CULTURE, COMMUNITY AND THE MULTICULTURAL INDIVIDUAL

Liberalism and the Challenge of Multiculturality

by

DIMITRIOS (JIM) MOLOS

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Every theory of liberal multiculturalism is premised on some account of the nature of culture, cultural difference and social reality, or what I call “the conditions of multiculture”. In this dissertation, I offer a revised account of the conditions and challenge of multiculture. Beginning with the widely accepted idea that individuals depend on both culture and community as social preconditions for choice, freedom and autonomy, and informing this idea with collectivist and individualist lessons from Tyler Burge’s famous externalist thought-experiment, my analysis shows that social contexts are multicultural when they are characterized by a plurality of social communities offering distinct sets of cultural norms, and individuals are multicultural to the extent that they are capable of using cultural norms from various social communities. The depth, pervasiveness, and complexity of multiculture raises important normative questions about fair and just terms for protecting and promoting social communities under conditions of internal and external cultural contestation, and these questions are not only restricted to cases involving internal minorities. As a theory of cultural justice, liberal multiculturalism must respond to the challenge of multiculture generated by cultural difference per se, but it cannot do so adequately in all cases armed with only the traditional tools of toleration, freedom of association and exit, fundamental rights and freedoms, and internal political autonomy. My analysis demonstrates that, upon the revised conception of multiculture, liberal theories of tolerationism, egalitarianism and nationalism leave significant cultural remainders, or unaccounted for cultural interests. What is needed is a different liberal multiculturalism, which respects the individual’s fundamental rights and freedoms, is committed to the equal and just treatment of individuals, tolerates voluntary cultural groups and practices in the social sphere, recognizes an individual right to culture, and provides some measure of state assistance to individuals seeking to protect and promote their cultural communities in the private sphere. This is a recipe for liberal cultural justice, and for a defensible liberal multiculturalism without nationalism.
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# TABLE OF CONTENTS

Abstract ii
Acknowledgements iii
Table of Contents v

**Chapter One: Introduction** 1

1.1 We Are All Multiculturalists Now … Right? 1
1.2 Liberalism: A Brief Sketch 16
1.3 Nationalism: A Long-Time Liberal ‘Frenemy’ 30
1.4 The Ascendency of Multiculturalism and the Subsequent Retreat 44

**Chapter Two: Rethinking Multiculturality** 48

2.1 Liberalism, Nationalism and the Individual 53
2.2 What is Culture? 69
2.3 Liberalism and Culture as Context of Choice 79
2.4 Burge’s Arthritis Thought-Experiment and Our Essential Social Dependence 88
2.5 The Metaphysical Background of the Classic Anthropological Community 103
2.6 A Revised Conception of the Phenomenon of Multiculturality 112
2.7 Societal Cultures and the Incorporation Thesis 129
2.8 Three Dimensions of Multiculturality: Context, Community, and Individual 140
2.9 Cultural Diversity, Multiculturalism, and Political Philosophy 151
2.10 Cultural Contestation and the Challenge of Multiculturality 160
CHAPTER ONE

INTRODUCTION

There was once a time of caste and class, when tradition decreed that each group had its place, and that some are born to rule and others to serve. In this time of darkness, law and social norms defined rights, privileges, and obligations differently for different groups, distinguished by characteristics of sex, race, religion, class, or occupation. Social inequality was justified by church and state on the grounds that people have different natures, and some natures are better than others … Then one day Enlightenment dawned, heralding a revolutionary conception of humanity and society. All people are equal, the revolutionaries declared, inasmuch as all have a capacity for reason and moral sense. Law and politics should therefore grant to everyone equal political and civil rights. With these bold ideas the battle lines of modern political struggle were drawn (Young 1990: 156).

1.1 We Are All Multiculturalists Now … Right?

“We are all multiculturalists now” (Glazer 1997), or so Nathan Glazer proclaims in the provocative title of a book on American education policy. This proclamation will strike many contemporary critics of multiculturalism as being almost as atrocious an error in judgement as US President George W. Bush’s raising of the infamous ‘Mission Accomplished’ banner to proclaim an end of the major combat operations in Iraq. After all, since the publication of Glazer’s book, there has been a general retreat from multicultural policies at the domestic and international levels, and this retreat has been punctuated by claims by prominent political leaders, like the United Kingdom’s Prime Ministers Tony Blair, Gordon Brown and David Cameron, France’s President Nicolas Sarkozy, and Germany’s Chancellor Angela Merkel, to the effect that multiculturalism is a failed experiment, that multiculturalism is now dead. On closer inspection, however, these hyperbolic denunciations by influential political heads of state seem to be directed less at multiculturalism per se, and more at the immigration and accommodation of individuals
and communities from specific (especially non-white and non-Christian) regions. It is unlikely that the United Kingdom, France or Germany will rescind the liberal and egalitarian measures often used to accommodate culturally distinct groups – like their guarantees of freedom of expression, association, and religion, or egalitarian protection against wrongful discrimination – as part of a wholesale renunciation of multiculturalism tout court. It is doubtlessly the case that many multicultural measures\(^1\) are here to stay (at least for the foreseeable future), that multiculturalism as a political philosophy and set of policy measures will remain controversial (again, at least for the foreseeable future), and, that, at this moment, it is unclear what the future of multiculturalism will hold. Clearly, there is a mounting uneasiness among liberal multiculturalists who fear that they must defend their positions against mounting criticism and advance new arguments lest the progress of recent years come to an abrupt end, or possibly even reverse. The stakes do not involve so much the survival of multiculturalism, but rather the nature, content, form and scope of multicultural measures, as well as the quality of the cultural lives of individuals and the conditions of their communities.

In this sense, there is a germ of truth in the idea that we are all multiculturalists now, depending on how we explicate the ‘we’. Glazer explains, “Multiculturalism covers a variety of ways of responding to this reality [of ethnic and cultural diversity], some so mild that they would probably be acceptable to those who see themselves as the fiercest critics of multiculturalism” (Glazer 1997: 10). It is likely that he has in mind certain legal protections – like freedom of association or antidiscrimination law – lying at the

\(^1\) The phrase ‘multicultural measure’ should be understood to cover the wide array of laws and policies that are intended to permit individuals from culturally distinct groups to coexist in the same political community without cultural assimilation. On this broad interpretation, there is an obvious overlap between traditional liberal rights and freedoms, and these multicultural measures.
intersection of multiculturalism and liberal egalitarianism. For Glazer, then, we are all multiculturalists now in the same sense that we are all egalitarians now, at least in political philosophy and most other branches of the humanities and social sciences. Even though we hold distinct views about the content, value, scope and role of equality, all reasonable views within political philosophy are located somewhere along the egalitarian plateau. A commitment to the principle of equality is a condition of reasonableness, and views advocating natural and moral inequality with corresponding unequal distributions of rights and freedoms are not only unreasonable, but unworthy of serious attention.²

But I take Glazer’s point to be deeper than the idea that some multicultural measures are acceptable to individuals whose moral and political commitments place them in disparate parts of the political spectrum. Glazer’s deeper point is not only that some multicultural measures will garner unanimous approval across the political spectrum, but rather that political, social, moral, and legal theorists are all multiculturalists now because their work must contend with and attend to the reality of cultural plurality, or what I will be calling ‘the conditions of multiculturality’. It is evident that theorists working on multicultural issues will have to attend to the multiculturality, but Glazer’s point is that, for most academics, not only political, social, moral and legal theorists, these conditions may only be ignored or neglected at the theorist’s own peril (Glazer 1997: 13-14). From the recognition of religious holidays to healthcare resource allocation to high school curricula and beyond, theorists must attend to multiculturality, just as they would have to attend to gender, racial and other forms of difference. One dimension of this prescription involves the equitable and fair treatment of individuals from different

² Of course, in the social and political arenas, it remains crucially important to contest and combat these unreasonable, objectionable and offensive inegalitarian views.
groups. Another dimension requires us to be aware of and responsive to the diverse cultural interests of different individuals. We are all multiculturalists now not because we are all enthusiastic advocates of a broad range of multicultural policies, but because our work must be cognizant of and sensitive to how cultural diversity and multiculturality pertain to our subjects of interest.³

The term ‘multiculturality’ is used only sparingly in the literature, but it is one of the basic concepts of this dissertation. There is a key distinction between multiculturality as the fact or reality of community-based cultural plurality, and multiculturalism as a type of normative or policy response to this fact.⁴ In other words, ‘multiculturality’ describes a state of affairs characterized by the presence of many cultural communities, whereas ‘multiculturalism’ is a type of philosophical and/or policy response to the needs, interests, demands, and issues raised by the presence of many cultural communities within a single political jurisdiction or geographic territory. Broadly, we are all multiculturalists now because there is a practical imperative to contend with the challenges of cultural plurality. This definition is too broad to be useful, since cultural assimilation, genocide, population transfer and other overtly monocultural policies are normative and policy responses to multiculturality, albeit unattractive ones.

For a meaningful conception of ‘multiculturalism’, we may begin with the negative formulations of multiculturalism as not monoculturalism or mononationalism, and not aculturalism. On the one hand, multiculturalism as a policy denies that each political jurisdiction should correspond with a single culturally- or nationally-defined community,

³ This is the most expansive understanding of ‘multiculturalism’, but it is not the sense of these terms that I will be using in the rest of this dissertation. I am concerned to describe and defend a liberal form of multiculturalism, which is committed to depoliticization and cultural neutrality.
⁴ This semantic suggestion is advanced by Charles Westin (see Barry 2001: 23).
that political power and authority should recognize and support only one community, and that individuals should assimilate or integrate into the mainstream cultural community.\(^5\) This negative sense establishes the opposition between multiculturalism and monocultural forms of nationalism and liberalism, but multiculturalism and monoculturalism are not jointly exhaustive of the theoretical terrain. Some political theorists have advocated for aculturalism, where the state does not involve itself in cultural affairs at all, but there are reasons to doubt its realizability and its ability to avoid being simply a *de facto* monoculturalism.\(^6\) So, multiculturalism may be distinguished from monoculturalism and aculturalism through some kind of positive affirmation of and commitment to multiculturality.

It is difficult to move beyond this negative sense to identify the core or essence of multiculturalism, however. In practice, ‘multiculturalism’ is an umbrella term identifying a family of political theories, and, as Patrick Loobuyck points out, “there is no consensus among political philosophers about the meaning of the term” (Loobuyck 2005: 109). Nevertheless, multiculturalists do seem to be united by their unease with the neglect and mistreatment of cultural communities under conditions of multiculturality. In general, multiculturalisms embrace multiculturality and subscribe to various affirmative political policies seeking to protect and promote multiple cultural communities within a political jurisdiction. Even though toleration and traditional liberal rights and freedoms may function as multicultural measures insofar as they provide (indirect) protection for cultural communities, these measures are not distinctive to multiculturalism, and they do

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\(^5\) In the recent backlash against multiculturalism, the United Kingdom’s Prime Minister David Cameron equates multiculturalism with a segregationist policy encouraging minority cultural communities to conduct their affairs apart from other communities and the mainstream society. He objects that segregation impedes integration into the larger community, and, instead, seems to propose assimilation and unity behind a common national identity. Without more information about the status of multicultural accommodations within his proposal, it is difficult to understand exactly what Cameron is proposing, but one thing is clear enough: part of Cameron’s proposal involves reaffirming some form of mononationalism.

\(^6\) A culturalism and the ideal of cultural neutrality will be discussed further in §3.6.
not differentiate multiculturalists from non-multiculturalists. Let us say for now that, whenever someone embraces affirmative political policies with the objective of providing some measure of protection and support for multiple cultural communities within a political jurisdiction, she is a multiculturalist, even if she is also a liberal or a nationalist. I will have more to say about these three political ideologies later in this chapter, but it should be noted that the liberal multiculturalism defended in this dissertation differs from many liberalisms through its positive protection and promotion of numerous and various cultural communities, and from nationalisms by expanding the scope of cultural communities relevant for political theory and practice beyond the nation alone.

Too often, the single term ‘multiculturalism’ is used to denote both the reality of multiculturality, and philosophical and policy responses to that reality, but it is important to maintain the terminological distinction between the descriptive/empirical concept of multiculturality, and the prescriptive/normative concept of multiculturalism. Some commentators, like Brian Barry, recognize this potent source of confusion, yet refuse to use the term ‘multiculturality’ on the ground that it is will further bruise and batter the already frail English language. I do not share these concerns for the welfare of the English language, since I am confident that it will continue to change and evolve with time anyway, so I will be using the terms ‘multiculturality’ and ‘multiculturalism’ to denote the fact of cultural plurality and a type of response to this fact, respectively.

This distinction is crucial to my argument for a defensible liberal theory of cultural justice – *a liberal multiculturalism without nationalism*.\(^7\) Briefly stated, Chapter

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\(^7\) This description of the position defended in this dissertation as “a liberal multiculturalism without nationalism” is somewhat hyperbolic. I am advancing a liberal multiculturalism which endeavours to be independent of nationalism by not relying on nationalist assumptions. In theory and practice, it will advocate for various measures of protection and promotion of nations and their members.
Two is devoted to rethinking multiculturality, whereas Chapter Three investigates three liberal theories as philosophical responses to these conditions, in order to develop a defensible liberal theory of cultural justice. This two-stage approach is required because so much of the literature on cultural diversity, multiculturalism, cultural rights, and minority rights has been influenced by descriptively questionable and morally problematic nationalist assumptions about the nature of human beings, their communities, their cultures, their communal memberships, their cultural dependence, and social reality. In this dissertation, my attention will be directed toward six of these assumptions:

(i) human beings are culturally embedded in and dependent on nations, and this dependence is prudentially, morally and politically significant;
(ii) national membership tends to be an unchosen and involuntary matter of fate;
(iii) nations as historical communities exhibit internal harmony and cohesion, even though they are often characterized by significant internal diversity as well;
(iv) since each nation has a distinctive national character and/or identity, it is possible to carve up the social world into distinct nations;
(v) within the category of cultures, the cultures associated with nations have a special moral and political significance; and,
(vi) the politicization of nationality is a necessary component of a morally defensible political arrangement in multinational states.

Even though these assumptions are expressed somewhat provocatively, I do not believe that any of them are self-evidently false. In fact, they tend to capture meaningful aspects of the human condition, and their veracity depends on the particular interpretation or formulation under consideration. It is important to note that each of these assumptions is subject to a variety of interpretations, and that some nationalists do not subscribe to all of them. Nonetheless, I believe that these assumptions lie at the heart of many nationalisms, and have exerted significant influence on political thought. This nationalist influence is
so widespread that even the fiercest anti-nationalist philosophers and practitioners often unwittingly acquiesce to many of these nationalist assumptions as if they were uncontroversial and incontrovertible facts.

The problem is not that liberal political theory and practice should remain pure and uninfluenced by other political ideologies – a result that appears both unlikely and undesirable – but rather that the nationalist assumptions hidden in the shadows of liberalism’s foundations often produce internal tensions and inconsistencies, and these inconsistencies threaten the defensibility of any liberal theory erected on such a substructure.

It may be that the insights contained within these nationalist assumptions are defensible in some appropriate formulation, but even when this possibility obtains, it is crucial that liberal political philosophy incorporate them on liberal terms. For instance, it has become a matter of incontestable fact that human beings are culturally embedded and dependent beings, and that this fact has significant implications for political theory and practice. Yet, how we are culturally embedded and dependent, and how these cultural aspects of our lives impact on political theory and practice, remain controversial. Nationalism offers an account of our embeddedness and dependence, but it is not clear that liberalism is capable of endorsing this account because the nationalist emphasis on fate and discovery does not sit well with the liberal values of choice and autonomy. It is my contention that liberals must interrogate liberalism’s nationalist elements to ensure that they are proffering internally consistent and morally defensible liberal theories of justice, especially vis-à-vis the challenge of multiculturality.

Beyond the general and prudential counsel to test our theories of justice for possible internal inconsistencies, nationalism presents a special threat to liberalism insofar as it
has often exercised a concealed influence on liberal theory and practice. Nationalism’s influence on liberal political theorizing is most pervasive and pronounced on the descriptive level, especially within liberalism’s social ontology. It is not a well-kept secret that, historically, liberals have been preoccupied with the relationship between the individual and the liberal democratic state, while being “prone to a naïve collectivism of the middle range” (Green 1994: 102, my emphasis). Leslie Green cautions liberals about the possibility of some multicultural measures that are intended to protect and promote minority cultural communities – like the right to self-determination or the right to maintain independent educational facilities – being used to oppress internal minorities, and this worry is now widely shared among liberals, multiculturalists, and other political theorists and practitioners. Green explains, “Some of the ways in which we try to ensure that minorities are not oppressed by majorities make it more likely that those minorities are able to oppress their own internal minorities” (Green 1994: 101). There are various strategies and tools available to mitigate potentially oppressive abuses of multicultural measures, but liberals should be concerned to determine how it is that their moral prescriptions may come to have such pernicious outcomes in the first place. The victimization of internal minorities via multicultural measures suggests the presence of an internal tension within liberalism that directs it toward the protection of individuals from other individuals and communities, and the protection of communities from individuals and other communities, while potentially increasing the vulnerability of both individuals and communities in the meantime. On the one hand, this is an unavoidable problem arising from individual and cultural diversity, but on the other hand, it suggests a fundamental imbalance between the individual and collective dimensions of liberal theories of cultural justice. Rethinking
multiculturality is a key step to rethinking the balance between the individual and the collective within liberalism, more generally.

The hidden impact of nationalism is at least partly responsible for the imbalance between the individual and the collective within liberal theories of cultural justice. Thus, a primary objective of Chapter Two is to interrogate the nationalist influence on liberal multiculturalism through the conditions of multiculturality, and to arrive at a descriptively accurate understanding of these conditions. Albert Einstein famously depicted nationalism as “an infantile disease”, as “the measles of mankind” (Einstein 1929). If nationalist assumptions are not only a threat to humanity, but also a threat to the health of a liberal theory of cultural justice, then this metaphor suggests viewing these problematic nationalist assumptions as symptomatic of an infection or disease within liberalism. In this metaphorical sense, this dissertation aims to inoculate liberal multiculturalism from its nationalist infection by rethinking multiculturality.

My strategy is to begin with the widely acknowledged ideas that the individual is embedded within a cultural context, and that this embeddedness results in a necessary social dependence on her community and culture. Then, I interrogate the nature of social reality and our social dependence on community and culture. On an unrefined nationalist model, each individual is born into a nation, and this community and its culture furnish her with the conditions for choice, freedom, identity, well-being, and a thriving cultural life. An examination of Tyler Burge’s famous arthritis thought-experiment demonstrates that the nationalist model is too simplistic to represent the complexities of social reality, and that it neglects the vast number and variety of cultural communities implicated in our cultural and moral lives. The result of this analysis is an expansion of the scope of
cultural communities relevant for the purposes of liberal political theory and practice, as well as the incorporation of a crucial aspect of any theory of cultural justice: cultural contestation. The expansion of cultural communities contributing to the cultural lives of individuals increases the chances of cultural contestation between the norms of these various communities, and the contestation of these cultural norms plays out in the interaction between different individuals and communities, but also within communities. Ultimately, a liberal theory of cultural justice will need to contend with the interests of individuals as cultural and moral beings, and as members of various communities, but any effort to protect and promote these interests will need to account for the other interests impacted by these multicultural measures and accommodations.

In Chapter Two, liberal multiculturalism is inoculated from various troubling nationalist assumptions pertaining to the nature of the individual, community, culture, membership, and social context, as well as the nationalist privileging of the nation over other cultural communities within its social ontology. This inoculation results in a revised conception of multiculturality, and a revised understanding of the questions of cultural justice raised by the challenge of multiculturality under conditions of cultural contestation. In Chapter Three, our attention shifts from the conditions and challenge of multiculturality to three liberal responses: (i) liberal tolerationism; (ii) traditional liberalism; and, (iii) liberal nationalism. Each of these liberal responses offers a distinct approach to the challenge of multiculturality, and a crucial ingredient for a defensible liberal multiculturalism without nationalism, but each of these approaches is also subject to a fatal shortcoming. The challenge of multiculturality presents us with a complex array of cultural interests, and each of these liberal responses leaves a different set of
unaccounted for cultural interests; what I will be calling their ‘cultural remainders’.

Liberal tolerationism emphasizes the importance of tolerating diverse ways of life, practices and cultural norms, even when we would not choose them for ourselves or others, but it lacks the conceptual resources to protect individuals and communities from forces threatening their cultural interests. Liberal tolerationism may be premised upon the value of toleration, but it cannot earn its liberal credentials unless it can establish a private sphere of liberal protection for individuals and groups.

Traditional liberalism fares much better insofar as it is capable of establishing a private sphere of protection for individuals and groups under conditions of equality, fairness and justice. Yet, its commitment to the privatization strategy leaves vulnerable individuals and cultural communities inadequately defended in the face of the cultural impact of the economic market, political decision-making, and the cultural choices of other individuals. Liberal tolerationism and traditional liberalism have been criticized for being insensitive to our essential interests in culture and community, and for advocating toleration as a form of ‘benign neglect’, without any proactive measures to protect or promote the cultural interests of individuals or communities, except maybe indirectly.

Liberal nationalism aims to correct for this grave deficiency through the politici-

zation of culture, or the devolution of political power and authority to national minorities in order to protect and promote the cultural context of choice of members of these minority communities. The cultural interests of individuals as individuals remain a matter of personal concern and responsibility, and other cultural communities are neglected in the interest of protecting and promoting national communities and their cultures as the only relevant cultural background for individual choice and freedom. Yet, it is not clear that
liberalism is always consistent with the politicization strategy for contending with difference, generally, and, on the revised conception of multiculturality defended in Chapter Two, it is often a serious mistake to contend with the challenge of multiculturality by devolving political power and authority to national communities in order to breathe life into some version of the nationalist ideal.

As an alternative to the three liberal responses to multiculturality considered in Chapter Three, I propose a liberal theory of cultural justice based primarily on the depoliticization or privatization strategy, but attentive to our essential interests in culture and community as social preconditions for individual choice and freedom. This approach admittedly assigns community and culture to the private sphere so far as possible, where liberalism may practice an expanded form of toleration vis-à-vis many voluntary non-liberal and illiberal cultural communities, practices and norms, but it stresses that depoliticization does not necessarily amount to neglect. A defensible liberal theory of cultural justice will assist individuals and communities in the private sphere to protect and promote their communities and their cultures, but it will not do so through the devolution of political power and authority, except possibly under extraordinary circumstances. In most cases, liberal multiculturalism may protect and promote the cultural interests of individuals as individuals and as members of numerous and various cultural communities without devolving political power and authority to cultural communities. So far as possible, liberal multiculturalism endeavours to treat individuals as equals, and there are many possible measures available to the liberal democratic state to help individuals protect and promote their cultural communities without violating the prescription to treat these individuals in an equal, fair, evenhanded, equitable and just manner. This type of
liberal multiculturalism is faithful to the moral commitments of traditional liberalism to the values of individual freedom and equality, takes seriously our necessary social dependence on community and culture as context of choice, and satisfies the pressing cultural interests of individuals and communities under conditions of cultural contestation. Moreover, it accomplishes these feats without relying on the descriptively inaccurate and morally problematic assumptions of nationalism. As a result, it is a liberal multiculturalism without nationalism, which takes seriously the liberal values of individual freedom and equality, but also takes seriously our cultural dependence.

The liberal multiculturalism defended in this dissertation is comprised of five primary ingredients: (i) universal citizenship with a uniform system of law; (ii) traditional liberal rights and freedoms; (iii) the depoliticization of communal memberships and cultural affiliations; (iv) an expansive form of toleration in the social sphere of voluntary communal life; and, (v) an individual right to culture. Most of these ingredients are familiar components of liberal theories of justice, but the depoliticization strategy adopted by these views has been criticized for being a form of benign neglect of communal memberships and cultural affiliations. The individual right to culture is the necessary supplement for depoliticization without neglect.

In brief, the liberal multiculturalism defended in this dissertation maintains the historic commitment to political unity through universal citizenship and a uniform system of law, including traditional liberal rights and freedoms, but also recognizes that there are occasions where the violation of this commitment would be the lesser of possible evils. The liberal democratic state should aspire to establish universal citizenship and exemptionless law, but it cannot overlook the possibility that equality and fairness, not
just the well-being of individuals and communities, may require temporary deviation from this course. Notwithstanding these possible exceptions, the liberal democratic state should *depoliticize communal membership and cultural affiliation*, so far as possible, even though unavoidable cultural issues occasionally establish impediments to the realization of the ideal of cultural neutrality in the political sphere. The general strategy is to seek universality, uniformity and neutrality in the public sphere, and to permit diversity to flourish in the private and social spheres, where the liberal democratic state may tolerate even non-liberal and illiberal communities, practices and norms, provided they have the free and informed consent of the individuals involved. Since groups in the social sphere are not subject to the same conditions as groups exercising political power and authority, this permits the liberal democratic state to exercise *an expansive form of social sphere tolerance for voluntary associations*.

Yet, traditional liberal rights and freedoms, coupled with toleration, are often insufficient to safeguard our essential interests in community and culture as necessary social preconditions of individual freedom. Much like the freedom of religion is a crucial supplement to traditional liberal rights and freedoms, a defensible liberal multiculturalism requires *an individual right to culture*, but this right is contained and conceptualized within a *depoliticization strategy*. As a result, the individual right to culture may function in three distinct ways. First, it serves to protect individuals from wrongful discrimination based on communal membership and cultural affiliation. Second, it functions as a *prima facie* protection of communal and cultural interests from the state’s legitimate exercise of political power and authority. Third, it may be exercised collectively to claim assistance with the protection and promotion of communities and cultures. Whatever assistance is
acceptable under the individual right to culture, this assistance is subject to the liberal
provision to treat individuals, not groups, with equal concern and respect. Given the
plethora of characteristics exhibited by groups, we should expect for the equal treatment
of individuals to result in differential assistance for groups, particularly in relation to their
relative sizes. This is only a brief sketch of what I consider to be a defensible liberal
type of cultural justice – a liberal multiculturalism without nationalism.

Before beginning my investigation of the conditions and challenge of multicultur-
ality in Chapter Two, it is prudent to lay out some of the background. In the remainder of
this chapter, I will describe the type of liberalism that I am interested in defending, as
well as its long and complex relationship with nationalism. This story begins with the
early alliance between liberals and nationalists in the struggle for national liberation from
imperial rule, covers the post-Second World War retreat from nationalist ideals, the late
1980s nationalist revival and the need for liberalism to reconcile with some form of
nationalism, before discussing the rapid ascendency of multiculturalism as a policy
response to the nationalist revival, and the equally rapid stagnation and retreat from
multiculturalism. Understanding the historic relationship between liberalism and nation-
alism is an important step in developing a defensible liberal multiculturalism that does
not rely on descriptively questionable and morally problematic nationalist beliefs.

1.2 Liberalism: A Brief Sketch

Liberals alone remain committed – ambiguously, uncertainly and precariously – to the
prospect and possibility of freedom in the present, that is, individual freedom for people
like us in the social world with which we are familiar. Neither burdened by a mystifying
heritage of tradition nor bought off by the promise that freedom will come for all at its
historically appointed time, the liberal individual confronts his social order now, demand-
ing respect for the existing capacities of his autonomy, his reason and his agency (Wal-
A central objective of my dissertation is to provide a liberal theory of multiculturalism, which is free of the objectionable features of nationalism. Before beginning the main argument with an interrogation of our social dependence on culture and community in Chapter Two, I should explain what I mean by ‘liberalism’ and ‘nationalism’. Terms identifying ideological positions – e.g., ‘liberalism’, ‘nationalism’, ‘conservatism’, ‘socialism’, ‘feminism’, and the like – rarely denote single monolithic theories. Instead, they tend to denote families of related theories with significant similarities and differences between their individual members. These terms, Jeremy Waldron explains,

are like surnames and the theories, principles and parties that share one of these names often do not have much more in common with one another than the members of a widely extended family. If we examine the range of views that are classified under any one of these labels, we may find what Wittgenstein referred to in another context as “a complicated network of similarities overlapping and criss-crossing ... sometimes overall similarities, sometimes similarities of detail”; but we are unlikely to find any set of doctrines or principles that are held in common by all of them, any single cluster of theoretical and practical propositions that might be regarded as the core or the essence of the ideology in question (Waldron 1987: 127).

The task of identifying the common ‘essence’ of every liberal theory is complicated by the fact that liberals often respond to, draw upon or admit being influenced by theorists from other ideological traditions. The interaction between these different ideologies has made it difficult, if not impossible, to identify a core set of characteristics attributable to all and only theories within the liberal tradition, even when there is agreement on the parameters of liberalism. “To push the metaphor a little further, we are dealing not only with cases of “family resemblance”, but with resemblances in the context of three (or more) great families which, though rivals, have engaged over the centuries in extensive intermarriage and alliance” (Waldron 1987: 128). For this reason, while my dissertation
is directed toward liberal theorists, primarily, and other theorists interested in multiculturality and the philosophical issues raised by multiculturality, secondarily, there is no pretense that the liberal theory presented here represents all liberal theories or will be endorsed by all liberal theorists and practitioners. Irrespective of where we draw the specific boundaries between liberalism and other political ideologies, significant issues will remain between liberal theorists. Yet, it may be possible to outline some of the widely shared theoretical and moral commitments of liberal theorists, and that is what I will attempt to do here.

Liberalism is a normative political philosophy concerned with the legitimacy of and/or justification for political actions, policies, institutions, arrangements and the like; in short, the exercise of political power and authority. This process of legitimation and justification is directed toward each individual, and this is one dimension of the moral primacy of individuals within liberal political thought. For liberals, the basic idea is that, based on the moral value of individuals, their agency, their freedom and their equal moral status, political power should be exercised only with the free and informed consent of the governed. This idea is expressed clearly and concisely by John Locke: “Men being … by Nature, all free, equal and independent, no one can be put out of this Estate, and subjected to the Political Power of another, without his own Consent” (Locke 1965: II, s95). For Locke and other liberal political philosophers, consent is the basis of political legitimacy and obligation. To garner the requisite consent, intelligible justifications for the exercise

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8 John Simmons explains the distinction between legitimacy and justification. The exercise of political power may be legitimate, if it has the actual consent of the people governed, or it may be justified, if it would be acceptable to them under the proper conditions (Simmons 1999).

9 Waldron explains how this idea has multiple dimensions. On the one hand, there is the denial of the idea that “being governed is natural to human persons”. On the other hand, consensual legitimation suggests that “the constitution of a good society is perhaps best represented as something which will have been chosen by the people living under it” (Waldron 1987: 135-136). Thus, consensual legitimation reconciles
of political power must be available for each and every individual, at least in principle. Otherwise, the exercise of political power and authority seems to lack moral legitimacy.

Of course, it is a well-known fact that most societies have not been established, maintained and operated on the basis of free and informed consent, and, moreover, even when what would seem like an acceptable justification is provided, actual consent is not always forthcoming. Individuals may be unreasonable, irrational, dogmatic or obstinate for a wide array of reasons, so many liberal theorists have shifted away from actual consent toward other sorts of consent. For these theorists, the exercise of political power may be morally justified without the free and informed consent of each and every individual, as long as there is tacit or hypothetical consent. Though the exercise of political power without the legitimation of actual consent may be unfree, that unfreedom may be mitigated by the realization that it is at least possible to imagine people consenting to it (Waldron 1987: 140-141). This approach is taken by John Rawls, who claims that the basic structure of society as a fair system of cooperation should be governed by principles of justice that would be chosen by free and equal individuals contracting under appropriate conditions in the original position. This shift from actual to hypothetical consent is a shift from talking about the will of individuals to talking about the reasons that people have for exercising their will in particular ways.10

What is important here is not so much a resolution to the debate among liberals over the nature and role of consent, however valuable such a resolution may be for liberal

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10 This move may be controversial for the simple reason that actual individuals do not always consent to the arrangements to which other individuals think they should consent. In Waldron’s words, “the reasonableness of the actors in our hypothesis may not match the reality of men and women in actual life” (Waldron 1987: 144), and this disjunction between that to which an individual should consent based on a moral justification and that to which an individual does actually consent may undermine the legitimacy of political power, when actual consent is withheld.
theory, but the idea that liberalism as a normative political philosophy holds that the legitimation and justification of the exercise of political power requires some sort of individual consent rather than the commands of their rulers, the interests of society as a whole, the dictates of a religious authority, or other prescriptions arising from particular comprehensive worldviews or doctrines. Liberals may disagree about the nature of the individual consent required for the exercise of political power to be legitimate and/or justified, but they do not disagree on the general point that some type of individual consent required, at least for the more fundamental or significant questions of justice.

Moreover, liberals do not disagree over the idea that justice considerations will remain relevant for societies for as long as circumstances of justice obtain. The assumption shared by liberals is that particular questions of justice are not relevant to each and every context because there are specific conditions that give rise to them. For Hume, questions of justice may arise when (i) there is a moderate scarcity of necessary and desired goods, (ii) individuals are roughly similar in their physical and mental abilities, (iii) individuals are roughly similar in their needs and interests, (iv) individuals have different conceptions of the good life; and, (v) individuals are self-interested and competitive, even though they are also generous, benevolent and able to limit their conduct for the good of other individuals. Under these conditions, questions of justice arise because there is a constant possibility of conflict between individuals over necessary and desired goods. This possibility is ensured insofar as there is a moderate scarcity of goods

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11 The idea of the circumstances of justice emerged out of the western philosophical tradition during the seventeenth and eighteenth centuries, and has factored prominently in the theories of Thomas Hobbes, John Locke, David Hume, Immanuel Kant, as well as twentieth century political philosophers John Rawls and David Gauthier.

12 Hume’s *Treatise of Human Nature* (1739) and *An Enquiry Concerning the Principles of Morals* (1751) are significant works in this philosophical tradition, and they explain in detail the conditions under which justice is possible and necessary. See also Rawls 1971: 110.
that individuals are attempting to secure for themselves and others.

Each of these conditions is important. For instance, if there were an abundance of these goods so that even the most voracious appetite could be satisfied, then many questions of justice would not arise because each and every individual could have her desires satisfied without the possibility of conflicting claims. If individuals had unlimited generosity, then other questions of justice would not arise because individuals would not prefer their own good over that of others, and there would be no conflicting claims to necessary and desired goods. If individuals shared the same conception of the good life or comprehensive worldview, then conflicting claims could be resolved with explicit reference to this shared conception or worldview, and conflicting claims would not have the opportunity to lead to conflict and violence. It is the constant possibility of conflicting claims between individuals and groups over necessary and desired goods, and the possibility that conflict could lead to violent sectarian conflict that raises questions of justice and the need for political power and authority. According to Rawls, “the circumstances of justice obtain whenever ... persons put forward conflicting claims to the division of social advantages under conditions of moderate scarcity. Unless these circumstances existed there would be no occasion for the virtue of justice, just as in the absence of threats of injury to life and limb there would be no occasion for physical courage” (Rawls 1999: 18). The circumstances of justice establish a constant possibility of conflict, and political authority is required to settle these conflicts.

Importantly, however, the circumstances of justice are “the normal conditions under which human cooperation is both possible and necessary” (Rawls 1999: 109). These conditions make human cooperation possible insofar as there are shared interests to
form the basis of this cooperation and necessary insofar as there are conflicting demands to assuage. “There is an identity of interest since social cooperation makes possible a better life for all than any would have if each were to try to live solely by his own efforts. There is a conflict of interests since [individuals] are not indifferent as to how the greater benefits produced by their collaboration are distributed, for in order to pursue their ends they each prefer a larger to a lesser share” (Rawls 1999: 109). In this sense, liberal societies will continue to value justice and be governed by principles of justice, even under opulent conditions. This point is expressed well by Will Kymlicka: “A liberal society is a juridical society, defined and governed by principles of justice” (Kymlicka 1989a: 122). Again, liberal political philosophers may disagree about the details of the circumstances of justice and the questions to which they give rise, but liberalism is committed to the idea that the human condition invariably elicits questions of justice.

Justice in a liberal democratic society requires also that we remain mindful of another important feature: pluralism. The political culture of a democratic society is characterized by a diversity of opposing, incommensurable and irreconcilable religious, philosophical and moral doctrines. This diversity is not a mere historical accident that will soon pass, but rather a permanent and desirable feature of liberal democracies. No amount of philosophical argumentation will dissolve pluralism because the burdens of judgement ensure that there will be disagreement between individuals, even reasonable individuals.13 Philosophical argumentation may reduce the range of views on political

13 Liberals have different views about this type of pluralism: “Some liberals celebrate the diversity of beliefs, commitments, ideals and life-styles held and practised in our community. Others accept simply as a matter of fact that diversity is irreducible to a single orthodoxy, no matter how rationally compelling that orthodoxy may be. And others are convinced by Mill’s arguments that any attempt to homogenize the ethical or religious life of our society would be ethically and socially disastrous. Whichever of these views is taken, a liberal society is envisaged as one in which people will practice and pursue a variety of opposing and incommensurable lifestyles” (Waldron 1987: 144).
legitimacy to those views falling on the egalitarian plateau, but *reasonable pluralism* will remain. In Rawlsian terms, reasonable disagreement is disagreement between individuals who are reasonable, rational and committed to honouring fair terms of cooperation as fully cooperating members of a society (Rawls 1993: 55). Since comprehensive moral doctrines cannot be expected to be endorsed by citizens generally, such doctrines can serve as the basis of society *only* with the oppressive use of political power (Rawls 1993: 10). As a result, the strategy of simply deriving principles of justice from a preferred comprehensive worldview or moral doctrine is not available to liberals.

This claim about the derivation of principles of justice from a comprehensive worldview or moral doctrine will be highly controversial among liberals and other political theorists subscribing to the distinction between political and comprehensive liberalism. Some political theorists may object that at least some liberal theories are comprehensive doctrines, and that some liberals do simply derive principles of justice from their comprehensive liberal theories. On this objection, some liberal theories sit on the same plane as and compete with other comprehensive doctrines held by individuals within a given society. As one comprehensive view among many, it is unlikely that such a liberal theory would receive the popular consent required to legitimate the exercise of political power within pluralistic societies. If a liberal theory were a comprehensive doctrine, then it would likely remain controversial among at least some portion of the greater population. There are political theorists who object that no doctrine is capable of extricating itself fully from metaphysical, epistemological and moral commitments, but to the extent that this is true, every theory of justice is likely to retain controversial elements, which would impede consensual legitimation.
While I have some sympathy with these objections, and I agree that there is plenty of room for liberal political philosophers to be clearer about the foundation and nature of their theories, liberalism differs from other comprehensive doctrines, and we can see this difference when we examine its relationship to them. Liberalism is not simply another rival to these comprehensive doctrines because it does not seek to displace them. Instead, liberalism seeks to provide principles of justice without displacing or replacing the comprehensive doctrines held by individuals in the society. That is, liberalism seeks to establish principles of justice that should be acceptable to individuals holding a variety of comprehensive doctrines, even many non-liberal and illiberal ones. The ultimate aim is to establish conditions of justice, freedom and equality for the peaceful and harmonious coexistence of individuals holding a wide variety of comprehensive doctrines.

Due to its concern for justice, liberalism is not consistent with every possible comprehensive doctrine, and it will renounce on the grounds of morality and justice any and all views inconsistent with its egalitarian core. For liberals, the racist, homophobic, sexist, ableist, xenophobic, chauvinistic and other inegalitarian aspects of comprehensive doctrines should be condemned, rejected and, if possible, revised. These views are not appropriate for the public sphere, according to liberals, because they are ‘unreasonable’; that is, they cannot be endorsed by free and equal individuals, so they cannot garner the requisite consent for the legitimate exercise of political power. While the liberal approach may not respect all of the actual comprehensive doctrines held by individuals in a given society, it is not clear that this is necessarily a shortcoming or something to lament. Clearly, there are comprehensive worldviews worthy of reproach from the perspective of

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14 It is important to note that, as will be discussed at length in Chapter Three, liberalism is capable of simultaneously condemning and tolerating within the private sphere, if the community, practice or norm has the free and informed consent of the individuals involved.
justice, but there are costs to this approach. According to Waldron, “The liberal will have to concede that he has a great many more enemies (real enemies – people who will suffer under a liberal dispensation) than he has usually pretended to have. This, then, is the cost of the move from actual consent theory with its emphasis on will to hypothetical consent theory with its emphasis on liberal reason” (Waldron 1987: 146). The general point is that, so far as possible, liberalism does not seek to convert individuals from their comprehensive doctrines to some form of liberalism, but rather seeks to establish principles of justice to which individuals should and would consent, under appropriate conditions. So, on the one hand, liberalism is independent of the conflicting comprehensive doctrines to which individuals actually consent, but on the other hand, liberalism seeks to establish a conception of justice supported by at least all reasonable comprehensive doctrines.

So, liberals tend to abandon the goal of actual universal consent, and instead, provide arguments based on universal, shared or common interests to justify political arrangements and the exercise of political power and authority. Waldron explains,

The liberal strategy has been to search for underlying interests and beliefs shared in common which may be appealed to in the justification of our institutional arrangements: the basic needs of nature, certain desired objects that are means to the pursuit of any ideal, common general beliefs about how the world works, similar modes of argument and reason, and so on. But in addition to that liberals must also assume that … there is something like pursuing a conception of the good life that all people, even those with the most diverse commitments, can be said to be engaged in (Waldron 1987: 145).

Liberals do not so much overlook the wide array of beliefs, needs, interests and desires of individuals as individuals and as members of distinct communities, as much as they cut through these differences to that which is universal, shared or common to all individuals.

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15 Waldron’s statement seems to equivocate over an important distinction. It is true that liberals will often find themselves in direct conflict with individuals seeking to politicize their preferred conceptions of the good and justice, but it is not clear that these individuals would ‘suffer’ under a liberal regime. For instance, many Christian resist liberal secularism, but these same Christians continue to flourish in liberal democratic states as individuals and as minority communities.
These differences may be very real and undeniable, but they do not provide a suitable basis for a society that is peaceful, stable, secure, ordered, free, equal and just. The liberal insight is that, given the conditions of pluralism, such a society should be based on what is common to all individuals, not what distinguishes them as unique or is most valuable to them. This is the path to universal assent, even if it is a hypothetical consent grounded in what individuals would accept under appropriate conditions.

The political morality of modern liberalism begins with some basic claims about our shared interests, and these claims are intended to be unobjectionable. According to Kymlicka, and it is difficult to see how anyone could disagree, individuals have an essential interest “in leading a good life, in having those things that a good life contains” (Kymlicka 1989a: 10). This is a banal claim with important consequences. Before we get to those consequences, however, we should make sure that we understand the content of this essential interest. Kymlicka clarifies that leading a good life may be different from leading the life we currently believe to be good, since “we recognize that we may be mistaken about the worth or value of what we are currently doing” (Kymlicka 1989a: 10). Given the stakes involved and the awareness of our fallibility, it is not surprising that individuals often devote a lot of time and energy to deliberating about the important decisions in their lives. We deliberate carefully because we worry about predicting wrongly, miscalculating probabilities or misunderstanding uncertainties, as we assess and choose between available courses of action directed toward our chosen ends.

Yet, individuals deliberate over not only the means to realize their ends, but also these ends themselves. Individuals consider and reconsider whether their ends, goals, projects, lifestyles and so on, are really and truly valuable and worthwhile. Oftentimes,
they find that their pursuits have been trivial, shallow or misguided; at other times, they find them to be simply the wrong ends for them, or less important than some other end. Individuals recognize their potential fallibility concerning judgements about their ends and the means of achieving these ends, and they deliberate about these matters. This deliberation makes sense only if our ends are chosen by us rather than provided from some external source, and only if there is a meaningful distinction between leading a truly good life and leading the life we currently believe to be good. Despite the occasional appearance to the contrary, this is the essential human interest with which liberal political philosophy aims to legitimize the exercise of political power.

Our essential interest in leading a good life has two important preconditions. Because we have an essential interest in leading a good life, we have an interest in the capacity to form, question, revise and rationally pursue our conception of the good and other relevant beliefs. Moreover, we have an interest in leading our own lives in accordance with our own beliefs because, as Kymlicka explains, “no life goes better by being led from the outside according to values the person doesn’t endorse” (Kymlicka 1989a: 12). For these reasons, Kymlicka concludes, “we have two preconditions for the fulfilment of our essential interest in leading a life that is good. One is that we lead our life from the inside, in accordance with our beliefs about what gives value to life; the other is that we be free to question those beliefs, to examine them in the light of whatever information and examples and arguments our culture can provide” (Kymlicka 1989a: 13).

Also, individuals have an interest in the resources, liberties and other means required to satisfy these preconditions to our essential interest in leading a good life. As a result, liberalism provides guarantees for the traditional civil and political liberties in the
form of individual rights. Furthermore, Kymlicka adds,

And individuals must have the cultural conditions conducive to acquiring an awareness of
different views about the good life, and to acquiring an ability to intelligently examine
and re-examine these views. Hence the equally traditional liberal concern for education,
freedom of expression, freedom of the press, artistic freedom, etc. These liberties enable
us to judge what is valuable in life in the only way we can judge such things – i.e. by ex-
ploring different aspects of our collective cultural heritage (Kymlicka 1989a: 13)

In this manner, liberalism moves from a universal, shared and common interest in leading
a life worth living, to other higher order interests, and then to the conditions required to
meet those higher order interests, like the guarantees inherent in the traditional liberal
rights and freedoms. This approach is summarized nicely by Kymlicka:

Each theory, therefore, must give an account of what people’s interests are, most com-
prehensively conceived, and an account of what follows from supposing that these inter-
ests matter equally. According to liberalism, since our most essential interest is in getting
these beliefs right and acting on them, government treats people as equals, with equal
concern and respect, by providing for each individual the liberties and resources needed
to examine and act on these beliefs (Kymlicka 1989a: 13)

If each step of this formula is executed correctly, then liberalism will provide each and
every individual in society with sufficient reason to accept and consent to a liberal
conception of justice based on their universal and highest order interest in leading a good
life. Of course, it is unlikely that each and every individual will actually consent to
liberal principles of justice, but the bar of actual consent is too high a standard by which
to measure success. What matters for liberal political philosophers is that the highest
order interests of each and every individual have been accounted for, and the exercise of
political power and authority under these liberal terms is thus legitimate.

Kymlicka’s summary of the liberal approach to justice also emphasizes the

16 According to Waldron, “Liberals stress the importance of each individual’s adoption of a particular
conception of the good, a view about what makes life worth living, and again a person’s rights are the
protections he needs in order to be able to choose and follow such values on equal terms with others who
are engaged in a similar enterprise” (Waldron 1992: 752-753).
importance of equality. Liberalism is committed to the equal treatment of individuals, where ‘equal’ is not necessarily synonymous with ‘same’ or ‘identical’. Because individuals may be different in morally significant ways, identical treatment may not be equal, fair or just treatment. A staircase leading to the only entrance of a public library treats everyone identically, but therein lies the injustice to non-ambulatory persons who face an unequal and unfair impediment. All individuals may have identical access to the public library, but non-ambulatory individuals do not have equal access to it.17 This familiar example demonstrates how the notion of equality is often closely associated with the ideas of fairness, equitability, evenhandedness and justice. It also provides an instructive case where an individual may reasonably withhold her assent from a particular political arrangement or policy because it would not treat her equally, fairly or justly. For liberals, there are legitimate forms of inequality stemming from the free exercise of individual choice under conditions of justice, but there are also unfair circumstances from which individuals may legitimately withhold consent. In this sense, equality, fairness and justice are closely associated with the political arrangements, policies and circumstances to which individuals would consent.

This brief sketch is based on what I consider to be the most widely held commitments of liberal political theorists: justice, reason, universalism, equality and freedom. Each of these features could be expanded in great detail, as well as other features of liberalism borne out of these theoretical and moral commitments, like the liberal theory of individual responsibility, the public-private distinction, and liberalism’s antiperfectionism, neutrality or impartiality. I will have more to say about these additional

17 This point is least controversial where there is some incapacity impacting on one’s access to the desired good, but its application is broader. Access may be unequal because it places an unreasonable or unfair burden onto some people.
elements of liberalism as they become relevant to my argument, but for now, we have an understanding of the core commitments of most liberal political philosophers.

1.3 Nationalism: A Long-Time Liberal ‘Frenemy’

National aspirations must be respected; peoples may now be dominated and governed only by their own consent. Self-determination is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril (Wilson 1927: 182).

Beginning sometime in the eighteenth century, many liberals and nationalists united as seemingly natural allies in innumerable struggles for the liberation of nations from imperial rule. Under the banners of self-government and self-determination, liberalism and nationalism worked to establish a sovereign state system organized in line with the nationalist principle, at least within the European context. The basic idea – an idea forming the basis of the United Nations regime of international law as well – was that international peace, security, order and stability required clearly delineated political units, and, as far as possible, these political units were to be sovereign and independent states with well-defined borders corresponding to distinct human populations. To present-day political theorists looking back at it, this early alliance may appear strange, unlikely, and perhaps even unnatural, but it is important for our discussion that we understand the historical relationship between liberalism and nationalism, especially their alliance during the struggle to bring an end to the age of empires.

But what is nationalism? Like most political ideologies, it is difficult to identify a core or essence of nationalism, but unlike many of these other political ideologies, as

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18 Anthony Smith believes that a problem with theorizing ‘nationalism’ is that the term may be used to reference a political ideology, a political policy of state nation-building, the social formation of nations or nation-states, a social movement for political change, or a social identity or consciousness (Smith 1991: 72). These are related dimensions of nationalism, and it is important to be clear about which sense is being used. In this section, I am primarily concerned with nationalism as a political ideology and movement.
Margaret Moore explains, a significant part of the difficulty is its “contextual and protean nature” (Moore 2001: 3). One reason for the prodigious spread of nationalism is that it is so easily adapted to suit the unique conditions, worries and aspirations of different groups. John Hutchinson and Anthony Smith classify some of these forms: “religious, conservative, liberal, fascist, communist, cultural, political, protectionist, integrationist, separatist, irredentist, diaspora, pan” (Hutchinson and Smith 1994: 3). Clearly, the wide array of nationalisms complicates efforts to study and conceptualize it.

Yet, many theorists have sought to look beyond nationalism’s contextual, versatile and amorphous nature to identify its foundational principles and assumptions. One common position is that, at its core, nationalism is the normative political view that there ought to be congruence between national and political units in accordance with the principle of national self-determination, or the nationalist ideal of ‘a state for each nation, and a nation for each state’ (Gellner 1983: 1-5). According to Ernest Gellner, “the nationalist principle can be asserted in an ethical, ‘universalistic’ spirit … unbiassed in favour of any special nationality … and generously preaching the doctrine for all nations alike: let all nations have their own political roofs, and let all of them also refrain from including non-nationals under it” (Gellner 1983: 1-2, sic). Gellner correctly emphasizes the political character of national aspirations, but mistakenly equates them with political self-government alone.19 Brendan O’Leary provides another definition of nationalism, which allows us to differentiate between two distinct political concerns: “Nationalism, the most potent principle of political legitimacy in the modern world, holds that the nation should be collectively and freely institutionally expressed” (O’Leary 1997: 191).

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19 Moore objects that Gellner’s view “entails that every nationalist movement seeks separation or independence” (Moore 2001: 4). Moore’s objection is well-founded insofar as the idea of establishing a ‘political roof’ for each nation requires some degree of political separation of nations.
This passage emphasizes two dimensions of the nationalist principle: (i) the political institutionalization of nationality, or what amounts to establishing and maintaining national politico-legal institutions for the expression of a common national identity and culture; and, (ii) national self-government through the devolution of political power and authority to provide nations with some measure of autonomy. These two dimensions of the nationalist principle provide two independent nationalist objectives, or two ways in which to acknowledge the moral value of national membership and community.20

On a conspicuously broad nationalist interpretation, the nationalist principle holds that any group of people, simply because they consider themselves to constitute a nation, is entitled to a political sphere in which to express its identity and culture, or to govern its own affairs. This interpretation is unacceptably expansive, since it is a subjective view lacking any objective conditions for nationhood (like population size and concentration, living on ancestral territory, distinct language and culture, and so on). This objection highlights the need for an acceptable conception of nationhood to identify the legitimate bearers of national rights, like the right to self-determination. The quest for a satisfactory conception of the nation is not merely an academic exercise for nationalists, since the nationalist principle is the ultimate standard of political legitimacy for them. Even though it does not share the same privileged status within liberal theory, the nationalist principle is often an important principle of legitimacy for liberals as well.

So, liberalism and nationalism were united by their shared enmity for the foreign rule and cultural suppression of minority nations, and this alliance was successful, despite

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20 This analysis has focused on cultural nationalism. Chaim Gans explains, cultural nationalism holds that “members of groups sharing a common history and societal culture have a fundamental, morally significant interest in adhering to their culture and in sustaining it across generations” (Gans 2003: 7). Alternatively, state nationalism holds that, “for states to realize political values such as democracy, economic welfare and distributive justice, the citizenries of states must share a homogeneous national culture” (Gans 2003: 7).
their divergent reasoning and the perpetual possibility of significant disagreement. The liberal position on the early struggles for national self-determination was clear. No less prominent a liberal philosopher than Immanuel Kant proclaimed, “Justice itself requires that the right [to national self-determination] be granted: for there is no more certain injustice than alien rule imposed against the will of a people” (as cited in Freeman 1999: 355). Isaiah Berlin echoed this sentiment many generations later: given the choice of being ruled by a co-national dictator or a “cautious, just, gentle, well-meaning administrator from outside”, people would rather be ruled by a dictator from their midst (Berlin 1969: 188). For Jan Klabbers, the explanation is straightforward: “Being governed from the outside would imply being less than fully free and, therewith, being less than fully human” (Klabbers 2006: 187). It is this basic idea about the injustice of foreign rule or domination, and the correlative moral value of being free to govern oneself, that formed the basis of the effective alliance between liberals and nationalists during the eighteenth and nineteenth centuries. The ideal of self-determination is associated with the idea of government of, by and for the people, and moral values, like liberty, freedom, autonomy, agency, democracy, equality, subsidiarity and recognition. For this reason, it is supported not only by liberals and nationalists, but also by libertarians, democrats, conservatives, feminists and communitarians.\footnote{It is a paradoxical feature of the principle of national self-determination that, when formulated abstractly as a general ideal, it tends to receive immediate, widespread and enthusiastic support; however, when the ideal is transformed into a concrete policy proposal, legal right under international law or claim by a minority community, it tends to stimulate vehement opposition and serious controversy.} In this light, the early alliance between liberals and nationalists under the banner of self-determination is hardly surprising.

Yet, after the Second World War, any alliance between liberalism and nationalism was anathema for the vast majority of liberals. The early alliance between liberalism and
nationalism was long forgotten, and international peace and justice seemed to require the
denunciation of nationalism and an affirmation of some sort of postnational cosmopolitanism. Many political theorists recalled the prophetic warnings of Robert Lansing, US President Woodrow Wilson’s Secretary of State during the Paris Peace Conference, in his personal notes recorded after the First World War: “The phrase [national self-determination] is simply loaded with dynamite. It will raise hopes which can never be realized. It will, I fear, cost thousands of lives ... What a calamity that the phrase was ever uttered! What misery it will cause!” (Lansing 1921: 97-98). Reflecting on the devastation wrought in the pursuit of self-determination since the Paris Peace Conference, Sanford Levinson commented solemnly that “Lansing’s only error, of course, was the almost literally incredible underestimation of costs” (Levinson 1995: 631). As a result of the atrocities committed in these struggles, nationalism had acquired a notorious reputation “for promoting intolerance, communal egoism, arrogant patriotism, racist tyranny, and genocide” (Tamir 1993a: 95). Since then, “nationalism has been associated with militarism, war, irrationalism, chauvinism, intolerance, homogenization, forced assimilation, authoritarianism, parochialism, xenophobia, ethnocentrism, ethnic cleansing, even genocide” (Brubaker 2004: 132). Worse still, these atrocities were widely considered to be the inevitable result of nationalist thinking – the logical outcome of an illiberal, primitive and barbaric ideology.

In the spirit of the opening sentence of The Communist Manifesto, Barry states, “The spectre that now haunts Europe is one of strident nationalism, ethnic self-assertion and the exaltation of what divides people at the expense of what unites them” (Barry 2001: 3). Barry’s description of nationalism provides a telling caricature, and like any
caricature, it draws our attention to certain distinctive features, but it places excessive emphasis on them, thereby distorting the accuracy of the picture as a whole. For Barry, nationalism is a form of “self-conscious traditionalism … [that] ‘valorizes’ the concept of culture with a vengeance” (Barry 2001: 260). He draws on the work of Dennis Wrong to portray culture as “originally an expression of German nationalism … deployed against the universalism of the French Enlightenment” (Wrong as cited in Barry 2001: 260). On this view, each people developed its own distinct culture and way of life to uniquely suit it. Additionally, each culture was a self-contained conceptual and moral universe, which established the possibilities and horizons of human thought (Barry 2001: 264). In practice, adherents of this view often denied the existence of a universal human nature, and saw human beings as necessarily linked to their native cultures through their distinct biology. This version of nationalism, which draws upon romantic German thinkers like Johann Gottfried Herder and Johann Gottlieb Fichte, portrays the social world as divided into nations with individuals serving not only as cultural members of the community, but biological or genetic members as well. Violations of the nationalist principle, on this view, are not only violations of political and moral principles, but also violations of the individual’s true nature. Foreign rule offends against principles of justice, but it offends against the natural and social order as well. As a result, it is a matter of eminent importance that national and political units be made congruent, and that nations become sovereign states with rights to territorial integrity and political independence. No part of the world has seen the nationalist principle honoured fully, and, given the number of minority nations without a political roof, this type of nationalism is a recipe for disaster – it is simply loaded with dynamite. In the face of this nationalist threat to international
peace and justice, many liberal theorists have disavowed any connection to nationalism.

This task of separating liberalism from nationalism cannot be accomplished with a mere withdrawal of support, or even a package of explicit condemnation and vehement rejection. It is often claimed that liberals cannot simply disavow nationalism because the liberal welfare state is predicated upon nationalist assumptions. Tamir asks, “Why is citizenship in a liberal state more commonly a matter of birthright and kinship rather than choice?” Moreover, “Why does the liberal welfare state distribute goods among its own citizens, while it largely ignores the needs of nonmembers? The answers to these questions direct us to the national values hidden in the liberal agenda” (Tamir 1993a: 117). It is often, and conveniently, overlooked that the liberal welfare state is predicated on certain nationalist beliefs. Ronald Dworkin concedes that liberals must “treat community as prior to justice and fairness in the sense that questions of justice and fairness are regarded as questions of what would be fair or just within a particular political community” (Dworkin as cited in Tamir 1993a: 118). If liberalism is committed to moral universalism, then it is unclear how liberals may restrict the scope of distributive justice to the boundaries of existing sovereign states. Any liberal opting to work within the parameters of the current sovereign state system must provide moral arguments to justify this political arrangement as a deviation from moral universalism.

