The Challenge of Diversity
Answers and Dilemmas

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In the following I will discuss three issues: (1) I will begin with the personal motivations which have directed my interest towards the study of diversity and multiculturalism; (2) I will then announce four main theses and four auxiliary theses in an attempt to define the frame of the debates; (3) finally, I shall try to outline the main points of the political theory of Will Kymlicka, the contemporary Canadian philosopher who became famous at a relatively young age.

Personal reasons for the study of the diversity issue

The experiences that led me to reflect upon the problems of diversity and minority status were essentially the following.

The first challenge was a famous statement made by a spiritual leader of the Hungarian minority of Transylvania between the two world wars, Protestant Bishop Sándor Makkai, who, after 15 years of remarkable contributions to the organization of his community and to the development of the cultural dialogue be-

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tween the Romanian and the Hungarian intelligentsia in the post-Trianon context – he even elaborated a so-called "universal mission of the minority" – in 1936 left Romania to settle in Hungary. Soon after, he published a pamphlet in which he developed the idea that the minority status is incompatible with human dignity and, consequently, all minorities have to fight for their emancipation and to get rid of this status (Makkai, 1937). I happened to read about the topic in mid 1980's. I was intrigued, of course, because I myself was a member of a minority community with quite a number of problems and for which, given its size, Makkai's suggestion seemed to provide neither an easy solution nor one worth following.

This problem became a real intellectual challenge to me in the early 90's when, after lengthy readings, I discovered the dimensions of the discrepancy between the ethnopolitical order of the world on the one hand, that is, the existence of nearly 200 states currently acknowledged by the international community, and the global ethnocultural reality on the other, marked by the existence of a number of 10,000 cultures, which represented just as many genuine parallel societies within the 200 full-fledged political communities (UNESCO, 1996).

The second event that profoundly influenced me was the incident of March 1990 in Tg. Mures. The conflict began at one of the local secondary schools I had graduated myself, a school which determined to a considerable extent my views upon my identity and my relationship with the two ethnic communities that cohabited the region where I spent my early youth. Back then I had to realize that if the spirit in which I was raised is to perform a political role in the democratization process of the Romanian society, it could have dangerous consequences as far as the success of a quick transition to a firm democracy is concerned.

In the years that followed, I witnessed many situations that could have, at least in part, confirmed my intuitions. Thus, I witnessed the creation of an ideological front representing the ethnopolitical options of the Hungarian minority, beginning with amendments to the Constitution, continuing with the problem of autonomy, down to the project of the Hungarian University in Romania, objectives that remain irreconcilable with the state- and nation-building strategy of the Romanian majority, despite the numerous achievements of the past few years, or even in spite of the controversial recent agreement between the PSD (Social Democrat Party) and the UDMR (The Union of Democratic Hungarians of Romania).

It is important to add to the above that I do not speak here, of course, about the political options of the UDMR, which might very well lack social support. I simply interpret the results of the sociological polls conducted between 1993-2001, which are quite relevant for the opinions of both Hungarians and Romanians on this subject: there are discrepancies revealed by all conducted researches concerning the main ethnopolitical objectives of the minorities as compared to the options of the majority. Although these sociological findings theoretically ascertain some ethnopolitical tension between the Romanian majority and the Hungarian mi-

nority in Romania, fortunately, this is not the case. On the other hand, it cannot be ignored that the Hungarian minority is overcome by a feeling of collective failure and continues to be exposed to political manipulation under the so-called "Hungarian danger", both elements being deeply harmful, in my opinion, to the chances of success for the Romanian democracy. I recall every now and then the warning of a renowned specialist in Eastern Europe's ethno-political problems, István Bibó: a society driven by fear and deeply traumatized, generation after generation, by collective fear cannot be a real democratic society. Therefore, the existing ethnopolitical discrepancies between the majority and the minority in Romania, coupled with the wish of overcoming these discrepancies, have deeply motivated my investigations in the theory and the philosophy of the political.

One last incentive for my interest in the phenomenon of multiculturalism has been the segregation proclivity manifest at every stage of the ethnopolitical disputes between the rival communities, reflecting both a lack of mutual trust and the failure of the conventional institutions to regulate the coexistence of several communities within a multicultural space.

These were the primary events and intellectual challenges that led to my investigation of the conditions in which ethnocultural communities can help each other in finding a mutually agreeable institutional way of living together, or, more ambitiously, to the investigation of *the normative bases of an authentic minority existence*. The discovery of Canadian philosopher Will Kymlicka's works and meeting him in person anchored me in the study of the strategies and notions of the normative political philosophy.

Defining the working frame

Before starting on a brief critical presentation of Will Kymlicka's position, I shall review some important theses in the hope of clarifying the theoretical frame of his discourse.

1. Following an accurate analysis of the discrepancy between the actual number of states in the world and the number of distinguishable cultures therein, one might readily conclude that the current ethnopolitical arrangement of the world is *morally arbitrary*.

