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WHO BELONGS TO "US"?
THE POLITICS OF CITIZENSHIP - A NODAL POINT OF DEMOCRATIC LEGITIMACY: ETHNOS AS DEMOS.

INTRODUCTION

Let me start with a statement I do not wholly agree with, more because of its mood than of its undeniable conceptual validity (*Oldfield* 1990, 8): "Citizenship is exclusive: it is not a persons humanity that one is responding to, it is the fact that he or she is a fellow citizen, or a stranger. In choosing an identity for ourselves we recognize both who our fellow citizens are, and those who are not members of our community, and thus who are potential enemies". In stating this, the author neglects plainly the emancipative potential of the concept of citizenship for *universalizing the criteria* for political membership. Drawing boundaries is not the same like exclusivism. This misunderstanding is likely to bear undesirable political consequences:

Right wing extremism today has its strongest argument in confronting the new migration. This is the only point where it is in touch with the mood of a considerable part, indeed, with the majority, of the population. Governmental policies in most Western European States (including Austria) tend to cede to this joint pressures of right wingers and "ordinary citizens". They seem to believe that by restricting accessability to their territory or restraining conditions for citizenship to people of certain types of origin (cf. the Swiss model with its "three circles" of prefered immigrants) they will refrain extremism - while not being aware to further this way extremism by acknowledging as valid its basic assumption.

In fact, the new discussion on citizenship and social membership made clear: One of the core questions of democratic rule, of "representative government" (*Mill* 1975 [1861]) is: *Who are those* towards whom this order must be legitimated? Of whom consists and what constitutes the *demos*? Unfortunately, most of the rationalist theoreticians tended to forget that society is always to some degree community. *Demos* in social reality presupposes *ethnos*, because only those are admitted to participation - the constitutive element of *demos* - who are regarded being of the same "stock", of the same "race", as past times liked to say and in present times is often repeated. This said, however, the problems begin, because the nature of this concept (*ethnos*) is by no means clear, neither is the relationship between *ethnos* and *demos*. This paper investigates the complex interconnection between society and community, of *demos* and *ethnos* and tries to draw some political conclusions.

FOUNDATIONS

Political systems functionally are working as steering mechanisms of societies. This is, however, a rather narrow concept of politics, especially if applied to modern polities. In our complex world the most important political system - the nation-state - is in its personal and in its territorial boundaries usually coterminous with a society, although organizing only a part of human life-worlds and of their members' interests. As states are built on power and violence, as these political organizations at the same time are supposed to aim to organize social well-being and as this means caring for basic needs of their members, they are bound to be legitimized by their members who are subject to their power ("obligations") and who are eligible for their services ("rights"). This leads to the question for the territorial boundaries (as power can only be exercised against those who are within the reach of the powerholders) and for the personal substratum (those who are entitled to the services). It is this latter aspect of the social and political system we are interested in here. The person who has been accorded standardized obligations to the state and can claim formal rights is labeled a *citizen*.

In this world of valued rights and often suspiciously looked at obligations, of course, the problem arises: Who is a citizen, or, as this is a formal question decided on juridical grounds: Who ought to be a citizen? I am asking neither a moral nor a normative question. I try to put the problem who is factually and not only juridically acknowledged by the population as a "real" citizen - a "real" Slovene, a "real" Austrian - which can socially claim to be counted among "Us". It is the problem of legitimate and full membership in our society which solely is giving the right to be also a member of the state which is on its turn administering politically this social membership. By putting the question this way we are distinguishing the society (the "terminal social system") from the state. Although "state" is not an all-encompassiong system but organizes only part of the life-worlds we are refering to; although it disposes only about some of the society's resources we need for survival, the concept is burdened symbollically in such a degree that membership in this subsystem decides virtually about the quality our social membership assumes.

Not every person who resides in a country is entitled to full membership in this country's state. Citizenship rules are strongly determined by specific state interests and defined by the state's political elite. They result from a particular concept of nationhood or, sometimes, from the specific position in the international system. A "republican" concept of nation which is coined by an understanding of the nation as a political project - it was this concept which prevailed for a short time in the French Revolution - would allow for more openess regarding those who are until now strangers or "foreigners", but who would possibly become co-nationals. A narrowly defined shared ethnic origin would it make almost impossible to co-opt co-nationals among those who would be ready to

enter a nation because of sharing the same basic (political) values. So there may be potential consent in entry on the one side (the would-be immigrants), however, refoulment on the grounds of a supposed difference on the other side (the aimed-at state).

