

**Politics in the Vernacular:
Nationalism,
Multiculturalism and
Citizenship**

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The New Debate over Minority Rights

The last ten years has seen a remarkable upsurge in interest amongst political philosophers in the rights of ethnocultural groups within Western democracies.¹ My aim in this chapter is to give a condensed overview of the philosophical debate so far, and to suggest some future directions that it might take.

As political philosophers, our interest is in the normative issues raised by such minority rights. What are the moral arguments for or against such rights? In particular, how do they relate to the underlying principles of liberal democracy, such as individual freedom, social equality, and democracy? The philosophical debate on these questions has changed dramatically, both in its scope and in its basic terminology. When I started working on these issues in the mid-1980s, there were very few other political philosophers or political theorists working in the area.² Indeed, for most of this century, issues of ethnicity have been seen as marginal by political philosophers. (Much the same can be said about many other academic disciplines, from sociology to geography to history.)

Today however, after decades of relative neglect, the question of minority rights has moved to the forefront of political theory. There are several reasons for this. Most obviously, the collapse of communism unleashed a wave of ethnic nationalisms in Eastern Europe that dramatically affected the democratization process. Optimistic assumptions that liberal democracy would emerge smoothly from the ashes of Communism were derailed by issues of ethnicity and nationalism. But there were many factors within long-established democracies which also pointed to the salience of ethnicity: the nativist backlash against immigrants and refugees in many Western

¹ I use the term 'rights of ethnocultural minorities' (or, for brevity's sake, 'minority rights') in a loose way, to refer to a wide range of public policies, legal rights and exemptions, and constitutional provisions from multiculturalism policies to language rights to constitutional protections of Aboriginal treaties. This is a heterogeneous category, but these measures have two important features in common: (a) they go beyond the familiar set of common civil and political rights of individual citizenship which are protected in all liberal democracies; (b) they are adopted with the intention of recognizing and accommodating the distinctive identities and needs of ethnocultural groups. For a helpful typology, see Levy 1997.

² The most important of whom was Vernon Van Dyke, who published a handful of essays on this topic in the 1970s and early 1980s (e.g. Van Dyke 1977; 1982; 1985). There were also a few legal theorists who discussed the role of minority rights in international law, and their connection to human rights principles of non-discrimination.

countries; the resurgence and political mobilization of indigenous peoples, resulting in the draft declaration of the rights of indigenous peoples at the United Nations; and the ongoing, even growing, threat of secession within several Western democracies, from Canada (Quebec) to Britain (Scotland), Belgium (Flanders), and Spain (Catalonia).

All of these factors, which came to a head at the beginning of the 1990s, made it clear that Western democracies had not resolved or overcome the tensions raised by ethnocultural diversity. It is not surprising, therefore, that political theorists have increasingly turned their attention to this topic. For example, the last few years have witnessed the first philosophical books in English on the normative issues involved in secession, nationalism, immigration, group representation, multiculturalism, and indigenous rights.³

But the debate has not only grown in size. The very terms of the debate have also dramatically changed, and this is what I would like to focus on. I will try to distinguish three distinct stages in the debate.

1. The First Stage: Minority Rights as Communitarianism

The first stage was the pre-1989 debate. Those few theorists who discussed the issue in the 1970s and 1980s assumed that the debate over minority rights was essentially equivalent to the debate between 'liberals' and 'communitarians' (or between 'individualists' and 'collectivists'). Confronted with an unexplored topic, it was natural that political theorists would look for analogies with other more familiar topics, and the liberal-communitarian debate seemed the most relevant.

The liberal-communitarian debate is an old and venerable one within political philosophy, going back several centuries, albeit in different forms, and I will not try to reproduce it in its entirety. But, in oversimplified terms, the debate essentially revolves around the priority of individual freedom. Liberals insist that individuals should be free to decide on their own conception of the good life, and applaud the liberation of individuals from any ascribed or inherited status. Liberal individualists argue that the individual is morally prior to the community: the community matters only because it contributes to the well-being of the individuals who compose it. If those individ-

uals no longer find it worthwhile to maintain existing cultural practices, then the community has no independent interest in preserving those practices, and no right to prevent individuals from modifying or rejecting them.

Communitarians dispute this conception of the autonomous individual. They view people as 'embedded' in particular social roles and relationships. Such embedded selves do not form and revise their own conception of the good life; instead, they inherit a way of life that defines their good for them. Rather than viewing group practices as the product of individual choices, communitarians view individuals as the product of social practices. Moreover, they often deny that the interests of communities can be reduced to the interests of their individual members. Privileging individual autonomy is therefore seen as destructive of communities. A healthy community maintains a balance between individual choice and protection of the communal way of life, and seeks to limit the extent to which the former can erode the latter.

In this first stage of the debate, the assumption was that one's position on minority rights was dependent on, and derivative of, one's position on the liberal-communitarian debate. If one is a liberal who cherishes individual autonomy, then one will oppose minority rights as an unnecessary and dangerous departure from the proper emphasis on the individual. Communitarians, by contrast, view minority rights as an appropriate way of protecting communities from the eroding effects of individual autonomy, and of affirming the value of community. Ethnocultural minorities in particular are worthy of such protection, partly because they are most at risk, but also because they still have a communal way of life to be protected. Unlike the majority, ethnocultural minorities have not yet succumbed to liberal individualism, and so have maintained a coherent collective way of life.

This debate over the relative priority and reducibility of individuals and groups dominated the early literature on minority rights.⁴ Defenders of minority rights agreed that they were inconsistent with liberalism's commitment to moral individualism and individual autonomy, but argued that this just pointed out the inherent flaws of liberalism.

In short, defending minority rights involved endorsing the communitarian critique of liberalism, and viewing minority rights as defending cohesive and communally-minded minority groups against the encroachment of liberal individualism.

³ Baubock 1994; Buchanan 1991; Canovan 1996; Kymlicka 1995a; Müller 1995; Phillips 1995; Spinner 1994; Tamir 1993; Taylor 1992a; Tully 1995; Walzer 1997; Young 1990. I am not aware of full-length books written by philosophers in English on any of these topics predating 1990, with the exception of Plamenatz 1960. There have also been many edited collections of philosophical articles on these issues (Baker 1994; Kymlicka 1995b; Lehning 1998; Couture *et al.* 1998; Shapiro and Kymlicka 1997; Schwartz 1995; Raikka 1996). For a comprehensive bibliography, see Kymlicka and Norrman 2000.

⁴ For representatives of the 'individualist' camp, see Narveson 1991; Hartney 1991. For the 'communitarian' camp, see Garet 1983; Van Dyke 1977; 1982; Addis 1992; Johnston 1989; McDonald 1991a, 1991b; Svensson 1979; Karmis 1993.

2. The Second Stage: Minority Rights Within a Liberal Framework

It is increasingly recognized that this is an unhelpful way to conceptualize most minority rights claims in Western democracies. Assumptions about the 'striking parallel between the communitarian attack of philosophical liberalism and the notion of [minority] rights' have been increasingly questioned.⁵

In reality, most ethnocultural groups within Western democracies do not want to be protected from the forces of modernity in liberal societies. On the contrary, they want to be full and equal participants in modern liberal societies. This is true of most immigrant groups, which seek inclusion and full participation in the mainstream of liberal-democratic societies, with access to its education, technology, literacy, mass communications, etc. It is equally true of most non-immigrant national minorities, like the Québécois, Flemish, or Catalans.⁶ Some of their members may wish to secede from a liberal democracy, but if they do, it is not to create an illiberal communitarian society, but rather to create their own modern liberal democratic society. The Québécois wish to create a 'distinct society', but it is a modern, liberal society with an urbanized, secular, pluralistic, industrialized, bureaucratized, consumerist mass culture.

Indeed, far from opposing liberal principles, public opinion polls show there are often no statistical differences between national minorities and majorities in their adherence to liberal principles. And immigrants also quickly absorb the basic liberal-democratic consensus, even when they came from countries with little or no experience of liberal democracy.⁷ The com-

⁵ Galenkamp 1993: 20-5. The belief in such a 'striking parallel' is partly the result of a linguistic sleight of hand. Because minority rights are claimed by groups, and tend to be group-specific, they are often described as 'collective rights'. The fact that the majority seeks only 'individual' rights while the minority seeks 'collective' rights is then taken as evidence that the minority is somehow more 'collectivist' than the majority. This chain of reasoning contains several non sequiturs. Not all group-specific minority rights are 'collective' rights, and even those which are 'collective' rights in one or other sense of that term are not necessarily evidence of 'collectivism'. See Kymlicka 1995a: Ch. 3 and Ch. 4 below.

⁶ By national minorities I mean groups that formed complete and functioning societies on their historic homeland prior to being incorporated into a larger state. The incorporation of such national minorities has typically been involuntary, due to colonization, conquest, or the ceding of territory from one imperial power to another, but may also arise voluntarily, as a result of federation. The category of national minorities includes both 'stateless nations' (like the Québécois, Puerto Ricans, Catalans, Scots) and 'indigenous peoples' (like the Indians, Inuit, Sami, Maori). For the similarities and differences between these two sorts of national minorities, see Ch. 6.

