



## Law and Society: Ethnicity and Social Integration Through Norm Contestation<sup>1</sup>

Bahlbi Malk<sup>2</sup>

### Abstract:

Growing ethnic tensions, ethnic-based violence, and societal polarization are some of the current problems that contemporary communities around the globe are facing. However, while ethnicity has been weaponized to serve as a basis for political mobilization or counter-mobilization, neither ethnic difference nor ethnicity is the cause of tensions or violence as they have been portrayed to be. Ethnic-related violence is the consequence of politically driven naturalization and reification of ethnicity, the institutionalization of ethnic divisions, the ethnicization and racialization of social/group relations, and the ethnification of territories, cultures, and societies. Therefore, departing from the naturalists' tendency of group relation dichotomization where ethnicity and race are perceived as distinct, pre-given, instinctual, tangible, bounded, static, and ancestrally linked singularity, this article argues that they should be conceptualized in relational, intersectional, processual, dynamic and multidimensional terms where "multiple diversity governance" and multi-level social integration is possible.

### Keywords:

Ethnification; ethnic conflict; norm contestation; de-ethnification; multiple governance; multiple integration.

<sup>1</sup> DOI: <https://doi.org/10.12700/jceas.2025.5.3.393>

<sup>2</sup> Bahlbi Malk is a research scholar at the University of Graz, Law and Politics Program, Faculty of Law. [Bahlbi.malk@edu.uni-graz.at](mailto:Bahlbi.malk@edu.uni-graz.at) ORCID: 0009-0004-8623-0305

## *Introduction*

To understand societies and human affairs, it's critically important to understand and interpret the relevant meanings of the beliefs, values, cultures, and perceptions that shape motivations, actions, and behaviours thereby harmonising societal peaceful coexistence. Therefore, to understand the nature, origin, and formation of ethnicity, several theorists including primordialists, instrumentalists and constructivists have developed different interpretative approaches. Although each of these theories has made a substantial contribution to our understanding of the social phenomenon, the overreliance on a single either-or approach has reduced their interpretive, prescriptive, and predictive capacity to static, simplistic, and reductionistic interpretation of the origin and nature of ethnicity and identity formation. Hence, this essay investigates the practicality of these theories in terms of grasping the complexity, multiplicity, and fluidity of ethnic identity formation and in identifying the origin and cause (s) of ethnic conflicts and failures of social/system integration. To that end, this article is derived from and inspired by Joseph Marko's (2019) writings in "Law and Sociology: the constructivist and interpretative turn" in the book Human and minority rights protection by multiple diversity governance, where he explicitly demonstrates the multidimensional, extrinsic, intertwined and complex dynamics of identity formation and the multiply constructed identities across different, sometimes overlapping categorization in contrast to naturalists' misconceptions of identity formation as inherently natural and static with the tendency of categorizing individuals and communities within one or other cultures (Marko, 2019: 138-177). The claim of linguistic, cultural, religious, and genealogical homogeneity often creates the dichotomization of group relations into a social configuration of antagonistic "us" vs "them" positions which practically lay a foundation for ideologies of racism, fascism and ethnonationalism. Because creating national homogeneity and hierarchy was/is fascists' core ideological and philosophical belief. Therefore, by deconstructing the naturalist fallacies and ideological paradoxes, it is expected to offer an alternative approach and strategic framework for the de-ethnification of cultural and territorial divisions providing social and system integration through a law under the multidimensionality and multifunctionality of law whereby norms, and their underlying values are permanently contested by those affected by it.

### *1.1 Theoretical interpretations of ethnicity and identity*

When it comes to the origin, nature, formation, and transformation of ethnicity, there is tremendous empirical evidence that suggest that ethnicity and ethnic identity are socially constructed categorization shaped by intrinsic and extrinsic actions, which tend to be fluid, dynamic, and constantly evolving. However, the primordial theory disregards cultural and historical processes and other social elements that shape or influence ethnic groups and identities and treat the identity formation as a natural and static phenomenon. Primordialists perceive ethnicity as inherently ascribed at birth, pre-given, fixed with spiritual affinity, and distinct socio-cultural boundaries. They argue

that the depth of ethnic sentiment, emotional and natural attachment, and “longing not to belong to any other group” naturally triggers conflicts (Geertz, 1973: 259-260). Therefore, the claim of ethnic, linguistic, cultural, religious, and genealogical dichotomies often creates the “us” vs “them” categorization leading to war and ethnic massacres. The magnitude and depravity of many of the unspeakable historical atrocities perpetrated in ethnic-related wars like those in Yugoslavia, Rwanda, and the Democratic Republic of the Congo have been described in many ways but interpreting it as inevitable and irreconcilable phenomena driven by natural divisions is the worst way to characterize it. Therefore, the ideologies of contemporary racism, ethnonationalism and political function of exclusion/inclusion are believed to have been based on the primordialists’ assumption of common biological descent and priori cultural commonality with perceived shared origin of descent, kinship and/ or belief to form a homogeneous grouping (Marko, 2019: 139). From primordialists perspective, ethnic differences and the transgression of boundaries by outside subcultures who don’t belong are the root causes of violent conflicts and thereby they promote the notion of good fences make good friends (Marko, 2019: 139). Hence, for primordialist theorists, “peaceful coexistence is only possible through separation of territories or people in the form of cessation and/or...institutional segregation in culture-preserving sectors...” leading to what Max Weber describe as “social closure” where dichotomization of group relations and monopolization of resources are executed by denying chances to a different group of outsiders that it defines different, inferior and ineligible (Murphy, 1988: 88). Be that as it may, cessation, separation of territories or building fences don’t necessarily guarantee peaceful equilibrium as primordialists asserts; because there is sufficient evidence that suggest the volatility of naturalization and reification of ethnicity is not necessarily confined within a designated border. The naturalist ethnic entrepreneurs are often inclined to claim “moral obligation” to provide political, material, and moral support to their co-ethnic groups that are beyond their territorial boundaries which Huntington refers to as “kin country syndrome” (Huntington, 1993: 35) where neighbouring countries or transnational ethnic groups with perceived biological ties, shared cultures, and identities involved in cross-border interventions in supporting and organizing political movements around ethnic identities. For instance, in the early 1990s, the Zaghawa ethnic group in Sudan cooperated with the Zaghawa from Chad to overthrow dictator Hissene Habré who was from the Gorane ethnic group, and replaced him with a Zaghawan President, Idriss Deby. However, as Idris Deby of Chad attempted to reciprocate the favour by supporting and mobilizing the Zaghawan ethnic group in Darfur against the central government in Sudan, the same ethnic group was subjected to genocide. Again, this is not to imply that ethnic homogeneity or heterogeneity is the cause of national and transnational conflicts but to demonstrate that the impact of ethnification remains neither in the privacy of the homes nor within the distance of designated ethno-territorial boundaries and not even national borders.

