

Political Liberalism, Group Rights and the Politics of Fear and Trust*

CLAUS OFFE

Humboldt University, Berlin

ABSTRACT: *This article discusses some of the peculiarities of the "fourth" wave of new democracies, those having emerged in Central East Europe. It also focuses on the "fourth" family of democratic rights which are being demanded, not just in this, but many other democratic regions; the demand for "group" rights, in addition to civil, democratic, and social rights. The argument explores some of the promises and limitations of "federalist" solutions to the problem of political community.*

The good news of the last quarter of the 20th century is that so many countries have adopted the liberal democratic regime form in the course of this relatively short span of time. In 1974, the percentage of states describing themselves as liberal democratic was below 30 per cent. In 2000, it rose to well over 60 per cent. This diffusion of the democratic regime form has been described as the "third wave" of democratization. It differs from the first wave (after World War I) and the second wave ((re-)democratization of Germany, Austria, Italy, and

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Japan) in one important negative aspect: It was not preceded by a great war, defeat or military occupation. However, within the new democracies that emerged on the world's political map after 1974, two groups that bear only a very limited resemblance to each other must be distinguished. One is the "Latin" group of Mediterranean Europe (including Greece, Spain and Portugal) together with no less than 12 Latin American cases. This, according to my count, is the "third wave" proper. But there is an additional, subsequent and distinct wave, which commenced in 1989 after the breakdown of the Soviet empire, which I call the "fourth wave". It is possible to speak of a fifth wave of cases which I am not going to include in the present discussion. Members of this group include non-European cases such as South Africa, Nigeria and (hopefully) Indonesia.

The bad news is that many of the third wave's non-European cases must be considered defective, hybrid, "delegative" or at any rate, highly imperfect democracies, some on the verge of self-liquidation (Venezuela) or already beyond that point (Peru, with the *autogolpe* of president Fujimori). Others, such as Argentina and Brazil, are also characterized by persistent, deep social divisions, the absence of the central governments' capacity to regulate and reconcile conflict, a limited guarantee of civil and political rights, large scale corruption, an underdeveloped and incomplete party system, constitutionally unregulated conflicts between central and regional governments, and great economic dependency and vulnerability. However, what sets the members of the group I wish to term "third wave" apart from the cases which comprise the "fourth wave" is this: a capitalist market economy is already in place (while the privatization of state owned enterprises is an ongoing process) and that state borders are largely uncontested.

It is in the latter two respects the members of the fourth wave differ from those of the third. I have spoken elsewhere of a "triple transition" that occurred in the countries of the former Soviet bloc. The three components that I have in mind are: the transition from a centralized state-operated economy to an economy based on property rights and market prices. Second, the transition from a party-monopolistic type of authoritarian regime to a liberal democratic regime based on party competition. And, third and most significant, the challenging of state borders and the reconstruction of new and independent states through secession. To the surprise of many, the new political resources of participation and collective action were invested, as it were, not in a centripetal political competition among political parties, but in the revival of ethnic identities and the promotion of their claim to statehood. The worst case of this dynamic of ethnic repression, secession and civil war is, of course, Yugoslavia. The good news within the groups of the fourth wave comes from countries where there is little or no opportunity for ethnic conflict because 92 per cent or more of the

resident population belongs to and identifies with the titular nation. These favorable cases are Poland, Czech Republic, Hungary and Slovenia. It is no accident that these countries are also at the top of the list of economic performers among the Central-East European transition countries. It would be wrong, however, to describe the post-state socialist realities of the less fortunate majority of the members of the fourth wave as marked by "ethnic" conflict. There are ethnicities in the region, such as the Ruthenians in Ukraine and even the Germans in Russia, who are neither the subject nor the object of hostile ethnic mobilization. The core of the problem of unsettled statehood, precarious democratization and economic decay is a specific type and history of ethnic cleavage. Allow me to explain what I mean.

