

Identity and Territorial Autonomy in Plural Societies

editors

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IDENTITY AND TERRITORIAL AUTONOMY IN PLURAL SOCIETIES

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Introduction

WILLIAM SAFRAN

The character of the nation has in recent years been the object of renewed discussion. Three or four decades ago, the 'nation-state' was considered the ideal type and the end product of political development towards which newly independent states were, or should be, striving; but subsequently it came to be challenged by a number of events. In the Third World, notably in sub-Saharan Africa, the applicability of the notion of a causal chain of independence – state building – nation building – democracy (with the attendant expectation of economic prosperity), which was accepted almost as a political law of nature, was put in doubt as the overwhelming majority of ethnic groups refused to dissolve into enlarged and internally undifferentiated political communities. In Europe, the nation-state was gradually demystified, and its image was tarnished by the oppressive and often barbaric behavior of advanced industrial countries, notably during the authoritarian interlude from the 1920s to the end of World War II. After the war, the superior claims of the nation-state were called into question as the various European countries proved unable to ensure peace and promote reconciliation and reconstruction on an individual national basis and had to band together under a supranational framework that culminated in the European Union.

With the founding of the Soviet Union and the post-war communization of east-central Europe, traditional nationalist ideology was believed to have been eclipsed by a transnational and transethnic class consciousness. That consciousness, however, had for the most part been politically engineered and institutionally (and undemocratically) enforced; and in the end it turned out to be ephemeral. With the implosion of the Soviet Union and the disintegration of the Communist system, the post-Soviet states of east-central Europe recovered their pre-Soviet (and/or pre-Nazi) sovereignties and, in so doing, seemed determined to revert to a traditional nationalism. But this proved to be difficult, for these 'successor' states found themselves with ethnic subcommunities that refused to give up their collective identities and demanded a degree of cultural, if not necessarily political, autonomy. There were two notable exceptions: Poland and Slovenia – the former having acquired a significant degree of national homogeneity as a result of 'ethnic cleansing', expulsions, and boundary shifts; and the latter

having been left with a relatively insignificant number of ethnic minorities after the breakup of Yugoslavia.

A more recent challenge to the homogeneous nation-state came with the migration of massive numbers of people from one country to another, whether voluntarily, in search of better economic opportunities, or forcibly, as a result of expulsion or of flight from political oppression. In short, it had to be acknowledged that in most countries, state and nation were no longer congruent. The growing ethnocultural complexity of many modern societies has led academicians and politicians to re-examine the assumptions of nationalism and the meaning and evolution of forms of collective identity and to take up the problem of how to combine pluralism and sociopolitical stability – more specifically, how to ensure the preservation of both subnational identities and national unity.

The contributions that follow attempt to deal with these questions both by means of broad-ranged comparative-theoretical approaches and more precisely focused case studies. The former address themselves to the various meanings of autonomy and nationalism, to the variable forms of subnational governments, and to the role they play in reflecting collective identities; the latter exemplify experiences in Western Europe, Eastern Europe, Asia, Africa, and North America. Some of these experiences are presented in considerable detail.

The initial essay by the present writer attempts to compare territorial and non-territorial approaches to autonomy (as alternatives to both cultural homogenization and separatism) and the way they relate to one another. It also deals with the reasons for the different institutional and policy choices, including criteria of entitlement, and their consequences both for the ethnic minority and the dominant majority (or ‘host’ polity), both with respect to system stability and democratic and other values. Finally, it discusses the relationship between autonomy and interstate relations.

The contribution by Ramón Máiz provides a discussion of the complex relationship between democracy and nationalism – specifically, of the extent to which the definition of the nation as an indivisible unit and, indeed, the very notion of citizenship, is challenged by multiethnic society. Máiz calls for a more subtle approach to ‘sovereignty’ than has been provided by the Jacobin dogma of the nation-state. He stresses the importance of culture in the interpretation of political and social realities – an interpretation that is difficult to imagine without some form of autonomy. In his discussion of democracy and liberty, he points to the connection between individual rights and group rights, and he calls into question the traditional liberal assumption about the coextensiveness of cultural and political domains and the democratic nature of a society that seeks to homogenize an ethnoculturally diverse population. He examines various

approaches to constitutional engineering, and, making a strong plea for pluralism as a political value in itself, he lays out a blueprint for a federal arrangement that combines the preservation of cultural pluralism with political unity – in other words, that makes possible both self-government and shared rule.

Luis Moreno explores the relationship between local, national, and intermediate forms of government and administration. He discusses the impact of the information revolution, globalization, migration, and the development of transnationalism and supranationality upon traditional definitions of sovereignty. Supranational approaches lead to new competences that are, for instance, reflected in the ‘subsidiarity principle’ of the European Union. These developments lead to new approaches to problem-solving and, in so doing, reinforce local and other subnational identities. Such identities must not be considered parochial; rather, they are forms of ‘cosmopolitan localism’.

The experiences of Spain have been dealt with in a separate subsection, not only because the contributions are based on a colloquium held in Santiago de Compostela but, more important, because these experiences are particularly interesting since the end of the Franco regime and the return of Spain to the western model of constitutional democracy have also meant the reinstitution of ethnic pluralism and the relegitimation of the claims of subnational communities with their unique cultures – an effort that has led, in turn, to a quasi-federal approach to accommodating strong provincial sentiments without destroying the coherence of the Spanish state.

