Mononational Germany? Multinational Switzerland? A critique of Will Kymlicka’s theory of multiculturalism*

KARIN REINHARDT

Online Communications Specialist, Basel, Switzerland

ABSTRACT. This article presents a critique of Will Kymlicka’s theory of multiculturalism. It examines Kymlicka’s theoretical distinction between mononational and multinational states and his empirical examples that support this theory: Germany as an example of a mononational state and Switzerland as an example of a multinational state. By means of a content analysis of constitutions, it demonstrates that Danes and Sorbs should be characterised as national minorities in Germany, whereas the French- and Italian-speaking communities of Switzerland do not constitute nations. The distinction between mono- and multinational states proposed by Kymlicka does not hold for Germany and Switzerland, and hence must be approached anew, theoretically as well as empirically.

KEYWORDS: Germany, Kymlicka, minorities, multiculturalism, multinational states, Switzerland.

Introduction

In his book *Multicultural Citizenship – a Liberal Theory of Minority Rights* (1995), Will Kymlicka defines the concept of ‘multiculturalism’ by referring to two distinct patterns of cultural diversity. On the one hand, multiculturalism can reflect the coexistence of several nations within one state (multinational states); on the other, it can be the result of immigration, and the coexistence of immigrant and native populations (polyethnic states). In this article, my focus will be on the first pattern.

In presenting his theory, Kymlicka uses Switzerland as the main example of a multinational state. And although in *Multicultural Citizenship* he points out that almost every state in the world is either multinational and/or polyethnic,

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he goes on to describe Germany as a crucial example of a mononational state in *Finding Our Way – Rethinking Ethnocultural Relations in Canada* (1998). In that later work, in addition to the distinction between multinational and polyethnich states, he identifies a distinction between multinational and mononational states. This article will focus precisely upon this distinction.

Will Kymlicka is one of the most influential and persuasive authors in the literature of multiculturalism; nevertheless, his theories fall short in some respects. Most importantly, the empirical examples he cites in support of his theoretical assumptions strike me as disputable. This article will critically examine Kymlicka’s theory of multiculturalism, focusing on its shaky empirical underpinnings.

To contrast between multinational and mononational states, Kymlicka repeatedly refers to two empirical examples: he describes Germany as a mononational state, and Switzerland as a multinational one. But is Germany a mononational state? The existence of Danish, Sorbian and Frisian minorities in Germany fundamentally contradicts this notion. The characterisation of the French- and Italian-speaking parts of Switzerland as distinct nations is similarly questionable. Switzerland is unquestionably a linguistically diverse country, but is it therefore a multinational state? Although Kymlicka is a normative theorist, his arguments rely strongly on these empirical facts. This empirical argument is the starting point of the critique of this article. My aim is not to come up with another definition of nationhood in Germany or Switzerland, but to show that the empirical underpinning of Kymlicka’s distinction between mono- and multinational states is misleading.

I address these questions by analysing constitutions through the method of content analysis.¹ In addition to the analysis of constitutions some sociological aspects are considered, to confirm that the constitutions’ aims are reflected by reality. I focus on the analysis of constitutions for a few important reasons. First, Kymlicka states that the multicultural character of a state is often affirmed in its constitution (Kymlicka 2007: 71, 2004: 147). Second, this view is also supported by others, such as Tierney (2004: 235), who states that the constitution should reflect the plurinational character of a given state and recognise language and symbols of a national minority. Norman (2006: 156 ff.), too, argues that it is important to recognise a national minority as such in the constitution. He also shows that the recognition of a national minority in the constitution can be manifold and must not be the same for every national group. He talks of federal arrangements, of symbols as flags and anthems as well as of general rights to preserve and promote language and culture. And he points to the fact that an explicit mention of a national minority as such means that a national group indeed is recognised as a ‘distinct society’. Generally speaking, a state can define its character in its constitution and thus render an account of its political reality. Therefore, it seems appropriate to analyse constitutions because they tell us how a state defines itself (Haller and Kölz 2002: 98; Kley 2008: 22).

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In contrast to other authors (e.g. Dardanelli 2009; Froidevaux 1997; Grin 2002; Stojanovic 2000), I only partly conduct a sociological or historical survey of either state. My aim is to show how Germany, Switzerland and the minorities under consideration define themselves and how such self-definition is reflected in constitutions, judicial documents and legal mechanisms.

In the first section of this article, I will address Kymlicka’s theory of multiculturalism and explain why Germany and Switzerland are central to his argument. This will be followed by an empirical section, in which I will present the results of the analysis of the constitutions in Germany and Switzerland. I will conclude by comparing the results and by discussing their theoretical consequences.

Will Kymlicka’s theory of multiculturalism

Kymlicka draws two theoretical distinctions: between multinational and polyethnic states on the one hand, and between mononational and multinational states on the other. To reinforce these distinctions, he relies on empirical examples. In this section, I will show that Germany and Switzerland are the most important empirical examples of Kymlicka’s theoretical accounts.

