

Львівська лабораторія прав людини і громадянина
Науково-дослідний інститут державного будівництва та місцевого
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МУЛЬТИКУЛЬТУРАЛІЗМ ЯК ПОЛІТИКО-ПРАВОВИЙ КОНЦЕПТ

Анотація. Глобалізація, яка за певних обставин і до певної міри може сприяти розмиванню етнокультурної ідентичності, в цілому не знищує етнічного чинника, не спричиняє повної уніфікації соціокультурної сфери. Одним із перспективних варіантів забезпечення міжкультурного діалогу, вирішення правових протиріч та досягнення взаєморозуміння в умовах подекуди вимушеного співіснування носіїв різноманітних етнокультурних ментальностей, є ідея та політико-правова концепція мультикультуралізму. Метою статті є філософсько-правовий та загальнотеоретичний аналіз природи та різновидів мультикультуралізму крізь призму світоглядної дихотомії лібералізму й комунітаризму. Важливим практичним моментом є загальна спрямованість комунітаризму на захист прав етнічних, конфесійних та інших меншин, що до певної міри зближує комунітаризм із мультикультуралізмом. Водночас еволюція позиції частини лібералів від неприйняття до схвалення правової політики мультикультуралізму є результатом впливу комунітарної парадигми та доказом синтезу й конвергенції обох філософських напрямів і появи нового концептуально модифікованого політико-правового «гібриду» – ліберального комунітаризму. За аналогією із «сімейством лібералізмів» можна вести мову про «сімейство мультикультуралізмів», маючи на увазі неможливість створення єдиної для всього глобального соціуму концепції мультикультуралізму. Як діахронно, так і географічно соціальні відмінності є дуже суттєвими. Мультикультуралізм як політико-правова концепція і як правова політика може бути ефективним лише щодо конкретної держави в конкретно-історичних умовах. У цьому зв'язку важливим є питання щодо вибору тієї чи іншої моделі, або ж навіть унікального локального варіанту мультикультуралізму.

Ключові слова: полікультурне суспільство, права меншин, лібералізм, комунітаризм, ліберальний комунітаризм.

Oleh Z. Pankevych

Lviv Laboratory on Rights of Man and the Citizen
Research Institute of State Building and Local Government
of the National Academy of Legal Sciences of Ukraine
Lviv, Ukraine

MULTICULTURALISM AS A POLITICAL AND LEGAL CONCEPT

Abstract. Globalisation, which to some extent can contribute to the erosion of ethno-cultural identity, generally does not destroy the ethnic factor, does not lead to a complete unification of the socio-cultural sphere. One of the possible promising options for ensuring intercultural dialogue, resolving legal contradictions and achieving mutual understanding in conditions of forced

coexistence of different ethnic and cultural mentality is the idea and political and legal concept of multiculturalism. The purpose of the article is the philosophical-legal and general theoretical analysis of the nature and varieties of multiculturalism through the prism of the ideological dichotomy of liberalism and communitarianism. The important practical point is the general orientation of communitarianism to the protection of the rights of ethnic, confessional and other minorities, which is to a certain extent brought together by communitarianism with multiculturalism. At the same time, the evolution of the position of some liberals from the rejection of the approval of the legal policy of multiculturalism is the result of the influence of the communitarian paradigm and a vivid proof of the synthesis and convergence of both philosophical trends and the emergence of a new conceptually modified political and legal “hybrid” – the so-called liberal communitarianism. It is stressed that, by analogy with the “family of liberalism”, it is possible to talk about the “family of multiculturalisms”, implying the impossibility (and, probably, and inexpediency) of creating a single concept for multiculturalism for the whole global society. Both diachronic and geographically-social differences can be very significant. Multiculturalism as a political and legal concept and as a legal policy can only be effective in relation to a particular state in concrete historical conditions. In this regard, the question of choosing a particular model, or even a unique local variant of multiculturalism, is extremely important.

Keywords: multicultural society, minority rights, liberalism, communitarianism, liberal communitarianism.

