

## **A state divided: Some considerations on federalism and the political**

*by Philipp Casula, University of Basel*

### **Abstract**

The issue of the division of the political body is a recurring topic in political theory and philosophy. These divisions within society can be of various type and include those between rich and poor (Aristotle) or between nobles and the people (Machiavelli). In contemporary political thought, also geographic, economic, ethnic, religious, and cultural divisions are taken into consideration. Different proposals have been made to overcome or contain divisions, regulate their interaction or supersede them in higher stages. One of the divisions which has the most apparent impact on a state's institutional set-up is the one between nations and co-nations living in one state. Under liberal-democratic conditions, the accommodation of co-nations – which is to be distinguished from conciliation and confrontation – can occur in different ways, among them: centralization, consociationalism, and federalism. It should be noted, that liberalism is not per se a guarantee that accommodation of any sort takes place: while liberalism places great emphasis on the rights of the individual, it is less able to grasp collective issues – and indeed liberalism has proven to entail elements of illiberalism as well. Democracy, on the other hand, rests on the always precarious definition of the demos, on determining who belongs to it and who not. The following paper aims at interpreting federalism along these lines and to explore the consequences of such a kind of division – which is often ethnic/national, territorial and administrative – for the political process of the state. Drawing on more recent political theories, the paper stresses the contingency of all political divisions and how vital they can be for a democratic polity. The contribution will thus be divided into four parts: In the first section, major **classic concepts of political division** will be discussed; it will be highlighted, how all politics rests on divisions of various kind. The second part will deal with **problematic aspects of liberalism in relation to divided societies**. The task will be on the one hand to discern the elements of exclusion in liberalism and, on the other hand, to highlight tendencies to completely defuse conflict in post-political scenarios. In the third part, the paper will review some **more recent ideas on the accommodation of co-nations, especially different types of federalism**. In the fourth and final section, some **empirical examples will be given from European states** and their most recent developments, which highlight the above-mentioned tensions; also, an outlook on Europe as federation will be given.

### **Part 1: All politics is division**

State unity, social peace and political concord are often depicted as desirable aims in politics. Political efforts throughout history seem to be geared towards these goals. Political theory, too, most notably Jürgen Habermas' discourse ethics, shares this idea of harmony and unanimity: For Habermas, in his deliberative democracy, citizens meet in the public space to openly debate all issues in a power-free context, leading to the most rational argument to prevail.

In the following brief historical introduction, however, I would like to underscore that such harmony is illusory and, even worse, may lead to an end of politics. In this light, I would like to make an argument in favour of federalism, interpreting it as expression of legitimate differences which do not harm to the polity of state. The secondary aim of this introduction, however, is to show that while difference and division persist in the political body, the one between nationalities and ethnicities might not be the fundamental one.

Let me start with this second point.

Looking back to ancient Greece, it might seem that in the cradle of democracy, the ideals of Habermas might have been met, at least in part. The public space seems to be nothing else than the *agora*, the market, in Greek thought. However, in discussing the situation in the Polis, Hannah Arendt allows us to grasp for a first crack in this naïve picture of the Polis. Arendt underscores that in Greek thought, too, men are born unequal and they achieve equality only while meeting and debating on the *agora*. She argues [I quote]:

The difference between this ancient concept of equality and our notion that men are born or created equal (...) can hardly be overemphasized. The equality of the Greek Polis (...) was an attribute of the Polis and not of men, *who received their equality by virtue of citizenship*. (Arendt 1963: 23)

Hence, what made the men of the Greek Polis equal, who were by nature unequal, was the Polis itself, it was the state and its politics: by virtue of citizenship and in citizenship only the unequal became equal. For the ancient Greeks, in Arendt's interpretation, equality and freedom of the individual needed the presence of others, a presence achieved in the political space provided in the city state.

What we see, here then, is that if we ever had the vision of the Greek city-state as a fairly unitary political body, disregarding the non-political status and their non-participation in politics by women and slaves, even in this apparently harmonious polity, there was the need for the intervention of politics in order to achieve equality and forge unity.

Summing up this first thoughts then, inequality, differences and divisions appear inherent to human communities' life, and political activity strives to reduce it providing spaces in which people meet as equal citizens. We will see later that even this unity is a simplistic vision, since it does not efface difference in the end – and worse: it threatens to erase politics. But we will forgo this argument for a moment and return to the Polis itself.

