



# NEW METHODS OF DEMOCRATIC CONSOLIDATION: THE APPLICATION OF CITIZENSHIP LAWS IN ETHNICALLY FRACTURED STATES

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## **Abstract**

The consensus in scholarly circles regarding democratic consolidation stipulates the importance of a cohesive *demos*, or population, that is also congruent with a representative *polity*, or political class. One of the main inhibitors of this goal is ethnic conflict, which can easily derail democratic transitions and consolidations. I begin this article with a discussion of the flaws of the two established notions of conflict alleviation in ethnically fragmented states: consociationalism and federalism, especially in regards to how they define groups and segment political power. I then identify the difficulties of consolidating democracy in this paradigm. Next, I propose that a democratic solution to ethnic fragmentation involves the extension of fair citizenship laws. These laws will either initiate a full democratic consolidation, as in the cases of Latvia and Estonia, or when missing, will result in democracy's inability to consolidate, as in the case of Israel. Lastly, I conclude by pinpointing areas of future research and other potential cases to apply to my model.

## **Introduction**

Democratic transitions are a Sisyphean task, often failing for a multitude of reasons, ranging from economic hardships, to authoritarian backlash, to myriad different societal cleavages. Typically, these cleavages manifest at their worst during the most important period of a democratic transition: the consolidation phase. If the consolidation period ends in failure, a transition back toward authoritarianism is the most likely outcome, as

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displayed by Russia in the aftermath of Vladimir Putin's initial political success (Evans 2011, 42). If the consolidation succeeds, wide swaths of people and groups are able to express themselves politically and culturally via a robust civil society (Havel 1999). While democracy provides space for the population to express their unique political and social characters, as historical examples have shown, reaching that point can be incredibly treacherous, time-consuming, and extremely violent. France experienced several violent revolutions and illiberal regimes before it could properly be classified as a democracy. Japan and Germany received significant investments from the United States in the aftermath of World War II to leave their more authoritarian past behind and consolidate democratically. Democratic consolidation is a difficult enough task without one of its most frequent inhibitors: ethnic cleavages.

The United States' progression toward a more inclusive democracy is an excellent case to study the difficulty of consolidation in a divided state because of its history of ethnic fragmentation and its solutions to these fissures. Often portrayed as a symbol for justice and freedom, the United States only became a real democracy in the eyes of the American population after the unimaginable violence of the Civil War and difficult periods of civil rights advocacy allowed them to incorporate black voters. Likewise, South Africa experienced decades of apartheid rule, while ethnic divisions also plague or plagued states and regions like Afghanistan, Turkey, the Baltics, the Balkans, and Iraq, to name a few. While it should be noted that many of these countries did not democratize for several different reasons, ethnic divisions were either strong barriers or contributing factors to this failure, and thus deserve a tenable solution.

This article utilizes a comparative case study approach to answer the question: is there a tenable democratic solution to ethnic factionalism in a democratizing state? First, I critically evaluate the most common approaches to democratic consolidation in disunified states, assessing common solutions proposed by scholars, and why their solutions tend to fail. I then propose an alternate approach to alleviating ethnic tensions in this paradigm. I analyze three cases, Latvia, Estonia, and Israel. While the Baltic States demonstrate how fair extension of citizenship laws allows democracy to consolidate, Israel shows that unequal access to citizenship inhibits long-term democratic consolidation. The crux of this new approach is the application of citizenship laws. While power sharing or division agreements frequently fail, extending a common, necessary, and unifying benefit in the form of citizenship can spur democratic consolidation.



## **Literature Review: The Flaws of Established Notions of Ethnic Power Sharing**

Ethnically fractured states typically face a severe obstacle when undertaking a democratic project: ethnic conflict. Ethnic conflict can be explained as a conflict in which the goal of the factions is defined through the lens of racial identity (Wolff, Landis, and Clark 2010, 2). Two of the most utilized solutions to ethnic conflict are consociationalism, which can be generally defined as elite agreements to share power, and federalism, which can broadly be defined as a self-governance for different groups within a greater state (Lijphart 1979, 1). Despite their common use, these solutions either present immediate or long term structural impediments to democratic consolidation. First, federalism provides opportunities for elites in the ethnic majority to under-allocate funding to minority local governments. Second, federalism provides space for minority-run local governments to obtain a high enough degree of autonomy to disunify the larger state, harming democratic consolidation. Consociationalism fails mainly in the long term. This system of government rigidly defines ethnic groups and which groups can ascend the political hierarchy. Smaller minority groups that may not reach a certain threshold will thus be either unrepresented at worst or underrepresented at best.

A consociational democracy is defined as an “elite cartel” (Lijphart 1969, 215), wherein governmental authority is shared between the leaders of the different ethnic groups. In other words, elites from each of the main ethnic groups in a state agree to share power between themselves. In Bosnia, for example, the internationally supported Dayton Accords stipulate that a Croat, Bosniak and Serbian split the presidency for eight-month periods throughout a four-year term (Kasapović 2006, 3-13). Ostensibly, this approach sought to provide fair representation for an ethnically diverse country; however, it was unsuccessful. Although Bosnia saw peace after a brutal conflict, the government’s failure to be fully inclusive demonstrates the limits of consociationalism. Bosnia’s parochial and stagnant definitions of ethnic identity prevented any citizen who did not identify with any of those three groups from seeking the presidency.

Furthermore, Bosnia’s consociationalism is rooted in proportional representation, another ostensibly democratic aspect. The result of this strategy, however, puts non-Bosnians at an electoral disadvantage because of the ethnic Bosnian majority (Kasapović 2006, 20). Serbs and Croats will remain in the minority so long as this division of power persists, stoking tensions due to the intractability of power allocation in this system. Lastly, consociationalism also served to cement the current allocation of power between the three groups, stopping

any transition of power away from the established ethnic hierarchy. In 2009, Bosnia showcased one of the key shortcomings of consociationalism when a Jew and a Roma appealed to the European Court of Human Rights because they were not allowed to run for president (Reuters 2009). The aftermath of the case left Bosnia with an opportunity to expand its democracy, and although the state took initial steps in this direction (Human Rights Watch 2011), there has been little progress beyond that point, showcasing the difficulty of breaking up an entrenched hierarchy. Rather than granting equal political opportunity to every Bosnian citizen, only members of one of the three major ethnic groups could seek the presidency, thus marginalizing ethnic minorities who did not fit into the dominant groups.

