



Webpapers on  
Constitutionalism & Governance  
beyond the State

Year 2006 | No 3

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ISSN: 1756-7556

conWEB – webpapers on Constitutionalism and Governance beyond the State

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## Minority Rights and Charles Tilly's "Stateness"

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### ABSTRACT

The connection between "nation" and "state" is far from settled, and though naturalized in ordinary political discourse, it is often regarded with circumspection by many social scientists. Can Charles Tilly's application of Nettl's idea of stateness to European state formation illuminate the nation/state relationship and if so, what does this reveal about the tension between national majorities and national minorities that produces civil strife, conflict, and even violence within states? This article explores the implications of the interplay between the international normative framework produced by European state formation that inevitably creates "minorities" in states on the one hand, and Tilly's notion of "stateness," on the other. How does the existence of minorities and the *de facto* privileging of national majorities within the state affect its ability to develop and sustain politically stable authoritative institutions?

**KEYWORDS:** minorities, nationality, nation-state, pluralism, state building.

### INTRODUCTION

Inter-group antagonism, prejudices, and intolerance are not new problems in social life. Such antagonisms can be understood, at least in part, by the fact that in many cultures or societies group identity is sustained as an opposition to "others," to who is "not like us."<sup>1</sup> If identity is, as Joanne Nagel says, how we answer the question "Who am I?" then one answer is that often comes to mind for many of us is that we are members of a particular kind of group known as a "nation" – we are American, Canadian, French, German, Japanese, Chinese, and so on. (Nagel 1997). One might further argue that the category "nation" has taken on increasing political salience in concert with the emergence and institutionalization of "the state," which

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<sup>1</sup> Geertz (1985) and others point out that as the structure of the self is mediated by culture, there are cultures in which the structure of the self relies less or not at all on sharp contrasts with "otherness."

has a special relationship to nationhood, nationality, or national identity. But the relationship between “nation” and “state” is far from settled, and though often naturalized in ordinary political discourse, it is regarded with circumspection by many social scientists (Wilmer, 2002). Narratives of nationality are consequently often asserted as the basis for a claim of legitimacy to state formation on the part of groups widely viewed (and who regard themselves) as constituting “nations.” Indeed, until the last few decades, international relations scholars often referred to states as “*nation-states*.”

Can Charles Tilly’s work on European state formation illuminate the relationship between nation and state on the one hand, and in doing so, what does it reveal about the relationship between national majorities and national minorities that is so often troubled by civil strife, conflict, and even violence within states? Tilly’s work on European state-making builds on Nettl’s critical examination of the state *as a variable*, in contrast with the institutionalists’ more recent revival of interest in the state as an inevitable and rational outcome of increasingly intense and complex social transactions. Nettl regards the state as “one possible concretization of structures, one political dimension, or even one system of social bonds – but not the only one” (Nettl 1968:559). The more sociological view outlined by Nettl was applied by Tilly to explain the emergence of the state and the concentration and centralization of power within the state, in part, as a consequence of the expansion of the state’s role in war making and preparation for war making, in other words, through its progressive monopolization of coercive power (Tilly, 1975).

This “monopoly of force,” as it is often called, shaped the role and character of state institutions, and prioritized state functions, placing security, that is, the use of militarized force to maintain order internally and defend against external threats, at the top of the state’s agenda, even its *raison d’être*. “Sovereignty” also became a prominent subject of political as well as legal discourses coincidentally with the growth and consolidation of power within state institutions, reinforcing, and providing a “referent” for the production and reproduction of the authority of the state (Weber, 1995), and insulating it against authoritative challenges beyond or within its boundaries. The state thus monopolizes not only coercive power, but also discourses on sovereignty, a situation of crucial importance to so-called minorities living within states (or across the boundaries of several states). The state’s monopolization of coercive power, in Tilly’s account, also led to the formation of inter-group (particularly inter-class) bargaining, the extraction of financial resources from citizens, and the delineation of

rights, primarily and initially as *against* state coercion, and later in the form of positive rights that place expectations and obligations on the state to advance the welfare of and provide distributive justice to citizens.

But the coercive power of the state has also been used to deny rights, or, said differently, to enforce unequal (or unjust) distributions of rights. An obvious and ubiquitous case is women's exclusion, until the twentieth century, from political participation, most legal entitlements, and economic opportunities equal to men's. Another case, implicated by Tilly's account, is the distribution of rights and privileges by class, according to property ownership, or by "taxing" political participation, such as the (now revoked) poll tax in the U.S. The use of state repression to deny rights or to enforce an unequal distribution of rights taken up in this essay involves national minorities, that is, groups whose rights have been diminished within the state as a consequence of their cultural, linguistic, religious, or communal distinctiveness. Because the characteristic or set of characteristics that distinguish such groups vary, I will also use the term "communal groups," particularly since their status of "national minorities" is an outcome of the way state-building has often been legitimated in the name of the nationalism of a national majority.

Social scientists' estimates of the number of communal groups who historically enjoyed or now assert claims to a right of self-determination vary greatly, from 500 to 5,000 (Isajiw, 1994). Yet the present international system is made up of slightly fewer than 200 states. If we think of states in terms of a national majority or a dominant ethnic identity, then somewhere between 300 and 4,800 communal groups become "minorities." While virtually all states are to some degree pluralistic, few states have succeeded in "decentering"<sup>2</sup> pluralistic institutions – Switzerland is a frequently cited exception. Perhaps the most prevalent and least injurious (at least physically) deprivation has to do with language. The conduct of political discourse, civic dialogue, lawmaking and judicial processes depend on the ability of citizens to speak a common language. No one can receive justice in a court where proceedings are conducted in an alien language incomprehensible to the defendant. Yet by declaring an official language – the language of political participation, the language of commerce, the language of the law – those for whom the official language is not a first

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<sup>2</sup> By "decentering" I mean where no single national identity is institutionally privileged over others. This is a problem debated nicely in *Multiculturalism* edited by Amy Gutman with commentaries by Kwame Anthony Appiah, Jürgen Habermas, Stephen C. Rockefeller, Michael Walzer, and Susan Wolf (Princeton University Press, 1994).

language necessarily experience diminished rights vis-à-vis those for whom it is a first language since they must learn a *second* language in order to enjoy the most basic rights of political participation and legal protection.