Many liberals have opted to reject the common post-Second World War belief that liberalism and nationalism are necessarily opposed ideologies, and to incorporate some nationalist precepts within their liberal theories. Liberal nationalists work toward liberal theories of nationalism; that is, theories with fundamental liberal principles at their

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22 Tamir offers such an account: “The inconsistencies found in liberal theories of justice reveal that many nationalist elements, although unacknowledged, have been fused into liberal thought” (Tamir 1993a: 10).
core, coupled with various nationalist elements. According to Tamir,

The modern concept of the state draws inspiration from both liberal and national ideas. These two schools of thought could have joined in an ideal marriage: Nationalism could have supplied parameters for demarcating state boundaries, buttressing the view of the state as a community characterised by the mutual responsibility and the internal cohesion required by a welfare state, while liberalism could have provided the moral principles needed to guide personal and institutional behaviour (Tamir 1993a: 140).

It is important to remain mindful of the historical precedent for many liberals to be liberal nationalists, and the fact that liberal nationalism is not simply a late twentieth century invention. In the nineteenth century, liberal political philosophers supported the right to self-determination as a form of national liberation, but they also thought that individual freedom required national independence from foreign rule, and the ideal implementation of liberal principles necessitated a culturally homogenous nation-state. In multinational states, the presence of minority communities was thought to raise problems for the peace, stability and security of the state, as majoritarian decision-making without minority rights would lead almost inevitably to the domination of minority communities, then to various forms of resistance, civil war and/or international intervention (Kymlicka 1989a: 212). The establishment of an international order of sovereign nation-states was seen not only as desirable for the purposes of domestic, regional and international peace and stability, but also as a necessary component of a liberal approach to international justice.

Nonetheless, the historical alliance between liberalism and nationalism did not survive the Second World War and the horrors of the Holocaust. The role of nationalist thinking in sanctioning the expansionist plans of Nazi Germany did not go unnoticed, and thus, nationalism was blamed for its role in the conflicts that ultimately culminated in an unprecedented regional, and then international conflict. Moreover, nationalism was condemned for licensing the atrocities committed against the Jewish populations of
Europe and other ‘undesirable’ elements in society.\textsuperscript{23} The horrors of the Holocaust were an impetus for liberalism to embrace its universalism and individualism at the expense of its particularism and collectivism. Many liberal political philosophers embraced strict dichotomies between the universal and the particular, and the individual and the collective, and tried to entirely jettison the particular and the collective from their views. Oftentimes, liberal political philosophers experienced what seemed like intense visceral reactions to even a hint of their presence. In the interests of not only international peace, security, stability and order, but also domestic and international justice, there was a shift from thinking that states should be homogenous nation-states to thinking that states should be neutral and political. The liberal state was a singular political entity (rather than a cultural entity) comprised of citizens (rather than nations and their members). This move toward the political and the neutral was thought to provide the protection needed by individuals to stave off the type of atrocities witnessed during the Second World War. Liberalism and nationalism were no longer allies, but rather bitter enemies.

By the final quarter of the twentieth century, “there was a widespread assumption that the age of nationalism was over, that we were on the threshold of a postnational era”, and there was some truth to it (Tamir 1993a: 3). The nationalist ideal of a nation for each state, and a state for each nation was thoroughly discredited as being both impossible and undesirable. It was impossible because nations were so comingled as to preclude the creation of homogenous nation-states. Thus, as Tamir acknowledges, “It is now widely

\textsuperscript{23} In the words of Jacob Talman, “Never since the dawn of history had the world witnessed such a campaign of extermination … An entire nation was handed over by a ‘legitimate’ government to murderers organized by the authorities and trained to hunt and kill, with one single provision, that everyone, the entire nation be murdered … For the condemned, there was no judge to whom to appeal for a redress of injustice; no government from which to ask protection and punishment for the murderers; no neighbor on whose gate to knock and ask for shelter; no God to whom to pray for mercy. It is in all this that this last campaign of extermination differs from all the other massacres, mass killings, and bloodshed perpetrated throughout history” (Talman as cited in Gutman and Shatzker 1984: 237).
accepted that most states are not, never have been, and are unlikely to become nationally homogeneous” (Tamir 1993a: xvii). Even if it were possible to create such homogenous nation-states without infringing on the rights of individuals, a world divided into homogenous nation-states is not desirable in a globalizing world. Living within the confines of a nation and its culture, even a liberal nation, is often thought to be a stifling form of existence, artificially (and perhaps also, unjustifiably) limiting the potential scope of individual freedom and development. Also, maintaining a system of homogenous nation-states would require significant and unjustifiable limitations on personal freedom to maintain national homogeneity. So, in the course of the twentieth century, for too many reasons to list, the nationalist ideal began to decline from the heights of its apex.

Nonetheless, the widespread belief that the age of nationalism had given way to a postnational era was premature. It was not properly appreciated how the Cold War between the United States of America (USA) and the Union of Soviet Socialist Republics (USSR) in the decades after the Second World War had served to not only overshadow nationalist concerns with other political concerns, but also stifle nationalist aspirations for self-determination in the interest of political unity. Thus, with the fall of the Berlin Wall and the subsequent collapse of the USSR and Yugoslavia beginning in the late 1980s, many nationalist movements thought to have been vanquished began to re-emerge and regain popularity. Writing in the early 1990s, Tamir proclaimed, “nations that had once assimilated and “vanished” have now reappeared” (Tamir 1993a: 3). These events led many commentators to describe the late twentieth century as ‘the age of nationalism’, as ever increasing numbers of national groups throughout the world mobilized, asserted their identity, and made political claims for recognition and accommodation (Kymlicka
1995: 193). With the end of the Cold War and the ‘short twentieth century’, the political
demands of minority nations became a top priority in both domestic and international
politics. Quickly, it became clear that liberalism – the political ideology widely consid-
ered to be the great winner of the twentieth century – would have to contend with and
respond to serious challenges stemming from this resurrection of nationalism.

It would be much harder to contend with the resurgence of nationalism in the late
twentieth century, however. The background circumstances had changed in ways that
affected both the content of the claims and the means of satisfying them. Tamir explains,

In their enthusiasm to regain their national identity and acquire recognition and self-
respect, national activists often overlook the changes that have taken place in the sur-
rounding political, economic, and strategic circumstances, and fail to realise that national
slogans have become obsolete. The era of homogeneous and viable nation-states is over
(or rather, the era of the illusion that homogeneous and viable nation-states are possible is
over, since such states never existed) (Tamir 1993a: 3).

By the late twentieth century, it had become manifestly unreasonable to insist that the
nationalist principle required sovereign and independent statehood – sovereign statehood
may be sufficient, but it is not always necessary. With the inviolability of the nationalist
ideal of a state for each nation, and a nation for each state, nationalist claims for political
roofs needed to be recast to reflect the contemporary political, legal, economic, and
strategic conditions, if they were to have any chance of achieving their goals. In different
cases, this process of updating nationalism to reflect relevant changes in the world
required a shift to claims for political recognition, internal political autonomy or specific
measures to enhance a community’s ability to control matters of particular importance.
Whatever changes may have been required for nationalist claims to be updated to reflect
the contemporary world, it was evident that the anachronistic elements of nationalism
would need to be revised. It was time for a new nationalism.

- 40 -
Liberals have provided an alternative to the old nationalism. Liberal nationalism seeks to overturn the tendency of liberalism to neglect the value inherent in nationalism, and to overlook liberalism’s reliance on nationalism. Nationalism is a highly potent cultural and political force. “National ideas have indeed fuelled some of the most devastating regimes of this century, but they have also inspired some of its most glorious moments, when the struggle against colonialism and imperialism was waged in the name of national self-determination” (Tamir 1993a: 4). Liberal nationalism is motivated, among other things, by the belief that the power of nationalism may be harnessed to promote the interests of justice. Of course, such an endeavour requires stripping nationalism of its morally objectionable and pernicious elements, and updating them with suitable liberal replacements. One such revision involves placing less emphasis on particularistic, egoistic and self-centred nationalist discourses, and more emphasis on a universalistic and polycentric theory of nationalism. A liberal theory of nationalism “recognizes and cherishes the plurality of the national phenomenon”, and “Its arguments develop in reference to features shared by all nations, rather than on justifications resting on the specific history, cultural traditions, religious beliefs, or particular values of any one nation” (Tamir 1993a: 81). For moral, prudential and strategic reasons, nationalist claims should not be formulated in terms that are understandable and meaningful only to a community’s members, like claims based on being the chosen people of some deity. In the contemporary world, nationalist claims should be understandable and meaningful within a general context – for liberal nationalists, this is often the context of the value and role of culture and community for individual freedom and well-being, or the importance of a public sphere reflecting the national identity and culture.
But the nationalist challenge to liberalism is not merely the challenge of accommodating particular nationalist demands as a matter of ordinary political practice within a liberal democratic society, although this is surely important for peace, order and justice. The nationalist challenge functions on a more fundamental philosophical level as a challenge to liberalism and its principles of justice. Many political theorists who are critical of liberalism believe that its universalism and individualism preclude it from adequately contending with and responding to the nationalist challenge in a consistent and wholehearted way. They allege that nationalism taps into the particularities of culture and community, and that liberalism’s preoccupation with the universal and the individual leave it with a conception of the person as empty and unencumbered. The reconciliation of liberalism and nationalism within a single theory of justice requires the accommodation of national differences between individuals at the level of basic principles of justice, and it is this possibility that they deny. But for liberal nationalists, like Kymlicka, Tamir and Raz, such reconciliation is not only possible, but necessary. It is a mistake to view culture and community as forming esoteric or idiosyncratic interests for only a few disgruntled or disadvantaged individuals. Instead, culture and community factor into the essential interests of each and every individual conceived as a moral agent, a citizen, or a member of a cultural community. In brief, for many liberal nationalists, culture and community are necessary preconditions for individual freedom and our highest order interest in living a good life, and, as such, they merit protection and promotion as a fundamental matter of justice. Also, national identity and its collective expression are morally significant enough to warrant a public sphere for each nation.

This theoretical détente between liberalism and nationalism is not uncontroversial
among liberal political philosophers. In his often condescending, ungracious and uncharitable criticism of liberal multiculturalisms (including liberal nationalisms), Barry takes issue with Kymlicka’s claim that liberal multiculturalism has become the dominant position in the academic literature with most debates concerning how to develop and further refine it, rather than whether to accept it (Barry 2001: 6). According to Barry, Kymlicka’s proclamation is misleading. Barry does not dispute that the literature reflects a convergence of opinion on (at least) some basic tenets of liberal multiculturalism, and that the debates tend to centre on the appropriate form of liberal multiculturalism. His complaint lies elsewhere.

What is true is that those who actually write about the subject do so for the most part from some sort of multiculturalist position. But the point is that those who do not take this position tend not to write about it at all but work instead on other questions that they regard as more worthwhile. Indeed, I have found that there is something approaching a consensus among those who do not write about it that the literature of multiculturalism is not worth wasting powder and shot on (Barry 2001: 6).

Without a scientific poll of some sort, it is difficult to estimate the extent, distribution and locations of support for liberal multiculturalism among political philosophers working on questions of cultural difference, among liberal political philosophers generally, among political philosophers concerned with questions of justice, among political philosophers generally, or among scholars working in other subdisciplines of philosophy or other disciplines in academia. It would be interesting to test Barry’s musings, but I suspect that he is exaggerating the point – something he has penchant for doing.

In my experience, for what it is worth, there is some truth to Barry’s assertion about the lack of support for liberal multiculturalism from liberal political philosophers, other academics and laypeople. On the one hand, I speculate that a significant share of these misgivings stem from misunderstandings about its content and commitments, such
that educating people on liberal multiculturalism may make them more amenable to it. On the other hand though, I think that various forms of liberal multiculturalism have asked liberal political philosophers to abandon or revise some of their basic normative commitments, and that many liberal political philosophers have not been prepared to pursue this course. Without working their way through the details of the arguments, they have been content to dismiss liberal multiculturalism as a mistake, and, perhaps, like Barry, they believed that it “was bound sooner or later to sink under the weight of its intellectual weaknesses” (Barry 2001: 6). One of the motivations for my dissertation is to reach out to liberals who have not been prepared to endorse liberal nationalism. It is my contention that liberal political philosophers can take seriously the arguments for treating culture and community as necessary preconditions of freedom and our highest order interest in leading a good life without revising liberalism’s commitment to individualism, universalism, neutrality, fairness or universal citizenship.

1.4 The Ascendency of Multiculturalism and the Subsequent Retreat

Multiculturalism, according to one especially compelling formulation, is the radical idea that people in other cultures, foreign and domestic, are human beings, too – moral equals, entitled to equal respect and concern, not to be discounted or treated as a subordinate caste. Thus understood, multiculturalism condemns intolerance of other ways of life, finds the human in what might seem Other, and encourages cultural diversity … But on closer inspection, multiculturalism resists easy reconciliation with egalitarian convictions. After all, some cultures do not accept, even as theory, the principle that people are owed equal respect and concern (Cohen 1999: 4)

In his critique of multiculturalisms, Barry often seems to be reacting to what he sees as an uncritical consensus in the literature. Similarly, Anne Phillips portrays Susan Moller Okin’s feminist challenge to some forms of multiculturalism along analogous lines. Barry and Okin were just two of many critics reacting to the rapidly increasing popularity
of multiculturalism as a domestic and international response to cultural diversity. The implicit accusation was that insufficiently critical individuals had jumped hastily onto the multiculturalism bandwagon, that this support was tilting the scales of opinion dramatically, and unjustifiably, in its favour, and that there was a dire need for its popularity to be checked, before it wrought cataclysmic and irreversible devastation upon the world. Setting aside the insulting characterization of multiculturalists as an uncritical herd led by instinct rather than reason, it was true that, in the 1990s, with the threat of mounting ethnocultural violence around the world, various forms of multiculturalism were being accepted quickly and enthusiastically, and that its popularity was in the ascendancy. Multiculturalism appeared to enjoy the same level of widespread and enthusiastic support as anti-discrimination policies or even traditional liberal rights and freedoms. Given this context, multiculturalists like Glazer and Kymlicka may be forgiven for their passionate proclamations about multiculturalism’s popularity, and for their optimistic predictions about the future of multicultural policies, both domestically and internationally. After all, multiculturalism was enjoying unprecedented popularity, and people were optimistic about its ability to deliver on promises of peace, security and justice. In a very short period of time, multiculturalism had ascended to impressive heights.

In retrospect, it seems that the zenith of multiculturalism’s popularity in political theory, domestic practice, and international law may have been reached during the 1990s. Since then, there has been less optimism that some form of multiculturalism could ensure domestic and international peace, stability and security, and more doubt about its role within a defensible liberal theory of justice. Multiculturalism’s popularity had begun to stagnate in some circles, whereas in others, there was a slow and cautious retreat from it.
Multiculturalism was not so much seen as a grievous error as a misguided approach to peace and justice. Like nationalism, and perhaps because of its close association with it, multiculturalism was seen as inappropriate for the conditions of the new millennium.\(^2\) According to Phillips, multiculturalism has been a “scapegoat for an extraordinary array of political and social evils, a supposedly misguided approach to cultural diversity that encouraged men to beat their wives, parents to abuse their children, and communities to erupt in racial violence” (Phillips 2007: 3). In a short span of time, multiculturalism had ascended to euphoric heights before being subject to a sobering backlash.

At this point in time, it is clear that there has been a lamentable retreat from multicultural policies, but we should not rush to conclusions about its nature or causes. There are many contributing factors to this retreat from multiculturalism, and I suspect that most of them are not morally honourable or justifiable. The chauvinistic, bigoted, and xenophobic nature of some of the reaction to multiculturalism is not difficult to spot, and it is disquieting to note how often the term ‘multiculturalism’ is deployed as a euphemism for permitting the Other into ‘our’ jurisdiction. During times of economic instability or national insecurity, decent people may be swept up in the wave of suspicion of, and even contempt for, the Other living among us. The Other is foreign and different, and her Otherness furnishes the basis for her villainization as a threat to ‘our’ culture, ‘our’ values, ‘our’ way of life, or, in short, ‘our’ society. Too often, critics of multiculturalism are motivated less by concerns for human agency, dignity, equality, freedom or well-being, and more by the Other among us. This type of criticism is highly problemat-

\(^2\) The relationship between nationalism and multiculturalism is quite complex, partly based on the diversity of views within each ideology. It is important to note, however, that many nationalisms may be viewed as species of multiculturalism, since they endorse affirmative policies to protect and promote multiple nations within a larger political community.
ic. It is difficult to see what place, if any, such concerns should have in our assessment of theories of multiculturalism or multicultural policies. Whatever the appropriate concern for the preservation of a liberal society’s foundational values may be, it is clear that fear and loathing of the Other is not a suitable ground for evaluating multiculturalism.

In assessing the nature and causes of the retreat from multiculturalism, it is important that we avoid being swept up in a wave of hysteria. Also, we should avoid the myopia of focusing our attention exclusively on the negative reactions of disgruntled individuals. There is a positive side to the story: multicultural measures have been incorporated into domestic and international law all over the globe, and it is unlikely that there will be a wholesale denunciation of multiculturalism and a reaffirmation of monoculturalism. I suggest that a full-scale retreat from multiculturalism is as likely as a full-scale retreat from religious tolerance, and that neither scenario is worth betting on.

But multiculturalism continues to find itself in a precarious position. Having enjoyed a rapid ascendency, some of the progress of recent years is being reconsidered, revised and even abolished. There is more uncertainty about multiculturalism than there is rabid contempt of the form exhibited by Barry, and this gives multiculturalists of all stripes an opportunity to improve their theories, demonstrate their results in practice, and garner support for their proposals. To regain its past popularity and deliver on its promises, multiculturalism must respond to the actual conditions of multiculturality in the contemporary world, while honouring our moral commitments to equality, freedom and justice. What is required is a defensible liberal multiculturalism without nationalism.
CHAPTER TWO

RETHINKING MULTICULTURALITY

Since Hegel’s *Phenomenology of Spirit*, a broad, inarticulate division of emphasis between the individual and his social environment has marked philosophical discussions of mind. On the one hand, there is the traditional concern with the individual subject of mental states and events. In the elderly Cartesian tradition, the spotlight is on what exists or transpires “in” the individual – his secret cogitations, his innate cognitive structures. His private perceptions and introspections, his grasping of ideas, concepts, or forms … On the other hand, there is the Hegelian preoccupation with the role of social institutions in shaping the individual and the content of his thought … But the role of the social environment has received considerably less clear-headed philosophical attention (though perhaps not less philosophical attention) than the role of the states, occurrences, or acts in, on, or by the individual. Philosophical discussions of social factors have tended to be obscure, evocative, metaphorical, or platitudinous, or to be bent on establishing some large thesis about the course of history and the destiny of man. There remains much room for sharp delineation (Burge 1979: 536).

Political philosophers are well aware that their political theories are premised on accounts of human nature, broadly construed, but political theories often rely on views of social reality as well. Our assumptions about social reality have received less attention than they merit, and this neglect has produced a significant shortcoming in the literature on cultural rights. There is a tendency to reduce cultural plurality to two main types of diversity: (i) diversity from national groups, and (ii) diversity from ethnic or immigrant populations. Much progress has been made on these types of multiculturality in the last few decades, but there is a problem here. The problem is not that these forms of diversity are not significant, or that they represent only a small fraction of real world cases, but rather that they distort our view of multiculturality by placing undue and excessive attention on two specific types of cultural diversity. These cases have framed what Kymlicka has called ‘the challenge of multiculturalism generated by national and ethnic difference’,
but it is a mistake to assume that national and ethnic differences exhaust the domain of multiculturality.\(^1\) The amount of attention devoted to national and ethnic difference has distorted the portrayal of multiculturality. The picture is so skewed by nationalist lenses that someone new to the literature may be forgiven for assuming that multiculturalists are concerned with national and ethnic difference alone.

There may be good reasons for the preoccupation with the challenge posed by the nationalist revival in the post-Cold War era, and it is likely that these reasons will involve some combination of conceptual, moral, political and strategic considerations. What is less likely, however, is that there will be an argument sufficiently potent to limit the scope of cultural difference relevant for the theory and practice of liberal multiculturalism to this group alone. Clearly, national and ethnic communities matter, but it is unlikely that only these groups matter. If these communities matter based on their contribution to the lives of individuals, then we should expect for other communities making a similar contribution to our lives to matter too. In this chapter, I interrogate the foundations of liberalism to determine its rationale for protecting and promoting culture and community, and then to expand the scope of cultural communities relevant for the purposes of the philosophy and practice of multiculturalism in accordance with this rationale, and in the interest of consistency. Ultimately, I am proposing that we rethink our assumptions about multiculturality, and this task requires us to investigate our social dependence on culture and community as it relates to liberalism’s commitment to individual freedom. It is my contention that rethinking the conditions of multiculturality will not only expand the category of cultural communities relevant to multiculturalism beyond nations and

\(^1\) It should be noted that Kymlicka himself does not believe that national and ethnic difference exhausts the domain of the cultural, and he devotes a few passages to narrowing the scope of cultural difference to suit the objectives of his project (see Kymlicka 1995: 17-18).
immigrant groups, but also produce additional questions of cultural justice.

Rethinking multiculturalism involves rethinking the function of individual and collective elements in our understanding of the necessary human dependence on culture and community, the individual, community, social reality, the questions of justice raised by these conditions, and various liberal responses to these questions. In this sense, the age-old debate between individualism and collectivism continues to be a significant theme in political philosophy, just as it is in the philosophy of mind/language and various other sub-disciplines of philosophy. Liberalism has been criticized by communitarians, socialists, nationalists, and feminists alike for its excessive ‘individualism’ or ‘atomism’, and “for ignoring the manifest ways in which we are ‘embedded’ or ‘situated’ in various social roles and communal relationships” (Kymlicka 1989a: 9). Many of these criticisms lack the proper textual support to make them credible, and many others fail to appreciate liberalism’s long history of taking seriously the values of culture and community as vital preconditions of individual freedom and justice, even though liberal support for these values has been discreet at times. Nonetheless, these critics often draw attention to how liberals have failed to maintain the delicate balance between the individual and the collective, as background geopolitical events have served to throw off the balance. In the post-Second World War period, liberals were prone to over-emphasizing the individual at the expense of the collective in their support of the international human rights framework, whereas in the post-Cold War era, the collective was often supported too enthusiastically, and perhaps too uncritically. In the opening quote to this chapter from “Individualism and the Mental” – a classic paper that established Tyler Burge as a central defender of ‘anti-individualism’ or ‘externalism’ about mental content individuation – Burge empha-
sizes the importance of overcoming obscure, evocative, metaphorical, or platitudinous discussions of the individual and the collective, in search of clear-headed delineations. Much the same could be said about discussions of the individual and the collective in the philosophy of multiculturalism or cultural rights. In particular, there is ‘room for sharp delineations’ in our understanding of the conditions of multiculturality, and our ordinary, but essential, social dependence on culture and community.

To move toward these sharp delineations, I will analyze Burge’s famous arthritis thought-experiment in order to get a better understanding of multiculturality and the challenge it presents for political theory and practice. There are a number of reasons for political philosophers to pay attention to Burge’s anti-individualist thought-experiment. First, although the individualism-collectivism theme is discussed differently in different sub-disciplines of philosophy, it is possible to extrapolate lessons from one sub-discipline into another. In particular, there are already influential arguments in political philosophy premised upon accounts of language and culture, so there is a precedent for exactly the type of sub-disciplinary transplantation of ideas and lessons that I am proposing. Second, Burge’s arguments for anti-individualism establish our dependence on our culture and community in a more careful and rigorous way than political philosophers have tended to do. This scrupulous analysis furnishes us with a better account of the individual, her community, and her dependence on language, culture and community, and thus also of the conditions and challenge of multiculturality. Third, the role of community and culture as context for choice, identity and well-being raises questions about the nature of our embeddedness or contextuality, and Burge’s arthritis thought-experiment can shed light on these questions, especially the controversy surrounding its individual and social
components. Fourth, since the thought-experiment is concerned with language and mental contents, it allows us to see with greater clarity why it is inappropriate to equate languages and cultures with societies. It is clear that our social embeddedness has important descriptive and normative implications for the philosophy of cultural rights, but it is not clear how we are embedded, and, thus, it is not clear how our embeddedness affects our cultural rights. The primary objective of this chapter is to sharpen our understanding of the essential human dependence on communities and their cultural norms, and thereby, to better understand the conditions and challenge of multiculturality.

My plan is to begin with the basic postulate of political theories – their account of the human person – and to argue that our cultural embeddedness provides us with many reasons to forego an account of human nature. Instead, to avoid some serious conceptual difficulties and the metaphysical baggage associated with accounts of human nature, we should work toward a liberal conception of the individual that takes seriously our cultural embeddedness, but also our capacities as individual moral agents (§2.1). Two key steps in this investigation are the delineation of the concept of culture (§2.2), and the explanation of the crucial role played by culture in liberal political philosophy, after the germinal work of Will Kymlicka (§2.3). With this groundwork in place, I turn to Burge’s work in the philosophy of language/mind because it offers important insights into the nature of our cultural embeddedness and our essential social dependence on language, culture and community, particularly as an alternative to Taylor’s discussion on the topic (§2.4). Yet, there is a troubling metaphysical or social ontological assumption in Burge’s thought-experiment, and it is important to correct for this widespread monocommunal background (§2.5). The result is an alternative conception of multiculturality as a revision of the
dominant model assumed in much political theorizing (§2.6). It is important to appreci-ate the relation between this revised account and concepts like the nation, the people and Kymlicka’s notion of societal culture, and the partial shift of emphasis from the complex whole to its internal cultural diversity (§2.7). This partial shift requires us to view cultural communities simultaneously as complex wholes and as internally differentiated and contested, and this view is associated with three dimensions of multiculturality: social contexts, the community and the individual (§2.8). Moreover, this partial shift produces a broader view of cultural diversity and the challenge of multiculturality, and warns against too stringent a distinction between diversity between and diversity within cultural communities, with the associated prioritizing of the first type of diversity (§2.9).

With the expansion of the scope of cultural diversity relevant for political theory and practice, the widespread phenomenon of cultural contestation raises normatively significant questions of justice, particularly in relation to unaccounted-for cultural interests or the cultural remainder left behind by other liberal multiculturalist accounts (§2.10). Before we can respond to these questions, it is necessary to better understand them, and that is my task in this chapter.

2.1 Liberalism, Nationalism and the Individual

The artist had unconsciously worked his nationality into the picture. To tell the truth, I am getting a little perplexed about John the Baptist and his portraits. In France I finally grew reconciled to him as a Frenchman; here he is unquestionably an Italian. What next? Can it be possible that the painters make John the Baptist a Spaniard in Madrid and an Irishman in Dublin? (Twain 1869: 195).

Every political ideology is premised on some account of the individual, typically in the form of an account of human nature. Whether the theory in question is centred on the human being, the individual, the self, the person, the moral agent, the citizen or some
other signifier of the human subject of political philosophy, inevitably, some account is
required to provide part of the conceptual basis for claims to or denials of basic human
needs, interests, protections and rights. Even theories promoting acute forms of tolerance
and non-interference of the sort advanced by Kukathas will require some account of the
human subject of political philosophy to explain and justify their normative prescriptions.
The general point is that a view of the human person, and her interests, is indispensable to
political philosophy, but these views are not unproblematic. Iris Young summarizes in a
nutshell the dilemma facing political philosophers: “On the one hand, we express and
justify norms by appealing to certain values derived from a conception of the good
human life. In some sense, then, any normative theory implicitly or explicitly relies on a
conception of human nature. On the other hand, it would seem that we should reject the
very idea of a human nature as misleading or oppressive” (Young 1990: 36). She is right
to stress this dilemma, but the situation is less dire than her summary seems to suggest.

The liberal multiculturalism defended in this dissertation is premised upon an
account of the individual, not an account of human nature. A significant benefit of this
approach is that this view will not be saddled with the metaphysical baggage commonly
associated with the idea of human nature. Human nature is supposed to identify the
essence of humanity via the necessary, permanent and universal features of human beings
qua human beings, and this essence is thought to be pre-social and unencumbered by our
sociality. There are (at least) four reasons to depart from such an account.

First, accounts of human nature tend to seek necessary, permanent, and universal
features, but there is no reason internal to the idea of human nature itself to preclude
gradual changes or evolution over time. It would seem that the reasons for viewing
human nature in these terms tend to come from contentious background metaphysical views, like Platonic or Aristotelian metaphysics, but it is possible that a consequence of our cultural embeddedness is that our characteristics and interests as human beings change over time. An account of the individual may identify significant characteristics and features without viewing them as necessary and permanent.

Second, the idea of human nature itself is ambiguous. The nature of a human being has three dimensions: our nature as members of a common species, our nature as members of specific cultural communities, and our nature as distinct individuals.² Parekh argues that it is a mistake to equate our nature with human nature alone because “it ontologically and morally privileges the species nature and marginalizes the other two” (Parekh 2000: 123). The deeper point pushed by Parekh is that human beings belong to a common species in a culturally-mediated manner, and we belong to cultural communities by virtue of belonging to a common species. So, when we encounter other human beings, we should expect to find similarities and differences with them, and this expectation applies to individuals from our cultural community and to those from distant, foreign and unfamiliar cultural communities too. It is a mistake to assume that other individuals are basically like us based on our shared humanity or common cultural membership, or that we are completely unalike and incommensurable based on cultural differences.

Third, natural and social scientists have never observed or studied a mature human being in her ‘natural’ condition, uninfluenced and unaffected by social and cultural influences. The difficulty here is that investigations into human nature require

² The idea of a ‘second nature’, or culturally-influenced nature, resonates with the communitarian idea that individuals are constituted by their communal memberships. Similarly, individuals may be constituted in such a manner as to produce characteristics, traits, dispositions and so on having “the same force as the tendencies deemed to be inherent in their shared human nature” and being “just as inseparable and ineradicable from their being” (Parekh 2000: 122).
natural and social scientists to have either access to unmodified human nature, or a procedure to distinguish those aspects of individual human beings that reflect human nature from those aspects produced by culture, since the qualities, characteristics and properties of mature human beings are, at least in part, the product of socialization or acculturation. It is not clear whether or how they can accomplish this feat.

Fourth, the development of an acultural account of human nature is doubtful insofar as the subjects conducting the inquiry into human nature are also tainted with social and cultural influences. Scientists are individuals constituted through interaction with other people and their embeddedness within cultural communities, and, as a result, they are “prone to the understandable tendency to mistake the normal and the familiar for the natural” (Parekh 2000: 120). This type of cultural influence on our observations, interpretations and assessments does not only lead us to view the familiar as natural, but it leads to unacceptable moral evaluations as well, when the familiar is viewed as good. Historically, the impact of cultural influences on the ‘scientific’ investigations of various types of human beings – e.g., women, various racial groups and homosexuals – has produced highly objectionable and offensive stereotypes of these groups, and served to explain and support much injustice, oppression and disadvantage. The problems associated with these understandable, but rarely forgivable, tendencies are often compounded by the explanatory and normative power of appeals to human nature.

These problems have culminated in a fairly harmonious consensus on the specific problems with using an account of human nature in political philosophy. The standard picture of these problems consists of (at least) four elements (Tamir 1993a: 15-16;
Kukathas 2003: 64-65; Parekh 2000: 47; Young 1990: 36). First, due to the impact of our cultural embeddedness on both the object and observing subject, the information from the natural and social sciences is insufficient to establish a comprehensive portrait of human nature. Second, this indeterminacy often leads to implicit supplementation with normative, evaluative, aesthetic and other types of assumptions about what human beings should be. Such supplementation fills informational gaps, but risks descriptively and normatively inadequate results of the sort described by Mark Twain with reference to portraits of John the Baptist in the opening quote of this section. Third, this process of supplementing information from the natural and social sciences with implicit normative assumptions tends to incorporate unacceptable cultural biases. The objection here is that a particular description of what human beings are (or should be) is presented as a universal description of the essence of human beings, and the result is a farce with the particular masquerading as the universal. Fourth, these normative assumptions supplementing the information from the natural and social sciences are not only descriptively inaccurate and culturally biased, but also they function as an often subtle form of cultural imperialism, oppression or disadvantage, if not something worse. The interests of a privileged group are treated as the ‘natural’ interests of all human beings, and the institutionalization of these interests advantages members of the privileged group, while disadvantaging non-members. Furthermore, this hidden form of bias is bolstered by the explanatory and normative power of the idea of human nature, thus rendering it more difficult to criticize and displace. Given these problems, political philosophers have good reasons to avoid the idea of human nature and its metaphysical baggage.

The liberal multiculturalism defended in this dissertation is premised on a concep-
tion of the individual. A conception of the individual is not an account of human nature because there is no pretence about the individual’s characteristics being necessary, permanent, or eternal. Instead, a conception of the individual is designed for particular issues in political philosophy under particular conditions, and as a result, it can identify specific features of the individual relevant to the task at hand without proclaiming that, throughout time and space, as a matter of necessity, all human beings have, do and will exhibit this inalterable trait. In other words, unlike an account of human nature, a conception of the individual is not metaphysical, but rather political and practical. So, a conception of the individual performs the function of an account of human nature within political philosophy, without taking on the troublesome metaphysical baggage and conceptual difficulties plaguing such accounts. Even so, conceptions of the individual should be sensitive to and able to account for differences between human beings.

While different liberals may hold different versions of such a conception of the individual, we have already caught a glimpse of the liberal individual in our discussion of the circumstances of justice, but let us rehash the main points quickly, keeping in mind that they stem from a different topic in liberal political philosophy. Liberalism holds that there is a constant possibility of conflict between individuals based on their natural condition and their equal status. Individuals are naturally equal because (i) they have roughly similar physical and mental abilities, and (ii) they are mutually vulnerable. Also, individuals have roughly similar needs and interests, and, as a result, there is competition for valued goods, but also the foundation for a mutually acceptable and just accommodation of our needs and interests. Given the importance of widely valued

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4 Natural equality is not inconsistent with differences in physical and mental abilities, but these differences tend to fall for the most part within a species-specific range.
goods, individuals are competitive and motivated by their self-interest, but also generous, benevolent and motivated by the interests of others (especially those individuals with whom they have an important relationship). Individuals are able to control and adjust their conduct in the pursuit of their desired ends and life-plans, but also in the interest of peaceful coexistence, fair cooperation and the well-being of other individuals. Thus, individuals are moral agents with reason and rationality, freedom and autonomy, and the ability to deliberate, evaluate, order and choose between available courses of action.

Liberalism places considerable emphasis on the moral agency of individuals, in particular our ability to lead our lives according to a chosen life-plan or conception of the good. This ability requires that individuals have beliefs about the natural and social world, beliefs about what is valuable and worthwhile in life, desires to acquire, attain or accomplish particular things or ends, as well as the conceptual and evaluative resources to identify, deliberate about, evaluate, order, and then choose between available options. Individuals are capable of appreciating their prospects for success or failure, identifying possible impediments to their pursuits, and adjusting their plans accordingly, but this capability does not ensure success in their endeavours. They are fallible in various ways, and this fallibility is evident when they painstakingly deliberate over available options. Yet, they may still fail to identify all their options, or to understand facts about how the world is or operates, or to appreciate the presence of obstacles and impediments, or to assess the value for them of actually acquiring, attaining or accomplishing their most desired ends. Individuals are fallible. They may be mistaken in their beliefs, values, life-plans and conceptions of the good, and they recognize both the possibility of error and the fact that these things are revisable; so, they worry about them. It matters that they
have accurate beliefs about the world and what is valuable for them because errors risk diminishing their prospects for happiness, well-being and leading a good life. The choices they have to make are highlighted by the presence of other individuals with different beliefs, values, life-plans and conceptions of the good, and these differences are occasionally experienced as challenges to them, their choices and their way of life. Individual variation produces desirable plurality, but also thorny tension and conflict. Nonetheless, it is fair to say, as Tamir does, “Liberals emphasise and celebrate the plurality of desires, beliefs, and conceptions of the good” (Tamir 1993a: 17).

Yet, liberalism and its conception of the individual have been criticized for being ‘atomistic’, ‘empty’, ‘unencumbered’, ‘inhospitable to difference’, ‘alienating’, and, even ‘assimilationist’. Quite often, the state of nature thought-experiment is taken by critics of liberalism to represent an all-purpose liberal conception of the individual, and this error has prompted criticisms about the atomistic character of the liberal individual. Alison Jaggar claims that “the liberal assumption [is] that human individuals are essentially solitary, with needs and interests that are separate from, if not in opposition, to those of other individuals” (Jaggar as quoted in Kymlicka 1989a: 14). She is drawing attention to the portrayal of the individual in the state of nature thought-experiment as (i) a normal adult human being, (ii) driven by her freely chosen desires, goals and life-plans, (iii) not necessarily in any significant relationships with other human beings, and, thus, (iv) not motivated by the interests and needs of others. Michael Sandel pushes the point further:

The theme common to much classical liberal doctrine that emerges from the deontological account of the unity of the self is the notion of the human subject as a sovereign agent of choice, a creature whose ends are chosen rather than given, who comes by his aims and purposes by acts of will, as opposed, say, to acts of cognition ... The antecedent unity of the self means that the subject, however heavily conditioned by his surroundings, is
always, irreducibly, prior to his values and ends (Sandel 1982: 22).

These related criticisms of liberalism are summarized well by Seyla Benhabib.

Psychologically, the state of nature metaphor is an affirmation of individualism, autonomy, independence, and self-reliance. The male is seen as one who owes nothing to others for the rights to which he is entitled; it is not his historical community of birth and entitlement which endows him with these rights; rather, it is his “Maker” and the law of nature, which all men of sound reason and goodwill can consult in order to discover this radical message of equality and autonomy (Benhabib 2002: 43).

According to critics of liberalism, the liberal individual is not only viewed as a self-sufficient, independent and separate unity, but also a selfish and sovereign consumer, who is competing with other individuals, and who is driven by her obsession to secure her desires and ends in a free market economy.

This type of objection is familiar, but it is not an accurate representation of the liberal individual outside the context of the state of nature thought-experiment, and even in that context, its veracity is questionable. In general, these criticisms seem to be made with almost no textual support, and this shortcoming has been pointed out repeatedly by prominent liberals, like Kymlicka and Barry. Barry believes that these criticisms have “become something of a mantra among anti-liberals”, and their accuracy is often “so taken for granted that it is not considered necessary to offer any evidence” (Barry 2001: 68). When evidence is provided, however, it tends to come from the pre-political state of nature thought-experiments, most often from the work of Hobbes or Rawls.5

On the Hobbesian account, individuals are portrayed as depicted by Jaggar, Sandel, Benhabib and other critics, but it is a mistake to consider this portrayal to constitute an all-purpose liberal conception of the individual. Each feature of the individual in the

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5 While the history of liberalism requires us to acknowledge the influence of Hobbes, it is at least very controversial to consider Hobbes to be a liberal political philosopher. In my opinion, there are persuasive reasons to see him as a proto-liberal rather than a liberal.
state of nature thought-experiment is required to establish a suitable decision-making situation. Individuals in the state of nature are contracting to form a political society, and choosing the terms of their cooperative venture, in accordance with the basic idea that the legitimacy and justification of any political arrangement depends on its acceptability to the individuals governed within it. As such, the acceptability of political arrangements should not be based on the benefits of this arrangement for the individual’s family, friends or associates because they and their interests will be included as other solitary and rationally self-interested individuals in the state of nature. The thought-experiment portrays individuals as solitary and rationally self-interested, not because individuals are or should be this way, but rather because such a depiction is required to establish the conditions for the decision-making situation and for consensual legitimation based on the prudential benefit to individuals qua individuals.

Rawls’ work on the state of nature thought-experiment is a far richer and more developed contribution to the contractarian tradition. But here too, as Barry suggests, “The surprisingly frequent claim that Rawls’s theory is designed for disembodied beings and not for real people, with particular commitments and attachments, rests on a complete misunderstanding of Rawls’s motives and methods” (Barry 2001: 69). Critics complain that individuals in the original position behind the veil of ignorance are stripped of their particular features, identities, relationships and commitments, and this removal of their particularity leaves behind nothing more than an empty humanity. It is claimed that this reveals that liberals hold that gender, nationality, sexual orientation, religion and any other non-universal property, relationship or commitment are unimportant for political philosophy and justice. Yet, liberals tend to think the opposite. To quote once again
from Barry, “It is precisely because such things are important to people that it is essential for a theory of justice to take account of them in the right way” (Barry 2001: 69). For Rawls, difference has been attended to properly when political arrangements or principles of justice would be endorsed as fair by each individual, under the proper conditions, regardless of her personal characteristics. Liberalism does not overlook difference. Instead, it provides what it considers to be a suitable, equal, fair and just response to it.

There is not much to the criticism that liberalism is oblivious to differences between human beings, so I do not want to dwell on it. Instead, there is a related criticism dealing with the nature of cultural memberships, specifically whether cultural memberships are matters of individual choice or fate, which has more significant implications for the debates between liberals on multicultural theory and practice. This debate is often raised by communitarians, nationalists and feminists, and we can bring the issue to the fore by examining the national view of the individual as a rival to the liberal conception.

Like liberalism, nationalism is a modern movement sharing “the view that free, rational, and autonomous human beings are capable of exercising full responsibility for the conduct of their lives”, and that individuals have the “ability to attain self-rule, self-expression, and self-development” (Tamir 1993a: 16,17). Of course, this common basis had led to divergent and conflicting interpretations of the individual, with different human characteristics being stressed by each tradition. Unlike liberalism, nationalism stresses “the inescapable social aspect of personal identity”, and suggests that “the only way in which individuals can realise themselves to the full is by identifying with the nation, serving it, obeying its customs, and unreflectively celebrating its greatness” (Tamir 1993a: 17). Membership in a specific national community is not necessary,
predetermined or destined, but being born and raised in a national community becomes constitutive of the individual’s identity and character. In this sense, and under those conditions, national membership is not only constitutive of the individual, but also becomes a matter of fate rather than choice. The individual is so thoroughly embedded in and constituted by her national membership that she cannot distance herself from this membership in order to subject it to choice or renounce it – Parekh would say that her national membership constitutes a ‘second’ nature. With something like this archetypal nationalist image in mind, many communitarians and nationalists have accused liberals of endorsing an impoverished conception of the individual, which is unable to appreciate the constitutive role of cultural membership and the importance of cultural embeddedness, due to its over-emphasis on the ability of individuals to choose.

Liberalism is not committed to such an impoverished view of the individual or her cultural memberships, and the distinction between cultural membership as a matter of choice or destiny establishes a false dichotomy. On the one hand, communitarians and nationalists exaggerate the significance of national memberships for the constitution of the individual. After all, Tamir asks, “would national, religious, and cultural movements be so fearful of conversion and assimilation were it not clear that individuals do indeed have a choice in these realms?” (Tamir 1993a: 7). They may be motivated by concerns for their children, the esteem of their nation, religion or culture in social spaces, or the continued survival and health of their communities as well, but the rhetoric of national, religious and cultural movements often convey their awareness that individuals do opt to change their national, religious or cultural affiliations. On the other hand, nationalists and communitarians also exaggerate the type and extent of choice espoused by liberals.
They claim that liberals view individuals as antecedently free of constitutive attachments, again based on the pre-political state of nature thought-experiments, and this radical freedom is an inaccurate portrayal of the cultural lives of individuals, our self-perceptions and understandings relating to our cultural memberships, and the deeply constitutive character of these cultural memberships. These criticisms are more plausible vis-à-vis our cultural memberships in state, national and religious communities than many other types of community, but liberals deny that these criticisms are true even in these cases.

One way of understanding liberalism’s position on this issue is to view it as a denial of the nationalist ideas that cultural memberships are beyond choice, that they are a matter of fate and destiny, and, more extremely, that they are fixed, unchangeable and unmodifiable. Beginning from the denial of these nationalist ideas, liberals reject the accusation that they see individuals as culturally unembedded, and radically free to choose whatever they desire, as if choosing to do something and doing it amounted to the same thing. Liberalism holds that, at least in principle and often in practice, individuals may distance themselves enough from any of their cultural memberships to enable them to subject their memberships to choice. This choice may pertain to continuing or discontinuing one’s membership in a particular community, experimenting and then incorporating a new cultural membership, changing the meaning of one’s membership, and other similar decisions. Liberalism, as explained by Tamir, “cherishes openness, reflection, and individual choice”, and holds that “cultural memberships are not beyond choice” (Tamir 1993a: 7). She clarifies, “Claiming that individuals can choose their communal affiliations does not imply that they approach their membership superficially, or that they consider it irrelevant to their self-definition” (Tamir 1993a: 7). Additionally, it does not

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6 These ideas are attributable to nationalists, but they are often exaggerated.
imply that an individual raised within a cultural community may simply choose to withdraw and then instantly or magically have no ties to the community and its members, and no residual influences from her prior embeddedness within that community. It may take considerable effort over an extended period of time for an individual to extricate herself from a community, and successfully change those aspects of her personality and character that developed as a member of that community. It may be difficult, and the individual may fail to fully achieve her desired goals, but she is still able to choose to withdraw from the community and attempt to change herself according to her views about the type of person she wants to be. It is in this sense that liberals affirm that cultural memberships and their impact on individuals are subject to choice, even when acting on these choices may feel like a Sisyphean task.

This response may clarify liberalism’s general position on the matter, but it raises more questions than it answers. After all, it does not establish the relationship between the liberal individual and her cultural membership, or explain the character or conditions of our social dependence on culture and community. The key to revealing the liberal conception of the individual is to realize that the liberal individual is distinct from the caricature of the national or liberal positions so often described in the literature. The liberal individual does not correspond fully with either the totally situated national self or the antecedently free, atomized liberal self, and it is widely acknowledged that these poles of the dichotomy are caricatures rather than credible candidates for a conception of the individual for the purposes of political theory and practice. Each pole points to an important element of the conception of the individual, while exaggerating its role and neglecting other significant elements. Tamir points out quite reasonably, “liberals need
not reject the importance of cultural contextualisation, whereas nationalists need not ignore the importance of personal freedom” (Tamir 1993a: 18). Tamir explains that this realization has motivated “the search for a midway position able to encompass the nationalist belief that individuals are the inevitable product of their culture, as well as the liberal conviction that individuals can be authors of their own lives” (Tamir 1993a: 13). The first step to a suitable synthesis of these positions is to realize that embeddedness and choice are not necessarily antithetical, but rather that the capacity for and exercise of choice depend on culture and community in ways that we have yet to specify. The liberal individual is culturally embedded and dependent on her culture and community, but she is able to reflect on, evaluate and choose her conception of the good, her ends, and her cultural affiliations because she is situated in a particular context. Cultural contexts provide individuals with established frameworks for deliberation, by providing beliefs about the natural and social worlds, beliefs about what is valuable and worthwhile, values for the assessment, evaluation and ordering of different desires, options and ends, and other conceptual resources. This is a portrait of what Tamir calls “the contextual individual” – a portrait that “combines individuality and sociability as two equally genuine and important features” (Tamir 1993a: 33). Thus, the contextual individual conjoins personal autonomy and communal belonging to demonstrate that “no individual can be context-free, but that all can be free within a context” (Tamir 1993a: 14, my emphasis).

The concept of the contextual individual espoused by Tamir is consistent with the ideas of other liberal nationalists, like Kymlicka and Raz, but it does not represent a consensus in the liberal literature. Some liberals, like Waldron, accept the general point that individuals require culture and community for choice and freedom, but reject the
background social ontology of liberal nationalism and its prioritizing of the nation. Waldron notes the moral, political, cultural and economic interdependence of individuals, and the importance of cultural resources for individual choice, but refuses to accept that the contextual individual is a suitable representation of the liberal individual.

Instead, Waldron endorses a conception of the individual as the cosmopolitan individual. He considers the cosmopolitan individual to be a liberal conception, but a conception that breaks with the liberal tradition insofar as it moves beyond the ethical unity of the liberal individual. The cosmopolitan individual “has none of the ethical unity that the autonomous Kantian individual is supposed to confer on his life; it is a life of kaleidoscopic tension and variety. It is not the pursuit of a chosen conception of goodness along lines indicated by Ronald Dworkin; nor does its individuality consist, in Rawls’s words, in “a human life lived according to a plan” ” (Waldron 1992: 753). The cosmopolitan individual is inspired by the life of Salman Rushdie as the migrant, Jean-Jacques Rousseau as the perpetual refugee, and Waldron himself as the frequent flyer, and challenges the unity of the traditional liberal account of the individual. The cosmopolitan individual represents “choice running rampant, and pluralism internalized from the relations between individuals to the chaotic coexistence of projects, pursuits, ideas, images, and snatches of culture within an individual” (Waldron 1992: 753-754).

The cosmopolitan may live all his life in one city and maintain the same citizenship throughout. But he refuses to think of himself as defined by his location or his ancestry or his citizenship or his language. Though he may live in San Francisco and be of Irish ancestry, he does not take his identity to be compromised when he learns Spanish, eats Chinese, wears clothes made in Korea, listens to arias by Verdi sung by a Maori princess on Japanese equipment, follows Ukrainian politics, and practices Buddhist meditation techniques. He is a creature of modernity, conscious of living in a mixed-up world and having a mixed-up self (Waldron 1992: 754).
Waldron sets up a tension between two visions of the world: the cosmopolitan vision, and the nationalist or communitarian vision of “belonging and immersion in the life and culture of a particular community” (Waldron 1992: 759). He is careful to note that “these are not merely different lifestyles of the sort that old-fashioned liberalism could comfortably accommodate in a pluralistic world”, but rather that this dispute functions on a more fundamental level, since it concerns “the background view of life, agency, and responsibility that is presupposed already by any account of what it is for lifestyles to be diverse or for diversity to be tolerated” (Waldron 1992: 759).

This point returns us to where we began this chapter. All political theories are predicated on some view of the human being, even if it is a thin view “giving us the bare framework for conceptualizing choice and agency but leaving the specific content of choices to be filled in by individuals” (Waldron 1992: 759). The liberal conception of the individual is not an uncontroversial matter, even among liberals themselves. While there is widespread agreement on the ideas that individuals are culturally embedded, and that individuals depend on other individuals and their communities for choice and freedom, there is much less agreement on what these ideas entail for political philosophy. Progress on these questions, and the tension between Tamir’s contextual individual and Waldron’s cosmopolitan individual, requires an analysis of the nature and conditions of our social dependence on culture and community for individual choice, freedom and autonomy.

2.2 What is Culture?

The concept of culture is suspended in a peculiar indeterminacy. If I were a philosophical poet of Plato’s stature, it would not be hard for me to compose a dialogue in which Socrates asked each of us what he really means by culture. And right up to the end of the dialogue, every one of us would be stuck for an answer: although we would all know that culture is something that supports us, none of us would be so knowledgeable as to say
what culture is. This points to a deep-seated problem (Gadamer 1998: 1). Human beings are cultural beings, but the pervasive affirmation of this axiom of political philosophy may conceal disagreements over the nature of culture, cultural and communal dependence, and the conditions of multiculturality. For multicultural theory and practice, much hinges on how these ideas are understood. Before rethinking multiculturality, however, we need to establish a few things. This dissertation is concerned with the concepts of culture and community within liberalism, and, in my experience, many liberals who do not consider themselves multiculturalists are genuinely puzzled by the importance placed on these concepts. In this section, I will explain what I mean by ‘culture’ through a brief foray into the anthropological debate on the culture concept, and, in the next section, the reason for the emphasis placed on culture and community. We have already noted an important political reason for this emphasis stemming from the recent nationalist revival, but there is a deeper philosophical reason based on liberalism’s response to the communitarian charge that it is not only unable to deliver, but also undermining, the social preconditions of choice, freedom and autonomy.

So, what is culture? There is no straightforward or uncontroversial account of what culture is, and this presents a difficulty for political philosophers trying to take seriously culture, our cultural interests, and the fundamental questions of justice raised by multiculturality. The nature of culture per se is not typically a topic of political philosophy, and the expertise of the political philosopher does not lend itself well to this type of

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7 It is a difficulty generally not faced by anthropologists, sociologists or historians because they may pursue their investigations using their preferred conception of culture without undermining their entire enterprise. For instance, Geertz used a conception of culture as “a system of inherited conceptions expressed in symbolic forms by means of which people communicate, perpetuate, and develop their knowledge about and attitudes toward life” to investigate the cultural meaning behind activities like the Balinese cockfight (Geertz 1973: 89). Even though his view of culture was controversial and contested, Geertz’s work was enormously influential as it advanced our understanding of various unfamiliar cultural practices.
metaphysical or ontological inquiry. As a result, and unsurprisingly, political philosophers have tended to stipulate what they consider to be simple and uncontroversial conceptions of culture, and this strategy has been fruitful. Strictly speaking, however, political theorists and practitioners do not need a metaphysical or ontological conception of culture on par with a theory of truth or free will or reality. Nor do we need a fully comprehensive conception of culture. What we need is a conception of culture for the purposes of appreciating multiculturality, the questions of cultural justice raised by these conditions, and the range of possible solutions available to us. In short, what we need is a conception of culture for the purposes of multicultural theory, and I propose to move toward such a conception with a brief survey of the history of the term ‘culture’, which highlights a few key developments informing its contemporary meaning. The account of culture advanced here is intended to be as uncontroversial as possible.

The etymology of the English word ‘culture’ has a classical origin in the Latin ‘cultura’, which derives from the verb ‘colere’. Literally, ‘colere’ involves tilling or cultivating land, but, figuratively, it refers to the activities of tending to, cultivating, and preserving. This etymology is reflected in the distinction between (i) the ‘high culture’ of cultivated and civilized tastes, and (ii) the ‘low culture’ of base, vulgar, crude, mass, primitive and natural desires. This intrinsically evaluative conception reflected the social hierarchies of early modern Europe, and prized cultural achievements in the arts, cuisine, fashion, recreation, leisure and so forth. It equated ‘low’ or ‘mass’ culture with unrefined nature, while describing the tastes of the social elite as refined, cultivated and civilized. This evaluative and elitist view is still used today, but it is not the relevant sense of ‘culture’ for our purposes. The basis of a defensible liberal multiculturalism may be
found in the idea of culture undergirding the distinction between ‘high’ and ‘mass’ culture – we are looking for the unqualified and non-evaluative form of culture.

We need a conception of culture resembling the one elucidated by the renowned anthropologist, Sir Edward Tylor, in the first English language definition of culture: “Culture ... is that complex whole which includes knowledge, belief, art, law, morals, custom, and any other capabilities and habits acquired by man as a member of society” (Tylor 1871: 1, my emphasis). The old distinction between culture and nature is present in this definition, but it is an inclusive conception of culture associated with all individuals and societies. Within eighteenth century German Romanticism, we can see the early roots of Tylor’s definition with the development of the inclusive notion of culture as worldview. On this view, humanity was sub-divided into peoples, nations or volks, every volk had a distinct spirit of its own, and this spirit was expressed in a unique worldview, a worldview incommensurable with the worldviews of other people. Kultur was “the shared values, meanings, linguistic signs, and symbols of a people, itself considered a unified and homogeneous entity” (Benhabib 2002: 2). This view of culture as worldview was inclusive because all individuals and societies were deemed to be cultural, but the inequalitarian distinction between civilized and uncivilized peoples remained.

Beginning in the late nineteenth century, however, many anthropologists, who were critical of Eurocentrism and the distinction between Kultur and Zivilisation, opted for an egalitarian and non-evaluative conception of culture as “a concrete and bounded world of beliefs and practices ... commonly assumed to belong to or be isomorphic with a society or with some clearly identifiable subsocietal group” (Sewell 2005: 156). They viewed culture as the total aggregation of society’s social systems and practices related to
signification, representation, and symbolism, and these social systems and practices were deemed to have an autonomous logic of their own – “a logic separated from and not reducible to the intentions of those through whose actions and doings it emerges and is reproduced” (Benhabib 2002: 3). This conception of cultures as *irreducibly unique, but equal in status* has been immensely influential. According to Benhabib, “Whether in politics or in policy, in courts or in the media, one assumes that each human group “has” some kind of “culture” and that the boundaries between these groups and the contours of their cultures are specifiable and relatively easy to depict. Above all, we are told, it is good to preserve and propagate such cultures and cultural differences” (Benhabib 2002: 3-4). These assumptions continue to inform many views of culture and community.

Since Tylor’s first definition, there has been a veritable explosion of definitions of ‘culture’. In 1952, Alfred Kroeber and Clyde Kluckhohn published *Culture: A Critical Review of Concepts and Definitions*, where they identified and classified over 150 different definitions. This momentous anthropological survey did not resolve the definitional issue, however, since alternative conceptions continued to sprout. It would be a valuable project to investigate definitions of ‘culture’ for their divergent normative implications for political philosophy and multiculturalism, but that task would take us too far afield. Instead, I will outline some key features of culture using W.H. Sewell’s discussion of the culture concept, which is motivated by the volatility and backlash against this concept in anthropology in the last few decades.

In the 1970s, according to Sewell, the situation was quite different because “there was a widespread consensus both about the meaning of culture and about the centrality of the culture concept to the anthropological enterprise” (Sewell 2005: 152-153). This
virtual monopoly on the culture concept by anthropology began to slip away as “the intellectual ecology … was transformed by a vast expansion of work on culture in a wide range of academic disciplines” (Sewell 2005: 153). Paradoxically, during this time when academic analyses using the culture concept became “more pervasive and multifarious”, “anthropology … [was] somewhat ambivalently backing away from its long-standing identification with culture as its keyword and central symbol” (Sewell 2005: 154). For roughly three decades now, anthropology as an academic discipline has been plagued by an unyielding identity crisis concerning its methodology, terminology, concepts and political implications.8 This crisis has resulted in what Robert Brightman has described as widespread ‘lexical avoidance behaviour’ with anthropologists placing the term ‘culture’ in quotation marks when they use it (and not only when referring to it), refusing to use it as a noun, or replacing it with alternative terms, like ‘discourse’ or ‘narrative’ (Sewell 2005: 155). What has emerged is a taboo around the term ‘culture’.

This taboo is regrettable. It seems to be based on the faulty reasoning that not using the term ‘culture’ will bring an end to the abuses related to its misuse. It is difficult to see how a strategy of simply avoiding a term may bring an end to its misuse, especially if the concept associated with the term continues to be widely used. James Clifford, one of the editors of the celebrated collection of essays on anthropology’s identity crisis entitled Writing Culture (1986), laments that “culture is a deeply compromised concept that I cannot yet do without” (Clifford as cited in Sewell 2005: 155). The core of this ambivalence is clear: “the concept is compromised and he hopes in the future to do

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8 The sources of this crisis are undoubtedly many and varied, but they include “liberal and radical guilt about anthropology’s association with Euro-American colonialism, the disappearance of the supposedly “untouched” or “primitive” peoples who were the favored subjects of classical ethnographies, the rise of “native” ethnographers who contest the right of European and American scholars to tell the “truth” about their people, and the general loss of confidence in the possibility of objectivity” (Sewell 2005: 154-155).
without it, but because it continues to perform valuable intellectual work the fateful act of renunciation is indefinitely deferred” (Sewell 2005: 155). In response, Sewell suggests sensibly that anthropologists “need to modify, rearticulate, and revivify the concept, retaining and reshaping what is useful and discarding what is not” (Sewell 2005: 156).