Aside from consociationalism, federalism offers another popular, albeit flawed solution for power-sharing in an ethnically fragmented state. While definitions of federalism have changed over time, the common thread connecting each explanation is typically some combination of local and national government, each with their own attribution of sovereignty and sphere of influence (Law 2013, 100). Federalism; however, offers its own share of dangers. The allocation of power away from the central state apparatus might embolden ethnic minority groups to secede from the greater state or to contradict the authority of the decisions made by the national government because of the amount of autonomy given to local governments (Anderson 2004, 5).

Federalism also runs into trouble in regards to resource allocation. Resources are finite, thus their allocation will not always be equitable. These inequalities are often amplified by implicit or explicit governmental biases. Members of the ethnic majority could see members of the ethnic minority as somehow inferior, and thus use that perception as a rationalization to underfund minority regions and governments. Consider the allocation of school funding in the United States. A 2012 Center for American Progress report found that African American and Hispanic majority school districts received far less funding per pupil than that of Caucasian majority school districts (Spatig-Amerikaner 2012, 8). The allocation of funding along ethnic lines might stoke ethnic tensions, disunifying the fledgling democracy. While the United States is indeed a functioning democracy, problems caused by implicit bias can swiftly grow out of hand if the institutions designed to handle grievances are underdeveloped, as they inherently will be in states wrought with ethnic factionalism. Even if the funding is meant to be proportional to population, it may still be perceived as a form of discrimination, delegitimizing



the national government in the eyes of the minority in the process. Finally, federalist systems do little to attempt to reach a positive peace between the majority-minority paradigms because it frequently fails to establish avenues for fair, effective, national representation for ethnic minorities (Erik and Anderson 2010, 57). Rather than improving inter-ethnic relations and national cohesiveness, they merely create self-governing zones, segmenting the conflict instead of resolving it. Lastly, the decentralization inherent to federalist systems tends to worsen corruption because they facilitate the expansion of patron-client networks, thus increasing illiberal policies, specifically, sycophantism (Norris 2008, 5). Because a functioning state needs a central governing apparatus with primacy over local governments, elites in the central government could abuse their ability to dictate laws to local governments, privileging one group while disadvantaging others.

Yugoslavia showcases one example of federalism's failures. Upon the death of the Yugoslavian dictator Josip Broz Tito, the country devolved into ethnic tribalism. Former members of the pan-Slavic movement fragmented and joined different subgroups, ultimately culminating in an extraordinarily violent civil war. The policies of federalism, formerly used to alleviate ethnic tensions, were turned around by elites using federal institutions to persecute local minorities (Critchley 1993, 443). This violence continued until the institution of the Dayton Agreement, which implemented the consociationalism troubling the region today. Federalism as a system of governance offers an easy path for elites to attack rival ethnic groups, and thus provides a poor solution to ethnic factionalism.

## **Citizenship Theory and Consolidation**

Democratic consolidation is the endgame for a *demos*. Consolidation secures the future of democratic politics and norms and protects the differences and intricacies of the different ethnic groups in the state. When ethnic divisions are beyond rapprochement, however, consolidation becomes impossible. This section outlines a path to resolve these differences without abandoning the ideals that inspire any shift toward democracy.

The ultimate goal for any *polity*, or, member of the political class, is to consolidate the ability to implement policy and to create a favorable context for tenable political rule. This truth is no different in autocracies or democracies; the need to consolidate is perennially present. Authors Juan Linz and Alfred Stepan initially present a step to begin the consolidation process, and then posit that democracies can only be consolidated when they meet *behavioral*, *attitudinal*, and *constitutional* requirements. Linz and Stepan (1996b) begin by attesting that, “conflicts about the authority and domain of the *polis* and the identities and loyalties

of the *demos*" can be "so intense that no state exists. No state, no democracy" (Linz and Stepan 1996b, 14). Essentially, societies that are too fragmented are impossible to govern. The three requirements for a consolidated democracy can be thought of as certain behavioral, attitudinal, and constitutional stances taken by the *demos*.

First, a democracy is consolidated when the *demos* behaviorally accepts that the democratic regime is either the legitimate or acceptable regime (the difference being in the amount of support for the regime) (Linz and Stepan 1996b, 15). The second requirement is that, *attitudinally* the *demos* accepts democracy, or, a clear majority of people believe that political change must occur from the accepted democratic processes and not through revolution, even in the case of political or economic crisis (Ibid, 16). Lastly, a democracy is consolidated when, *constitutionally* the *demos* accepts the institutionalization of democratic norms, or the necessary democratic institutions have firm and tenable positions in society (Ibid). To reiterate, a consolidated democracy requires a functioning state, as well as behavioral, attitudinal, and constitutional components that ultimately prohibit a citizenry from overthrowing the democratic system.

"Toward Consolidated Democracies" also observes a hindrance to consolidation, namely ethnic conflict in multinational states. The authors argue that there must be a certain "congruence between the *polis* and *demos*," which facilitates the creation of a functioning state (Ibid, 22). When the *polity* consists of multiple sets of people with different political agendas, it becomes more difficult for the government to implement policy and avoid undemocratic opposition. The greater the extent to which the population of a state is composed of a plurality of national, linguistic, religious, or cultural groups, the more complex the politics becomes, since an agreement on the fundamentals of the government will involve more variables. Essentially, the more nuanced the *demos*, the less representative the *polity*.

