An iron law of nationalism and federation?
A (neo-Diceyian) theory of the necessity of a federal *Staatsvolk*, and of consociational rescue[*]

BRENDAN O'LEARY[1]

Government Department, London School of Economics, London, WC2A 2AE

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 …

<div align="right">Albert Venn Dicey (1915: 75)</div>

… 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.

<div align="right">Publius [John Jay] (in Madison *et al.* 1987 [1788]: 91, paper II)</div>

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

<div align="right">Rudolpho Stavenhagen (1996: 202)</div>

It is a signal honour to be asked to give the Fifth Ernest Gellner Memorial lecture. I was with Ernest Gellner in Budapest in 1995 on the night before he died, attending a conference he had organised at the Central European University on the theme of formerly dominant ethnic minorities. My task was to examine the fate of the Anglo-Irish in sovereign Ireland. On the road between the conference room and a restaurant he taxed me with a riddle: 'What is the historic difference between Ireland and the Czech lands?' Since I did not know the answer he told me, 'In the Czech lands the other side won

the Battle of the Boyne.' A typical example of his wit, and a memorable parting shot.

I cannot, however, claim to have known Ernest Gellner well as a person, though I had the privilege of having my doctoral thesis on the Asiatic Mode of Production externally examined by him (O'Leary 1989). He began the *viva* by warmly congratulating me, telling me that he was recommending it for publication, that he had arranged a publisher, and suggested that with my consent he would write a foreword (Gellner 1989). Naturally I felt elated. But then he counselled me that he had one minor obligation to perform: he was required, in the manner of Karl Popper, to test whether he could falsify the thesis that I had written in the dissertation. A chill ran down my recently elated spine. He then performed his duty, corrected my errors, and gave me salutary advice on matters philosophical, anthropological, linguistic, historical and sociological. Lastly he presented me with about twenty pages of typed commentary, amounting to an article in response to my efforts. In short, he demonstrated generosity, utterly professional social scientific standards and astounding scholarly range.

I relate this story not merely to recall my moment of glory at the hands of a master, but to emphasise that Ernest Gellner was a true polymath. His writings on nationalism are just one component, albeit highly significant, of his rejuvenation of liberal social theory and philosophy. He was a major analytical philosopher – the executioner of local Anglo-Saxon linguistic philosophy (Gellner 1968 [1959]) and the best diagnostician of our cognitive predicament in a world made clearer but colder by positivism (Gellner 1964, 1974a, 1974b, 1974c and 1979). He was an exemplary anthropologist, both theoretically (Gellner 1980, 1981 and 1995) and in the field: *Saints of the Atlas* remains an essential reference on segmentary lineage systems (Gellner 1969). He was a novel philosopher of history who purged historical materialism of its teleology and eschatology, but extracted a useful kernel from the debris (Gellner 1988a and 1988b); and a liberal pluralist, who restated the case for the distinctiveness and merits of civil society in the history of European uniqueness (Gellner 1994). Last, but not least, he was a mordant and relentlessly sceptical critic of relativism (Gellner 1985, 1987 and 1992), of moralism and of intellectual pretension – whether dressed in the guise of psychoanalysis (Gellner 1993 [1985]), Parisian or Frankfurt Marxism, sweetly theological Hegelianism, or of what he called post-modernist 'meta-twaddle' (Gellner 1992).

In commemorating his fellow poet W. B. Yeats, W. H. Auden wrote that 'The words of a dead man are modified in the guts of the living.' In commemorating Ernest Gellner in this lecture series we must not forget the full gamut of his intellectual accomplishments, and we should recall that his thinking on nationalism had a place within his broader liberal philosophy. But in respecting this work and his values we must, especially where evidence and logic demand it, self-consciously correct, modify and improve upon his thought. He would not have had it otherwise. That brings me to the subject of tonight's lecture, the relationships between federalism and nationalism.

The persistence of polycultural and multinational states

There is a standard criticism of Gellner's theory of nationalism. Here is one author's attempt to summarise it.

