# Democratisation and nation-building in "divided societies"

In the mid-1970s, two processes of global scope began virtually simultaneously. Numerous countries in Africa, Latin America, Asia and Europe were caught in the maelstrom of far-reaching political reforms of the "third wave of democratisation" (Huntington 1991). In aspiring to nation-building, many governments adopted democratic institutional designs through constitutional reforms. At the same time, growing civil society movements were giving expression to the global recognition of democratic values. Since then, working towards democratic reforms not only has a high degree of legitimacy in the West; the expectations placed in such reforms are high.

The challenges faced by a large number of countries since that time include a second global phenomenon, referred to in general and simplified terms as "ethnic conflict". Whether ethnic conflicts have only escalated since the 70s and what is understood by them is the subject of heated debates. Whatever the case, they attract worldwide attention in the media, political think-tanks and scientific research. Ethnicity has become a successful mobilisation permanent formula and element of political communication. It would appear that today's ethnic leaders can fall back on global experiences with regard to how

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ethnic mobilisation should be organised and political discourse conducted so as to gain public attention and political ground as well as have themselves invited to negotiations by governments.

In numerous countries (post-socialist states, Latin America, Southern Asia), it is becoming apparent that ethnic categories are recognised, at least in part, as a mode of social integration and ethnic demands acknowledged as a matter of concern to minorities in the course of nationbuilding processes. This normally necessitates far-reaching institutional reforms and a new conceptualisation of the respective "nation". Ethnic leaders or representatives of minorities are becoming increasingly involved in the preparation of new constitutions. Many of the constitutions adopted in the 1990s now also recognise the ethnic diversity within the state's borders in addition to universal franchise, separation of powers and freedom of information and assembly. The reforms are intended to overcome ethnic conflicts and permanently secure peaceful coexistence between ethnic groups.

However, ethnic conflicts can easily erupt in phases of radical democratic change, in particular. The democratic promise of equal opportunities can encourage the ethnicisation of politics (Wimmer 2002), provoke vehement power struggles for state resources (Hippler, Introduction; Wimmer, ibid.) and give rise to the ethnicisation of political communication (Pfaff-Czarnecka 2001). The supporters of democratic mobilisation are ethnically and / or according to religious allegiance of heterogeneous composition in many places, and their expectations are growing rapidly. The emergence of democracy is seen by many as a favourable opportunity to convey demands; the feeling of unjustness is intensifying. Therefore, although democratic reforms can as will be shown - contribute towards abating conflicts, they can also cause them to escalate.

#### Three models of national unity

While currently in the debates surrounding national unity many scholars' attention lies on the potentially centrifugal nature of minority demands, a number of authors stress that a differentiated mode of integrating minorities was already inherent in earlier attempts at nation-building. Indeed, many countries have gone through three stages in the course of nation-building, i.e. from (1) ethnically complex and hierarchically organised state societies to (2) nations negating their cultural diversity to (3) today's pluralistic-egalitarian models, which now conceptualise national unity that would nevertheless recognise diversity.

A brief examination of these three models can be useful in assessing the new democratic designs for two reasons: it enables an insight into the dynamics of the formation of "we-groups" (Elwert 1997) and, in particular, the mutually dependent processes of nationalist and ethnic closure. It will also be shown that many of the minority demands expressed nowadays can be seen as a response to previous institutional arrangements and are often reactions to past national structures which have caused ethnic conflicts to flare up. The decisive character of the democratic forms of organisation applied in the third model for transforming ethnic conflicts is expressed against the background of the two previous models.

### First model: imperium

The first model sees national unity as an imperium (Gellner 1983). This type of pre-democratic or

rudimentarily democratic states comprised a religiously and culturally distinct population within the country's borders with partially semi-autonomous administrative units and, frequently, a hierarchic order. The class orders, colonial or caste hierarchies, provided for superordination and subordination, segregation and a more or less pronounced division of labour. The legal systems differentiated between groups and ranks. A low hierarchic status restricted the rights of the collective and excluded its members from deriving benefits. The continuity of customs, languages and religions of the sections of the population was, however, hardly affected.

Whoever ruled, it was their religion that dominated in many places. Once the religious-cultural framework had been defined, the rulers were in no way concerned with persuading the population to adopt their culture or convert to their faith. There was no desire to create a unified culture or encourage communication among one's subjects (Gellner 1983). It was indeed useful to emphasise differences in order to set oneself apart from the lower ranks.