New Wine in Old Bottles? Some Reflections of the Founding Fathers

We have no better concepts for founding liberal democracy than those which have been lumped together by political theory under the label of *contract theory*. In aiming to free political theory of the iron fist of theological transcendency and from the political dangers of interference by those who direct their loyalty not to their co-citizens *Thomas Hobbes, John Locke*, and *J.-J. Rousseau* conceived of the state as a voluntary association of persons wanting to live together for reasons of security as well as for reasons of enhancing general well-being by co-operation. Their conceptual tools have been determining the political thinking unto the very presence. *John Rawls* (1979), f. i., has reassumed the nodal point of their reasoning for trying to build on a secure fundament for starting in considering what should be regarded as "just" - "justice" being the core concept of every philosophico-political dicussion among modern humans.

The classical theorist, however, passed over a double strategic dilemma and a paradox: Rational and self-interested actors generally have no incentives to contribute voluntarily to the burdens of the state's maintaining because those who contribute nothing to its effort will get just as much (in security, in communication, ...) as those who make a contribution. This would lead to lacking stability for the political system. Max Weber (1976, 122), f. i., saw the consequences of the preponderance of what he called the "rational behaviour": Purely material and target-oriented motives of the members of a political organisation will entail low stability of this system. Thus, he introduces the term of legitimity to care for the stability of his types of dominance.

It is the famous (or ill-famed) issue of the free-rider. If there is only voluntary and rational individual behavior then for the most part government will not exist nor will exist states (and societies) (*Olson* 1968 and 1982). While this difficulty was not seen by the aforementioned theorists - as realist persons they did not even think in such a sofisticated way - , they were well aware of another crucial problem. I will it express again in the wording of *Olson* (1982, 24): "Another problem in organizing and maintaining socially heterogenous groups is that they are less likely to agree on the exact nature of whatever collective good is at issue." Starting with the willing to abolish unjust political and social power (with *Hobbes* it is a trifle more complex), the contractualists realized very well that there is a problem of procedures in decision making about the common goals which ends up in a far more problematical issue than being only a technical difficulty. If, f. i., one opts for the principle of majority the will of the minority will be suppressed, and this *is* oppression as well as if the majority would be concerned.

Volonté générale

Rousseau tried to solve this paradox by inventing the concept of the *general will*. The *volonté générale*, the general will, as foundation of a democratic system conceived by *Jean Jacques Rousseau* (1966 [1762]), is by no means the same as the will of the majority. It is the *shared will of all*. So, what does this mean effectively if it should be more than a philosophical slogan without any real significance? *Rousseau* was well aware of the problematical stance of his idea. First, he is warning that power also if exercised by a majority towards a dissenting minority remains power and is needing for legitimity: "The law of the majority is itself established by convention and needs at least one time unanimity."[1] However, he adds: "For the general will to exist it is not necessary that there is always unanimity; but there is necessity that all votes are counted; formal exclusion (of persons or groups) destroys the general character."[2] This is a fundamental statement, and *Kant* (1795, 21) will insist upon this: "Legal freedom, that is freedom against others, is the right not to obey any laws except those to which I had the possibility to consent."[3] Let me quote another political theorist of contemporary times with a slightly different subject, speaking about our argument: "Members of the minority, for whatever reason, do not 'count' in the same way as everyone else" (*Walzer* 1970, 48).

Although politically not very often evoked, this argument is a central one in any democratic discourse. *Niklas Luhmann* (1983) three decades ago has chosen to put the same question by asking for the legitimity of political decisions. He tried to define legitimity as an overall readiness to accept *a priori* political decisions without regarding if they be in or against my personal interests - if the procedures to come to such decisions are agreed upon and considered fair. However, he neglects that this readiness is bound to some degree to the content of the decisions, that is: They must not violate what I consider my vital interests. If the latter should be the case my agreement cannot be taken for granted, and if I have a chance I will defend myself by all means available, if necessary also by violence, ... *Luhmann's* approach is not satisfying because he argues excusively in terms of interests. In this regard he joins theoretically *Rousseau*, the contractualists and the enlightenment in general.

