

## **Introduction – National Cultural Autonomy in Theory and Practice**

Federica Prina<sup>\*</sup>

*European Centre for Minority Issues*

Non-territorial autonomy (NTA) has attracted much academic interest in recent years, both among scholars (Kymlicka, 2007; Nimni, 2005; Nimni, 2007; Roach, 2005; Smith and Cordell, 2008) and, as Osipov and Smith note in this volume, among the governments of Central and Eastern Europe. NTA offers a different approach to diversity from the traditional minority regime, which implies the subordination of minorities to nation-states. The NTA model was developed by Karl Renner in his article *State and Nation* ([1899] 2005). Renner's objective was the creation of a union of *nations* within the Austro-Hungarian Empire. The model was based on the 'personality principle'—the idea that communities may be autonomous within a multinational state, regardless of whether they have, or identify with, a particular territory. Although this concept was not translated into reality in Renner's times, there have recently been attempts to revive it, both in theory and in practice. NTA is now commonly understood as the autonomy of groups in managing their internal affairs in relation to their culture, which can extend to forms of self-government.

Why study NTA? There are multiple reasons for re-exploring the concept. First, societies continuously look for solutions to accommodate their disparate groups in a manner that may enhance stability and keep the menace of societal friction, or even conflict, at bay. As Smith notes in his article in this volume, it is the desire for

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<sup>\*</sup>Senior Research Associate, European Centre for Minority Issues. Email: [prina@ecmi.de](mailto:prina@ecmi.de).

stability that leads to a marked interest in NTA. Second, Nimni suggests that, by enabling groups to control their own cultural practices, NTA does away with the old polarization between the majority and minorities, as well as the discrimination that can ensue from it (Nimni, 2005: 10; 2007: 348). By giving minorities the freedom to choose, and control, their cultural destiny, NTA can contain feelings of alienation resulting from societies being dichotomized between ‘dominant’ and ‘non-dominant’ groups. The societal marginalization of particular groups, as well as their sense of powerlessness in relation to their cultural destiny, may lead to radicalization, and become a highly destabilising factor. Third, NTA is better suited to address the claims of non-territorial minorities, such as the Roma, or those with a kin-state but also dispersed over several states. From the point of view of minorities themselves, NTA can act as an instrument facilitating their cultural survival within the larger society.

The need for solutions to accommodate diversity acquires prominence in light of the fact that, with the fast pace of international migration, heterogeneity is increasingly becoming the norm in our societies. Diversity cannot simply be eliminated. The denial of difference does not solve its complexities, but merely removes them from public discourse. Typically such denial results in a failure to assess minorities’ specific needs, and undercuts opportunities for the formulation of adequate policies that could facilitate inter-ethnic and societal harmony. The biggest challenge of modern societies lies exactly in accommodating diversity while also ensuring the peaceful coexistence of various groups.

The heterogeneity of modern societies increasingly highlights the inadequacy of the nation-state to effectively handle diversity. It highlights the position of multiculturalists (such as Will Kymlicka and Charles Taylor) that political space (the state) and cultural identity do not have to coincide. Meanwhile, identities are continuously in a state of flux: societies change, cultural groups change, and individuals change. Perceptions and self-perceptions are continuously re-constructed, with minorities and majorities alike continuously re-interpreting their identities and sense of belonging. The permeability of boundaries, and transnational forms of old and new media, continue to challenge the primacy of the nation-state in providing an analytical and normative framework for the study of majority-minority relations and identity formation. Thus, Beck and Sznaider argue that we should move from a nation-state centred perspective, and from ‘methodological nationalism’, to the

discovery and understanding of the contemporary ‘cosmopolitan’ condition (Beck and Sznaider, 2006).

The articles contained in this volume are based on a panel entitled ‘Non-Territorial Autonomy and New Modalities for National Self-Determination’, convened by Prof. Ephraim Nimni as part of the Annual Conference of the Political Studies Association (Belfast, 3-5 April 2012). Three of the papers are from the said panel, with one addition by Giovanni M. Quer. The original panel aimed at ‘consider[ing], both in theory and empirically, an ongoing paradigm shift that is resulting in a more multidimensional understanding of the relationship between nation, sovereignty, self-determination and democratic governance’. This volume asks what the benefits of NTA are, and how it can assist in solving some of the existing conundrums in the accommodation of diversity. The articles in the volume propose solutions to the common criticism of essentialism in theoretical approaches based on NTA (Wong). They provide empirical evidence on the complexities in the application of NTA in Central and Eastern Europe, showing that some of the aspirations that generate interest in NTA are still far from being realised in practice (Osipov and Smith). Finally, Quer suggests that the Middle Eastern *millet* system might offer inspiration in the practical implementation of NTA in Europe.

