of the modern world.

The response of these groups to majority nation-building is very different from that of either national minorities or immigrant groups. After all, nation-building aims to integrate citizens into a modern societal culture, with its common academic, economic, and political institutions, and this is precisely what ethnoreligious sects wish to avoid. Moreover, the sorts of laws from which these groups seek exemption are precisely the sorts of laws which lie at the heart of modern nation-building—for example, mass education.

How should liberal democracies respond to such demands to be exempted from majority nation-building? Perhaps surprisingly, many Western democracies have historically been quite accepting of these demands. This is surprising, since by their own admission these groups lack any loyalty to the state. Moreover, they are often organized internally in illiberal ways. They inhibit attempts by group members to question traditional practices or religious authorities—and indeed often try to prevent children from acquiring the capacity for such critical reflection—and may restrict women to the household. And they are not responsible citizens in the country as a whole, in

the sense that they take no interest in trying to tackle problems in the larger society—for example they take no interest in how to solve the problems of urban poverty, pollution, or drug abuse.²⁷

Jeff Spinner says that these groups want to be 'partial citizens', because they voluntarily waive both the rights and responsibilities of democratic citizenship (Spinner 1994). They do not exercise their right to vote and to hold office and their right to welfare benefits, but by the same token they also seek to evade their civic responsibility to help tackle the country's problems. Unlike most national minorities and immigrant groups, therefore, these ethnorreligious sects reject principles of state loyalty, liberal freedoms, and civic responsibility.

Why then were the demands of these groups accepted? Part of the reason, at least in the North American context, is that they arrived at a time when both the United States and Canada were desperately seeking immigrants to settle the western frontier, and were willing to make concessions to acquire large groups of immigrants with useful agricultural skills. It is not clear that liberal democracies today would be as willing to make the same concessions to newly-arriving ethnorreligious sects.

And indeed it is not clear whether it is appropriate, from the point of view of liberal-democratic principles, to offer such concessions. After all, these groups deny liberty to their own members, and avoid their civic obligations to the rest of society. For this reason, various attempts have been made over the years to take away these exemptions, and to force these groups to fulfil their civic duties—such as military service and jury duty—and force the children to attend the usual length of compulsory schooling, with the standard core curriculum, so that they learn to be competent democratic citizens capable of participating in the outside world.

However, in general, most democratic states continue to tolerate these groups, so long as they do not egregiously harm people inside the group—for example sexually abuse children—and so long as they do not attempt to impose their views on outsiders, and so long as members are legally free to leave. This toleration is typically justified either on the grounds of (a controversial view of) freedom of religion, or on the grounds that these groups were given specific promises of toleration when they entered the country—historical promises which were not given to other immigrants.²⁸

These first three types of groups—national minorities, immigrants, and ethnorreligious sects—have all been the targets of majority nation-building programmes. As liberal states embarked on their projects of

diffusing a common societal culture throughout the entire territory of the state, and encountered these types of groups, they sought to pressure them to integrate.

The final two types of groups I will discuss—namely, metics and racial caste groups, like the African-Americans—are very different. Not only were they not pressured to integrate into the majority culture, they were in fact prohibited from integrating. Whereas the first three types of groups were pressured to integrate, even if they wanted to remain apart, these last two groups were forcibly kept separate, even if they wanted to integrate. This history of exclusion continues to cause many difficulties for Western democracies.

3.4 *Metics*

While isolationist groups like the Amish voluntarily waive their citizenship, there are some migrants who are never given the opportunity to become citizens. This is actually a diverse category of people, including *irregular migrants*—for example those who entered the country illegally or overstayed their visa, and who are therefore not legally domiciled, such as many North Africans in Italy—and *temporary migrants*—for example those who entered as refugees seeking temporary protection or as 'guestworkers', such as Turks in Germany. When they entered the country, these people were not conceived of as future citizens, or even as long-term residents, and indeed they would not have been allowed to enter in the first place if they were seen as permanent residents and future citizens. However, despite the official rules, they have settled more or less permanently. In principle, and to some extent in practice, many face the threat of deportation if they are detected by the authorities, or if they are convicted of a crime. But they nonetheless form sizable communities in certain countries, engage in some form of employment, legal or illegal, and may marry and form a family. This is true, for example, of Mexicans in California, Turks in Germany, or North Africans in Italy or Spain. Borrowing a term from Ancient Greece, Michael Walzer calls these groups 'metics'—that is, long-term residents who are nonetheless excluded from the polis (Walzer 1983). Since metics face enormous obstacles to integration—legal, political, economic, social, and psychological—they tend to exist in the margins of the larger society.

Generally speaking, the most basic claim of metics is to regularize their status as permanent residents, and to gain access to citizenship. They want, in effect, to be able to follow the immigrant path to

integration into the mainstream society, even though they were not initially admitted as immigrants.

How should liberal democracies respond to this demand for access to citizenship? Historically, Western democracies have responded in different ways to these demands. Some countries—particularly the traditional immigrant countries—have grudgingly accepted these demands. Guestworkers who stay beyond their original contract are often able to gain permanent residence, and periodic amnesties are offered for illegal immigrants, so that over time they become similar to immigrants in their legal status and social opportunities.

But some countries—particularly those which do not think of themselves as immigrant countries—have resisted these demands. Not only did these countries not admit these particular individuals as immigrants, they do not admit any immigrants, and may have no established process or infrastructure for integrating immigrants. Moreover, many of these metics have either broken the law to enter the country (illegal immigrants), or broken their promise to return to their country of origin (guestworkers), and so are not viewed as worthy of citizenship. Moreover, countries with no tradition of accepting newcomers are often more xenophobic, and prone to view all foreigners as potential security threats, or as potentially disloyal, or simply as unalterably 'alien'. In these countries, of which Germany, Austria, and Switzerland are the best-known examples, the official policy has not been to try to integrate metics into the national community, but to get them to leave the country, either through expulsion or voluntary return.

