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Source: *International Political Science Review / Revue internationale de science politique*, Vol. 13, No. 4, Resolving Ethnic Conflicts. La solution des conflits ethniques (Oct., 1992), pp. 359-379

Published by: Sage Publications, Ltd.

Stable URL: <http://www.jstor.org/stable/1601244>

Accessed: 21/11/2009 10:31

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Problems and Options in Institutionalizing Ethnic Relations

VOJISLAV STANOVČIĆ

ABSTRACT. This article discusses approaches to governing ethnically divided societies, examining the impact on ethnic groups of specific solutions, such as guarantees of individual or collective rights, ethnic federalism, and consociationalism. It explores the relationship of these approaches to such concepts as “nation-state,” confederalism, international guarantees of minority rights, the right of self-determination, secession, and cultural autonomy. Some fundamental issues associated with different options for groups living in a diaspora and for territorially-concentrated minorities are analyzed, and attention is drawn to particularly complex cases where groups are mixed, or where one ethnic group which may itself be a “minority” encompasses a smaller group which otherwise belongs to a “majority” within the state. The author draws extensively from the experience of Yugoslavia, but also from other countries.

Introduction

Only a small number of contemporary states are mono-ethnic in a strict sense (Duchacek, 1970).¹ In the past, this might have presented few problems, but today we have an age of “ethnic revival” (Smith, 1981), which tends to create many small nation-states and to dissolve larger political bodies that once were treated as single political entities, such as Belgium, Spain, or Sri Lanka. But these processes are not altogether unidirectional: fragmentation and unification are features of the political arena (Etzioni, 1965; Mazrui, 1969–70). The fact that a modern state is polyethnic in composition is no longer regarded with the same degree of suspicion as in the past, and may even be taken as a value in itself.

The dilemma is that ethnic pluralism creates certain problems in terms of relationships between different groups, may endanger the rights of minorities and their share in power and wealth, and may call into question the territorial integrity and sovereignty of established states, which are protected by international law.

Ethnic diversity promotes tension and even conflict, as is particularly clear in Eastern Europe (Barker, 1950; King, 1973; Remington, 1986), and it could turn such areas as the Balkans once again into the “powder keg of Europe.” Tension between “insiders” and “outsiders” is especially characteristic of relationships between ethnic groups, with characteristic patterns of exclusivism, intolerance, emotional strain, and very frequently, hatred.

One obvious solution to such problems is territorial federalism. As an approach to issues of ethnicity, this is relatively new. A century ago, not only ardent nationalists, but a very respected constitutionalist (Dicey, 1885) assumed that in a case of conflict between a unitary and a federal state, similar in size and in human and material resources, the unitary state would achieve victory. From this standpoint, then, a unitary state is preferable to a federal one. From a rather different perspective, some fifty years ago Harold Laski was not alone in declaring that territorial federalism was already obsolete, and that “the principle of national sovereignty has exhausted its usefulness” (Laski, 1954: 31). More recently, however, not only has federalism been more generally attempted as a strategy in this area, but other approaches to ethnic conflict have been adopted, such as guarantees of individual and collective rights, and consociationalism. For this reason, it is worth studying the whole range of approaches to ethnic conflict and to the institutionalization of relations on the basis of the rule of law. I will begin by looking at the kind of public policy issues that are raised by ethnic conflict, then examine the three principal strategies identified above, and finally illustrate these issues and strategies by evaluating in more detail the experience of one country in which a remarkable range of ethnic issues and strategies for ethnic conflict resolution have been evident—Yugoslavia.

Problems in Governing Ethnically Divided Societies

The problem of dealing with ethnic and other diversities among the population, then, is faced by many states (Goldwin, Kaufman, and Schambra, 1989); although ethnic diversity may enrich a country, its tendency to find expression in open conflict presents a challenge. The degree of ethnic tension is itself a function of at least five factors: (1) the formal ethnic structure of the country; (2) the pattern of change in this structure; (3) the degree of dispersion or concentration of ethnic groups; (4) ethnic consciousness and the sense of territoriality of various groups; and (5) conflicts of interest between ethnic groups. I will consider these factors in turn.

Formal Ethnic Structure

Relationships between ethnic groups are conditioned in the first place by the degree of difference between them in terms of their history, traditions, customs, patterns of behavior, and cultural traits. These characteristics may promote close relationships between certain groups while contributing to tensions between others. On the other hand, we need also to be aware that hostile attitudes arise frequently between groups with very similar backgrounds, as between Russians and Ukrainians or between Serbs and Croats. Social psychologists would explain these as a “complex of small differences.” Second, in an “objective” sense, groups differ also in terms of their size, political power, economic wealth, and other respects that are considered below. Such factors as the absolute and relative weight of

ethnic groups co-existing within a state in terms of their demographic, political, and economic strength clearly have a bearing on relationships between them. We may also find complex patterns of interplay between these variables. In some cases a majority ethnic group has political power, while a minority group possesses economic wealth (as in Malaysia). In others, a tiny ethnic minority can be economically insignificant, while being politically overrepresented and in a position to use a veto power.

Pattern of Change in the Ethnic Structure

Change in the ethnic structure may come about as a consequence, first, of the continued process of ethnic group formation, and, second, of varying demographic patterns between groups.

Ethnic Group Formation. Ethnic consciousness and self-perception are always important where the ethnic, national, or religious features of a group are concerned, and they permeate members with prejudices that pose a major challenge. As early as the 1950s, authors identified up to 1000 distinct and politically relevant ethnic groups, many of them aspiring to some sort of autonomy or even to statehood. Rather later we read of "the resurgence of regional separatist movements" (Gurr, 1970: 222). Today we are aware of the existence of about 2500 ethnic groups with similar aspirations. If current trends continue, we may expect an increase in this number, though there are two contrary processes at work: a tendency on the one hand towards integration and unification, and on the other towards secession and dissolution. We may expect new ethnic groups to emerge as a consequence of these processes, leading to an "identity explosion" (Mazrui, 1969–70). This happened in the past in the Balkans, where the process continues (Pasic, 1973), in Asia (for example, in China and the Soviet Union), and in Africa (Sithole, 1985).

