

Diversity in Post-Conflict Societies

Dealing with minorities in a fair way in the context of a lack of social cohesion and the need for reconciliation

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Abstract

When ethnic or cultural groups with a recent history of violence against each other live together in the same state, a key element in the peacebuilding process is to determine whether certain minority groups need special rights. However, factors such as a lack of political-institutional stability, social cohesion and feelings of security between the formerly conflicting groups may have implications for the way minority rights issues are resolved. This paper will seek to define what constitutes 'fairness' when dealing with minorities in post-conflict societies that make claims for special rights for political representation or self-government.

Justice in a political community with several co-existing ethnic groups requires both a fair way of distributing political power as well as a civic attitude of citizens toward each other and group diversity. In post-conflict societies both these aspects are connected; for example, while the physical separation of groups through enhanced autonomy and self-governance decreases the chances of conflict immediately after a war, they can trigger tensions in the long term by reinforcing dividing lines.

This paper will use three political theories on dealing with group diversity as a basis for the analysis, which are Will Kymlicka's liberal multiculturalism, Brian Barry's liberal egalitarianism and Charles Taylor's politics of recognition. I will propose how these theories can best be applied to post-conflict political communities using Kosovo as a case study.

Introduction

A minority that becomes a majority and a majority that becomes a minority: the relations between Albanians and Serbs in Kosovo changed turbulently after the falling apart of Yugoslavia and the Kosovo War. The result is that social relations in Kosovo have been turned upside down, even more since the declaration of independence of Kosovo in 2008 by the ethnic Albanian population.

When several cultural or ethnic groups have to live together in the same state after a violent conflict, as in Kosovo, this isn't easy. Since they are part of the same authority of the state, they form a political community together. However, because of

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disrupted relations between the conflicting groups, it is possible that dealing with group diversity is different in a post-conflict society than in a society which has been without recent violent conflict. Fairness in a political community in which several groups live together has to do with both the distribution of the political power of the state (legal arrangement) as with the attitudes of individuals towards each other and group diversity (ethical arrangement). We may also see this as two levels of analysis of citizenship, being on the level of the state and on the level of individual citizens (Kymlicka, 2003: 148). In post-conflict societies it becomes clear how the two aspects of the political community are related to each other and even how they might conflict with each other. Special rights to territorial autonomy for minority groups, for example, might be less sensitive to conflict directly after a war, but it might also risk conflict on the long term by deepening dividing lines. This paper focuses how the elements of post-conflict societies can influence the applicability of existing theories of dealing with minorities in a fair way. The central question is as follows: what constitutes 'fairness' when dealing with minorities in post-conflict societies regarding their claims to special rights for political representation or self-government?

I. The Legal and Ethical Arrangement of the Political Community

In the political-theoretical debate on dealing with group diversity in a fair way, a lot of attention has been given to the legal configuration of the political community by asking whether minorities deserve certain special rights. This has a certain overlap with the attitudes of citizens towards each other, because as I will show, the theories discussed also ask for a certain citizen attitude. The relationship between minority rights (legal configuration of the political community) and citizen attitudes (ethical configuration) is the core of this paper. To come to a peaceful and safe society after a violent conflict presupposes both stability of political institutions and between citizens.

When I speak of minorities, I mean a group of citizens that can be distinguished on the basis of ethnicity or culture, who ask for special rights because of disadvantages in their social, cultural or economical position on the grounds of

their distinctiveness as a group. In this paper I will focus mainly on minorities that have been part of a violent conflict, and less on group cultures that are more of a sub-culture (e.g. a group culture on the basis of sexual preferences). When defining minority groups, a danger is to fall into essentialism. We should keep in mind that “cultures are not separate, bounded and internally uniform, but rather, overlapping, interactive and internally negotiated” (Tully, 2002: 104). Essentialism can also be a problem in practice, as we see that group identities come to the foreground in the context of violent conflict and distinctions between conflicting groups are emphasised by the mutual and internal reification of group identity.

Further, I will focus mainly on special rights for self-government or political representation. Self-government means that a certain group has authority over things that they have an extra interest in, such as the organisation of education or health care in certain areas, the official languages in a certain territory, or the contents of curricula in certain schools. Practically, this may take the form of for example territorial autonomy or a federal state structure. Special representation rights mean that minorities gain easier access within liberal institutions by for example lowering the electoral threshold for minority groups.

