



BEUCITIZEN
BARRIERS TOWARDS EU CITIZENSHIP

Comparison of Different Experiences and Rivalling Identities and Claims to Citizenship Elsewhere

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Document Identifier

D4.10 Summary report: "Comparison of different experiences and rivalling identities and claims to citizenship elsewhere"

Version

1.0

Date Due

30/04/2017 (M48)

Submission date

25.04.2017

WorkPackage

WP4

Lead Beneficiary

UNIVERSITAET ZUERICH

Dissemination Level

PU



Grant Agreement Number 320294
SSH.2012.1-1

Change log

Version	Date	amended by	changes
1.0	25.04.2017	Francis Cheneval	Final version submitted to coordinator

Partners involved

number	partner name	People involved
	UNIVERSITAET ZUERICH	Mónica Ferrín and Francis Cheneval

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Executive Summary: Lessons for the EU

1. Accommodating diversity by balancing the claims of constituent political entities and citizens

This report builds on the results of WP4 and provides a succinct summary of the deliverables D4.1 to D4.9 focussing on the lessons they contain for the European Union. The EU has followed a process that is similar to our case studies (Switzerland, Canada, Spain, Czechia, Turkey, Estonia, Croatia, Israel) yet a few things have to be borne in mind before drawing conclusions:

- There is no broad consensus on EU integration as state-building
- The time-span in which the EU has evolved is much shorter than our case studies
- The speed at which the EU has integrated is also much faster than our case studies
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Our case studies reveal two fundamentally different paths of addressing diversity and delivering solutions to respond to the rivalling claims of different communities. A first path consists of emphasizing and protecting differences, while at the same time building a common set of values that encompasses all communities within the territory. This is done either by a symmetrically federal (Switzerland) or asymmetrically decentralized constitutional design of statehood (Canada, Spain). The second path consists of emphasizing and protecting unity and homogeneity, whereas at the same time trying to minimize differences. Again with different degrees of success, the Czech Republic, Croatia, Estonia, Israel and Turkey are examples from our case studies.

As for the EU, it seems that the model that comes closer to the integration process is the one that accepts and tries to protect diversity, while building a common set of values, a common identity and common political institutions. The common identity can only be a civic or political meta-identity and it needs to be embedded in a political model in which the EU is designed and perceived as the guarantee and not source of threat to the existence and identity of constituent communities. The resulting federal system must attach great value to the self-government of its constituent parts all the way down to the level of the city. By giving such top down guarantees the EU can foster bottom up support.

Freedom of movement is fundamental as a formal right, but it cannot be the overarching paradigm of citizenship that trumps all other collective and individual rights. Any federalist structure implies manifold formal and material barriers to movement that can sometimes only be removed at the cost of threatening self-government of the constituent parts. Two aspects are to be highlighted from our case studies in this respect: First, the Swiss case has shown that Swiss movers (equivalent to intra-EU movers) experience difficulties related to different languages and education/job systems, etc. These issues have been dealt with at the federal level. Yet overall, the Swiss state continues to promote commuting instead of moving, so that each canton can maintain autonomy in policy-making. Second, as for the outsiders (the equivalent of the non-EU migrants), Canada has applied a strong policy of control over

immigration (in numbers) in coordination with the provinces, while at the same time promoting policies of non-stigmatization of immigrants.

2. Language policy at the core of multiculturalism

The EU has adopted a multicultural discourse that attempts to protect the culture of all member states, but official EU languages are determined by the nation-states as members and therefore possible internal discriminations in the nation-states are projected on to the European level. There is no apparent cultural discrimination *by* the EU, but languages that are not recognized as official languages by the nation-states are not official European languages, such as for instance Catalan. More recognition of the regional and municipal realities by the EU is advisable also in this respect.

3. Lessons from federal and unitary models for the EU

To apply lessons from the federal and confederal case studies that have been successful in accommodating rivaling claims of citizenship:

1. Reduce the *centralistic* element of intergovernmental centralism by further measures of decentralization in which the member-states are formally equal (ad opposed to ad hoc opt-outs);
2. Reduce the *intergovernmental* element of intergovernmental centralism by introducing double-majority schemes of direct democracy and other institutional linkages between the national and European levels of democracy such as competencies of national parliaments in European affairs. As the Swiss and Canadian cases show, this can lead to centralistic redistributive measures, but these are channelled through democratic procedures that respect the vertical structure of multi-layered governance.
3. To learn lessons from the unitary case studies that have been successful in accommodating rivaling claims to citizenship continue to reduce complexity as in the successful unitary cases such as Czechia. Many more exits of EU-sceptic states as the UK would be necessary in this unitary perspective. Ultimately, it is not viable for the EU.
4. To continue with ad-hoc agreements with single member states and start with de-centralization from the EU level to the member states. Larger asymmetries between member states might result in further discrimination of some citizens against others.
5. To promote solidarity and identity in the EU: Canada and Switzerland have been extremely successful in promoting a common national identity that is complementary with the regional one via the promotion and securitization of local autonomy, whereas it is much less so in the EU (Spain as another case that seems to have been less successful in this regard – also related to linguistic policies).

Since the EU is framed as a multicultural system, our case studies confirm that it plays a relevant role in protecting specific communities within the EU. It is the case of Roma, for example in the Czech Republic (also Croatia; also Turkey even if outside of the EU).

The EU helps to make the problems of these communities visible and to keep member states responsible about their rights.

1. Content and structure of the report

EU citizenship – by adding another layer to national citizenship – faces problems that are similar to other multi-ethnic contexts. We review the main findings of WP4 in relation to how multiple communities (see D4.1) have managed to accommodate rivalling claims under a *unique* citizenship and/or how they have dealt with problems derived from the multi-layered nature of citizenship. Finally, we highlight the solutions that have been envisaged in the several case studies on Canada, Croatia, Czech Republic, Estonia, Israel, Spain, Switzerland, and Turkey (see the list of references for each of the individual reports). These case studies vary in terms of ethnic heterogeneity (from a clear majority community, to several ‘big’ minority communities), and territorial organization of political power (from a confederal, to a unitary system) (see Table 1). And yet, they do face or have faced problems deriving from the coexistence of culturally distinguished communities within the same territorial borders, that is, within the same state.