According to Kymlicka (1998: 138), Germany is an example of a mononational state; he terms the country ‘a single national community’. Federalism in Germany consists of pure territorial division. The political system does not serve to integrate and protect minorities but simply constitutes a political division of power. Because of its mononational character, Germany is categorised as a territorial federation (Kymlicka 2004: 20 n. 5, 2001: 248, 1998: 128). Generally speaking, however, it seems difficult for Kymlicka to find empirical examples of mononational states. This is no surprise, because in Multicultural Citizenship he insists that most states are multicultural in some ways. However, in Finding Our Way he repeatedly refers to Germany and the USA as examples of culturally homogeneous societies. Mentioning the USA in this context is paradoxical, because he refers to the USA as a multinational state elsewhere (e.g. 1995: 11 f.). Therefore, Germany remains his strongest example of a mononational state. It is telling that Kymlicka never brings up Germany’s minorities in the context of national minorities or multinational states. Even when he catalogues several minority groups throughout Europe, he never mentions the Danish, Sorbian or Frisian minorities in Germany.2

Kymlicka describes Switzerland as ‘the most multinational country’ (Kymlicka 1995: 18). He states that Switzerland’s national minorities are the linguistic communities (‘Switzerland (with the French and Italians)’) (Kymlicka 1998: 127). He later confirms this perspective by saying that Switzerland has adopted a multinational federalism for its French- and Italian-speaking minorities (Kymlicka 2004: 146). From a historical point of view, Kymlicka assumes Switzerland to be the only country that has always
accepted its multicultural identity (its Italian- and French-speaking minorities) and has never tried to correspond to the ideal of a nation-state (Kymlicka 2007: 64, 2004: 18). Because of its federal system and its toleration of different languages, Switzerland can be regarded as a stable, unified and wealthy democracy in spite of its ‘French and Italian minorities’ (Kymlicka 2007: 177).

In the following paragraphs, these empirical examples that Kymlicka uses to prove his theoretical distinction between mono- and multinational states are examined profoundly. I will argue that Kymlicka’s empirical examples do not support his theory.

Multinational states are defined as states where more than one nation exists. This form of multiculturalism derives from the incorporation of previously autonomous, territorially concentrated cultural groups into a larger state. These cultures, called national minorities by Kymlicka, aim to exist as independent societies alongside the majority culture and usually call for self-determination and autonomy. National minorities consider themselves distinct nations and seek to be politically independent. Multinational states such as Canada, Belgium, Spain and Switzerland face, according to Kymlicka, the challenge of fulfilling the needs of diverse nations in one state. Kymlicka identifies several mechanisms for the protection of minorities; he refers to federal or quasi-federal autonomy and specifies that the minority’s language must be officially acknowledged. Furthermore, minorities must be represented in courts and the central government. Public funding of the schools, universities and media of a minority may be adequate to protect it. The multicultural character of a state should be acknowledged in the constitution and a minority should be able to act as a recognised international body (Kymlicka 2007: 71).

In elaborating a theory of justice for multicultural societies, Kymlicka (2007: 68 ff., 190 ff., 2001: 1) is convinced that only a federal system can guarantee the maintenance of a minority culture alongside the majority culture. A ‘federation of peoples’ should be a political federation as well (Kymlicka 1995: 27 ff.). Federalism has various forms: territorial federalism on the one hand and multinational federalism on the other. The acceptance of national minorities as such is crucial to the success of multinational federalism (Kymlicka 1998: 127 ff.). To guarantee self-determination for national minorities, borders of the federal entities should be drawn such that minorities can form a majority. According to Kymlicka, this was done in Canada and Switzerland and these states therefore serve as prime examples of multinational federations (Kymlicka 1998: 135 f., 141 ff.).

Because Kymlicka’s work is concerned with the concept of ‘nation’, he needs to define the term. He equates a nation with ‘people’ and ‘culture’, and says: “‘Nation’ means a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture” (Kymlicka 1995: 11). National groups do not define themselves by race or common descent, but by culture; national membership
is open to everyone who is willing to learn the relevant language and history and to participate in political and social institutions. Kymlicka (1995: 21 ff.) insists that the concept of ‘nation’ always has a cultural aspect, and is not content with merely a civic definition. ‘Nation’ always has a historical component: current political claims are not sufficient, only those rooted in historical grounds. Furthermore, nations and linguistic communities must be connected to a territory (Kymlicka 1998: 131 f.). Most important for Kymlicka is the term ‘societal culture’. A societal culture can be equated with a nation: its members have a common idea of how to lead their lives. They are territorially concentrated and share language, memories and values, as well as institutions and practices. A societal culture is rooted in social life – that is, in schools, media, economics and politics. The customs and traditions of a nation only gain meaning within such a societal culture (Kymlicka 1995: 76 ff.). Kymlicka emphasises the integrative character of a nation: neither blood nor ancestry define a nation, but rather the community centred on a common public and private life. To be a societal culture is essential for a nation (Kymlicka 1998: 157).

Because this is a discussion of Kymlicka's arguments, in my analysis I will compare the German and Swiss cases against his own definition of a nation. It goes without saying that one might come to different conclusions when using other definitions. Kymlicka focuses on objective cultural markers such as language, territory and history, on a political-institutional aspect and on the concept of the 'societal culture'. However, he also uses elements of a subjective definition of a nation when he says: '[a] state is multicultural if its members [...] belong to different nations (a multination-state) [...] and if this fact is an important aspect of personal identity and political life' (Kymlicka 1995: 18, my emphasis). By doing so, he follows Miller (1993: 5) and Renan (1882: 10), who point out that nations always have a subjective collective identity. Additionally, as suggested in the introduction, national minorities are regarded as such when they are constitutionally recognised as national minorities.