It is a known fact that such principles of hierarchic order imply two possibilities. The boundaries between individual groups can – as in the racism of National Socialism in 1930s and 1940s Germany, the apartheid system of South Africa or the racial segregation of North America – be completely sealed off in order to prevent intermixing or "contagion". On the other hand, hierarchic orders of this type provide ample scope for distance, religious-cultural autonomy and – as contradictory as this may sound – mutual convergence. This model made room for "integration through difference" maintained by hierarchic means.

Second model: culturally homogeneous nation of the modern age

Paradoxically, the implementation of the second, assimilatory model, which conceived nations as culturally homogeneous entities, divided the populations in many countries. This political form, shaped by the Western modernity and dominant in a large number of developing countries in the post-colonial phase was based – though often merely in terms of rhetoric – on the modern principles of democracy, citizenship, sovereignty of the people, rationally organised administration and politics, equality of all individuals before the law, and guarantees of status in the welfare state system.

In many countries, the doctrine of neutrality of the state in relation to religion and culture was interpreted in such a way that cultural and religious forms of expression were kept away from the public domain, though this did not apply to the national culture, to which great importance was attached as a defining characteristic. The modernisation endeavours in numerous countries "of the South" combined the idea of social progress with redefining the key-notions seen as constituting national unity. The state elites were preoccupied with the question how the national culture could be shaped to serve progress. The discourse on modernisation was understood by many as a catch-up development, also in the sense of steered cultural change. Related to developing countries, it served to focus attention on the nation-building processes underpinned by regulated norms (cf. Hippler, Introduction). Communication among society as a whole was encouraged so as to develop a national force and strength united in striving for progress.

In most places, the culture of the national elites was declared the binding culture, while minority cultures and religions deemed to be backward or even dissident were actively discouraged. The protagonists of modernisation even predicted that cultural barriers would disappear anyway with the development of productive forces. If the maintaining of minority cultures was permitted at all, they were confined to the private sphere. There was no place for minority symbols in national representations, with official rhetoric even occasionally denouncing them as damaging. Minority languages were systematically ignored, practices "backward" religious derided contribution of minorities to the nation's history negated.

The thesis forwarded in ethnicity research ethnicisation processes can in no way be regarded as retrogressive dynamics steeped in tradition undermining the modern age has been illustrated by many examples (Anderson 1996). They should be seen more as the result of the ethnicisation beginning in the first phase of European nation-building when national entities were thought of as quasi-ethnic identities. Subsequently, the mode nationalistic integration was professed to be a "modern" script for ethnic mobilisation. Wimmer (2002) goes even further by contending that in the modern age, in particular, modern welfare-state status guarantees became a factor for excluding those persons and groups not regarded as true members of the nation. It was thus precisely in the process of democratic development that the drawbacks of modern nation-building made themselves felt.

## Third model – pluricultural integration

Exclusion from public representative bodies, pejorative portrayals of minority cultures, plus obstacles to participate in politics and administration for members of minorities lacking the necessary cultural, social or economic capital was, in many countries, turned into a negative integration matrix against which increasing resistance started to build up. The ethnicisation of politics, in the course of attempts to democratise, varied in degree and intensity from country to country.

Discrimination against and oppression of minorities were multifarious in the past, while the matters of concern raised by themselves and their advocates today are correspondingly numerous. It is, in the first instance, a question of official representations and, in particular, a matter of enhancing the presence of one's own culture in the public sphere. There is also a struggle for recognition of rights to cultural and religious freedom, which concern both the public (establishment of buildings of worship) and private spheres (family law). Secondly, representation is demanded and, with it, the lowering of preventing members of minorities participating in public administration. Thirdly, it is a matter (re)distribution of economic resources opportunities of access to public institutions, such as schools. Regions that are, in the main, ethnically homogeneous demand greater competences in disposing of locally produced resources.

<sup>&</sup>quot;Pluricultural" refers here to the general perception of cultural-religious diversity. "Multicultural", in contrast, relates to representative bodies and institutions that emphasise the collective group identity and ethnic boundaries.

The constitutions adopted in many countries in the course of the third wave of democratisation establish the "multiethnic" and "multilingual" character of the national societies, thus taking account of cultural and religious diversity. In other countries, members of minorities and other marginalised groups are making ever more frequent demands for constitutional recognition of their specific matters of concern.

## "Divided societies", nation-building and democratic models

Ethnic conflicts can prove real tests for countries in which democratic reforms are just getting going. Demands put forward by ethnic leaders put a strain on what are often fragile nation-building processes. It is extensively recognised, at the same time, that the building of democracy cannot be achieved without making provisions to transform ethnic conflicts and safeguard peaceful coexistence between majorities and minorities. How effective the different models are is, however, disputed.