The four contributions are related; yet they approach the Spanish situation from somewhat different perspectives. In a discussion rich in historical detail, Justo Beramendi attempts to account for the apparent coexistence of both ‘national’ unitary sentiments and strong regional identities by reference, on the one hand, to relatively early political (but ‘pre-national’) consolidation and, on the other hand, to the fact that the state that was built was weak and socio-economically underdeveloped. Francesco Llera focuses on the Basque case, concentrating on the competition between two strategies for achieving self-government, namely, party politics and violence. In that effort, he refers to the memory of past oppression of the Basques, which accounts for much of their present-day resort to violence. Llera furnishes interesting survey data on public attitudes and political mobilization as well as electoral data, which reflect a continuing tension between anti-system activism and peaceful adaptation to the Spanish state in response to institutional accommodation to autonomist demands. Xosé-Manoel Nuñez, while stressing the minority nationalisms of the Basque country, Catalonia, and Galicia, extends his discussion by analysing the specific identities of ‘non-ethnic’ regions and the political means by which

these have been expressed. Antón Losada discusses the case of Galicia specifically. He explains the post-Franco development of regional autonomy, which occurred in several phases. He offers a detailed examination of the law that set up the *Autonomía* model, which provided for variable jurisdictions – national, provincial, and shared. Losada also analyses the legislative and other institutions and the political parties and personalities that have influenced their functioning. The study contains important data on public opinion as well as on the economic impact of autonomy, which has created an opportunity structure for both the growth of national solidarity and the consolidation of subnational identity.

The remaining contributions consider cases of individual countries on four continents. The Yugoslav situation exemplifies the irruption of traditional nationalist fever culminating in ethnocidal policies. Steven Majstorovic, focusing on the most recent conflict over Kosovo, provides a detailed background of that province's relationship to Serbia. Unlike so many political scientists, who ignore history because it is regarded as myth based on faulty memory, he recalls the past; in so doing, he tries not to take sides in apportioning blame. At the end, he introduces scenarios for a 'least worst' (*sic*) approach, which include combinations of territorial and personal autonomy, functional partition, dual citizenship, and consociational structures, in part in the context of a 'soft' (Serbian or Albanian) sovereignty, all to be guaranteed, in the short run, by NATO and legitimated by the international community. Such approaches might serve as a model for Macedonia and perhaps other conflict-ridden multiethnic areas.

Swarna Rajagopalan's contribution explores the relationship between collective identity and space and between rival identities and the conflict over space. She admits that territorial claims, including a quest for some form of autonomy, often reflect other grievances; in India, however, the demarcation units, rather than merely corresponding to a subcommunity's linguistic identity (as had been envisaged earlier) or history, are constitutional artefacts in so far as they are dependent on the will of the decision makers of the country as a whole. One reason for that is that subunits are themselves internally fragmented; another is that, unlike the US federal system, the federation of India has been based not on the delegation of jurisdictions from below to a national government but (as in the case of unitary systems) on the apportionment of 'original' political powers from above. Such apportionment was based on a variety of rationales – language (which was to become more important later on), religion, national security, administrative convenience, and (to a lesser extent) history. These criteria did not fully apply to Pakistan and Sri Lanka. In the construction of the former, the ethnicity and history of the component parts played a crucial role. The latter country was originally envisaged as a federal state, but its

redefinition as a unitary state, with districts rather than ethnolinguistic regions as the basic components, led the Tamils to react by rejecting the notion of a transethnic 'national' identity and by making exaggerated claims for the extent of their community, thereby provoking a hostile counter-reaction on the part of the Sinhalese community. The three-country study points to a reciprocal causality between the actions of the state on the one hand, and the development of ethnocommunal identity and the territorial autonomy claims derived from that identity on the other hand. At the end, Rajagopalan offers several possible approaches to resolving the conflict between autonomy demands and national political unity.

Dennis Thomson's contribution on selected Indian tribes in Canada is a study in contrast. Unlike ethnic minorities in other countries, many of the tribes have been interested primarily in the maintenance of their way of life. Some have attempted to obtain from the government whatever economic help has been available; others have tended to reject those benefits that have threatened to infringe upon their culture, preferring cultural isolation. Most of them have been living on the margins of society at large rather than as fully integrated members of it, to the extent that has been feasible in face of physical encroachment by predatory outsiders and the economic modernization of the country. Some of the tribes have lobbied the national or provincial government, but that has not been easy, in view of the uncertain legal position of the Indian tribes. The economic and cultural conditions in their 'reserves' and their relationship with the government at various levels are traced chronologically and described in some detail. Canadian pluralism, according to Thomson, has been a socioeconomic (i.e., interest-group) pluralism but not an ethnocultural one – except, of course, for the recognition of the two 'constituent' communities, the Anglo and the Québécois, and their respective languages. That explains why accommodation of the tribes has stopped short of territorially based autonomy. Although the treaties made with the governments representing the European settlers in Canada officially conveyed the impression that the Indians were a sovereign nation, and hence a full negotiating partner, the Europeans in fact never regarded them as such. Although the Indians have considered themselves a nation, they have been interested, not in 'sovereignty' or even territorial autonomy in the strict formal sense, but in selective functional autonomy.