⁷ On Canadian immigrants, see Frideres 1997; for American immigrants, see Hantles 1993. On the convergence in political values between anglophones and francophones in Canada, see Ch. 13.

mitment to individual autonomy is deep and wide in modern societies, crossing ethnic, linguistic, and religious lines.

There are some important and visible exceptions to this rule. For example, there are a few ethnoreligious sects that voluntarily distance themselves from the larger world—the Hutterites, Amish, Hasidic Jews. And some of the more isolated or traditionalist indigenous communities fit this description as 'communitarian' groups. The question of how liberal states should respond to such non-liberal groups is an important one, which I discuss elsewhere.⁸

But the overwhelming majority of debates about minority rights are not debates between a liberal majority and communitarian minorities, but debates amongst liberals about the meaning of liberalism. They are debates between individuals and groups who endorse the basic liberal-democratic consensus, but who disagree about the interpretation of these principles in multiethnic societies—in particular, they disagree about the proper role of language, nationality, and ethnic identities within liberal-democratic societies and institutions. Groups claiming minority rights insist that at least certain forms of public recognition and support for their language, practices and identities are not only consistent with basic liberal-democratic principles, including the importance of individual autonomy, but may indeed be required by them.

This then has led to the second stage of the debate, in which the question becomes: what is the possible scope for minority rights *within* liberal theory? Framing the debate this way does not resolve the issues. On the contrary, the place of minority rights within liberal theory remains very controversial. But it changes the terms of the debate. The issue is no longer how to protect communitarian minorities from liberalism, but whether minorities that share basic liberal principles none the less need minority rights. If groups are indeed liberal, why do their members want minority rights? Why aren't they satisfied with the traditional common rights of citizenship?

This is the sort of question that Joseph Raz tries to answer in his recent work. Raz insists that the autonomy of individuals—their ability to make good choices amongst good lives—is intimately tied up with access to their culture, with the prosperity and flourishing of their culture, and with the respect accorded their culture by others. Minority rights help ensure this cultural flourishing and mutual respect.⁹ Other liberal writers like David Miller, Yael Tamir, Jeff Spinner, and myself have made similar arguments about the importance of 'cultural membership' or 'national identity' to modern freedom-seeking citizens.¹⁰ The details of the argument vary, but each of us, in our own way, argues that there are compelling interests related to culture and identity which are fully consistent with liberal principles of freedom and

⁸ See Kymlicka 1995a: ch. 8, 1998a: ch. 4. I touch briefly on this in Ch. 16.

⁹ Raz 1994; 1998; Margalit and Raz 1990.

¹⁰ Tamir 1993; Miller 1995; Spinner 1994; Kymlicka 1989.

equality, and which justify granting special rights to minorities. We can call this the 'liberal culturalist' position.

Critics of liberal culturalism have raised many objections to this entire line of argument. Some deny that we can intelligibly distinguish or individuate 'cultures' or 'cultural groups'; others deny that we can make sense of the claim that individuals are 'members' of cultures; yet others say that even if we can make sense of the claim that individuals are members of distinct cultures, we have no reason to assume that the well-being or freedom of the individual is tied in any way with the flourishing of the culture.¹¹ These are important objections, but I think they can be answered. In any event, they have not yet succeeded in dampening enthusiasm for liberal culturalism, which has quickly developed into the consensus position amongst liberals working in this field.¹²

However, even those sympathetic to liberal culturalism face an obvious problem. It is clear that some kinds of minority rights would undermine, rather than support, individual autonomy. A crucial task facing liberal defenders of minority rights, therefore, is to distinguish between the 'bad' minority rights that involve *restricting* individual rights, from the 'good' minority rights that can be seen as *supplementing* individual rights.

I have proposed distinguishing two kinds of rights that a minority group might claim. The first involves the right of a group against its own members, designed to protect the group from the destabilizing impact of *internal* dissent (e.g. the decision of individual members not to follow traditional practices or customs). The second kind involves the right of a group against the larger society, designed to protect the group from the impact of *external* pressures (e.g. the economic or political decisions of the larger society). I call the first 'internal restrictions', and the second 'external protections'. Given the commitment to individual autonomy, I argue that liberals should be sceptical of claims to internal restrictions. Liberal culturalism rejects the idea that groups can legitimately restrict the basic civil or political rights of their own members in the name of preserving the purity or authenticity of the group's culture and traditions. However, a liberal conception of multiculturalism can accord groups various rights against the larger society, in order to reduce the group's vulnerability to the economic or political power of the majority. Such 'external protections' are consistent with liberal principles, although they too become illegitimate if, rather than reducing a minority's vulnerability to the power of the larger society, they instead enable a minority to exercise economic or political dominance over some other group. To oversimplify, we can say that minority rights are consistent with liberal culturalism if (a) they

¹¹ For a pithy statement of these three objections, see Waldron 1995.

¹² It is an interesting question why this liberal culturalist view—which is a clear departure from the dominant liberal view for several decades—has become so popular. I address this in Ch. 2.

protect the freedom of individuals within the group, and (b) they promote relations of equality (non-dominance) between groups.¹³ Other liberal culturalists, however, argue that some forms of internal restrictions can be accepted, so long as group members have an effective right of exit from the group.¹⁴

In the second stage of the debate, therefore, the question of minority rights is reformulated as a question within liberal theory, and the aim is to show that some (but not all) minority rights claims enhance liberal values. In my opinion, this second stage reflects genuine progress. We now have a more accurate description of the claims being made by ethnocultural groups, and a more accurate understanding of the normative issues they raise. We have gotten beyond the sterile and misleading debate about individualism and collectivism.

However, I think this second stage also needs to be challenged. While it has a better understanding of the nature of most ethnocultural groups, and the demands they place on the liberal state, it misinterprets the nature of the liberal state, and the demands it places on minorities.

3. The Third Stage: Minority Rights as a Response to Nation-Building

Let me explain. The assumption—generally shared by both defenders and critics of minority rights—is that the liberal state, in its normal operation, abides by a principle of ethnocultural neutrality. That is, the state is 'neutral' with respect to the ethnocultural identities of its citizens, and indifferent to the ability of ethnocultural groups to reproduce themselves over time. On this view, liberal states treat culture in the same way as religion—i.e. as something which people should be free to pursue in their private life, but which is not the concern of the state (so long as they respect the rights of others). Just as liberalism precludes the establishment of an official religion, so too there cannot be official cultures that have preferred status over other possible cultural allegiances.

For example, Michael Walzer argues that liberalism involves a 'sharp divorce of state and ethnicity'. The liberal state stands above all the various

¹³ See Kymlicka 1995a: ch 3. I also argue that most of the minority rights sought by ethnocultural groups within Western democracies fall into the external protection category.

¹⁴ This is likely to be the view of those who endorse a 'political' conception of liberalism, rooted in the value of tolerance, rather than a 'comprehensive' conception, rooted in the value of autonomy. See, for example, Galston 1995; Kukathas 1997. I discuss the differences between these approaches in Kymlicka 1995a: ch. 8. For a discussion of the complications in determining what constitutes an 'effective' right of exit, see Okin 1998.

ethnic and national groups in the country, 'refusing to endorse or support their ways of life or to take an active interest in their social reproduction'. Instead, the state is 'neutral with reference to language, history, literature, calendar' of these groups. He says the clearest example of such a neutral liberal state is the United States, whose ethnocultural neutrality is reflected in the fact that it has no constitutionally recognized official language.¹⁵ For immigrants to become Americans, therefore, is simply a matter of affirming their allegiance to the principles of democracy and individual freedom defined in the US Constitution.

Indeed, some theorists argue that this is precisely what distinguishes liberal 'civic nations' from illiberal 'ethnic nations'.¹⁶ Ethnic nations take the reproduction of a particular ethnonational culture and identity as one of their most important goals. Civic nations, by contrast, are 'neutral' with respect to the ethnocultural identities of their citizens, and define national membership purely in terms of adherence to certain principles of democracy and justice. For minorities to seek special rights, on this view, is a radical departure from the traditional operation of the liberal state. Therefore, the burden of proof lies on anyone who would wish to endorse such minority rights.

This is the burden of proof which liberal culturalists try to meet with their account of the role of cultural membership in securing freedom and self-respect. They try to show that minority rights supplement, rather than diminish, individual freedom and equality, and help to meet needs which would otherwise go unmet in a state that clung rigidly to ethnocultural neutrality.

The presumption in the second stage of the debate, therefore, has been that advocates of minority rights must demonstrate compelling reasons to depart from the norm of ethnocultural neutrality. I would argue, however, that this idea that liberal-democratic states (or 'civic nations') are ethnoculturally neutral is manifestly false. The religion model is altogether misleading as an account of the relationship between the liberal-democratic state and ethnocultural groups.

Consider the actual policies of the United States, which is the prototypically 'neutral' state. Historically, decisions about the boundaries of state governments, and the timing of their admission into the federation, were deliberately made to ensure that anglophones would be a majority within each of the fifty states of the American federation. This helped establish the dominance of English throughout the territory of the United States.¹⁷ And the continuing dominance of English is ensured by several ongoing policies. For example, it is a legal requirement for children to learn the English language in schools; it is a legal requirement for immigrants (under the age of

¹⁵ Walzer 1992a: 100-1. See also Walzer 1992b: 9.