Sewell’s proposal has five steps. First, he joins the overwhelming consensus in anthropology by denouncing “culture as a concrete and bounded world of beliefs and practices”, and embracing “culture as a category of social life”. Second, he reduces the variety of conceptualizations of culture as a category of social life into two broad camps: (i) culture as a system of symbols and meanings, and (ii) culture as practice. Even though these two views are often portrayed by their respective supporters as being incompatible, Sewell believes that they are mistaken. So, third, he argues that these aspects of culture are not only compatible, but they are inextricably linked and mutually dependent:

To engage in cultural practice means to utilize existing cultural symbols to accomplish some end. The employment of a symbol can be expected to accomplish a particular goal only because the symbols have more or less determinate meanings – meanings specified by their systematically structured relations to other symbols. Hence practice implies system. But it is equally true that the system has no existence apart from the succession of practices that instantiate, reproduce, or – most interestingly – transform it. Hence system implies practice (Sewell 2005; 163-164).

The complementary relationship between culture as symbolic system and culture as practice corrects a significant shortcoming in the anthropological literature on the culture concept, but it also alters the critical theoretical question. Fourth, he identifies the critical theoretical task to be conceptualizing this synthesis of system and practice as consistent with the autonomy of culture, or the ideas that (i) culture has its own semiotic structuring principle that is independent of political, economic or geographical structuring principles, and that (ii) a symbol’s meaning transcends particular contexts. Ultimately, the fifth step
is his proposed definition of culture as “a dialectic of system and practice, as a dimension of social life autonomous from other such dimensions both in its logic and its spatial configuration, and as possessing a real but thin coherence that is continually put at risk in practice and therefore subject to transformation” (Sewell 2005: 168-169). This culture concept allows us to accept the cogency of recent critiques within a workable concept.

For the purposes of political philosophy, the first step of Sewell’s proposal is crucial and deserving of further consideration. Sewell does not only distinguish between the nineteenth century idea of ‘culture as a concrete and bounded world of beliefs and practices’ and ‘culture as a category of social life’, but he identifies the former as the actual object of much anthropological criticism. For Sewell, ‘culture as a category of social life’ is culture in its singular and abstract sense, whereas ‘culture as a concrete and bounded world of beliefs and practices’ is culture in its pluralizable and more concrete sense (Sewell 2005: 168-169). The pluralizable sense of ‘culture’ may be called ‘culture as community’, and it is this conception that has been the target of much rebuke by anthropologists, political philosophers and other academics. Sewell explains,

the critics’ true target is the idea that cultures (in the second, pluralizable, sense) form neatly coherent wholes: that they are logically consistent, highly integrated, consensual, extremely resistant to change, and clearly bounded. This is how cultures tend to be represented in classic ethnographies – Mead on Samoa, Benedict on the Zuni, Malinowski on the Trobriands, Evans-Pritchard on the Nuer, or, for that matter, Geertz on the Balinese (Sewell 2005: 169).

This classic view stands in general disrepute, and contemporary anthropologists now view cultural communities “as normally being contradictory, loosely integrated, contested, mutable, and highly permeable” (Sewell 2005: 169).

The flaws in the classic anthropological model, and the clash between the classic and contemporary views, may be explained using Benhabib’s distinction between the
external standpoint of the *social observer* and the internal standpoint of the *social agent*.

The social observer – whether an eighteenth-century narrator or chronicler; a nineteenth-century general, linguist, or educational reformer; or a twentieth-century anthropologist, secret agent, or development worker – is the one who imposes, together with local elites, unity and coherence on cultures as observed entities. Any view of cultures as clearly delineable wholes is a view from the outside that generates coherence for the purposes of understanding and control. Participants in the culture, by contrast, experience their traditions, stories, rituals and symbols, tools, and material living conditions through shared, albeit contested and contestable, narrative accounts. From within, a culture need not appear as a whole (Benhabib 2002: 5).

This distinction between the standpoints of the social observer and the social agent may appear to be uncontroversial, but it is (at least implicitly) denied by much political theory and practice, when groups are portrayed as concrete, homogenous and complex wholes. Insofar as political theorists and practitioners portray groups in this way, they “attempt to create forced unity out of diversity, coherence out of inconsistencies, and homogeneity out of narrative dissonance”; or, in short, they are adopting the external standpoint of social observers (Benhabib 2002: 8). It is crucial for political theorists and practitioners working on issues of multiculturality to overcome the inclination to adopt the social observer’s standpoint without also supplementing it with perspectives of social agents.

To be clear, recent anthropological, sociological and philosophical criticism of the classic anthropological model does not seek to replace the standpoint of the social observer, but rather to supplement it with the internal perspective of the social agent. It is important that we avoid exaggerating the distinction between classic and contemporary theories. Anne Phillips indicates that “Scepticism about culture is rife in the sociological and anthropological literatures, to the point where it has become commonplace to counterpose old and new ideas … and criticise the former for treating cultures as if they were things” (Phillips 2007: 42). The difference between classic and contemporary anthropol-
ogy is very real, but it is less pronounced than usually portrayed. Classic anthropologists recognized diversity, contradiction and contestation within communities, but they tended to explain them within a view of the community as a well-integrated and harmonious whole. Contemporary anthropologists facing the same conditions are more likely to emphasize the disharmony and contradictions within a cultural community. The classic model has been replaced, but it has been replaced through supplementation.

There is an important lesson here for political philosophers. The distinction between culture as a category of social life (hereafter, simply ‘culture’) and culture as a concrete and bounded world of beliefs and practices (hereafter, ‘cultural community’) is important for understanding the content of anthropologists’ criticisms of the culture concept, but it is also crucial for establishing some clear-headed delineations on the individual and collective dimensions of cultural life. Even at this early stage of the analysis, a few points of clarification are possible. First, it has been widely accepted by social scientists that “It is no longer possible to assume that the world is divided up into discrete “societies”, each with its corresponding and well-integrated “culture” ” (Sewell 2005: 174). Second, there is much to be learned about our cultural embeddedness and dependence through the non-pluralizable sense of culture. Third, “the pluralizable concept of culture also gets at something we need to retain: a sense of the particular shapes and consistencies of worlds of meaning in different places and times and a sense that in spite of conflicts and resistance these worlds of meaning somehow hang together” (Sewell 2005: 174). These points are sensible not only for anthropology and sociology, but also for political philosophy.

In fact, these critiques have been partially incorporated into political philosophy
already, and this incorporation is evident in the work of Benhabib, who identifies three faulty epistemic premises forming what she calls “the reductionist sociology of culture”:

1. that cultures are clearly delineable wholes;
2. that cultures are congruent with population groups and that a noncontroversial description of the culture of a human group is possible; and
3. that even if cultures and groups do not stand in one-to-one correspondence, even if there is more than one culture within a human group and more than one group that may possess the same cultural traits, this poses no important problems for politics or policy (Benhabib 2002: 4).

There is widespread agreement on the basic idea that, in our discussions of cultural communities, we should not view them on the classic anthropological view as concrete wholes. Even with this agreement in place, political theorists continue to use this discredited view of cultural communities. According to Benhabib, “much contemporary debate in political and legal philosophy is dominated by this faulty epistemology, which has grave normative political consequences for how we think injustices among groups should be redressed and how we think human diversity and pluralism should be furthered” (Benhabib 2002: 4-5). Political philosophers contending with the challenge of multiculturality need to be cognizant of the way they use the term ‘culture’ and how they conceive of culture and cultural communities.

2.3 Liberalism and Culture as Context of Choice

The liberal view is sensitive to the way our individual lives and our moral deliberations are related to, and situated in, a shared social context. The individualism that underlies liberalism isn’t valued at the expense of our social nature or our shared community. It is an individualism that accords with, rather than opposes, the undeniable importance to us of our social world (Kymlicka 1989a: 2-3).

The central role of the concepts of culture and community for liberal multiculturalism may be evident, but the integral role of these concepts in liberalism simpliciter remains underappreciated. Brian Barry has famously criticized multiculturalism from a liberal
perspective, and his basic claim is that traditional liberalism has sufficient resources to accommodate multiculturality fairly. For this reason, in Loobuyck’s words, “Liberalism does not need extra (minority) rights and extra (measures) above and beyond liberal rights and measures” (Loobuyck 2005: 109). Barry’s posited opposition between liberalism and multiculturalism requires a definition of multiculturalism as a normative theory extending beyond liberalism to accommodate cultural plurality, but this definition entails that ‘liberal multiculturalism’ is a contradic\textit{tion in terminis} (Loobuyck 2005: 110). Yet, unlike Barry, most liberals who subscribe to the distinction between liberalism and liberal multiculturalism do not seem to consider the latter to be a non-liberal view, although such criticisms have been directed at some of its collectivist elements, but they do not seem to consider it a form of liberalism proper either. Many liberals remain puzzled by the attention devoted to culture and community within political theory in general, and liberalism as a theory of political justice in particular.\textsuperscript{9} For these liberals, liberal multiculturalism operates on the fringes of political philosophy as a significantly divorced version of liberalism. In my view, liberal multiculturalism is not only a proper and full-fledged liberalism, but also, and more importantly, it is what liberalism must be to contend with communitarian objections and the nationalist revival of the post-Cold War era. In this sense, liberal multiculturalism is the liberalism of the new millennium.

To appreciate this provocative contention, and to reply to the bewildered liberals who do not consider themselves to be multiculturalists, there is perhaps no better starting-point than Will Kymlicka’s prodigiously influential \textit{Liberalism, Community and Culture}. This text forms the foundation upon which I will be building my arguments for the recon-

\textsuperscript{9} A possible explanation for this bewilderment could be an implicit, but inaccurate, assumption that cultural difference is collapsible into or reducible to difference in conceptions of the good.
ceptualization of multiculturality. In particular, we are concerned here with Kymlicka’s defense of liberalism against communitarian charges against its excessive ‘individualism’, and its inability to appreciate the phenomena of human ‘embeddedness’, ‘situatedness’ and ‘contextualization’. Kymlicka demonstrates persuasively that, contrary to the claims of many of its critics and supporters, liberalism contains the conceptual resources with which to respond to these critiques.

One of the primary arguments concerning Kymlicka is Charles Taylor’s charge that liberalism overemphasizes individual choice and neglects the social preconditions of freedom. According to Taylor, “since the free individual can only maintain his identity within a society/culture of a certain kind, he has to be concerned about the shape of this society/culture as a whole. He cannot ... be concerned purely with his individual choices and the associations formed from such choices to the neglect of the matrix in which such choices can be open or closed, rich or meagre” (Taylor 1985b: 207). On this view, liberalism’s individualism commits it also to the idea that “individuals are not in need of any cultural context in order to make sense of their options or exercise their capacity for choice” (Kymlicka 1989a: 206). This neglect is a serious problem, according to Taylor, because an individual’s capacity for choice can be developed and exercised only under specific social and cultural conditions, and liberalism lacks the theoretical resources to protect and sustain these preconditions of choice. Thus, according to this familiar charge, liberalism is a misguided effort to protect and promote individual autonomy that succeeds only in undermining the communities required for individual autonomy.

Kymlicka argues that Taylor rightly emphasizes that individual choice has social preconditions, but mistakenly concludes that liberalism lacks the conceptual resources to
furnish the social preconditions for individual choice. To understand Kymlicka’s view, we should return to his understanding of liberalism as a theory of justice, beginning with the essential interest of individuals in living a good life. For Kymlicka, as we have seen, “leading a good life is different from leading the life we currently believe to be good” because there is a possibility that what we believe to be the good life may turn out to be less valuable than we believed (Kymlicka 1989a: 10). As a result, we have a powerful incentive to deliberate carefully about our decisions, potential courses of action, projects, plans of life, conceptions of the good, etc. The opportunity to form, question, revise and rationally pursue a conception of the good is crucial for the individual’s essential interest in living a good life, so individuals have an all-important interest in protecting and promoting the social preconditions for this ability. These preconditions include those items that figure on Rawls’ list of primary goods, such as rights and liberties, powers and opportunities, income and wealth, and self-respect (Rawls 1999: 62). Similarly, for Kymlicka, culture is a social precondition of choice and freedom, and, hence, a primary good: “we should treat access to one’s culture as something that people can be expected to want, whatever their more particular conception of the good” (Kymlicka 1995: 86).

Why? Because we have an essential interest in leading a good life, because this interest requires the ability to form, revise and rationally pursue our conception of the good, and because we do not start de novo – we begin our moral development and our deliberations within a cultural context. “The decision about how to lead our lives must ultimately be ours alone, but this decision is always a matter of selecting what we believe to be most valuable from the various options available, selecting from a context of choice which provides us with different ways of life” (Kymlicka 1989a: 164). Freedom involves
deliberating and choosing between options, and it is through culture and community that we acquire these options, their meanings and significance, a set of beliefs about the natural and social world, and the values needed for deliberating about, evaluating and choosing between available options. Culture and community provide us with a context of choice understood as an essential social precondition of choice, freedom and autonomy.\textsuperscript{10}

Kymlicka is careful to note that he is not the first and only liberal to be concerned with culture as context of choice. There is a long history of liberal support for cultural contexts as preconditions for freedom and autonomy. Before the Second World War, for instance, J.S. Mill, T.H. Green, L.T. Hobhouse and John Dewey “emphasized the importance of cultural membership for individual autonomy” (Kymlicka 1989a: 207). Even in the post-war era, Rawls and Dworkin “notice[d], and indeed emphasize[d], our dependence, as individuals, on our cultural structure and community” (Kymlicka 1989a: 75). “Rawls talks about how we decide our life-plans, not \textit{de novo}, but rather from examining the models and ways of life of those who have preceded us. Likewise Dworkin talks about the importance of the cultural structure in providing the conditions necessary to make imaginative decisions about how to lead our lives, a structure which can be enriched or diminished in the opportunities it provides” (Kymlicka 1989a: 75). While it is true that post-war liberals have downplayed the role of culture and community for individual choice and freedom, it is not true that the emphasis on individual interests and human rights precluded an appreciation of culture and community. Any liberal who thinks that liberalism is predicated on neglect of or indifference to culture and community is mistaken, and any liberal who does not account for the constitutive roles of culture and

\textsuperscript{10} Kymlicka cautions, “cultural membership is not a means used in the pursuit of one’s ends. It is rather the context within which we choose our ends, and come to see their value” (Kymlicka 1989: 192-193).
community for freedom holds a version of liberalism with a grave shortcoming. Quite simply, individual freedom requires culture and community.

So far, Kymlicka’s argument for the protection and promotion of culture and community is agnostic about the types of culture and community meriting protection, as well as the extent and manner of such protection. The term ‘culture’ may be interpreted narrowly or broadly along a continuum from what Kymlicka calls “the most localized meaning” of non-ethnic social groups with distinct customs, perspectives or ethos to the widest sense of culture (Kymlicka 1995: 17-18).11 The autonomy considerations discussed above would suggest that all of these types of culture should have a place, in principle, so long as they contribute to the context of choice of (at least) their members.12

Yet, Kymlicka argues that the liberal account of responsibility requires a distinction between two senses of culture: (i) culture as cultural structure or context of choice, and (ii) culture as character of community or outcome of choice. For liberals, in general, individuals are responsible for their choices and the outcomes of their choices, but they are not responsible for the conditions or circumstances in which they make these choices. So, an individual chooses her conception of the good within a context of choice, and she is responsible for her conception of the good because it is chosen, whereas she is not responsible for her context of choice because it is unchosen. On this account, differences in circumstances may arise legitimately as a result of individual choices, where these differences reflect differences in tastes, preferences, beliefs, conceptions of the good or other factors relevant in deliberation, decision-making and agency.

11 For the most localized sense, Kymlicka is thinking of cultures like ‘gang culture’, ‘gay culture’ or ‘bureaucratic culture’. The widest sense of culture is the sense in which “all of the Western democracies share a modern, urban, secular, industrialised civilisation, in contrast to the feudal, agricultural, and theocratic world of our ancestors” (Kymlicka 1995: 17-18).
12 Social communities are likely to contribute to the context of choice of non-members too.
But differences which arise from people’s circumstances – their social environment or natural endowments – are clearly not their own responsibility … No one chooses to be born into a disadvantaged social group, or with natural disabilities, and so no one should have to pay for the costs imposed by those disadvantageous circumstances. Hence liberals favour compensating people who suffer from disadvantages in social environment or natural endowment (Kymlicka 1989a: 186).

So, the liberal theory of responsibility distinguishes between the circumstances of choice and the outcome of choice, and this distinction results in two senses of ‘culture’.

The term ‘culture’, then, should be understood as designating cultural structure or context of choice, and it should not be conflated with the related notion of culture as the character of the community (Kymlicka 1989a: 166-167). Culture as the character of the community changes with changes in norms, values, beliefs, and their associated practices and institutions, and, if the change is profound enough, it is possible to proclaim the death of one culture and the birth of another.13 This is not the sense of culture employed by Kymlicka. Instead, he is concerned with culture as cultural structure or context of choice, and, on this interpretation, the cultural community continues to exist even as its members change their norms, values, beliefs, and so on. It is culture understood as cultural structure or context of choice that should be regarded as a Rawlsian primary good based on its contribution to freedom, autonomy and our essential interest in leading a good life, and it is culture as context of choice that should be protected and promoted by liberal theories of justice. At least this is the argument in *Liberalism, Community and Culture*.

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13 Kymlicka explains, “the character of French-Canadian culture was radically transformed in the 1960s. It was the end of a ‘culture’ in the first sense [as outcome of choice]. Very few of the institutions which traditionally characterized French-Canadian life (e.g. the Roman Catholic Church, parochial schools, the Union Nationale political party) could be secure in the knowledge that they had the continuing allegiance of the broad majority of the members of the culture. It was aptly called the ‘Quiet Revolution’ in French Canada, since French-Canadians began to make very different choices than they traditionally had done. But the existence of a French-Canadian cultural community itself was never in question, never threatened with unwanted extinction or assimilation as aboriginal communities are currently threatened. There was no danger to cultural membership in the sense I am concerned with – i.e. no danger to the existence of people’s context of choice, no danger to their ability to examine the options that their cultural structure had made meaningful to them” (Kymlicka 1989: 167).
In *Multicultural Citizenship*, however, Kymlicka’s project moves beyond the liberal-communitarian debate toward the challenge of multiculturalism generated by national and ethnic differences – the challenge inherent in the nationalist revival. The presence of national and ethnic minorities has complicated efforts to establish stable liberal democratic institutions insofar as the dominant understanding of societies and states is based on “an idealised model of the polis in which fellow citizens share a common descent, language, and culture” (Kymlicka 1995: 2). Working with the assumption that it is not possible or desirable to attempt to carve up the world according to the nationalist model of a state for each nation and a nation for each state, Kymlicka sets out to justify *permanent group-differentiated minority rights* in multinational liberal democratic states – a solution intended to allow different national and ethnic communities to live together under peaceful, orderly, fair and just conditions.

The challenge of multiculturality generated by national and ethnic difference is a challenge arising from the likely pernicious effects of majority nation-building on the context of choice of members of minority national and ethnic communities, coupled with the impossibility of cultural neutrality and the moral desirability of nation-building. These individuals are confronted with the unfair and unjust erosion of their context of choice, often as the state acts on the pretences of cultural neutrality, and permanent group-differentiated minority rights are required to stave off these incursions by the majority’s culture and to sustain the minority national or ethnic community’s context of choice. The issues raised by Kymlicka’s response to this challenge pertain to fair and just political boundaries, political institutions and political autonomy for the simple reason that national and ethnic communities play a central role in our political lives.
Given his new project, he stipulates a definition of ‘culture’ as “synonymous with ‘a nation’ or ‘a people’ – that is, as an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history” (Kymlicka 1995: 18). Thus, Kymlicka separates the multicultural struggles of national minorities and immigrants from the struggles of women, racial minorities, gays and lesbians, and persons with disabilities. He clarifies, “I am not including the sorts of lifestyle enclaves, social movements, and voluntary associations which others include within the ambit of multiculturalism. This is not because I think the issues raised by these groups and movements are unimportant. On the contrary, I take it as given that accommodating ethnic and national differences is only part of a larger struggle to make a more tolerant and inclusive democracy” (Kymlicka 1995: 19). For Kymlicka, a national or ethnic community is a ‘societal culture’ because it “provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language” (Kymlicka 1995: 76). The qualifier ‘societal’ is intended to emphasize that these communities “involve not just shared memories or values, but also common institutions and practices” (Kymlicka 1995: 76). Societal cultures are difficult to develop and maintain, but the desire to try is characteristic of ‘nations’ and ‘peoples’. For this reason, Kymlicka claims, “societal cultures are almost invariably national cultures” and “nations are almost invariably societal cultures” (Kymlicka 1995: 80). Thus, he concludes, “societal cultures are important to people’s freedom, and … liberals should therefore take an interest in the viability of societal cultures” (Kymlicka 1995: 80), and the viability of societal cultures
requires permanent group-differentiated minority rights.

But our foray into the history of the culture concept in anthropology revealed a
determined rejection of any concept of culture treating it as isomorphic with or belonging
to a society, nation, people or any other group assumed to be concrete, bounded, well-
integrated, logically consistent throughout, and internally harmonious. On first blush, it
looks like Kymlicka’s ‘societal culture’ is based on the maligned classic anthropological
view of community. More significantly, however, we seem to have reached an impasse.
On the one hand, there is a significant critique of culture as community in the anthropo-
logical, sociological and philosophical literatures. On the other hand, Kymlicka’s argu-
ment for context of choice not only seems to deploy this notion of culture as community,
but also seems to exclude culture as a normative system of beliefs and practices for
reasons based on the liberal theory of responsibility. As a result, liberal multiculturalism
requires the concepts of culture and community, but it is unclear how it should conceptu-
alize these notions, given that they are mired in controversy. This difficulty involves
liberal multiculturalism’s foundational concepts, but it will have to be sidelined until after
our analysis of our essential dependence on culture and community.

2.4 Burge’s Arthritis Thought-Experiment and Our Essential Social Dependence

Now the sociability of human beings must not be understood in a trivial fashion. It does
not imply merely that society is necessary for human life, or that by living in a
community men acquire needs and interests that prompt them to work together for mutual
advantage in certain specific ways allowed for and encouraged by their institutions. Nor
is it expressed by the truism that social life is a condition for our developing the ability to
speak and think, and to take part in the common activities of society and culture. No
doubt even the concepts that we use to describe our plans and situation, and even to give
voice to our personal wants and purposes, often presuppose a social setting as well as a
system of belief and thought that are the outcome of the collective efforts of a long
tradition. These facts are certainly not trivial; but to use them to characterize our ties to
Aristotle’s conception of the individual as *zoon politikon* points to human beings as essentially social beings. For Aristotle, interdependence is part of the nature of human beings, and, as such, human beings lack self-sufficiency and depend on other individuals in a wide array of matters, including cultural, linguistic, epistemic and moral matters. These types of dependence are now treated as established fact in political philosophy, but what is controversial is the nature of our dependence on culture and community, as well as the descriptive and normative implications of this dependence for such matters as the liberal conception of the individual, personal responsibility for cultural memberships, and just political arrangements for multicultural societies. An investigation into our dependence on culture and community is required for us to make progress on many pressing issues in political philosophy, especially those issues related to culture and the conditions of multiculturality, and the rich literature of the philosophy of mind/language provides an excellent source of information on this topic.

In “Individualism and the Mental”, Burge uses a twin earth thought-experiment to demonstrate that the individuation of some of our mental contents\(^{14}\) must make reference to features of our social environments, including both our communities and the minds of other individuals. That is, as a matter of metaphysical necessity, the identification of the intentional contents and extensions of some of our mental contents requires reference to the social environment. This metaphysical necessity is the basis of our essential social dependence on culture and community, and the key to understanding the conditions of multiculturality. Even though Burge’s primary concern is the individuation of mental contents, his work may be related to liberalism through the notion of culture. When an

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\(^{14}\) ‘Mental contents’ is a technical term that applies to a wide variety of mental phenomena, including words, concepts, beliefs, values, desires, aspirations, conceptions of the good, rational plans of life, etc.
individual deliberates about possible courses of action or life-plans, her options, their meaning and significance, and the values used to assess them are often intentional mental contents derived from the norms of her social environment. To understand our essential social dependence on culture and community, it is important to understand first how, when and under what conditions our mental contents are individuated through reference to our social environments. Burge’s arthritis thought-experiment furnishes us with a well-developed analysis to do just that. This thought-experiment allows us to draw conclusions about the nature of our cultural dependence through the differences in two scenarios: an actual scenario, and a counterfactual scenario on a twin earth.

Beginning with the actual case in the actual world, Burge instructs us to imagine an individual, call him Al, who is competent in English, rational, intelligent and possessing a large number of correct beliefs about ‘arthritis’, but who, surprisingly, thinks falsely that he has developed arthritis in his thigh. Upon reporting his belief to his doctor, his doctor informs him that it is impossible because arthritis is specifically an inflammation of the joints. “The patient is surprised, but relinquishes his view and goes on to ask what might be wrong with his thigh” (Burge 1979: 538-539).

Next, there is a counterfactual case in a counterfactual world – a twin earth. We are instructed to imagine an individual, call him Cal, who is nonintentionally and individualistically identical with Al. The counterfactuality of the supposition touches only the patient’s social environment: all natural ailments are alike between the actual and counterfactual cases, but the word ‘arthritis’ in the counterfactual case applies not only to arthritis but to various other rheumatoid ailments, so the standard use of the term in the counterfactual case encompasses the original patient’s misuse (Burge 1979: 539).
other words, in the thought-experiment, the term ‘arthritis’ as a linguistic object applies to two distinct concepts: the concept arthritis in the actual world, and carthritis in the counterfactual world. It is important to note that ‘arthritis’ is a social kind term, not a natural kind term, and the difference between the actual and counterfactual cases is not a difference in referent. It is only a difference in linguistic and conceptual meaning, or, alternatively, cultural content. Because the word ‘arthritis’ differs between the actual and counterfactual communities in both definition and extension, when each patient reports his worry about arthritis in the thigh to his doctor, the contents of these reports differ. Therefore, Burge concludes, it is possible for the intentional mental contents of two metaphysically identical individuals to differ based solely on differences in their social environments. So, the individuation of thoughts depends on more than just facts about the individual. The upshot of the arthritis thought-experiment: Individualism is false.

The term ‘individualism’ in the philosophy of mind/language does not mean what it means in political philosophy, where ‘individualism’ tends to involve moral theses about the primacy of the individual over the community, or methodological theses about the ultimate explanations of social phenomena being based on individual phenomena, like individual attributes, actions or beliefs. For Burge, ‘individualism’ seems to resemble what a political philosopher might call ‘atomism’, since it applies to “philosophical treatments that seek to see a person’s intentional mental phenomena ultimately and purely in terms of what happens to the person, what occurs within him, and how he responds to his physical environment, without any essential reference to the social context in which he or the interpreter of his mental phenomena are situated” (Burge 1979: 555). There are three aspects to individualism: (i) a concern with individuation, (ii) a focus on intentional
mental states, and (iii) the idea that the individuation of thought and meaning does not necessarily require reference to environmental factors external to the individual. In the philosophy of mind/language, individualism is a thesis primarily about the constitutive or individuating conditions of intentional mental states – like propositional attitudes, perceptual states, concepts and so on – and, according to Martin Hahn, for Burge, these contents are "neither esoteric nor in the minority", and range "from ones that figure in perceptual beliefs to highly theoretical ones in the natural sciences" (Burge 2003b: 350-1; Hahn 2003: 33). The individuating conditions of mental states account for their extensions in the world and their intentional contents, but these individuating conditions themselves are an inextricable mixture of linguistic, conceptual and cultural resources.

The primary issue between individualists and anti-individualists in the philosophy of mind/language concerns the possibility of individuating a subject’s intentional mental states without necessary reference to her physical or social environment. Using liberal terminology, we could say that the primary issue centres on the possibility of fleshing out the contents of an individual’s deliberations, thoughts or conception of the good without necessary reference to her context of choice or communal affiliations. According to Burge, individualist treatments of the mind suggest that “what a person thinks depends on what occurs or “appears” within his mind”, or that “what a person thinks depends on the power and extent of his comprehension and on his internal dispositions toward the comprehended contents” (Burge 1979: 555). So, “[i]ndividualism is the view that a person’s mental states and processes have intrinsic natures, in the strong sense that the nature and correct individuation of those states and processes (including individuation of

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15 According to Burge, individualist treatments of mind are evident in the work of Plato, Descartes, Locke, Berkeley, Leibniz, Hume, Kant, Husserl, Russell and numerous others (Burge 1979: 555).
their intentional content) is *independent of any conditions that obtain outside that person’s mind*’ (Burge 1986c: 118, my emphasis). So, where anti-individualists claim that some intentional mental states cannot be individuated without reference to the necessary relationship between the individual and her physical and/or social environment, the individualist denies this dependence and affirms the possibility of explicating mental states without presupposing anything about the subject’s environment (Burge 1986b: 3).

The falsity of individualism would be ensured by the demonstration that there are intentional mental states with nonindexical contents\(^\text{16}\) that have the crucial feature that their contents cannot be individuated fully without reference to the subject’s physical and/or social environment. Understanding this essential dependence on our environment will allow us to appreciate on a deeper level the constitutive role of culture and community for individual choice. According to Burge, the conceptual key to the anti-individualist thought-experiment is the intuitive possibility of attributing a mental state whose content involves a notion that the subject understands incompletely, or partially misunderstands (Burge 1979: 542). This possibility of *incomplete understanding* or *partial misunderstanding* required by the thought-experiment is a quite ordinary, common and non-deviant phenomenon in the case of a large number of expressions in our vocabularies. “One need only thumb through a dictionary for an hour or so to develop a sense of the extent to which one’s beliefs are infected by incomplete understanding” (Burge 1979: 540). The phenomenon is rampant in human societies.

It is important to appreciate the significance of the phenomenon of incomplete understanding for the anti-individualist thought-experiment. This phenomenon allows for

\(^{16}\) Since indexicals contain within their meanings information on how to use the context to fill-in any incomplete content, they necessarily make reference to the speaker’s context, and, thus, they cannot be used to substantiate any interesting or significant anti-individualist conclusions.
the possibility that each patient is using the same concept as his doctor (albeit with a
deficient understanding of it). Even though the patients share the same beliefs about the
meaning, content and extension of the term ‘arthritis’, when Al in the actual world and
Cal in the counterfactual world say ‘I think that I have arthritis in my thigh’, Al’s utter-
ance pertains to the concept *arthritis*, whereas Cal’s relates to *carthritis*. As a result, it is
possible for two metaphysically identical patients to have different mental contents in
relation to a single proposition; however, the *mere possibility* that Al and Cal may have
different mental contents is not enough. Since Burge relies on thought-experiments
rather than deductive argument, he needs to show that it is *overwhelmingly probable* that
Al and Cal have different mental contents.

There are three main reasons to think that it is overwhelmingly probable that the
patients have different mental contents, and these reasons are grounded in three different
considerations: (i) truth-condition considerations; (ii) language- or concept-acquisition
considerations; and, (iii) interpersonal-dependence considerations. First, there are the
truth-condition considerations. Since ‘arthritis’ refers to *arthritis* in the actual case and to
*carthritis* in the counterfactual case, if we attribute *arthritis-thoughts* to Al, most of his
mental states involving the term ‘arthritis’ would be true with a notable exception being
his belief that he has arthritis in his thigh. If we attribute *arthritis-thoughts* to Cal,
however, all his intentional mental states involving the term ‘arthritis’ would be false
because they involve *carthritis*, not *arthritis*. He has no thoughts at all involving the
notion of *arthritis*. Anyone wishing to attribute *arthritis-thoughts* to the counterfactual
patient would have to provide reasons for attributing to him patently false beliefs.

Second, there are the acquisition considerations. Given the stipulation that ‘ar-
thritis’ means *arthritis* in the counterfactual community, it is not plausible for us to think that Cal has acquired a term ‘arthritis’ that means *arthritis*. Burge claims, “The correct view is that [members of the counterfactual community] have acquired, by entirely normal means, a concept expressed in their language that bears some striking, superficial similarities to ours. But it is different. Many people in each community could articulate things about the respective concepts that would make the difference obvious” (Burge 1982a: 110). So, without some special reason for thinking that Cal’s use of ‘arthritis’ means *arthritis*, like a decision to self-consciously opt-out of the conventional usage, we are compelled to view Al and Cal as having different mental contents.17

Finally, we have the most important considerations for regarding Al’s and Cal’s contents as different: considerations based on social interdependence. As language-users, we learn new words and concepts from other individuals, and “we intentionally take over the applications that others have made” (Burge 1989: 185). We depend on others for access to examples that clarify and sharpen our meanings and concepts, “we rely on their experience to supplement our own”, and this dependence increases as “our linguistic and cognitive resources widen” (Burge 1989: 185). “[We] allow the referents or extensions of [our] concepts and words to be partly dependent on chains that pass through other people”, and “we accept corrections of our explications from them [when] they have better access to the examples which partly determine the nature of our concepts” (Burge 2003b: 358; Burge 1989: 185). This general human dependence on others in linguistic, epistemic and cultural matters helps explain why Al and Cal have different mental contents. In both cases, the patient defers to the doctor’s notion of ‘arthritis’: “The

17 The acquisition considerations are bolstered by the truth-condition considerations, since we would not only be attributing content that varied with the socially available content, but we would be attributing false content as well.
subject’s willingness to submit his statement and belief to the arbitration of an authority suggests a willingness to have his words taken in the normal way” (Burge 1979: 554). Each patient intends to “maintain communally established standards of communication and mentalistic attribution” by using the term ‘arthritis’ correctly and according to its social meaning: ‘arthritis’ as arthritis in the actual case, and ‘arthritis’ as carpitis in the counterfactual case (Burge 1979: 563). Thus, Burge thinks that it is overwhelmingly probable that Al and Cal have different mental contents, and since the only difference between the actual and the counterfactual cases is found in the social environment, it must be this difference that accounts for the difference in mental content. So, mental content individuation must be anti-individualistic because the content of some intentional mental states depends on the individual’s social environment. Individualist individuation is not possible when mental contents necessarily depend on facts beyond the individual.

A similar analysis of our social dependence may be found in Taylor’s “Irreducibly Social Goods”, where he argues that “thoughts presuppose and require a background of meanings to be the particular kind of thoughts they are” (Taylor 1995: 131). According to Taylor, our mental contents presuppose and require a background of meanings, and he maintains that the terms ‘presuppose’ and ‘require’ in this context point to a peculiarly strong relation beyond the contingently causal (Taylor 1995: 131-2). For Taylor, “A given linguistic item only has the meaning it has against the background of a whole language” and “The use of a single term, separated from that background, is unthinkable” (Taylor 1995: 132). With reference to Wittgenstein’s argument about the impossibility of naming an inner sensation without using the resources of a public language, he explains that, “In order for others to understand what I mean when I explain the meaning of a
word by pointing to something [say like a rabbit], they have to grasp what kind of thing is being alluded to. I point to an object and say “brown.” But do I mean the kind of object, the distance from me, the shape, or the color? Only if you know it’s the color do you read me right” (Taylor 1995: 132-133). For Taylor, then, individuals depend on a shared linguistic background to establish the meanings of their intentional mental contents.

Taylor pushes the point further with an argument against methodological individualism. It may appear as though the veracity of methodological individualism is secured once we realize that all thoughts occur in individual minds, but Taylor insists that the matter is more complicated when we are dealing with ‘meaning events’ rather than ‘plain events’ because the former requires that we account for the linguistic background. This requirement to account for the background or context of intentional mental contents corresponds quite closely with Burge’s analysis of the arthritis thought-experiment. “But this background is not an event,” argues Taylor, “nor can it be located in individuals. It is a language, and locating it is no simple matter” (Taylor 1995: 133-134). On the one hand, like other abstract or ideal entities, it does not have a location at all. On the other hand, “a language is created and sustained in the continuing interchanges that take place in a certain linguistic community”, and, thus, the linguistic community is the locus of language. So, we have particular meaning events, but these meaning events require a particular background of meaning. This picture reinforces the Saussurian distinction between langue (language) and parole (speech acts), and the circular relation between them. Even if we accepted that each act of parole could be attributed to an individual, Taylor claims that we would not be able to sustain “an atomist account of language” without collapsing langue into parole because langue “is not an individual matter but the
normative practice of a community” (Taylor 1995: 134). In this way, methodological individualism fails to account for language and culture because it requires us to collapse meaning events into plain events, and, similarly, *langue* into *parole*.

Taylor is stressing that meaning events require an independent dimension of linguistic background, language or linguistic community, and to accept an independent background of this type is to accept “something into one’s social ontology which can’t be decomposed into individual occurrences” (Taylor 1995: 135). In Taylor’s words, “this is the crucial step out of atomism”, “This is the undecomposable kernel against which atomism must break its teeth”; hence, the nature of language itself demonstrates that methodological individualism is false (Taylor 1995: 135-136). The linguistic context establishes the meanings for our mental contents, and this point appears consistent with Burge’s analysis of the arthritis thought-experiment. To repeat a point iterated above, since the individuation of thoughts and other mental contents depends on more than just facts about the individual, *individualism is false*.

Appearances aside, it is a significant mistake to view our social dependence on language, culture and community along the lines suggested by Taylor. While Burge and Taylor appreciate the necessary role of the linguistic background for the individuation of our mental contents, there is a crucial difference between their views. To clarify a key point about Burge’s view, let us introduce Donald Davidson’s Swampman from “Knowing One’s Own Mind” into the thought-experiment by substituting the patient for Swampman: the patient’s physical replica with no causal history. Let us suppose that, as the patient is driving to see his doctor, he veers off the road to avoid hitting a doe, and his

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18 It is important to note that Taylor’s target is not the same as Burge’s. Individualism in the philosophy of mind/language may be false without methodological individualism being false. This result is furnished by the possibility of an individualistic explanation succeeding, where atomistic explanations have failed.
car lands in a swamp. When the patient exits his car to survey the damage to it, lightning strikes a dead tree near the patient, and his body is reduced to its elements, while entirely by coincidence (and out of different molecules) the tree is turned into his physical replica. This replica, Swampman, leaves the swamp where the fantastic substitution occurred and proceeds to live the patient’s life unbeknownst to anyone.

When Swampman claims to have arthritis in his thigh, what are the contents of his utterance? Some commentators attribute to Burge the idea that these contents are determined necessarily and invariably via reference to the community and its norms; i.e., the social community’s definition of ‘arthritis’ and its associated concept. According to Davidson, Burge is committed to the idea that “we are bound to give a person’s words the meaning they have in his linguistic community, and to interpret his propositional attitudes on the same basis” (Davidson 1987: 449). On this view, Burge would hold that, in the actual case, Swampman would be referring to arthritis, whereas, in the counterfactual case, Swampman would be referring to carthritis. This claim resembles Taylor’s position, and it is tantamount to thinking that Roberto the Roman Catholic must hold the Roman Catholic conception of marriage by virtue of being Roman Catholic. This interpretation of Burge’s work, as well as the relationship between an individual’s thoughts and her cultural memberships, holds that mental contents are determined necessarily, completely and invariably with reference to the community and its norms.

Burge does not subscribe to this view, however. Moreover, he thinks that there is good reason to reject it. On Burge’s view, the individuation of some mental contents is

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19 According to Roman Catholicism, “The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life, is by its nature ordered toward the good of the spouses and the procreation and education of offspring; this covenant between baptized persons has been raised by Christ the Lord to the dignity of a sacrament” (Catechism of the Catholic Church 1994: Article Seven, Paragraph 1601).
dependent on the individual’s relations to her environment (including relations to other individuals); hence, the imperative to reach a proper balance between the individual and social aspects of language, culture and our dependence on them. For Swampman to have thoughts about its environment, there must be nonintentional relations that help make such reference possible. The mere fact that Swampman is present in an environment or with a particular linguistic background does not suffice to establish the type of relationship necessary for us to individuate its intentional mental states, if it has any at all. Similarly, the mere fact that Roberto the Italian belongs to the Italian community does not mean that he is Roman Catholic, or that he subscribes to the Roman Catholic view of marriage. Burge leaves open the question of what would count as a relevant relation on the ground that a wide variety of such relations may qualify, but he believes that “Swampman almost surely lacks any relevant relation”, since merely being present in an environment is not the right type of nonintentional relation (Burge 2003b: 354). As a result, “it is hard to understand how a creature like Swampman (at least before it starts interacting with its environment) could have intentional content about that environment” (Burge 2003b: 354). Unlike Davidson, the ‘could’ in this claim is not merely causal: it is metaphysical. For Burge, it is not metaphysically possible for Swampman to share the actual or the counterfactual doctor’s thoughts about arthritis or carthritis prior to establishing the right type of relationship. For Taylor too, it is not metaphysically possible for middle age and neolithic villagers to use our concepts ‘fulfilling’ or ‘sophisticated’ as long as they retain their particular linguistic background.

What Davidson and many others misunderstand about Burge’s position is that the metaphysically necessary dependence of an individual’s thoughts and language on her
environment obtains only under specific conditions; that is, the metaphysically necessary dependence is contingent. This is the missing component of Taylor’s analysis. For Taylor, the metaphysically necessary dependence on an individual’s linguistic background is itself a necessary relationship. To appreciate the contingent nature of this metaphysically necessary dependence, let us consider another reformulation of the original arthritis thought-experiment. In this version, to avoid the conceptual problems of transporting individuals between actual and counterfactual worlds, Al and Cal will be replaced by Art and Bart, where Art and Bart are metaphysically identical Lewisian counterparts, who live in neighbouring, metaphysically identical communities (Aville and Beeville, respectively) save for the familiar details involving arthritis. Now, suppose that both Art and Bart are walking simultaneously from their cars into their doctors’ offices when they are struck by lightning, their bodies are reduced to their elements and entirely by coincidence they rematerialize in the other community: Art finds himself in Beeville, and Bart in Aville. Both patients are startled and a bit disoriented, but being late for their appointments, each rushes into his doctor’s office. The change of patients between Aville and Beeville occurs without anyone from their communities noticing.

On Burge’s view, Art’s term ‘arthritis’ continues to designate arthritis and Bart’s barthritis, and each patient’s thoughts and meanings are individuated as if he were never transported to the other community. The reason is simple, yet significant: the relevant social relations for individuation have not changed with the change of location. Art learned the word ‘arthritis’ in Aville, and he relies on members of his community to help him supplement his understanding of it. Additionally, he holds himself to the normative standards of his original community, and, thus, accepts correction of his partial misunder-
standings. Bart’s situation is identical. Unlike the scenario with Swampman, both Art and Bart have established the relevant relationships for anti-individualistic individuation, but they have done so within their original communities.

What this final reformulation of the arthritis thought-experiment shows is that the individuation of an individual’s thoughts and meanings may depend on facts about her environment, but what facts are relevant are established by facts about the individual. To individuate Art’s mental contents, we needed to know facts about Art. We needed to know where and how he acquired his words and concepts. We needed to know if he accepted the conventional meaning and concept, or if he subscribed to a deviant meaning and concept. We needed to know if he now held himself to the standards of the old community or that of the new one. In short, we needed to know with which community’s norm he intended to comply by virtue of his relationship with it.

This type of social interdependence is a deep and pervasive phenomenon, but it is nonetheless a contingent fact about individuals as moral agents, thinkers and language-users. So, Burge’s arthritis thought-experiment should be interpreted as establishing that, as a metaphysical necessity, mental content individuation depends on the individual’s social environment provided that specific contingent circumstances obtain; namely, a suitable relationship with, or the intention to adhere to, an intentionally-designated community’s norms. Additionally, this analysis has revealed that there are two distinct, albeit related, dimensions to this linguistic and epistemic dependence: (i) dependence on the community’s norms, and (ii) dependence on the community, including co-members. These two dimensions are reflected in the distinction between culture and cultural community. Many accounts of our cultural dependence conflate these two dimensions
into a single idea, like cultural circumstances, context of choice, or cultural background, but the relationship between these two dimensions is too complicated to permit such an amalgamation. While it is true that culture and norms are associated with cultural communities, this relationship tends to fall apart most evidently with large-scale cultural communities, like nations, peoples or societal cultures. For now, I conclude that the two dimensions of our necessary social dependence on culture are contingent on the individual establishing and maintaining a suitable relation with her cultural community.

2.5 The Metaphysical Background of the Classic Anthropological Community

One of the hallmarks of liberal democratic societies is their thriving associational life. People belong to all kinds of different groups. The fairly robust guarantees of freedom of association that exist in most modern democracies have given rise to a cornucopia of forms of groups, whose members associate under often very different terms with a view to all kinds of ends (Weinstock 2005: 227).

Liberalism is committed to protecting our essential interests in culture and community as social preconditions for individual choice and freedom. Yet, the foregoing analysis of Burge’s arthritis thought-experiment has involved norms and mental contents rather than traditional liberal concepts like ‘comprehensive doctrines’ and ‘conceptions of the good’. We have seen that Kymlicka’s fecund argument for societal cultures as preconditions for individual freedom does not sit well with the contemporary anthropological literature on the culture concept, partly because it seems to endorse the classic conception of community, partly because it does not adequately distinguish between culture and community as distinct factors, and partly because it establishes an isomorphism between culture and society. This tension between political philosophy and anthropology raises fundamental questions about the nature of our essential dependence on culture and community within liberal theory, and I will begin to explore this tension in this section, first, by examining
our dependence on culture, and second, by relating this conception of culture to the relevant sense of cultural community. The starting-point of this analysis is the idea that the individual requires culture and community to be free.

Liberal political philosophy may value freedom, but it does not typically hold that freedom is intrinsically good. In fact, it is well-established that there are too many possible freedoms to list, and that they range from the indispensable to the trivial. So, liberals cannot simply endorse the value of freedom tout court, for some differentiation is required, especially where the exercise of political power and authority is involved. Rawls has provided a profoundly influential account of the value of freedom within liberal theory using the technical concepts of ‘comprehensive doctrine’ and ‘conception of the good’. According to Rawls, in a liberal democratic society, the burdens of judgement recognize and ensure that individuals will affirm a variety of comprehensive doctrines, many of which will remain “different and opposing”, “conflicting and irreconcilable” (Rawls 1993: 36-38). A comprehensive doctrine is a wide-ranging worldview providing a perspective on the natural and social world, as well as an evaluative framework, for human deliberation and decision-making. It has three main features: (i) its scope covers the major religious, philosophical and moral aspects of human life; (ii) it functions to characterize, organize, weigh and order values into a compatible set expressing an intelligible view of the world; and, (iii) normally, it belongs to and draws upon a tradition of thought (Rawls, 1993: 59). Comprehensive doctrines as sets of conceptual and evaluative resources are not constructed or authored de novo by each individual. Instead, they are produced, maintained and reproduced as part of the collective endeavour to understand and live in the world, and for this reason, they are closely related to com-
munities. By establishing a suitable constitutive relationship with these communities, individuals come to inherit, acquire, affirm, and, ultimately, depend upon comprehensive doctrines, and these comprehensive doctrines play a crucial and integral role in structuring how they conceive of and live in the world. The intention to faithfully adhere to the community’s norms is a constitutive aspect of the acculturation or socialization process, and it establishes an essential dependence on these conceptual and evaluative resources for as long as the individual continues to accept them. It is through our membership in and dependence on cultural communities providing such comprehensive worldviews that we come to acquire the conceptual and evaluative resources required to live in the world as moral agents.

Another way to express this idea is to say that comprehensive doctrines enable human agency and freedom, generally. More importantly, however, they also provide the conceptual and evaluative resources for the morally and prudentially valuable freedom to form, revise and rationally pursue a conception of the good. For Rawls, a conception of the good is a system of final ends expressed by a rational plan of life – it is a calculated blueprint for the promotion and attainment of specific interests and ends (Rawls 1993: 280; 1971: 110; 1971: 283). This freedom is not only instrumentally valuable, but it is a precondition for our essential interest in leading a good, valuable and satisfying life.

The relationship between an individual’s conception of the good and her comprehensive worldview is not incidental. A vital function of comprehensive doctrines is to set out possible final ends, aims or objective for the lives of individuals, such as the salvation

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20 It is not necessary for individuals to accept every norm comprising their communities’ worldview in order to avail themselves of these benefits, but there are costs to opting out of some of the community’s norms. On the one hand, the individual is burdened with redefining or reconstituting the denounced norms for herself, and this risks significant internal tensions, inconsistencies or contradictions. On the other hand, deviating from community norms risks marginalization, exclusion and retribution from the community.
of their souls or possession of a house in the suburbs, with a white-picket fence, a son, a
daughter, a cat and a dog. Comprehensive doctrines provide individuals with options of
final ends, and then it is the responsibility of each individual to use her first moral power
to construct a conception of the good or a rational life-plan for herself. In this sense, an
individual’s conception of the good is formulated and interpreted with the conceptual and
evaluative resources provided by her comprehensive doctrine (Rawls 1993: 81-82). So,
the moral value of her comprehensive doctrine, and the community sustaining it, are
established by their crucial and integral role in shaping her options, providing them with
meaning and significance, and supplying the values with which to assess, order, and,
ultimately, decide between the available options. The effective exercise of our moral
capacities for deliberation, choice and action in relation to our conceptions of the good
depends on the norms of our cultural communities.21

Liberalism should recognize our essential dependence on culture and community
for the development and exercise of personal freedom, above all in relation to our con-
ceptions of the good, and this recognition seems to require, among other things, the
protection of culture and cultural communities. We have seen that our options, their
meaning, their significance, and the values we use to assess them are often derived from
our social environments via culture and community, and that this type of dependence is
an ordinary and usual phenomenon based on a complex mixture of facts about the indi-
vidual and her relationship to her culture and her community. There is more to say,
however, about this latter point. It is my contention that Burge’s thought-experiment,
like Taylor’s discussion of language in “Irreducibly Social Goods”, exhibits a tendency

21 The role of our comprehensive doctrines is not restricted to the formation and revision of our conceptions
of the good, however; they play a crucial role in our daily lives as we pursue actualizing our conceptions of
the good, and as we go about the daily business of leading our lives as well.
exhibited by much theorizing in political theory: the tendency to incorporate classic anthropology’s social ontology. What conclusions we draw from the thought-experiment about language, culture and community, especially for multicultural theory and practice, will depend on our assumptions about the background metaphysical structure.

In “Normativism and the Mental”, Adèle Mercier distinguishes three different types of anti-individualist argument, which are helpful in discussing the relationship between an individual’s cultural dependence and her community. These three types of argument are based on etiological considerations and two distinctions. The first distinction is between natural and communal etiology: (i) natural etiology (NE) is committed to metaphysical realism and the idea that natural kinds are self-individuating or individuated by nature; and, (ii) communal etiology (CE) is committed to a form of conceptual relativism and the idea that kinds are individuated by the community through its cultural norms (Mercier 1993: 71). Unlike NE and its assumed connection “between an individual and Nature”, CE involves “a connection postulated to hold between an individual and the minds of other people”, and this difference permits CE to rest its anti-individualism upon “(non-individually individuatable) normative commitments” rather than “(individually individuatable) acts of ostension” (Mercier 1993: 73).

But it is important to distinguish between two forms of CE, and this is her second distinction: (iii) scientific communal etiology (SCE) is committed to a form of conceptual relativism and the idea that scientific kinds are individuated by the scientific community; and, (iv) dialectal communal etiology (DCE) is committed to a form of conceptual relativism and the idea that kinds are individuated by the linguistic community (Mercier 1993: 76-78). Although closely related, SCE and DCE may be distinguished by their
background metaphysical structures because SCE and NE share an important feature not shared by DCE. NE’s commitment to metaphysical realism means that natural kinds are individuated by a single standard (i.e., nature). Similarly, for SCE, scientific kinds are individuated by a single standard (i.e., the scientific community’s standard). In both scenarios of Burge’s thought-experiment, it appears as though ‘arthritis’ is individuated by a single standard because there is only one scientific community – the actual and counterfactual scenarios are monocommunal and monocultural. With NE and SCE, the individuation of an individual’s mental contents must make reference to the single standard established by either nature or the scientific community, respectively. Even though it is committed to conceptual relativism, SCE makes reference only to a single norm: the one and only scientific community’s norm.

In the thought-experiment, ‘arthritis’ could be individuated only with reference to a single standard because there was only a single community to provide the requisite norms. With this type of metaphysical background, the individuation of mental contents must make reference to the single standard established by the community through its norms. As a result, everyone is part of the same community, and, furthermore, the individuation of everyone’s mental contents must make reference to the same set of communal norms. The monocommunal ontological background reproduces the common isomorphism between language and society, or culture and society, and it suggests the influence of the classic anthropological model – a model that privileges similarity over difference, and harmonious consistency over contestation, by concealing intracommunal cultural diversity within a view of community as concrete, bounded, well-integrated, logically consistent throughout and internally harmonious. This sort of theorizing within
the confines of a single community is not unusual, even in liberal theory.

While there are surely occasions when it is beneficial or necessary to cut through the complexities of social reality with simplifying assumptions, it is a mistake to think that a monocommunal metaphysical structure is characteristic of social contexts, generally. The mistake is revealed when we focus our attention on the counterfactual description in the thought-experiment. When reformulating the thought-experiment, we could not transport Al and Cal between environments because, by definition, only one of these individuals and only one of these environments could exist. The problem is that the counterfactual description masks that there is no good reason to suppose that the two communities vis-à-vis ‘arthritis’ could not co-exist in the same world, and, additionally, there is good reason to avoid such a misleading description because the description in counterfactual terms suggests a misleading and peculiar metaphysical structure. It is misleading because it suggests that there is only a single community and only a single set of norms relevant for the individuation of our mental contents, and it is peculiar because such conditions rarely obtain in actual social contexts. In short, the thought-experiment suggests that social contexts are monocommunal and monocultural, and thus, characterized by a single Taylorian background, or by a singular Kymlickian cultural structure.

This metaphysical structure is special and unusual because most mental contents are individuated in settings where there are many possible coexisting and competing communities, and, consequently, many possible coexisting and competing norms. Individuals often belong to a variety of different communities and intend to comply with different communal norms at different times – these norms may be distinguished based on metaphysical, epistemological, moral, legal, political, religious, recreational, profes-
sional, or any number of other differences, and their scope may range from the local to the global. If we consider words like ‘marriage’ and ‘family’, ‘pornography’ and ‘art’, or ‘freedom’ and ‘justice’, it is apparent that, in many social contexts, these terms are subject to a variety of different meanings and significances vis-à-vis different cultural communities. Moreover, these words and their corresponding concepts may factor into comprehensive conceptions of the good or rational life-plans in a variety of different ways. Quite simply, wherever there is disagreement, there is the possibility of different and competing norms. Different cultural communities, for instance, may attach different meanings and significances to ‘pornography’, and, thus, disagree about the nature and value of a painting. Such differences in meaning and significance are not captured by the phenomenon of incomplete understanding and partial misunderstanding, since they are *communally-based* rather than matters of individual, idiosyncratic variation. This cultural plurality of ordinary contexts is conspicuously absent from Burge’s thought-experiment, and, even though the monocommunal structure does not reduce the cogency of his anti-individualist argument, it would be a mistake to assume that our dependence on culture and community is as straightforward as it appears to be on a monocommunal model.

In the thought-experiment, the description in counterfactual terms establishes a monocommunal structure, which precludes the possibility of Al belonging to *one of many* possible communities and to *more than one* of these communities. Ordinary social contexts contain numerous and various social communities, and individuals tend to belong to many social communities simultaneously. Let us consider the fictional case of Taiwo Opiyo, a young man born and raised in Kenya, and currently studying for a doctorate in chemical engineering. Although he devotes much of his time to his studies, he finds time
for his many hobbies and interests. He is a loyal supporter of Kenya’s national soccer team, a fan of mixed martial arts competitions, and an enthusiastic student of Brazilian Jiu-Jitsu at his local martial arts studio. He has inherited a collection of Kenyan art from his mother, and he intends to add to his cherished collection in time. He also enjoys playing chess as a member of a local and an online chess club, as well as reading science fiction literature. Although he is Hindu, he is familiar with the teachings of Christianity, Islam and the Baha’i faith. Like most individuals, Taiwo is a member of numerous and various communities.

With only a snapshot of his life, we can see Taiwo being a member of a variety of non-national communities. He is part of both local and international communities, which are organized around a professional practice (like chemical engineering) or recreational activity (like playing chess or learning a martial art) or set of beliefs or preferences (like Hinduism or classical Kenyan art or science fiction literature), and we can assume that some of these communal memberships are more significant to him than others. We can assume further that the meanings and significances of these communal memberships are influenced by the meanings and significances of his other communal memberships. The values and beliefs inherent in chemical engineering may make science fiction literature more attractive to him than other types of literature, and the style of soccer played in Kenya may make Brazilian Jiu-Jitsu more attractive than other types of martial arts. This case demonstrates that an individual’s communal memberships are likely to be multiple, diverse, complex, interrelated, interdependent, and multifaceted. The one-of-many consideration highlights the diversity and pluralism of communities possibly relevant for the purposes of individuation, whereas the more-than-one consideration emphasizes the
complexity and multifaceted nature of the phenomenon of communal belonging. Only in the most homogeneous of societies will these considerations not be relevant.22

The fact that the content of Al’s utterance depends on the norms of a single community – the only existing community vis-à-vis ‘arthritis’ – serves to eliminate the possibility of the one-of-many and more-than-one considerations being relevant. The elimination of these possibilities makes it seem as if individuation is straightforward because there is no need to specify the individual’s intention to comply with this rather than that norm, and it does not need to examine her relationships with her communities and their norms. In short, the thought-experiment assumes implicitly a monocommunal metaphysical structure, and this assumption serves to conceal the multicommmunal and multicultural nature of social contexts. Once we reveal the true nature of multiculturality, we complicate the task of protecting and promoting the social preconditions of individual choice and freedom, while also improving our ability to achieve this valuable objective.

2.6 A Revised Conception of Multiculturality

Humans are curious and adventurous animals: they travel, they migrate, they trade, they fight, and they plunder. And they report back what they have found out about the ways in which others live (and trade and fight etc.). They bring back tales of exotic customs as well as the exotic goods they have purchased or stolen. One result of this is that custom, practice, language, and social and military organization seldom stay local. The pure

22 In what type of society would they be absent? In a fully monocommunal or monocultural social context, there would be no communal variation in the norms relevant for the individuation of mental contents. Each individual’s linguistic expressions, beliefs, values, desires, aspirations, etc., would be individuated with reference to a single set of norms, like in Burge’s arthritis thought-experiment. Of course, interindividual variation is possible insofar as individuals may disagree about their interpretations of these norms, and this possibility is furnished by the phenomenon of incomplete understanding or partial misunderstanding. Moreover, some individuals may self-consciously opt out and construct for themselves alternatives to some of the community’s norms. What is not possible for a monocommunal or monocultural social context, however, is the formation of alternative communities comprised of these individuals who have self-consciously opted out. For the presence of such an alternative would result in a degree of multiculturality, albeit a small degree. Monoculturalism requires the presence of one and only one set of norms; thus, the more (rival or competing) options present in a social context, the more multicultural it is.
culture, uncontaminated in its singularity, is for this reason an anomaly; it is an exception usually explained by historical contingency and extraordinary geographical isolation. For human cultures, it is the rule, not the exception, that ideas and ways of doing things are propagated and transmitted, noticed and adapted. No doubt – from a purist’s point of view – they are violated and distorted in the process; but my point is that there is nothing normative about the purist’s point of view (Waldron 2000: 232).