Shaheen Mozaffar and James Scarritt provide a detailed discussion of ethnic diversity in Africa. They question the feasibility of territorial autonomy for ethnic groups because ethnicity is only one of many markers of collective identity, the others being religion, language, territoriality, socioeconomic condition, and so on. They argue that ethnic identity is not fixed, but rather that it is a social construction of the state; and that where it

is used as a basis of political mobilization it is done for instrumental purposes, i.e., for getting benefits from the state. Territorial autonomy is rejected also because it would lead to secession and the creation of hundreds of small, economically unviable mini-states. Most important, such autonomy would not solve the ethnic problem since the majority of areas where ethnic groups are heavily concentrated have their own minorities, who might demand autonomy in turn. Moreover, a political legitimization of ethnic claims is impossible to obtain within existing borders, because many ethnic communities spill over into neighbouring countries. The analysis is tightly reasoned; yet it is heavily informed by the 'anti-ethnic' ideology often found among American scholars of African political development. Taking the United States as their models, whether explicitly or implicitly, and convinced that ethnic consciousness is less 'rational' than concrete (i.e., economic) interest, they consider the quest for territorial autonomy to be based on 'reflexive primordialism' and therefore as reactionary. They insist that most ethnic minorities in sub-Saharan Africa do not pursue political autonomy, territorial or other; rather, they are 'communal contenders' competing with each other for relative advantage, in a way that may not involve the state – or may involve it primarily in so far as it provides payoffs to claimants based on the effectiveness with which they are organized. The authors' position is reflected in the fact that autonomy is thought of in terms of a negative prototype – that of apartheid – and in the belief that the territorial configurations of African states, the result of European imperialism, should now be accepted as *faits accomplis*. Curiously, the authors do not discuss functional or personal autonomy as alternatives to territorial autonomy.

Finally, the contribution by Caroline Hartzell and Donald Rothchild looks at the problem of autonomy from an international and cross-national perspective. The authors refer, *inter alia*, to the multiple, and often contradictory, causes of ethnic conflict: the domination of society as a whole by a single ethnic group (or its élite) to the detriment of rival groups (or their élites); the existence of a weak state that undermines the confidence of minorities by its inability to provide benefits across the ethnic spectrum or to maintain itself against the claims and counter-claims of ethnic groups; or, conversely, the existence of an excessively strong state that lords it over one or another ethnic group. The basic problem is how to prevent, or end, ethnic conflict – that is, how to reconcile state control and political unity with the desire of subcommunities for a modicum of self-determination. The authors examine 35 cases of civil war, for the most part in ethnically divided societies, and, being concerned with internal stability rather than nation-building or state maintenance for its own sake, they tend to be fairly positively inclined towards autonomy arrangements. They posit a variety of

arrangements for autonomy, from federalism to local self-government to functional autonomy; and the weight of the evidence they marshal, although not conclusive in view of continuing ethnic wars, suggests a significant correlation between some form of territorial autonomy and regime stability.

The findings, interpretations, and propositions presented here are suggestive rather than categorical. Given the uncertainties that continue to prevail in Yugoslavia, and in Kosovo in particular, after the end of the recent NATO military intervention in the region, analyses are bound to be provisional and any scenarios can be only hypothetical. In India, ethnic pluralism is, on the one hand, politically divisive and, on the other hand, a way of defining the country's nature and even its *raison d'être*; in addition, it serves as an indicator of its commitment to democracy. In Africa, the expectations of democratization have not yet been convincingly fulfilled, and workable alternatives to ethnic autonomy have not yet been found; and in Canada, uncertainty continues to prevail about the prospects of independence of Québec, and about what contagion such independence might produce on the indigenous or 'aboriginal' communities and their own claims of autonomy. In the international arena as a whole, conflicts continue between ethnic (or religious) majorities and minorities and between the latter and the state, and these make generalizations difficult and predictions hazardous. Yet it is hoped that the chapters that follow will contribute to further debate about the meanings of identity and autonomy and the relationship between them.

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I. COMPARATIVE APPROACHES

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Spatial and Functional Dimensions of Autonomy: Cross-national and Theoretical Perspectives

WILLIAM SAFRAN

Problems of Terminology

A scholar attempting to deal with the theme defined by the title of this paper is faced with a number of difficulties. In the first place, there has been a widespread terminological confusion: self-government and autonomy are often used interchangeably, and autonomy has undergone incessant conceptual stretching. Thus in a book on autonomy that appeared two decades years ago, the term was used variously, not to refer to self-government, but as a synonym for pluralism, diversity, ethnically concentrated neighbourhoods, ethnonationalist movements, ethnic minority sentiments, and even the fight against discrimination.¹ In the view of some scholars, 'self-determination' goes beyond mere self-government, in that it refers to the principle that a community 'simply because it considers itself to be a separate national group, is uniquely and exclusively qualified to determine its own political status, including, should it so desire, the right to its own state'.²

An additional problem is the fact that, while there are numerous instances of self-government of territorially concentrated minorities, usually reflected in federalism or similar 'decentralist' approaches, there are relatively few examples of self-government of geographically dispersed minorities. Such minorities, usually (and often misleadingly) referred to as diasporas, have generally been objects of discrimination, expulsion, extermination, and occasionally even special protection; but they have seldom been accorded autonomy.³ That has been the case despite the fact that autonomy of dispersed minorities is less threatening to the political integrity of the 'host' country than autonomy of concentrated minorities.