He appeared to assume that the range of possibilities in modern times is bifurcated: there is a simple choice between nationalist homogenisation through assimilation, and nationalist secessionism which produces another nationalist homogenisation … [But] modern political entities have … developed strategies … that *prima facie*, counteract the potency of nationalist homogenisation … 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 (O'Leary 1998: 63–4), but my position was not unusual. Professor Alfred Stepan expressed very similar sentiments in the same volume in which my chapter appeared, viz. *The State of the Nation: Ernest Gellner and the Theory of Nationalism*, edited by John A. Hall. Stepan's chapter is entitled 'Modern multinational democracies: transcending a Gellnerian oxymoron' (Stepan 1998). Al Stepan and I are political scientists by trade. We can have no quarrel with the evidence in favour 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. In essence Stepan and I, representing political scientists, had two responses to Gellner's work on nationalism. The first was empirical: the evidence of the persistence of liberal democratic polycultural or multinational states, federal and/or consociational in format, suggests blatant disconfirmation. The second was normative: we did not want to accept fundamental sociological limitations on constitutional statecraft, especially if they suggested severe constraints on the institutional management of cultural and national differences consistent with liberal democratic values.

There can be 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*:

1. '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' (Gellner 1983: 55).
2. '[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' (Gellner 1994: 105–8).

3. '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 they could change the nature of the political unit, either by changing its boundaries or by changing its cultural identifications' (*ibid.*: 108).

4. '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' (Gellner 1997: 104).

Gellner emphasised that nationalism is the primary principle of political legitimacy of modernity – along with affluence (Gellner 1964). It is not the only principle, and it is not irresistible (Gellner 1983: 138), but his readers are left in no doubt of its potency. He was, of course, 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 break-up of the federations of the Soviet Union, Yugoslavia and Czechoslovakia. He entertained hopes:

- that advanced industrialisation might diminish national conflicts;
- that emerging global imperatives might prompt a new global division of competencies with supra-national government to manage technological, ecological and terrorist threats in conjunction with the cantonisation of local and educational functions; and
- that the de-fetishisation of land might be possible (1997: 102–8).

In brief, he was not against federalism, or other forms of polycultural and multinational or indeed post-national government. If anything he was strongly in favour of them. He was just sceptical about their prospects, and their robustness.

The arguments made by Stepan and me against Gellner may, however, have been incorrect, or at least premature. I want to 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 have not done the research to demonstrate this. What follows 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 levelled by Al Stepan, and others, including me, need to be rejected, or severely qualified. But they will also suggest that there is more room for constitutional

engineering than Gellner acknowledged. If the full array of arguments is persuasive then both the master's ghost and his pupil should be content – entirely appropriate in a memorial lecture.

To explain what follows definitions of federalism, federal political systems, federation, and nationalism are required (section 2), together with a brief résumé of how they have been jointly treated in practical political argument (section 3). Then I shall elaborate and explain a theory of why stable democratic federations require a *Staatsvolk*, a dominant people (section 4). Having done that, I present provisional evidence in favour 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 my attention to the political implications of the arguments.

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 (King 1982). 'Federal political systems' is a descriptive catch-all term for all political organisations that combine what Daniel Elazar called 'shared rule and self-rule'. Federal political systems, thus broadly construed, include federations, confederations, unions, federacies, associated states, condominiums, leagues, and cross-border functional authorities (Elazar 1987). Federations, with which I will be particularly concerned here, are very distinct federal political systems (Watts 1987 and 1998), and are best understood in their authentic, i.e. representative, governmental forms.[2] In a genuinely democratic federation there is a compound sovereign state, in which at least two governmental units, the federal and the regional, enjoy constitutionally separate competencies – although they may also have concurrent powers. Both the federal and the regional governments are each 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,[3] and by a bicameral legislature – in which the federal as opposed to the popular chamber may disproportionally represent, i.e. over-represent, the smallest regions. Elazar emphasised the 'covenantal' character of federations, i.e. the authority of each government is derived from the constitution rather than from 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 co-nationals' (O'Leary 1997: 191).