This article explores the implications of the relationship between the international normative framework produced by European state formation that inevitably creates “minorities” in states, on the one hand, and Charles Tilly’s conception of “stateness,” on the other.<sup>3</sup> How does the existence of minorities within the state affect its ability to develop and sustain politically stable authoritative institutions that are “differentiated from other organizations, centralized, autonomous, and coordinated with each other”? (Tilly 1975:32) Tilly notes that these state-making processes, particularly the process of internal coordination, occurred in Europe in fits and starts, characterized by periods of rapid mobilization, centralization, and coordination alternating with periods during which these trends reversed – a series of “two steps forward and one back.” During periods of apparent reversal, states are rendered more vulnerable to resistance, revolt, and disintegration or devolution. Identity – national, ethnic, and religious – is implicated in both movement toward and resistance to state-making. As Nettl reminds us, the state is but one way social bonds are concretized (Nettl, 1968:559). Surely ethnic, religious, and national identities are other possible “systems of social bonds” with varying degrees of concretized social structures and variables creating allegiances and loyalties between those structures and individuals – church membership, language, and cultural practices, for example.

Identity links individuals to the state and, when the relationship is experienced positively, creates enormous efficiencies in terms of engendering the loyalty of individuals. Loyalties, in turn, mean that the state does not have to employ coercive resources to collect revenue or raise armies – two of the most important elements of state-creation in Tilly’s account. A special, “naturalized” relationship between the state and national identity prevailed over other forms of identity, particularly religious identity, but not without many protracted and deadly conflicts. Indeed, national and religious identities are, or can be, overlapping, though the struggles over Catholic and Protestant identities politicized by English-French rivalries come to mind as counter-examples. But within the context of

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<sup>3</sup> State functions include, for example, the formation and implementation of domestic and fiscal policies, the articulation, allocation, and protection of rights, the ability to obtain compliance, and the configuration of political institutions. Here I am concerned not with the specific manifestations of stateness, but the strength of stateness overall, the ability to develop and sustain what Tilly called “thick” stateness.

European state-making, the conflicts over national identities, so closely tied not only to state-making but also to its extension through imperialism, even in Europe, produced large subjugated nationalities (Welsh, Scots, Irish, Walloon, and so on) as well as smaller, no less subjugated ethnic nationalities like the Basques, whose resistance to assimilation into the state continues today.

This aspect of state-creation – its ‘nationalization’ and the bonds of loyalty affirmed by it, have been reproduced in non-European settings precisely because it produced an international norm linking “nation” to “state,” and as a consequence, producing minorities within states so created. Since roughly the end of the first World War, however, another norm has been evolving that, in turn, aims to mitigate the negative consequences of state-making that privileges one national group over others, and that is the self-determination or “protection of minorities” norm.

So how does the emergence of a new international norm that aims at the protection of minorities mediate the relationship between states and minorities? I examine this question in two parts: first, by interrogating the process of state formation by asking how it “creates” minorities. How has the state’s monopoly on force and on the allocation of rights been used to deprive, marginalize, and repress minorities? How, in other words, has the logic, or ideologic, of state formation produced the “problem” of minorities; how has it rationalized the injustices and injuries suffered by national minorities? The second part takes up relatively recent efforts to rectify the relationship between minorities and the state at national, regional, and international levels. It also considers the impact of such efforts on stateness and evaluates the relationship between stateness and a developing international moral community.

## **I. STATE-CREATION AND THE PRODUCTION OF NATIONAL MINORITIES**

The relationship between politics and identity, which has increasingly become the subject of much theorizing and empirical investigation over the past two decades (Gutman, 1994; Calhoun, 1994; Lapid and Kratochwil, 1995; Campbell, 1998; Kymlicka, 2001, 1995; Connolly, 2002; Benhabib, 1996, 2002), is perhaps the most central issue confronting political order in modern and postmodern society. It is implicated in questions of ethnicity, multiculturalism, loyalties, nationalism, inside/outside, civic, gender, conflict, nation-building, self-determination, self-Other relations (and ‘otherness’), religion, imagined

communities, and the possibility (or impossibility) of world society.<sup>4</sup> Indeed, one of the presumed distinctions between pre-modern and modern societies is the reconstitution of political identity in terms of civic rights and obligations in contrast to nationality conceived primarily in terms of ethnicity or ethnic relationship. Still, national identities constituted in terms of foundational myths and meta-narratives rooted in the concept of “ethnicity” remain powerful sources for mobilizing collective political action, whether by governments, or those whose main objective is to secede from or destroying state institutions in the name of overcoming oppression or achieving national liberation.

### *A. Nations and Minorities*

Nations are complicated social facts. We think of ourselves as Americans, Germans, Italians, Canadians, South Africans, and Mexicans in a political sense as well as in the emotional terms of identity. Many Americans think of themselves in terms of “hyphenated” or compound identities – Asian American, Native American, Irish-American, Italian American, African American and so on. The political effect is to attempt to render more similar than different the many different historical experiences understood within the framework of ethnic identity, to downplay ethnic differences by establishing the common identity “American.” Canadians can be Quebecois, Anglo, Irish, Métis, and Aboriginal, to name a few. In South Africa there are eleven official, six non-official, and three “heritage” languages. Two major cultural and linguistic groups in Bolivia make up an indigenous majority, though there are many more communal distinctions among indigenous Bolivians. Guatemalans are roughly 55% Mestizo, 2% white, and 43% indigenous – categories that correspond roughly to spoken or first languages since 40% speak an indigenous language and 60% speak Spanish. Somewhere around 12-15% of Mexicans identify as indigenous peoples, but only half of them speak an indigenous language. As social facts, nationalities are not only complicated, but also link identity with particular political practices, practices by which, to paraphrase Easton’s definition of politics, institutional agents allocate tangible and intangible resources, such as rights, according to values. Alternatively, groups marginalized

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<sup>4</sup> Long of interest to sociologists, conflict theorists, and comparativists, the study of “ethnic conflict” became much more prominent in international relations after the end of the Cold War. See, for example, Schechterman and Slann (1993), Gurr and Harff (1994), and Carment and James (1997).

in the allocation of resources may mobilize to change, overthrow, or secede from the jurisdiction of institutions they perceive as agents of their marginalization.

There has been a shift over the past few decades in how ethnic groups are conceptualized within the social sciences and humanities, away from primordial conceptions toward the notion of identities constructed through social processes (Wilmer, 2003; Conversi, et. al., 2004). Once understood almost self-evidently as groups demarcated by common ancestry, language, history, religion, and/or cultural practices, more recent thinking emphasizes the inescapably subjective quality of group identity, recasting “nations” as “imagined communities,” to quote Benedict Anderson’s famous idiom (Anderson, 1991). This rethinking of the social self and its implicit reliance on group processes for the development of identity in social theory paralleled philosophical critiques of essentialized identity, though we should also be cautious about giving the boundaries between social science and humanities too much emphasis (Wallerstein, 2001).<sup>5</sup> Such denaturalized conceptions of nationality and ethnic identity refocuses attention on questions of inter-group relations, the social construction of identity through intersubjective and dialectical processes, how power structures such relations, and variation in the social construction of the self, selfhood, and self-Other boundaries.<sup>6</sup>

For the purpose of this article, a minority is a group that self-identifies itself as distinct by virtue of a shared ethnic, religious, cultural, or communal identity *and* has historically been marginalized by policies and practices officially sanctioned by a state. Thus they often, but do not necessarily, also constitute numerical minorities within states. South Africa under *apartheid* provides one of the best-known examples where the white population of 9.6% implemented a systemic discrimination against the remaining 90.4% of the population variously identified within the *apartheid* system as black African (79%), colored (8.9%), and Indian/Asian (2.5%).