Kymlicka formulates his theory as a 'metatheory'. He does not seek to produce either an abstract philosophical treatise or a mere description of reality (Kymlicka 2001: 4 ff.). Rather, his goal is the elaboration of a theory of justice that consists of concrete political advice (Kymlicka 2007: 110). Discussing earlier repression of national minorities, he aims to show that it is possible to guarantee minorities access to all institutions and aspects of political life without forcing them to deny their ethno-cultural identity (Kymlicka 2007: 66). It is important to note that Kymlicka's theory is not a purely theoretical treatise on cultural diversity; its empirical aspects are crucial to the work, and he repeatedly uses empirical examples to support his theoretical statements (Stojanovic 2000: 26). For the present study, this empirical argument in Kymlicka's theory is most important. His views on Germany and Switzerland as empirical examples of his theoretical distinction between mono- and multinational states are criticised by means of content analysis.
The following section will show that the notion of Germany as a mononational state is misleading in light of the existence and recognition of several ethno-linguistic minorities in the country.

**Germany**

When the border between Germany and Denmark was finally established in 1920, a Danish minority emerged in Germany and vice versa (Lehfeldt 1992: 305 f.). Presently, about 50,000 individuals in Schleswig-Holstein see themselves as members of the Danish minority. About 50,000 members of the Frisian community live in this same area. Cultural diversity is a fact of life in this part of Germany; Low German and Romany are also widely spoken. I will now discuss how Schleswig-Holstein and Germany treat these minorities in their constitutions.

The status of minorities is addressed on the level of the federal states (Bundesländer), the federal entities in Germany. The Constitution of Schleswig-Holstein (LVerf SH) states the existence of ‘national minorities (nationale Minderheiten) and ‘ethnic groups’ (Volksgruppen) in Article 5. Minorities are protected as collective bodies and it is important to note that the Danish minority and the Frisian ethnic group (Volksgruppe) are mentioned explicitly. Through this provision, Article 5 protects the cultural self-reliance and political participation of the Danes and Frisians. Article 5, Section 1 also states that individual identification as a member of a national minority is optional. The Danish national minority and the Frisian ethnic group are guaranteed the right to be protected and promoted.

The Basic Law for the Federal Republic of Germany (Grundgesetz, GG) indirectly accepts the Danish and Frisian minorities under its non-discrimination rule in Article 3. Promotion or discrimination of any individual on the basis of his or her language is prohibited. This is the case in many other countries, but it is important to note that the rationale of this provision has always been the protection of traditional minority languages such as Danish and Frisian (Starck 2005b: 424). In Article 7, Section 1 of GG, it is mandated that the school systems supervised by the federal states accommodate cultural differences (Robbers 2005: 741 ff.). Therefore, article 8 of LVerf SH allows every child to attend a national minority school. According to Article 7 of GG, the foundation of private schools is permitted when there are special educational reasons for doing so, a standard met by minorities (Pallek 2001: 381).

Given these constitutions, Kymlicka’s categorisation of Germany as a mononational state must be questioned. The Danish national minority is mentioned explicitly in the Constitution of Schleswig-Holstein; this official recognition reflects an obvious social and political reality. The Frisians describe themselves not as a national culture but as an ethnically distinct part of German society. But is the Danish national minority truly a nation as
Kymlicka defines it? More importantly, can the Danes and Frisians be described as societal cultures (as understood by Kymlicka)?

The Danish minority is a group of German citizens who feel strongly connected to Danish culture, traditions and language. Members of this minority are most often bilingual (German and Danish), and many also speak Low German and sonderjysk, a Danish dialect. In many respects, the Danish minority has a special status in Germany; its acceptance and protection under constitutional law is one example. Another important aspect of this status is the exemption of the South Schleswig Voters’ Federation from the 5 per cent barring clause at the federal as well as the state level (Kühn 1991: 3 f.). Therefore this party has been represented constantly in the Landtag of Schleswig-Holstein, while it has waived its right to a seat in the Bundestag since 1965. Thanks to the South Schleswig Association, members of the Danish minority can enjoy a wide range of cultural activities. The association’s aim is to foster and protect Danish language and culture (Pallek 2001: 20). There is a Danish library, a Danish daily newspaper, a Danish broadcasting station and a Danish church service. There is a Danish health service for everyone, especially for the elderly, disabled and children. It is possible for mothers and infants to receive health care in Danish. In addition, a special association is in charge of the education of children of the Danish minority; currently, it oversees fifty-three schools and sixty-one kindergartens attended by about 7,500 children. In accordance with Article 7, Section 4 of GG, these private, Danish-language instruction schools are recognised and fully funded by the German federation. In short, it is fair to say that the Danish minority in its German territory has the opportunity to live a ‘Danish life’ outside Denmark (Lehfeldt 1992: 306 ff.; Pallek 2001: 16 ff.). With political participation guaranteed through the South Schleswig Voters’ Federation, and the availability of Danish-language education, important requirements of Danish identity are satisfied. This embedment in the entire social life – in media, education and politics – is the basis of a societal culture, and therefore meets Kymlicka’s criterion of a nation. Although the Danes participate in German society and feel part of it, they lead ‘a Danish life’.

In contrast, the Frisian minority cannot be characterised as a societal culture. Indeed, with no access to Frisian-language education, the Frisian language may soon be extinct. Politically represented by the South Schleswig Voters’ Federation, Frisians do have a distinct political voice, but they completely lack a presence in the media.

In the Lusatia, the Sorbs are descendants of Slavonian tribes who have lived in the east of Germany for over 1,000 years. In today’s Saxony and Brandenburg, about 60,000 individuals declare themselves to be Sorbian. Analysis of the Constitutions of Brandenburg and Saxony will show how the Sorbs are accepted and treated in those states.