In a de-ethnified socio-political environment, it may be argued that the existence of shared ethnicity, kinship, language, religion, and culture within or across borders may make it easier to facilitate the possibility of communal cooperation and hospitality, but there is no evidence to suggest that inter-and-intra-ethnic similarities or differences alone can ensure racial/ethnic harmony or cause conflict and unrest. Primordialists fail to answer why conflicts among ethnically and/or religiously homogeneous societies occur, and why many heterogeneous societies peacefully coexist. Because ethnic similarities and peaceful coexistence are not positively or negatively correlated. However, there is a statistically significant correlation between ethnic polarisation and the likelihood of civil war (Montalvo & Reynal-Querol, 2005: 802). The primordialists' simplistic and reductionist approach to ethnicity and conflict does not explain the chaos, conflict, and massacres among the ethnically, religiously, and culturally homogeneous Somalis population and the Tutsi and Hutu ethnic groups of Rwanda. Ethnicity hasn't been the main driver of ethnic strife *per se*. Conflict is frequently sparked by the actions—or lack thereof—of political elites and/or ethnic entrepreneurs. As Young puts it, ethnic entrepreneurs “codify and standardize a language, equipping it with a written form, create an ethno-centred historical narrative, populated with internal heroes and external villains, and build a literary tradition” (Young, 2003: 14). Political elites and ethnic entrepreneurs frequently play negative roles in polarising societies by escalating fear, grievances, ethnic rivalry, and competition as they work to mobilize their ethnic groups or clans to obtain or maintain certain political privileges, power, and resources at the expense of other ethnic groups.

The other two theories are what Marko termed constructivist-instrumentalist and constructivist-structuralist. The constructivist-instrumentalist argues that ethnicity is a mentally constructed false belief and superstition which is often deliberately manipulated and abused by sociopolitical, economic, and cultural elites as a strategic instrument to achieve personal and political goals (Marko, 2019: 139). However, be it in academic research or policy intervention programs, any attempt to solve ethnic-related conflicts or tensions are often expected to begin with the fundamental understanding, identification and /or acknowledgment of existence of a problem(s) worth solving. Therefore, the constructivist-instrumentalist attempt to paint ethnicity as a false belief and non-existent entity would make it practically impossible to solve ethnic conflict and reconcile deeply divided societies. The constructivist-structuralist, on the other hand, argues that ethnic identity is a fluid social process that is constructed, deconstructed, and reconstructed through historical, political, and economic influences and social interactions (Wimmer, 2008: 986-996). Joseph Marko (2019) draws his interpretative analysis on the conceptualization of constructivist-structuralist approach, which departs from the liberal-communitarian, individualistic-liberal and nationalist theories that wrongly assume that individual behaviour is structurally embedded in the culture of an *a priori* given identities and pre-political community. The constructivist-structuralist approach acknowledges the existence or presence of deeply rooted ethnic divisions that resembles a neo-primordial dichotomization of ethnic categories, which is

the case in Bosnia Herzegovina, Rwanda and Ethiopia, but it underscores the interconnected, intertwined, and sometimes overlapping individual and social identity formation through social learning and socialization process as cognitive and normative construction of social categories. As individuals and grouping can belong to multiple categorizations at the same time, personal and social identity formation should not be conceptualized as mutually excluding each other. In short, identities are formed and reformed through interactions and social relations and there is nothing natural, exclusive, or *priori* given or dichotomy between individual and collective identities. Hence, it is not appropriate to think of the development of personal and social identities as mutually exclusive. Identity can no longer be interpreted as a singular and exclusive individuality. Because identities are frequently built across various, occasionally overlapping, or opposing categories. As Marko alluded, ethnicity does not have an objective meaning relating to language, religion, or culture in general; rather, it is a structural code with a political function of inclusion/exclusion in the transformation of categories into grouping (Marko, 2019: 147-149). Instead, it represents the politically driven process of social closure of grouping that transforms society from complementization (Eidheim, 1996) (*we-and-they*) of social configuration into dichotomization (*us vs. them*) of group relations (Marko, 2019: 147). Instead, it stands for the politically motivated process of social closure of grouping and dichotomization into a social configuration of an adversarial *us vs. them* stand.

Therefore, unlike the claims of common possession of religion, language, or culture on the assumption of common biological origin or descent and/ or groupness, the interplay between individual and social identity formation is constituted by three basic processes and empirically tested assumptions (Monroe, Hankin, & Vechten, 2000: 434) where, firstly, social groupings including gender, race, ethnicity or nationality are socially constructed categories with a sociopolitical function of inclusion and exclusion. Secondly, in line with social role theory (Berger & Luckmann, 1966), social identity is based on the individual's situated self-regulation to gender role standards and social regulations to others by identification of oneself from the socially constructed belief and stereotypical expectations. In gender-based social roles and behaviours, individuals are expected to perform specific roles, and behave in certain ways, largely because the socially defined expectations influence behaviours and enables men and women to develop specific personality traits and skills out of the socially defined categorization (Egley & Wood, 2012: 458-469). Third is a reference group where identity is formed through comparison and self-stereotyping. This aligns with social comparison theory (Festinger, 1954; Tajfel, 1978), which conceptualizes that people evaluate their own social and personal worth and self-image by evaluating how they stack up against others, embodying the tendency of self-identification through self-stereotyping to attain in-group membership favouritism (ethnic, gender, racial, religious identities) and outgroup discrimination against others. Political parties, communities (ethnic, social, racial, sexual orientation, and so on), fraternities, sororities, gangs, sports clubs, etc. can be examples of in-groups and out-groups that people can belong to or exclude from. Depending on

the open-mindedness or close-mindedness of a group, the in-group vs outgroup identity formation may create a dichotomous identity with less or no room for peaceful inter-group cooperation leading to the likelihood of social and political closure. As a result, the lack of contact, social interaction and exposure between groupings may help polarize images and group exclusiveness creating fear of others. Therefore, the need for system integration cannot be simply explained by reducing the intersubjective level of the social integration mechanism because groups as social entities not only have an internal structure, that is social stratification and internal status hierarchies, but they are also part of the larger societal structures of intergroup relations (Marko, 2019: 143).