The process of ethnic fragmentation affects the homogeneity or heterogeneity both of the country and of the group which is its victim. This process is continuing: new nationalities are being formed out of the same stock due to the specific historical conditions under which people live. It should be emphasized that it suffices to have just a single element of differentiation (such as, especially, different religious and political frameworks) under favorable conditions for two or more distinct nationalities to emerge from one ethnic stock.²

Varying Demographic Patterns. Variation in demographic patterns between groups sharing a territory or resident in adjacent territories within a state may have an impact on relationships between them. A sharp disproportion in the rates of population increase in these circumstances is conducive to tension and even conflict. While some kind of ethnic status quo is necessary to counter this, birth control is frequently unacceptable for religious reasons or because of traditional customs, and the problem remains intractable from the point of view of rational planning. In any case, a high birth rate is also related to less developed social and economic conditions, which the state may have much greater difficulty in manipulating.

Degree of Dispersion or Concentration of Ethnic Groups

The question whether an ethnic group is settled in a clearly defined territory as a homogeneous group or dispersed, living in a diaspora, is of great significance. The

degree of dispersion or concentration of an ethnic group can be taken as a variable which affects the group's strength and its capacity to organize and to mobilize. Groups can be dispersed or concentrated in different ways depending on geographical and social and political factors. Russians, for example, are dispersed over the Soviet Union in a different way to Poles or Italians in the United States, and all three peoples are dispersed over the world in a different way to the Jews. Again, there is a great difference between Jews, who at least had a target territory to aspire to, and Gypsies, who are similarly dispersed but who have no such territorial ambitions and who have no fatherland to claim, even in India. There are similar groups, such as the Tzintzars (a branch of Vlachs), in the Balkan region.

There are, then, different kinds of diaspora. In some cases, diaspora facilitates the "melting pot" solution by turning different ethnic stocks into a new nation, as in the United States. In other cases, the "melting pot" solution does not work because of legal inequalities, because of historical differences among the population, or because groups were clearly demarcated on territorial lines. In some cases of diaspora, the density of the minority population and the nature of its dispersion appears to be important for its survival.

Ethnic Consciousness and Sense of Territoriality

Relations between ethnic groups are also strongly conditioned by the nature of the sense of territoriality of the various groups. This relates not merely to the extent to which groups are territorially defined, constituting either local majorities or significant, homogeneous minorities. As may be seen from the case of refugees, such as the Bangladeshi people in Indian West Bengal, the ethnic group must also claim its territory on some historical or internationally recognized grounds, reflecting a deep popular consciousness of attachment to this territory. In the case of some ethnic groups or nationalities this notion of a "national territory" is sometimes deeply rooted, even if they did not live in the claimed territory for centuries. If a group is dispersed and cannot claim its own territorial authority then it can be politically suppressed. In the Malaysian Federation, for instance, the main division in the country is between three groups (Malays, Chinese, and Indians) which belong to different religions and races. These three groups relate to political power and wealth in a distinctly different way. Malays are treated as the native population and they hold political power. The Chinese and Indians are engaged in commerce and industry, but they have limited success in competing for political posts and in gaining admission to universities. In many countries ethnic and political boundaries do not coincide, and this ignites conflicts because the sense of territoriality of two or more groups refers to the same territory. The problem is even greater when the "national territories" claimed on historical grounds by two or more nations overlap.

Conflicting Ethnic Group Interests

Politically significant ethnic problems frequently arise in contexts of objective conflicts of interest: when one group has subdued another, for instance, when groups are in an unequal position, or when domination of one group is an obstacle to the aims of the other. But conflicting interests (in the commercial, territorial, religious, or other domains) may play an outstanding role and lead to conflict even if all ethnic groups are equal in terms of their constitutional and political position. There is much historical evidence that a sheer struggle for power, in which elites

play a leading role, is one of the main causes of conflict (Wright, 1942; Pear, 1957; Morgenthau, 1960; Deutsch, 1969; Schermerhorn, 1970; Levin and Campbell, 1972; Heisler, 1977; Esman, 1977; van den Berghe, 1981).

Relationships between ethnic groups are mainly a function of problems in the areas of identity, legal norms, power relationships, and economic conditions (see Rokkan and Urwin, 1982). The principal issues may be identified as follows:

- (a) Issues connected with ethnic identity (recognition of such symbols as the name, religion, customs, traditions, flag, and coat-of-arms associated with the ethnic group);
- (b) issues related to the extent of collective ethnic rights or "cultural autonomy" (use of language in the public service, in the educational system, in the press, and in cultural institutions);
- (c) issues related to participation in power (situations ranging from those where there is domination over a group by an alien power to systems of power-sharing at the level of the central state by ethnic elites, through the electoral system or through some form of ethnic representation in the public sector);
- (d) the social and economic conditions in the context of which the groups relate to each other (responses to demands for control over natural resources, for "just" or proportional sharing in wealth or for aid in achieving economic equality and more even patterns of economic development).

Approaches to Governing Ethnically Divided Societies

Any attempt to offer a comparative review of efforts to resolve ethnic problems would note a few relative successes and more frequent failures; it would also show a general dissatisfaction of ethnic groups with their position. Instead of even trying to offer such a general overview, I shall turn my attention here to three main approaches to inter-ethnic relations. These are: (1) a system which guarantees human rights, interpreted primarily as individual rights, but which carry connotations of group or collective ethnic rights even if these are not explicitly stressed; (2) "ethnic federalism," to which I shall pay special attention because of its far-reaching effects; and (3) consociationalism, which is attracting increasing attention because of the limited applicability of ethnic federalism. Any of these "solutions" resolves some problems and creates others.

Individual Rights

The approach adopted with respect to individual human rights is becoming a general criterion for assessing political systems. After the First World War, peace treaties provided clauses guaranteeing protection of national minority rights, imposing obligations on many new states. But minority rights provisions were open to abuse, sometimes becoming a pretext for aggressive intervention by great powers in the internal affairs of less powerful states in the interwar period. As a consequence, after the Second World War the rights of national minorities were not especially protected, and instead of guaranteeing collective rights it was assumed that ethnic or other group rights could best be guaranteed by provisions for the protection of individual human rights. It has gradually become obvious that there is a great degree of truth in the words of Oscar Jaszi in discussing a well-known study of national minorities (Janowsky, 1945): "Minority problems can be solved

only in an atmosphere in which the individual is more highly regarded than the state. That is why we have only one genuine solution of this problem, and this is Switzerland" (MacMahon, 1955: 25).