Table 1 The case studies: a few characteristics

Country	EU member	System of government	Type of government	<i>Historical communities</i>
Canada	No	Federal	Parliamentary democracy (Constitutional Monarchy)	English origin; French origin; Europeans; Aborigine
Croatia	Yes	Unitary	Parliamentary democracy	Croats; Serbs
Czech Republic	Yes	Unitary	Parliamentary democracy	Czechs; Moravians; Slovaks
Estonia	Yes	Unitary	Parliamentary rep.	Estonians; Russians
Israel	No	Unitary	Parliamentary democracy	Jewish; Muslim, Druze
Spain	Yes	Semi-federal	Parliamentary monarchy	Spanish; Catalan; Galicia; Basque country
Switzerland	No	Confederation	Federal republic/semi-direct democracy	German; French; Italian; Romansh
Turkey	No	Unitary	Republican parliamentary democracy	Turks; Kurds

This report is structured as follows. In part 2 we assess the legacy of the past by comparing the historical processes of state-building in the different case studies according to different typologies. In part 3, we study the different communities in the

case studies and the interaction between community characteristics and rights claims. Based on the methodological framework of deliverable 4.1 this part offers a systematic enumeration and description of the various characteristics of a community and an explanatory framework of the origin and accommodation of rivalling claims to rights. A face-validity analysis shows similarities between the communities of our case studies, and between the case studies and the EU. Building on these findings we present lessons that can be learnt from our case studies in part 4 of this report.

2. The legacy of the past: the process of nation-state building

In the countries and time-periods under scrutiny, citizenship is inextricably linked to the process of nation-state building. It is impossible to fully understand the development of citizenship, and the changes and dynamics of citizenship regimes without a view to the past. Through the analysis of D4.2 to D4.9 a number of characteristics of the historical process of nation-state building stand out as having played a major role in shaping the multi-ethnic structure of the current state; and placing the seeds for the current notion of citizenship and citizenship regime. History is neither simple nor linear, and therefore considering only a few characteristics might appear reductionist. Yet, the following characteristics prove to be helpful as analytical categories to understand different types of processes and their consequent citizenship regimes. Specifically, we refer here to 1) the rationale for the formation of the states of our case studies as we know them today; 2) the nature of conflict in the process of state formation; and 3) (partly as a consequence of these two) the historical relationships between the different communities within the territorial borders.

2.1 The rationale for state formation: instrumental vs. affective union

Two main types of incentives have driven state formation of the WP4 case studies¹, which we can call instrumental and affective incentives². An *instrumental* union derives from a shared interest for a set of communities that decide to become part of the same unit in order to fulfil their needs. These needs might be of very different nature, such as economic growth/efficiency; securing protection of borders; securing internal peace; etc. In this group of countries, the political union is normally related to a commercial or economic union. Among our case studies, Canada, Switzerland, but also the European

¹ The European Union is added as a case study in this report. We acknowledge that the European Union is a *sui-generis* case (Majone 1996; Marks, Hooghe, and Blank 1996), that is not equivalent to any existing national state, and consequently not equivalent to our case studies. Yet for the sake of simplicity, this is not mentioned every time that the EU is compared to another of our case studies.

² This distinction comes close to that of civic vs. ethnic identity and nation-state formation (Smith 1991). However, since identity is non-static and evolves across time, and we have argued above that the processes of state-formation are mostly top-down, we have preferred to use the broader categories of instrumental vs. affective union (see Shulman (2002) for a critique to Smith's categories, in line with our choice here).

Union belong to this group. Canada was founded with the agreement of four provinces (Nova Scotia, New Brunswick, Quebec, and Ontario) to avoid the situation of political paralysis as a British colony, to develop a common market between provinces, and to defend Canadian territories against the pressure of the United States (Velasco and Sanjaume 2016). After having regained sovereignty from the French occupation, Switzerland became a union in 1848 in order to create a common market³ (Cheneval and Ferrín 2016b). Similarly, the founding fathers of the European Communities (the Economic Community, the European Coal and Steel Community, and the European Atomic Energy Community) had in mind a European continent in peace, without economic barriers (e.g. Treaty of Rome 1957). These three instrumental unions have been consolidated by political elites, with unequal support from the people(s), and yet have become political unions in the long run (although with different degrees – specially the EU). All these cases have effectively resulted in a (con)federal institutional design⁴.

Affective unions refer instead to the nation-states that were born on the basis of a sort of “territorial memory”. As a consequence, the majority community in a territory, which has lived in the same place for a long period of time, reinstitutes the nation-state, generally after a period of occupation or belonging to another union. This is the case for the ex-communist Estonia that regained independence after the collapse of the Soviet Union in 1991 (Raun 2002). Turkey was officially recognized as the Republic of Turkey (as the “successor” of the Ottoman empire) in 1923, once the armies of the allies were expelled in the war of independence (Yilmaz 2016). The break-up of Yugoslavia gave birth to Croatia (Koska 2016); while – although through a very different process – the break-up of Czechoslovakia gave birth to the Czech Republic (Hlousek 2016). This category also includes Israel, even if it is a special case, as the state of Israel is the result of massive immigration of the Israeli people to the Land of Israel. Political elites also played a major role in the constitution of these new states, but – as compared to the *instrumental* unions – there was much stronger support for these new political entities from the part of the majority community within each case study. Contrary to the instrumental unions that formed confederations or federal states, all these cases have evolved as unitary states.

2.2 The process of state formation: conflict vs. negotiation

³ Yet, Swiss citizenship was immediately introduced in 1848.

⁴ The Spanish case can neither be included as a case of the instrumental union nor as a case of affective union, but is a kind of mix of the two. On the one hand, it was in fact an instrumental union back in the fifteen century, when the crowns of Aragon (including today’s Catalonia) and Castilla got united through the wedding of Isabel de Castilla and Fernando de Aragón. This union consolidated indeed a sort of confederal union governed by the king. On the other hand, Spain as we know it today (and its quasi-federal structure) departs from the democratization of the country, after the dead of Franco. The majority community was very supportive of this new Spain, that emerged after the signature of the Constitutions of 1978 (not approved by PNV).

