

Civil Society, Ethnicity and the State: a threefold relationship

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1. Traditionally civil society is conceptualised as a necessary condition of democracy. Indeed, some arguments come close to seeing civil society and citizenship as the sole defining condition of democracy. The proposition to be argued here is that the problem is, in fact, much more complex and that civil society is only one component of democracy, though a vital one.
2. In brief, the argument to be put forward here is that democracy is composed of three key, interdependent elements - civil society, the state and ethnicity. These three are in a continuous, interactive relationship. They have different functions and roles, create different, at times overlapping, at times contradictory attitudes and aspirations and through their continuous interaction, all three are reshaped and reformulated dynamically. Hence civil society is not a static entity, a state of affairs that has been reached and is then established for good, but is fluid, shifting, conflictual, responsive to changes in politics and vulnerable to hostile pressures.
3. It follows from the above that civil society should not be analysed outside its context of interdependence. Its mode of operation is certainly autonomous but is simultaneously influenced by the interactivity sketched above. Furthermore, the contours, contents and processes of civil society are equally affected by its own actions, aspirations, successes and failures, not to mention its traditions and rituals. The cognitive and operational range of civil society, then, is far from unlimited, but is bounded by the other actors on the stage and by the way in which it understands its own history.
4. This approach to disentangling the nature of civil society is restricted to the three main dimensions already noted - civil society, the state and ethnicity. However, it should be noted that increasingly in Europe in the 1990s, a fourth dimension is gaining in influence - the international. European citizenship, other international organisations and the activities of NGOs are impacting on how a civil society shapes its ideas and purposiveness. This international dimension will only be touched on fleetingly in this analysis, but its significance should not be underestimated. What is vital to recognise is that the relationships generated by these four dimensions are causal, reciprocal and conditioning; and that they impact at both the explicit, overt level and the unconscious, implicit one.
5. To start with, there should be a brief look at the much-discussed relationship of state and civil society. In some analyses, this relationship is depicted as a zero-sum game, so that the stronger the state, it is suggested, the weaker civil society is. Indeed, in some libertarian arguments, the state seeks actively to

oppress civil society. This assessment is too restrictive and will not be adopted here. Rather, given the emphasis on the reciprocal relationship between state and civil society, it is the mutual impact of either that is deemed significant. In effect, it is hard to conceive of civil society functioning successfully actually without the state. The citizen, the agent and subject of politics, is simultaneously constrained by the state and protected by it. The state plays an important role in providing the integrative framework within which civil society operates and the latter cannot function properly without that. That framework, which must include a solemnised set of rules by which the political contest is played out, must be accepted as valid by all and must be administered in as neutral a fashion as is consistent with the shared culture of the society in question. This would clearly include the rule of law and the ability of the state to create a degree of coherence without which civil society would rapidly become uncivil and potentially decline into chaos or anomie. But equally, civil society must be free to challenge the state in order to preclude the bureaucratic rationality of state action from attaining the kind of paramouncy that would generate rigidity.

6. Historically, modern citizenship - the package of legal, political, social, cultural and economic rights and duties that regulate the relationship between rulers and ruled - is the outcome of the rationalising activity of the rising modern state, accelerating from the 17th century onwards.^[1] This activity sought to extend and to intensify the power of the state over the population under its rule. This was a key moment. The rise of the modern, rationalising, interventionist state, with a much increased capacity to implement its will, meant that a whole variety of previously diverse practices within a given territory, but under the same ruler, were coming under pressure to be made more coherent, unified, more easily run by the ruler. Administrative, coercive and extractive, ie. taxation, procedures were homogenised in the name of greater efficiency. State capacity was considerably improved.

7. This transformation of the state brought about changes in the attitudes and responses of society, broadly in the direction of accepting the rationalisation but demanding greater control over the state's claimed monopoly of taxation and coercion. The new modes of exercising power required new modes of legitimation. Crucially, universal consent to be ruled became a factor of politics. This was a radical, even revolutionary shift, with far-reaching implications. Popular sovereignty was the necessary response to the intensification of state power.