It is taken for granted that individual human rights extend to social, economic, and cultural guarantees to individuals, particularly in the context of the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). These include freedom of association, of the press, of election, and of information, but other civil, political, economic, and cultural rights have implications for ethnic rights. Individual rights such as the right to participate in elections can have a direct effect on the right to self-determination and on some other collective ethnic rights, the use of which can lead to cultural autonomy. There is thus a connection between individual and group rights, and a gradual tendency to extend individual rights to a minimum of collective cultural and economic rights. Nevertheless, we need also to be aware of certain negative implications of collective rights for individual rights: nationalistic governments established in pursuit of collective ethnic rights can be oppressive in matters of individual rights, and particularly those of individuals belonging to other ethnic groups. A balance between individual and collective rights thus needs to be established and safeguarded.

In reviewing the definitions of collective rights of ethnic groups that have been suggested, we may reformulate the suggestions of a Yugoslav scholar. He takes as a minimum the following ethnic group rights: (1) the right to existence; (2) the right to legal equality of all groups; (3) the right to proportional participation in political decision-making; (4) the right to use one's own language and script; and (5) the right to ethnic institutions (Degan, 1989; 1990). The latter may also take the form of functional self-government in fields such as education, use of language and cultural activities ("national cultural autonomy" as once advocated by Austrian socialists), or a system of personal exemptions (of the kind that Christians used to have in Turkey, Egypt, China, and some other countries), though this is now obsolete and challenges the assumptions on which modern states are based.

Of course, when the position of general human rights in a country is not satisfactory, that of ethnic minority rights is even worse. Indeed, constitutional "guarantees" of human rights may be meaningless if there are discrepancies between constitutional provisions and reality (Stanovcic, 1990). If minority members do not enjoy civil and political rights as individuals, their subjugation and assimilation is imminent. The case of south Slav national minorities in Hungary illustrates the manner in which minorities can be assimilated over a short period of time as a consequence of a range of systematic measures of a government which does not respect human rights. This case also illustrates the ineffectiveness of constitutional guarantees in protecting national minorities from the effects of other social or state-directed processes, such as urbanization, industrialization, collectivization of farms, annexation of small homogeneous ethnic settlements to larger ones dominated by the majority group, abolition of ethnic schools on grounds overtly unrelated to ethnicity, or persecution of the church that happens to be that of the minority (Stanovčić, 1991).

Ethnic Federalism

Federalism is more and more frequently seen as a device which can institutionalize and thus reconcile conflicting interests between territorially defined ethnic

groups in a state; conflicts connected with identity and prestige may be mitigated by introducing a considerable degree of ethnic autonomy. By ethnic federalism I mean an application of federalism to accommodate ethnic groups in a political system—to improve their position in the polity, via their autonomy and participation in power-sharing through a constitution which allocates power to different bodies with territorial jurisdictions in the framework of an established rule of law. The concept of ethnic federalism could also be interpreted as implying that each ethnic group should have its own federal unit, but this cannot be taken for granted in practice.

Federalism serves, among other things, as a very convenient means of securing a balance between regional, ethnic, or other kinds of autonomy and a larger viable compound political entity charged with providing common defense and other functions better performed by a common political body or its government. It is not contradictory to state that federalism can safeguard both unity and diversity. In the words of Blaise Pascal, diversity without unity means anarchy, and unity without diversity means tyranny (Pascal, 1670: 870). As Gottfried von Leibnitz put it, the true concept of unity is not opposed to that of multiplicity; rather it implies multiplicity and seeks to be its intellectual expression. It was noted from the very beginning of the federalist experiment (as in the ideas of Montesquieu, Rousseau, and the founding fathers of the United States) that federalism makes it possible to combine a democratic or republican internal regime, usually characteristic of small units, with the strength to check foreign threat or aggression, which characterizes large states (Montesquieu, 1748: IX, i; Rousseau, 1762: III, iii and xiii; Hamilton, 1788).

Federalism strictly implies more than decentralization and deconcentration of power. The factors that lead to political integration in the center or to a devolution of political power from the center are usually a result of very different historical experiences and practices, and they have an impact on the character of any federal system. The trend of today, even in states that have long been regarded as nation-states (such as Belgium, Spain, or even France) is of movement in the direction of federalization (Delmartino, 1988) or even confederalization, making “compound republics” out of unitary states. Some authors, such as Daniel Elazar, take these trends as a feature of the post-modern era in politics (Elazar, 1987: 7–9, 64–79, 223–251 and 262–265). Federalism or confederalism, as a device for dispersing overconcentrated and overcentralized power, and of securing social, economic, and political autonomy for different entities, is thus an attractive option in today’s world. We should not, however, neglect the opposite trend: some federations are moving towards unitary status, while regional integration is being fostered in Western Europe. For this reason, I will later consider other forms of ethnic association which may supplement federalism.

Federalism, then, has proved to be a valuable instrument in dealing with ethnic conflict. In practice, however, it may give rise to a number of other problems for both the central government and the governments of the constituent units. The federal government, for instance, has responsibility for allocating part of the national resources. No matter how carefully it tries to act in accordance with the general interest, with time the feeling will emerge that its actions redistribute the national income “unjustly.” It can always be argued that some constituent units are benefiting at the expense of others, and the conviction emerges that some regions or nationalities are exploiting others, leading to pressure for political and economic sovereignty under the guise of national sovereignty in the constituent units. While

this may satisfy the political ambitions of a minority, this tendency has grave economic consequences for the majority. We may also find complex problems at the level of the constituent units. For instance, in one member state an ethnic group that is a minority in the country overall may there constitute an overwhelming majority, and may use its autonomous position to oppress other ethnic minorities in the region or to engage in "ethnic engineering." The position becomes yet more complicated when the local minority constitutes a majority at the level of the central state.