We can see this policy reflected in the conception of 'multiculturalism' which has arisen for migrants who are denied access to citizenship—a conception which is very different from that in immigrant countries like Canada or Australia. In some German provinces (*lander*), for example, until the 1980s, the government kept Turkish children out of German classes, and instead set up separate classes for Turks, often taught in Turkish by teachers imported from Turkey, with a curriculum focused on preparing the children for life in Turkey. This was called 'multiculturalism', but unlike multiculturalism in Canada or Australia, it was not seen as a way of enriching or supplementing German citizenship. Rather, it was adopted precisely because these children weren't seen as German citizens. It was a way of saying that these children do not really belong here, that their true 'home' is in Turkey. It was a way of reaffirming that they are aliens, not citizens. Multiculturalism without the offer of citizenship is almost invariably a recipe for, and rationalization of, exclusion.²⁹

In short, the hope was that if metics were denied citizenship, so that they only had a precarious legal status within the country, and if they were told repeatedly that their real home was in their country of origin, and that they were not wanted as members of the society, then they would eventually go home.

But it is increasingly recognized that this approach to metics is not viable, and is both morally and empirically flawed. Empirically, it has become clear that metics who have lived in a country for several years are highly unlikely to go home, even if they have only a precarious legal status. This is particularly true if the metics have married and had children in the country. At this point, it is their new country, not their country of origin, which has become their 'home'. Indeed, it may be the only home that the metics' children and grandchildren know. Once they have settled, founded a family, and started raising their children, nothing short of expulsion is likely to get metics to return to their country of origin.

So a policy based on the hope of voluntary return is simply unrealistic. Moreover, it endangers the larger society. For the likely result of such a policy is to create a permanently disenfranchised, alienated, and racially-defined underclass. Metics may develop an oppositional subculture in which the very idea of pursuing success in mainstream institutions is viewed with suspicion. The predictable consequences can involve some mixture of political alienation, criminality, and religious fundamentalism amongst the immigrants, particularly the second generation, which in turn leads to increased racial tensions, even violence, throughout the society.

To avoid this, there is an increasing trend in Western democracies, even in non-immigrant countries, towards adopting amnesty programs for illegal immigrants, and granting citizenship to guestworkers and their children. In effect, long-settled metics are increasingly viewed as if they were legal immigrants, and are allowed and encouraged to follow the immigrant path to integration.

This is not only prudent, but morally required. For it violates the very idea of a liberal democracy to have groups of long-term residents who have no right to become citizens. A liberal democratic system is a system in which those people who are subject to political authority have a right to participate in determining that authority. To have permanent residents who are subject to the state, but unable to vote, is to create a kind of caste-system which undermines the democratic credentials of the state (Bauböck 1994; Carens 1989; Walzer 1983; Rubio-Marín 2000).

These people arrived without any expectation or entitlement of

becoming citizens, and may indeed have come illegally. But at some point, the original terms of admission become irrelevant. For all practical intents and purposes, this is now the metics' home, and they are *de facto* members of society who need the rights of citizenship.

So there are both prudential and moral reasons for offering citizenship to metics. Some democracies may strongly dislike the idea of naturalizing foreigners. If so, they must not allow foreigners to settle in the first place, by eliminating 'guestworker' programmes, and by preventing illegal immigration. Democracies have no obligation to admit would-be metics. But if a country allows a group of non-nationals to settle and become permanent residents, then liberal-democratic principles require that these metics be able to naturalize.

It might seem naïve to think that merely giving metics the right to become citizens will prevent the danger of a racially-defined underclass. Some people think that poor migrants from North Africa would form an underclass in Western European countries even if they were admitted with the right to naturalize. The cultural differences are too great, some people think, for such immigrants to integrate, no matter what the official immigration policy.

But the facts do not support this view. Studies show that wherever and whenever immigrants have been accepted as future citizens, cultural differences have not prevented integration. If we look at the experience of Poles in France, Nigerians in England, Iranians in Canada, Chinese in the United States, or the Vietnamese in Australia, integration has occurred despite enormous differences in culture. Integration has occurred whether they were Catholics, Protestants, Jews, Hindus, Sikhs, Buddhists, or Muslims; whether they came in small numbers or large; whether they came from democracies, military dictatorships, Communist countries, or theocracies; whether they were highly educated or illiterate; and so on. The speed of integration has of course varied for different groups in different countries, but the same basic pattern of social, economic, and political integration has repeatedly emerged. So long as these immigrants were given the right to become citizens, they invariably set off on the path to integration.

Various studies have shown that the key factor in determining the integration of immigrant groups in different countries is not the differences in culture between the country of origin and the receiving country, but rather the policy of the receiving country. Whether

immigrants are integrated or excluded is not determined by cultural difference or education levels, but by state policies regarding settlement and citizenship (Castles and Miller 1993).

Nor should this surprise us. After all, immigrant citizens differ dramatically from illegal immigrants in their expectations, incentives, and opportunities regarding integration. Moreover, and equally importantly, the expectations and incentives of the host society regarding these groups differ dramatically.

A legal immigrant with a right to naturalize is seen as a future citizen. Indeed, the process of selecting such immigrants is seen precisely as a process of selecting future citizens. As a result, the host society has a large stake in the integration of these immigrants—they are expected to settle permanently, to naturalize and vote, and to have children who will themselves be undisputed citizens. Subsidizing the integration of immigrants is, therefore, a prudent investment on the part of the host society, reflected in such things as the language classes, citizenship classes, and job-training programmes which are typically offered to immigrants on a free or heavily-subsidized basis; in the funding of ethnic organizations which assist in immigrant settlement—for example housing, jobs, dealing with the government; as well in the insistence that the children of immigrants go to school, and in the careful attention paid to their progress in school. And having invested in these immigrants, the government then wishes to recoup its investment, by encouraging immigrants to in fact settle permanently and naturalize. This is reflected not only in explicit campaigns to encourage naturalization, but also in various other government policies, such as anti-discrimination legislation and affirmative action programmes.

By contrast, the host society has little or no incentive to invest in illegal immigrants. On the contrary, the government's official aim is to identify and deport them as quickly as possible. As a result, the illegal immigrant's strategy for remaining requires hiding from state authorities. He or she may succeed in escaping detection for many years, but only by avoiding precisely the sort of government-sponsored programmes which are created to assist the integration of immigrants. Indeed, illegal immigrants are often wary about registering their children for school, or about becoming actively involved in school affairs, for fear that this may lead to their being identified as illegal immigrants. Moreover, far from being protected against discrimination in employment, they are legally prohibited from taking up employment, and have no legal recourse if they are subject to

discrimination in housing. In short, illegal immigrants are unable to take advantage of the programmes and institutions which assist the integration of immigrants.