The political situation of religious, ethnic, and communal minorities today – their treatment by and status within states, their rights claims, the question of their protection and so on – must first be contextualized within a set of historically contingent social relations that have political consequences. The social practices that construct (and maintain) the state

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<sup>6</sup> See, for example, Sandstrom, Martin, Fine (2003) Dallmayr (2001); Giri (2002), and Tilly (2002).



today combine discourses of “sovereignty” with discourses of “nation.” This move, associated with the French revolution and the rise of Napoleonic nationalism, can be thought of in a way as a political fulfillment of the Enlightenment since it wrests sovereignty away from Divine authority and relocates it within the individual as a member of the collectivity of the nation. In this sense, it is, or was, emancipatory. As the preeminence of religious authority in legitimating political power gave way to rationalism and science sources of legitimation, narratives of populist nationalism naturalized the state within a meta-narrative of “political evolution” wherein the state is regarded as the highest expression of nationality.

Such populist nationalism has always struggled against the chauvinistic and expansionist tendencies that lead to imperialism and domination. Indeed, populist nationalism operating within a politically delineated territorial space dominates, first of all, those within that space whose identities are different from the identity appropriated by populist nationalist movements. Thus the production of the “nation-state” as such is predicated on the mobilization of a hegemonic national majority, *creating national minorities by implicitly privileging national majorities*. The work of Bourdieu traces the use of symbolic power to create and strengthen French national identity and to enlarge the space of “thick” nationalism around the metropolis so as to assimilate those living in spaces of “thin” national identity (Bourdieu, 1993). Todorov (1999), in a somewhat different vein, demonstrates how religious identity is used to rationalize the subjugation of indigenous peoples in the production of the European empires in the western hemisphere, a move that enabled the reproduction of domination when European settlers renegotiated their authority as nation-builders following the decline empires. The subjugation of national minorities within European imperial domains is of course implicated in the proximate causes of the First World War as well as in the Minorities Protection System devised by members of the League of Nations afterward. At the most extreme, the domination and subjugation of national minorities is implicated in genocide, ethnic cleansing, and acts of genocide, with the Holocaust demarcating the most horrific.

This is neither new nor profound, but it is, I believe, where one must start a discussion that links the question of “minorities” as a political question to the social terrain of “internationality.” This is true in spite of efforts by states to treat “the question of minorities” as an entirely domestic or internal issue because *the construction and maintenance of the state as a set of governing institutions is inextricably linked to the construction and*

*maintenance of “the international” as a normatively constituted political space.* Searching for the intersection between minority rights and international politics leads us inevitably to interrogate the normative foundations of the state as the authoritative institution through which the values that marginalize or, alternatively, protect minorities are allocated. It is also what makes Tilly’s work especially relevant to a discussion of national minorities and efforts to balance their needs and rights with the ability of the state to effectively fulfill a variety of functions that rest on the perception and strength of its legitimacy.

In order to situate minorities historically and politically, two questions need to be addressed. One is *how* state creation occurred, and the other is whether or not, or to what extent contemporary states can be characterized as non-consensual that is, produced by social interactions based on coercion and violence rather than by gradual, “bottom-up” social processes.

### ***B. State Creation: Situating Minorities in the State, and the State System***

As Gurr and others note, “all collective identities, whether centered on a communal group or as national states, are to a degree situational and transitory” (Gurr, Harff, Marshall, and Scarritt, 1993:4). The structure of the state itself (or rather the normative order through which it is legitimized) however, allocates values, including, significantly, the political value of self-determination (defined as the ability to control one’s own political destiny) such that only *one* group may realize or possess that value within the state while for others it is derivative. Furthermore, without the development of international legal norms to the contrary, the current normative order on which state legitimacy rests is a product of the 18<sup>th</sup> and 19<sup>th</sup> century nationalistic struggles that resulted in relocating the body politic in “the nation” which in turn obtained its fullest expression (as a self-determined body) as a state. Eighteenth and nineteenth century nationalism was, to be sure, regarded as emancipatory and democratic, particularly in light of the political order of hereditary governance it sought to overthrow and replace. But in the end, it was only so for those nationalities that succeeded in controlling states.

Does this make the state “artificial” as some have charged?<sup>7</sup> I have argued elsewhere that there are those, such as the more than 300 million indigenous peoples and numerous minority ethnic groups, who experience the state as artificial in the sense of being an imposed and top-down, rather than a negotiated and bottom-up order (Wilmer, 1993; 2002). This perspective is also often reflected among non-western and postcolonial writers.<sup>8</sup> In the case of indigenous peoples in North America, Australia, and New Zealand and even in much of Central and South America, the state was created by European settlers whose normative justification for policies aimed at the destruction of indigenous peoples was rooted in the myth of progress and European “Enlightenment” on which the settlers’ identities were grounded. Gurr answers the question differently or at least takes the position that states are not artificial, but does not elaborate (1993:4). Anderson (1991), Cassirer (1946) and others (Gellner 1983, Giddens 1987) share this view that at the very least, it is simply inaccurate to view the state as “natural.”

State creation has been, for the most part, a violent process (Cohen, Brown, and Organski, 1981). The identities of people living within states today are of those who enacted, and either prevailed in or were subjugated as a result of state-making violence. State-making is not the only source of violence contributing to the historical self-understandings of identity groups living as “minorities” within states – African Americans and slavery, for example – but the drawing of boundaries and the consolidation of authority are both political processes attended by a high probability and degree of violence.<sup>9</sup> “The process of state creation,” says Panikos Panayi, “resulted in new minorities where they did not previously exist,” and “[T]he essence of the nation state is political control,” Panayi points out (Panayi, 1999:8). And that political control was achieved through force, direct and indirect, violent and structural, physical and symbolic. In the aftermath of such state-making processes were a set of institutions controlling the population and resources of territories

<sup>7</sup> “State and Corp.” by Noam Chomsky and ZNet Germany, 18 May 2005.

[http://www.zmag.org/content/print\\_article.cfm?itemID=7885&sectionID=10](http://www.zmag.org/content/print_article.cfm?itemID=7885&sectionID=10), accessed November 16, 2005.

