CIVIC EDUCATION AND THE CONCEPT OF DIFFERENTIATED-CITIZENSHIP

The words 'citizen' and 'citizenship' are 'powerful words. They speak of respect, of rights, of dignity.' (N. Fraser, L. Gordon, 1994, 90)

1. It seems that two hundred years after proudly addressing people as citoyens, the term has been gaining ground again since the fall of the Berlin Wall. Alain Touraine claims that 'without the awareness of belonging to a political community (collectivité) in a certain nation (...) there is, as a rule, no democracy. (...) Democracy is founded on the commitment of the citizens to the state' (1994, 97). Together with the concept of representative democracy 'citizenship became a fashionable concept all over the political spectrum' (Dahrendorf 1994, 12) at the end of the eighties. On the one hand it is true that the eighties saw a revived debate on citizenship and the quality of citizenship, but on the other hand, almost at the same time (partly in the eighties, partly in the nineties) the concept of citizenship became part of the self-evident, rather puffed-up rhetoric, which was especially appropriate for newly-formed states of East and Central Europe at the beginning of the nineties.

Civic education in various forms is often found in this context as one of the necessary satellites of the concept of citizenship and an important element of the enlightenment of the newly-formed nations, which 'have arisen from under the waste of socialism'.

At the end of the eighties and at the beginning of the nineties, the knowledge of the fundamental rights, the freedom of speech, the rights of assembly and political organisation and similar rights, was the 'bread and butter' of the emergence of liberal democracies - including the democracy in Slovenia. The fight against the (in)famous
Article 133 which sanctioned the **verbal offence**, gatherings in the Revolution Square in Ljubljana, writing drafts and proposals of the new constitution, the establishment of parapolitical parties, which were caught unawares in the middle of the struggle for power - all this represented a practical form of civic education. Without any international colloquiums we took the most important lessons in civic education, persistently and deliberately, often seeking theoretical foundations for our actions. Such were the eighties, so began the nineties.

After the fall of the Berlin Wall, after Slovenia's gaining independence and after the war broke out in the Balkans and the former Soviet Union, we soon found ourselves in a totally different position. A decrease in enthusiasm and real problems of the establishment of new democratic structures were accompanied by the need for a special treatment of human rights, the need for the "Enlightened West" to show us, through various organisations, what the fundamental human rights are all about. Various enlighteners were coming to Slovenia, really attractive publications of the Council of Europe were being published, teachers were being trained, and thousands of refugees led us to talk about tolerance and support the 'all equal - all different' campaign, which was quite successful in this area.

By sticking to the aforementioned conduct, both Slovenian and foreign expert public, and various civil entities and state institutions showed lack of social imagination, no deliberate consideration of the question of civic education, etc. In an area like Slovenia, it *is* important to discuss civic education by representing human rights and highlighting the need for tolerance of people with different points of view, etc.; however, it is by far not enough.

**Why? First**, because it underestimates the area into which it enters. During the so-called Slovenian Spring, the citizens came not only to understand but also to gain, by fighting, most of the civil and political rights, which were seriously underrated by the old regime, but not totally suppressed in the decade prior to its demise. It is possible and necessary to talk about civil and political rights to people who gathered almost a million signatures in support of the Albanians from the Kosovo region in 1989, who peacefully demonstrated for days and demanded that the Four be released from the military prison and that they be given the right for political organisation and the use of their mother tongue - including in the military court, who decided in favour of
independence on the referendum, who repulsed the attack of the Federal Army and took care of tens of thousands of refugees; however, to represent these rights to them as an astounding revelation is not particularly sensible.

An additional problematic element of propagating the aforementioned rights - because one can agree with Dahrendorf (1994) that the 'integrity of person, due process of law, freedom of speech and other rights of expression' represent the 'hard core of fundamental and indispensable rights' (13) - is the fact that, in the last decade, the West fatally belittled the importance of the intertwined democratic and national drive.