INTRODUCTION

Every day, the metaphorical “Great Wall of China” between different countries and different cultures continues to collapse more and more rapidly. In the long run, globalisation processes, hopefully, will still lead to the creation of an unbounded frontier and other artificial obstacles, the one and only “mega-society” whose name is humanity. However, as of today, it can be said that globalisation, which in certain circumstances and to some extent may contribute to some erosion of ethnocultural identity, does not generally destroy the ethnic factor, does not cause complete unification of the sociocultural sphere. Moreover, since the widely recognised fundamental collective rights nowadays include *the right of different communities to protect their identities*, one of the pressing topics of general jurisprudence is the problem of identity as one of the systemic elements of human collective rights. This aspect is particularly interesting for the study of political and legal and philosophical problems on the material of multicultural societies of the Western world, where due to the processes of immigration during the encounter of different cultures, the collision of two systems of values: the Western originating from the concept of man as an individual and the eastern, that regards a person primarily as part of a large family.

As the scientific literature rightly points out, “migrants continue to live in a system of conserved values of their own cultures, which are dominant for them and only formally agree with the values of a new European culture, that is a necessary condition for their legal status. The duality of migrants’ existence is manifested in the fact that they become fully-fledged subjects of the law of the host country, but they live, for the

most part, in the closed conditions of national “reservations” as a kind of “parallel” communities, such “mini-states” [1].

Among the contradictory phenomena that occur in such “parallel” communities, one of the leaders of contemporary British multiculturalism, B. Parekh, calls female circumcision (clitoridectomy); polygamy; “Muslim and Jewish ways of cattle slaughter”; “contract marriages”; scarring practices in the initiation process in some African communities; wearing a Muslim headscarf in schools and offices; the practice of Muslims not to allow their daughters to exercise that require the exposure of different parts of the body; the refusal of the Sikhs to wear motorcycle helmets, as well as to remove the turban when sworn in court; refusal of Roma or Amish to send their children to public schools after reaching the certain age; the requirement of the Hindus to allow them to cremate their dead and scatter their ashes in the rivers; the subordinate status of women in many minorities [2].

The “friend or foe” archetype, which was considered to be one of the defining features of traditional regulation, continues to function in our time, in the postmodern era. According to a report by the United Nations Development Program (UNDP), about one billion people, that is, one in seven inhabitants of the Earth, belong to a group that in one form or another is a victim of “exclusion” by ethnic, racial, religious or, more broadly, “cultural” grounds. [3].

All this leads to a legitimate increase in interest in concepts that could form the basis of practical decisions to allow “full freedom for all persons, all societies in the way of life, self-expression, which provides freedom to their personal traits in the context of respect for others”¹. One of the possible perspectives for ensuring intercultural dialogue, “tolerance” intercultural relations, resolving contradictions and achieving such desirable mutual understanding in conditions of forced coexistence, coexistence of representatives and carriers of different ethnocultural mentalities, is the concept of multiculturalism [4].

The works of such domestic and foreign researchers as P. Ahluwalia [5], J. Berry [6], N. Vysotskaya [7], N. Glazer [8], R. Ashcroft [9], K. Joppke [10], W. Kymlicka [11], A. Kolodiy [12], E. Colombo [13], Ch. Kukathas [14], S. Maksymov [15], A. Mason [16], N. Meer [17], B. Parekh [2], A. Saeys [18], Ch. Taylor [19], G. Therborn [20], V. Uberoi [21], D. Faas [22], L. Qiang [23], and I. Chestnov [24], are devoted to content and models of multiculturalism. However, given the complexity and versatility of these issues, it is necessary to state the urgent need for further scientific exploration of these issues.

Therefore, the *purpose* of the article is the philosophical-legal and general theoretical analysis of nature and varieties of multiculturalism through the prism of the worldview dichotomy of liberalism and communitarianism.

¹ The Declaration “Multicultural Society and European Cultural Identity”. Council of Europe. Conference of Ministers responsible for Cultural Affairs (1990, 1990). Retrieved from <http://www.coe.kiev.ua/docs/km/conf6.htm>