In what did this inequality of Greek men consist, then? The answer which most authors provide is pretty clear. For Plato the basic division which may occur in a State is that between rich and poor. He says:

The inevitable division: such a State is not one, but two States, the one of poor, the other of rich men; and they are living on the same spot and always conspiring against one another. (Plato R VIII, 551D)

It is interesting to note that this statement in *The Republic* is made with special regard to oligarchy. It is further qualified that such as system in unable to wage war because it will

either leads to the armament of the multitude, of which the oligarchs are afraid, or to the armament of the rich, who are by definition too few to wage war.

Aristotle elevates the division between rich and poor the most to the most fundamental one of any state:

Different functions appear to be often combined in the same individual; (...): But the same persons cannot be rich and poor at the same time. For this reason the rich and the poor are regarded in an especial sense parts of a state. (...) they appear antagonistic, and as the one or the other prevails they form the government (Aristotle P IV.4, 1291b)

The point the Aristotle underscores is that – put in modern terms – patchwork identities or overlapping identities might exist in different guises and forms. But never can there be an overlap between rich and poor. These two social figures are mutually exclusive. The distinction so vividly elucidated by Aristotle is of deep political importance, since both groups compete for power in the city-state.

This discussion about the rich and the poor in the city-state and of this antagonism and its political implications, unsurprisingly, reappears in Renaissance thought. Machiavelli repeatedly alludes to the distinction between the poor and rich, between the people and the nobles. The following quote from *The Prince* echoes Aristotle almost to the letter:

I say then that (..) a principality is obtained either by the favour of the people or by the favour of the nobles. Because in all cities these two distinct parties are found, and from this it arises that the people do not wish to be ruled nor oppressed by the nobles, and the nobles wish to rule and oppress the people. (...) Every principality is founded either by the people or by the nobles, accordingly as one or the other of them has the opportunity to do so. (Machiavelli Pr IX: 86)<sup>1</sup>

Later, in his *Discourses*, Machiavelli underscores how the tense, antagonistic and tumultuous relationship can be productive, because [I quote] « all the laws that are favourable to liberty result from the opposition of these parties [of the poor and the nobles]» (Machiavelli D I, 4: 156). Thus, the antagonism between rich and poor gets a productive, positive twist. In some ways, we could say that Machiavelli anticipates a conflict-theoretical approach as later expressed by Marx. The tumult, also the violent one,

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<sup>1</sup> And he goes on: «The nobles, on the one hand, realizing that they cannot resist the people, start to put their reputation on one from their own ranks, who becomes prince, in order to satisfy their appetite under his shade. The people, on the other hand, realizing that they cannot resist the nobles, start to put their reputation on one from their own ranks, who becomes prince, defending them by his authority.» (ibid.)

is a perfectly acceptable mode of engagement. Machiavelli, however, quickly underscores that the tumult must not degenerate into civil war.<sup>2</sup>

So, at this point in my intervention, the question arises for the first time, in which way an antagonism can be kept in check without developing into a fully-fledged civil war. Put differently: how to retain the productive advantages of division without risking an escalation? Before coming back to this point allow me a brief digression into the way liberalism solves this problem.

**Digression on divisions in the political body: How does liberalism accommodate differences?**

*At first sight, liberalism promises to fix the problems of divisions and differences. The claim it makes is an universalistic one. Everybody seemed to be possibly included into the liberal project.*

*At a closer look, however, it appears that the inclusive concept is not as inclusive as it seems. The claims of liberalism for individual rights and liberties quickly dissipate, when looking at its margins. The critique of neoliberal governmentality has revealed how the apparently all-inclusive liberalism rests on operations of exclusion.*

*One of the social figures in liberal thought is that of the poor along with the phenomenon of pauperism in the 19<sup>th</sup> century. The task, according to liberal thought, was to regulate, direct and administer this social figure and the associated mass-scale phenomenon. Far from being included into the political community, the poor was object of constant intervention and excluded from the political realm. The aim of the intervention was not to alleviate the poor's situation but to manage and contain it. Pauperism was a natural fact of liberal life and that task at to keep it in check and at bay.*

*Similar considerations can be made for other categories of people. Indeed, classical liberalism contemplates the treatment of*

*those without the attributes of juridical and political responsibility, and especially those who are deemed to be forever without the possibility of achieving responsible autonomy. Within liberal forms of government, at least there is a long history of people who (...) are deemed not to possess (...) the attributes (...) required of the (...) political subject of rights and who are therefore subjected to all sorts of (...) interventions. (Dean 1999: 134).*

