

The viability of these solutions to the problems that nationalism creates for the liberal democratic state depends on just what it is that has led to the politicization of national community in the modern world. If the political self-assertion of intergenerational communities is a passing phenomenon based on values and practices that we are ready to discard, then these may indeed be promising paths for liberal democrats to follow. If, instead, it has developed because of features of modern life and politics that we now hold dear and/or indispensable, then it is not.

In this chapter I have argued that the latter is true. For one important source of the politicization of national loyalties in the modern world seems to be an idea that most liberals continue to hold both dear and indispensable to a decent political order: the principle of popular sovereignty. Indeed, one of the many ironies of the process of globalization is that while it tends to diminish cultural differences, it also spreads a principle of political legitimacy that tends to politicize those differences that remain.

CHAPTER 2

What States Can Do with Nations: An Iron Law of Nationalism and Federation?

BRENDAN O'LEARY

A federal state requires for its formation two conditions. There must exist, in the first place, a body of countries . . . so closely connected by locality, by history, by race, or the like, as to be capable of bearing in the eyes of their inhabitants, an impress of common nationality . . . A second condition absolutely essential to the founding of a federal system is the existence of a very peculiar . . . sentiment . . . the inhabitants . . . must desire union, and must not desire unity.

—Albert Venn Dicey, *Introduction to the Study of the Law of the Constitution*

Providence has been pleased to give this one connected country to one united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and their customs, and who, by their joint counsels, arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence.

—Publius (John Jay) et al., *The Federalist Papers*

Federalism as such is no guarantee for ethnic harmony and accommodation in the absence of other factors.

—Rudolpho Stavenhagen, *Ethnic Conflicts and the Nation-State*

THIS BOOK, under the lucid guidance of its editors, asks: what can states do now? The question is driven by the dismal science of political econ-

¹ This chapter adapts ideas presented in the fifth Ernest Gellner Memorial lecture. See Brendan O'Leary, "An Iron Law of Federations? A (Neo-Diceyan) Theory of the Necessity of a Federal *Staatsvolk*, and of Consociational Rescue," *Nations and Nationalism* 7 (2001): 273–96.

omy, the "new" public management, and the empirically casual but high-excitement field known as the sociology of "globalization." Within each of these fields, claims of varying rigor, intelligibility, and restability have been made about the

- declining potency of governments, public policy programs, and the tools of big government;
- diminishing autonomy of states and their officials to act on their own preferences as they are increasingly hemmed in by international and domestic social and economic agents, processes, and structures;
- reduced capacity of states to steer, manage, and regulate as they might wish, and once did;
- inevitability of "regional"—meaning confederal or federal—blobs of trading states replacing individuated units that are now deemed too small or too weak.

The literature across these fields advertises itself in the slogan "the death of the nation-state," though more circumspect scholars use more measured words: "crisis," "limits," "decline," and "erosion."¹

An analogous debate has not arisen within the field of the political science and political sociology of national and ethnic conflict regulation. The coming "death of the nation-state" seems a highly premature if not bizarre claim given that the number of member-states of the so-called United Nations has just significantly expanded. The proclaimed extinc-

¹ For specimens in this genre, which vary significantly in their philosophical and empirical qualities see, e.g., Jean-Marie Guehenno, *The End of the Nation-State*, trans. V. Elliott (London: University of Minnesota Press, 2000 [1993]); Kenichi Ohmae, *The End of the Nation-State: The Rise of Regional Economies* (London: Harper Collins, 1995); Matthew Horsman and Andrew Marshall, *After the Nation-State: Citizens, Tribalism and the New World Disorder* (London: Harper Collins, 1995); John Dunn, ed., *Contemporary Crisis of the Nation-State?* (Oxford: Basil Blackwell, 1995); Jürgen Habermas, "The European Nation-State—Its Achievements and Its Limits: On the Past and Future of Sovereignty and Citizenship," *Ratio Juris* 9(2) (1996); David Held, "The Decline of the Nation State," in S. Hall and M. Jacques, eds., *New Times: The Changing Face of Politics* (London: Lawrence and Wishart, 1990); and M. Kolinisky, "The Nation-State in Western Europe: Erosion from Above and from Below," in L. Tivey, ed., *The Nation-State* (Oxford: Martin Robertson, 1981). For one critical response, see Michael Mann, "Nation-States in Europe and Other Continents—Diversifying, Developing, Not Dying," *Dialectics* 122 (1993): 115–40.

² See inter alia Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985); Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977); John McGarry and Brendan O'Leary, "Introduction: The Macro-Political Regulation of Ethnic Conflict," in J. McGarry and B. O'Leary, eds., *The Politics of Ethnic Conflict Regulation* (London: Routledge, 1993); Eric A. Nordlinger, *Conflict Regulation in Divided Societies*, vol. 29, Occasional Papers in International Affairs (Cambridge: Center for International Affairs, Harvard University, 1972).

tion of the nation-state came at the end of a century that saw the collapse of the empires that ruled the world in 1900, and that closed with the collapse of a new one built from the debris of that of the tsars.³ So, in logic, one might have expected reflections on the death of empires and the triumph of nations—especially when we all uncertainly await China's evolution, wondering whether it has failed to solve its national questions, and whether it will repeat its old cycle of breakdown after unification.⁴ The claim that nation-states are fading fast also seems highly provocative and indeed deeply insensitive when numerous nations without states strive to reverse what they generally and correctly see as a major disadvantage in their collective powers, including their power of self-determination and self-government.

In the field of national and ethnic conflict regulation there has always been some recognition of the limits of states, or of the capacity of politics more generally, as institutions or means for resolving or managing ethnic and national antagonisms. But the field has shared a common assumption that governments and states have significant capacities to shape, for good or ill, the destiny of national and ethnic relations. "Nationality" and "ethnicity" are not regarded as primordial brute facts that governments and states must take as givens. State officials can pursue strategies either to eliminate or to manage ethno-national differences.⁵ When pursuing elimination they can execute genocide or ethnic expulsion; they can partition territories; or they can homogenize peoples through integration or assimilation programs. Governments can, in short, try to "right-size" their states, and to "right-people" them. We all know that modern governments have immense and awful powers to kill in genocidal or democidal programs,⁶ and that they expel huge numbers of people. Some even insist that nation-state and democracy building are refugee-creating processes.⁷ Individual states and military alli-

³ See Brendan O'Leary, "Introduction," in B. O'Leary, I. S. Lustick, and T. Callaghy eds., *Right-Sizing the State: The Politics of Moving Borders* (Oxford: Oxford University Press, 2001).

⁴ See inter alia Thomas Heberer, *China and Its National Minorities: Autonomy or Assimilation?* (Armonk, NY: M. E. Sharpe, 1989).

⁵ See McGarry and O'Leary, "Introduction."

⁶ See Brendan O'Leary, "The Elements of Right-Sizing and Right-Peopleing the State," in O'Leary, Lustick, and Callaghy eds., *Right-Sizing the State*.

⁷ See Rudolph J. Rummel, *Death by Government* (London: Transaction Publishers, 1997).

⁸ See, e.g., Ariside R. Zolberg, "The Formation of New States as a Refugee-Generating Process," *Annals of the American Academy of Political and Social Science* 467 (1983): 24–38; Michael Mann "The Dark Side of Democracy: The Modern Tradition of Ethnic and Political Cleansing," *New Left Review* 235 (1999): 18–45.

ances of states still consider partitions as possible means to eliminate troublesome ethno-national antagonisms. In pumping significant resources and coercive capacities into integrating or maintaining the right peoples, molding them into common citizenship, and in some cases blending them within full-scale assimilation projects, the OECD's states seem, *prima facie*, no different from the mostly newer states outside their privileged ranks. "Nationalising states," as Rogers Brubaker has called them, are everywhere.¹⁰ In short, to eliminate national and ethnic differences that might become politically salient, states have exercised awesome powers and ambitions in the century just passed, and they have often done so on behalf of their dominant nation or ethnic group(s). Whatever is happening in political economy or in new public management, there is no death of the nation-state in this domain—though there has been a lot of premature dying in the war of nation against state, state against nation, and nation against nation.

Exterminations or eliminations have not always been successful, thankfully; and not all states or governments have been exterminist or eliminationist. Indeed, in the field of national and ethnic conflict regulation, major theoretical, empirical, and normative effort is devoted to demonstrating that states can, in many cases, be designed or run to steer, manage, and regulate multinational, polycultural, and multilingual societies,¹¹ in tolerable, tolerant, and democratic ways.¹² An increasing repertoire of institutional "technologies"—that is, legal strategies, systems of rights-protection, and public policies—is being identified, and in some cases pioneered, to manage ethno-national differences. For example, the ability of political agents, through benign or malign choices, to design elec-

¹⁰ Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996) (a good book vitiated by its epistemic philosophical prejudices, which led the author to deny the reality of nations). Influenced by realism and an adaptation of Gramscian Marxism, Ian Lustick has argued that states have and may continue to develop "hegemonic projects," which, if successful, will incorporate territories and their peoples. See his *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank-Gaza* (Ithaca: Cornell University Press, 1993), and the follow-up debates in O'Leary, Lustick, and Callaghy eds., *Right-Sizing the State*.