1. MATERIALS AND METHODS

In order to achieve the aforementioned purpose of this scientific intelligence, the author considers it necessary to declare (as the *fundamental hypothesis* of the study) that, in his opinion, one of the most important, defining, central dichotomies for modern Western (European and American) political and legal philosophy is “communitarianism”. It seems that the analysis of these two concepts precisely as political and legal categories has a great heuristic potential, not yet disclosed to date in the national scientific literature. This applies, for example, to the possible limits of their application in the analysis of human rights interpretative approaches used in the consideration of specific legal cases for the protection of constitutional human rights by national and international judicial institutions. It should be noted that while the core, the basis for a true understanding of the dichotomy of “liberalism – communitarianism” is the question of the relationship between the individual and the collective, the analysis of the identified dichotomy requires an appeal to a number of others related to the considered opposites. In particular, it is about the interplay of the philosophy of cultural universalism and particularism, the political morality of traditionalism and modernity, the ethics of values and the ethics of duty, which defines the prospects for further research, including the issues of multiculturalism under consideration, which are quite new and interesting. The author thinks that the results of the study of the nature and varieties of multiculturalism through the lens of the worldview dichotomy of liberalism and communitarianism can claim to have at least the *elements of scientific novelty*.

It should be noted that in the process of scientific activity, in order to obtain knowledge that objectively reflects reality, it is essential to adhere to the basic tenets of methodology – the doctrine (theory) about the use of approaches and methods, ways and means of scientific research. At the same time, as Professor V. Selivanov rightly pointed out, “the complexity of natural and social, among them legal, phenomena determines and involves the interaction of different methodological approaches, in particular to their cognition. This complexity and pluralism of approaches to its research, study, awareness do not deny the existence of truth, although they do imply movement to it from different directions, formulation of its multidimensional image. The historical world experience of knowing the real reality has proved that nothing is so far removed from the comprehension of truth as an attempt to do so on the basis of the principle of monism and yet ideologically sanctified” [25]. Therefore, the methodological basis of the proposed scientific intelligence is a number of different philosophical, general scientific and specially legal methods of knowledge of political and legal phenomena.

In particular, the use of the dialectical method (and, above all, one of the laws of dialectics, to which Hegel paid considerable attention – the law of the mutual transition of quantitative changes into qualitative ones) made it possible to clarify the nature and

essence of multiculturalism as a phenomenon of reality in dynamics of formation and constant development of this phenomenon and its, sometimes contradictory, interconnection, interaction, coexistence with other political and legal phenomena.

Principle of historicism, synchronous and diachronic analysis, combined with a multidisciplinary approach to the problem under analysis are leading in the study. Accordingly, the author considers it necessary to point out that it is the interdisciplinary approach, complex studies at the “junction” of jurisprudence, philosophy, ethnology, psychology, sociology and other branches of social science that appear to be the most promising, including the political and legal phenomenon of multiculturalism.

In the process of article preparation, comparative legal and systemic-structural methods also played the important role – in analysing the approaches of scientists to constructing definitions of the concept of multiculturalism; formal and legal – in the process of examining international legal instruments (the Universal Declaration of Human Rights, the Declaration of Council of Europe “Multicultural Society and European Cultural Identity”, etc.) and national regulations. The prognostic method helped to outline the prospects for the development of multiculturalism in the near future.

In addition, the formal-logical method and, in particular, its logical techniques, such as analysis, synthesis, classification, deduction, induction, were used as the method of study.

2. RESULTS AND DISCUSSION

2.1 The phenomenon of multiculturalism: some contemporary interpretations

The term “multiculturalism”, without which it is difficult to imagine today the lexicon of social sciences, became popular in the Western world in the 80’s of the 20th century. Obviously, it existed already then, as it is nowadays, multidimensional, multifaceted and even, frankly, quite vague, “hazy”. Using computer slang, the concept of “multiculturalism” can be compared with a file, and the term itself with a “shortcut”, a file pointer. It is clear that the content, the filling of the “file” depends on the position (in particular, ideological and methodological) of a researcher.

Among all the interpretations of multiculturalism in the scientific literature, there are two generic meanings of the term, in relation to which others can be considered derivatives and species. First, they are increasingly denoting the fact of cultural heterogeneity of society, group, collective, social centre, cultural phenomenon. In this case, “multiculturalism” is simply synonymous with well-known categories of cultural diversity, cultural heterogeneity, coexistence or interaction of cultures, cultural polyphony and the like. In the second (and, indeed, primordial, independent, and therefore the main) sense, multiculturalism is a philosophical and political ideological system that posits cultural heterogeneity as a core principle of the organisation of society. It is a purely modern concept both in the historical context of its origin and in the ideological and value load it carries. For in its logic, this concept is deeply postmodern, even if it

paradoxically stimulates the penetration of elements of early modern, pre-modern and archaic into Western “postmodern” societies [26].