Therefore, whether through commonalities of religion, race, culture, ethnicity, geography, interests, politics, or activities, others, or not, social identity formation and social organizations are formed through standardized categorization, informal networks, and/or community or “bounded group” (Marko, 2019: 175). Be it normative/voluntary, coerced or utilitarian organizations, governments and institutions often give abstract and yet standardized ethnic categorization and collective agency to people sometimes without fully understanding the heterogeneity of groups. For instance, in the US, the term “Hispanic” was coined by the US Census Bureau without taking into account the population’s internal linguistic and cultural diversity, which has served as a launching pad for racist, nationalist, and primordialist notion of race and ethnicity (Yang, 2000: 10-11). As the ethnification and racialization of groups has led to racism and structural discrimination, Professor Marko emphasizes on the need for legislatures and judges to avoid ethnifying and racializing social relations and prevent ethnification and racialization by anti-discrimination laws. Moreover, while people engage in routine membership interactions to form an informal network (opportunity structure, not ethnic group) for the purposes of gaining material, spiritual, and financial advantages, others create formal, goal-oriented associations, such as civic organizations, to safeguard, preserve, and nurture minority cultures. Last, but not least is a community or “bounded group”. According to Max Weber, whether it is communal or associative in character, a society is referred to as “open” to outsiders if the system does not deny participation to anyone who wishes to join. Conversely, a social relationship will be “closed” against outsiders if the participation of certain persons is excluded, limited, or subjected to conditions (Weber, 1978: 43-44). Therefore, depending on whether it’s a community with strong and exclusive membership or inclusive with a strong sense of affinity, the formation and institutionalization of a community can create peaceful cooperation or aggressive confrontation. An exclusive community/social organization that is “bounded” together by shared language, culture, territory, values, passion, experience, interests, and goals can lead to social closure of grouping, which is often a foundation for the process of ethnification and polarization of society. Unlike the primordial assumption that groups are formed based on pre-given and culturally-determined similarities, Marko argues that “culture difference is not the cause for group formation” but an effect that is socially or politically constructed as possible symbolic boundaries in relation to others (Marko, 2019: 146). A real consequence of the

ethnification and polarization of societies leads to the formation of a deeply divided society, which is a strong sign of total failure of social and system integration. The societal polarization borne out of ethnification of territories, cultures, and institutions is what Marko refers to as “Ethnic-midas” where each and everything is seen and measured through an ethnic lens. Hence, ethnic conflicts are not caused by ethnicity per se, but they are the consequence of ethnification and polarization of society. However, ethnification and conflict are bidirectional elements that can mutually reinforce each other. As much as ethnification contributes to conflict, conflict and violence may also trigger widespread ethnification (Kuran, 1998: 625). The Ethiopian case of ethno-territorial federation that politicalized ethnic identity, ethnicized and naturalized cultures, territories and institutions is a typical contemporary example. The demarcation of ethno-territorial boundaries and the naturalization of ethnicity have triggered conflicts across the country. Furthermore, as conflicts get intensified, it’s feeding into the ethnification process, which is radicalizing and drifting the society apart, which is facilitating the possibility of state disintegration.

## *2. Ethiopia’s Transition from Forced Ethnic Homogenization to Ethnic Federalism: Ethnification of Territory and Politicization of Ethnicity*

In the late nineteenth and early twentieth centuries, mostly through coerced assimilationism, Ethiopia acquired its current geographic configuration. Emperors Menelik II launched a trident assimilation programme built around a repressive land-tenure system, the adoption and spread of the Amharic as an official language and Orthodox Christianity as a state religion linked with the imperial court to firmly establish his rule over the conquered ethnicities and territories (Pausewang, 2005; Ismail, 2023). Under the assimilationist Abyssinian project, the Oromo, Somali, Afar, Sidama, Wolaita, and a host of other self-governing indigenous people were absorbed into the empire. So, the country was built on a primordialistic myth of collective ancestry with Amharanized common national identity through which minority ethnic groups were either suppressed or incorporated into the dominant “superior” ethnic group to form an elusively “homogeneous” nation-state (Pausewang, 2005: 278). The forced ethnical assimilation and religious conversion of minority groups gave the Amhara a political prominence and numerical dominance over others leading to what Tocqueville (2003) described as “Tyranny of the majority” (Tocqueville, Bevan, & Kramnick, 2003).

To provide the Amharic court culture, the illusion of legitimacy as rulers and “chosen people”, the Amhara ethnic group even goes further to assert the mythology of “true Israel” and the Solomonic descent of the Ethiopian monarchs (Tocqueville, Bevan, & Kramnick, 2003). Consequently, other ethnic groups had to embrace the linguistic, cultural, and religious practices of the subjugators in order to participate in any socioeconomic, political, and religious life of the newly formed empire of the “superior”. While the subjugators enforce the conversion and identity-switching on a naturalist basis, from the subjugated perspective, ethnic identification with the

“superior” ethnicity has some degree of instrumentalism with some expected rewards. Subsequently, various Abyssinian rulers of the Amhara ethnic groups used claims of “God-given” (chosen) racial, cultural, and religious superiority over other ethnolinguistic groups to justify and legitimize their assimilationist project. However, as the Amhara ethnic group has multiple and overlapping identities with malleable and constantly fluctuating boundaries and varied descents, the claim of pre-given internally homogeneous Amahara ethnic identity was built on a faux narrative. On the claim of ethnic homogeneity, Tully (1995) eloquently states:

*“.... cultures are not internally homogeneous. They are continuously contested, imagined and reimagined, transformed and negotiated, both by their members and through their interaction with others. The identity of any culture is thus aspectival rather than essential: like many complex human phenomena, such as language and games, its identity and meaning changes as different aspects of it come into view as it is approached from different paths. Cultural diversity is a tangled labyrinth of intertwining cultural differences and similarities, not a panopticon of fixed, independent and incommensurable world views in which we are either prisoners or cosmopolitan spectators in the central tower...” (Tully, 1995: 119).*

The Amhara ethnic group, like many other ethnic groups, has intermarried with and integrated into other groups within and across boundaries evolving to encompass multiple layers of identities in which an individual can claim more than one identity. However, to conceal their multiplicity and magnify the sense of ethnoreligious “purity” and oneness, Muslims of the same ethnic groups, for instance, were omitted from the categorization of Amharan identity (Pausewang, 2005: 277). Ethiopia’s forced homogenization, formation of radicalized form of monolithic national identity and suppression / otherization of heterogeneous groups had infused deep-seated grievances and resentments among diverse groups. In this case, it’s not only the political elites but also the Ethiopian state itself was the biggest entrepreneur of ethnic identity. The peasants’ revolution against the feudal empire that began in the 1940s, grew and spread across the country after the collapse of the feudal imperial rule in 1974 were a by-product of ethnification and naturalization of ethnic identity. The ethnonationalist movements including the Tigrayan Liberation Front (TPLF), Oromo Liberation Front (OLF), Afar Liberation Front (ALF), Western Somali Liberation Front (WSLF) and Ogadeni National Liberation Front (ONLF) among others emerged and formed in various parts of the nation to fight the mono-nationalist (unitary) governments that excluded the political voice of many ethnic minorities and majorities through the pursuit of exclusive nation-building techniques by ignoring the existence of multi-level and cross-cutting ethnic diversity. Be that as it may, it’s worth noting that the ethnic conflicts were not caused by cultural diversity or ethnic differences per se, but they were consequences and manifestations of political failures where the suppressed,



marginalized, and peripheralized ethnic groups were endeavouring to forge a new constitutional arrangement and compel their inclusion in the state or to change the state through some form of self-determination (Habtu, 2003: 12-13). So, the coerced incorporation of ethnic groups and shredding of their original ethnic identities gave birth to what Michael Mann describe as “state subverting nationalism” (Mann, 2012: 730-732), which involves the emergence and/or coalesce of ethnic-based group mobilization and protracted fight against the dominant ethnic group. In 1991, the ethnonationalist rebels defeated the highly centralized authoritarianism socialist regime, the Dergue, and created a relatively new federal experiment in Africa that is based on ethnolinguistic settlement patterns to achieve a fundamental redefinition of the Ethiopian nation-state. Hence, in 1995 Ethiopia formally adopted Yugoslavia’s and the USSR’s ethno-federalism model that enabled the ethnicization of territory and politicization of ethnicity with some degree of autonomy and unconditional constitutional right to self-determination up to secession from the federation.

Ethiopia has 84 ethnic groups, but initially, the ethno-federalism was organized around the nine dominant ethnic groups (Oromo, Tigray, Amhara, Afar, Somali, Benishangul-Gumuz, Southern Nations, Nationalities and Peoples Region (SNNPR), Gambella and Harari) each with significant variation in size (Melesse 2021). As regional resource allocation and political representation at the centre is determined by the ethnical numerical sizes, each region endeavours to inflate its own. Because the manual census is susceptible to manipulation, the outcome is frequently decided by the persons doing the counting. Although Ethiopia has more than 80 ethnic groups each with intersecting and multiple identities, the Ethiopian government introduced a simplistic and reductionist system of ethnic-federalism in which ethnolinguistic grouping and territorial demarcations took place not on the principle of constitutional equality, but on the ground of ethnic homogenization through separation. As the federal constitution grants every ethnic group that shares the same ethnolinguistic identity and culture the right to vote on the creation of a new state, should the group’s governing council request it, there is a growing demand to establish more ethno-regional states. For instance, after a protracted struggle for self-determination, the Sidama people have recently voted in a referendum for statehood and achieved it, making it the tenth ethno-regional state in Ethiopia. As mentioned above, each ethno-territorial regions receive the allocation of political power and economic resources relative to their sizes with autonomous rights to design its own regional constitution, establish its own regional army, set its own working languages, choose its own language of instruction in primary schools, elect its own president, parliament and government. As a result, each regional constitution has separate power base, and parallel institutions with different degrees of nativist elements that guarantee rights to exclude non-member ethnic groups from holding public office or work in civil service unless they speak the language (s) spoken in the ethnically demarcated regional governments (Melesse 2021).

For instance, while Article 2 of the Benishangul-Gumuz constitution acknowledges the presence of other ethnic groups within the region, it explicitly asserts that the

regional state belongs to the “native” ethnic groups of Berta, Gumuz, Moa, Shinasha, and Komo, which triggers “settler vs. native” ethno-political dichotomy (Constitution of the regional state of Benishangul/Gumuz). Consequently, the ethnification, naturalization, and institutionalization of ethnic and territorial divisions have empowered some ethnic groups while disempowering others within their territorial jurisdiction, which created many “non-native” minorities within majorities and many “non-native” majorities within minorities. In a society of ethnic-midas where the populations are forced to prioritize their ethnicity over justice, equality, and humanity, neither minorities within the majority nor the majority within minority regions are protected. Now that ethnicity has become an integral part of the politico-economic livelihoods and psychosocial mindset of the society, understanding and possibly resolving the phenomenon requires more than a single theoretical interpretation. This is because, ethnicities in Ethiopia, like any other ethnicities, is a socially constructed, deconstructed, or reconstructed entities across history (constructivism) with instrumentalist tendencies and primordialist beliefs/claims to pursue the homogenization of culture, people and territory along the cultural, linguistic, religious and political lines. The antagonism and the mutually destructive campaign of political exclusion between previously dominant and dominated ethnic groups align with status reversal theory, which contends that the more intense the historical struggle between the dominant and minority populations, the more likely the majority will face a heightened exclusion once the roles are reversed (Mylonas, 2013: 93). The role has been reversed and the former dominant ruling class—the Amhara ethnic group, has been targeted and excluded almost in every newly formed ethno-territorial jurisdictional grid.