2. If we accept this thesis, we are forced to admit that the theories that emphasize the importance of *security and stability* in our contemporary world could become counter-productive and could cause human disaster unless ways are identified to supplement this aspect with a debate of the theories pertaining to the problem of *justice and equity* between cultures and communities.

3. If we feel inclined to accept this second thesis, then we will have to admit that the theoretical and conceptual instruments pertaining to the consequences of diversity and to the new ethnocultural situation of the world are outdated. We witness an almost unprecedented resurgence of the ethnocultural identities mobilizing for ethnopolitical and institutional acknowledgement, which claim for alternative conceptual and institutional intsruments.

4. Fully acknowledging the aforementioned, we must admit that political theory remains indebted with regard to acceptable solutions for either side in what concerns the *political institutions* designated to mediate the coexistence. We, thus, must differentiate probably between the concepts of the *community* and of the *national state*, prevalently and traditionally understood as co-extensive notions.

To complete and reinforce what has been said so far, four additional theses can be added, representing some of the issues of contemporary political thought and pinpointing some of the discrepancies in the basic concepts, as well as their consequences upon the strategies and policy practices of the marginalized minority communities.

a) The first additional thesis speaks of an emerging consensus by the majority of theorists on the inefficiency of the legislative frame of the representative majority democracies and the inadequacy of the juridical protection of minorities.

In accordance with the current practices of the international community, the main institutions of a state, which are founded on the principles of representative democracy, are used and exploited by the so-called "official nation" (as a rule, the cultural and linguistic majority) to pursue its own interests. This will lead eventually to the exclusion of the minority culture from the public sphere. This, in turn, results from the underrating of the minority cultures, and is perceived as a powerful force of assimilation, foreboding the gradual dissolution of the traditional communities, seen frequently as an attempt upon the future of the community, with the possibility for it to degenerate into a powerful source of conflict. One should note that the attention of the international community has turned upon these particular aspects of the issue in the wake of the events of 1989, consequential to the "third wave of democratization" (S.P. Huntington, 1993) and triggered by the emergence of the representative democracy as *the* ordering principle of power in the regions of the world which are modeled on deep cultural and ethnical division and where order and stability have been guaranteed or preserved, as the case may be, over the centuries only by dictatorial or autarkical measures. In these regions, the attempts at democratization marked one further result – among others – the political mobilization of the minorities, which hoped that through active involvement in the political struggle will succeed in a peaceful, political way to solve the urgent problems of their future.

Our experience so far testifies that due to the prevalence of the "majority rule" which assigns an exclusive status to the will of the majority and, in the case of the ethnoculturally divided societies guarantees for the internal democracy and for the effective functioning of *political institutions of coexistence* remain a challenge.

b) The second additional thesis shows a more and more widespread opinion among the experts according to which the universal human rights cannot preserve the equality of chances and a full guarantee of the minority's right to freedom.

The universal human rights, as guaranteed by the ethno-culturally *non* neuter institutions of the state in

question, rather than by a super-national, neuter and universal institution, benefits the citizens belonging to the mainstream majority culture. This then will *double the effort* on the part of the minority members, who want to preserve their language or other specific traditions while engaging in finding a pathway through the dominant culture as well as through the minority culture.

For the long term, this inequality of chances has also assimilationist consequences that can only be counterbalanced by providing further special rights. The specialists concerned with the matter insist that for the universal human rights to produce the same effects in case of the citizens of the majority culture and the citizens of the minority culture alike, it is necessary for the universal human rights to be supplemented by a new "generation" of rights focusing on the needs of the community – i.e. the *minority rights*.

c). The third thesis points out that what has been stated so far has special significance for Central and Eastern Europe not just in terms of our special interest, but rather purporting to the unfulfilled, rival ambitions to create a national state and the suspicions with which such an endeavor was subsequently met with, all of which are constitutive of a most serious obstacle in the development of the political institutions of coexistence of cultures and nations. The competing ambitions of establishing nation-states in the region have always tried to exclude the others, determining more and more political repression, producing, with each generation, new arguments involving a mutual *lack of trust*, conjuring up the "historical" sufferings. It si to be feared that if the region cannot step away from this vicious circle of mutual and collective accusations, there is a risk of falling into a dangerous game where the ambitions of a national state are instigated to adopt an ethnic purification policy and of a more or less "peaceful" assimilation policy.

d.) The last additional thesis speaks about the reaction to the difficulties of the democratization process in the culturally divided post-communist societies, which, to use only some more or less recent examples in history, such as that of Northern Ireland, Israel, or of the more fortunate South Tyrol, warn that the *liberty of a community* might be achieved only by methods that do not exclude *ab ovo* the possibility of human sacrifice.

Wide ranging advocates of this position believe that neither the redefinition or the gradual adaptation of the institutional frame of the representative democracy, nor the struggle for the minority rights and the attempts to change the collective mentality can yield a definite solution for the conflicts between the ethnocultural communities living alongside in the same country. In their opinion, only the *unilateral*, consistently applied methods, accepting even human loss, can ensure the acknowledgement of the minority's will, guaranteeing a long term viable solution. Although the principles underlying such opinions are difficult either to ascertain or to reject reasonably, one should be aware that the relative *inefficiency* – within the context of a traditional, representative majority of the Westminster type democracy – of the struggle for minority rights by *parliamentary methods* can determine, as a consequence, a

gradual increase in numbers among the endorsers of such theories. As we shall see in what follows, the so-called "*perverse effects*" of the double standards applied by the intergovernmental international organizations such as the OSCE play a very important part in influencing these opinions (Kymlicka, 2001).