Yugoslavia, in fear of disintegration, was erroneously betting on common citizenship and the centralism of the totalitarian regime coming from the strongest republic, which was trying to subdue the rest of the country by force. People were meeting and taking care of refugees in their homes, at their neighbours', in their towns, schools, etc. The truth of the concern of liberal democracies for the fundamental human rights was thus shown in their existence; daily news on ethnic cleansing, the dead, the rape, etc. were exchanging place with the delaying of liberal democracies to intervene and thus to help and end the suffering of people and simultaneously stop the escalation of nationalism motivated by such and other means. These and other facts of the eighties and nineties represent the background of the debate on civic education in the regions and countries around Slovenia.

On the other hand, if we keep on stressing only civil and political rights in the former socialist countries, we avoid the real troubles of the expansion of the concept of citizenship, which were mainly due to the pressure for social rights by the so-called workers' movements in Europe and - whether we like it or not - differently oriented socialist and communist parties at the end of the nineteenth and in the first half of the twentieth centuries. The ancien régime in these regions underestimated the question of political rights, denied them and often, to some extent, withheld them from us, especially when there was the question of multiparty political organisation at stake. However, we must not forget that in Slovenia the old regime recognised the right to self-management or co-management in industry; and although it was rather insensitive to civil rights, the constitution gave women the right of abortion and from among social rights almost full-scale employment, a relatively high social security, a
fair number of the so-called national rights, etc. Furthermore, since the citizens took the lesson of active citizenship twice - when they built an independent state and a transition from socialism to liberal democracy, and before that, when they were called upon to participate in active citizenship in the form of self-management activities\textsuperscript{1} -, they are familiar with an exaggerated address to people in the line of citizenship and take it with scepticism, even more so because they have learnt from everyday-life experience that the regime they considered not good enough properly provided for social rights for the vast majority of the population. Since the unemployment rate at the turn of the decade was merely 1.3, we cannot talk about the 'underclass' experience in Slovenia. The experience of today when the employment is at least five times greater even according to the ILO standards, teaches them that, despite the fact that the rate is not so critical according to the EU standards, everything is not so black and white.

\[ \text{2. The question of civic education in former socialist countries is of course by definition the question of the awareness of the fundamental human rights from among civil and political rights, which must be complemented by discussion of social rights. If we avoid the issue of social rights, we call back to life the forces of the old regime. Admittedly, Slovenia is not a good example for this, but we can find plenty of examples in some other ex-socialist countries. If it is true what Nancy Fraser and Linda Gordon claim, namely that the 'expression "social citizenship" is almost never heard in public debate in the United States today' (1994, 91), and if we accept this, we also have to take into account that in the regions which experienced socialism, something like this is by definition questionable. Even if it is true that the emergence of underclass is 'economically feasible and politically riskless' (Dahrendorf 1994, 15), the warning of the same author remains valid - that not dealing with the question of the hard-core unemployed and 'redundant' 'betrays a readiness to suspend the basic values of citizenship - equal rights to participation for all (...) Differently put, if we allow say 5 per cent to be denied access to our civic community, we should not be surprised if doubts about the validity of our values spread throughout the social fabric' (ibid. 15-16).} \]

\textsuperscript{1} Dahrendorf justifiably emphasises the fact that the authorities call on citizens to participate in active citizenship when they want commitment. This is not bad in itself, it is even necessary, however, it is also nothing more than a \textit{déjà vu} deliverance.
3. What conclusions can we draw on the basis of the experience described above? First of all, civic education must be conceptualised in such a way that it 'covers' concrete people, their existence, the problems they are dealing with - it must tell a story which is their story too. The presentation of citizenship rights and duties which cannot 'communicate' with the actual problems of concrete populations and generations is doomed to failure, despite all the good intentions and high-quality publications on civic education. If we wish well to the developing liberal democracies in the former socialist countries, we must not put aside the so-called social rights and run away from discussing questions relating to the concept of citizenship rights and individual groups.

II.

1. The list of solutions to the problems of dealing with crises in individual liberal democracies or parts of democratic countries seems to support the claim that we are looking at a process of expansion and supplement of citizenship rights. Waldron justifiably emphasises, 'There is talk today of a "new generation" of human rights' (1993, 339). The greatest shifts can be observed in meeting the demands for a special treatment of the questions of representation, rights of women and different ethnic groups. The implementation of the right to self-determination in former Soviet Union - Baltic states and other examples, Yugoslavia, greater autonomy in United Kingdom, Spain, etc. is a convincing proof that important shifts, for example in the demand for the implementation of special rights for women, have been made primarily in the field of ethnic rights.