If there is any sense in speaking of a "general will" we have to cease speaking of individual (material) interests. The special interests of all concerned people

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[1] "La loi de la pluralité des suffrages est elle-même un établissement de la convention, et suppose au moins une fois l'unanimité" (p. 50).

[2] "Pour qu'une volonté soit générale il n'est pas toujours nécessaire qu'il soit unanime, mais il est nécessaire que toutes les voix soient comptées; toute exclusion formelle rompt la généralité" (p. 64)

[3] "Äußere (rechtliche) Freyheit ... ist die Befugnis, keinen äußeren Gesetzen zu gehorchen, als zu denen ich meine Beystimmung habe geben können."

will coincide at best sometimes by chance.[4] However, the general will ist seen obviously as a basic and total agreement with several dimensions of social entities, rational as well as emotional ones, to consider each other as equal members of one and the same socio-political system. This is *social and political consent*, not necessarily with a government and not even with a constitution, but with being a member of this particular political community and with *sharing its future destiny*. The "volonté générale" is to be seen this way as a rationalist concept and expression of what has been told more emotionally by Ernest *Rénan* (1992 [1882]) as "the desire to stay with one another" ("le désir d'être ensemble"). And this is the wording which *Rénan* gives as his definition of the concept of the *nation*. The general will is conceived this way as a consciousness of a common and *shared identity*.

Spinoza who is hardly known as a political theorist although he was it in a very deep rooted sense - for him, real humanity was to reach only within a well-ordered state, and therefore he aimed to draw carefully and in great detail its institutions - , has labeled the same need "the deep unity of Man, which is necessary for each organized polity" (1994 [1677], II, § 21). By this he is approaching a concept of *identity*. His rigid legalism which must be seen as politically substituting what he calls earlier the unity in Being of the nature unfortunately is hampering him to distinguish a concept of *legitimity* as the political concept contrasting the purely legal concept of *legality*. He is striving for founding theoretically the monopoly of the modern state in the political sphere against the arrogance of theology and religion as well as against a postulated "natural law" which is itself a disguised metaphysical concept. Thus he does not succeed to formulate a concept of a civil society as an autonomous system compared to the state: He is following theoretically *Hobbes* and practically the absolutist creed of: "Un roi, une loi, une foi". This could be considered, too, as the creed of the modern ethnonational state which has no place for minorities.

Rousseau's insight - also the power of a majority is power and is for need of legitimizing - could hardly be neglected with good faith. Thus, the problem of a communitarian foundation of social and political systems, the question of a common and shared identity, has to be faced as a central problem of democracy. Because of this problem - and only because of it - the *people's* sovereignty had to be transformed to *national sovereignty*; the sovereignty which constitutes a *demos* as the sovereignty exercised by an *ethnos*. Demos, pragmatically, is constituted by participation. Only if *demos* and *ethnos* are melting into one social enti-

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[4] "En effet, chaque individu peut comme homme avoir une volonté particuliere contraire ou dissembleable à la volonté générale qu'il a comme citoyen" (*Rousseau* 1966, 54). - *Saint-Simon* (1965, 78): "Il n'y a point de société sans idées communes, sans idées générales: chacun aime à sentir le lien qui l'attache aux autres, et qui sert de garantie à l'union réciproque" ("There is no society without shared ideas, without common ideas. Each person loves it to feel the bond which is tying him to the community").

ty, a *nation* comes into existence. But who are admitted to participate in this *demos* as equals? Who is to be counted among us? With whom we will share? Whom do we consider as legitimately claiming for membership in our system? What must THEY share with US in oder to belong to US?

Let us start again, this time with sociological theory: *Émile Durkheim* opens up his most important book, *The Social Division of Labour*, by putting the following question:: "How is it possible that the individual while getting always more autonomous is at the same time always more dependent upon society?" (*Durkheim* 1977; cf. too *Parsons* 1964 und 1975a).