8. It meant that the functioning of the ever growing regulation by the state needed ever higher inputs of consent if the regulation was to be efficient. Without consent, the mounting complexity of the state makes its operation weaker; instead of coherence there is confusion as society resists actively or passively. The state, if it is not undermined by repeated challenges from countervailing forces, must pay heed to the aspirations of its subjects, which are only partly shaped by it. Without this consent, the state is obliged to impose and validate its own rationality in the exercise of power; this inevitably tends towards a one-sidedness, an absence of feedback, a reductionism and bureaucratic rigidity that are hostile to innovation, find technological change hard to cope with, prefer the pursuit of bureaucratic interests and are ultimately self-defeating in terms of the exercise of power. The more or less reluctant recognition that reciprocity of rights and powers^[2] for all - as distinct from those who had this right as a privilege of birth - gave the state into its modern form. Legitimacy was now likewise a two-way process, rather than dynastic or religious, and the ruler had to accept that this legitimacy would have to be renewed regularly through transparent procedures. Consent had to extend to competing rationalities, aspirations and visions of the future. In states ruled by ideological monopoly, customarily a vision of harmony, the evolution of contest and alternatives are relatively easily marginalised. Such a state of affairs tends to favour the development of a bureaucratic mindset that is protected by overt rules of its own devising, a closed corporate culture and identity which are to be imposed on the ruled, and consequent cognitive closures that leave the state incapacitated when obliged to respond to the shock of the new.

9. Rule by consent, on the other hand, permits a continuous and dynamic interaction between rulers and ruled. The problem, then, was how to achieve consent under the new conditions.^[3] And logically the problem of consent raises the problem of dissent - what is to be done if a section of the population

withdraws its consent to be ruled over a period of time, if it repeatedly demonstrates that it wishes to be ruled differently but cannot change the system? Equally, the problem of consent raises the question of trust, for if there is no trust, then the rulers will be extremely reluctant to share power with the ruled, for fear that they will be swept away and liquidated.[4]

10. A good deal of the theoretical analysis emphasises the civic contract as the key instrument for regulating the new relationship between rulers and ruled. But the civic contract is not only a metaphor, but does not provide answers for the dilemmas sketched above. Hence the answers have to be sought elsewhere, at a deeper, less self-evident level. In this context, it is important to understand that certain social and political processes are implicit rather than explicit, that every community encodes their regulation in tacit as well as overt codes of behaviour, which then come to constitute a part of its cultural reproduction.[5]

11. The proposition here is that the deeper foundation for consent to be governed is generated by and vested in the bonds of solidarity that are encoded in ethnicity. Where a set of values and identity are broadly speaking shared between different social strata, where they regard one another as sharing certain commonalities, respond to the same symbols, where they take the view that, whatever may divide them, they do share certain key moral aims and obligations, the basis for a redistribution of power becomes a less hazardous enterprise. Under pre-modern conditions, the level of consent was lower, affected fewer people, so that ethnic identities were less of a factor in the relationship between state and society, but the growth of state power and capacity generated the need for a new basis of trust. Why this trust should have been argued in the language of nationhood is explained by the particular phenomenon of European political language. The right to participate in politics was accorded the members of the "natio", the body politic (*corpus politicum*); the demand corresponding to the expanded power of the modern state was that all the subjects of the ruler should be considered members of the "natio".[6] Initially, this was a civic concept, but the pressure for the radical redistribution of power required that nationhood be given an ethnic content. Where this ethnic content was absent, the redistribution of power could not take place or the state was divided. The failure of Royal Prussia as a state, German-speaking but subject to the Polish crown, illustrated this process vividly.