The analysis of Burge’s thought-experiment in the previous section points to a revised conception of multiculturality. Conventional wisdom has it that multiculturality requires the presence of distinct national or ethnic communities within a territory or jurisdiction. This common misperception is sustained by the practice of referring to nations or peoples as ‘cultures’ rather than ‘cultural communities’, and the tendency to use the external standpoint of the social observer to view nations, peoples and societies as characterized by their own language, culture and history. This depiction is consistent with the classic anthropological model’s tendency to perceive communities as monocultural, yet plural-istic, entities, and resonates with the use of ‘monoculture’ in agricultural practice to refer to the cultivation of a single crop within some designated area, like a field or farm. Just as a monocultural field yields only a single crop, so too a monocultural society is comprised of only a single nation or people.23

The revised conception of multiculturality holds that a society, state or context is multicultural whenever multiple cultural communities contribute through their distinct cultural norms to individuals’ contexts of choice. In multicultural contexts, individuals are presented with alternative norms from different cultural communities – for instance, norms setting out options for the meaning of ‘arthritis’, or a woman’s role and status in society – and these norms are constitutive of their contexts of choice. The presence of

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23 Japan and some Scandinavian states are often cited as the closest real world examples of monocommunal and monocultural states, but they are viewed as exceptions to the multiculturality that characterizes the bulk of the world’s states and societies. Even though there is much diversity within Japanese society, it is still widely (and I would add also ‘mistakenly’) considered to be monocommunal and monocultural.
numerous intermingled and overlapping communities is sufficient for a social context to be multicultural. It is my contention that there are few social contexts in which only one social community provides the requisite norms for meaningful and significant choices, and if I am right, then (almost) all social contexts are multicultural.

It is important for political philosophers to note the number and variety of cultural communities influencing a single individual’s context of choice. After all, it would seem that, within the category of cultural communities contributing to our contexts of choice, we must include any community, group or association contributing to (i) the options available to us, especially in terms of conceptions of the good, rational life-plans or final ends, (ii) the conceptual and evaluative content of these options, or (iii) the values we employ in thinking, evaluating and deciding between them. Nations have a significant role in establishing contexts of choice, but it would be a serious mistake to underestimate the contribution of other social communities, especially if we are aiming to protect and promote the preconditions of individual choice, freedom and autonomy. The fictional example of Taiwo Opiyo demonstrated how numerous and various cultural communities influencing different aspects of human life may combine together to offer a rich and diverse context of choice. This example demonstrated also how social reality is arranged less like a jigsaw puzzle, and more like overlapping and discontiguous paint

24 Consider, for instance, the features of marriage as understood by a variety of social communities: Canadian lawyers, liberal political philosophers, Catholics, Muslims, Mormons and so on. The norms regarding marriage differ between these social communities, but there will be mutual support and conflicting alternatives on features like the permissibility of divorce, the permissibility of same-sex marriage, the permissibility of polygamy or polygyny, the minimum age requirement, and the like.

25 Additionally, this example demonstrated that Taiwo could incorporate ‘foreign’ communities into his context of choice – communities not immediately available to his neighbours. Also, Taiwo’s context of choice vis-à-vis religion is not structured exclusively by his membership in the Hindu religion, for his knowledge of other religions plays an important role in framing his choices. Thus, social communities of which individuals are aware contribute to their context of choice and enhance the richness and diversity of their options, although it is not unusual for individuals to be dismissive of the foreign and unfamiliar.
splotches of different sizes, colours and textures; or, to put it another way, less like Piet Mondrian’s *Composition with Yellow, Red, Black, Blue and Grey* (1920) and more like Jackson Pollock’s *Convergence* (1952). This picture of multiculturality is a significant departure from the assumptions inherent in much political theorizing, assumptions grounded in something like the classic anthropological view of community.

But liberal political philosophers do not usually claim that nations, ethnicities and peoples are (or should be) culturally homogenous. Even Rawls’ closed society exhibits a diversity of opposing, incommensurable and irreconcilable comprehensive doctrines, and this diversity is not a passing historical accident, but rather a permanent and desirable feature of liberal societies. No amount of philosophical argumentation is able to argue away reasonable pluralism because the burdens of judgement ensure that there will be reasonable disagreement even between individuals who are reasonable, rational and committed to honouring fair terms of cooperation as fully cooperating members of a society (Rawls 1993: 55). Similarly, Kymlicka holds that societal cultures are not necessarily culturally homogenous because they tend to be pluralistic. Since so much of liberalism as a normative political philosophy is devoted to treating difference justly and fairly, it may strike many political theorists as odd that I am charging many liberals with subscribing to a form of homogenized monoculturalism.

My contention is not that liberals are somehow oblivious to the empirical reality of the revised conception of multiculturality. It is evident that liberals recognize and celebrate this cultural plurality as a manifestation and enhancer of individual choice. Instead, my argument in this chapter is that they have neglected many cultural communities meriting protection and promotion from the institutions of the liberal democratic
state, and that they have done so because they have emphasized the commonality in
nations, peoples, societal cultures and other similar communities by assuming something
like the classic anthropological model. So, there is no serious dispute about the existence
of these communities, which are not standardly included within liberal theorizing. The
central question is whether they should have some status in liberal political theorizing.
Do these non-national communities merit consideration? My answer is that they do by
virtue of their constitutive contribution to our contexts of choice, and, additionally, that
this correction requires a revision to our understanding of the idea of ‘context of choice’.
Despite this contribution to our contexts of choice, my proposal for an expansion in scope
of communities relevant for liberal theory and practice is not uncontroversial. In the
remainder of this section, I will argue that functionality is the key criterion establishing
the value of these communities, not comprehensiveness or voluntariness.

Let us begin with Rawls’ conception of society. Rawls is concerned with identi-
fying principles of justice for the basic structure of a well-ordered society using the tools
of the social contract tradition, and, to this end, he makes a series of assumptions about
this society. For his purposes, society is “a complete and closed social system” (Rawls
1993: 40), “a closed system isolated from other societies” (Rawls 1999: 8), and “its
members enter it only by birth and leave it only by death” (Rawls 1993: 12). It is “a fair
system of cooperation over time, from one generation to the next” (Rawls 1993: 13), but
also “a cooperative venture for mutual advantage … typically marked by a conflict as
well as by an identity of interests” (Rawls 1999: 4). This type of society is neither a
voluntary association nor a community. After all, “a society has no final ends and aims
in the way that persons or associations do” (Rawls 1993: 40), and, unlike a community,
“it is not … governed by a shared comprehensive religious, philosophical, or moral doctrine” (Rawls 1993: 42). Instead, a society is “a social union of social unions” (Rawls 1999: 107), and it is marked by a “diversity of … comprehensive religious, philosophical, and moral doctrines” (Rawls 1993: 36). In short, for his project, Rawls views individuals as organized into distinct, concrete, bounded, well-integrated and harmonious societies, but he recognizes that these societies are not organized around a single comprehensive doctrine or conception of the good, and this feature permits some measure of pluralism.

Given his goal, there are sound reasons for Rawls’ departure from common-sense understandings of ‘society’ in favour of his stipulated, technical conception. Yet, for other projects of political philosophy, the Rawlsian conception of society may conceal vital features of human societies or communities. This is precisely what happens with respect to national and ethnic plurality, according to Kymlicka. The Rawlsian conception of society is a liberal democratic society marked by diversity of comprehensive doctrines, but it is a mononational or monocommunal society. That is, it overlooks the cultural plurality arising from the presence of national minorities, aboriginal peoples, and ethnic groups. As a result, Rawlsian principles of justice do not account for these types of cultural diversity, meaning that they may not be appropriate for multinational and/or polyethnic states. Since some form of multiculturality is the norm, there is a serious shortcoming in the Rawlsian schema, and Kymlicka introduces the technical concept of ‘societal culture’ to correct for this shortcoming. Kymlicka’s revision of the Rawlsian framework amounts to an expansion of the category of morally relevant diversity from comprehensive doctrines to include also national and ethnic diversity.

But what is the difference between the diversity of comprehensive doctrines and
that of societal cultures? An initial difference is that comprehensive doctrines are ideational or conceptual, whereas societal cultures are a form of community. To avoid category mistakes, we need a Rawlsian form of community, which I will call a “doctrinal community”, and a Kymlickian ideational counterpart for societal cultures, which I will call “national culture”. With this terminology in place, there are two significant similarities between the views of Rawls and Kymlicka relating to their scope and function. The first similarity concerns the scope impacted by the ideational or cultural components of their views. Rawlsian comprehensive doctrines are comprehensive because their scope covers the major aspects of human life, and, similarly, Kymlickian national cultures cover the full range of human activities. For Rawls and Kymlicka, then, the relevant forms of diversity arise from communities whose cultures or ideational counterparts cover a wide range of human life and activities. The second similarity concerns the function of the ideational or cultural components of their views. Rawlsian comprehensive doctrines establish intelligible worldviews by characterizing, organizing, weighing and ordering values and ends, and this is similar to the way that Kymlickian national cultures provide meaningful ways of life. This function is integral to the development and exercise of freedom, generally, but also to the morally notable tasks of forming, revising and rationally pursuing a conception of the good.

Beyond these similarities in scope and function, there is a significant difference in the communities producing the types of diversity with which Rawls and Kymlicka concern themselves, and this difference is apparent when we consider them as minority communities. Rawlsian doctrinal communities may represent minority opinions or views, but this sense of minority is statistical. Vegetarians and Marxists are minorities in
this sense. When Kymlickian societal cultures are minority communities, they also tend to be minorities in the statistical sense, but more importantly, they are cultural minorities. Minority societal cultures do not only differ from the majority in their conceptions of the good, ways of life, values and ends, but also in culture, language, history, tradition and custom. As a result, it appears as though the most significant difference between the diversity of doctrinal communities and the diversity of societal cultures is that the latter is a wider form of cultural diversity. It is wider because the cultural differences between a majority and minority societal culture is significant enough to establish multinational states with multiple societies living within a political jurisdiction. In this way, Kymlicka breaks Rawls’ isomorphism of society and state, and thereby raises important moral questions about appropriate jurisdictional configurations and boundaries.

Nevertheless, the cultural plurality with which Rawls and Kymlicka concern themselves involves communities satisfying the functionality and comprehensiveness criteria. Our analysis of Burge’s arthritis thought-experiment suggested that liberalism should be concerned with any cultural community contributing to (i) the options available to us, especially for our conceptions of the good, rational plans of life or systems of final ends, (ii) the conceptual and evaluative content of these options, or (iii) the values used to deliberate, evaluate and decide between them. This suggestion satisfies the functionality criterion, but it departs from the comprehensiveness criterion. On the view defended here, the comprehensiveness criterion is not relevant to the assessment of what human societies, communities, associations or groups matter for the purposes of political philosophy. For Kymlicka, societal cultures merit some type and degree of protection and promotion based on their contribution to the context of choice of their members.
community contributes to our cultural resources and context of choice in any way, and thereby satisfies the functionality criterion, it would seem logically inconsistent to deny it some type of standing, protection and promotion. It would be logically inconsistent, unless there was a morally relevant reason to limit the scope of communities relevant to political philosophy through the functionality criterion.

Is there a morally relevant reason for the comprehensiveness criterion? This question is not only important for the purposes of establishing the scope of communities relevant to political philosophy via their contribution to our cultural contexts of choice, but also it has implications for our conception of multiculturality and multiculturalism. Also, it seems to rest at the heart of Waldron’s cosmopolitan challenge to Kymlicka’s liberal nationalism, as well as our assessment of Kymlicka’s response to it. In “Minority Cultures and the Cosmopolitan Alternative”, Waldron accepts our dependence on culture for context of choice, yet disagrees that this dependence is equivalent to a dependence on societal cultures or nations. Waldron claims,

> membership in a particular community, defined by its identification with a single cultural frame or matrix, has none of the importance that Kymlicka claims it does. We need cultural meanings, but we do not need homogenous cultural frameworks. We need to understand our choices in the contexts in which they make sense, but we do not need any single context to structure all our choices. To put it crudely, we need culture, but we do not need cultural integrity (Waldron 1992: 785-6).

Waldron challenges the idea that individual freedom requires a societal culture as a singular cultural background, structure or matrix. He objects that societal cultures are not necessary as long as the cosmopolitan alternative is a viable and realistic option: “a freewheeling cosmopolitan life, lived in a kaleidoscope of cultures” (Waldron 1992: 762). Waldron argues that it is possible for an individual, like himself, to live a rich and fulfilling life within a context of choice comprised of cultural fragments from a wide
assortment of diverse national communities. Therefore, he concludes, a societal culture is not necessary for individual freedom or context of choice.

In *Politics in the Vernacular*, Kymlicka explains that Waldron is wrong to think that societal cultures are not necessary for individual freedom. Kymlicka and Waldron agree that many large urban centres offer a mélange of cultural fragments – including, for instance, “Inuit art, Italian opera, Chinese food, German folklore, and Judaeo-Christian religion” – sufficient for a rich context of choice, but Kymlicka does not believe that an individual must move between societal cultures to avail herself of the opportunities presented by these cultural fragments (Kymlicka 2001a: 210). For Kymlicka, “It is simply a case of enjoying opportunities provided by [a] pluralistic societal culture” (Kymlicka 2001a: 211). On Kymlicka’s understanding, many societal cultures are pluralistic insofar as they have incorporated aspects of different cultures, but these societal cultures remain singular cultural backgrounds, structures or matrices. In this sense, Kymlicka argues, what Waldron considers a mélange of cultural fragments from diverse cultures is nothing more than a modern pluralistic societal culture.

According to Kymlicka, there is nothing in the idea of a societal culture or nation that requires it to be static, internally undifferentiated and harmonious, so the national cultures of societal cultures may become pluralistic by incorporating foreign fragments. So, what Waldron sees as a mélange of cultural fragments from diverse cultures is little more than a pluralistic societal culture. These two accounts may appear mutually incon-

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26 This process of incorporating aspects of other cultures is not a threat to societal cultures, as long as it is the product of choice rather than foreign imposition. There is an important distinction to be made here: “It is one thing to learn from the larger world; it is another thing to be swamped by it” (Kymlicka 1995: 103-4). This liberal attitude toward learning from others and freely adopting some aspects of another community’s culture is part of a liberal multiculturalist or nationalist defense against the charge that they seek a form of cultural survival that is committed to and dependent on ideas of cultural purity and authenticity.
sistent, but they simply emphasize different aspects of culture and community. Kymlicka may be seen as emphasizing the unity of societies, communities, nations or peoples, whereas Waldron emphasizes the disunity of these social units. There is a striking parallel here to the anthropological literature. Just as some anthropologists challenged supporters of the classic anthropological model for exaggerating the unity, coherence and harmony of communities as ‘complex wholes’, so too Waldron challenges the unity, coherence and harmony of Kymlicka’s societal cultures. Just like with the anthropological debate, the solution is to acknowledge the existence of societal cultures, but also the communally-based plurality generated by internal communities. Also, given the cosmopolitan nature of Waldron’s challenge, we should acknowledge also the presence of communities whose scope extends beyond societal cultures at the global, international, transnational or regional levels. For some projects, it may be appropriate to isolate one dimension of social reality, but we should not forget about the other dimensions.

These remarks assume that the comprehensiveness criterion cannot be justified, and this point has yet to be substantiated. What is the difference between communities satisfying the functionality criterion alone, and communities satisfying both criteria? Both types of community contribute to the development and exercise of our freedom, but they do so within different ranges. Non-comprehensive cultural communities will contribute within a narrow range by virtue of the stipulation that they are not comprehensive. They do not provide individuals with “meaningful ways of life across the full range of human activities” (Kymlicka 1995: 76), but they do contribute to our options of conceptions of the good, ways of life, rational life-plans or systems of final ends. The range of their contribution is more limited, and the extent of their contribution may be
more limited as well, even though this is not guaranteed by their lack of comprehensiveness alone. Yet, limited range, even coupled with limited extent, of contribution does not seem like it is enough to disqualify their satisfaction of the functionality criterion. If anything, it would suggest that limited range and limited extent of contribution should translate into limited standing, protection and promotion.

I suspect that the undue influence of the classic anthropological model is partly responsible for the comprehensiveness criterion. Many political philosophers seem to assume that only comprehensive, societal or national communities satisfy the functionality criterion, and any non-comprehensive community appearing to satisfy it does so only in a mediated manner. That is, non-comprehensive communities satisfy the functionality criterion as constituent parts of comprehensive communities and by using the latter’s national culture and language in the process. This common view is substantiated by the classic anthropological model’s conception of community as a complex whole, which is culturally-constituted through a common language. On this model, the spatial/territorial, linguistic and cultural aspects of community are seen as coextensive, but we have already dismissed this view as a misrepresentation of social reality.

Yet, there is another possibility – another criterion used to identify the groups relevant for political philosophy. According to Kymlicka and other liberal nationalists, the type of cultural community relevant for political philosophy may be distinguished from other cultural communities using a liberal version of luck egalitarianism. Basically, for each individual, a nation forms her unchosen cultural background, whereas her other cultural communities, to which the revised account of multiculturality wants to extend consideration, are part of her chosen cultural foreground. Because luck egalitarianism
holds individuals accountable for their choices, including any inequalities arising from these choices, individuals are responsible for the costs associated with their chosen memberships in voluntary associations. Hence, luck egalitarianism seems to direct us toward a distinction between nations, peoples and societal cultures as unchosen communities and other cultural communities as voluntary associations, and, additionally, it instructs us that political theory and practice should concern itself primarily, and perhaps also exclusively, with unchosen communities. In short, luck egalitarianism as a theory of responsibility may preclude expanding the scope of communities relevant for political philosophy in accordance with the revised conception of multiculturality defended here.

This idea that nations as cultural communities constitute some sort of unchosen cultural background, which plays a crucial role as a social precondition for individual choice, is not implausible. After all, human beings are born into families and communities, and thus inherit their cultural circumstances. Clearly, it would be preposterous to entertain the notion that individuals are responsible for choosing into which family or nation they are born, and, thus, there is some plausibility to the idea that an individual’s national membership forms part of her unchosen cultural circumstances.

Yet, this distinction between unchosen national membership and voluntary associational membership is not uncontroversial, particularly because it does not sit well with the liberal idea that each individual should be considered free to withdraw from her native national community. In his discussion of Michael Sandel’s communitarianism, Kymlicka emphasizes that “We don’t consider ourselves trapped by our present attachments, incapable of judging the worth of the goals we have inherited (or ourselves chosen earlier) … No matter how deeply implicated we find ourselves in a social practice or
tradition, we feel capable of questioning whether the practice is a valuable one” (Kymlicka 1989a: 53-54). This ability to question our roles and relationships is extended explicitly by Tamir to include our national memberships. She claims that liberals hold that even national membership is voluntary and subject to choice: “membership in a nation is elective, since individuals can leave the nation of their birth and create new national affiliations, and that this turns the adherence to a culture and the assumption of national obligations into voluntary acts rather than inevitable consequences of fate” (Tamir 1993a: 87). For Tamir, it is important not to cede this crucial point about the voluntariness of national memberships to those nationalists and communitarians who endeavour to confine individuals within their native national community. However we come to acquire our national memberships, these memberships remain subject to choice, and, as we shall see in Chapter Three, this idea raises important questions about the role of the liberal theory of responsibility for equality-based arguments for cultural rights.

The present issue pertains to the putative empirical distinction between types of cultural communities on the basis of membership voluntariness, but it appears that national membership may be characterized either as an involuntary matter of circumstance, or as a voluntary matter of individual choice, depending on whether attention is focussed on the individual’s entry into the community, or the individual’s continued membership in the community, respectively. Before navigating our way through this difficulty, it seems pertinent to question whether it is possible to maintain the distinction between cultural structure and cultural character. There is a sense in which this distinction is intuitively self-evident. In discussions of personal and collective identity, for instance, it is commonplace to talk about an identity enduring through time, despite
changes in character. The Barack Obama who spent some portion of his childhood in
Indonesia is in some way the same Barack Obama who is President of the United States
today, albeit in a different form, just as the United States debating the legalization of
same-sex marriage is in some way the same United States that debated civil rights issues
in the 1960s, albeit in a different form. It is widely assumed that entities endure through
time and change, and, in this sense, there is a meaningful distinction between cultural
identity, structure or background, and cultural character or foreground.

Even though we believe that personal and collective entities may endure through
time, irrespective of changes to their features, it is difficult to describe these personal or
collective entities without referring to these changing features. This is a familiar philo-
sophical problem with a long and convoluted history. What is important for our purposes
is that the cultural background, structure or community, which many political theorists
and practitioners seek to protect for various reasons, is difficult to describe without
reference to its character and the changing features in the foreground, and these inescapa-
ble references to the foreground and its character undermine the distinction between
unchosen membership in a national community and chosen membership in a voluntary
association. After all, it is the presence of these voluntary communities in the cultural
foreground that lends credence to the idea that nations do not subscribe to a single set of
values, a particular conception of the good, or a comprehensive worldview, and if mem-
bership in the foreground is voluntary, then this voluntariness would seem to trickle into
the voluntariness of membership in the background too.

This difficulty in describing a nation without reference to its internal communi-
ties, practices and norms yields a complementary difficulty in efforts to protect and
promote the nation. Quite simply, how is it possible to protect the cultural background without directing our multicultural measures and accommodations at either the foreground or its cultural norms? Within a liberal theory of justice, this task of protecting the cultural background without measures directed at the foreground is complicated further by the requirement to treat individuals equally, fairly and justly, where these individuals may be co-nationals, but hold various attachments, memberships and commitments in the cultural foreground. Again, it is the classic anthropological model that encourages political theorists and practitioners to look past the foreground of difference and plurality toward some overarching common character and culture, and it is doubtful that this common national community exists as an involuntary realm suitably divorced from our voluntary communal memberships.

Even if it were possible to distinguish consistently between an unchosen cultural background and a voluntarily chosen cultural foreground, it is unclear why individuals would value the unchosen cultural background. After all, even if multicultural measures could protect this involuntary realm alone, their chosen memberships and communities would remain vulnerable as matters of personal responsibility in the cultural foreground. If cultural and communal instability risks subverting their context of choice, then it seems likely that protecting context of choice would involve also protecting the voluntary communities in the foreground. In fact, it seems likely that the voluntary communities in the foreground would play a more significant role than the thin national background. These points suggest that the distinction between cultural background and foreground may be iffy, and the notion of context of choice may require both of these dimensions.
Again, even if it were possible to consistently maintain the distinction between the cultural background and foreground, there are questions about the subsequent assumption that membership in the national community is unchosen, whereas membership in other cultural communities, associations, groups and collectivities is voluntary. This assumption about the coextensionality of the distinctions between cultural background and foreground, and unchosen and voluntary communal memberships, appears false. The most conspicuous counterexample may be religion. Like nations, religious communities acquire the bulk of their members through cultural inheritance, and, thus, as a matter of unchosen circumstance. Similarly, there are countless examples of children being raised in artistic, recreational, sports and other communities, and their membership in these communities draws a closer resemblance to unchosen, inherited membership than to chosen, voluntary membership. Tiger Woods inherited his membership in the golf community through his father, just as Zosia Mamet inherited her membership in the artistic community through her parents, and Mitt Romney inherited his membership in the Church of Jesus Christ of Latter-day Saints from his parents. If liberalism were only concerned with the involuntary source of our interests, then it would appear that Tiger Woods, Zosia Mamet and Mitt Romney would have comparable accommodation claims to many members of national minority communities. Of course, the requirements for compensation on liberal theories of justice are more complicated and involve more than this single factor. The point here is that there is a wide array of possible claims for compensation or accommodation based on unchosen membership, and these claims demonstrate that, even if it were possible to maintain the distinction between cultural background and foreground, this distinction does not map onto the distinction between
unchosen and chosen communal membership. For these reasons, it is unlikely that the liberal theory of responsibility could be deployed to establish categorical distinctions between types of communities based on membership voluntariness.

At this stage of the argument, then, it does not seem possible to dismiss the proposed expansion in scope of cultural communities meriting consideration for their contribution to our contexts of choice based on their lack of comprehensiveness or membership voluntariness. The comprehensiveness criterion is little more than the application of the classic anthropological model to our conception of multiculturality, and the issue of membership voluntariness seems too complex to permit a categorical distinction between voluntary and involuntary communal memberships. Additionally, the conceptual distinction between cultural background and foreground appears unsustainable. Thus, it appears that liberals should be concerned with the protection and promotion of cultural contexts of choice as necessary social preconditions for individual choice, freedom and autonomy, where our contexts of choice are viewed as comprised of many cultural communities beyond the nation. Indeed, our contexts of choice are multicultural because they are comprised of alternative norms from numerous cultural communities.

2.7 Societal Cultures and the Incorporation Thesis

It is hardly possible to overrate the value, for the improvement of human beings, of things which bring them into contact with persons dissimilar to themselves and with modes of thought and action unlike those with which they are familiar ... It is indispensable to be perpetually comparing [one’s] own notions and customs with the experience and example of persons in different circumstances ... There is no nation which does not need to borrow from others (John Stuart Mill 1848: 119-120).

In the previous section, I discussed comprehensiveness as a criterion for distinguishing the communities producing the relevant diversity for political philosophy, but there is
another possibility to consider. Perhaps, comprehensiveness matters because other communities are incorporated or subsumed within comprehensive communities, like nations or societal cultures. On this view, the alternative norms, which are provided by the overlapping and discontiguous social communities identified earlier, are simply cultural fragments of a pluralistic comprehensive community. Returning to the fictional case of Taiwo Opiyo, since he has lived his entire life in Kenya, it is not difficult to regard his options as stemming from his membership in the Kenyan societal culture. Like most other individuals, Taiwo leads his life within a pluralistic cultural context, which offers him a rich, diverse and wide variety of options. This criticism suggests that a revision to our conception of multiculturality is not necessary, since the pluralism of societal cultures already encompasses the proposed expansion. The challenge here is to show that, even though nations, peoples and societal cultures are pluralistic communities, the incorporation thesis does not account for enough of the multiculturality present in societies to invalidate the revised conception of multiculturality.

The incorporation thesis was a key element of Kymlicka’s response to Waldron’s cosmopolitan challenge. On one reading of “Minority Cultures and the Cosmopolitan Alternative”, Waldron accepts a nationalist social ontology, wherein the social world is divided into distinct national and ethnic communities. Supporters of this reading cite Waldron’s description of the cosmopolitan individual as someone who, for example, “learns Spanish, eats Chinese, wears clothes made in Korea, listens to arias by Verdi sung by a Maori princess on Japanese equipment, follows Ukrainian politics, and practices Buddhist meditation techniques”, (Waldron 1992: 754) or, “someone who did not associate his identity with any secure sense of place, someone who did not take his cultural
identity to be defined by any bounded subset of the cultural resources available in the world” (Waldron 2000: 228). According to Roger Scruton, for instance, this characterization of the cosmopolitan individual as someone who shows an “acquaintance with, and an ability to incorporate, the manners, habits, languages, and social customs of cities throughout the world” establishes her “as a kind of parasite, who depends upon the quotidian lives of others” (as quoted in Waldron 2000: 227). On this depiction, which is often encouraged unintentionally by Waldron’s unfortunate choice of examples, the social world is divided neatly enough into distinct national and ethnic communities with most people leading their lives within the boundaries of these communities, and a few others living their lives as cosmopolitan individuals. The cosmopolitan individual is depicted as disconnected from, independent of, or unrooted in this social reality; hence the portrayal of the free-floating cosmopolitan individual as ‘dabbling in’ and parasitically ‘feeding off’ the cultures established and maintained by rooted individuals. On this characterization, however, the cosmopolitan individual is not a challenge to Kymlicka’s conception of societal cultures or other similar views of nations, peoples and so on. Instead, the cosmopolitan individual would be nothing more than a noteworthy exception to the general pattern of cultural embeddedness in a nationalist framework.

But this reading of Waldron’s cosmopolitan view is more firmly rooted in caricature than in his work, for he clearly explains that one of the fundamental tenets of his cosmopolitanism is to question “the assumption that the social world divides up neatly into particular distinct cultures, one to every community” (Waldron 1992: 781). While his lists of possible cultural fragments may draw too heavily from nations, his questionable, and somewhat misleading, choice of examples does not undermine or contradict his
rejection of nationalist social ontologies. After all, Waldron is very clear that we are “living in a mixed-up world … where cultures and practices are not so sealed off from one another” (Waldron 1992: 754-763), and, “If we live the cosmopolitan life, we draw our allegiances from here, there, and everywhere” (Waldron 1992: 788). Whatever model of social reality is being presupposed by Waldron, or best corresponds with his cosmopolitanism, it is not a nationalist social ontology.

The debate between Kymlicka and Waldron is a debate over the nature of culture as a social precondition of choice, where Kymlicka contends that culture comes packaged in singular structures as complex pluralistic wholes, and Waldron claims this type of structure is not necessary for choice because there is a cosmopolitan alternative. Again, Kymlicka’s response is that Waldron fails to realize that the cultural fragments to which he draws our attention are incorporated within a pluralistic societal culture, and an individual may access these ‘foreign’ cultural fragments without leaving her societal culture because they have been incorporated into it. The question for us is whether the revised conception of multiculturality is flawed because it fails to realize that the cultural communities being discussed are incorporated within pluralistic societal cultures, like cultural splotches on social canvases. In short, the objection is that the revised conception of multiculturality fails to see the forest for the trees insofar as it fails to recognize that, in general, cultural fragments are incorporated into overarching cultural frameworks.

It is unlikely that there will be serious disagreement over the idea that societies incorporate cultural fragments from other societies, whether these fragments involve food, entertainment, values, beliefs, technology or something else. Moreover, it is quite clear that, often, individuals do not need to move between societal cultures to experience
different lifestyles, cuisine, music or other cultural fragments because these fragments have been incorporated into their pluralistic societal culture. The list of cultural activities provided by Kymlicka and Waldron exemplify this point well. Beyond these unproblematic points, however, the incorporation thesis must show that our cultural contexts are *singular wholes*, even if their borders are porous and their contents impermanent.

There are at least two reasons to be sceptical of the incorporation thesis. The first reason is based on the relationship between foreign cultural fragments and societal cultures, and the distinction between societal incorporation of a foreign cultural fragment into the societal culture and the idiosyncratic incorporation by a single individual into her way of life or her conception of the good. After all, it is one thing for the Quebecois culture to incorporate Japanese cuisine within its context of choice, and quite another for a single and lone individual to learn how to cook Japanese cuisine, after a trip to Japan.27

The task of determining the point at which a cultural fragment is incorporated into a societal culture is likely to be fraught with difficulties, and it raises questions about what it means for something to be incorporated. My aim is not to dwell on the precise conditions, location and nature of societal incorporation of foreign cultural fragments (as distinct from idiosyncratic incorporation into one’s way of life). Instead, I want to draw attention to the very real distinction between societal and idiosyncratic incorporation, and to emphasize that the incorporation thesis requires societal incorporation. This distinction raises the conceptual possibility of individuals having access to non-incorporated

27 When cultural fragments or resources are incorporated, it is expected that they will be adapted or somehow altered. The incorporation of Japanese and Chinese cuisine into the North American market because traditional recipes were adapted to suit the preferences of the majority population. Yet, the rules of chess are not different in Quebec or Kenya than in other parts of the world, notwithstanding variants of the game going by other names. The incorporation of cultural fragments should be distinguished from access to and membership in global communities, the latter being an association of individuals engaging in an activity, practice, lifestyle or whatever else as a community.
foreign cultural fragments. As a result, the fact that an individual has an option (or access to cultural norms providing for that option’s meaning, significance and evaluation) does not mean that that option has been incorporated into that individual’s societal context, even though it is part of her context of choice. There is a possible disjunction between her societal culture’s context of choice and her context of choice. Societal incorporation requires that that option be available to enough individuals within the social context by virtue of their national or societal membership, not just individuals who are connected to external communities and groups.

A second reason to be sceptical of the incorporation thesis has to do with the role of the pluralistic societal culture in providing access to the cultural resources of some supra-national or subcultural social communities. The possibility of idiosyncratic incorporation of foreign cultural fragments raises the possibility of access to cultural fragments unmediated by one’s societal culture. After all, if a lone individual in a society may access the cultural fragments of other societies, then there is a question about the role of the societal culture in providing access to non-incorporated non-national cultural fragments. The crucial point is not whether the cultural fragments come from national, sub-national, supranational, regional or global communities, but rather whether the cultural fragments in question are incorporated into the pluralistic societal culture or not.

Considering the case of Taiwo Opiyo, if we stipulate that Taiwo’s membership in the international community of chemical engineers is based on cultural fragments incorporated within the Kenyan societal culture and that his membership in the international community of martial arts practitioners is not similarly incorporated because the Kenyan government has prohibited all forms of martial arts, and there is a general taboo among
Kenyans against such practices, we can see an important distinction at work. In cases where societal cultures prohibit specific foreign cultural fragments and strive to eliminate those options, it is difficult to maintain that access to those cultural fragments is contingent on the societal culture. Taiwo’s membership in and access to the international community of martial artists occurs *despite* the efforts of his societal culture to preclude it. In two possible scenarios, Taiwo could have a friend in another country mail him an encrypted recording on transportable media, or this material could be transferred between computers using file sharing software. In such cases, it appears that it is particular contingent features – like his income and access to technology – that enable his access to the non-incorporated communities. In fact, Taiwo’s context of choice may be richer and broader than even his closest neighbour’s based on these types of contingent factors.28

There is a sense in which every individual, who has access to the global economy or the internet, has some sort of access to an extensive range of global and foreign communities, whether these communities are organized around chess, a martial art, literature, art collection or a professional vocation, and this realization pushes us toward acknowledging a non-reducible global pool of cultural fragments. My point here is that, even if we assume the division of the world into societal cultures, individuals are members of and have access to non-incorporated communities. These memberships will be neglected by any analysis focusing *only* on nations, peoples or societal cultures.

This analysis suggests that Waldron may be right about societal cultures being sufficient, but not necessary, as social preconditions for individual choice and freedom. One way to interpret this conclusion is that the protection of societal cultures via political

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28 The issue here is generated by objective contingent features about Taiwo rather than subjective features. There are significant questions about the status of options within a context of choice that an individual does not recognize as options. I am bracketing these questions for fear that they will take us too far afield.
means is illegitimate or unjustified because, strictly speaking, individuals do not require societal cultures. I believe that this is the wrong way to interpret our analysis. While it may be possible for some individuals to construct their own context of choice from available cultural fragments, this possibility does not alter the empirical fact that individuals typically do not pursue the cosmopolitan alternative. Typically, individuals lead diverse lives within pluralistic social contexts, and they do not avail themselves of the cosmopolitan alternative not because they are too indoctrinated by nationalist narratives to do so, but rather because this alternative is not a reasonable option for them. That is, many individuals lack the objective preconditions for the cosmopolitan alternative to be a viable option. There are financial and technological prerequisites for individuals to avail themselves of this alternative, and until these prerequisites are satisfied sufficiently on a large enough scale, taking seriously an individual’s cultural interests means taking seriously her national or societal memberships.

But that is only part of the story. The correct implication of the considerations raised by Waldron is that taking seriously an individual’s cultural interests means taking seriously her communal memberships, including the non-national ones. It means viewing cultural context of choice as more than a national matter by recognizing the role of these other communities and their norms. Another way to express this proposal is to suggest redrawing the distinction between cultural plurality and multiculturality. There is a significant difference between an individual establishing a suitable relationship with a non-incorporated social community and idiosyncratic behaviour because the former is normatively-informed activity, whereas the latter is not. The norms informing, directing and governing human life are derived from cultural communities, as we have seen from
the analysis of Burge’s thought-experiment. Without doubt, both types of activity enhance the degree of cultural plurality within a society, but only the former contributes to its multiculturality, and it does so by adding another social community’s norms to the cultural mélange. A multicultural society is characterized by the presence of multiple communities providing distinct sets of cultural resources, and the contribution to multiculturality is not contingent on the social community being incorporated into the societal culture. Indeed, the social community may be an internal counterculture or an independent supranational community. Thus, multiculturality requires community-based cultural differences, whereas pluralism does not. Individual Kenyans may subscribe to different norms regarding, say, the proper way to dress for grocery shopping, but if these norms remain idiosyncratic rather than communal, they would contribute to cultural diversity or plurality without contributing to multiculturality. Individuals may opt-out of communal usages of words, concepts and norms, and construct their own idiosyncratic usages, but such diversity contributes to plurality rather than multiculturality. Multiculturality needs only the presence of distinct communities offering distinct sets of cultural resources.

Under conditions of multiculturality, there are numerous and various social communities with varying degrees of importance for individual freedom and autonomy. The norms of these communities contribute to our contexts of choice by providing options, providing meanings and significance for these options, providing us with a set of beliefs about the natural and social world, and providing the values needed for deliberating about, evaluating and choosing between available options. If we fail to recognize the contribution of these non-national cultural communities, then we have only a partial understanding of individuals’ contexts of choice. To the extent that individual choice,
freedom and autonomy depend on cultural contexts of choice, an analysis limited to the role of national or societal cultures is incomplete. Because the demise of these non-national communities is potentially harmful to individuals via their interest in autonomy as a precondition for leading a good life, liberal political theorists should be concerned with their continued existence and stability. The challenge of multiculturality is broader than the challenge generated by national and ethnic difference because a wide variety of social communities play a crucial and indispensable role for establishing our contexts of choice. On our revised conception of multiculturality, political theorists should examine the role and significance of these social communities in the cultural and moral lives of individuals and ascertain what protections and promotions, if any, are required as matters of justice.\textsuperscript{29} Without progress on these questions, at best only some of our interests in culture and community will be recognized and respected.

The revised conception of multiculturality does not so much repudiate theorizing using something like the classic anthropological model of community as supplement it. It holds that the common isomorphism between language, culture and society is a partial misrepresentation of social reality, and it urges us to avoid the impulse to harmonize difference into complex wholes. A well-ordered society may be a social union of social unions, as Rawls proclaimed, but we have to be careful how we discuss the overarching social union. If we attribute too robust a conception of the common or shared language, culture, worldview or axiology, then we are repeating the errors of classic anthropology. Recall that classic anthropologists were aware of diversity within cultural communities, but they proceeded to harmonize it into a complex whole anyway. Something similar is

\textsuperscript{29} It is possible that a thorough analysis will reveal that national societal cultures have a more significant role to play for the contexts of choice of individual than other social communities, but it does not follow from this result that no other communities have any moral significance for the cultural lives of individuals.
true of political philosophy as well, if we do not affirm the role of non-national communities in establishing cultural contexts of choice and the conditions of multiculturality.

This proposal is an explicit denial of the view that each nation or societal culture has its own language, culture, history and so on. There is much evidence from linguists, sociologists and anthropologists that such claims about language forming the basis of a society’s unity are often exaggerated to the point of being false, but I will set aside that empirical response and, instead, return to my analysis of Burge’s thought-experiment. An important lesson for theorists and practitioners of cultural rights is that, even though there is a widespread assumption that people who speak a national language speak the same language, they do not – they do not speak the same language due to the role of cultural communities in providing alternative norms for meaning, pronunciation, significance, etc. In the final reformulation of the thought-experiment, Aville and Beeville offered distinct understandings of the word and concept designated by ‘arthritis’, and my analysis revealed that this is not a strange anomaly, but the normal state of affairs. A national language, like Spanish, even if it were associated with only a single society, does not fix the meaning and significance of ‘matrimonio’ because Spanish-speakers have access to a variety of different cultural communities whose norms provide alternative conceptions of marriage. These conceptions may differ on the permissibility of divorce, the permissibility of same-sex marriage, the permissibility of polygamy or polygyny, the minimum age requirement, and other characteristics of marriage, and different combinations of these features yield distinct marriage concepts. As a result, a Spanish-speaker who utters ‘matrimonio’ may be using any one of a number of different Spanish variants of the English word ‘marriage’, and if we are concerned to protect the Spanish culture,
then it would be wrong to protect only one of these variants. Just as ‘arthritis’ and ‘marriage’ are subject to various competing and inconsistent interpretations within the social contexts examined above, so too are words like ‘freedom’, ‘justice’, ‘community’, ‘individual’ and ‘multiculturalism’. The plain and simple fact is that national language cannot fulfill the function assigned to it by many political theorists, unless our conception of multiculturalism is supplemented to include the numerous and various non-national and non-ethnic communities contributing to our contexts of choice, freedom and autonomy.

The point is not simply that there is no single language undergirding societal cultures and other similar large-scale cultural communities, but rather that placing excessive emphasis on such a factually inaccurate conception leads to the neglect of significant cultural difference through the privileging of dominant discourses. It was an examination of our essential social dependence on language and communal norms that revealed the multiculturalism concealed by the ‘reductionist sociology of culture’ of the classic anthropological model of community, and the widespread, but incorrect, view that the Mexican people speak the Mexican language does little to resuscitate the already maligned conception of culture and community inherited from classic anthropology.

2.8 Three Dimensions of Multiculturality: Context, Community, and Individual

It is a peculiar sensation, this double-consciousness, this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness – an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder (W.E.B. DuBois 1903: 4).

If it is an essential feature of the individual that she is culturally embedded, then it is wrongheaded to consider social ontologies to be independent of and/or irrelevant to our accounts of the individual. The individual’s cultural embeddedness ensures that features
of social reality will be relevant to our conception of the individual, her community, and her dependence on culture and community, and, as a result, descriptive inadequacies with our social ontology are likely to reproduce themselves in these other conceptions too. In this chapter, I have been developing a revised conception of multiculturality involving a highly complex and richly textured social world in order to extricate liberalism from the nefarious influence of the classic anthropological model. In this section, I return to the issue raised in §2.1 about the cultural nature of the individual, and elaborate on the details of the revised conception of multiculturality in relation to social context, the community, and, ultimately, the individual.

On a crude formulation of the classic anthropological model, the individual is embedded within a community, and she is dependent on that community and its culture as a background to her thinking, deliberating and choosing. This background establishes simultaneously the possibilities for and constraints on her options, including options relevant to her conception of the good. On this model, the community and its culture are singular complex wholes, and our dependence on community and culture are relatively straightforward: she depends on one community and its culture. The classic anthropological model encourages monocommunal and monocultural ontologies, and, like the community and its culture, the individual is also viewed as concrete, bounded, well-integrated, logically consistent throughout, and internally harmonious.

Once we repudiate the classic anthropological model, and move beyond the tendency to harmonize difference into specific types of complex wholes, the social world becomes highly complex and richly textured. This is the social world in which the liberal individual is embedded and develops various dependencies relevant to her autonomy.
Whether we view this world along the lines that I have been suggesting, or, instead, opt for a model of pluralistic societal cultures, the general point remains unchanged: individuals are often embedded in highly complex and richly textured social environments, and they have multiple communal memberships and cultural affiliations. This is a view of the liberal individual as a *multicultural individual* – as embedded in a highly complex and richly textured social world, as having multiple communal affiliations and sources of cultural resources, and as having a complex personality and cultural life in need of management. This portrait of the multicultural individual is a natural corollary to the multiculturality of social contexts and communities.

Let us begin with social contexts. Social contexts are multicultural when there are multiple communities providing norms relevant to the exercise of our freedom. The common-sense understanding of multiculturality requires more than just the presence of multiple cultural communities, for these communities are subject to additional requirements, like being national, large-scale, culturally distinct, or territorially concentrated. On this common-sense understanding, multiculturality is often the product of national or ethnic diversity. I have been arguing that, while this type of diversity is sufficient for multiculturality, it is not necessary, and that political philosophers should adopt a wider and more inclusive conception of cultural diversity for the purposes of multicultural theory and practice. On my proposal, pluralistic societal cultures of the sort discussed by Kymlicka and Waldron in their noteworthy exchange are multicultural, and, as I will demonstrate in the next section, this expansion of the scope of cultural communities produces different theoretical and practical issues for multiculturalists.

The image of multicultural social contexts advanced here is an image of multiple,
overlapping, and discontiguous cultural communities influencing the lives of individuals in the same social space. Culture and community are not viewed as co-extensive with territorial jurisdictions, and they do not function as cultural background for everyone in the territorially-defined jurisdiction in the same way. The harmony and internal coherence of complex wholes is balanced against the disharmony and contestations of internal communities, as occurs when Catholics debate among themselves about the proper understanding of Catholicism, its view of the natural, supernatural and social worlds, its interpretation of scripture, its moral code, and so on. These debates are often cast as if some Catholics are not ‘pure’ or ‘authentic’ Catholics insofar as they have been tainted or corrupted by external influences, like feminist moral and political thought, but such a depiction of the debate serves to reify or privilege a dominant or highly influential discourse as master narrative. That is, the culture of the entire community comes to be identified with the contested culture of some segment of the community. There are significant empirical and normative problems with this type of neglect for internal diversity, but we will attend to them in the next section. For now, let us conclude that a significant number of social contexts, if not almost all of them, are multicultural in the sense defended here, and this is the first dimension of multiculturality.

The second dimension of multiculturality occurs at the level of the community. On the view of multiculturality defended here, communities are multicultural when there are multiple communities within them providing norms relevant to individual freedom. Returning to our example of internal religious debate, Catholicism is a multicultural community because there are sub-communities within it with distinct norms relating to views of the natural and social world, interpretations of scripture, and its moral code,
among other things. This type of internal diversity should be expected within any community making a significant contribution to the lives of individuals, and we should expect to find hotly contested views where the stakes are highest. Also, this type of internal cultural diversity explains why culture and community are not concrete, bounded, well-integrated, logically consistent throughout, and internally harmonious. The presence of internal communities blurs the boundaries between members and non-members, and who counts as a member at any given time may depend on the question at hand (Parkeh 2000:148). In this sense, cultural memberships and the boundaries of the community may be indeterminate at any given time and fluctuate through time, and these points about the multiculturality of communities often apply to internal cultural communities as well. The norms of internal cultural communities will conflict at times, and on those occasions, it will be evident that the larger community is not homogenous, logically consistent throughout or internally harmonious. This second dimension of multiculturality may appear to complicate our efforts to protect these communities, but it may turn out that it is the key to respecting our cultural interests.

A third dimension of multiculturality is found at the level of the individual. An individual is multicultural when she is a member of multiple cultural communities, and these communities contribute to her context of choice and/or conception of the good. She may relate to her communities and their cultures in several ways, but Parekh identifies three common relations to one’s national community (Parekh 2000: 149-150). Although his discussion is premised upon a nationalist social ontology, it is still instructive for our purposes here. First, the individual may cherish her national community and its culture, and thus, seek to adhere scrupulously to all of its norms. This is often described as living
an ‘authentic’ life within a cultural tradition, but to avoid the controversy produced by the idea of authenticity, it is preferable to call this relationship conformist. Second, the individual may remain rooted in her national community and culture, yet reach beyond its borders to borrow from other traditions. This type of innovation is the basis for much cultural transplantation of ideas, beliefs, practices and so on, and, as such, it makes sense to call this relationship innovationist. Third, the individual may not be firmly rooted in any single national community, culture or tradition, and instead opt to float between and draw upon the cultural resources of several national communities. Parekh describes this individual as “culturally footloose, owing loyalty to no single culture, floating freely between several of them, picking up beliefs, practices and lifestyles that engage their sympathies, and creating an eclectic way of life of their own” (Parekh 2000: 150). Waldron would call this relationship cosmopolitan, but to avoid unwanted connotations, it is probably better to call it constructivist. This way of life has the potential to be highly original and creative, but it risks being shallow and superficial. According to Parekh, “Lacking historical depth and traditions, it cannot inspire and guide choices, fails to provide a moral compass and stability, and encourages the habit of hopping from culture to culture to avoid the rigour and discipline of any one of them. It is a culture of quotations, a babble of discordant voices, and not a culture in any meaningful sense of the term” (Parekh 2000: 150). On Parekh’s account, it is quite clear that, with the exception of the individuals who are capable of creating an eclectic way of life of their own, it

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30 This point requires clarification. If an individual acquires a cultural fragment from a foreign community, this cultural fragment is associated with norms and will be normatively-informed. In this sense, Parekh ascribes an improbable level of normlessness to this type of incorporation. Yet, he makes a valuable point. If the individual does not consider herself to be a member of the foreign community, and this sentiment is shared by the members of that community as well, then it is likely that they will not hold her to their norm, they will not correct her errors, and she will not feel compelled to adhere strictly to this norm. In other words, without communal membership, there is a real chance that the acquisition of the cultural fragment will lack the normativity usually associated with such cultural fragments.
is preferable to remain rooted in a national community and adhere to its norms. But I have argued that political theorists and practitioners should move beyond the classic anthropological model, and the nationalist social ontology that is so often paired with it, to recognize the multiculturality of social contexts, communities and individuals.

The multicultural individual as a liberal conception of the individual shares important similarities, but a crucial difference, with Tamir’s contextual individual and Waldron’s cosmopolitan individual. These three liberal accounts of the individual are premised on the ideas that the individual is culturally embedded and, thus, dependent on her culture and community in ways relevant to the development and exercise of her capacity for freedom, especially the ability to choose, revise and pursue her conception of the good. Unlike Tamir’s contextual individual, the multicultural individual’s cultural embeddedness and dependence often have a more radicalized form. This radicalization is the foreseeable outcome of her being embedded in a multicommmunal and multicultural context, and it directs us away from a liberal nationalist conception of the individual (and its attendant social ontology) toward something like Waldron’s cosmopolitan individual.

Like the multicultural individual, the cosmopolitan individual derives her cultural resources from her multiple communal affiliations. In Waldron’s words, “If we live the cosmopolitan life, we draw our allegiances from here, there, and everywhere. Bits of cultures come into our lives from different sources, and there is no guarantee that they will all fit together” (Waldron 1992: 788). But the rejection of a liberal nationalist social ontology, which is consistent with the classic anthropological model of culture and community, does not require a celebration of the cosmopolitan ideal. In the works of both Tamir and Waldron, there are subtle (and occasionally overt) normative commit-
ments to a particular type of life: a nationalist life, and a cosmopolitan life, respectively. This type of endorsement and celebration of a particular type of life, even in a general form, is not appropriate for a liberal conception of the individual. Liberalism aims to transcend the choice between living a nationalist or a cosmopolitan life, and, thus, a liberal conception of the individual should not endorse particular forms of life as more valuable or authentic than other forms of life.\textsuperscript{31} The multicultural individual should be understood in descriptive terms as being situated in a multicommunal and multicultural social world, but this account is neutral on the merits of living a nationalist or cosmopolitan life. Such choices should be left to the autonomous individual as she constructs a conception of the good life for herself, and those choices should remain open to her, even after she has made her choices, in case she decides to revise her rational plan of life. It is not the place of the political philosopher to dictate a particular form of life for everyone, however strongly she may feel about it, and a defensible liberal account of the individual should be free of such normative commitments, at least as free as possible.

The multicultural individual is the product of individuals being embedded in a highly complex and richly textured social world, but it is important to remain mindful that it is possible for an individual to embed herself so thoroughly in a single community and its culture that it would not be accurate to describe this individual as multicultural or her cultural affiliations as multiple and complex. The perspective of the social observer is often used to portray such an image of various small and isolated cultural communities, like the Amish, the Hutterites, or various aboriginal peoples in North America. I doubt that such portrayals are fully accurate, but they do not need to be for our purposes here.

\textsuperscript{31} This is a problem for many liberal nationalist and liberal cosmopolitan accounts, equally, and Parekh is guilty of it as well in his account of the relations between an individual and her national community.
What matters is the possibility of an individual immersing herself so thoroughly in a single community and culture as to avoid the complexities brought about by multiculturality, but the portrait of the individual as the multicultural individual is consistent with such a monocommunal and monocultural life because it points toward a human capacity, while avoiding judgements on the value of this type of life. If the individual is satisfied with her life, and she leads it in justice respecting ways, then she is entitled to maintain and rationally pursue her conception of the good life. So, whether it is a matter of choice or fate, the multicultural individual may lead a monocommunal and monocultural life.

While this possibility exists, it would be a mistake to build our account of the individual or our theories of justice around such a possibility, an exception to the general pattern of human existence. I suspect that very few individuals actually live this type of life, but the precise numerical breakdown is not relevant. What matters is the ability of our view of the individual to contend with the reality of many, if not most or almost all, individuals leading multicommmunal and multicultural lives. The move away from a view of culture and community as concrete, bounded, well-integrated, logically consistent throughout, and internally harmonious requires a similar move away from such a view of the individual. Instead, the individual should be viewed along the lines that Sewell suggests we view community: “as normally being contradictory, loosely integrated, contested, mutable, and highly permeable” (Sewell 2005: 169).32

Individuals are normally contradictory, loosely integrated, contested, mutable and highly permeable because they tend to have multiple communal affiliations and draw upon cultural resources from a variety of sources, but this multiplicity must be managed. According to Parekh, “Individuals experience cultural conflict when they subscribe to or

32 The term ‘normally’ in this quote should be interpreted statistically rather than evaluatively.
live by two different systems of meaning and significance either wholly or partially” (Parekh 2000: 149). He claims that partial or limited conflicts are part of life in almost every modern society, and individuals know how to cope with them quite easily, whereas “comprehensive and deep conflicts are not easily resolved and can lead to moral confusion and schizophrenia and even self-destruction” (Parekh 2000: 149). This is a dire portrayal of the consequences of the multicommmunal and multicultural life from someone who subscribes to something like a nationalist social ontology, and while allusions to ‘schizophrenia’ and ‘self-destruction’ gesture toward the melodramatic, one can only imagine what Parekh would have to say about the multicultural individual’s psychology.

Whatever he would say, there is a key kernel of truth in his allegation: when the multicultural individual has multiple communal affiliations and draws upon the cultural resources of these communities, she must manage these affiliations. Waldron explains,

> At least if a person draws his identity, as Kymlicka suggests, from a single culture, he will obtain for himself a certain degree of coherence or integrity. The coherence which makes his particular community a single cultural entity will confer a corresponding degree of integrity on the individual self that is constituted under its auspices. By contrast, the self constituted under the auspices of a multiplicity of cultures might strike us as chaotic, confused, even schizophrenic (Waldron 1992: 788-789).

This chaos, confusion or schizophrenia within the individual, to which both Parekh and Waldron allude, is present in a wide array of examples, like the person who is both Roman Catholic and feminist, and thus appears to be committed, by virtue of her multiple allegiances, simultaneously to the rights of women over their bodies, including on questions of abortion, and to the general impermissibility of abortion.33 This person needs to

33 Examples of this sort are often problematic insofar as they tend to take an internal dispute and translate it into a dispute between an individual’s membership in two distinct communities. The problem is that the translation treats the community’s culture as clearly delineable, even when it is this culture that is being disputed from the inside. For instance, within some North American aboriginal communities, there is an internal conflict between progressivists and traditionalists over the direction that the community should
manage her allegiances, moral commitments, and personality to deal with the tension brought about by her memberships in the Catholic community and the feminist community. She needs to organize the chaos of her memberships, identities, allegiances, commitments, aspirations and so on, in order for her to make sense of her life and who she is. In this manner, multiculturality often produces the need for personal management over cultural affairs as a response not only to tensions, conflicts and contradictions, but also when ordering the priority and relative weight of different allegiances and commitments. The management of our allegiances, commitments and personalities is a necessity for most individuals living under conditions of multiculturality.

Furthermore, this type of management highlights that individuals do not stand in a passive relation to their communities and cultures. That is, individuals are active cultural agents rather than passive recipients of culture. The multicultural individual actively constructs and reconstructs herself, the meaning and significance of her communal memberships, her moral and political commitments, her conception of the good, and her culture as a system of beliefs and practices. This type of management does not take place in isolation without being influenced by other individuals. More often than not, it takes place in multicultural social contexts under conditions of cultural contestation. The plurality of cultural communities in most social contexts, coupled with the presence of multiple alternative norms, means that communal and cultural management is necessary, but also that it occurs under conditions where the beliefs, opinions and interests of other take. The progressivists often seek to integrate the aboriginal community into the regional economy with capitalist ventures, like casinos, whereas the traditionalists often oppose such ventures as inappropriate for their community. When the chief and/or tribal council takes on the cause of the progressivists, there is a tendency to consider progressivism to represent the community, and traditionalism as an ‘external’ challenge, but the conflict here is a conflict within the community. I suggest that the dispute within the Roman Catholic religion over women’s rights and abortion is similar: it is an internal debate, even though the commitment to feminism may be viewed also as external to the religion.
individuals influence, but also are influenced by, our choices. There are cultural, moral and political consequences to this individual process of cultural management, but these consequences are an integral aspect of the reproduction and modification of community and culture. Of course, the internal cultural contestation, which threatens to inflict the multicultural individual with cultural schizophrenia or to cause her self-destruction, is a personal matter rather than a question of political justice, but the conditions in which such management occurs raises crucial questions of cultural justice.

2.9 Cultural Diversity, Multiculturalism, and Political Philosophy

The human world is marked by diversities – of language, custom, and religion or, more generally, of culture … how are we to respond to this fact of diversity? What bearing does it have on questions of how (and under what institutions) we should live? Yet before these questions can properly be broached, it is necessary to ask: how should this diversity be understood? (Kukathas 2003: 41).

Liberalism has contended with difference since its inception. Typically, this tradition of political thought has sought to develop principles for the peaceful, stable, fair and just coexistence of individuals with different characteristics, relationships, commitments and life-plans, and its tremendous potential for success was exemplified in its resolution of the European wars of religion. While there are many different forms of difference, the analysis in this chapter has been concerned with multiculturality, broadly construed. Historically, liberals have been concerned with narrower forms of cultural difference, like the difference arising from comprehensive doctrines, nationality or ethnicity. In this section, I relate my proposal for a revised conception of multiculturality to the forms of cultural difference that have typically occupied the attention of liberal theorists.

As we have seen already, Rawls’s work sought principles of justice for a society whose citizens affirmed different, incommensurable and irreconcilable comprehensive
doctrines. Quite often, this type of diversity is not considered cultural, but I believe that this is a mistake. Any community contributing norms for our contexts of choice is cultural, even if it is internal to a larger community. This type of cultural diversity amounts to what Parekh refers to as “perspectival diversity” and “subcultural diversity”, and what Margaret Moore calls “philosophical or ideological diversity”. Whatever label we affix to it, this is a form of internal cultural diversity, where the difference extends over individuals who share enough of a common culture.

There are three main forms of internal diversity. First, there are subcultures whose members hold different beliefs and participate in alternative practices concerning particular dimensions of human life; for example, homosexuals living what is often called an ‘alternative’ lifestyle, or vegetarians vis-à-vis their personal choices relating to diet and other practices involving animals. Second, there are subcultures whose members have developed a distinct way of life of their own; for example, miners or artists. These first two types of internal diversity are characterized by a commitment to the society’s general culture and way of life, but they seek to expand its scope to include their alternative and non-mainstream lifestyle. According to Parekh, “They do not represent an alternative culture but seek to pluralize the existing one” (Parekh 2000: 3). In other words, they seek to make room for themselves, their community and their culture within the encompassing community. Third, there are subcultures whose members seek to make room for their beliefs, practices and lifestyles within the encompassing community, but also, and more importantly, seek to change and reconstitute central features of this community and its culture; for example, feminists seeking to end patriarchal practices. These feminists are members of the community and share enough of the community’s
culture, but reject and seek to revise some aspects of it. These types of internal cultural diversity are not so much three categories of internal community as much as three possible relations to the dominant or mainstream culture. The key characteristic of internal cultural diversity is that individuals find themselves simultaneously as members and non-members of the larger community, since the three types of relations identified here differentiate them, at least on occasion, from full members.