Central Europe is a region compiled of small states, basically it is the strip running from Finland to Cyprus. The only (limited) exception to this rule is Poland (with ca. 40 million inhabitants). These countries have large and powerful neighbors who over the centuries have sought to control, occupy and exploit the small countries, peacefully or otherwise. Four of these great imperial powers at the margin of the numerous small states succeeded each other in a sequence that is both temporally and geographically clockwise, in trying to control part or all of "intermediate Europe". First, there was the Ottoman empire; second, after the Turks had barely been prevented from entering Vienna, was the Hapsburg empire. After its defeat in 1918, the German Empire, under Fascist rule, attempted to control through a bloody war of aggression not only the central European countries, but also Russia. After this attempt had been defeated with the arrival of the Red Army in Berlin in April 1945, the Soviet Union gained and maintained control over the area, including the Eastern part of Germany. This control came to an end with the implosion of the Soviet Empire itself in the period between 1989 – 1991, this time without a major war. It must be added that within Yugoslavia, the same pattern can be observed on a much smaller scale – the pattern, that is, of an imperial power aiming at the building of "Greater Serbia" in a turbulent process of political, economic, military and territorial decay which has not yet come to a conclusion.

Now, returning to the issue of ethnic conflict, we can see more precisely what is involved. It is not "ethnic groups" that are in conflict with each other. The conflict is entirely and exclusively one that unfolds between majorities of national states and internal minorities which are not, so much, seen as ethnically distinct (which people in the area have been used to for centuries, given the ethnically diverse composition of the region), but rather as historically burdened, stigmatized, and suspicious. For these internal minorities are, at the same time, external minorities of former imperial rulers and it is the memory of this rule and oppression that fuels these conflicts. The most significant cases of internal minorities, which are at the same time external minorities of former impe-

rial powers, are Turks in Bulgaria, Hungarians in Rumania, Serbia, Slovakia (but not so in Ukraine!), Sudeten Germans in the Czech Republic (a mere memory which is causing only phantom yet considerable pains in that country) and Russians in the Baltic republics; and, of course, Serbs in Kosovo, as well as the British in Northern Ireland. (I am personally happy to report that the German minority living in Poland today is arguably the only exception to this rule, due to the careful management and cultivation of German-Polish relations that began in the early 70s.) All these internal majorities are either suspected of performing the role of bridgehead for former imperial powers or they are excluded from recognition and equal citizenship rights and have become the victims of revenge due to the hostile memories the local majority population associates with their more or less distant ancestors. These minorities are the object of fear, hatred, suspicion, and often retaliatory repression as well, which lies at the root of so-called "ethnic" conflict. Victims of imperialism remember oppression and defeat; and the descendants of imperial powers are aware of the historical context in which they are looked upon. If, by way of a miracle, both sides could suddenly forget history, chances are that some form of neighborly and peaceful multiethnic coexistence could emerge, as we see it practiced in the multiethnic metropolitan areas of settler societies such as Toronto or Sydney. However, intentional forgetting is neither a possible nor, in the last analysis, a desirable act of the human mind - even if it were possible.

This leads me to the question of how members of deeply divided societies can live with each other within the institutional framework of a liberal democracy without reproducing, through the mechanisms of recollection, fear, and the anticipation of further oppression, the tensions that divide them. Is the memory of the wrong and suffering of the past an insurmountable obstacle of democratic consolidation?

Democracy, equality and homogeneity

To put it mildly, liberal democracy is a highly demanding regime, at least in the beginning and before the processes of consolidation and habituation set in. Before democracy becomes possible, a state must exist. By a state we mean the coincidence of three elements: a *territory* with fixed borders recognized by neighboring states or, at the very least, defended by military means in case such recognition should not be forthcoming; a *population* settling permanently in the territory; and a *regime*, or institutionalized system of rule capable of legislation, governance and some measure of maintenance of internal and external sovereignty. All democracies are successor regimes of pre-existing states, be they colonies, military dictatorships, theocratic, feudal, absolutist, authoritarian, dynastic or totalitarian regimes. In the European and North American model cases

of consolidated democracies we can see that the road to a fully developed democracy is a relatively slow moving sequence of various steps or breakthroughs in the overall process of political modernization. Allow me to recall the four sequential steps that lead from a non-democratic to a liberal democratic state. In doing so, I emphasize the ambiguities of every single step of "progress", as well as the moral resources needed in order to sustain these ambiguities.

