
Each human society is an infinitely complex and dynamic structure of ideas. The health of a society, its degree of well being, is determined by the ideas which take actual effect in the process of its day-to-day self-constituting as a society. To reform or redeem a society is to change those determining ideas. Our quality of life is a function of the quality of our ideas.

Philip Allott

I. Introduction

To define a concept is a precarious matter, and the concept of a nation is no exception. A definition refers to a finite, precise delineation of a phenomenon, and a concept is an idea, a representation of a phenomenon, or a creative thought. Moreover, a definition requires distinctiveness, interpretation, explanation and clarity, whereas conceptualization involves imagination. To define the idea of a nation is therefore like aiming at a moving target: even with a combination of vision, skills, judgement, control and a good deal of experience fully synchronised, there is little likelihood that your focus will provide a successful result.

However, the idea of the nation has been a powerful socio-political tool throughout modern times, and perhaps earlier, and our knowledge of the many functions of the nation over time is extensive. In the fifteenth century, the first contours of the nation were formed through the matrimonial union of Ferdinand II of Aragon and Isabella I of Castile. In the seventeenth century, the Peace of Westphalia facilitated the beginning of the transformation of the principle *cujus regio ejus religio*, which in the eighteenth and nineteenth centuries, after the Congress of Vienna, gave way to the principle *cujus regio ejus natio*, a principle used to unite large populations around sociopolitical goals. In the twentieth century, the nation came to be idealized first as a unit of self-determination

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* Tove H. Malloy


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and later as an excuse for genetic purity. Although the latter concept was considered
destroyed by bellicose means, the former was but a dormant ideal under the cold winds
of the bipolar structure of global balance. With the end of the Cold War, nations
which had not found ideological satisfaction at Versailles reawoke only to be met by
a new ideology of firm territorial borders respecting universal human rights. This was
an ideology devised over forty years of intergovernmental cooperation, and which has
found its own ways of domesticating national feelings and settling border disputes
in a rational manner. The idea which had been used as an instrumental means both to
achieve nationhood (in the hands of the French and German intellectuals) and as an
ideological end (in the minds of Wilson and Lenin), metamorphosed into a post-World
War II view of liberal ideology of democratisation based on universal human rights
and self-determination for some but not all nations. In this supposedly global view, the
nation became coterminous with the state.

With the meeting in 1989 between the new global view and the dormant ideal, a
sense of reawakening and revision in a climate of conservative state-building was cre-
ated. The dormant ideal, unaware of forty years of change, was ready to pick up again
and address the unsettled post-World War I border disputes, while the global view was
eager to democratize after forty years of waiting. The venue is somewhat the same as
after World War I: inter-governmental cooperation ruling the territories of Europe, but
with the Council of Europe rather than the League of Nations. The players are much the
same: the strong powers and the weakened powers of Europe. This time, the weakened
powers are not to be punished for siding with the losers. Rather, they are to be guided
out of years of restraint under Communism and educated on the new rules of Europe.
The reawakened nations are asked to adapt to a vision of the nation that has found its
function through centuries of redefinition and reapplication under circumstances and
conditions that do not necessarily have relevance for them. To expect that they will
accept these conditions without debate is naive. Societies constitute themselves in the
form of ideas; we construct and reconstruct our world as we go along, and debating
contested concepts is very much part of this process. To neglect the opportunity to rede-
fine a living idea such as the nation is dangerous—this was attempted for forty years
without success, and we should not commit the same mistake again. Needless to say,
the 1989 scenario would sooner or later be faced with the question of why the nation is
a daily plebiscite.

The discussion of the idea of nation should be seen in the context of an ongo-
ing debate on the rights of national minorities within the Council of Europe's space.
The topic of defining a nation is recent to this debate, which has addressed various
topics contingent to national minority protection since the adoption and entering into
effect of the Framework Convention on the Protection of National Minorities, includ-

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2 Walker Connor, Ethnonationalism. The Quest for Understanding (Princeton University Press,
Princeton, 1994).
3 Margaret Canovan, “Sleeping Dogs, Prowling Cats and Soaring Doves: Three Paradoxes in
the Political Theory of Nationhood” 49(2) Political Studies (2001), 203-215, at 207.
4 Allott, op.cit. note 1, x.