*To this category of person one might add «the indigent, the degenerate, the feeble-minded, the aboriginal, the homosexual, the delinquent, the dangerous, or the minor» (ibid.) as well as, of course, women, who have been considered as unable or unworthy to vote in parts of Europe well in to the 70s of the 20th century.*

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<sup>2</sup> (alluding the Roman disputes as compared Florence's conflicts)

*The point I want to stress here is that inherent in liberalism, both as a historical political doctrine as well as an actual political regime, there is a deeply-seated exclusionary practice which affects entire populations. This is the inherent illiberality of liberalism (ibid. 132) or even its violence, because liberal democracy*

*is more and more marked by a frontier separating its 'inside' from its 'outside' - a frontier between those who manage to remain 'within' (the 'developed', those to whom the rules of human rights, social security, etc., apply), and the others, the excluded (the main concern of the 'developed' apropos of them is to contain their explosive potential, even if the price to be paid for such containment is the neglect of elementary democratic principles). (Žižek 1993: 92)*

*Baghram and Guantanamo, zones d'attente at French airports, and EU deportation prisons - are the new spaces of exception; enemy combatants and illegal immigrants - are the new social figures deemed unworthy or unable to achieve responsible autonomy. All this is possible under liberal democracy, and actually has been crafted by liberal democracy, which created persons and places outside the rule of law, as Sater (2008: 377) argues with Agamben (1995a; 1995b). Places which often have an outside within, and persons who are not participating in liberal democracy but are managed and controlled by it.*

*Hence, in a nutshell, per se, liberal democracy provides no guarantee whatsoever for participation of for the safeguard of basic rights and freedoms. As we will see, many students of federalism base their assumption of federalism on the liberal democratic model.*

## **Part 2: Federalism as the agonism of nations**

In the following, our focus here not be on purely administrative or fiscal federalism but federalism along ethnic or national lines. Different forms of understanding and handling divisions have been put forward by scholars of rule in divided societies.

### **2.1. All forms of accommodation are liberal-democratic**

According to one school of thought, all forms of minority accommodation are associated with liberal democracy. We have already seen that this is not so unproblematic as it seems at first sight. Federalism is just one mode of accommodating diversity under liberal democracy.<sup>3</sup>Broadly speaking, three different possibilities exist for accommodating division under liberal democracy.

According to the first model, the accommodation takes place retaining the conditions of a unitary, centralized state. Malloy (2005: 41ff.), for example, explains that the Scandinavian countries and the UK have retained a centralized state. Nevertheless, Sweden and Norway have granted cultural autonomy to the Sami, and the UK initiated a process of devolution that cedes more autonomy to Scotland, Wales, and Northern Ireland. Here, quite different cases seem to have been lumped together. Concerning cultural autonomy, this is precisely what should not be at stake in the context of this discussion: namely cultural rights,

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<sup>3</sup> More specifically, [More about this further below.](#)

instead of political ones. Hence, this topic should be discussed apart. The situation is different in the case of the UK: here we have true political devolution, and the matter is not just about granting cultural rights. Hence, the question arises whether the UK or, for that matter, Denmark,<sup>4</sup> are still to be considered centralized or unitary states given the split in the power structure, or whether they are increasingly moving toward a federal state set-up.

Still remaining in the liberal democratic paradigm, the second model of accommodation is that of federalism. Following Kymlicka there are two models of federalism. The first one is the Swiss/Canadian model, according to which sub-nations are associated with territorial subunits. Loosely, also the Belgian or Spanish case fit this model. We will see later discuss the nuances of some of these cases: especially about Switzerland I will disagree, because her sub-nations are precisely not associated with specific subunits. The other type of federalism is the one given by the United States, where federal subdivision is not based on any ethno-cultural element. By and large, also the German case fits this model. The first model can also be called linguistic federalism (Malloy 2005) and is not entirely free of frictions as the Belgian case, on the one hand, shows. On the other hand, the successful Swiss example may indicate that the at the heart of the problems in Belgium and to a lesser extent in Spain, the federal set-up of the state is not the source of such frictions.

Consociationalism, finally, is the third option and allows for retaining a unitary state while allotting a proportional share of different blocs in the central administration. In other words: «Non-territorial constituent units share power concentrated in common overarching governments» (Elazar 1985: 18). However, in the case of a proportional representation, this model does not necessarily solve the problem of discrimination of minorities. A stalemate like in Bosnia-Herzegovina<sup>5</sup> or a failure in implementation like in Macedonia may spur conflicts.