There is a tendency amongst some postmodernist critics of liberal democracy to describe government programmes which promote the cultural integration of immigrants as 'oppressive', since they attempt to suppress difference in the name of a common national identity. But the situation of metics shows, I think, that it is actually exclusion from such nation-building programmes which is truly oppressive. Metics are exempted from majority pressure to integrate, but this is hardly grounds for celebration from a liberal-democratic point of view.

Access to citizenship also affects the incentive of immigrants to invest in the host society. Legal immigrants who have a right to work, settle permanently and naturalize have a much greater incentive to make the effort involved in integrating than do illegal immigrants who face the continuous threat of deportation. The legal immigrant is more likely to make the investment of time and money needed to learn the language properly upon arrival, to develop the job skills needed in the new society, to form or reunify their family, and more generally to set up a home and become involved in the local community. These sorts of investments often involve short-term economic costs, but have a long-term pay-off in the improved prospects for legal immigrants and their children. This sort of investment is only going to be made by people who have some reasonable security that they and their descendants will still be residing in the country in the long-term.

Integration is not just a matter of the decisions made by immigrants and the government. It is also influenced by the attitudes and reactions of the general public. And here again we can see a great gulf between the way legal and illegal immigrants are viewed. Many citizens bitterly resent illegal immigrants, partly because they are seen as exhibiting disrespect for the law, and partly because they are seen as jumping the queue—that is, taking away spaces which could have been allotted to more 'deserving' immigrants or refugees. This hostility is often picked up and reinforced by the government, which paints illegal immigrants as a threat to the country.

This government-fed hostility to illegal immigration is often hypocritical, since many governments know that their economy requires large numbers of illegal migrants, and so they turn a blind eye to it. And citizens who decry illegal immigration are more than happy to take advantage of the cheaper food or cheaper services which illegal immigrants make possible. But whether these attitudes are hypocritical or not, they surely affect the integration of immigrants. In

countries where immigrants are selected as future citizens, the government actively defends the need for immigration, and encourages the public to view immigrants as future citizens. Some citizens will of course remain prejudiced against these legal immigrants, but the public rhetoric is one which encourages people to see immigrants as a beneficial part of national development. In countries which turn a blind eye to illegal immigration, by contrast, governments encourage their citizens to see illegal immigrants as a threat, rather than defending the necessity of immigration and the rights of immigrants.

In short, legal immigrants with a right to naturalize have the opportunity and incentive to integrate, and are encouraged in this expectation by the government, which actively defends immigration as part of the national interest. Illegal immigrants have fewer opportunities or incentives to integrate, and are stigmatized by the government, which actively identifies them as threats to the nation.

Whether or not immigrants have the right to become citizens, therefore, is not a trivial issue. It has enormous consequences, both for the immigrant and the larger society. And a liberal democracy, both for reasons of justice and for reasons of self-interest, must give all immigrants the right to become citizens.

3.5 *African-Americans*

One final group which has been very important in recent American theorizing about ethnic relations is the Blacks, or 'African-Americans' who are descended from the African slaves brought to the United States between the seventeenth and nineteenth centuries. Under slavery, Blacks were not seen as citizens, or even as 'persons', but simply as the property of the slave owner, alongside his buildings and livestock. Although slavery was abolished in the 1860s, and Blacks were granted citizenship, they were still subject to segregation laws which required that they attend separate schools, serve in separate army units, sit in separate train cars etc., until the 1950s and 1960s. And while such discriminatory laws have now been struck down, the evidence suggests that Blacks remain subject to pervasive informal discrimination in hiring and housing, and they remain disproportionately concentrated in the lower class, and in poor neighbourhoods.

African-Americans have a unique relationship to American nation-building. Like metics, they were historically excluded from becoming members of the nation. But unlike metics, the justification for this was not that they were citizens of some other nation to which they should return. Blacks in America can hardly be seen as 'foreigners' or 'aliens',

since they have been in the US as long as the whites, and have no foreign citizenship. Instead, they were effectively denationalized—they were denied membership in the American nation, but nor were they viewed as belonging to some other nation.

African-Americans are unlike other ethnocultural groups in the West. They do not fit the voluntary immigrant pattern, not only because they were brought to America involuntarily as slaves, but also because they were prevented rather than encouraged from integrating into the institutions of the majority culture—for example racial segregation; laws against miscegenation and the teaching of literacy. Nor do they fit the national minority pattern, since they do not have a homeland in America or a common historical language. They came from a variety of African cultures, with different languages, and no attempt was made to keep together those with a common ethnic background. On the contrary, people from the same culture—even from the same family—were typically split up once in America. Moreover, before emancipation, they were legally prohibited from trying to recreate their own cultural structure—for example all forms of black association, except churches, were illegal. The situation of African-Americans, therefore, is virtually unique.

In light of these complex circumstances and tragic history, African-Americans have raised a complex, unique, and evolving set of demands. The civil rights movement in the United States in the 1950s and 1960s was seen by many of its proponents as enabling Blacks to follow the immigrant path of integration, through a more rigorous enforcement of anti-discrimination laws. Those African-Americans who were sceptical about the possibility of following the immigrant path to integration, however, have pursued the opposite tack of redefining Blacks as a 'nation', and promoting a form of Black nationalism. Much of the recent history of African-American political mobilization can be seen as a struggle between these two competing projects.

But neither of these is realistic. The legacy of centuries of slavery and segregation has created barriers to integration which immigrants simply do not face. As a result, despite the legal victories of the civil rights movement, Blacks remain disproportionately at the bottom of the economic ladder, even as more recent (non-white) immigrants such as Asian-Americans have integrated. But the territorial dispersion of Blacks has made the option of national separatism equally unrealistic. Even if they shared a common Black national identity, which they do not, there is no region of the United States where Blacks form a majority.

