Ephraim Nimni, Alexander Osipov and David J. Smith (eds),
The Challenge of Non-Territorial Autonomy. Theory and Practice

Reviewed by Durukan Kuzu
Coventry University

This edited collection on non-territorial autonomy (NTA) is premised on the idea that the decisions of the majority rule over those of the minority. This consequently turns electoral democracies into what de Tocqueville called ‘the tyranny of the majority’. Those minorities whose political will is simply disregarded by majoritarian democracies need an alternative form of equal representation. NTA comes as an alternative that has long been ignored, insufficiently theorised and hardly implemented. The book first explores why NTA offers more than its competitors, including consociationalism, territorial autonomy and self-determination, have been able to achieve, and second, elaborates on the ways in which this model can be used to deal with the continuing problems of national minorities. The book does this in detail with a good number of different examples from minorities in interwar Latvia to the Kurds in contemporary Turkey.

It is possible to divide the content of this book into three main sections. The first explains the theoretical basis for NTA and provides conceptual clarification. The second section discusses case studies including Northern Ireland, the Kurds in Turkey and minorities in Russia, investigating this model as a solution. The third section includes cases such as Romanians in Slovenia, national minorities in Serbia, and minority groups in interwar Latvia where the authors examine the pros and cons of NTA-like solutions that have previously been implemented.

One common thread across the chapters of this book is the idea that minorities should be autonomous on issues that are important to the protection of their culture. Nimni (pp. 1–25) argues, that even in the most egalitarian systems, minorities do not, for example, have the power to decide who can move into their historical homelands. Without this power, minorities may be outnumbered by ‘outsiders’ in their own territory. However, although clear on his defence of minority rights, Nimni fails to explain his position on the restriction of the freedom of movement of others (particularly the members of the majority). Can the restriction of the majority for the sake of preserving minority national cultures be considered liberal? Indeed, while Nimni blames the anti-immigration policies of Western states for the democratic deficit in Europe, he seems conversely content with the isolationist policies of
national minorities who consider protection of their historical homelands from ‘others’ as essential to their cultural survival, and as one of their ‘democratic’ rights.

The departure point from classical liberalism for the authors of this book is the belief that individual human rights cannot rectify injustice: injustice can only be rectified by granting exclusive territorial decision-making power over language and migration as a means to protect minority cultures. From this angle, Nimni’s argument is strongly based on the territoriality principle. Yet he himself veraciously defends non-territorial autonomy as opposed to all the other forms of territorial autonomy. This is primarily because he acknowledges the practical difficulty of territorial-regional autonomy, especially in cases where the minority is scattered across the country. It becomes clear that most of the authors in this volume only rule out the various forms of territorial autonomy because of their impracticality, not because their fundamental premises are in line with ethno-nationalism. Nimni, for example, seems untroubled by the illiberal focus of non-territorial autonomy based on phenomena such as nationalism in either ethnic or civic forms. He rather problematises its ownership as a source of political legitimacy. Indeed, Nimni argues that nationalism as a feeling of loyalty to nation is primarily a cultural artefact. For him, people will have loyalty to their culture and it is their loyalty to the culture not the state that generates legitimacy.

Nimni does not see how it is simply wrong to presume that members of the same ethno-cultural nation will also share the same cultural traits and/or political orientations. He cannot explain how a particular political ideology of nationalism that does not resonate with all members of the same nation can ever generate political legitimacy. For instance, Tamil nationalism, which is largely defined by language, has never been successful in Sri Lanka. Sri Lankan Tamils are segregated by religion: Hindus constitute 85% of the Tamil community; a well-organised and well-funded Tamil Christian minority also exists; and the Moors define themselves by the Muslim religion, not by their Tamil language. The Sri Lankan Tamils therefore lack consensus, and Tamil nationalism is thus unlikely to guarantee a deliberative democracy. The idea that people can more easily compromise with other members of the same ethnic group overestimates the coherency of national culture. Indeed, one does not even need to look that far to see this point in question.

The excellent account of national minorities in inter war Latvia by Marina Germane (pp. 101−117) in this very same volume clearly shows that “Latvian minorities – for example – did not share a common vision of cultural autonomy and this was further exacerbated by the diversity of views and opinions within each minority making consensus virtually impossible”. David Smith’s (pp. 117–133) analysis of Hungarians in Romania and Russians in Estonia highlights “significant intra minority divisions that would make it hard to build representative minority institutions on the foundation of non-territorial autonomy”. Similarly Alexander Osipov’s piece (pp.133–149) on the case of Russia suggests “the main problem with most theoretical interpretations of NTA is that they rest on the vision of ethnic groups as internally cohesive social entities possessing agency and interests”.

Although the difficulties inherent in a conception of supposedly homogeneous national culture were raised by Smith, Germane and Osipov with historical and contemporary examples, Piet Goemans (pp. 25–39), a further contributor to the volume, insists “that nations are culturally distinct communities and national
autonomy starts from this fact. For a nation to be autonomous it is required that every individual is educated in the national culture”.

David Smith clarifies that granting cultural autonomy in the case of Roma minority in Hungary for example runs the risk of simply entrenching pre-existing ethnic boundaries within society and drawing attention away from more substantive issues of equality and non-discrimination. Segregated minority education for Roma people failed in many respects as there was no qualified human resource to maintain a good quality education in the Romani language. Although the number of minority students in segregated elementary schooling increased, disadvantaged minority pupils’ educational quality profile remarkably decreased and correspondingly the unemployment rates among Roma people increased. The majority’s prejudices against the Roma people who were known for their unqualified profiles were further entrenched and recognition of their differences in public discourse did not raise the mutual respect between non-Roma and Roma citizens in Hungary.