<sup>8</sup> See “Security challenges,” by J. ’Kayode Fayemi, paper presented June, 2000, at *African Transitions*: a symposium on the continent’s engagement with democracy, accessed November 12, 2005 at: <http://www.india-seminar.com/2000/490/490%20fayemi.htm>. See also “Reflections on the concepts of ‘Nation State’ & ‘Civil Society,” paper presented at December, 6th, 2004 Somali Awareness evening in Ottawa By: Fowsia Abdulkadir December 11, 2004.

<sup>9</sup> It should be noted that there are cases in which the expanding, ethnically based state simply reached a geographic periphery that may have been, at the time of state-formation, both occupied by a culturally distinct community and of little economic interest. The Saami, for instance, come to mind. But when the Norwegian state, for example, became interested in the economic resources of areas occupied by Saami, the Saami then found themselves in the same position as other minorities – subjected to the coercive power of the Norwegian state and dependent on it to “grant” rights to the Saami which the ethnic Norwegian majority took for granted.

defined by boundaries legitimated on the basis of their recognition by other similarly created institutional sets. Those sets of institutions are the state, which has become coterminous with the territory, people, and resources they govern. It is synonymous with, in various times and places, nation-state, nation, and country. People *die* for their countries, Panayi reminds us, so why should we be surprised that they are also willing to die for their ethnic group in pursuit of becoming a ‘country?’

Consolidating political control and centralizing authority could only occur through a combination of force and mobilization. How were people mobilized? State creation did not occur in a social or historical vacuum. *Why* consolidation and centralization took place, and *who* led these processes is not the subject of this essay, though most writers agree with some variation of the industrialization hypothesis – that the social and political forces giving rise to state creation (and by extension, the imperial state) were either driven by or otherwise linked to the economic processes that culminated in industrial capitalism (Wallerstein, 1980, 1988; Wilmer, 1993; Panayi, 1999). These claims refer to the European experience as the norm, and the export and reproduction of that norm through imperialism from the seventeenth to nineteenth centuries, and decolonization overseen by European and western states.

Two means were used to persuade people to identify themselves as citizen-subjects of states – violence and coercion on the one hand, and the appropriation of symbolic power through language and narrative (historical, ethnic and religious) on the other. Of course these strategies are not mutually exclusive. Symbolic power deployed through the language of ethnic nationalism as well as religion, which had already become well established in Europe as the institutional basis for collective allegiance, evokes strong emotional responses and group loyalties. This use of religious narrative to legitimate and secure power was manifested in European ‘religious wars’ of the sixteenth through eighteenth centuries. Religion was also used as a form of symbolic power to justify the ‘civilizing mission’ that legitimated a brutal imperialism in the non-European world. This led to a political remapping of medieval Europe and a European mapping of the non-European world in which hegemonic ethnic identities were mythologized as the natural basis for state authority and those who happened to identify themselves otherwise became either minorities (in Europe) or colonized subjects elsewhere. The “otherness” of these subjects, whether as internal minorities or colonial subjects, provided justification for their marginalization or even outright exclusion. Thus the relevant minorities in particular settings are defined by religious or ethnic identity to

the extent that “unifying” religious or ethnic narratives were deployed to mobilized support for state formation, privileging hegemonic “national” identities and marginalizing others as “national minorities.”

### ***C. Minority-Majority Relations and Narratives of National Identity***

Historical experiences of marginalization and exclusion are incorporated into the self-understandings that constitute identity, and then passed on to subsequent generations producing and reproducing narratives of intergroup relations within a framework of domination and subordination. Narratives justifying dominance characterize those who obtained political control by aligning their own identities with consolidation and unification movements of state formation, hence the *nation*-state (and not *nations*-state). Alternatively, narratives of subordination and oppression are adopted by groups over whom such control was and is exercised, their “minority” identities becoming “otherness” vis-à-vis the hegemonic group. Emancipatory narratives of nationalism as a form of populism arose in connection with the shifting of authority from regent to “people” and reconstituted authority within more or less the same territorial boundaries. But just as narratives of nationalism bolstered the esteem and courage of the individual as a member of the dominant group, so did narratives of marginalization, injury, victimization, and grievance come to play an important role in the identities of “others.” The relationship between a particular ethnic identity and the narrative of the nation, and in turn between the narrative of the nation and the narrative of the sovereign state was both politicized and naturalized in Western Europe in the eighteenth century.

As noted earlier, the myth and norm that the nation reaches its highest expression by controlling the state was reproduced in the aftermath of decolonization in the Global South or Third World as well as with the collapse of the Soviet Union and communist Eastern Europe. The “ethnic origin of nations,” to borrow from Anthony Smith’s book title (Smith, 1986), provided the normative basis for legitimizing state authority as the meta-narrative of state formation essentially legitimated ethnic domination, or in Gramscian terms, the rise of hegemonic majorities within states alongside one or more “others” who then became minorities representing varying proportions of the total population in the state. Some of the non-European societies encountered by Europeans during several centuries of imperialism

also seemed to confirm this convergence of nation and state and where the marginalization of minority nations or identities was also normalized – China, Thailand, Japan, some Arab states. Others were vastly different – the Indian subcontinent with its paradoxical mix of parochial differences overlaid with shared cultural practices, social orderings, literary traditions, and historical narratives; the indigenous peoples of the Americas whose cultural differences (and varieties of intertribal relations) were local, regional, and continental; the mosaic of African chiefdoms, kingdoms, and empires (Ayittey, 1991).

The effect of state creation on these diverse social landscapes was to produce territorial and jurisdictional boundaries within which multiple identity groups co-existed, and in some cases, more or less resembled the pattern of majority-minority relations typical of Western Europe, while in other cases contained three or more groups with no single group constituting a substantial or hegemonic majority. Importantly, Europeans had a more direct hand in defining some of these new political landscapes than others. In China, Thailand, Japan, and some Arab states boundaries were constituted and internationally recognized with little involvement of Europeans (other than by “granting” recognition and/or postcolonial independence – Thailand skillfully evading colonization altogether). In other cases, however, notably much of Africa and the Middle East, boundaries were negotiated among the former imperial powers with little or no involvement of the people living within those territories. Philip Gourevitch (1999) nicely traces how such boundary-making along with colonial preferences and privileges favoring Tutsis created highly conflictual cleavages in post-colonial Rwanda, for example. In other parts of the world – the Americas, for example, boundaries were determined by the successive historical experiences of European conquest, post-colonial wars, and civil wars.