The first step is the limitations of the ruler's power of discretion over what is most valuable to his subjects, namely, their "life, liberty and property". The ruler is no longer "above" the law, but he himself is bound by legal constraints. Thus, the ruler's subjects begin to be relatively free and safe from the ruler's passions and interests of appropriation and confiscation. The oldest of the liberties through which this is accomplished is *habeas corpus*, or the security that the ruler and his apparatus cannot kill or incarcerate people arbitrarily. Other liberties include the freedom of religious faith and its practice and the freedom to own and dispose commercial property. This early development of rights is equivalent to the reduction of fear – the "vertical" fear, that is, the focus of which is the possibility of arbitrary or predatory acts originating from the ruler. At the same time, these elementary liberties can well strengthen a sense of "horizontal" fear – the fear that my fellow citizens may make some use of their liberty that is contrary to "my" interest and "my" sense of appropriateness and righteousness.

What I wish to highlight here are the two sides of the medal of liberty. For one, "my" liberty is highly desirable because it immunizes me from arbitrary acts of the holders of state power. But "your" liberty and the use you make of it is conceivably threatening and endangering to what I consider the good order of things. "Your" liberty may appear to "me" to be the liberty of a heretic who does not "really" deserve it. Thus, what I need in order to respect "your" liberty is an attitude or virtue which is classically called "*toleration*". If I can bring myself to overcome my fear of the purpose for which you may use your liberty, I tolerate you and can live without the fear that you might make some "mistaken" use of your liberty, be it in religious life, in business or whatever.

Even the most elementary use of individual rights will inflict negative externalities and constraints upon others. If I use "my" right to speak, nobody else can make himself/herself heard at the same time and place – a significant interference with "your" liberty. However, as long as I feel disturbed, irritated or provoked by your use of your liberty, such liberty is, at best, a mixed blessing for me, the recipient of the negative externalities of your use of freedom, as can be illustrated by the conventional complaint of elderly people voicing the concern that today's young people enjoy "too much" freedom.

The second step, the step from liberty to democratic rights, follows the same logic of ambivalence. The positive intuition is that all those bound by the law

should also be the authors of the law – at least, that is, if they are male, autonomous, experienced, literate, property owning and tax paying. These qualifications exclude slaves, dependants, women, the uneducated and the propertyless. The demand for "our" democratic rights and the fear that the democratic enfranchisement of others may result in dangerous and ill-considered moves and demands are the conflicting motives in which the entire early history of democratic political thought is entangled, say from Rousseau to John S. Mill. All these theorists were concerned with advocating democracy while, at the same time, preventing its perceived destructive potential (the unreasonable *volonté des tous* in Rousseau, the fearful notion of "class legislation" in Mill, or the "tyranny of the majority" in de Tocqueville) from manifesting itself. Even at the end of WWI, Max Weber complained of the "timidity" that governed bourgeois thinking about the equality of political rights soon to be introduced.

What we need in order to resolve the tension between the desirable and the frightening aspects of popular sovereignty is *trust* – trust, that is, in the reasonableness, informed judgment and good intentions of our fellow citizens whom we recognize as legitimate co-authors of the law that will eventually bind us all. Mill believed that a necessary condition for this confidence in our fellow citizens' benevolence is that they belong to the same nation and speak the same tongue. Still, the distrust in those fellow citizens, the fear that they are guided by dangerous motives, manipulated into supporting disastrous political forces, or are allowed to engage in collectively damaging conflict, is as old as the theory and practice of democracy and alive and well in new democracies, in particular those in which people have not yet had the opportunity to convince each other of the benevolent or innocuous nature of the uses in which they have employed their democratic rights. The semantics of "democracy" in newly democratized regimes is often closely related to the meanings of chaos, lack of leadership, instability, short-sightedness, irrational impulses, and loss of reasonable judgment. Obviously, immense trust, i.e. the confident expectation that my fellow citizens are neither ignorant nor do they have vicious intentions, is required in order to overcome this gloomy perception of the realities of democracy.