A distinct fourth model, is proposed most prominently by Sammy Smooha (1997) and has even been proposed as model for «democratizing states» (Smooha 2001). The most interesting feature about this model is that it is placed in a school of thought that keeps it apart from liberal democracy.

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<sup>4</sup> (concerning the Faroe islands and Greenland home rule arrangements)

<sup>5</sup> (although here consociationalism is practiced in central government, it is complemented by federalism)

## **2.2 Liberal accommodation as centralization**

Indeed, following this line of argument, liberal democracy is to be seen as a form of democracy which actually leaves no room for a political self-affirmation of ethnicities or nationalities. Smooha (1997: 199) makes a fourfold distinction and denotes, firstly, liberal democracy as a system in which

ethnicity is privatized. The state does not legislate (...) in ethnic cleavages, but forges a homogenous nation-state by setting up uniform language, identity, nationalism, and national institutions for its citizens.

Also federal states can belong to this model, according to Smooha, and refers – simplifying and ahistorically – to the United States.<sup>6</sup> As we have seen, this liberal uniformity and homogeneity cannot work without a constitutive exclusion. Additionally, divisions persist within liberal democracy: individuals are singled out as unable, unapt or not entitled to participate in liberal democracy.

Secondly, Smooha (1997) distinguishes liberal democracy from consociational democracy: the latter elevates ethnicity as «major principle in the organization of the state, assigning each group a share in state institutions on a proportional basis». Prime example here, would be Belgium which has both features of a federal state as well as of a consociational democracy.

Thirdly, a «Master race democracy»,<sup>7</sup> as Smooha (1997) presents it, is characterized by the presence of democratic rights and institutions, but they apply to a part of the population only, to one community only, while other communities are excluded from democratic participation. They do not enjoy any of the rights associated with citizenship. South Africa under the Apartheid-regime corresponded to this model: the members of the white community enjoyed full citizenship rights and could democratically participate in state affairs: it was a democracy for this community only. In contrast, the majority of the population was excluded of any political participation. Even more, the South African regime attempted a separation of the communities also on a territorial level, having created various so-called Homelands for the coloured population, de jure independent mini countries, which however never gained international recognition and never where viable states.

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<sup>6</sup> This seems a rather

<sup>7</sup> Smooha uses the German term with a clear reference to Nazi ideology but adopts as prime example South Africa.

Fourthly and finally, Smooha (1997) introduces the concept of an «ethnic democracy» as a system that allows on the one hand a democratic system which extends citizenship rights to all ethnic groups but, on the other hand, retains provisions that guarantee a majority control over the state. Israel is for Smooha the case in point, because Jewish and Arab Israelis enjoy equal rights, at least on the paper, although Israel retains his character as Jewish state. Other scholars have applied the ethnic democracy category to other cases as well, for instance to Estonia or Latvia. The idea of a never changing majority, however, seems deeply at odds with any understanding of democracy.

Both «Master race democracy» and «ethnic democracy» do not allow for a federal state structure or consociational state institutions.<sup>8</sup>

I would like to end these conceptual remarks with two final considerations on federalism and antagonism and offer two distinct options:

According to the first one, which is the more idealistic one, the liberal democratic principle has to be radicalised or, some might say: be just implemented to the letter. It corresponds to Smooha's idea of liberal democracy with completely de-politicised ethnicities. However, this option comes with warning, since it implies disregarding all differences and cleavages that might seek a political expression. It would imply to forcefully integrate identities into an overarching citizenship disregarding diverging identities or, respectively, to confer them only a second-rank status vis-à-vis the preferred identity. This means that national identity is banished into the private sphere. The politicisation of ethnic identity into a national identity is not an option. This vision has a certain totalitarian touch. It comes with a depoliticised idea of politics that on the level of institutions seems to leave nobody outside. However, as seen, liberal democracy always implies certain exclusions: can the native-America citizen really enjoy all rights and liberties associated with his citizenship? You might say, in theory yes, but in practice he might be subject to discrimination? More importantly: can the poor citizen fully enjoy his rights and liberties?

