

Non-Territorial Cultural Autonomy

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Abstract

Non-Territorial Cultural Autonomy (NTCA) advocates the creation of minority rights regimes in societies that are culturally diverse, but which for a variety of reasons are not wholly suited to federal solutions. In this contribution, I examine the long history of NCTA, drawing upon a number of empirical examples to substantiate the claims made by both its supporters and detractors. In the final section, I turn to the contemporary relevance of NCTA, concluding that while assessments on the efficacy of NTCA tend to be rather gloomy, it is a solution that should not be readily dismissed, particularly in a world replete with dysfunctional and failed states.

Introduction: Establishing the Boundaries

Non-Territorial Cultural Autonomy (NTCA) advocates the creation of minority rights regimes in societies that are culturally diverse, but which for a variety of reasons are not wholly suited to federal solutions. This may be because such minorities, although fairly large in number, are dispersed throughout any given state territory, as is the case in contemporary Estonia, with regard to the Russian minority, or on a transnational basis as is the case with Europe's Roma population. The origins of contemporary practice lie with the Austro-Marxist principle of national personal autonomy, sometimes known as the personal principle, as developed by Otto Bauer in his 1907 book *Die Nationalitätenfrage und die Sozialdemokratie* (The Nationalities Question and Social Democracy). Bauer was a non-Leninist Marxist, who as a Jewish subject of an extremely heterogeneous empire was keenly aware of the limitations of both conventional solutions and the fallacy of Leninist analysis of the wider 'nationalities question' in Europe (Bowring, 2005: 260).

For Bauer and his close intellectual comrade Karl Renner (see below), NTCA, as the refined concept has eventually come to be characterised, was devised as a means of facilitating the ability of individuals of geographically dispersed members of the same nation to organise in associations of various sorts within which they could pursue collective social, educational, cultural and political objectives. Although, Bauer's 1907 publication may be taken as being the starting point of the NTCA project, we should acknowledge that it was preceded by Karl Renner's 1899 essay *Staat und Nation* (State and Nation) and Vladimir Medem's 1904 essay *Di sotsial-demokratie un di natsionale frage* (Social Democracy and the National Question). What of course unites all three authors is not only their adherence to a non-Leninist form of Marxism, but their shared experience within the Habsburg Empire as socialist political activists of Jewish heritage. As such, they shared both a political platform and experienced social exclusion. They were also participants in an increasingly strident debate between non-Zionist Jewish socialists, assorted Zionists and what we might term as ultra-Orthodox religiously-observant Jews who rejected both revolutionary socialism and Zionism.

For its proponents, the basic principles of NTCA revolved around the belief later borne out by history, that the multi-ethnic empires that dominated most of Europe as the twentieth century dawned were rotten and ready to fall. They were also keenly aware of the fact that despite the fantasies of increasingly popular assorted ethno-nationalist activists and movements, the pattern of ethnographic settlement in (former) imperial Europe was ill-suited to the creation of nationally-defined territorially delimited nation-states on the Hederian model (Coakley, 2017). Although prepared for the creation of titular nation-states, they were acutely aware (as Jews) that each of these new states would contain two broad kinds of minorities. On the one hand, the new Europe of nation-states would play host to minorities that lacked a kin-state, primarily, but not exclusively Jews and the Roma (Klímová-Alexander: 2008). On the other, Bauer and his comrades were aware that a post-imperial Europe of the nation-states would result in the creation of states resplendent with minorities of various sizes who would look to kin-states for protection and would not necessarily be reconciled to citizenship of the state to which they had been (arbitrarily) allocated.

They were also acutely aware that potential federal solutions were anathema to the putative and increasingly popular nation-state builders of imperial Europe. The nationalists of nineteenth century Europe rejected territorial-based federalism precisely because it was perceived as being little more than a laboratory within which sub-state nationalists and rival irredentists could seek to dismember the newly created state. Cognisant of this problem, NCTA was seen as a means of allowing for personal and collective expression on the part of those who adhered to a national identity different to that of the titular nation, and as such did not threaten the territorial integrity of the newly-independent states that had been created from the ashes of empire. In other words, NCTA – if implemented properly – could blunt the appeal of irredentism and sub-

state nationalism and promote the creation of harmonious societies.

According to the advocates of NTCA in countries composed of territorially dispersed national minorities, each national group should be granted the opportunity to create a bespoke movement. All citizens who signalled their allegiance to a given national group could join a nationally specific organisation that would hold cultural assemblies in each region where the minority was present under the umbrella of a general cultural assembly to be created for the whole country. These assemblies would be given financial powers of their own. Either each national group would be entitled to raise a levy on its members, or the state would allocate a proportion of its overall budget to each of its acknowledged minorities. Every citizen of the state would belong to one of the national groups, but the question of which national movement to join would be a matter of personal choice; no authority would have any control over an individual's decision. The national movements would be subject to the general legislation of the state, but in their own constitutionally guaranteed areas of responsibility they would be autonomous and none of them would have the right to interfere in the affairs of the others. This is indeed both a noble and morally equitable series of sentiments and proposals. However, such aspirations were overtaken by the increasingly divisive nature of politics in imperial Europe prior to the onset of World War One and the sharpening of ethnic profiles and maximalist agendas that occurred both during the war itself and in a series of violent and localised conflicts that emerged as the war drew to a close. We must also acknowledge the fact that the Russian Empire collapsed into revolutionary chaos that only came to an end with the triumph of Marxism-Leninism in the newly secularised Russian imperium. As noted earlier, Lenin and his acolytes were avowed opponents of the Austro-Marxists, their interpretation of Marx's writings and their consequent political platforms.