12. By the same token, the trust that is engendered in this way makes it possible for those affected by the ever-expanding activities of the modern state to accept it as being a necessary part of being ruled. It comes to be seen as the "normal and natural" political order and, therefore, the fundamental legitimacy of the state which - crucially - is not questioned. Once this tacit acceptability of the state is attained, the question of consent is removed from the agenda, because it is made automatic, indeed axiomatic. This process is, therefore, the most effective way of creating consent; in reality it preempts dissent. The attainment of this consent does not, however, mean that it will stay off the agenda for ever. In certain circumstances, a consensual state may come to be questioned by a minority which, for whatever reason, rediscovers its own, separate identity and withdraws its previously given consent. The outcome of such a division may be state failure, which - as will be argued - is far more common in Europe than is generally recognised.

13. It follows, therefore, that the modern state has an interest in promoting a degree of ethnic homogeneity, notably by using the state educational system.[7] The reciprocal relationship between the state and ethnicity is a real one. It is not contended in this assessment that the state is actually capable of creating an ethnic identity out of nothing, but where it establishes what might be termed a working relationship with an ethnic identity, the state can shape, enhance, promote and protect it. The difficulty arises when the state finds that it is unable to impose its ethnicised codes on a group which has acquired a separate ethnic consciousness sufficient to generate its own cultural reproduction. In such circumstances, which are common enough, either some kind of a compromise is reached and the rulers of the state are prepared to share the state with other groups or, if the competing ethnic group has the territorial cohesion, it can opt for secession. The dynamic of state action sustains and develops ethnic consciousness; usually the one dominant ethnic group imposes its ethnic vision on the state to create an ethnic identity and this is then

imposed in turn on all the ethnic groups in that territory. That, in essence, is the building of the modern nation-state.

14. The overall outcome of this somewhat obscure relationship between ethnicity and the state is, as implied, the acquisition of a degree of ethnic colouring by the state. When two actors are in continuous contact, each becomes marked by some of the features of the other. This gives rise to a momentous conclusion - the universalism of the state and of the citizenship that depends upon it is more apparent than real. Both will be lightly, or less lightly, ethnicised. French citizenship is permeated by French ways of doing things, French codes, French points of reference and a French perception of what is "normal and natural".^[8] This proposition can be applied elsewhere, to other states, including some of the most deeply civic and democratic polities. Ethnicity does not, then, vanish in the civic states of Western Europe - it merely slips out of sight. Nor is ethnicity necessarily destructive of democracy, therefore. It can undermine democracy when either the state or civil society or both is too weak to contain it and thereby ethnic criteria are used for state and civic purposes.

15. What happens then to citizenship demands further attention. (a) Citizenship is defined in this analysis as the package of overt legal, political, institutional, economic and other analogous relationships that bind society and the individual to the state and which govern political relationships within society. For the most part, citizenship is explicit, open to questioning directly and subject to continuous political engagement. It is through the rules of citizenship - informal as well as formal - that civil society finds expression. In this realm, there are the procedures, the mechanisms, the provisions that make power transparent and predictable. This is vital, for without the stabilising element of citizenship, the exercise of power becomes arbitrary and generates insecurity; this insecurity then reacts on ethnicity and can give rise to a sense that one's ethnic identity is threatened. That in turn can trigger off a radical narrowing of perspectives, an ideologisation, a deep-seated intolerance born of the fear that one's ethnic identity is in danger. This phenomenon is found when the state is too weak to protect civil society or sees no interest in doing so. The combination of state and ethnicity when used against civil society is what usually underlies nationalist excesses, the shift towards ethnicisation of politics, when all or virtually all power is exercised by ethnic criteria.

(b) Hence, those aspects of citizenship that impinge upon the ethnic underpinning of the state are evidently difficult to deal with through civic codes. The language of the state is manifestly one of these, for language has at least two functions. It is the medium of communication through which the individual relates to the state, but language is also one of the pivotal instruments of ethnic reproduction, some of the processes by which an ethnic identity is articulated and sustained. The interaction between the civic and ethnic dimensions of language is one of the most frequent sources of conflict in the modern state.^[9] Members ethno-linguistic minorities will claim access to the rights of citizenship in both dimensions and thereby challenge the ethnic codes of the majority. Often, majorities will try to delegitimize these demands by reference only to the civic or state dimension, that the language of a particular state is, say, Ruritanian and that all citizens, as citizens, must learn the language of the state; this disingenuously ignores the problem of minority cultural reproduction. The solution to this admittedly difficult problem is to include all the ethnic communities within the area of the state in the codes of citizenship and to accept that citizenship will be coloured by more than one ethnicity. In practice, this is extremely difficult to achieve, precisely because much of this activity takes place at the implicit, indirect level, rather than the overt one where the codes of citizenship rule.