The Constitution of Brandenburg contains an entire paragraph dedicated to the rights of the Sorbs (Paragraph 4). The Sorbs are designated a ‘people’ (sorbisches Volk) or simply ‘Sorben’. The right to foster, protect and preserve
their own national identity (stated in Article 25, Section 1) characterises the Sorbs as a nation, and their territory is protected. The Sorbian language is mandatory in official signage (Article 25, Section 4) in this part of the country; it must be fostered and preserved in the entire public life and is passed down in schools and day-care facilities for children (Article 25, Section 3). It is not only the language that merits preservation, however; the entire Sorbian culture is constitutionally protected in Brandenburg. Cultural self-reliance is guaranteed in Brandenburg as well as in Germany as a whole (Section 2), and the Sorbs participate in political decision-making.

In the Brandenburg Constitution, the Sorbs are not recognised as a national minority by use of the term 'national'. They are nonetheless described as a people with a national identity, lending them de facto status as a nation. They share a common historic territory, a language and a culture. They have institutions such as schools and day-care facilities for children, and have the right to participate in political decision-making.

Article 6 of the Constitution of Saxony (LVerf Sa.) deals with the rights of the Sorbs and terms them ‘citizens belonging to the Sorbian people’ (Bürger sorbischer Volkszugehörigkeit), ‘sorbisches Volk’ or ‘Sorben’. The term ‘nationality’ is not used here either, but it is clear that the Sorbs are to be treated as an independent people. Article 5, Section 1 states that the people of Saxony consist of ethnic Germans, Sorbs and others. Here and in Article 6, the Sorbs are understood to be part of the Saxon people. They have the right to preserve, foster and develop their language, culture and customs (Article 6, Section 1). The second section of the same article refers to the preservation of the German-Sorbian character of the region. Furthermore, Article 3 fosters collaboration between all Sorbs, ratifying the existence of a Sorbian territory even before the fixing of the borders of the federal state (Kunzmann, Haas and Baumann-Hasske 1997: 109 ff.). Article 2 states that the Sorbs may use their own flag and colours, although only when Saxony’s flag and colours are used at the same time (Kunzmann, Haas and Baumann-Hasske 1997: 89 f.).

Using Kymlicka’s definition, we would describe the Sorbs as a nation based on analysis of the Saxon Constitution. Are they also a societal culture? As early as in 1912–13 the Sorbian umbrella organisation Domowina was founded. Cultural and educational institutions are funded by the federal government, channelled through a foundation (Stiftung für das Sorbische Volk), and used to foster culture, language and identity. This foundation guarantees the maintenance of the institutional structure established by the GDR (Barker 2000: 141 ff.; Pallek 2001: 30 ff.). The Sorbs usually speak Sorbian among themselves, although most are fluently bilingual. Sorbian may be used in courts on equal footing with German (Barker 2000: 148 f.). There are Sorbian and bilingual day-care facilities for children, and Sorbian is taught as either the language of instruction or a foreign language in many schools. In Saxony, it is possible to find Sorbian schools on every educational level (not the case in Brandenburg, although many schools teach Sorbian as a foreign language). Altogether, there are around seventy schools that include...
Sorbian in their curriculum in one way or another (Barker 2000: 144 ff.). It is possible to study Sorbian at the University of Leipzig. Several Sorbian journals and the daily Serbske Nowiny, as well as the weekly Nowy Casnik, guarantee the presence of Sorbian in the media. Radio and television broadcast Sorbian programming (Pallek 2001: 35 ff.). Furthermore, Domowina publishes Sorbian-language books, newspapers and magazines (Barker 2000: 143). The Sorbs can be regarded as a societal culture because they possess a wealth of institutions that allow them to choose the ‘Sorbian good life’. However, doing so is probably more difficult than it is for German Danes, because the Sorbs lack the support of a state of their own outside Germany.

It is clear that the Danes and the Sorbs are considered national minorities and that Kymlicka’s notion of a mononational Germany cannot be supported. We find objective identity markers such as a common language and territory. The political-institutional aspect of the given definition of nation is also present. Moreover, I would suggest that the Danes and the Sorbs are societal cultures and have a strong collective identity as nations. This becomes especially clear for the Danish case, because the constitution states that individual membership to the Danish minority is optional. To determine whether Germany is mononational or multinational, it is necessary to have a closer look at how the state and its people are described in the various constitutions.

Except in Articles 132 and 139, where national socialism is mentioned, the term ‘nation’ does not appear in the German Grundgesetz. Because of Germany’s terrible experiences with national socialism, the word ‘nation’ has extremely negative connotations among Germans (cf. Westle 1999: 181 f.). In the preamble, the terms ‘das deutsche Volk’ and ‘die Deutschen’ are chosen to show that the Grundgesetz is not composed of the federal states but of the Germans as a social entity. This is also intended to integrate eastern Germans who did not contribute to the Grundgesetz (Starck 2005a: 7 ff.). In the constitution, the terms ‘the German people’ and the ‘Germans’ are consistently used to describe the population (cf. Articles 1, 33 and 139). The German flag, described in Article 22, Section 2, symbolises national unity (Classen 2005: 360). The Grundgesetz does not single out a language – German or any other. Only in the non-discrimination rule is language mentioned at all; historically, it refers to Danish, Sorbian and Frisian, but nowadays it also includes the languages of immigrants (Starck 2005b: 424). The constitution describes Germany as a state with a German people, but this does not imply any particular interpretation of a national consciousness. The population is described as a social entity without reference to cultural and linguistic influences. With Article 7 (school system) and the non-discrimination rule, some aspects of cultural diversity are touched upon but these are not elaborated further. Germany is a federal state: at the very beginning of the constitution, the country is described as ‘Bundesrepublik’ (Federal Republic). Even in the preamble, every federal state is mentioned by name. The constitution of each federal state declares in its first articles its status as a
‘Land der Bundesrepublik Deutschland’ (State of the Federal Republic Germany). The federal states are regarded as quasi-states, with their own territory, their own people and their own public authority. At the same time, they are part of the federal system of Germany (Von Mutius 1992: 24). Kymlicka’s claim that Germany is a purely territorial federation is thus supported by the analysis of these constitutions.