With this position, the national researcher S. Drozhzhina actually solidifies, distinguishing the *descriptive* (“the coexistence of several notable cultural groups in a single political society, who wish and, in principle, are able to reproduce their specific identity”) and the *normative* features of multiculturalism. At the same time, the normative approach, she said, affirms “the justification and the necessity for modern societies to make efforts to support and promote the material and spiritual prosperity of different cultural groups, as well as respect for their identity” [3]. It is noteworthy that in her other work the author formulates the definition of the term “multiculturalism” (“it is a state, processes, views, politics of a culturally heterogeneous society, focused on the freedom of expression of cultural experience, recognition of cultural diversity; cultural, political, ideological, religious, religious the rights of minorities at both the public and the state level” [27]), based essentially on a normative approach.

In general, the conceptual considerations discussed in the previous two paragraphs can be agreed. The only thing the author can emphasise – in author’s opinion, the very existence of a multicultural society (without clear “normative” signs) can hardly be defined as “multiculturalism” in its strict sense.

Consideration should also be given to the analytical generalisation of the Swedish sociologist G. Therborn, who stated, “The concepts of “multiculturality” and “multiculturalism” are usually used in three contexts. One is a political, which argues for or against multiculturalism policies and appropriate governance, with both supporters and opponents using the term [6]. In this context in Canada in the 1960s this concept originated. Another context is empirical, descriptive, or analytical. It takes place in scholarly writings and in public debates that affect the various manifestations of cultural heterogeneity in society, and is most closely linked to the emergence of “multicultural societies”. The third context relates to social and political philosophy, to issues of social and political order and human rights in the context of the heterogeneity of the culture of a society” [20]. In author’s view, all three of these contexts are closely inter-related. The empirical context serves as a necessary basis for the other two. At the same time, the philosophical basis is, in author’s opinion, one of the defining factors both in public debate and in the process of political governance in multicultural societies.

According to N. Vysotskaya, numerous definitions of multiculturalism can be grouped into clusters round several leading interpretations of this phenomenon: *demographic-descriptive*, which states the presence of ethnically or racially diverse segments in a society or state; *programmatically-political*, which refers to specific types of programs and political initiatives designed to respond to ethnic diversity (in this sense, the term “multiculturalism” was first used in the Canadian Royal Commission on Bilingualism and Biculturalism in 1965). This approach seeks to take into account the interests of different national groups and to provide them with a degree of recognition and autonomy while maintaining a corresponding vision of national unity; *ideological-norma-*

tive – as a slogan or model of political activism based on sociological and ethical-philosophical ideas about the place of people with culturally distinct identities in society; *social-transformative*, aimed at eradicating racism, nationalism, sexism, homophobia and achieving equality for all groups of society, etc.; *historical and cultural*, which emphasises, in particular in the United States, the importance of studying and understanding as many cultures as possible and interacting with them for the better understanding of the nature of American culture” [7]. It should be noted that the author’s assessment of the demographic and descriptive cluster has already been stated above when it was about synonymous categories – the empirical context (in G. Therborn’s terminology) and descriptive features (in S. Drozhzhina’s terminology). At the same time, program-political, ideological-normative and socio-transformative interpretations, although they alone have some heuristic potential for in-depth study of the phenomenon of multiculturalism, do not, without significant methodological and cognitive losses, be combined into one, relatively speaking, “normative cluster.” Since normativity seems to be the “common denominator”, the necessary element, without which neither social transformation nor the measures envisaged by political programs can be carried out.

The correctness of author’s position is indirectly confirmed by the reasoning of Professor of Political Theory of the London School of Economics Ch. Kukathas [14]. In other words, the empirical fact of a multicultural society may not only result in a policy of multiculturalism itself, but also lead to at least three other possible developments.

Well-known American sociologist N. Glaser defines multiculturalism in the US as a position “on racial and ethnic diversity, which rejects assimilation and the notion of melting pot as being imposed by dominant culture and favours such metaphors as “salad bowl” or “bright mosaic” in which the ethnic and racial element of the population retains its distinct difference” [8].