16. Without citizenship, then, cultural reproduction is endangered, because of the unpredictability of power, even while without ethnicity consent to be ruled is hard to establish. And without the state, the framework for citizenship cannot operate. Hence the key proposition in this analysis is that citizenship, ethnicity and the state exist in mutual interdependence. The ideal situation is when a threefold equilibrium has come into being. This is a necessary condition of democracy. Thus in situations where only two of the three elements are present, the use of democratic instruments like elections, even if free and fair, will not

produce democracy, but some hybrid like consensual semi-authoritarianism. Croatia in the first half of the 1990s exemplified this instance.[10] Where state, citizenship and ethnicity are all weak, as in Belarus, the existence of independent statehood is strongly questioned by its inhabitants. Generally, where both civil society and the state are weak, ethnicity flourishes and democracy will not be easy to sustain, as is the case with post-communism generally.[11]

17. It should be understood, however, that as the threefold relationships (state-citizenship, state-ethnicity, citizenship-ethnicity) are dynamic, the equilibrium does not have to be perfect. A wide variety of different solutions is possible. In Europe today, there is a highly fluid state of affairs, a questioning of received wisdom. After 1945, political systems were significantly etatised through the establishment of the welfare state and this is now under challenge. This can give rise to different models of democracy, with different forms of equilibrium. France can be said to have a strong state, strong ethnicity and a civil society that is weaker than the state, with the result that French civic consciousness is markedly ethnicised. In Italy, there is an inefficient state, a well articulated civil society and a strong ethnicity, with the result that much social action is citizenship-driven but without the equilibrating function of the state. England (not Britain) has a high capacity state (and growing stronger), a weakening civil society and a strong but implicit ethnicity; the outcome has been the growing etatisation of identities.

18. Challenges to the state, however, bring dangers in their wake - the danger of state failure. There are various roads to state failure, but the collapse of a multi-ethnic state is the commonest in Europe (Austria-Hungary, Yugoslavia, Czechoslovakia). In a sense, it can be argued that the 1945-1989 period was unique in European history in that it was free of state failure, but otherwise virtually every European state has experienced it. The criteria of state failure used in this analysis are: complete disappearance (Montenegro); the loss or addition of territory ; major upheaval or discontinuity, like foreign occupation, the aftermath of war or civil war; and possibly decolonisation, the loss of empire. In each case, the state is to some extent incapacitated or loses consent and is unable to provide the security that its citizens expect of it.

The incorporation of new territories within the boundaries of the state is a complex and difficult operation for the modern state. It adds new citizens with different aspirations and ways of life (even when there is no ethnic difference), thereby disrupting established bureaucratic pattern and weakening state capacity. This can dilute the bonds of citizenship and intensify ethnic allegiances. In practice, though few people recognise it in this way, the addition of territory is much more of a burden than it appears at first sight. The belief that territorial expansion is a source of greater power is a misconception left over from early modern or pre-modern times, when the switching of territory from ruler to ruler was much easier and more common. Currently, the values, attitudes and identities that come into being by responding to a particular state are long lasting,[12] making the integration of new territory complex and painful. Indeed, the identity created by a previous state experience persists and integration is seldom fully achieved. Ethnicity is self-evidently insufficient for this purpose as the case of German reunification shows. Rumania and Poland both show traces of their previous state experience to this day; even Alsace has retained some of the features that it acquired as a part of the Reich before 1918.