"Each individual has its self-love. Therefore his brute instinct leads him to fight with others in the sole pursuit of his self-interest. But man has also his higher instincts of sympathy and mutual help. The people who are lacking in this higher moral power and who therefore cannot combine in fellowship with one another must perish or live in a state of degradation. Only those people have survived and achieved civilisation who have this spirit of cooperation strong in them. So we find that from the beginn of history man had to chose between fighting with one another and combining, between serving their own interest or the common interest of all. In our early history, when the geographical limits of each country were small, this problem was comparatively small in dimension. It was sufficient for men to develop their sense of unity within their area of segregation... The most important fact of the present age is that all the different races of men have come close together. And again we are confronted with two alternatives. The problem is wether the different groups of people shall go on fighting with one another or find out some true basis of reconciliation and mutual help; wether it will be interminable competition or co-operation."

Tagore (1992, 79) discusses here the problem of communitarian bonds (and this means too: the fitness of ethnic principles of political organisations) in the process of national development, and he does so in a postnational perspective. Tagore's approach sees the issue as a basic of social anthropology.

His answer is: The "mechanical" solidarity, the solidarity founding on the similarity of the people with each other, is decreasing in the development of society to more complex ("higher") structures. Its integrational function is substituted by the "organic" solidarity, the solidarity coming from increasing interdependence because of increasing social differenciation ("division of labour").

The mechanical solidarity is nothing but another term for the concept we usually take as *identity*. Thus, *identity* is a "borderline structure" between the personal and the social system, fundamental for the socialization of the human

being. If "communization" ("Vergemeinschaftung") is not working, societies become unstable. Interests are not sufficient for stable integration, for societies are always confronted with decision making which must be against the interest of many people in its output. Of course, this is valid for present times, too. It was *Max Weber* (1976, 21 f. and 212 ff.) who used the terms of "communization" *(Vergemeinschaftung)* and "societalization" *(Vergesellschaftung)*, as two aspects or dimensions of each society. This was very common in his times, however, not understood by his predecessors as analytical terms but as distinct units: "'Communization' is understood here as a relation which bases the attitudes to social action on a *subjective feeling* of belonging together *(...)* of all those who claim membership in a collective." Communization is an aspect of social integration: "By far the most social relations can be understood as having as well communal as societal features ... Communization in this sense is radically contrary to what is meant by 'struggle'."[5] The most communized political concept in history has first been spelled "nation" and in our times "ethnos". However, the two concepts are not equivalent. *Ethnicity* as a form life worlds take on has been so successful because of a procedure very familiar in social reconstruction of reality: A community of shared basic values is so deep rooted in the consciousness of the people that it could be easy naturalized. People tend to think of such phenomena not as social constructs but as natural entities. Thus, the society of choice is reconstructed ascriptively as a creation of nature not feasible to be entered or left.

The concept of men lacking communal ties must be seen as fundamentally flawed regardless if we turn to the social contractualists or to *Durkheim*. Of course, this fault of the liberals is exploited by conservative taking part in the so-called debate on communitarianism. Identity is one of the most used terms in contemporary social theory as well as in politics. So, we have to pay more attention to this concept. This holds true even more as we can observe a host of social movements of quite different origins in contrast to tendencies within modern society according to which "money is becoming the only standard of all relations" *(Touraine* 1993 [1973], 19).

These critical remarks are a reappraisal of impulses of the student's movement of two decades ago. It was Herbert *Marcuses* (1970) with his "one-dimensional Man" who has got fame by theoretically formulating this critic although in highly abstract terms. *Alain Touraine* in the same spirit offered his triade of "freedom, identity, community" as substitutes for "freedom, equality, fraternity". This is too significant for the changing mood of times to let pass it without commenting. If

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[5] Also if sharing this approach we can distinguish small societies which are more characterized by processes of communizations for their integration, and which can therefore be labelled *"communities"* in short. We can consider communities of this sort as the real types of what I used to label "originary ethnic groups". In this sense too - if in any - could be understood *Andersons* (1983) term of the nations as "imagined communities" which has got so much popularity.

fraternité turns into *communauté* we can take it for a necessity for every society to care for communal ties for its integration. If, on the other side, *égalité* turns into *identité*, this is at least double-edged and should be read more as a sign for the fashionable mood of the author and his audience than for analytical purposes. The logic of identity in everyday political life is giving itself for misuses and is fit for manipulations in the service not only of antiegalitarian but also of antirational, antimodern and antidemocratic forces.