Conflicts may also arise over different interpretations of the constituting act by which a union or a federal state was established. Those who are inclined to a confederal solution will interpret the constitution merely as an agreement which can be changed unilaterally by any party which participated in making it. The voluntary nature of the association is stressed, implying that disassociation is a natural possibility. Opponents of this view, however, interpret the constituting act as a permanent obligation which has to be obeyed and cannot be unilaterally broken. These conflicting interpretations extend also to the right to secession. Those who prefer a loose confederal arrangement argue that a right of secession is an inalienable one, and that an ethnic group or nation can join or leave the association on the basis of its own sovereign will. Those who take the view that life in a common state is more than a temporary convenience offer an alternative interpretation. Some argue that while a right to secede may have existed, it expired at the point when representatives of different nations opted for a joint state. The International Covenants (1966) mentioned above provide for a right of self-determination, but they do not include any right to secession, because it would be contrary to many other provisions of international law protecting the sovereignty of existing states and the inviolability of their borders (as in the Helsinki Final Act of 1975).

Many of the difficulties associated with ethnic federalism highlight certain limitations of the principle of majority rule (Stanovčić, 1988b). The old criticism of majority rule from the standpoint of minority rights is reinforced in ethnically mixed communities, particularly where ethnic groups have inhabited distinct territories which they consider as "their own." In such cases, strong tendencies towards secession militate against the cooperation between political elites which some authors (Lijphart, 1980) rightly take as an important element of consociationalism as well as federalism. The effects of a lasting inter-elite struggle for power should not be underestimated. In such a struggle political elites can achieve plebiscitarian support, but the possibility of solving problems through legal mechanisms diminishes while confrontations between the "sovereign political wills" of the elites increase in number.

The application of majority rule is typically the demand of a majority group. It may, however, be unacceptable to smaller groups, and even to larger ones in circumstances where a coalition of smaller groups could outvote them. Despite differences between individual cases, we find a common feature everywhere: discontent in all cases where an ethnic group is excluded from government or, even worse, marginalized by other groups. Such power imbalances may take a number of forms. For example, a majority ethnic group may hold political power, while an ethnic minority possesses economic wealth and suffers political discrimination. Alternatively, a small ethnic minority can be politically overrepresented, and, though economically insignificant, can still exercise a veto power over the majority.

Ethnic federalism may conflict with other principles of democratic theory. Its emphasis on corporate entities reduces the significance of citizens; the principle of

equality between groups promotes inequality between individuals; and group veto power confers a strength which is not necessarily in proportion either to the size or to the wealth of the group (Stanovčić, 1988b). Where natural resources and the allocation of economic or financial resources are concerned, ethnic federalism creates additional difficulties and slows the flow of capital and labor, affecting the performance of the economy.

Under conditions of ethnic federalism it is difficult to make provision for the dispersal of power along functional lines and for the mobility of different factors in economic and social life (such as capital, people, or information). It is similarly difficult to develop cooperation which cuts across the borders of federal units. Despite their importance for stable democracy, it is difficult to secure two conditions: political cooperation between segmental elites, which Lijphart stresses as an important element of consociational democracy, and the possibility that "groups and individuals have a number of crosscutting, politically relevant affiliations," whose importance is emphasised by S.M. Lipset (1969: 112). Empirical evidence shows that political elites monopolize for themselves the process of mediation between groups, reducing the possibilities of "crosscutting" with a view to increasing their own power. So elites in general, and particularly if cooperation between them is low, prevent social integration on an inter-group scale. Daniel Elazar points to a process which can easily be detected in many countries: while elites support heterogeneity in society in general, they act very energetically to impose homogeneity inside groups which they control (Elazar, 1985: 32), to oust elements that they perceive as alien (in an ethnic, ideological, or religious sense, for example), and to achieve ideological, religious, or ethnic "purity."

Instead of proportionality, which Lijphart (1975) treats as one of the basic consociational standards of political representation, ethnic federalism is on the one hand under pressure from smaller groups which strive for equal representation, and, on the other hand, from larger groups which favor proportional representation or even majority rule. Although it brings about a dispersion of power, ethnic federalism does not necessarily promote democratization. It does not guarantee polyarchy, except perhaps an ethnic polyarchy of a kind that can threaten citizens in general, including even those who belong to the dominant ethnic group. Ethnic federalism presupposes and gives priority to corporate structures, but the ethnocentric political cultural values associated with it are parochial even when very large groups share them, and are not conducive to the establishment of civil society.

Despite the fact that Lenin himself opposed the idea of federalism until after the October Revolution, Soviet federalism was introduced with the explicit aim of "solving the national question" in a multinational empire. Soviet federalism was the first case where this device was used to solve problems concerning relations between diverse ethnic groups. Swiss federalism or confederalism, by contrast, evolved organically, and was not designed to solve comparable problems; indeed, we can say that older federal systems were not concerned with the national question, while new ones that emerged after the Second World War were primarily concerned with this, as in Yugoslavia, India, Malaysia, Nigeria, Czechoslovakia, and other countries. Notwithstanding the backlash against Bolshevik doctrines, Lenin's idea of the right of nations to self-determination, including the right to secession and/or joining another nation, remains very popular among different ethnocentric movements.

Falling short of ethnic federalism, various kinds of local autonomy or self-government were applied successfully in some cases. Typically, however, ethnic groups

consider autonomy of this kind as inadequate. An exception, of course, is the case where an ethnic group has enjoyed autonomy as a minority within one state, but is then transferred to the state of a neighboring ethnic group to which it is ethnically related; in such a case, the ethnic minority may be happy to lose its autonomous status and be reabsorbed in its parent group. A good example is the case of the Serbs who lived under Austro-Hungarian rule and enjoyed a higher standard of living than their fellow nationals in the Kingdom of Serbia, but who, despite the prospect of a fall in living standards, nevertheless wanted union with Serbia. The position is probably similar in the case of the Kosovo Albanians in relation to Albania, and particularly in the case of the Soviet Moldavians in relation to Romania. On the other hand, there are counter-examples such as the Alsatians in relation to Germany and the Carinthian Slovenes in 1920 in relation to Yugoslavia.

