

Notes on the Definition of "Ethnic"

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The definition of the word "Ethnic" is very important. It affects two vital clauses of the Constitution of the Council viz., objects and membership clauses. In plain language, the definition of "Ethnic" influences the purpose and direction of the Council and determines which and what kind of organizations can be members.

That is not all. The importance of the definition of the word "Ethnic" transcends the framing of the Constitution. However humble we want to be, the meaning of "Ethnic" as defined in our Constitution will affect the usage of the word even beyond the borders of this State.

For that reason, by trying to define the word, we are accepting a responsibility which must not be taken lightly or influenced by spurious and myopic considerations. The definition presents a real difficulty and requires a genuine endeavour and an unbiased approach.

These notes are prepared in order to throw some light on the origin of the word "Ethnic", its historical background and its usage within the scope and context of its legal, social and popular connotations.

The dictionaries list the adjective "Ethnic" as derived from the Greek noun "Ethnos" meaning "Nation". This does not help very much as it is just another way of saying that the Greek word "Ethnos" is equivalent to the Latin word

"Natio". The present meaning of the English word "Nation" is something quite different from the meaning the word "Natio" had for the Romans. The English meaning of the word "Nation" and its derivatives "Nationality" and "Nationalize" was conditioned by the Frankish feudal concept of sovereignty as transmitted to the English by the Norman French conquerors. At Common Law the word "Nation" means people subject to the same sovereign.

The Common Law never developed an abstract notion of a State as the Roman Law did. It is not pure coincidence that the railways are called "Government Railways" and not the "State Railways" as it is the custom on the Continent of Europe where the Roman Law was adopted wholesale with all its notions and concepts.

Most of Continental Europe distinguishes between "Nationality" and "Citizenship". The European notion of "Nationality" is generally defined as people having in common some or all of the following traits: language, history, territory, origin, feeling of affinity and awareness of common destiny. It is not governed by borders or similar considerations.

The nearest equivalent to the Common Law notion of "Nationality" is the European term "Citizenship". It is the "Citizenship" which bestows the rights and duties in law. The "Citizenship" is conferred on the individual by the State, whilst the "Nationality" in its European sense is a question of the personal awareness or consciousness of the individual. A European individual accepts the "Citizenship" and declares his "Nationality".

Some years ago the term "Citizenship" was introduced in Australia, the idea being that one is a British "National" and an Australian "Citizen". This distinction has nothing to do with the distinction between the European

terms of "Nationality" and "Citizenship". The Australian usage of "Citizenship" simply adopts the Common Law notion of "Nationality" and is limited to the rights and duties of an Australian. We should avoid to be even more confused by such usage.

It is a principle of Common Law not to use legally notions or terms which cannot be exactly defined. Since the Continental European notion of "Nation" cannot be exactly defined the Common Law lawyers preferred to ignore it. Whether a "Nation" in the European sense can be legally defined or not it is a reality and it cannot remain ignored. The failure of the English to cope in a civilized way with the Irish question was due to the failure of the Common Law to take cognisance of the ties and allegiances based on kinship heritage and tradition.

In this context it is interesting to note that the Spaniards who similarly to English and perhaps alone among Continental Europeans define the "Nation" as "People under the same Government" (nacion = los habitantes de un pais regido por el mismo gobierno) have difficulty to accommodate Basques whom the Spaniards by their definition of "Nation" take to be Spanish while the Basques consider themselves to be a separate entity.

Americans in addition used the name "National" to denote something applying or belonging to the whole of the U.S.A. as distinct from "Local".

As Australia today the U.S.A. had for some time to cope with settlers of non-British origin and background. They adopted the word "Ethnics" because the word "Nationalities" would be misleading. Australians were at a loss what to call non-British settlers and as a temporary expedient adopted the expression "New Australians" to replace at least in polite circles the popular "Balt" and offensively vulgar "Wog". The expression "New Australian" was only a temporary solution as it is hard to call someone "New Australian" and his Australian born children "Old Australians".

In recent years the American usage of "Ethnic" was adopted as an adjective describing people and customs of non-British origin and of activities relating to such people and customs. In this context "Ethnic" has a connotation of pertaining to non-British minorities.

It is interesting to note that in this sense the word "Ethnic" was also used by early ecclesiastical writers when referring to non-Christian peoples forming alien enclaves in the great cities of the ancient world such as Rome and Constantinople. The word "Ethnic" was for these ecclesiastical writers synonymous to heathen, pagan and gentile.

The meaning of a word depends on its usage. The Greeks who originated the word "Ethnic" still use it in the sense in which other Continental Europeans use the word "National". In this sense of the word everyone is an "Ethnic", whether English, Welsh, Zulu-Kaffir or Hottentot. I believe that in this sense "Ethnic" should be defined by us as meaning peoples, communities and activities having a separate and particular language culture background.

The other school of thought could perhaps prefer to define "Ethnic" as applying only to minorities consistent with the American usage of the word or as already used in this country in the expressions of "Ethnic Communities", "Ethnic Affairs" etc. I have reason to suspect that the name given to our organization, namely The Ethnic Communities Council, uses the term "Ethnic" in the "National Minorities" sense.

Having in mind all the pros and cons I am inclined to think that the word "Ethnic" should be defined in the sense nearest to the original Greek usage of the word. If the minority aspect is to be stressed the word "Minority" can be added to "Ethnic". But whatever we do let us make the definition short and to the point. Long definitions mean more words and more words mean more problems.