The ethnicized state administrative structures have ignited inter/intra-ethnic wranglings, competition over land/power/resources, reinforced group identities, nurtured ethnic mobilization, hindered inter/intra group interaction, fuelled and deepened communal and/or ethnic tensions/conflicts within regions and across the country with strong ambition for separation by secession. Therefore, the ethnicization of territories and state institutions and the politicization of ethnicity have fostered violence between minority and majority ethnic groups (state subverting nationalism), but it is also pushing the country towards the potential secession of many ethnic groups (contraction) or disintegration of the empire (dissolution). If history tells us anything, without de-ethnification of cultural and territorial divisions, there is ample evidence to suggest that Ethiopia, Africa’s second populous country is likely to face Yugoslavia’s and USSR’s fate. However, the depoliticization of ethnicity and de-ethnicization of societal dissections cannot be achieved by naturalizing territorial and cultural divisions based on a predefined assumption of cultural commonality (Marko, 2019) or by pursuing the homogenizing nation-state modelling which mono-nationalist elites suppress diversity in the name of national “oneness” at the expense of others. Marko argues that it is crucial to stop the reification, dichotomization, and naturalisation of cultural and territorial possession in order to de-ethnify these societal divisions. We can overcome the civic/ethnic and social dichotomies only by deconstructing the naturalist fallacies.

However, the ethnification phenomenon is not limited to ancestrally linked “ethnified” collectivises with claims of ethnolinguistic, cultural, religious, and geographical distinctiveness and historical grievances that endeavour to capitalize on ethnic attachment for mobilizing individuals and/or groups into collective action and for collective claims, including access to power and resources. As I will demonstrate in the subsequent case of the Canadian model of multiculturalism, such phenomenon may occur even in pluralist nations that profess to accommodate diversity and endorse multicultural policies.

### *2.1 The Case of Canadian Multiculturalism: Safe for Ethnicity and yet Safe from Ethnicity*

The societal ethnification phenomenon is not necessarily limited to nation-states in which political and/or numerically dominant groups attempt to enforce the homogenization of territory and people by suppressing and excluding minorities. This is because the naturalization of ethnicity and the “denial of fully-fledged participation in the economy and polity to an immigrant collectivist which had adopted the land into which it has migrated as its homeland can also result in the ethnification of society (Oommen, 2008: 27). Canada is a case in point. Ever since Canada introduced the race-neutral admissions criteria in immigration policy in 1967 against the formerly exclusive intake that favoured Europeans, and the adoption of multiculturalism in the early 1970s, it has been lauded as a success story of multiculturalism. Because the country has championed welcoming diverse minorities and created space for them to preserve and celebrate some aspects of their culture and traditions while engaging in the mainstream of Canadian life without culturally or structurally assimilating into it. While the phrase “Canadian values” is frequently used to describe the uniform racial, cultural, and religious characteristics of individuals of European descent, the term “multiculturalism” continues to be the focal point of the discursive racialization of non-European individuals who are perceived as not adhering to these Canadian values (Hansen, 2014:73-88). Like the primordialists or naturalist theorists who perceive ethnicity as static, instinctual, permanent and ancestrally linked singularity in which their shared distinctiveness exclude them from others, the Canadian version of naturalization of difference, policy of fostering ethnic primordiality and framing ethnicity “around fixed and uniform categories that not only determined how all members should think and act but also ignored the multidimensional nature of people’s identities” (Fleras, 2017: 118). The Canadian policy of multiculturalism endorses the symbols of ethnic differences solely at personal or private levels and it can be tolerated only as long as it remains personal and private; however, at public domain, it only endorses a “pretend pluralism” (Fleras, 2017: 139). Therefore, as Fleras’ research findings show, under an official Canadian Multiculturalism policy, ethnicity is rendered tolerable as long as:

*“...(1) people identify only with the symbols of their difference; (2) this identification is restricted to the personal and private rather than the public realm;*

*(3) this affiliation does not violate the laws of the land, interfere with the rights of others, or contravene core Canadian values and constitutional principles, and (4) ethnicity is deployed to bolster people's sense of belonging to Canada rather than for erecting inward-looking communities. Put bluntly, then, Canada's official Multiculturalism does not exist to "celebrate" ethnicity. More to the point, official Multiculturalism is concerned with neutering ethnicity as a framework for living together with what's left of our differences. Or to put it more finely, under Multiculturalism, all Canadians can belong to, and identify with, Canada through their ethnicity..." (Fleras, 2017: 139-140).*

To depoliticize ethnicity under the multiculturalism brand, the core Canadian institutions have established "a governance model that makes Canada safe from ethnicity, yet safe for ethnicity" [emphasis in the original] (Fleras, 2017: 140). The naturalization and reification of ethnicity, the dichotomization of private vs. public and its exclusion of ethnicity from the public realm can only facilitate segregation by territorial separation as in the case of preserving indigenous peoples in reservations, because of the misconception of "their alleged inability to form one social and political community with the majority because of their 'entirely different' culture" (Marko, 1998: 379). Or it can foster an environment of detached coexistence as in the cases of growing ethno-social enclaves throughout the country. For instance, there are more than 371 ethnic neighbourhoods in Toronto "with relatively high concentrations (30 percent or more) of a single ethnicity" in a limited territorial concentration and self-segregation by minorities themselves leading to ethno-tension and violence (Fleras, 2012: 47). Also, if we look at the ethnic Somalis in Ottawa, there are disturbing signs of institutional and policy failures of integration and inclusion. Between 2001 and 2006, the Somali population in Ottawa/Gatineau areas has grown to 8,040 (Statistics Canada, 2006). However, more than 35% of them are territorially concentrated largely in Alta Vista and Gloucester-Southgate areas (Charmarkeh & Grandena, 2012: 411). Although the Somali migrant population makes 0.7% of the Ottawa population, reports show that 60% of youth incarcerations in the Ottawa Juvenile Delinquency Center are of Muslim faith and within this 60% youth population of Muslim faith, 90% are Somali speaking (Somalia Center for Youth, Women and Community Development, 2003, cited in Kenny, 2008: 9). These are signs of failure of multiple integration processes (ethno-social, economic, political, legal) where upward social mobility is practically difficult, downward social assimilation (territorial and ethnic enclaves), frustration, and substance abuse become rampant. In 2015, nearly 5 million (14.5%) Canadians lived in poverty out of which racialized migrants and indigenous groups were the majority (Statistics Canada, 2021). While integration deferral keeps migrants in poverty, it costs the Canadian government between 72 to 82 billion dollars per year (Plante, 2020: 9) (which is the cost of health care, crime, social services, emergency shelter, and so on.) which makes it the most expensive social problem in the country.