While Linz and Stepan (Ibid) accurately paint a picture of what a consolidated democracy looks like, they do little to address solutions to the central challenge to their path toward consolidation (Ibid). A more complex *demos* means more centers of power, and thus the need to bring the competing parts of the nation-state into the political fold. Linz and Stepan do not adequately describe the necessary mechanisms to implement democratic solutions to the multi-ethnic problem (Ibid). While Linz and Stepan offer that the only democratic solutions to the multi-national problem are predicated on voluntary assimilation, exit, or partitioning (Ibid, 24), they fail to explain how this can be done, alluding to the difficulty of pursuing these avenues.



To resolve Linz and Stepan's problem without resorting to the flawed ideas of consociationalism or federalism, political scientists should look toward the application of two citizenship doctrines: *Jus Soli* and *Jus Sanguinis* (Ibid). In his article "Nationality: *Jus Soli* or *Jus Sanguinis*," political scientist James Brown Scott defines *Jus Sanguinis* as the right to citizenship based on blood relationships and *Jus Solis* as the right to citizenship based on birth within the borders of a state (1930, 58). Clever manipulation of these citizenship policies allows a politician or party to expand the size of its winning coalition, or its set of supporters backing the politician or party's power, while at the same time allowing other ethnic groups to maintain their democratic privileges. The three cases discussed in this article (Estonia, Latvia, and Israel) all feature the manipulation of these two types of citizenship laws.

In particular, *Jus Sanguinis* plays a historically important role in the democratic consolidation of an ethnically fragmented state. In her article "Illegitimate Borders: *Jus Sanguinis* Citizenship and the Legal Construction of Family, Race, and Nation," Kristin Collins states that *Jus Sanguinis* provides officials "with an exclusionary tool that appears natural and race-neutral in the lines it draws between citizen and non-citizen" (2014, 2). In other words, *Jus Sanguinis* is applied so as to allow the *polity* to structure who can and cannot be citizens without discriminating on the basis of ethnicity. Thus, *Jus Sanguinis* serves as a tool for the polity to either expand or limit access based on their political desires. If the *polity* wishes for democratization, they can elect to expand citizenship to certain groups without appearing to favor any particular group.

Essentially, citizenship laws rooted in the idea of "birthright," or, a citizen's legal entitlements based on their parents, are utilized in such a way as to support an ethnically indigenous nation-building enterprise. This occurs because, as Collins (2014) alludes, it is difficult to argue against the specific logic of citizenship by birthright. A person born to Irish parents, for example, will likely be raised Irish, and will easily integrate into Irish society and adopt Irish norms. Thus, that individual is culturally Irish and should retain access to the benefits of Irish citizenship. The political effect of such a policy, however, is that the titular ethnic group can expand democratic rights to larger amounts of people, thereby making political reintegration or integration easier for minority ethnic groups. In other words, citizenship rights can be expanded to the children of naturalized citizens, making the state function cohesively because avenues toward the benefit of citizenship are available. Due to the assurance of the continual majority of the titular ethnic group through birthright citizenship, extending citizenship rights to ethnic minorities becomes more palatable to the empowered ethnic group.

Furthermore, *Jus Sanguinis* allows the titular ethnic group to secure their

own political future while simultaneously giving the same rights to ethnic groups that will never reach the population levels to effectively challenge the titular ethnic group in the political arena. What this means is that elites can utilize *Jus Sanguinis* to offer the benefits of citizenship without the risks of political contention so long as their demographic majority remains solvent (assuming that political cleavages fall along ethnic lines). *Jus Sanguinis* thereby offers a solution to the problem of democratic consolidation in an ethnically fractured *demos*. Because the same political rights are offered to ethnic minorities, they will not challenge policies made by the titular ethnic party undemocratically.

To reiterate, *Jus Sanguinis* contributes to two helpful aspects of democratic consolidation. First, the steady stream of new members of the titular ethnicity ensures the political majority of the titular ethnicity. Second, as a result of that assurance, extending political and citizenship rights to minorities becomes more palatable because the titular ethnic group understands that they will be able to maintain their privileged position. Thus, *Jus Sanguinis* can be the basis of *Jus Soli*, a much easier path to citizenship for foreigners and ethnic minorities.

While *Jus Soli* provides more opportunities to citizenship for ethnic minorities and immigrants, it is the connection between a defined portion of land and a certain ethnicity that allows for a fluid path toward citizenship. Foreigners who share ethnic or religious similarities to those who occupy a body of land, such as Jews and Israel, can gain citizenship regardless of where they were born or who their parents are. In other words, the Israeli state views Jews as indigenous to Israel, thus the connection between that identity and the land is a firm basis for citizenship. Furthermore, *Jus Soli* maintains that children of immigrants and non-citizens can obtain citizenship through the location of their birth, presenting a more acceptable reality to non-citizens, which in turn, purports the democratic regime under which they live.

In a broader sense, *Jus Soli* citizenship laws tend to be used for the incorporation of minority groups into the body politic. Rogers Brubaker (1992) discusses one such case in *Citizenship and Nationhood in France and Germany*. In his analysis of France, Brubaker illustrates how *Jus Soli* was used to remove the exemption on settled foreigners from military service (Ibid, 85). Resentment of settled-foreigners in French territory, who had been enjoying the benefits of living under French law without paying any of the dues required of other citizens, had reached a fever pitch. To diffuse this tension, *Jus Soli* was extended to previous non-citizens, forcing them to join the military and thus ending the resentment built into French society (Ibid). As demonstrated



by France, targeted use of *Jus Soli* can resolve problems rooted in ethnic instability, and while this strategy relieves the grievances of the majority, it could also be argued that it does not do so for the minority. Yet, one can trace the criticisms of minorities due to their specific stratification; they are unable to participate in mainstream society because they are excluded. The benefits of citizenship, however, are an inclusive force, and thus should resolve inter-ethnic tensions in this type of paradigm.