¹¹ See, e.g., David D. Laitin, "Language Choice and National Development: A Typology for Africa," *International Interactions* 6 (1979): 291–321; *Language Reportages and State Construction in Africa* (Cambridge: Cambridge University Press, 1992); *Politics, Language and Thought: The Somali Experience* (Chicago: University of Chicago Press, 1977).

¹² Some go further and claim that polyethnic states are the norm in world history, one to which we shall inevitably return, e.g., William H. McNeill, *Polyethnicity and World History: National Unity in World History* (Toronto: University of Toronto Press, 1986).

total systems that provoke, calm, or rechannel ethnic tensions is now appraised in a literature of increasing comparative sophistication.¹³

States and governments may of course seek to manage ethno-national differences through malign and hierarchical methods, through systems of control that organize the dominant group and that disorganize the dominated.¹⁴ But what is normatively and empirically challenging is to ask whether there are limits to what states can do when seeking to manage ethno-national differences in a benign, liberal-democratic manner. That is how I have chosen to respond to the editors' question of what states can do now in my field. I take as my text Ernest Gellner's theory of nationalism, which, at least on a standard reading, suggests that in transit to modernity states must choose between nationalizing or homogenizing their constituent cultures, or face breakup, and that the subjects of states must choose between being assimilated or being cleansed.

THE PERSISTENCE OF POLYCULTURAL AND MULTINATIONAL STATES

The starting point is a standard criticism of Gellner's theory of nationalism. Here is one attempt to summarize it. Gellner

appeared to assume that the range of possibilities in modern times is bifurcated: there is a simple choice between nationalist homogenization through assimilation, and nationalist secessionism which produces another nationalist homogenization. . . . [But] modern political entities have . . . developed strategies . . . that *prima facie*, counteract the potency of nationalist homogenization . . . systems of control; arbitration; federation/autonomy; and consociation. The last three of these are compatible with liberal and egalitarian pluralist principles. Throughout modernity these methods have existed at various times, and in many parts of the world, and new versions of them are continually springing into being. . . . [T]he persistence of such strategies, and regimes based upon them, are empirical embarrassments for Gellner's theory. The equilibrium condition of one nation, one state, seems to be continually elusive.

I was the author of the words just quoted,¹⁵ but my position was not unusual. Professor Alfred Stepan expressed very similar sentiments in

¹³ See Ben Reilly and Andrew Reynolds, *Electoral Systems and Conflict in Divided Societies* (Washington, DC: National Academy Press, 1999).

¹⁴ The pioneering article here is Ian S. Lustick, "Stability in Deeply Divided Societies: Consociationalism versus Control," *World Politics* 31 (1979): 325–44.

¹⁵ Brendan O'Leary, "Gellner's Diagnoses of Nationalism: A Critical Overview or What

the same edited volume—his chapter is entitled “Modern Multinational Democracies: Transcending a Gellnerian Oxymoron.”¹⁶ Al Stepan and I are political scientists by trade. We have no quarrel with the evidence in favor of Gellner’s theory: in the last two centuries the bleak testimony of genocides, ethnic expulsions, coercive assimilations, partitions, secessions, and territorial restructurings following imperial collapses has tempered the optimism of all but the most fanatical exponents of human progress. But Stepan and I, representing political scientists, had two responses to Gellner. The first was empirical: the persistence of liberal democratic polycultural or multinational states, federal and/or consociational in format, suggests blatant disconfirmation of Gellner’s pessimism. The second was normative: we did not want to accept fundamental sociological limitations on state capacity and autonomy, particularly in constitutional statecraft, especially if these limitations suggested severe constraints on the institutional management of cultural and national differences consistent with liberal democratic values.

There is no doubt that Gellner held the views we ascribed to him. Here are four samples, one from *Nations and Nationalism*, two from *Conditions of Liberty* and one from *Nationalism*:

Nowadays people can only live in units defined by a shared culture, and internally mobile and fluid. Genuine cultural pluralism ceases to be viable under current conditions.¹⁷

[T]he new imperative of cultural homogeneity . . . is the very essence of nationalism . . . [F]or the first time in world history a High Culture . . . becomes the pervasive and operational culture of an entire society. . . . The state has not merely the monopoly of legitimate violence, but also of the accreditation of educational qualification. So the marriage of state and culture takes place, and we find ourselves in the Age of Nationalism.¹⁸

At the beginning of the social transformation which brought about the new state of affairs, the world was full of political units of all sizes, often overlapping, and of cultural nuances. . . . Under the new social regime, this became increasingly uncomfortable. Men then had two options, if they were to diminish such discomfort: they could change their own culture, or

Is Living and What is Dead in Gellner’s Philosophy of Nationalism?” in John A. Hall, ed., *The State of the Nation: Ernest Gellner and the Theory of Nationalism* (Cambridge: Cambridge University Press, 1998), 63–64.

¹⁶ Alfred Stepan, “Modern Multinational Democracies: Transcending a Gellnerian Oxymoron,” in Hall, ed., *The State of the Nation*.

¹⁷ Ernest Gellner, *Nations and Nationalism* (Oxford: Basil Blackwell, 1983), 55.

¹⁸ Ernest Gellner, *Conditions of Liberty: Civil Society and its Rivals* (London: Hamish Hamilton, 1994), 105–8.

they could change the nature of the political unit, either by changing its boundaries or by changing its cultural identifications.¹⁹

In our age, many political systems which combine . . . cultural pluralism with a persisting inequality between cultures . . . are doomed, in virtue of their violation of the nationalist principle which, in past ages, could be violated with impunity.²⁰

Gellner emphasized that nationalism is the primary principle of political legitimacy of modernity—along with affluence.²¹ It is not the only principle, and it is not irresistible,²² but his readers are left in no doubt of its potency. He was emphatic, especially in his posthumously published essay, *Nationalism*, that he would strongly have preferred matters to be otherwise. He did not welcome political instability, such as that engendered by the breakup of the federations of the Soviet Union, Yugoslavia, and Czechoslovakia. He entertained hopes that advanced industrialization might diminish national conflicts; that emerging global imperatives might prompt a new global division of competencies with supranational government to manage technological, ecological, and terrorist threats in conjunction with the cantonization of local and educational functions; and that the “defetishization” of land might be possible.²³ In brief, he was not against federalism, or other forms of polycultural and multinational government—or indeed the postnational government foreseen by some seers. If anything, he was strongly in favor of them. He was just skeptical about their prospects, and their likely robustness.

The arguments made by me, and by others, against Gellner may, however, have been incorrect, or at least premature. In what follows I argue that Gellner’s implicit theses about the limited prospects for the reconciliation of nationalism with federalism were more powerful, and more consistent with the evidence, than they seemed—though he himself may not have done the research to demonstrate this. I will therefore extend Gellner’s theory in a manner consistent with his own propositions, if not with his words. If the arguments are persuasive, then the criticisms leveled by me and others need to be rejected, or severely qualified. But they will also suggest that there is more room for constitutional statecraft than Gellner acknowledged.

To explain what follows, definitions of federalism, federal political systems, federation, and nationalism are required, together with a brief

¹⁹ *Ibid.*, 108.

²⁰ Ernest Gellner, *Nationalism* (London: Weidenfeld and Nicolson, 1997), 104.

²¹ Ernest Gellner, *Thought and Change* (London: Weidenfeld and Nicolson, 1964).

²² Gellner, *Nations and Nationalism*, 138.

²³ Gellner, *Nationalism*, 102–8.

résumé of how they have been jointly treated in practical political argument. Then I elaborate and explain a theory of why stable democratic federations require a *Staatsvolk*, a dominant people. Having done that, I present evidence in favor of the theory, together with some apparently awkward evidence. This apparently awkward evidence will then be explained or, if you prefer, explained away. Lastly, I turn to the political implications of the arguments, and the implications for this volume.

FEDERALISM, FEDERAL POLITICAL SYSTEMS, FEDERATIONS, AND NATIONALISM

Federalism is a normative political philosophy that recommends the use of federal principles, that is, combining joint action and self-government.²⁴ 'Federal political systems' is a descriptive catchall term for all political organizations that combine what Daniel Elazar called "shared rule and self-rule."²⁵ Federal political systems, thus broadly construed, include federations, confederations, unions, federacies, associated states, condominiums, leagues, and cross-border functional authorities.²⁵ Federations, with which I will be particularly concerned here, are distinct federal political systems²⁶ and are best understood in their authentic—that is, representative—governmental forms.²⁷ In a genuinely democratic federation, there is a compound sovereign state, in which at least two governmental units, the federal and the regional, enjoy constitu-

²⁴ Preston King, *Federalism and Federation* (London: Croom Helm, 1982).