This type of internal cultural diversity presents challenges to political philosophy, but a deeper challenge is supposed to arise from the type of national or ethnic diversity that has preoccupied Kymlicka, Parekh and much of political philosophy for the last two decades. National and ethnic diversity constitutes a more acute challenge to political philosophy and its primary mission of establishing principles and conditions of the peaceful, orderly and stable coexistence of different communities because these communities do not share enough cultural similarities to be considered a single community. They have a perception or sense of their distinctiveness as communities, as well as their divergence on cultural matters, like language, custom, ritual, history, beliefs about the natural and social world, beliefs about what is valuable, the practices in which they engage, and so on. For Kymlicka, these communities produce the challenge of multiculturalism generated by national or ethnic difference, but Parekh refers to it as “communal diversity” and Moore calls it “cultural diversity”. Whatever labels we choose to adopt, the literature in political philosophy tends to distinguish between two types of cultural diversity: diversity between and diversity within cultural communities.

Additionally, there is a tendency to privilege diversity between as the primary (and often only) sense of difference relevant to the challenge of multiculturality. This
tendency may be explained partly by pressing geopolitical events at the international level since the mid-1980s, but also partly by nationalism’s continued influence within political theory, especially via the right to national self-determination. In *Multicultural Citizenship*, for instance, Kymlicka discusses the complexity of the term ‘culture’ and its expansive scope, before stipulating a definition of ‘culture’ as synonymous with ‘nation’ or ‘people’ and as “an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history” (Kymlicka 1995: 18). This is a common, if not the most common, sense of the term ‘culture’, and the conceptual foundation for the challenge of multiculturality arising from national and ethnic difference.\(^{34}\) So, in Kymlicka’s work, we find a well-articulated view of ‘culture’ and ‘multiculturalism’, and this particular interpretation has been enormously influential in political philosophy, but also international and domestic politics.\(^{35}\)

Once one isolates this particular dimension of the challenge of multiculturality, certain questions of justice follow from it. Broadly, these are questions about just or fair terms of coexistence between a majority community and minority communities within a political jurisdiction. More specifically, there are questions relating to the survival and/or flourishing of the minority cultural community through various measures aimed at the protection and promotion of the community and its culture, including the delineation of

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\(^{34}\) Kymlicka explains, “I am not including the sorts of lifestyle enclaves, social movements, and voluntary associations which others include within the ambit of multiculturalism. This is not because I think the issues raised by these groups and movements are unimportant. On the contrary, I take it as given that accommodating ethnic and national differences is only part of a larger struggle to make a more tolerant and inclusive democracy” (Kymlicka 1995: 19).

\(^{35}\) In *Rethinking Multiculturalism*, Parekh provides two reasons to support Kymlicka’s interpretation. First, conceptually, “since communal diversity is logically distinct and raises questions that are unique to it, it constitutes a coherent and self-contained object of investigation, and deserves a name specific to it” (Parekh 2000: 4). Second, historically, the challenge of multiculturality emerged “in countries which found themselves faced with distinct cultural groups” (Parekh 2000: 5). These reasons to be concerned with national and ethnic difference do not clarify why he has opted to disregard other types of cultural diversity.
political boundaries and collective forms of autonomy. Also, there are questions relating to the public recognition and expression of minority communities and their cultures, as well as the accommodation of cultural differences through adjustments to law and policy. These questions relate to individual and collective expressions of cultural difference in social and public spaces, to the equal treatment of individuals through antidiscrimination policies and inclusion through fair terms of integration, and to the political representation of the minority community. This dimension of the challenge of multiculturalism arising from national and ethnic diversity encourages us to adopt the standpoint of the social observer, and to consider the cultural interests of the minority community itself as a complex whole and the interests of individuals as members of that minority community, especially in their interactions and dealing with public institutions.

I do not think that political philosophers, like Kymlicka and Parekh, erred in isolating a single, and particularly pressing, aspect of the challenge of multiculturality. There are a lot of excellent reasons for this approach, and much progress has been made in addressing it, especially (but not limited) to our appreciation of the subtle forms and destructive impact of cultural imperialism, the inextricable relationship between culture and freedom, and the use of collective rights to protect individual interests. The literature on the challenge of multiculturality arising from national and ethnic diversity has matured significantly since the mid-1980s, and important improvements have been witnessed in domestic and international politics and law as a result of it.

But with every approach, there are costs. To contend with a single dimension of a problem or issue is often to neglect other dimensions of it, and progress in one area may come with drawbacks in another. That is precisely what I think has happened as a result
of isolating the cultural diversity generated by national and ethnic difference from cultural diversity within these communities. On the face of it, it may appear as though there are two distinct questions, one between and one within communities, but this appearance is the outcome of privileging a particular type of community. Whether we call it a nation, ethnic group, tribe, people, societal culture, encompassing culture, pervasive culture or something else, the standpoint of the social observer has been used to privilege a particular type of cultural community and to restrict other forms of cultural difference within its borders. This type of cultural community is placed in a central theoretical position, and other forms of cultural diversity are defined in relation to it, or collapsed into it, or even denied the status of cultural altogether. Also, it is privileged in the sense that questions of justice related to it are thought to be prior to those relating to other types of cultural diversity; that is, it is assumed that justice between communities is logically prior to justice within communities. This approach to cultural justice separates these dimensions of multiculturality, and then treats only one in isolation from the other. Clearly, different forms of difference may raise distinct questions, especially in a particular context, but it is highly problematic to address a set of cultural interests without considering also the other cultural interests impacted by possible courses of action.

This two-tiered approach to multiculturality suggests that it simply progresses from large scale and more pronounced cultural differences to smaller scale and more minute or nuanced cultural differences. Almost by definition, the cultural differences between communities are more pronounced than those found within communities. After

36 Waldron has provided a cosmopolitan critique of this type of privileging, emphasizing the global (or at least supranational) forms of community and culture, and other theorists have offered other similar critiques. I believe that one reason that many of these critiques have failed to pass muster is that they are perceived as not taking seriously enough our cultural embeddedness in particular communities.
all, members of a community share at least some aspects of the community’s culture, and it is theoretically possible that members of distinct communities may not share any of the same beliefs, values, commitments, aspirations, traditions, or customs. But there are innumerable examples available where members of neighbouring nations share more in common with each other than they do with many of their respective co-nationals. In these situations, there are real questions about what it means for individuals to share a common cultural context as the proper subject of theories of cultural justice.

Our analysis of the continued influence of the classic anthropological model, and the tendency to adopt the external standpoint of the social observer, pointed to the type of monocommunal and monocultural background or context present in Burge’s arthritis thought-experiment and the common understanding of the conditions and challenge of multiculturality. We have seen how this type of monocommunal and monocultural background serves to distort our view of social reality by concealing internal diversity and cultural contestation. Parekh provides an instructive example of the clash of norms:

It was recently discovered that Asian candidates for jobs in Britain were systematically underscored because their habit of showing respect for their interviewers by not looking them in the eye led the latter to conclude that they were shifty and devious and likely to prove unreliable. By failing to appreciate the candidates’ system of meaning and cultural practices, interviewers ended up treating them unequally with their white counterparts. Understandably but wrongly, they assumed that all human beings shared and even perhaps ought to share an identical system of meaning which predictably turned out to be their own (Parekh 2000: 241).

Similar cases have been discussed extensively in relation to various groups of individuals disadvantaged and excluded by the norms of the business elite – social groups including, but not limited to, women, people of colour, people with disabilities, and people coming from a low socio-economic background. Even when people are born and raised in the
same large-scale community with the same cultural background or context, there are important cultural differences at play.

Pointing out that there are significant community-based cultural differences within a community is only the first step in demonstrating why it is very difficult, if not impossible, to maintain the distinction between cultural diversity between communities and cultural diversity within communities. To maintain this distinction, it is necessary to identify features of the cultural background or context establishing it as \textit{shared} and \textit{common}. If a nation’s commitment to gender equality is not only not shared, but also vigorously contested and opposed by various internal communities, then this commitment to gender equality cannot be considered to be part of the shared or common cultural context without privileging some segments of the community and disadvantaging other segments of the community in the process. If conservatives or traditionalists of various stripes oppose gender equality in theory and practice, then we can only say that the cultural context within which the dispute takes place is shared if we remove the commitment to gender equality from the description of this context or background. With enough significant cultural contestation on enough issues, internal diversity may impede efforts to identify shared features of community and culture.

Furthermore, if we strip away all contested aspects of the shared and common cultural background, then it is unlikely that we will be left with anything substantial or worthy of protection, especially for communities of the scale and size privileged by this approach to multiculturality. The standpoint of the social observer may make it seem plausible that, in Spain, there is a majority nation comprised of individuals speaking Spanish and sharing a common Spanish language and culture, but this type of thinking
becomes strained as we consider Canada and individuals sharing a common Canadian language and culture, or Mexico and individuals sharing a common Mexican language and culture. The tendency to associate a distinct language and culture with a sovereign state (or territorially-concentrated cultural minority) leads to the belief that Canadians must speak Canadian rather than English, and Mexicans must be speak Mexican rather than Spanish. The same point applies to culture. It is only our ignorance of the communities within what is considered Canada’s dominant English-speaking community that permits some to make empirically false pronouncements about a shared language and culture as background or context. This social context and community, like most other social contexts and communities, is multicommmunal and multicultural, both in the sense of being multinational and polyethnic, but also in the wider sense of being comprised of communities contributing distinct sets of norms relevant to individual freedom.

The problem is that a number of theoretical assumptions work together to sustain and reinforce a particular view of the social world – a view that I have been trying to displace and replace. The classic anthropological model encourages us to view cultural communities as complex wholes from the standpoint of the social observer. Certain ideas stemming from the modernist conception of sovereignty lead to the implicit assumption that the communities relevant for the purposes of political theory and practice are those communities capable of maintaining sovereign and independent statehood, along the lines suggested by the Westphalian model. Thus, the modernist conception of sovereignty tends to direct us toward communities of a specific size, scale and nature – the type of communities able to sustain effective and efficient nation-states. These are some of the key features of the basic skeletal structure influencing the dominant understanding of the
challenge of multiculturalism as a challenge arising from national and ethnic difference, but each element of this picture has been subject to damning criticism.

2.10 Cultural Contestation and the Challenge of Multiculturality

Those who oppose the novel most vociferously today are of the opinion that intermingling with a different culture will inevitably weaken and ruin their own. I am of the opposite opinion. *The Satanic Verses* celebrates hybridity, impurity, intermingling, the transformation that comes of new and unexpected combinations of human beings, cultures, ideas, politics, movies, songs. It rejoices in mongrelization and fears the absolutism of the Pure. Mélange, hotchpotch, a bit of this and a bit of that is how newness enters the world. It is the great possibility that mass migration gives the world … *The Satanic Verses* is for change-by-fusion, change-by-conjoining. It is a love song to our mongrel selves (Rushdie 1992: 394).

The emergence of culture as an arena of intense political controversy is one of the most puzzling aspects of our current condition. From Supreme Court decisions concerning the right of performance artists to smear themselves with excrement-like substances to a Canadian court’s admission of the oral stories of First Nations as legitimate evidence; from disputes over how to preserve historical memory through public artworks, whose meaning for different cultural groups varies widely, to debates about the teaching of history in multicultural curriculums, we are daily confronted with culture “skirmishes,” if not wars (Benhabib 2002: 1).

So far, in this chapter, we have already displaced aspects of this picture, and developed an alternative multicultural account of social contexts, communities and individuals. This alternative account of multiculturality retains some of the emphasis on the unity of the complex whole, but it shifts considerable emphasis to the complexity found within cultural communities. The result is a portrait of multiculturality characterized by complexity rather than simplicity, as well as by unity and disunity, consistency and inconsistency, harmony and disharmony. It is the social world as seen from the internal vantage point of the social agent, and the internal diversity it reveals is significant for the reason Benhabib cites in her criticism of Taylor’s politics of recognition. She argues, “At
this point, we see the true idealism of this picture. This world is without conflict and contention; self-actualization claims seem to presuppose a seamless web of interlocution through which individuals are held together. In a world without conflict, questions of justice, which are always also about the allocation of certain goods and entitlements to certain individuals, are held at bay” (Benhabib 2002: 57). Here is the underappreciated problem of multiculturality. By increasing the attention devoted to the complexity, disunity, inconsistency and disharmony within communities and their cultures, it is difficult to overlook the extent and pervasiveness of cultural contestation, and the possibility of conflicting demands in the name of community and culture. It is this constant and perpetual possibility of cultural conflict that raises fundamental questions of cultural justice. For a world where it is not possible to meet all the cultural interests of each and every individual, we require answers to the following set of questions: What cultural interests matter for the purposes of justice? Whose interests? What happens in the event of conflict? What does it mean to treat cultural interests fairly or justly? What cultural communities matter for the purpose of justice? Once we remove the simplifying assumptions of the external social observer, we notice the cultural complexities of social life, widespread cultural contestation, and the need for a liberal theory of cultural justice for conditions of multiculturality. It is important that we do not get ahead of ourselves here, for there is more to say about these conditions of cultural contestation.

The classic anthropological model and the standpoint of the social observer tend to conceal internal cultural difference and contestation, but contestation has a profound impact on questions of cultural justice. Where there is cultural harmony rather than contestation, there is a simple and straightforward relationship between the individual,
her community and its culture. Each individual derives and satisfies her cultural interests in relation to her community and culture as background or context, and the same holds true for the other members of her community. This is a picture with considerable unity, even though there is room for some disunity and disagreement, and the terminology of ‘background’ and ‘context’ suggests that it is singular, relatively stable, and one and the same for all individuals and communities in the corresponding foreground. Just like fish may live in a single pond, soccer players may compete on a single field, or actors may perform on a single stage, individuals live and interact before a single cultural backdrop, background or context. On this account, satisfying the cultural interests of individuals and communities requires measures designed to protect and promote this type of singular cultural backdrop, since any decay, debasement or degradation of this backdrop constitutes a risk to the cultural interests at stake.

Yet, I have been arguing that this view is based on simplified and inaccurate assumptions about (i) the nature of social contexts, communities and individuals, (ii) the relationships between the individual and her culture, her community and her social context, and (iii) our social dependence on language, culture, community and other individuals. In its stead, I have proposed a thoroughly multicultural account built upon an analysis of our social dependence on community and culture as preconditions for individual freedom. On the revised conception of multiculturality defended here, the individual is embedded in a multicultural social context, she is simultaneously affiliated with numerous communities from which she draws the cultural resources required to form, revise and rationally pursue a conception of the good. These processes, and the contexts in which they take place, are not passively imposed upon the individual, but
rather the individual as moral, social and cultural agent is an active participant in them. While it is true that she is born into an already constituted social world, it is through the choices and actions of individuals that social memberships, communities and norms are maintained, revised, supplemented, discarded and/or replaced. So, we have an account of the social world as comprised of multiple, overlapping, discontiguous, dynamic and multicultural communities, and we may choose to call this a social background, context or backdrop, but it is important to add the qualifier that it does not exist as a separate, independent, singular and passive backdrop.

Once we move beyond the simplifying assumptions of the classic anthropological model, we reveal the cultural contestations within large-scale cultural communities, like nations, peoples or societal cultures: there is cultural contestation between and within communities, but also cultural contestation between and within individuals. Cultural contestation covers a range of relations between norms from different communities. In those cases where different communities have identical or very similar norms governing a particular aspect of human life, the coherence between these norms should permit these communities to coexist harmoniously and without conflict, at least in relation to the particular aspect of human life covered by that norm. In most cases, however, the norms of different cultural communities will diverge, thus producing contestation and the possibility of conflict. Waldron is right to warn against painting “too rosy a picture” because internal communities often exhibit “rivalry, suspicion, and divisive controversy as well; but no more than any common enterprise and certainly no more than the gossip or backbiting one finds in smaller, more localized entities” (Waldron 1992: 777).

In a multicultural social context, whenever different communities provide alterna-
tive norms, the inevitable result is contestation between these norms and communities. Since these communities provide different norms, and each norm is an alternative to the other norms governing that particular aspect of human life, a tension is produced between them. This tension does not always or necessarily result in conflict or violence, but it does result in contestation as the norms contest for the allegiance and adherence of individuals. It is the simple fact that these norms are alternatives within the same social context that establishes the contestation between them, and Kukathas provides an informative example from a fairytale to demonstrate that not even dialogue is required for such contestation to take place: their mere presence is sufficient.

The absence of a dialogue does not alter the fact that there is a dispute and that it exists in the realm of reason. Consider the case of the three little pigs: Peter, Paul, and Mary. They went their separate ways, Peter quickly building himself a house of straw, Paul – less quickly – a house of sticks, and Mary – very slowly – a house of bricks … There was a dispute here not because the pigs argued with one another but simply because their lives exemplified different possibilities. Each possibility was capable of being assessed rationally at a number of levels. Peter’s ends were leisure and comfort; his judgment was that they could be satisfied quickly by the cheapest means at his disposal. But Mary reasoned that safety was so important that it was worth sacrificing leisure and risking the short-term perils of shelterlessness to be properly prepared for the dangers that would always return. Her thoughts were of trouble and hers were steady, so she was ready when trouble came (Kukathas 2003: 129).

The tale of the three little pigs may be transformed into a case of cultural contestation by altering the facts slightly so that Peter, Paul and Mary subscribe to three different sets of norms relevant to the construction of houses by virtue of their memberships in three different communities. Peter, Paul and Mary do not need to fight, argue or even discuss the merits and demerits of their various norms for cultural contestation to occur. As suggested by Kukathas, cultural contestation may take place without any dialogue, since their mere presence in the same social context is sufficient to establish them as contesting
alternatives. When norms stand as divergent alternatives or options, and when these norms come from different communities, there is cultural contestation. How serious or worrisome this contestation is will depend on various other features of the social context, like how important the impacted aspect of human life is, the overall relationship between the relevant communities, the health of the relevant communities, and so forth.

In multicultural social contexts, relations between cultural communities involve contestation over views of the natural and social world, views about morality and justice, views about the good life and worthwhile activities, and other such matters.

No culture is ever free of contestation and change. Class, gender, generational and other conflicts are endemic in all societies and seek suitable cultural expressions. Even when such conflicts are absent or muted, members of a cultural community are likely to disagree on their interpretations of their cultural beliefs and practices. And even in the absence of such disagreements, a culture can never remain stable and static because of the very nature of its constituent beliefs and practices … Culture thus is not a passive inheritance but an active process of creating meaning, not given but constantly redefined and reconstituted. It does have a structure which directs and delimits the range of new meanings, but the structure is relatively loose and alterable. Even as a culture shapes its adherents’ forms of consciousness, they in turn redefine and reconstitute it and expand its cognitive and evaluative resources. In this respect as in many others, it is like a language, a precondition and a context as well as a product of human choices, a source of constraint which is also a medium of creativity (Parekh 2000: 152-153).

This type of cultural contestation within cultural communities – like nations, peoples or societal cultures, which are often assumed by political theorists and practitioners to be the primary form of cultural community – has been increasingly recognized in recent years.

But internal cultural contestation seems to be recognized as an obstacle or impediment to the effective protection and promotion of community and culture via collective measures rather than as a source of distinct questions relevant to cultural justice. That is, there is a dominant view of the challenge of multiculturality, and, on this view, internal
cultural contestation is regarded as an obstacle to be traversed in our pursuit of resolutions to this challenge. Internal cultural contestation is thus taken to be a complicating factor rather than a source of a distinct challenge of multiculturality.

In my opinion, this is a serious mistake. It is a mistake to think that the only relevant challenge arising from conditions of multiculturality pertains to national or ethnic groups, and it is a mistake to think that only national and ethnic groups matter for the purposes of cultural justice because they provide the singular background or context required for human action. It is a mistake to think that other forms of cultural difference may be neatly contained within national or ethnic groups, where these types of group are positioned in a central or primary role. Also, it is a mistake to assume that the cultural interests of individuals and communities are exhausted by their cultural interests in a stable, recognized and respected background in the form of a national or ethnic community and its culture. Even if we apply this dominant view faithfully and unfailingly, there will be unaccounted-for cultural interests: a cultural remainder.

It is my contention – and at this point of my dissertation, it will remain a matter of contention because the argument for it will appear in the next chapter – that, even in a utopian scenario where the cultural interests of individuals in their national, ethnic and other similar sized communities (and their cultures) are satisfied fully, there will remain unaccounted-for cultural interests. This cultural remainder is easily identified once we remove some of the emphasis from the complex whole, and shift it to the internal complexity within these wholes. After all, this shift places some of the emphasis on internal cultural contestation, and internal cultural contestation is present whenever different communities provide alternative norms in relation to some aspect of human life. Under
these conditions, whenever we move to protect and promote the larger community as a complex whole, or some community within it, we are likely also affecting the cultural interests of individuals in other internal communities. It is difficult to protect and promote a cultural community without impacting other communities, especially in multicultural contexts characterized by cultural contestation, and this type of ‘interference’ with cultural matters requires us to investigate how we aim to protect and promote the cultural interests of individuals and communities.

Even if the classic anthropological model were applied faithfully, accurately and comprehensively, there is still the matter of identifying the nature and interests of each complex whole, especially in relation to its internal cultural communities. Since incompatible norms are not easily accommodated by a system of cultural rights for complex wholes alone, it is highly probable that the interests of many internal cultural communities will be neglected – this is a cultural remainder. Like in arithmetic, when one number does not divide into another number exactly and there is a remainder left over, we have a similar phenomenon here. Whenever multicultural measures and accommodations do not account for all relevant cultural interests, there is a cultural remainder. Political theories based on the classic anthropological model leave an embarrassing cultural remainder because they cannot account for the complexity of the conditions of multiculturality.

The challenge of multiculturality is the challenge of accounting for all of the legitimate cultural interests at stake in a political jurisdiction under conditions of cultural contestation. These cultural interests are morally and politically relevant, and not just relevant for cultural matters, because they are integral to the individual’s sense of self, her culture, and her freedom and agency, especially her ability to form, revise and ration-
ally pursue her conception of the good life. Where there is cultural contestation, the vital interests of the individual in her communities and their cultures are constantly vulnerable. They are not vulnerable because they are the target of conspiratorial campaigns to destroy them, although this type of thing does happen on occasion, and more often than we would like to admit, but rather because they are subject to the economic, political and cultural pressures inherent in multicultural social contexts with cultural contestation. Issues of cultural justice do not result only from cultural wars and skirmishes, for they are raised constantly by conditions of multiculturality and cultural contestation. These conditions ensure that any measure, either private or public, aimed at the protection and promotion of a community, or some aspect of its culture, will necessarily impact on other communities and individuals, both inside and outside the community. Anyone living within the relevant social context may be affected. This is the result of being culturally embedded in multicultural social contexts characterized by cultural contestation, and also the subject matter of the challenge of multiculturality.

The challenge of multiculturality is the challenge of finding liberal principles of justice for our legitimate cultural interests under conditions of cultural contestation. This challenge has a universalist scope, since it recognizes that all individuals have cultural interests, not just members of minority national and ethnic communities. In this sense, the philosophy and politics of multiculturalism is not a minority rights issue alone, even though minority rights may be required as part of a defensible liberal theory of cultural justice. So, one dimension of the challenge involves respecting the interests of individuals as individuals in the conditions under which they acquire, cultivate, revise and express their culture. Just as individuals have an interest in the conditions under which they
form, revise and rationally pursue their conceptions of the good life, so too they have an interest in the conditions under which they form the relationships, commitments and attachments relevant to their cultural lives, they define and redefine the meaning and significance of their communities, practices and norms for them, they participate in their cultural communities, and they express their culture through practice and ritual. Even though individuals inherit their cultural circumstances, their lives as cultural beings are active and dynamic. Moreover, their cultural lives are active and dynamic within dynamic multicultural social contexts characterized by cultural contestation, and these conditions complicate efforts to protect and promote the disparate interests of individuals. This individual dimension is a key aspect of the challenge of multiculturality.

Another dimension of this challenge involves respecting the interests of individuals as members of cultural communities – the collective dimension of cultural life. The revised conception of multiculturality recognizes that a wide array of groups impact on each individual’s context of choice, and, thus, there is a possibility of claims for cultural protection and promotion from unexpected sources. This expansion of scope regarding communities and groups relevant for multicultural theory and practice resulted from our analysis of our ordinary, but necessary, social dependence on culture and community through Burge’s arthritis thought-experiment. This analysis began with an essential interest of individuals in the preconditions of choice, but revealed what so many political theorists and practitioners already knew; namely, that cultural communities are necessarily implicated in the cultural and moral lives of individuals. Thus, it would appear that a defensible liberal theory of cultural justice needs to contend with the interests of individuals as inherently cultural beings and as members of multiple communities. This
latter interest suggests that liberal principles of justice should recognize at least some collective measures for the protection and promotion of cultural communities that serve the essential interests of individuals in freedom, identity and well-being. Yet, these collective measures themselves should be sensitive to the presence of other communities within and without a given cultural community.

Of course, the task of accounting for these interests is complicated significantly by the incompatible demands made by groups under conditions of multiculturality and cultural contestation. The protection and promotion of one cultural community, its practices or its norms may constitute a threat to the stability and survival of other cultural communities, and, under these conditions, it is crucial for liberal theorists and practitioners to be attentive to the impact of their proposals. As Kymlicka cautions, “Not all interests can be satisfied in a world of conflicting interests and scarce resources. Protecting one person’s cultural membership has costs for other people and other interests, and we need to determine when these trade-offs are justified” (Kymlicka 1995: 107). In the next chapter, we turn to three common liberal approaches to the challenge of multiculturality: (i) liberal tolerationism, (ii) traditional liberalism, and (iii) liberal nationalism. In our examination of these approaches to cultural diversity, it is imperative that we remain attentive to the interests of individuals and communities within the relevant cultural communities, the cultural remainder of each approach, as well as the impact of these approaches on individuals and communities outside the relevant community, but within the larger society. With these considerations in mind, I ask “What is the most appropriate conception of cultural justice for a liberal democratic state characterized by multiculturality and cultural contestation?”
CHAPTER THREE

LIBERAL MULTICULTURALISMS

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests (Rawls 1999: 3-4).

What is the most appropriate conception of cultural justice for a liberal democratic state characterized by the revised conception of multiculturality and conditions of cultural contestation? How should liberal political philosophy contend with the essential cultural interests of individuals as individuals, and as members of numerous and various communities, under these complex conditions? For many liberal political theorists and practitioners, a suitable liberal theory of cultural justice contains various nationalist elements for the simple reason that they are required to supplement what have been considered glaring omissions in liberalism’s social ontology and principles of justice. It is not uncommon to encounter liberal support for special rights for national minorities, or some version of the right to national self-determination, as part of a comprehensive liberal theory of justice. Yet, this reliance on nationalist assumptions is neither universal nor uncontroversial, and this dissertation aspires to capture the fundamental insight that community and culture are necessary social preconditions of individual choice and freedom without accepting other aspects of the nationalist ideology. In Chapter Two, we worked to extricate liberalism from nationalism’s social ontology by interrogating the
individual’s necessary dependence on community and culture as social preconditions for individual choice and freedom, and developing a revised conception of multiculturality – a conception of cultural and social life that is free of descriptively inadequate and morally problematic nationalist assumptions. In Chapter Three, our attention shifts from the conditions of multiculturality to a defensible liberal multiculturalism as a response to these conditions, and here too, it is crucial that liberalism move away from the dubious prescriptions of nationalism. The central issue for liberals is the defensibility of the moral and political objective of protecting cultural communities and their cultures in liberal democratic states, and if this objective is defensible, then the defensibility of various multicultural measures and accommodations as means of meeting this objective.

Due to the well-established influence of nationalism on issues pertaining to community and culture, the defensibility of a liberal multiculturalism will, at least in part, depend on its ability to demonstrate the unsuitability of the nationalist approach to the challenge of multiculturality. In brief, on a nationalist understanding of the conditions of multiculturality, a political jurisdiction or geographic region is multicultural if it contains individuals from multiple national communities, typically as either national minority or ethnic immigrant populations. On this view, then, the challenge of multiculturality is the challenge of satisfying the interests of individuals in the continued existence of their nation and its culture, and it may be met by adjusting political boundaries to establish political jurisdictions with national majorities but no national minorities, and then finding appropriate terms for the integration of ethnic immigrants into the national majority population. For nationalists, this nationalization of political jurisdictions would provide an adequate solution to the challenge of multiculturality, and, under those conditions,
there would be cultural justice insofar as nobody would be compelled to live in a political jurisdiction as a cultural minority. So, cultural justice, according to this crude nationalist approach, requires political theory and practice to embrace the politicization of nationalism, and the corresponding prescriptions to nationalize political practice, boundaries, and jurisdictions. Of course, this basic nationalist model may be refined in a host of ways.

Undoubtedly, it is true that international law and politics have never really embraced the nationalist approach to cultural justice, but the revised conception of the conditions of multiculturality developed in Chapter Two explains why the nationalist approach is doomed to failure, or perhaps more accurately, to only limited success. Quite simply, even if we restrict our attention to national cultures, it is not possible to draw political boundaries to correspond with national boundaries due to the well-known Russian doll phenomenon, where even the tiniest of national territories seems to contain members of other nations, or what often amounts to a national minority. In theory, if political power and authority were devolved to increasingly smaller units, it might be possible to eliminate the problem of internal national minorities, but such a solution is problematic for at least two reasons. First, its reductionist approach to culture and community overlooks and discounts all cultural affiliations and communal memberships beyond the national, and if liberalism is concerned with culture and community as preconditions for individual choice and freedom, then this reductionism leads to an unacceptable restriction on the scope of cultural communities relevant for political theory and practice. As a result, there is a risk that significant aspects of our contexts of choice may be neglected or degraded. Second, the nationalist approach seems less appropriate

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1 It is important to note that the type of politicization advocated by nationalists is treated as a necessary component of cultural justice. For liberal nationalists, traditional individual rights and freedoms will likely provide another necessary component as well.
for an increasingly globalizing, interconnected and interdependent world, where many pressing problems require large-scale solutions. On the nationalist model, the challenge of multiculturality requires a push toward smaller, nationally-homogeneous communities, but on many other political issues relating to human rights, the environment, transnational corporations, nuclear, biological and chemical armaments, the movement of capital, and so on, even the principle of subsidiarity holds that regional and global arrangements are required insofar as smaller political units simply cannot address these problems on their own. Even if the national unit is the most suitable unit for cultural justice, there are other questions of justice, and adequate solutions to these other questions suggest that the national unit is not the most suitable unit for political jurisdictions. So, based on its reductionist approach to culture and community, and its increasing unsuitability in a globalizing world, the nationalist approach appears to be somewhat antiquated.

Nationalism may not provide an appropriate approach to cultural justice for liberal democratic states characterized by the revised conception of multiculturality, but it may be possible for an aptly qualified liberal nationalism to do so. In this chapter, I am concerned with the features of a defensible liberal theory of cultural justice, and I intend to outline some of these features through an examination of three liberal responses to the challenge of multiculturality: (i) tolerationism, (ii) traditional liberalism, and (iii) liberal nationalism. It is my contention that each of these views highlights a crucial piece of a defensible liberal response to the challenge of multiculturality, but that none of these views alone is entirely appropriate. Each view leaves a significant cultural remainder. Liberal tolerationism emphasizes the importance of tolerating diverse ways of life, even when we would not choose them for ourselves or others, but there are often individuals
and communities committed to objectionable practices that test the limits of liberal toleration. Tolerationism may be premised on the value of toleration, but it cannot earn its liberal credentials unless it can establish a private sphere of liberal protection for individuals and groups. Traditional liberal principles of justice establish limits on toleration through the civil, political, social and economic rights of individuals, and these rights establish a private realm where there is a *prima facie* prohibition against state regulation and interference. Yet, traditional liberalism’s commitment to the depoliticization strategy risks leaving individuals and cultural communities vulnerable in the face of the cultural impact of the economic market and political decision-making. For this reason, liberal tolerationism and traditional liberalism have been criticized by liberal nationalists for being insensitive to our essential interests in culture and community, and for advocating toleration as a form of ‘benign neglect’ without any proactive measures to protect or promote the cultural interests of individuals or communities, except maybe indirectly. Liberal nationalism aims to correct for this grave deficiency through the politicization of culture, or the devolution of political power and authority to national minorities in order to protect and promote the cultural context of choice of members of these minority communities. The cultural interests of individuals as individuals remain a matter of personal responsibility, and other cultural communities are neglected in the interest of protecting and promoting national communities and their cultures as the only relevant cultural background for individual choice and freedom. Yet, it is not clear that liberalism is consistent with the politicization strategy for contending with difference, generally, and, on the revised conception of multiculturality defended in Chapter Two, it appears to be a serious mistake to contend with multiculturality by devolving political
power to nations in order to breathe life into some version of the nationalist ideal.

In short, the contemporary liberal literature on multiculturality and cultural pluralism presents liberals with a stark choice between two broadly conceived options. The choice is between some form of depoliticized toleration of cultural communities, or some sort of politicization of culture in line with the nationalist ideal. Yet, even though these options represent two very general approaches to the challenge of multiculturality, each option is accompanied by a serious deficiency. Depoliticization does not appear to offer enough protection of our essential cultural interests, whereas politicization does not appear to be always consistent with liberalism’s commitment to equal and universal citizenship. Given these options, any liberal seeking to take seriously our cultural interests seems to be pushed down the path of politicizing culture, but a defensible liberal multiculturalism will recognize the limitations and shortcomings of the politicization strategy. On the one hand, liberalism is committed to two distinct forms of toleration, and it is capable of tolerating practices in the social sphere that it cannot sanction in the public sphere. Political power and authority are subject to liberal principles of justice, whereas the liberal democratic state may tolerate various forms of non-liberal and illiberal communities, practices and norms in the social sphere, as long as they have the free and informed consent of the relevant parties. For many non-liberal and illiberal groups, the aspiration for political power and authority would invite unwanted assessment and interference based on liberal principles of justice, and, in this way, liberal politicization invites the charge that liberalism is engaged in cultural imperialism. On the other hand, liberalism is committed to treating individuals as equal citizens, and this commitment is typically thought to preclude the liberal democratic state from endorsing controversial
worldviews and conceptions of the good. The liberal democratic state should conduct itself in a neutral, impartial, fair, equitable, evenhanded and just manner, and it is often difficult to see how the liberal democratic state could deploy the politicization strategy for contending with difference and conduct itself in this manner. Since there are evident shortcomings in both the depoliticization and politicization strategies for contending with the challenge of multiculturalism, I believe that it is necessary for liberal political philosophers to develop a depoliticization strategy that takes seriously our essential interests in culture and community, and, additionally, I believe that this approach amounts to a liberal multiculturalism without nationalism.\(^2\)

A defensible liberal multiculturalism will endorse the depoliticization strategy as part of a package of other normative commitments, including liberal toleration, traditional liberal civil, political, social and economic rights, an individual right to culture, some measure of state protection and promotion of cultural diversity in the social sphere, and unitary citizenship in the public sphere. Each ingredient in this package makes a crucial contribution to the elimination of the cultural remainder and meeting the legitimate cultural interests of all individuals. Broadly speaking, the strategy in this chapter is to analyse and evaluate Chandran Kukathas’ ‘liberal’ tolerationism, Brian Barry’s liberal egalitarianism, and Will Kymlicka’s liberal nationalism as three liberal responses to the challenge of multiculturality. Each approach makes an indispensable contribution to a defensible liberal theory of cultural justice, but each view also has a critical shortcoming that leaves a significant cultural remainder. Beginning with Kukathas’ tolerationism with

\(^2\) Another option is to amend the politicization strategy to meet the requirement to treat all individuals within the liberal democratic state equally, fairly and justly. Based on the conditions of multiculturalism as outlined in Chapter Two, I believe that liberal nationalists will be hard-pressed to endorse the politicization of nationalism, while respecting a defensible conception of liberal neutrality and equality.
its emphasis on our essential interest in freedom of conscience, liberalism’s commitment
to freedom of association, freedom of exit, and the principle of mutual toleration are
examined in the context of Kukathas’ evocative metaphor of the multicultural society as a
liberal archipelago (§3.1). Undoubtedly, a defensible liberal theory of cultural justice
will recognize a prominent role for the virtue of toleration, but the freedom of exit alone
does not offer enough protection to vulnerable individuals and communities, and the
internal logic of the exit strategy is a recipe for oppression, conflict and injustice as the
social world is transformed into a colourful mosaic of tyrannies and private hells (§3.2).
There are two critical reasons for these shortcomings: (i) freedom of conscience alone
cannot serve as the foundation for a liberal theory of cultural justice because the values of
autonomy and equality are required to generate the full range of fundamental liberal
rights and freedoms; and, (ii) tolerationism does not even aim to provide equal, fair and
just terms of coexistence, or to protect and promote our essential cultural interests (§3.3).
The challenge of multiculturality does not require liberalism to abandon its commitment
to providing equal, fair and just terms for the coexistence of individuals and communities
within a multicultural liberal democratic state. Barry’s egalitarianism offers a traditional
liberal position premised on universal citizenship, a uniform system of law and policy,
individual rights and freedoms, and the depoliticization of cultural difference, and it
offers persuasive reasons to oppose special treatment and exemptions under the law,
generally (§3.4). Nonetheless, Kukathas’ tolerationism and Barry’s egalitarianism are
guilty of neglecting our necessary dependence on culture and community as social
preconditions for individual choice and freedom. Kymlicka’s liberal nationalism offers a
powerful argument based on the liberal values of freedom and equality for the politiciza-
tion of culture as context of choice, and for a liberal form of group-differentiated citizenship (§3.5). Often, it is a key premise in liberal nationalist arguments that the liberal depoliticization strategy, which proved so effective during the European wars of religion, is not a suitable approach to the challenge of multiculturality because the ideal of cultural neutrality is impossible; however, this criticism of liberalism misses its mark insofar as the liberal democratic state is capable of remaining neutral, impartial, fair, equitable, and evenhanded on most cultural issues, even when pressed by conflicting demands from different cultural communities (§3.6). Under conditions of multiculturality, it is paramount for the liberal democratic state to avoid favouring some cultural communities, while neglecting or disadvantaging other cultural communities, and this idea suggests that the liberal nationalist prescription for the politicization of nationalism, or the devolution of political power and authority to nations, may be difficult to square with liberalism’s commitment to equality and fairness (§3.7). In such cases, the politicization of national communities is not an appropriate strategy for liberal democratic states characterized by conditions of multiculturality and cultural contestation.

What is needed is a different liberal multiculturalism, one that embraces the strengths and insights of these other three prospective accounts, but avoids the pitfalls that leave a cultural remainder. This is a liberal multiculturalism that respects the individual’s fundamental rights and freedoms, is committed to the equal and just treatment of individuals, recognizes an individual right to culture, tolerates voluntary cultural groups and practices in the social sphere, and provides some measure of assistance to individuals seeking to protect and promote their cultural communities. This is a recipe for liberal cultural justice, and for a defensible liberal multiculturalism without nationalism (§3.8).
3.1 Kukathasian Tolerationism and the Freedom of Exit Approach

I am not aware that any community has a right to force another to be civilised. So long as the sufferers by the bad law do not invoke assistance from other communities, I cannot admit that persons entirely unconnected with them ought to step in and require that a condition of things with which all who are directly interested appear to be satisfied, should be put to an end because it is a scandal to persons some thousands of miles distant, who have no part or concern in it (John Stuart Mill as quoted in Kukathas 2003: vi).

In the literature on multiculturalism, there is almost universal support for toleration as an indispensable element of an appropriate response to the conditions of multiculturality. After all, it is intuitively evident and tautologically true that multiculturalism requires some form of toleration of cultural differences. Yet, this resounding endorsement of toleration is accompanied by a vociferous debate on the requirements and limits of this toleration, especially the freedom of exit. In The Liberal Archipelago, Kukathas provides a detailed and systematic defense of a type of ‘liberal’ tolerationism, even though his credentials as a liberal political philosopher have been challenged frequently and, I think, fittingly. In one sense, Kukathas’ sympathies with a type of anarcho-libertarianism is anathema to most political philosophers generally considered to fall within the liberal camp, but, in another sense, he reaches back into the history of liberalism to extract and develop, in the context of the challenge of multiculturality, an important strand of liberalism’s historic response to difference. For the most part, liberals ground their theories of justice in the values of autonomy and equality, and then toleration is defined within this theoretical framework; however, Kukathas believes that such an approach cannot avoid imposing liberal beliefs and values onto non-liberal individuals and communities, and, thereby, fails to be sensitive enough to difference. To correct for this mistake, he depicts the liberal society as a free and good society governed by the principles of toleration.
Kukathas’ unique contribution to the literature may not garner widespread support among multiculturalists or liberals, but the volume of criticism aimed at his view speaks to its significance. Even though Kukathas’ ‘liberal’ tolerationism is not sufficiently liberal or sensitive to our legitimate cultural interests, there are important lessons to be learned from his inspired attempt to grapple with the challenge of multiculturality.

Kukathas’ tolerationism is premised on a Humean view of the human being, from which he derives an essential interest in freedom of conscience. Kukathas believes that there is “a universal humanity” or “core human nature which, when understood, can help to account for the patterns of human diversity” (Kukathas 2003: 41-42). This nature is universal and essential, whereas cultural difference is an incidental or circumstantial attribute of human beings. After all, claims Kukathas, “Human beings are the same the world over, though human life takes different forms in different parts of the world – shaped by circumstances. To understand human nature it is most important to understand the nature of human motivations” (Kukathas 2003: 43). So, for Kukathas, there is a universal human nature and an essential interest, and these components of his view are best understood through the Humean account of our motivations or reasons for action.

Without delving too deeply into the Humean anthropology upon which Kukathas relies, there are three primary motivations for human conduct: self-interest, affection, and principle. For Hume, even though human motivation is often complex, the most potent motive for action is self-interest, and this motivation accounts for the establishment of justice (Kukathas 2003: 43). Yet, individuals are not solely motivated by self-interest, and a second important motivation is affection. Affection accounts for conduct directed “less by the pursuit of self-interest than by the attachments individuals have to others, and
the regard they have for the opinions and the wishes of particular persons other than themselves” (Kukathas 2003: 44). Additionally, individuals feel affection not only for singular persons, but also for complex social entities, like religions, sports franchises, and political parties. So, for Hume and Kukathas, human beings “have a capacity to form attachments not only to self and to others but also to notions, ideas – ideals. Indeed, they can form such attachments with a commitment so powerful that it can override self-interest and affection” (Kukathas 2003: 44-45).³ They are motivated by principle not merely because they subscribe to the normative commitments of their communities, but also because they are motivated by the desire to do what is right, “even in circumstances where conduct is not monitored and there is no threat of censure” (Kukathas 2003: 47). Kukathas believes that Hume’s term ‘principle’ is not broad enough to capture this motivation to act rightly, “since the idea of acting from principle suggests that there must be an element of reflection or deliberation involved” (Kukathas 47-48). For instance,

A Muslim may just find the idea of eating pork unconscionable; for a samurai, the idea of living with dishonour may have been simply unbearable. In such cases, individuals may be willing to endure terrible deprivations to avoid acting against the dictates of conscience. And often, communities, religious organizations, or fellow-travellers may serve to reinforce the workings of conscience, giving it not only particular direction but also peculiar strength as a source of motivation (Kukathas 2003: 47-48).

For Kukathas, this Humean account of human nature leads to the conclusion that principle or conscience, as he prefers to call it, is the most important motivation because it structures and directs human life. There is no concrete hierarchy of motivations, but “conscience is what not only guides us (for the most part), but what we think should guide us”, even though there is an ever-present possibility that self-interest or affection may compel us to violate what we think is right (Kukathas 2003: 48). Ultimately, for

³ Religious wars provide a stark example of uninterested and disinterested conduct based on principle.
Kukathas, conscience is what makes us distinctively human.

To appreciate the role of conscience in human life, it is necessary to move beyond simply recognizing conscience as a reason for action, and to understand conscience as a value. For Kukathas, individuals are moral beings who value acting rightly or properly, even though they often knowingly act wrongly, and, on occasion, the value attached to the demands of conscience may “make certain actions simply unacceptable, even on penalty of death” (Kukathas 2003: 52-54). These situations confirm that conscience may function not only as a powerful motivation, but also as a more important ‘ultimate consideration’ than death. Conscience is, thus, an integral component of the individual’s moral life. Human beings desire to lead a valuable or meaningful life, and “one’s life’s meaning is tied to one’s understanding of what is right” (Kukathas 2003: 55). As such, Kukathas believes, there is an essential human interest “in living in accordance with the demands of conscience” because “among the worst fates that a person might have to endure is that he be unable to avoid acting against conscience” (Kukathas 2003: 55). So, according to Kukathas, human beings have an essential interest in freedom of conscience, and it is wrong to compel someone to act against her conscience – even “an erroneous conscience has binding force” (Kukathas 2003: 114-115).

Because there is an essential human interest in freedom of conscience, Kukathas proclaims that a culturally diverse liberal society should be governed by “the principles of a free society”, where the free or open society is distinct from a society governed by principles of justice. The free society has three pillars: “the fundamental principle describing a free society is the principle of freedom of association. A first corollary of this is the principle of freedom of dissociation. A second corollary is the principle of
mutual toleration of associations. Indeed, a society is free to the extent that it is prepared to tolerate in its midst associations which differ or dissent from its standards or practices” (Kukathas 2003: 4, my emphasis). For Kukathas, a liberal society is a tolerant society, which is governed by the principles of toleration. As a result, individuals are permitted to associate together freely, and these social groupings are not constrained by standards relating to their type, terms of association, the activity around which they are organized, or the norms that sustain them. These associations are subject only to the two corollaries of the principle of freedom of association, and, as such, they are required to permit their members to leave at any time and to tolerate other associations.

There are various forms of toleration possible, but Kukathas insists that a liberal society requires an undemanding form of toleration. In his words, “it requires little more than indifference to those who are, or that which is, tolerated” (Kukathas 2003: 23). He admits that, on occasion, it may require a measure of forbearance based on the injunction against imposing on other individuals in ways that violate their freedom of conscience, but he is adamant that toleration does not require “respect”, “empathy”, “admiration”, “much concern for others”, or “taking the tolerated individuals or groups seriously” (Kukathas 2003: 23). For Kukathas, toleration is consistent with deep-seated contempt and loathing, as well as with an unwillingness to engage in rational dialogue. He summarizes the core of his view in a short adage: “Tolerators need not sit down with the tolerated; but they will stand them” (Kukathas 2003: 23). So, the free society is a society where associations, communities and other groups are permitted to operate without external interference, even when these groups are fundamentally illiberal and oppressive.

A society governed by the principles of toleration is a society with many associa-
tions, communities and other groups, where membership is voluntary insofar as members are free to leave. Interestingly, Kukathas views these groups as governed by many authorities, and the reason is that “the need for authority in human arrangements is inescapable” (Kukathas 2003: 25, 98). It is inescapable because “conflict is an endemic feature of the human condition” – the most serious conflicts concern “questions of what is right and how one should live” – and many of these conflicts threaten to escalate in scope and severity, unless they are resolved (Kukathas 2003: 25). Authorities serve the function of adjudicating and settling conflicts. History provides many examples of how the collapse of systems of authority can be calamitous as it ushers in a destructive competition for power, and for this reason, Kukathas proclaims, “Liberty may be important for the perfection of society; but authority is needed for its survival” (Kukathas 2003: 211).

For Kukathas, then, a liberal society is a free, open and tolerant society comprised of multiple associations, communities and authorities.

This conception of society as “a society of societies” is captured by the metaphor of the archipelago. Kukathas’ liberal archipelago is a society governed by the principles of toleration, where multiple authorities coexist without necessarily cohering. He explains that, because individuals are free to associate, dissociate and form new groups, the internal landscape of the liberal society is not constant or fixed, and the internal social units comprising it are unbounded and mutable. The liberal archipelago metaphor is intended to capture the idea that the entire archipelago is subject to a single authority, but

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4 It is important to keep in mind that Kukathas is advocating for an anarcho-libertarian conception of society, and this means that there is a distinction between the political authority and power of the state and the authority and power of associations, communities and groups within the state. This is the difference between the political authority of a head of state and the authority of someone in a private association, like Pope Benedict XVI of the Roman Catholic Church. Kukathas’ rhetoric may sound like he is a proponent of federalism, but he is not advocating for the devolution of political authority and power to internal groups.
significant authority is devolved to the individual islands as well. Kukathas believes that “international society” is “a kind of liberal society”, “a society made up of a mixture of liberal, less liberal, and thoroughly illiberal societies”, and a society with “multiple authorities operating under a de facto regime of mutual toleration” (Kukathas 2003: 27). He draws attention to international society to emphasize that the liberal archipelago is a conception of society “not as a social union held together by justice but as a looser network of associations held together by a form of civility” (Kukathas 2003: 261). On his view, the state is an association like any other, and it does not have “a unique moral standing or ethical significance” (Kukathas 2003: 261).

The view of society as a liberal archipelago, or society of societies, governed by the principles of toleration is presented by Kukathas as a significant departure from much contemporary liberal political philosophy. In particular, he stresses that, unlike Rawls’ liberal theory, his tolerationism is not concerned with identifying principles of justice to establish even a thin social unity or a voluntary scheme of cooperation for the entire society. For Kukathas, it is both possible and desirable for different moral standards to merely coexist under a regime of toleration.

Since this type of society requires the division of authority and some jurisdictional independence, “the state would be a much diminished entity, a good deal less capable of establishing and imposing common standards for the nation” (Kukathas 2003: 31). Thus, it would be quite possible for subsidiary authorities or jurisdictions to be ruled according to quite illiberal principles – perhaps even so much so that, say, minority discrimination was not merely allowed but encouraged. If a province, for example, discriminated against homosexuals by declaring same-sex unions criminal, the federal government

5 Interestingly, what Kukathas considers to be a good example of a liberal society was used by many early modern theorists to demonstrate that there are real world states of nature, and that the state of nature thought-experiments were not simply philosophical fairytales used to scare individuals into submission.
would not have the authority to override its laws on the grounds that they were illiberal … [liberals] would have to resist the idea that the dissenting province should have its laws overturned or suppressed by a higher power (Kukathas 2003: 31)

So, the liberal archipelago is distinguished from the infamous gulag archipelago by its division of authority, and toleration of the emanations of jurisdictional independence. On his view, “the liberal archipelago is a society of societies which is neither the creation nor the object of control of any single authority” (Kukathas 2003: 8-9). Kukathas insists that liberals who strive for social unity based on a shared conception of justice fail to appreciate that cultural diversity and fluidity are settled features of the human condition. For Kukathas, disagreement over conceptions of justice highlights that freedom of conscience mandates dividing authority and separating powers. The Kukathasian solution to cultural diversity and disagreement is “to create not authority but authorities – or more precisely, to allow them to prevail where they already persist” (Kukathas 2003: 265). In his vision, then, the sovereign state, as we have come to know it, ceases to exist.

The liberal archipelago is governed by the principles of toleration, and Kukathas argues that these three principles are necessary and sufficient for a liberal, free, open, good and tolerant society of societies. As such, individuals have a right to associate on their own terms, and they may not be compelled to remain affiliated with any group. For Kukathas, the ultimate concern is that “people not be required to live in or be a part of ways they think wrong, or to participate in practices which (morally) they cannot abide” (Kukathas 2003: 95). Since associations, communities and other collective human enterprises are subject to change, it is possible for contestation and conflict to emerge within any of these collectivities. In such cases, “it cannot be a solution to the conflict to say that one side must conform to the wishes of the other when no compromise is to be found”, since “neither can appeal to the rightness of its beliefs or standards to justify
compelling the other to remain” (Kukathas 2003: 95). In a free society, as envisaged by Kukathas, it may be necessary for the parties to exercise their freedom to part ways and form two separate groups. In the event that any individual remains within the collectivity and, thereby, does not exercise her right to leave, Kukathas claims that the collective may exercise legitimate authority over her. Authority may be legitimately held and exercised by any group, as long as its members have not exercised their option to leave.

Kukathas’ liberal credentials may be questioned here. It appears he is committed to the position that associations, communities and other groups may hold and exercise authority legitimately, and there are only two requirements placed on them: (i) they must tolerate other groups, meaning only that they must not directly seek to eliminate them; and, (ii) they must respect their members’ right of exit in the narrow sense of not physically preventing them from leaving. Many commentators have been struck by the lack of conditions for a society to count as liberal, free, open, good and tolerant on Kukathas’ tolerationist account, and Kukathas confirms their worst suspicions in a key passage: “there would in such a society be (the possibility of) communities which bring up children unschooled and illiterate; which enforce arranged marriages; which deny conventional medical care to their members (including children); and which inflict cruel and ‘unusual’ punishment” (Kukathas 2003: 134). If tolerationism permits groups to function with impunity and with almost no conditions on their policies or conduct, then there are pressing questions about its legitimacy, desirability and defensibility.

This problem strikes at the heart of Kukathas’ theory. The two requirements for a group to legitimately hold and exercise authority barely constrain their activities. While not an unmitigated carte blanche, the power of these associations may be exercised
against the interests of their members, including their essential interest in freedom of conscience. Individuals have the choice of accepting their fate or leaving, and the group is permitted to purposely increase the costs of exit, as long as they do not physically preclude exit, or completely foreclose this possibility in some other way. The problem is that freedom of exit is separated from the individual’s ability to avail herself of this freedom: “neither has an individual any fundamental claim upon others to ensure that he has the capacity to join a particular group or community, to remain within that group, or to leave it. Different associations of people take different views about what can rightly be expected from others, and about what persons and communities are owed” (Kukathas 2003: 97). Kukathas’ tolerationism seems to permit a type of unregulated authority that would make even Hobbes on his most authoritarian days cringe. Not only are there no protections against the tyranny of associational authority and power, but not even an individual’s freedom of conscience is protected. To compound matters, external agents are prohibited from intervening, even if the victims of Kukathasian tolerationism directly appeal to them for assistance. In Kukathas’ own words, his tolerationism “seems to uphold the power of the group rather than protect the basic interest of people in ensuring that the cost of exit is not prohibitive” (Kukathas 2003: 115). In actual practice, the liberal archipelago may turn out to be what Leslie Green has described as “a mosaic of tyrannies, colourful perhaps, but hardly free” (Green 1994: 101).

Surprisingly, Kukathas does not deny that the liberal archipelago may become a mosaic of tyrannies. Even more surprising is that he defends this outcome as morally superior to those produced by what he sees as excessively interventionist liberal approaches. Kukathas believes that “no greater protection should be offered” because “it is
not only the consciences of dissenters that are at stake” (Kukathas 2003: 116).

The conscientious beliefs of the majority or the dominant also have weight. They may conscientiously believe that what the minority thinks or wants to do is wrong. They may also believe that they have a duty to preserve the integrity of the community. But what is to be done when there are two competing claims of conscience? The answer can only be that they should both be entitled to go their separate ways. The terms upon which separation takes place cannot be settled as a matter of fundamental right because what is fundamentally right is what is in dispute (Kukathas 2003: 116).

According to Kukathas, the logic of dissociation requires an associational power for groups to unilaterally expel their members, even when this power is exercised by a dominant minority against the conscientious beliefs of the majority. As a result, there is no right to continued membership in one’s community, and no guarantee of a safe, secure and stable environment for the individual to lead her life. This ignoble position privileges the powerful over the vulnerable in cases of intra-communal conflict, and it does so to respect the conscientious beliefs of the majority or dominant aspects of the society, even at the cost of massive violations of the principle of freedom of conscience.

This point is baffling. Kukathas claims that there is nothing special about the state, but he places a requirement on the state to respect conscience, and, consequently, also the principles of toleration (Kukathas 2003: 266). These requirements are not consistently applied to non-state associations, communities and enterprises, however. Non-state groups are required to respect only the minimal tolerationist versions of freedom of dissociation and mutual toleration, meaning (i) not only are they not required to respect the consciences of their members as individuals and as members of internal cultural communities, but they may freely act against and violate them, and (ii) not only are they not required to show their members even the minimal form of toleration due to outsiders, but they may freely attempt to eliminate them from the group by any available
means. Barry points out, “Kukathas claims to accept the axiom of moral individualism: that all institutions must ultimately be judged by their effects on individual human beings. But it seems overwhelmingly plausible that some groups will operate in ways that are severely inimical to the interests of at any rate some of their members” (Barry 2001: 134). It is difficult to comprehend how a society permitting such conduct could be considered liberal, good, free, open, or even tolerant. Instead, Barry seems to be quite right: “Public tolerance is a formula for creating a lot of private hells” (Barry 2001: 143).

Kukathas permits the almost unconditional exercise of associational power, as long as its members acquiesce to it, and their acquiescence seems to be established by their mere presence in the group insofar as it signifies that they have not repudiated the authority by availing themselves of their right to leave. He acknowledges, “by seeing the right of association as fundamental, it gives considerable power to the group, denying others the right to intervene in its practices” (Kukathas 2003: 97). The abhorrent implications of Kukathas’ tolerationism detailed in the previous paragraph are possible due to the unchecked power and authority of the group, even though they are not bolstered by any collective rights. Kukathas is clear that his view does not recognize any fundamental rights for collective entities. “The basis of any association’s or community’s authority is not any right of the group to perpetuation, or even existence, but the acquiescence of its members” (Kukathas 2003: 96). This is evidently a case of empowering groups over their members by omission rather than commission, but, as Barry points out, “there is nothing presumptively more benign about doing it by omission” (Barry 2001: 141-142).

Kukathas stresses that, even though his view permits significant associational powers, it is not a communitarian view because it does not recognize or place any moral
importance on the value of community. If associations, communities or other groups exercise their authority and power in problematic, objectionable and ‘intolerable’ ways, this is possible only because their members as individuals have acquiesced – it is not Kukathasian tolerationism that places them in their position of authority or power. He explains, “The core value to which appeal is made here is not community but liberty; and the liberty that is of central significance is liberty of conscience. In essence, what the theory suggests is that a social formation or pattern of authority is defensible to the extent to which it is consistent with liberty of conscience” (Kukathas 2003: 38). Kukathasian tolerationism is designed to safeguard the liberty of individuals to associate and dissociate, and these normative commitments preclude him from privileging some forms of collective organization over others. For Kukathas, and this is a familiar criticism, group rights are pernicious because they privilege specific forms of human association, which happen to be dominant at a particular time, and they ‘freeze’ not only a particular type of community, but also particular instances of it. Collective rights to the protection and promotion of an association, community or other group prevent, or at least encumber, individuals from repudiating an established authority and forming a new one with other like-minded individuals. In this sense, Kukathas believes that his view “strikes a particular balance between the claims of the individual and the interests of the community. It recognizes the existence of many kinds of association, including cultural groups, but regards them simply as associations of individuals, drawn together, perhaps, by history and circumstance. While they may have certain acquired interests, these are in no way equivalent to the interests of all their members” (Kukathas 2003: 97). Internal cultural

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6 For instance, Kukathas claims, the group rights of Quebec as a nation within Canada will not only serve to protect its continued survival, but also prevent other arrangements from arising. Group rights establish a politico-legal status quo, and they make it more difficult for alternative arrangements to emerge.
contestation and the mutability of groups demonstrate that, even as members of a community, individuals have different interests. For Kukathas, the moral basis of groups is found in the acquiescence of individuals, but this moral basis does not generate a right to self-preservation or perpetuation (Kukathas 2003: 97).