¹⁶ Pfaff 1993: 162; Ignatieff 1993. ¹⁷ See Ch. 5.

50) to learn English to acquire American citizenship, and it is a *de facto* requirement for employment in or for government that the applicant speak English.

These decisions are not isolated exceptions to some norm of ethnocultural neutrality. On the contrary, they are tightly interrelated, and together they have shaped the very structure of the American state, and the way the state structures society. (Since governments account for 40-50 per cent of GNP in most countries, the language of government is not negligible).

These policies have all been pursued with the intention of promoting integration into what I call a 'societal culture'. By a societal culture, I mean a territorially-concentrated culture, centred on a shared language which is used in a wide range of societal institutions, in both public and private life (schools, media, law, economy, government, etc.). I call it a *societal culture* to emphasize that it involves a common language and social institutions, rather than common religious beliefs, family customs, or personal lifestyles. Societal cultures within a modern liberal democracy are inevitably pluralistic, containing Christians as well as Muslims, Jews, and atheists; heterosexuals as well as gays; urban professionals as well as rural farmers; conservatives as well as socialists. Such diversity is the inevitable result of the rights and freedoms guaranteed to liberal citizens, particularly when combined with an ethnically diverse population. This diversity, however, is balanced and constrained by linguistic and institutional cohesion; cohesion that has not emerged on its own, but rather is the result of deliberate state policies.

The American government has deliberately created such a societal culture, and promoted the integration of citizens into it. The government has encouraged citizens to view their life-chances as tied up with participation in common societal institutions that operate in the English language, and has nurtured a national identity defined in part by common membership in a societal culture. Nor is the United States unique in this respect. Promoting integration into a societal culture is part of a 'nation-building' project that all liberal democracies have adopted.

Obviously, the sense in which English-speaking Americans share a common 'culture' is a very thin one, since it does not preclude differences in religion, personal values, family relationships, or lifestyle choices.¹⁸ While thin, it is far from trivial. On the contrary, as I discuss below, attempts to integrate

¹⁸ Indeed, my use of the term 'societal culture' is in conflict with the way the term culture is used in most academic disciplines, where it is defined in a very thick, ethnographic sense, referring to the sharing of specific folk-customs, habits, and rituals. Citizens of a modern liberal state do not share a common culture in such a thick, ethnographic sense—indeed, the lack of a common thick ethnographic culture is part of the very definition of a liberal society. But it is equally essential to modern liberal forms of governance that citizens share a common culture in a very different, and thinner, sense, focusing on a common language and societal institutions.

people into such a common societal culture have often been met with serious resistance. Although integration in this sense leaves a great deal of room for both the public and private expression of individual and collective differences, some groups have none the less vehemently rejected the idea that they should view their life-chances as tied up with the societal institutions conducted in the majority's language.

So we need to replace the idea of an 'ethnoculturally neutral' state with a new model of a liberal democratic state—what I call the 'nation-building' model. To say that states are nation-building is not to say that governments can only promote one societal culture. It is possible for government policies to encourage the sustaining of two or more societal cultures within a single country—indeed, as I discuss below, this is precisely what characterizes multination states like Canada, Switzerland, Belgium, or Spain.

However, historically, virtually all liberal democracies have, at one point or another, attempted to diffuse a single societal culture throughout all of its territory.¹⁹ Nor should this be seen purely as a matter of cultural imperialism or ethnocentric prejudice. This sort of nation-building serves a number of important goals. For example, standardized public education in a common language has often been seen as essential if all citizens are to have equal opportunity to work in the modern economy. Indeed, equal opportunity is defined precisely in terms of equal access to mainstream institutions operating in dominant language. Also, participation in a common societal culture has often been seen as essential for generating the sort of solidarity required by a welfare state, since it promotes a sense of common identity and membership. Moreover, a common language has been seen as essential to democracy—how can 'the people' govern together if they cannot understand one another? In short, promoting integration into a common societal culture has been seen as essential to social equality and political cohesion in modern states.²⁰

¹⁹ For the ubiquity of the process, see Gellner 1983; Anderson 1983; Tilly 1975. To my knowledge, Switzerland is the only exception: it never made any serious attempt to pressure its French and Italian minorities to integrate into the German-speaking majority. All of the other Western multination states have at one time or another made a concerted effort to assimilate their minorities, and only reluctantly gave up this ideal.

²⁰ For defences of the importance and legitimacy of nation-building within liberal democracies, see Tamir 1993; Miller 1995, whose ideas I discuss in Chs. 10 and 11. Of course, this sort of nation-building can also be used to promote illiberal goals. As Margaret Canovan puts it, nationhood is like a 'battery' which makes states run—the existence of a common national identity motivates and mobilizes citizens to act for common political goals—and these goals can be liberal or illiberal (Canovan 1996: 80). Liberal reformers invoke the battery of nationhood to mobilize citizens behind projects of democratization, economic development and social justice; illiberal authoritarians invoke nationhood to mobilize citizens behind attacks on alleged enemies of the nation, be they foreign countries or internal dissidents. This is why nation-building is just as common in authoritarian regimes as in democracies (e.g. Spain under Franco, or Latin America under the military dictators). Authoritarian regimes also need a

So states have engaged in this process of 'nation-building' that is, a process of promoting a common language, and a sense of common citizenship in, and equal access to, the social institutions based on that language. Decisions regarding official languages, core curriculum in education, and the requirements for acquiring citizenship, all have been made with the intention of diffusing a particular culture throughout society, and of promoting a particular national identity based on participation in that societal culture.

If I am right that this nation-building model provides a more accurate account of modern liberal democratic states, how does this affect the issue of minority rights? I believe it gives us a very different perspective on the issue. The question is no longer how to justify departure from a norm of neutrality, but rather do majority efforts at nation-building create injustices for minorities? And do minority rights help protect against these injustices?

This would be the third stage in the debate, which I am trying to explore in my own recent work. I cannot discuss all of its implications, but let me give two examples of how this new model may affect the debate over minority rights.

4. Two Examples

How does nation-building affect minorities? As Taylor notes, the process of nation-building inescapably privileges members of the majority culture:

if a modern society has an 'official' language, in the fullest sense of the term, that is, a state-sponsored, -inculcated, and -defined language and culture, in which both economy and state function, then it is obviously an immense advantage to people if this language and culture are theirs. Speakers of other languages are at a distinct disadvantage.²¹

This means that minority cultures face a choice. If all public institutions are being run in another language, minorities face the danger of being marginalized from the major economic, academic, and political institutions of the society. Faced with this dilemma, minorities have (to oversimplify) three basic options:

- (a) they can accept integration into the majority culture, although perhaps attempt to renegotiate the terms of integration;

'battery' to help achieve public objectives in complex modern societies. What distinguishes liberal from illiberal states is not the presence or absence of nation-building, but rather the ends to which nation-building is put, and the means used to achieve them.

- (b) they can seek the sorts of rights and powers of self-government needed to maintain their own societal culture—i.e. to create their own economic, political and educational institutions in their own language. That is, they can engage in their own form of competing nation-building; (c) they can accept permanent marginalization.

We can find some ethnocultural groups that fit each of these categories (and other groups that are caught between them, such as African-Americans).²² For example, some immigrant ethnoreligious sects choose permanent marginalization. This would seem to be true, for example, of the Hutterites in Canada, or the Amish in the United States. But the option of accepting marginalization is only likely to be attractive to religious sects whose theology requires them to avoid all contact with the modern world. The Hutterites and Amish are unconcerned about their marginalization from universities or legislatures, since they view such 'worldly' institutions as corrupt.

Virtually all other ethnocultural minorities, however, seek to participate in the modern world, and to do so, they must either integrate or seek the self-government needed to create and sustain their own modern institutions. Faced with this choice, ethnocultural groups have responded in different ways.

(a) National Minorities

National minorities have typically responded to majority nation-building by fighting to maintain or rebuild their own societal culture, by engaging in their own competing nation-building. Indeed, they often use the same tools that the majority uses to promote this nation-building—e.g. control over the language and curriculum of schooling, the language of government employment, the requirements of immigration and naturalization, and the drawing of internal boundaries. We can see this clearly in the case of Québécois nationalism, which has largely been concerned with gaining and exercising these nation-building powers. But it is also increasingly true of the Aboriginal peoples in Canada, who have adopted the language of 'nationhood', and who are engaged in a major campaign of 'nation-building', which requires the exercise of much greater powers of self-government and the building of many new societal institutions.²³

Intuitively, the adoption of such minority nation-building projects seems fair. If the majority can engage in legitimate nation-building, why not national minorities, particularly those which have been involuntarily incorporated into a larger state? To be sure, liberal principles set limits on how

²² See Ch. 9 for a discussion of the complex demands of African-Americans.

²³ On the need (and justification for) Aboriginal 'nation-building', see RCAP 1996; Alfred 1995.

national groups go about nation-building. Liberal principles will preclude any attempts at ethnic cleansing, or stripping people of their citizenship, or the violation of human rights. These principles will also insist that any national group engaged in a project of nation-building must respect the rights of other nations within its jurisdiction to protect and build their own national institutions. For example, the Québécois are entitled to assert national rights vis-à-vis the rest of Canada, but only if they respect the rights of Aborigines within Quebec to assert national rights vis-à-vis the rest of Quebec.