Reynolds (2002) speaks of a partially new "architecture" of democracy consisting of both political and administrative institutions established to overcome conflict and facilitate peaceful coexistence. Some of these designs, which have since been adopted de jure in many countries and implemented with greater or lesser success, represent important reforms of previous legal and political institutions. The fact that they normally counteract centralist and/or assimilatory tendencies produces more scope for ethnically differentiated and institutional solutions adapted specific interests. In turning away from individualistic-universalistic body of thought of liberalism, collective categories are *once again* playing an important role.

A minority of scholars embrace the view that developing democratic designs is without consequence for the creation "divided peaceful existence in societies". Interdisciplinary research dominated by political science proceeds to an ever-increasing extent from the standpoint political institutions influence the logic effectiveness of democratic politics. Economic upturn alone does not provide an adequate basis for democratisation. Guarantees of status would be required additionally for weak members of society, also under tough economic conditions. If these were not granted nowadays, it would have de-legitimising effects for the given governments as well as the international players involved.

In the following, we will concentrate on the most important democratic innovations for transforming conflicts and securing peace in "divided societies" – *concordance*, *local representation*, *federalism* and *cultural autonomy*.

#### Concordance

The concordance model allows the representatives of all important groups to participate in the political decision-making process and especially in the executive (Lijphart 2002). Instead of the majority making the decisions, in this model the central issues are settled, where possible, by consensus and through compromises between the communities regarded as forming constituent parts of the state. The model can assume a considerable variety of institutional forms: a large coalition cabinet made up of ethnic parties (e.g. in the context of the Malaysian and South-African parliamentary systems), a large coalition cabinet according to quotas (e.g. linguistic, as in Belgium),

quotas corresponding to the percentage allocation of the population when filling ministerial positions (India), representation of the largest parties in the executive (e.g. the Swiss *Bundesrat* (Government) is made up of the four largest parties, with the cantons they belong to and, therefore, their language also taken into account when electing its members (ministers), or determining the most important posts in the executive (president, primeminister, speaker of the house of representatives) according to ethnic and/or religious affiliation (as in Lebanon and Cyprus) (Lijphart 2002).

Lijphart (2002) sees the most important advantages of this model in the settling of ethnic differences through the forming of coalitions and commitment to cooperation between the elites. He stresses that concordance offers the only option for the minority parties prepared to form a coalition to take a place in the cabinet and remain in it.

In "divided societies", the potential of the concordance approach is seen by the relevant literature to be greatest where there is no !!!! strong majority. In contrast, if an ethnic majority leader knows he has 60% of the population behind him, his willingness to make political concessions to minority leaders has to be rated as low (Horowitz 2002). In this constellation he will prefer a majority system. Majorities and minorities naturally have different interests in joining together to form a coalition.

## Local representation

In some "divided societies" electoral systems are geared in such a way as to guarantee the broadest and most diverse representation of minorities possible in the political bodies. The models vary: one provides for minorities being represented by their "own" representatives, ideally in proportion to the percentage of the minorities among the overall population. This can be done by 'tayloring' the electoral system accordingly or through special forms of representation. Another model is aimed at the political integration of minorities rather than direct representation.

Well-known examples of electoral systems organised according to ethnic criteria can be found in Cyprus, India and Fiji. Local representation has been introduced in several countries - especially on the territory of the former Yugoslavia, but also in China and Samoa. Such systems differ, as in the case of concordance, by virtue of their "national character". In India, for example, there are electoral quota systems for the so-called *scheduled castes* and *scheduled tribes*. On the island of Cyprus, Great Britain introduced a system of local representation under which the 50-seat house of representatives was made up of 35 Greeks and 15 Turks each elected by the members of their "own" groups. The legislative assembly in Bosnia-Herzegovina comprises equal numbers of locally elected representatives of the Croatians, Bosnians and Serbs (Ghai 2002).

The advantage of this arrangement is that the matters of concern and goals of even small minorities can be represented through the local procedures (though a 3-5% quota threshold normally has to be exceeded). In the run-up to elections, this system can offer an incentive for the leaderships of ethnic groups to join together. In this way, minority elites fearing an unfavourable election result can display their willingness to compromise to smaller groups so as to form pools of votes (Lijphart 2002). In order to be able to win the votes of smaller groups, the larger groups must, however, show that they are receptive to the goals of their smaller counterparts, which can lead to conflict within their own ranks, causing them to break up into factions (Horowitz 2002). Minority representatives who join stronger parties can, on the other hand, adapt to such an extent that

they no longer adequately represent the interests of their own communities.