Accommodation of diversity, dignified coexistence, and successful integration should involve the adjustment of existing laws and policies to facilitate the participation of immigrants in economic, social, and political life, which would give immigrants an opportunity to integrate into mainstream society successfully, but also more or less secure the opportunity for upward social mobility. It is therefore possible to provide for integration through law by acknowledging the inseparable identity/diversity/equality/participation nexus and, as a result, the multidimensionality and multifunctionality of law in a norm-generating cycle where norms and their underlying values are constantly contested at various territorial levels and within various functional contexts (Marko, 2019: 174). As a result, the integration strategies can only be implemented in societies that are genuinely and explicitly multicultural, without any dominant ethnic group(s), and with some clearly established psychological preconditions, including “...widespread acceptance of the value to a society of cultural diversity (the presence of a positive ‘multicultural ideology’); relatively low levels of prejudice (minimal ethnocentrism, racism, and discrimination); positive mutual attitudes among cultural groups (no specific intergroup hatred); and sense of attachment to, or identification with, the larger society by all groups” (Berry, 1997: 11). However, de-ethnicification of cultural and territorial divisions cannot be achieved by depoliticization attempts when culture and ethnicity are avoided from the public realm.

While cultural assimilation is a rejection of diversity which involves unlearning the previous language(s) and culture(s) of their origin to acquire new cultural capital and social skills to accommodate the values, norms, and practices of their host community, structural assimilation (Gordon, 1964) is a multi-level and multi-directional social integration system, which is not a one-way process of identification with the host’s fundamental institutions, norms, values, and social practices, but it involves mutual adaptation and accommodation (Marko, 2019: 153). Integration policies demand that migrants embrace the norms and customs of the majority group, whereas accommodation policies demand that the majority accept customs that are different from those that constitute the culture of the majority. During the integration process, immigrants always make the most adjustments, but the concept of accommodation indicates that the host community also makes changes to its laws and institutions to enable their inclusion (Banting, 2022). Unless being part of the law of the land means that diverse groups have the rights to contest the “Canada’s legal system [which] is based on the English and French „traditional legal norms (Department of Justice, 2021) to generate a normative concept of legal pluralism, a law of the land that excludes stakeholders who live on the land is a “pretend pluralism”. This is not to downplay, discount, or undervalue the Canadian hospitality and multiculturalism policy per se, but it’s worth noting that governing a diverse society without understanding the meanings and inclusion of the norms, values, and beliefs of the governed remains to be an illusion of multiculturalism.

Without critical contestation of the legal norms and adjustment of existing laws to secure structural assimilation or integration of multi-ethnic and multi-faith migrants into

the socio-economic and political life of Canada, the Canadian multiculturalism policy can only secure a detached coexistence and asymmetrical power relations. Because “respecting diversity not only requires equal opportunities in terms of redistribution of material resources to overcome socioeconomic disadvantages” (Marko, 2019: 167), but also proactive and permanent constations of norms and laws to facilitate integration by law. The “accommodation of diversity without a structural change in power relations as a transformative dimension of law will not bring ‘full and effective equality’” and successful integration (Marko, 2019: 167). Multiculturalism, from a sociological standpoint, is the presence of people from various racial and ethnic backgrounds, but ideologically, it is a collection of generally agreeable beliefs and principles that promotes the appreciation of Canada’s cultural variety (Dewing, 2013: 1). When it comes to policy, multiculturalism is the formal management of diversity through federal, provincial, territorial, and local activities (Dewing, 2013). However, a genuine multiculturalism in pluralist society should not be limited just to mere acknowledgement of ethno-racial and religious existence, management and celebration of cultural differences and foods, but it should entail harmonization of the law, changing the law and regulations themselves to accommodate the distinctive needs and aspirations of the majorities and minorities, rather than simply ensuring the non-discriminatory execution of the law in a diverse society (Banting, 2022: 185). Therefore, the concept of multiculturalism requires the contestation of abstract norms and the static conceptualization of legal dogmas that declare the alleged shared values of the majority population are non-negotiable. As Marko underlines, “laws are process-driven not only by different ideas, interests, identities, and emotions but also by the permanent norm contestation of principles and goals” (Marko, 2019: 172) where the principle of the *quod omnes tangit* (all must consent to whatever has an impact on them) what affects all must be approved by all (Weiner, 2020: 197) encouraging the participation of all stakeholders and those diverse national groups affected by the laws *inter se*. According to Wiener (2020), norm contestation is:

*“...the practice that brings out the tension between socially constituted soft institutions (norms) on the one hand and formally stipulated hard institutions (law, political organizations) on the other. Unlike ‘hard’ institutions which are constitutionally set to represent the internal boundaries of formal political space, soft institutions emerge through social interactions that often criss-cross these boundaries...”* (Weiner, 2020: 197).

Hence, if multiculturalism is not applied in the legal and social system, diversity would encounter a variety of phenomena including “the tension between diversity (of norms, political opinions, cultural patterns of behaviour, etc.)” (Weiner, 2020: 198) that makes life uneasy for most immigrants and the Canadian society. It is not uncommon to see the cultural perceptions of right and wrong get immigrants into trouble with the law, largely because their behaviours and actions are usually measured by the Canadian

mainstream notion of ‘acceptable’ norms are deviant from the conventional “Canadian norms”. Ethnification and racialization are two faces of the same coin, because “[r]acialization is the socio-political process that attributes social significance to ‘race’ by giving meaning to physical [and behavioural] characteristics. Therefore, the actions and behaviours of ‘racialized’ people are defined in relation to a dominant (White) norm” (Mooten, 2021: 16). Instead of focusing on whether they have violated the ‘acceptable’ conventional rules, it’s imperative to understand and consider the distinct and intrinsic multi-cultural meanings behind their actions and allow access to practices of norm contestation, norm validation, and contested compliance without limiting the norm-ownership or moral validity to the host side (Weiner, 2020: 61). When a person is subjected to state law, it would be meaningful for the state to understand, interpret and be inclusive of the subjects’ norms. Therefore, from pluralism and diversity perspectives, the law would be validated when diverse norms are contested as opposed to expectations of ethnic groups to blend in and be blind norm-follower to a given order as a reflection of unequal power relations.