These limits are important, but they still leave significant room, I believe, for legitimate forms of minority nationalism. Moreover, these limits are likely to be similar for both majority and minority nations. All else being equal, national minorities should have the same tools of nation-building available to them as the majority nation, subject to the same liberal limitations. What we need, in other words, is a consistent theory of permissible forms of nation-building within liberal democracies. I do not think that political theorists have yet developed such a theory. One of the many unfortunate side-effects of the dominance of the 'ethnocultural neutrality' model is that liberal theorists have never explicitly confronted this question.²⁴

My aim here is not to promote any particular theory of permissible nation-building,²⁵ but simply to insist that this is the relevant question we need to address. The question is not, 'have national minorities given us a compelling reason to abandon the norm of ethnocultural neutrality?' but, rather, 'why should national minorities not have the same powers of nation-building as the majority?' This is the context within which minority nationalism must be evaluated—i.e. as a response to majority nation-building, using the same tools of nation-building. And the burden of proof surely rests on those who would deny national minorities the same powers of nation-building as those which the national majority takes for granted.

(b) Immigrants

Historically, nation-building has been neither desirable nor feasible for immigrant groups. Instead, they have traditionally accepted the expectation that they will integrate into the larger societal culture. Few immigrant

²⁴ As Norman notes, these questions about the morality of nation-building have been ignored even by philosophers working on nationalism. They tend to ask about the morality of nation-states, not about the morality of nation-building states. In other words, philosophers of nationalism typically take the existence of nation-states as a given, and ask whether it is a good thing to have a world of nation-states. They do not explore the processes by which such nation-states are created in the first place (i.e. what methods of nation-building are permissible). Norman 1999: 60.

²⁵ I made a preliminary attempt to develop criteria for distinguishing liberal from illiberal forms of nation-building in Kymlicka 1998b. An expanded attempt will appear in Kymlicka and Opalski 2001.

groups have objected to the requirement that they must learn an official language as a condition of citizenship, or that their children must learn the official language in school. They have accepted the assumption that their life-chances, and the life-chances of their children, will be bound up with participation in mainstream institutions operating in the majority language.

However, this is not to say that immigrants may not suffer injustices as a result of nation-building policies. After all, the state is clearly not neutral with respect to the language and culture of immigrants: it imposes a range of *de jure* and *de facto* requirements for immigrants to integrate in order to succeed. These requirements are often difficult and costly for immigrants to meet. Since immigrants cannot respond to this by adopting their own nation-building programmes, but rather must attempt to integrate as best they can, it is only fair that the state minimize the costs involved in this state-demanded integration.

Put another way, immigrants can demand fairer terms of integration. To my mind, this demand has two basic elements: (i) we need to recognize that integration does not occur overnight, but is a difficult and long-term process that operates inter-generationally. This means that special accommodations (e.g. mother-tongue services) are often required for immigrants on a transitional basis; (ii) we need to ensure that the common institutions into which immigrants are pressured to integrate provide the same degree of respect, recognition and accommodation of the identities and practices of immigrants as they traditionally have of the identities and practices of the majority group. This requires a systematic exploration of our social institutions to see whether their rules and symbols disadvantage immigrants. For example, we need to examine dress-codes, public holidays, even height and weight restrictions, to see whether they are biased against certain immigrant groups. We also need to examine the portrayal of minorities in school curricula or the media to see if they are stereotypical, or fail to recognize the contributions of immigrants to national history or world culture. These measures are needed to ensure that liberal states are offering immigrants fair terms of integration.

Others may disagree with the fairness of some of these policies. The requirements of fairness are not always obvious, and political theorists have done little to date to illuminate the issue. My aim here is not to defend a particular theory of fair terms of integration (see Chapter 8), but rather to insist that this is the relevant question we need to address. The question is not whether immigrants have given us a compelling reason to diverge from the norm of ethnocultural neutrality, but rather how can we ensure that state policies aimed at pressuring immigrants to integrate are fair?

The focus of this third stage of the debate, therefore, is to show how particular minority rights claims are related to, and a response to, state nation-building policies. And the logical outcome of this stage of the debate will be

to develop theories of permissible nation-building and fair terms of immigrant integration.²⁶

Of course, this is just a general trend, not a universal law. In some countries, immigrant groups have not been allowed or encouraged to integrate (e.g. Turks in Germany). Even in the United States, the usual tendency toward immigrant integration has sometimes been deflected, particularly if the newcomers were expected to return quickly to their country of origin (as with the original Cuban exiles in Miami); or if the immigrants were illegal, and so had no right to employment or citizenship (as with illegal Mexican migrants in California). These groups were exempted, or precluded, from the usual state-imposed pressure to integrate.

The extent to which national minorities have been able to maintain a separate societal culture also varies considerably. In some countries, national minorities have been almost completely integrated (e.g. Bretons in France). Even in the United States, the extent (and success) of nationalist mobilization varies. For example, compare the Chicanos in the South-West with the Puerto Ricans. The Chicanos were unable to preserve their own Spanish-speaking judicial, educational, or political institutions after being involuntarily incorporated into the United States in 1848, and they have not mobilized along nationalist lines to try to recreate these institutions. By contrast, Puerto Ricans mobilized very successfully to defend their Spanish-language institutions and self-government rights when they were involuntarily incorporated into the United States in 1898, and continue to exhibit a strong nationalist consciousness. The extent of nationalist mobilization also differs amongst the various Indian tribes in America. Moreover there are some groups which do not fit any of these categories—most obviously African-Americans—whose unique history has led to a very distinctive, and somewhat ambivalent, form of multiculturalism (see Chapter 9 below).

There are many such complicated cases that do not fit neatly into the 'ethnoreligious sect', 'immigrant' or 'national minority' patterns. I will return to some of these 'in-between' cases later on. But we can best understand the complexities and ambiguities of these cases if we first have a clear picture of the more standard cases, since the demands of in-between groups are often a complex hybrid of different (and sometimes contradictory) elements drawn from the more familiar models of ethnoreligious marginalization, immigrant integration, and separatist nationalism.

²⁶ I have discussed minority nationalism and immigrant multiculturalism in isolation from each other, but we also need to consider their interaction. Since both challenge the traditional model of a culturally homogeneous nation-state, they are often treated as complementary but separate processes of deconstructing the nation-state. In reality, however, immigration is not only a challenge to traditional models of the nation-state; it is also a challenge to the self-conceptions and political aspirations of those groups which see themselves as distinct and self-governing nations within a larger state. This raises a host of interesting questions about whether minority nationalisms themselves must become more 'multicultural'. See Ch. 15.

I believe that we could extend this method to look at other types of ethnocultural groups which do not fit into the category of national minorities or immigrants, such as African-Americans, the Roma, guest-workers in Germany, or Russian settlers in the Baltics. In each case, I think it is possible—and indeed essential—to view their claims to minority rights as a response to perceived injustices that arise out of nation-building policies.²⁷ Each group's claims can be seen as specifying the injustices that majority nation-building has imposed on them, and as identifying the conditions under which majority nation-building would cease to be unjust.

The major task facing any liberal theory of minority rights is to better understand and articulate these conditions of ethnocultural justice. I expect that filling in these lacunae will form the main agenda for minority rights theorists over the next decade.

5. A New Front in the Multiculturalism Wars?

So far, I have focused on the significant shifts in the recent minority rights debate. However, there has been an important assumption that is common to all three stages of the debate: namely, that the goal is to assess the justice of minority claims. This focus on justice reflects the fact that opposition to minority rights has traditionally been stated in the language of justice. Critics of minority rights had long argued that justice required state institutions to be 'colour-blind'. To ascribe rights on the basis of membership in ascriptive groups was seen as inherently morally arbitrary and discriminatory, necessarily creating first and second-class citizens.

The first task confronting any defender of minority rights, therefore, was to try to overcome this presumption, and to show that deviations from difference-blind rules that are adopted in order to accommodate ethnocultural differences are not inherently unjust. As we have seen, this has been done in two main ways: (a) by identifying the many ways that mainstream institutions are not neutral, but rather are implicitly or explicitly tilted towards the interests and identities of the majority group. This bias creates a range of burdens, barriers, stigmatizations and exclusions for members of minority groups which can only or best be remedied by minority rights; and (b) by emphasizing the importance of certain interests which have typically been ignored by liberal theories of justice—e.g. interests in recognition, identity, language, and cultural membership. If these interests are ignored or trivialized by the state, then people will feel harmed—and indeed will be harmed—even if their civil, political and welfare rights are respected. If state institutions

²⁷ I discuss the claims of these other types of groups in Kymlicka and Opalski 2001.

fail to recognize and respect people's culture and identity, the result can be serious damage to people's self-respect and sense of agency.

If we accept either or both of these points, then we can see minority rights not as unfair privileges or invidious forms of discrimination, but as compensation for unfair disadvantages, and so as consistent with, and even required by, justice.