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' (Gellner 1983: 1). Observe that nothing in either definition makes nationalism automatically incompatible with federalism, or federal political systems, or with federation. Collective and free institutional expression of more than one nation may, in principle, be possible within a federation. The federation may be organised 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 principle, provide effective ways of giving these different identities opportunities for collective and free institutional expression.

These definitions permit federalism and nationalism to be compatible political philosophies. They are intended to 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 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 counter-revolution, thoroughly hostile to the necessity of linguistic homogenisation, a road-block in the path of authentic, indivisible, monistic popular sovereignty. In his report to the Committee of Public Safety of January 1794, Barère declared that 'Federalism and superstition speak low Breton; emigration and hatred of the Republic speak German; the counterrevolution speaks Italian, and fanaticism speaks Basque' (de Certaus, Dominique and Revel 1975: 295, cited in Brubaker 1992: 7). On one reading of Gellner's work the Jacobins were the nationalists *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 Proudhon and Carlo Cattaneo, were resolutely hostile to nation-state nationalism (Majocchi 1991: 162), and many twentieth-century federalists, notably within the European movement, reciprocate the Jacobin view that nationalism and federalism are mutually exclusive (see, for

example, Bosco 1992: part 3). Such federalists have been, and are, resolutely anti-nationalist, associating nationalism with ethnic exclusiveness, chauvinism, racism and parochially particularistic sentiments. For them federalism belongs to an entirely different co-operative philosophy, one that offers a non-nationalist 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 London School of Economics 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 (Trudeau 1968 [1965]). 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 (Majocchi 1991: 161). 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 (see, for example, Bauer 1907; Hanf 1991; Pfabigan 1991). Lenin, Stalin and their colleagues in the course of Soviet state-building pressed their arguments, in a suitably bowdlerised 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' (Connor 1984: 38). 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 call national or mono-national federalists, and multinational or multiethnic federalists. National federalists are exemplified by the first exponents 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' (Forsyth 1989: 4). 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 defence and external relations policy (Riker 1964). They often advocated federation as a stepping stone towards a more centralised 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 US federation shows 'little coincidence between ethnic groups and state boundaries' (Glazer 1983: 276), with one major exception: most of its original and subsequent states had white Anglo-Saxon Protestant majorities. Federation preceded the great expansion in the United States' internal ethnic diversity, and new states were generally only created when they had WASP or assimilated white demographic and electoral majorities.[4] 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' (*ibid.*: 284). National federalism was part and parcel of American nation-building (Beer 1993), aiding the homogenisation of white settlers and immigrants in the famous melting pot of Anglo conformity (Gordon 1964), and was evident in the writing of *The Federalist Papers* (Madison *et al.* 1987 [1788]: paper II). 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 endeavours. 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' (Forsyth 1989: 4). They seek to express, institutionalise and protect at least two national or ethnic cultures, often on a permanent basis. Any greater union or homogenisation, 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' (von Beyme 1985: 121). 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 on the post-communist 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 (Fischer 2000).

Multinational federalists have two ways of arguing that national and ethnic conflict regulation can work to harmonise 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 harmonising device. That is precisely because it makes an ethnically heterogeneous political society less heterogeneous through the creation of more homogeneous sub-units. Of the seven large-scale genuine federations in durable Western democracies, three significantly achieve this effect for some culturally distinct 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 organised to do so, and in consequence this possibility in federal engineering cannot be used to explain the relative ethno-national tranquillity of Australia, post-war Austria and Germany, and the post-bellum 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 largely been based upon the historic geographical segregation of the relevant communities. Post-independence India, especially after Nehru conceded reorganisation of internal state borders along largely linguistic boundaries, is an example of deliberate democratic engineering to match certain ascriptive criteria with internal political borders (Arora and Verney 1995; Brass 1990). Post-communist Russia and Ethiopia may prove to be others.

