

## Summary

### *Cultural Diversity and the Concept of ‚the people‘*

*by Professor Dr. Helen Keller, Universität Zürich*

1. Every nation-state has a concept of ‚the people‘ of its own. There is no single definition of ‚the people‘. It is contingent on historical, political and cultural influences within a given nation-state.
2. ‚People‘ as such is an ambiguous term. On the one hand, it may refer to the collectivity of persons composing a state, i.e. its citizens in general, or – more specifically – the whole body of *enfranchised* citizens of a state (*demos*). In either case, ‚people‘ is a *political* concept meaning the ‚people of the state‘ (Staatsvolk). On the other hand, ‚people‘ is used more broadly to mean a community of people characterized by *ethnocultural* commonality. In ethnically defined nation-states, the former meaning coincides with the latter, thereby rendering an undefined (ethnic) entity legally determinate.
3. ‚People‘ stands at the centre of the concept of the nation-state – namely in historical, philosophical, political and economic terms.
4. By virtue of its including and excluding functions, the notion of ‚people‘ is of pivotal social importance in the context of the formation of the modern nation-state. The enormous potential inherent in the definitional power to demarcate the boundaries between ‚us‘ and ‚them‘, however, is prone to be fatally misused for reductionist purposes. History has borne witness to this time and again, and we ought to be careful in this respect so long as the spectre of chauvinistic nationalism is not entirely eliminated.
5. Historically speaking, autochthonous minorities were first to challenge the notion of ‚people‘. Non-autochthonous minorities, as they are formed in the context of contemporary migration, constitute the second, arguably more significant challenge. In view of the heterogeneity of these new migration groups, their rights cannot simply be warranted by means of rights of autonomy. Rather, the question arises if and to what extent participatory rights in general should be accorded to the new migration groups.
6. Regardless of how the notion of ‚people‘ is construed, the unabated reality of migratory movements constitutes the greatest challenge to national identity. Lasting exclusion of immigrants from taking part in the political process can lead to social tensions.
7. Enfranchising those formerly excluded from the political process can represent a viable means of the long-term integration of immigrants. The latter’s eligibility for political participation can be sustained by considerations from a human rights perspective, as well as by arguments drawing on democratic theory.
8. International law has long remained indifferent to the concept of ‚people‘. However, international law has begun to shake off this ‚blindness‘ in modern times on account of the advance of the people’s right of self-determination and the development of minority protection regimes. Moreover, the expansion of the human rights protection system has contributed to fortifying the legal position of immigrants. This translates into indirect effects with regard to processes of naturalization.

9. Despite the often alleged rollback of the nation-state in the era of globalization, the notion of 'people' continues to enjoy untempered popularity. Viable alternatives with equivalent identity-endowing effects are yet to be established.

10. The opportunities for international law to influence the concept of 'people' are modest, and arguably will remain so. It is not merely by chance that the international regime of minority protection happens to be weak. Substantial impulses for a new conceptualization of the term 'the people', which stand up to the challenges posed by a globalizing world, ought to come from the national level.