In many writings dealing with ethnic minorities and, specifically, with the problem of protecting their cultural rights, a distinction is made between territorial and non-territorial autonomy. The former refers to the granting of formal jurisdictional authority within a larger political entity defined as a

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state; the latter, to selective approaches to accommodation that I have called 'functional' autonomy, but that have been referred to elsewhere as examples of 'personal' autonomy⁴ and 'institutional' autonomy.⁵ There is considerable difference of opinion about, first, which kind of autonomy is more likely to prevent, or lead to, secession and which is to be avoided; second, which kind is more likely to satisfy the cultural claims of minorities; and, third, which minority is entitled to what kind of autonomy, and for what reason.

A clear distinction between territorial and other kinds of autonomy cannot be made, because all autonomies have a 'spatial' dimension. The idea of territoriality is suggested by the existence of networks of institutions – cultural, educational, social, commercial, and/or religious – that serve the particular needs of ethnic minorities. Churches, mosques, synagogues, cultural centres, commercial establishments and party and association headquarters all constitute physical magnets that serve the members of an ethnic community and together add up to a 'functional' territory. Where ethnic populations are widely scattered, autonomy can be only functional or (in Lapidoth's usage) 'personal'. Such autonomy implies selective self-management in educational and other activities mentioned above. The spatial dimension of such self-management is clearly evident when one speaks of ethnic city quarters, ghettos, gang 'turfs', Chinatowns, Harlems, *barrios* and Little Italies. Not all of these 'territories' are poor, and many of them have been established by the ethnic community itself. This is as true of most Chinatowns as of 'gated' communities for the rich, of urban enclaves of Hassidim, or of the normative orthodox Jewish communities who have created an *eruv*, an 'imaginary' physical boundary within which walking on the sabbath is permitted. It is also true of rural areas, such as Indian reservations and Amish rural districts.

In many cities, the influx of 'alien' populations has been so massive that it has resulted in a clustering of ethnically specific housing projects, specialty shops, voluntary societies and other institutions in selected neighbourhoods. This produces a degree of functional self-containment that has a territorial dimension in the sense that many activities take place within a limited space. These activities add up to 'autonomy' if they are voluntary and the state does not interfere. They add up to segregation if this clustering is externally enforced, if it is conditioned by economic necessity or if it serves as a protection against a hostile external society.⁶

Functional autonomy does not provide the jurisdictional boundaries that often serve to maintain the particular identity of ethnic minority communities. Under functional autonomy, such identity is nevertheless safeguarded in an urban or other spatial setting in the sense that the 'outside' world leaves the community more or less alone – in return for which the community does not threaten the political integrity of the state or the

province. The network of ethnically specific institutions may compensate for the lack of legally defined subdivision of space associated with territorial autonomy. The impact of this functional space depends of course on the depth and intensity of the culture and thickness of the institutional network. These factors may be so important that they have an ethnogenic impact on residents in the area, whether or not they are 'categorically' members of the ethnic community. For example, assimilated bourgeois Jewish residents of Sarcelles, a working class town north of Paris with a heavy proportion of North African Jews, have been infected with a stronger Jewish collective consciousness than they had before.

The spatial character of ethnic institutions is reflected in the fact that the entry of individuals not belonging to the ethnic community tends to be regarded by it as an intrusion. This protectiveness is the obverse of the attitude of members of the ethnic majority, who regard the existence of the ethnic minority area as an encroachment or 'invasion' and as destroying the seamless continuity of *their* surroundings. One notes, for example, the frequent assertions of French or German citizens that a mosque does not quite fit into their town. In any case, the attempts by ethnic minorities to protect their 'turf' may be insufficient for maintaining their cultural uniqueness, especially if they are surrounded by a numerically strong majority whose culture is attractive and whose economy has a significant cooptive potential.

Practical functional autonomy may give a member of an ethnic minority the same cultural services that would be available in a legally defined autonomous territory. A Maghrebi Muslim immigrant in France may enjoy just as much protection for his religious and cultural rights in a functional autonomy setting where a network of institutional space exists. Under territorially defined autonomy, the cultural patrimony of minorities may be better protected against outside infringement; conversely, it may provide fewer cultural choices. The daughter of a Maghrebi Muslim immigrant might wish to escape and choose alternative (say, French) cultural options; but such choices would be more difficult if Maghrebi autonomy were too strictly defined.

The functional autonomies associated with Chinatowns or other ethnic urban preserves in big cities are usually *de facto* and not *de jure*, and can be taken away via urban renewal projects (or what cynics have called 'minority removal' projects) and a variety of city ordinances. But such a power is mostly theoretical; governments are not always strong enough to raze entire city districts. Territorial autonomy, because it is legally grounded, provides firmer protection against such intervention; but (unless we are speaking of selected federal systems) such autonomy, too, can be removed by national legislation. Territorial autonomy is sometimes preferred to functional or

'personal' autonomy because it creates an additional level of government, which may provide more regular, and better funded, ethnocultural services. Often, however, such services are of greater benefit to the ethnic élite (or ethnic entrepreneurs) than to the rank and file: the former have a vested interest in maintaining such autonomy, whereas the benefits of formal autonomy within administratively (over-)defined boundaries are uncertain. There may even be a disadvantage to members of ethnic minorities, insofar as they may be locked in to an ethnic minority situation which they would rather give up in order to 'exit' to the majority culture for the sake of economic benefits and upward mobility.