It is noteworthy that the term “mosaic” in this context, as far as is known, was first used by J. Gibbon in 1938 in the monograph “The Canadian Mosaic” [28; 29]. The geographical affinity of this “pioneering” intelligence seems quite natural, because Canada is the first in all respects (both chronologically and in terms of regulatory development) “multicultural” state in its own sense of the word. Recall that as early as 1971, “multiculturalism” became the official term that signified the new governmental course of this state (with the slogan “unity in diversity”). In June of 1988, the Canadian Act of Multiculturalism was approved by Parliament. According to paragraph 3 (1 (b)) of this regulation, the policy of the Government of Canada “must recognise and promote the understanding that multiculturalism is a fundamental feature of Canada’s heritage and identity and that it provides an invaluable resource in shaping Canada’s future”¹.

¹ Canadian Multiculturalism Act. An Act for the preservation and enhancement of multiculturalism in Canada. R. S. C. 1985, c. 24 (4th Supp.). Published by the Minister of Justice. Retrieved from <http://laws-lois.justice.gc.ca>

Distinguishing the descriptive/normative dimensions of multiculturalism is an expression of the dichotomy of existent/due, as the basic categorical pairs in the philosophy of law and ethics. The conceptual concept can thus be defined 1) as a normative-value idea (due) and 2) as an embodiment of this idea in social practice (multicultural social reality is existent). The author thinks that a descriptive approach to understanding multiculturalism can only be viewed in the context of implementing a normative approach. In particular, confirmation of the validity of such conclusions is the existence of an apartheid regime (1948–1991) in the South African Republic, whose official policies aimed at racial discrimination, segregation, oppression, is the complete antithesis of multiculturalism.

2.2 *The philosophical basis of minority rights: some contemporary approaches*

The important issue in the context of our intelligence is the question of the philosophical basis of multiculturalism and, consequently, of the philosophical foundation of minority rights. The author thinks that the perspective of multiculturalism through the lens of the dichotomy “liberalism – communitarianism” is considered promising in this regard, which, in the author’s opinion, is the central dichotomy for contemporary European and American political and legal philosophy [30].

First of all, it is worth noting that from the standpoint of proponents of multiculturalism, this doctrine responds to such challenges of the postmodern era as:

- the necessity to reconcile the goal of national unity and the existing and increasingly appreciated ethnic and racial and cultural diversity of the world’s population in the age of globalisation;
- the inappropriateness of assimilatory methods of social integration due to changes in the public consciousness (ethnic minority consciousness) – because this path of integration is associated with considerable suppression;
- shift in the social discourse towards “other”, “partial”, “specific”, shifting interest from whole to part, from the norm to deviation;
- the emergence of new moral and psychological attitudes, stemming from the increased sensitivity of all population groups, including immigrants and national minorities, to human dignity; disagreement with repression, oppression or even domination; the requirement to recognise their culture and their rights and to respect the principle of equal treatment [12]. As is seen, many of these positions correspond to the ideas of the apologists of the *communitarianism* paradigm.

Instead, *liberal critiques* of multiculturalism include such arguments. First, this legal policy provides state support not so much to cultures, but to communities and groups that unreasonably undertake the mission of representing the interests of all ethnicities or religions. Second, public sponsorship of communities encourages the development of a group of communitarian (community) identity, depressing the individual. Such a policy establishes community power over an individual who is deprived

of choice. Third, multiculturalism artificially preserves traditional-community relations, preventing the individual integration of representatives of different cultures into civil society. In many countries in Europe and the US, there are numerous cases where people who have lost their ethnic or religious identity are forced to return to it simply because the government does not sponsor culture, but communities (their schools, clubs, theatres, sports organisations, etc.). Fourth, the major drawback of multiculturalism's legal policy is that it provokes segregation of groups, creating artificial boundaries between communities and forming a kind of ghetto on a voluntary basis [31].

In the framework of "European multiculturalism", the one-sided tolerance of the host community has become, according to N. Sarkozy, a concern for the identity of the immigrant in the absence of interest in the identity of the host country. At the same time, the "multicultural fiasco" for "isolation" of immigrant groups was also criticised by British Prime Minister D. Cameron. The latter emphasised that promoting diversity in Britain led not to multicultural dialogue but to segregation, "Within the doctrine of state multiculturalism, we have encouraged representatives of different cultures to live separate lives, far from each other and from the mainstream. We have not been able to convey the vision of the society to which we would like to belong. We have even been tolerant of these segregated communities behaving in a way that is completely contrary to our values" [32].