I am ready to admit that this critic is born of political more than of analytical concerns. Nevertheless: Sticking to *Weber's* concepts, *Durkheim's* idea of a steady decrease of the mechanical compared with the organic solidarity most be considered fundamentally faulty. And if it would be correct, *Durkheims* worry for this decrease - he is giving advice for strengthening the supposedly weakening mechanical solidarity - would be groundless because the social glue of an ever increasing "organic solidarity" by complementary interests would more than compensate this. On the other side we can clearly feel his predilection of the organic against the mechanical solidarity. It is, we can read, the "higher developed" form and characterizes the "higher civilisation". Although he pretends to have coined these two concepts for avoiding everyday semantics and non-scientific evaluations we suppose that his arguments are more of an ideological than of analytical nature. If we are right in this presupposition, *Durkheims* theory of the social division of labour must be faulty in important regards. We can identify here the vestiges of this what *Lévy-Strauss* has called the "faulty evolutionism" of the 19th century. His aim is to explain away oppression, violence and power by offering a very smooth and "civilized" path of history along the trends of increasing organic solidarity. But the way of true history ran never smoothly. Violence and state power have been, unfortunately enough, the most significant means of "integrating" small communities in huge societies, and not the soft effects of an increasing organic solidarity. What does this mean for my analysis?

The *social contract-thesis* was up to the very presence the single most important fundament of political theory and consequently for political science. This is no innocent question. Together with this basic argument we embraced also the author's basic political anthropology of a "rational man" guided only by his narrowly conceived immediate material interests. Besides: This anthropology was at the same time the crossway where political science and sociology parted - sociology looking for a more realist concept of Man. Emotional interdependence, intensified communication of a face-to-face type, in short: *convivality* has always been the root of social identities. However, as the main instrument for social integration it could only work in small communities where each person was in relation with each other. Only in such groups the vital interests in maintaining their subsistence as well as in maintaining the group's existence of all persons coincide. When societies grew and got stratified the communicational structure was

changed radically. Different life-worlds came into existence, and the relationship between those working for subsistence *of all* and those caring for organization, for communication and for symbolic representation became asymmetric. Of course, to embrace a specific life-world is dependent upon social status which on its turn is also modelling our ability to abstraction. *Scarcity* emerges and becomes the strategic means for allocating economic as well as symbolic wealth. By this course of history social competition between individuals and *between social groups* got a new structural quality. The upper strata become hegemonial in determining the groups' identities. Long enough there has been not much discussion about this crucial point. In contemporary times political philosophy developed a foundation. It is speaking less of contracts and more of the *communitarian foundations of societies as well as of politics* (*Avineri/de Shalit* 1992). Of course, communitarianism is not really a new thesis. However, competing with the intellectual brillance of the social contract and its appeal to rationalist thinking it must always give place to it. Most time old communitarianism was the battle horse of conservatism which has often a good feeling for some realities by defending the *status quo.*

It was not by chance the father of a very rigid conservatism, *Edmund Burke* (1987 [1790]), whom we can quote for reference. He has laid the foundations for a communitarian view of politics in such expressions we are very familiar if dealing with ethnicity and nation. *Burke* wants to establish the principle of inheritance (that is: naturalized *ascription*) as the unique principle of politics and the state: "The idea of inheritance furnishes a sure principle of conservation, and a sure principle of transmission" (p. 119 f.). And he believes to deduce all this from "nature". Striving for such a refoundation he draws on a vocabulary only to familiar to all researchers in ethnicity, and especially to those listening to the ethnopolitics of some Eastern European countries and their recent ideologues: "In this choice of inheritance we have given to our polity the image of a relation in blood" (ibid.). For conservatives naturally enough he takes the principle of ascription in social relations for granted and unalterable. Nevertheless, as the social contract had an nearly undisputable reputation in the intellectual life of his time, this born advocate could not resist the temptation to use, or rather: to misuse, rhetorically this concept: "Society is indeed a contract." In the next phrase we find instead of society the term "state", and he writes: "As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead and those who are to be borne. Each contract of each particular state is but a clause in the great primaeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which hold all physical and moral natures, *each in their appointed place* [my italics - A. F. R.]. This law is not subject to the will of those who by an obligation above them, and infinitely superior, are bound

to submit their will to that law" (p. 194 f.). Maybe, this was not a very good serv-ice for the intellectual reputation of his aims, especially when regarding *Burke's* unavoidable intellectual untidyness. In everyday politics with its simple and nationalist orientations this political idea was always extraordinarily powerfull, indeed dominant.

