Introduction

> True peace is not merely the absence of tension: it is the presence of justice.
>
> Martin Luther King, Jr.

National Conflict in Multinational States

The vast majority of states in the contemporary world are ethnically mixed. Their populations are divided into two or more groups that view themselves, and are often perceived by others, as different in some fundamental way from other groups within the same polity. The differentiation between groups might be based on history and origins, language or religions, narratives and myths, or even hopes and aspirations. Regardless of the source of the difference, what is important politically is that individuals and groups often have a deep sense of being unlike others who live with them in the same political space and that as social animals they adopt "us-them" identities (Sartori 1997, 58).

This subjective reality is often a source of long-term, severe internal conflict within the political system. Deep social divisions – whether their origins are in religious prejudice, economic gaps, or ancient historical hatreds – frequently result in massive bloodshed. The establishment of a democratic regime in divided societies might be perceived as a solution for internal strife, however, it rarely is in reality. Key social divisions often prevail despite democracy. Multinational democracies, more than multinational nondemocracies, are often torn between the requirement of unity and homogeneity and the reality of diversity (Taylor 2001, xiii).

This book is about intergroup conflict within multinational polities and especially about political confrontations within democratic or semidemocratic multinational systems. The volume focuses on polities in which one ethnopolitical group dominates society's political process by controlling state institutions and policies so as to promote its interests more or less exclusively. Today there is growing interest in recognizing the differences between national groups

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that live in the same polity, even within long-standing democracies such as Belgium, Canada, or the United Kingdom (e.g., Requejo 2001b). Such "internal" but distinct national groups often challenge the existing institutions in multinational democracies and demand that those institutions be transformed, recognize diversity more readily, and become more inclusive.

This study will analyze possible solutions to such interethnic conflict within the multiethnic polity. It is intended to be a broadly conceptual analysis of the democratization process (real and potential) of hegemonic ethnic states, the process through which such polities might become more open, inclusive, and egalitarian. This analysis is based on the examination of several empirical cases, multinational or multiethnic polities facing internal conflicts.

The persistent conflict between various national or ethnic groups is, simply put, a permanent characteristic of our age. However, there are at least three sets of questions that are far from being simple: (1) The way such internal ethnonational conflict might be resolved (primarily a theoretical question); (2) the way such conflict is usually resolved (an empirical question); and (3) the way intranational conflict should be resolved (a normative dilemma that depends, at least in part, on the values of the analyst).

Thus in an internal conflict of the type this study is interested in, the dominant ethnic or national group may try to "solve" the internal political dilemma by assimilating the minority, although that particular option often might be resisted not only by the minority but also by some members of the majority. A second and diametrically different solution to the conflict might be for the warring ethnicities to separate, although this theoretical solution is often unavailable in reality due to demographic, geographic, and other considerations. There is also a long list of options that could be termed "inclusive," "liberal," or (in the language of this study) "accommodationist." Such options include the granting of autonomy to ethnic minorities, offering them participation in the central institutions of the regime ("consociationalism" in the language of Arend Lijphart), the establishment of federal power-sharing schemes, and so forth. Several scholars have offered comprehensive lists of "positive/pluralistic" approaches to the easing of ethnic tensions (e.g., Safran 1991, 1994).

Although this study deals with these methods of managing conflict, its point of departure is in the analysis of multinational or multiethnic regimes that have established, primarily, elaborate systems of uni-ethnic or uni-national control, in spite (or because) of their multinational setting. This study does not accept this common reality of control as inevitable. It notes, empirically, the fact that not all multinational polities could be characterized as "control systems," an empirical realization that could give us, normatively speaking, hope for a better future for some of today's hegemonic systems. One of the most important theoretical distinctions offered by this study is the one between accommodationist regimes and inclusivist regimes. The study notes that accommodationist policies often reduce the demands for secession. Examples of an accommodationist regime and an inclusivist (or hegemonic) regime could bring the options open to multinational polities into sharper relief.