The third generation of rights, which in most countries is less a precondition than the outcome of the democratic process once established, is the institutionalization of welfare rights and social security. These social rights are designed to provide security and protect people – workers, families, pensioners, the unemployed, the sick and the poor – from the onslaught of market forces (be it in the market for goods and services or in the market for labor) with which they are unable to cope by relying solely on their own resources. Here, and from the very beginning of the evolution of welfare state programs and institutions, the logic of fear applies in the same way that is by now familiar. The fear is, more specifically, that the economic cost of social programs will grow excessively,

that the availability of welfare will function as a disincentive to hard work and self-reliant responsibility, and that the welfare state will turn out to be a giant, self-inflicted injury that undermines whatever level of efficiency, growth and prosperity has been accomplished. If this fearful attitude is to be overcome, it is through the practice of *solidarity*, i.e. a disposition of non-indifference to the (however minimal) well-being of my fellow citizens and fellow-workers and a willingness to honor the duties evolving from these positive "external preferences" in the well-being of others through making the requisite sacrifices.

The "national" background condition

What I have tried to demonstrate, so far, is the fact that a set of moral resources, sometimes referred to as "political culture", is needed in order to enable people to endure the costs of democratic progress. These moral resources can be called, in line with the three stages of political modernization, toleration, trust, and solidarity (as first spelled out by T. H. Marshall). Democratic progress is thus not just a matter that pertains "vertically" to the relationship between subject (or rather citizen) and the constituted state authority. This institutional structure is, so to speak, just the hardware. What in addition is required is the "software" of a "horizontal" relationship between any individual citizen and his/her universe of "fellow citizens". The rise and robustness of these moral resources is contingent upon the presence of a powerful background condition, namely the presence of *nationhood* that constitutes the *political community*. If I can conceive of my fellow citizens as "compatriots", the ever-present temptation to defect from the requirements of toleration, trust and solidarity is significantly constrained.

As is well known, nationhood, as the requisite background condition of these three civic virtues, comes in two varieties, ethnic nationalism and liberal republicanism. The former has its historical homeland in the countries to the East of the river Rhine in Europe and relies on the communality of territory, history, fate, religion, language, culture and descent, all of which are typically invigorated by respective myths and tales. The other is located in the old democracies of the West: Britain, France and the US. Here, the cement that unites and integrates the political community is not so much common descent (on which the *jus sanguinis* notion of citizenship is based), but instead and most explicitly so, in the settler societies of the "new world" where any primordialism of descent is meaningless in the first place, the shared memory of, and commitment to, some revolutionary constitutive event or war of liberation and the *religion civile* that is designed to cultivate the unity and sense of obligation derived from it. The means by which this is accomplished are, as Rousseau was the first one to point out in the *Contrat Social*, festivities, national holidays, symbols, flags,

anthems, monuments and other symbolic representations of the unity of the people.

Our current problem is that neither of these two approaches is very promising today. Neither an ethnic nor a republican conception of the foundations of the political community is likely to provide the kind of cement that helps neutralize fear and thus generate the kind of tolerance, trust and solidarity that liberal democratic societies depend on for their integration and cohesion. Why should this seemingly pessimistic assessment be warranted? The answer is that differences of interests, ideas and identities divide modern societies along so many cleavage lines that a unifying conception of who "we" are is exceedingly difficult to put to work. It is probably only in a minority of countries in the developed world (insular Japan may be the most obvious example) where the inhabitants can conceive of themselves in terms of a culturally and historically homogeneous community. In the United States, the "melting pot" metaphor has given way to the "mosaic" of multiculturalism, with bilingualism creeping in. In Europe – most evidently in a Europe that is soon to form a constitutional, political community of a multinational sort, the very antithesis to the idea of a nation state – the notion of homogeneity has become anathematic. Neither is Europe an ethnic nation nor is it the result of some revolutionary act or war of liberation from colonial rule, after the model of the classical great republics of the "old" as well as the "new" worlds. Europe is the process in which a rapidly expanding number of states and other actors are trying to manage their interdependence, as well as differences, rather proudly observing the constraints of international peace, human and civil rights, some watered-down, regulative idea of social justice and economic growth through efficiency increases.

