

Will Kymlicka's new book continues the quest for a reconciliation of liberalism with recognition of group rights. It explores these issues in detail and takes us from abstract generalizations to particular cases. This combination of political theory with empirical analysis is the new frontier of studies in nationalism and ethnic politics and Kymlicka's work takes us a significant step further. Yet I have some concerns about the framework of analysis and in particular the application to Europe (which I have been asked to address specifically).

There are two common criticisms of this type of analysis. The first is that one cannot derive a normative principle from an empirical sociological category; therefore one cannot conclude that minorities have rights. The second is that collective rights make no sense and that the only normatively acceptable principle is that of individual rights. I do not buy either of these. We derive rights from sociological categories all the time and indeed the whole international order is derived from the principle of national self-determination and historic realities. Individual rights are of course important but do not allow us to say very much about political order or the legitimate basis for institutions. So far, I am with Kymlicka. My real problem is about the nature of the sociological categories that Kymlicka uses, and with the sort of assumptions he makes about the rights derived from them.

The fundamental category here is the 'ethno-national minority', to which are attributed rights that are distinct both from generic group rights and from ad hoc concessions to political pressure. Yet the category is frustratingly elusive. Sometimes, it is defined by example; on page 183 we get '*e.g.* Poles, Romanians, Czechs and Slovaks, Bulgarians, Serbs, Latvians *etc*' (my emphasis). In other cases there are lists of characteristics, which might be necessary or sufficient but few of which are verifiable or tested empirically. These include being a group, having a homeland, past self-government and culture. It is not clear whether these characteristics are the basis of a taxonomy of groups or whether each is considered to have some independent normative standing.

Relying on history is particularly problematic. Again, my objection is not the usual one, that past institutional arrangements have no normative significance. Historic rights are the basis for much of the state order and scholars like Miguel Herrero de Miñon (1998) have made convincing arguments for taking them seriously. My objection rather is that, in order to do this, we need to have a more convincing historical account. Historic rights are rooted in constitutional and legal theory and are based on institutional practice. They need to be distinguished from the plethora of claims that nationalists make about the past and from the revisionist games of nationalist intellectuals. Otherwise, anybody is free to dredge up and dust down any historical incident, as we have seen in the Balkans and elsewhere.

The problem of group definition comes up again when Kymlicka refers to them as having demands and aspirations as a group. On page 186 we are told that 'Slovaks view ethnic Hungarians not just as a potentially irredentist group that is loyal to their kin state, but as a historically powerful and privileged group that collaborated with a hegemonic imperial power to oppress the Slovak language and culture.' This is a reification; and any

empirical political scientist or sociologist reading this sentence would immediately demand to see the survey evidence.¹

We have the same problem when Kymlicka addresses the demands of the minorities, which he tends to reduce to the claim to territorial autonomy. In fact, there is a wide variety of demands articulated within the groups to which he refers. Sometimes there is concern for cultural protection or vernacular schools; sometimes for economic development. Some demands are for self-government, others for more influence at the central level of the state. On page 215 Kymlicka asks whether ‘national minorities in Catalonia, Flanders, Quebec, Berne, South Tyrol, Aland Islands, or Puerto Rico would be satisfied with minority elementary schools but not mother-tongue universities, or bilingual street signs but not official language status, or local administration not regional autonomy.’ This sentence is puzzling on one account, since I do not understand what ‘national minority’ means in this context. Does it refer to the majority in Catalonia or Quebec or the internal minority? I suspect that it means the local majority but state-wide minority, except that the Germans are the majority both in the canton of Berne and in the state of Switzerland. The internal minorities in these places have varied rights (for example universities in Quebec but not in Flanders).

The main problem, however, is the assumption that all ‘national minorities’ want the same thing. If we replaced the list in the sentence quoted with ‘French Basques, Occitans, Scottish Gaelic speakers’ and even (until recently) ‘Welsh’, then the answer would be Yes, they would be very happy with modest concessions. If we add Scotland as a whole to the list, then cultural demands largely disappear, since the strong autonomy movement in Scotland in the 1990s was based on socio-economic concerns and the institutional set up which subjected to country to a political majority for which it had not voted. England never voted in the majority for Thatcherism either, but in Scotland nationality was available to mobilize opposition and this rather than cultural particularism explains the power of the movement.

If we are to bring together normative theory with empirical work on the national question, the unit of analysis cannot, then, be the ‘national minority’ as an undifferentiated whole. It must be the demands that are articulated in the name of the reference group. These are varied and differentiated and may command more or less support within the society as a whole. One should be particularly wary of taking the statements of nationalist or ethnic leaders as reflecting a deep-rooted social demand, given what we know about ethnic entrepreneurship. The demand for self-government in Flanders, for example, has come largely from the political elite and polls in Belgium have regularly shown that the most favoured option is a return to the unitary state. The ‘nation’ of Padania was loudly proclaimed by Umberto Bossi and the Lega Nord (whose electoral performance was much better than that of Welsh or Breton nationalists) but never became a sociological reality.

¹ An even more egregious reification occurs on page 188 where we are told that ‘the West described this model as passé.’