An example of a fairly clear-cut inclusive policy toward a minority is pro-
vided by looking at the political history of Finland, and particularly in the
approach of the Finnish state toward the relatively small Swedish minority.
Although Finland is close to being a homogenous nation-state, and could have
easily adopted an assimilationist posture toward its Swedish minority or, at
least, avoid granting that minority any special rights, it did neither. Finland
made Swedish one of the state's two national languages and has allowed the
Swedes to retain their cultural and educational institutions (Linz and Stepan
1996a, 24). The Finnish example demonstrates the centrality of the state not
merely as a potentially controlling institution but also as a facilitator of inclu-
sion.

An opposite example is Sri Lanka, where the state has often been a leading
force for exclusion, control, and domination. It is a case demonstrating the
difficulties of maintaining an inclusive and open democracy in a society facing
deep ethnic divisions, where the political elite of the majority group adopts a
nationalistic stance toward the minority. In the case of Sri Lanka, a series of
state-sponsored policies created majority-minority estrangement. At least some
analysts have seen the state as acting hegemonially (in the terminology of this
study) by declaring the language of the majority as the only official language
of the nation, conferring special status on the religion of the majority (Bud-
dhism), discriminating against members of the minority in public employment,
encouraging members of the majority to migrate into traditional minority zones
(Kearney 1985, 1904–5), and so forth.

The example of Sri Lanka, and that of numerous other polities discussed
in this study, suggests that the primary instrument for the promotion of the
interests of the dominant group in a multinational setting is often the state, its
institutions, and its structures, although the state ought to be always understood
in its interaction with society (Migdal 1988, 2001). I call a state that energeti-
cally promotes the interests of a single ethnopolitical group in a multinational
setting a *hegemonic state*. Similarly, but in a significantly broader manner, I
refer to the regime built around such a hegemonic state and designed to sustain
it an *Ethnic Constitutional Order* (ECO). Such order persists through an estab-
lished and "dominant symbolic framework" within the society (Laitin 1986,
19), an acceptable, unchallenged social reality (Gramsci 1971).

Although some contemporary states define their role as promoting the inter-
ests of all their citizens as individuals and as members of the "nation," a political
principle associated with the legacy of the French Revolution, the hegemonic
state and the regime on which it is based perceive their role as limited to the
promotion of the interests of members of the ethnic majority and, above all,
the promotion of what is considered to be the collective agenda of the domi-
nant ethnic or national group. In view of this common position of hegemonic-
ethnic regimes, it is useful to adopt the distinction between "civic" and "ethnic"
nationalism (Greenfeld 1992; Smith 1991) and develop it by focusing in some
detail on the consequences of both types. The hegemonic regime, on which this
study focuses, is often a regime promoting ethnic nationalism and ignoring the

requirements of civic nationalism, although often it might create the illusion
that it is committed to the principles of civic nationalism.

Although civic nationalism and civic citizenship are inherently liberal, egali-
tarian, and contractual, ethnic nationalism and the citizenship model that seems
to emerge from it in hegemonic settings are fundamentally illiberal, discrimi-
natory, and organic. The two forms are hard to reconcile, although in many a
polity they live side-by-side, in tension and with unease. The resolution of the
confrontation between these two models could be and sometimes is achieved
only by far-reaching political transformation. Some analysts have argued that
there is a strong association between liberal democracy and civic nationalism
(Keating 2001b, 30). Similarly, it could be maintained, there is a direct link
between ethnic nationalism and illiberal forms of government, including hege-
mony.

Approaches to Solutions: Political Engineering and Megaconstitutional Transformation

The widespread conflict between ethnic groups within multinational states
requires careful analysis so that possible solutions for this long-term, pervasive
phenomenon can be identified and adopted. This volume begins the process of
identifying solutions for ethnic conflict in multiethnic settings by offering an
analytical framework integrating a fundamental distinction between solutions
based on the recognition of the equal rights for individuals and solutions based
on the recognition of group rights. The debate between those who support
individual-based liberal democracy in its purest form (Barry 2001; Horowitz
1985; Offe 1998, 2002; Snyder 2000) and those who endorse group-based
solutions for ethnic conflict (Gagnon and Tully 2001a; Keating and McGarry
2001b; Kymlicka 1995, 2002; Tamir 1993) is extensively assessed. The analysis
sheds light on the theoretical and practical possibilities for finding solutions for
ethnic conflict in multinational, democratic societies.