According to the second option, the federal principle has to be tightly bound to the liberal one, albeit this might constitute an apparent paradox. This means that ethnic identities can be constituted politically but on the basis of an equal citizenship. This option also comes with a warning. What we have here is a kind of agonism of nations: the differences are

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<sup>8</sup> But do they also contradict the idea of centralized state?



recognized and firmly inscribed into the political body but are not allowed to escalate into full antagonism. The warning concerning this liberal agonism is twofold:

- on the one hand, the liberal democratic drawback resurfaces here: agonism does not completely away with antagonism which is then directed to another “enemy” – European consensus politics provides ample evidence how, for instance, immigrants and refugees are targeted as new outside.
- on the other hand, the ethno-federal perpetuates the division of the political body along national lines and at least obfuscates divisions of any other sort;
- additionally, there is no a priori exclusion of the possibility that agonism turns into antagonism, especially if minority rights are violated.

This leaves us with a combination of federalism and a liberal democratic practice as most preferable option. The model should leave enough room for a political articulation of ethnic identities but practically makes such a politicisation superfluous. It also should leave room for the articulation of other divisions in the political body, for instance on the basis of the classic distinction between rich and poor. At least from a conceptual point of view, this system should be able to cope with various cleavages and divisions.

### **Part 3: Divisions on the ground: Some European examples of federalism**

After these conceptual considerations and also warnings about an interpretation which simply takes liberal democracy as a solution to internal divisions, I would like to elucidate some points using examples from the ground. More specifically, I find the contrast between two models of federalism fruitful to elucidate some of the points made before: namely Belgium and Switzerland.

There are of course many differences between both countries. When it comes their political structure the spontaneous reaction might that the Belgian model does not work, while the Swiss instead is successful, for instance in terms of economic performance. But things are not that easy and it would be misleading to attribute disparate economic developments to different political structures only. What I would like to underscore here are the different forms of federal organization both countries adopt. Put simply, the Swiss federalism includes consociational elements beyond culture and language and is not based on nationality. Territorial and national subunits do not coincide. It retains many elements of a unitary state while having a long history of accommodation of different strands within in society which are crossing the national boundaries. Belgian federalism, in contrast, rests

fully on nationality and on a dichotomization of politics along national lines, with the important difference that one co-nation widely identifies with the unitary state, while the other displays separatist tendencies.

Let us discuss the Belgian case first.

1. In **Belgium** we have one of the most complex federal systems worldwide. For some analysts it is ingenious and fascinating, for others disturbing or distressing (Swenden 2003: 16). The boundaries that criss-cross the Belgian state are not only many, but also historically shifting and overlapping: the overlap is as geographical as it is political or at least administrative. The administration of one language community, for instance, reaches well into the territories of other regions.<sup>9</sup> To which extent this system is harmful is difficult to say: however, one may reasonably argue that this overlap leads to a political interlocking. The system is so elaborated and complex that tearing it apart is close to impossible. Thus, the complex federalism of Belgium is at least effective in keeping the state together. The «institutional complexity reflects the societal complexity that underlies it» (Erk 2008: 32).

This complexity is also due to the fact that Belgium was founded by a French elite with the aim of making it gradually francophone (ibid). It is also linked to the disparity between agricultural Flanders and industrial Wallonia, the latter prospering in the period before WWI and the second after WWII. Constitutional amendments established a federal state in 1993. This Belgian-type federalism is based on language, culture, and nationality. It is both territorial and non-territorial, leading to an institutional asymmetry: for example the French-speaking Community has competence over the French-speaking part of Wallonia and the French-speaking population of Brussels, for example regarding education at the capital's French schools; the Flemish community covers Flanders and the Dutch-speaking population of Brussels (Fabre 2009).

Territorial federalism is reflected by the **three Regions** that make-up Belgium are: Brussels Capital Region, Flanders, and Wallonia.<sup>10</sup> Non-Territorial federalism is reflected by the **three language Communities**: the Dutch, French, and German-speaking communities. Furthermore, Belgium has **four Language Areas** (Dutch, French, German

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<sup>9</sup> For instance, the French Community administers French language schools in the bilingual Brussels area.

<sup>10</sup> We leave aside here that additionally, Flanders and Wallonia are further subdivided into ten provinces, each of which is further divided into 43 arrondissements, since this has administrative purposes only.

and bilingual Brussels). At a closer look, the territorial and non-territorial dimensions are not as clear-cut: for instance, Belgium has, on the local level, **27 municipalities «à facilités linguistiques»** for linguistic minorities located in areas in which another language dominates: they do not offer only certain institutions for the respective linguistic minority, but also ease the position of the minority in terms of usage of the respective idiom. For instance, while the local administration is monolingual internally it may interact with the public in two languages. These municipalities are for instance located around Brussels, that is in Flanders but offer the francophone residents a certain amount of possibilities to interact in their language.