Those internal differences are going to remain, and no vision of assimilation or convergence, no encompassing idea of progress or ideological or political hegemony will be conceivably strong enough to imprint its unifying pattern on this vast heterogeneity. The only valid idea of progress that we are left with is the vision that a relapse into some theory and practice of homogeneity, be it based on ideology or identity, can be reliably and permanently prevented. Hence, the moral resources of toleration, trust and solidarity must be generated, and the associated fears must be overcome, without the supportive context condition of some shared and overarching identity, national or otherwise.

Liberal virtue vs. the politics of difference

Political liberalism advocates the rights and liberties of *persons*. These persons are conceived as fellow *human beings*, not as compatriots. This is a morally demanding, perhaps even heroic position to take: recognition of the other without the help of some presumed affinity, similarity or shared identity. However it

is the only position that consistent political liberalism allows for. It overcomes the ambiguity of those theorists of the French revolution who meant to defend the "rights of man" while, in fact, were only thinking in terms of the rights of French men. A consistent human rights liberalism is color-blind, secular and nationality-blind as far as the victims of human rights violations are concerned. It is prepared to come to the defense of those victims and effectively so (as opposed to the half-heartedness of the Kosovo intervention). But it is also utopian in the sense that up until the present day, a person's human rights remain much more protected if that person in question happens to be a recognized citizen of a particular state, more than if he/she is simply a person unrecognized by a state, or a nominal citizen of one of the many half-ruined states that are neither capable nor willing to protect him or her.

Here the dilemma of human rights liberalism is painfully clear. It demands toleration and even a measure of trust and solidarity, to be extended to strangers, as well as the active defense of the liberties of those strangers in the absence of primordial or historical ties. What is required here is the heroic effort of abstraction, or the refusal to distinguish between those who are worthy of our toleration, trust and solidarity and those who are categorically unworthy and, hence, the object of our indifference or fear. The only conceivable way in which a liberal human and, eventually, also political and social rights approach can be turned into a realistic project is by granting states and their alliances the effective competence to supervise and, if need be, sanction other states so that the claim to "sovereignty" can never again be used as a protective barrier for terror and massive violations of rights.

However, if a regime of supranational rights enforcement and consistent global policing sounds utopian, what is the alternative? The alternative is advocated by adhering to the communitarian proposal to code people not as individual bearers of rights, but as members of groups, tribes and social categories pursuing a form of life that for the members of these groups is canonized the "good" life. The implication of this move is the proclamation of a fourth generation of rights, the only ones the bearers of which are not individuals, but "groups" whose distinctive identities must be recognized, protected and provided with the resources required for survival. These rights of groups are not thought of as being derivative of the rights of individual persons to form, join, engage in, identify with, or leave associations. Conversely, they are superior to and, in fact, constitutive of individuals whose rights are framed and constrained by the collective form of life they are coded, internally and/or externally, as belonging to. This is not the politics of ignoring and neutralizing identities and differences, but of stressing identity and the difference and incompatibility of identities.

Such identity groups claim collective or group rights for themselves (e. g. language rights) or are denied rights by others (e.g. racist exclusion from higher education). Groups, the members of which claim or are assigned a special rights status, can be minorities or majorities. Group differences are always based on features of persons acquired at birth ("passport identities" such as nationality, parents, time and place of birth, gender) or shortly thereafter (mother tongue, religious faith and, according to some theories, also sexual orientation). Most of these features cannot be acquired (such as a physical handicap) or relinquished (such as a style of dress). People are thus "locked into" these features which are, at least within the cognitive frame of groups rights, considered significant in terms of social evaluation (as opposed to the difference of left *vs.* right-handedness), as rights and duties are linked to these features. The bearers of significant markers and features of this type conceive themselves and/or are conceived by others as a "group".