²⁵ Daniel Elazar, *Exploring Federalism* (Tuscaloosa: University of Alabama, 1987).

²⁶ Ronald L. Watts, "Federalism," in V. Bogdanor, ed., *The Blackwell Encyclopedia of Political Institutions* (Oxford: Basil Blackwell, 1987), and "Federalism, Federal Political Systems, and Federations," *Annual Review of Political Science* 1 (1998): 117–37.

²⁷ The Soviet Union, Yugoslavia, and Czechoslovakia were not democratic federations. Citizens' "choices" of representatives in all governmental tiers were fictional until the late 1980s. When their choices became more democratic, the relevant states disintegrated largely mostly around the territorial units of the previously sham federations. The "federal republics" offered opportunity-structures for old and new political elites as the communist systems opened. The fact that the republics had titular nationalities, mostly substantive, made this prospect even more likely. Their experience offers additional confirmation of the generalization that "the dissolution of authoritarian structures cannot possibly save a supranational entity; instead it initially destroys it and helps to create new national entities that then need to be laboriously democratized." Cf. Alfred Pfabigan, "The Political Feasibility of the Austro-Marxist Proposal for the Solution of the Nationality Problem of the Danubian Monarchy," in U. Rai'anam, M. Mesner, K. Arnes, and K. Martin, eds., *State and Nation in Multi-Ethnic Societies: The Breakup of Multi-National States* (Manchester: Manchester University Press, 1991), 63. What might have happened had the centers of these federations been democratized first must remain a matter for speculation. The argument developed here suggests that the Soviet and Yugoslav cases would have required consociational federations to have had any prospects of endurance.

tionally separate competencies—although they may also have concurrent powers. Both the federal and the regional governments are empowered to deal directly with the citizens, and the relevant citizens directly elect (at least some components of) the federal and regional governments. In a federation the federal government usually cannot unilaterally alter the horizontal division of powers—constitutional change affecting competencies requires the consent of both levels of government. Therefore federation automatically implies a codified and written constitution and normally is accompanied at the federal level by a supreme court, charged with umpiring differences between the governmental tiers,²⁸ and by a bicameral legislature—in which the federal as opposed to the popular chamber may disproportionately represent, that is, overrepresent, the smallest regions. Elazar rightly emphasized the "covenantal" character of federations; that is, the authority of each government derives from the constitution, not another government.

Having defined the "F-words," let us turn to nationalism. Nationalism is a political philosophy that holds that the nation "should be collectively and freely institutionally expressed, and ruled by its nationals."²⁹ This definition is similar to Gellner's, who held that nationalism is "primarily a political principle, which holds that the political and the national unit should be congruent."³⁰ Nothing in either definition makes nationalism automatically incompatible with federalism, or federal political systems, or federation. Collective and free institutional expression of more than one nation may, in principle, be possible within a federation. The federation may be organized to make the regional political units and the national units "congruent." Being "ruled by co-nationals" may appear to be breached somewhat in a federation when the federal level of government involves joint rule by the representatives of more than one nation, but providing the relevant nations have assented to this arrangement, no fundamental denial of the principle of national self-determination is involved. Moreover, if we acknowledge that dual or even multiple nationalities are possible, then federations, in

²⁸ The judicial constructions of the relevant supreme court may radically affect the nature of the federation and the distribution of effective competencies. Despite an avowedly centralized federal constitution, the Canadian provinces are more powerful and the federal government is weaker than in any other federation, while the Australian federal government has become much more powerful and state powers have waned, despite operating a constitution designed to create a weak federal government. In both cases these outcomes are the result of judicial decision-making. Cf. Leslie Zines, *Constitutional Change in the Commonwealth* (Cambridge: Cambridge University Press, 1991), 79 and chap. 7 passim.

²⁹ Brendan O'Leary, "On the Nature of Nationalism: A Critical Appraisal of Ernest Gellner's Writings on Nationalism," *British Journal of Political Science* 27 (1997): 191.

³⁰ Gellner, *Nations and Nationalism*, 1.

principle, provide effective ways of giving these different identities opportunities for collective and free institutional expression. These definitions therefore permit federalism and nationalism to be compatible political philosophies. They avoid shutting off empirical research on the relation between nationalism and federation. They do not axiomatically deny the possibility of dual or multinational federations, and they avoid any obvious commitments on the nature or status of nations.

NATIONALISM AND FEDERALISM IN PRACTICAL POLITICAL DESIGN AND ARGUMENT

Three clear positions can be identified on the relationships between federalism and nationalism in the literature of state theory and practical politics in the last two centuries. The first holds that nationalism and federalism are mutually exclusive. The exemplary illustration of this viewpoint is that of the French Jacobins, who believed that federalism was part of the counterrevolution, thoroughly hostile to the necessity of linguistic homogenization, a roadblock in the path of authentic, indivisible, monistic popular sovereignty. In his report to the Committee of Public Safety of January 1794, Barrère declared that "Federalism and superstition speak low Breton; emigration and hatred of the Republic speak German; the counterrevolution speaks Italian, and fanaticism speaks Basque."¹¹ On one reading of Gellner's work, the Jacobins were the nationalist state-builders par excellence. They sought cultural assimilation; they were determined to make peasants into Frenchmen; and therefore they were deeply hostile to all forms of accommodation that inhibited this goal, including federalism.

In partial agreement with the Jacobins, many nineteenth-century federalists, notably Joseph Proudon and Carlo Cattaneo, were resolutely hostile to nation-state nationalism,¹² and many twentieth-century federalists, notably within the European movement, reciprocated the Jacobin view that nationalism and federalism are mutually exclusive.¹³ Such federalists have been, and are, resolutely antinationalist, associating nationalism with ethnic exclusiveness, chauvinism, racism, and parochially

¹¹ Michel de Certeau, Julia Dominique, and Jacques Revel, *Une Politique de la Langue. La Révolution Française et les patois: L'enquête de Grégoire* (Paris: Gallimard, 1975), 295; cited in Rogers Brubaker, *Nationalism Reframed*, 7.

¹² Luigi Vittoria Maiocchi, "Nationalism and Federalism in 19th Century Europe," in Andrea Bosco, ed., *The Federal Idea: The History of Federalism from Enlightenment to 1945* (London: Lothian Press, 1991), 162.

¹³ Andrea Bosco, ed., *The Federal Idea: the History of Federalism since 1945* (London: Lothian Foundation Press, 1992), vol. 2, Part 3.

particularistic sentiments. For them federalism belongs to an entirely different cooperative philosophy, one that offers a nonnationalist logic of legitimacy, and an antidote to nationalism rather than a close relative. This viewpoint was most clearly articulated by Pierre Trudeau—educated at the LSE by Elie Kedourie, Gellner's counterpoint—before he became Canadian prime minister. In an article entitled "Federalism, Nationalism and Reason," Trudeau squarely associated federalism and functionalism with reason, nationalism with the emotions.¹⁴ Thinkers like Trudeau regard federalism as the denial of and solution to nationalism, though occasionally they adopt the view that federalism must be built upon the success of nationalism, which it then transcends in Hegelian fashion.¹⁵ In effect they echo Einstein's reported remark that nationalism is the measles of mankind.

The second perspective, by contrast, holds that nationalism and federalism, properly understood, are synonymous. This was the thesis of the Austro-Marxists, Karl Renner and Otto Bauer, in the last days of the Habsburg empire.¹⁶ Lenin, Stalin, and their colleagues in the course of Soviet state-building pressed their arguments, in a suitably bowdlerized format, into service. In this conception, nationalism and federalism were to be harnessed, at least for the task of building Soviet socialism. In the authoritative words of Walker Connor, Lenin's second commandment on the management of nationalism was strategically Machiavellian: "Following the assumption of power, terminate the fact—if not necessarily the fiction—of a right to secession, and begin the lengthy process of assimilation via the dialectical route of territorial autonomy for all compact national groups."¹⁷ Marxist-Leninists were, of course, formal cosmopolitans, committed to a global political order, but pending the world revolution, they maintained that federal arrangements, "national in form, socialist in content," were the optimal institutional path to global communism.

The third perspective unites those who think that federalism and nationalism can intersect, and be mutually compatible, but who sensibly believe that not all nationalisms are compatible with all federalisms. But this agreement masks an important difference, one between what I shall

¹⁴ Pierre Elliot Trudeau, *Federalism and the French Canadians* (Toronto: University of Toronto Press, 1968).

¹⁵ Maiocchi, "Nationalism and Federalism," 161.