Not only does Kukathasian tolerationism leave individuals and internal communities vulnerable to their encompassing associations, communities and enterprises, but it leaves these encompassing groups vulnerable as well. There are no instruments or mechanisms available to protect these encompassing groups from external threats. It should be evident by now that Kukathas is not prepared to recognize any freedoms or rights beyond the freedom of association and its corollaries. Even liberty of conscience, which serves as the foundation of his view, is not protected. It is evident that Kukathas is aware of these perceived shortcomings in his political theory, but he insists that any individual and collective rights over and above those which arise from a commitment to the principles of toleration would constitute an injustice against non-liberal individuals. Kukathas considers a society governed by a liberal conception of justice to be illegitimate insofar as it neglects other conceptions of justice and imposes itself on dissenters. He is quite clear on this point. “The problem with liberal justice as a solution to the problem of diversity and disagreement, however, is that people may disagree not only over such matters as religion but also about justice. Indeed, they may differ over justice precisely because they differ over such things as religion” (Kukathas 2003: 263-264). He substantiates this point with a banal empirical point: “First, it should be noted that not all of the associations to be found in society value freedom … Second, some associations, while they may value freedom, do not practise freedom … Third, there are many associations
that are indifferent to the question of freedom – or at least, maintain a silence on the issue – but which, nevertheless, place important restrictions on the freedom of members” (Kukathas 2003: 93-94). Actual disagreements over conceptions of justice and the good are significant, and any theory seeking to take seriously such disagreements will not attempt to impose “a particular theory of justice as a moral conception which should command universal assent (or around which a consensus could emerge)” (Kukathas 2003: 76). Kukathas emphasizes that “it is the absence of consensus on moral fundamentals which is the problem”, and, a liberal theory of justice simply imposes a conception of justice onto dissenters, compels “many people to live by standards they cannot accept”, and, thus, fails “to respect the desire to live rightly” (Kukathas 2003: 76). In short, according to Kukathas’ assessment, liberal theories of justice are insufficiently sensitive to difference, and the imposition of non-tolerationist liberal principles contradicts the fundamental normative commitments of a liberal, free, open, good and tolerant society.

Given the option between a liberal theory of justice and a theory of toleration with its shortcomings, Kukathas opts for the latter. According to Kukathas,

Liberalism is a political philosophy which is a response to the problem posed by human diversity, and by the differences and disagreements which emerge whenever human beings try to live together. A liberalism which maintains that the liberal state is, or should be, reflective of a liberal theory of the good suffers from one important limitation. It cannot accommodate those who reject the liberal theory of the good – though it can coerce them into accepting it when they are in the minority. A liberalism which maintains that the liberal state should be no more than an umpire suffers from a different limitation: it will accommodate those who are themselves illiberal, since it allows for a wide diversity (Kukathas 2003: 268-269).

Kukathas’ view prizes toleration above all other normative considerations, including the ability of individuals to live in accordance with the demands of conscience. Almost none of the commonly accepted individual and collective rights often associated with the core
of liberal political philosophy are sanctioned by Kukathas’ tolerationism. Worse still, he offers arguments against any form of protection of vulnerable individuals or groups, beyond the minimal protections offered by the principles of toleration. In this sense, Kukathas is fully prepared to advocate what Glazer and Kymlicka call ‘benign neglect’, “or what might otherwise be labelled a politics of indifference” (Kukathas 2003: 15).

### 3.2 The ‘Mosaic of Tyrannies’ and the Costs of Exit

Of all tyrannies a tyranny sincerely exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber Baron’s cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience. They may be more likely to go to Heaven yet at the same time likelier to make a Hell of Earth (C.S. Lewis 1949: 9).

The primary virtue of the Kukathasian approach to cultural difference and contestation is its tolerance of the numerous and various communities attempting to actualize their shared desire for enough independence to live according to their particular beliefs. Too often, violent conflicts and wars result from the efforts of a state to continue to rule over a minority community rather than allow them to exercise some measure of official control over their collective affairs, at least over those aspects of life that are most meaningful to them. According to Kukathas, it is the impulse to remain united in a single political unity, under uniform terms of coexistence, that leads groups to impose on other groups. In these situations where individuals and groups cannot live together, it is best for them to separate and establish independent communities. To avoid imposition and the ensuing resistance and conflict, Kukathas recommends permitting individuals to exit and form new groups with other like-minded individuals. Kukathas’ view emphasizes a significant component of any defensible liberal approach to such situations by drawing our attention
to the interests of individuals grounded in conscience, as well as the moral importance of association, dissociation and mutual toleration between groups.

There is little dispute over these principles, but significant controversy over their interpretation, conditions, limits and supplementation. On these details, Kukathas’ view is found to be lacking. The ‘liberal’ view proposed and defended by Kukathas has been extensively criticized, but I am concerned with the lessons that we can derive from these criticisms for the advancement of a liberal theory of cultural justice under conditions of multiculturality and cultural contestation. In §3.1, certain problems came to the forefront. Tolerationism does not provide adequate protection for individuals and groups, and, thus, advocates tolerating what is often considered to be ‘intolerable’ conduct under the auspices of ‘benign neglect’. These are serious problems with this view, but there are other subtler problems involving the much scrutinized right to exit. Kukathas’ interpretation of this indispensable measure for any defensible multiculturalism tends to encourage difference, disagreement and dissent within communities, while only safeguarding resolution based on exit and divorce. This section seeks to identify four major flaws and shortcomings of the right to exit approach to the challenge of multiculturality.

First, Kukathasian tolerationism requires the right to exit, but it lacks the conceptual resources to furnish its preconditions. The right to exit is required to legitimate authority and power because acquiescence would lack the meaning and significance attached to it by Kukathas, if individuals were unable to exit – this legitimizing role is vital for his view. Additionally, without the right to exit, Kukathas’ tolerationism would not only fail to protect individuals as individuals and as members of groups from abuse and victimization, but also it would trap them within these harmful circumstances. The
right to exit does not improve the situation for aggrieved parties, but it does provide them with a way out, a way to extricate themselves from the situation and end their victimization, at least theoretically. The right to exit is a key component of Kukathas’ tolerationism, but his understanding of what is required to satisfy this right has been criticized. Kukathas views an individual’s right to exit or dissociate from a group on a strictly negative interpretation requiring only that she not be restrained or prevented from leaving. As long as an individual may exit, her right to exit has been honoured *regardless of the costs to her*. Any costs incurred through exit are a personal matter, and Kukathas insists that costs do not impact on one’s right to exit because this right is established by the lack of obstacles, not the lack of costs.

But this negative conception of the freedom to dissociate may lack the conceptual resources to provide the preconditions of exit, independent of any consideration of the costs. The basic question here is whether non-interference with one’s ability to leave is enough to satisfy a right to exit, at least in the minimal sense required by Kukathas to legitimize associational authority and power. There is widespread agreement on the ideas that it is not enough, and that it is not enough because there are preconditions for exit to be possible. According to Jeff Spinner-Halev, for instance,

> Minimal standards are needed to make the right to exit meaningful. These standards include freedom from physical abuse, decent health care and nutrition, the ability to socialize with others, a minimal education – basic literacy in the basic subjects of reading, math, science, etc. – and a mainstream liberal society. These standards are needed so that people can evaluate the choices they make, and have the minimal skills needed to leave their group (Spinner-Halev 2005: 160).

There is overwhelming support for the idea that some minimal standards are required for exit to be possible, even though there is much disagreement about what these minimal standards are. Kukathas believes that he can avoid these minimal standards, but the logic
of exit itself establishes a precondition that his negative interpretation of exit cannot meet: a right to exit requires a corollary right to enter some other jurisdiction.

Kukathas seems to deny this precondition, much as Michael Walzer does: “the fact that individuals can rightly leave their own country, however, doesn’t generate a right to enter another … Immigration and emigration are morally asymmetrical” (Walzer 1983: 40). Kukathas holds that associations, communities and other groups are entitled to control their membership in order to maintain themselves as the kind of group that they are. Yet, Benhabib insists that the asymmetry of the rights to emigration and immigration cannot be maintained for two reasons. The first reason challenges a feature of Kukathas’ archipelago metaphor. Benhabib explains, “In a world where the surface of the earth is already divided into nation-states, or at least into political units that exercise sovereignty over their territory, the individual’s right to exit effectively means that one lands upon someone else’s territory. There is literally nowhere to go in today’s world” (Benhabib 2002: 172). Under conditions where jurisdiction is inextricably connected with territory, and there are no adjacent free territories, there is no right to exit unless there is a corollary right to enter another jurisdiction. If there are no vacant islands in Kukathas’ liberal archipelago, then he must relinquish his negative conception of the right to exit.

Benhabib’s second reason reverses the moral perspective and considers the right to exit from the vantage point of the group. According to her, providing the right to exit for members of our group requires us to accept that “not only will strangers come, but also that we are all potentially strangers in other lands” (Benhabib 2002: 173). She explains, “If we argue that we have a right to leave, then we are also saying that others have to recognize us as potential strangers who may want to enter their country” (Ben-
If we want the right to exit for members of our group, then we must recognize it for individuals outside our group too. She insists, “It is only the mutual recognition of the reciprocal obligations generated by this right that give it meaning as a moral claim” (Benhabib 2002: 173). Thus, a right to exit requires a right to enter another political jurisdiction, but not necessarily a right to membership in it. Under Kukathas’ tolerationism, the right to exit is interpreted negatively as a non-interference right, but he is unable to furnish individuals with a destination. Under conditions where an individual is not restrained or prevented from leaving, but where she is not permitted to enter any of the adjacent territories, it cannot be claimed that she is free to leave, that she has acquiesced to authority, or that the authority is legitimate. In short, Kukathasian tolerationism cannot establish legitimate authorities on its own terms without a more robust version of the right to exit, but the requirement for communities to serve as safe havens for non-members is an imposition in direct conflict with its core principles.

The second major problem is that, in oppressive settings, the right to exit does not fulfill its legitimating function adequately, and also serves to impede efforts to end the victimization of vulnerable individuals and communities. Too often, theorists proclaim that victims of oppression are incapable of exercising the exit option, and they question the legitimacy of the political arrangement on those terms. Phillips has drawn attention to how this type of thinking denies the agency of victims who do not exit, but also creates a double bind: “Either it takes away your grounds for complaint (if things were that bad, you surely wouldn’t have stayed) or it represents you as so helplessly subordinated that you were simply unable to go” (Phillips 2007: 150). This double bind associated with exit is the result of (unconsciously) accepting exit as the primary test of agency. After
all, if agency is assessed by the exercise of the exit option, the failure to exit is either a sign of consent to the oppressive circumstances, or a symptom of agentic dysfunction brought about by these circumstances. Excessive emphasis on the right to exit in its legitimating role distorts our view and understanding of the issues, as well as the options available to multicultural theorists and practitioners. “It is as if we have to choose between pretending away the effects of oppression – the Kukathas option – or representing women as so thoroughly oppressed that they have lost the capacity to act” (Phillips 2007: 150). So, if we believe that a situation is oppressive, wrong or unjust, and if victims of oppression do not exercise their option to leave, however we understand that option, then we are left with two choices, both of which undermine efforts to ameliorate the situation: either the oppression is acceptable to the victim, or the victim’s ability to act as an agent has been irredeemably damaged by her socialization under oppressive conditions. In short, the right to exit is intended to serve as a legitimating principle for authority and power, but it often serves a different function: to legitimate oppressive and unjust regimes, and thereby, to foreclose the need for ameliorative measures.

The third major problem with the right to exit approach to the challenge of multiculturality is that it does not only reduce pressure for external ameliorative aid, but also discourages efforts for internal reform (Phillips 2007: 139). The exit option presents individuals with a choice between either accepting the conditions within their groups, or leaving for greener pastures. This strategy for dealing with conflict under conditions of diversity is supposed to be motivated by a concern with peaceful coexistence, but it favours separation and exit over attempts for accommodation. Accommodation and compromise are not forbidden, but Kukathasian tolerationism does not provide any
incentives for maintaining the integrity and unity of the entire group, while seeking to tolerate and accommodate dissenting views. In fact, it establishes a perverse incentive for whoever wields authority and power to maintain their privileged position by expelling dissidents, and since groups tend to be contradictory, loosely integrated, contested, mutable, and highly permeable, there is a constant possibility of internal contestation and dissent. This problem is exacerbated by the recent trend for individuals to refuse the exit option, and, instead, redefine their cultural membership on their own terms. Phillips draws attention to the interesting work of Madhavi Sunder, who cites as examples “gay Irish Americans claiming their right to march in the annual Saint Patrick’s Day parade, Muslim women demanding new interpretations of their religion that will foster gender equality, lesbians, gays, and bisexuals in India celebrating their Indian heritage alongside their sexuality, and Catholics who continue to see themselves as good Catholics even while practising contraception and supporting the right to an abortion” (Phillips 2007: 155). The moral and prudential value of culture and community increases the costs of exit, and, perhaps even renders it an unthinkable option. For this reason, many people are prepared to join in concert to fight for their inclusion within their communities. Kukathas’ theory as a suitable response to the challenge of multiculturality is that it places onto the individual the onus of resolving conflicts between individuals and the community. According to Ayelet Shachar, “the
right of exit rationale forces an insider into a cruel choice of penalties: either accept all group practices – including those that violate your fundamental citizenship rights – or (somehow) leave” (as quoted in Phillips 2007: 150-151). Shachar brackets the word ‘somehow’ to draw attention to the costs and difficulties associated with leaving one’s community, but this passage highlights another undesirable feature of the exit strategy to cultural contestation and conflict: the right to exit burdens the individual with ending her victimization, and, thus, relieves other individuals, the group as a whole, and the state from any responsibility for resolving the conflict or promoting change. The right to exit places victims in a situation where they must, as Phillips describes it, “put up or shut up”, but it also removes incentives for internal reform and obligations on others to assist in the struggle for these reforms (Phillips 2007: 152). It transforms group- or community-based contestation or conflict into an individual matter of choice and responsibility, even when the practice or conduct in question is directed at a minority group within the group. The individuals impacted by the practice may exercise their right to exit in concert, but it remains an individual choice. The type of social isolation possibly resulting from shifting onto the individual the burden of rectifying the conflict may be seen more clearly in the oppression of homosexuals, persons with disabilities, or other individuals whose victimization may be further aggravated by their family members. While individuals falling into this broad category may still exercise their option to exit in concert with other victims or sympathizers, the manner in which they tend to be separated off and isolated from the community differs from separation and exclusion of members of national or religious minorities. The latter category seems paradigmatic of a community within a community, whereas it may be better to describe the former as a group within a community. Alt-
hough it may be somewhat easier for individuals to *somehow* leave in concert, Kukathas’ tolerationism seems to place an unfair proportion of the burden for resolving conflicts and promoting change onto the individual. Not only is there no responsibility on other individuals, the group as a whole, the state or other communities to participate and assist in the struggle for change, but Kukathasian tolerationism prevents such participation and assistance on the grounds of toleration and conscience. This approach to disagreement, conflict, oppression and injustice is excessively burdensome and unfair to individuals.

Kukathas’ theory of diversity proposes principles to govern a liberal, good, free, open and tolerant society, but it is unlikely that Kukathasian tolerationism’s principles alone will be able to establish peaceful coexistence under conditions of diversity and contestation. He claims, “honouring freedom of conscience must mean granting people the right to reject freedom of conscience as a value” (Kukathas 2003: 116). It is evident that he is not prepared to impose freedom of conscience onto dissenting individuals and communities by governing society with this principle, but he violates his commitment to toleration, non-interference and non-imposition of liberal principles with his advocacy of the principles of toleration as principles for liberal societies. According to Kukathas, the liberal state should be governed by the undemanding versions of freedom of association, freedom of dissociation, and the requirement of mutual toleration. He is not prepared to protect basic human rights, freedom of conscience, or the preconditions of exit, but he is prepared to safeguard the principles of toleration, at least at the state level. Why? The short answer is that “Any solution to the problem of disagreement must ... impose some resolution upon people, many of whom may not willingly accept the terms of settlement” (Kukathas 2003: 262-263). The longer answer involves an appreciation of three related
problems: (i) the problem of deep-seated diversity and difference, (ii) the problem that it is unlikely that individuals will be able to agree on substantive terms of coexistence, and (iii) the problem that some settlement is required for peaceful coexistence. Kukathas is right that some imposition is necessary and desirable to establish peaceful coexistence, but it is unclear why he thinks that the principles of toleration are sufficient for a free, good and tolerant society. If individuals are motivated by self-interest, affection and/or principle to exercise their freedom to exit a community in which they are victimized, but the conditions are such that exit is difficult, successful exit may be arduous and unlikely, and failed attempts to exit are likely visited with severe punishment, then we have conditions rife for conflict.

Kukathasian tolerationism is a recipe for conflict because it encourages difference, disagreement and dissent, but only safeguards resolution through exit and divorce. Let us review the ingredients of his recipe: (i) Kukathas holds a negative, formal or non-interference conception of exit without any requirements for the possibility of exit; thus, exit may be prohibitively difficult, extremely unlikely to achieve, accompanied by severe punishments if unsuccessful, and, generally, not a reasonable option for individuals suffering grotesque forms of injury and harm; (ii) the right to exit serves as a legitimizing principle, which legitimizes all types of oppressive governance based on the mere acquiescence of members alone; (iii) the right to exit is part of a set of principles with the mutual toleration of other groups, and this combination impedes efforts for ameliorative measures from external actors; (iv) the right to exit excessively burdens individuals to resolve conflicts; (v) the right to exit reduces the pressure for internal reforms for the sake of peaceful coexistence, tolerance and conscience, if not also for reasons of fairness.
and compassion; and (vi) the right to exit encourages separation and division, and, thus, also unwittingly encourages intolerance, unreasonableness, exclusion and conflict. For Kukathas, leading one’s life according to the dictates of conscience is not only prized, but an essential interest of each individual – to compel individuals to violate conscience is to compel them to do grievous harm to themselves. So, when someone – anyone – impedes one’s efforts to follow her conscience, Kukathasian tolerationism provides powerful reasons to break through the obstacle without compromising on matters of principle.

The burdens and costs of leaving may provide incentives for individuals to fight back, but Kukathas does not establish the conditions for individuals to seek compromise or mutually acceptable terms for peaceful and fair coexistence. This potential for serious conflict is further fuelled under conditions characterized by the revised conception of multiculturality. In a highly complex and richly textured social world, individuals belong to numerous and various cultural communities, individuals and communities are normally contradictory, loosely integrated, mutable and highly permeable, intercommunal cultural contestation within communities is an unavoidable reality, and the dynamic of cultural contestation is multiple and varied. Under these conditions, the exit strategy is grossly ill-equipped to contend with the challenge of multiculturality, even if the goal is peaceful coexistence rather than cultural justice. The idea of an archipelago of beautiful and serene islands nestled peacefully in a sea of tolerance and basking in the light of righteousness is an attractive metaphor, but Kukathasian tolerationism may instead provide a reliable recipe for a smorgasbord including a mosaic of tyrannies, a multitude of private hells, and widespread, uncompromising conflict.
3.3 Toleration, Autonomy, and the Imposition Imperative

Whatsoever therefore is consequent to a time of war, where every man is enemy to every man, the same consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal. In such condition there is no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short (Hobbes 1994: 76).

Kukathasian tolerationism is a reductionist attempt to arrive at principles of coexistence for a multicultural liberal society from the value of freedom of conscience alone. While it is plausible enough to affirm that each individual has a compelling interest in freedom of conscience, there is a conceptually and morally significant distinction between doing what one believes is right and doing what is right. Individuals doing what they believe to be right are likely to impact in morally relevant ways on others because human beings lead highly interconnected lives. Since non-interference is often impossible, the contents of conscience matter, but Kukathasian tolerationism does not seem to have the inclination or the conceptual resources to evaluate them. Instead, the proposed solution is to allow every individual to adhere to her conscientious beliefs, and to allow individuals who are dissatisfied with the conduct of others (whether they are acting individually or collectively) to exit. So, this approach suffers from the problem of trying to accommodate our essential interest in freedom of conscience without evaluating or assessing its contents, without distinguishing between permissible and impermissible conduct based on conscience, and without ensuring that it may be pursued by everyone without conflict.

Kukathasian tolerationism is highly undesirable because it precludes the ability to generate even a meagre list of basic human rights as protections from the conduct of
other individuals or groups, and the result is that individuals and communities are left unacceptably vulnerable. Kukathas is correct to note that individuals may be willing to sacrifice their lives and essential interests in the pursuit of self-interest, affection or conscience, but it is unlikely that many individuals would opt for a political arrangement in which their lives and interests could be sacrificed by other individuals for reasons grounded in the latter’s self-interest, affection or conscience. Basic human rights are instruments intended to provide the minimum conditions for a decent life, and they may be justified as universal and necessary elements of any good human life. Freedom of conscience alone is not a suitable foundation for a liberal theory insofar as it seems to licence injurious conduct without providing any protections for even our most basic interests. Kukathas is well aware of the possibility of conflicting interests based on conscience, and he believes that the best course of action is to continue to allow the maximal exercise of freedom of conscience, but to permit individuals to extricate themselves from situations involving conflict. The right to exit is supposed to allow everyone to act in accordance with the prescriptions of conscience, but as we saw in §3.2, there are too many problems with Kukathas’ version of this right.

Yet, it may be possible to arrive at a defensible liberalism from the freedom of conscience alone, if we assume a ‘closed society’. Kukathas rejects Rawls’ assumption of a closed society, but this assumption plays a key theoretical role within the Rawlsian framework. For the purposes of the original position thought-experiment, Rawls believes that the society for which we are choosing principles of justice should be construed as a

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7 It is tempting here to use Rawlsian terminology to express the unreasonableness of an individual assenting to such principles for the governance of her society from the original position behind a veil of ignorance. After all, the interest in living in accordance with the dictates of conscience, whatever they happen to be, does not seem significant enough to risk the type of vulnerability experienced as an individual and as a members of numerous and various groups within a Kukathasian liberal society.
society from which we cannot exit, not because liberalism does not recognize the value of
mobility and dissociation, but because the closed society assumption forecloses the exit
approach to conflict resolution. Exit does not so much resolve conflict as simply separate
the conflicting parties, like a parent who sends her children to their bedrooms after an
altercation. Neither party is required to compromise, even for the purposes of peaceful
coexistence. Rawls forecloses the exit option because individuals should not be com-
pelled to choose between accepting their mistreatment and leaving their community. The
basic Rawlsian intuition is that liberal principles for the peaceful coexistence of individu-
als and communities under conditions of multiculturality should be conceived under
conditions where exit is not possible. Members of society have no choice but to live
together, so they should live together under mutually acceptable terms.

Under these conditions, respecting each individual’s freedom of conscience, and
recognizing the possibility of conflict, seems to require the type of limit introduced by
Rawls in *A Theory of Justice* with respect to freedom. Rawls recognizes that it is not
possible for each individual to exercise her freedom without impacting on the freedoms
of other individuals, and his proposed solution is to reduce the scope of freedom with a
compatibility condition. As such, Rawls does not affirm for each individual unfettered
freedom, but a qualified freedom: “each person is to have an equal right to the most
extensive scheme of equal basic liberties *compatible with a similar scheme of liberties for
others*” (Rawls 1999: 53, my emphasis). Without the exit option available to him, it
would be sensible for Kukathas to advocate for the most extensive scheme of freedom of
conscience compatible with a similar scheme of freedom of conscience for all. This
formulation of the freedom of conscience principle, however, would prohibit individuals
from doing what they think is right or avoiding what they think is wrong, when it would
impact on other individuals also trying to follow conscience. The limits of one’s freedom
of conscience are established by the freedom of conscience of others.

Contrary to Kukathas’ assertions, this reformulation of the conscience principle is
not an unjustified imposition on them. This reformulation does not sanction individuals
violating the freedom of conscience of others, when the latter choose to remain within the
association, community or other groups. Rather than suggest the exit of aggrieved
parties, this reformulation would allow them to continue to lead a conscientious life
within the limitations derived from respecting other individuals as they do the same; that
is, the limitations derived from the logic or value of freedom of conscience itself rather
than some other moral principle. In this sense, we could say that the limitation is neces-
sary as a condition of respecting freedom of conscience, and also that individuals should
assent, or at least acquiesce, to the formulation of the freedom of conscience principle
inspired by Rawls’ theory of justice for the same reasons that they would assent to
freedom of conscience on Kukathas’ understanding of it.8

This proposed reformulation is a significant improvement over Kukathas’ view,
but it is not clear that it generates enough basic rights to be taken seriously as a liberal
theory or as a defensible multiculturalism. Tolerationisms based on the freedom of
conscience alone are often presented as the only viable approach to the challenge of

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8 It may be possible for a tolerationist to attempt to safeguard some liberal rights as preconditions for the
effective exercise of freedom of conscience. She could argue that an individual is not free to act according
to her conscience if she does not have a right to life, personal security, mobility, public expression of her
opinions, and so forth. If this strategy were successful, it would be successful based on the connection
between being free to rationally pursue one’s conception of the good and being free to act on conscience.
In each case, we would be concerned with individuals being free to act on the basis of some of their beliefs,
and this concern with individual freedom departs from the independence thesis characterizing some of the
objectionable versions of tolerationism. Also, this course would constitute a significant departure from
standard interpretation of the freedom of conscience as a freedom to arrive at and hold beliefs. Typically,
the freedom of conscience is distinguished from the freedom to act conscientiously.
multiculturality because they do not impose moral values or principles on dissenting communities. These theories hold that toleration should be construed as independent of other moral values and principles, but this independence thesis precludes such views being liberal views (Weinstock 2005: 231). In a telling criticism of Rawls’ *Political Liberalism*, Kymlicka argues, “the mere fact of *social plurality*, disconnected from any assumption of *individual autonomy*, cannot by itself defend the full range of liberal freedoms” (Kymlicka 1995: 163). The thrust of his argument is that “one can ensure tolerance *between* groups without protecting tolerance of individual dissent *within* each group”, as we have seen with Kukathas’ tolerationism (Kymlicka 1995: 162). Kymlicka points to a communitarian conception of personal identity as “tied to certain ends, such that they have no interest or ability to question and revise them”, and emphasizes that a millet system of toleration with illiberal measures to maintain control and adherence to communal standards may be “a superior response to pluralism” insofar as it may be an effective method of ensuring the survival of many communities and their distinct cultures (Kymlicka 1995: 163). There are various ways of establishing toleration between communities without respecting the individual, her agency, or the rational revisability of her conception of the good, but these approaches cannot generate liberalism’s fundamental rights and freedoms. The value of autonomy plays an indispensable role within liberal political philosophy because it protects the right of the individual to dissent from communal norms. Toleration may not necessarily forbid individual dissent, but, without the support of other values and principles, it cannot foster the conditions for individuals to be free to express, question, revise or pursue their beliefs. It is true that liberalism has been associated with toleration for many centuries, but it is not associated with just any kind of
toleration – liberalism is committed to liberal toleration.

In the customary terminology of liberal political philosophy, any tolerationism committed to the independence thesis fails to establish a private sphere with sufficient protections for individuals and communities. This point has been established already, but there is a deeper point. Kukathasian tolerationism does not respect the private-public distinction, which is normally thought to be a constitutive feature of liberalism. Commonly, this distinction demarcates a private realm of individual control over significant aspects of life from a politico-legal realm of legitimate public legislation. In the liberal democratic tradition, the private realm tends to be protected by rights, which designate aspects of life over which an individual is entitled to exercise control by making claims on other individuals and/or governmental institutions for non-interference, for some good or service, and so forth. Rights tend to designate matters outside the purview of political decision-making, even when those rights entitle the rights-holder to advance positive claims. As such, there are two aspects to the private sphere: (i) it is separated from the public sphere; and, (ii) it establishes a realm in which the individual is protected with rights from the exercise of political (and often, also other forms of) authority and power.

Kukathas’ tolerationism does not respect the private-public distinction, and it is not simply because he does not recognize the sovereignty of states as political institutions of a special kind. Kukathas separates a private sphere from the political sphere, but this is an anarcho-libertarian rather than liberal separation insofar as it does not honour the second aspect of the liberal sphere by establishing basic individual rights. It is an anarcho-libertarian separation because it does not devolve political authority and power into smaller, internal jurisdictions to form federal political arrangements, like we find in
Canada, the United States, Brazil, Germany and so on. Instead, it eliminates political authority and power, thus establishing a non-public sphere with a much larger scope than is found in liberal societies; that is, Kukathas’ tolerationism does not so much devolve political authority and power as obliterate it. There is no private sphere protected and promoted with rights, but a *laissez-faire* style political vacuum, and individuals are vulnerable as individuals and as members of groups due to the lack of individual and collective rights. Kukathasian tolerationism reduces the jurisdiction and responsibilities of political authority, and thereby, reverts us to something dangerously close to an apolitical state of nature, against Hobbes’ age-old warnings that sociality without political authority exposes us to conditions characterized by a perpetual possibility of conflict, where life is “solitary, poor, nasty, brutish and short”.

The major worry with Kukathas’ tolerationism is that it permits grievous, odious and loathsome wrongdoing, and, this possibility has motivated intense hostility to his view. Kukathas hopes that individuals are not subject to such abhorrent treatment, but he regards a regime of toleration in which such conduct does occur as the lesser of two evils. Basically, he believes that the presence of non-liberal groups requires liberal political philosophers to choose between a tolerationist and an autonomist version of liberalism, but he presents it as a choice between not imposing and imposing liberal values. Although he recognizes that these two distinctions produce four possible outcomes, he believes only two of these outcomes to be internally consistent, and, unsurprisingly, that his tolerationism is morally superior to the only other viable alternative. For Kukathas, liberals must decide between (i) a comprehensive liberalism that they impose onto non-liberal individuals and communities, and (ii) a political liberalism that tolerates non-
liberal and even illiberal practices. He views this choice as a choice between Barry’s liberal egalitarianism and his own brand of tolerationism – Kymlicka’s comprehensive liberalism and Rawls’ political liberalism are rejected as incoherent options.

Interestingly, Kukathas believes that the key feature of his position, which establishes its moral superiority over any liberalism committed to imposing (at least some) liberal principles onto non-liberal individuals and communities, is his reduction of the scope of political authority. According to Kukathas, most liberals believe that “there has to be an ultimate authority determining what practices or ways of life are permissible, and that this authority resides in the institutions of the national political community. The possibility of there being contending authorities is rejected” (Kukathas 2003: 183). Kukathas claims that these liberals believe that the liberal state as a political institution has the legitimate authority and responsibility to apply a liberal standard of justice across society and within all communities in its jurisdiction. Even though “All forms of liberalism accept that the good society … does not enforce upon everyone some particular ideal of the good life”, no political order is “wholly neutral” because “it must make some ways of life more difficult or even impossible” (Kukathas 2003: 16). His solution is to discard the idea of a liberal political community altogether in order to accomplish liberalism’s historical mission of instituting “a political order that could command the acceptance of all, irrespective of their moral commitments or ideals of the good life” (Kukathas 2003: 16). Ultimately, argues Kukathas, liberalism is capable of accomplishing its mission only by abandoning comprehensive moral principles, and, instead, providing a theory of the free society based on terms of coexistence rather than coherence.9

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9 Kukathas express this point another way too: “a liberal society will be one in which politics is given priority over morality” (Kukathas 2003: 19).
There is a problem with Kukathas’ understanding of liberalism’s historical task. While it is true that liberalism seeks to provide terms for coexistence to which everyone could consent “irrespective of their moral commitments and ideals of the good life”, Kukathas is well aware that such a task is often not possible, especially when there are individuals and communities holding beliefs about the world, the good life, morality or justice that cannot be accepted by others. Under these conditions, it will not be possible for a political order to be based on any of their actual beliefs, and, for this reason, claims Kukathas, liberals should abandon their commitment to justice for his tolerationism. Yet, he concedes that there are individuals who, and communities that, do not accept his principles of toleration because their comprehensive conceptions of the good and justice preclude them from honouring terms of coexistence based on the principles of association, dissociation, and mutual toleration between groups. Kukathas offers persuasive reasons for imposing terms for coexistence onto dissenting individuals, but it is unclear why he believes that only he may do so, especially considering that this approach is favoured by most liberals. He substitutes actual consent with minimal imposition, but a minimal imposition is still an unwelcome interference with conscience. Since it seems necessary to impose terms of coexistence on at least some individuals and communities, the discussion should shift to the content of and reasons for a legitimate imposition. This is the approach already taken by Kukathas and most liberal political philosophers.

Liberalism holds that individuals are rational agents capable of adjusting their beliefs and actions in response to their natural and social environments. For this reason, liberals should avoid the familiar tendency to describe individuals as unable to compro-

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10 For example, individuals, who have the conscientious belief that there is a divine ordinance for them to proselytize or kill members of other religions, cannot accept Kukathasian tolerationism.
mise on their conceptions of the good or justice based on the integral or constitutive role played by community and culture – individuals may compromise without compromising themselves. The imposition of liberal terms of peaceful coexistence is not only necessary, but desirable. Liberalism aims to articulate these terms as a theory of justice to which individuals would consent under the proper conditions, or, in other words, as a theory of justice protecting and promoting our essential interests, where essential interests are fundamentally important and universal. Liberalism has been criticised extensively for being unable to arrive at terms to which everyone does actually consent, but this criticism only hits the mark when liberalism is evaluated based on the ideal arrangement to which it aspires. Once we realize that this ideal is too often beyond the reach of liberals and their critics alike, it is far less damaging.

Liberal political philosophers do not need to abandon their commitment to justice, but they must contend with questions involving the imposition of their principles onto non-liberal individuals and communities. Kukathas alleges that any liberalism based on a moral value beyond freedom of conscience is drawn down a path of interference. While every political theory must affirm itself to be true as a matter of consistency, it is not necessary for political theorists to impose their views on every possible occasion. The reason is that there are two distinct questions here, and we should avoid conflating them. In the context of a liberal theory of minority rights, Kymlicka explains, “The first is the question of identifying a defensible liberal theory of minority rights; the second is the question of imposing that liberal theory” (Kymlicka 1995: 164). Identifying a defensible normative theory is the normal task of the political philosopher, but this theoretical work should be distinguished from its practical application. Political theory is often concerned
with the content of our principles in their ideal form, but there are many reasons why a direct application may be undesirable, the most pressing of them being the possibilities of inadvertently harming people, or of bringing about conditions which are not only worse than the state of affairs prior to our intervention, but also diametrically opposed to our objectives. For instance, the direct imposition of liberal principles may lead the ruling elite to be more vigilant against internal dissent and, thereby, produce more unfreedom, disadvantage and oppression. The task of identifying our political principles falls to the political philosopher, but the task of applying these principles in context requires other expertise. Kymlicka’s distinction between identifying and imposing liberal principles highlights the necessity and prudence of asking how our principles should be applied in a particular context. The distinction between identifying and imposing principles is crucial for political practice, not only for preventing a slide down the path of perilous and counterproductive interference, but also for encouraging us to appreciate differences between cases, impediments to the direct application of our principles, and respect for individuals leading their lives under less than desirable conditions.

Yet, this distinction may not protect liberal political philosophers from the more ominous allegation contained in the imposition objection; namely, that liberalism is incapable of tolerating many non-liberals in its midst. These critics allege that liberalism is simply a sectarian doctrine with a wider scope, but like any sectarian doctrine, it remains intolerant of unsanctioned difference. On first blush, this objection involves an empty claim about how a liberal believes that liberalism is true, and, correspondingly, that any view is untrue to the extent that it contradicts liberalism. There is a deeper challenge though, based on a more menacing sense of imposition: liberalism does not
only apply its principles, but it imposes liberalism on non-liberals insofar as it enforces its principles and compels dissenting individuals and communities to comply with them.

Kymlicka’s distinction between identifying and imposing liberal principles provides the first step of a liberal response, but the second step involves understanding liberalism’s relation with non-liberal individuals and communities. According to Barry, “a liberal is … someone who holds that there are certain rights against oppression, exploitation and injury to which every single human being is entitled to lay claim, and that appeals to ‘cultural diversity’ and pluralism under no circumstances trump the value of basic liberal rights” (Barry 2001: 132-133). He explains that the liberal commitment to providing individuals with rights to protect them from oppression, exploitation and injury is not limited to their relationship with politico-legal institutions alone:

liberalism is, in the first instance, a doctrine about the way in which states should treat people. Over time, it has gradually come to be accepted that, in addition, states must impose certain standards on non-state organizations ... Interventions of this kind are essential to ensure that the principle of equal treatment is not rendered nugatory in central areas of people’s lives such as employment, housing and travel. But that is far from entailing that every community and every association must operate within the constraints that it is appropriate to impose on a polity (Barry 2001: 123).

He continues with this line of argumentation, and emphasizes that liberalism does not impose its principle on the private sphere as if there were no relevant differences between the private and public spheres. Liberalism does not mandate that groups in the private sphere structure and govern themselves according to liberal principles of justice. Barry insists that “The whole point of liberal institutions is to leave people with a great deal of discretion in their conduct, and one of the ways in which they can exercise that discretion

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11 For instance, Barry explains, “There is no liberal principle to the effect that family decisions have to be taken by majority vote or that parents cannot censor their children’s television viewing. Again, there is nothing to stop people from belonging to a church that vests ultimate authority in a Pope or Patriarch or is run autocratically by a charismatic preacher. Nor is there any liberal principle that forbids a church to instruct its members not to read certain books or watch certain films” (Barry 2001: 123-124).
is voluntarily to follow the orders issued by bodies whose authority they acknowledge” (Barry 2001: 123-124). Barry is signalling that liberalism is committed to the separation of a private sphere from the public or political realm, and part of what this means is that liberalism does not apply its principles to private groups as it does to public institutions.

Barry’s point about the discretion offered to private associations differentiates liberalism from ‘the ideal of autonomy’. Barry raises this ideal as a parallel of what Young calls ‘the ideal of assimilation’, but he uses it to reject the choice posed to liberals by Kukathas. According to Barry, and I am inclined to agree, it is a mistake to believe that liberals must choose between two versions of liberalism. For this task, Barry defines ‘the ideal of autonomy’ as “a vision of a state of affairs in which all the members of a society devote a great deal of time and effort to such activities as questioning their basic beliefs and probing the rationale of the institutions and practices within which they live” (Barry 2001: 120-121). The problem is that, on this interpretation, the ideal of autonomy is a conception of the good life, so the inculcation of autonomy by the state is a violation of neutrality between conceptions of the good akin to “the inculcation of, say, some specific religious doctrine” (Barry 2001: 122). If liberals were committed to the ideal of autonomy, then the charge that liberalism is another sectarian doctrine would be accurate, and liberals would be guilty of imposing a conception of the good onto dissenting individuals and communities. Yet, even in this comprehensive conception, the comparison with a religious doctrine is imprecise insofar as “autonomous people can have any substantive beliefs they like”, and he is prepared to admit that this type of “autonomy-promoting liberalism [is] a bona fide form of liberalism”, even though he would not endorse it (Barry 2001: 123). His point is that liberal institutions may provide the conditions for
autonomy to flourish, but they may not directly aim to realize the ideal. “In a liberal society,” claims Barry, “people who do not wish to devote themselves to Socratic questioning are perfectly free not to do so” (Barry 2001: 120-121). There is a basic liberal proscription against the political imposition of comprehensive conceptions of the good onto dissenting individuals and communities.

Another piece of a liberal response to the objection that liberalism imposes itself onto non-liberals is based on how liberals establish a private sphere. According to Barry, liberalism is committed to “the principles of equal freedom that underwrite basic liberal institutions: civic equality, freedom of speech and religion, non-discrimination, equal opportunity, and so on” (Barry 2001: 122). Barry believes that theorists should endorse “liberal principles [as] the fairest way of adjudicating the disputes that inevitably arise as a result of conflicting interests and incompatible beliefs about the social conditions of the good life” (Barry 2001: 122). His point is that liberals do not have to choose between tolerationism and autonomism: “liberals are free to object to the notion that the job of the state is to promote autonomy without thereby being committed to endorsing the promotion of diversity” (Barry 2001: 146). Liberalism is committed to the separation of the private sphere from the public realm, and this separation is established with rights intended to protect the essential interests of individuals. There is a crucial difference between imposing a right on an individual and compelling her against her will to do or not do something, and this difference arises from the nature of rights. Rights establish control over some aspect of life, but part of what it means to have control is to have the option of not exercising the right. If an individual has the right to exit, for instance, this right furnishes her with a choice to exit the relevant group or remain within it, but the decision
is still left to her. Similarly, if an individual has a right to healthcare, this right furnishes her with a choice regarding a lifesaving kidney transplant, but she may decide against it. It is crucial that we distinguish between imposition by conferring an unwanted right and imposition by compelling an individual to act or avoid acting against her volitions, even though the right to the kidney transplant may create a burden by presenting the patient with an unwanted option or temptation. Rights create options, and, in an ideal world, it may be possible for the interests of individuals to be satisfied without resort to claims based on rights. Under our present conditions, however, liberals are committed to rights as part of a strategy to protect and promote the essential interests of individuals.

Too often, too stark of a contrast is established between tolerationist and autonomist liberal theories. “The partisans of diversity or tolerance”, as Barry calls them, “are absolutely right to insist on the importance of freedom of association”, but it is not clear why they believe that liberalism is incapable of recognising and honouring it (Barry 2001: 123). Such a claim is expressed by Kukathas in his discussion of two fictional societies: Panoptica and Mytopia. Panoptica is a society governed by the liberal principle of freedom, but somehow fails to recognize freedom of association and dissociation, whereas Mytopia is governed by Kukathas’ principles of tolerance, and thus, contains many internal illiberal associations. Once again, Kukathas has presented liberals with a bizarre selection of options. Why would liberalism deny the freedom of dissociation? Why would liberals have to choose between a set of freedoms excluding the principles of toleration and a set with only the principles of toleration? It is evident that any liberalism worth its salt will value and protect some version of the principles of toleration.

The actual choice for liberals is between the principles of toleration alone and the-
se principles as part of a package with other principles intended to protect and promote the essential interests of individuals. Most liberal political philosophers opt for the enhanced package, and I think that they are right to do so. Of course, Kukathas is right to stress that there is a choice to be made on the issue of toleration. As far as I am aware, there are no liberal political philosophers who reject the principles of freedom of association and dissociation; they do, however, reject the interpretation proposed and defended by Kukathas. Liberals are committed to freedom of association and tolerance, but a liberal conception of freedom of association and tolerance. Kymlicka explains,

Historically, liberals have believed in a very specific notion of tolerance – one which involves freedom of individual conscience, not just collective worship. Liberal tolerance protects the right of individuals to dissent from their group, as well as the right of groups not to be persecuted by the state. It limits the power of illiberal groups to restrict the liberty of their own members, as well as the power of illiberal states to restrict the liberty of collective worship (Kymlicka 1995: 158).

Kymlicka’s view, then, is that liberal tolerance is consistent with, and partially defined by, the value of autonomy. Like Barry, Kymlicka does not accept Kukathas’ assertion that liberals must choose between two versions of liberalism because toleration is a liberal value, and it must be understood within the liberal theoretical framework.

It is clear that, despite significant disagreements among liberals, a commitment to some conception of toleration is a defining feature of liberalism. Historically, liberals have been committed to the toleration of philosophical, religious and moral difference, and this toleration has been associated with the privatization or depoliticization strategy. In Barry’s words, “it is not the business of the law to regulate conduct as long as it does not violate the constraints imposed by a liberal state for the protection of individuals”, and this position denies that “the state can legitimately abridge the rights guaranteed by liberal principles in order to penalize beliefs or actions that they view with disapproval”
These rights are challenged by those liberals seeking to free illiberal individuals and communities to violate them, and to eliminate what Barry calls ‘the standard liberal safeguards for individuals against abuse’ (Barry 2001: 131). Liberalism cannot give toleration so prominent a role that it displaces all other liberal commitments, but toleration is an integral aspect of a defensible liberal multiculturalism.

3.4 Liberalism and the Depoliticization of Difference

The liberal position is clear. Nobody, anywhere in the world, should be denied liberal protections against injustice and oppression (Barry 2001: 138). Liberals are committed to freedom of association and a liberal form of tolerance, but they tend also to be committed to individual civil and political rights, individual social and economic rights, equality of opportunity, freedom from wrongful discrimination, and universal political citizenship. These normative commitments arise from liberalism’s foundational values of individual freedom and equality, even though liberals continue to disagree over their interpretations and implications. Since liberal tolerance is limited by these other normative commitments, liberalism is once again confronted with the possibility of being insufficiently tolerant of non-liberal communities and practices. This charge is hardly surprising, but it has already been established that not even a political theory as normatively light or thin as Kukathas’ tolerationism is capable of unconditional toleration. Moreover, in practice, unconditional toleration is not a desirable or defensible ideal, but rather a recipe for a mosaic of private hells. Even so, we should ascertain the limits of liberal toleration, as well as the ability of liberalism to accommodate the cultural interests of individuals and communities, and, to this end, I turn to Brian Barry’s *Culture and Equality* for a provocative, proficient and passionate defence of traditional post-war liberalism vis-à-vis the challenge of multiculturality. Barry defends the liberal depolitic-
zation strategy as an equal, fair and just approach to difference and diversity, broadly.

The primary motivation behind Barry’s decision to enter the fray, as he tells it, was his growing discomfort with much of the multiculturalist programme, in particular “the politicization of group identities and the development of group-specific policies” (Barry 2001: 23). According to Barry, these aspects of the multiculturalist programme are often precarious, objectionable and unnecessary. But not too long ago, it was almost a truism that liberalism’s conception to equality required a universal and undifferentiated form of citizenship. On this view, there was only a single class of citizens in any political community, and each and every citizen was a citizen in an equal and univocal sense. The liberal democratic state respected the equality of individuals through universal citizenship and ‘difference-blind’ law and policy. Temporary or ameliorative group-specific measures intended to bring about equality in society, like affirmative action policies, were a notable exception to this general pattern, but it was still generally assumed that differentiated citizenship was an affront to the egalitarian commitments of liberalism and the modern age, and the atrocities of apartheid, caste and other oppressive regimes served to cement these assumptions. At the heart of this conception of citizenship is the idea that each citizen should have the same legal and political rights. Later, this core was supplemented with additional social and economic rights, and the positive ideal of equality of opportunity (Barry 2001: 7). This liberal conception of citizenship is reflected in Rawls’ principles of justice: the first principle guarantees equal civil and political rights, whereas the second principle sets out social and economic rights consistent with the principle of fair equality of opportunity and the difference principle.

This model of undifferentiated citizenship has been challenged by many political
theorists, including liberal nationalists and multiculturalists, who insist that ‘special’ or ‘differentiated’ arrangements or accommodations are required for members of various minority groups, and, moreover, that they are required for the sake of equality and justice. According to this familiar criticism, under conditions of multiculturality, traditional or difference-blind liberalism cannot fully deliver on its promises of individual freedom and equality. Within the liberal camp, there remains significant disagreement over this point. Is liberalism committed to undifferentiated citizenship by virtue of its commitment to equality? Or, does its commitment to equality require it to recognize and countenance differentiated citizenship as a matter of justice? Is it possible for the liberal conception of universal and undifferentiated citizenship to contend with the difficulties and challenges raised by the conditions of multiculturality? These questions have sparked a divisive debate among liberals, and this dispute marks one of the primary concerns of traditional liberals with the developments within liberal nationalism and multiculturalism.

There is a contentious liberal claim at the heart of this issue: “equal treatment is generated by a system of uniform laws” (Barry 2001: 34). With a uniform system of laws, every individual is equal in the sense that each stands in the same relation to a single system of laws. Examples of apartheid and caste regimes bolster the liberal intuition that differentiated citizenship is a critical step along the road to large-scale oppression and injustice, and the notion of ‘different, but equal’ reminds many of the racist practices of the United States prior to the civil rights amendments. For such reasons, many contemporary liberals remain committed to universal and undifferentiated citizenship with the closely associated requirement of a uniform system of law and policy. Of course, a uniform system of laws does not require that every individual be
treated identically by every provision. “Saying that there ought to be a uniform system of taxation within a country simply means that everyone should face the same set of rules; it does not imply that everybody should pay the same amount of tax. The rules themselves can be as differentiated as you like to accommodate claims for special treatment” (Barry 2001: 301). Equal treatment requires a uniform system of laws, but it does not require identical treatment because principled distinctions are often possible and appropriate. Legal provisions may legitimately discriminate between the least advantaged members of society and the most affluent ones through differential tax rates because every individual is subject to the same tax law, and one’s tax rate is determined relative to the legal provisions of the tax code rather than one’s communal memberships, cultural affiliations, gender, race, religion, or some personal characteristic other than income. To phrase this general point another way, according to many liberals, equal treatment requires a uniform system of laws, but not necessarily identical treatment by those laws, and this is the reason that the phrase ‘difference-blind’ is misleading and disparaging.

If the politico-legal institutions of the liberal democratic state are committed to the equal status of citizens and a uniform system of law, then what happens to cultural, religious and other similar communities? The short answer is that these communities are permitted to function within the social sphere as a private realm of voluntary collective activity. For many liberals, including Barry, this sort of depoliticization of difference is required for the equal treatment of individuals, and the fair accommodation of conflict. Typically, these liberals look back at the European wars of religion as their first and most significant test case. They contend that these wars were fuelled by the belief that “civil peace required the imposition of a single religion within each state, and that international
peace required the mutual recognition by states of the rule ‘Cuius regio, eius religio’: to each realm its own religion” (Barry 2001: 25). Since the problem was the politicization of religion, the liberal solution was to depoliticize religion by advocating for secularism and to tolerate religious diversity in the private sphere.

Not everyone is satisfied with this type of solution, however. Many individuals would like to see their religious convictions reflected in the politico-legal institutions of their state, and liberals have been accused of treating religious beliefs as a trivial or unimportant aspect of life. A standard liberal retort is expressed well by Barry: “it is precisely because liberals recognize the important role that religion plays in many people’s lives that they emphasize the importance of neutralizing it as a political force” (Barry 2001: 25). Yet, this retort invites another criticism: “the liberal solution to religious conflict, in relegating religion to the private sphere, fails to accommodate all those whose beliefs include the notion that religion ought to have public expression” (Barry 2001: 26). This criticism is damaging because liberals committed to the depoliticization strategy find themselves diametrically opposed to anyone committed to the politicization of their comprehensive doctrines or conceptions of the good. Liberalism is not only directly incompatible with such beliefs, but it may discriminate against them as well.

To ascertain the damage inflicted by this criticism, Barry examines how the liberal depoliticization strategy, including freedom of association, bears upon ‘churches’, which he instructs us to interpret generically to include all religious bodies (Barry 2001: 155). Barry emphasizes three features of the depoliticization of religion. First, he states, ‘churches’ tend to exhibit the characteristics of communities rather than voluntary associations. He explains, “Most churches acquire the bulk of their members as a result
of their being born into them. In this way they are similar to families and nations but unlike clubs. Moreover, churches commonly provide an important element in the identities of their members, in a way that clubs normally do not” (Barry 2001: 156). This view of churches as religious communities is not only plausible, but it allows him to narrow the conceptual divide between religious communities and the type of cultural communities with which political theory and practice have been primarily occupied for the last few decades. This feature increases the likelihood that liberalism’s solution to the European wars of religion will be suitable for the challenge of multiculturality as well.

Second, Barry asserts that, at least for liberals, any differential treatment of religious bodies should not be based on differences in their doctrinal content *per se*. It is inappropriate for the liberal democratic state to abdicate its role as a neutral and impartial conciliator by judging the claims of ‘churches’ via their doctrinal content. Instead, if any differential treatment is possible, it will arise “from some feature of their practice or mode of organization that puts them into a different relationship with the principles [of liberalism]” (Barry 2001: 155). Individuals are free to believe what they believe, but they are not necessarily free to act on such beliefs. For instance, an individual may believe that she must sacrifice her firstborn offspring to appease a nasty deity, and she is free to hold, maintain and express this asinine belief, but a liberal regime cannot permit her to act on such a belief, no matter how deeply felt it may be. After all, liberalism is fundamentally committed to the protection of the essential interests of *all* individuals.

Third, in practice, liberal democratic states tolerate churches whose practices “would, if they were exercising political power, comprehensively violate basic liberal principles of individual liberty and equal treatment” (Barry 2001: 156). Barry is drawing
attention to the often hierarchical nature of their internal procedures, and to practices and norms that violate our commitment to gender equality. Even though these inegalitarian and undemocratic norms often violate liberal prescriptions regarding individual freedom and equal treatment, liberalism may tolerate them within the private sphere, provided that membership in the religious community, and adherence to its norms, is voluntary and escappable. Like many liberals, Barry places much weight on the existence of a reasonable exit option because, in the private sphere, the existence of such an option means that that membership is voluntary and, consequently, beyond the legitimate purview of the liberal state. To clarify his position, Barry states, “Just as a liberal state cannot rewrite the Orthodox Jewish rules, so it cannot punish husbands who refuse to grant their wives a divorce within those rules” (Barry 2001: 159). And “If it cannot itself inflict punishment on recalcitrant husbands, no more can it condone privately administered sanctions if they take a form that conflicts with generally applicable law” (Barry 2001: 160).

Liberalism may tolerate many non-liberal practices, norms and communities within the private sphere, but this toleration is not unconditional. “While [religious bodies] are free to impose their own rules on members, the condition of their being able to do this legitimately is that members who find these rules too burdensome should be free to leave. That freedom is compromised if those who leave are liable to suffer from costs over and above intrinsic and associational costs (Barry 2001: 158-159). So, liberal toleration is a qualified good, but the price of this toleration is a general injunction against intervention by the state in the internal affairs of private associations, communities and other groups. Even though liberalism does not require groups in the private sphere to be liberal, the corollary of this toleration is that the liberal state cannot easily intervene in the affairs of
these collectivities, except to ensure via the exit option that membership is voluntary. The voluntariness of membership is a highly complex, complicated and context-dependent matter, and it is quite likely that the political practice on this issue will yield controversial and contested policy positions. Despite persistent questions relating to the conditions for voluntary membership and exit, it is clear that political theorists and practitioners cannot avoid the challenge of intricately balancing the toleration of diverse cultural practices with the protection of the essential interests of individuals. The literature on multiculturalism seems obsessed with this balancing act, as evidenced by the frequent objections that one account values toleration over the protection of individuals, whereas another account protects individuals, but intolerantly imposes on individuals. What is clear is that it is not possible to have maximal toleration of difference and maximal protection of individuals within a single theoretical framework.

Liberalism balances the values of toleration and individual protection by recognizing two distinct forms of toleration: (i) public sphere toleration; and, (ii) private sphere toleration. To put it simply, liberalism applies standards to politico-legal institutions, and groups exercising political authority and power in the public sphere, that it does not apply to voluntary associations in the social sphere. The politico-legal institutions of the public sphere exercise a monopoly of coercive authority and power, and, as a result, they are non-voluntary and inescapable. Individuals may not opt-in and -out of obligations and responsibilities in the public sphere as they may in the private sphere; after all, membership in a political community is distinct from membership in a chess club, a church, or, even a tribe or nation. As long as membership remains voluntary and escapable, it is possible for associations, communities and other groups within the private sphere to
constitute themselves along non-liberal lines and to conduct their affairs accordingly. Liberalism’s two forms of toleration permit it to tolerate non-liberal and illiberal practices in the social sphere that it cannot countenance in the public sphere. The private-public distinction explains how and why liberalism tolerates non-liberal and illiberal practices in the social sphere, even when these practices are foundational, but it cannot condone these practices being sustained by political authority and power (Spinner-Halev 2005: 159).

The liberal resolution to the European wars of religion has yielded a general approach to difference: the depoliticization or privatization strategy. According to Barry, “this model of [a unitary] citizenship was developed in response to the wars of religion that made much of Europe a living hell in the sixteenth and seventeenth centuries. If it could bring those conflicts to an end and on the whole it did – it is not at all apparent why it should not be up to the task of coping with religious and cultural differences now” (Barry 2001: 21). In brief, traditional liberalism establishes a unitary public sphere and a diverse private sphere, and to avoid imposing contentious comprehensive doctrines and conceptions of the good, it consigns these matters to the private sphere. Quite often, critics accuse liberals of privatizing difference, or relegating it to the private sphere, and these critics allege that liberals do not value the private sphere as highly as the public sphere. These critics imply that liberals demote differences or discard them to the private sphere, but ironically, it is often these same critics who charge liberals with fetishizing the private sphere. The truth is that liberals value the private sphere as a realm of individual choice and responsibility, and they are prepared to tolerate many voluntary, non-liberal social practices. The result is a private sphere with a diversity of communities and practices extending beyond strictly liberal communities and practices. Barry explains, to say that liberalism ‘privatizes’ non-liberal ways of life is simply to say that members
of illiberal groups enjoy exactly the same rights as anybody else. If they so choose, they are perfectly free to participate with others in, say, the observance of a religious faith that is autocratic, misogynistic and bigoted. But the terms on which they can do so are just the same as those open to all their fellow citizens. The state does not lend any special weight to the norms of illiberal – or liberal – groups” (Barry 2001: 124-125).

Mischievously, Barry claims, “what I am proposing is a liberal theory of minority rights. It is no part of liberalism, as I understand it, to insist that every group must conform to liberal principles in its internal structure … Liberal principles themselves demand that groups should have the utmost freedom to handle their affairs in accordance with the wishes of their members” (Barry 2001: 147-148). There is little room for non-temporary minority rights within Barry’s liberalism, but he is proposing the depoliticization of culture within the private sphere of traditional liberal rights and freedoms.

Traditional liberalism’s commitment to universal and undifferentiated citizenship, including the requirement of a uniform system of laws, has inspired something of a mantra among critics who proclaim that liberalism is ill-equipped to contend with the challenges and difficulties raised by the conditions of multiculturality. Again, Barry takes issue with this claim: “the liberal doctrine [that the same law should apply to all] is not that any old law is satisfactory merely on condition that it has uniform application. The liberal commitment to civic equality entails that laws must provide equal treatment for those who belong to different religious faiths and different cultures” (Barry 2001: 23-24). Much depends on how equal treatment is conceptualized, but Barry insists that liberalism is not “some sort of ‘magic bullet’ that can somehow create harmony without any need for sacrifices” (Barry 2001: 25). This is not surprising, since liberalism is premised on the idea that there is often irresolvable disagreement between individuals holding different conceptions of the good life and/or comprehensive doctrines, and, “in
the face of these disagreements, what we need is a fair way of adjudicating between the conflicting demands that they give rise to” (Barry 2001: 263). For many liberals, the depoliticization of culture provides an equal, fair and just way to contend with multiculturalism and the demands made in the name of culture and community.