According to the constitution, both the Regions and the Communities have their own parliaments and governments but in practice there is an overlap between the territorial and non-territorial dimensions, since the Flemish Community and Region have merged their institutions while their French counterparts have not. Communities have particularly competence in drafting legislation pertaining to the realm of education and culture, with education being particularly important. Regions are responsible for regional economic development, housing, energy and external trade. At the federal level the only competences left pertain to defence, justice, security, including social security. The linguistic division runs also into the Federal Parliament: both the Belgian Chamber of Representatives and the Senate are divided into two linguistic groups. Electoral districts coincide with the ten provinces that make up Belgium as a whole plus the highly contested Brussels-Halle-Vilvoorde (BHV) district, deemed unconstitutional in 2003 due to some provision which grant more rights to French speaking voters who move into Flemish regions and for francophone candidates who compete for votes in a part of Flanders. Most likely, the district will be soon split and assigned to Flemish Brabant and Brussels Region. To date, BHV has been the only district in which Flemish and French parties competed with each other being otherwise only active in the respective Region. The number of seats assigned to each linguistic group in the Chamber of Representatives depends on the current demographical development. However, alliances between parties of both groups are possible and are forged as a matter of fact. Some procedures, like the special laws which affect the Communities or Regions, or the so-called Alarm-bell procedure, which can be adopted to block laws endangering the constitutional order, require votes and majorities within the respective linguistic groups. Hence these procedures require intra-linguistic group cooperation across party lines.

There is no time for a complete overview of all the institutional peculiarities and complexities of the Belgian system. What is important from the given theoretical perspective is that Belgium has in the process of devolution subsequently doubled most state functions and more importantly the whole political sphere. The Belgian political landscape is completely bipolar, starting with the absence of parties operating in the whole federal territory. So, despite – one may reasonably assume – identical political goals, Belgium has French-speaking and Dutch-speaking Green parties; the same goes for Liberals, or Social-democrats (Swenden 2003). The completely separated media landscape fosters the establishment of two public spheres. Even a national broadcasting service is missing: The former federal broadcasting company RTB-BRT<sup>11</sup> was gradually dissolved, until, in 1998, the Flemish community founded VRT<sup>12</sup> dropping any reference to the Belgian state. Also, the French *Radio-Télévision Belge* (RTBF) stopped targeting the Flemish audience officially stating as its target group the French community in Wallonia, Brussels, and abroad (Erk 2008: 41).

Summing up then, I would argue that we have in Belgium the elevation of the national divide to the centre of politics, leaving all other differences to play a merely secondary role. They re-emerge on the level of the sub-entities. While there are still parties like *New Flemish Alliance* or *Vlaams Belang*, which raise mainly secessionist demands, the other parties represent particular interests and groups, like the Green parties or the Socialist parties. Interestingly, according to quantitative analyses, the most salient single cleavages in Belgium seem to be religion and the contrast between countryside and the cities (Knutsen 1988: 337). It remains to be noticed that the opposition between Flanders and Wallonia is also heavily rooted in the division between rich and poor, with Flanders having become more affluent and Wallonia experiencing a post-industrial decline. It can also be conceived with as a urban-countryside opposition, with Flanders having been traditionally less urban than Wallonia. Pitting or interpreting these contrasts as merely or primarily ethnic or national is hence the result of a political operation: to make a divide a national one is result of political contestation. In any case, what we have in the Belgian case is the development away from a federation and more and more toward a confederation, albeit a peculiar one, in which the constituting entities remain heavily interconnected despite all efforts to division from at least one of the two co-nations.

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<sup>11</sup> (*Radio-Diffusion-Télévision Belge/Belgische Radio en Televisie*)

<sup>12</sup> (*Vlaamse Radio en Televisie Omroep*)

2. While Belgium developed from a unitary state to a federation and more and more towards a confederation, **Switzerland** started as confederation and presently is more of a federation. The Swiss system is a system of federal consociationalism where all the units are based on language and culture but **not** on nationality (Malloy 2005: 175). This means that culture and language or ethnicity are not political identities which translate into nationality.