19. In fact, by accepting that the state is much more contingent than it seems and, therefore, a part of the normal pattern of political change, it becomes possible to see a very large number of state failures in 20th century Europe and to deduce from this that in Europe, the problem of dissent or withdrawal of consent is regularly solved by secession, rather than accepting high levels of instability through the presence of unintegrated minorities. This idea may only occasionally be conceptualised in this way, but secession is legitimated overwhelmingly by reference to ethnicity, which strengthens the argument that ethnicity plays a vital role in state stabilisation and stability. In the United States, on the other hand, the idea of secession is anathema (this is what the Civil War was about), presumably because the integrity of the US is guaranteed by a civic contract - the Constitution - which can only work if territorial integrity is not open to question. To this may be added that in certain circumstances, generally before polarisation is far advanced, confederal solutions or cantonisation or other forms of deconcentrating power can produce success, if

success is measured by holding a particular state together and provides space for civil society and ethnic reproduction (this, in essence, is the story of Belgium).[13]

20. Multi-ethnicity creates a whole set of problems that exacerbate the difficulties in generating consent. If ethnicity really does play the crucial role in underpinning consent as argued above, then in a multi-ethnic state, this consent ought logically to be impossible to attain. There are very real difficulties in this area of political management, but they are not insuperable.[14] In essence, the answers are to be found in various forms of power sharing and the application of the principle of self-limitation to ethnicity, admittedly neither popular nor straightforward given that cultural reproduction can be seen to be threatened. The fact is that virtually every European state is multi-ethnic in some respects, albeit there are more than enough differences among them to require that a variety of solutions be considered. They must all begin from citizenship, that in a democratic state all citizens have equal right to cultural reproduction and to share in the material and symbolic goods of the state if they are to be perceived as citizens and if they are to identify fully with the state in question. This identification is vital if multi-ethnic relations are not to be troubled by unmanageable suspicion and distrust.

21. The heart of the problematic is that the codes of solidarity and cohesiveness, the nature of reciprocal loyalties and bonds, implicit communication, the construction of what is regarded as "normal and natural" are all located in ethnic identity and, obviously, these will vary in their expression from one ethnic group to another. Here one finds fertile ground for suspicion and distrust. Is it, in fact, possible for one ethnic group to trust another sufficiently to share power with it within one state? The answer is that it can be done if all parties are sensitive to the imperative of cultural reproduction and accept that the rights that they demand for themselves must be extended to others. This implies that the political and institutional systems, citizenship, must be set up in such a way as to cope with the extra burden of the continuous renegotiation of power across an ethnic boundary. The distribution and legitimation of power must take account of this imperative for majorities and minorities in order to provide for the security of both. And note, too, that cultural reproduction is sensitised by multi-ethnicity; the question of identity is raised on an everyday basis and one's understanding of "normal and natural" is challenged daily. Without formal and informal regulation there is a real danger that small issues can grow very rapidly into major ones as ethnic ranks are closed and perspectives are narrowed. Symbolic conflicts are readily perceived as an onslaught on one's cultural integrity and security. This last proposition is nicely illustrated by the differences between Hungarians in Hungary and Hungarians in Rumania. For the former, their Hungarian identity is taken for granted as "normal and natural"; for the latter, especially those outside the largely ethnic Hungarian Szekely counties, being Hungarian means having continuously to engage with the Rumanian quality of the state and with the Rumanian majority resulting in a much more accentuated awareness of being Hungarian.

22. Yet, having sketched the undoubted difficulties in this area, there are some very real success stories and it is a common mistake to place excessive emphasis on the pathologies. In summary form, where multi-ethnicity has been effectively regulated, the groups in question have agreed to differ on some aspects of what constitutes loyalty to the state and they do not take these differences as vital to their existence. All the groups must have an overt and accepted loyalty to the integrity of the state; secession cannot be an issue. The state lives with lower levels of integration and rationalisation than it might prefer, it lives with different - and therefore unequal - solutions to certain issues (eg. education). Nor is there an insistence that the different groups actually like one another, enjoy living together or feel that they must share ethnic bonds. The difference is there but is dealt with in a non-universalist fashion. (Switzerland, Finland and Spain are instances.)