A. Kymlicka’s Liberal Multiculturalism

Kymlicka (1995) defends the necessity of minority rights for certain groups on the basis of liberalism. Kymlicka argues that a culture is needed to come to a conception of the good life, which he regards as an important liberal value. Our culture is a context of choice in which we can give meaning to the possible choices we have for what we think is a good life. This makes culture a condition for liberal individual autonomy.

Kymlicka (1995: 10) then makes a distinction between “national minorities” and “ethnic groups”. A national minority is a historically formed people with an own home base, institutions, language and culture, that ended up voluntarily (through a federation) or involuntarily (through the wages of war) in the same state with another group that is the majority (pp. 11-13). An ethnic group is a group of immigrants that left their homeland for the new country, and hold on to some of their individuality

(pp.13-14). Kymlicka distinguishes between the claims different groups can make. In this context he speaks of special representation rights, the right to self-government and "poly-ethnic" rights. Kymlicka (pp. 108-120) argues that national minorities are entitled to all three of these rights if needed, on the basis of equality (a national minority has a subordinate position in the possible survival of their "societal culture" and compensation by means of special rights is required). Ethnic groups on the other hand can not claim rights for self-government, because in general, these groups have immigrated by choice and that includes a choice to integrate into the new culture. They can however claim some "poly-ethnic" rights when rules in society are formulated in a culturally biased way, such as holiday celebrations or headdress regulations.

The core of Kymlicka's argument boils down to ensuring "external protections" for minorities and tackling "internal restrictions" within minority groups (Kymlicka, 1995: 35).

B. *Taylor's Politics of Recognition*

Taylor (1994) made an important contribution to the debate of dealing with group diversity with *The Politics of Recognition*. In this work, he tries to form a synthesis of several liberal positions (Abbey, 1999: 713-714), but often his position is described as communitarian (cf. Freeman, 2005: 18). Indeed, Taylor argues that people's choices for their conception of the good life can not be entirely made independently by individuals, but is also always influenced by the people around us (1994: 33). He does however also defend certain liberal core values, including the value of having access to multiple conceptions of the good life, the equal value of people and some basic liberal rights such as the right to life.

Taylor (1994) shows in a historical account how the current demand for recognition from various minority groups has evolved into contemporary society. His aim is to find a conception of politics in which minorities receive the recognition they deserve (p. 26). This "due recognition" means a recognition of equal value of every human being (p. 41), but also an acknowledgment of what makes every human being unique (p. 39).

Following this, Taylor (1994) asks whether contemporary liberal egalitarianism is able to accommodate cultural differences in a satisfying way. He uses the case of the demand for self-government in Quebec for this. Liberal egalitarians were against the granting of territorial autonomy, because it would conflict with the liberal values of individual rights (the local government can raise restrictions on individuals who are not French in Quebec) and the right to non-discrimination (the minority in Quebec got special rights based on being a national minority) (p. 55). Taylor criticizes liberal egalitarianism that it does not accommodate difference (p.61). I will show at the end of this section how Brian Barry is able to defend the liberal-egalitarian position without necessarily recognizing minority cultures explicitly.

Taylor's position holds that there should be a discourse in society in which the ideal of equal treatment is weighed against the survival of a culture (p. 61). The criterion in this public debate for determining whether special rights for minorities are just, is not as for Kymlicka the distinction between "ethnic groups" and "national minorities", but how important it is deemed that a distinct culture can survive. This means that both self-government and special representation rights for minorities can be justified by Taylor: if cultural survival is more important than the ideal of equal treatment, than granting these rights is fair. This shows that Taylor is a moral pluralist, as not only individual autonomy, but also cultural belonging is important when deciding on one's conception of the good life. For Kymlicka, the final choice must always be deducible to the individual, while for Taylor cultural survival can be raised to be a collective goal within a minority group.

C. Barry's Liberal Egalitarianism

Brian Barry's (2001) *Culture and Equality* is an attack on multiculturalism. He denounces several of these theories that justify special rights for minorities, including the work of Kymlicka and Taylor. Barry however supports a liberal-

egalitarianist view², a view that is not able to accommodate group diversity according to Taylor.