¹⁶ See, e.g., Otto Bauer, *Die Nationalitätenfrage und die Sozialdemokratie* (Vienna: Wiener Volksbuchhandlung, 1907); Theodor Hauff, "Reducing Conflict through Cultural Autonomy: Karl Renner's Contribution," in Rahnann et al., eds., *State and Nation in Multi-Ethnic Societies: and Alfred Pfabigan, "Political Feasibility."*

¹⁷ See Walker Connor, *The National Question in Marxist-Leninist Theory and Strategy* (Princeton: Princeton University Press, 1984), 38.

call national or mononational federalists, and multinational or multi-ethnic federalists. National federalists are exemplified by the first experiments of federation in its modern form, for whom its prime function was "to unite people living in different political units, who nevertheless shared a common language and culture."³⁸ The earliest federalists in what became the Netherlands, in the German-speaking Swiss lands, in what became the United States, and in what became the second German Reich, were national federalists. They maintained that only an autonomous federal government could perform certain necessary functions that confederations or alliances found difficult to perform, especially a unified defense and external relations policy.³⁹ They often advocated federation as a stepping stone toward a more centralized unitary state.

The United States may serve as the paradigm case of national federalism, which has been imitated by its Latin American counterparts in Mexico, Brazil, Venezuela, and Argentina. The U.S. federation shows "little coincidence between ethnic groups and state boundaries,"⁴⁰ with one major exception: most of its original and subsequent states had white Anglo-Saxon Protestant majorities. Federation preceded the great expansion in the internal ethnic diversity in the United States, and new states were generally created only when they had WASP or assimilated white demographic and electoral majorities.⁴¹ English-speaking whites were the creators of every American state, "writing its Constitution, establishing its laws, ignoring the previously settled American Indians, refusing to grant any [autonomy] rights to blacks, and making only slight concessions to French and Spanish speakers in a few states."⁴² National federalism was part and parcel of American nation-building,⁴³ aiding the homogenization of white settlers and immigrants in the famous melting pot of Anglo conformity,⁴⁴ and was evident in the writing

³⁸ See Murray Forsyth, ed., *Federalism and Nationalism* (Leicester: Leicester University Press, 1989), 4.

³⁹ William H. Riker, *Federalism: Origin, Operation, Significance* (Boston: Little, Brown, 1964).

⁴⁰ Nathan Glazer, *Ethnic Dilemmas, 1964–82* (Cambridge: Harvard University Press, 1983), 276.

⁴¹ There were some exceptions to this pattern, as Glazer points out. Moreover, a fully correct description of the U.S. constitutional form enumerates it as consisting of 50 states, 2 federacies, 3 associated states, 3 local home rule territories, 3 unincorporated territories, and 130 Native American domestic dependent nations. Cf. Ronald L. Watts, *Comparing Federal Systems in the 1990s* (Kingston, Ontario: Institute of Intergovernmental Relations, Queen's University, 1996), 10.

⁴² Glazer, "Federalism and Ethnicity," 284.

⁴³ Samuel H. Beer, *To Make a Nation: The Rediscovery of American Federalism* (Cambridge: Belknap Press, Harvard University, 1993).

⁴⁴ See Milton M. Gordon, *Assimilation in American Life: The Role of Race, Religion and National Origins* (New York: Oxford University Press, 1964).

of *The Federalist Papers*. National federalism poses no problem for Gellnerian theory. Indeed, it confirms it, because national federalists aim to make the sovereign polity congruent with one national culture.

Multinational or multiethnic federalists, by contrast, may pose a significant challenge to Gellnerian theory if they prove successful in their political endeavors. They advocate federation "to unite people who seek the advantages of membership of a common political unit, but differ markedly in descent, language and culture." They seek to express, institutionalize, and protect at least two national or ethnic cultures, often on a permanent basis. Any greater union or homogenization, if envisaged at all, is postponed for the future. They explicitly reject the strongly integrationist and/or assimilationist objectives of national federalists. They believe that dual or multiple national loyalties are possible, and indeed desirable. Some of them make quite remarkable claims for federalism. Political scientist Klaus von Beyme, referring to Western democracies, argued in 1985 that "Canada is the only country in which federalism did not prove capable of solving . . . ethnic conflict."⁴⁵ Multinational federalists have been influential in the development of federations in the former British Empire, notably in Canada, the Caribbean, Nigeria, South Africa, India, Pakistan, and Malaysia. They influenced Austro-Marxists and Marxist-Leninists and have had an enduring impact in the postcommunist development of the Russian Federation, Ethiopia, and the rump Yugoslavia. The recent democratic reconstructions of Spain and Belgium also bear their imprint. The most ambitious multinational federalists of our day are those who wish to develop the European Union from its currently largely confederal form into an explicit federation, into a "Europe of the nation-states and a Europe of the citizens," as the German foreign minister recently urged at Berlin's Humboldt University.⁴⁶

Multinational federalists have two ways of arguing that national and ethnic conflict regulation can work to harmonize nationalism and federalism. The first is an argument from congruence. If the provincial borders of the components of the federation match the boundaries between the relevant national, ethnic, religious, or linguistic communities, that is, if there is a "federal society" congruent with the federating institutions, then federation may be an effective harmonizing device. That is precisely because it makes an ethnically heterogeneous political society less heterogeneous through the creation of more homogeneous subunits. Of the seven large-scale genuine federations in durable Western democracies, three significantly achieve this effect for some culturally distinct

⁴⁵ Klaus Von Beyme, *Political Parties in Western Democracies*, trans. E. Martin (Aldershot: Gower, 1985), 121.

⁴⁶ Joschka Fischer, "Apologies to the UK, but 'Federal' Is the Only Way," *The Independent*, London, May 16, 2000, 4.

communities: those of Belgium, Canada, and Switzerland. The federations of Australia, Austria, Germany, and the United States do not achieve this effect and are not organized to do so, and in consequence this possibility in federal engineering cannot be used to explain the relative ethno-national tranquility of Australia, postwar Austria and Germany, and the postbellum United States (in which past genocides, the overwhelming of the indigenous populations, and/or integration/assimilation are more important in explaining ethno-national stability). In Belgium, Canada, and Switzerland, the success of federation in conflict regulation, such as it is, has not been the result of comprehensive territorial design. Rather it has been based largely upon the historic geographical segregation of the relevant communities. Postindependence India, especially after Nehru conceded reorganization of internal state borders along largely linguistic boundaries, is an example of deliberate democratic engineering to match certain ascriptive criteria with internal political borders.⁴⁷ Postcommunist Russia and Ethiopia may prove to be others.

Plainly this defense of federation as a way of managing nations—to each nation let a province be given—cannot satisfy those communities that are so dispersed, or small in numbers, that they cannot control federal units or provinces, such as Quebec Anglophones, Flemish speakers in Wallonia, Francophones in Flanders, and blacks in the United States; or small and scattered indigenous peoples in Australia, India, and North America. Indeed one reason federation proved insufficient as a conflict-regulating device as Yugoslavia democratized was that there was insufficient geographical clustering of the relevant ethnic communities in relation to their existing provincial borders. However, federal engineering to achieve something approximating the formula “one nation, one province” does look like a *prima facie* challenge to the tacit Gellnerian notion that in modern times the equilibrium condition is one sovereign state, one culture (or nation). If we treat broadly the “political unit” in Gellner’s definition, to encompass regional or provincial units in a federation, then his theory can accommodate such arrangements, but at the significant concession of recognizing that such federal systems are compatible with dual and possibly multiple nationalities.

There is a second and more subtle way in which multinational or ethno-federalists may argue that nationalism and federalism can be harmonized, though it is rarely explicitly defended, because it is really a

strategy to defeat national self-determination. It has been eloquently defended by Donald Horowitz.⁴⁸ He suggests that federations can and should be partly designed to prevent ethnic minorities from becoming local provincial majorities. The thinking here recommends weakening potentially competing ethno-nationalisms: federalism’s territorial merits are said to lie in the fact that it can be used as an instrument to prevent local majoritarianism (which has the attendant risks of local tyranny or secessionist incentives). Designing the provincial borders of the federated units on this argument should be executed on “balance of power” principles—proliferating, where possible, the points of power away from one focal center, encouraging intraethnic conflict, and creating incentives for interethnic cooperation (by designing provinces without majorities), and for alignments based on nonethnic interests. This logic is extremely interesting, but empirical support for Horowitz’s argument so far seems confined to the rather uninspiring case of postbellum Nigeria. In most existing federations, to redraw regional borders deliberately to achieve these results would probably require the services of military dictators or one-party states. Already mobilized ethno-national groups do not take kindly to efforts to disorganize them through the redrawing of internal political boundaries. Belgium may, however, become an interesting exception to this skepticism: the Brussels region, created in the new federation, is neither overtly Flemish nor Wallonian, and perhaps its heterogeneity will stabilize international relations in Belgium, because without Brussels Flanders will not secede, and there is at present little prospect of Brussels obliging Flanders.