At its best, then, ethnic federalism uses territorial structures as a means of preserving and giving legal expression to ethnic identity, of preventing assimilation or legal inequality, of extending democratic participation, and in some cases of improving living conditions. It may also help to moderate the excesses of extreme nationalism of the nineteenth- and early twentieth-century type. While certain classic studies (Wheare, 1956; MacMahon, 1955) have treated federalism in a static way and in legal-constitutional terms, its advantages must be seen as relative, not absolute, and they depend upon other conditions and circumstances. It must also be admitted that ethnic federalism, particularly in its more extreme applications, may also precipitate new problems, as we shall see from the Yugoslav case.

Consociationalism

The strategy of consociationalism has attracted increased interest in plural societies where ethnic and other divisions require particular institutional arrangements designed to avoid conflict and to provide for freedom and prosperity (see Lijphart, 1980, 1984, 1985). Certain characteristics of non-majoritarian or consensus democracy associated with consociationalism are very important for any attempt to solve problems in polyethnic communities. As one author has described the phenomenon, "consociational polities are non-territorial federations in which politics divided into transgenerational religious, cultural, ethnic, or ideological groupings are constituted as federations of 'camps,' 'sectors,' 'pillars' and jointly governed by coalitions of the leaders of each" (Elazar, 1987: 7-8).

The experience of Western European countries which had conflicts in the past (such as Switzerland, the Netherlands, and Belgium) in overcoming ethnic cleavages by political accommodation are a good recommendation for consociationalism. Two modern and prosperous European states, heirs of two old confederacies, Switzerland and the Netherlands, succeeded—on a federal or consociational basis—in institutionalizing conflicts between constituent parts which were once involved in armed conflicts, and in providing a framework for democracy (Lijphart, 1975; Steiner, 1974). Although Switzerland is a multilingual country, federalism there is not organized along linguistic lines, but rather along cantonal ones, and cantonal self-government certainly helped to disperse tensions and to prevent conflicts between larger national blocs. When people belonging to diverse groups are mixed together in such a way that no group can make any special territorial claim (as in the case of the United States), then some kind of melting pot approach can be successfully applied. But even in such cases we cannot exclude specific ethnic claims grounded on some kind of "functional" federalism or consociational coalition.

While consociation may not satisfy nationalist extremists in matters of ethnic identity, it can certainly guarantee a high degree of human rights, a share in democratic government, and national wealth and cultural autonomy. But consociation requires mutual trust and the rule of acceptable laws equally applicable to all groups, conditions that are not always present in reality.

The Yugoslav Example

While I have already given illustrative examples of many of the issues discussed in previous sections, the Yugoslav experience provides a particularly rich mine of different types of ethnic problem (Stanovčić, 1988a) and of strategies for their resolution. We may review these by looking first at the country's ethnic structure and at the manner in which public policy on the nationality question had evolved, before going on to assess the principal ethnic management strategies in the light of the Yugoslav experience. All of these remarks were written and hence refer to the pre-1991 civil war situation.

Ethnic Structure

Yugoslavia is—in 1991—a complex country in terms of the diversity of its population. According to the 1981 census the total population was 22.4 million, divided between the following ethnic groups (population in millions): Serbs, 8.14; Croats, 4.42; Moslems, 1.99; Slovenes, 1.75; Albanians, 1.73; Macedonians, 1.33; Montenegrins 0.57; Hungarians, 0.42; and about fifteen less numerous “nationalities,” i.e., national minorities. In addition, more than 1.3 million people declared themselves as “Yugoslavs.” The history of how the ancestors of these groups came to the region, how the groups evolved, and how their identities were recognized in the past, and particularly since 1918 and after the Second World War, is equally complex. Yugoslavia's experience shows that strong religious and emotional attachments have prevented the “melting pot” from taking effect even among dispersed religious groups of the same origin and the same language.³ Furthermore, Moslems are defined in a national, not religious sense; in the latter case, the vast majority of Albanians would have to be added to the Moslem population, which would then amount to about four million.

Yugoslavia has inherited and continues to retain in a cultural and figurative sense its own “East” and “West.” Certain of the sociocultural diversities among the population spring from divisions which took place even before the ancestors of the present-day population inhabited the region. The division of the Roman Empire between eastern and western emperors, and then of Christianity between eastern and western rites, played a decisive role in putting parts of the country under enduring eastern or western cultural and political influence. Furthermore, the conquest of the eastern portion by the Ottoman Turks in the fourteenth century, and their five centuries of rule there, brought the region under Moslem religious and cultural influence.

In an economic sense, Yugoslavia has its own more developed “North” and a less developed “South.” Between the most developed federal unit (Slovenia) and the least developed (the autonomous province of Kosovo) the ratio of national income per capita is 7:1, and the gap is widening; but the birth rates in the two cases are in inverse proportion to their level of development. During the period 1955–83 the population of Slovenia increased by 25 percent, to a great extent through labor force

immigration, while that of Kosovo increased by 99 percent; the Albanian population, with by far the highest birth rate in Europe, doubles every 28 years (Yugoslavia, 1984). The rest of the Moslem population also has a very high birth rate, though lower than that of the Albanians.

Evolution of Ethnic Relations

Nineteenth-century nationalism in the Balkans was directed against two empires, the Ottoman and the Habsburg. But clashes between the newly established national states started immediately over disputed territories and were intensified because territorial pretensions on "historical grounds" did not coincide with the actual disposition of ethnic groups. Ethnic divisions and nationalist claims led to cleavages which inspired some authors to coin the expression "Balkanization." Running against this trend was a movement towards integration of the people speaking closely related South Slav languages and dialects. This South Slav (or Yugo-Slav) movement for union in a common state was strong, but it underestimated extremely important historical, cultural, religious, and ethnic differences of the Yugoslav peoples, while the importance of a common origin, similarities of language, and shared historical experience of centuries under foreign domination were overrated.