As a result, it is increasingly recognized that a *sui generis* approach will have to be worked out for African-Americans, involving a variety of measures. These may include historical compensation for past injustice, special assistance in integration (such as affirmative action), guaranteed political representation (for example through redrawing electoral boundaries to create black-majority districts), and support for various forms of Black self-organization (for example subsidies for historical black colleges, and for black-focused education). These different demands may seem to pull in different directions, since some promote integration while others seem to reinforce segregation, but each responds to a different part of the complex and contradictory reality which African-Americans find themselves in. The long-term aim is to promote the integration of African-Americans into the American nation, but it is recognized that this is a long-term process that can only work if existing Black communities and institutions are strengthened. A degree of short-term separateness and colour-consciousness is needed to achieve the long-term goal of an integrated and colour-blind society.³⁹

It is difficult to specify precisely which principles should be used to evaluate these demands, all of which are controversial. As with most other groups, there are both moral and prudential factors to be considered. African-Americans suffer perhaps the greatest injustices of all ethnocultural groups, both in terms of their historical mistreatment and their current plight. Morally speaking, then, the American government has an urgent obligation to identify and remedy these injustices. Moreover, as with metics, the result of this ongoing exclusion has been the development of a separatist and oppositional subculture in which the very idea of pursuing success in 'white' institutions is viewed by many Blacks with suspicion. The costs of allowing such a subculture to arise are enormous, both for the Blacks themselves, who are condemned to lives of poverty, marginalization, and violence, and for society at large, in terms of the waste of human potential, and the escalation of racial conflict. Given these costs, it would seem both prudent and moral to adopt whatever reforms are needed to prevent such a situation.

4. *The Emerging Dialectic of Nation-Building and Minority Rights*

In the previous section, I have discussed five types of ethnocultural groups, and tried to show how their demands are best understood in

relation to, and as a response to, majority nation-building. Each group's claims can be seen as specifying the injustices which majority nation-building has imposed or might impose on them, and as identifying the conditions under which majority nation-building would cease to be unjust. It is important to note that in all of these cases, minorities are not saying that nation-building programmes are inherently impermissible. But they do insist that nation-building programmes be subject to certain conditions and limitations. If we try to combine these different demands into a larger conception of ethnocultural justice, we can say that majority nation-building in a liberal democracy is legitimate under the following conditions:

1. No groups of long-term residents are permanently excluded from membership in the nation, such as metics or racial caste groups. Everyone living on the territory must be able to gain citizenship, and become an equal member of the nation if they wish to do so.
2. In so far as immigrants and other ethnocultural minorities are pressured to integrate into the nation, the sort of sociocultural integration which is required for membership in the nation should be understood in a 'thin' sense, primarily involving institutional and linguistic integration, not the adoption of any particular set of customs, religious beliefs, or lifestyles. Integration into common institutions operating in a common language should still leave maximal room for the expression of individual and collective differences, both in public and private, and public institutions should be adapted to accommodate the identity and practices of ethnocultural minorities. Put another way, the conception of national identity, and national integration, should be a pluralist and tolerant one.
3. National minorities are allowed to engage in their own nation-building, to enable them to maintain themselves as distinct societal cultures.

These three conditions have rarely been met historically within Western democracies, but we can see a clear trend within most democracies towards greater acceptance of them. This trend partly reflects prudential reasons: earlier policies to exclude metics, assimilate immigrants, and suppress minority nationalisms have simply failed to achieve their aims, and so new patterns of ethnic relations are being tested. But it also reflects a recognition that previous policies were morally illegitimate.

The patterns I have been discussing in this section are of course generalizations, not iron laws. Some metics, immigrant groups, and national minorities have not mobilized to demand minority rights, and even when they have, some Western democracies continue to resist these demands.³¹ And even where these demands have been accepted, they often remain controversial, vulnerable to changes in popular opinion or governing party.³²

Still, the general trend is clear: Western states today exhibit a complex pattern of nation-building constrained by minority rights. On the one hand, Western states remain 'nation-building' states. All Western states continue to adopt the sorts of nation-building policies I discussed in the American context, and no Western states have relinquished the right to adopt such policies. On the other hand, these policies are increasingly qualified and limited to accommodate the demands of minorities who feel threatened. Minorities have demanded, and increasingly been accorded, various rights which help ensure that nation-building does not exclude metics and racial caste groups, or coercively assimilate immigrants, or undermine the self-government of national minorities.

What we see in the 'real world of liberal democracies', therefore, is a complex dialectic of state nation-building (state demands on minorities) and minority rights (minority demands on the state). We can represent it this way:

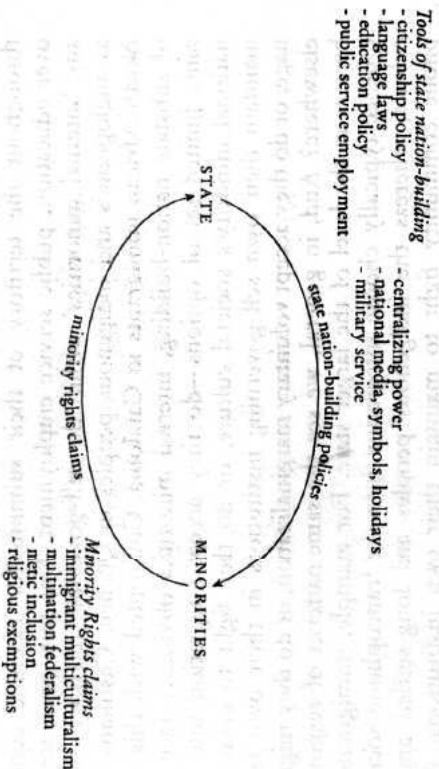


FIG. 1.1 The dialectic of nation-building and minority rights

In my view, it is essential to view both halves of this circle together. Too often in debates about minority rights, people simply look at the bottom half of the picture, and ask why pushy and aggressive minorities are asking for 'special status' or 'privileges'. What gives minorities the right to make such demands on the state? But if we look at the top half of the picture, it becomes clear that demands for minority rights must be seen in the context of, and as a response to, state nation-building. While minorities do make claims against the state, these must be understood as a response to the claims that the state makes against minorities.³³ Moreover, many of these minority rights claims are, I believe, legitimate. That is, the minority rights being claimed by metics, immigrants, racial caste groups, and national minorities really do serve to protect them from real or potential injustices that would otherwise arise as a result of state nation-building. There is growing recognition that such rights are needed to ensure justice in diverse societies.

If the presence of state nation-building policies helps to justify minority rights, one could also turn the equation around, and say that the adoption of minority rights has helped to justify state nation-building. After all, we cannot simply take for granted that it is legitimate for a liberal-democratic state to pressure minorities to integrate into institutions operating in the majority language. What gives the state the right to insist on common national languages, education systems, citizenship tests, and so on, and to impose such things on minorities? As I discussed earlier, liberal nationalists argue that there are certain valid purposes that are promoted by these nation-building policies, and I agree. But it is not legitimate to pursue these goals by assimilating, excluding, or disempowering minorities, or by imposing costs and burdens on groups that are often already disadvantaged. Unless supplemented and constrained by minority rights, state nation-building is likely to be oppressive and unjust. On the other hand, where these minority rights are in place, then state nation-building can serve a number of legitimate and important functions.