Multinational and multiethnic federations have, of course, been developed for a variety of reasons, not just as means to harmonize nationalism and federalism. They have often evolved out of multiethnic colonies—to bind together the coalition opposing the imperial power (e.g., in the West Indies and Tanzania). They may have been promoted by the colonial power in an attempt to sustain a reformed imperial system but subsequently developed a dynamic of their own, as has been true of Canada, India, and indeed South Africa. A history of common colonial or conquest government usually creates elites (soldiers, bureaucrats, and capitalists) with an interest in sustaining the postcolonial territory in one political unit, as has sometimes been true of Indonesia, which has recently been recanvassed as a candidate for an authentic federation.⁴⁹ Large federations can often be sold economically—they promise a larger single market, a single currency, economies of scale, reductions in trans-

⁴⁷ See inter alia Bakveer Arora and Douglas V. Verney, *Multiple Identities in a Single State: Indian Federalism in Comparative Perspective* (New Delhi: Konark Publishers, 1995); Paul R. Brass, *The Politics of India since Independence* (New Delhi: Cambridge University Press, 1991).

⁴⁸ Horowitz, *Ethnic Groups in Conflict*, chaps. 14 and 15.

⁴⁹ See Benedict Anderson, *The Spectre of Comparisons: Nationalism, Southeast Asia and the World* (London: Verso, 1998).

actions' costs, and fiscal equalization. Such instrumental discourses are the common coinage of Euro-federalists. Federations can also be marketed as geopolitically wise, offering greater security and protection than small states; indeed, William Riker rather prematurely assumed that this was the basis for the formation of all federations.⁵⁰ Lastly, federations can be advertised as necessary routes to superpower status, a foreground note in the enthusiasms of some Euro-federalists. But the fact that multinational or multiethnic federations may be overdetermined in their origins does not affect our central question: can the state-holders of multinational federations successfully and stably reconcile nationalism and federalism in liberal democratic ways?

The answer at first glance looks like "yes and no." There are federal successes and failures. Even some positive "yes" answers, however, would be enough to counteract the pessimism induced by Gellnerian theory. But let us first do a Cook's tour of the failures, which pose no problems for Gellnerian theory. Multinational or multiethnic federations have either broken down or failed to remain democratic, throughout the communist and the postcolonial world. The federations of Latin America—Mexico, Venezuela, Argentina, and Brazil—are either national federalisms or have yet to prove themselves durably democratic. The federations of the Soviet Union, Yugoslavia, and Czechoslovakia broke down during or immediately after their respective democratizations. In the postcolonial world, multinational or multiethnic federations failed, or failed to be successfully established, in the Caribbean, notably in the West Indies Federation. Even the miniature federation of St. Kitts-Nevis faced the prospect of secession by referendum by the smaller island of Nevis.⁵¹ Multinational or multiethnic federations have failed in sub-Saharan Africa—in Francophone West and Equatorial Africa, British East Africa (Kenya, Uganda, and Tanganyika), in British Central Africa (Northern and Southern Rhodesia and Nyasaland)—or have failed to remain durably democratic—in Nigeria and Tanzania—or have yet to be established as durable authentic democracies—in South Africa. The Mali and the Ethiopian federations in independent Africa have experienced breakups; while the Camerons has experienced forced unitarism after a federal beginning. The Arab world knows only one surviving federation, the United Arab Emirates, which does not score highly on democratic attributes. In Asia there have been obvious federative failures, in Indochina, Burma, and Pakistan, and of the union of Malaya followed by the secession of Singapore. Durably

democratic federations have been rare—consider the history of Pakistan. In short, new multinational federations appear to have a poor track record as conflict-regulating devices, even where they allow a degree of minority self-government. They have broken down, or failed to be durably democratic, throughout Asia, Africa, and the Caribbean. India stands out as the major exception in Asia.

These failures in federation have had multiple causes, according to their analysts.⁵² In some cases minorities were outnumbered at the federal level of government; in others, notably Malaya, the relevant minority was not welcome at the federal level of government—Lee Kuan Yew's courting of the Malay Chinese helped break the Malay federation. In both scenarios the resulting frustrations, combined with an already defined boundary, and the significant institutional resources flowing from control of their own province provided considerable incentives to attempt secession. Breaks from federations may, of course, invite harsh responses from the rest of the federation: the disintegration of the Nigerian and American federations were halted through millions of deaths. India, the most successful postcolonial, multiethnic federation, has so far faced down vigorous secessionist movements on its frontiers, especially in Kashmir and Punjab. The threat of secession in multinational or multiethnic federations is such that the late Eric Nordlinger consciously excluded federalism from his list of desirable conflict-regulating practices.⁵³ The recent emergent principle of international law that permits the disintegration of federations along the lines of their existing regional units is in some people's eyes likely to strengthen the belief that federation should not be considered a desirable form of multinational or multiethnic accommodation.⁵⁴ Integrationist nation-builders in Africa, Asia, and the Caribbean have distrusted federalism precisely because it provides secessionist opportunities. The kleptocratic Mobutu only offered federalism as a model for Zaïre as his power-base collapsed. Tunku Abdul Rahman only offered federation with Singapore because he shared Lee Kuan Yew's fears of a communist takeover. Postcolonial state-builders' antipathy to federalism is now matched among the intellectuals of Eastern Europe, who regard it as a recipe for secession, given the Czechoslovakian, Yugoslavian, and Soviet experiences.

⁵⁰ Riker, *Federalism*.

⁵¹ Ralph R. Premdas, *Secession and Self-Determination in the Caribbean: Nevis and Tobago* (St. Augustine, Trinidad: University of the West Indies, 1998).

⁵² See Thomas M. Franck, "Why Federations Fail," in *Why Federations Fail: An Inquiry into the Requisites for Successful Federalism* (New York: New York University Press, 1968); Ursula K. Hicks, *Federalism, Failure and Success: A Comparative Study* (London: Macmillan, 1978); Elazar, *Exploring Federalism*, 240–44.

⁵³ Nordlinger, *Conflict Regulation in Divided Societies*.

⁵⁴ Donald Horowitz, "Self-Determination: Politics, Philosophy and Law," in Margaret Moore, ed., *National Self-Determination and Secession* (Oxford: Oxford University Press, 1998).

Two final generalizing statements must be added to this quick global survey of multinational or multiethnic federal failures. The first is that federations appear to have been especially fragile in bi-ethnic, bi-national, or bi-regional states. In 1982 Maurice Vile could not find a single case of a surviving federation based upon dyadic or triadic structures.⁵⁵ Pakistan's western and eastern divorce has been the biggest example of the instability of dualistic federations. Czechoslovakia is a more recent case. Whither Serbia and Montenegro, the last two units in Yugoslavia? Belgium may seem like a subsequently emergent exception to Vile's rule, but technically it is a four-unit federation, and it is of rather recent vintage. St. Kitts-Nevis may seem another, but, as already indicated, Nevis has been tempted to go. The second generalization is that failures have occurred largely in developing or poor countries, where most theorists of democratization would predict great difficulty in obtaining stable democratic regimes of whatever hue. This suggests that India, and the multinational democratic federations in the advanced industrial world, are the apparently anomalous successes that Gellnerian theory needs to be able to explain, or else stand overtly falsified.

A THEORY OF THE NECESSITY OF A FEDERAL STAATSVOLK

The theory that I wish to advance and explore is that a *stable democratic majoritarian federation*,⁵⁶ *be it national federal or multinational, must have a Staatsvolk, a national or ethnic people, who are demographically and electorally dominant*—though not necessarily an absolute majority of the population—and who must be the co-founders of the federation. This is a theory consistent with liberal nationalism, national federalism as I presented that idea earlier, and with Ernest Gellner's theory of nationalism. It is inconsistent with liberal cosmopolitan and radical multiculturalists' hopes, and with the more optimistic be-

⁵⁵ Maurice Vile, "Federation and Confederation: The Experience of the United States and the British Commonwealth," in D. Rea, ed., *Political Co-operation in Divided Societies* (Dublin: Gill and Macmillan, 1982).

⁵⁶ By a majoritarian federation I mean a nonconsociational one—this makes sure that the argument rests on clear antonyms. The federation is intended, at the federal level, to enable at least one branch of the federal government to have a clear federation-wide mandate based on some notion of a popular majority of the people established through a winner-take-all electoral formula of some kind. Normally both a president and a congressional house of representatives embody these notions, but so may a premier-cabinet. A majoritarian federation does not follow the principle of ethnic proportionality as a rule in its representative, bureaucratic, electoral, and judicial institutions; it does not officially recognize ethnic community as opposed to territorial autonomy; and it does not permit veto-rights to belong to ethnic groups—as opposed to territorial governments.

liefs of some federalists, though, as I shall argue, it does not require entirely bleak conclusions to be drawn about the prospects for constitutional statecraft and state management in multinational or multiethnic federations that lack a Staatsvolk. Let us call the theory the Dickey-O'Leary theory, as nice a compound pun as one could have.