The normative consequences of the diversity in Will Kymlicka's theory

Let us now move on to the presentation of Will Kymlicka's political philosophy, the proponent of no less than a rational and argumentative grounding of ethnocultural equity in answer to the problems, capable, at least in my interpretation, *to normatively found a theory on the authentic existence of the minority*. The presentation that follows synthesizes the ideas in several of Kymlicka's works published between 1992-2001, the most systematic of which is *Multicultural Citizenship* (Kymlicka, 1995).

The Premises of the Liberal Theory of Minority Rights

Two concerns have played a crucial role in fundamenting Will Kymlicka's endavour to elaborate a *liberal theory* on the consequences of diversity: the lack of general principles and of a normative basis for ethnocultural equity and justice, and the fact that in the absence of a coherent liberal offer regarding the principles of ethnocultural justice and minority rights, consistent with the liberal orientation, rival ethnocultural groups in numerous regions of the world continue to accuse each other for having started and sustained protracted conflicts, without any chance to reconcile their stands.

In the context of questions that are regularly raised by members of ethnocultural minorities, as regards the chances of their communal survival, the problem is usually not that the traditional theory of universal human rights offers inadequate answers, but that it does not provide any answer at all, and thus the required wide consensus within the international community on the acceptable solutions for all parties involved in treatment of ethnopolitical conflicts is *ab ovo* impossible.

For example, from the fact that freedom of speech is granted, one cannot deduce any prescription as for the language used to exercise this right, just as the right to vote and be elected cannot in itself solve the controversial issue of internal borders and of power sharing among ethnocultural groups that feel mutually threatened by the sheer existence of the other.

In the absence of general principles and of a normative basis for ethnocultural equity and justice, what happens most often is that the answers to the questions regarding the conditions in which ethnocultural minorities are integrated in the political communities recognized by the international community are given by the *majority nations*, according to their own interests, within the institutional framework of representative de-

mocracy based on the principle of the majority, which – paradoxically – is perceived by the minorities as social injustice contrary to the spirit of democracy.

The feeling of subjugation that results from this practice underlies both the sources of ethnopolitical mobilization discussed by authors like Horowitz (1985), Gurr and Harff (1994) or Lake and Rothchild (1998), and the differences between the ethnopolitical options of the majority and minority that Zellner (1999) identified.

The situation is further aggravated by the fact that the social theory that legitimizes these practices is deeply rooted in the history of political thinking. The great classics of social philosophy and almost all the traditional political theories have used the concept of ethnoculturally homogeneous society, considering that the prototype of the political community is the *polis* of ancient Greece. The most influential authors of political theory kept in mind the ideal situation of the *political nation*, a homogeneous community from the point of view of origin, language and culture, even if they themselves were the citizens of multicultural states or empires. Throughout history, the use of methods to regulate ethnocultural conflicts by eliminating cultural differences – genocide, forced mass population transfer, assimilation and secession – has always taken place in the more or less tacit spirit of the hypothesis that an ethnoculturally homogeneous community is the only viable solution to ensure long-term stability and the prevention of conflicts that may occur within such communities.

The second aspect of the motivation that underlay the elaboration of a liberal theory of minority rights pertains to Kymlicka's remark that the fate of the world's ethnocultural minorities – especially of those who live in post-colonial democracies and in the states that started building a democracy after the end of the Cold War – is predominantly in the hands of xenophobic nationalists, religious extremists or military dictators, who may not hesitate to use force in their endeavour to manage problems arising from ethnocultural diversity. In the absence of a coherent liberal offer regarding the principles of ethnocultural justice and minority rights consistent with the liberal orientation, the chances of liberal democracy as form of government may remain slight in the affected regions. Moreover, the peace and stability of large parts of the world will continue to be at the mercy of nationalist political entrepreneurs who can take advantage of the inequitable situation of any ethnocultural community involved in the strategic dilemmas of co-existence in the same geographical area. The theoretical fundament of a possible international consensus regarding the conditions of equitable multicultural co-existence, acceptable to all parties involved, can therefore be conceived rightly as a prerequisite of overcoming crises in which rival ethnocultural groups in numerous regions of the world accuse each other for having started and sustained protracted conflicts, which seem to be impossible to resolve.

Terminological Premises of the Theory

A first objective of the liberal theory of minority rights is to identify and eliminate those internal contradictions of the liberal discourse – regarding the consequences of diversity – that can be blamed for the failure of conventional liberalism in the case of multicultural societies. Such clarifications seem to be necessary especially regarding three very often used concepts: the notion of *multiculturality*, the concept of *ethnocultural neutrality* of the modern state and the term of *collective rights*.