Barry's liberal position is based on a few core principles, that form the theoretical basis for liberal institutions. These include the equality of citizens through equal rights and equal opportunities, and the freedoms of speech and religion (Barry, 2001: 122). He emphasises that everyone in society must be treated equally and have equal opportunities. To enable this, rights must be formulated in a universal manner: special rights or exemptions from existing rules for certain groups should not be granted (p. 11). If, for example, minorities in certain areas would want to use another language in their institutions, it should not be taken for granted that these rights are given. Barry does not however entirely exclude possibilities for minorities to gain special rights, since in the liberal policymaking process a public debate exists which everyone's interests can be represented and negotiated.

There are also situations in which groups should get temporary special rights, commonly known as positive discrimination, in order to make a structural change possible in society (Barry, 2001: 12-13; Barry, 2002: 220). This is the case when groups are in a disadvantaged position, because of the way they were treated in the past. There are unchosen circumstances that come from society, that put a certain group behind, which can only be straightened out by temporary favourable special rights for certain groups.

Besides the need for equal treatment and opportunities, an emphasis must be put on the freedom of association. This means that one should be free to choose which groups to belong to, implicating not only accessibility but also the existence of exit options for group members (Barry, 2001: 150).

On the basis of the above we can deduct that special rights regarding political representation do not fit within Barry's liberal-egalitarian view, unless these measures are negotiated within a public policymaking process by group representatives. Regarding self-government, the position of Barry is a bit more difficult. Even though this kind of special rights might be negotiated within the

2 As noted before, Kymlicka argument is based on the value of equality. However, in the tradition that Barry comes from, he does not regard Kymlicka as an egalitarianist.

public discourse, Barry shows with a quote of Yael Tamir there is no real good reason to ask for measures of self-government:

“If we define 'group rights' so that they are 'self-government rights as means [for communities - BB] to protect their religious and cultural practices', then we have to say, with Yael Tamir, that such rights are either dangerous or of little importance. They are dangerous if they can be turned inwards to restrict the rights of freedom of members; they are of little importance if they can only be bestowed upon groups which treat their members with equal concern and respect. Very few of the groups that demand group rights, if any, accord with this description.” (p. 128).

On the basis of this quote I believe that Barry believes that minority groups within a liberal society should not gain self-government rights. At the same time, Barry can not deny that within the public debate such demands can be negotiated for.

D. Ethical Citizenship

Kymlicka (1995: 173-192) researches also the relation between a “shared identity” in society and special minority rights. Social unity is a necessity for the liberal society according to him: “liberal societies require a high level of mutual concern” (p. 173). The need for a shared identity does not relate to principles of justice or freedom, but to the stability of a liberal democracy when implementing special minority rights (p. 175). Kymlicka argues that it is not self-evident that such an identity exists in a diverse society. He therefore looks at the minimal conditions necessary to be present within a stable liberal society and concludes that the minimal demand one must make regarding citizens' attitudes should be the valuing of “deep diversity”. This means that citizens should acknowledge that to be part of a political community one's identity doesn't necessarily have to be formulated as a state identity, but can also be enclosed in different kinds of group identity. Citizens must value diversity and acknowledge the different ways in which their diverse society is constructed. (pp. 189-191 on the basis of Taylor).

In later research, Kymlicka (2003) shows that we must not ask too much from citizens regarding their shared identity in the political community, to the point that citizens become apathetic toward other groups in the political community.

Citizens should not necessarily know the contents of each other's cultures. We can acknowledge that there is in a way an impossibility in understand each other fully. We can however understand that others have strong opinions that are different from ours (pp. 164-165). Even though the expectations from citizens are lowered as much as possible by Kymlicka, again he does not have an answer how such a citizen attitude can be created in a society where it does not yet exist (Kymlicka, 1995: 191).

Taylor (1994) examines whether due recognition also means complying with a demand that all cultures are valued equally. This claim is too much according to Taylor, because statements regarding the value of a culture can only be made when one has truly examined a culture (pp. 67-68). To achieve this, a “fusion of horizons” is needed: we need to put the things we take for granted in our culture in a broader background, in which we also place the different background of the other culture. We can only make the presumption of the equal worth of cultures, because without a true examination of other cultures any real statement on the worth of another culture is not possible. The grounds for the presumption, however, is that any culture that has meant something for people over some period in time, must almost certainly be worth our respect. In short, according to Taylor citizens in a political community must be open to other cultures, in order to be able to provide these cultures with their due recognition.