Such historical situatedness has political consequences. For one, being a “minority” means being in a political position to *seek* and be *granted* rights and/or protection *from* majorities. This is no small matter. Minorities are disadvantaged because they must rely on their ability to compel the majority to grant them the rights that inhere in the majority by virtue of their majority political status. Returning to my original claim that while human social groups have probably always possessed prejudices about one another, beyond that, many have also been overtly intolerant and antagonistic toward one another, and these antagonisms and prejudices can play out in the most injurious ways when one group controls political processes and institutions. The coexistence of multiple groups within virtually all

states (and often across the boundaries of states) configures majority-minority relationships according to a normative order arising from narratives of ethnicity underlying state formation and legitimacy, privileges one identity and marginalizes others. Minorities must then prevail on the majority for the realization of rights that the majority takes for granted. Furthermore, we might safely assume that while conflicts and antagonisms among pre-state societies no doubt led to the demise of many groups and the dominance of others, many groups that survived into the historical era of state creation were at one time in their history – in fact for *most* of their pre-state history – self-determined people. Being incorporated into a state as a minority thus deprives them of their self-determining status, an experience that often works its way into the identity narratives of ethnic groups that do not control state institutions.

#### ***D. Impact of Minority-Majority Relations on Stateness***

The ability to channel internal conflict constructively, particularly conflict with a high propensity for violence, is one of the most important roles of the state. It is the essence of democratic governance, but from a purely instrumental perspective, even undemocratic governments will find it more efficient the less they must expend resources to repress conflict and dissidence. Yet the state also contributes to the production of conflict so long as its normative foundations are linked to the privileging (and thus the marginalizing) of identities articulated in terms of ethnic (or ethno-national), religious, communal qualities. In the case of minorities, I agree with Gurr and others that minorities have become both an important challenge to international security and “the principle victims of gross human rights violations” (Gurr, 1993:312; Carment and James, 1997). One of the problems for the development of international law aimed at regulating the relationship between the state and minorities, however, is that minorities must be protected in situations in which “stateness” is contestable or ineffectual, in failing states or states at risk of failure because both institutional capacity and citizen loyalty are weak. In the case of failed states, “thin” stateness can often be traced to the manner in which it was created in the first place, the relative weakness of the norms that legitimize the state from the point of view of those over whom it asserts control.

The trouble is that more often than not, the congruity between nation and state is imperfect. Of the roughly 191 states in existence today, the majority – about three-fourths – are postcolonial states *and* multiethnic or multinational. And how many nations or ethnic

groups live in 191 states? Geographer Bernard Nietschmann estimates the number of ethnic groups today at between 3000 and 4000 (Nietschmann, 1987: 1-16). His estimate is probably the highest and is often cited when one speaks of the large number and diversity of indigenous peoples. I am sympathetic to this figure because of my own work with indigenous peoples (Wilmer, 1993).<sup>10</sup> A more state-centric view, such as that taken by Gurr et al, rejects Nietschmann's estimate because "Many of these 'nations' are no more than linguistically distinct villages or bands of hunter-gatherers in isolated regions" (Gurr, 1993:5) and lumps many indigenous peoples together within states on the grounds that, for example, in the United States "many of them share a sense of larger, pan-tribal identity and because they are regarded and treated by white Americans as one aggregate group (Gurr, 1993:8). Gurr's "Minorities at Risk" project counted all ethnic groups other than "advantaged" majorities and figures that there are 233 such vulnerable minorities. The Minority Rights Group Directory identifies 170 such minorities, though using different criteria for aggregation and inclusion than the Minorities at Risk project.<sup>11</sup> Gunnar Nielsson and Ralph Jones identify 575 groups that are either in control of states and constitute ninety percent or more of the population, or are ethnic groups constituted as nations with a potential to become states (Nielsson and Jones, 1998).

The lower figures rely, in my view, on two contestable assumptions. One is that group size matters. Larger groups are of greater concern, perhaps because their aspirations have turned or may turn state-creation by secession, which underscores the notion that nations or ethnic groups reach their fullest expression as states, but acting on such an aspiration represents a physical threat to the territorial integrity of existing states. The other assumption is that a "group" that more closely resembles the kind of "nation" linked to statehood in the sense of western or European "nation-states" have a stronger claim to "nationality" or "groupness" than those that do not. For example, the Kurds are categorized as an ethnic group by virtually any account, but when it comes to counting indigenous groups – Aboriginal Australians or Native Americans – they are often lumped together rather than figured as separate and distinct societies. It should also be noted that the lowest figures reflect the number of minorities – not ethnic groups – because they do not include ethno-

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<sup>10</sup> Indigenous peoples consider their communities distinct polities consisting of individuals with a distinct group identity. The idea of an aggregated ethnicity of "American Indians" does not capture indigenous peoples own understanding of their identity; ethnicity constructed in this way is not a relevant identity category for them. Thus, for example, in the US there are some 500 extant distinct indigenous communities and identities today.

<sup>11</sup> Minority Rights Group (Chicago and London, 1990).



national groups who control states or whose identities are constituted as the “national” identity of a state because they are not ethnic “minorities.”

Tilly’s concept of “stateness” has more recently been further elaborated by Linz and Stepan (1996) and Toft (2004) who examine the relationship between nation and state, “and how this relationship impacts the transition to democracy” (Toft, 2000:4). Though focused on transitions to democracy in Eastern and Central Europe, their insights are applicable to the *development* of democratic governance, whether in formerly communist or formerly colonial states. The development of democracy requires the mobilization of citizens in a polity for discussion of, and if successful, agreement on, to begin with, the content of democratic procedures and the structure of democratic institutions. In their analysis, Linz and Stepan argue that following transition – or following liberation from undemocratic structures – transitioning or development democracies must then consolidate people, loyalties, and resources, as Tilly argues, in order to develop and strengthen stateness. Consolidation takes place along behavioral, attitudinal, and constitutional lines, characterized by the willingness of all citizen-subjects to engage in the peaceful resolution of conflicts (by using the legal and political channels provided by the state) which in turn is grounded in a belief in the legitimacy of the institutions and procedures governing the polity. When the boundaries of “nationness” and “stateness” coincide, the transition to or creation of democratic procedures and institutions widely regarded as legitimate is more likely to occur smoothly, and when they are not, the path is likely to be difficult and volatile. The development of the post-communist democracies in the Czech Republic and Poland are good examples of the first, whereas the civil war in Yugoslavia, continuing armed conflict in Chechnya and the uncertain transition to democracy in Russia illustrate the severe consequences for states beset by contentious multinationalism and weak citizen-institutional loyalties.