What we see, then, in the Western democracies, is a complex package of robust forms of nation-building combined and constrained by robust forms of minority rights. It is particularly complex in the case of multinational federations, since the provision of self-government rights to national minorities means that the entire dialectic gets repeated at a *substate* level. As we've seen, national minorities use their self-governing powers to adopt their own nation-building policies within their federal subunit or

autonomous territory, often using the same tools of nation-building as the central state, so as to diffuse their language and societal culture throughout the territory of their subunit—for example control over education, public service employment. This puts pressure on any 'internal minorities' within the self-governing territory—such as anglophones and indigenous peoples in Quebec; Castilians and North African immigrants in Catalonia. Confronted with this sort of substate nation-building, internal minorities obviously face the same limited set of options—do they accept integration into the national minority's societal culture, or do they fight to create or maintain their own self-governing institutions in their own language, or do they accept voluntary marginalization, or do they migrate elsewhere? And, in general, we see the same patterns of responses here as at the level of the larger state. For example, immigrants in Quebec typically choose integration into the francophone societal culture, whereas the indigenous peoples and long-settled anglophone community fight to maintain their own institutions. And each of these responses to substate nation-building involves making claims for minority rights against the government of the subunit or autonomous territory: immigrants seek a more multicultural form of integration in Quebec, while anglophones and indigenous peoples seek their own publicly-funded schooling, hospitals, media, universities. And just as central state nation-building is increasingly qualified by minority rights, so too we see a clear trend towards accepting internal minority rights as a constraint on substate nation-building.³⁴

This means that there is a second-order dialectic of nation-building and minority rights in multinational states at the substate level.

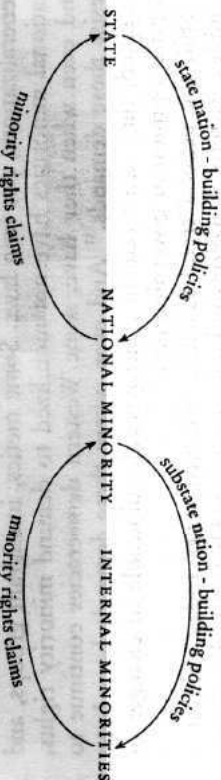


FIG. 1.2 Nation-building and minority rights in multinational states

This second-order dialectic is unlikely in practice to be identical to the first. For example, few national minorities have control over naturalization policy or military service, which are two of the important tools of (central) state nation-building.³⁵ Still, in general we can say that in multinational federations national minorities have many of the same powers of nation-building as the dominant nation, *subject to the same limitations*, including respect for the rights of (internal) minorities. Whether at the state or substate level, nation-building is illegitimate if it seeks to coercively assimilate immigrants, exclude metics, or suppress national minorities.

The resulting combination of state and substate nation-building, qualified by minority rights at both levels, may seem messy. But this is the real world of liberal democracy in multinational states—a reality that is systematically ignored or obscured by the myth of a neutral state. Moreover, I believe that the particular package of nation-building and minority rights that we see emerging in Western democracies is in many respects working quite well. Of the five types of groups I've discussed, immigrants and national minorities are the most numerous in Western democracies, and, perhaps as a result, the most successfully accommodated. Liberal democracies have, over the years, learned a great deal about how to accommodate these two major forms of diversity. Both immigration and minority nationalisms continue to raise many conflicts and challenges for liberal democracies, but there are some well-established norms that help to regulate and manage these conflicts. We now have models of multinational federalism and immigrant multiculturalism which have been tested over time, and which have proven relatively successful and stable.

There are of course many difficult issues left unresolved. There are many groups that are very far from achieving full equality: African-Americans in the United States, guestworkers in Austria, illegal immigrants in southern Europe, indigenous peoples in the Americas, Australasia, and Scandinavia. Moreover, even where policies are working well there is always the danger that some of these advances will be reversed. And the fact that these policies are working well is often more a matter of good luck than foresight and careful planning. This package has emerged in an *ad hoc* way, not guided by any theory or models, or any clear understanding of the underlying principles or long-term goals. As I've noted, liberal political theorists, until very recently, have had little or nothing to say about either state nation-building or minority rights, let alone the relationship between them. The existence of state nation-building and minority rights was ignored by liberal theorists, obscured by the myth of the ethnocultural neutrality of the state. Prior to the 1990s, one would be hard-

pressed to find a single sustained discussion of either the legitimate goals or tools of state nation-building, or the legitimate forms of minority rights. Yet, in practice, liberal democracies have developed surprisingly successful forms of both.

So I believe there are grounds for cautious optimism that Western democracies really have made important steps in learning how to deal with ethnocultural diversity in a way that respects and promotes liberal values of freedom, justice and democracy. The particular package of state nation-building and minority rights that we see emerging in many Western democracies is better than earlier approaches to ethnocultural diversity, and better than the apparent alternatives.³⁶

5. *Relevance to ECE*

So far, I have provided a thumbnail sketch of recent attempts to theorize about minority rights within Western democracies. To what extent, if any, is this relevant to ethnic conflicts in Eastern and Central Europe? Can we see a similar dialectic of state nation-building and minority rights in the region? I will start with nation-building, and then look at minority rights claims.

5.1 *Nation-Building in ECE*

It is obvious, I think, that the newly-democratizing countries of ECE are following the model of the 'nation-building' state. These countries are not, and do not pretend to be, ethnoculturally neutral, but are actively engaged in projects of nation-building, and of diffusing a common societal culture throughout the territory of the state (Petrai 1998). In doing so these countries are using many of the same nation-building tools Western democracies use. These include:³⁷

- (1) official language policies;³⁸
- (2) attempts to create a uniform system of national education;³⁹
- (3) migration and naturalization policies—that is, favouring co-ethnics in admissions decisions, requiring migrants to adopt a common national identity as a condition of naturalization;⁴⁰
- (4) the redrawing of administrative districts to dilute the weight of minorities in each of them.⁴¹
- (5) the centralization of power, so that all decisions are made in a context where the dominant group forms a clear majority.⁴²

Some Western commentators take these nation-building policies as evidence that newly-democratizing states in ECE are fundamentally

different from Western 'civic' nations. But as we've seen, the use of nation-building is not, by itself, incompatible with Western liberal democracy. Liberal democracies have engaged in extensive campaigns of nation-building in an effort to diffuse a common set of institutions operating in a common language throughout the entire territory of the state, and thereby to promote a common national identity. Liberal democracies, as much as illiberal ones, attempt to give a distinctly 'national' character to public space.⁴³