Barry (2001) also expects some kind of citizenship attitude: “liberal democracies are very unlikely to produce just outcomes unless their citizens have certain attitudes towards one another” (p. 80). He expects less of citizens than Taylor regarding openness towards each other's cultures, but he does see a need for a “civic nationality”. This implies the following attitude of citizens among each other (p.80):

1. That citizens can expect from each other that they would make sacrifices in terms of money, free time or in cases even life, when needed for the common good. This presupposes also a recognition and mutual understanding of 'the common good';
2. The equal treatment of each other's interests;
3. That the opinions of group members are not discarded automatically.

How can this “common national identity”, or “civic nationality”, which is a kind of shared identity, be liberal? Barry explains that the civic nationality is to be seen entirely separate from culture:

“culture is not the heart of the matter (...) the core of common national identity is a common commitment to the welfare of the larger society made up of the majority and the minority (or minorities), and mutual trust in others to abide by that commitment even when it entails sacrifices” (Barry, 2001: 88).

The “common good” should then not be understood as (parts of) the majority culture in a state, but should be reduced the liberal principles of equal treatment and equal opportunities. By introducing the concept of “additive identity” he shows that it is not necessary that citizens share anything cultural (Barry, 2001: 81-88). Citizens can share the civic nationality that knows no cultural content and on top of this one's identity can know a distinctive cultural content. The culture is in itself neither a necessary nor a sufficient prerequisite for a stable and just society.

Barry also describes a few measures that could be used to promote the development and continued existence of the civic nationality:

“this sense of solidarity is fostered by common institutions and a spread of incomes narrow enough to prevent people from believing – and with some reason – that they can escape from the common lot by buying their way out of the system of education, health care, policing and other public services that their less fortunate fellow citizens are forced to depend upon” (Barry, 2001: 79).

Even though Taylor charges liberal egalitarianism with not being able to accommodate difference (Taylor, 1994: 61), Barry shows that the identity that is a necessary condition for the liberal egalitarian society is culturally empty. Taylor would however probably not be of the opinion that Barry's position is culturally neutral:

“Liberalism is not a possible meeting ground for all cultures, but is the political expression of one range of cultures (...) liberalism can't and shouldn't claim complete cultural neutrality. Liberalism is also a fighting creed” (Taylor, 1994: 62).

In the discourse that according to Taylor is a necessary precondition for due recognition of diversity, in which the ideal of equal treatment is placed opposite the worth of cultural survival (1994: 61), Barry will simply always choose for the ideal of equal treatment.

II. Post-conflict Societies

The term “post-conflict” is mainly used in combination with post-war reconstruction. The use of the term emphasises that a society is not “normal” peaceful, but is in need of changes to come to real peace after a violent conflict. The process of reconstruction is not finalised and questions of reconciliation not yet resolved.

In this paper, I will only make statements about post-conflict situations within and not between states, since the granting of special minority rights implies the authority of a sovereign state. I will not overly focus on whether that authority already existed during or before the violent conflict and what the borders during the conflict were. Important is that there is one and the same state authority over groups that have recently used violence against each other. The question of whether state authority is just, does remain important. Political theory knows a tradition in which this question is discussed in general terms (see Hyams, 2008), and after violent conflict this question can be seen in particular in the context of the rounding off of a conflict in a just manner (see Orend, 2002). I will try to separate the questions of just state authority from the question of special minority rights.

In this section I will characterise post-conflict societies with three elements, being a lack of political-institutional stability, a lack of security and a lack of social cohesion. I will show that both theoretically and in the case of Kosovo these elements can be a useful framework to interpret the post-conflict political community. To do this, I will first shortly explain the implementation of minority rights in Kosovo.

In 2005 Martti Ahtisaari was appointed as the diplomat that would come to an agreement about the final status of Kosovo with all involved parties (Judah, 2008: 111-113). The results of his negotiations are known as the Ahtisaari-plan. The core of the plan was independence for Kosovo, in which the Serbian minority would gain extensive autonomy through local self-government – special measures that fit

under the measures for decentralisation of authority. Also minorities would gain special representation rights within the central political institutions. The plan came to be unacceptable for Serbia, because of the independent status for Kosovo. A majority of ethnic Albanians did support the plan, which resulted in the one-sided declaration of independence of Kosovo. In the arrangement of the political-judicial institutions of the government in Pristina, the Ahtisaari-plan was an inspiration. This also meant that much support was gained internationally. This support took the form of, for example, the International Civilian Office that supports the implementation of the Ahtisaari-plan (Judah: 114-115).