Another distinctive aspect of state formation among our case studies is whether it was accompanied by conflict and violence or instead negotiated and peaceful. Canada⁵, the Czech Republic, the EU are examples of peaceful and negotiated state formation. Even the Czech Republic, that resulted from the territorial break-up of Czechoslovakia, experienced a “velvet” revolution, that lead peacefully to the divorce from Slovakia in 1993 (Hlousek 2016). To the contrary, conflict was present in all other case studies during the state formation process. Switzerland’s union was the consequence of the defeat of the conservatives (willing to protect the status quo of the confederation) by the radicals (in favour of greater integration within the confederation). Estonia, Turkey and Israel suffered a war of independence before they were proclaimed states. Whereas the dispute ended after independence in Estonia and Turkey⁶, it is still lasting in Israel nowadays. Even if Croatia became independent as a natural outcome of the break-up of Yugoslavia, the so-called Homeland war has already in the ground in 1990, with Croatian Serbs strongly opposing to the imposition of the Croat state on the territories where they were the majority population (Koska 2016).

2.3 State formation: inclusion of historical communities vs. exclusion of historical communities

A main outcome of the differentiated processes of state formation in our case studies is the way the communities that were originally part of the territory (we can call them *historical* communities, see Table 1) have been included in, or excluded from, the union. There seems indeed to be correspondence between the previous two characteristics (rationale of the union, and non/existence of conflict) and the way the different communities were accommodated within the new states, or in other words, the citizenship status the different communities have been granted in the new states. For a start, there is one pattern where communities have participated in the process of state formation, and another where they did not. In Canada, Switzerland, the EU (and partially Spain, see footnote 7), all historical communities participated in the negotiation process of the state formation. Even if the relationship between the communities was conflictive and descended into a civil war in Switzerland (*Sonderbund Krieg*, 1847), all cantons (and citizens) were included in the confederation under equal economic, political, and legal rights after the signing of the Constitution of 1848. The same route was followed peacefully in Canada and the EU. Spain is a particular case in this regard: the Constitution of 1978 recognized officially all historical communities (Catalonia, Galicia, the Basque Country)⁷ and created a political structure that was very open to changes (towards more or less devolution); yet the major nationalist party of the Basque country (and a few from Catalonia) did abstain in the parliamentary vote on the constitution.

⁵ There were some insurgents in Canada however in the 1840s.

⁶ There is now conflict in Turkey, but for other reasons

⁷ These three Autonomous Communities had already started the process of autonomy before the Civil War and therefore were given special facilities to constitute as Autonomous Communities (“por via rápida”, Art. 151 of the Spanish Constitution 1978).

On the other side, Croatia, the Czech Republic, Estonia, Israel and Turkey were established on the basis of the idea of an ethnically homogeneous nation-state. As a consequence, historical communities that did not belong to the majority community were excluded from the union and granted a differentiated set of rights inferior to that of the 'native' community. The process of de-complexification of the Czech population started well before the break-up of Czechoslovakia (Hlousek 2016, 1); it was the immediate product of independence in Estonia (specially the Russian-speaking minority), Croatia (Croat Serbs), Turkey (Kurds), and Israel (citizens of Arab origin). The minority historical communities were never included in the process of state formation.

2.4 What can we learn from history?

These distinct historical trajectories have led to different forms of nation-state and different institutional settings, which in turn have shaped the equilibrium between the several communities cohabitating within the countries that form our case studies today. A few observations can be extracted from these potted histories.

1. Across our case studies we observe two main ways to deal with ethnic heterogeneity: a) protect ethnic/cultural heterogeneity, but homogenize national citizenship; or b) protect ethnic/cultural homogeneity, but differentiate national citizenship. Although the second path has proven to be successful in the Czech Republic, as a consequence of a long process of de-complexification of Czech population (see above), it has been problematic in all other cases, as minority communities have failed to fully integrate in the nation-state, and suffer from discrimination even today. On whether policies of cultural assimilation will be successful in the long run as Taavits (2016) argues for the Estonian case, the jury is still out.

2. Conflicts between the various communities that were not completely solved during the process of state formation persist today, although with different degrees of conflict and violence. The Spanish case is particularly instructive. As the territorial organization of the state remained unfinished in the Constitution (and as long as historical communities hoped that decentralization would be fostered after democratic stability was achieved), there was violent confrontation with ETA in the Basque country (now in a process of peace) and nowadays there is a strong conflict with Catalonia⁸.

3. Some types of institutional settings seem to have been better able to deal with diversity than others (con/federal vs. unitary). Overall, the con/federal solution empowers citizens as members of different communities and offers vertical checks and balances on the exercise of central state power and its potentially discriminatory effects in contexts of diversity. The unitary solution lacks such modes of citizen empowerment and effective vertical checks and balances. As the three unitary case studies show the

⁸ This conflict cannot however be separated from the opposition to the Franco regime by the Basque country (specially) and Catalonia. So the conflict was somehow diluted during dictatorship as a fight for freedom and democracy. Once democracy was in place it emerged again as part of the claims of the Basque and the Catalanian (very slightly in Galicia).

horizontal checks in place in unitary states are often insufficiently strong to counterbalance discriminatory tendencies of the majority population. But it is important to see that in the successful federal arrangements of Canada and Switzerland the vertical checks and balances work in both directions, not only do member states or communities limit central majoritarian power, central power also brokers conflicts among the member communities and protects individual members from discriminatory local and regional state power. The language question illustrates a further point. Unitary states tend to recognize only one language with potentially discriminatory consequences. Recognition of several official languages mitigates grievances and allows for democratic citizenship practices of deliberation and decision-making in peoples' own language. Spain falls in between. It recognizes several separate official languages but imposes one common official language on all and this language happens to be the language of the majority community that has a history of domination of the other communities. Conflicts and grievances persist under these circumstances of asymmetrical language relations. In Switzerland, German, the language of the majority community is not the common official language of the federal state and that language itself is broken down in numerous dialects on the level of oral communication in real life-worlds.