After the implementation of the so-called first generation of citizenship rights ('free speech, religious liberty, the right not to be tortured, the right for a fair trial (...)') (ibid., 5)) and second-generation rights, chiefly socio-economic rights, we are obviously facing the demands for the implementation of third-generation rights.

2. Despite various open questions related to the discussion of the new generation of rights and their expansion in general, we can say that they typically have a 'communal and nonindividualistic character' (ibid.) 'Third-generation rights are the solidarity rights of communities (...). They include minority language rights, the right
to national self-determination, and the rights that people may have to diffuse goods such as peace (....)' (Ibid., 5).

3. Similar to the preceding, historically generated generations of rights the emergence of third-generation rights\(^2\) and the increasing number of claims for the expansion of citizenship rights to individual groups raise a logical question - will 'the rise of group-based claims further erode the sense of shared civic purpose and solidarity?' (Kymlicka 1998, 168). In order to answer the question about the degree of the above-mentioned danger, we should take a closer look at the question concerning 'group-based' claims and rights.

3.1. Kymlicka (his Multicultural Citizenship will form the basis of our further discussion) highlights that some theorists of the liberal orientation, like John Rawls, share the opinion of John Porter that the 'organization of society on the basis of rights or claims that derive from group membership is sharply opposed to the concept of citizenship' (prim. ibid., 167). In our view, the author is justified in emphasising that the thesis on the concept of differentiated citizenship as being a contradiction in terms is overstated. 'If differentiated citizenship is defined as the adoption of group specific, polyethnic representation, or self-governement, then virtually every modern democracy recognizes some form of it' (ibid., 167-168). Furthermore, modern democracies do not recognise a form of differentiated citizenship by mistake. They recognise it because they are, one way or another, simply not in a position to avoid it. There are claims to the effect that group-differentiated citizenship ceases to be 'a device to cultivate a sense of community and a common sense of purpose'. Ireland, former Yugoslavia, the Kosovo region, Belgium, Canada and many other countries or communities are not in a position to act in accordance with such a theoretical approach. In Macedonia, Kosovo, Northern Ireland, Bosnia and Herzegovina it is of course important and sensible to explain how the introduction of special rights for certain groups of people is contrary to the idea that citizenship is a 'forum where people transcend their differences and think about good of all citizens' (ibid., 168); however, beyond certain limits such an attitude is counter-productive. Macedonia has to face the fact that a third of its population is ethnically Albanian, especially in the area bordering Albania, and they want rights in the field of education - including

higher education - and in some other fields. Ignoring the situation in Kosovo and denying the high degree of its autonomy in the socialist Yugoslavia led first to the complete civil disobedience and finally to war. On the other hand, Canada (cf. Kymlicka 1996) as a federal state is better off since the introduction of "asymmetrical federalism" which grants Quebec powers not given to other provinces' (ibid., 156). The same applies to the fact that in Slovenia, members of Italian and Hungarian ethnic minorities have special rights in the fields of education, culture and special representatives in the national parliament, which has increased rather than diminish their sense of citizenship. At first glance, it seems that the insistence on the so-called common citizenship - a good example is Yugoslavia - in relation to the newly-formed democracies represented the cover-up of the totalitarian rule and helped diminish the sense of citizenship.

3.2 On the basis of the reflection of changes in citizenship and citizenship rights, it seems right to support, at least in principle, the idea of the combination of common citizenship and differentiated-citizenship where the latter approach complements and is not necessarily the opposite of the former one. We could even say that the absence of theory and politics which considers differentiated-citizenship as a legitimate (but not unquestionable) part of theoretical and political confrontation with the reality of group-differentiated society, is the generator of escalated conflicts and losing trust in the essential elements of common citizenship. Common citizenship is here defined as 'the first generation' of citizenship rights (Waldron 1993), which can be described as "the civic element of citizenship" - composed of the rights necessary for individual freedom and institution most directly associated with the rule of law and the system of courts - and as "the political part of citizenship" - consisted of the right to participate in the exercise of political power' (Barbalet 1988, 6).³