## **II. INTERNATIONAL NORMS AND THE PROTECTION OF MINORITIES**

The concept of norms can have both a sociological and a legal meaning. Jeffrey Checkel succinctly captures a definition of the sociological by defining norms as “shared expectations about appropriate behavior held by a collectivity of actors” (1999:83). This behavioral concept of norms can prescribe behavior, and those prescriptions may be codified in law and thus constitute a basis for a legal rule, but some norms are much broader and more

abstract. They can be, as Risse, Ropp, and Sikkink argue, behavioral expectations that follow from “principled ideas,” beliefs, and “cognitive commitments” (1999:6-8). They can be, in other words, something more concrete than principles but less concrete than rules. And, I would add, they may not always be “nice,” that is, while international relations theorists have focused on positive norms like those associated with the development of international human rights protection and promotion, “sovereignty” is also a norm in that it is a belief about social relations that structures behavior and expectations, even though the consequences that follow from that behavior and expectations “created” by sovereignty may sometimes be quite negative. Lee Ann Fujii, for instance, has written persuasively about “The diffusion of a genocidal norm in Rwanda” (2002:1). Norms and legal rules may also be in conflict, for example, legal rules requiring non-discrimination or “equal opportunity” are made specifically to counter *social norms* that give rise to discriminatory behavior. The application of legal rules may also be constrained by social norms, so that, again using the history of racial discrimination as an example, the interpretation of constitutional requirements for “equal protection under the law” in the U.S. changed from “separate is equal” to “separate is inherently unequal” between the Supreme Court decisions in the *Plessy v Ferguson* case of 1896 and the *Brown v Board of Education of Topeka* case in 1954. In the absence of laws or rules to the contrary, the existence of widely recognized norms confers legitimacy on certain behaviors and illegitimacy on others.

In the case of minorities and states in international relations, we have a normative conflict between the more abstract but nevertheless very widely recognized and long-standing norm of state sovereignty and a set of corollary legal norms such as “domestic jurisdiction” and “non-intervention,” on the one hand, and norms pertaining to the protection of minorities arising out of international rights discourses on the other. Furthermore, my argument about minorities and state formation also implicates a norm arising out of social and political practice that links the state – the wielder of sovereignty – to the dominance of one national identity or ethnic group over others.

#### ***A. Norms, Social Practices, and International Protections for Minorities Rights***

From an international perspective, two norms undergird social practices that result in injury to minorities individually and collectively. One – sovereignty – may even be considered

what Kelsen would regard as the “grundnorm” of international law. With the emergence of human rights norms in the past century, the meaning of sovereignty has shifted away from a shield enabling those who control the state to enact law and policy within the state’s jurisdiction – in other words, arbitrarily and without accountability beyond the state– toward something more conditional. A state may enjoy full sovereignty so long as it does not violate some fundamental norms, such as non-aggression. Postwar Germany and Japan as well as Iraq following its invasion of and forced withdrawal from Kuwait were all subjected to diminished powers of sovereignty after having violated the norm of non-aggression. It is difficult to say that the international community has enforced any other norms with the same consequence. Particular international lawyers might disagree over the content of those limitations – the state may not perpetrate acts of genocide (but is it obligated to stop them?) and it may not use force in its relations with other states without justifying its use in terms of international legal principles. While we would like to claim that absolute sovereignty has given way to sovereign equality, it also remains true that more powerful states are less likely to be subjected to consequences for violating any of these conditions (the recent US war in Iraq, but also numerous UN and Soviet interventions during the Cold War are examples), and even less powerful states may violate these conditions providing more powerful states do not wish to prevent them from doing so (the Rwandan and Cambodian genocides are examples here).

Sovereignty allows those who control state institutions to define citizenship, qualifications for citizenship and its entitlements, and consequently, its exclusions. The Permanent Court of International Justice (PCIJ) affirmed that this right fell exclusively within the jurisdiction of the state in 1923.<sup>12</sup> By linking nationality as an international status to the state as the agent conferring nationality on the individual, the complexities of thousands of national identities are reduced either being one of the 191 that are constituted as state nationalities, or seeking status as a “national minority” within a state. Must everyone *have* or *want to have* a nationality in these terms? Indigenous peoples in the U.S., for instance, differ over whether each constitutes a nation or a tribe, fully aware of the political implications of the distinction, with some arguing that adopting the term “nation” is simply an attempt to “fit

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<sup>12</sup> *Question concerning the acquisition of Polish nationality*, Advisory opinion [1923] PCIJ 4 (15 September 1923).

in” to the Europeans’ legal and social framework.<sup>13</sup>

The PCIJ’s position was modified in the aftermath of World War II and the Holocaust, and nationality became a subject of international protection. The Universal Declaration in Article 15 affirms the existence of “nationality” by declaring that: (1) Everyone has the right to a nationality; and (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. Article 24, paragraph 3 of the International Covenant on Civil and Political Rights declares that: “Every child has the right to acquire a nationality.” Nationality is self-defining in these references. But what, for instance, about the 300 million indigenous peoples who live in mostly small-scale communities and most of whom would not think of themselves as constituting “nations?”<sup>14</sup> More inclusive, and also more problematic language appears in the Covenant on Economic, Social and Cultural Rights. Article 1, paragraph 1 declares “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Contentiousness surrounds the idea of “peoples” since the term indicates social groups with nationality-like self-consciousness and cultural cohesiveness. The assertion of self-determination by a “people” may contradict the assertion of sovereignty by a “state,” though legal precedent thus far does not support the assertion of self-determination *at the expense* of or in any way that diminishes state sovereignty. During the decades-long debates about indigenous peoples rights, progress toward a set of draft principles was impeded precisely because the term “peoples” has by been associated in international law with the right of self-determination, and more powerful states – the US, New Zealand, Canada, and Australia, among others --- were concerned that recognition of indigenous peoples as “peoples” would create the legal basis from which to launch the claim for self-determination and perhaps, ultimately, sovereignty and secession (Wilmer, 1993).<sup>15</sup>

The case of indigenous peoples is illustrative. Numbering more than 300 million worldwide, indigenous peoples are among the non-state communal or ethnic groups clearly

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<sup>13</sup> This is a sentiment that has been expressed to be numerous times by indigenous peoples, and often evokes a conflict between smaller indigenous communities in the western U.S. who tend to favor “tribe” and the larger communities in the eastern and southwestern U.S. The implication is that using “nation” signifies a move toward assimilation by accepting the “white man’s” categories of social order.

<sup>14</sup> It must be noted here that I say “most” and “mostly” precisely because there are both larger scale indigenous societies such as the Mapuche, and some who do think of themselves as constituting nations, for instance, the Haudenosaunee.

<sup>15</sup> In fact, the term preferred by these states was “populations,” which has virtually no international legal significance, though it has precedent in early ILO conventions dealing with indigenous peoples.

marginalized by the normative structure that grounds either self-determination or sovereignty in the idea of nationality. It is not at all clear that an international claim to self-determination is sufficient to protect the rights of indigenous peoples, which include the right to participate in their own culture. Maintaining cultural distinctiveness means being free to choose the values one employs to allocate resources, how the use of resources is linked to culturally specific aspirations. It is because indigenous peoples make claims to territory and material resources that they are subjected to the coercive power of the state, which itself acts as an agent of the dominant culture. As an agent of global capitalist expansion, the state encroaches on the material resource bases on which indigenous peoples rely, and on the basis of that agency, the state also claims the right to expropriate indigenous peoples from their land. Guaranteeing their right *state* "nationality," to citizenship in a state rather than in their own society is not only insufficient, but can be the very means by which they are *deprived of their* right to self-determination. In 1924 the US passed an Indian Citizenship Act, but who asked indigenous peoples whether they wanted to be citizens and who explained to them that this would mean renouncing citizenship in their own polities?