The danger of ethnocultural fragmentation of society, the existence of "parallel" societies in one state, caused by the collision of values between the host European country and immigrants, in particular those with a Muslim identity, certainly deserves scrupulous attention. However, the author believes that the widely known series of top-level official statements about the "collapse of multiculturalism" made in 2010-2011 rather testified to the obvious miscalculations and shortcomings of only a few the model of multiculturalism, not its complete debacle as a doctrine as a whole. It seems that it is too early to "write off" multiculturalism – as a political and legal idea, as well as a socio-philosophical concept – in the archive of world history. In turn, the "viability" of this phenomenon seems to be due to the fact that it is "fuelled" by the ideas of two powerful philosophical and worldview currents of the present, which have already been mentioned – communitarianism and liberalism.

At the same time, at first glance, communitarianism looks the more obvious, explicitly appropriate, adequate philosophical basis of the legal policy of multiculturalism. This thesis already follows from the fact that the defining, initial, basic term-concept of communitarian worldview is "community", whose rights cannot be reduced to the totality of the rights of its members.

To confirm this, the author turns to the works of the authoritative Canadian scholar V. Kymlicka [33], who unambiguously defined the first stage of the development of multiculturalism (until 1989) as "communitarianism", "If you are a liberal and advocate for individual autonomy, you will be opposed to multiculturalism as an unnecessary

and dangerous departure from the proper emphasis on individuality. On the contrary, for the communitarist, multiculturalism is a legitimate way of protecting communities from the destructive effects of individual autonomy and promoting the value of the community. (...) Thus, the defenders of multiculturalism initially reached out to communitarianism as a possible philosophical foundation for minority rights. And on the contrary, ... the natural evolution of communitarianism was heading towards some form of multiculturalism” [33]. However, according to this researcher, at the second stage of the problem of multiculturalism, most of the issues are discussed within the framework, “coordinates” of liberalism: “...there are vital interests related to culture and identity *that can be fully integrated with the liberal principles of freedom and equality* (italics by the author), which justify the granting of minorities with special rights. It can be called the position of “liberal culturalism” [33]. An important caveat, however, is that “liberal culturalism rejects the idea that groups may legitimately restrict the civil or political rights of their members in order to preserve the purity or authenticity of the group’s culture and traditions” [33].

The latter thesis is broadly explained in another work by V. Kymlicka [11], where he focuses on an analysis of nature of the collective rights of national minorities. First, the Canadian philosopher acknowledges that, even after the Second World War, “many liberals hoped that an emphasis on “human rights” would also address minority rights issues. Instead of protecting the most vulnerable groups directly, by granting special rights to their members, it was envisaged that the rights of ethnic minorities would be protected indirectly by guaranteeing fundamental civil and political rights to all people, regardless of their affiliation with a particular group” [11]. Actually, in light of this philosophy, the Universal Declaration of Human Rights of 1948 did not include references to the rights of ethnic and national minorities.

It is obvious that the Declaration was a reflection of the political and legal ideology of liberalism itself. It is therefore not surprising (given the liberal postulate of the individual’s priority over the collective) that the document proclaimed the rights of the individual, virtually ignoring the rights of the communities. However, in author’s opinion, some of the terms contained in the Declaration, including “members of the human family”, “conscience of mankind” (Preamble), “in the spirit of brotherhood” (Article 1), “family” as “the natural and fundamental focus of society” (Article 16), “the will of the people” (Part 3, Article 22), “each person as a member of society” (Article 22), “friendship between all peoples, racial or religious groups” (Article 26), “cultural life of society” (Article 27), “social and international order” (Article 28), “responsibilities to society” (Article 29), can be considered at least “sprouts”, who were preparing the ground for development of conception and creation of real international legal and internal mechanisms to ensure and protect not only the individual, but a collective human rights, including – minority rights [34].