However, much like how *Jus Sanguinis* can preserve the political supremacy of the titular ethnic group, use of *Jus Soli* can achieve the same end as well. The fluid definition of *Jus Soli* allows for varied targeting of whom the citizenship laws affect. In cases where a state is plagued by ethnic divisions, a broad definition of *Jus Soli* can be used to expand the winning coalition of the titular majority without lessening the democratic rights of the minority groups. One example of this strategy would be the relationship between Jews and Israel. The Israeli government contests that any Jew outside of Israel possesses an inherent connection to the region and can thus apply for citizenship on the basis of their religious and cultural identity, regardless of their birthplace. Additionally, *Jus Soli* can be utilized in such a way that ethnic minorities feel more integrated within the state. The clever manipulation and targeted application of *Jus Soli* provides another solution to the issue of democratic consolidation in a multi-ethnic and fractured state.

Something as simple as citizenship is important because it grants specific, shared benefits to individuals, increasing national cohesiveness through a common allocation of rights, liberties, and opportunities. In their article “Mobility and Security: The Perceived Benefits of Citizenship for Resettled Young People from Refugee Backgrounds,” Caitlin Nunn, Celia McMichael, Sandra M. Gifford, and Ignacio Correa-Valdez discuss the importance of citizenship to ethnic minorities, especially those that are capable of providing shocks to a state’s political system. Nunn et. al posit, “The nation state remains the foundational source of legal rights and obligations for individuals” (Nunn et. al 2015, 383). Nunn et. al aptly argue that because the nation state possesses the capability to either protect or inhibit rights, membership to the state, i.e. citizenship, will grant protections to ethnic minorities (Ibid). Considering that a consolidated democracy is predicated on a cohesive *demos*, citizenship rights are an integral component to democratization insofar as they act as an equalizer, establishing a basis for what each member of the *demos* is entitled to.

Access to full participation and integration in the nation state provides

the democratic freedoms that are especially pertinent to my research because the acceptance of democracy as "the only game in town" is the most integral step for democratic consolidation (Linz and Stepan 1996b, 14). Through expansion of political involvement via the use of citizenship laws, democratic consolidation in an ethnically fragmented state becomes easier.

To be clear, the use and manipulation of citizenship laws is not a cure-all for ethnic factionalism. In my view, this model is dependent on four conditions which, if they are not met, will cause the application of citizenship doctrines to consolidate democracies to succumb to the same flaws as federalism and consociationalism: elite corruption, misuse or abuse of resources to disadvantage other groups, and parochial and arbitrary definitions of ethnic groups granting or preventing access to citizenship.

The first condition is that the titular ethnicity must be significantly more populous than the minority population. This type of ethnic distribution facilitates the safety-valve politics described earlier, stipulating that because there is such a formidable majority, the titular ethnic group can feel comfortable extending full citizenship and democratic rights to ethnic minorities. Considering that the titular ethnic will maintain its majority, their political security will not be compromised. Ethnic minorities will view their ability to genuinely participate in the political process as an opportunity to influence policy within the system, legitimizing the new democracy.

The second condition requires that there must be genuine democratic zeal. The desire for democracy should reverberate throughout the population and permeate throughout all institutions and civil society. Democracy should be considered a wheel. If spokes in the wheel break, then the wheel breaks. Likewise, democracy is dependent on the participation of all aspects of the body politic. If part of the body politic is incongruent with a functioning democracy, the democratic order breaks as well. Consider that a powerful media organization does not favor a democratic transition. The organization could perpetuate ethnic disunity, perhaps painting one group as the saboteurs of the state's future success. Without a fully cohesive population, citizenship opportunities will not fully extend to certain groups, marginalizing ethnic minorities and breaking the democratic wheel.

Thirdly, elites must also accept democracy as the new system of government following the transition. Citizenship laws are often complex and broad, granting opportunities for lawmakers to insert clauses that perpetuate structural inequalities targeted at ethnic minorities. Structural inequalities contribute to disunity, exacerbating the greed and grievance cycle characteristic of ethnic conflicts. To establish democratic zeal throughout the



state, elites should create inclusive policies rather than exclusive policies. This condition directly relates to the ethnic demographics. To ensure that elites play the democratic game, they must feel that their political position is secure. Having a favorable balance of power concerning demographics will allow these elites to feel more comfortable extending full citizenship rights to ethnic minorities.

The last condition stipulates that citizenship laws should not include language governing who can and cannot be a citizen. While it may seem like an inclusive idea to codify that different ethnic groups can all be citizens, it ignores the fluidity and confines the trajectory of identities. Ideas of what constitutes a certain ethnic group change over time, as does who identifies within that ethnic group. While citizenship laws in this model can list certain requirements, such as knowledge of the country's history or constitution, it should not list who can become a citizen based on anything resembling a social or economic characteristic, lest it fall to the same flaws as federalism and consociationalism.

### **Methodology and Case Selection**

This article utilizes the methodology of a comparative case study (CCS). CCS allows the reader to synthesize similarities across cases, providing a path toward theory generalization that will give political scientists a model from which to analyze future cases in the field of ethnic politics. The main goal of a CCS is to find relationships between variables (Lijphart 1971, 683). By finding points of convergence and divergence for independent and dependent variables, an argument can be constructed. In this analysis, I identify the fair extension (or lack thereof) of citizenship as my independent variable, and the full consolidation of democracy, and thus a necessarily cohesive population (or lack thereof) as my dependent variables.