In Schleswig-Holstein’s Constitution, no specific statement about the population is made. Mention is made of a ‘people’, but there is no articulation of an ethnically or culturally defined community; merely an assertion that ‘the people’ are the decision-maker, not the government or the legislative body. Brandenburg describes its population as citizens of Brandenburg (in the preamble). The term ‘Volk’ has more of a cultural meaning in Article 2, Section 3, and in Article 3 the term ‘Staatsvolk’ is used. The term ‘Volk’ is also used in Saxony, and in Brandenburg as well as Saxony the traditions of the Länder and the changes of 1989 are raised in the preambles. The federal states under analysis describe themselves as historically and politically defined entities; indeed, it would be difficult to justify regarding them as cultural ones. Therefore, Kymlicka’s idea of Germany as a territorial federation does not seem entirely misguided. But this does not imply that there are no national minorities in the country.

According to Westle (1999: 175), German national identity has always hovered between the underdeveloped and the excessive. Traditionally, Germany has relied upon an ethnic conception of national identity; the nation was regarded not as a political unit but as a cultural, linguistic and ‘racial’ Volksgemeinschaft. Consequently, it is very difficult for immigrants to acquire German citizenship even if they are well assimilated and have lived in Germany for many years. In contrast, ethnic Germans from Eastern countries are naturalised very quickly (Brubaker 1992: 3). It is precisely this ethnic conception of nationality that supports the assumption of a non-mononational Germany. Ethnically speaking, the Danish, Frisian and Sorbian minorities are not German and therefore do not belong to the German nation. Nevertheless, they live on German territory.

The question of whether Germany is in fact an ethnically defined nation or whether it is also a civic one has been broadly debated. The former notion has been more successful in Germany, but the latter is not absent in German nationalism (Brubaker 1992: 9 f.). This conception has changed significantly over time. In the 1970s, a Western German political identity and a pan-German cultural identity emerged simultaneously. National identity evolved from an ethnic conception to a civic conception. Today, pride in Germany’s political system is much more common than pride in being ethnically German. Therefore, we confront a contemporary Germany that is both ethnic and civic in respect to its national identity (Westle 1999: 175 ff.).

Based on the results of my constitutional content analysis and the statements of some commentators on these constitutions, I conclude that Germans define themselves as a people and sometimes use ethnic markers to
support that definition. However, the fact that a percentage of the population is not ethnically German but lives on German territory complicates this perspective. As an ethnic nation, Germany cannot consider these national minorities as members of the German nation; therefore, it should not be characterised as mononational. At the same time, Germany is also regarded as a civic nation, whose national minorities are integrated into the greater population.

To sum up, Germany can be seen as a territorial federation and, moreover, the civic element of its national identity is getting stronger. This supports Kymlicka’s argument on Germany. But what is important for the present analysis is the fact that Germany recognises its national minorities as such and that the Danish and Sorbian minorities are, indeed, national minorities. Therefore, it can hardly be considered as a mononational country.

Switzerland

To Kymlicka, Switzerland is a multinational state consisting of three linguistically defined nations: a German-speaking majority nation and French- and Italian-speaking national minorities.

Four languages are spoken in Switzerland: German (72.5 per cent), French (21 per cent), Italian (4.3 per cent) and Romansh (0.6 per cent). Multilingualism is an important identity marker for Switzerland. Relationships between the language groups are often complicated but never lead to serious conflicts. How are the linguistic communities described in the constitutions? Is it, for example, possible to find a description that supports Kymlicka’s idea of three nations in Switzerland?

The Federal Constitution of the Swiss Confederation (Bundesverfassung, BV) contains four articles relevant to the debate on linguistic diversity. The non-discrimination rule in Article 8 and the freedom to use any language in Article 18 refer not to the historic Swiss languages but to every language spoken in Switzerland. It is not possible based on this to see any recognition of the linguistic communities as distinct nations. In Article 4, linguistic diversity is addressed when German, French, Italian and Romansh are defined as national languages (Landessprachen in German). This can be regarded as a commitment to multilingualism in Switzerland, but it does not necessarily lead to the assumption that the linguistic groups define themselves as nations. It is stated that the four languages are equally important, i.e. that Switzerland is multilingual but united. As Kägi-Diener (2008a: 92 ff.) points out, Article 4 mainly serves to establish Switzerland’s diverse society: everyone can identify as a Swiss citizen no matter what indigenous language he uses. With the definition of the official languages in Article 70, Section 1, we finally find a hierarchical order. However, the difference is not between the German-speaking majority and Italian- and French-speaking minorities, as Kymlicka suggests. Rather, the difference lies between the three aforementioned