Who Deserves Ethnic Autonomy? The Question of Entitlement

The question normally asked in connection with the right to full political self-determination (secession) may also apply to the right to autonomy, namely: are ethnic minorities indiscriminately entitled to autonomy in terms of specific criteria? The number of 'deserving' candidates for autonomy is considerably reduced if they cannot answer positively one or more of the following questions:

- Are the members of the ethnic minority better off with autonomy or without it? Are the benefits cultural rather than economic, and what relative weights do members of the ethnic community attach to these benefits?
- Does the history of relations between the minority and majority suggest a pattern of political and/or economic discrimination so serious as to constitute a legitimate grievance that must be repaired?
- Is the threat posed by the majority to the maintenance of the minority culture under the existing system so serious that only some form of autonomy can alleviate that threat?
- Is the quality of the ethnic culture such as to be worth preserving, especially in comparison with one that might eclipse or replace it?
- Are the values of the ethnic culture compatible with other values that are transethnic, such as individual liberty, democracy, tolerance, social justice, peace, and equality?
- Does the ethnic community have the institutional or economic means to profit from the autonomy it is offered?
- Does the provision of autonomy, or any other spatial arrangement or confinement, preserve the freedoms and the options of members of the ethnic minority that they already possess as individuals, or does it lock people into an identity that they might otherwise be tempted to abandon?

Affirmative answers to these questions suggest that some form of autonomy is necessary or desirable for the minority in question. It is to be recommended in a situation where the nationalism of a state with an ethnically mixed population is based on an illiberal and exclusivist nativism that provides little if any cultural space for minorities, has contempt for their culture, discriminates against them or oppresses them. It is to be avoided if the definition of membership in the political community is based on civic rather than organic-ascriptive nationalism, and where civil society is strong enough to make room for the expression of the cultures of minorities who may freely organize along ethnically specific lines in the context of a permissive and, where necessary, a supportive state. Autonomy is also to be avoided if it is likely to lead to a reinforcement of a subsystem political culture that is less tolerant, less open, and less democratic than that of society as a whole. Under a juridically (and more or less rigidly) defined territorial autonomy, Northern Italy ('Padania') would probably gain more than it would lose: it would retain more of its wealth while retaining existing democratic patterns and individual liberties. Conversely, an autonomous Mezzogiorno, while assuring greater power for traditional élites and more freedom to the Mafia, would be detrimental to the individual inhabitant, who would lose the economic aid coming from the North and who might also lose some of the constitutional protections provided by the Italian state. It is an open question whether the ethnic Albanians in Kosovo would gain greater individual freedom under formal territorial autonomy than they possessed before the recent war in Yugoslavia.

A number of analytic paradigms may serve to answer the questions posed above.

The Institutional Approach. The very existence of autonomy acts as a spur to the preservation and expansion of the collective responsibilities of a minority, even if these have become less relevant over time. If the demand for self-determination is the consequence of nationalism, and if nationalism is the ideology of 'an imagined political community',⁸ that imagination soars and becomes reified as locally based ethnic institutions take shape that foster contact with similar institutions outside the country.

The 'Culturalist' Explanation. Minorities marked by a civic and 'participatory' culture are more likely to demand greater involvement in decisions affecting their own fate than those marked by a parochial and 'subject' culture. It is unclear, however, whether a civic orientation leads members of a minority to demand more meaningful participatory structures for their community or for themselves as members of the *civic nation* or the *ethnic group*. It is equally unclear in what way political culture is influenced

by patterns of autonomy. For example, if Maghrebis in France were given significant autonomy in running an educational system, would they be tempted to invite Algerian educators who might spread ideas counter to French republican ideology? Or, on the contrary, would their French civic nationalism develop to the point where secular values replace their religious ones and the interest in cultural autonomy would wane?

Rational Choice. Functional autonomy may be a more flexible, more useful, and less dangerous approach than territorial autonomy, especially where the ethnic minority population is thinly dispersed, and therefore a more rational option for both the state and the minority. Even where population concentration appears to warrant micro-partitions, the territorial autonomy thus gained may make economic transactions less efficient, thereby neutralizing the minority's cultural gains by economic losses. Moreover, the creation of territorial micro-units in ethnically homogeneous areas may be based on the assumption (as in the cantons and half-cantons of Switzerland) that this homogeneity will remain unaltered.⁹ This assumption has been called into question by population shifts, as, for example, in Belgium, Britain, and Israel. Territorially based autonomy becomes increasingly questionable as a consequence of migrations of diverse minority groups into conurbations in industrialized democracies.

Considerations of rationality, therefore, argue for communal or 'personal autonomy'.¹⁰ To be sure, this leaves open the question of how inclusive such autonomy should be, how far it should extend, and how free members of a minority group should be to decide whether, and to what extent, to avail themselves of that autonomy. For instance, they may decide to partake of the language aspect of that autonomy, but not the religious, or vice versa, their decision depending on their rational calculation of cultural, economic, and social advantages for themselves and their families. Sometimes such options are not easily available to individual members of an ethnic or religious group. In order for the community's autonomy to be maintained, it needs a critical mass of members; and in order to secure it, individuals may be confined (by family and other social pressures) within the minority culture in such a way that they cannot easily get out: tribal scarring, tattooing, bodily mutilation or the inculcating of inferiority syndromes are often permanent and make it impossible for an individual to abandon his minority identity.¹¹ The question of what is the best *collective* choice becomes even more complicated: the costs and benefits of autonomy – political participation, cultural payoffs or psychic satisfactions, as against inferior education, jobs or chances of upward social mobility and a growing hostility on the part of the majority – are not the same for the ethnic

minority élite and for the ethnic rank-and-file, even assuming that the latter were undifferentiated.