### *3. Conclusion*

The primary goal of this paper is to highlight the reductionist interpretation of the complex, dynamic, multidimensional, and overlapping identity formation, and debunk the simplistic explanation of ethnic conflicts and thereby provide a basis for a more comprehensive and inclusive approach to social and system integration strategies in multicultural and ethnically divided societies. In this short essay, I have attempted to demonstrate that ethnicity is not the driver of inter/intra-ethnic conflicts as many scholars assert. Ethnic conflict is a by-product of politically-driven ethnification, naturalization, and reification of ethnicity and territorial boundaries which leads to dichotomization, peripheralization, marginalization, tension, antagonism, and conflict which are typical characteristics of deeply polarized societies and strong signs of total failure of social and system integration. Thus, a state is the biggest contributors to the ethnification of identity. Besides, the suppression of ethnic identities under the guise of creating a “race-neutral”, unitary and /or homogeneous nation-states tends to invisibilize the political voices of minorities and conceals the asymmetrical power relations and institutional arrangements which plays negative roles in polarising societies by intensifying grievances, rivalry, competition, and ethno-social enclaves. Considering the potential threat of naturalization and reification of ethnic identities and the ethnification of territorial boundaries pose on a peaceful societal equilibrium, the de-ethnification of cultural and territorial divisions and the complementization process (inclusive-we and you) should begin by deconstructing the ethnic primordial fallacies and ideological paradoxes that create ethnic, cultural, social, and political dichotomies (us vs. them) leading to conflict (s). Therefore, social and system integration would be effective if the system avoids complete ethno-social closures of group boundaries where class, ethnicity, and cultural groups crosscut each other, mutually interact, recognize, communicate, and create a collective sense of solidarity while allowing to keep dual

and/or multiple identities. Acceptance and acknowledgment of ethno-racial and religious diversity are starting place for recognition of the presence of dual and/or multiple social and personal identities but does not guarantee stability, dignified coexistence, and successful integration without contestation and harmonization of the laws, static legal dogmas, norms and regulations that affect all stakeholders to accommodate the distinctive needs and aspirations of the majorities and minorities. Hence, it is recommended to employ multiple integration approaches that recognize the multidimensionality of the integration process, which includes a negotiated and participatory process of mutual recognition, adaptation, and accommodation.

### *Acknowledgments*

This article has benefited significantly from the feedback of Professor Joseph Marko, a legal scholar, political Scientist, and former international Judge of the Constitutional Court of Bosnia and Herzegovina.

### *Conflict of Interest*

The author hereby declares that no competing financial interest exists for this manuscript.

### *Notes on Contributor*

Bahlbi is a researcher and international development practitioner specializing in migration, community development, capacity building, governance, and post-conflict recovery. In the last 16 years, he has worked within and between the worlds of research, policy design, and evaluation on issues related to humanitarian, political, logistical, and methodological challenges confronting post-war governance and peacebuilding processes in Africa. Prior to joining CPRD, Bahlbi has worked with a broad spectrum of policy, development, and humanitarian organizations in the Global North and South, including UNHCR, UNDP, UNICEF, and Red Cross in the areas of forced migration, governance, human security, emergency response, advocacy, and project management. He earned his undergraduate degree in Sociology and Social Anthropology from the University of Asmara. He did his postgraduate studies in international development and post-war recovery studies at Dalhousie University and the University of York. He is a former OCIC's Board of Editors team leader (Ontario Council of International Cooperation) and former Executive Member of the International Council of African Study Group (ASG). Bahlbi is a member of the Canadian Association for International Development Professionals (CAIDP) and the Canadian Institute for Conflict Resolution (CICR).



## References

- Banting, K. (2022). Multiculturalism Policy in Canada: Conflicted and Resilient,. In E. Lindquist (Ed.), *Policy Success in Canada: Cases, Lessons, Challenges*. (pp. 183-205). Oxford University Press.
- Berger, L., & Luckmann, T. (1966). *The Social Construction of Reality. A treatise in the Sociology of Knowledge*. Doubleday.
- Berry, J. W. (1997). Immigration, Acculturation, and Adaptation. *Applied Psychology. International Review*, 46(1), 5-34.
- Constitution of the regional state of Benishangul/Gumuz*. Retrieved October 25, 2025 from <http://www.ethcriminalawnetwork.com/node/148>
- Department of Justice Government of Canada. (2021). *Where our legal system comes from. Government of Canada*. Retrieved October 25, 2025 from <https://www.justice.gc.ca/eng/csj-sjc/just/03.html>
- Dewing, M. (2013). *Parliamentary Information and Research Services, Social and Legal Affairs Division*. Library of Parliament. Retrieved October 25, 2025 from <https://studylib.net/doc/25284961/dewing-multiculturalism-2009-20-e>
- Eidheim, H. (1969). When ethnic identity is a social stigma. In F. Earth (Ed.), *Ethnic Groups and Boundaries: The Social Organization of Culture Difference* (pp. 39-57). Little Brown.
- Festinger, L. (1954). A Theory of Social Comparison Processes. *Human Relations*, 7(2), 117-140. DOI: <https://doi.org/10.1177/001872675400700202>
- Fleras, A. (2012). *Case Studies, Insights, and Debates Unequal Relations: An Introduction to Race, Ethnic, and Aboriginal Dynamics in Canada*. Pearson Canada Inc. [https://pearsoned.ca/highered/divisions/text/fleras/case\\_online\\_fler\\_FINAL.pdf](https://pearsoned.ca/highered/divisions/text/fleras/case_online_fler_FINAL.pdf)
- Fleras, A. (2017). *Unequal Relations: A Critical Introduction to Race, Ethnic, and Aboriginal Dynamics in Canada*. Pearson Canada Inc. <https://www.pearsoncanada.ca/media/highered-showcase/multi-product-showcase/fleras-%20%20%20ch04.pdf>
- Geertz, C. (1973). *The Interpretation of Cultures*. Basic Books Inc.
- Gordon, M. (1964). *Assimilation in American Life. The Role of race, religion, and National Origins*. Oxford University Press.
- Habtu, A. (2003). *Ethnic Federalism in Ethiopia: Background, Present Conditions and Future Prospects* International Conference on African Development Archives [https://scholarworks.wmich.edu/africancenter\\_icad\\_archive/57](https://scholarworks.wmich.edu/africancenter_icad_archive/57)
- Hansen, R. (2014). Assimilation by stealth: Why Canada's multicultural policy is really a repackaged integration policy. *The multiculturalism question: Debating identity in 21st century Canada*. 73-88.
- Huntington, S. P. (1993). The clash of civilizations? *Foreign Affairs*, 72(3), 22-49.
- Ismail, M. (January 23, 2023). Ethiopian nation-building is haunted by its troubled history. *Ethiopia Insight*. <https://www.ethiopia->