Each of the three cases explored in this article (Estonia, Latvia, and Israel) are analyzed to understand the uses of *Jus Sanguinis* and *Jus Soli* both individually and together. Estonia, Latvia, and Israel are used in this analysis because they each dealt with or are in the midst of an ethnically fractured society. In Estonia and Latvia, the cleavage was between ethnic Estonians and Latvians on the one side, and Ethnic Russians on the other. In Israel, the cleavage is between Jews and Arab Muslims. The key difference between the cases is located in what their respective application of citizenship doctrines produced. Latvia and Estonia demonstrate how the fair extension of citizenship laws produces consolidated democracies. For example, citizenship laws were used to defuse ethnic tensions between Latvians and Estonians, and Russians. Meanwhile, while Israel's application of citizenship laws has solved the ethnic conflict, they did not extend them fairly and equally to

all potential citizens, and thus failed to heal the ethnic fractures.

The differences between the Baltic cases and Israel demonstrate that when fair citizenship laws are extended, democracies consolidate. When they are not extended in an egalitarian manner, the ethnic cleavages go unresolved, harming the potential for a long lasting consolidate democracy. While Latvia and Estonia represent the first model, Israel represents the second.

At the time of democratization, Latvia and Estonia felt immense pressure to join NATO and the EU to secure their newfound sovereignty after the fall of the Soviet Union. The requirements for joining the European Union were laid out in the Copenhagen Constitution, which emphasizes democratic freedoms and institutions as the first requirement (Copenhagen European Council 1993). One of the political criteria for NATO membership is the promotion of democratic values. Latvia and Estonia would therefore need to democratize to join NATO. As Linz and Stepan (1996b), explain, however, a fractured society poses a large stumbling block in this process. The pressure to consolidate a democracy in this paradigm forced astute political maneuvering from Estonia and Latvia's titular ethnicity, which would want to keep their country's Estonian or Latvian characteristics without becoming too illiberal.

The third case, Israel, felt similar pressures to consolidate its democracy under difficult circumstances. The state of Israel itself is an ideological project serving as a safe haven for Jews in which they can govern themselves on the one hand and a fully democratic outpost on the other. Because Israel was founded to exist as a Jewish state, it is expected that the Israeli *polity* will be Jewish, yet confining who exactly can lead a state to a certain group means is illiberal in design. Resolving the inherent tension between these two goals is key to implementing a fully consolidated democracy in Israel. Perhaps the most pertinent statement of Israel's goal to consolidate its democracy can be found in its declaration of independence, which states that the country "will be based on freedom, justice and peace [...] it will ensure complete equality of social and political rights to all inhabitants irrespective of religion, race or sex" (Israel 1948). Yet, to a state wishing to be both Jewish and democratic, additional ethnic groups can be a barrier to those lofty goals. Would it be possible to reconcile idealistic democratic goals and a state founded to be Jewish in an overwhelmingly Arab region? The solutions and failures to prevent ethnic divisions inhibiting democratic ventures can be found in Latvia's, Estonia's, and Israel's use of citizenship laws.

## **Latvia**



Latvia's path toward democratization is largely informed by its history of oppression at the hands of two foreign powers: Nazi Germany and the Soviet Union. Authors Anders Åslund and Valdis Dombrovsk discuss Latvia's history of alternated subjugation between Germany and the Soviet Union since the 1920s (Åslund and Dombrovsk 2011, 5). Attempts to alter the cultural makeup of Latvia had largely failed and instead triggered an increased sense of what it meant to be Latvian. Perhaps the most important instance in this process was the Soviet Union's intense strategy to "Russify" Latvia. According to the Soviet census in 1989, only 52% of the Latvian population was composed of ethnic Latvians, with the rest split between ethnic Russians, Ukrainians, and Belarusians (Ibid, 6). These demographics remained throughout the fall of the Soviet Union and presented a problem when Latvia began its path toward democratization after the fall of the Soviet Union.

In 1991, Russian president Boris Yeltsin recognized Latvia's independence, allowing Latvians to chart their own course (Ibid, 7). Given the poor economy and history of subjugation to foreign powers, Latvians quickly sought economic development and social liberalization initiatives to spearhead their goal of joining NATO and the European Union (Ibid, 10). Because economic liberalization and development often go hand-in-hand with political democratization (Moore 1966, 418), and because the route toward Western protection against Russian encroachment was predicated on those goals, Latvians felt enormous pressure to pursue democratic transition. Consolidating democracy in Latvia, however, demanded an artful solution to the common problem of ethnic factionalism.

The obstacle Latvia faced was the ratio between ethnic Latvians and non-Latvians, primarily ethnic Russians. In 1989, ethnic Latvians composed only 52% of Latvia, while 34% consisted of ethnic Russians (Linz and Stepan 1996a, 403). While this ratio displayed a large discrepancy between the titular and minority ethnicities, it was a sharp decline compared to previous demographic censuses. For example, the 1939 Latvian census highlighted a ratio of 75% Latvian to 10.6% Russian (Ibid, 403). The decline in ethnic Latvians came as a result of the effort to "Russify" Latvia by the Soviet Union and largely contributed to the main ethnic cleavage in the country: Latvians supporting a Latvian Latvia, and Russians supporting a Russified Latvia.

Rather than suppressing the rights of ethnic Russians, pro-democracy Latvians decided to push ahead with their democratic initiatives. Survey data show that although ethnic Russians were not viewed as assimilable, they were comfortable identifying as "citizens of the republic" (Ibid, 411-414). Members of the Latvian *polity*, recognizing that ethnic Russians were comfortable identifying as citizens even if they identified as Russian rather than Latvian, extended citizenship

rights to the minority ethnicity.

Through data gleaned from the 1939 census, the Latvian *polity* inferred that before Soviet domination, Latvia maintained a much higher percentage of ethnic Latvians than non-Latvians. Implementation of combined *Jus Soli* and *Jus Sanguinis* citizenship doctrine allowed for the re-incorporation and re-integration of ethnic Latvians who had not been considered citizens under Latvia's foreign rulers. Ethnic Latvians who had been living overseas and descendants of former Latvian nationals were presented with a path toward citizenship. Information from the most recent Latvian census, taken in 2011, shows a significant uptick in the ethnic Latvian population, with an approximate increase of 10% (Centrālā Statistikas Pārvalde 2011). Securing the ethnic majority provided a more comfortable atmosphere for the Latvian *polity* to consolidate democratically.