The criterion of rationality is often associated with that of legitimacy. Thus the French would not consider Basque, Catalan, or Breton demands for autonomy legitimate, because it is an article of the Jacobin faith that France is a country that is democratic; that it is 'one and indivisible'; that it treats all individuals equally regardless of their origins; and that sufficient opportunities exist to pursue ethnic cultural interests within a free society. In view of this, it is argued, autonomy would only reinforce 'primordial' collective identities; it would be retrogressive and for that reason lack legitimacy. Spain does not have a Jacobin ideology, and the existence of Catalan and Galician identities combines easily enough with membership in the Spanish nation. For that reason, Catalonia appears to be satisfied with autonomy instead of total independence. Moreover, in its present position, Catalonia functions as a 'kingmaker' for Spain as a whole while protecting its cultural autonomy.

The question of the rationality of the quest for autonomy is more complex in the case of Corsica. Given the history of that island – including the fact that Napoleon was born there and the fact that at least a third of its inhabitants are immigrants from the mainland or from North Africa – formal national independence is highly unlikely. Under the French decentralization laws of the 1980s, Corsica attained a considerable degree of self-government in selected areas. Yet most Corsicans want *more* autonomy in order to express their Corsican identity (*corsitude*). However, the values of *corsitude* (expressed in traditional economic pursuits, affective social relations, and ascriptive approaches to problem-solving) may clash with values of *francité*, which include free and fair elections, freedom of association, *laïcité* (secularity), and the rule of law; and there is some doubt whether these values could maintain themselves adequately and protect Corsican residents against clan rule without French national 'overlordship' (*tutelle*).¹² Moreover, there is the infusion of considerable economic aid from the mainland government; and the question arises whether Corsicans could handle autonomy if it implies the obligation to make independent economic policy decisions.¹³

An ethnic community's claim to autonomy is often expressed in terms of 'legitimate rights'. Exactly what does legitimacy mean when one speaks of the rights of Palestinians in the Middle East, Kosovars in Yugoslavia, or Algerian immigrants in France? Is the claim of Palestinians legitimated by agreement of the major powers, by popular vote, or by improvements with respect to democracy, liberty, or prosperity? Amitai Etzioni has spoken of 'the evils of self-determination'.¹⁴ He may have exaggerated; nevertheless, self-determination, or autonomy, may have more negative than positive

consequences: there may be less democracy, liberty, or prosperity than prevailed before autonomy. As citizens of the successor state of Poland, many people enjoyed less individual freedom and less democracy, and some minorities less economic prosperity, than they had as citizens of the Austria-Hungarian monarchy. It is true that Kurds in Iraq enjoy neither democracy nor individual liberty; but there is no way of telling whether they would enjoy more of these things under conditions of autonomy within that country or, for that matter, as citizens of an independent Kurdistan. The same uncertainty applies to Chechnya, which does not have an indigenous democratic tradition.

For the Bantustans of South Africa, autonomy was no substitute for complete sovereignty, because it was accompanied by as much misery, and as little democracy, as had existed before, except that this time, the misery was administered more directly by their own people. Complete political independence, however, is not necessarily an improvement over one or another form of autonomy, because it might not bring about democracy. For Kosovars, Magyars, Bosnian Muslims, as well as Croats and Serbs (under numerical minority status), autonomy, however limited within an integral Yugoslavia, was arguably preferable to the condition they fell under after the break-up of Yugoslavia. Economic conditions, individual liberties, and the possibilities of democratic participation were better for the Slovaks and the inhabitants of White Russia when they enjoyed limited autonomy, respectively, as part of a semi-federal Czechoslovakia and the Soviet Union, than they came to be in an independent Slovakia and Belarus.

Whether all minorities are entitled to one or another form of autonomy is open to question. One scholar¹⁵ argues that most aboriginal groups, for example, are too small, too isolated, too weak economically and perhaps culturally too 'backward' to benefit from any kind of autonomy, and therefore should not be accommodated. But cultural backwardness or superiority is often in the eye of the beholder; thus, Parisian bourgeois intellectuals tended to denigrate Breton and other ethnoregional minority cultures in the Hexagon in the interest of promoting 'national' integration.

Another criterion of entitlement is the size of the ethnic community. There is a strong incentive for a state to accommodate a large ethnic minority, because it may disrupt the political system if that is not done. But the argument has an obverse side: it is less risky to accommodate smaller communities, regardless of their economic or cultural 'readiness', because they represent little danger to the system, whereas any meaningful cultural autonomy granted a larger group gives it a base from which to escalate and politicize its demands.

This brings us to a third criterion: the risk that a grant of (functional as well as territorial) autonomy poses for the values or the security of the state.

Autonomous educational institutions for Maghrebi schoolchildren in France would undermine elements of the republican value system (such as *laïcité* and the principle of gender equality) and the authority of the state if the institutions in question taught the supremacy of *sharia* law. Similarly, autonomy granted to minorities practising polygamy would undermine the existing social order of society at large.