We should also be wary of generalizations about experience in western Europe and North America such as are made on page 177, 'In all of these countries substate national groups have been offered a significant degree of territorial autonomy, usually through some form of federal or quasi-federal devolution of power, as well as some form of official language status.' In fact the experience of the groups cited is very different. Some were always self-governing and then entered into federations and so were never 'granted' territorial autonomy. 'French national minorities' in Switzerland are not recognized; some of the cantons are French-speaking but most cantons are organized on majoritarian lines. The cleavage that Swiss federalism addresses is historically religious, not linguistic.²

Nor can we establish a general norm of decentralization only by citing those cases where there has been decentralization. France has remained fiercely resistant to recognizing national minorities or minority nations. Its regional map was drawn deliberately to divide historic Brittany while Languedoc was split, with part of it united to French Catalonia (Rousillon) to create a decidedly odd-shaped region. Repeated demands for the creation of a *département* corresponding to the French Basque Country have been rejected. All the main Spanish parties refuse to accept that the Northern Ireland precedent is applicable to the Basque conflict. Self-government for Wales was accepted by a bare majority of Welsh voters in 1998, having been resoundingly rejected in 1979.

Regional devolution in western Europe follows an altogether more complex logic. Functional reasons and state reforms since the 1980s have favoured the emergence of a regional or 'meso' tier of government, often linked to regional planning and economic development. Where this has coincided with movements for territorial autonomy, often based on historic distinctiveness, the result has been a strong form of regional autonomy. The twin pressures of functional and institutional change, in turn, have encouraged the territorialization of national, cultural and linguistic demands. So the linguistic movement of Dutch-speakers in Belgium has been transformed into the construction of a territorial region of Flanders, just as French Canadian politics was transformed into a territorial Quebec nationalism. It is this territorialization of the demand that has made possible a series of compromises whereby territorial autonomy can serve the goal both of states and regional or national movements. Europe can help, not because it has developed a norm of ethno-national autonomy, but because it allows autonomous governments some scope to project themselves beyond the borders of the state through engagement in European institutions, networking and the discursive rhetorics of the Europe of the Regions or Europe of the Peoples. Yet this is not a triumph for 'ethno-national' self-determination, since those movements that have succeeded in gaining territorial autonomy have in general been eager to stress their non-ethnic and inclusive, territorial, credentials. This is because ethnic self-government is *not* regarded as legitimate in the new Europe. Territorial self-government, on the other hand, can draw on exactly the same sources of legitimacy as the states themselves.

² I cannot resist pointing to another error, this time on Bosnia, which did not 'adopt a scheme of cantonization in order to reintegrate territories controlled by ethnic Serbs and Croats' (179). Cantons exist only in the Bosniak-Croat part of the country (Federation of Bosnia and Herzegovina).

These specific circumstances are not easily reproduced elsewhere. In central and eastern Europe, developments over recent decades have not yielded this accommodation of functional regionalism and minority politics.

This whole field is rife with semantic traps, of which the terminology of nation and nationality is one of the most treacherous. As Brubaker (1996) has noted, the nation is a category of practice, rather than a shared sociological reality. It is also a normative term, implying the right to self-government. This is why so many movements have adopted the terminology of nationality and why it is fruitless to ask whether nations have the right to self-determination, since the very claim to self-determination is what helps to define the nation. When Kymlicka uses the term 'national groups', 'national minorities' 'ethnonational' groups, we need to know just what work the 'national' is doing. Does it refer to action in the Brubaker sense, or to a recognition of the normative status of the group? Is it a sociological description or a form of recognition?

Reading the conclusion of the book confirmed a certain uneasiness I had when reading the European section. This is that the framework is that of a disinterested international community looking at states and nations from on high and laying down principles for their management on the advice of political theorists. This is misleading in the European case, since the EU is not an international organization but part of the domestic constitutional apparatus, within which issues are resolved. In the global perspective, we are told that the best answer might be to 'devolve' the management of these issues to regional organizations. Who, in this case, is doing the devolving and by what authority? The 'international community' again?

A more fruitful approach in my view is to abandon this top-down perspective and the idea that there is a single class of 'ethno-national' demands to be addressed with a single set of solutions. Instead, we need a better understanding of the nature of the demands being articulated and of their social basis. Claims to cultural recognition and to territorial autonomy are not to be treated as some kind of special politics, requiring their own rules, but part of the ordinary business of political exchange. They are legitimate to the extent that they gain wide support, are articulated democratically and are consistent with shared liberal values. They are often rooted in historic claims or institutions but historic rights are not located exclusively in the past; they continue to be created and modified (Herrero de Miñon, 1998). In some places they are more complex than in others, with group claims, competing histories, contested territories and contrasting definitions of the group entangled. In other cases, group definition, territory and self-government demands coincide. Modern constitutionalism is not about applying standard models to these varied situations but about working out accommodations among valid claims to self-government, control of resources and culture. The demystification of the state shown us that it is but one source of legitimate authority, with no more intrinsic normative status than might be attributed to 'stateless nations'. Europe has failed here, not because it has not developed a new regime for this category of claims, but because it and its member states have not permitted the space for new forms of sovereignty and self-government to develop.

Brubaker, Rogers (1996), *Nationalism Reframee. Nationhood and the national question in the New Europe*, Cambridge: Cambridge University Press.

Herrero de Miñon, Miguel (1998), *Derechos Históricos y Constitución*, Madrid: Tecnos.