The theory states a necessary condition of stability in a liberal democratic majoritarian federation, but not a sufficient one. Its logic rests on simple micro foundations. In liberal democratic systems the population-share of an ethno-national group can be taken as a reasonable proxy for its *potential* electoral power, if its members were fully mobilized en bloc—admittedly a rare occurrence. The underlying idea is therefore simple: in a majoritarian federation, an ethno-national group with a decisive majority of the federal population has no reason to fear federation. It has the ability simply to dominate the rest of the federation through its numbers, or to be generous—because it does not feel threatened. A Staatsvolk, a people who own the state, and who could control it on their own through simple democratic numbers, is a prime candidate to lead a federation—whether the federation is a national federation or a multinational federation, to be what the Russians called the titular nationality. The theory may also give a clue as to why multiple-unit federations appear at first glance to be more stable than binary or triadic federations. A Staatsvolk may be more willing to have its own national territory divided up into multiple regions, states, or provinces, knowing that it is not likely to be coerced by minority peoples at the federal level. The theory also implies that if there is no Staatsvolk, then majoritarian federalism, of whatever internal territorial configuration, will not be enough to sustain stability—a point to which I shall return.

Table 2.1 provides data that appear to confirm the Dickey-O'Leary theory. It lists the twenty-three currently democratic federations in the world—the data were collected before the coup in Pakistan—and it lists the share of the federation's population that I have classified as belonging to the relevant (or potential) Staatsvolk. I have arranged the data in descending order of the proportionate size of the relevant Staatsvolk. Let us take 50 percent as our initial threshold for the existence of a Staatsvolk, a plausible threshold for democratic majoritarian assessment. The data suggest that all the federations that have been durably democratic for more than thirty years have, *prima facie*, a Staatsvolk that is significantly over 50 percent of the relevant state's population: Australia (95), Austria (93), Germany (93), India (80) if its Staatsvolk is considered to be religious, the United States (74), Canada (67), if its Staatsvolk is considered to be Anglophones, Switzerland (64), and Malaysia (62). The African federations have not been durably democratic, but on this measure the Comoros Islands and South Africa have

TABLE 2.1
Size of the Actual or Potential Staatsvolk in Current Democratic Federations

<i>Federation Name</i>	<i>Staatsvolk Name</i>	<i>% of Population</i>
Comoros Islands [1980 ethnicity]	Comorian	97
Commonwealth of Australia [1986 ethnicity]	White Australians	95
St. Kitts and Nevis [1991 ethnicity]	Blacks	95
Federal Republic of Yugoslavia [1991 ethnicity]	Serbs	93
Federal Republic of Austria [1991 national origin]	Austrians	93
Federal Republic of Germany [1990 ethnicity]	Germans	93
Russian Federation [1984 ethnicity]	Russians	85
Argentine Republic [1986 ethnicity]	Whites	85
India (1) ^a [1991 religion]	Hindus	80
United States of America [1994 racial]	White Americans	74
Kingdom of Spain ^b [1980 ethno-lingual]	Spaniards	72
Canada [1991 linguistic]	Anglophones	67
Venezuela [1993 ethnicity]	Mestizo	67
South Africa (1) ^c [1994 ethnicity]	Blacks	65
Switzerland [1990 linguistic]	Swiss Germans	64
Malaysia [1990 ethnicity]	Malays	62
United Mexican States [1990 ethnicity]	Mestizo	60
Kingdom of Belgium [1976 linguistic]	Flemings	59
South Africa (2) ^d [1994 ethnicity]	Blacks (excl. half Zulus)	54
Brazil [1990 ethnicity]	Whites	54
Republic of Pakistan ^e [1991 linguistic]	Punjabis	48
Micronesia [1980 ethnicity]	Trukese	41
Republic of India (2) ^f [1981 linguistic]	Hindi speakers	39.7
Ethiopia [1983 ethnicity]	Amhara	38
Federal Republic of Nigeria [1983 ethnicity]	Yoruba	21.3

Sources: United Nations; *Britannica Year Book*; Edmonston; CIA.

^aIndia has two obvious candidates for the title of Staatsvolk, Hindus, who constitute approximately 80 percent of its population, and Hindi speakers, who constitute just less than 40 percent.

^bSpain's status as a federation is controversial (Arend Lijphart does not think it is a federation, Juan Linz and Al Stepan believe it is).

^cSouth Africa's blacks can be considered a potentially homogeneous category, though it is politically incorrect to say so. Since Zulus are politically differentiated between Zulu nationalists and South African nationalists, the new black Staatsvolk, excluding half of Zulus, can be estimated at 65 percent. If Zulus are considered an entirely separate group and all other blacks are regarded as the new Staatsvolk, then the latter compose about 54 percent of the population.

^dPakistan's recent coup makes it currently undemocratic.

reasonable prospects. By contrast, neither Ethiopia nor Nigeria has a Staatsvolk, so the theory suggests that they are not likely to survive long if they are run as majoritarian democratic federations. The Russian Federation may not prove durably democratic, but it has a Staatsvolk; so in the Dickey-O'Leary theory it has the necessary condition for survival. As for the other Asian cases, the table suggests that Pakistan should be on the threshold of crisis, and that India would be too if an attempt were made to construct a Staatsvolk out of Hindi speakers. Of Micronesia I cannot speak because I am wholly ignorant. Likewise, I have little confidence in interpreting the Latin American data, but at first glance they appear to suggest that Mexico and Brazil are closer to the threshold of the necessary condition than might be expected, though their status as durable democracies is far from confirmed.¹⁷ The data in table 2.1 even suggest that Switzerland and Belgium have a Staatsvolk each, though doubtless this may raise eyebrows.

This attempt to test for the existence of a Staatsvolk based on these data may seem very crude, and the data-set ($n = 23$) may seem small, even if it is exhaustive of current democratic federations. Nevertheless, the data are highly suggestive; there are no immediately anomalous cases. The federations without a Staatsvolk are of recent vintage and are not obviously democratically stable. The data in short appear to confirm Gellnerian theory on the political impact of nationalism. Naturally they cannot prove causation: the stability of the durably democratic federations may have other causes, possibly mutually independent in each case, but it is suggestive that the data satisfy the necessary condition of the Dickey-O'Leary theory.

But more sophistication may be demanded before jumping to conclusions. I have been taxed by some of my co-contributors with the question of whether the Staatsvolk is objective or real. How exactly should we determine whether a group is a candidate for the title of Staatsvolk? Without subscribing to constructivist epistemological views, or social constructivism in general or particular, I want to emphasize that the notion of a Staatsvolk is a concept that is intended to capture what real people think, sense, or imagine about a dominant group in a state, and which describes what may or may not be present as a result of political

¹⁷Francisco Panizza observes that the nonmestizo minority in Mexico both is ethnically very heterogeneous and shares a common Catholic culture with the rest of the population. Mestizo dominance is therefore much greater than the raw figures for the Staatsvolk suggest. In Brazil race is not as deep a cleavage as it might appear—blacks are dispersed throughout the country, and racial, ethnic, and cultural mixing are significant, despite notable differentials in advantages between nonblacks and blacks. Though Brazil's federalism has some consociational devices, these are intended to accommodate regional-territorial rather than ethno-national differences.

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Federal Republic of Germany [1990 ethnicity]	Germans	93
Russian Federation [1984 ethnicity]	Russians	85
Argentine Republic [1986 ethnicity]	Whites	85
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¹⁶Francisco Panizza observes that the nonmestizo minority in Mexico both is ethnically very heterogeneous and shares a common Catholic culture with the rest of the population. Mestizo dominance is therefore much greater than the raw figures for the Staatsvolk suggest. In Brazil race is not as deep a cleavage as it might appear—blacks are dispersed throughout the country, and racial, ethnic, and cultural mixing are significant, despite notable differentials in advantages between nonblacks and blacks. Though Brazil's federalism has some consociational devices, these are intended to accommodate regional-territorial rather than ethno-national differences.

construction in various states, namely, it is something that can be forged through political strategies and alliances. Plainly, I am suggesting that so-called primordial elements will normally be the foundations of efforts to construct a Staatsvolk—race, language, and common religion—though I do not insist on this. These elements are also easy to find relatively reliable and testable data on, and it is relatively easy to gain knowledge about their salience within the relevant states. All this argument and the data are possible to accept without subscribing to any particular theories of race, religiosity, or linguistics. All that my test so far does, in other words, is to check whether one of these elements—chosen on the basis of reading about the federation's history—has the possibility of having formed or has the potential to form the basis of a federal Staatsvolk.