No less conservative than *Burke*, however, with quite another posture and more sincere intellectual rigour, *Benjamin Constant* (1964 [1814], 39 ff.) has put a question of until now unbroken actuality; it is indeed the core problem for many ethnic groups, at least if they are minorities. He spokes of what I have called *kemalism (Reiterer* 1988), the violent revolution from above, and its function in the process of nation-building. This is always a process of destroying at the same time former ethnic unities: "Each generation inherits of its predecessors a treas-ure of moral wealth, an invisible and splendid treasure which it is on its turn giv-ing to its off-spring... If you deprive [a people] of this you will deprive it of the feeling for his own dignity and of its own value." At first sight it may sound simi-lar like *Burke*, however, with this words *Constant* is putting the question for iden-tity while *Burke* is only worrying for the structural conservation of an antiquated and unjust *ancien régime. Constant* goes further and is putting the problem of a change in identity, of the scale in political and social systems: "It is remarkable to see that uniformity is by no person so eagerly accepted as in a revolutionary process going on in the name of human rights and freedom... The propensity to power soon found out the huge advantage which they could get by these means [the equality of rights]. While patriotism usually is rooted in a deep affection to local interests, customs and manners, our patriots declared war to all those objects. They made dry out this natural source of love for one's own country, they want it substitute by the artificial passion for an abstract entity, for a general idea..." - Quite similarly - although less in a moral and more in an analytical voice - *Alexis de Tocqueville* (1978 [1856]) will argue approximately half a century later.[6]

Societies and their respective polities are in need for a shared bond of a com-mon identity if searching for stability, besides the complementary interests of their members. Of course, this cannot mean that contemporary societies could be organized like traditional communities, as it is sometimes misunderstood also by the most lucid authors: "While a well-ordered democratic society is not an associ-ation, it is not a community either, if we mean by a community a society governed

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[6] *Tocqueville*, too, was not the devote humanist he pretends to be. If not speaking of Europeans he is ready to justify colonialism, imperialism and oppression if he believes them in his own personal or political interest (cf. *Tocqueville* 1988) This seems to be the fate of political liberalism. - Interestingly enough, he seems to recog-nize in this context that their is need for a certain homogeneity if you want participation. After saying this he continues: "Hâtez-vous d'attacher les habitants a ce que sont ces intérêts et ces actions que manquent et sans lequels on n'a jamais créé de sociétés" (p. 145). He is speaking, of course, exclusively about the French colonists in Algeria while he considers the Algerians only to be oppressed to disencourage them.

by a shared comprehensive religious, philosophical, or moral doctrine... To think
of democracy as a community (so defined) ... mistakes the kind of unity a consti-
tutional regime is capable of without violating the most basic democratic princi-
ples" (*Rawls* 1993, 42). But it is the same *Rawls* which is founding his just societies
on shared basic principles; what could this mean other than a community of
(basic) values? Each society is bounded, and we have to ask not for the bound-
aries in itself but for setting the stakes of these boundaries. We have to ask for the
criteria for admission in a double sense - empirically and analytically as well as
normatively. The entry ticket in the house of the nation-state has been stamped
until now mostly in ethnic terms of a traditional sense. In my view we have to turn
this page by selecting rationally founded and scrutiniable admission criteria, in
the first line personal consent to sharing the basic values of the society (that is the
new form of supra-ethnic identity) and not the colloquial language in which they
are expressed. It remains to look what sort of shared identies is necessary and
what sort is not needed or will jeopardize the looked-for stability. For the sake of
being short I will dicuss briefly two of the most frequent situations and their nox-
ious solutions.

First and Second Rate Citizen?

Minorities...