In my view, this debate over justice is drawing to a close. As I noted earlier, much work remains to be done in assessing the justice of particular forms of immigrant multiculturalism or minority nationalism. But in terms of the more general question of whether minority rights are *inherently unjust*, the debate is over, and the defenders of minority rights have won the day. I don't mean that defenders of minority rights have been successful in getting their claims implemented, although there is a clear trend throughout the Western democracies towards the greater recognition of minority rights, both in the form of immigrant multiculturalism and of self-government for national minorities.²⁸ Rather I mean that defenders of minority rights have successfully redefined the terms of public debate in two profound ways: (a) few thoughtful people continue to think that justice can simply be defined in terms of difference-blind rules or institutions. Instead, it is now recognized that difference-blind rules can cause disadvantages for particular groups. Whether justice requires common rules for all, or differential rules for diverse groups, is something to be assessed case-by-case in particular contexts, not assumed in advance; (b) as a result, the burden of proof has shifted. The burden of proof no longer falls solely on defenders of minority rights to show that their proposed reforms would not create injustices; the burden of proof equally falls on defenders of difference-blind institutions to show that the status quo does not create injustices for minority groups.

So the original justice-based grounds for blanket opposition to minority rights have faded. This has not meant that opposition to minority rights has disappeared. But it now takes a new form. Or rather it takes two forms: the first questions the justice of specific multiculturalism policies in particular contexts, focusing on the way particular policies may entail an unjust

²⁸ There is also a trend towards codifying minority rights at the international level. It is now widely believed in the West that earlier attempts to suppress, coerce or exclude minority groups were unjust, as well as unworkable, and that some minimal set of minority rights is needed to ensure ethnocultural justice. Many scholars and NGOs are therefore trying to institutionalize at the international level emerging Western models of minority rights, in the same way that Western liberals after World War II were able to secure a Universal Declaration of Human Rights. Such an international charter of minority rights seems unlikely in the foreseeable future. The trend towards greater recognition of minority rights is strong within Western democracies, but in many parts of Asia and Africa minority rights are still anathema. It is interesting to note that whereas minority rights were opposed in the West on the grounds that they violated Western individualism, in East Asia they are often opposed on the grounds that they violate Asian communitarianism! See He 1998.

distribution of the benefits and burdens associated with identity and culture; the second shifts the focus away from justice towards issues of citizenship, focusing not on the justice or injustice of particular policies, but rather on the way that the general trend towards multiculturalism threatens to erode the sorts of civic virtues and citizenship practices which sustain a healthy democracy. I will say a few words about each of these lines of argument.

(a) *Justice in Context*

Some critics accept that the justice of multicultural demands must be evaluated on a case-by-case basis, and so focus on the potential injustices of particular multicultural proposals in particular contexts, rather than making global claims about the inherent injustice of group-specific policies. These sorts of context-specific arguments are, I think, essential, and reflect real progress in the debate.

At the level of particular cases, the debate focuses, not on whether multiculturalism is right or wrong in principle, but rather on a range of more practical issues about the distribution of the benefits and burdens of specific policies—e.g. what exactly is the disadvantage which a minority faces within a particular institutional structure? Will the proposed multiculturalism reform actually remedy this disadvantage? Are the costs of a particular multiculturalism policy distributed fairly, or are some individuals or subgroups inside or outside the group being asked to shoulder an unfair share of the costs?²⁹ Are there alternative policies which would remedy the disadvantage in a more effective and less costly way?

A good example of this sort of debate is the recent work on affirmative action in America. Whereas older debates focused almost entirely on whether race-based preferences in admissions or hiring were morally wrong in principle, there is increasing recognition that this is too simple. It is widely accepted that African-Americans and other minorities face real disadvantages in certain institutional contexts, despite the professed colour-blind nature of these institutions, and that something needs to be done to remedy these disadvantages. The objection to affirmative action, therefore, is not that any deviation from colour-blind rules is unjust in principle, but rather that current affirmative action policies do not actually benefit the people who are

²⁹ As Shachar notes (1998; 1999), there is a tendency within some schemes of minority rights for women to bear disproportionate costs of minority protection. She calls this the 'paradox of multicultural vulnerability': i.e. some schemes for reducing the minority's vulnerability to the majority may increase minority women's vulnerability to discrimination within their own community. But, unlike Okin (1998), she does not view this as inherent in the very idea of minority rights, or as a blanket objection to the idea of minority rights, but rather as a crucial factor that needs to be kept in mind when examining the justice in context of particular policies.

most in need (i.e. they help middle-class Blacks, but not the inner-city poor), that the costs of affirmative action are borne disproportionately by one group (i.e. young white males, some of whom may themselves be disadvantaged), and that there are alternative policies which would be more effective (i.e. improved funding for inner-city schools). Others respond that affirmative action has been demonstrably successful, and that no alternative policy has been nearly as effective.³⁰

This new debate on affirmative action in the US remains unresolved, to say the least, but at least it is the right kind of debate. It focuses, not on slogans about a colour-blind constitution, but on how particular educational or employment institutions do or do not disadvantage the members of particular groups, and on how proposed group-specific policies would or would not remedy that problem. And while the result of the debate may be to trim or amend existing affirmative action programs, it is unlikely that the result will be to eliminate all forms of race-conscious policies. On the contrary, it may well be that the alternatives which replace or supplement affirmative action will be equally group-specific in their focus—e.g. support for Black colleges, or state-sponsored mentoring programmes for promising Black students. That is, one form of multiculturalism policy will be replaced, or amended, or supplemented, with another form of multiculturalism policy (see Chapter 9).

Indeed, we can generalize this point. Since mainstream institutions privilege the majority's culture and identity in so many ways, and since people's interests in culture and identity are so important, the question we face is not whether to adopt multiculturalism, but rather which kind of multiculturalism to adopt. Once we jettison the idea that group-specific rights are wrong in principle, and instead get down to brass-tacks and examine particular institutions, then the question becomes which sort of multiculturalism is most fair and effective, and how best to combine group-specific multiculturalism policies with difference-blind common rights. It is in this sense, as Nathan Glazer put it recently, that 'we are all multiculturalists now' (Glazer 1997), even though we profoundly disagree over the merits of particular multiculturalism policies.

(b) *Eroding Citizenship*

Other commentators, however, still wish to make a more broad-ranging critique of minority rights and multiculturalism. Since it is no longer plausible to argue that all forms of multiculturalism are inherently unjust, critics have had to find another basis on which to condemn the very idea of minority rights. And the most common argument is one that focuses on stability.

³⁰ Any plausible examination of this issue will show, I think, that affirmative action has worked well in some contexts, and less well in others. For an example of where it has been strikingly successful (the Army), see Moskos and Butler 1996.

rather than justice. Critics focus not on the justice or injustice of particular policies, but rather on the way that the general trend towards minority rights threatens to erode the sorts of civic virtues, identities and practices that sustain a healthy democracy.

This focus on civic virtue and political stability represents the opening of a second front in the 'multiculturalism wars'. Many critics claim that minority rights are misguided, not because they are unjust in themselves, but because they are corrosive of long-term political unity and social stability. Why are they seen as destabilizing? The underlying worry is that minority rights involve the 'politicization of ethnicity', and that any measures which heighten the salience of ethnicity in public life are divisive. Over time they create a spiral of competition, mistrust, and antagonism between ethnic groups. Policies that increase the salience of ethnic identities are said to act 'like a corrosive on metal, eating away at the ties of connectedness that bind us together as a nation'.³¹

This is a serious concern. As I discuss in Chapter 16, the health and stability of a democracy depends, not only on the justice of its basic institutions, but also on the qualities and attitudes of its citizens: e.g. their ability to tolerate and work together with others who are different from themselves; their desire to participate in the political process in order to promote the public good and hold political authorities accountable; their willingness to show self-restraint and exercise personal responsibility; and their sense of justice and commitment to a fair distribution of resources. There is growing fear that this sort of public-spiritedness may be in decline, and if group-based claims would further erode the sense of shared civic purpose and solidarity, then that would be a powerful reason not to adopt minority rights policies.

But is it true? There has been much armchair speculation on this question, but remarkably little evidence. Reliable evidence is needed here, because one could quite plausibly argue the reverse: namely, that it is the absence of minority rights which erodes the bonds of civic solidarity. After all, if we accept the two central claims made by defenders of minority rights—namely, that mainstream institutions are biased in favour of the majority, and that the effect of this bias is to harm important interests related to personal agency and identity—then we might expect minorities to feel excluded from 'difference-blind' mainstream institutions, and to feel alienated from, and distrustful of, the political process. We could predict, then, that recognizing minority rights would actually strengthen solidarity and promote political stability, by removing the barriers and exclusions which prevent minorities from wholeheartedly embracing political institutions. This hypothesis is surely at least as plausible as the contrary hypothesis that minority rights erode social unity.

³¹ Ward 1991: 598.