The Serb communities in Kosovo oppose the authority of the Pristina government. In the north of Kosovo, where a majority of ethnic Serbs is present, policy coming from Pristina can not be implemented well (see International Crisis Group, 2011). Because of this, North-Kosovo is the centre of the political discord between the governments of Belgrade and Pristina. In the rest of Kosovo the Ahtisaari-plan is the guideline for policy regarding minorities, which means that also the local self-government rights for Serb communities are being implemented.

The problem of the status Kosovo is still not resolved, and this question of state recognition shows that questions of just state authority are indeed relevant, both in general as in the context of the post-conflict situation. This is seen best when it comes to designating Serbs in Kosovo as a “minority” and Albanians in Kosovo as a “majority” – before the Kosovo war the opposite was the case. If one would not accept the declaration of independence as justified, then we should see the Albanian community as a minority within Serbia. This touches a greater debate that relates to just war theory. What constitutes a just war, and a just settlement of war? As stated before, I try not to focus on this question, but that also means admitting not taking into account the complexity of the situation in Kosovo. However, also the theories of Kymlicka, Taylor and Barry do not deal with this. For the purpose of this paper, not much more can be done than mention the tension. Also, I will for the rest of this paper use the term 'minority' for the Serb population in Kosovo, because seen from the practical reality in Kosovo, I believe that the government in Pristina has more

opportunities to implement policy regarding minorities than the government in Belgrade.

The situation in Kosovo shows that post-conflict societies know a real lack of cohesion. Enmity and resentment are part of a society in which reconciliation has not taken place (Govier, 2008: 231-233). We see in Kosovo that still a very tense relationship exists between the Serb and Albanian communities and that practical matters such as communication and travelling between the communities is hard.

There is indeed also a lack of feelings of security between the communities. Kymlicka (2002: 65) shows that this is natural, as in the past minorities in East and Central-Europe got support from the neighbouring kin-state. Military intervention and outbreaks of violence are not impossible to imagine. The constant threat also means that violence is easily provoked. In Mitrovica in North-Kosovo violent disturbances are still taking place (International Crisis Group, 2010: i).

The lack of security also shows a lack of political-institutional stability of the government in Pristina. Kymlicka (2002:347) agrees that such stability is needed for the implementation of minority rights. The police and justice system however is not functioning entirely adequate to guarantee safety and prevent disturbances. Also policy for special minority rights is, if such policy has been made, not being implemented well by the Pristina government (European Commission, 2010).

With this short description I wanted to show that the three elements are both interesting from the point of view of political theory as actually existing in at least the post-conflict society in Kosovo. I do not pretend that I comprehend the whole social and political complexity of post-conflict societies with this. However, I am also not searching for such a comprehensive characterisation. I chose these three elements, because they can have interesting implications when interpreting theories on minority rights and the prerequisites they have for the legal and ethical arrangement of the political community. The lack of political-institutional stability relates to the requirements for the legal arrangement of the political community and the lack of social cohesion to those of the ethical arrangement of the political community. The lack of security is a link between both: it can have an impact on both the level of citizens, for example through small violent disturbances and discrimination, and on

the level of the state through a real possibility for renewed violence between the groups that were previously involved in a violent conflict against each other.

III. Theory and Post-Conflict Societies

In this section I will examine in what way the discussed theories of Kymlicka, Taylor and Barry will deal with the elements of post-conflict societies that I discussed in the previous section. Kymlicka (1995: 109) argues that groups that constitute 'national minorities' do have a right to the self-government or special representation rights that they claim. This would mean that according to Kymlicka the local self-government rights for Serb communities should indeed be granted if asked for. The Serb community can be seen as a national minority, as they aren't immigrants, but are in a disadvantaged position to preserve their culture because of unchosen circumstances (the Kosovo war and its consequences) (cf. Kymlicka, 1995: 11). Taylor on the other hand only justifies self-government in cases when cultural survival is at risk (1994: 61). In order to determine whether this is the case for the Serb culture in Kosovo, a public debate is needed in which the need for special minority rights is discussed (ibid.). We can think of the peace negotiations of Ahtisaari as this discourse, but it is not very convincing. The negotiations were not public, and negotiations as the word implies also mean that much more issues were discussed than minority rights.