Pressure to secure Latvia's independence coincided with the need to join the liberal-democratic institutions of NATO and the European Union. Rather than capitulating to ethnic factionalism, lawmakers in Latvia recognized the favorable demographic context and strategies to amplify the population of the titular nationality. This maneuver allowed them to implement a type of safety-valve democracy, in which full democratic rights could be extended to ethnic minorities via citizenship without compromising the secure position of ethnic majority. Due to the extension of full democratic rights to minority groups, they felt comfortable joining in and accepting the process of democratic consolidation, eliminating any of the large cleavages that would have split the population and deconstructed any democratic transition. The Latvian elites could, on one hand, display their democratic improvement and, on the other hand, embrace their comfortable majority and initiate moves to join the EU and NATO. The offer of citizenship in this case facilitated democratic consolidation through securing the future for the titular nationality and through extending full citizenship rights to ethnic minorities.

## **Estonia**

In several ways, Estonia's democratization story shares similarities with Latvia's. Both transitions and consolidations occurred toward the end of the Soviet Union's regional hegemony, both states faced ethnic factionalism, and both states used a combination of *Jus Soli* and *Jus Sanguinis* to resolve this cleavage. The cases differ, however, in the origins of the democratization. Li Bennich Bjorkman (2007, 341) asserts that Estonia's democratization specifically came as a result of two unique circumstances: Estonia's robust



social and civil societies and a strong zeitgeist of communalism and cooperation. The result of these two circumstances meant that the Estonian *polity*, in addition to experiencing the same pressures as Latvia to democratize and liberalize in order to retain protection from Russia, strongly felt that democracy was the appropriate system of government for their country.

Despite this ostensibly favorable scenario for democratic consolidation, cleavages between ethnic Estonians and Russians threatened to destroy any democratic system of governance. The last census taken before Soviet control of Estonia was in 1934 (Linz and Stepan 1996a, 403). This census shows that 88.8% of the population was ethnically Estonian, while 8.2% was Russian. In 1984, the last census taken during Soviet rule, ethnic Estonians only constituted 61.5% while ethnic Russians comprised 30.3% of the population (Ibid, 403). Efforts to “Russify” Estonia contributed to this cleavage and, as in Latvia, created significant tensions between ethnic Russians and Estonians. In a 2010 interview given to Baltic news organization, *Baltic Reports*, University of Tartu professor Marju Lauristin contested that ethnic Russians had faced and continue to face discrimination at the hands of the state (Joost 2010). Despite the bias against ethnic Russians in Estonian politics, a 1990 survey showed that 76.6% of ethnic Russians feel either “proud” or “very proud” to live in a “republican Estonia,” or in other words, a democratic Estonia (Linz and Stepan 1996a, 412).

Acceptance of a democratic Estonia by ethnic Russians, who were legally disadvantaged compared to ethnic Estonian citizens, can be attributed to the full extension of citizenship rights to every Estonian, regardless of ethnicity. Estonia’s citizenship doctrine is informed through a mixture of *Jus Soli* and *Jus Sanguinis*. Individuals born in Estonia with at least one parent who is a citizen are granted citizenship. Moreover, an individual born to an Estonian parent outside of Estonia is also a citizen. Furthermore, a path to naturalization is quite simple, requiring only eight years of residency and a rudimentary understand of Estonian law and language (Estonia.eu 2016). These policies ensure a steady stream of ethnic Estonians with Estonian citizenship, securing the ethnic Estonian majority. Lastly, voting rights are extended to non-citizen residents in local elections. Because most governing is done at the local level, ethnic Russians, who may opt-out of Estonian citizenship, can still provide input to policies that directly affect them, thereby increasing cohesiveness among the *demos*.

Because of the ethnic distribution, the Estonian *polity* could feel comfortable extending liberal democratic rights to non-ethnic Estonians, as well as streamlining an often-complicated naturalization process. These aspects of Estonian citizenship and voting law facilitated the democratic consolidation of Estonia without compromising the ideals of a democratic revolution. Furthermore,

the broadness of Estonian citizenship and voting law present a hopeful path forward. Because ethnic identities are fluid, it can become difficult to fairly codify who can and cannot gain citizenship, yet Estonia has successfully circumvented this through their naturalization process. Thus, along with Latvia, Estonia's citizenship model presents a successful model for resolving ethnic tensions in a transitioning democracy.

## Israel

Although Israel obtained a semblance of democracy, it did not resolve the ethno-religious cleavage of the Jewish-Arab divide. Thus, Israel should not be viewed as having fully consolidated. The population is not fully cohesive, and thus, its democratic system faces serious threat of dissolution. Regardless of Israel's disunity, there is a general consensus in political science arguing that Israel is more democratic than not. This is reflected by Freedom House, an organization that maintains democratic indexes, which ranks Israel as a 1.5 on its 7-point scale (Freedom House 2016). Freedom House's scale ranges from a 1 to a 7, with 1 representing a full democracy, and 7 a full autocracy (Freedom House 2016). Likewise, the Polity Data Series, another organization that maintains democratic indexes, also states that Israel is a democracy (Marshall 2010). While not everyone living in Israel is happy with the system governing them, Israel does indeed reflect numerous notions of democracy; however, Israel lacks the cohesive *demos* required for full democratic consolidation. Although the most recent Polity Data Series article highlighting Israel was published in 2010, its key point of proportional representation in the Israeli legislature, the *Knesset* (Marshall 2010, 2), illuminates how Israel maintains its democratic character. The Jewish *polity* feels secure enough in its majority that it can maintain its more equitable policies without jeopardizing the governmental hierarchy. Through preserving the democratic order and institutions, transitions to reaching a more stable solution to ethnic conflict will become more feasible.