Once the cognitive frame of coding social life in terms of group identities and group rights has been adopted (and the alternative frame of coding realities in terms of individuals and their individual differences and rights is at least partially abandoned), a dynamic of potential conflict and fear is set into motion; it parallels in logic, but often exceeds in intensity, the fears triggered by the three other categories of rights discussed above. Why should the intensity of conflict and fear associated with group identities be greater in comparison with human and civil rights, democratic rights and social rights? The answer is, as I have argued before, the incidence of the use of rights and the (negative) externalities of the use of rights is (or at least used to be, until very recently) embedded and contained in a shared collective identity of co-nationals. For instance, as all those who benefit from "my" net-contributions to social security are, according to the setup of the "national" system itself, my co-nationals and compatriots, I am less concerned about matters of fraud and exploitation, and my solidarity will be more readily offered, in comparison with a strictly "open" system from which everybody, even the strangest of strangers, can benefit. Such background conditions, that can cushion and mitigate the conflict over the use of rights *vs.* the negative externalities of such use, are often absent in the conflict over the fourth generation of rights, namely collective or group rights. In the case of group rights, there is often no overarching identity or commonality of shared nationhood that serves to limit the conflict.

The federalist escape

There is definitely one method of containing and civilizing the particular potential of conflict regarding group rights. This method can limit the depth of division and keep conflict within manageable orders of magnitude. This method is

known as federalism, in which the rights of groups are not directly attached to the groups and their members, but to (sub)territorial units, with the implied understanding that the territory in question is either at present, or likely to become in the future, the "homeland" of those who have always settled there or wish to move there. In order for this institutional method of federalization (or, more precisely, "holding-together-federalism", to use a term coined by Alfred Stepan) to work, however, a number of conditions must apply. Allow me to discuss four of these. First, the allocation of rights must not only be territorial, but functional as well: sub-territorial units must be granted *some* substantive domains of self-government and expression of distinctiveness (e.g. the policy areas of education, media and social services) but not *all* (e.g. not those of taxation, defense and foreign policy). If regional autonomies are "too small", resentment and more or less passionate opposition to the center will follow, with the implication that a crisis affecting the center will be exploited by the sub-territory as an opportunity to defect from the ("oppressive") center. If federalism and devolution are largely nominal, crisis at the center means breakup – as it did in all three state socialist cases of federalism (SU, CSFR, FRY). On the other hand, if regional autonomies are "too large", they can be used for blackmailing the center into granting ever greater autonomies, up to the point of *de facto* or even *de jure* secession. Chances are that an agreement regarding the "right size" of autonomies is not easily reached, because autonomies that are already considered "dangerously extensive" at the center are, at the same time, regarded as "intolerably constrained" at the level of sub-territory. Belgium, Spain, Britain and, to an extent, Italy and Germany are all cases in which the politics of the proper and stable design of federalism (or "proto-federalism") can currently be observed, as is, of course, the "proto-confederalism" of the European Union as a whole.

Second, if a minority claiming group rights settles in a sub-territory, ideally, it should be the *only* population settling there. For if the resident population is itself "mixed" in terms of significant group properties (such as religion, ethnic origin, language or historical hostilities and stigma), the problem remaining after devolution has been accomplished is that of "minorities within the minority", i.e. the same problem is reproduced on a smaller territorial scale. (cf. the Anglophones in Québec). Nothing is gained in terms of ethnic "homogeneity" and, as the homogenizing move frustrates its protagonists, the old minority now turned into a new majority may be tempted to deal with the persisting problem by means of forced assimilation, if nothing worse.