The language of nationality in the form of exclusionary nationalism was used to arouse emotions of attachment and entitlement to areas of Bosnia occupied by Croats and Serbs (Wilmer, 2002). The assumption (and it was often expressed explicitly to me in interviews there between 1995 and 1998) was that Croats and Serbs could not live in a multicultural state in which they had to share power with Bosnian Muslims rather than relegate them to minority status. Similarly, Serbs in Croatia were said to reject their incorporation into a newly independent Croatia because they would lose the status they enjoyed in Yugoslavia as a "nationality" and instead become, overnight, a minority. Under the Yugoslav state, they were constituted legally as "nationalities." Under the newly independent republics – now states – they lost their national status and became "minorities." Of the three groups in Bosnia, the Croats were the closest to and mostly likely to become a minority by any scheme other than one in which they formed an alliance with one of the other groups (which they did with the Bosnian Muslims, of course). The language of nationalism was the most powerful, and most exploited weapon in the Yugoslav wars.

### ***B. Citizen Rights and the Protection of Minorities in the U.S.***

When citizenship rights are distributed on the basis of nationality, non-nationals become second-class citizens. They are in the position to be marginalized (and injured) at worst, or to be dependent on nationals to “grant” them rights at best. Even when they are granted “equal” rights, the question of linguistic rights (raised by the designation of official languages) may perpetuate their *de facto* second-class citizenship because they must learn a second language in order to enjoy the full benefits of their citizenship. When majorities control political institutions, educational systems, and dominate the cultural life of the state, the political, educational, and cultural rights of minorities are at risk. Many of these issues have been at the center of conflictual race relations, the dominance of a “white” or European majority in the U.S. and the struggles of American minorities.

Prior to colonization, there were 20-40 million – perhaps as many as 100 million according to Charles Mann (2005) -- indigenous inhabitants living in self-determined communities within systems of communities with their own norms and social practices (Chase-Dunn and Hall, 1991). European settler-colonists arrived with their own social practices and norms, including such norms as the “doctrine of discovery” by which competing colonial claims could be resolved. They also believed themselves to be morally superior to the indigenous peoples, as reflected in their making a distinction between “civilized” and “uncivilized,” or “progressive” and “backward,” a distinction which also served a convenient political purpose in rationalizing the overt and covert destruction of indigenous communities. The settler-colonists eventually claimed their own independence from Britain and began building and expanding a state (and a nation). The slave trade was legal in the new state, as it still was in Europe until the Treaty of Vienna, and the ethnic mix in the new United States included Africans, indigenous peoples, indentured servants, and later, Chinese immigrant laborers. In what eventually became the southwest of the United States, were also Spanish settlers, their descendants, and a growing Mestizo population. Initially, full citizenship extended only to “white male property owners,” with the states within the United States each determining the amount of property an individual must own in order to vote.

The ideology of “manifest destiny,” claims of conquest<sup>16</sup>, and a bloody civil war marked an extremely violent first one hundred years, killing millions through direct and structural violence. During the second century of the new state’s existence, in the aftermath of the civil war that led to the passage of two constitutional amendments extending due process and equal protection under the law to all persons regardless of race (but not regardless of gender) and through less violent acts of civil strife, civil disobedience, and social movements, citizenship, greater political and economic equality, and protections against discrimination were extended, first to non-property owning white males, then to Africans, women, indigenous peoples, and eventually all people of color. It should be noted, however, that English has always been the only official first language, equal political opportunity has been progressive and uneven, discrimination still adversely affects the equality of economic opportunity, and at least some indigenous peoples flatly (and democratically) rejected the forced extension of citizenship to include them, that is, without their consent. Similar struggles not only typify the settler states in the Americas and Oceania, but have also taken place in a variety of post-colonial settings. The claim of nationality creates a pre-eminent claim to first-class citizenship – the values, language and social practices of the national majority will be taken as the norm for the expression of those rights citizens enjoy. “Others” must struggle for “equality.”

Equality is better than inequality, but equalities of opportunity and citizenship alone may not be not enough. “Why, do we have a Black History month” white students in South Carolina asked, “and not a White History Month?” “Because,” I answered, “*every* month is white history month.” When the majority identity is normalized as the identity of the “nation” or the “national” identity, members of the majority will generally not be aware of the way identity is used to distribute rights to their advantage. The majority’s version of history, the majority’s first language, the majority’s religious practices will become co-identified with the “nation.” Congresswoman Eleanor Holmes Norton, when serving as the Chair of the Equal Opportunity Commission in the 1970s argued that the kind of discrimination anti-discrimination law is intended to address is discrimination resulting from a *long-standing historical pattern*.<sup>17</sup> Thus, she argued, the claim of ‘reverse discrimination’ was without legal merit unless it could be established that whites suffered the effects of a

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<sup>16</sup> As recently as the 1970s the U.S. government claimed that its relationship with Indian tribes was, in part, based on a “law” of conquest. See Wilmer (1993).

<sup>17</sup> Ms. Holmes-Norton expressed this idea during workshop presentation by Ms. Norton in 1978 in Washington, DC where I was a participant.

long-standing historical pattern of discrimination. Being “white” has bestowed privilege just as not being white – being a person of color – has been the basis for depriving individuals, often through legal means, of equal economic and political opportunities and cultural expression. Only since the 1960s and 1970s with the passage of Voting Rights and Civil Rights Acts has there been a concerted effort to use legal sanctions to eliminate discrimination and to redress its historical consequences.

It is not clear that this will guarantee equal opportunities to participate in and benefit from the economic life of the society. One of the unresolved debates about race relations in the U.S. is about the status of those colleges and universities that were historically created for black students during an earlier era of racial segregation. Does equality for minorities mean being condemned to being inescapably and perpetually a minority? What is the effect on black students who have no choice but to be a minority enjoying “equality” in a white majority school? A similar logic is reflected in federal Indian policies aimed at assimilating American Indians into mainstream society during the 1950s and 1960s. This policy offered inducements to leave the reservation and relocated in urban areas. A tribe who “succeeded” would then be “terminated” as a tribe. Though unique in some ways to the case of indigenous peoples whose rights-claims are often tied to claims on sovereignty, this also illustrates the fate of small minorities whose only rights are those aimed at “equality” without consideration for the possibility of their cultural distinctiveness, which may include important value differences that, in turn, require a material base for their expression and survival.