Barry's view on special minority rights is clear, but not implemented in Kosovo at the moment. According to him, on the basis of the principle of equal treatment all groups in the political community should have the same rights, without exemptions or special measures (Barry, 2001: 11). A problem for Barry is that in the preceding peace negotiations special rights for certain groups are part of the bargaining process in the case of Kosovo, and plausibly in most post-conflict situations. It would undermine mutual trust and be a source of conflict to take these rights back after the negotiations (cf. Kolstø, 2002: 210).

In this short try-out of applying the theories on the situation in Kosovo we already see that the theories make some presumptions of the situation in the political community. I will therefore discuss further what the expectations regarding the political communities are.

Kymlicka does try to lower the requirements for the political community as much as possible. He poses that political-institutional stability is not a necessary requirement for his theory, since implementation of special minority rights should not be postponed when political institutions are weak and need to be built up and strengthened (Kymlicka, 2002: 357). We can see this in Kosovo also: the construction of the institutions of the government in Pristina is still in process, but at the same time measures of decentralisation are implemented. For example, in 2010 were the local governmental elections organised by the government in Pristina for a few Serb communities that are granted local self-government. In this case, the government did not have all the resources to have these elections run entirely transparent (Karzouk, 2010). Kymlicka believes that it is still a good thing to, even if it just symbolically, grant minority rights as this might be a necessary condition for the strengthening of democratic institutions (Kymlicka, 2003: 357).

Kymlicka does however run into problems when it comes to the lack of social cohesion. As shown before, Kymlicka argues that for a fair way of dealing with minorities it is necessary that citizens value deep diversity (Kymlicka, 1995: 189-191). A shared identity of some sorts is needed in order to gain the necessary social unity. The expectations of the shared identity are lowered as much as possible by Kymlicka, because he argues that not a full understanding of each other's culture is needed, but just the acknowledgement that another culture might be very valuable to another person (Kymlicka, 2003: 164-165). The lack of social cohesion in post-conflict societies following the reification of group identities during violent conflict means that such acknowledgement and shared identity doesn't exist in these societies. Even though Kymlicka tries not to be too demanding regarding his expectations of citizens, he doesn't know what policy could stimulate the modest demands he has to make. The applicability of Kymlicka's theory is restricted in that sense.

Also Charles Taylor makes some demands regarding the situation in a political community. To come to a due recognition of minorities, a public discourse is needed in which cultural survival of a minority culture is weighed against equal treatment (Taylor, 1994: 61). Some basic rights, such as the right to life must be guaranteed (*ibid.*). This means that Taylor presupposes that some political institutions are in place to protect such rights, and that a public debate is part of the

political processes. Since “due recognition” is a “vital human need” (p. 26), we could argue the same way as Kymlicka regarding these institutions. Minority rights are so important, that awaiting stable political institutions is unjust.

On the level of the individual Taylor asks that citizens treat each other with the presumption of equal value of their cultures (Taylor, 1994: 72). The presumption asks from citizens that they are open to each other's cultures (p. 73) and within the public debate consider that the worth of the survival of minority cultures is sometimes more important than equal treatment (p. 61). Schaap (2005) however argues that such openness in the context of political conflict can give rise to the contrary:

“In order to initiate reconciliation between former enemies, a politics of recognition must be predicated within the terms of identity and otherness according to which past wrongs were perpetrated. Yet, to the extent that such a politics takes these identities as irreducibly social goods, it risks entrenching and reifying those self-understandings that political reconciliation ought to call into question” (Schaap, 2005: 534)

This risk does not mean that the recognition of minorities isn't important, but it shows that asking for a shared identity in a society where social cohesion is lacking it is also untenable to ask that citizens are open towards each other's cultures (Schaap, 2005: 537). The consequence is that Taylor's theory is unsuitable to be applied to post-conflict situations. Schaap does propose an alternative: in stead of aiming for reconciliation and creating one shared identity within a political community, we could value the agonism in the community (p. 358). This would also comprehend the awareness that reconciliation is not there yet while at the same time creating a possibility for this.

Barry also makes some presumptions about the shared identity within a political community. His view on dealing with minorities in a fair way asks as explained earlier for a shared civic national identity (cf. Barry, 2001: 80-89). The lack of social cohesion however means that the realisation of shared policy is very difficult, which is needed to enable the minimal shared identity. Barry's shared identity is however a bit less problematic than Taylor's. Since he isn't asking for an

explicit recognition of minorities, enlarging the conflicting identities is less of a danger. Besides that, and opposed to Kymlicka and Taylor, Barry does have some ideas how to stimulate the creation of a shared identity (see Barry, 2001: 79).