Still another criterion is the circumstance surrounding the presence of a minority in a given territory. The international community (which accepts as nearly sacrosanct the principle of the territorial integrity of states) is more supportive of one or another form of autonomy for ethnic minorities if they are indigenous to the area and find themselves in a political entity through no choice of their own, as a result of conquest or boundary changes. In the view of some observers, only involuntary minorities have the right to 'jurisdictional (i.e., territorial) cultural autonomy', whereas voluntary minorities (e.g., immigrants) may have a justified claim only to functional or institutional autonomy, such as schools or social services.¹⁶ This distinction is perhaps too rigid, for the differences between indigenous and settler minorities, or involuntary and voluntary ones, is not always clear. Which of these labels applies to most of the Arabs in Israel, to Jews in Poland, to Muslims or Eastern Orthodox Christians in Kosovo, to the Protestants in Northern Ireland? The criterion is confusing because the status of 'original' inhabitant depends on the historic time-frame one uses for reckoning such status, and because many who have immigrated have done so under some constraint (e.g., political refugees, expellees, and victims of population transfers).

One of the criteria for determining an ethnic or religious minority's entitlement to autonomy is the political and socioeconomic context of the country as a whole. In the ideal Jacobin democracy, where membership in the political community is defined by an implied social contract and where every person enjoys equality as an individual, ethnic autonomy is unnecessary since most, if not all, ethnically specific needs can be fulfilled under existing conditions because the state permits or facilitates such fulfillment. Ergo, ethnically based territorial autonomy should be granted not to Corsicans or Bretons in France, Swedes in Finland, South Tyroleans in Italy, Pomak Muslims in Bulgaria, or Magyars in Romania. Although not all of these countries have a fully 'civic' (as opposed to 'ethnic') definition of membership in the political community, they at least have sufficiently democratic structures and reasonably free civil societies.

In many multiethnic societies, particularly in the Third World, such democracies do not exist. Therefore another criterion is introduced – that of political correctness. 'Nation-building' is widely regarded as a progressive enterprise both by indigenous fighters for independence from colonial overlords and by Western political scientists, especially scholars of political

development. Such a process, of course, in most cases requires the submerging of ethnic minorities into larger sociopolitical units.¹⁷ According to this logic, the demand by ethnic communities in sub-Saharan Africa for territorial autonomy is illegitimate from a democratic perspective, because it interferes with 'nation-building' and is therefore, by definition, retrogressive. For these reasons, Western political scientists have pushed for neither territorial nor 'functional' autonomy for ethnic minorities; instead, they have put their emphasis on individual human rights, out of a sort of Jacobin (or American liberal) conviction that such rights tend to be incompatible with group rights. But many states grant neither ethnic minority group rights nor individual rights; in those cases, the international community does not interfere on the grounds of the principle of non-interference in the internal affairs of sovereign states. But neither the international community nor Western intellectuals are consistent. They seem to apply their principles on the basis of selective criteria. Among these are what Allan Buchanan has called 'saltwater' and 'pigmentation'. Under the 'saltwater' test, colonies separated from their mother country by an ocean requiring, if not separation, at least territorial autonomy; under the 'pigmentation' test, claimants for secession or at least autonomy have increased legitimacy if they are 'of a different colour from those from whom they wish to secede'.¹⁸ The assumption is, of course, that minority communities in Africa and Asia had been particularly victimized by colonial rule because of the colour of their skin; and a further assumption is that these tests should not be applied to ethnic subcommunities who stake claims for autonomy against the newly independent state.

There is an additional criterion that is essentially ideological: autonomy should be granted where it serves justice and human dignity, and is therefore 'progressive', and should be withheld where it promotes injustice. Under this criterion, it is widely argued that autonomy should be given to Palestinian Arabs because they would gain more individual freedom and democracy than they have under Israeli rule; but it should not be actively promoted for the Kurds, given their lack of democratic traditions and their penchant for terrorism. But these criteria are not consistently applied. Promoting autonomy for Kurds in Turkey and Iraq, Tibetans in China, East Timorese in Indonesia, or Chiapas Indians in Mexico might offend the rulers of states where the minorities are located and might not be in accord with the national interests of countries wishing to maintain friendly relations with those states.

Autonomy, Governability, and Stability

In some cases, a multiethnic state may be too small to afford having its sovereignty divided on a territorial basis; such as Israel, Lebanon, Cyprus,

Fiji, and Georgia, the maintenance of whose territorial integrity might be possible only if it were guaranteed by some sort of collective security agreement. Georgia, for instance, has an Abkhazian, an Ossetian and several Slavic communities; if each of them were given territorial autonomy, that country would be hopelessly fragmented, and its independence (unlike that of multiethnic Switzerland) is too fragile to survive this fragmentation. If the major ethnic minority, the Abkhazian, were given territorial autonomy, it would be necessary for this to be 'functionally' subdivided between the Christian Orthodox and the Muslim Abkhazians.

The decision whether to grant autonomy to an ethnic subcommunity or dependent territory also revolves around the effect of that autonomy on the granting country. The granting of 'home rule', to Greenland (which Lapidoth cites as one of the post-World War II success stories),¹⁹ was a matter of convenience for Denmark, just as in the case of Britain's granting of dominion status to selective colonies under the Statute of Westminster of 1931. In both cases the colonies were too far away to be governed effectively from the centre; moreover, the achievement of sovereignty, which was envisaged as the ultimate aim of home rule, would not threaten the existence of Great Britain. South Tyrolean (quasi-territorial or functional) autonomy is no longer likely to be used by Austrians for irredentist claims, in part because both Austria and Italy now belong to the same supranational system under which traditional 'nation-state' sovereignties are increasingly called into question. There is little danger that ethnoregional minorities in China will secede, given the overwhelming cultural and political dominance of the Han majority; therefore, the Chinese central authorities can afford to grant functional autonomy for *practical* reasons to ethnic communities in selected provinces (except for Tibetans), especially in education (and even resort to affirmative action, as they have done for Uygurs and others in Xinjiang province).²⁰ There is equally little danger of minorities in France, such as the Bretons, Basques or Alsatians, seceding to form independent states, irrespective of that country's *ideological* constraints against granting meaningful territorial autonomy. The most the French government has been able to do is to delegate selective administrative and policy making powers to regions under decentralization – but there remains the *tutelle* of the central government, under which the delegated power can easily be retrieved.