The idea of a "melting pot" and administrative centralism after World War I failed, and had a negative effect on national relations in the decades that followed (Banac, 1984; Pleterski, 1985). The basis of this experiment was the assumption that the Yugoslav population was one nation with three names—Serbs, Croats, and Slovenes. It quickly became clear that these were indeed three nations. Then, after the Second World War, Montenegrins and Macedonians were recognized as nations. Finally, some twenty years ago Moslems were recognized as a nation. Large portions of these newly recognized nations originate in a stock that was formerly treated as Serbian. The fragmentation of Serbian nationality derived partly from an ethno-demographic process, partly from a deliberate political act designed to manipulate an excessively large group more easily by breaking it up, since some theories suggest that such a group can throw a federation off balance. Ethnic diversity, strengthened by different historical experiences, religions, levels of development, and views regarding the state, made some kind of ethnic federalism a necessity.

During the Second World War a bitter war took place in Yugoslavia on nationalist grounds (which coincided with religious differences between Roman Catholic, Orthodox, and Moslem populations). Hundreds of thousands of people, including newborn infants and old men and women, were killed. Given this background, great effort and considerable leadership ability were needed to forge the new post-war federal Yugoslavia on the slogan "brotherhood and unity" and with the principle of the equality of all nations as one of the most important bases of the legitimacy of the new regime (Denitch, 1976, 1977).

The Yugoslav federal system was introduced to solve the "national question" (Shoup, 1968; Ramet, 1984). It has evolved through three phases. In the first phase federalism was designed after the Soviet model and could properly be labeled as a "facade federalism" (Friedrich, 1968). The second phase, which began in 1953, is called "communal federalism" (Dunn, 1975) because it stressed local self-government and self-management in enterprises, playing down the role of federal units on the grounds that the national question had been solved, and at the same time trying to fragment society in order to make government easier and to minimise conflicts between large blocs such as regions or nationalities (Fisher, 1966). The

third phase, which began in the second half of the 1960s and was incorporated in the constitution adopted in its original form in 1974, has been characterized by a mixture of federalism and confederalism.

Strategies for the Resolution of Ethnic Problems

Because of the peculiar pattern of ethnic diversity in the country, Yugoslav federalism provided for equal participation of the republics in power-sharing at central level. It also implied, among other things, recognition of six "national states" in the form of republics, and "national" or republican flags, coats of arms, languages, academies of sciences, and other institutions. The conception of republics as "national states" is contradictory from the outset because of the mixed population of all republics other than Slovenia. The names of most other republics (Serbia, Croatia, Macedonia, and Montenegro) nevertheless suggest that they are the "national states" of their respective nations. Bosnia and Herzegovina was never treated as a Moslem republic; instead, the three national groups there (Moslems, Serbs, and Croats) were treated as equal and were mentioned in a different order at each appearance in the text of the republican constitution. Although the republic is in many respects a buffer zone between Serbia and Croatia, Moslems tend to identify with it as "their" republic. More recently, there has been a conspicuous tendency to amend republican constitutions by emphasizing that "the republic" is "the national state" of the eponymous nation. Thus, Serbian opposition developed in Croatia when the constitutional reference to the Serbian population of Croatia was dropped, and the preamble to the new constitution (1990) referred to Croatia as "the national state of the Croatian People and the state of other peoples and minorities." A similar proposal in the Serbian constitutional draft (1990) was replaced by a provision that "Serbia is the state of all its citizens," but this did little to appease Albanians, Hungarians, and Moslems in Serbia. There is a similar controversy in Macedonia over a possible definition of the republic as the national state of the Macedonians, since one-quarter of the population is Albanian.

So, all Yugoslav republics (except Slovenia, where minorities are small, and derive largely from labor force migration from other parts of Yugoslavia) have an ethnically mixed population, and cannot unreservedly be called national states. This mixture of population calls into question any attempts to create "ethnically pure" federal units, unless it is accompanied by population transfers. All of this necessarily causes concern among ethnic groups that feel threatened, given the measures that have in the past been adopted to achieve ethnic homogeneity, ranging "from barbaric cruelty to mild inhumanity," or "from genocide to assimilation" (Duchacek, 1970). Let us consider the political and economic difficulties that arose in turn at each of the three levels identified above.

Protection of Individual and Group Rights. Post-war Yugoslav constitutions had in common the fact that they provided guarantees both of individual and of collective ethnic rights. While individual rights were, however, violated, though on a smaller scale than in other East European countries, collective ethnic rights were expanded in the course of time and sometimes even at the expense of individual rights, in the prevailing, essentially corporatist, conception of the state.

Deficiencies in the constitutional provisions designed to secure free expression of national identity have also had negative consequences. The importance of national differences between the republics was overstressed to such an extent that the

individual citizen has been imperfectly represented in political structures. The Yugoslav constitution has abolished the people in the sense of *plebs* or *demos*. But if it is not the people who exercise federal power, then the question arises as to who does exercise it—"nations and nationalities," or republics and provinces? Ethnic federalism, as indicated above, was seen as a convenient means of solving ethnic problems, but it left many other problems unresolved. Political elites used nationalism as a source of legitimacy for polycentric étatism, and as a justification for ruling party and government control at republican level without interference from the federal level.

As in the federal arrangements of certain other countries, the need to avoid dominance by one ethnic group led to a modification of the principle of majority rule, which had the dangerous by-product of diminishing the role of the citizens, and thus in the long run of undermining democracy. The form of bicameralism common in other federal systems (one chamber representing constituent units on an equal basis, the other representing citizens on a proportional basis) is absent in Yugoslavia.

Individual human rights in Yugoslavia were poorly protected against federal and republican governments while the system was authoritarian and centralist. Today these rights are no better protected from powerful regional governments in the individual republics. Political participation of regional elites at all levels is decisive, but although citizens are represented at regional level they remain unrepresented at federal level.

Federalism. Federalism in Yugoslavia was initiated with the aim of solving the so-called national question, a concern that shaped the system over half a century (Stanovic, 1989: 369–410). Yugoslav federalism may be described as consensual federalism. This means that participation of all component units in decision-making at the federal level is provided for and their explicit consensus is required: unanimous approval of the most important decisions at federal level is necessary.⁴ Although the federal constitution provides for this procedure only in certain designated fields, in practice the principle of unanimity extends to most decisions. This reflects the fact that at the end of the 1960s and the beginning of the 1970s power moved from the federation to the republics and autonomous provinces (Burg, 1983), endowing individual units with the power of veto.