4. Taking into account the difficulties arising from the recognition and implementation of the concept of group-differentiated rights it is perhaps wise to point out the problems and the gradual process of the implementation of the first two generations or the first three elements of citizenship rights. Marshall explains the formation of the aforementioned elements of citizenship rights as a relatively complex process 'of fusion and of separation. The fusion was geographical, the separation functional'

³ Marshall (1950) talks about three parts or elements of citizenship, 'I propose to divide citizenship into three parts. (...) I shall call these three parts, or elements, civil, political and social' (10).
The first important step of the introduction of citizenship rights of the first part or element - civil rights 'dates from the twelfth century'; the story of the development of the parliament and political rights is complicated; as far as social rights are concerned, they were first as locally rooted 'gradually dissolved', subsumed into Poor Law, and later gradually implemented through the confrontation between liberal and socialist ideas. Although we should point out the liberal awareness of the fact that the implementation of civil liberties is not possible without 'enjoying a fair degree of material security' (Waldron 1993, 5), there remains the correct deliberation about the inclusion of social rights (especially workers' rights) into the sphere of citizenship rights as an element radically cutting in between the revolutionary approach, which tries to eradicate bourgeois exploitation, and the democratic approach, which introduces social rights into the field of social equity and remains within the boundaries of representative democracy (cf. Touraine 1994, especially Chapter II).4

Anyway, the comprehension of citizenship is changing and requires careful deliberation about at least three other elements of accommodation of group-rights. Kymlicka (1994, 1996) refers to three forms of group-differentiated citizenship.

In discussing the case of a Canadian debate (1996) on citizenship rights, he highlights *polyethnic rights, special representation rights and self-government rights*.

4.1. The debate on *special representation rights*, which can be noticed in national minorities and ethnic groups as well (we will return to them further ahead), is at least as old as the debate on representative democracy. As a matter of fact we could claim that the classic - Burke's - concept of representative democracy as citizenship representation emerged from the confrontation with delegating representatives of individual groups or classes of the population. Representative - citizenship democracy is founded on the assumption of the representative of the whole people who as such is not tied to any class or individual party or group of voters. This assumption is clearly defined in the majority of modern constitutions. It is written in

4 On the question of the accommodation of the so-called class conflict by means of the expansion of the concept of citizenship cf. also Barbalet 1988. Marshall is supposed not to have claimed 'that class has been abolished by citizenship, but that citizenship "has imposed modification on" class. According to Barbalet, Marshall 'sees the development of citizenship and of the class system in terms of the interactions between them. Through their antagonistic relationship citizenship and class inequality each contribute to change in the other' (ibid., 10).
Article 82 of the Slovenian constitution. However, in reality there has been, for over two centuries, an inner tension between classic concepts of citizenship and classic representation. Political structures of contemporary states with bicameral structure of their parliaments, which often serves the representation of individual groups and local entities (provinces), as well as with the elements of different kinds of representation in lower chambers of parliaments - for example, the representation of minorities, setting gender quotas, etc. - point out that the inner tension between the general and particular or group representation is written into the structure of liberal democracies. The feeling that the 'political process is "unrepresentative", in the sense that it fails to reflect the diversity of the population' (Kymlicka 1996, 157) does not apply only to Canada - it can effortlessly be generalised to a vast majority of representative democracies. It does not relate just to the issue of 'presence' (A. Phillips 1995 and 1996); ultimately, the rule highlights the desire of people for a delegate model of democracy. The question of the introduction of group representation demands special treatment, therefore we will limit it to two remarks. First one: it is obvious that mere citizenship representation does not suffice in the reality of political systems. Many countries thus decide on local representation, representation of individual groups (ethnic minorities, women, ...). Thus we are not facing the question 'inclusion or not' - allowing the presence of groups' interests in decision-making in the system of parliamentary democracy or not - the real question is where (lower, upper chamber); how much power we give to group interests (presence only or ...); which groups represent an entity still appropriate for the presence/representation in parliaments etc. The second remark relates to the question arising from a possible agreement with the first remark: how do we choose the present or the representatives of a particular group in representative bodies? There are obviously many questions regarding representation. Here it seems a good place to stress the need for various mechanisms of inclusion and to point out the fact that Hare and J. S. Mill developed the so-called single transferable vote system in the nineteenth century (around the turn of the eighteen-fifties) which offers solutions to a fair number of the above-mentioned questions and at the same time keeps citizenship and differentiated - citizenship alive.