We don't have the sort of systematic evidence needed to decisively confirm or refute these competing hypotheses. There is fragmentary evidence suggesting that minority rights often enhance, rather than erode, social unity. For example, the evidence from Canada and Australia—the two countries which first adopted official multiculturalism policies—strongly disputes the claim that immigrant multiculturalism promotes political apathy or instability, or the mutual hostility of ethnic groups. On the contrary, these two countries do a better job integrating immigrants into common civic and political institutions than any other country in the world. Moreover, both have witnessed dramatic reductions in the level of prejudice, and dramatic increases in the levels of interethnic friendships and intermarriage. There is no evidence that the pursuit of fairer terms of integration for immigrants has eroded democratic stability.³²

The situation regarding the self-government claims of national minorities is more complicated, since these claims involve building separate institutions, and reinforcing a distinct national identity, and hence create the phenomenon of competing nationalisms within a single state. Learning how to manage this phenomenon is a profoundly difficult task for any state. However, even here there is significant evidence that recognizing self-government for national minorities assists, rather than threatens, political stability. Surveys of ethnic conflict around the world repeatedly confirm that 'early, generous devolution is far more likely to avert than to abet ethnic separatism'.³³ It is the refusal to grant autonomy to national minorities, or even worse, the decision to retract an already-existing autonomy (as in Kosovo), which leads to instability, not the recognizing of their minority rights.³⁴

Much more work needs to be done concerning the impact of minority rights on social unity and political stability. This relationship will undoubtedly vary from case to case, and so requires fine-grained empirical investigation. It's not clear that philosophical speculation can contribute much here: we need to wait for more and better evidence.³⁵ But as with concerns about

³² Kymlicka 1998a: ch. 2.

³³ Horowitz 1991: 224.

³⁴ Gurr 1993; Lapidoth 1996.

³⁵ Philosophers' claims about the relationship between minority rights and social unity are often doubly speculative: first we speculate about the sources of social unity (the 'ties that bind'), and then we speculate about how minority rights affect these ties. Neither sort of speculation is grounded in reliable evidence. For example, some political philosophers have suggested (a) that it is shared values which form the bonds of social unity in modern liberal states, and (b) that immigrant multiculturalism and/or multinational federalism reduce the level of shared values. There is no good evidence for either of these speculations. I seriously doubt that minority rights have reduced shared values, but I equally doubt that it is shared values that hold societies together. (See Norman 1995). Other philosophers suggest that it is shared experiences, shared identities, shared history, shared projects or shared conversations that hold countries together. We have little evidence to support such claims about the source of social unity (and even less evidence about how minority rights affect these factors). We simply don't

justice, it is clear that concerns about citizenship cannot provide any grounds for rejecting minority rights *in general*: there is no reason to assume in advance that there is any inherent contradiction between minority rights and democratic stability.

6. Conclusion

I have tried to outline three stages in the ongoing philosophical debate about minority rights. The first stage viewed minority rights as a communitarian defence against the encroachment of liberalism. This has gradually given way to a more recent debate regarding the role of culture and identity within liberalism itself. In this second stage of the debate, the question is whether people's interests in their culture and identity are sufficient to justify departing from the norm of ethnocultural neutrality, by supplementing common individual rights with minority rights.

This second stage represents progress, I think, in that asks the right question, but it starts from the wrong baseline, since liberal democracies do not in fact abide by any norm of ethnocultural neutrality. And so the next stage of the debate, I propose, is to view minority rights, not as a deviation from ethnocultural neutrality, but as a response to majority nation-building. And I have suggested that this will affect the way we think of the demands of both national minorities and immigrant groups. In particular, it raises two important questions: 'What are permissible forms of nation-building', and 'What are fair terms of integration for immigrants?'

Looking back over the development of this debate, I am inclined to think that genuine progress has been made, although much remains to be done. It is progress, not in the sense of having come closer to resolving the disputes, but rather in the sense of getting clearer on the questions. The emerging debates about the role of language, culture, ethnicity, and nationality with liberal democracies are, I think, grappling in a fruitful way with the real issues facing ethnoculturally plural societies today. But getting clearer on the questions is no guarantee of getting clearer on the answers, and indeed I see no reason to expect that these debates will soon be resolved.

I know what are the sources of social unity in multiethnic and multinational states. To argue against minority rights on the grounds that they erode the bonds of social unity is therefore doubly conjectural.

2

Liberal Culturalism: An Emerging Consensus?

1. The Emerging Consensus

While the debate on multiculturalism and minority rights is relatively new, I think we can already detect an emerging consensus in the literature. First, there seems to be growing acceptance of the legitimacy of some or other form of liberal nationalism.¹ According to liberal nationalism, it is a legitimate function of the state to protect and promote the national cultures and languages of the nations within its borders. This can be done by creating public institutions which operate in these national languages; using national symbols in public life (e.g. flag, anthem, public holidays); and allowing self-government for national groups on issues that are crucial to the reproduction of their language and culture (e.g. schemes of federalism or consociationalism to enable national minorities to exercise self-government).

These are familiar nationalist principles; what defines a liberal nationalism, however, is a set of constraints on these nationalist principles, such as:

- A liberal form of nationalism does not attempt to coercively impose a national identity on those who do not share it. Under a scheme of liberal nationalism, public institutions may be stamped with a particular national character (i.e. the institutions may adopt the language, holidays, and symbols of a particular national group). But individuals who do not belong to that national group are not prohibited from expressing and cherishing their own national identity. Individuals remain free to speak or publish in other languages, or to celebrate the holidays and symbols of other national groups. By contrast, illiberal forms of nationalism are likely to use coercion to promote a common national identity.

- Relatedly, whereas illiberal nationalisms often seek to prohibit forms of speech or political mobilization which challenge the privileging of a national

¹This chapter was written as an introductory paper to a Dutch-Israeli symposium on 'Nationalism, Multiculturalism and Liberal Democracy', published in *Ethical Theory and Moral Practice* vol. 1 (1998). The symposium contains articles by Yael Tamir, Albert Musschenga, Henrik Lagerspetz, Chaim Gans, Adriaan Favell and Wibren van der Burg.

²For recent defences of liberal nationalism, see Tamir 1993; Margalit and Raz 1990; Miller 1995; Canovan 1996; Taylor 1992a, 1997; Walzer 1997; Spinner 1994.

identity, a liberal nationalism allows political activities aimed at giving public space a different national character. People are free to urge the adoption of a different official language, or even to seek the secession of a region to form a separate state. Advocating such changes is not necessarily seen as disloyalty, and even if it is seen as disloyal, this is not viewed as sufficient grounds for restricting democratic rights.

• Liberal nationalisms typically have a more open definition of the national community. Membership in the national group is not restricted to those of a particular race, ethnicity, or religion. Generally speaking, anyone can join the nation if they want to do so. In illiberal nationalisms, by contrast, non-nationals are often prevented from integrating into the national group even as they are prohibited from expressing their own national identity. Until recently, to be a 'true' Bulgarian, for example, one must have a Bulgarian surname, be descended from ethnic Bulgarians, belong to the Orthodox church, speak Bulgarian without an accent, and dress like a Bulgarian. Needless to say, it is very difficult for Turks living in Bulgaria ever to be accepted as members of the 'Bulgarian' nation, even if they wish to integrate.

• Partly as a result of this inclusiveness, liberal nations exhibit a much thinner conception of national identity. In order to make it possible for people from different ethnocultural backgrounds to become full and equal members of the nation, and in order to allow for the widest possible range of individual diversity and dissent, the terms of admission are relatively thin—e.g. learning the language, participating in common public institutions, and perhaps expressing a commitment to the long-term survival of the nation. Joining the nation does not require one to abandon one's surname, religion, customs, recreational practices, etc. This is reflected in the naturalization requirements adopted by most liberal states, which emphasize acquiring the language, learning something about the nation's history and institutions, and expressing allegiance to the long-term survival of the nation, but do not require adopting a particular religion or conception of the good life.²

• Liberal nationalism is non-aggressive, and does not seek to dismantle the self-governing institutions of other national groups within the same state or in other states. Liberal nationalism is therefore willing to accord public recognition to, and share public space with, those national minorities within a state which consistently and democratically insist upon their national distinctiveness. In particular, territorially-concentrated groups which were involuntarily

² Insofar as liberal nation-building involves diffusing a common national culture throughout the territory of the state, it is a thin form of culture—what I have called a 'societal culture' centred on a shared language which is used in a wide range of societal institutions (schools, media, law, economy, government, etc.), rather than on common religious beliefs, family customs, or personal lifestyles (see Ch. 1). In non-liberal states, by contrast, acquiring a national identity typically requires a much thicker form of cultural integration, involving not only a common language and public institutions, but also elements of religion, ritual, and lifestyle.

ly incorporated into the state are not forced to adopt the majority's national identity. If groups like the Québécois, Catalans, Flemish, or Scots see themselves as distinct nations within the larger state, then their national distinctiveness will be recognized in public life and public symbols, through such things as official language status, self-government rights, and recognition of their distinct legal traditions. In accepting the legitimacy of these minority nationalisms, liberal nationalists reject the goal of a world of homogeneous nation-states, and accept the necessity and legitimacy of multinational states within which two or more self-governing nations are able to co-exist.

This is just a thumbnail sketch of liberal nationalism, and how it differs from illiberal forms of nationalism.³ Theories of liberal nationalism provide us with a set of guidelines for how liberal democracies should accommodate those groups which see themselves as 'nations', and which seek rights of national recognition and self-government.