It might also be suggested that investigation should focus more deeply on the durably democratic and formally multinational or multiethnic federations that might be considered to constitute the strongest challenges to Gellnerian theory, that is, India, Canada, Switzerland, and Belgium. If the primary division in India is linguistic rather than religious, then India may appear to lack a Staatsvolk.⁵⁸ If Anglophones are considered too heterogeneous a category, it might be suggested that Canada's real Staatsvolk is those of British and Irish descent—which would take the size of its Staatsvolk down, closer to the threshold of the necessary condition. If Swiss historic divisions were fundamentally religious rather than linguistic, then Helvetica too might appear to lack a definite Staatsvolk. The sheer size of the Francophone minority in Belgium and the country's long traditions of dualism might also lead us to pause before deciding if Belgium has a Staatsvolk.

I have no quarrel with the deeper investigation of cases to see whether my n-case argument is false in the particulars. But what I would like to suggest here is that what we may perhaps need most of all is not just an index of the largest group, however defined, but a measure of the relative weight of groups according to any particular specific ascriptive criterion. So let me rephrase the Dicey-O'Leary theory in this way: In a stable democratic majoritarian federation the politically effective number of cultural groups must be less than 2 on the index of the effective number of ethnic groups, ENENG (defined as the reciprocal of the Herfindahl-Hirschman concentration index of ethno-national groups).

⁵⁸ If one accepts that the dominant cleavage is linguistic, then it is interesting to note that India's linguistic arrangements have been seen as both highly federal and highly consociational in character. For various discussions, see David D. Laitin, "Language Policy and Political Strategy in India," *Policy Sciences* 22 (1989): 415–36; Arend Lijphart, "The Puzzle of Indian Democracy: A Consociational Interpretation," *American Political Science Review* 90 (1996): 258–68.

Let me demystify this wordy mouthful. Specialists in the field of electoral analysis and party systems will immediately recognize the index as an application of a measure developed by Albert Hirschman in economics, and extended to political science by Rein Taagepera and his colleagues, who were interested in finding an objective and tractable way of measuring the effective number of parties in a party system, and in whether or not one party or bloc of parties was dominant.⁵⁹ Let me illustrate it through an example. How might we respond to the question: how many ethno-national groups are there in Belgium? One would expect to be told that there are two big groups, Flemings and Walloons, with a smaller number of other groups, notably Germans, and recent migrants, all of whom might self-identify in these categories, especially if obliged to do so by a census. But does that mean that for politically important purposes that bear on the stability of the state, Belgium has two, or two and an eighth, or two and a sixteenth ethno-national groups? The Herfindahl-Hirschman concentration index is designed to provide an objective way of measuring the effective number of components in a system. It does so in a way that stops analysts from following their intuitive (though often sensible) prejudices about what should count as a big or a small and negligible component.

The Herfindahl-Hirschman index (HHI) runs from 0 to 1. Applied to ethno-national groups it has the following logic: In a perfectly homogeneous nation-state, in which one ethno-national group has a 100 percent of the population, $HHI = 1$. If the state has an extremely poly-ethnic character in which every ethno-national group is vanishingly small, that is, each person is an ethno-national group, then HHI tends toward 0. The measurement method used for the index allows each group's share of the population to "determine its own weight," so its share is multiplied by its own share. In Belgium let us agree that the most salient definition of ethno-national groups is linguistic. In 1976 Flemings made up 59 percent of the population, Walloons 39.3 percent, and Germans 0.64 percent.⁶⁰ Of the total population, Flemings therefore had a fractional share of 0.59, Walloons 0.393, and Germans 0.0064.

⁵⁹ See Albert O. Hirschman, *National Power and the Structure of Foreign Trade* (Berkeley: University of California Press, 1945); M. Laakso and Rein Taagepera, "Effective Number of Parties: A Measure with Applications to West Europe," *Comparative Political Studies* 12 (1979): 3–27; Rein Taagepera and Matthew Soberg Shugart, *Seats and Votes: The Effects and Determinants of Electoral Systems* (New Haven: Yale University Press, 1989), chap. 8.

⁶⁰ Jan Erik Lane and Svante O. Esson, *Politics and Society in Western Europe* (London: Pinter, 1990), appendix. The authors provide data on no other linguistic groups in Belgium. Their source is M. Stephens, *Linguistic Minorities in Western Europe* (London: Gomer Press, 1976).

Using the HHI index, the weighted share of Flemings is determined by its own weight, by multiplying 0.59 by 0.59 = 0.348. Correspondingly, the share of Walloons is $0.393 \times 0.393 = 0.153$. The share of Germans is $(0.0064)^2 = 0.00004096$. So, without imposing any arbitrary cutoff points, the political importance of the Belgian Germans is going to be discounted by this measure, which will conform to all but the most ardent Germanophiles' intuitions. The result of adding up the weighted values of all components is our Herfindahl-Hirschman concentration index:

$$HHI = \sum p_i^2,$$

where p_i is the fractional share of the i -th ethno-national group and \sum stands for summation over all components. In the Belgian case, in 1976 the HHI was therefore 0.501 when we reduce to three decimal places. What we shall call the effective number of ethno-national groups (ENENG) is defined as the reciprocal of the HHI index:

$$ENENG = 1/HHI = 1/\sum p_i^2.$$

Given our Belgian data, the $ENENG = 1/0.501 = 1.996$, or 2 if we round off. The somewhat elaborate procedure adopted to calculate the effective number of ethno-national groups in Belgium conforms to our intuitions about this case—there are two effective ethno-national groups.

The merits of the HHI and ENENG indices are straightforward. HHI provides an index that runs from 0 to 1, and ENENG provides a measure of the effective number of ethno-national groups in a system that makes political and intuitive sense. ENENG turned out to be 2 using 1976 Belgian linguistic data. It is easy to see that a state divided into four equally sized ethno-national groups would have an ENENG of 4. These examples, of course, are neat cases, chosen to be helpful. But imagine that the demographic shares in Belgium shifted, say to the following proportions: 51 percent Flemings, 42 percent Walloons, 5 percent Germans, 1 percent British migrants, and 1 percent Italian migrants. Then the new Belgian HHI would be 0.439, and the new ENENG would be 2.28. The latter indicator, again, would conform with most people's intuitions about the effective number of ethno-national groups in the state—two big groups and a smaller third group, or a third clustering of smaller groups. These measures therefore provide means for potentially objective studies of the relationships between ethno-national groups and political systems. They also alert us to the importance of the

TABLE 2.2
Effective Number of Ethno-National Groups in Democratic Federations

<i>Federation Name</i>	<i>Staatsvolk</i>	<i>SV % of Population</i>	<i>HHI Index</i>	<i>ENENG Index</i>
Comoros Islands	Comorian	97	0.94	1.06
Commonwealth of Australia	Whites	95	0.91	1.1
St. Kitts and Nevis	Blacks	95	0.9	1.11
Federal Republic of Yugoslavia	Serbs	93	0.89	1.12
Federal Republic of Austria	Austrians	93	0.87	1.14
Federal Republic of Germany	Germans	93	0.87	1.15
Russian Federation	Russians	85	0.73	1.38
Argentine Republic	Whites	85	0.75	1.34
India (1) ^a	Hindus	80	0.66	1.52
United States of America	Whites	74	0.57	1.74
Kingdom of Spain ^b	Spaniards	72	0.56	1.8
Canada	Anglophones	67	0.51	1.96
Venezuela	Mestizo	67	0.5	1.99
South Africa (1) ^a	Blacks	65	0.46	2.18
Switzerland	Swiss Germans	64	0.45	2.22
Malaysia	Malays	62	0.48	2.10
United Mexican States	Mestizo	60	0.46	2.18
Kingdom of Belgium	Flemings	59	0.51	1.99
South Africa (2) ^a	Blacks (excl. half Zulus)	54	0.36	2.74
Brazil	Whites	54	0.45	2.24
Republic of Pakistan ^a	Punjabis	48	0.29	3.47
Micronesia	Trukese	41	0.26	3.91
Republic of India (2) ^a	Hindi speakers	39.7	0.19	5.19
Ethiopia	Amhara	38	0.28	3.58
Federal Republic of Nigeria	Yoruba	21.3	0.14	6.91

^aAs in table 2.1.

size of second, third, and other groups in the population, not simply the largest group.