Born out of a confederation of different Cantons, modern Switzerland turned into a federation.<sup>13</sup> It is subdivided in 26 Canton, four of which are Half-Cantons<sup>14</sup> (i.e. with one instead of two votes in the Council of States). By and large, these Cantons are linguistically homogenous, hence they are either majoritarian German-, French-, or Italian-speaking, though in many cases there are communities or even cities in which one of the other languages predominates or has equal status (like Biel/Bienne or Fribourg/Freiburg, which are officially bilingual cities; the same applies to many municipalities in the Grisons or in Ticino). Historically, however, the most fundamental divide was between Catholics and Protestants on the one hand, and between the liberal oligarchies in the cities (mostly professing the Protestant creed) and the conservative countryside (partially returned to Catholicism).

The whole political history of modern Switzerland is about the accommodation of these different groups and their subsequent integration into the political system or, put differently: the co-optation of minority parties into the political system – «minority» is used here in the widest possible sense (Lehmbruch 1993: 49ff.). Subsequently, all parties, beyond national and linguistic divide, have been integrated into the system: the Catholics, the Socialists, the countryside. The basic unit for this allocation of power within the system are the Cantons.

All power, all competences rest, as far as possible, in the Cantons. Only if they delegate power to the Federal level, the latter is enabled to determine federal policies. In matters not yet legislated, Cantons have the power to decide whether to delegate power to the centre or retain it. The Swiss **National Council**, the lower house of the parliament, is hence organised in such a way to assure representation of the Cantons in proportion of their population. However, the mode of representation gives small parties more chances of being elected (Arefaine 2005: 167). In the upper house of the parliament, the **Council of**

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<sup>13</sup> (despite its official name, which still bears the label *confederatio helvetica*)

<sup>14</sup> Basel-city and Basel-Landschaft; Appenzell Ausser-Rhoden and Appenzell Inner-Rhoden)

**States**, each Canton is given two seats, providing small Cantons the same vote, irrespective of population size. Here again, minority protection is a priority, since the system provides a safety against the power of large Cantons. The Federal executive, finally, consists of seven members who collectively are the head of state: no more than one member shall be elected from the same Canton. Additionally, there are two unwritten rules concerning the executive: The first being that the linguistic diversity shall be reflected and the second being that each of the major parties to be represented according to a fixed ratio (ibid. 170).<sup>15</sup>

Most surprisingly, Swiss federalism is not so much about languages and nationalities but rather about parties and interests. «The linguistic demarcation is not recognised by the constitution (.). It exists in all but name in other aspects of public life» (Erk 2008: 77). On the one hand, *la fossé*, the moat, which partly corresponds to the cantonal borders and partly not, separates the French and the German linguistic entities that are placed in a «system of mutual cultural ignorance» (ibid); on the other hand, both regions have by far too diverse histories to be considered homogenous<sup>16</sup> – at best, the Romandie is uniform linguistically, however as a political entity it is a fiction as much as the German-language area of Switzerland.

Of course, there are provisions for the protection of languages or the promotion of minority languages, as Italian or Romansh.<sup>17</sup> However, the economic and traditional cleavages seem to be at least as important as the linguistic and are accounted for in all federal bodies, which are organized on the basis of a permanent grand coalition, which until recently did not know a parliamentary opposition. However, a political opposition existed but was continuously engaged in negotiation and integrated as far as possible in the political system. Written and unwritten rules assure minority representation.

As in Belgium, the public spheres are divided but to a much lesser extent. All media, for example, target their respective linguistic audiences. However, in contrast to Belgium,

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<sup>15</sup> Recently, two revolutions took place: with the Christian Party (CVP) losing and the People's party gaining votes, the former ceded one seat in the Federal executive to the latter. Then, in 2007, moderate parties decided not to reelect one member of the People's party to the government, voting instead for another member of the same party, who accepted and caused a split in the People's party. These shifts show, how the system is also based on unwritten rules.

<sup>16</sup> French-language cantons are partly Catholic, partly protestant, for instance. In the German-language part of Switzerland, on the other hand, different dialects are spoken. For both regions, a strong divide between cities and countryside applies.

<sup>17</sup> (both are official with almost equal status on Federal level). In the federal parliament, the official languages are German and French – however, all laws passed later are translated in Italian and Romansh.

federal media retained a certain level of unity. All programmes work under the parent organisation SRG/SSR (Société suisse de radiodiffusion et télévision).<sup>18</sup> And despite the presence of some regional parties,<sup>19</sup> the party landscape is well integrated with all major parties being active on the whole federal territory.<sup>20</sup>

Summing up, and in contrast to Belgium, nationality has not been given the status of the main dividing line in the state. Rather, divisions are based on different elements, language and culture being one of them. Despite allowing for the expression of language and culture on both federal level and on cantonal level the distinction between the four main ethnic groups remains secondary. The Swiss federalism is not based on nationalities. This does neither translate into the model of a centralist state as, for example Italy, which also knows political units with a high degree of autonomy both political and economic, nor into the model of a non-ethnic federation like the United States or Germany, where federal units are not based on language or culture at all and where, as is the case in Germany, minority rights are only granted to small communities in border regions (like the Danish community). Rather, the system continues to allow for a competition of political ideas and of parties representing interests or groups which criss-cross the ethnic boundaries or the borders between cantons.