Third, in order for territorial federalization to become a durable solution, a balance must be struck and an agreement reached in regard to what belongs (in terms of territories and in terms of functions) to the center and what belongs to the sub-territorial unit. Neither of these points has been agreed upon in the

Basque case. In addition, and in order for the two-tiered system to be viable, the citizens of the sub-unit must be willing to develop and get used to a sense of multiple identities. That is to say, in certain contexts, such as paying taxes and performing military service, the more encompassing reference unit of the (multi-) national state must be referred to, whereas in others (such as matters of education, culture and language), the regional point of reference becomes dominant. Only a reliable functioning of this demanding intra-personal division of reference units will support sustainable results.

Finally, territorial federalization is an entirely unsuitable solution wherever ethnic or linguistic minorities are dispersed (such as guest workers in Europe or the Turkish minority in Bulgaria) or migratory (such as the Romani in Central East European countries). To be sure, rather than grant these minorities rights to self-government in a sub-territory, it is always possible to grant them special representation rights in national legislative assemblies (for example, the tiny Danish minority enjoys these rights in the northern state of Schleswig-Holstein in Germany and the Maori in New Zealand). However, such representational bonuses will be acceptable to the majority only if from the very start relations are friendly and unproblematic.

One could also think of a kind of virtual or non-territorial federalism, in which several constituent parts of a people, settling in a dispersed pattern or otherwise, form an elected body for themselves, and all the bodies thus constituted merge to form one legislative assembly. This has been tried with groups in German universities (with electoral "districts" of full professors, junior faculty, students and non-academic staff), which are clearly not "identity" groups, but status and functional categories. Something analogous has also been proposed and was eventually rejected as a viable solution for the problem of equalizing gender representation in one of the Canadian provinces. The obvious drawback is, that while women are always guaranteed that half of the members of the assembly will be female, they are deprived of control over the political composition of the male half of that assembly and vice versa. The representation of identity cleavages obviates the representation of strictly political cleavages; for instance members of the Hungarian minority in Slovakia have the choice of either voting for the Hungarian party (thus sacrificing the expression of their preferences for socialist, liberal, etc. parties) or voting for any of the latter, all of which are, of course, Slovak dominated.

All these considerations and illustrative examples help us understand that our repertoire of institutional devices is precariously limited to represent diversity along dimensions of identity within a system of an overarching political community. A liberal and democratic republic can simply not be conceived as something composed of "tribal" collectivities. They are comprised of individual citizens. Federalization allows for a division of territories and can solve our

problem to the extent identities are fixed to highly homogeneous regions. But even these solutions can work only if the territorial and functional divisions are based on a solid agreement between the territorial populations involved. If they are not, tensions of the kind we have seen unfolding in the Basque country and in Northern Ireland are likely to result. Federalization is not a viable prescription for deeply divided societies, because in order for federalism to provide stability, the division must not be very deep.

The alleged fourth generation of rights does not create less fear, rather it creates more than the previous three generations. It does so because it invalidates the ties and commonalties of the larger political community and its commitment to some shared identity beyond the particularisms and divisions of interest, ideology and difference of tribes. Moreover, the fear that group rights, and the demand for group rights spreads, has to do with the fact that they are essentially under-defined, much more so than social rights which suffer, to a lesser extent, from the same kind of ambiguity. Nobody can tell how many groups there "are", as the successful acquisition of rights by one group will provoke the appetite of other potential or would-be groups to imitate the success formula. This is what the Canadian case seems to show and what explains the extreme reluctance of Turkish liberals to concede to anything coming close to group rights for the Kurdish population. In this case, the fear involved is that of proliferation: Once autonomy rights are granted to one group, new claimants of group rights will emerge and wait in line. Another ambiguity has to do with the fact that nobody can provide a compelling argument as to how many rights and what type will suffice to grant the group in question a fair and adequate opportunity to cultivate and preserve its identity. Once a particular right is conceded, or the demand for a group right is satisfied, the chances are this will not lead to an equilibrium but to placing a stepping stone for further demands. This is the fear of escalation. In placing the fears of proliferation and escalation together, it appears that even the most demanding and utopian version of liberal universalism and individualism is a more promising and more realistic project of maintaining political unity than the alternative proposal of building a unity on the recognition of group identities.