3. Claiming rights in different contexts: the interaction between community characteristics and claims

Deliverable 4.1 offers a systematic enumeration and description of the various characteristics of a community (for a summary see Tables 2.1 and 2.2 in Cheneval and Ferrín 2016a, 18–19). A face-validity analysis shows similarities between the communities of our case studies, and between the case studies and the EU. Most communities (either majority or minority) in our case studies have developed a strong identity, based on ethnic, linguistic, and/or religious elements. Yet, there is much difference in terms of how heterogeneous our case studies internally are: some cases are highly homogeneous, with large communities representing around 90% of the population (Croatia, Czech Republic, Estonia); while others are highly heterogeneous (the extreme cases are Canada and the EU⁹, where the biggest communities account for only 32% and 16% of the population, respectively). There does not seem to be a correspondence however between how heterogeneous the population is in our case studies and how much conflict/claims there actually are in relation to discrimination of the different communities, as we will see in the following lines.

The in-depth analysis of our case studies points to a set of community characteristics described in Deliverable 4.1 as the main drivers of conflict between the different

⁹ As we did in Deliverable 4.1, we equal each member state from the EU to one community. Although this is certainly imprecise, since it does not consider that each member state is internally composed of several other communities, it helps in the comparison between the EU and the other case studies.

communities and the deriving discrimination/ claims by the specific communities. In particular, results from WP4 suggest that the link between territory and community and the existence of linguistic heterogeneity have led to differentiated types of relationships between the communities and, consequently to different types of social and political mobilization. These two characteristics are also relevant, because they are comparable to the EU and have led to different types of state solutions that can be thought of in the light of European integration.

3.1 The relationship of the community with the territory

The relationship between community and territory appears as a fundamental characteristic in our case studies. As the relationship changes depending on whether they are majority or minority in a territory, we need to consider different aspects of territoriality: whether communities are territorialized/non-territorialized; and whether communities are intra-national or trans-national.

Whereas territorialized communities are ascribed to a specific territory (that is, they are the majority in a territory, and have been living within the territory for a long period of time; also kin-groups as described in Brubaker (1996)) non-territorialized communities have no link with any specific territory (e.g. Roma in different European countries) (Cheneval and Dänzer 2013) This is similar to the distinction between indigenous minorities and immigrant minorities (Ghanem 2012). As for intra-national communities vs. trans-national communities, the main difference is that intra-national communities live exclusively within the same borders of the territory, whereas trans-national communities are present in several countries at the same time (for example, the Basques in Spain and France) (Cheneval and Dänzer 2013, 252). The combination of these two characteristics allows us to situate all communities of our case studies and to observe what type of claims are related to a specific territorial setting. A summary is presented in Table 2. The equilibrium between majority and minority (and who holds primacy in the territory) seems to be very much determined by the link between territory and community.

Table 2 The link between community and territory

	Territorialized	Non-territorialized
Intra-national	German, French, Italian, Romansch in Switzerland Croats in Croatia English-speaking and French-speaking in Canada Estonians in Estonia Catalan, Galician, and Spanish-	First Nations in Canada

	speaking in Spain Turks in Turkey Czech in Czech Republic	
Trans-national	Croat diaspora in Serbia Russian-speaking in Estonia Moravian in Czech Republic Basque in Spain Kurds in Turkey Arabs and Israeli in Israel Serbs in Croatia	Roma (in Czech Republic and Croatia) Migrants in all countries

3.1.1 Territorialized, intra-national communities

As for the territorialized, intra-national communities, we can distinguish between two groups among our case studies. In one of the groups (group A) each of the communities living in the state is majority in a specific territory, and claims rights only over this specific territory. English-speaking and French-speaking in Canada; German, French, Italian and Romansch in Switzerland; and Catalan¹⁰, and Galician in Spain are territorialized, intra-national communities (although the size of the territory varies much across country; e.g. in Spain and Switzerland the majority community occupies the major part of the territory, and yet there is a clear territorialisation of minority communities). In the other group (group B), the majority community is spread across the whole territory and claims rights over the whole territory of the state: Croats in Croatia; Czechs in Czech Republic; Turks in Turkey; and Estonians in Estonia¹¹.

Our case studies show that territorialized intra-national communities of group A are more likely to raise claims related to recognition and protection of cultural and linguistic rights, and autonomy claims. Communities of group B are instead more likely to develop a strong and exclusive national identity and to claim protection of cultural and national values (for a summary of all case studies see Table 3). Interestingly, the capacity/readiness to raise claims is not necessarily related to the existence of direct discrimination in group A¹²¹³. Quebecois's claims for autonomy, for example, exploded as a consequence of an increasing presence of English-speaking immigrants, as this was perceived as a threat to the dominance of the French language in the region (Velasco and Sanjaume 2016, 5). In Spain, the radicalization of Catalonian claims for independence are echoed in the radicalization of the Spanish government centralist

¹⁰ Could also be said to be trans-national, at least at the regional level.

¹¹ Spanish-speaking in Spain do partially belong to this group.

¹² Direct discrimination is described in Deliverable 4.1 as any form of discrimination that is intentional. It can be "*Institutional discrimination* [that] denotes explicit policies of social institutions that exclude, impede, or otherwise harm certain groups irrespective of adverse attitudes of implementing agents." (Heitmeyer and Salenting 2011, 682); or *social discrimination* that refers to any form of direct discrimination from the part of the citizens or social groups (Deliverable 4.1, 25).