Yet, critics have challenged the liberal position that equality, fairness and justice require a uniform system of law by drawing attention to instances of the differential impact of uniform law on different individuals by virtue of their differences. Objections based on the differential impact of law are almost ubiquitous, and they are successful insofar as differential impact is an inherent and desirable feature of law and policy:

The essence of law is the protection of some interests at the expense of others when they come into conflict. Thus, the interests of women who do not want to be raped are given priority over the interests of potential rapists in the form of the law that prohibits rape. Similarly, the interests of children in not being interfered with sexually are given priority over the interests of potential paedophiles in the form of the law that prohibits their acting on their proclivities. These laws clearly have a much more severe impact on those who are strongly attracted to rape and paedophilia than on those who would not wish to engage in them even if there were no law against them. But it is absurd to suggest that this makes the laws prohibiting them unfair: they make a fair allocation of rights between the would-be rapist or paedophile and the potential victim (Barry 2001: 34).

Law and policy will often have a differential impact, but a disparity in impact does not necessarily entail unequal, unfair, or unjust treatment.12 Given that individuals and their lives are influenced by many different forms of diversity, we should not be surprised to find that law and policy impact on different individuals in different ways. If differential impact or disparate consequences alone were sufficient for legislation to be guilty of treating individuals unequally, unfairly or unjustly, then it is difficult to see how law and

12 With any given law, it is possible for some individuals to be almost completely unaffected by it (e.g., teetotallers are not impacted directly by laws prohibiting driving with a blood alcohol content in excess of some legally-defined limit), whereas other individuals appear to be targeted by it (e.g., laws prohibiting smoking in public places impact only those individuals who want to smoke in public places).
policy could ever hope to be workable, equal, fair and just. For traditional liberals,
equality and justice require equal treatment, not necessarily identical or uniform impact.

The differential impact of uniform law and policy raises questions about the
liberal democratic state’s responsibility to compensate for this disparate impact. The
liberal position on compensation is established by the liberal theory of responsibility, and
the argument against compensation for extravagant or expensive tastes. According to this
well-rehearsed argument against welfare egalitarianism, there are individuals with
extravagant tastes\(^\text{13}\) who need more than an equal share of resources to satisfy their
desires, but it is absurd to think that these individuals should be provided with extra
resources as compensation for the costs associated with satisfying these tastes (Dworkin
1985: 206-208). Typically, liberals support compensation for the sort of unchosen
disadvantage encountered by persons with physical or mental disabilities, and they
believe that, even as a matter of principle, it is absurd to think that equal or fair treatment
requires compensation for expensive tastes. Barry explains,

\[
\text{a fair share of income is a fair share of income: income is the stuff whose distribution is}
\text{the subject of attributions of fairness. Suppose that you and I have an equal claim on}
\text{society's resources, for whatever reason. Then it is simply not relevant that you will gain}
\text{more satisfaction from using those resources than I will. What is fair is that our equal}
\text{claim translates into equal purchasing power: what we do with it is our own business}
\text{(Barry 2001: 34-35).}
\]

This explanation emphasizes that liberals are primarily concerned with the circumstances
in which individuals as rational agents exercise their freedom, thereby leaving individuals
responsible for the outcomes of their choices. This distinction between \textit{matters of}
\textit{circumstance} and \textit{matters of personal responsibility} corresponds with the distinction

\(^{13}\) Some of these individuals famously require plovers’ eggs and pre-phylloxera claret to achieve the same
level of satisfaction typically achieved with sausages and beer.
between the public and private spheres. Because individuals cannot exercise sufficient control of the conditions in which they deliberate, choose and act, individuals cannot be held responsible for them, and they become a public responsibility insofar as they are subject to public control. In general, however, liberalism holds individuals as moral agents responsible for the outcomes or consequences of their choices.14

The liberal theory of responsibility affirms that expensive tastes do not merit compensation because they are a matter of personal responsibility, and Barry believes that the expensive taste argument may be extended to cover moral convictions and religious beliefs as well. In an illuminating passage, Barry relates his personal decision to purchase only organic meat to the moral conviction to be vegetarian, and to a religious prescription to avoid meat from specific animals (Barry 2001: 40). In each case, an individual’s beliefs about health, morality and religion combine to elicit a dietary taste with attendant costs. It is unreasonably restrictive to reduce the costs of expensive tastes to financial costs alone, especially given the moral importance of equality of opportunity. Consider, for instance, how an individual’s beliefs may foreclose occupational opportunities. “Pacifists will presumably regard a career in the military as closed to them. Committed vegetarians are likely to feel the same about jobs in slaughterhouses or butchers’ shops” (Barry 2001: 35). Barry concludes that tastes, preferences and beliefs fall into the same conceptual category, but he denies the commonly asserted opinion that it is due to the ‘changeability’ or revisable nature of tastes that unequal impact is not inherently

14 Of course, in practice, it is often very difficult to determine which aspects of an individual’s current condition are the product of circumstances beyond her control and which aspects straightforwardly result from her choices. Even with very specific matters, like a permanent physical impairment resulting from a fall and the resultant disability, the fall will involve a complex mixture of circumstances beyond the individual’s control and circumstances resulting from her choices, and this complicates the determination of responsibility. This is a highly controversial matter, and we will return to it again in our discussion of personal responsibility for choices related to communal membership and cultural interests.
unfair or unjust. After all, just as an individual’s tastes and preferences do not change by a simple act of will, so too her beliefs are not altered by her personal declarations.\textsuperscript{15} The revisability of our tastes, preferences, and beliefs makes them subject to choice, even though some individuals may never question some of their attitudes or even recognize them as revisable. This point may be made about aspects of our comprehensive doctrines and our conceptions of the good too. For a liberal, like Barry, to avoid becoming a multiculturalist, it is crucial that cultural beliefs fall on the choice side of the luck egalitarian distinction between chance and choice (Mendus 2002: 34-36). Liberalism seeks to establish equal, fair and just circumstances for the exercise of individual choice and freedom, but this concern does not extend to the consequences of our choices, although there are exceptions to this general position.

The concept of ‘equality of opportunity’ may be used to express the liberal concern with equal, fair and just circumstances, as well as the common distinction between tastes, preferences and beliefs, on the one hand, and gender, race and physical and/or mental impairment, on the other. For Barry, as for many other liberals, there is a crucial distinction between “limits on the range of opportunities open to people” and “limits on the choices that they make from within a certain range of opportunities” (Barry 2001: 36-37). If an individual has a reduced range of opportunities by virtue of her gender or race, this is an unequal, unfair and unjust limitation on her opportunity set. If an individual has the same range of opportunities as is available to all other members of her society, but she finds some of her options to be unpalatable, undesirable, disgusting

\textsuperscript{15} It should be clarified that the simple fact that tastes, preferences and beliefs are not subject to immediate revision through an act of will alone does not mean that they are unalterable. Like an individual who devotes months and years to sculpting her body through fat-loss and muscle-gain demonstrates that our physical appearances are subject to revision, individuals who change their dessert tastes, their cinematic preferences or their religious beliefs are living evidence of the revisability of our attitudes.
or reprehensible, then her right to equality of opportunity has not been violated, for she herself as a rational agent has reduced the range of attractive or real opportunities available to her. Barry provides an instructive example here:

the opportunity to read a wide range of books is ensured by literacy plus access to a public library or (provided you have the money) a bookshop. If you belong to some Christian sect that teaches the sinfulness of reading any book except the Bible, you will choose not to avail yourself of this opportunity. But you still have exactly the same opportunity to read books as somebody who is similarly placed in all respects except for not having this particular belief (Barry 2001: 37-38).

Different individuals will be dissimilarly disposed to the opportunities available to them as members of a society. The pressing question for political philosophy is not so much about the thoughts, dispositions or evaluations of individuals vis-à-vis their opportunities, but rather about what equality of opportunity requires for individuals who hold diverse comprehensive doctrines and conceptions of the good, as members of a single society and polity. Again, given diversity of communal and cultural affiliations, we should expect to find law and policy having a disparate impact on individuals, their lives, and their communities. The pressing questions, however, concern the impact of communal and cultural diversity on the prospects for equality of opportunity.

In multicultural societies, it is not uncommon for members of a minority cultural community to request special treatment under the law as a matter of equality or justice. Whether the request concerns an exemption from existing law or a defence based on cultural particulars, Barry claims, “There is no principle of justice mandating exemptions to generally applicable laws for those who find compliance burdensome in virtue of their cultural norms or religious beliefs” (Barry 2001: 321). It is difficult to generalize about the request for special treatment under the law because the law is often sensitive enough to the particular circumstances of a case to allow specific features about the defendant
and victim to be considered, including, for example, how her communal memberships and cultural beliefs influenced her state of mind or the damage incurred. On first blush, it is false that liberalism is insensitive to communal and cultural particulars; however, this observation about communal and cultural particulars being relevant to law indirectly through particular individuals does not yet demonstrate that liberalism’s commitment to universal and undifferentiated citizenship with its emphasis on the uniformity of law and policy allows it to be sensitive enough to our interests in community and culture.

Even though “the differential impact of a general law cannot in itself found a claim that the law is unjust”, it is possible for a law to be unfairly burdensome on some individuals and communities based on their cultural beliefs (Barry 2001: 38-39). The “rule-and-exemption approach” has become a popular political strategy for contending with the challenges raised by complicated multicultural issues, but some critics complain that it is too expedient and facile. According to Barry, multiculturalists jump too quickly to the rule-and-exemption approach to such situations, and they bypass what he considers to be a more sensible option. “If it is true that a law bears particularly harshly on some people, that is at the very least a reason for examining it to see if it might be modified so as to accommodate those who are affected by it in some special way” (Barry 2001: 38-39). In other words, Barry is suggesting that the onerous character of a law, like the prohibition against carrying sharp weapons in public, should lead to a discussion of how to amend the provisions in question so that those provisions continue to perform their

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16 Legal exemptions may result from the application of fundamental rights and freedoms to a particular law. The law against carrying knives, daggers and other similarly sharp and dangerous objects has a disparate impact on Sikhs wanting to carry their kirpans in public places. Parekh believes that Sikhs should be permitted to carry their kirpans in public, and that this exemption is a case of legitimate special treatment for a minority community (Parekh 2000: 248-249). Sikhs as Sikhs would not have a special status under the law, but freedom of religion would permit them to carry their kirpans in public, even though other members of their society would be prohibited from doing so.
primary objectives, but without placing an unfair burden on some individuals, like those Sikhs who wish to wear their kirpans in accordance with their religious convictions. The uniformity of law is a paramount concern, and the rule-and-exemption approach to multicultural issues is often a hasty reaction that violates this fundamental principle.

In particular, proponents of the rule-and-exemption approach fail to appreciate the difference between claims based on justice and claims based on hardship, and Barry suggests that exemptions based on the alleviation of hardship are much more problematic than is usually assumed: “I do not wish to rule out the possibility that there will be cases in which both the general law and the exemption are defensible. Usually, though, either the case for the law (or some version of it) is strong enough to rule out exemptions, or the case that can be made for exemptions is strong enough to suggest that there should be no law anyway” (Barry 2001: 39). In general, then, cases in which law and policy are challenged by members of a minority cultural community raise significant questions about specific provisions, including questions about the value of their objectives, the justifiability of the provision, the justifiability of the provision as a means of pursuing the recognized objective, their differential impact on some individuals, the justifiability of the burden on these individuals, and so on. These cases challenge the governments of liberal democratic regimes to justify their laws and policies, and there is a real value to this opportunity to reconsider and possibly revise existing legislation. Proponents of the rule-and-exemption approach miss this opportunity, but more importantly, they establish a legal system riddled with exemptions based on communal membership and cultural affiliation. Even though exemptions may be warranted occasionally, political theorists and practitioners should ask themselves the difficult questions raised by multicultural
issues, and opt for either an exemptionless law or no law at all.

The crucial insight of the liberal position is that, generally, it is either the case that an objective is significant enough to warrant some kind of legal provision applying to all individuals within a jurisdiction, or it is not. If it is significant enough, then legislators are faced with the challenging task of drafting a legal provision with the ability to satisfy its purpose or objective, but without being disproportionately burdensome to individuals from minority communities. If an exemption seems reasonable for some segment of the population, then legislators may find themselves pressured to extend this exemption further, and, in this unenviable situation, the rule-and-exemption approach places the burden on legislators and adjudicators to justify an exemption for some people, but not others. Barry reaches the sensible conclusion that “there is a possible case for letting everybody do what they please and a possible case for constraining everyone alike”, but he insists that the case for a general rule with exemptions based on minority community norms, like religious beliefs, requires “a great deal of finagling” (Barry 2001: 50).

The preceding comments should not be interpreted as suggesting that it is easy to draft uniform laws and policies, which are equal, fair and just, for a society characterized by multiculturality. In ideal circumstances, legislators will be able to draft legislation that simultaneously achieves its important social objectives without burdening members of cultural minority communities. In less ideal circumstances, legislators and the cultural community in question may compromise on a mutually acceptable formulation of the legislation – a revised formulation that adequately, although perhaps not completely, satisfies the aims of the legislation with a minor sacrifice on the part of the cultural community. For instance, if legislators are able to amend the legal provision against
carrying a sharp weapon in public to permit a modified kirpan, then this type of dual amendment at the level of both uniform law and minority community norms may provide a sensible compromise. In other circumstances, the leaders of the minority community may simply alter the communal norms, thus bringing an end to the multicultural issue.\textsuperscript{17} Many actual cases are more difficult to resolve insofar as they often involve serious complications resulting from lack of compromise, either because such compromise is not possible, too arduous, or insufficiently motivated.

In brief, so far as possible, liberals should remain committed to the conception of universal and undifferentiated citizenship with a uniform law applicable to all individuals alike within the political jurisdiction. This commitment does not preclude special legal exemptions, but it does encourage legislators to opt for either a uniform law without exemptions, or no law at all. There are cases in which a general rule with an exemption may be the best political course of action, however. In these cases, repealing or refusing to provide an exemption may cause more harm than good, and, even Barry recognizes that there are cases where “it is preferable to give up on consistency than abandon the advantages of the present legislation … because the cure would be worse than the disease” (Barry 2001: 51). It is important to strive for general laws, but “having a rule must not be so important as to preclude allowing exceptions to it” (Barry 2001: 62). So, even though liberal political theorists and practitioners should favour uniform law over special exceptions for minority cultural communities, it is crucial that they remain mindful of and attentive to the consequences of directly applying liberal principles of justice in actual

\textsuperscript{17} Barry provides such an example from Norway, Sweden and Switzerland, where the religious authorities of the Orthodox Jewish community declared that the traditional precepts regarding the ritual slaughter of livestock no longer required adherence, thereby ending the conflict with laws prescribing for the ‘humane slaughter’ of such animals (Barry 2001: 40-41).
contexts involving real individuals and their cultural communities.

The application of liberal principles of justice within multicultural settings will likely present many difficulties, many of which will be incredibly difficult to predict. Notwithstanding these practical difficulties, the ideal of universal citizenship has been criticized by many liberal and non-liberal political philosophers. Iris Marion Young firmly established herself as a non-liberal critic of universal citizenship and the privatization strategy for contending with difference. In *Justice and the Politics of Difference*, Young criticizes liberalism “as an ideal of assimilation”, as “an ideal of justice that defines liberation as the transcendence of group difference”, and as an often-concealed form of oppression hiding under the guise of universality, uniformity, impartiality and ‘difference-blindness’ (Young 1990: 157). Inspired by social movements of oppressed groups, she asserts, “a positive self-definition of group difference is … more liberatory” (Young 1990: 157). She explains, “they have seen self-organization and the assertion of a positive group cultural identity as a better strategy for achieving power and participation in dominant institutions. Recent decades have witnessed a resurgence of this “politics of difference” not only among racial and ethnic groups, but also among women, gay men and lesbians, old people, and the disabled” (Young 1990: 159). Contrary to what she sees as the liberal ideal of assimilation and its objective of eliminating group difference through equal formal rights, Young advocates for “democratic cultural pluralism” and a system in which “there is equality among socially and culturally differentiated groups, who mutually respect one another and affirm one another in their differences” (Young 1990: 163). She offers a few reasons for this politicization of cultural difference.

Young targets the content of what she views as the ideal of assimilation, specifi-
cally its claims about the reality and desirability of social and cultural difference within a single society. She draws attention to how urbanization has not led to a decline in social and cultural diversity or particularist affiliations; social and cultural diversity are increasing, and individuals remain as attached as ever to “specific traditions, practices, language, and other cultural specific forms” (Young 1990: 163). While one might try to draw attention to how nationalist and patriotic sentiments tend to unify individuals from different social and cultural communities, the facts of multiculturality within societies seem undeniable. Yet, it is not really the facts that are in dispute. The real controversy here does not concern the reality of social and cultural differences, but their desirability.

Here too, Young’s assertions are puzzling. One of liberalism’s defining features is its commitment to individual freedom, including the freedom of individuals to conduct experiments in different ways of living as individuals and as members of a collective endeavour. In Rawls’ words, “This pluralism is not seen as disaster but rather as the natural outcome of the activities of human reason under enduring free institutions. To see reasonable pluralism as a disaster is to see the exercise of reason under the conditions of freedom itself as a disaster” (Rawls 1993: xxiv-xxv, sic). According to Rawls, the fact of pluralism may be overcome only by the oppressive use of state power, if at all (Rawls 1993: 54). For liberals, like Rawls, diversity is not only an inevitable feature of social life under conditions of freedom, but a desirable feature as well. Diversity may be praised as an expression of individuality, the free exercise of an individual’s moral powers, the conditions for increased individual choice and freedom, or some other consideration, but it is clear enough that liberalism celebrates pluralism and diversity in the social sphere. Based on Young’s description of the ideal of assimilation, there are
good reasons to deny that liberalism is or advocates for such an ideal.

But Young’s challenge to liberalism as an ideal of assimilation is not primarily concerned with the social sphere, but rather with the public sphere of politico-legal institutions. According to Young, the ideal of assimilation requires for these institutions to treat individuals as equals without paying any attention to their social affiliations or group memberships (Young 1990: 164). She recognizes that the less than wholehearted commitment to this ideal has already significantly improved the status of historically excluded groups, but she takes issue with formal equality. Even though there is widespread agreement on the idea that no person should be excluded from political and economic activities based on her ascribed characteristics, every society continues to exhibit group differences with some groups being privileged and others disadvantaged. Under these conditions, the commitment to formal equality inherent in the ideal of assimilation has oppressive consequences through its systematic neglect of difference. The problem is that “The goal of assimilation holds up to people a demand that they “fit,” be like the mainstream, in behavior, values, and goals”, but “The rejection and devaluation of one’s culture and perspective should not be a condition of full participation in social life” (Young 1990: 165-166).

The fundamental premise to Young’s argument is that social justice requires social equality, where “Equality refers not primarily to the distribution of social goods”, but rather “to the full participation and inclusion of everyone in a society’s major institutions”, and to “the socially supported substantive opportunity for all to develop and exercise their capacities and realize their choices” (Young 1990: 173). For Young, social equality requires equality between all groups in the social and political spheres, so
“Group-conscious policies are sometimes necessary in order to affirm the solidarity of groups, to allow them to affirm their group affinities without suffering disadvantage in the wider society” (Young 1990: 174). To distinguish her view from the ideal of assimilation, she adds, “A culturally pluralist democratic ideal … supports group-conscious policies not only as means to the end of equality, but also as intrinsic to the ideal of social equality itself. Groups cannot be socially equal unless their specific experience, culture, and social contributions are publicly affirmed and recognized” (Young 1990: 174). In short, Young’s criticism of liberalism as an ideal of assimilation targets its privatization strategy and its concept of equality as the equal treatment of individuals, and simultaneously provides competent arguments for the politicization of social and cultural difference as an instrumental and intrinsic contribution to social justice.

For the reasons mentioned earlier, it is unlikely that many liberals will accept the characterization of their theories as advocating for or instantiating an ideal of assimilation. After all, liberalism prizes individual and collective difference in the private and social spheres, and it is committed to protecting the freedoms required to sustain such social and cultural diversity. Even as unrelenting a critic as Young concedes that “The free society envisaged by liberalism … is certainly pluralistic” because “persons can affiliate with whomever they choose; liberty encourages a proliferation of life styles, activities, and associations” (Young 1990: 168). So, what is the real issue here? Her language, and her failure to maintain the liberal distinction between the social and the public spheres, often serve to conceal her points, but her target is clearly identified: “The vision of liberation as the transcendence of group difference seeks to abolish the public and political significance of group difference, while retaining and promoting both indi-
Young believes that the liberal distinction between the private and the public spheres establishes a public realm of universal citizenship and a private realm of individual differences, and this distinction “tends to result in group exclusion from the public” (Young 1990: 168). In response, “Radical democratic pluralism acknowledges and affirms the public and political significance of social group differences as a means of ensuring the participation and inclusion of everyone in social and political institutions” (Young 1990: 168). So, Young believes that, in a society governed by liberal principles of justice, the public realm will inevitably belong to and favour a privileged group at the expense and disadvantage of other groups. If she is correct, this is a damning criticism of most liberals, even on their own conceptions of justice.

But Young’s argument depends on liberalism being committed to what she and others have called “the logic of identity”. According to the logic of identity, there is a single group that occupies the position of normal, and all other groups are measured and judged in relation to it. “The attempt to reduce all persons to the unity of a common measure constructs as deviant those whose attributes differ from the group-specific attributes implicitly presumed in the norm. The drive to unify the particularity and multiplicity of practices, cultural symbols, and ways of relating in clear and distinct categories turns difference into exclusion” (Young 1990: 169). The logic of identity, thus, transforms difference into “absolute otherness, mutual exclusion, categorical opposition” based on the central position occupied by the dominant group and its role establishing hierarchical dichotomies with non-dominant groups (Young 1990: 169). Familiar examples include masculine/feminine, western/eastern, civilized/savage, and so
on. In this type of hierarchical dichotomy, the first term exemplifies full humanity and citizenship, whereas “The second term is defined negatively as a lack of the truly human qualities” and “as the complement to the valued term, the object correlating with its subject” (Young 1990: 170). According to Young, the logic of identity is responsible for sexism, racism, homophobia, ableism, anthropocentrism, anti-Semitism, and so on, and “Difference in these ideologies always means exclusionary opposition to a norm” (Young 1990: 170). So, Young claims, liberalism’s aspiration to provide equal treatment of individuals on the basis of universal citizenship and the privatization of difference may be undermined by the hidden impact of the logic of identity, and actually serve as a robust form of cultural oppression and imperialism.

There is plenty of evidence to indicate that there are subtle forms of oppression and cultural imperialism that continue to operate along the lines described by Young as the logic of identity, but it is not clear why liberalism is necessarily committed to the logic of identity or its oppressive consequences. It would appear that liberal principles of autonomy and equality would require liberals to join Young in condemning the logic of identity and strive for a social sphere in which social difference did not produce exclusion and absolute otherness. In fact, it is not clear why liberals are precluded from adopting the strategy attributed to the politics of difference by Young. She claims,

The politics of difference ... aims for an understanding of group difference as indeed ambiguous, relational, shifting, without clear borders ... as entailing neither amorphous unity nor pure individuality. By asserting a positive meaning for their own identity, oppressed groups seek to seize the power of naming difference itself, and explode the implicit definition of difference as deviance in relation to a norm, which freezes some groups into a self-enclosed nature. Difference now comes to mean not otherness, exclusive opposition, but specificity, variation, heterogeneity. Difference names relations of similarity and dissimilarity that can be reduced to neither coextensive identity nor nonoverlapping otherness (Young 1990: 171).
Not only is liberalism capable of adopting something like what Young identifies as a relational or non-essentialist conception of difference, as we saw throughout Chapter Two, but liberalism seems to be better equipped than the politics of difference to use such a conception. The simple reason is that the liberal strategy is to depoliticize difference, and, consequently, it does not need definitions of particular social and cultural groups. Instead, it is theorists and practitioners who adopt a politicization approach to difference who are plagued with the difficulties of defining groups, identifying their members, drawing boundaries between them, assessing their distinct interests, and explaining differential treatment. So, there is no reason to accept Young’s depiction of liberalism as necessarily requiring a logic of identity, and, moreover, there is insufficient reason to accept her accusation that the liberal distinction between the private and the public necessarily favours dominant groups and excludes non-dominant groups from the public sphere of politico-legal institutions.

Once we identify Young’s repeated conflation of the social and political spheres, and her mistaken claims about liberalism being premised on the logic of identity, the force of many of her arguments disappears. To be clear, it is not that Young does not identify a real problem facing many societies, but rather that she misidentifies liberalism as the chief culprit. Like Young’s politics of difference, liberalism is committed to non-oppressive and non-hierarchical societies, and, in this sense, they could be allies in their pursuit of justice. Yet, these two responses to multiculturality diverge on their responses to oppression and injustice, as well as their overall objectives. After all, beyond the basic stance that, within the social sphere, no groups are better or worse than any others, liberalism does not seek to establish equality between social groups. There are two key
reasons for this. First, liberalism cannot require individuals or groups to respect other social groups. It is a matter of individual choice to respect or condemn or mock other individuals and groups, and social equality in the sense of equal status or esteem of groups would require violating freedom of conscience, thought and expression. Some limitations on expression may be required in liberal societies, but liberalism is committed to allowing individuals to criticize norms and practices that they find objectionable.

Second, liberalism requires a fair distribution of resources, equality of opportunity, freedom from wrongful discrimination, and so on, but once these conditions obtain, individuals are generally responsible for the consequences of their choices. If the consequences of these choices leave some groups better off than other groups, it is likely that liberalism will find this inequality to be acceptable. Of course, it is important that this unequal outcome does not result from hidden privilege or disadvantage, but it is generally the case that liberalism will accept a significant measure of inequality resulting from choice. According to Barry, “Young’s alternative to this [liberal] conception of equal treatment amounts to a conception of equality of outcome, defined over groups”, but “The egalitarian liberal position is that justice requires equal rights and opportunities but not necessarily equal outcomes defined over groups” (Barry 2001: 91-92). For liberals, the notion of equality of opportunity is independent of expectations about the patterns of choices that will be made by individuals. “Unless this is done, the consequence is that equality of opportunity will have to be branded a failure if it fails to bring about one particular pattern” (Barry 2001: 93).

It is crucial to maintain the distinction between an unequal distribution suggesting discrimination and an unequal distribution constituting discrimination. Young’s politics
of difference views unequal distributions as wrong in themselves, since they constitute
discrimination or injustice. Her position assumes that, in the absence of discrimination,
all social and cultural groups would have what Barry calls “equal success rates”. Barry
objects that “The driving force behind Young’s advocacy of group proportionality is the
idea that different ways of life pursued by different groups should have no effect on their
collective success”, and, as a result, “the processes by which institutions such as those of
the market and democratic political competition produce winners and losers in accord-
ance with differential behaviour are to be overridden in the name of equality for groups”
(Barry 2001: 95). Yet, individual freedom under conditions of equality and diversity “is
almost certain to bring about a different distribution of outcomes in different groups.
Equal outcomes can be secured only by departing from equal opportunity so as to impose
equal success rates for all groups” (Barry 2001: 108). In this sense, the goal of social
equality would require unjustifiable violations of individual freedom, as well as not
respecting the choices made by individuals as moral agents.

In an ideal liberal state, according to traditional liberals, all individuals as citizens
would be treated equally within the universal public realm of politico-legal institutions,
while enjoying the traditional liberal rights and freedoms within the private sphere. They
would not be compelled to conceal their cultural particularities, but instead, they would
be free to celebrate them in the social sphere. They would associate with other individu-
als to practice their culture, religion, etc., and, their ability to do so would not be impeded
by the disdain of other individuals. No groups would enjoy collective rights or the
 politicization of their cultural norms, but cultural communities and social groups would
be protected indirectly through the individual rights of their members. While there are no
rights for the protection of community and culture, individuals would be able to exercise their freedoms and deploy their resources in concert to maintain them. Under conditions of liberal freedom, equality and toleration, it is not implausible to expect the continuation and flourishing of cultural diversity within the social sphere under a uniform system of law. If liberals want to treat communities and culture with their due respect, then they must respect the requirements of universal citizenship, a uniform system of laws, and the depoliticization of difference in order to respect individual freedom and equality.

But does this view leave a cultural remainder? This view of liberalism has been influential historically, especially after the Second World War, but since the end of the Cold War, it has been subjected to intense scrutiny, criticism and revision from liberal political philosophers seeking to incorporate what they consider to be the virtues of nationalism or communitarianism. We turn to this liberal nationalism and its autonomy- and equality-based arguments for the politicization of culture in the next section.

3.5 Liberal Nationalism: Freedom, Equality and Cultural Community

We had perhaps the prejudices of small ‘l’ liberals and white men at that who thought that equality meant the same law for everybody, and that’s why as a result of this we said ‘well let’s abolish the Indian Act and make Indians citizens of Canada like everyone else. And let’s let Indians dispose of their lands just like every other Canadian. And let’s make sure that Indians can get their rights, education, health and so on, from the governments like every other Canadian’. But we learned in the process we were a bit too abstract, we were not perhaps pragmatic enough or understanding enough (Trudeau as quoted in Kymlicka 1989a: 156).

There is a widespread tendency for liberal political philosophers, politicians, lawmakers and adjudicators to react to proposals for special, minority or group-differentiated rights with active hostility. This tendency was identified and discussed by Kymlicka in the late 1980s, and even though a smaller proportion of liberals exhibit this tendency today, it
would be a mistake to believe that it has become a relic of history. As mentioned earlier, the challenge of multiculturality has produced a serious rift among non-tolerationist liberals; it has divided liberal political philosophers into multiple, mutually-inconsistent and rival camps. To get to the heart of the issue between traditional liberalism and liberal nationalism, it is important to appreciate the problems liberal nationalists have identified with the application of the depoliticization strategy to the specific case of national difference. Tolerationism and traditional liberalism have been criticized for applying their all-purpose solution to difference to the special case of multinationality. According to their liberal nationalist critics, these liberal responses to difference fail to appreciate what makes nationality a distinct challenge for political theory and practice, and, at least in part, this failure results from the failure to appreciate the value and role of national culture and community in the moral and cultural lives of individuals.

While the traditional liberal depoliticization strategy may be a sensible approach for many settings and issues, it has been criticized by liberal nationalists for overlooking and neglecting social settings in which its model does not apply so well. For the most part, liberalism has been preoccupied with the relationship between individuals and states, and there is an enthymematic premise in much liberal theorizing that becomes troubling in discussions of multiculturality; namely, the assumption that states as political communities and societies as social communities are coextensive. In other words, liberal theories of justice often assume that each state governs a single society. Of course, this assumption is strained in some cases, and outright false in others, depending on how we interpret the term ‘society’. This is a key point of contention between traditional liberals

\[18\] This dissertation investigates the conditions, challenge and three liberal responses to multiculturality. Given this context, I restrict ‘liberal nationalism’ to those variants of the view based on culture arguments, and, thus, exclude democratic and identity-based arguments for national rights and accommodations.
and liberal nationalists, and a significant determinant in the choice between a strategy of privatization or politicization toward multiculturality.

Liberals who are committed to the privatization strategy are often vehemently opposed and actively hostile to proposals for the politicization of culture through special minority rights. One explanation for this resistance is offered by Kymlicka. He believes that this intense, but often unjustified, reaction to minority rights “can only be fully understood in the light of post-war American history”, specifically the practices of racial segregation (Kymlicka 1989a: 4). Too many liberals appear so fixated on the injustices of legally enforced segregation that this well-founded worry has marred their understanding of other issues involving minority groups. Kymlicka explains,

The legislated differentiation of blacks is taken to be the paradigm case of the unjust treatment of a minority, while the maintenance of a ‘colour-blind’ constitution is taken as the paradigm case of equal treatment. If the relationship between blacks and whites in the United States is used as the standard of comparison, then schemes which single out minority cultures for special measures will appear irremediably unjust, a disguise for creating or maintaining racial or ethnic privilege (Kymlicka 1989a: 4).

The liberal preoccupation with the European wars of religion, the injustices of segregationist, apartheid and caste regimes, and the atrocities of the Second World War firmly fixes their attention on the hazards of group-differentiated policies. This historical background accounts for much of the reflex reaction of so many liberals to ‘special’ or group-differentiated policies for minority groups, and at least some policies identifying or singling-out minority groups truly are morally perilous and unjust.

Yet, these liberals seem to believe that group-differentiated policies are inherently wrong and unjust, and, thus, justifiable only as temporary measures. With the exception of temporary affirmative action policies intended to remedy historical injustices and establish appropriate conditions for universal policies, many liberals continue to prescribe
that the liberal democratic state should adopt only universalistic policies directed at individuals as citizens. Liberal nationalists retort that the type of universalistic and individualistic approach to political theory and practice advocated by these other liberals is often a morally problematic and politically pernicious strategy to deploy in the face of multiculturality, especially the dimension of this challenge involving concentrated ethnic, national or indigenous communities. Since the 1980s, liberal nationalist critiques have persuaded many liberals of the merits of many multicultural or group-specific policies, at least in the context of multiculturality generated by ethnic, national and indigenous difference. In this section, I will review the core autonomy- and equality-based arguments for liberal nationalism, and identify how these arguments undermine the use of the liberal privatization strategy for contending with national difference.

Liberal nationalism, contrary to the claims of some of its liberal critics, is a liberal theory. Tamir explains, for instance, “The starting point … is a set of beliefs endorsing individual rights and liberties, affirming the right of individuals to equal respect and concern, and presuming that governments should be neutral and impartial vis-à-vis individual interests, preferences, and conceptions of the good, propositions endorsed by most contemporary liberal theorists” (Tamir 1993a: 6). Liberal nationalists endeavour to demonstrate that liberalism’s foundational commitments require at least some special, minority or group-differentiated rights. The general strategy is to show that, first, an individual’s freedom necessarily depends on her culture and community, and, second, group-differentiated rights promote the liberal values of individual freedom and equality (Kymlicka 1989a: 162). Liberalism’s social and moral ontology are often assumed to preclude special, minority or group-differentiated rights, but liberal nationalists offer
intriguing liberal arguments for such multicultural measures.

Such a liberal defence of minority rights is provided by Will Kymlicka, who is widely considered to be the foremost and preeminent champion of liberal nationalism. In Chapter Two, we discussed part of Kymlicka’s widely persuasive argument for minority rights. Recall that Kymlicka begins his defence with “the basic principles of liberalism”, which are “principles of individual freedom”, and concludes that “minority rights are not only consistent with individual freedom, but can actually promote it” (Kymlicka 1995: 75). The key idea is that “freedom is intimately linked with and dependent on culture”, and this connection between freedom and culture establishes the moral desirability of minority rights for theorists and practitioners motivated by a concern for individual freedom or autonomy. In Kymlicka’s words, “the liberal value of freedom of choice has certain cultural preconditions, and hence that issues of cultural membership must be incorporated into liberal principles” (Kymlicka 1995: 76). This point about the value of culture and community for individual freedom or autonomy is a widely accepted point of departure in the literature on cultural rights.19

Freedom involves identifying, examining, evaluating, ranking, and, ultimately, deciding between options. Even though individuals deliberate and choose between these options, they do not choose the range of options available to them. These options are inherited from their communities and enshrined in their cultures, even though individuals may construct novel options for themselves, occasionally. In this sense, “In deciding how to lead our lives, we do not start de novo … The decision about how to lead our lives must ultimately be ours alone, but this decision is always a matter of selecting what we

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19 It should be noted that there are liberal nationalists who not only opt for a different argumentative approach to national rights, but also deny the cogency of Kymlicka’s culture argument. See Moore 1999.
believe to be most valuable from the various options available, selecting from a context of choice which provides us with different ways of life (Kymlicka 1989a: 164). Communities and their cultures imbue options with meaning and significance; or, to put the point another way, communities and their cultures provide the context for choice as vital social preconditions for individual freedom or autonomy.

Yet, the term ‘culture’ is shrouded in ambiguity and vagueness, and, given its central role within Kymlicka’s argument, he clarifies that he is concerned with societal cultures; “that is, a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language” (Kymlicka 1995: 76). According to liberal nationalists, when liberals speak of a society of free and equal individuals, the relevant sense of ‘society’ is something like Kymlicka’s societal culture, or, alternatively, nations or peoples. Kymlicka explains, “liberal theorists have generally, if implicitly, accepted that cultures or nations are basic units of liberal political theory”, and this acceptance of the nationalist social ontology extends beyond the liberal camp, even though Yael Tamir is quite right to point out that “most liberals are [de facto] liberal nationalists” (Kymlicka 1995: 93; Tamir 1993a: 139).

Kymlicka is careful to note and emphasize that the type of culture relevant for his argument is cultural structure understood as a context of choice. Here again, we need to maintain the distinction between culture as context of choice and culture as character of the community. Culture as character is not the appropriate sense of culture for this type of argument because, on this interpretation, any change to the community’s character
would amount to the death of that community and the concomitant birth of a different, albeit very similar, community. In ordinary discourse, we do not claim that the survival of a nation depends on the persistence of an unvarying cultural character, even though there are often concerns that significant change to the norms, values and beliefs of a community may lead to the demise of the community as we know it.\textsuperscript{20} If a suitable defense of minority rights depended on culture being interpreted as character, then a liberal defense would seem to be beyond reach until such time as a morally relevant connection could be established between culture as character and individual freedom. Such a connection is remarkably difficult to establish because any attempt to maintain or ‘freeze’ a community’s norms, values and beliefs would seem to require almost constant illiberal interference with individual freedom and choice. Of course, there are occasions when it is undoubtedly appropriate for political theorists and practitioners to attend to considerations about the character of a community, but culture-based arguments for minority rights tend to be premised on culture as community, context or structure.

The importance of culture as community for individual choice establishes cultural membership as a Rawlsian primary good within liberal political philosophy, according to Kymlicka. Additionally, it provides a solid liberal foundation for the universal respect of individuals as members of national communities, and not only as citizens of a liberal democracy. It is important to remain mindful of the fact that liberal nationalism is premised on the value of culture as a universal good. Too often, discussions of multicultural policies or accommodations overemphasize the cultural particularity of members of

\textsuperscript{20} In a similar vein, Barry objects to James Tully’s claim that there should be an exemption to the general fishing ban for the Musqueam nation because fishing a specific region was constitutive of their cultural identity. Barry argues, defining cultural identity so that it can be destroyed by any change to the community’s cultural character is as sensible as defining personal identity “so that it was destroyed by any change in circumstances: moving house, taking a new job, getting married, and so on” (Barry 2001: 256).
minority cultural communities – especially when the discussions involve non-Western individuals in liberal democratic states – to the point of making it seem that only these individuals have interests in the protection of their communities and cultures. Liberal nationalism as a response to the challenge of multiculturality highlights the universal moral value of culture and community as necessary preconditions for individual choice, freedom and autonomy, or, alternatively, as indispensable ingredients in the pursuit of our essential interest in leading a good life.

But the relationship between culture and autonomy is vulnerable to arguments grounded in the fact that national cultures are not equally conducive to freedom or the pursuit of our essential interest in leading a good life. Many nations use their beliefs in an inegalitarian social hierarchy to support treating some of their members with less than equal concern and respect, and, on occasion, with less than equal dignity and worth. Even with political guarantees of equality across various forms of difference, liberal democratic states have failed to achieve equality for their citizens. Too many individuals suffer from discrimination as members of minority groups, whether these groups are based on gender, race, nationality, ethnicity, religion, sexual orientation, physical and/or mental disability, or some other form of difference. Since no society has been able to live up to its promise of equality yet, it would be wrong for multicultural theorists and practitioners to overlook the indisputable fact that different communities via their cultures provide individuals with different levels of choice, freedom and autonomy.

Moreover, this type of inequality in autonomy is found not only within, but also between nations. If liberal nationalists are authentically motivated by concerns for the autonomy of individuals, and if liberal democratic states are better equipped to provide
individuals with increased autonomy than minority nations within their jurisdictions, then
the liberal nationalist concern with autonomy would obviate special rights for those
groups. Any case for special, minority or group-differentiated rights would need to
demonstrate that these rights would serve to enhance rather than reduce the autonomy of
individuals in these minority nations. After all, without good reason to believe that a
particular arrangement would actually increase individual autonomy, such an arrange-
ment would not be able to appeal to the liberal value of autonomy for moral support. So,
it appears that the liberal nationalist argument based on autonomy-considerations may
apply only to the subset of minority nations that are capable of providing their members
with increased autonomy, and even for this subset, it would seem that the degree of
increased autonomy would need to surpass the costs of the minority rights arrangement.

This criticism affirms the moral value of nations and their cultures, but questions
the claim that individuals require their nations and their cultures. Individuals are viewed
as requiring community and culture to establish a context of choice, but it is denied that
individuals are necessarily connected to any particular national community. On this
view, group-differentiated rights are not necessary for the protection of minority nations
and their cultures insofar as the moral value of community and culture may be attained
through the successful integration of all individuals into the mainstream liberal society.
This criticism highlights that it is a significant and necessary feature of the liberal nation-
alist culture argument for group-differentiated rights that there is a suitable connection
between an individual and her specific nation, “otherwise it becomes vulnerable to the
criticism that assimilation into a dominant culture is a small price to pay for increased
labour mobility, greater gender equality, or ease of access to the society’s institutions”
(Phillips 2007: 64). So, what is required is an argument to establish that the moral value of culture and community is contingent on the individual’s own nation and culture.

Kymlicka believes that it is possible to establish such a connection between an individual and her own community and culture. “People are bound, in an important way, to their own cultural community. We can’t just transplant people from one culture to another, even if we provide the opportunity to learn the other language and culture. Someone’s upbringing isn’t something that can just be erased; it is, and will remain, a constitutive part of who that person is” (Kymlicka 1989a: 175). The culture shock experienced by individuals who find themselves in a foreign social context stands as lived evidence for the idea that individuals cannot simply be transplanted into foreign communities without experiencing significant difficulties, including anxiety and disorientation. Much depends on the extent to which the foreign culture is unfamiliar, and we would expect very few difficulties as individuals move through various parts of the Anglo-American world, and more pronounced difficulties where individuals do not speak the local language, do not recognize the local script, do not understand the local customs, and find themselves largely ignorant of the cultural norms of the foreign community. The insecurity and unsteadiness of deliberation and decision-making within foreign social contexts attests to the connection between an individual and her own culture, but we should not exaggerate this point. With time, effort and experience, individuals are able to overcome the disorientation and agentic difficulties associated with culture shock as they adapt to the foreign setting, learn the relevant cultural norms, adjust their behaviours and expectations to account for cultural differences, and, eventually, feel at ease within what was once a foreign and unfamiliar environment. Liberal nationalism does not suppose
that individuals are necessarily bound to their national community and culture, but it does contend that, as demonstrated in the analysis of Burge’s thought-experiment, once she is socialized within a particular community and culture, an individual is inextricably tied to that community and culture. The claim is that, based on principally contingent factors, one’s national culture tends to be a constitutive part of one’s character and identity.

Another way to assess the dependence of the individual on her own particular community and culture is to consider the harms and injustices commonly associated with forced assimilation. Culturally speaking, an individual who is being compelled to assimilate into a foreign community and culture is thrown into another world. Under these circumstances, we would expect her to experience varying degrees of anxiety, disorientation, insecurity, agentic paralysis, and feelings of powerlessness – the types of symptoms associated with culture shock. Additionally, we would expect her to feel devalued, disrespected, contemptible, and pitiful by virtue of a key idea underlying the putative justification for assimilation; namely, that her national community and her culture are inferior enough to warrant displacing her and transplanting her into a foreign community. The negative evaluation of her community and her culture are not extrinsic or independent of evaluations of her. After all, it is not only her community and her culture that are judged to be inferior, worthless and pathetic, but also she herself, based on the importance of national membership to an individual’s personal identity. To rip an individual from her nation on the pretence of liberating her from a pitiful existence is harmful, insulting and degrading. Furthermore, it is an assault on her identity. National membership may be a precondition for autonomy, but it functions also to provide a sense of rootedness, belonging and attachment. As Parekh notes, “It also relates them to those
sharing a common identity, facilitates social relations, bonds generations, and gives its members access to a rich world of personal relationship” (Parekh 2000: 95). Raz holds that the connection between nation and identity provides yet another persuasive reason for liberals to value cultural membership and endorse some group-differentiated rights. It would seem, therefore, that forced assimilation is instrumentally harmful to individuals as moral agents pursuing their interest in leading a good life, and intrinsically humiliating and degrading. It is difficult to exaggerate the injury and insult of forcible assimilation.

It is also difficult to exaggerate the role and importance of national membership in an individual’s life, according to liberal nationalists. However we choose to describe these benefits, it seems clear enough that these benefits are contingent upon successful immersion in the national community and acceptance of its cultural norms. Just like Swampman in our discussion of Burge’s thought-experiment, merely being present in an environment is insufficient to establish the relationship needed for an individual to avail herself of the benefits of cultural membership. Some sort of acculturation or socialization is required, but the precise conditions for this remain unclear. I suspect that Kymlicka is correct that “a full explanation would involve aspects of psychology, sociology, linguistics, the philosophy of mind, and even neurology”, but a full explanation is not required for the purposes of liberal nationalist theory and practice (Kymlicka 1995: 90).

The crucial point is that individuals have an interest in the welfare of their nations as an essential precondition of their freedom, as well as an invaluable contribution to their identities and well-being as social beings. This interest in the protection and promotion of cultural communities is insufficient on its own to generate special, minority or group-differentiated rights. After all, it is possible that this interest may be adequately
served by the traditional liberal package of toleration, individual rights and freedoms, equality of opportunity, and the depoliticization of culture. Kymlicka believes that, for national membership, such an approach is a misguided form of ‘benign neglect’, and he begins his refutation of it by framing the issue as a traditional liberal might:

Even if cultural membership needs to be secured, why does that require anything other than a colour-blind egalitarian distribution of resources and liberties? After all, liberal equality is meant to be able to accommodate the fact that different groups value different things, including, presumably, different cultural memberships. Each person is given an equal share of resources and liberties in order to pursue the things they value. Why should the members of minority cultures … have more than an equal share to protect the cultural heritage they value? (Kymlicka 1989a: 182).

The answer, according to Kymlicka, may be found in the liberal conception of equality: a conception of an ‘abstract egalitarian plateau’, where “the interests of each member of the community matter, and matter equally” (Kymlicka 1989a: 182).

Despite significant differences between their views, Rawls’ principles of justice and Dworkin’s equality of resources theory reflect the liberal commitment to the equality of individuals. For Rawls, Dworkin and most other liberals,

the interests of each citizen are given equal consideration in two social institutions or procedures: an economic market and a political process of majority government. Of course, neither of these institutions is perfect, and both can produce unjust results. But if they operate in a society with equal opportunity and equal political power, and if they are constrained by principles of justice, then they respect equality. And they do so because, in general, they make social outcomes the result of decision procedures in which each person’s choices are given equal weight (Kymlicka 1989a: 182-183).

Yet, even under conditions of equality, it is possible for members of minority nations to be systematically outbid in the market and outvoted in the political arena on matters impacting the continued viability of their communities; for instance, they may be outbid for vital natural resources, or outvoted on crucial policy decisions (Kymlicka 1989a: 183). Each time that a minority nation is outbid or outvoted on some matter integral to its
continued existence and survival, it moves closer to the brink of annihilation. In multinat-
tional societies, it is not uncommon for the vital interests of a minority nation to clash
with the interests of the numerically superior nation, and then, given the aggregative
nature of markets and democratic legislatures, for the minority nation to be outbid or
outvoted. In situations where a minority nation systematically gets ‘the short end of the
stick’, its members as individuals are required to pay a steeper price for the continued
survival of their community and, consequently also, the preconditions for their freedom.
 Liberal nationalists point to the disparity of costs incurred by the minority and majority
nations for the cultural preconditions of their freedom, and they argue that this disparity
requires compensation because it is not fair or just.

It is not unfair or unjust simply because it is injurious of the essential interests of
individuals, however. There is a deeper justification for this assessment, and it is firmly
grounded in one interpretation of the liberal theory of responsibility. In general, liberals
hold that individuals are responsible for their choices, but not the circumstances in which
these choices are made. Differences resulting from the free and informed decisions of
individuals as moral agents are a matter of personal responsibility,

But differences which arise from people’s circumstances – their social environment or
natural endowments – are clearly not their own responsibility. No one chooses which
class or race they are born into, or which natural talents they are born with, and no one
deserves to be disadvantaged by these facts. They are, as Rawls famously put it, arbitrary
from the moral point of view. No one chooses to be born into a disadvantaged social
group, or with natural disabilities, and so no one should have to pay for the costs imposed
by those disadvantageous circumstances (Kymlicka 1989a: 186).

Any claim for an arrangement or distribution deviating from an equal arrangement or
distribution requires evidence that such a ‘special’ accommodation is required to correct
for unequal circumstances rather than different individual choices. The liberal theory of
responsibility provides the conceptual resources for determining whether special accommodations are required as a matter of justice, or whether they should be secured as a matter of personal or communal responsibility.

The crucial premise of Kymlicka’s liberal nationalist argument is that members of minority societal cultures face unequal circumstances prior to making any choices whatsoever. Since the relevant inequality pertains to unequal circumstances, minority rights compensating for this initial inequality are required as a matter of justice. He claims that, if these rights “were defended as promoting their chosen projects, then they would … be an unfair use of political power to insulate aboriginal choices from market pressure” (Kymlicka 1989a: 186-187). If minority rights were required to promote what liberals would consider matters of individual or collective choice, then the liberal democratic state would be entitled to request that members of these communities revise their life-plans or conceptions of the good so that they would be sustainable without ‘special’ accommodations intended to insulate their choices from the economic market or political legislature. But minority societal cultures are vulnerable to the decisions of the majority community around them, and to secure the crucial resources or accommodations required to sustain their community as a stable and secure context of choice, members of minority societal cultures must outcompete other contenders in the economic market and political legislature. Unlike members of the majority societal culture who find themselves in the fortuitous circumstances of being able to take for granted their context of choice, members of minority societal cultures must spend some portion of their resources to secure their context of choice in order to protect against its debasement, degradation and dilapi-
Tamir hits the nail on the head, “if belonging to a minority group unavoidably carries with it social, political, and frequently economic disadvantages, we might conclude that no national group should be forced to live as a minority” (Tamir 1993a: 149).

In short, members of minority societal cultures must pay to secure the social preconditions for choice, whereas members of the majority get it for free, and the special measures demanded by minority societal cultures are required to compensate for a disadvantage plaguing members of these communities “before anyone makes their choices” (Kymlicka 1989a: 189). This inequality has nothing to do with their choices, so it has nothing to do with subsidizing or privileging their choices. “This is an important inequality, and if it is ignored, it becomes an important injustice” (Kymlicka 1989a: 190).

A point of clarification will aid us in assessing Kymlicka’s argument. He asserts that liberalism’s commitment to equality seeks “to ensure that no one is penalized or disadvantaged by their natural or social endowment, but allow that people’s fates vary with their choices about how to lead their lives”; or, in Dworkin’s terminology, liberalism seeks to be ‘endowment-insensitive’ and ‘ambition-sensitive’ (Kymlicka 1989a: 190).

On the challenge of multiculturality, the inequality addressed by liberal nationalism is an inequality in cultural circumstances or social endowment. It is not an inequality produced by individual choice, life-plan or ambition, and, according to Kymlicka, it is clear that we are dealing with a matter of circumstance because the relevant inequality is faced by all members of the cultural community, even “A two-year-old Inuit girl who has no projects” (Kymlicka 1989a: 189). He adds, “Without special political protection … by

21 Using the example of aboriginal peoples, Kymlicka states, “For the whites who wish to bid for resources in Northern Canada, the security of their cultural community is not in question. They are bidding solely on the basis of what is useful in pursuing the goals that they have chosen to pursue, secure in the knowledge that their context of choice is protected. For aboriginal people … it is necessary to outbid non-aboriginal people just to ensure that their cultural structure survives” (Kymlicka 1989a: 189).
the time she is eighteen the existence of the cultural community in which she grew up is likely to be undermined by the decisions of people outside the community. That is true no matter what projects she decides to pursue” (Kymlicka 1989a: 189). Just as a member of a minority societal culture inherits a vulnerable cultural context prior to making any significant choices about her life, so too a member of a majority societal culture does not face these harrowing circumstances regardless of what choices she makes.

It is crucial to this liberal nationalist argument that we distinguish between chosen plans and unchosen circumstances. Because a liberal theory of minority rights is concerned with inequality in circumstances independent of the choices of individuals or the character of the community, it does not “favour one set of choices about the good life over another”, “traditional practices over non-traditional life-styles, or religious over non-religious life-styles” (Kymlicka 1989a: 191). Kymlicka’s liberal nationalist argument views group-differentiated measures as crucial for maintaining the societal culture in question, but the societal culture must be understood as a community, independently of questions about its character. For this reason, it is a mistake to condemn his argument for attempting to protect and maintain societal cultures in a particular historic form – clearly, Kymlicka is attempting to ensure the continued survival of societal cultures as distinct cultural communities, and his liberal theory of justice commits him to allowing these communities to change with time, according to the wishes of their members.

There is an all-important distinction here. It is one thing to furnish societal cultures with the tools to protect themselves from some of the perilous influences of the economic market and majoritarian political decision-making, and thereby to ensure their continued survival, and quite another matter, to endeavour to preserve societal cultures by
preserving their character. Kymlicka accentuates this distinction several times, including in his treatment of the difference between aboriginal tribes and white supremacist groups. “Only if we ground collective rights in unequal circumstances can we distinguish the legitimacy of aboriginal rights from the illegitimacy of attempts by assorted racial, religious, class, or gender groups to gain special status for their preferred goals and practices” (Kymlicka 1989a: 241). A liberal theory of cultural rights cannot endeavour to preserve the cultural character of societal cultures because any such venture would require using unmistakably illiberal means to pursue a morally questionable end. Instead, Kymlicka explains, “minority rights help ensure that the members of minority cultures have access to a secure cultural structure from which to make such choices for themselves, and thereby promote liberal equality” (Kymlicka 1989a: 192).

Kymlicka’s liberal nationalist argument provides considerable support for his proposal that liberalism is committed to providing some sort of special, minority or group-differentiated support for vulnerable cultural communities, and these measures may be divided into three categories: (i) self-government rights;22 (ii) polyethnic rights;23 and, (iii) special representation rights.24 In general, national minorities may be entitled to a package of self-government and special representation rights, whereas ethnic groups tend to request polyethnic and special representation rights. Yet, Kymlicka explains,

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22 Self-government rights are typically demanded by nations, peoples or ‘societal cultures’. These rights involve the devolution of political authority and power in the form of political autonomy or territorial jurisdiction. In extreme cases, claims for self-government are claims for secession from a sovereign state.

23 Polyethnic rights, according to Kymlicka, “are intended to help ethnic groups and religious minorities express their cultural particularity and pride without it hampering their success in the economic and political institutions of the dominant society” (Kymlicka 1995: 31). Typically, polyethnic rights are intended to facilitate the integration of members of minority groups into the major economic and political institutions of a society without requiring cultural assimilation.

24 Majoritarian political decision-making may lead to the tyranny of the majority over the individual, but also over minority groups. Special representation rights are intended to increase the representativeness of political decision-making procedures by ensuring that minority groups impacted by a policy have at least the right to voice their opinions, but perhaps also reserved seats in the legislature or vetoes on issues of special concern. Special representation rights are intended to facilitate the inclusion of minority groups.
“there is no simple formula for deciding exactly which rights should be accorded to which groups”, and this indeterminacy appears to be unavoidable for a few reasons. First, it does not appear possible to designate cultural communities into a neat set of categories. Kymlicka has been criticized for trying to cram the diversity of cultural communities around the world into two distinct categories, but he has conceded that “not all groups fall neatly into either the ‘national minority’ or ‘ethnic group’ category” (Kymlicka 1995: 131). In his most recent treatment of multiculturalism in international politics, Kymlicka suggests a multi-targeted approach to the challenge of multiculturality with international declarations of rights for indigenous peoples, national minorities, immigrant groups, the Roma in Europe, Afro-Latinos and forest-dwellers in Latin America, hill tribes and caste groups in Asia, and pastoralists in Africa, where each declaration is “premised on the assumption that there are standard threats or predictable patterns of injustice suffered by these types of minorities in various countries” (Kymlicka 2007: 300). Given the overwhelming diversity of cultural communities, their histories, their relationship with other communities within their state and region, and other particularities of their circumstances, we should expect to find it difficult to generate a typology of cultural communities, each with its own unique set of cultural rights.

Second, “the vulnerabilities and disadvantages faced by minorities are not easy to measure or rectify”, and being attentive to the specific needs of a cultural community requires taking note of its unique circumstances (Kymlicka 1995: 131). This task is complicated further when these circumstances, needs and remedies themselves are contested and controversial, as they so often are. Yet, even if it were possible to wade through these murky waters to reach an understanding of the circumstances, needs and
remedies of a minority cultural community, quite often the requirements of liberal
equality, historical agreements and cultural diversity may produce conflicting prescrip-
tions and lead us in different directions (Kymlicka 1995: 131). Even with honourable
and well-meaning intentions, it is difficult to reach agreement on the rights of a single
minority cultural community, and these difficulties are simply compounded exponentially
as we attempt to generalize toward a theory of rights for a subset or all cultural communi-
ties. On a bright note, according to Kymlicka, if what Young calls ‘differential citizen-
ship’ is identified by the adoption of some of these measures, then “virtually every
modern democracy recognises some form of it” (Kymlicka 1995: 174).

There are two important upshots from our discussion of liberal nationalism. First,
liberalism’s commitment to autonomy and equality seems to require group-differentiated
measures to compensate members of vulnerable minority cultural communities for the
unchosen disadvantage vis-à-vis their contexts of choice. Second, many liberal states
have already implemented some form of group-differentiated citizenship. These points
suggest that traditional liberalism is out of step with the contemporary theory and practice
of multiculturalism, but, more importantly, it raises vital questions about the resistance of
some liberals to liberal nationalism.

Yet, matters may not be as definitive as they appear. After all, there is a signifi-
cant tension between the liberal commitment to the equal status of citizens without regard
to national, ethnic, racial or other affiliation and the liberal nationalist commitment to
equality in the cultural circumstances facing individuals. It is not clear that these com-
mitments are mutually consistent, since there are instances when they conflict. Kymlicka
elucidates this tension in his discussion of placing some limits on the mobility rights of
non-aboriginals in order to preserve aboriginal communities (Kymlicka 1989a: 150-151).

This example shows how the mobility rights of non-aboriginals may impact negatively on vulnerable aboriginal communities, and how minority rights for aboriginal communities may impact negatively on the mobility of non-aboriginal citizens. For Kymlicka, it is evident how liberals should navigate their way through this tension.

To give every Canadian equal citizenship rights without regard to race or ethnicity, given the vulnerability of aboriginal communities to the decisions of the non-aboriginal majority, does not seem to treat Indians and Inuit with equal respect. For it ignores a potentially devastating problem faced by aboriginal people, but not by English-Canadians – the loss of cultural membership. To insist that this problem be recognized and fairly dealt with hardly sounds like an insistence on racial or ethnic privilege (Kymlicka 1989a: 151).