Majorities tend to mistake compliance with themselves for allegiance to a
common nation consisting of both the linguistic (or ethnic) majority and ethnic
minorities. In some of the constitutions of the newly build-up nation-states in
Central and Eastern Europe we find solemn declarations that the new state con-
siders itself as the nation-state of one specified linguistic community. The pre-
amble of the Slovak constitution starts with: "We, the Slovak people". This Slovak
people consists only of those persons who speak the Slovak as their mother
tongue, because at the end of this formal evocation, after speaking also of the
national and ethnic minorities, we find the phrase "We, the citizens of the Slovak
republic", designing by this phrasing beyond any doubt that national minorities
are second-rate citizens. Slovaks who are speaking Hungarian as their mother or
colloquial tongue are not recognized as "true" Slovak citizens. This is neither
morally acceptable nor wise policy.

Similarily, the Latvian Language Law states that the Latvian language is the
only one which has legal status in this new republic, and another law states that
only those descending from Latvian parents can claim Latvian citizenship, this
way denaturalizing nearly a third of hitherto citizens and depriving them of their
most elementary political rights as well as of some social rights.[7] We must con-

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[7] "When groups of former citizens are legally excluded this is a sure indicator that liberal democracy has
already been abandoned, no matter wether this decision was taken according to formally democratic proce-
dures" (*Bauböck* 1994, 201).

sider this a mere stupidity beside its neglecting basic human rights.

These few examples, and we know very well that we could add many others, are based on a theoretically as well as politically flawed concept of nation. They do not consider nation as a community of choice founded by shared values and shared political identities, as a political project about which there are possible arguments and where there may be also dissent. The authors of such constitutions and laws belief in the qualities of ascribed identities by the virtues of mother-tongue or descent. Besides being utterly nonsense they make it impossible for a significant part of their population to consider themselves as equally valued citizens and force them to look otherwise for being accepted and wellcomed. Instead of enhancing stability this political strategy will have quite the contrary effect. It will produce what it is supposed to avoid - secessionism.

... and immigrants

If we look into the other direction on the European map we must state that much of what has been said applies to some Western European states and societies, too. At first, we could reiterate the passages about ethnic (or national) minorities by viewing to certain Western states. Remember, f. i., the *loi Toubon*, the French Language Law (*loi n° 94-665 du 4 août 1994 relative à l'emploi de la langue française*), which lets transpire the same spirit as the Latvian or the Slovak Language Laws.

Second, and by far more important, all Western European states without any exception are discriminating against well-defined groups of immigrants on behalf of their ethnic and national origins. While they accept immigrants of Western European states supposed to belong to the same cultural spheres by giving them denizenship-rights which are very close to the citizenship-rights of their own naturals, they not only deny other persons access to their territory, but they also do not grant very liberally citizenship to those which are residents since years. While the first policy results in denying persons on racist grounds to become members of the society by preventing them to enter one's own territory, the second is of another direction. Citizenship is a symbolical status of membership. Of course, we cannot start here a debate in immigration policies. The latter, however, the restrictive rules of naturalization for persons not originating in Western Europe although residing here since a long time and obviously determined to stay, must be considered a severe violation of the principle of non-discrimination. "If citizenship is derived from membership in a nation conceived as an ethnic community of descent", than "nobody can choose citizenship" (*Bauböck* 1994, 138). The founding principle of liberal democracy, the consent, this way is abandoned.

The political problem, however, consists in the accordance of those forces which are pushing this policy with the mood of an overhelming majority of the

population. This majority is not ready to share their territory or their well-being with persons who are foreigners, because they are not ready to consider them equals and sharing with them a common identity. They are not considered equals because they are "strangers", marked by their skin colour or their religious belief. In short: They are not tolerated because of being regarded not as fully human as they use other cultural (= symbolic) forms for expressing their human quality.