Another feature of this federalism is that all component units, regardless of their population, territory, or economic power, are equally represented not only in both chambers of the Federal Assembly, but in all federal decision-making bodies (including the presidency of the state, the Federal Court, and the Federal Constitutional Court), and personnel policy based on the so-called "ethnic key" is applied in appointments to most other important posts in the name of national equality. But there are still many allegations that the public service, and particularly the armed forces, are staffed disproportionately by members of the largest national group, the Serbs.

It should also be borne in mind that some parts of the country would be likely to perform better economically if market criteria were to prevail, and this may be reflected in public policy in such areas. However, in other, underdeveloped parts, due to historical tradition and contemporary realities, the approach is frequently different, and more interventionist administrative measures to improve economic conditions are favored. It is true, of course, that the difference between these two approaches does not altogether coincide with territorial or ethnic lines. But the

more developed regions try to protect their more advantageous positions by advocating further independence, or even separatism, and they find protection in the very complex procedure of decision-making at the federal level. This, however, leads to the autarky which has resulted in six (or eight, if the autonomous provinces are included) "national" economies, markets, and railway enterprises, and is sustained by an ideology of individual nations' "national economic sovereignty."

While the federal constitution provides for the unity of the Yugoslav market, the whole system is constructed in such a way that this unity cannot be established. Country-wide mobility of capital and even of goods, as well as the advantages of the division of labor, are limited. This strengthens étatistic tendencies and state control over the economy and society, despite the experience of the socialist countries, which implies that the capabilities of authoritarian state socialism and of total state control of the economy are exhausted. But an old-fashioned type of power structure resistant to reform has been reproduced in Yugoslavia at republican levels in a form that has been labeled "polycentric étatism" by scientists and politicians.

If what is described above were the end of the matter, then Yugoslavia would simply have a limited government in the sense that John Locke had in mind. But Yugoslavia has another problem related to its polyethnic structure—regionally unbalanced economic development. The de facto economic sovereignty of the republics, under the guise of equality of nations and nationalities, has a negative effect on the whole economy, with fragmentation along regional lines and multiplication of industrial installations because each federal unit wants to be economically independent of the others. Despite these negative economic effects, there continues to be strong opposition to any change in the basic principles sketched above.

The main deficiency of Yugoslav federalism is not the distribution of power between the federation and the constituent republics. Indeed, the jurisdiction of the federal government was wide, though limited by the constitution and by the presumption that residual powers rest with the republics. To this extent, the federal government can be seen as relatively powerful. The real limitation on its power comes from participation of the republics in framing the policy and laws of the federation. But it is difficult to imagine any alternative to this: the national structure makes majority rule unacceptable, as in Canada and Belgium, so equal representation and the de facto veto power of the republics over federal laws cannot be changed without causing considerable unrest. It could be argued, however, that the real problem lies elsewhere, in the fact that the federal government has no control over the implementation of federal laws, whose execution is in the hands of the republics (unlike American federalism, but similar to the West German federal system). Reform of the federal system, while it might further restrict the federal government's legislative jurisdiction, should simultaneously *strengthen* the control of the federal government and its agencies over the implementation of federal laws. This would require, among other things, the introduction of a system of federal courts and other agencies.

Consociation. The fact that in all parts of Yugoslavia different ethnic groups are mixed together, and that there are no "ethnically pure" republics, implies that ethnic federalism has some limits in solving the "national question," and that consociationalism has to be considered as an option at both federal and republican levels. The pattern of dispersal of the population makes consociational approaches

particularly attractive, but even if the population were less mixed it would be advisable to institutionalize some consociational forms of mutually guaranteed protection of identity and equal opportunities policy in the field of economic and other activities.

We may consider first the federal level. Bicameralism is widely seen as a distinctive feature of consociationalism and of federalism (Lijphart, 1980). In Yugoslavia there are indeed two chambers, but they depart from classical bicameralism in two respects. First, legislative decisions are not enacted by both chambers. Instead, the federal constitution provides for separate jurisdictions for the two, and each chamber takes decisions in its own domain without referring to the other. Second, the principle of representation is different. The first chamber is really representative of corporations, and the second is "the chamber of the republics and provinces." The classical idea of one chamber representing the population and the other the federal units is abandoned. In practice, in both chambers republics and autonomous provinces are represented on the principle of parity or equal representation. Representatives of ethnic groups, or, rather, regional political elites, have been eager to act as a check on each other's actions in matters of federal regulation. The whole arrangement gives regional elites enormous bargaining power at the federal level.

At the level of the republics, some kind of consociationalism is needed as badly as in the country as a whole. This may be seen if we consider individual republics. Whereas it is true that in Slovenia 90 percent of the population is Slovenian, other republics are more heterogeneous and other nationalities are more dispersed. While the great majority of Macedonians (95%) and a smaller percentage of Montenegrins (69%) live in their respective republics, almost one-third of the population in each of these republics belongs to other ethnic groups. A high percentage of Croats (78%) live in the Republic of Croatia, where they constitute three-quarters of the population, but the rest live in other republics. Serbs are dispersed to an even greater degree: more than 24 percent live outside Serbia, including about 16 percent in Bosnia and Herzegovina and 7 percent in Croatia, in a centuries-old diaspora. Although a majority of Albanians (75%) live in Serbia, they make up just 14 percent of the population there; 22 percent of them live in Macedonia, where they comprise more than one-fifth of the population; and they constitute 2 percent of the population of Montenegro. Moslems are also dispersed over four republics (81% in Bosnia and Herzegovina, 11% in Serbia, 4% in Montenegro and 2% in Macedonia).