Due to the way in which the concept of *multiculturality* has become so common in public discourse, tending to "mean everything and nothing in the same time" (Kincheloe-Steinberg, 1997), one cannot distinguish between the different aspects of ethnocultural diversity which this concept covers in concrete cases. During the early '90s a general tendency to treat the situation and issues of ethnocultural groups in the same manner could be observed, without taking into account the nature and origin of the forms in which they appeared and are present today in different parts of the world. In fact, different types of ethnocultural communities have been accommodated throughout history in very much different conditions in political communities and the types of state existing at the time, which mainly determines their present situation, the nature of the problems they are faced with and, quite importantly, the ethnopolitical strategy they choose in the relation they are going to maintain with the majority nation.

According to Kymlicka, ignoring to differentiate between *two basic categories* of ethnocultural groups can have unpleasant consequences, both in the political theory and in the practice of international relations.

In the first case, ethnocultural diversity has its origins in the fact that certain communities, which in the past used to be active and complete societies from the institutional standpoint, the tradition of self-governance included, were incorporated in a larger state. This incorporation usually happened against their will, as a result of colonization, conquest or territorial transfer from one empire to the other, though examples of voluntary incorporation as a result of federalization are also known.

In the second case, ethnic plurality results from the immigration of individuals who come from underprivileged or underdeveloped regions of the world. The immigrants usually belong to different ethnocultural communities, the traditions of which remain an important determinant of their everyday life.

Unless this essential distinction is not ignored, we can notice that those communities that were incorporated in new states generally tend to create *parallel societies*, which are more or less segregated within the political nation. These communities pursue the accomplishment of different forms of autonomy and self-governance, considering that this is the only way in

which they can ensure the preservation of their culture, language and community life characterized by specific traditions. These communities are called *national minorities*, according to Kymlicka.

Immigrants, on the other hand, who left their country of origin as a result of their own decision, are pursuing rapid integration in the society that accepted them as immigrants. The decision to immigrate is usually taken as a result of economic or, sometimes, political reasons and the objective is to become the citizen of a more prosperous, more democratic or freer country. The quick learning of the language, the integration in the state institutions and in the dominant culture are in these circumstances the immigrant's interest. The groups of immigrants, whom Kymlicka calls *ethnic groups*, do not lose their interest for their identity and neither their ethnocultural allegiance – for instance, they continue to preserve certain traditions, traditional costumes, religion, culinary traditions, etc – but these interests are usually of secondary importance as compared to their interest to obtain citizenship.

The conceptual difference between *national minorities* and *ethnic groups*, empirically confirmed by Gurr's (1994) causal analysis, bears important normative consequences: the two causes generate different problems, which cannot be overlooked by the methods of ethnopolitical conflict prevention and management. The attempts to equate these two distinct aspects of ethnocultural diversity and to treat them through similar methods generally betray hidden political interests and, instead of offering solutions, they become part of the problem.

Another terminological confusion which is frequently encountered in public discourse refers to the so-called *ethnocultural neutrality* of the modern secular state. The claims of the national minorities are often labelled by the opponents of minority rights as tribal, pre-modern nationalism, and are compared to "civic nationalism" of the majority nations, which does not take into account ethnocultural identities but defines the state as an ethnically and culturally neutral structure, which grants equal rights and has equal expectations from all its citizens, regardless of their particularities. Thus, civic nationalism characterizes more evolved periods of social development, and it differs from "ethnic nationalism" by that it does not aim at the institutional preservation and reproduction of a certain culture or of a certain ethnic identity: it strives instead to fundament a citizens' community, according to the principles of democracy and equality accepted by everyone. Starting from these principles, the advocates of civic nationalism declare that while majority nations leave behind them the "infant disease" of ethnic nationalism, in agreement with the requirements of modernity, the national minorities and ethnic groups invoke the spirit of the 19th century through their claims.

The ethnocultural neutrality of the state perceived as such is regarded by Kymlicka as a myth with no empirical support in reality. In his opinion, each state that can be included in the category of liberal democracies has passed through a period in its development in

which the spread of a so-called "societal culture" on its territory constituted the reason that led to the mobilization of most social energies. According to the most widespread theories of modernization, gradual modernization of the society created the need for adequately trained workforce, characterized by enhanced mobility. In the absence of a public training system, in a common language that respects the standards of the country, it is hard to imagine that the citizens will set off with equal chances in the competition on the labour market. For a prosperous country it is imperative that its citizens be ready to make the sacrifices that the system based on reciprocal social services asks for, and obviously the citizens characterized by their awareness of the 'us' and a common identity are readier to make these sacrifices.

Societal culture is thus territorially-concentrated, it generally appears as a consequence of the process of modernization, and its main characteristic is that it encompasses all institutions of the society, both of the private and the public sphere. Through the common language it provides meaningful ways of life across the full range of human activities. Societal culture includes therefore each domain of the communal existence except the cultural or religious customs characteristic for small or family communities, which are accommodated, but not necessarily reflected. Therefore, societal culture refers to less than the ethnographic meaning of the concept of culture – it is 'thinner' than this – but, through the pluralism that describes it, at the same time it represents a wider range of options than those contained in the ethnographic sense of the term *culture*.