More specifically, this volume offers a systematic analysis of several concrete
methods that might be used for dealing with conflict within multinational set-
tings. Although the liberal-democratic solution tends to recommend, straight-
forwardly, an equal treatment of all citizens as individuals and the principled
abandonment of any and all group rights, group-based approaches, arguing
that the path to ethnic peace requires the recognition of group rights, tend
to be more complex, varied, and differentiated. Such group-based approaches
require, therefore, more detailed and nuanced analysis.

In this volume, I will analyze specifically several group-based solutions to
ethnic conflict in multinational democracies. Among these solutions there is
the full-fledged or partial consociationalism, federalism in both its symmetri-
cal and asymmetrical forms (the latter particularly "admired" by contemporary
group-rights enthusiasts), cantonization, autonomy in its territorial and nonter-
ritorial forms, and other such mechanisms for power sharing or power division.
The consociational model of Arend Lijphart (1968, 1997) has been analyzed

extensively by both supporters and opponents. I will attempt to identify those elements of consociationalism that might be saved in the interest of civic peace, political stability, and enhanced justice in multinational states, especially those experiencing ethnic hegemony. A similarly detailed analysis will be applied to various forms of federalism, yet another mechanism for managing intergroup conflict in multinational settings. The same will be done with regard to different forms of autonomy and cantonization.

In brief, this volume will attempt to go beyond a mere identification or even description of various mechanisms used to settle conflicts within multinational or multiethnic settings. It will analyze such mechanisms in a broad comparative and theoretical fashion and, most importantly, will attempt to develop new conceptual tools for assessing the usefulness of various mechanisms for managing intergroup conflict. These mechanisms will be conceptualized as potentially effective countervailing forces to ethnic hegemony.

The main theoretical contribution of this volume will be in the extensive assessment of a governmental model that will be called an Ethnic Constitutional Order, a regime type identified in several of this author's previous writings (Peleg 2001, 2002, 2003a, 2004a, 2004b). An Ethnic Constitutional Order is a regime based on the "management" of interethnic relations by granting a single ethnic group full dominance within the polity, often by the use of the state as a primary instrument of control. Although in an authoritarian setting, such as the USSR, the hegemony of the dominant ethnic group might be easily identifiable, in democratic multinational polities an ECO is likely to be based on a creative and complicated mixture of individual and group rights that could easily obfuscate the reality and confuse the observer as to the true nature of the regime. More specifically, in such a regime several seemingly contradictory conditions might prevail simultaneously (Peled 1992; Smooha 1990, 1992, 1997). First, extensive (although not necessarily full) individual rights might be granted to all citizens, including members of the minority group(s). Second, limited group rights, such as language rights and religious rights, might also be granted to all groups, or at least to the most important groups in society.

Despite those "concessions" regarding both types of rights (individual and group rights), the primary goal of an Ethnic Constitutional Order, its "essence," is invariably to maintain and even enhance the dominance of a single ethnic or national group within the polity. This goal is achieved through a multifaceted system of control (Lustick 1979, 1980a, 1980b) by maintaining the majority's monopoly over the determination of the "public good" (Peled 1992), differentiating the citizenship rights of members of the majority and all other citizens (Shafir and Peled 2002), maintaining the unwavering support of the democratic majority (Peleg 2001), and by other means. Thus although the regime might appear to be fully democratic, the "depth" of its democracy or its quality has to be carefully examined. This is among the reasons that this study prefers to call such a regime an ECO rather than an "ethnic democracy" (Smooha 1990, 1992).

An ECO might not be what Yiftachel calls an "ethnocracy." His argument
that an "open ethnocratic regime" cannot be classified as democratic (Yiftachel
2006, 32) is wrong; an ethnocratic regime, although democratically flawed
(Peleg 2000), still might have many, even most, characteristics of democracy.
Moreover, the emergence of democracy might lead to the establishment of an
ethnic regime (Spinner-Halev 2002), either in response to popular demand or
due to elite manipulation (Snyder 2000). My conceptualization of the role of
ethnicity and its relations to democracy is different than the ones offered by
either Smooha or Yiftachel.