Plainly this defence 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, for example Quebec Anglophones, Flemish-speakers in Wallonia, Francophones in Flanders, 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 democratised was because 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 recognising 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 harmonised, 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 (1985: chs. 14 and 15). 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 centre, encouraging intra-ethnic conflict, and creating incentives for inter-ethnic co-operation (by designing provinces without majorities), and for alignments based on non-ethnic interests. This logic is extremely interesting, but empirical support for Horowitz's argument seems so far confined to the rather uninspiring case of post-bellum 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-mobilised ethno-national groups do not take kindly to efforts to disorganise them through the redrawing of internal political boundaries. Belgium may, however, become an interesting exception to this scepticism: the Brussels region, created in the new federation, is neither overtly Flemish nor Wallonian, and perhaps its heterogeneity will stabilise inter-national relations in Belgium, because without Brussels Flanders will not secede, and there is presently 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 harmonise nationalism and federalism. They have often evolved out of multiethnic colonies – to bind together the coalition opposing the imperial power (for example 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 post-colonial territory in one political unit, as has sometimes been true of Indonesia, which has recently been re-canvassed as a candidate for an authentic federation (Anderson 1998). Large federations can often be sold economically – they promise a larger single market, a single currency, economies of scale, reductions in transaction costs and fiscal equalisation. 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

(1964). Lastly, federations can be advertised as necessary routes to super-power status, a foreground note in the enthusiasms of some Euro-federalists. But the fact that multinational or multiethnic federations may be over-determined in their origins does not affect our central question: can 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 have failed to remain democratic, throughout the communist world, and throughout the post-colonial world. The federations of Latin America – Mexico, Venezuela, Argentina and Brazil – are either national federalisms and/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 democratisations. In the post-colonial world multinational or multiethnic federations failed, or failed to be success-fully established in the Caribbean, notably in the West Indies Federation. Even the miniature federation of St Kitts–Nevis recently faced the prospect of secession by referendum by the smaller island of Nevis (Premdas, 1998). Multinational or multiethnic federations have failed in sub-Saharan Africa – in Francophone West and Equatorial Africa, in British East Africa (Kenya, Uganda and Tanganikya), and in British Central Africa (Northern and Southern Rhodesia and Nyasaland), or they have failed to remain durably democratic (Nigeria and Tanzania), or they have yet to be established as durable authentic democracies (South Africa). The Mali and the Ethiopian federations in independent Africa have experienced break-ups; while the Cameroons have 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, for example in Indochina, in Burma and in 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 (Franck 1968; Hicks 1978; Elazar 1987: 240–4). 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 post-colonial 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 Erik Nordlinger consciously excluded federalism from his list of desirable conflict-regulating practices (Nordlinger 1972). 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 as a desirable form of multinational or multiethnic accommodation (Horowitz 1998). 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 Zaire 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. Post-colonial state-builders' antipathy to federalism is now matched amongst the intellectuals of Eastern Europe, who regard it as a recipe for secession, given the Czechoslovakian, Yugoslavian and Soviet experiences.

Two final generalising 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 or 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 (Vile 1982: 222). 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 subsequent 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 to be another, but as already indicated Nevis has been tempted to go. The second generalisation is that failures have occurred largely in developing or poor countries, where most theorists of democratisation 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*,[5] *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 will normally be the co-founders of the federation. This is a theory consistent with liberal nationalism, national federalism and with Ernest Gellner's theory of nationalism. It is inconsistent with liberal cosmopolitan and radical multi-culturalists' hopes, and with the more optimistic beliefs of some federalists, though, as I shall argue, it does not require entirely bleak conclusions to be drawn about the prospects for constitutional engineering in multinational or multiethnic federations that lack a *Staatsvolk*. Let us call the theory the Dicey–O'Leary theory, as nice a compound pun as one could have.[6]

The theory postulates a necessary condition of stability in a liberal democratic majoritarian federation. 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 mobilised *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 instead 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. 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.