Two forms of the same issue

It should be clear that there is a common denominator for dealing this way with minorities and with immigrants. Why are they not admitted to membership at the same footing with "US"? The theory of ethnicity as well as democratic theory were always zealous in distinguishing *ethnos* and *demos*. Theorists have not realized that *demos* can only exist if it is at the same time *ethnos*, as I argued in this presentation - if the population of a state has also features of a community bound together by basic values beyond the differences in material interests. Neither *demos* nor *ethnos* are social givens. They are developing, if successful they remain stable for a long time; if less successful they eventually will disolve and - as history has tought us cruelly - ordinarily a disolving *ethnos* will be consequential for the dissolution of the *demos*. There is a profound structural analogy in drawing boundaries by *ethnic ascription* or by the *achievement of citizenship* which is at the same time more abstract and more visible by the use of bureaucratical symbols (passports, etc.). The 'right to have rights' is the cornerstone of citizenship, but how will be decided scocially about the claim to such a specific right? The structural identity emerges as *ethnos* is is the basis of legitimizing the membership in polities, i. e. building a *demos*. "Our membership in a wider society results from being immersed into a culture and dense networks of social interactions... A civil society differentiated from both the state and the face-to-face-communities of private and intimate lefe-worlds is the locus of social memership in modernity... Social boundaries are given objectively and democracy normatively requires corresponding political ones" (*Bauböck* 1994, 172, 183). This *locus* we usually call a "nation" and the last process is known usually as "nationalism" while understanding different attitudes by this word in everyday politics and in social-scientific analysis. The crucial point is: *ethnos as demos* cannot be distinguished by characteristics like one and the same mother-tongue, important as those characteristics may be. A nation may consist of many linguistic and ethnic communities. Being immersed into a culture must result in belonging to communities of everyday-life as well as in a civil society on a large scale. In other words: It must result in multiple identities depending upon situation (*situational identities*). For most people the private and more intimate life-worlds are emotionally of greater importance than the highly abstract ones in the greater society - thus they are preferentially defining themselves in local, regional, even in socially segmented terms as we can demonstrate empirically (*Reiterer* 1988).

Building a nation is combining various, many small ethnic ethnic units in an everyday sense to one *supra-ethnic demos*. We cannot have a "de-ethnicized democracy" because each person needs a social identity to be integrated into the society. But we can have a supra-ethnic democracy were local or regional identities sum up to constitute one community of shared values, one supra-ethnos, one nation. A shared identity is the fundament of each society, and, when the polity is representing the society (as it is required when speaking of a democracy), it is teh fundament of a state, too. However, as everybody has many identities, it remains to decide upon which *identity*. If we can agree that it is civil society which is paramount for our overall social identity than it is the membership in civil society which decides. To build a political strategy upon the dominance of one linguistic or ethnic component of a nation is programming the destruction of this nation in the mid-term. Sharing the same basic values does not mean sharing one single language. It is not nature which decides about belonging together, it is culture, it is society, it is politics.

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POVZETEK

KDO SPADA K »NAM«?

Članek obravnava kompleksno povezanost družbe in skupnosti oziroma demosa in ethnosa, pri čemer skuša podati nekaj političnih ugotovitev.

Klasična teorija demokracije, ki izhaja iz britanskega in francoskega razsvetljenstva, človeka obravnava kot svobodnega posameznika. Vendar pa so ljudje vedno vpeti v skupnosti. Članek se naslanja na teorijo francoskega filozofa Jeana Jacquesa Rousseauja, ki pravi, da si ljudje kot posamezniki želijo živeti v družbi v političnem in gospodarskem smislu. Temeljni koncept pri uresničevanju te želje je državljanstvo. Zato je pojem demosa v resnici do neke mere tudi pojem etnosa. Etnos v tem smislu torej lahko opredelimo kot skupni koncept z zelo različnimi pomeni (etničnim, nacionalnim, nadnacionalnim, kulturnim).

Evropska sedanjost je v znamenju naraščajočih migracij, ki uplivajo tudi na razraščanje desnega ekstremizma. Vlade zahodnoevropskih držav (vključno z Avstrijo) v svoji imigracijski politiki popuščajo pritiskom desnice in tako imenovanih »navadnih« državljanov. Verjamejo namreč, da bodo z omejevanjem dostopa do svojega ozemlja oziroma z zaostrovanjem pogojev za pridobitev državljanstva ljudem določenih družbenih slojev in narodnosti (npr. švicarski model) zajezile desni ekstremizem, ne zavedajo pa se, da ga v bistvu podpirajo, ker ga priznavajo kot legitimno politično opcijo.

Izgrajevanje nacije je kombiniranje različnih majhnih etničnih enot v en sam nadetnični demos. Brezetnična demokracija ni možna, lahko pa ustvarimo nadetnično demokracijo, v kateri se lokalne oziroma regionalne identitete zlivajo v eno samo družbo skupnih vrednot. Skupna identiteta je temelj vsake družbe, torej tudi države.