The emergence of a societal culture on the territory of a state it is usually the result of an intentional and consistent government policy. The first and foremost decision that must be made by a government for the consolidation of a societal culture is connected to language. When a government decides what language to use when communicating with its citizens, what the language of instruction in schools is, what the language used by people in state offices, courts, healthcare institutions is, then it also makes the most important decision regarding the future of societal culture. (This implicitly means that the language that is not supported by a certain societal culture, in the conditions of modern industrialized societies is condemned first to gradual neglect, and then to disappearance. Such a language can be kept alive in a ritualized form and for a shorter or longer while by the elite – often fanaticized – or it can be preserved, for an equally uncertain stretch of time, within the traditional, isolated communities outside the mainstream of the society.)

The process of building and consolidating a societal culture is usually at the same time a strategy of "nation-building" – in Zellner's (1999) sense –, due to the simple fact that the language of the societal culture is generally the language of the ethnocultural majority that inhabits that country. The decisions taken by a government as regards the declared official language on the territory of the country, as well as the one concerning the language of instruction in schools, the official holi-

days, the conditions of being granted citizenship, the official symbols of the state can be interpreted not only as reflexes of ethnocentrist prejudices, but also as endeavours to create, in a way that is accessible to every citizen, the conditions of institutionalized liberty and equality. These decisions unavoidably define a *certain* national identity, even if they do not make use of the language of ethnonationalism. In such conditions the *ethnocultural neutrality of the state* or a rigorous division between the state and ethnicity exist only in ideologically loaded discourses.

In the process of nation-building the citizens belonging to the culture of the majority are privileged whether intentionally or not, as compared to those who do not speak the official language, and those who are socialized in another culture. Those ethnocultural communities that face this disadvantage may choose among three strategic alternatives: *isolation*, *integration or assimilation* and engagement in a process of *building their own societal culture*. The different categories of ethnocultural communities choose one or the other of these alternatives depending on their specificity.

As a rule, isolation or exclusion is the option of isolationist religious sects, which voluntarily accept exclusion from the mainstream of society, which they hold as irrelevant from the point of view of their theological beliefs.

Integration – and from the perspective of several generations, assimilation – is generally chosen by the communities that result from the process of immigration. According to empirical data, there are very few cases of immigrants that protest against the obligation to learn the official language of the adoptive country or that refuse to educate their children in the language of the state. It is obvious to them that a sound knowledge of the language spoken by the majority is an indispensable condition to access social services and opportunities. The fight for rights of the ethnic groups is therefore reduced to claims, expressed usually by the instruments offered by law, for the means that ensure the fair conditions of integration.

The third alternative of response to the disadvantages resulting from the majorities' nation-building strategy generally characterizes national minorities, who respond to these challenges with their own endeavours of nation-building. In their case, due to the ethnocultural particularities that characterize them, the issue is not that they may remain excluded from public institutions, the economy or the academic sphere, which use another language as a means of communication. In their case the societal culture and the linguistic barriers set up by the majority jeopardize the traditional institutional system of the minority, which fulfils several functions of a distinct societal culture. The minorities' characteristic response to these challenges is usually manifest through an opposition against the integrationist trends, which they perceive as assimilationist policies that jeopardize the future of the community. The means they deploy in their fight for official recognition of their language and culture do not differ from the nation-building attempts of the majority. For them it is just as important that the common

language make all their own cultural meanings accessible to all the members of the minority, or to provide access to meaningful ways of life across the full range of human activities. The nation-building strategies deployed by the minorities cannot therefore be considered any less modern than the corresponding projects of the majority, because both take into account all that seems indispensable for the ethnocultural community to survive in the conditions of modernity.

The concept of *collective rights* has also been the reason for much confusion within the liberal theory conceived in conventional terms. The most frequent approaches of this issue try first of all to find the division between the individual and collective nature of rights, looking for answers to questions such as: is it the individual or the community that is the subject of certain rights; is the use of rights in some cases individual or collective; and, last but not least, do certain rights suppose the existence of groups, of collectives so as to be practiced or simply make it possible to be referred to. This manner of treating the issues has proved to be unproductive, generating rigid and formal points of view, without contributing to the normative clarification of the problems that arise from ethnopolitical conflicts. Examining the specific claims of ethnocultural communities from this perspective we can discover, for instance, that several of those demands of the minorities that regularly generate tension belong to the category of 'individual' rights, such as the right to use one's mother tongue in courts and in dealing with state authorities, or the right to be exempted from certain civic obligations stipulated by law, which are contrary to one's religious belief. The fundamental provisions of the legal system specific of liberal democracies on the other hand – such as the right to representation, the right to assemble and the freedom of the press – can hardly be interpreted as individual rights. The most typical cases of collective right – trade union rights or the right to form associations – have, in most cases, nothing to do with the demands of ethnocultural communities.