Constructing the non-territorial models of autonomy on an opaque term like national culture is at odds with the emancipatory spirit that this book aims to promote for national minorities. Those who attempt to adopt the term suffer a one-sided view of history that neglects those whose culture and expectations would be scotched, suppressed and silenced in the formation of both ethnic and national identities as well as other constructed identities imposed by the state. The protection of one cultural minority may automatically perpetuate the inequality between subgroups of that minority. It especially disadvantages a sub-group with lesser capacity to mobilise.

The assumption that non-territorial autonomy is only cultural, and all other forms of territorial autonomy are only political is often portrayed in this volume. As much as it is appealing to make such a comparison it is not clear in any way how a non-territorial autonomy based on culture would be immune to politics. The first four chapters entirely fail to address the political aspects of the so-called ‘national culture’. Cengiz Gunes (pp. 71–85), for example, writes a piece on the Kurds in Turkey elaborating on how the Kurdish demands in Turkey are similar to the solution proposed by the national cultural autonomy model in the theoretical literature. Gunes calls repeatedly on national characteristics of the Kurdish people to justify their rights to self-government. The misleading assumption on the singularity and cohesiveness of ethnic groups prevents the author from exploring deeply rooted problems of essentialism and inequalities that emerge from the autonomy models based on and over-empowered by ‘national culture’.

In line with the general spirit of this edited collection Cengiz Gunes rightfully points out the unjust elements of the ‘nation-state’, and the constructed nature of its boundaries which do not overlap with the reality of ethnic diversity. Challenging the legitimacy of the state in Turkey, Gunes, however, does not question the overarching legitimacy of ethno-cultural politics among the whole Kurdish community: a community that in reality is highly fragmented along the lines of religious sectarianism, political ideology, tribal loyalties and dialects.

Another difficulty with national culture as a concept in itself has been raised by Stephanie Chouinard (pp. 229–245) with reference to institutional completeness in Canada. “It is clear that institutional completeness varies on a continuum, from very informal bonds to the ability to perform all the services required by its members to the point that they would never have to make use of native institutions for the satisfaction of any of their needs” (p. 230)
Charles Clarke (pp. xi−xx) wrote the preface on using the ideas of NTA to avoid violent conflict but fails to mention the ways in which such ideas might escalate conflict. According to Clarke, there is a potential for inequality and escalated conflict between groups with a greater or lesser capacity to voice their claims and this has been very much the case for national minorities in Serbia (Katinka Beretka, pp. 181−197) and for the Roma Community in the Republic of Slovenia (Julija Sardelic, pp. 197−213). The European Congress of Nationalities’ practice on issues related to cultural autonomy in the past also suggests it always is the same old minorities (the most powerful ones) that get the best hearing and that the autonomy solutions based on national culture is likely to benefit only some minorities (Martyn Housden, pp. 85−101). One wonders in what way NTA based on national culture will respond to this complication. Unfortunately this edited volume itself does not have anything to offer much more than a critique on this matter.

Although the book is mainly concerned with presenting NTA as a democratic mechanism, its impact on the fundamental principles of liberalism such as equality and freedom is not analysed meticulously. It is not clear how this model will respond to the conflict that occurs between these liberal principles themselves. Coakley (pp. 55−71), for example, in his chapter on Northern Ireland, asserts that the power sharing mechanisms and the institutionalisation of the two separate cultures (Protestant Unionists and Catholic Republicans) have been established successfully but the Catholic Republicans in Northern Ireland are not yet fully empowered with legislative powers to regulate their own affairs in all matters.

He acknowledges that the territorial autonomy solution would be extremely difficult because of the dispersed settlement patterns of the groups in each district. He then elaborates on non-territorial autonomy as a potential solution to the Northern Ireland question. This would resemble joint British and Irish rule over Northern Ireland but unlike classic condominium (where external governments rule jointly) they would rule separately over their own citizens in Northern Ireland on a non-territorial basis. Coakley is aware of the fact that the people of Northern Ireland have the freedom to identify themselves as Irish or British or both in respect of citizenship. This raises an important question regarding the role of non-territorial autonomy functionality in situations complicated by dual cultural identification: specifically, under an NTA system which side would govern the people of Northern Ireland who choose to identify as both Irish and British regardless of their religious belief? A similar problem was raised by Dobos (pp. 163−181) elaborating on the Hungarian case: voter registration is highly problematic when it is not clear who belongs to the given minority and who does not. Coakley also notes that any arrangement similar to NTA as he described above would require the people of Northern Ireland to make a choice between their Irish and British identities. While the author is making a point for the substantial equality between the two identities he pushes aside the question of how this impacts on the freedom of those people who would then be forced to make a choice between their multiple identities. A possible NTA solution in Northern Ireland would thus segregate further, in a restrictive and illiberal fashion, two communities that have already suffered immense societal and political tension.

Overall, the book as a whole presents a good combination of issues related to the problems of national minorities. However the first two sections, in which the authors conceptualise NTA and explain how it can be applied to solve the problems in cases such as Northern Ireland and Turkey are far from conclusive. The third section, in
which the authors elaborate on Central and Eastern European cases, explains how some models similar to NTA were previously implemented and found problematic in this region. As such these critical chapters on Central and Eastern Europe have much more to offer to improve the theoretical foundations of NTA, than those dedicated to explaining why this model should be considered superior to its alternatives.