#### **Part 4: Federal project and the problem of citizenship**

Allow me to end my intervention with a couple of remarks on perspectives for European federalism and some very few remarks on Russia.

The European Union is far away from having a unitary government. Even more, the financial crisis which it is undergoing now, shows that it even lacks a unitary economic policy. If I were to place the current European situation on a continuum between Switzerland and Belgium, my guess would be to place it closer to the Belgian end. While the European Union is clearly inspired by a liberal political vision, each sub-unit is retaining a high degree of autonomy if not sovereignty. The European states continue,

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<sup>18</sup> The *Schweizer Radio und Fernsehen* (SRF) broadcasts to the German-language community and also manages the Romansh channels, the *Radio Télévision Suisse* (RTS) to the French and *Radiotelevisione svizzera* (RSI) to the Italian. Each sub-company has three main TV- and radio-channels (the RSI has two TV channels and the Romansh only broadcasts one radio programme and TV news relayed by the German service).

<sup>19</sup> (like the *Lega dei Ticinesi*)

<sup>20</sup> It would be too easy to claim that certain parties are especially successful in certain parts of the countries (like the People's party in the German-speaking cantons or the Socialists in the Romandie), political cleavages also pretty much run along the city-countryside divide, with the big urban centres being liberal and left-leaning and the countryside being conservative.

despite all claims of the Euro-sceptics, to work on the basis of independent nations-states. The European Commission and the European Parliament, despite their power and influence, play a secondary role. Nationality is not the basic principle of organization – note how the parties in the European parliament are not grouped along national lines but form electoral blocs which represent interests. It is obviously a matter of taste but, by and large, the European Union could need a pinch of Switzerland, which showed not only how to move from a confederation to a federation but also how to preserve cultural and linguistic specifics without elevating them to the organizational principle of politics.

For the Russian case, I can only briefly make a couple of allusions leaving an in-depth discussion to the distinguished experts. Obviously, Russia is not anymore the Affirmative Action Empire it has once been starting from the fact that the vast majority of its citizens are ethnic Russians. Still it displays many features which make it more than apt to deepen its federal set-up, given the various minorities concentrated in determined territories. One question then could be how to allow for political participation on the federal level. Italy knows a fixed number of delegates from the autonomous provinces to the national parliament; Germany knows this practice only on the regional level.

In my view, however, the future challenge to most countries in which many co-nations coexist will be how to cope in the long run with an increasing number of people who live and work on the territory without having citizenship rights. I am thinking both of refugees but even more so of the global workforce: While capital moves freely, political rights do not. And while global capitalism encourages the free movement of capital and workforce there is no political counterweight: hence, as Giorgio Agamben stressed, European

nation-states must find the courage to call into question the very principle of the inscription of nativity and the trinity of state/nation/territory which is based on it (Agamben 1996: 27),

and conceive citizenship in new ways, allowing to find a renewed *Polis*. Only then, the question of nationality loses importance and, quoting Edward Said, one may ask

whether ethnic origins and religion are the best, or at least the most useful, basic, and clear, definitions of human experience. Does it matter more in understanding contemporary politics to know that X and Y are disadvantaged in certain very concrete ways, or that they are Muslims or Jews? (Said 2003: 305)

These are, in my opinion the questions to ask. Facing the challenge of globalization we must consider the continuous shifting and overlapping of borders. The main lessons to draw from a theoretical point of view is that an absolute reconciliation or consensus is not



possible and neither desirable because it would mean the triumph of management over political struggle, which – returning to Machiavelli – does not necessarily weaken but strengthen the state.

So the task ahead is to deal with these divisions or, struggles for emancipation, for instance. Agonism instead of antagonism and a “pluralist environment of engagement” as Conolly (1995) puts it may allow for a continuous contestation which never leads to the supremacy of one group over another or to the final closure of the political debate and contestation. Federalism is to be seen as a tool to institutionalise contestation and political debate.

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