Another category of confusions that burdens the issue of minority rights originates in debate that took place between the liberals and the communitarians in the second half of the '70s and the first half of the'80s, about the moral primordiality of the individual or of the community. As a result of the views expressed in these debates all those who tried to militate for one form or another of collective rights risked being labelled as communitarian and being excluded *ab ovo* from among those who claimed to be liberal.

Trying to eliminate these confusions, Kymlicka offers two categories of relevant arguments: he reviews the forms of *differentiated citizenship* that can be found in the practice of most liberal democracies, and dispels the widespread misconception that these institutionalized forms of collective rights, meant to guarantee equality between different ethnocultural groups necessarily lead to the denial of individual rights.

The cases of institutionalized solutions of collective rights and of special status that currently exist in different states of the world can be divided into three basic

categories: *the right to autonomy*, *polyethnic rights* and *special rights of representation*.

The right to *autonomy or some sort of self-government* is claimed and generally obtained by national minorities that demand different forms of regional power or of political autonomy because they consider that their survival as a community and the development of their own culture can only be ensured in this way. *Polyethnic rights* consist in certain specific stipulations meant to ensure the possibility to affirm and preserve the ethnocultural particularity of ethnic groups and religious minorities that resulted from the process of immigration. These cultural-religious allegiances should not entail negative economic consequences and should not endanger the groups' integration into the political, academic or cultural institutions of the dominant society. The minimum of polyethnic rights is meant to defend against discrimination and prejudices (especially in the case of visible minorities), and to extend the school curriculum in such a way as to reflect the history of ethnies and their contribution to the life and culture of the country. The *special rights of representation* are reserved to social groups that are considered to be the victims of systemic and persistent discrimination. In these cases the traditional way of interests representation – based on the outcomes of the usual electoral process – cannot warrant the necessary protection, which calls for special measures to ensure the effective representation of the discriminated groups in the political system. Such institutionalized solutions are found in most liberal democracies; practically, in every modern state with a democratic system one or several forms of the above-mentioned *special group rights* are applied.

Concerning the relation between specific group rights and individual rights, Kymlicka mentions two complementary aspects of the claims that national minorities and ethnic groups have, which are usually overlooked by theoreticians who elaborate on the issue of collective rights. There is, on the one hand, a category of expectations that the community has regarding its own members, and a category of claims that the community has concerning its relation with the majority society, on the other. Both categories affect the stability of ethnocultural communities, but they spring from different sources of potential instability. The first attempts to defend the community against the destabilizing consequences of exit, and therefore it regards the removal of the danger of the members' gradual estrangement from the traditional way of life. The second category of measures pursues to offer protection to the communities against the intervention of the majority society in what regards decisions – either political or economic – that can jeopardize the existence and the future of the minority. In order to distinguish between the two categories, Kymlicka introduces the notions of *internal restrictions* and *external protection*.

In most cases, the liberal critics of collective rights raise objections against what they consider to be *internal* restrictions. They express their concern about the fact that as a result of institutionalizing collective rights, the ethnocultural communities may limit the individual freedom of their members with the help of state power,

in the name of group solidarity. Some liberal critics wage attacks upon the measures of external protection, too, which concern mainly inter-community relations, pointing out that under the guise of protecting group particularities, situations of inequity could be institutionalized at the disadvantage of members of the majority communities.

In Kymlicka's opinion, reference to some counterexamples, however illustrative they may be in their context, cannot invalidate the experience of dozens, sometimes hundreds of years of effective social practice. He states that each of the three categories of specific group rights is able to warrant the *external protection* of the ethnocultural community in relation with the surrounding majority. The right to special representation offers the assurance that the minorities' opinions will not be ignored or overlooked in decisions made to affect the entire population of the country. Autonomy, in the spirit of the principles of majority democracy, eliminates the possibility of excluding the minorities from resolving issues of critical importance for the preservation of their culture, while polyethnic rights defend some aspects of cultural and religious traditions which the market cannot sustain, or which are disadvantaged by certain legal stipulations. All the three categories of rights level the disadvantages of minority communities entailed by political decisions and the economic pressure of the majority. In addition, in most cases, external protection is not in conflict with individual rights, as it only regards the inter-community relations between the majority and the minority, and it does not influence the internal relations of the minority, or the relations between the minority community and its members.

Consequently, the concept of collective rights favours confusion to the extent it ignores to take into account, in a fairly nuanced manner, the variety of differentiated citizenship characteristic of contemporary liberal democracies, on the one hand, and if it mixes the different aspects of external protection with internal restrictions, on the other hand, thus suggesting a false dichotomy between collective and individual rights.