This very brief account of the history of what is often called “race relations” in the U.S. illustrates many of the issues confronted by contemporary multinational states, albeit condensed in to the history of a recently created “settler” state. The “postcolonial” is a political space where identity, history, and intergroup relations are defined not by a geographic location but by intersections and encounters of identity, history, and intergroup antagonism are shaped by the colonial and post-colonial experience. It is thus not only a space found in settler states, or in the Global South, or “Third World,” but in Europe, in London where the perpetrators of the subway attacks are described as “indigenous UK suicide bombers of Pakistani ethnic origin.”<sup>18</sup> It is found in Germany where Turkish “guest

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<sup>18</sup> Stephen Ulph, “The Conundrum of the London Bombings, *Terrorism Focus*, Volume 2, Issue 13, July 13, 2005) <http://jamestown.org/terrorism/news/article.php?articleid=2369738%20>, accessed December 16, 2005.



workers” over several generations now number around two million.<sup>19</sup> Meanwhile, the riots in what are described as the “immigrant suburbs” of Paris sparked a debate about the role and intersections of race, class, religious identity, and discrimination in fomenting the long-standing discontent that erupted in November 2005. At the center of much of the debate are two models of majority-minority relations. One is pluralistic multiculturalism, where diverse identities representing various proportions of the population maintain and celebrate their distinctions within an environment of social, political, and economic equality of opportunity. The other is assimilationist, often referred to by the phrase “the melting pot,” which was popular in the U.S. until the 1950s and 1960s. The French approach is said to be more assimilationist with the riots calling into question its successes over the past several decades.<sup>20</sup> “Immigrants and their offspring,” one article reported, “make up 10% of France’s population but many are without French citizenship and the right to vote. They also suffer the highest rate of unemployment, and their relations with the police are generally difficult or hostile...”<sup>21</sup> One source reports that unemployment for university graduates of “North African” ethnicity is nearly three times that for those of French origin.<sup>22</sup>

### III. CONSEQUENCES AND CONCLUSIONS

The policies and historical patterns that have injured and give rise to grievances among those who now constitute minorities within states range from requiring linguistic minorities to learn a second language in order to participate fully in the political and economic life of the society, to discrimination and exclusion from equal political and economic opportunities, to forced assimilation, forced dislocation, and ethnic cleansing and genocide. Gurr’s Minorities at Risk project evaluated the political and economic disadvantages of minorities who have been subjected to a policy history of discrimination and concluded, somewhat surprisingly, that the *most* disadvantaged “ethnoclasses” are in the industrialized democracies, citing not only people of color in the U.S., but the Maghrebins in

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<sup>19</sup> “Germany’s Guest Workers Mark 40 Years,” by Rob Broomby, BBC News, October 30, 2001, <http://news.bbc.co.uk/1/hi/world/europe/1627912.stm>, accessed November 9, 2005.

<sup>20</sup> Panic in Paris, by Gwynne Dyer, Published on Tuesday, November 8, 2005 by the *Philadelphia Inquirer*, on Commondreams.com at: [www.commondreams.org/views05/1108-28.htm](http://www.commondreams.org/views05/1108-28.htm), accessed November 9, 2005.

<sup>21</sup> “Fresh violence hits Paris suburbs, unrest has been spreading,” Story from BBC NEWS: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/4401670.stm>, accessed November 10, 2005.

<sup>22</sup> “French Muslims face job discrimination,” Story from BBC NEWS: <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/europe/4399748.stm>, accessed November 2, 2005.

France and immigrant Chinese in Asian countries (Gurr, 1993:315). Additionally, he notes that indigenous peoples everywhere are “nearly as disadvantaged” and many of them are located in first world settler states as well as the settler states in Central and South America. Altogether, the Minorities at Risk project concludes that as of 1990, approximately one-sixth of the world’s population, or 915 million people were “vulnerable or disadvantaged minorities (Gurr, 1993:315).

In the Global South as well as those states transitioning from communist governments in central and Eastern Europe, the problems associated with minorities are more likely to escalate to armed conflict, which can, in turn lead to the commission of crimes against humanity, and contribute further to the swelling global refugee population.<sup>23</sup> Although armed conflict, including societal conflict, reached an all-time high between 1985 and 1990 and then began to decline in the early 1990s, the magnitude of violent conflict today is still approximately double that of the 1950s (Gurr, et. al., 2000). In the year 2000, 17 countries were experiencing open armed conflict over issues of self-determination for minorities and another 37 were experiencing either violent or non-violent self-determination movements (Gurr, et. al., 2000). Of the countries listed in a survey of world refugees in 2002 as the “principle sources of refugees,” ethnic conflict, according to Gurr et al (2002), had been going on in 35 of them between 1995 and 2000.<sup>24</sup> The number of refugees accounted for by those 35 countries was 12,990,000. But this does not tell us the whole story. The number of *internally displaced* persons is double that of international refugees, and of those, some 22,814,000 are displaced within 28 of the countries experiencing either armed conflict or militant self-determination movements.

By any measure, these are costly consequences. But they also create and perpetuate generations of individuals whose self-understanding is framed, at least in part, by narratives of historical injury and the collective grievances associated with them, setting the stage for protracted conflicts or the resurgence of unreconciled conflict when other factors converge to produce the political and economic instabilities that prefigure societal collapse or state failure (Wilmer, 2002). It does seem that within western-style democracies it is easier to struggle

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<sup>23</sup> It should also be noted, however, that, largely because of the activities of the ETA in Basque country, France and Spain still show up on the list of states struggling with violent self-determination movements.

<sup>24</sup> “Principle Sources of Refugees as of December 31, 2001,” at [www.refugees.com](http://www.refugees.com), the website of the U.S. Committee for Refugees, which is an NGO founded in 1958, accessed October 26, 2005. Countries engaged in ethnic conflict are from Gurr, Marshall, and Khosla, (2000), op. cit.

non-violently and by using available “normal” channels for redressing political and legal inequalities and structural injustices, but this is an incomplete or perhaps intermediate solution. Western-style democracies are also typically “older” states where stateness, in Tilly’s terms, is thicker and more developed. Militarized or violent conflict may be more likely in cases where stateness is “thin” and states are newer, but older democracies are also not without problems, and the search for improvements over the model of a hegemonic national majority responding to demands for equal opportunities and protection of minorities continues (Parekh, 2002). Perhaps Tilly gives us a way of thinking about the problems associated with multiculturalism within the state that suggests evaluating “stateness” and the necessity of strengthening both capacity and legitimacy is more useful than focusing on presumed differences in the European versus settler versus postcolonial historical setting in which we find contemporary multinational states.

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