In addition to these nations, there are also many types of non-national cultural groups which seek recognition and accommodation, such as immigrant and refugee groups, religious minorities, or even non-ethnic cultural groups like gays or the disabled. This leads us to the second area of possible convergence in the recent literature—namely, on ideas of liberal multiculturalism.⁴ Liberal multiculturalism accepts that such groups have a valid claim, not only to tolerance and non-discrimination, but also to explicit accommodation, recognition and representation within the institutions of the larger society. Multiculturalism may take the form of revising the education curriculum to include the history and culture of minority groups; creating advisory boards to consult with the members of minority groups; recognizing the holy days of minority religious groups; teaching police officers, social workers, and health-care professionals to be sensitive to cultural differences in

³ Some commentators have attempted to summarize the differences between liberal and illiberal nationalism under the labels of 'civic' versus 'ethnic' nationalism (e.g. Ignatieff 1993). Civic nationalism, on this standard view, defines national membership purely in terms of adherence to democratic principles; whereas ethnic nationalism defines national membership in terms of a common language, culture, and ethnic descent. But this is potentially misleading. Even in the most liberal of democracies, nation-building goes beyond the diffusion of political principles. It also involves the diffusion of a common language and national culture. What distinguishes liberal nation-building from illiberal nationalism is not the absence of any concern with language, culture, and national identity, but rather the content, scope, and inclusiveness of this national culture, and the modes of incorporation into it. Moreover, there is not one distinction between liberal and illiberal nationalisms, but several. And each of these distinctions is a matter of degree. We cannot, therefore, divide real-world nationalist movements into two categories: 'liberal' and 'illiberal'. Rather, nationalist movements will turn out to be more liberal on some scales, and less liberal on others. For further discussion, see Kymlicka 1998b, and Ch. 12.

⁴ For defenders of liberal multiculturalism, see Spinner 1994; Taylor 1992a; Bauböck 1994; Raz 1994; Phillips 1995; Young 1990.

their work; developing regulations to ensure that minority groups are not ignored or stereotyped in the media; and so on.

Here again, we can specify a number of constraints that must be respected on a distinctly liberal conception of multiculturalism: membership of these groups must not be imposed by the state, but rather be a matter of self-identity; individual members must be free to question and reject any inherited or previously adopted identity, if they so choose, and have an effective right of exit from any identity group; these groups must not violate the basic civil or political rights of their members; and multicultural accommodations must seek to reduce inequalities in power between groups, rather than allow one group to exercise dominance over other groups.

We can describe both liberal nationalism and liberal multiculturalism as forms of 'liberal culturalism'. Liberal culturalism is the view that liberal-democratic states should not only uphold the familiar set of common civil and political rights of citizenship which are protected in all liberal democracies; they must also adopt various group-specific rights or policies which are intended to recognize and accommodate the distinctive identities and needs of ethnocultural groups. Such policies range from multicultural education policies to language rights to guarantees of political representation to constitutional protections of treaties with indigenous peoples. For liberal culturalists, these various forms of group-specific measures are often required for ethnocultural justice, although to be consistent with liberal culturalism they must meet a number of conditions, like those listed above.⁵ In particular, liberal culturalists support policies which make it possible for members of ethnic and national groups to express and promote their culture and identity, but reject any policies which impose a *duty* on people to do so.

Liberal culturalism has arguably become the dominant position in the literature today, and most debates are about how to develop and refine the liberal culturalist position, rather than whether to accept it in the first place.

2. What are the Alternatives to Liberal Culturalism?

How has this consensus been achieved so quickly, given that the claims being defended by liberal culturalists were ignored or decried by most liberals until very recently? One possible explanation is that the arguments provided by liberal culturalists have been so compelling and convincing that they have

⁵ I summarize these constraints in the twin idea of 'freedom within groups' and 'equality between groups'. This requires accepting some forms of 'external protections' that reduce the vulnerability of minority groups to majority economic and political power, while rejecting 'internal restrictions' that involve attempts by groups to restrict the basic civil and political liberties of their own members. See Ch. 1.

persuaded everyone. As a defender of liberal culturalism, I wish this were true. But a more plausible explanation, I think, is that there is no clear alternative position. Liberal culturalism has won by default, as it were.

Of course, one can imagine alternatives to liberal culturalism, even if they have not yet been well developed in the literature. Two broad options come immediately to mind. One alternative would be to try to show that the current model of a unitary republican citizenship, in which all citizens share the identical set of common citizenship rights, can be updated to deal with issues of ethnocultural diversity, even though it was originally developed in the context of much more homogeneous political communities. One could argue that the interests we share in common are much more important than the identities that divide us, and that liberal culturalism is therefore distracting us from our more important common interests as fellow human beings. Moreover, one could argue that too great an emphasis on diversity threatens to undermine the very capacity for democratic deliberation about the common good.⁶

This position, however, faces the problem that its traditional pretensions to ethnocultural neutrality can no longer be sustained. Republicans used to argue that a regime of common citizenship rights was neutral amongst ethnocultural groups. By avoiding group-specific rights, the state treated ethnocultural identities as a matter of individual choice in the private realm, neither hindering nor helping any particular ethnocultural group.

However, this claim to neutrality has been effectively demolished by recent writers.⁷ What appears on the surface to be a neutral system of common rights turns out, on inspection, to be a system that is heavily weighted in favour of the majority group. It is the majority's language that is used in public institutions; the majority's holidays that are recognized in the public calendar; the majority's history that is taught in schools; and so on. Moreover, these examples of the privileging of the majority's language and culture cannot be seen as minor or accidental deviations from the ideal of ethnocultural neutrality; they help define the very structure of the liberal state, which in turn shapes the structure of the larger society. Once the pretence of neutrality has been removed, the republican commitment to unitary citizenship becomes problematic. It avoids, rather than squarely addresses, the sorts of issues of ethnocultural justice which liberal culturalism seeks to address.

Republican concerns about protecting the possibility of civil dialogue and common public reason are valid, and so one area of recent work by liberal culturalists has focused on how to reconcile deliberative democracy and group-differentiated citizenship.⁸ Whether republican concerns about civic

⁶ This is arguably the position of van Gunsteren 1998; cf. Ward 1991.

⁷ For critiques of this neutrality claim, see Tamir 1993; Spinner 1994.

⁸ See e.g. M. Williams 1998; Phillips 1995; Young 1996; Spinner 1994. See also Ch. 16.

virtue can be fully accommodated within liberal culturalism remains to be seen. However, claims by neo-republicans that the unitary conception of citizenship can deal with issues of language, culture, and identity in a way that is fair to all ethnic-cultural groups remain little more than promissory notes.

A second alternative would be a more radical kind of pluralization of citizenship, one which rejects not only the republican commitment to a unitary citizenship, but also the liberal insistence that group-specific rights be constrained by liberal principles of individual freedom, social equality and political democracy. This sort of position draws on a variety of authors (William Connolly, Jacques Derrida, Julia Kristeva, Judith Butler, etc.), and can be given a variety of labels: postliberal, postmodernist, postcolonial. What all of these versions of a politics of difference share is that they do not seek to contain differences within the constraints of liberal justice. After all, they argue, liberal justice is itself just one amongst many cultural norms, none of which should be privileged, all of which must be politicized and contested in a multicultural society.⁹

One difficulty with this approach is that it operates at a more abstract or metatheoretical level than liberal culturalism, and so finding the exact points of debate is not always easy. It is sound advice that theorists in a multicultural society should not take 'our' liberal norms for granted, and should instead be willing to consider the objections and alternatives raised by non-liberal groups. But to say that we should consider such objections and alternatives is not yet to say that we should accept them. We should not exempt liberal culturalism from contestation, but nor should we rule out the possibility that it will emerge from the contest as the most promising approach to issues of ethnocultural justice. In any event, I do not think that postmodernists have provided any compelling reasons for ruling this out.

Indeed, insofar as the postmodernist approach attempts to offer a positive account of ethnocultural justice, it is not clear how it differs from liberal culturalism.¹⁰ Postmodernists are often motivated by (a) a desire to avoid essentializing identities; (b) a desire to avoid Eurocentric cultural imperialism. How does this differ (except in rhetoric) from the liberal constraints I discussed above: i.e. (a) that individuals be free to question and reject ascribed identities; (b) that group-specific policies should aim to promote equality/non-dominance between groups? How would the postmodernist concern with essentialism and ethnocentrism lead to a different theory of language rights, say, than the liberal culturalist approach? So far as I can tell, the postmodernist approach has simply not been developed in sufficient detail to

⁹ For classic statements, see Connolly 1991, 1995.

¹⁰ There is a long-standing dispute about whether postmodernists can endorse any substantive norms of justice without engaging in a 'performative contradiction'—i.e. without violating their own metatheoretical critiques of 'reason' and 'truth'. However, I will set that issue aside.

determine whether and how it differs on concrete issues from liberal culturalism.

So neither unitary republicanism nor postmodernism provide a clear alternative to liberal culturalism.¹¹ As a result, the liberal culturalist approach has become dominant by default. The old model of unitary citizenship has been exposed as a fraud; and the postmodern alternative is underdeveloped. This is arguably the greatest shortcoming in the debate. We need a broader range of approaches to issues of ethnocultural justice. It is impossible to evaluate properly the strengths and weaknesses of liberal culturalism until we have a clearer idea of what the alternatives are.