The problems are considerable, however. Firstly, quotas often lead to feelings of resentment, especially – though not exclusively – on the part of the minorities. Secondly, where parliamentary seats are distributed in line with local quotas, in Bosnia-Herzegovina, the parties' policies extensively dominated by narrowly defined ethnic interests, boosting the success of extremist parties (Ghai 2002). Thirdly, ethnic differences, especially local prejudices, can be accentuated during the election campaign. Furthermore, mobilising ethnic votes, which highlights particularistic objectives, can turn attention away from the interests of society as a whole. Too little heed is often paid to the common interests of weak members of minority groups while, fourthly, ethnic elites are presented with a vehicle for political advancement. Norris (2002) presents empirical evidence against the thesis according to which electoral systems based on proportional representation have generated more support for the political system among ethnic minorities.

#### Federalism

In the search for institutional designs aimed at transforming ethnic conflicts, federalist structures are regarded as the best institutional option. The ideal of federalism is for all regions to have equal power and authority, with their relationships with the central political apparatus following identical rules. Still: Asymmetric federalist systems are frequently designed to overcome ethnic conflicts. Territorial autonomy is an asymmetrical form of federalism and represents a special case in which one region is favoured vis-à-vis others. The aim of

territorial autonomy is to allow ethnic and other groups to themselves resolve those matters that are of particular interest to them, while the interests of society as a whole are managed at a higher level (Ghai 2002). A special variant of asymmetric structures are the reservations for indigenous groups in the USA, Canada, Australia and Scandinavia.

The advantages of the federal model lie in democratic participation, the sharing of sovereignty, greater flexibility in the political decision-making process and implementation of such decisions, plus the decentralisation of power. From the multicultural perspective, there is more scope in federal states for the goals of minorities to be articulated and more potential for them to be realised. Minorities are also often said to feel more secure in such a system.

In the multiculturalistic variant of federalism, experts recommend that the country be divided up into small territorial units to enable the administrative boundaries to coincide with ethnic boundaries. In the heterogeneous territorial units, the need to compromises at a lower administrative level can provide valuable experience for political socialisation, which encourages people's readiness to recognise the political system. In the course of progressive regionalisation, the federal units can also be integrated at supra-state level and still remain members of the state (Ghai 2002).

The danger of secession is considered to be one of the problems of federalism. Where ethnic, religious or linguistic boundaries coincide with federal administrative units, the granting of partial autonomy can give rise to demands for greater autonomy. Gurr (1993) asserts, however, that empirical findings have suggested a different conclusion, i.e. that regional autonomy provides an effective means of overcoming regional conflicts, with endeavours towards

separatism tending to be aroused more if partial autonomy is not granted. As with the other models, territorial divisions carried out along ethnic lines can, however, exacerbate the drawing of ethnic borders. With ethnic intermixing, in contrast, there is a risk of other minorities being subordinated to the "majority minority".

#### Cultural autonomy

Cultural autonomy can be an element of territorial autonomy or be institutionalised on a non-territorial basis (also referred to as "corporate autonomy"). In both cases it comprises – as in China and India, for instance – a range of special provisions that may even differ within the national context. Cultural autonomy is accomplished within the framework of local commissions and committees - where politics is organised locally - as well as in the form of protection afforded to the collective. In many – e.g. postsocialist – countries, cultural committees have been set up to look after the interests of the various groups. These committees have the authority to collect taxes from the members and also receive public funds in many instances. The most important objective of such organisations is to preserve and strengthen the identity of the respective minorities, which is why special attention is paid to nurturing language, religion and customs.

A central constituent of cultural autonomy is what languages are raised to the standing of official languages, what religions receive official status and what school curricula content is decided upon. Legal pluralism is considered an important element, especially in the area of civil law, which can be regulated under customary or religious law. The recognition of traditional legal codes in addition to the dominant legal system can constitute an

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important measure for strengthening the rights of minorities. All in all, this approach helps - according to its advocates - to satisfy the players involved by enabling them to organise their affairs themselves, which is seen as conducive to a stable democracy.

Rules and regulations that deny protection of their culture to those members who do not belong to a minority are the subject of controversial discussion. A well-known example of this can be found in Canada with the restrictions imposed vis-à-vis the English language in Quebec. Internal rules of exclusion are equally controversial, e.g. in the case of the Mennonites, who may disinherit children marrying outside the group. On the other hand, cultural autonomy is seldom conceptualised as being binding for all members of society. Conversely, systems whose laws are strongly oriented towards individualist-universalist (Germany, Switzerland) grant special provisions members of religious or cultural minorities (e.g. exemption from swimming classes for female Muslim pupils) (Barry 2000).