In Table 1 I provide data which appear to confirm the Dicey–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 per cent 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* which is significantly over 50 per cent of the relevant state's population: Australia (95), Austria (93), Germany (93), India (80) if its *Staatsvolk* is considered to be Hindu people, 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 reasonable

Table 1. *The size of the actual or potential Staatsvolk in current democratic federations*

Name of the federation	Name of the *Staatsvolk*	% share of population
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 ethnic]	Germans	93
Russian Federation [1984 ethnicity]	Russians	85
Argentine Republic [1986 ethnicity]	Whites	85
India (1) * [1991 religion]	Hindus	80
United States of America [1994 racial]	White Americans	74
Kingdom of Spain ** [1980 ethno-lingual]	Spaniards	72
Canada [1991 linguistic]	Anglophones	67
Venezuela [1993 ethnicity]	Mestizo	67
South Africa (1) *** [1994 ethnicity]	Blacks (excl. half Zulus)	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) *** [1994 ethnicity]	Blacks (excl. all Zulus)	54
Brazil [1990 ethnicity]	Whites	54
Republic of Pakistan **** [1991 linguistic]	Punjabis	48
Micronesia [1980 ethnicity]	Trukese	41
Republic of India (2) * [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*, Lane and Ersson 1976, Edmonston, CIA.
Notes:
* India has two obvious candidates for the title of *Staatsvolk*, Hindus, who constitute approximately 80 per cent of its population, and Hindi speakers who constitute just less than 40 per cent of its population.
** Spain's status as a federation is controversial (Arend Lijphart does not think it is a federation; Juan Linz and Al Stepan think it is).
*** South 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 per cent. If Zulus are considered an entirely separate group and all other blacks are regarded as the new *Staatsvolk* then the latter compose about 54 per cent of the population.
**** Pakistan's recent coup makes it currently undemocratic; conflict in the Comoros Islands may have the same significance.

prospects. By contrast neither Ethiopia nor Nigeria have 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 on the Dicey–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 rather than Hindu believers. Of Micronesia I cannot speak because I am 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.[7] The data in Table 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 this 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 – Micronesia may prove an exception. 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 the data cannot prove causation: the stability of the durably democratic federations may have other causes, possibly mutually independent causes in each case, but it is suggestive that the data satisfy the necessary condition of the Dicey–O'Leary theory.

How exactly should we determine whether a group is a candidate for the title of *Staatsvolk*? Plainly I regard the nature of the tacit or explicit *Staatsvolk* to be politically contested, and variable through time, but I would maintain that its practical existence is not merely subjective – it can be tested in constitutional declarations, and public rules about citizenship, language use, religion, etc. So, for example, the criteria of membership of the *Staatsvolk* in the United States have shifted over time, from a WASP core, to whites, to a more inclusive notion of citizenship, which nevertheless requires assimilation into (American) English.

Further sophistication will, of course, be demanded before accepting my conclusions. Perhaps it will be said we should focus more on the durably democratic and formally multinational or multiethnic federations that are considered to constitute the strongest challenges to Gellnerian theory: India, Canada, Switzerland and Belgium. If we probe further they appear to lack a *Staatsvolk*. If the primary division in India is linguistic rather than religious then India may appear to lack a *Staatsvolk*. 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 that Belgium has a *Staatsvolk*. So these cases might still be problematic for Gellnerian theory. What we may therefore need is an index not just of the largest group, however defined, but a measure of the relative weight of groups according to a 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). Let me demystify this mouthful. Specialists in the field of electoral analysis and party systems will immediately recognise 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 (Hirschman 1945; Laakso and Taagepera 1979; Taagepera and Shugart 1989: ch. 8).