3. Unresolved Issues in Liberal Culturalism

While most authors in the literature are working within the broad camp of liberal culturalism, this doesn't mean that they are satisfied with the existing theories of liberal nationalism or of liberal multiculturalism. On the contrary, many questions have been raised about these theories. These questions can be organized under two broad headings: methodological and normative.

(a) Methodological Questions

Theories of liberal culturalism are often praised for having recognized and tackled issues of real-world importance which had previously been neglected. But they are also criticized for having misconceived the appropriate relationship between theory and practice.

For example, it has often been said that:

• Existing theories have been developed on a biased or selective sample of cases, and then wrongly generalized to all Western democracies. The worry here is not just that there may be complicating factors present in some countries (e.g. historical tensions between groups) which make it difficult to apply the theory, but also that the basic categories of liberal culturalism (e.g. 'multiculturalism', 'immigrants', 'minority rights') only make sense in some countries but not others.

• Existing theories neglect important developments in the study of ethnicity and culture by anthropologists, sociologists or political scientists. In particular, liberal culturalism underestimates the strategic uses of identity and group

¹¹ There are other possible approaches (e.g. religious fundamentalism; racialized forms of nationalism), but these are not likely to win many converts amongst Western political theorists.

membership; and overestimates the role of shared norms or beliefs in explaining the cohesion of cultural or political entities.

- Existing theories fail to adequately distinguish different levels of analysis. In particular, they fail to distinguish ideal theory (what an ideally just society would look like) from second-best prescription (what justice requires here and now) from empirical description (what are existing groups actually demanding). Or they conflate normative and explanatory statements. For example, the fact that certain group-specific rights may *in theory* be consistent with liberal-democratic values does not mean that the groups demanding these rights are *in practice* motivated by liberal-democratic values. Yet it is often difficult to determine which claim is being made by theorists of liberal culturalism. Are they defending the theoretical consistency of group-specific rights and liberal values, or offering a description and explanation of the motives of actual minority groups within liberal democracies?

- Existing theories lack the sort of institutional specificity that is needed to assess whether their proposals are attractive or even coherent. For example, what would it mean to ensure proportional representation of ethnocultural groups in the political process? How would we decide which groups are entitled to such guaranteed representation, and how would we decide who belongs to such groups? Without institutional specifics, it is difficult to evaluate principles of group representation.¹²

I think that these are all valid criticisms of at least some of the major writings on liberal culturalism (including my own). Yet it is unclear what exactly follows from them. After all, similar critiques could be made about virtually all of contemporary political philosophy, whether liberal, communitarian, republican, or postmodernist. These are the hazards of the profession, rather than the infirmities of any particular author or approach. It's not clear that these flaws are any worse in liberal culturalism than in other approaches, or that the central claims of liberal culturalism rest crucially on these flaws.¹³

In any event, it is worth recalling that this is still a relatively new field, and one has to expect a certain lack of sophistication at the early stages of any debate. Indeed it is impressive how much progress has been made in a relatively short period of time in correcting some of these methodological flaws. Theorists of liberal culturalism today are examining a much broader range of groups and countries, developing a broader range of arguments and principles, drawing on the expertise of a wider range of disciplines, and working

¹² These criticisms are discussed in Favell 1999.

¹³ Indeed, I would argue that the traditional liberal hostility to group-specific rights rests on a series of selective cases and over-generalizations. For example, models of state-church relations have been wrongly generalized to other areas of ethnocultural diversity, and objections to segregated institutions for African-Americans have been wrongly generalized to all forms of 'separate but equal' treatment for ethnic groups.

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 at a much greater level of institutional specificity, than was evident just fifteen years ago.¹⁴

Moreover, my own reading is that the increasing methodological sophistication of the debate has tended to strengthen, not weaken, the central claims of liberal culturalism. The more cases we study, the stronger is the claim that ethnocultural justice cannot be secured by a regime of common rights.

(b) Normative Questions

Theories of liberal culturalism cover an enormous range of policy issues, from language rights to group representation to immigration policy to multicultural education. It would take a book to try to describe all of the proposals that liberal culturalists have made on these issues, or to evaluate all of the arguments that have been advanced for or against these proposals.

I would like, however, to mention a few more general questions which have been raised about the moral foundations of liberal culturalism. I noted earlier that liberal culturalism, in its more general formulation, is the view that liberal-democratic states should not only uphold the familiar set of common civil and political rights of citizenship, but should also adopt various group-specific rights or policies which are intended to recognize and accommodate the distinctive identities and needs of ethnocultural groups.

But why is it so important to recognize and accommodate ethnocultural identities and practices? Why does it matter whether society is multiculturalist? Why should we view membership in ethnocultural groups, or the potential loss of diverse cultures, as a matter of political importance, rather than simply private lifestyle choices? We can identify at least three distinct arguments within the liberal culturalist camp:

- Some theorists emphasize the importance of respect for *identity*. On this view, there is a deep human need to have one's identity recognized and respected by others. To have one's identity ignored or misrecognized by society is a profound harm to one's sense of self-respect. Minority rights satisfy the need for recognition.

- Some theorists provide a more instrumental argument for cultural rights, emphasizing the role that cultural membership plays in promoting individual *freedom* or *autonomy*. On this view, one's culture determines the boundaries of the imaginable, so that if the options available in one's culture diminish, so too does one's autonomy. Minority rights protect these cultural contexts of choice.

¹⁴ To take one example, compare the discussions of group representation in Phillips 1995 and M. Williams 1998 to those in Young 1990 or Van Dyke 1977. I think any impartial reader would agree that enormous progress has been made in comprehensiveness, interdisciplinarity, and in institutional specificity.

Finally, some people emphasize the intrinsic value of the *diverse cultures* present in a society. Different cultures are seen as the repository of unique forms of human creativity and accomplishment, and to let cultures die out is to lose something of intrinsic value. Minority rights preserve these intrinsically valuable cultures.

For example, in other papers presented at the Dutch-Israeli symposium, Yael Tamir discusses and defends the centrality of the identity argument in Isaiah Berlin's work; Erik Lagerspetz relies heavily on the instrumental argument in his defence of language rights while avoiding reliance on the identity argument; Chaim Gans argues that the identity and freedom arguments are mutually interconnected, but need supplementing by other arguments; Albert Musschenga explores the intrinsic value argument, but concludes that it must be subordinate to the freedom and identity arguments; and Wibren van der Burg examines the identity argument, but concludes that it works better for some cases of recognition than for others.¹⁵

In short, while all these authors are working within a broadly liberal culturalist framework, there is no consensus amongst them concerning the normative foundations of this position. There is no agreement on the relative merits of these three justifications for liberal culturalism, or on what we should do when these justifications lead in different policy directions. Several other recent papers have also explored these disputes about the moral grounding of liberal culturalism.¹⁶

It is safe to say that liberal culturalism has struck an intuitive chord with many people. And this, combined with the lack of any well-developed alternatives, helps to explain why it has so quickly become the consensus position in the literature. But much work remains to be done in developing these intuitions into methodologically sophisticated and philosophically satisfying theories.

¹⁵ These papers are now published in *Ethical Theory and Moral Practice*, 1/2 (1998).

¹⁶ For other discussions of the moral foundations of liberal culturalism, attempting to identify and evaluate the sorts of interests people have in their language, culture, and national identity, see Waldron 1995; Mangalit and Halberal 1994; Tomasi 1995; Réaume 1995.

3

Do We Need a Liberal Theory of Minority Rights? Reply to Carens, Young, Pareth, and Forst

The theory of minority rights developed in my *Multicultural Citizenship* has been criticized from many directions. Some argue that it is insufficiently liberal, and too willing to compromise universal liberal principles to accommodate particularistic and often non-liberal sentiments, identities and aspirations. Others argue, however, that it is too tied to universal liberal values, and insufficiently sensitive to contextual factors and to cultural differences. The commentators I am responding to in this chapter—Joseph Carens, Iris Young, Bhikhu Parekh, and Rainer Forst—all fall primarily into the latter category. My aim, therefore, is not to defend the need for minority rights (which these critics accept) but rather to explain how and why I have situated these rights within a liberal framework. I would like to begin by thanking my commentators for their thoughtful and fair comments on my work. They have interpreted my work fairly, understood the basic terms and arguments of my approach, and raised several important and difficult questions about it.

I am not sure how best to respond to their questions. The commentators have raised genuine problems. My approach requires us to make some hard choices, to try as best we can to draw clear lines in muddy waters, and sometimes to tolerate situations which we find objectionable while refusing requests with which we have some sympathy. The only way to defend my approach, therefore, is not to pretend that it gives everyone everything they want, but rather to show that alternative approaches have even greater costs in terms of our moral ideals.

To show this, however, would require comparing my approach to others across a range of issues, noting their respective strengths and weaknesses, and then deciding which is the most promising overall. This is an impossible task, not just because it would take an entire book to do, but more importantly, because we don't have enough alternatives on the table.

This chapter was originally prepared as a response to commentaries on my *Multicultural Citizenship* book from Joseph Carens, Iris Marion Young, and Bhikhu Parekh at an 'Author Meets Critics' panel during the 1996 American Political Science Association meeting in Chicago. The commentaries and reply were published, together with another commentary from Rainer Forst, in a symposium in *Constellations* 4/1 (1997).