In terms of a solution to protracted interethnic conflict within democratic
polities, an Ethnic Constitutional Order is a unique hybrid, combining indi-
vidual rights that characterize liberal regimes with group rights that often rely
on consociational arrangements. Yet in the case of ethnic order, both types of
rights are granted to minorities, as individuals or groups, in a purposely lim-
ited manner designed to maintain ultimate political control in the hands of the
ethnic majority, exclusively and in perpetuity. The hybridity of the ethnic order
and the limited nature of rights granted to minorities put this order in constant
tension with some of the principles of democracy. It often invites long-term
instability.

The most important analytical focus of this study is the discussion of the
possibilities for fundamental transformation of Ethnic Constitutional Orders.
The conditions under which such transformation is likely to occur are analyzed
through a series of case studies, focusing on polities where transformation in dif-
ferent directions and intensity has actually occurred. This empirical approach,
complementing the theoretical framework offered in the earlier chapters of the
book, is promising in terms of identifying the conditions that might facilitate
the transformation of Ethnic Constitutional Orders into more open, inclusive
and stable polities.

The focus of this study is on the notion of political transformation (either as
a gradual and sometimes even unintended by-product of societal developments
or as a result of dramatic, substantial, and purposeful change in a country's
regime). It raises questions in relation to the possibilities of political engineering
in the complicated world of ethnic conflict. It is self-evident that the transfor-
mation of any regime, whether gradual or dramatic, intended or not, is a highly
complex process. Such transformation might occur as a result of revolution (the
French, Russian, Chinese, or Cuban revolutions are classic regime-transforming
events) or as a consequence of a sound defeat in a major war (such as the politi-
cal transformations of Germany and Japan at the end of World War). Dramatic
and fundamental transformations are significantly more difficult to introduce,
implement, or stabilize in the absence of the physical collapse of the regime's
institutions.

Nevertheless, major regime transformations are evidently possible, even in
peaceful times and even in the absence of significant violence. Such transfor-
mations usually occur, as will be demonstrated especially in Chapters 4 and
5, when an existing hegemonic regime has proven to be fundamentally and

inalterably unable to deal with the challenges confronting it. Interethnic confrontations of great intensity, duration, and violence of the type dealt with in this study could produce such transformative experiences.

In the absence of either a major defeat in a war or an internal violent revolution that produce transformative experiences as a matter of necessity, political analysts might have a larger role to play in bringing about transformations than they might have otherwise. The role of such analysts might complement the role played by other political agents such as leaders or opinion makers within the polity. Thus political analysts – acting consciously as political engineers – might be able to develop ideas on reconstructing Ethnic Constitutional Orders as more stable and just polities. Political analysts could be particularly helpful in systematically weighing the possibilities of what some of them have called "mega-constitutional change" (De Villiers 1994; Russell 1994).

Over the last generation or so, there have been several attempts to comprehensively transform the constitutional order in diverse countries such as Russia and South Africa, Czechoslovakia and Spain, and Northern Ireland and Switzerland. Several of these efforts have led successfully to fundamental political transformations – South Africa, Czechoslovakia, and Spain are but three examples for such a change. They testify for the possibilities of constitutional growth and development of multiethnic societies. Such transformations were brought about by both political actors and political analysts, frequently working together.

This book is based on the assumption, the hope, and, in several cases, the concrete evidence that megaconstitutional change is not only necessary in situations of protracted ethnic conflict but also possible and desirable. Although by no means an easy process, the implementation of new political designs might be looked upon as a highly attractive alternative to endless ethnic conflict, particularly in hegemonic situations. In the process of democratization, in which the abandonment of hegemonism is only one specific situation, there is a place for the "crafting" of new regimes (Huntington 1996, 4; Linz and Stepan 1996a, 17, 23), although preconditions for that process, to be discussed in Chapter 7, ought not to be ignored.