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languages and Romansh. In the second section it is stated that the cantons shall each determine their official language. Therefore, it is difficult to perceive Switzerland as a federation composed of linguistically defined nations. By respecting the traditional territorial distribution of languages (according to the linguistic territoriality principle), peace and tolerance between the linguistic communities is maintained. The indigenous languages are preserved in their traditional territory (Kägi-Diener 2008c: 1268 ff.). The linguistic communities as such do not have any jurisdiction to define their status; this is the constitutional right of the cantons. If it is a multinational federation of linguistic communities, the Swiss Confederation should confer this right upon the linguistic minorities. It does not. If Kymlicka (2007: 71) regards the regulation of official language as an inherent and important right of national minorities, and the Swiss linguistic communities do not have this right, then it seems conclusive that they are not national minorities. If the linguistic communities are societal cultures, why would they accept the cantons’ decisions on their behalf? Equally difficult to explain with respect to Kymlicka’s notion of Switzerland, Section 4 of the same article talks about plurilingual cantons: the linguistic communities are crosscut by cantonal borders. The duties of the Confederation and the cantons to promote and preserve Italian and Romansh as minority languages and to encourage understanding and exchange between the linguistic communities reflect a view of Switzerland as a single multilingual society rather than a federation of linguistic nations.

Analysis of the cantonal constitutions does not much change this impression. The unilingual cantons of Zurich and Lucerne establish German as their official language (Articles 48 and 7 of KV ZH and KV LU, respectively). French-speaking Geneva does not refer to official languages and Italian-speaking Ticino defines itself as ‘repubblica democratica di cultura e lingua italiana’ (Article 1, Section 1, KV TI). Hence, Ticino can probably be considered a linguistic nation because there is only one spoken language in the cantonal territory and its political and linguistic borders therefore coincide. But two facts – that there is a German-speaking commune in Ticino and that Italian is equally recognised as the national and the official language in Grisons – contradict the notion of an Italian-speaking nation in Switzerland. Article 6 of the Constitution of the canton of Bern features a special provision for the coexistence of its linguistic communities. German and French are cantonal and official languages, and it is explicitly elaborated which one is the official language for every region of the canton. The German term ‘nation’ is never used to describe the linguistic communities in these articles. Dardanelli (2009: 21) points out that the linguistic communities cannot be regarded as nations in the Swiss context. He is supported by Stojanovic (2000: 66), who emphasises that the linguistic communities never describe themselves using the term ‘nation’. The term ‘minority’ is used in the BV, in the Constitutions of Bern and Grisons; however, national or ethnic minorities are never referred to – only linguistic or cultural minorities.
As Linder (2005: 41) correctly observes, the linguistic communities are not treated as ethno-cultural collectives but are preserved on their traditional territory so as to protect the individual’s use of his preferred language.

Since 1999, the BV has contained a recommendation on the representation of language groups on the Federal Council, stating that regions and linguistic parts should be represented appropriately. This recommendation has not been ratified, and it is not plausible to infer a recognition of the linguistic communities as nations from it. Linguistic communities are treated as linguistic or sometimes cultural groups, but they do not feature as political or ethnic entities in the constitutions of Switzerland or its cantons. There are no classic minority or majority statuses because of demographic shifts between the federal and cantonal levels. There are no special institutions such as schools for the relevant minorities.

In short, the linguistic minorities are regarded as parts of Switzerland, not as distinct groups. Kymlicka is certainly right in saying that they share a common language and a common territory, but they are by no means as homogeneous as he illustrates. There is no subjective collective identity; the linguistic communities do not describe themselves as nations. Furthermore, the criteria for a societal culture, i.e. historical and political-institutional elements, are not met.

My analysis of the relevant constitutions shows that the Swiss linguistic communities cannot be defined as nations. Again, I am supported by Kymlicka’s own claim that multinational states recognise their character officially in their constitutions (Kymlicka 2007: 71, 2004: 147). Switzerland does not do this. The linguistic communities cannot be defined as nations, and Switzerland can therefore hardly be termed a multinational state consisting of a German-speaking majority nation and French and Italian national minorities. It is, however, possible to think of other nations within Switzerland: the cantons.

In the Bundesverfassung the federal structure of Switzerland is emphasised, and in the preamble the cantons are described as parts of Switzerland. Articles 3 and 47 of BV declare the cantons to be sovereign and autonomous except where limited by the Federal Constitution. This is a defensive right against the Confederation (Kägi-Diener 2008b: 875 ff.). The Swiss cantons are autonomous: they have their own constitutions (Article 51, Section 1 of BV) and distinct powers in the field of foreign relations (Article 54, Section 1 of BV). The cantons of Geneva and Ticino call themselves ‘republic’ and ‘state’, respectively (Article 158 of KV GE, ‘L’Etat de Genève’; Article 7, Section 4 of KV TI, ‘lo Stato’) and each cantonal constitution I analysed states that it is a ‘Stand oder Kanton der Schweizerischen Eidgenossenschaft’ (Article 2, Section 1 of KV BE; Article 1 of KV GE; Article 1, Section 2 of KV TI; Article 1 of KV LU; Article 1, Section 1 of KV ZH; Article 2, Section 1 of KV GR). Cantons have fully established political systems, based on the federal institutions, and a classic division of power. Politically speaking, the cantons are distinct entities, but it would be misleading to speak of them as nations.
Yet the cantons do have a collective cultural identity as well. In many constitutions the population is described as ‘the people of the Canton XY’ or at least as, for instance, ‘Luzernerinnen und Luzerner’ (preamble, KV LU). In the canton of Grisons, plurilingualism and cultural diversity are understood as part of Grisons’ culture and not as separative elements. In the preamble, ‘[. . .], das Volk des Kantons Graubünden’ clearly accounts for a collective identity that goes beyond political commonalities (cf. Rathgeb 2006a: 8 f.). The canton of Ticino is in some ways a deviant case: it strongly emphasises the existence of an ‘Italian culture and language’ (preamble, Article 1, Section 1 of KV TI). Other cantons also describe themselves as cultural entities with common identity markers such as flags and a shared territory, for instance Geneva (‘territoire de la république’, Article 85 of KV GE), Bern (territory, Article 3 of KV BE) and Lucerne (cantonal flag). The Federal Constitution emphasises cantonal particularities without specifying them any further (Article 46 of BV). The cantons of Ticino, Lucerne and Zurich point to those aspects of their history that they want to preserve (preamble of KV ZH and KV LU), and the canton of Ticino (preamble) even regards the preservation of Italian culture in Switzerland as a special duty. Article 40 of KV GE speaks of ‘la nationalité genevoise’, which is translated as ‘Genfer Bürgerrecht’ (citizenship of Geneva) in the German version. The cantons do have a national identity in some ways, albeit a weak one. The political-institutional completeness, as in Kymlicka’s societal culture, does indeed exist – as analysis of the cantonal constitutions shows. Cantons have shared territory, history and flags. However, from the perspective of the Federal Constitution, they are no more than powerful member states of the Confederation.