Both Osipov and Smith refer to the fact that the legislation of Central and Eastern Europe frequently contains forms of NTA. Noting that post-Communist countries have been fertile soil for experiments on NTA, **Osipov** examines the apparent paradox in the popularity of NTA in the region, despite the facts that Lenin was hostile to the idea, and that post-Communist countries have often displayed centralizing tendencies. Osipov traces parallels between NTA as presently conceived and some of the Soviet institutional arrangements—particularly the treatment of the ‘group’ as a structural unit of society. He subsequently warns of certain perverse effects of NTA by highlighting the shortcomings of what might, at first, appear to be a panacea to resolve inter-ethnic tensions. Osipov thus argues that NTA can, in some cases, be interpreted as states embracing (merely) symbolic, rather than instrumental, policies. In practice, de-territorialization can be employed as a means to detract attention from territorial claims, by focusing on (exclusively) cultural, apolitical claims.

Like Osipov, **Smith** examines historical legacies in Central and Eastern Europe and their links to modern practices of NTA. He then offers a comparative

analysis of the situation in four countries (Hungary, Romania, Estonia and Russia), which have experienced varying circumstances despite a common Communist past. He places his analysis in the context of nation-building and democratization. The results of the comparative analysis, Smith suggests, reveal a need for a shift from a state-centric approach to one that treats minorities as actors, rather than ‘objects of host state or external homeland policy’, or effectively as an ‘anomaly’. In order to further analyze the potential benefit of translating NTA theory, and the aspirations emanating from it, into practice, scholars should engage in ‘a finer-grained examination’ of minority practices that is ‘from the ground up’. This process would enable an assessment of whether NTA practices meet the needs of minority groups, exposing existing deficiencies—so as to contain the perverse effects of some NTA practices described by Osipov—and speculate on the potential long-term effect of NTA experiments.

**Wong’s** stimulating account introduces feminist thought into discussions on NTA. Wong’s aim is to employ feminist theory to formulate ways to overcome the commonly-held criticism that NTA ascribes to an essentialist and groupist approach of identity as the basis for collective, identity-based claims. She incorporates into the discussion feminist theories on notions of politicized identity (through its becoming a ‘political agent’), identity and power, and the complexities of empowerment that can only come with the recognition of one’s victimhood. Through the aid of feminist scholarship on the ontological and historical meanings of identity, she argues that identity-based claims can be re-conceptualized as negotiations of one’s relations to power and historical circumstances. This approach treats collective identity formation, like autonomy, as a *process*. Moreover, having accepted that identities are mutable, Wong raises the crucial point that a shortcoming of Renner’s NTA model is not that it requires an individual to state his/her cultural identification, but that it does so only on *one* occasion. The model was thus based on Renner’s assumption that such identification would not alter for the rest of the individual’s life.

Finally, **Quer** refers to contemporary adaptations of the *millet* system, with reference to Lebanon, Israel and Iraq, and identifies three types of protection offered to minorities: personal autonomy, cultural autonomy and political representation. Quer argues that the *millet* system could provide solutions for the accommodation of collective rights in multicultural Europe. Whereas some aspects of the *millet* have legal traditions and practices that are incompatible with European ones, these can be

adapted through a form of filtering. The *millet* is constructed around identity rather than territory, producing a system of non-territorial diversity management akin to the NTA model. In relation to personal autonomy, Quer examines the British and German models of incorporation (albeit selectively) of the Islamic legal system into the domestic legal systems in the two countries. He then outlines the large degree of cultural autonomy provided by the *millet* system, and its forms of political representation. He traces parallels between existing *millet* systems and some aspects of theory and practice of NTA as conceived by Renner and practised in some European countries. He concludes that ‘[a]rguably, Europe is developing its own form of *millet*’, although further study of the Middle Eastern *millet* could provide examples of practices that might be employed as additional models to develop solutions to meet local needs.

A fundamental point that can be taken from this volume is that there is a need to further study how NTA may be used by minorities themselves to articulate their own claims. This effort should aim at containing the menace of NTA being appropriated by the state to fulfil its own agendas, as described by Osipov and partly by Smith.

Moreover, as Quer argues, trans-nationalization (in the shape of international markets and intense migration) has brought non-European legal principles into the European legal space, through the ‘opening [of] geo-legal frontiers’. It implies the transcendence of rigid (territorial) boundaries separating cultures from each other. Trans-nationalization can further lead to the identification with a supra-identity that allows the coexistence of majority and minority cultures, through one common allegiance despite their differences.

A creative exploration of new synergies—for example, between Western and non-Western legal traditions and feminist thought—can create hybrid solutions that might be helpful in the experimentation with NTA, in dialogue with persons belonging to minorities. The emphasis on the individual, and the mutability of identity, suggested by Wong, can be an antidote to the groupist tendencies that may plague NTA. This approach frees persons belonging to minorities from a conception of ethnicity frozen in its traditional forms and fixed, immutable cultures, while also transcending territoriality.

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