The Structure of the Book

This volume is organized in a manner that facilitates a systematic and orderly inquiry into the issues raised in the opening section. This introduction emphasizes the ethnic diversity of most contemporary countries and the frequent conflict resulting from this reality, especially in polities dominated by a single ethnic or national group. It introduces the notion of a "hegemonic state" and the broader notion of Ethnic Constitutional Order as the institutional focal point for such a state, as well as the idea that solutions for intranational conflict could be based on equal rights for individuals and/or the recognition of group rights through consociational, federal, or other governmental structures. The introduction finally presents some of the elements of an Ethnic Constitutional

Order – a unique combination of individual and group rights – and discusses the possibilities of its transformation, dwelling in particular on the promise of political engineering at the service of a mega-constitutional change.

The rest of this introduction reviews the book's seven substantive chapters, presents the methodological strategy of the study, and formulates some of the major questions with which the study deals. Chapter 1 discusses the emergence of ethnic conflict in the post–Cold War era, emphasizing the enormity of the problem at hand. It deals then with the moral and ethical imperatives for finding a solution for ethnic conflict, particularly in hegemonic circumstances, by identifying five major reasons for doing so: preventing human suffering, guaranteeing political stability, advancing human rights, establishing a just society, and promoting democracy. The chapter emphasizes the necessity of distinguishing analytically between individual and group rights as a way of systematically analyzing solutions for intranational conflict. It identifies liberal, consociational, and federal mechanisms for dealing with such conflict. The *hegemonic option* is discussed at some length and the thesis of the volume is presented in great detail.

Chapter 2 deals with several essential concepts employed by this study for the analysis of intergroup conflict in a multinational setting: democracy, statehood, and hegemony. It refers to the complex interaction between these three concepts as the "Crucial Triangle" because, in the final analysis, the fate of any multinational political system is likely to be determined by questions relating to the precise and often delicate balance among these three forces. One central question, for example, is whether in a multiethnic setting a state is likely to become an instrument for the domination of the majority or, alternatively, used as a tool for the enhancement of democracy by actively limiting the hegemony of the majority and extending protection to the minority.

Because this is a book about the process of democratizing hegemonic states, Chapter 2 begins by offering an analysis of the often used but variably defined notion of "democracy." A definition of democracy that differs from several other common definitions is presented so as to facilitate the subsequent analysis of intranational relations within ethnically diverse countries. The definition offered by this study is purposely broader than many alternative definitions; it tries to bring into sharper relief the inherent difficulty of maintaining genuine democracy in a multiethnic society.

The second part of Chapter 2 deals with the multinational state as a common, global phenomenon and the third part (essential for the analytical focus of the study as a whole) deals with the state as an instrument of uninational hegemony, exercised in and often despite a multinational setting. The consequences of uninational hegemony are then being assessed and, finally, the possibilities for transforming the hegemonic state are evaluated. It is the purpose of this chapter to begin the development of an *explanatory model identifying the general conditions under which political transformation might occur*. This explanatory model pays attention to factors external to the multiethnic polity (e.g., international pressure on the hegemonic state to change), as well as internal factors

(e.g., the "dissonance" created between hegemony and democracy, the resistance to domination on the part of the ethnic minority, opposition within the ethnic majority).

At the conclusion of Chapter 2, the heavily psychological concept of the "other" is introduced into the discussion. It is a concept that might be thought of as the glue that holds together some hegemonic polities (or is unable to hold together other such polities). In a hegemonic situation the majority and the minority view each other as the complete negation of themselves (Habermas 1998; Peleg 1994). It is by definition a hierarchical situation (Kristeva 1991; Memmi 1967). This psychological disposition makes genuine democracy, which requires equal treatment under the same law, practically impossible.