Let me illustrate 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. But does that mean that for politically important purposes that bear on the stability of the state, that 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 100 per cent of the population, HHi = 1. If the state has an extremely polyethnic character in which every ethno-national group is vanishingly small, i.e. each person is an ethno-national group, then HHi tends towards 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 per cent of the population, Walloons 39.3 per cent, and Germans 0.64 per cent (Lane and Ersson 1990: Appendix 1).[8] Of the total population Flemings therefore had a fractional share of .59, Walloons .393, and Germans .0064. Using the HHi index the weighted share of Flemings is determined by its own weight, i.e. by multiplying .59 by .59 = .348. Correspondingly, the share of Walloons is .393 × .393 = .153. The share of

Germans is $(.0064)^2 = .00004096$. So without imposing any arbitrary cut-off 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:

$$HHi = \Sigma p^2_i$$

where p^2_i is the fractional share of the i-th ethno-national group and Σ stands for summation over all components. In the Belgian case in 1976 the HHi was therefore .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:

$$ENENg = 1/HHi = 1/\Sigma p^2_i$$

Given our Belgian data, the ENENg = 1/.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 us 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 per cent Flemings, 42 per cent Walloons, 5 per cent Germans, 1 per cent British migrants and 1 per cent Italian migrants. Then the new Belgian HHi would be .439, and 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 size of second, third and other groups in the population, not simply the largest group.

Table 2 presents the HHi and ENENg scores for the current democratic federations in the world, in the same order as the federations in Table 1 – that is, 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 non-majoritarian federations because they have additional non-federal power-sharing or consociational features, or else they have had such

Table 2. *The effective number of ethno-national groups in democratic federations*

Name of the federation	Staatsvolk	SV % share of population	HHi index	ENENg index
Comoros Islands ****	Comorian	97	.94	1.06
Commonwealth of Australia	Whites	95	.91	1.1
St. Kitts and Nevis	Blacks	95	.9	1.11
Federal Republic of Yugoslavia	Serbs	93	.89	1.12
Federal Republic of Austria	Austrians	93	.87	1.14
Federal Republic of Germany	Germans	93	.87	1.15
Russian Federation	Russians	85	.73	1.38
Argentine Republic	Whites	85	.75	1.34
India (1) *	Hindus	80	.66	1.52
United States of America	Whites	74	.57	1.74
Kingdom of Spain **	Spaniards	72	.56	1.8
Canada	Anglophones	67	.51	1.96
Venezuela	Mestizo	67	.5	1.99
South Africa (1) ***	Blacks (excl. half Zulus)	65	.46	2.18
Switzerland	Swiss Germans	64	.45	2.22
Malaysia	Malays	62	.48	2.10
United Mexican States	Mestizo	60	.46	2.18
Kingdom of Belgium	Flemings	59	.51	1.99
South Africa (2) ***	Blacks (excl. all Zulus)	54	.36	2.74
Brazil	Whites	54	.45	2.24
Republic of Pakistan ****	Punjabis	48	.29	3.47
Micronesia	Trukese	41	.26	3.91
Republic of India (2) *	Hindi speakers	39.7	.19	5.19
Ethiopia	Amhara	38	.28	3.58
Federal Republic of Nigeria	Yoruba	21.3	.14	6.91

Notes
* As in Table 1.
** As in Table 1.
*** As in Table 1.
**** As in Table 1.

institutions recommended to stabilise them. Consociational arrangements, clarified and theorised 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 (Lijphart 1977). All of the durably democratic multinational federations previously identified as potentially problematic for Gellnerian theory, viz. Canada, Switzerland, Belgium and India, have ENENg scores of 1.9 or more. But the first three of

these have relatively undisputed consociational histories (see, for example, Lijphart 1981; Noel 1993; Steiner 1989), and Lijphart has recently claimed that India had effective consociational traits during its most stable period under Nehru (Lijphart 1996). All this suggests that the Dicey–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, or capacity for unilateral dominance, 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 organisation, Pakistan, India (with regard to its linguistic cleavages), Ethiopia and Nigeria may not endure as democratic federations without some consociational devices.[9] In India consociational add-ons have been most apparent in the development of ethnic autonomy in culture: the granting of provincial or *Ländervolk* status to major non-Hindi-speaking peoples.