Cultural autonomy models are criticised because they can exacerbate differences. Traditionalist-autocratic structures that go hand in hand with cultural autonomy and which deny rights to internal minorities and women are seen as problematic, with the power of definition remaining with the traditional elites. The models of cultural autonomy (like concordance) are considered suitable, at best, for the phase of de-escalating ethnic conflicts (Horowitz 2002).

## Assessment of the models

Although most of the democratic forms of organisation presented here are not new, they have only recently been

applied in a large number of nation-state contexts. In many places, the implementation phases are too short to enable adequate evaluation of their success. What is certain is that the national constellations vary, with the size of the country, its geographical location, proportions between majorities and minorities, their regional distribution, the historical course of their coexistence and past forms of social integration possibly exerting a decisive influence. For this reason, it is impossible to present uniform recipes or best practices that could be re-applied to other national contexts. Where democratic designs have proved successful, as in Northern Ireland for instance, these combine different institutions and practices. Horowitz (2002) points out that in young democracies like Bulgaria, for example, new state constitutions tend to be very eclectic and inconsistent, resulting already for this very reason in a mix of institutions.

The institutional models discussed here are viewed by their supporters as ways of reducing the potential for conflict. As Lijphart (2002) stresses, strong cohesion of internal groups and the drawing of more distinct boundaries do not necessarily lead to an escalation of conflict. The designs outlined lay claim to counteracting cultural and religious discrimination. It can therefore be assessed as something positive that implementation of these designs give rise to demands for the recognition of culturally differing forms of thought, speech, action and exclusion, assimilation measures against and disparagement.

In the processes of building modern states (cf. the second model), little scope was left for the shaping and public recognition of cultural and religious diversity. The "tyranny of the majorities", which was underpinned ideologically by state neutrality in matters of culture, was expressed –

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among other things – in the majority culture dominating the minorities. If the assimilatory logics of modernisation are now rejected, this is based on the insight that the discriminatory practices with which minorities were confronted in this phase of nation-building fanned the flames of their readiness for conflict and are, furthermore, incompatible with democratic principles and guarantees of status in relation to human rights. Recognition of the *matters of concern* of minorities – although not necessarily of the *rights* of minorities – within the international community now offers minorities (or at least their elites) the possibility to upset the balance of power dominated by majorities.

Our examination shows at the same time that democratic reforms without any further ethnic mobilisation can even encourage secession or ethnic segregation. Although institutional reforms outlining group boundaries can be perfectly justified in democratic terms, they can, however, run counter to democratisation. It is therefore necessary to ask to what extent such reforms involve the risk of intensifying inter-ethnic barriers. The list of questions to be resolved is long.

- Are mutual resentments stirred up (including minority complexes on the part of the majorities)?
- Are identities in flux reinforced; does this result in compulsion towards internal homogenisation?
- Are the elites favoured?
- Is political and cultural conservatism encouraged?
- Are the matters of concern of weak members of minorities marginalised by emphasising "ethnic objectives"?
- Are individual rights restricted and is collective pressure to adapt increased?
- Are internal minorities oppressed, does a male bias emerge?

- Are particularistic goals emphasised while matters concerning society as a whole are pushed to the bottom of political agendas; is there a lack of incentives for solidarity among society as a whole?
- Is the development of an identity "in itself" (formation of "we-groups") among loosely integrated groups encouraged which shares ethnic characteristics (Norris 2002)?
- Do leaders of ethnic minorities strive for fragmentation of political and administrative entities?

In view of the weaknesses of models referred to, which accentuate group boundaries, and of the not inconsiderable potential for inner- and inter-ethnic conflict, the role of these models in processes of democratisation has to be described as ambivalent. Democratic organisational models that institutionalise ethnic boundaries can perform important functions in democratisation processes. However, over the long term they can also undermine the dynamics of democratisation and interfere with the building of a nation-state.

Anti-discrimination, cultural recognition and incentives making political compromises are achievements of young democracies in the course of nationbuilding. Both the settlement of conflicts and securing a peace require appropriate institutionalised mechanisms for resolving conflicts. It is questionable, however, whether mechanisms and models oriented according to ethnic criteria are the optimum path to take. It would be better, rather, to strive for the pluricultural integration of the late modern age, which does not favour ethnic categories in its guarantees of democratic status over other criteria of oppression or marginalisation. In the current debates, social conflicts continue to be defined as "ethnic" in a far too sweeping manner. Accordingly, many architects of nation-building processes search for solutions

that take account of assumed ethnicisation while other legitimate matters of concern are crossed off the political agenda and kept away from the focus of global public attention.

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