What then distinguishes liberal nation-building from illiberal nationalism? This is an interesting, and inadequately studied, question. I would highlight the following nine differences, all of which have implications for minority rights. If we examine nationalist movements along these nine dimensions, we should be able to get a good sense of how liberal they are. I should emphasize that these nine differences are all a matter of degree: nationalist movements fall along a continuum of liberalism in their nation-building projects, rather than being 'purely liberal' or 'purely illiberal'. Moreover, nationalist movements can be more liberal on some of these criteria and less liberal on others. Indeed, this is true of Western democracies as well as ECE countries, and many of my examples of illiberal nation-building are taken from the history of Western democracies. All real-world nationalisms are a complex mixture of liberal and illiberal elements, although the forms and depth of illiberalism vary enormously.

1. One difference between liberal and illiberal forms of nation-building is in the degree of coercion used to promote a common national identity. It wouldn't be true to say that liberal states only use voluntary means to promote nation-building. Historically, at least, liberal states have been quite willing to use coercion in the service of nation-building. There was nothing voluntary about the imposition of the French language on the Bretons after the Revolution, or the imposition of the English language on the Chicanos after the War with Mexico in 1848. And even today, there are coercive aspects to the way immigrants are pressured to integrate—for example language tests for naturalization. But it is generally true that liberal states impose fewer penalties or disadvantages on those who remain outside the dominant national group. For example, while a liberal state may not provide public funds to minority-language schools, they are unlikely to prohibit privately-funded minority schools.

2. This is related to a second difference—namely, that liberal states have a more restricted conception of the relevant 'public space' within which the dominant national identity should be expressed, and a more expansive conception of the 'private' sphere where differences are

tolerated. For example, parliamentary debate in a liberal state may be conducted exclusively in one language, but liberal states are unlikely to insist, as some ECE states do, that election posters and brochures be printed only in the dominant language, or that weddings be conducted in the dominant language. Liberal states may insist that the official language be used when filling in government-mandated health and safety reports in the workplace, but they are unlikely to insist that union meetings be conducted in the majority language.⁴⁴

3. Third, liberal states are unlikely to prohibit forms of speech or political mobilization that challenge the privileging of a national identity. People who wish to give public space a different national character—perhaps by adopting a different official language, or even by seceding to form a separate state—are not forbidden from holding public office. Advocating such changes is not seen as disloyalty, or even if it is seen as disloyal, this is not viewed as sufficient grounds for restricting democratic rights. In Israel, by contrast, anyone who refuses to accept the principle that Israel is a 'Jewish state' is not allowed to run for political office.

4. Fourth, liberal states typically have a more open definition of the national community. Membership in the nation is not restricted to those of a particular race, ethnicity, or religion. Generally speaking, anyone can join the nation if they want to do so. When liberal states prohibited the public expression of a minority's national identity—as the French did with the Basques—they at least ensured that the minority could become full and equal members of the dominant nation. However coercive the French were towards the Basques, there was never any question that (assimilated) Basques could become Frenchmen. By contrast, in some countries, non-nationals are prevented from integrating into the dominant national group even as they are prohibited from expressing their own national identity. Bulgarian nationalism is currently undergoing major transformations, but until recently it used to be that to be a 'true' Bulgarian, one must have a Bulgarian surname, be descended from ethnic Bulgarians and be a member of the Orthodox church. Needless to say, it was very difficult for Turks living in Bulgaria to ever be accepted as members of the 'Bulgarian' nation, even if they wished to integrate.⁴⁵

5. Partly as a result of this inclusiveness, liberal states exhibit a much thinner conception of national identity. In order to make it possible for people from different ethnocultural backgrounds to become full and equal members of the nation, and to allow for the maximum room for individual dissent, the terms of admission are relatively thin—for example learning the language, participating in common

movements will turn out to be more liberal on some scales, and less liberal on others.⁵⁴

5.2 *Minority Rights Claims in ECE*

So in terms of the first half of the nation-building/minority rights dialectic, we certainly see that states in ECE are using various tools of nation-building to protect and diffuse a dominant societal culture. In some cases, this state nation-building is more thick, coercive, or exclusionary than in Western democracies. How do minorities respond to state nation-building? As I noted earlier, minorities facing a nation-building state have limited options, ranging from integration to self-government to voluntary marginalization. Which of these options have minorities in ECE adopted? Do they respond by making similar sorts of claims as minorities in the West?

I have already mentioned one important difference in the response of minorities in ECE. Unlike the West, the option of mass emigration is a serious one for some groups. We can see several examples of minority flight. In some cases, virtually all ethnic minority population has left. For example, virtually all ethnic Germans and Jews have left Central Asia for Germany or Israel.⁵⁵ In other cases, there has been sizeable migration, sometimes into the hundreds of thousands. This is true of the ethnic Russians leaving Kazakhstan for Russia; ethnic Hungarians leaving Transylvania and Vojvodina for Hungary; or ethnic Greeks leaving southern Albania for Greece.⁵⁶ In all of these cases, there has been a sizeable migration, although most members of the minority group have stayed behind.

In most cases, however, the option of mass migration is neither feasible nor desirable for minorities. And where minorities are staying, we might expect that they respond to state nation-building policies by demanding various kinds of minority rights. And that indeed is what we see. In Moldova, for instance, both the demands of the Gagauz and of the Slavic community of Trans-Dniestr reflected, at least initially, a 'reactive nationalism', responding to the assertive nation-building policies of the Moldovan majority (Chinn and Roper 1995; Ethnobarometer 1999: 62-7; Kaiser 1994: 364-7; Thompson 1998). Most of the cases of minority separatism which emerged between the end of the 1980s and the beginning of the 1990s in the former Soviet Union—in Azerbaijan, Georgia, Moldova, and Ukraine—were initially a response to majority nation-building projects initiated in the republics (Ethnobarometer 1999: ch. 2). Similarly, the demands of the Turks in Bulgaria were a response to the pressure

they faced to assimilate to the Bulgarian majority (Tomova 1998). Hungarians in Romania and Slovakia also reacted in the early 1990s to radical nationalizing policies (Ethnobarometer 1999: ch. 3). More generally, whenever a majority attempts to define the state as national, national minorities have responded by demanding recognition as a 'distinct society' or 'constituent nation'.⁵⁷