¹³ This does not mean that the claims are not framed as a response to discriminatory practices from the other regions or the majority community. In fact, the narrative about the grievances received from "the other" is a basic frame for community claims.

positions. This situation mirrors the divergent views regarding the territorial and political organization of the Spanish state (and relates to the fact that the Spanish-speaking community can partially be classified in group B). Switzerland stands out as the only exception among our case studies of group A. The German, French, Italian, and Romansh communities are linked to a specific territory, and there is strong protection of their cultural and linguistic rights by the canton and federal levels. As a consequence, apart from isolated events¹⁴, none of the three communities has uttered bloody claims against the others. Quite the contrary, discrepancies between the four communities have been handled in the political (where all communities but the Romansh are represented) and legal spheres¹⁵.

In all case studies of group B, there has been a fierce protection of the identity of the majority community. The link between territory and community is used instrumentally by this group to define the *land* of the majority community, while excluding ‘the other’ communities. As a consequence, this has led most of the times to conflictive relationships between the majority and the minority communities living in the state, and is also related to on-going discrimination.

Table 3 Claims and territory: territorialized, intra-national communities

	Community	Scope	Channel	Actors	Violence
Canada	French	Autonomy; protection of cultural rights	Political representation; mobilization	Social and political	No
Croatia	Croat	Protection of cultural and national identity	Political representation	Political and social	No
Cz. Republic	Czech	Protection of cultural and national identity??	Political representation	Social and Political	No
Estonia	Estonian	Protection of cultural and national identity	Political representation	Political	No
Israel	Israeli	Increasing territory	Political representation	Political and social	Yes
Spain	Catalan; Galician;	Autonomy; protection	Political representation;	Political and social	No

¹⁴ An example is the malaise of the French community when some German cantons envisaged substituting the learning of French in primary schools by other languages.

¹⁵ It is however true that the Italian and French communities’ perceptions of the equality of political participation and representation in Switzerland are more negative than those of the German community. This is certainly related to the fact that the German community is the biggest (and with more parliamentarians).

		cultural rights	mobilization		
Spain	Spanish-speaking	Protection of cultural and national identity Re-centralization	Political representation; mobilization	Political and social	No
Switzerland	None, only individuals	Protection cultural rights	Courts	Individuals	No
Turkey	Turks	Protection of cultural and national identity	Political representation	Political and social	Yes

Source: re-elaboration of Table 7 in Deliverable 4.1, and Deliverables 4.2 to 4.9.

3.1.2 Territorialized, trans-national communities

Several communities among our case studies are territorialized, in the sense that they are connected to a specific territory, but trans-national: part of the members of their community is also present in other states (and they might be a territorialized community as well in the other states). It is the case of the Moravian in Czech Republic; the Russian-speaking in Estonia; the Basque in Spain; the Kurds in Turkey; the Arabs and Israeli in Israel; and the Serbs in Croatia. These communities tend to be minoritarian in the country where they live, and are given a differentiated status as citizens compared to the majority community. Partly as a consequence, there is/has been for the most part a conflictive relationship between the minority and the majority community. The minority communities perceive in fact that they are directly discriminated by the state and/or the majority community¹⁶, which fuels their demands for the protection of their rights by means of political autonomy.

Interestingly, there seems to be a link between the type of claim and the existence of violence in the relationship between the majority-minority communities (see Table 4 for a summary, and section 2.2). In these case studies without overt and violent conflict (Croatia, Czech Republic, Estonia), the minority communities contest the lack of rights, and discrimination. On the contrary, in countries with inter-community violent relationships, there is an additional claim for independence (the most radical claim). The Arab population in Israel and the Kurds in Turkey are clear examples¹⁷. Minority communities in the other case studies are much less active in protecting their rights. In the Czech Republic, Moravian people submit weak claims to the government. The situation is similar in Estonia and Croatia, where the Russian-speaking and the Serb

¹⁶ According to data from the European Social Survey, 11% of the Estonians (2012), 17% of the Israeli people (2012), 7% of the Turks (2008), and 7% of the Croats (2010) perceive they are discriminated. This is pretty well reflected by the Minorities at risk dataset 2009.

¹⁷ Violence has been eradicated in Spain after the compromise of ETA to end up with the armed conflict.

communities have been much less pro-active after the independence of these two countries. As a matter of fact, the Russian-speaking community is no longer represented by any political party in Parliament (although it was until 1999).

A last and very special case is the Croat diaspora. The protection of the Croat diaspora by the Croat state “aimed to expand the sovereign power of the state beyond the limits of its territorial borders. It also does not just institutionally recognize the existing Croat communities abroad – it imagines and constructs diaspora communities where they otherwise do not exist.” (Koska 2016, 12)

Table 4 Claims and territory: territorialized, trans-national communities

	Community	Scope	Channel	Actors	Violence
'Croatia'	Croats	Protection of cultural and national identity	Political representation in the country of origin	Political	No
Croatia	Serb	Protection of rights	Political representation; mobilization	Political and social	No
Cz. Republic	Moravian	Protection cultural rights	Political representation; mobilization	Social and Political	No
Estonia	Russian	Protection of rights (cultural also)	Political representation	Political	No
Israel	Arab	Independence; protection of rights	Political representation; mobilization	Political and social	Yes
Spain	Basque	Independence; protection cultural rights	Political representation; mobilization	Political and social	Yes
Turkey	Kurds	Independence; protection of rights	Political representation; mobilization	Political and social	Yes

Source: re-elaboration of Table 7 in Deliverable 4.1, and Deliverables 4.3 and 4.5 to 4.9.

3.1.3 Non-territorialized, intra-national communities

The only community included in our case studies that belongs to this category is the First Nations in Canada (see Table 5). This community¹⁸ has gradually gained recognition and expanded the set of rights within the Canadian state. Their demands for self-government have been channelled through the native people's organizations, "although it is difficult for them to establish a sole leadership due to their intrinsic diversity. Their demands have been manifested at internal and international level (McRoberts, 2001)." (Velasco and Sanjaume 2016, 6).

¹⁸ First Nations are composed by peoples with many different origins. However, for the sake of simplicity, we treat them as a single community here.

Table 5 Claims and territory: non-territorialized, intra-national communities

	Communities	Scope	Channel	Actors	Violence
Canada	First Nations	Self-government; special representation	Political representation; mobilization	Social and political	No

Source: re-elaboration of Table 7 in Deliverable 4.1 and Deliverable 4.4.