Table 2.2 presents the HHI and ENENG scores for the current democratic federations in the world, in the same order as the federations in table 2.1, namely, according to the largest proportionate share held by the relevant (or potential) Staatsvolk. As is readily apparent, there is a close relationship between the size of the Staatsvolk and the HHI and

ENENG scores. All the federations with ENENG scores of less than 1.9 are, in fact, majoritarian federations, with the possible exception of India. By contrast, the bulk of the federations with ENENG scores of 1.9 and above have often been classified as nonmajoritarian federations because they have additional nonfederal power-sharing or consociational features, or else they have had such institutions recommended to stabilize them. Consociational arrangements, clarified and theorized by Arend Lijphart, involve four features: cross-community executive power-sharing; proportional representation of groups throughout the state sector; ethnic autonomy in culture (especially in religion or language), and formal or informal minority-veto rights.⁶¹ All of the durably democratic multinational federations previously identified as potentially problematic for Gellnerian theory, namely, Canada, Switzerland, Belgium, and India, have ENENG scores of 1.9 or more. But the first three of these have relatively undisputed consociational histories,⁶² and Lijphart has recently claimed that India had effective consociational traits during its most stable period under Nehru.⁶³ All this suggests that the Dickey-O'Leary theory should have a corollary—where there is no Staatsvolk, or where the Staatsvolk's position is precarious, a stable federation requires (at least some) consociational rather than majoritarian institutions if it is to survive, though of course its survival is by no means guaranteed. The microfoundations of this theory are straightforward: where no group has a clear majority, a balance of power among ethno-national groups is likely to exist, and such a balance of power is conducive to consociational settlements—though it is of course also conducive to warfare and secessionism. The corollary has both strong predictive and prescriptive power: Malaysia, South Africa with autonomous Zulu organization, Pakistan, India (with regard to its linguistic cleavages), Ethiopia, and Nigeria may not endure as democratic federations without some consociational devices. In India consociational add-ons have been most apparent in the development of ethnic autonomy in culture: the granting of provincial or, to coin a phrase, Landervolk status to major non-Hindi-speaking peoples.

⁶¹ Lijphart, *Democracy in Plural Societies*.

⁶² See Arend Lijphart, ed., *Conflict and Coexistence in Belgium: The Dynamics of a Culturally Divided Society*, Research Series, no 46 (Berkeley: Institute of International Studies University of California, 1981); Sid Noel, "Canadian Responses to Ethnic Conflict: Consociationalism, Federalism and Control," in J. McGarry and B. O'Leary, eds., *The Politics of Ethnic Conflict-Regulation: Case Studies of Protracted Ethnic Conflicts* (London: Routledge, 1993); and Jung Seiner, "Power-Sharing: Another Swiss Export Product?" in J. Monroville ed., *Conflict and Peacemaking in Multicultural Societies* (Lexington, MA: Lexington Books, 1989).

⁶³ Lijphart, "The Puzzle of Indian Democracy."

CONCLUSIONS AND IMPLICATIONS

If the arguments developed here are correct, then the Dickey-O'Leary theory seems, thus far, unfalsified: a majoritarian democratic federation requires a Staatsvolk, a demographically, electorally, and culturally dominant nation. This lends weight to Ernest Gellner's theory about the power of nationalism. It also suggests, in the spirit of addressing the core question of this volume, an important sociopolitical limit on what states can do. They cannot design and run successful majoritarian democratic and stable federations without having, or building, a Staatsvolk. But the theory has an important corollary, which leaves room for political initiative and statecraft. The absence or near absence of a Staatsvolk does not preclude democratic federation, but a democratic federation without a clear or secure Staatsvolk must adopt (some) consociational practices if it is to survive. This suggests that we are entitled to have greater optimism than Gellner allowed about statecraft in the management of multinational and multiethnic units.

Perhaps I should emphasize, for those who remain skeptical of the positivist cast of this chapter, or who dislike monocausal emphases, that federations can be destabilized for other reasons than the lack of a Staatsvolk, and that multinational federations may be destabilized for reasons that have nothing to do with the absence of consociational practices. What the theory and its corollary state are necessary conditions for stability in democratic federations. There may be other necessary conditions for stable federations—for example, voluntary beginnings, a favorable external environment, and appropriate matches between peoples and territories—but these causal arguments have not been defended or evaluated here. This is an initial statement: I plan to do more detailed research on the agenda suggested.

However, if the arguments sketched are broadly correct, then they have powerful practical political implications for what states can do with regard to reengineering or reinventing their institutional and constitutional formats. Those who want to federalize the United Kingdom have nothing to fear: the United Kingdom has a Staatsvolk, the English. They could live with either a majoritarian or an explicitly multinational democratic federation.

The implications are especially strong for Euro-federalists who wish to convert the European Union from a confederation into a federation. The European Union lacks a Staatsvolk. Its largest ethno-national people, the Germans of Germany, compose just over a fifth of its current population, about the same proportionate share as the Yoruba and Hausa have each in Nigeria. The European Union's ENENG score is at present 7.23, higher

than Nigeria's 6.69, and it will go higher on the accession of the Poles, Hungarians and Ernest Gellner's Czechs. In the Dicey-O'Leary theory, to put it bluntly and insensitively, there are just not enough Germans for the European Union to function effectively as a majoritarian federation. This would still be true even if we, causing mutual outrage, were to treat Austrian, Dutch, and Swedish people as honorary Germans! The theory suggests, by implication, that calls to have a fully fledged European federation, with the classic bicameral arrangements of the United States, or to have a directly elected and powerful EU president, all to address the so-called democratic deficit in the European Union, may be a recipe for institutional disaster *unless* such calls are accompanied by strong commitments to consociational governance devices. Consociational governance implies mechanisms to ensure the inclusive and effective representation of all the nationalities of the European Union in its core executive institutions, proportionate representation of its nationalities in its public bureaux and legal institutions, national autonomy in all cultural matters deemed of profound cultural significance (e.g., language, religion, education), and last, but not least, national vetoes to protect national communities from being out-voted through majoritarian rules. In short, many of the current consociational and confederal features of the EU, which some federalists want to weaken or temper in their pursuit of formal federation, are in fact required to ensure its prospects as a multinational democratic federation.

This is not a Euro-skeptical or Euro-phobic argument. The European Union has been correctly defended as a forum that has resolved the security and ethno-territorial disputes between France and Germany; that has facilitated the possible and actual resolution of British-Irish and Italian-Austrian border and minority questions; that is a means through which Irish nationalists, Tyrolese Germans and Austrians, and Spanish and French Basques can be interlinked with their co-nationals and co-ethnics in transfrontier and functional cross-border programs and institutions; and that may encourage its multinational member-states to permit a fuller flourishing of internal regional autonomy. All this is true, though the European Union's therapeutic powers should not be exaggerated, as they standardly are. But one of the European Union's greatest current dangers may stem from its ardent majoritarian federalists. Given that many see the European Union as the exemplary illustration of the death of the nation-state or of its transcendence, the full irony of my argument should be apparent. Only a European Union constructed from secure nation-states cooperating within either a confederal or consociational federal format has reasonable prospects of development and maintenance as a democratic political system. It is, of course, possible that the Dicey-O'Leary law is wrong, but, if so, then a majoritarian federal democratic European Union will genuinely be unique.

CHAPTER 3

A State without a Nation? Russia after Empire

ANATOLY M. KHAZANOV

THE NOTION of civic versus ethnic nationalism apparently goes back to Hans Kohn,¹ who opposed "Western" nationalism (rational, democratic, based on statehood and citizenship) with "Eastern" nationalism (irrational, undemocratic, based on ethnicity and culture). This notion has been further developed by a number of scholars,² however it has also met with criticism.³ In fact, ethnic and civic nationalisms differ mainly in their degree of inclusion; in other respects they have much more in common than is sometimes assumed. All civic nations have a cultural (and, in most cases, linguistic) core and a historical narrative linked with the dominant ethnocultural groups, which in most cases constitute a majority and are, or were, instrumental in creating the national identity.⁴ As numerous examples from the past and present have proven, civic nationalism by itself does not eliminate cultural discrimination and oppression. Membership in a civic nation is never unconditional, although it is supposed to be voluntary. Usually it implies more than a common citizenship and a common statehood; it also requires the acceptance of shared cultural characteristics, norms, symbols, and myths, as well as a common past and an even more common present and future.

This is the theory; in practice things often look different. One may wonder whether the civic Canadian nation that supposedly embraces both Anglophones and Francophones is a reality or a failed project. Or whether one may speak of a Belgian civic nation. Or whether the civic Spanish nation that supposedly includes not only Castellians and An-

¹ See Hans Kohn, *Prelude to Nation States: The French and German Experience, 1789-1815* (Princeton: Van Nostrand, 1967); Hans Kohn, *The Ideas of Nationalism* (New York: Collier Books, 1944).

² For example, R. Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992); L. Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge: Harvard University Press, 1992).

³ B. Yack, "The Myth of Civic Union," in R. Beiner, ed., *Theorizing Nationalism* (Albany: SUNY Press, 1998), 103-18.

⁴ A. M. Khazanov, "Ethnic Nationalism in the Russian Federation," *Daedalus*, 126 (1997): 121-42.