23. To the foregoing should be added the contingent problems of the 1990s. There are three significant trends acting on the democratic systems of the West.

(a) The collapse of communism has meant the end of the discipline which constituted one of the

parameters of power. Whereas before 1989, pressure from civil society for greater empowerment could be resisted by offstage reference to the communist threat, this is no longer accepted as legitimate. Hence the relationship between civil society and the state, which seemed to have been quiescent since the upheavals of 1968, is back on the agenda. At the same time, the end of communism has forced Western Europe to look more closely at what it means to be European, where Europe ends, who is European and who is not. The Jean Monnet paradigm for the construction of Europe has clearly run out of steam and new instruments are being debated. Equally, while there is near universal agreement that the states of Central and Eastern Europe are, indeed, a part of Europe, what this is to mean in practice is hotly contested. What are the obligations that Western Europe owes Central and Eastern Europe? Is Russia in Europe or not? And what should Europe do ensure stability and democracy? And finally, the collapse of communism has also brought with it the collapse of the communist state which claimed to be the supreme embodiment of rationality. This has inevitably tainted the widely held belief in the state in the West, by association. Etatism, whether associated with the left or the right has been increasingly doubted. These are all new questions which have arrived with quite some urgency on the agenda and demand a far-reaching reappraisal.

(b) The problem of the welfare state and the simultaneous pressure for the greater empowerment of society have raised a different set of issues. As the welfare state paradigm has lost its effectiveness, as state capacity has declined with overload, as dependency has grown, as the cost of welfare provision has risen and the labour force has stagnated, coupled with the causal link between the high cost of labour and high unemployment, correspondingly questioning has intensified. Crucially, there has been a certain loss of trust in the ability of the state to deliver with no widely accepted alternative, hence the prestige of the state has declined. This last proposition is all the more serious, because the modern state has in many respects become the tacit repository of ultimate rationality, so that the loss of faith in the state has much deeper implications than might appear at first sight.

(c) Globalisation affects the equation in several ways. The impact of global processes is to erode the tradition-driven belief systems by which groups and individuals structure their lives and this loss of the past, in turn, creates an insecurity about the present and the future. The state is losing control over information, money, consumption, leisure technological change and other forms of innovation. This has not made the state impotent, but it has changed many of its traditional tasks, especially in the provision of material and cultural security. As time-hallowed structures have been weakened, the state, as well as civil society have to find a new role and new relationship, even as the parameters of action are shifting with great speed.^[15]

24. Finally, there is the new issue of European citizenship. In the last decade, the evolution of a network of transnational associations centred on the European Union have generated new power relationships, new forms and hierarchies of power, of social knowledge and information, of political capital. Importantly, these side-step the traditionally conceived nation-state and establish connections directly among non-state actors and with Brussels. This process of development is still at a relative early stage, but it is real enough for all that and will become more intensive as European integration proceeds. The significance of these processes is that existing hierarchies of power that have their location within the state are threatened in a way that cannot be easily delegitimated by those affected (eg. decisions of the European Court of Justice). The new instruments of empowerment that result then can be used to reform or reshape domestic structures. European citizenship provides new resources and creates new identities that can transform long-standing patterns (eg. the far-reaching reshaping of Irish identity as a European one). Civil society will certainly benefit from European citizenship by having a new centre of power to which to appeal when it comes to dealing with the state, but it is an open question as to whether the European Union can provide the stabilising functions that were traditionally the task of the state. Then, the whole question of consent reappears in a new guise - what is the nature of the consent to be ruled in the relationship between civil society and the European Union? What are the implications of the democratic deficit in this context? And how will eastward enlargement effect further changes? What is beyond doubt is that European citizenship

is also recasting ethnic identities as ethnic actors engage directly with Brussels and can use European resources in the contest for power at home. Overall, in this area the outlook is of fluidity and innovation, which will gradually or sharply reconstitute the state, civil society and ethnicity in the Europe of the 1990s and beyond.

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