Attaining the critical mass of support necessary for initial democratic consolidation involved a large degree of manipulation of Israel's citizenship laws. The modern Israeli state formed in the aftermath of the 1947 UN Partition Plan (Israel Ministry of Foreign Affairs 2013b). The Israeli state was to be a strong democracy and safe haven for Jews fleeing Europe following the Second World War. While on one hand these goals may seem righteous, they sparked outrage in the Arab world due to the perception that Zionism was merely a veiled colonialist enterprise, forming the basis for the political



and social cleavages troubling Israel today (Golan 2001, 129). Supporters and opponents of Zionism generally fell across the ethnic and social lines of Jews and Arabs (Ibid, 129).

The 1948 Israeli census showed that approximately 87% of the Israeli population was Jewish, with the remaining 13% consisted mainly of Arabs (Rabinovich and Reinhartz 2008, 571-572). The Jewish *polity*, acknowledging that Arabs composed (and continue to compose) a significant portion of the population, offered full political rights irrespective of religious or ethnic identity; however, this offer was conditional on citizenship, which is made problematic by right to return law, which stipulates that the *Jus Soli* connection between people and land means Jews have a privileged access to Israeli citizenship while non-Jews have a more difficult path (Shapira 2012, 460). Due to the absence of a formal constitution, these rights and liberties were codified in Israel's declaration of independence and basic laws.

Israel's basic laws are the roots from which future Israeli law stem. The Israeli basic laws plainly state that Israeli nationals should have the fundamental rights that are integral to any consolidated democracy, without making any mention of race, religion, or other forms of identity apart from citizenship (Yitzhak, Weizman, and Weiss 1948). This policy guarantees the same political rights to all Israelis, and purports the acceptance of the regime. Furthermore, the ideological underpinning of the formal Israeli state, the Israeli declaration of independence, calls upon Arabs to, "preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions" (Ben-Gurion 1948). Thus the ostensibly liberal offers made by Israel only existed to a narrow set of individuals. Access to citizenship was, and still is, difficult for non-Jews to obtain.

In practice, the Israeli *polity* established a citizenship doctrine capable of preserving the Jewish identity and majority in the *Knesset*, or, the Israeli Parliament, through the implementation of *Jus Sanguinis* and *Jus Soli*. Israeli citizenship law stipulates that citizenship may be granted to individuals born to at least one Israeli parent, individuals born within the borders of Israel, and to those who have lived in Israel for five years, three of which must be spent within the borders of Israel (Israel Ministry of Foreign Affairs 2010a). Furthermore, Israel operates under a "right to return policy," under which Jews across the world possess the ability to immigrate to Israel and obtain citizenship (Ibid). The right to return policy, however, is also one of the key inhibitors of full democratic consolidation and the healing of the Arab-Israeli cleavage.

The right to return policy operates under the belief that individuals should always be able to emigrate back to their indigenous land (Shapira 2012,

461-62). While Israel fully extends this right to Jews, it does not do so for Arabs (Ibid). This policy privileges Jews over Arabs. While Jews have an easy path to citizenship, Arabs do not (Ibid). This divide has formed a large point of contention, and endangers a democratic solution to the conflict between Arabs and Jews because of the unequal access to citizenship (Ibid). Although Israel has adopted key democratic institutions, afforded many of the necessary democratic rights to its demos, and for all intents and purposes functions as a democracy, this is only true for Israeli citizens. Israel does not offer access to citizenship equally, and thus, should not be considered a fully consolidated democracy.

## **Conclusions and Areas of Future Research**

I began this project to identify a model with which ethnically fractured states could consolidate democratically. Utilizing the fair and equal extension of citizenship laws as the independent variable, and a consolidated democracy as the dependent variable, I argue that genuinely equal access to the benefits of citizenship is the most important avenue toward consolidation. I offer this solution because of the flaws I identify with consociationalism and federalism. While those models perhaps offer more digestible solutions to elites, they fail to alleviate the structural barriers to a cohesive society in the way that egalitarian citizenship laws do.

I recommend additional research into two areas related to this article. First, identifying more effective solutions to ethnic fragmentation in states without intense desires to democratize demands more study. Second, additional survey research into the opinions of minority groups living in this system should also be conducted. It would be valuable to ascertain the level of their continued support of the government under which they live.

Democratic transitions are a supremely difficult undertaking. Numerous cases display the careful tightrope that democrats must cross. It is all too easy for politicians to embrace authoritarian or illiberal tendencies to resolve issues inhibiting their consolidation of power. To alleviate ethnic tensions, leaders frequently use oppressive strategies, from political and social suppression, to genocide. I propose a new path for democrats. Rather than indulging in ethnically charged policies such as land relocation or ethnic cleansing to create a more cohesive society, democrats should extend citizenship rights to all individuals. The guaranteed protections of citizenship make rule by a majority ethnic group more palatable to a minority group. The cases of Latvia and Estonia demonstrate that equal access to citizenship



incorporates and imbues a cohesive identity among the population, while unequal access to citizenship in Israel highlights the problems that occur when a state tries to organize itself by democracy and ethnicity, an incompatible combination.