Another approach to reconciling political institutions to the reality that diverse groups are mixed together is to be found in different types of non-territorial autonomy (in such areas as culture and education) and the formation of "grand coalitions." An attempt to create a "grand coalition" of political parties took place in Bosnia and Herzegovina: three parties—the Party of Democratic Action (Moslem), the Serbian Democratic Party, and the Croatian Democratic Community, which had won parliamentary representation proportional to the size of their respective ethnic groups—came together to form the presidency of the Republic and the government on a power-sharing basis. Although this administration survived ethnic tensions that were intensified by events in Croatia and Serbia, its prospects are precarious. While this was the only recent inter-ethnic experiment with consociationalism, there is some support, however weak, for similar initiatives in Serbia, Croatia, and Montenegro.

Although territorial federalism is applicable to relations between territorially defined groups, consociation and functional federalism with national cultural

autonomy appears to be appropriate at the level of Yugoslavia's republics. Ethnic tensions within the republics, however, are causing a momentum towards apartheid rather than consociation. Such a solution requires some kind of overarching federal (or confederal) political framework, which would offer safeguards and institutional judicial guarantees. There is strong opposition to such a solution from a number of republics that favor secession. So it is not just tensions between manipulated ethnic groups, but also disagreement between political elites that make it difficult for consociation to function in Yugoslavia. This difficulty is aggravated by the absence of a democratic tradition, the prevailing authoritarian political culture, and the absence of the rule of law and of civil society.

Conclusion

We have seen, then, that the co-existence of several ethnic groups within a single state may pose formidable problems of government. The intensity of these problems is a function of the nature and the degree of religious, cultural, and other differences and the extent to which there is a tradition of democracy, civil society, and the rule of law. The dispersion or concentration of ethnic groups in distinct territories promotes different approaches (consociationalism is more appropriate in the former case, federalism in the latter). Conflicts of interest between groups are of primary importance, but the struggle for power between ethnic political elites plays an even more influential role. All these and other factors influence each of the possible options in institutionalizing relations and in managing conflicts.

Analysis of certain concrete situations leads us to the conclusion that the "ethnic status quo" would be desirable or even necessary as a condition for consociation, but birth control, family planning, and demographic processes in general (birth rate, forcible or voluntary territorial mobility, or concentration of the population) cannot easily be controlled, and this may in any case be seen as undesirable, unnatural, or contrary to trends of contemporary civilization.

In assessing solutions, I suggested that three broad lines of approach are possible. These are not mutually incompatible, and, indeed, the state may well find that it needs to take measures simultaneously in terms of all three. First, individual rights with formal and informal guarantees are of primary importance and have to be included in all efforts to institutionalize relations between ethnic groups. Over and above this, a minimum of collective minority rights and some form of national cultural autonomy have to be provided and properly guaranteed. In such cases, the participation of citizens in elections at all levels is one of the basic rights relevant for the issues we have considered here. An important role in institutionalizing ethnic minority rights can be played by bilingual educational institutions, by participation in local and national politics, and by freedom of association and of the press.

Second, at a political level, federalism is today widely used as a means of arranging relations among ethnic groups. But in terms of federal institutions contradictory processes can take place: the assertion of ethnic identity of some groups and parallel threats of assimilation of others. Political leaders of ethnic component units may advocate heterogeneity at federal level, while at the same time insisting on homogeneity within component units. Furthermore, ethnic federalism implies the principle of equal representation in certain institutions and power of veto over fundamental decisions. It limits the possibilities of implementing the principle of majority rule, diminishes the role of citizens, and reshapes many other democratic institutions. That is why, despite the general assumption that ethnic and cultural

pluralism contribute to the cultural wealth of a society and form a natural background for political pluralism and democracy, some authors have concluded that cultural and ethnic pluralism can be an obstacle to democracy. This is particularly the case because of the tendency for ethnically plural societies to be relatively poor and lacking in a democratic political culture.

The third strategy is the consociational one. Although consociational arrangements are themselves open to suspicion,⁵ elements of consociationalism form an important ingredient in any attempt to resolve ethnic conflict when ethnic groups are intermingled. Successful consociationalism requires a democratic political culture, which is usually lacking in less developed societies or regions, where it has to be cultivated gradually. The influence of examples based on good will, international educational work, and insisting on human rights and the rule of law can help towards a solution. By rule of law is meant not just the application of enacted laws, but also the incorporation into those laws of the principles, institutions, and procedures which are already taken as achievements of democratic civilization.

Notes

1. The term "ethnic" is used to cover a very wide range of groups. The term is somewhat vague because it is very old and has had different meanings since ancient times. It derives from the Greek *ethnikos*, which can mean such different things as "national" and "foreign"; and from *ethnos* which means a group, company, herd, tribe, people, or nation, but which also means heathen (old Christian writers called all non-Christians *ethnea* with the same meaning as the Latin *gentes*). In more recent times the word has been used to cover smaller groups or national minorities living in a state with a larger and usually dominant one (see Connor, 1978; Rothschild, 1981; Tumin, 1964; Boerner, 1986). In a wider sense "ethnic" covers diversities among people concerning their origins, race, religion, and language, but also extending to such factors as history and myths (Shirokogorov, 1923; Cheboksarov, 1971; *Narody mira*, 1962).
2. Max Weber takes Serbs and Croats as an example; in his opinion it was different rites of the same religion that constituted the basis for differentiation (Weber, 1976: I, 334).
3. For example, in the republic of Bosnia and Herzegovina the Slav population is divided into three religious and national groups: Moslems (39.5%), Serbs who belong to the Christian Orthodox Church (32.0%), and Croats who are Roman Catholics (18.3%). These three groups are mixed together and speak the same language, Serbo-Croatian, but are nevertheless very conscious of their distinct identities.
4. Since each of the six Yugoslav republics can, in a number of cases, veto decisions of the other five, Montenegro, for example, with a total population of less than 600 000, can nullify decisions of the representatives of all other republics, with a total population of over 22 million.
5. As it has been put, "consociationalism is a specific form of elite domination based on ethnic proportionality" (van den Berghe, 1981, quoted in Jinadu, 1985: 72).

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Acknowledgement. An earlier version of this paper was presented at the roundtable meeting of the Research Committee on Politics and Ethnicity of the International Political Science Association, “Ethnic and Linguistic Minorities and the State: Problems and Solutions,” University of Limerick, 4–7 July, 1990.