Similarly, Kriesi (2007: 85) concludes that the cantons have a strong political identity and role. In this regard the Constitution of 1874 is still applicable today. Kriesi (1999: 15) also points to the fact that Swiss federalism has always been ‘anti-centralism’, although he admits that there has been a gradual shift of duties from the cantonal to the federal level. The strong political position of the cantons has been weakened over the years (Dardanelli 2009: 3 ff.; Kölz 2004: 929). Not only the cantons play a major role in Switzerland; especially when it comes to the naturalisation process, the communes are very important. The decision on who may acquire citizenship is a major mechanism of control in every state and contributes to the sense of nationhood (Helbling and Kriesi 2004: 34, 38). Naturalisation must be approved by the Confederation, the relevant canton and the commune, but only on the communal level is it a genuine political process (Helbling and Kriesi 2004: 37). In this context, the differentiation between ethnic and civic notions of nation becomes relevant again. In Switzerland we can find a civic conception on the federal level, but on the communal level there is a strong ethnic conception. However, to regard communes as nations does not make much sense because not many Swiss identify strongly with their commune (cf. Dardanelli 2009: 23). Moreover, the idea of Switzerland consisting of about
2,800 distinct nations contradicts Kymlicka’s thesis of a multinational Swiss state with three linguistically defined nations.

In conclusion, the cantons could potentially be seen as the true Swiss nations and therefore support an idea of a multinational Switzerland. However, this result does not support Kymlicka’s theory in any way.6

Is Switzerland therefore mononational? Are the people of Switzerland a single national community, to use Kymlicka’s wording? In the Bundesverfassung the term ‘nation’ is mentioned frequently. There is a Swiss National Bank (Article 99), the motorways controlled by the Confederation are called national roads (Article 83) and, most importantly, the first chamber of the parliament (Federal Assembly, Bundesversammlung) is called the ‘National Council’ (Nationalrat). In this chamber, 200 members represent the Swiss people (Article 149, Section 1). The cantonal constitutions also use the term ‘National Council’ (cf. Article 140, Section 5 of KV GE). In the preambles to the Federal Constitutions of 1848 and 1874, the ‘Swiss nation’ was mentioned explicitly (schweizerische Nation, nation suisse, nazione svizzera); in the currently ratified Constitution of 1999, this was replaced by ‘Schweizervolk’. However, according to Hafner and Schweizer (2008: 65), ‘the Swiss people’ are not a natural entity because they lack a common language or religion, instead possessing a shared history and the will to establish a common political body. In the preamble, this historical will finds its expression (‘der Wille, “den Bund zu erneuern” und das Bewusstsein der “gemeinsamen Errungenschaften”’, the will to ‘renew their alliance’ and the consciousness of their ‘common achievements’).7 The population is termed ‘Swiss’ (Articles 24 and 25 of BV) or ‘Swiss citizens’ (Article 175, Section 3 of BV). Switzerland is thus described as a country with one population. As Ehrenzeller (2008a: 58) remarks: ‘Die Schweiz als Nation darf heute als gegeben und gefestigt gelten’.

Yet this impression of a homogeneous Swiss people is only one side of the coin. In fact, Switzerland’s cultural diversity is an inherent characteristic of the country. Cultural diversity must be fostered, as Article 2, Section 2 of BV states, but not only cultural diversity is referred to: in Article 69, Section 3 of BV, linguistic diversity is also mentioned explicitly. Religious diversity is addressed in Article 15 of BV. Society is described as complex and differentiated, but no specific minority is singled out. Moreover, the Swiss national holiday (1 August) is celebrated countrywide. Were there any national minorities, each would surely have their own national holiday (Article 110, Section 3 of BV).

The canton of Bern announces in Article 2, Section 2 of KV BE its role as mediator between the German- and French-speaking parts of Switzerland. This supports the idea of a multilingual but united Switzerland. The canton of Grisons also assumes an important role within the country: the promotion of understanding and exchange between regions and linguistic communities (Article 2, Section 4 of KV GR). This is less a political endeavour than a sociological conclusion: multilingual Switzerland must be recognised as such (Rathgeb 2006b: 7 ff.).
Although Switzerland is not a culturally or religiously homogeneous nation, its differences in these regards are not seen as separative. Multilingualism is regarded as a sociological phenomenon and is acknowledged as a pillar of the Swiss concept of the state (Kägi-Diener 2008a: 92 ff.). In this context, multilingualism is not a source of disunion but rather a unifying characteristic of the Swiss nation: Switzerland identifies itself with its multilingualism (Grin 2002: 269 f.).