## Works Cited

- Åslund, Anders and Valdis Dombrovskis. 2011. *How Latvia Came through the Financial Crisis*. Washington: Peterson Institute for International Economics.
- Centrālā Statistikas Pārvalde. "2011 Latvian Census." CSB.gov. 2011. Accessed August 17, 2016. <http://www.csb.gov.lv/en/statistikas-temas/population-census-2011-key-indicators-33613.html>.
- Israel Ministry of Foreign Affairs. 2013a. "Acquisition of Israeli Nationality." Mfa.gov.il. January 1, 2010. Accessed August 19, 2016. <http://www.mfa.gov.il/mfa/aboutisrael/state/pages/acquisition%20of%20israeli%20nationality.aspx>.
- Israel Ministry of Foreign Affairs. 2013b. "UN Partition Plan." MFA.gov.il. Accessed August 19, 2016. <http://mfa.gov.il/MFA/AboutIsrael/Maps/Pages/1947%20UN%20Partition%20Plan.aspx>.
- Israel Ministry of Foreign Affairs. 2010. "Dayton Agreements." Dayton Agreements. Accessed August 24, 2016. <https://www.mtholyoke.edu/acad/intrel/bostalk.htm>.
- Anderson, L. M. 2004. "The Institutional Basis of Secessionist Politics: Federalism and Secession in the United States." *Publius: The Journal of Federalism* 34 (2): 1-18.
- Ben-Gurion, David. "Declaration of Establishment of State of Israel." MFA.gov. Accessed August 10, 2016. <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20establishment%20of%20state%20of%20israel.aspx>.
- Bennich-Bjorkman, L. 2007. "The Cultural Roots of Estonia's Successful Transition: How Historical Legacies Shaped the 1990s." *East European Politics & Societies* 21 (2): 316-47.
- Human Rights Watch. "Bosnia: A Move to End Discrimination." *Human Rights Watch*, November 2, 2011.
- Reuters. "Bosnia Jew Seeks to Reverse Ban on Running for President." *Haaretz*, May 6, 2009.
- Brubaker, Rogers. 1992. *Citizenship and Nationhood in France and Germany*. Cambridge: Harvard University Press.
- Estonia.eu. "Citizenship." Estonia.eu. July 4, 2016. Accessed August 18, 2016. <http://estonia.eu/about-estonia/society/citizenship.html>.
- Collins, Kristin A. 2014. "Illegitimate Borders: Jus Sanguinis Citizenship and the Legal Construction of Family, Race, and Nation." *Yale Law Journal* 123 (7): 2134-67.
- Critchley, W. Harriet. Jul. 1993. "The Failure of Federalism in Yugoslavia." *International Journal* 48 (3): 434-47.
- Erk, Jan and Lawrence M. Anderson. 2010. *The Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Divisions?* London: Routledge.
- Copenhagen European Council. 1993. "EUR-Lex Access to European Union Law." Glossary of Summaries. Accessed August 10, 2016. [http://eur-lex.europa.eu/summary/glossary/accession\\_criteria\\_copenhagen.html](http://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html).



- Evans, Alfred B. 2011. "The Failure of Democratization in Russia: A Comparative Perspective." *Journal of Eurasian Studies* 2 (1): 40-51.
- Golan, Arnon. 2001. "European Imperialism and the Development of Modern Palestine: Was Zionism a Form of Colonialism?" *Space and Polity* 5 (2): 127-43.
- Havel, Vaclav. "Vaclav Havel's Ideas and His Civil Society Conception." Speech, Vaclav Havel's Civil Society Symposium, Macalester College, Minneapolis, April 26, 1999.
- Freedom House. "Israel." *Freedom House*. Accessed August 19, 2016. <https://freedomhouse.org/report/freedom-world/2016/israel>.
- Joost, Kai. "Ethnic Russians Have It Tough in Estonia." *Baltic Reports*, February 2, 2010.
- Kasapović, Mirjana. 2006. "Bosnia and Herzegovina: Consociational or Liberal Democracy?" *Politička Misao* XLII (5): 3-30.
- Law, John. 2013. "How Can We Define Federalism?" *Perspectives on Federalism* 5 (3): E-88-E-120.
- Lijphart, Arend. 1971. "Comparative Politics and the Comparative Method." *The American Political Science Review* 65 (3): 682-93.
- Lijphart, Arend. 1979. "Consociation and Federation: Conceptual and Empirical Links." *Canadian Journal of Political Science* 12 (3): 499-516.
- Lijphart, Arend. 1969. "Consociational Democracy." *World Politics* 21 (2): 207-25.
- Linz, Juan J. and Alfred C. Stepan. 1996a. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-communist Europe*. Baltimore: Johns Hopkins University Press.
- Linz, Juan J. and Alfred C. Stepan. 1996b. "Toward Consolidated Democracies." *Journal of Democracy* 7 (2): 14-33.
- Marshall, Monty G. 2010. "Polity IV Country Report 2010: Israel." *Polity IV Country Report 2010: Israel*. Accessed August 23, 2016.
- Moore, Barrington. 1966. *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World*. Boston: Beacon Press.
- Norris, Pippa. 2008. *Driving Democracy: Do Power-sharing Institutions Work?* Cambridge: Cambridge University Press.
- Nunn, Caitlin, Celia McMichael, Sandra M. Gifford, and Ignacio Correa-Velez. 2015. "Mobility and Security: The Perceived Benefits of Citizenship for Resettled Young People from Refugee Backgrounds." *Journal of Ethnic and Migration Studies* 42 (3): 382-99.
- Rabin, Yitzhak, Ezer Weizman, and Shevah Weiss. "Basic Law: Human Dignity and Liberty." Basic Law: Human Dignity and Liberty. Accessed August 19, 2016. [http://www.knesset.gov.il/laws/special/eng/basic3\\_eng.htm](http://www.knesset.gov.il/laws/special/eng/basic3_eng.htm).
- Rabinovich, Itamar and Jehuda Reinharz. 2008. *Israel in the Middle East: Documents and Readings on Society, Politics, and Foreign Relations, Pre-1948 to the Present*. Waltham: Brandeis University Press.
- Scott, James Brown. 1930. "Nationality: Jus Soli or Jus Sanguinis." *The American Journal of International Law* 24 (1): 58-64.

Shapira, Anita. 2012. *Israel: A History*. Waltham: Brandeis University Press.

Spatig-Amerikaner, Ary. 2012. *Unequal Education: Federal Loophole Enables Lower Spending on Students on Color*. Washington: Center for American Progress.

Wolfj, Stefan, Dan Landis, and Karen Arnold Clark. 2010. *Ethnic Conflict: A Global Perspective*. Oxford: Oxford University Press.