Regarding political institutions, Barry has a same position as Kymlicka. Even though he thinks liberal democratic institutions are needed to implement policy regarding equal treatment, it is not a hard prerequisite as long as society is working to realise such political institutions. (Barry, 2001: 79). The applicability of Barry's theory on post-conflict societies is limited the most by the fact that peace negotiations have taken place in which groups have negotiated for special minority rights. These kind of negotiations would probably have to take another format according to Barry, as they limit possibilities of equal treatment after the negotiations even though they are not public debates. On the other hand – peace negotiations make peace possible, so it would be best to enable as much bargaining space as possible for all parties within these negotiations.

Considering the above, I would conclude that Taylor's theory is not applicable to societies with a grave lack of social cohesion, including post-conflict societies. On the other hand, both Kymlicka and Barry seem to run into less problems with this element. Both theories are not entirely unproblematic, but also seem to be aware that they should not be too demanding in what they can expect from a political community. In the next section I will show that I believe Barry's theory has a stronger outlook when it comes to diversity in post-conflict societies: it will in the end give ground to a common future.

IV. Self-government, Social Cohesion and Conflict Sensitivity

The main problem for the theories of Kymlicka and Barry relates to the lack of social cohesion in post-conflict societies. Together with this comes the risk for renewed violent conflict. According to Kymlicka, the best policy in practice is to grant claims for self-government, because it diminishes the danger for violent conflict (Kymlicka, 1995: 185). In the case of Kosovo, the Serbian population is centred in a few areas. The process of decentralisation means that small communities gain territorial autonomy. In a way the decentralisation is successful when it comes to diminishing political conflict, since slowly some Serbian communities are formed

where the population accepts that participation in the decentralised institutions could be the only way to a better future for Serbs in Kosovo (cf. Vervaeke, 2011).

Barry however warns us that there might be a relation between such institutional pluralism and the possibility for conflicts between groups (Barry, 2001: 88). A lack of mutual understanding and a lack of working towards a common future means that groups come to live in parallel universes. As shown in the previous section, Kymlicka's theory is lacking the grounds that can keep these groups together when a shared identity doesn't already exist in society (Kymlicka, 2003: 167). It is not strange then, that territorial autonomy can be seen as the first step towards secession (cf. Kolstø, 2002: 202).

In the end, even though it might have a positive impact on the short term, granting territorial autonomy is very sensitive to conflict:

“the 'politics of difference' is a formula for manufacturing conflict, because it rewards the groups that can most effectively mobilize to make claims on the polity, or at any rate it rewards ethnocultural political entrepreneurs who can exploit its potential for their own ends by mobilizing a constituency around a set of sectional demands.” (Barry, 2001: 21)

How can we find policy that solves such a dilemma? In the short term measures of self-government might give the space needed within peace negotiations to enable peace and end violence. It can also be used on the short term to enable minorities to work on their social position, without being confronted immediately with other groups. However, I believe that mainly there is a problem in the prospects that minorities have with rights to self-government. Self-government does not encourage the participation of minorities in the political community, and thus does not create any awareness of a common future with the rest of the political community. On the long term groups become estranged from each other, which makes social cohesion even less probable.

Such considerations make that in the end, I believe that equal treatment as in Barry's view is the best end-game we should go for in post-conflict societies. At the same time, I believe peace negotiations must have as much bargaining space as

possible in order to enable peace and thus parties should be able to negotiate for special rights for their minority groups. Within Barry's theory, I would propose to use his notion of temporary rights in order to enable structural changes possible (popularly called “positive discrimination”) – but this time the purpose of structural change would also be peace (cf. Freeman, 2002: 26-27; Barry, 2001: 13; 2002: 220).

Now we also must take into account the fact that any agreements made regarding self-government can not be changed just like that, if it was not made clear from the beginning during the peace negotiations that these rights will not last forever. In the case of Kosovo it would be twisted to suddenly introduce such temporary elements to the decentralisation process. This is why Kosovo could at the moment best come with policy that is targeted at creating a long term vision for one and the same political community. For example, in the south of Kosovo local governments of both Serb and Albanian communities work together to promote tourism. Such regional development can enable a shared vision on a common future.

The question of what constitutes a just state authority and a just rounding-up of a violent conflict is not resolved with this. The point that I do however want to make is the following: in order to ever give ground to social cohesion and to prevent (violent) conflict, all groups within a political community must have the prospect on one and the same common future, within which all groups are part of the same political processes.