Supporters and Detractors

Although supported by a number of political parties/organisations, such as the [Jewish Socialist Workers Party](#), the [Jewish Labour Bund](#), the [Armenian social democrats](#), and the Russian [Constitutional Democratic Party \(Kadets\)](#), NCTA failed to gain traction among 'mainstream' parties of various stripes. Indeed, it can be argued that most (nationalist) parties seemed wilfully oblivious to the pattern of (ethnic) settlement on the territories to which they laid claim. On the left, Renner and Bauer faced increasing marginalisation as Lenin's Bolsheviks gleaned ever more popular support among the 'workers and peasants', particularly in the wake of the October Revolution of 1917. At one level, like so many, Renner, Bauer and their wider band of adherents simply underestimated the visceral power of ethno-nationalism. At another they also failed to realise the extent to which authoritarianism in a series of multiple guises was seen by increasing numbers of people as an answer to basic existential problems. Above all, Renner and Bauer had advocated a novel variant of the politics of accommodation. Unfortunately, early twentieth century post-imperial Europe was particularly ill-suited to such experiments in tolerance.

Having said that, following the end of World War One, there were attempts to implement NTCA in a handful of countries. The Estonian Republic adopted a Law on Personal Autonomy in 1925 and in that same year, it was included in the Declaration Concerning the Protection of Minorities in Lithuania by the League of Nations (Smith 2017). Within this context, it is useful to note the contribution of Paul Schliemann and the wider Baltic German communities. There were also attempts, if only on paper to implement variants of Renner and Bauer's ideas among both Palestinians and the embryonic Ukrainian People's Republic that briefly arose from the ashes of the Russian Empire. However, for a variety of reasons, all these experiments proved to be short-lived at best and futile at worst.

Non-Territorial Cultural Autonomy Today

With the division of Europe from 1945, Renner and Bauer's ideas were undeservedly relegated to the more obscure corners of academia. Neither national governments in Western Europe, nor nationalist movements seemed to be particularly interested in NCTA. Interestingly and almost surreptitiously, from the 1970s, elements of NCTA crept into minority rights provision in Belgium as they did in Scandinavia with regard to the Sámi. In Communist run parts of Europe, Renner and Bauer were anathema and the national question was declared to have been solved in the wake of border changes, population exchanges (sic) and the triumph of Marxism-Leninism. However, the cathartic changes that the continent experienced in the early 1990s, served to stimulate an increased interest in NCTA both in intellectual and political spheres. Lithuania led the way with its 1989 Law on Ethnic Minorities and in 1991, the Latvian government implemented analogous legislation. As in Latvia, the post-communist elites in Estonia, partly in order to disabuse themselves of the claim that they sought to create an ethnocracy, adopted the 1993 National Minorities Cultural Autonomy Act. Similarly, in 1993 Hungary adopted an Act on the Rights of National and Ethnic Minorities. Even Ukraine (1992) and Russia (1996) have adopted legislation on national minorities that owes something to the principles of NCTA.

We do need, however, to add a series of important caveats to all of these cases. In a general sense, the observer has to be aware of the existence of a (potential) implementation gap. In other words, it is one thing to enact a piece of legislation. However, it is quite another for it to be implemented. In states that are lacking in resources or that possess weak institutions, such gaps are commonplace. If we turn to each of the aforementioned cases, we find that Russia is not a fully functional liberal democracy. Ukraine may well be more democratic than Russia, but it is unstable and with both the Crimea and eastern Donbas gone, so are its most significant indigenous minorities. Problems persist in both Estonia and Latvia concerning the status of the Russian minorities and in Lithuania similar claims of discrimination and disregard are made by the political representatives of the Polish minority. There are also good grounds for assuming that in the Hungarian case, the goal behind such generous minority rights provision was not so much to improve the lot of Hungary's indigenous minorities, but rather to create a yardstick by which the progress of states that host large Hungarian minorities could be measured (Dobos 2008).

Despite this rather gloomy assessment, we should not simply disregard NCTA. The misuse to which it has been subjected, coupled with the Leninist denigration with which it had to deal, do not detract from the fact that Otto Bauer and Karl Renner were deeply conscious of the pitfalls of unbridled nationalism and sought to put forward solutions aimed at reconciling state with nation (Nimni: 2008). In a world that is replete with failed and dysfunctional states and where nation-states are sovereign in name only, politicians, civil society activists and academics could do a lot worse than to re-visit the solutions offered by Bauer and Renner.

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