The Main Provisions of the Theory

While the liberal thinkers in the 19th century and in the first half of the 20th century were preoccupied by the theoretical consequences of the situation of minorities and of ethnic groups (especially in the context of colonial administration, without ever reaching, however, a consensus on the normative consequences of the accumulated experience), the views of the liberal authors in the second half of the 20th century is characterized predominantly by the circumspect avoidance of the issue, by "benign neglect" and by favouring anti-discriminatory positions against those that support the need for institutionalized forms of protection. The change in attitude manifest in the removal of the problem from the agenda of political and academic debates is due mainly to the following three factors: the collapse of the British colonial empire, the polarization of inter-

ests during the cold war, and the domination of American thinkers in the history of liberalism after World War II. The aversion to minority rights, which so well characterizes the political theory of the second half of the century, is the combined result of the failure of the minority protection system set up by the League of Nations, on the one hand, of some unexpected consequences of the civil rights movement in America, on the other, and, thirdly, of the ethnic revival of some groups of immigrants in the United States. The combination of these circumstances resulted in exaggerated generalizations that had a decisive role in distorting the liberal tradition, leading to the ingrained idea that the institutionalization of minority rights would mean to renounce the liberal principles of equality and justice. This idea is, therefore, relatively new in the philosophy of liberal politics, its origins being linked to clearly identifiable stages in the evolution of the history of ideas. Its large scale spread has had consequences that are hard to ignore: it has generated tensions and contradictions within liberal thinking, and it has led – in flagrant contradiction with some early liberal beliefs – to the refusal to accept, in the case of national minorities incorporated in the frameworks of states dominated by other nations, what is considered to be natural in the case of state-forming majority nations: the political recognition and institutionalized defense of ethnocultural identity.

The more and more widespread awareness of these contradictions within liberalism represents a major challenge for the contemporary political philosophy both in the western world, and in the case of developing states or states that are in full transition toward a consolidated democratic system. Based on the unfortunately rich experience in ethnopolitical conflicts and on the limited effectiveness of the methods meant to prevent and manage them, it is impossible to overlook the fact that the theoretical basis of liberal democracies and the authenticity of liberal thinking are weakened by prejudices and preconceived ethnocentric ideas, by the exaggerated generalization of the importance given to some particular cases, as well as by the confusion made between some circumstantial ethnopolitical strategies and what are considered to be universal moral principles.

The *liberal theory of minority rights* or, in an equivalent denomination, the *theory of multicultural citizenship*, elaborated by Will Kymlicka, seeks to eliminate these contradictions from within the liberal tradition. The method the author chose can be described briefly as an endeavour to integrate into the theory of classical liberalism the normative consequences of the forms of differentiated citizenship that exist in contemporary liberal democracies, examples that have been minimized or ignored in both public and academic discourses due to preponderantly political reasons. Kymlicka's theoretical approach undertakes the reconsideration, up to the ultimate consequences, of the liberal principles, as well as the use of ideologically clarified concepts in a critical spirit, which generates so far unexplored contexts.

In essence, the message of Will Kymlicka's theory is built around two major theses. *The first* states that minority rights are not only *not* in contradiction with the

basic principle of individual liberty and autonomy, but – in the particular conditions of minority existence – they practically *create the circumstances in which these principles produce their effect* and become more than sheer political declarations. Consequently, there is a more profound relation between individual liberty and the person's membership in a cultural community, complete from institutional point of view, than it has been assumed during the preceding stages of liberal thinking. Most people want to live their life in their own culture and desire to have access to meaningful ways of life within their culture's system of institutions, and in this perspective access to opportunities transmitted through cultural membership and by the societal culture is a *major condition of individual liberty*. This allegiance to one's own culture characterizes both the members of the majority nations, dominant within political communities, and those of the national minority communities, so that this feeling must be regarded as closely linked to human nature, justified and legitimate under all circumstances. Access to opportunities transmitted through cultural allegiances as well as membership in a societal culture can be considered rightfully as being part of the *primary goods*, and therefore their institutionalized protection is in full agreement with the liberal principles.

The second thesis reflects the author's belief that special group rights, if circumspectly defined and well differentiated, can ensure *effective equality between the majority and minority*, in perfect harmony with the classical liberal spirit. From the liberal perspective there are three methods to plea in favour of specific group rights: through invoking the *principle of equality*, through making reference to the *historical or international treatises*, and through highlighting the *advantages of multiculturality*, modes characterized by the tacit presupposition that the one who wants the minority rights to be implemented will have to provide the necessary proofs. In Kymlicka's opinion the question can be also reversed, liberal principles allowing the interpretation according to which the burden of proof lies on the one that rejects the justified character of the demand to institutionalize minority rights and the one that considers these rights to be attempts contrary to the liberal project (the *analogy with the states* argument).

In order to grasp the justified character of this standpoint, it must be remarked that the liberal tradition bears a serious inconsistency in this respect, too. According to the principle of the ethnocultural neutrality of the liberal state, frequently invoked in the context in which claims for granting minority rights are refused, a consistently liberal position should under no circumstances take into account community allegiances or the ethnocultural identity of the citizens. Valuing personal liberty and individual autonomy above all, the liberals' supreme aim should be to spiritualize and – in a distant perspective – to eliminate all borders, because in a world without borders the spectre of options and alternatives at the individuals' discretion would be considerably widened. However, liberals are not interested only in warranting universal rights and equal chances to individuals, but also in the institutional protection of cultural membership, even at the expense of limiting and

severely conditioning immigration. The advocates of liberalism admit, therefore, even though only tacitly (like Rawls and Dworkin, for instance) that individuals belong to different societal cultures, which ensures the context of their liberty and informed choice: the fact that in that part of the world also, which functions according to the principles of liberal democracy, there are several states, is due to the fact that people belong to different cultures, and their comfort within these familiar frameworks is not indifferent to them.

