

Studying the Nation-State

- a multidisciplinary course: the nation-state as an object of study, in different disciplines and with cases.
 - Law (2 lectures)
 - political science (2 lectures)
 - anthropology (2 lectures)
 - country cases (Zimbabwe, Indonesia) and the ICC as a case (3 lectures)
- this lecture: (1) contrasting how law, political science and anthropology deal with the nation-state; (2) defining ethnic groups/ethnicity.
 - social groups with collective identity
 - cultural groups with rights
 - political units with cultural boundaries (external) or cleavages (internal)

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Learning Goals:

Skills

- After having completed this course the student will be able to:
- Analyse ethnic conflict from the perspectives of law, political science and anthropology and understand its cultural, political and legal aspects
- Appreciate the difficulties of creating and implementing state policies in situations with ethnic tension
- Detect processes of group identity formation and the grounding of identity in political and legal systems
- Understand the possible roles of human rights in ethnic conflict

General competence

- Having completed this course the student will have the competence to:
- Appreciate how different legal and political orders respond to situations of ethnic heterogeneity
- Carry out a multidisciplinary analysis of a case of ethnic conflict
- Suggest human rights-based solutions to ethnic conflict

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The Nation-State in Law

- The relevant unit: basis for UN membership and being an actor in international politics, the subjects of international law, the international human rights system and international humanitarian law
- The responsible duty-holder for implementing human rights (as 'state party')

The Montevideo Convention (1933) lists the requirements for statehood

- A permanent population
- A defined territory
- A 'de facto' government (but: mindful of human rights? cf.: 'internal sovereignty')
- Capacity to enter into legal relations

Legal pluralism

- Forms of autonomy: cultural (Estonia 1925, Ottoman Empire: the Millet System) or territorial (Canada: Nunavut)
- Forms of state: unitary, federalist, etc.
- Sub-national legal spheres: Corporate law, labour law, etc

Citizenship

- Requirements for having full rights, limited rights, no rights, genocide, etc.

Studying the Nation-State

The Nation-State in Political Science: A vast field with many questions and different approaches

- Comparative politics (descriptive, positivist):
 - investigating existing polities
 - making typologies of states
 - the attributions of and distribution of democracy and human rights
 - citizenship studies
- Political theory (interpretative):
 - origins of the state: voluntary association or hierarchical domination?
 - defining the state: its monopoly on power, its concern with security
 - the functions of the state; its role in globalisation
 - citizenship/membership; power sharing
- Ethnicity in political science:
 - dealing with (cultural) difference
 - Constitutional traditions: federalism, consociationalism, autonomy arrangements, imperial integration

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The Nation-State in Anthropology

‘etymologically akin to estate, stasis and status, its use in anthropology has been such as to convey and prescribe norms of fixity, a settled order, categorical identities, within a bounded, usually territorial, social unit’

‘a bounded community, in structural equilibrium, whose modern exemplar is the nation-state’

- The evolution of centralised power (interpretative, historical): from (stateless) bands to tribes, chiefdoms, kingdoms, empires, nation-states
- The construction of culturally bounded groups (ethnicity): the role of identity in the construction of social groups: integration, segregation, domination
- Ethnicity: an aspect of group relations involving group identity

Definitions of Ethnicity - 1

- Consider the terms:
 - race
 - people
 - nation
 - clan
 - minority
 - indigenous people
 - ethnic group
 - community
- are they social groups? political? cultural? ethnic?

Definitions of Ethnicity - 2

- ethnic groups: people sharing the 'basic, most general identity for making social maps' (Barth)
- ethnicity: a dual concept
 - it categorises 'the other', creating cognitive maps of relevant others
 - it defines the self, it is the collective aspect of self-identification
 - it names communities, it closes the collective self
- ethnicity: a labelling system where collective identities ('cultures') are negotiated and fixed (stabilised), making social groups stable across time (generations) and boundaries more permanent ('cultural' by being 'essential' or 'second nature')
- ethnicity as essence of the self (biological definition)

Ethnicity and Culture

- what is 'culture'? anthropology has had very different definitions
 - up to ca 1990: bounded units sharing 'traits'
 - at present: sites for contesting and stabilising (fixing) meanings

Note 1: the key role of definitional power in processes of stabilisation/closing/fixing 'cultures'

Note 2: but what is then the 'cultural stuff' or 'essence' inside?

Studying Ethnicity

- A focus on boundary dynamics, or the stabilisation (fixing) of meaning, by looking at processes of :
 - stereotyping and reification (e.g. turning a custom into a stable symbol or representation)
 - dichotomisation (separating by contrasting)
 - complementarisation (making equal in value by comparing)
 - the roles of power in this
- i.e., the role of such processes in stabilising meaning or creating 'cultures': constructing socially relevant group identities
- types of group relations: modern migrants, indigenous peoples, proto-nations, plural societies, post-slavery societies