Chapter 3 offers a comprehensive classification of deeply divided, multinational states, countries that must deal politically with the diversity of their population. Such classification is absolutely essential if we are to truly understand ethnic hegemony contextually and, more specifically, if we are to analyze alternatives to such a regime. The first fundamental distinction offered in Chapter 3 is between what is called accommodationist multinational states and exclusivist multinational states. The former exhibits a fundamental commitment for cooperation between individuals and groups regardless of their ethnic or national background and on the basis of both formal and real equality, while the latter is characterized by the superiority of one national group over all others and its determination to keep this condition unaltered. Following the introduction of two types of exclusivism, one based on minority domination (sometimes referred to as *apartheid*) and the other on majority dominance, the chapter proceeds by identifying several variants of accommodationism, based closely on the distinction between individual- and group-based political systems. Two somewhat different individual-based systems are identified: *liberal democracy*, a governmental framework that rests primarily on equality of all citizens as individuals and *jacobin democracy*, a system that while granting extensive individual rights emphasizes the collective "will" of the people and the unified nature of the polity. Among group-based schemes, the classificatory system introduced in this volume distinguishes between power-sharing and power-division mechanisms for settling ethnic conflicts. Consociationalism and multinationality are among the power-sharing systems identified. Federalism, cantonization, and autonomy are identified as power-division governmental designs.

The analysis of different forms of exclusivism, a system built on the superiority of a single national group within a multinational political space, is of particular importance for this study. The distinction between the two variants of exclusivism, a system based on the hegemony of the minority and an exclusivist system based on the hegemony of the majority, is especially essential. The latter system is significantly "softer" than the blatantly discriminatory minority hegemony. It typically grants substantial rights to individual members of the subservient group and might even give such groups what might be regarded as "cultural rights" in areas such as education, language, and religion. The political process in a majority hegemonic polity is, however, controlled exclusively

by the superior group. This exclusivity might become a problem for stability
and justice alike. Various modes of hegemony will be analyzed in this chapter
(e.g., marginalization, assimilation, discrimination).

The last part of this central chapter deals with the dynamics of hegemony,
asking questions about the motives for establishing such a potentially unstable
system and the mechanisms through which it is implemented. The fundamental
motive for establishing hegemony, it is argued, is the deep-seated fear of the
hegemonic group toward the subservient group. This fear might be based on
a long-held sense of victimhood (evident are such cases as Serbia and Israel),
bitter historical memory of past conflicts (e.g., Mečiar's Slovakia), anxiety about
the future (the Baltics), and so forth. A multifaceted set of mechanisms used
by the hegemonic state is then identified and numerous examples given to its
use. Finally, Chapter 3 addresses the consequences of hegemony for majority
and minority alike. It distinguishes between short-term and long-term results,
noticing that while the former might be fairly beneficial for the hegemonic
group, the latter rarely are.

Chapters 4 and 5 evaluate empirically, albeit not in great detail, the transfor-
mation of several uninational hegemonic polities in divided societies, either
through "grand political engineering" (a conscious and purposeful mega-
constitutional change) or through a more gradual and modest process. Both
forms of change are theoretically possible and, as demonstrated in these chap-
ters using concrete examples, both occur in the real world. Opening with the
identification of five possible modes of transformation, the chapter introduces
a distinction between the direction and the intensity of the systemic change.
In terms of the intensity, it is suggested, there is a difference between a lim-
ited, moderate, and gradual revision of the system (discussed in Chapter 4)
and its radical, abrupt, qualitative transformation (dealt with in Chapter 5).
In terms of direction, a hegemonic polity in a deeply divided society could
change either in the direction of further ethnicization by strengthening the
power of the dominant group within the political system, or it can change
in the direction of further democratization, so that increasing equality, open-
ness, and inclusion characterize the overall trend within the political system. If
those distinctions are combined, it seems that there are five routes open to the
polity: maintaining the status quo, radical ethnicization, moderate ethniciza-
tion, radical democratization, and moderate democratization. Chapters 4 and
5 include not only examples of these different types but also a set of empirical
questions that ought to be asked in assessing the transformation of hegemonic
systems.

Chapter 4 proceeds by identifying four specific cases of limited historical
transformations; it dwells on political systems that have gone through signifi-
cant but confined change. The cases chosen to demonstrate the different types
of change, in terms of the substantive results, are the following: (1) the trans-
formation of post-Franco Spain from an authoritarian, hegemonic system to
an ethnoterritorial, semifederal country (Arel 2001; Keating 2001a, 2001b;
Moreno 1997, 2001a, 2001b; Requejo 2001a, 2001b), a process that, in all
likelihood, has not been completed yet; (2) the transformation of Canada over