Making these truths explicit – which are rarely uttered, though they are defining as regards the ethnopolitical reality of the modern world – we will find it easy to realize that in the case of a multinational country the official unwillingness to institutionalize special group rights will have to be considered as a severe inconsistency in applying liberal principles: the recognition and institutionalized protection of cultural membership cannot be guaranteed in the case of one ethnocultural community and refused in the case of others. The uncontested freedom of the liberal state to decide on its own in the case of claims for citizenship and to limit access to it in such a way as to have the functions of societal culture protected obliges that state to take into account the expectations referring to the institutionalization of differentiated citizenship, too. In Kymlicka's opinion, it results from here that those liberal theoreticians that accept the limitations of citizenship to a certain category of people without offering clarifying arguments to the legitimate nature of these limitations or to its compatibility with the liberal principles have a hard and ungrateful task: if they wish to be consistent with themselves, they are forced to offer arguments, in a manner that does not avoid the above-mentioned, to sustain the rejection of the justified character of special group rights.

The thesis referring to the moral equality of ethnocultural communities leads us to the conclusion that in the context of debates on minority rights, the fundamental question is not whether or not one can officially acknowledge the differences between different communities or ethnocultural groups – the undeniable existence of liberal democracies is the very answer to this question – but whether the special differences characteristic of national minorities can or cannot make the object of such official recognition. It is interesting to remark that liberal practice and theory answer this question differently. The literature on political theory is characterized by a relatively unanimous consensus insofar as the refusal of most groups' rights is concerned, but in practice, as we have seen, we can encounter numerous and diverse institutional forms of differentiated citizenship. The theoretical approaches are based not so much upon moral philosophy, but rather on contextual arguments invoking stability and international peace, or on references to the consensus of majority democracy, or social harmony in general. Even though these worries are legitimate, the arguments linked to them are not sound enough in order to sustain the institutional forms of ethnocultural *inequity*. On the contrary: the unilateral rejection of claims referring to minority rights, as well as the setting up of ethnocratic systems that ignore the

interests of communities belonging to other cultures jeopardizes both peace and international security, democratic consensus and social harmony.

Two collateral problems result from the two basic theses of the liberal theory of minority rights, in connection with which we must demonstrate that the fundamental theses of the theory do not generate non-liberal consequences. On the one hand, it is necessary to elaborate on the answer given by the liberal theory of minority rights to the challenges represented by *intolerant ethnocultural groups*, who apply restrictive measures within the community, which are unacceptable from the liberal perspective. On the other hand, it must be explained what the *source of solidarity* in liberal democracies that institutionalize minority rights will be, and what will prevent ethnoculturally diverse societies that apply the provisions of the liberal theory of minority rights – or, in other words, the theory of multicultural citizenship – from slipping into the uncontrolled phenomenon of successive secessions.

As for the first aspect, the author points out that the refusal to conform to liberal principles is not a problem that only concerns minorities. Both minority communities and majorities are equally faced with the challenges of non-liberal interests, *often springing from dissentions on ethnopolitical strategy options and from community apprehensions that spring from the feeling of mutual threat*, and that much common effort will be necessary for problems as such to be resolved without negative consequences for individual freedom and autonomy.

As for the second aspect, we must keep in mind that in history liberals have repeatedly insisted on the procedural and legal definition of the concept of *citizenship*, hoping in this way to fundament social solidarity. However, despite frequent reference to a so-called 'civic identity', the liberal understanding of citizenship and of what it would imply has had, along the years and decades, a powerful load of substance, identity and membership in the political community. It is still not clear how this load could be made explicit - or overcome - in the conditions of political communities that are divided from ethnocultural point of view. The fellow-feeling that should ideally characterize the citizens of a multinational democratic state should be a unifying one, without suggesting, however, the blending of different identities. As this feeling has not been articulated yet, what we have so far is the dilemmatic evidence of historical experience: granting the right to self-governance to the national minorities that desire this statute may endanger social unity and solidarity, because it promotes the concepts of distinct political communities; the denial of these rights may become equally destabilizing, however, as it aggravates the feeling of exclusion, it feeds collective apprehension linked to the uncertain perspectives of the community's future, and in this way fundaments the secessionist option.

As a synthesis regarding the normative significance of the liberal theory of minority rights, as elaborated by Will Kymlicka, we can remark that the theory in general brings proofs not only to support the need for the liberal definition of the conditions of effective equality be-

tween groups, but it also supports the statement that in what regards the members of non-dominant ethnocultural communities, *the authentic effects of individual rights and of universal human rights are only accomplished if institutionalized equality between communities is warranted.* Otherwise, sooner or later, we must consider the disappearance of ethnocultural differences – even in the conditions of rule of law, as well as within the most tolerant and most neutral social medium.

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