Whether extending the existing functional autonomy of Arabs within Israel (e.g., in education, religion, and personal status law) would transform them into a 'fifth column' is a matter of controversy. Granting territorial autonomy to Palestinian Arabs, however, does represent a danger to the existence of Israel. Palestinian territorial autonomy is regarded by the Palestinian Authority (and virtually all the countries supporting that

autonomy) not as a definitive status but as a transitional stage towards independent statehood;²¹ and there is good reason to believe that a Palestinian state would serve as a staging area for destabilizing Israel and threatening its physical security.²² Similarly, the Albanian Kosovars are not likely to be satisfied with autonomy under Serbian sovereignty, and they will undoubtedly try to join Albania as soon as feasible. Yet the Kosovars, once they have detached themselves from Serbia, do not threaten to destroy the rest of that country.

The granting of autonomy to an ethnic minority is also undesirable if it is disruptive and interferes in the political or economic development of the political system as a whole. It may even be dangerous where the minority is geographically contiguous with, or likely to get strong support from, an ethnic 'homeland' that is autocratic or expansionist and could serve as a springboard for mischief-making. Finally, it is undesirable if the state is too weak – where its sovereignty is not firmly established and the legitimacy of its central government is open to challenge. This applied to the enlarged kingdom of Romania after World War I, which, owing to contested boundaries and a lack of a democratically oriented élite, was so weak that it could ill afford to grant autonomy to its minorities. Today, such a situation applies to post-communist Slovakia, which, since its secession from the Czechoslovak Republic, is still too preoccupied with consolidating its independence and firming up its national identity to grant meaningful autonomy to its Magyar and Roma minorities. This is equally true of Latvia and Estonia in relation to their Russian minorities.

Expectations, Risks, and Perverse Consequences

There are instances of 'success': the Aland Islanders in Finland; the South Tyroleans in Italy; Baltic states after World War I, selectively (e.g., Memel in Lithuania); and after World War II, the Slovenes in Austria; Greenland; the Catalans in Spain; and the Netherlands and Belgium, with their various approaches to local options for minorities.²³ The most recent instance is Hong Kong, where (at the time of writing) autonomy has meant more democracy and freedom than in the rest of China. But such positive results do not always obtain, whether the autonomy is territorial or functional, because the factors making for success are not always present, such as reciprocal accommodation, geographical distance from the mother country, and common political values.

The provision of territorial autonomy for Québec has contributed greatly to the revaluation of francophone culture. Its further extension, however, may have a ripple effect: it may encourage the Native American minority in that province (or future independent state) to seek its own autonomy. It will

thereby interfere in the creation of a culturally homogeneous francophone Québec society – a major Québécois goal – and in the end destabilize self-determination for Québec itself. Palestinian autonomy, while liberating some of the West Bank Arabs from Israeli overlordship, has already been marked by constrictions of freedoms of expression and by police brutality. Kosovar autonomy may have a negative contagion effect on Macedonians; it is doubtful, moreover, whether the Kosovars, left to their own devices, would institute greater democracy or individual freedom than they now have. Granting autonomy to Abkhazians and Ossetians, in weakening Georgia, would make it more dependent on Russia and undermine its own independence. In the cultural domain, it would mean the legitimization of the languages of these minorities, so that Russian would become the sole accepted superordinate language, a situation that would undermine the prestige of Georgian.²⁴

Having recently recovered its political independence, Lithuania, like its northern Baltic neighbours, is still preoccupied with reaffirming its national identity, and is probably not strong enough to grant any kind of autonomy to the 300,000 Poles in Vilnius. What will happen if the Lithuanians refuse to do this in the future (assuming, of course, that Polish ethnocultural identity is still significant)? There could be pressure from Poland; this would stop short of a replay of the Pilsudski invasion of the early 1920s, but it would be culturally and psychologically important, because it would encourage cultural nationalism among the Vilnius Poles that might ultimately assume a political dimension. Alternatively, it might encourage the Polish minority to look to Russia and incite it to exert political and economic pressure, which would undermine Lithuanian independence.

It cannot be assumed that formal territorial autonomy provides a better protection of ethnic identities or cultures than does functional or personal autonomy. The autonomy of the 'West Bank', whether or not it culminates in an independent state, is unlikely to safeguard the specific identity of the Arabs in that region. For the 'Palestinian' patina of that identity may be replaced by a Jordanian, or perhaps Syrian, one and be subsumed under the identity of '*umma 'al 'arabiyya*'.

The relationship between autonomy and language is even more controversial. The territorial approach to Scotland and Wales that has existed in Britain has not been enough to protect the Scots Gaelic and Welsh languages, nor has Ireland's independence served to revive the meaningful use of the Irish language. Perhaps independence came too late to Ireland; and perhaps the impact of the English language was too strong for Ireland as well as Scotland and Wales to resist. In Tito's Yugoslavia, the existence of territorial autonomy for the Serbs, Croats, and Bosnians in their own federal provinces did not *ipso facto* sharpen whatever distinctions existed