3.1.4 Non-territorialized, trans-national communities

This last group includes communities that are not territorialized and are present in several countries at the same time. Two communities are to be included in this group, although they are differently connected trans-nationally: the Roma and the migrants¹⁹ (see Table 6). Yet, while the Roma belong to a transhumant people and do not have a strong connection with any territory, the migrants are still connected to their country of origin (that is, where their community is a majority). Claims of these communities do not include demands for autonomy, but for protection of basic rights, and against institutional and social discrimination. These groups are also less successful in articulating strong demands, especially at the political level (fewer resources, but also more difficult to organize since they are very heterogeneous internally).

Table 6 Claims and territory: non-territorialized, trans-national communities

	Communities	Scope	Channel	Actors	Violence
Croatia	Roma	Protection of rights			No
Cz. Republic	Roma	Protection of rights	Political representation	Social and Political	No
Canada	Migrants	Protection of rights – non-discrimination	Courts; Political representation?	Individuals Social	No
Switzerland	Migrants	Protection of rights – non-discrimination	Courts	Individuals Social	No
Israel?	Migrants	Economic rights?			

Source: re-elaboration of Table 7 in Deliverable 4.1 and Deliverables 4.2, 4.4, and 4.6 to 4.8.

To sum up, Table 7 provides a summary of how the linkage between community and territory relates to the type of claims. The existence of a linkage between a territory and

¹⁹ Problem to put migrants here if territorialized is meant to have a link with a specific territory.

a community appears as a quasi-condition in order to be able to mobilize against the majority community, and more specially to claim for autonomy/independence.

Table 7 Territory and claims

	Territorialized	Non-territorialized
Intra-national	Autonomy/ Independence Protection of cultural rights Protection of cultural and national identity	Self-government Special representation
Trans-national	Autonomy/ Independence Protection of rights	Protection of rights Non discrimination

3.1.5 The comparison with the European Union

The cases of territorialized (mostly intra-national)²⁰ communities are probably the most suitable to compare to the EU, if we conceptualize the member states as single communities (which is in fact an artefact, as there are many different communities within each member state). So far, within the European context, there are no claims related to cultural rights, since member states have the main competences on cultural and linguistic issues. In the last years, however, and mostly as a consequence of the economic crisis, two types of claims have emerged in several member states:

- Too much interference of the EU in national issues (similar to claims for autonomy in previous case studies)
- Economic asymmetry ('discrimination') of the periphery against the 'core'

This has resulted in increased discontent among European citizens (specially of Southern Europe) and a number of protests in which the EU was one of the main targets. At the political level, the referenda in Greece and the Brexit are some of the political consequences of one or both of these claims (another is the rise of radical right-wing parties both in national and EU Parliaments). Interestingly, contrary to our case studies, the discourses against the EU are not framed as identity, but as economic disadvantages and undemocratic EU decisions (as a consequence of interference in national democracies).

Table 8 Territorialized communities: the EU

	Community	Scope	Channel	Actors	Violence
EU	Mostly southern European member	Protection of democracy (autonomy of decision-	Political representation (negotiation); mobilization	Social and Political	No

²⁰ This is not exactly correct, but since we keep at the member state level of analysis, we only use the categories territorialized vs. non-territorialized for the EU.

	states, but not only	making); Protection of social rights			
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Source: re-elaboration of Table 7 in Deliverable 4.1.

As for non-territorialized communities, and except for the First Nations, all the communities mentioned so far find a parallel at the European level. Large Roma communities are present in most EU member states, as well as EU citizen migrants (*insiders*) and non-EU citizen migrants (*outsiders*). As in our case studies, however, these communities are not highly effective in making their claims being heard by European institutions, and most of the problems are resolved, if at all, through legal channels.

Table 9 Non-territorialized communities: the EU

	Communities	Scope	Channel	Actors	Violence
EU	Roma ¹ EU-citizens (movers) Non-EU citizens (migrants)	Protection existing rights	Political? Courts	Individuals Social (Stakeholders)	No

¹We distinguish them from other EU-citizens, since they constitute a specific community
Source: re-elaboration of Table 7 in Deliverable 4.1.

3.2 Language and ethnic heterogeneity

Language is one of the main identity elements of a community. In particular, two aspects of the language issue are relevant: 1) which one is/are the official language/s of the state (there are two options: the language of the majority community vs. the language of the majority community + other/s language/s of the minority communities); and 2) is there a language that is mandatory for all communities and if yes is this also the language of one the communities or even the majoritarian community. These two aspects are particularly relevant in interaction with the extent to which the state is ethnically heterogeneous. Table 10 crosstabs these two dimensions. Empirically, some of the combinations are likely not to exist, such as the existence of a single official language (that of the majority community) and a non-‘obligatory’ language common to all communities. Yet, the empty cells also provide significant information on which possible types of combinations (and policies) are plausible regarding language and ethnic heterogeneity.

Table 10 shows the several configurations present in our case studies for the relationship between ethnic heterogeneity and language use/policy (see Table A.1 in the Appendix for a more precise description of the case studies, specially regarding the

description of ethnic heterogeneity). We can distinguish: 1) Homogeneous countries (more than 85% of the population belongs to the same community) with a single official language and a shared language for all citizens (Croatia, Czech Republic, Estonia – even if some of the minority communities within these countries might not be able to speak it); 2) Relatively heterogeneous countries (less than 70% of the population belongs to the same community) with a single official language and a common language to all citizens (Turkey); 3) Relatively heterogeneous countries with several official languages, but a common language to all citizens (Spain); 4) Relatively heterogeneous countries with several official languages, and no common language to all citizens (Switzerland); and 5) Very heterogeneous cases with several official languages, and no common language to all citizens (Canada, EU).

Table 10 Language and ethnic heterogeneity

		Ethnically homogeneous	(Relatively) Ethnically heterogeneous
One official language	‘Obligatory’ language	Croatia, Czech Republic, Estonia	Turkey
	Non-‘obligatory’ language		
Several official languages	‘Obligatory’ language		Spain
	Non-‘obligatory’ language		Canada Switzerland EU
Source: Deliverables 4.2-4.9.			