References

ABBEY, Ruth (2002). Charles Taylor's Politics of Recognition: a Reply to Jonathan Seglow. *Political Studies*, 47, pp. 710-714.

BARRY, Brian (2001). *Culture & Equality: An Egalitarian Critique of Multiculturalism*. Massachusetts: Harvard University Press.

BARRY, Brian (2002). Second Thoughts—and Some First Thoughts Revived. In: Paul Kelly (Ed.) *Multiculturalism Reconsidered: Culture and Equality and its Critics*. Cambridge: Polity Press.

EUROPEAN Commission (2010). *Kosovo 2010 Progress Report*. Brussels: European Commission. Retrieved 20 June 2011 at http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/ks_rapport_2010_en.pdf

FREEMAN, Samuel (2002). Liberalism and the Accommodation of Group Claims. In: Paul Kelly (Ed.) *Multiculturalism Reconsidered: Culture and Equality and its Critics*. Cambridge: Polity Press.

GOVIER, Trudy (2008). War's Aftermath: The Challenges of Reconciliation. In: Larry May (Ed.) *War: Essays in Political Philosophy*, pp 229-248. Cambridge: Cambridge University Press.

HYAMS, Keith (2008). Political Authority and Obligation. In: Catriona McKinnon (Ed.), *Issues in Political Theory*. Oxford: Oxford University Press.

INTERNATIONAL Crisis Group (2010). Kosovo and Serbia after the ICJ opinion. International Crisis Group: Belgrade/Pristina/Brussels. Retrieved 13 June 2011 at <http://www.crisisgroup.org/~media/Files/europe/206%20Kosovo%20and%20Serbia%20after%20the%20ICJ%20Opinion-1.ashx>

INTERNATIONAL Crisis Group (2011). North Kosovo: Dual Sovereignty in Practice. International Crisis Group: Pristina/Mitrovica/Brussels. Retrieved 13 June 2011 at <http://www.crisisgroup.org/~media/Files/europe/balkans/kosovo/211%20North%20Kosovo%20---%20Dual%20Sovereignty%20in%20Practice.pdf>

JUDAH, Tim (2008). *Kosovo: What Everyone Needs to Know*. Oxford: Oxford University Press.

KARZOUK, Lawrence (2010, 14 December). Latest Kosovo Election Results Contested. *Balkan Insight*. Retrieved 17 June 2011 at <http://www.balkaninsight.com/en/article/latest-kosovo-election-results-remain-contested>

KOLSTO, Pål (2002). Minority Rights Regime in Post-Communist Societies. In: Kymlicka, W. & Magda Opalski (Eds.). *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, pp. 200-219. New York: Oxford University Press.

KYMLICKA, Will (1995). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. New York: Oxford University Press.

KYMLICKA, Will (2002). Western Political Theory and Ethnic Relations in Eastern Europe. In: Kymlicka, W. & Magda Opalski (Eds.). *Can Liberal Plurism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, pp. 13-106. New York: Oxford University Press.

KYMLICKA, Will (2003). Multicultural States and Intercultural Citizens. *Theory and Research in Education*, Vol. 1, pp. 147-169.

KYMLICKA, Will & Wayne Norman (2000). *Citizenship in Diverse Societies*. Oxford: Oxford University Press.

OREND, Brian (2002). Justice after War. *Ethics & International Affairs*, Vol. 16-2, pp. 43-56.

Schaap, Andrew (2004). Political Reconciliation Through a Struggle for Recognition? *Social and Legal Studies*, Vol. 13-4, pp. 523-540.

TAYLOR, Charles (1994). The Politics of Recognition. In: Amy Gutmann (Ed.), *Multiculturalism: Examining the Politics of Recognition*, pp. 25-73. Princeton: Princeton University Press.

TULLY, James (2002). The Illiberal Liberal. In: Paul Kelly (Ed.) *Multiculturalism Reconsidered: Culture and Equality and its Critics*. Cambridge: Polity Press.

VERVAEKE, Leen (2011, 6 May). 'Strpce functioneerde niet meer': jonge burgemeesters in Servische enclaves van Kosovo breken met het verleden ['Strpce did not function any more': young mayors in Serbian enclaves in Kosovo break with the past]. *De Volkskrant* [Dutch news paper], p. 17.