- insight.com/2023/01/22/ethiopian-nation-building-is-haunted-by-its-troubled-history/
- Kenny, M. E. (2008). *The integration experience of Somali refugee youth in Ottawa, Canada, 'Failure is not an option for us*. Carleton University.
- Kuran, T. (1998). Ethnic Norms and Their Transformation through Reputational Cascades. *The Journal of Legal Studies*, 27(2), 623-659. DOI: <https://doi.org/10.1086/468038>
- Lagacé, M., Charmarkeh, H., & Grandena, F. (2012). Cultural Perceptions of Aging: The Perspective of Somali Canadians in Ottawa. *Journal of Cross-Cultural Gerontology*, 27(4), 409-424. DOI: <https://doi.org/10.1007/s10823-012-9180-3>
- Mann, M. (2012). *The sources of social power: the rise of classes and nation-states, 1760-1914 (Vol. 2)*. Cambridge University Press.
- Marko, J. (1998). Citizenship beyond the national state? The transnational citizenship of the European Union. In M. La Torre (Ed.), *European Citizenship: An Institutional Challenge* (pp. 369-385). Kluwer Law International.
- Marko, J. (2019). Law and Sociology: the constructivist and interpretative turn. In *Human and Minority Rights Protection by Multiple Diversity Governance: History, Law, Ideology and Politics in European Perspective* (pp. 138-177). Taylor and Francis Publishing Group.
- Melesse, K. (2021). *Ethnic federalism: a theory threatening to kill Ethiopia*. Ethiopia Insight,. <https://www.ethiopia-insight.com/2021/06/30/ethnic-federalism-a-theory-threatening-to-kill-ethiopia/>
- Monroe, K. R., Hankin, J., & Vechten, R. B. V. (2000). The psychological foundations of identity politics. *Annual Review of Political Science*, 3(1), 419-447. <https://www.annualreviews.org/content/journals/10.1146/annurev.polisci.3.1.419>
- Montalvo, J. G., & Reynal-Querol, M. (2005). Ethnic Polarization, Potential Conflict, and Civil Wars. *American Economic Review*, 95(3), 796-816. DOI: <https://doi.org/10.1257/0002828054201468>
- Mooten, N. (2021). *Racism, Discrimination and Migrant Workers in Canada: Evidence from the Literature*. Policy Research, Research and Evaluation Branch,. Ministry of Immigration, Refugees and Citizenship Canada. . Retrieved October 25, 2025 from <https://www.canada.ca/content/dam/ircc/documents/pdf/english/corporate/reports-statistics/research/racism/r8-2020-racism-eng.pdf>
- Murphy, R. (1988). *Social closure: The theory of monopolization and exclusion*. Clarendon Press.
- Mylonas, H. (2013). Assimilation and its Alternatives: Caveats in the Study of Nation-building Policies. In E. Henoweth & A. Lawrence (Eds.), *States and Non-State Actors in Conflict* (pp. 84-116). MIT Press Scholarship Online.



- Oommen, T. K. (2008). Nation building and diversity. In R. L. Watts & R. Chattopadhyay (Eds.), *Building and accommodating diversities* (pp. 21-36). Viva Press.
- Pausewang, S. (2005). The two faces of Amhara identity. *Scrinium*, 1(1), 273-286.
- Plante, C. (2020). *How to Calculate the Costs of Poverty in Canada: Comment on the Nathan Laurie Approach and Recommended Improvements*. University of Saskatchewan.
- Statistics Canada. (2021). Disaggregated trends in poverty from the 2021 Census of Population. In: Catalogue no. 98-200-X, issue 2021009.
- Tajfel, H. (Ed.). (1978). *Differentiation between Social Groups: Studies in the Social Psychology of Intergroup Relations*. Academic Press.
- Tocqueville, A. D., Bevan, G. E., & Kramnick, I. (2003). *Democracy in America: and Two essays on America*. Penguin Publishing Group.
- Tully, J. (1995). *Strange Multiplicity: Constitutionalism in the Age of Diversity*. Cambridge. Cambridge University Press.
- Van Lange, P., Kruglanski, A., Higgins, E., & Eagly, A. H. Social Role Theory. In Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology*. Berkeley University of California Press.
- Wiener, A. (2020). The Concept of Contestation of Norms - An Interview. In M. Reder (Ed.), *Yearbook on Practical Philosophy in a Global Perspective. YPPGP-JPPGP* (4th ed) (Vol. 1-8). Karl Alber Publishing.
- Wimmer, A. (2008). The Making and Unmaking of Ethnic Boundaries: A Multilevel Process Theory. *American Journal of Sociology*, 113(4), 940-1022. DOI: <https://doi.org/25145782>
- Yang, P. (2000). *Ethnic Studies: Issues and Approaches*. State University of New York Press,.
- Young, C. (2003). Explaining the conflict potential of ethnicity. In J. Darby & R. MacGinty (Eds.), *Contemporary peacemaking conflict, violence and peace processes* (pp. 9-18). Palgrave Macmillan.