In all of these cases, claims for minority rights are not necessarily evidence that minorities have become aggressive and assertive, but rather can be seen as defensive responses to the threats posed by assertions of majority nation-building. In this sense, the basic framework which Western political theorists are now using to understand minority rights seems broadly applicable to ECE. That is, we should view minority rights as a response to actual or perceived injustices that arise in the course of majority nation-building.⁵⁸

Of course, this is only a rather formal or abstract sort of similarity between the West and ECE, and doesn't tell us much about the actual content of minority rights. Is there any reason to think that states in ECE will (or should) adopt more specific Western-style models of minority rights such as immigrant multiculturalism or multinational federalism? Will (or should) the West and ECE converge on similar principles of ethnocultural justice for the treatment of metics, immigrants, national minorities, or isolationist ethnoreligious groups and so on? I don't have the expertise to answer these questions in a definitive way. But let me make a few preliminary observations. I will start with the claims of national minorities (section 5.3), then migrant groups (5.4), then a few 'anomalous' cases that do not fit the usual categories, like the Roma, Russian settlers in the Near Abroad, or the Crimean Tatars (5.5).

5.3 *National Minorities in ECE*

So far as I can tell, the claims of territorially-concentrated national minorities in ECE are broadly similar to those of national minorities in the West, and it seems plausible that the same principles should apply in evaluating them. According to these principles, democratic countries should accept the claims of national minorities to national recognition and national autonomy, so that they can maintain themselves as viable and functioning societal cultures, with public institutions operating in their own language.

Indeed some of the same mechanisms used to accommodate minority nationalism in the West, such as federal or quasi-federal forms of territorial autonomy, could be used in ECE. Since multinational

federalism has worked to ensure peace, democracy, freedom, and prosperity for multinational states like Spain, Canada, Belgium, Britain, and Switzerland, one might expect that there would be great interest in adopting it in ECE countries, most of which contain territorially-concentrated national minorities. And yet there is enormous resistance in virtually every ECE country to the idea of federalism or other forms of territorial autonomy for national minorities. Russia is the only country that voluntarily adopted a form of multinational federalism that grants significant territorial autonomy to several national minorities.⁶¹ But in all other countries, territorial autonomy has been strongly resisted.

In some cases, pre-existing forms of minority autonomy were scrapped: Serbia revoked the autonomy of Kosovo/Vojvodina; Georgia revoked the autonomy of Abkhazia and Ossetia; Azerbaijan revoked the autonomy of Nagorno-Karabakh. Indeed the revoking of minority autonomy was often one of the first things that these countries chose to do with their new-found freedom after the collapse of Communism.⁶² In other cases, requests to restore historic forms of autonomy were rejected—Romania refused to restore the autonomy to Transylvania which had been revoked in 1956. In yet other cases, requests to create new forms of autonomy were dismissed—Estonia rejected a referendum supporting autonomy for Russian-dominated Narva; Kazakhstan rejected autonomy for ethnic Russians in the north; Ukraine rejected a referendum supporting autonomy for ethnic Romanian areas; Lithuania rejected requests for autonomy by ethnic Poles; Macedonia rejected a referendum for autonomy for Albanian-dominated Western Macedonia in 1992.⁶³ And in yet other cases, countries have redrawn boundaries to make it impossible for autonomy to be adopted in the future—Slovakia redrew its internal boundaries so that ethnic Hungarians would not form a majority within any of the internal administrative districts, and hence would have no platform to claim autonomy; Croatia redrew internal boundaries in Krajina and West Slavonia to dilute Serbian-populated areas.⁶⁴

The only cases in ECE, outside Russia, where territorial autonomy has been accepted are cases where the national minority simply grabbed political power and established *de facto* autonomy without the consent of the central government. In these situations, the only alternative to recognizing *de facto* autonomy was military intervention and potential civil war. This was the situation in Trans-Dniester in Moldova; Abkhazia in Georgia; Krajina in Croatia; Crimea in Ukraine; and Nagorno-Karabakh in Armenia. Even here, most coun-

tries preferred civil war to negotiating autonomy, and only accepted autonomy if and when they weren't able to win militarily.⁶⁵

This almost blind resistance to territorial autonomy is reflected in the recent history of Krajina, a Serbian-populated area of Croatia that has been the subject of a brutal civil war. Many commentators believe that autonomy for the Serbs was the only option that might have avoided this bloodshed (Váradý 1997). However, Serb demands for territorial autonomy were considered too much for the Croats to accept after independence, and they offered only minimal forms of cultural autonomy without political self-government. So the local Serbs took up arms, backed by the Serbian-dominated Yugoslav army, and simply took over political power in the region. At this point, Croatia offered territorial autonomy to Krajina, but this was now considered too little by the Serbs, who would settle for nothing less than secession and incorporation into Serbia. When the Croat army retook Krajina, the Serbs reconsidered and accepted the Croat offer of autonomy, but by then the victorious Croats had withdrawn the offer of autonomy, and have proceeded to dispossess the local Serbs of their rights and property, and to resettle Bosnian Croats in areas of former Serb settlement. Both sides preferred civil war, secession, and ethnic cleansing to negotiating autonomy.

What explains this overwhelming resistance to the general principle of recognizing minority nationalism, and to the more specific idea of federalism, or other forms of minority autonomy?⁶⁶ These ideas are resisted for the same reasons they used to be rejected in West—for example fear of disloyalty and separatism. Yet most multinational Western countries now see the attempt to suppress minority nationalism as counter-productive, and see federalism as a way of stabilizing multinational states. Perhaps people in ECE may, in time, come to share that perception.

Indeed, this seems to be the evidence from the ECE as well. Compare the way Ukraine dealt with the Russian nationalists in Crimea, on the one hand, with the way Azerbaijan dealt with Nagorno-Karabakh, or Georgia dealt with Abkhazia and Ossetia, or Moldova dealt with Gagauz and Trans-Dniester, or Serbia dealt with Kosovo, on the other hand. The latter four countries initially tried and failed to suppress minority nationalism. The result was armed conflict. They were later forced to offer concessions, but have not yet reached final settlements (Ethnobarometer 1999: ch. 2). By contrast, Ukraine continued to bargain with the Russians in Crimea, granted the peninsula the status of an autonomous republic, never undertook any repressive military or police action, and thus avoided violence and

maintained the dispute within the boundaries of peaceful politics. Ukraine and the Russians in Crimea have now reached what may be an enduring settlement (Ethnobarometer 1999: 67–71).⁶⁵

In short, there is reason to believe that in ECE, as in the rest of the world, loyalty is best secured by encouraging, not suppressing, minority identities, and by enabling forms of minority self-government (Varady 1997: 47).⁶⁶ What Horowitz says internationally seems to apply to ECE: namely, that 'early, generous devolution is far more likely to avert than to abet ethnic separatism... Unfortunately, a good many governments have proceeded on the opposite assumption—that devolution feeds centrifugal forces' (Horowitz 1991: 224; cf. Hislope 1998).