Conclusion and practical political implications

If the arguments developed here are correct then the Dicey–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. But the theory has a corollary: 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 political and constitutional engineering for multinational and multiethnic units.

Perhaps I should emphasise, to avoid misunderstanding, that federations can, of course, be destabilised for other reasons than the lack of a *Staatsvolk*, and that multinational federations may be destabilised 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 favourable external environment and appropriate matches between peoples and territories – but they have not been defended here. This is an initial statement: I plan to do more detailed research on the agenda suggested here.

However, if the arguments sketched are broadly correct, then they have powerful practical political implications for the designers of federations.

Those who want to federalise 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, however, 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 presently 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. On 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, 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 strong 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 bureaucracies and legal institutions, national autonomy in all cultural matters deemed of profound cultural significance (for example, 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 European Union, which some federalists want to weaken or temper in their pursuit of formal federation, may in fact be required to ensure the European Union's prospects as a multinational democratic federation. This is not an Eurosceptical or Europhobic 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 programmes 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. But one of the European Union's greatest current dangers may stem from its ardent majoritarian federalists. That is a conclusion with which Ernest Gellner should have been comfortable.

Notes

1 This is the text of the lecture, unaltered, apart from statements in the footnotes intended to clarify the argument. The ideas developed here were first thought of in Canada in 1994–5. Katharine Adeney provided able research assistance during 1996–9, and the arguments were improved by conversations or communications with Katharine Adeney, John A. Hall, Simon Hix, Simone Lewis, John McGarry, Matt Mulford, Francisco Panizza, Mads Qvortrup, Al Stepan, Anthony D. Smith, and several cohorts of students taking my course at the London School of Economics. Having heard the argument, Mads Qvortrup drew to my attention the passage from Dicey cited in the epigraph.

2 The Soviet Union, Yugoslavia and Czechoslovakia were not democratic federations. Citizens' 'choices' of representatives in all governmental tiers were fictional until the late 1990s. When their choices became more democratic the relevant states disintegrated largely 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 generalisation 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' (Pfabigan 1991: 63). What might have happened had the centres of these federations been democratised 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.

3 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 centralised federal constitution the Canadian provinces are more powerful and the federal government 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 (Zines 1991: 79 and ch. 7).

4 There were some exceptions to this pattern as Glazer (1983) points out. Moreover, a fully correct description of the United States' constitutional form enumerates it as consisting of fifty states, two federacies, three associated states, three local home rule territories, three unincorporated territories, and 130 Native American domestic dependent nations (Watts 1996: 10).

5 By majoritarian I simply mean a federation governed in such a way that standard consociational devices to temper majority rule are not significantly applied.

6 When I first had this idea I thought it was original and wrong, indeed probably wrong because it was original: surely someone had thought of it before and demonstrated it to be wrong? Having read a great deal of comparative federalist literature I could find no clear statement of the theory, though I found hints of it (for example, in Forsyth 1989, and in Franck 1968) or of its falsehood. Later I came to believe the idea might be true, and started to tell people about the theory. Mads Qvortrup subsequently told me of Dicey's remarks in the *Law of the Constitution* (cited in the epigraph above). This partly disappointed me, because Dicey is fairly far from my political tastes. But if the theory turns out to be a false trail I can at least lay the blame on Dicey.

7 My London School of Economics colleague Dr Francisco Panizza observes that the non-mestizo minority in Mexico is both 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 a deep a cleavage as it might appear – blacks are dispersed throughout the country, and racial, ethnic and cultural mixing are significant, despite differentials in advantages between non-blacks and blacks. Though Brazil's federalism has some consociational devices, these are intended to accommodate regional-territorial rather than ethno-national differences.

8 The authors provide data on no other linguistic groups in Belgium. Their source is Stephens 1976.

9 As for Mexico and Brazil see note 7.

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