4.2. The issues of polyethnic, self-governance and self-determination rights is quite another matter.
Lehning illustrates his consideration of polyethnic rights with an example of 'state neutrality' in the field of education. Polyethnic society should encourage 'education in shared political values, and the political virtues of toleration (...)' (1998, 230) and diversity. Private schools should go a step further from shared values and should teach children, apart from the core or standard curriculum, for example 'the specifics of their own Islamic culture, religion and language' (ibid., 231). However, the neutrality of the state does not suffice in these societies. 'Minority groups within contemporary democracies sometimes claim that gaining formal equal democratic liberal citizenship is not enough as it does not capture their demand for inclusion of their collective identities in public sphere' (ibid. 232). The desire of ethnic minorities in Canada for exemption from certain rules is described by Kymlicka (1998) as a proof 'that members of minority groups want to participate within mainstream society' (170). Sikhs who wanted to join the Royal Canadian Mounted Police are such an exemption because of their religious requirement to wear a turban; they wanted to be exempted from the requirements regarding ceremonial headgear. A similar demand was expressed also by Jews. Many people consider such exemptions as a 'sign of disrespect for "national symbols"' (ibid.); however, the author is right in pointing out that the demands of the members of the aforementioned religious communities in fact reflected their wish to become part of the wider society. In this respect it seems totally inappropriate to mark such wishes as 'rights prompting "ghettoization" or "balkanization"' (ibid., 171). Contrary to the suppositions of the critics of polyethnic rights, these rights do not hinder immigrants in their social integration: the 'experience to date suggests that first- and second-generation immigrants who remain proud of their heritage are also among the most patriotic citizens of their new country' (ibid.). In their wish to integrate and accommodate they only desire to gain recognition of the value of their cultural heritage - in order not to subordinate the new culture to their own but to be able to survive with their culture in the new one. The incapability or unreadiness of the majority nation to grasp this integration as the acceptance of the new culture is, in Kymlicka's view, due to 'a racist or xenophobic fear of these new immigrant groups' (ibid., 172). In principle, this case once again does not pose the question of whether an individual group can be integrated into society by being granted to special rights or not. The questions arising from the acceptance of the need for this kind of rights are partly the same as those from the discussion of the issue of special representation rights: 'What kind of minority groups should get those rights?' (Lehning 1998, 234) What is the basis for granting those rights - language,
religion, ethnic membership? How big should such a group be in order to qualify for such rights? 'Who is the claimant for these rights? Who is eventually granting those rights?' (ibid.).

4.3. The questions regarding the rights of groups in differentiated citizenship do not stop here. Kymlicka (1998) thus highlights a new challenge issued by the demand for self-determination rights. If polyethnic rights and representation rights 'can promote social integration and political unity, self-government rights pose more serious challenge to the integrative function of citizenship' (174). Since self-government presupposes the right to self-determination, it is not only the 'most complete case of differentiated citizenship' (ibid., 175), but also a cause of serious worry for those who are in favour of the concept of common citizenship. The possible and the actual concern for the interests of one's own nation in a multinational state is thus regarded as something for which it 'is not clear that (...) would support solidarity and cohesiveness in liberal society' (Lehning 1998, 233).

It should not be denied that in discussing self-determination and self-government rights we are not dealing with the demand for the inclusion of one's own particularity into the whole; we are dealing with the permanent demand of individual units of the federation or even confederation for the right of self-determination and the formation of a separate political entity, which, if so decided, one day can no longer be part of the existent state. Yugoslavia is a typical example of such a state and for many a most welcome proof for the claim that 'self-government rights (...) seem to open the door for separation and secession and do not have an integrative function' (Lehning, 233).

Kymlicka regards self-government rights as 'the most complete case of differentiated citizenship' (K, 175). He emphasises that national entities with the above-mentioned kind of rights consider their subjectivity as the original one and the federal or confederate subjectivity as the derived one. There is only one step from this kind of approach to the wish 'to ignore the demands of national minorities, avoid any reference to such groups in the constitution' (ibid.).