According to an analysis of its constitutions, Switzerland is not a multinational state consisting of three linguistically defined nations. Switzerland’s national identity is based not on a shared language or culture but precisely on the acceptance (indeed, emphasis) of its linguistic and cultural differences. Of course, Switzerland can be regarded as a political nation of will (*Willensnation*). But when we use an identity-based definition of nation, the criteria of this term are not relevant. Switzerland is a nation.

**Conclusion**

Is Germany a mononational state? Is Switzerland a multinational state? Based on a content analysis of constitutions I have shown that neither is the case. Two constitutionally recognised national minorities live in Germany (the Danes and the Sorbs), whereas in Switzerland no national minorities are recognised in the federal or cantonal constitutions. Switzerland has several cultural and linguistic minorities, but their borders are not congruent and minority status is not uniform. Linguistic communities are recognised and protected but it is, in fact, the national languages that are recognised, not the ‘nations’. Switzerland does not protect its minorities collectively, as Germany does the Danes, the Sorbs and even the Frisians. How can Germany be mononational when the country recognises two national minorities as such? And how can Switzerland be multinational when it does not recognise any national minorities?

The contrast between mononational and multinational states, as identified by Kymlicka, does not hold for Germany and Switzerland. Germany officially recognised the Danish and the Sorbian minorities as nations. Switzerland is culturally diverse, a country of minorities. Yet its minorities cannot be regarded as distinct societies but rather as malleable and overlapping entities. For Germany, the recognition of cultural diversity emphasises the different cultures of national minorities within the state, whereas in Switzerland cultural diversity is regarded as an aspect of Swiss culture itself. In fact, Germany and Switzerland have many similarities with respect to their multicultural character: two federations aware of their cultural diversity, which is organised at the constitutional level.

Of course Germany and Switzerland are only two examples of the contrast between mononational and multinational states, but because they constitute Kymlicka’s most important examples I would suggest that they nurture a false
impression of this contrast. Germany and Switzerland are rather real multi-
cultural states, states where culturally distinct groups live together. Multi-
culturalism is not a strict distinction between national majority and minority,
as the analysis of Switzerland shows. This conception would be more
adequate for Germany, but even there the multicultural society does not
signify ‘side by side’ but ‘together’. Protection of one’s own culture does not
necessitate isolation from other cultures. Moreover, the analysis shows that
cultural diversity need not be managed by federal structures – there are other
ways. Kymlicka’s either – or model of mononational or multinational is too
crude.

Kymlicka’s concepts depend on his definition of nation; he relies heavily on
language as a marker, seen in relation to the idea of a ‘context of choice’. Only
where a shared language exists and where institutions are complete one can
choose the ‘good life’. Kymlicka therefore arrives at the conclusion that
Switzerland consists of three distinct nations. He does not see the existence of
separate societal cultures in Germany, and so he concludes that Germany is
mononational and that the Danes and the Sorbs are not nations. However,
these concepts of nation and societal culture are not empirically applicable.
Kymlicka calls for protection of minorities that are already institutionally
complete societies, while forgetting those who really need protection: those
who lack institutional completeness.

Kymlicka aims to formulate a metatheory, with empirical examples
supporting theoretical assumptions. In the end, this approach leads to the
failure of his theory. The strict contrast between mononational and multi-
national states does not exist in reality and therefore the theoretical concept is
unsupported.

Difficult questions remain, however. How do we deal with cultural
diversity, so as to achieve peace and stability? How can rare languages and
dialects be preserved, and how can minorities be included in politics,
economics and society? As Kymlicka (1995: 1) puts it: ‘there are no simple
answers or magic formulas to resolve all these questions’.

Notes

1 The Constitutions of Germany (Grundgesetz) and Switzerland (Bundesverfassung) are ana-
lysed. To consider the relevant cleavages in Switzerland (language, religion, rural–urban), the
cantonal constitutions analysed are Zurich, Lucerne, Geneva, Ticino, Bern and Grisons. The
German federal states Schleswig-Holstein, Saxony and Brandenburg are analysed; the Danish,
Frisian and Sorbian minorities live in these federal states.

2 Only when talking about affirmative action does Kymlicka mention the fact that the South
Schleswig Voters’ Federation is excluded from the 5 per cent barring clause. He refers to the
German-Danish minority model as a successful case (Kymlicka 2007: 241, 296).

3 Fifty thousand Danes, Frisians and Sorbs are not much compared to the German population
of approximately 82 million. I am well aware of this, but would argue with Stojanovic (2011) that
a statistical approach is not useful to determine which group should be considered a nation or not.

4 A regional political party representing the Danish and Frisian minorities.
5 Only Swiss citizens.
6 David Miller’s argument on ‘nested’ identities is similar. Just because cantons may have a national identity does not imply that Switzerland as a whole cannot have a national identity at the same time. For Miller, it is possible to have two national identities at once (Miller 2001: 301 ff.).
7 Kymlicka (1995: 13) regards the Swiss sense of nationhood as a pure constitutional patriotism. Based on the fact that the Swiss do not share a common language or culture but a common political system and history, the country is often seen as a Willensnation rather than a Wesensnation. As Dardanelli and Stojanovic (2011: 367) point out, this is not entirely true: ‘the common political culture and shared historical memories that sustain the Swiss national identity are reflected in, and give meaning to, Switzerland’s constitution and its institutions but are not generated by them’.

References