However, the adoption of multinational federalism in ECE countries is complicated by two factors not present in the West. First, there is the legacy of the pseudo-federalisms of the Communist regimes in Czechoslovakia, Yugoslavia, and the Soviet Union. The constitution of these federations contained a division of powers between the central and local levels of government, but in reality all power was centralized in the hands of the Communist Party which imposed its will on the subunits. As Dorff puts it, these countries were federal in 'structure', but entirely lacking in federalist 'procedures'—that is, lacking any tradition of partnership, negotiated co-operation and open bargaining concerning the accommodation of ethnic diversity (Dorff 1994: 100–1). Federalism of this sort was not adopted as a way of encouraging people to understand and accept the enduring diversity of interests and identities, but rather as a mechanism of centralized control over the expression of ethnicity, so as to remove any potential for any ethnic mobilization that was independent of the central state and Communist Party (Lynn and Novikov 1997: 187–8). The Party selected the homeland cadres, who then were given a monopoly over the mobilization of the relevant ethnic community. All other forms of ethnic mobilization were prohibited. This perverse form of pseudo-federalism, far from promoting practices of tolerance and inter-ethnic accommodation, laid the groundwork for the dissolution of all three federations (Dorff 1994: 102).⁶⁷ While there is very little in common between these federalisms under a Communist dictatorship and federalism in a liberal democracy (Linz 1996), the collapse of these three federations has dealt a 'severe setback' to the very idea of federalism in ECE (Ljebich 1995: 317).

Second, and more important, many national minorities in ECE have a kin-state nearby that they might hope to join or rejoin, and so are potentially irredentist. This is quite different from national

minorities in Western Europe, most of whom do not have a neighbouring kin-state. The Catalans, Basques, and Scots might occasionally entertain the thought of secession, but it would not be in order to join some larger state to which they feel tied by bonds of ethnicity. Similarly in North America, it's been at least a century since anyone seriously thought Puerto Rico might wish to rejoin Spain, or that Quebec might wish to rejoin France. And of course indigenous peoples in the Americas do not have a kin-state.

By contrast, many of the most difficult ethnic conflicts in ECE involve national minorities that have a neighbouring kin-state. The problem in such cases is not just that the minority may have a longing to rejoin their kin-state, but also the potential for political and even military intervention by the kin-state in order to 'protect' the interests of 'their' people. The paradigm example of this was the way the Nazis encouraged ethnic Germans in Czechoslovakia to lodge complaints about their treatment, and then used these complaints as grounds for invasion.

Many people in ECE fear that a similar situation may arise today. This fear arises in the context of ethnic Russians both in Crimea (Jaworsky 1998; Marples and Duke 1995) and in the Baltics (Pettai 1998; Mitrofanov 1998); the Russified Cossacks in Kazakhstan and the Northern Caucasus (Opalski 1998); the ethnic Hungarians in Slovakia and Romania (Mihalikova 1998; Nelson 1998; Andreescu 1997); the ethnic Albanians in Macedonia (Strazzini 1998); the ethnic Romanians in Ukraine (Jaworsky 1998); and the ethnic Serbs in Bosnia or Croatia (Crnobrija 1998).

In some cases, the national minority may be willing to be guided by its kin-state. Jaworsky suggests this is true of the ethnic Romanians in Ukraine (Jaworsky 1998). But the problem of kin-state intervention exists even if the minorities themselves are not irredentist, and do not wish to join or rejoin their kin-state. For example, the evidence suggests that an increasing number of ethnic Russians in the Baltics not only reject the idea of rejoining Russia, but also think of themselves as having more in common with the local Latvians or Estonians than with ethnic Russians in Russia (Pettai 1998; Anane and Tsilevich 1998; Mitrofanov 1998). Yet this has not eliminated the danger that nationalists in Russia could use the existence of Russian minorities as grounds for intervention. As Pettai notes, Russia continues to speak in the name of ethnic Russians in the Baltic countries, and to adopt a confrontational attitude towards these countries, even though the local Russians themselves do not share Moscow's agenda. Similarly, Jaworsky notes that very few ethnic Russians in Ukraine—

outside of Crimea—thin yet some Russian national ethnic Russians do, and

Finding a stable model difficult when a kin-state the minority. Many of revolve around this territory, its host state, relationship include et Poles in Lithuania, ethnic Albania, and ethnic Ge

This kin-state phenomenon in Eastern Europe. But we can find Austria could be seen as a minority in South Tyrol; Franks speaking Walloons in the kin-state for the Flemish Swedes on the Åland Islands

the problem of kin-state reason, apart from Northern Ireland and Cyprus, the presence of kin-states has not caused the same sort of problem in the West.⁶⁹

It seems to me that there is a further factor at play here—namely, the historical relation between the minority and external powers. In many cases, minorities are seen, rightly or wrongly, as allies or collaborators with external powers that have historically oppressed the majority group. Hungarians in Romania and Slovakia are a relatively small and powerless minority—10–15 per cent of the population in each country—but Slovaks and Romanians perceive them as the embodiment of centuries of oppression under the Habsburgs. The Russians in Estonia and Latvia are not seen as a weak and disenfranchised minority group, but as a reminder and manifestation of former Soviet oppression. The Muslim Albanians in Serbia and Macedonia, or the Muslim Turks in Bulgaria, are seen as a reminder of centuries of oppression under the Muslim Ottomans.⁷⁰

In short, the problem is not just that the minority has a kin-state, but rather the historical fact that the minority collaborated with this kin-state in oppressing the majority group. This, I think, is truly distinctive to Eastern Europe, not found in the West—except perhaps in Ireland and Cyprus.⁷¹

This and other factors have encouraged three interrelated assumptions which are now widely accepted by ECE countries: (a) that

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