In line with common citizenship strategy for dealing with cultural pluralism, many multi-national or at least multi-ethnic states wish to circumvent the actual and mostly
justified demands for self-government rights and replace them with the cultural-
pluralism right. Kymlicka emphasises that the use of common citizenship strategy
which believes that multi-national states can be organised without self-government
strategy only 'aggravates alienation among national minorities and increases the
desire for secession' (176). Contrary to the Rawls's expectation that common
citizenship promotes the political virtues of reasonableness and sense of fairness, a
spirit of compromise and readiness to meet others halfway, 'common citizenship may
in fact threaten these virtues' (ibid., 176).

The case of Yugoslavia in the past and the case of Kosovo today show what can
happen when the authorities, with the help from the world's powers, believe that the
concept of common citizenship is the guardian of a possible democracy, while
federalisation, confederalisation or even the emergence of new states are, by
definition, instances of 'balkanisation' and 'tribalisation'. The case of Montenegro in
the Balkans will be a new test of this point of view, especially with the fact remaining
that changing national awareness is a very difficult task to perform, and on the other
hand with the fact that 'claims to self-government are here to stay, (and) we have no
choice but to try to accommodate them' (ibid., 178).

Kymlicka is therefore right in claiming that this kind of 'arrangement diminishes the
likelihood of violent conflict' (ibid.).

The approach described above is of course far from being unquestionable, but it is
necessary and much more appropriate to deal with the reality of concrete
democracies than the denial of the necessity and relevance of the recognition of the
demands for group rights - in this case ethnic ones.

In my opinion it is crucial to recognise ethnic rights not only as negative (regardless
of the race, ethnic membership, etc.) but also, in the framework of citizenship rights,
as positive rights - as provisions and entitlements. They are not something to be
afraid of like the return of the Real into the sphere of symbolic organisation of the
modern western world - threats with Islam or tribalism, which is in opposition with
liberal democracy. Co-existence of the national and democracy is obviously essential
and necessary even today. Habermas emphasises that 'citizenship was never
conceptually tied to national identity' (1994, 23), but at the same time highlights the
connection between republicanism and nationalism as well as the historical link between democracy and nation state. 'The nation state provided both the infrastructure for rational administration and the legal frame for free individual and collective action' (ibid., 21); moreover, 'the nation state laid the foundations for cultural and ethnic homogeneity on the basis of which it then proved possible to push ahead with the democratization (...)'. The nation-state and democracy are the twins born of the French Revolution' (ibid., 22). Although the same author suggests that the modern concept of the nation-state, 'loosening the semantic connections between national citizenship and national identity takes into account that the classic form of the nation-state is at present disintegrating' (ibid., 21), the fact remains that even in the process of formation of the European Union the 'sort of nation-state we have seen to date would continue to exert a strong structural force' (ibid. 29).

Like Habermas, Touraine (1994) also stresses the connection between democracy and the national and does not see any immanent opposition between them. "Modern democracy has been closely connected to the nation-state; social and industrial democracy have been defined by mediation of the nation-state in the field of economy. Moreover - the birth of democracy in the United States and in France was closely linked and identified with the emergence of the nation, its independence and freedom' (99). Touraine then suggests that it is also true that democracy has often been the victim of nationalism. In his opinion democracy is therefore 'connected to a certain comprehension of the nation-state and is in conflict with another' (ibid.). The comprehension of the nation-state connected to democracy is the one which founds politically articulate society 'in itself - in the sovereignty of the people and not in God, tradition or race' (ibid., 100). Touraine is of course aware that every formation evokes tradition and nationalism. It seems that the axes drawn by the aforementioned modern theorists offer us an idea about certain contemporary “realities” which reaches beyond the reflection enabled by the concept of common citizenship. In our view, the events in Slovenia in the years prior to the declaration of independence show that the final decision of the people on the referendum for the formation of a sovereign state, who thus exercised the self-determination right written in the then constitution, was maturing through the violence of human rights in Slovenia as well as other federal republics. Circumscribing the right of assembly, freedom of speech, free organisation of political parties, restricting normal economic and cultural development - all this had a decisive impact on the resolution to take an independent
path towards the formation of the nation-state, which gives special rights also to
national minorities in the constitution itself (Article 64).

In other words: liberal democracy can hope for some more peace and boredom only
if it is able to adopt the concept of differentiated citizenship and if individual groups
will get their legitimate rights.

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