This classification is useful to understand the existence of conflicts/claims within each of our case studies. In highly homogeneous countries, with a single official language and a common ‘obligatory’ language to all, the minority communities continue to speak their own language. Within these countries there is protection of cultural and linguistic rights of the minority communities by the state. However, very different situations emerge, depending on how different the language of the minority community is from that of the majority. As such, in Croatia and Czech Republic there is little confrontation on linguistic issues between the various communities, as they all speak almost the same language²¹. On the contrary, the Russian-speaking population in Estonia remains practically isolated by the linguistic policies of the Estonian state, which gives complete primacy to Estonian as the majority language. Despite the tensions in the use of language, these three states all display low levels of linguistic conflict.

Linguistic issues are, however, very problematic in Spain (and Turkey, to a certain extent); the only country where four official languages (Basque, Catalan, Galician, and Spanish) coexist with a common ‘obligatory’ language (Spanish). The tension between the majority language and the minority languages derives precisely from the ‘obligation’ to speak the majority language²²: there is a sort of fight between the minority and the majority communities to have their language take primacy above the other. This tension has contributed to radicalizing Catalonians’ demands for independence, and continues to be a major source of conflict between the minority and the majority communities.

²¹ This does not prevent the minority communities from using linguistic issues as part of their claims.

²² In the Basque Country, Catalonia, Galicia, Balears and Valencia there are two official languages (Spanish and the minority language). This implies in practice different statuses for each of the languages. Whereas citizens have the right to speak their minority language within their Autonomous Community, they have both the right and the duty to know Spanish (Article 3, Spanish Constitution 1978).

In highly heterogeneous contexts, it looks as if the Canadian, and Swiss (and the EU²³) solution of having several official language with no obligation to speak a common language result in less conflict, and is better able to accommodate multi-ethnic diversity. Absolute protection of linguistic rights in these two states²⁴ has reduced conflict related to linguistic issues.

4. Offering solutions to the communities' claims in segmented societies (case studies and EU)

Our case studies reveal two fundamentally different paths of addressing diversity, and delivering solutions to respond to the rivalling claims of different communities. A first path consists of emphasizing and protecting differences, while at the same time building a common set of values that encompasses all communities within the territory (see Table A.2 in the Appendix for an overview about multilevel identities). Canada, Switzerland, and Spain – although with different degrees of success and acceptance of the ‘other’ communities – are examples of this path. The second path consists of emphasizing and protecting unity and homogeneity, whereas at the same time trying to minimize differences. Again with different degrees of success, the Czech Republic, Croatia, Estonia, Israel and Turkey are examples from our case studies. Table 11 provides a summary of the different types of policies that have been adopted in our case studies, depending on whether the communities are territorialized or non-territorialized.

²³ Is the EU changing as a consequence of ‘The society of knowledge’? Would there be a tendency to give primacy to English against other languages? Brexit makes this option questionable.

²⁴ What about First Nations in Canada?

Table 11 Different solutions adopted by the case studies

Emphasizing diversity			
	Type of policy	Solutions territorial communities	Solutions non-territorial communities
Canada	Negotiation with communities Multinational discourse	Ad-hoc agreements	Autonomy for First Nations Control (migrants)
Spain	Depends on the party in central government & party in AACC	Ad-hoc agreements	
Switzerland	Consensus democracy Multinational discourse Swiss identity	Federation Direct democracy	Control (migrants)
Emphasizing unity			
	Type of policy	Solutions territorial communities	Solutions non-territorial communities
Croatia	Homogenization of country	Restrictive citizenship status – infl. EU	Protection of rights (Roma) – infl. EU
Czech Republic	Started as a homogeneous state	Split with Slovakia	Protection of rights (Roma) – infl. EU
Estonia	Homogenization of country	Restrictive citizenship status – infl. EU	
Israel	Opposition Protection of Israeli people	Restrictive citizenship status Violence	Open doors vs. control (migrants)
Turkey	Opposition Protection of Turkish people	Restrictive citizenship status Violence	

As for the EU, it seems that the model that comes closer to the integration process is the one that accepts and tries to protect diversity, while building a common European identity. The latter can only be a civic or political meta-identity and it needs to be embedded in a political model in which the EU is designed as the institutional guarantee and not source of threat to the existence of lower levels of government and to the particular communities. For this reason, we focus the analysis on the two countries that are more similar to the EU case: Canada and Switzerland. The former is more predicted upon multiculturalism's recognition of multi-nationalism, the latter is tries to accommodate multiculturalism within a model that understands the member states and the nation-state as a civic and political unities but accommodates rivalling claims with a

cultural origin (i.e. language) via top down constitutional guarantee of autonomy of municipalities and sovereignty of cantons.

Canada has adopted a state policy that is multinational and gives great importance to protection of community rights. For this reason (once the problem of the First Nations was recognized), tensions between communities have been resolved via negotiation, always trying to respect and protect cultural rights. For the Quebecois case, the Canadian state has opted for ad-hoc agreements, in order to respond to the claims of the French community (e.g. by giving them more autonomy). As for the First Nations, it has gradually increased the number of rights and autonomy, although the problem is not quite solved today²⁵.

Switzerland combines a federal system (formal and informal) with direct democracy so that there are checks and balances on all decisions taken by the federal level, and minorities are well represented by institutions. In addition, Cantons have complete autonomy to decide on cantonal issues (although there is increasingly more legislation at the federal level) and linguistic and cultural rights of Swiss citizens are strongly well-protected.

Regarding the non-territorialized communities, several solutions have been highlighted by our case studies. As for the Roma community, the Czech case shows that the local and the European levels are the most effective in promoting Roma rights. Stigmatization of Roma as passive victims impacts negatively on the protection of Roma rights; policies should be aimed at activating (socially and politically) the Roma community.