V. Kymlicka argues that, at the present stage, “differentiated national minority rights... do not, in fact, contravene the liberal principles of equality. They are really

necessary in the view espoused by Rawls and Dworkin that justice requires the rectification of a grave situation in which national minorities find themselves undeserved or for “morally unjustifiable” reasons, or for compensation for wrongdoing, especially if they are “deep, widespread and existent from birth” (Rawls)” [11]. In doing so, the philosopher distinguishes two groups of minority rights: 1) related to “*internal restrictions*”, namely, to the demands of cultural minorities to restrict the basic civil or political freedoms of their own representatives; 2) related to the requirements of “external protection” that reduce the vulnerability of minorities to the decisions of the majority society. It is clear that only the second category of rights can correspond to liberal principles. To sum up, a Canadian researcher points out, “Liberal views require *freedom within a minority group* and *equality between* minority and majority groups. The minority rights system that respects these two limitations is, I am convinced, perfect in terms of liberalism. It does not contradict, but also in fact it upholds basic liberal value” [11]. Thus, the analysis of V. Kymlicka’s reasoning suggests that he is a consistent and clear supporter of a *rigid* multiculturalist approach, according to which “diversity should not be simply tolerated – it should be strengthened, encouraged and supported by financial means (if necessary) or by giving cultural minorities special rights” [14].

Instead, the *soft (classic)* liberal multicultural regime can be defined, in the words of its contemporary apologist Ch. Kukathas, “as the mode of greatest tolerance. It is tolerant enough to stand up to the presence of even those who are against it in its environment. At the same time, it does not provide particular benefits and protection to any particular group or community. It will not prevent anyone from pursuing their own goals or upholding certain traditions, but it will not encourage, subsidise, or give particular preference to any goals and traditions. It is multiculturalism without fear and favouritism” [14].

Obviously, in turn, the “soft” and “hard” variants of multiculturalism correlate with the postulates of, respectively, classical and modern liberalism (neoliberalism). The ideologists of the consider that recognition of individual freedom is followed by the requirement of non-interference of the state in the private life of citizens, reproduced in the well-known formula “state – night watchman”. Such a state should and can only guarantee civil and political rights (first-generation human rights). Instead, the specificity of the latter is usually seen in a pronounced social component, in changing the position on the role of the state in securing and protecting the rights of citizens and, above all, in expanding, supplementing the catalog of such rights with social, economic and cultural (“second generation” rights).

In general, the liberal and communitarianism concepts seem to be the philosophical foundations of the policy of multiculturalism in the various models of its practical implementation. Moreover, the evolution of the attitude of liberalism to multiculturalism described above, in author’s opinion, is a further confirmation of the convergence of liberal and communitarianism trends in the direction of liberal communism.

CONCLUSIONS

Therefore, it can be argued that in view of the projected perspective, so to speak, the “inevitability” of further acceleration of the process of globalisation, in the world philosophical and legal discourse on human rights, one of the leading places will be the problem of finding the optimal balance between such dichotomous characteristics of this phenomenon, both universal and particular (cultural-special). Obviously, the study of this problem will require, in turn, a further meticulous analysis of the arguments of the apologists of liberalism and communitarianism, the two defining currents of contemporary European and American political and legal thought.

The important practical point is the general orientation of communitarianism to protect the rights of ethnic, denominational and other minorities, often marginalised. This brings communism closer to multiculturalism. At the same time, it seems that the evolution of the position of some liberals from non-acceptance to the approval of the legal policy of multiculturalism is the result of the influence of the communitarian paradigm and yet another visual proof of the complementarity, enrichment and ultimately convergence of both philosophical directions and the emergence of a new conceptually modified “hybrid” – so-called liberal communitarianism.

In author’s opinion, just as they say about the “family of liberalisms”, it is possible to talk about “the family of multiculturalisms”, implying the impossibility (and probably inappropriateness) of creating a single, universal society of the concept of multiculturalism. Diachronically and geographically, differences can be very significant. Multiculturalism as a political and legal concept and as a legal policy can only be effective against a particular state in specific historical contexts. An important question is the choice of a particular model or even a unique local variant of multiculturalism.

In itself, the presence of a multicultural society (without a clear embodiment of the value-normative features of multiculturalism) can hardly be defined at all in the strict sense of the term “multiculturalism”. In turn, the need to pay attention to the normative aspects of multiculturalism, to “legal multiculturalism” (I. Chestnov), requires special studies within the philosophy of law and related legal disciplines, which is an important aspect of further scientific exploration of this topic.

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Oleh Z. Pankevych

PhD (Law), Associate Professor, Senior Researcher
Lviv Laboratory of Human and the Citizen Rights
Research Institute of State Building and Local Government of
the National Academy of Legal Sciences of Ukraine
79000, 79/101 Efremov Str., Lviv, Ukraine

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