Related to the migrant population, the Swiss case has shown that Swiss movers (the *insiders*, equivalent to the EU movers) experience difficulties related to different languages and education/job systems. These issues have been dealt with at the federal level by trying to coordinate in specific policy areas such as education. Yet, the Swiss state continues to promote commuting instead of moving, so that each canton can maintain almost complete autonomy in policy-making.

As for the outsiders (the equivalent of the non-EU migrants), Canada has applied a strong policy of control over immigration (in numbers) in coordination with the provinces, while at the same time promoting policies of non-stigmatization of immigrants (to the contrary migrants are very much appreciated in Canada as they increase the prosperity of the country). Still, some migrants are still not integrated and are marginalized in Canada.

The Israeli state has a dual policy regarding migrants: on the one hand, it is open to all migrants of Hebrew origin; yet, on the other hand, it is closed to immigrants from other different backgrounds, especially from Arab origin. Lately, it has added another layer to citizenship, based on economic performance, which makes it even more difficult for citizens to cope. This consideration would be particularly problematic in the EU, since freedom of movement is mostly linked to the job market.

²⁵ Does it work well because there are little social rights involved?

The EU has followed a process that is similar to our case studies (specially Canada and Switzerland), yet a few things have to be borne in mind before drawing conclusions:

- There is no consensus on EU integration as state-building
- The time-span in which the EU has evolved is much shorter than our case studies
- The speed at which the EU has integrated is also much faster than our case studies
- The complexity of the EU is much greater than that of our case studies and the context in which the EU evolves is also more complex (e.g. globalization, digitalization). Although Brexit can be interpreted as a move towards de-diversification and reduction of complexity, the EU remains considerably more diverse than any of the case-studies in question

Institutionally, the EU has adopted a decentralized model that seems adequate to deal with large diversity. As such, the EU case is most comparable to Canada (in a way ad-hoc agreements with single member states are very similar to agreements with Quebec in Canada) and Switzerland. The EU has also adopted a multicultural discourse that attempts to protect the culture of all member states, but official EU languages are determined by the nation-states as members and therefore possible internal discriminations in the nation-states are projected onto the European level. There is no apparent cultural discrimination *by* the EU, but languages that are not recognized as official languages by the nation-states are not official European languages, such as for instance Catalan. For the time being, the EU is not challenged on the grounds of domination of cultural identity but mainly accused of a lack of legitimacy and political interference in national democracy via intergovernmental centralism. In this realm there are increasing reactions against the EU. In the light of this, there might be several paths:

6. Lessons from the federal and confederal case studies that have been successful in accommodating rivalling claims to citizenship:
 - a. Reduce the *centralistic* element of intergovernmental centralism by measures of decentralization, in which the member-states are formally equal (and opposed to ad hoc opt-outs). But as even the case studies of unitary state models such as Estonia and Czechia show, the municipal or local levels play an important role as life-worlds in which culturally sensitive issues can and need to be handled. They should be recognized as co-constitutive of multi-layered European citizenship. Consolidating a de-centralized Europe politically implies the recognition of the municipal level as lieu from which citizenship originates and in which citizenship ultimately needs to be embedded as a practice, the importance of the other levels and the necessity of common rules notwithstanding.
 - b. Reduce the *intergovernmental* element of intergovernmental centralism by introducing double-majority schemes of direct democracy and other

institutional linkages between the national and European levels of democracy such as competencies of national parliaments in European affairs.

7. To learn lessons from the unitary case studies that have been successful in accommodating rivaling claims to citizenship continue to reduce complexity as in the successful unitary cases such as Czechia. Many more exits of anti-federal states like the UK would be necessary for this unitary perspective. The federal models all contain overarching cohesion measures of infrastructure that coexist with local autonomies. The Swiss model achieves this with a citizenship regime that includes municipal, cantonal and national levels.
8. To continue with ad-hoc agreements with single member states and start with de-centralization from the EU level to the member states. In this case, larger asymmetries between member states might result in further discrimination of some citizens against others.
9. To promote solidarity and identity in the EU by the provision of fundamental public goods: Canada and Switzerland have been extremely successful in promoting a common national identity that is complementary with the regional one via the promotion and guarantee of local autonomy, whereas it is much less so in the EU (Spain as another case that seems to have been less successful in this regard – also related to linguistic policies)

Since the EU is framed as a multicultural system, it plays a relevant role in protecting specific communities within the EU, especially in contexts where unitary state models neglect minority issues. It is the case of Roma, for example in the Czech Republic (also Croatia; also Turkey even if outside of the EU). The EU helps to make the problems of these communities visible and to keep member states responsible about their rights.

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6. Appendix

Table A.1 A more precise summary for Table 10

	Number of communities	% biggest community	Number official languages	One common language to all?
EU	28 member states + other	16% (Germany)	24	No
Canada	12	32% (Canadians)	2	No
Croatia	22	90% (Croatians)	1	Yes
Cz Rep.	8	91% (Czechs)	1	Yes
Estonia	10	85% (Estonians)	1	Yes
Israel	3	75% (Jewish)	2 (no clear legislation)	Yes
Spain	4	54% (monolingual Spanish)	4	Yes
Switzerland	4	65% (Germans)	4	No
Turkey	6	65% (Turkish)	1	Yes

Source: re-elaboration of Tables 2.1 and 2.2 in Deliverable 4.1.

Table A.2 Identification with the regional/country levels

	Regional/member state	Country/EU
EU	58%	9%
Canada***	70%	85%
Croatia	64%	66%
Cz. Rep.	33%	33%
Estonia	42%	57%
Israel	-*	41%
Spain	63%	50%
Switzerland	39%**	59%**
Turkey	70%	76%

* 51% of the Israeli population defines itself primarily as Jewish (religious identification)

is the first level of attachement)- only Jew citizens

http://en.idi.org.il/media/164429/guttmanavichaireport2012_engfinal.pdf

**Percentage of respondents who affirm to be very attached to a certain territorial level (96% if very attached and rather attached are summed for the country level; 86% for the canton level)

***https://library.carleton.ca/sites/default/files/find/data/surveys/pdf_files/cric-gmnc-03-not_000.pdf