But there is a genuine problem here for liberals, and the problem centres on the content of the liberal commitment to equality, and what it means to treat individuals with equal respect. After all, respect is owed to individuals as citizens of the liberal democratic state and as members of national communities, and these dimensions of respect for the individual may pull in diametrically opposed directions. Kymlicka suggests, “The special status of aboriginal people can be viewed as an acceptable, if imperfect, resolution of this conflict” (Kymlicka 1989a: 152), and this type of case demonstrates the importance of the politicization of culture through special, minority or group-differentiated measures.

3.6 The Impossibility of Cultural Neutrality and the Politicization of Culture

If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse, and you say that you are neutral, the mouse will not appreciate your neutrality (Desmond Tutu as quoted in Quigley 2003: 8).

Dante once said that the hottest places in hell are reserved for those who, in times of great moral crisis, maintain their neutrality (John F Kennedy 1963: 503).

It is difficult to overemphasize how influential Kymlicka’s arguments have been in the liberal, nationalist and multiculturalist literatures on cultural diversity, but they have not
persuaded enough liberals that they ought to embrace group-differentiated citizenship and become liberal nationalists. Many liberals still remain unconvinced that they should relinquish the depoliticization strategy as a response to the challenge of multiculturality. For these liberals, the analogy between religion and culture is sustainable, religious groups and cultural communities do not represent distinct challenges to liberal theory and practice, and the depoliticization strategy offers a fair, equal and just procedure for dealing with these forms of difference. Within the limits established by liberal principles of justice, freedom of association permits individuals to gather with likeminded people to practice their religion or culture. Also, it permits them to build religious facilities and community centres, to determine the terms of their association and membership, and to incorporate these religious and cultural practices into their lives without the interference of the government’s power and authority. On this view, liberal principles of justice treat individuals as equals by not interfering with religious and cultural communities within the private sphere. In other words, liberalism attempts to contend with the challenge of religious and cultural difference by remaining neutral between competing religious and cultural communities. Neutrality, it is assumed, establishes the liberal democratic state as fair, impartial and evenhanded vis-à-vis the religious and cultural communities within its jurisdiction. To recognize the political aspirations of any of these communities would be to compromise this neutrality and invite charges that the liberal democratic state has treated communities differently, unequally, unfairly, partially, and, ultimately, unjustly.

The aspiration to remain neutral between different religious and cultural communities is laudable, but liberal nationalists have suggested that the depoliticization strategy, which proved so effective during the European wars of religion, is not a viable approach
to multiculturality because the ideal of cultural neutrality is both impossible and undesirable. Briefly put, it is impossible because the state cannot avoid taking a stance on some cultural issues, and it is undesirable because the pretence to neutrality often ends up being a thinly veiled disguise for the systematic privilege of the majority cultural community, or even for a subtle form of cultural imperialism. This point about the infeasibility and precariousness of the ideal of cultural neutrality is paramount for establishing a morally relevant distinction between the respective challenges of religious and cultural diversity.

On this topic, it is surprising to find that what is perhaps the weakest argument against the liberal ideal of cultural neutrality comes from Charles Taylor. He argues, when contending with the challenge of multiculturality, liberalism claims that “it can offer a neutral ground on which people of all cultures can meet and coexist” (Gutmann 1994: 62). It claims to provide such a foundation by distinguishing the public from the private sphere, and then relegating “contentious differences to a sphere that does not impinge on the political” (Gutmann 1994: 62). Taylor believes that the Rushdie affair shines a light on “how wrong this view is” because it demonstrated how, “for mainstream Islam, there is no question of separating politics and religion the way we have come to expect in Western liberal society” (Gutmann 1994: 62). Since liberalism cannot accommodate communities that advocate the politicization of their comprehensive doctrine and/or conception of the good, “liberalism can’t and shouldn’t claim complete cultural neutrality”: “Liberalism is also a fighting creed” (Gutmann 1994: 62).25

This argument is uncompelling “because no attempt is made to specify what

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25 Also, this claim that liberalism is fighting creed should be treated with suspicion. When Muslims, Christians, Jews or adherents of some other religion or worldview demand the politicization of their view, it is a demand that one particular doctrine or authority should be elevated to a position of political privilege over competing or rival doctrines or authorities. Liberalism does not seek to attain political privilege, but rather to establish equality between these competing doctrines and authorities, or to treat them fairly.
‘complete cultural neutrality’ might look like or to explain why it should ever have been supposed that liberalism is committed to it” (Barry 2001: 27). The only evidence seems to be liberalism’s incompatibility with political Islam, but it is noteworthy that Taylor could have mentioned any creed committed to the politicization strategy, including “most versions of organized Christianity too” (Barry 2001: 27). It is evident that, whatever cultural neutrality means to those liberals endorsing it, it does not require a liberal theory compatible with every existing and possible worldview. Such a preposterous view serves to undermine liberalism as a view aspiring to provide the equal, fair and just conditions for individuals and communities to coexist peacefully, despite differences in their worldviews and conceptions of the good. Once we dispel the myth that liberal cultural neutrality requires *universal compatibility*, i.e., compatibility with every existing and possible view, it appears that a more fruitful starting-point would be the idea that cultural neutrality is part of liberalism’s commitment to equality, fairness and justice. Whatever other conclusions we may derive from Taylor’s argument, it is clear that liberalism’s conception of cultural neutrality is not committed to universal compatibility.

Another argument against the ideal of cultural neutrality is found in the work of Tamir. She explains that many liberal democratic states have attempted to maintain the pretence of cultural neutrality between different cultural communities within their jurisdiction through a policy of equal non-interference. This view of cultural neutrality as equal treatment relies on a negative conception of freedom as non-interference with or non-intervention in the internal affairs of the individual and her cultural communities. The basic idea was that the minimal state could remain neutral, “as long as it refrained from interfering in the lives of all its members to the same extent” (Tamir 1993a: 145).
After all, the minimal state only needed to show tolerance and exercise restraint toward individuals and cultural communities holding different comprehensive doctrines and conceptions of the good. So, whatever its other shortcomings, the minimal state could at least hope to remain culturally neutral through tolerance and inaction.

Such a conception of cultural neutrality is not available under the welfare state, however. The liberal welfare state is committed to ensuring conditions of equality of opportunity for all its citizens, and its political power and authority are thus guided and limited by this commitment. Also, based on this commitment, the liberal welfare state “can choose to endorse only one of two available versions of neutrality”: (i) neutrality of reasons for action, or (ii) neutrality of consequences or outcomes (Tamir 1993a: 146). Neutrality of reasons for actions requires only that “government should not aim at disbenefiting certain groups simply because they hold a particular conception of the good”, whereas neutrality of consequences requires also that government decisions do not have a disparate or differential impact on individuals holding different conceptions of the good (Tamir 1993a: 146). Since interindividual and intercommunal differences seem to be endemic to the human condition, consequential neutrality is an impossible ideal – it is tantamount to aiming for a law or policy to have an equal impact on all citizens. After all, “The state is forced to take a stand on social, political, moral, and economic questions, and those who agree with state-advocated policies have a better chance of pursuing their own life-plans and conceptions of the good” (Tamir 1993a: 146). So, the liberal democratic state should abstain from endorsing a particular conception of the good in the interest of equality of opportunity for all citizens.

While this restriction is important, Tamir insists that it is not enough to ensure
cultural neutrality, “since even the most general procedural principles reflect beliefs about what is fair and efficient” (Tamir 1993a: 146). After all, “The cultural essence of the state comes to the fore in its political institutions and in the official language, as well as in the symbolic sphere, in the selection of rituals, national heroes, and the like” (Tamir 1993a: 148). Without further support, this objection resembles the point made by Taylor, but Tamir does expand on her reasoning.

Views about the fairness of procedures express a certain conception of the good, as views about efficiency cannot be fully developed unless ends are assigned, and the assignment of ends necessarily reflects a view about personal well-being and the preferred social order. This is particularly true in welfare states, which cannot avoid taking a stand regarding distributive policies. Any attempt to implement a strict interpretation of neutrality in a welfare state is therefore doomed to failure (Tamir 1993a: 146).

Thus, she concludes, it is impossible for the liberal welfare state to be neutral between different worldviews and conceptions of the good.

Furthermore, unlike other ideals that may be difficult to fully achieve, yet worthy of pursuit as aspirational ideals, cultural neutrality is impossible and dangerous. On the one hand, even if the liberal democratic state could “develop a totally neutral political structure, equally unconnected to the culture of any one of its citizens”, this neutral public sphere would risk “alienation and irrelevance”, and “alienation from a system characterised by cultural features one does not share is a persistent cause of personal suffering and political unrest” (Tamir 1993a: 11, 149). In this sense, the aspiration for cultural neutrality in the public sphere misguidedly undermines political unity. On the other hand, the pretense of being culturally neutral while actually being culturally particular and partial is potentially harmful and oppressive. The liberal democratic state is portrayed as the neutral coordinator of universal policies and arbiter of disputes; it is the abstract and impersonal public sphere, which stands separate from society “both in terms of its special
functions and in terms of the peculiar character of the authority it exerts” (Tamir 1993a: 147). The problem is that any individuals and groups that do not subscribe to its policies are placed at a disadvantage, meaning that, paradoxically, “The attempt to relate to all members equally culminates in an ideal discriminating, against anyone outside the consensus, opposed to state policies, or protesting its actions” (Tamir 1993a: 147). The liberal welfare state, according to Tamir, cannot avoid being morally and culturally biased, and the ideal of neutrality allows it to deny these biases as it privileges some at the expense of others. The pretense of neutrality prevents the liberal welfare state from “acknowledging the disadvantages suffered by minorities, and the need to ensure them special rights and protection” (Tamir 1993a: 148). In this sense, the aspiration to realize the ideal of cultural neutrality allows for various individuals and groups to be harmed, disadvantaged and neglected in the supposed pursuit of justice, and, as a result, members of minority cultural communities find themselves with “a choice between two evils: they could remain estranged and marginalized or integrate at the price of self-effacement” (Tamir 1993a: xxv). For these individuals, Tamir argues, universal citizenship is a polite and idealistic euphemism for a harrowing choice between assimilation and exclusion.

This second type of argument for the impossibility and undesirability of the ideal of cultural neutrality attempts to substantiate its conclusion by demonstrating that the liberal democratic state, like every other politico-legal institution and social enterprise, cannot avoid being cultural or, in Tamir’s terminology, having a cultural essence: “As those who create the political system, legislate its laws, occupy key political positions, and run the state bureaucracy have a culture that they cannot avoid bringing into the political domain, the separation between state and culture is revealed as an impossible
endeavour” (Tamir 1993a: 149, my emphasis). The liberal depoliticization strategy for contending with religious diversity is captured in the oft-quoted slogan “the separation of church and state”, and, similarly, Tamir believes that the ideal of neutrality commits liberals to the separation of culture and state, which she interprets as requiring that politico-legal institutions should be acultural or culture-free. If neutrality prescribed the aculturality of institutions, then Tamir is correct that it would be an utterly hopeless struggle. Even the thinnest possible political arrangement would involve the recognition of a value like tolerance, independence or non-interference, and both these values and the terms of such an arrangement would have to be expressed in some sort of linguistic form.

Yet, it is not clear why Tamir thinks that any liberal would aim for an acultural political sphere or deem it to be desirable, particularly when religious neutrality does not require the public sphere to be scrubbed clean of any and all vestiges of religion. Instead, the separation of church and state requires, among other things, a mutual parting of power and authority between religions in the social sphere and government in the public sphere, but religious neutrality does not seem to require the public sphere to be areligious or religion-free.²⁶ For instance, a law’s historical pedigree in the doctrine of a particular religion does not itself constitute a violation of religious neutrality. The legal definition of marriage as a formal union of a man and a woman is not problematic because it has a source in Christian theology and practice, but rather because it is an unequal, unfair and unjust practice that discriminates against individuals wishing to marry someone of the same sex. Cultural neutrality does not require the liberal democratic state to be acultural any more than religious neutrality requires it to be areligious, and, for this reason, the

²⁶ If a political office were reserved for a member of a particular religion and the person holding this post were chosen by the internal procedures of the religion, then this practice would constitute as much of a violation of religious neutrality as the practice of the liberal democratic state choosing a religion’s leader.
aculturality interpretation of cultural neutrality should be dismissed.

These ideas that cultural neutrality is impossible and undesirable because no political theory or institution is capable of being universally compatible or acultural are widespread, but they do not provide credible interpretations of liberalism’s commitment to cultural neutrality, especially when neutrality is understood as a general ideal containing religious and cultural neutrality as analogues. These critiques are related to, but distinct from, Kymlicka’s argument that the human rights approach is ill-suited for the challenge of multiculturality because it cannot provide suitable responses to a set of controversial and inescapable issues involving cultural minorities.²⁷ Kymlicka asks,

which languages should be recognised in the parliaments, bureaucracies, and courts? Should each ethnic or national group have publicly funded education in its mother tongue? Should internal boundaries be drawn so that cultural minorities form a majority within a local region? Should governmental powers be devolved from the central level to more local or regional levels controlled by particular minorities, particularly on culturally sensitive issues of immigration, communication, and education? Should political offices be distributed in accordance with a principle of national or ethnic proportionality? (Kymlicka 1995: 4-5).

These unavoidable cultural issues are not an embarrassment for liberal political theory alone, but also for most other political theories. The problem for traditional human rights doctrines and these other theories is not so much that they provide the wrong answers to these questions, but rather that “they often give no answer at all” (Kymlicka 1995: 5). “To resolve these questions fairly,” Kymlicka suggests, “we need to supplement traditional human rights principles with a theory of minority rights” (Kymlicka 1995: 5). The unavoidability of some cultural issues is supposed to justify group-differentiated measures for the protection and promotion of minority cultural communities as a fair balance for the cultural benefits amassed by members of the majority community.

²⁷ Tamir advances a version of this argument as well (Tamir 1993a: 146).
It is possible to question this argument on two fronts. We may ask whether there are indeed such unavoidable cultural issues, and if so, whether the existence of such issues requires liberal democratic states to abandon universal citizenship for some sort of group-differentiated citizenship. Let us consider national and religious holidays. In a multicultural society where different groups commemorate or celebrate different national and religious holidays, the liberal democratic state is faced with the challenge of what holidays to recognize and how to recognize them. Not only are there different holidays, but sometimes the same holiday holds significantly different, inconsistent, and perhaps even diametrically opposed meanings for different cultural communities; for instance, what is for one community a glorious victory may be for another community a day of mourning. While it is notoriously difficult to provide a general treatment of such an issue, this is an avoidable cultural issue. If controversy arises around publicly recognized holidays, the liberal democratic state may step back from the issue and refuse to recognize any national or religious holidays at all. This policy response may be undesirable for various reasons, but it remains a possibility. The point here is that some controversial cultural issues may be sidestepped entirely, albeit with the possibility of incurring various other costs. It is important not to understate these potential costs because they could be quite high, and one such example is discussed by Barry, who raises the possibility of using the depoliticization strategy to resolve controversies involving the education of children (Barry 2001: 199). Undeniably, a proposal to depoliticize education would be controversial and raise a lot of questions about its desirability and the social costs involved, particularly for political unity and equality of opportunity, but it is clear enough that the liberal democratic state may respond to many controversial cultural issues by
simply avoiding them; i.e., sidestepping them through depoliticization.

Not all controversial cultural issues are avoidable, however. Most notably, there are those issues involving language. Debates in democratic legislatures require at least one official language, if they are to succeed at their intended purposes, and, similarly, courts of law require effective communication for judges, juries, lawyers and witnesses to perform their roles appropriately. These examples may be multiplied, but the point is readily visible: there are unavoidable cultural issues, where unavoidability means they cannot be simply sidestepped or consigned to the private sphere (Barry 2001: 107; Parekh 2000: 263). Do unavoidable cultural issues require liberals to replace or supplement universal citizenship with some sort of differentiated citizenship? The rationale for thinking that some group-differentiated measures are required in the interest of equality has been explained already. Liberal nationalists believe that members of majority groups are often advantaged or privileged by virtue of enjoying a stable cultural community, whereas individuals in a minority nation must find ways to maintain their communities.

Special accommodations are often considered to be an acceptable way to offset the disadvantages of this unchosen inequality, but some liberals have foresworn this conclusion in favour of a different policy response: an appeal to local convention (Barry 2001: 107). This strategy accepts that some language is required for the normal operation of a legislature or court, but claims that many languages could perform this function equally well. Since language and culture are conventional and arbitrary, it is acceptable to appeal to our local conventions without needing to publicly recognize other languages and cultures. Clearly, this strategy may be an apt reaction for some conventional practic-
somewhat superficial. For instance, an appeal to local convention seems appropriate for
traffic legislation, like the side of the road on which people may drive their vehicles, but
it seems to disregard the moral and prudential value of culture in more serious cases, like
in a criminal proceeding. Whether it is a defendant, witness or jury member, it is crucial
that participants in a trial understand what is said. The legitimacy of the criminal trial
itself requires that defendants, witnesses and juries understand what is being said, and, in
these cases, an appeal to local convention is a callous method of contending with a
significant cultural issue. Examples like the criminal trial have persuaded many political
theorists and practitioners of the merits of some group-differentiated citizenship rights.

There is a central premise in the argument, and I believe that most liberals will be
troubled by it, if they do not oppose it entirely. Those liberal nationalist arguments for
group-differentiated measures involving a critique of cultural neutrality often view these
measures as a legitimate way to protect the neglected cultural interests of citizens within
the jurisdiction of the liberal democratic state who are not members of the majority
nation. Group-differentiated measures are ‘special’ measures serving the interests of
members of minority nations, and they are intended to remedy a systematic neglect that
arises in the normal operation of the economic market and majoritarian political decision-
making. The key assumption is that the liberal democratic state is permitted, or perhaps
even required, to act like a nation-state serving the cultural interests of members of the
majority nation. Because this view holds that the state is permitted or required to protect
the majority nation, and because this course of action systematically advantages members
of the majority nation while disadvantaging members of minority nations, it must com-
pensate for the unchosen inequalities resulting from its nationalistic aspirations. That is
to say, since majority nation-building is legitimate, so too is minority nation-building.

This crucial assumption is prescriptive in nature, not descriptive. Of course, it is not uncommon to come across descriptive claims about liberal democratic states having pursued policies intended to portray themselves as nation-states, and to protect and promote the national character of the society. These discussions often begin with the descriptive, but then quickly slide into normative prescriptions concerning minority nation-building. The missing link in the reasoning is the liberal nationalist assumption that it is permissible, and possibly even required, for the liberal democratic state to pursue nation-building. There are two steps to the argument. First, there are the unavoidable cultural issues, and, second, since liberal democratic governments are necessarily implicated in the cultural affairs of its citizens, individually and collectively, it must ensure that the cultural interests of its citizens are protected and promoted equally. But this argument may move too hastily to its conclusion. After all, in at least some circumstances, the liberal democratic state will be able to reduce its involvement in the cultural affairs of its citizens by using either of the avoidance strategies discussed above; i.e., legitimately sidestepping, or invoking local convention. Of course, as Parekh indicates, “Which inequalities are eliminable, at what cost, and who should bear it are bound to be a matter of dispute” (Parekh 2000: 263). Nonetheless, these strategies narrow the scope of controversial cultural issues, but they cannot be used to dismiss all of the serious issues raised by minority cultural communities, such as the language used in criminal law proceedings or educational institutions. The stakes involved in this type of issue are quite high, and the issue itself cannot be sidestepped or treated as a local convention.

Ultimately, the question for liberals is how to deal with these unavoidable cultural
issues in an equal, fair and just way. On some issues, the liberal democratic state may remain culturally neutral by treating individuals with equal consideration and respect rather than striving for universal compatibility or aculturality. On the issue of language rights in the criminal justice system, for instance, since the legitimacy of the system itself requires that defendants and witnesses understand what is being said during the legal proceedings, there is at least a prima facie right for interpreters to convey what is being said in the person’s native tongue, where her understanding of the events in the courtroom may be relevantly deficient and the use of an interpreter would ensure adequate comprehension. This right would apply even to individuals who speak the majority language, but perhaps they speak or comprehend it to a lesser degree than is appropriate for the legal context. To clarify, on issues where it is legitimate for the liberal democratic state to provide a benefit of some sort to members of the majority cultural community, equal consideration and respect mandate that such a benefit be provided in kind for members of minority cultural communities as well. This individualistic, universalistic and egalitarian approach also suggests that the primary language(s) of the court should be determined by the distribution of languages spoken by the citizens in the jurisdiction.28

Consider again the case of publicly recognized holidays. If a liberal democratic state recognizes Christian holidays as public holidays based on its cultural heritage, but its cultural landscape has changed so that publicly recognized holidays have become a controversial cultural issue, then it has the option of depoliticizing the issue by abolishing the public recognition of these holidays, proclaiming that public holidays are a matter of local convention, or, alternatively, abolishing the public recognition of these Christian holidays, but allocating to each individual a specific number of holiday vouchers to use

28 This same individualist foundation could be used to determine the boundaries of jurisdictions as well.
as she sees fit. If she would like to use her holiday vouchers to celebrate the Christian holidays, she would be free to do so, but she would be equally free to celebrate Muslim, Jewish or Hindu holidays, a mixture of these holidays, or no holidays at all. In fact, she could use them to take a personal vacation. On many issues, if we consider the cultural benefit provided to members of the majority for free by the government, we can find ways to provide this same benefit to every member of the society without requiring group-differentiated citizenship. This is an individualistic, universalistic and egalitarian approach to controversial cultural issues, which respects the liberal commitment to equality without implementing the politicization strategy. My proposal for the allocation of holidays in a society characterized by multiculturality is consistent with the liberal depoliticization strategy, where the liberal democratic state establishes a private sphere of individual choice and control over some significant aspect of life, but it does so with fidelity to its commitment to the equal status of individuals within its jurisdiction.\(^2\)

On my proposal, then, liberal neutrality involves the equal and fair treatment of individuals. This conception of neutrality corresponds with the type of position advanced by liberal political philosophers who believe that neutrality has an important role to play within any version of liberalism committed to the equal, fair and just treatment of difference, but who believe also that they do not have to choose between the traditional options of neutrality of reasons and neutrality of outcomes. There are plenty of arguments against neutrality of outcomes, effects or consequences, and the consensus among liberals seems to be that this form of neutrality is both impossible and undesirable. On this view, most political policies and laws are non-neutral, including “the least controversial liberal principles” (Patten 2012: 256). A significant shortcoming of this notion of neutrality is

\(^2\) Admittedly, this proposed approach may not resolve all unavoidable cultural issues.
that very few policies would count as neutral. Neutrality of reasons, aims or justifications has the opposite problem: it “sweeps too widely, counting as neutral policies that seem, intuitively, to be non-neutral” (Patten 2012: 255). Alan Patten offers an example of religious establishment in which the state confers a benefit to one religion that it does not provide to the others, but it does so to bring about desirable social consequences. “The aim is to bring about the relevant social consequences, and the justification is the desirability of those consequences. But the policy still involves an official state preference for one particular religion and would strike many people as plainly non-neutral in character” (Patten 2012: 256). The problem emphasized by Patten is that neutrality of outcomes is often impossible, whereas neutrality of reasons, intentions or justifications is inadequate.

Instead, Patten defends liberal neutrality as ‘neutrality of treatment’. He holds that liberal neutrality requires the state’s policies to be “equally accommodating of rival conceptions of the good” (Patten 2012: 257). Patten’s insight is that a policy may be equally accommodating of different conceptions of the good, even though it is expected to have different impacts on the success of those conceptions. Neutrality of treatment and neutrality of outcomes may diverge because outcomes are not impacted solely by political policies and law. For instance, in another example, Patten discusses a policy to build a new outdoor recreational venue. This policy provides members of the community with the opportunity to play softball or cricket, but even though the facilities have been provided, “so few people want to play cricket that there is no realistic prospect of ever getting a game together” (Patten 2012: 259). In this example, there is neutrality of treatment without any expectation of neutrality of outcome. This is the general idea motivating many liberals to renew their commitment to neutrality, while retaining their
opposition to justificatory and consequential neutrality. Quite often, this idea of neutral
treatment is associated with ideas of democratic equality, the fair treatment of individuals
as free and equal citizens (Shorten 2012), fair equality of opportunity to pursue one’s
conception of the good (Quong 2006), or evenhandedness (Patten 2003). Additionally,
this idea of treating individuals with diverse cultural beliefs and communal memberships
equally, fairly, evenhandedly, and, thus, justly is crucial to my proposal.

The privatization strategy is often employed to treat individuals equally, fairly,
neutrally and justly. This distinction between privatization and politicization is crucial to
any liberal treatment of difference, including the challenge of multiculturality, but these
terms are frequently mired in confusion. One reason for this confusion is that privatiza-
tion and politicization are intimately linked, and it is important to appreciate how they are
mutually dependent notions. One way to clarify the difference between the privatization
and politicization policies, their interdependence, and what is at stake in the decision to
adopt a politicization strategy toward culture and community, is through a disagreement
between Young, Barry and Benhabib. This disagreement begins with Young’s concerns
about liberalism’s aspiration to treat individuals with equal concern and respect by
transferring difference to the private sphere. Young reports, “For gay men and lesbians
the analogue to racial integration is the typical liberal approach to sexuality, which
tolerates any behavior as long as it is kept private. Gay pride asserts that sexual identity
is a matter of culture and politics, and not merely “behavior” to be tolerated or forbidden”
(Young 1990: 161). The problem for liberalism’s privatization strategy is that “most gay
and lesbian liberation advocates seek not merely civil rights, but the affirmation of gay
men and lesbians as social groups with specific experiences and perspectives” (Young
For Young, this affirmation requires the political recognition of the specific experiences and perspectives of gay men, lesbians, and, more generally, other persons of difference. She believes that the public sphere should reflect the differences inherent in the citizenry, not just some privileged social group, and liberalism is deficient insofar as it cannot and refuses to sanction the political recognition of difference.

This type of argument is commonplace, and Barry believes that it repeats a “standard anti-liberal myth”, even though liberalism does view sexuality as a private matter (Barry 2001: 273). Two points of clarification are required, however. A first clarification is that, for liberals, ‘privacy’ is not equivalent to concealment behind the closed doors of the home or banishment from public sight – liberalism does not subscribe to a version of the public-private distinction that views the private as a hidden and concealed realm. Such an interpretation flies in the face of the charge that liberalism has a fetishistic devotion to the private sphere.

A second clarification is that liberalism does not prevent individuals from openly and enthusiastically affirming their comprehensive doctrine, conception of the good, or some other perspective. Individually and collectively, liberalism views persons as free to affirm an extensive array of lifestyles, activities, and so on, and it allows individuals to attempt to convince other individuals of the merits of their viewpoints; however, liberal principles do prevent the liberal democratic state from coercively imposing its affirmation of a particular value or way of life onto dissenting individuals (Barry 2001: 274). Given their egalitarian commitments, the temptation of liberals to permit the public affirmation of ‘the equal value of a homosexual way of life’, or the equal social value of homosexuals, women, racial minorities, persons with disabilities, and other persons of
difference, is understandable and laudable. So is the temptation to prohibit morally reprehensible forms of speech that encourage inegalitarianism. Yet, the liberal democratic state should avoid such affirmations and prohibitions for the same reason that it should not proclaim the equal value of a Protestant, a Japanese, or a neo-Nazi lifestyle: the liberal democratic state should not affirm particular comprehensive doctrines or conceptions of the good because it must aim to remain neutral between such views.

But this is precisely what Young and other advocates of public recognition think is contemptible in liberal political theory and practice. Liberalism may require that individuals be treated as equals in the politico-legal sphere, but it does not and cannot mandate that everyone consider everyone else to have equal worth as individuals in the private sphere, however this sphere is demarcated. In this sense, liberalism is consistent with sexist, racist, homophobic, sexual orientationist, ableist, and other inegalitarian attitudes in the private sphere. It is fortunate, as Barry indicates, that “evidence from even the imperfect move towards legal equality that have occurred already indicates that it is enough to eliminate over time the stigmatization of homosexuality” (Barry 2001: 276). Liberals may hope for political egalitarianism to spill over into the private sphere, but liberalism does not permit state institutions to enforce such beliefs in the private sphere for their own sake – this extended toleration in the private sphere allows liberalism to tolerate ways of life that are inappropriate for the public sphere. It appears that the possibility of inegalitarian beliefs about the worth and dignity of individuals and groups is one of the regrettable costs of freedom and toleration in a liberal democratic state.

Liberals are not moral cretins, and they have moral reasons for ruling out the

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30 This qualification is important because there has been a desirable trend toward including economic actors within the public sphere through employment and human rights legislation.
politicization strategy for contending with difference. As we have seen already, some of these reasons are based on the values of individual freedom, equality and toleration, and others on the responsibility of the liberal democratic state to remain neutral between rival comprehensive doctrines and conceptions of the good. There are also specific reasons for rejecting the type of deliberative democratic approach advocated by such prominent theorists as Young, Fraser, and Benhabib. One reason that the deliberative democratic approach as a non-liberal strategy is a bad idea is that the legalization of gay marriage should not have to wait until enough people accept the validity of a homosexual lifestyle, but, more importantly, such reform does not require a democratic vote at all because it is a matter of equal treatment under the law. Paradoxically, in situations where deliberative democrats, liberals and other social egalitarians would most like to see the politicization of the equal value of difference, these measures would likely lack the public support to win a democratic vote. Also, non-liberal forms of the deliberative democratic approach would face a colossal problem, if there were a vote on the unequal or discriminatory treatment of members of some identifiable group. In these cases, non-liberal deliberative democrats have “no principled way of objecting to this politicization of culture” because they tend to hold, as Young has expressed, that “no social practices or activities should be excluded as improper subjects for public discussion, expression or collective choice” (Barry 2001: 277; Young 1990: 120). “They can object to the direction taken by the collective choice of an electoral majority, but they have no way of impugning the right of the majority to give legal effect to its own version of a ‘cultural revolution’ ” (Barry 2001: 277). As a result, it seems that many non-liberal deliberative democrats find the politicization of culture attractive because they assume that the political process will
produce desirable results. For liberals, there are questions that cannot be legitimately put to a vote because the rights of individuals to equal concern and respect would be at stake.

Benhabib has offered a limited defence of Young’s position that “no social practices or activities should be excluded as improper subjects for public discussion, expression or collective choice” (Young 1990: 120). She states, “I do think that some practices and activities are not proper subjects for collective action; however, I also think that all social practices and activities may become proper subjects for public discussion and expression” (Benhabib 2002: 120). Benhabib has astutely divided Young’s proposition into two claims; one about the proper subjects of collective action and legislation, and another about the proper subjects for political deliberation. The crucial insight here is that what and how a government legislates are subject to political deliberation, even if some policy measures are not permitted. In her discussion of US President Bill Clinton’s extramarital affair with Monica Lewinsky, Benhabib clarifies her belief that “An intimate affair between a president and his aide is not a proper domain of collective action, if by collective action we mean legislation”, but “it is the proper subject matter of public contention and debate” (Benhabib 2002: 120-121). For her, this public debate “means the politicization of the culture of sexual mores and the critique of these mores in the light of perfectly liberal norms of autonomy, fairness, and equal treatment” (Benhabib 2002: 120-121). What is clear in Benhabib’s analysis is that privatization is a political process, meaning that the boundary between the private and the public is not only imprecise, but also that it is contestable, often contested, and dynamic. For instance, some aspects of free speech are unproblematic, but beyond this core, there is a penumbra of potential uncertainty and controversy. Liberal principles of justice do not always spell
out definitive courses of action, or there would not be so much internal debate between liberals on these issues. The point here is that the private-public distinction is fluid and dynamic, and the precise location of this distinction is established, maintained, regulated and enforced through a social and political process. In this sense, Young, Benhabib and other non-liberal deliberative democratic theorists are quite right to maintain that culture, community and cultural issues cannot be excluded from the political sphere, but they are right because almost everything is a potential matter of political deliberation.

Yet, they are mistaken in believing that the political discussion of a controversial cultural issue is tantamount to what liberals consider the politicization of culture. There is nothing inherently wrong with characterizing the public deliberation of a cultural issue, like aboriginal self-government, as the politicization of that cultural issue, but it is problematic in any discussion involving liberalism as a theory of justice. In this type of context, the term ‘politicization’ has a specific meaning, which it has inherited as a fundamental concept in the liberal tradition of political thought and practice, and to extend its meaning in ways that are inconsistent with or contradictory of liberal principles is not only misleading, but also a potentially potent source of conceptual confusion. To say that something is privatized means that it has been placed in the private sphere of individual and/or collective control, and outside the legitimate purview of the liberal democratic state; hence why privatization is also called ‘depoliticization’. On this view, a woman’s reproductive decisions are privatized when they are deemed to be a matter for her control, but making something a matter of individual choice simultaneously renders it a matter of personal responsibility as well. Whatever is entailed by a woman’s reproductive rights in a particular context, the issues contained within this domain are beyond the
scope of legitimate political decision-making, even though the parameters of the domain are established by the politico-legal institutions of the liberal democratic state. It is noteworthy that, even when a woman’s reproductive decisions are privatized or depoliticized, her reproductive health as a matter of personal responsibility does not relieve the liberal democratic state of its obligation to provide her with adequate healthcare options, assuming there are such responsibilities. The privatization of reproductive decisions means that a woman is free to decide for herself how to handle her reproductive options, or to choose and revise her reproductive course of action, but this privatization or depoliticization does not permit society through its politico-legal institutions to abandon her to fend for herself. Privatization does not necessarily require neglect, whether benevolent or malevolent, but it does require insulating some aspects of human life from political decision-making. The inextricable connection between privatization and politicization is established in the political processes of carving out the private sphere, and then of continuously managing its contestable and dynamic border with the public realm.

3.7 The Liberal Democratic State and the Nationalist Ideal

Let me state it provocatively. From a cosmopolitan point of view, immersion in the traditions of a particular community in the modern world is like living in Disneyland and thinking that one’s surroundings epitomize what it is for a culture really to exist. Worse still, it is like demanding the funds to live in Disneyland and the protection of modern society for the boundaries of Disneyland, while still managing to convince oneself that what happens inside Disneyland is all there is to an adequate and fulfilling life. It is like thinking that what every person most deeply needs is for one of the Magic Kingdoms to provide a framework for her choices and her beliefs, completely neglecting the fact that the framework of Disneyland depends on commitments, structures, and infrastructures that far outstrip the character of any particular facade (Waldron 1992: 763).

The gist of Kymlicka’s argument for minority rights, then, is that liberal democratic states have already engaged in the politicization of culture by maintaining the majority
community as a context of choice, and, as a matter of equality, fairness and justice, it should extend this politicization to cover any minority societal cultures within its jurisdiction as well. The politicization of culture involves placing some cultural issues within the legitimate purview of governments with their unique form of power and authority, and, in the case of self-government rights, it requires the formation of governments for minority societal cultures, and then some devolution of political power and authority to these governments. Most political theorists accept that this argument is most plausible in the particular case of aboriginal peoples, and then there is the subsequent question of how far the scope of groups may be extended. Yet, the particular case of aboriginal peoples in what are often called the ‘European settler states’ of the United States, Canada, Australia and New Zealand introduces many extraneous factors into Kymlicka’s argument for minority rights. Of course, any community demanding some sort of multicultural accommodation has resources at its disposal beyond a general liberal theory of minority rights, like historical agreements, but it is crucial that liberalism’s response to the challenge of multiculturality is not simply a generalized response to a single type of case. A defensible liberal theory of multiculturalism should be applicable, and versatile enough, to contend with the distinctive features of a wide array of cultural contexts.

The liberal nationalist culture argument for minority rights draws attention to culture and community as necessary preconditions for individual freedom, and the moral requirement to treat all cultural communities within a liberal democratic state equally vis-à-vis unavoidable cultural issues. Beyond these standard considerations, there are a few other reasons for the belief that aboriginal peoples deserve to be recognized as distinct cultural communities and conferred internal political autonomy. First, aboriginal peoples
have endured a long and well-documented history of injustice through the process of European colonization. This history of colonization, injustice and violation of historical treaties cannot be easily overlooked, and it beseeches contemporary states toward various remedial, reparative and restorative measures, including possibly the return of some portion of ancestral territory and the reestablishment of political communities. Second, the legacy of the historical injustices associated with colonization has not yet come to a close, since aboriginal peoples continue to find themselves governed by the descendants of their colonizers. Third, individuals of aboriginal descent comprise a disproportionate share of the most disadvantaged individuals in society, whether we are considering poverty, education, unemployment, domestic violence, suicide, incarceration, alcohol and drug addiction, or other such indicators. Fourth, there are often stark cultural differences between the languages, religions, worldviews, values and practices of aboriginal peoples and the majority within their political jurisdictions. The magnitude of these cultural differences, coupled with the tendency for aboriginals to live in territorially concentrated and isolated communities, accentuates the fact that aboriginal communities are governed by foreigners. Fifth, there is a tendency for aboriginal peoples to be infantilized and, thus, not be viewed as menacing threats to domestic, regional or international peace, stability and security. This demeaning view of aboriginal peoples has had the beneficial effect of obviating one of the main concerns held by many sovereign states about the rights of minority communities to self-government.

Many of these factors contribute to the persuasiveness of Kymlicka’s argument for minority rights for aboriginal peoples, and whatever its particular merits and short-comings, there is widespread agreement on the urgent need to assist aboriginal peoples
and ameliorate their current conditions. These extraneous considerations may bolster a particular group’s claim for some special multicultural measure, but it is imperative that we separate these considerations from our evaluation of the politicization strategy for culture. Kymlicka’s liberal nationalist argument prescribes devolution of political power and authority to minority societal cultures as potential political communities because equality requires that the members of these communities have a stable context of choice, just like members of the majority nation. Indigeneity, historical injustice, conditions of disadvantage and destitution, and significant cultural dissimilarity from the rest of the political community may bolster a community’s case for some group-differentiated accommodation, but they are still only bolstering factors. If a liberal democratic state is precluded by principles of justice from sanctioning the devolution of political power and authority to minority nations, except in extraordinary cases where the politicization of culture is deemed the lesser of possible evils, then these bolstering factors may be largely irrelevant. Given the conditions in many aboriginal communities in the European settler states, it seems likely that such a case may be made for many of these communities.

The pressing question, then, is whether liberalism may support the politicization of culture, and under what circumstances. A common worry among liberal theorists and practitioners scrutinizes the impact of collective measures on individual freedom, based on the assumption that liberal nationalism displaces individual rights in the interest of collective welfare. There is a substantial literature on the relationship and conflict between individual and collective rights, but Kymlicka suggests that “this rhetoric about individual versus collective rights is unhelpful” (Kymlicka 1989a: 35). So too is the discussion of the moral standing of collective entities, like nations. While there are
definitely many theoretical and practical issues involving the delicate balancing of the
dividual and collective dimensions of cultural life and multicultural policies, Kymlicka
is quite right to discourage us from wading into the pedantic debates around individual
and collective rights, and the moral standing of cultural communities. These debates do
not offer a fruitful avenue for progress on the most pressing cultural issues, and the
concerns underlying them may be dispatched relatively quickly. After all, liberalism as a
political theory recognizes the primary moral standing of individuals only, and, the moral
primacy of individuals means that liberalism is concerned with the essential interests of
individuals. For liberals, there is no pressing question about the independent moral value
of collective entities: quite simple, these entities do not have such value or standing.

Yet, collective entities may have a moral value to individuals, and typically, rights
are deployed to protect and promote the most important interests of individuals, specifi-
cally those interests that generate obligations in other individuals. On occasion, these
interests are best protected and promoted by individual rights, but there are also instances
where the interests of individuals acting in concert are best protected and promoted by
collective rights. As long as collective rights are not premised on the independent moral
standing of collective entities, and as long as they serve the interests of individuals,
collective rights do not contradict liberal principles of justice.\footnote{There is an important
distinction between collective and corporate rights. Collective rights protect
individuals, collectively, whereas corporate rights protect corporate entities as independent entities.}
Since the liberal nationalist culture argument is grounded in the cultural interests of individuals, any collective
measure to protect and promote these interests may be assessed in relation to these
individual interests. In general, a liberal theory of justice cannot sanction practices and
activities intended to protect and promote the interests of a corporate entity, construed as
an independent entity with its own interests, at the expense of its individual members.

Yet, situations do arise where compromises are required, but these situations do not necessarily involve balancing the interests of individuals against the interests of the community itself. For liberals, a community’s interests are morally valid instrumentally via their contribution to individual lives. The conflict, then, is not so much a conflict between the individual and her community, or individual and collective rights, but a conflict between the interests of an individual and the interests of other individuals from her community. This point is stressed by Kukathas, and we should remain mindful of it. Of course, this type of issue involving the conflicting interests of individuals who live in a cultural community, a geographic territory or political jurisdiction is not new, and it is definitely not a problem for multicultural societies alone. While this general problem is not novel, its particular manifestation under conditions of multiculturality is accompanied by difficulties that only amplify the challenge of reaching equal, fair and just terms of coexistence for such societies. For critics of liberal nationalism, the relationship between the individual and the collective remains a pressing concern, especially in situations where political power and authority are exercised.

This is a genuine concern, but Kymlicka believes that it is exaggerated. To begin to assuage this concern, he distinguishes between two types of claims that a minority societal culture might make: (i) claims against its own members as a form of internal restriction, and (ii) claims against individuals, groups or the larger society as a form of external protection (Kymlicka 1989a: 35). Internal restrictions and external protections protect the community, “but they respond to different sources of instability”: internal restrictions protect against “the destabilizing impact of internal dissent”, whereas exter-
nal protections protect “from the impact of external decisions”, like the economic market or majoritarian decision-making (Kymlicka 1989a: 36). External protections are less problematic because they seek to insulate communities from the consequences of decisions made by external individual and collective actors. In essence, they seek to protect individuals who want to continue living a particular way of life within their community, meaning that these protections are often not only consistent with liberalism’s commitment to individual freedom and equality, but also a way of realizing this commitment.

Internal restrictions are more problematic, not because they require restricting the freedom of individuals, since every political arrangement and legal system places limits on what individuals may do, but rather because many of these measures amount to the oppressive use of political power and authority. Kymlicka explains, “It is one thing to require people to do jury duty or to vote, and quite another to compel people to attend a particular church or to follow traditional gender roles. The former are intended to uphold liberal rights and democratic institutions, the latter restrict these rights in the name of cultural tradition or religious orthodoxy” (Kymlicka 1989a: 36). Internal restrictions often raise the ire of liberal and feminist critics, but the distinction between internal restrictions and external protections allows Kymlicka to clarify his position: “liberals can and should endorse certain external protections, where they promote fairness between groups, but should reject internal restrictions which limit the right of group members to question and revise authorities and practices” (Kymlicka 1989a: 37). Self-government, special representation, and polyethnic rights help “reduce the vulnerability of minority groups to the economic pressures and political decisions of the larger society” (Kymlicka 1989a: 38). Hence, many group-differentiated rights may legitimately protect minority
communities from external pressures without significantly limiting individual freedom.

The serious controversy involves minority communities making claims for internal restrictions in the interest of the community’s stability in the face of internal dissent. Often, these groups make no qualms about their intent to use self-government or polyethnic rights to impose restrictions on their members to suppress internal dissent. Kymlicka recognizes that, first, “The threat to individual rights from such internal restrictions is real enough”, and, second, “Both self-government rights and polyethnic rights can, under some circumstances, be used to limit the rights of the members of the minority group” (Kymlicka 1989a: 41, 38). Yet, he rejects the oft-invoked explanation that the oppression of individuals is the logical outcome of group-differentiated rights because it is “perfectly logical” to advocate for the protection of our essential cultural interests, “while denying that groups are entitled to impose practices on members who do not wish to maintain them” (Kymlicka 1989a: 41). Nonetheless, there are many instances where a minority societal culture has sought “the legal power to restrict the liberty of its own members so as to preserve its traditional religious practices” (Kymlicka 1989a: 42).

The politicization strategy may provide such groups with collective rights as forms of external protection, but the distinction between external protections and internal restrictions does not establish two mutually exclusive categories. Kymlicka confirms, “[this distinction] is not always easy to draw. Measures designed to provide external protection often have implications for the liberty of members within the community … Laws that are justified in terms of external protection can open the door to internal restrictions” (Kymlicka 1989a: 42-43). Recognizing the potential for even external protections to be misused to wrongly limit the freedom of individuals, Kymlicka reaches
the sensible conclusion that liberals cannot endorse group-differentiated measures uncritically. Moreover, it is evident that, for liberals, any evaluation of the acceptability of a specific measure will make reference to liberal principles of justice. In general, explains Kymlicka, liberalism cannot endorse internal restrictions on the basic rights and freedoms of individuals, but it can support external protections “only insofar as they promote equality between groups, by rectifying disadvantages or vulnerabilities suffered by the members of a particular group” (Kymlicka 1995: 152). In other words, “a liberal view requires freedom within the minority group, and equality between the minority and majority groups” (Kymlicka 1995: 152-153).

Ironically, Kymlicka has been criticized for being a cultural relativist who allows illiberal communities to run roughshod over fundamental human rights, and for being a cultural imperialist who imposes a liberal theory onto otherwise decent non-liberal minority communities. Barry is among the critics who misguidedly claim that Kymlicka does not respect basic human rights. Barry alleges, “In stark contrast to liberals who maintain that human rights should begin at home and then be extended internationally to the utmost extent feasible, Kymlicka clearly buys into the idea that human rights are a form of ‘cultural imperialism’ ” (Barry 2001: 138). He adds that Kymlicka endorses ‘relativism’ in the international domain of sovereign states and at the domestic level of minority societal cultures. Moreover, he asserts, “A theory that has the implication that nationalities (whether they control a state or a sub-state polity) have a fundamental right to violate liberal principles is not a liberal theory of group rights. It is an illiberal theory with a bit of liberal hand-wringing thrown in as an optional extra” (Barry 2001: 140). But these claims are not easily reconciled with Kymlicka’s requirement that any
measures for the protection and promotion of minority nations must be consistent with “freedom within the minority group”. It is quite clear that Kymlicka’s liberalism holds that, as a matter of principle, group-differentiated measures should not restrict the fundamental rights and freedoms of individual members, and it is difficult to see how any liberal theory could hope to neglect this requirement and retain its liberal credentials.

Yet, this liberal requirement is a source of the familiar objection that liberalism is a form of western cultural imperialism, which imposes the values of individual freedom and equality onto non-liberal communities, and to some extent, this objection does raise a real issue. Liberalism cannot sanction every demand made by every minority cultural community, even if the measures demanded would allow the community to survive in its current form. In fact, some minority nations may not qualify for such protections, unless they first alter their internal structures and practices to avoid gross violations of liberal principles of justice. The devolution of political power and authority to an inegalitarian community wishing to politically institutionalize its extensive and pervasive social discrimination against women, for example, cannot be sanctioned by liberalism.

There are different types of violations of liberal principles of justice, however. It is one thing for a liberal society committed to equality to contain some illiberal or discriminatory practices, and quite another for a non-liberal society to hold a foundational belief in the unequal worth and dignity of different types of people. Demands for multicultural accommodations should not be decided on the basis of what type of group is making the demand, but rather on the merits of the particular measure being demanded. A liberal cultural community demanding a measure that violates liberal principles of justice is no more entitled to this measure than the illiberal community seeking to politi-
ally institutionalize its preferred form of bigotry. Similarly, liberal and non-liberal communities are equally entitled to multicultural accommodations intended to permit them to continue some justice-respecting activity. So, any accommodation should be evaluated on the basis of its content, not the characteristics of the group demanding it.

It is unlikely that shifting attention from the community making the demand to the content of the multicultural measures being demanded will appease many critics of liberal nationalism, however. Kymlicka anticipated that some critics would not be satisfied with his liberal theory of minority rights for failing to meet “the real aims of minority groups”, and he confirms their reservations: “I have defended the right of national minorities to maintain themselves as culturally distinct societies, but only if, and insofar as, they are themselves governed by liberal principles” (Kymlicka 1995: 153). Yet, this statement does not settle the matter because Kymlicka suggests that it is “fundamentally intolerant to force a peaceful national minority or religious sect – which poses no threat to anyone outside the group – to reorganise its community according to ‘our’ liberal principles of individual liberty” (Kymlicka 1995: 153). This question of how liberal theorists and practitioners should deal with non-liberal and illiberal nations within the jurisdiction of the liberal democratic state provides yet another test of liberalism’s ability to tolerate individuals, communities and practices that contravene its principles.

Of course, political theorists and practitioners tend to recognize the distinction between identifying and imposing normative principles, and the difficulties of applying these principles in actual cases, but liberals often exhibit a disturbing tendency toward the question of imposing liberal principles of justice. “In the international context,” states Kymlicka, “liberals have become increasing skeptical about using force to compel
foreign states to obey liberal principles” (Kymlicka 1995: 165-166). In the context of liberal democratic states, however, liberals have tended to support the intervention of federal political bodies in the affairs of minority cultural communities.

Contemporary liberals, then, have become more reluctant to impose liberalism on foreign countries, but more willing to impose liberalism on national minorities. This, I think, is inconsistent. Many of the reasons why we should be reluctant to impose liberalism on other countries are also reasons to be sceptical of imposing liberalism on national minorities within a country. Both foreign states and national minorities form distinct political communities, with their own claims to self-government (Kymlicka 1995: 167). Kymlicka accepts that there are important differences between international cases involving foreign states and domestic cases involving national minorities, but he believes that, in both cases, “there is relatively little scope for legitimate coercive interference”, and that “Relations between majority and minority nations in a multination state should be determined by peaceful negotiations, not force” (Kymlicka 1995: 167). There are plenty of non-coercive means available for liberals to attempt to persuade foreign states and national minorities to abolish practices contravening liberal principles of justice. In general, it is difficult to dispute Kymlicka’s claim that liberals have good prudential reasons for seeking a course of dialogue, negotiation and non-coercive persuasion.

Even though political practice requires us to remain mindful of the distinction between identifying and imposing principles of justice, it may be a red herring. It is evident that Kymlicka’s discussion of the distinction is motivated by Kukathas’ assertion that Kymlicka’s liberalism draws him down the path of interference, as well as a desire to draw attention to what he sees as an inconsistent liberal policy of tolerance of the illiberal practices of foreign states coupled with intervention in the illiberal practices of national minorities. Such a policy does exhibit a troubling flirtation with inconsistency, but many
liberals, I believe, are worried about a related issue.\footnote{There is a significant difference though: one case falls within its jurisdiction, whereas the other does not.} Liberal nationalists frequently advocate for the devolution of some measure of political authority and power to minority cultural communities, and it is often suggested that it is wrong for liberals to apply liberal principles of justice to these internal political communities. The idea of devolving political authority and power to sub-state units has become increasingly uncontroversial as the influence of the modernist conception of sovereignty has declined, but there is still a significant issue here pertaining to non-liberal cultural minorities. Is it possible for liberalism as a theory of justice to sanction the devolution of political authority and power to non-liberal and illiberal cultural communities? If we deploy the distinction between identifying and imposing liberal principles, something is lost. What is lost is that, typically, these cases involve illiberal social practices, activities or arrangements, and the main issue is whether these practices, activities or arrangements should receive political sanction. That is, should these illiberal practices be protected and promoted with the use of political power and authority?

For liberals, as we have seen, there is a crucial difference between the social and political spheres, and liberals are capable of tolerating voluntary practices in the social sphere that they cannot tolerate in the political sphere. A basic reason has to do with the differences between social and political power, social and political authority, and the nature of social and political group membership. Liberals may tolerate religious communities committed to and practicing gender, sexual orientationist, or racial discrimination, provided that membership in these communities and engagement in the relevant practices has the voluntary consent of the participants, even if this consent is provided somewhat reluctantly, but it is difficult to see how liberals could identify such communities and
practices as legitimate bearers of political authority or protection. The question of imposing liberal principles onto these communities and their practices is relevant in this context because they are raised as political questions; or alternatively, because the question is raised of allowing these communities and their practices to move from the social to the political sphere through the devolution of political power and authority.33

If the issue concerns the devolution of political authority and power from the liberal democratic state to minority nations committed to infringing upon the liberal ideals of individual freedom and equality, then it is difficult to see how any liberal could advocate for or permit such an arrangement. Again, if the issue pertains to the use of political power to regulate an illiberal practice, then it is difficult to fathom how any liberal could advocate for or permit such an arrangement. In these cases, the identification of what liberal principles of justice require or may permit is clear enough, but the subsequent question is not about the imposition of these principles, and, as such, it appears that any liberal advocating the politicization strategy will not be able to avail herself of the distinction between identifying and imposing principles. Instead, she will need to demonstrate how the proposed violation of the principles of individual freedom and equality ultimately serves the interests of individual freedom and equality.34

Kymlicka’s strategy is to provide a general liberal argument for the politicization of culture through group-differentiated rights and the devolution of political power and authority, and then shift the burden onto his critics to demonstrate that a particular community should not be permitted to exercise political power and authority in general,

33 It is important to recognize that, since liberalism places more restrictions on political authority and power than it does on social authority and power, the depoliticization strategy is able to tolerate a wider array of non-liberal and illiberal communities and practices than the politicization strategy.
34 This task becomes all the more challenging when we factor in the important detail that, unlike affirmative action policies, these group-differentiated measures are intended to be non-temporary arrangements.
or to protect and promote a specific questionable practice. We should resist discussing cultural issues on these terms because liberal principles of justice establish the parameters on political power and authority, and the onus should fall on advocates of the devolution of political power and authority, or the political protection and promotion of illiberal practices, to square their proposals with liberalism’s conception of justice, especially when they would like to see devolution without the requirement to adhere to liberal principles of justice. A general argument about how group-differentiated rights may be consistent with liberalism’s commitment to individual freedom and equality is not sufficient in cases where the community in question has no qualms about using political power and authority to limit the fundamental freedoms of its members or to violate liberalism’s egalitarian commitments. This argument opens the possibility of such measures, but we still need an argument for the specific proposal. Again, it must be stressed that the issue centres on the use of political power and authority within liberal democracies, not on the imposition of liberal principles of justice onto non-liberal communities and practices. Often, liberalism may tolerate these communities and practices in the social sphere, while not being able to devolve political power and authority to them.

Questions about the impossibility and undesirability of cultural neutrality, the private-public distinction, individual and collective rights, internal restrictions and external protections, and identifying and imposing liberal principles offer significant insights into a plethora of pressing cultural issues, but there is a sense in which they may distract from the core issue. At the most fundamental level, there is a crucial dispute between liberals about the appropriateness of the politicization strategy and devolution of political power and authority to nations, and this disagreement is reflected in the debate
over whether liberalism and nationalism are consistent as political theories of justice. In the 1980s and 1990s, many political theorists were asking whether liberal nationalism was a coherent amalgam or a perplexing oxymoron, but these theorists drew attention to the tension between liberalism’s individualism and universalism, and nationalism’s collectivism and particularism. Liberal nationalists offered inventive amalgamations of these political theories, but the resultant theories were liberal theories of nationalism. That is, they were fundamentally liberal theories embracing some of the virtues of nationalism, like our dependence on national membership for individual freedom, well-being, identity, democracy, and so on. No matter how much ingenuity they displayed, liberal nationalists were unable to allay all liberal concerns about the balance between its individual and collective elements, and its seeming propensity to lean toward sanctioning the illiberal and unjust usage of political power and authority. For many liberals, liberal nationalism has left nagging concerns about its internal consistency and moral desirability, but these concerns do not always directly involve cultural neutrality, collective rights, or internal restrictions on the basic rights and freedoms of individuals.

Instead, these liberals are often displeased with what they see as the liberal nationalist attempt to breathe life into the nationalist ideal of the coextension of national and political boundaries, and the correlative ideal of nations exercising political power and authority within jurisdictions of their own. The essence of this ideal is that nations, peoples, societal cultures, and, generally, any other kind of large-scale and encompassing cultural community should hold some measure of political power and authority, whether these groups find themselves as numerical majorities or minorities within a contemporary state. This ideal requires that, so far as possible, political boundaries should be revised to
establish national majorities within every political jurisdiction and to avoid national minorities within these jurisdictions. Once political jurisdictions are adjusted to meet this nationalist aspiration, nations are permitted to exercise their political power and authority not only to ensure their survival, to protect the fundamental cultural interests of their members, and to forge public spheres reflecting their distinctive cultures, languages and national histories, but also to govern in accordance with their cultural norms. In short, the nation-state may institutionalize the nation’s language in the public sphere, commemorate its history and holidays in the public sphere, and, generally, conduct itself as a politico-legal defender of the nation.

The nationalist ideal provides one approach to the survival of nations and other similar large-scale and encompassing cultural communities, but it is not an ideal to which liberals may commit in an unqualified fashion, if at all. As liberal nationalists have endeavoured to provide defensible liberal theories of nationalism, they have laid out important qualifications and limitations on the nationalist ideal. Some of these limits on political power and authority derive from the liberal commitments to the equal worth and dignity of persons, and the individual’s right to be free to form, revise and pursue her conception of the good, including matters related to her cultural memberships. These commitments generate a private sphere of protection from political power and authority, as well as an obligation on governments to treat their citizens equally, regardless of their national memberships. These familiar limitations and obligations on liberal democratic governments restrict the ability of the nation-state to conduct itself as a defender of the nation, and in general, national politicization is thought to require and benefit from these qualifications – qualifications derived from liberal principles of justice.
Another significant qualification originates in the relationship between the idea of the nation as a cultural community and the liberal theory of responsibility. On this view, for any government to respect the equal status of individuals as moral agents, it must respect the ability of the individual to form, revise and rationally pursue her conception of the good, but also it must hold individuals responsible for at least the immediate and foreseeable consequences of their choices. That is the basis for liberalism’s tolerance of inequalities stemming from individual choices, and its commitment to compensating for unchosen inequalities in circumstances. This distinction between matters of choice and matters of circumstance helps to explain why nations, unlike many other cultural communities, may exercise political power and authority. According to Kymlicka, typically, an individual becomes a member of a nation as a matter of circumstance or birth, not as a matter of individual choice. Moreover, a nation does not typically subscribe to a single set of values, conception of the good, or comprehensive doctrine. Kymlicka explains,

it is precisely because national identity does not rest on shared values that it provides a secure foundation for individual autonomy and self-identity … that national identity does not require shared values also explains why nations are appropriate units for liberal theory – national groupings provide a domain of freedom and equality, and a source of mutual recognition and trust, which can accommodate the inevitable disagreements and dissent about conceptions of the good in modern society (Kymlicka 1995: 105-106).

In this sense, then, for Kymlicka and many other liberal nationalists, nations are the appropriate social unity for liberal political philosophy and practice.

Like so many key concepts in political theory and practice, the term ‘nation’ is neither straightforward nor uncontroversial. Due to its intimate relationship with the right to self-determination, especially in the international law and politics of the United Nations era, much attention has been devoted to the search for necessary and/or sufficient conditions for nationhood. After all, nations seemed to have a right to self-determination
under international law, whereas non-national, sub-state, cultural communities did not have any rights at all. For vulnerable communities seeking to ensure their survival and to protect themselves from external forces, much hinged on whether they could successfully portray themselves as nations. Similarly, for sovereign states seeking to maintain their territory and jurisdictional authority, it seemed crucial to deny the presence of national communities within their borders. With a right to self-determination for nations, there was a pressing need to be able to identify nations and distinguish them from other types of community, so a frantic search for objective characteristics of nations began.

The search for objective criteria was unsuccessful. Tamir explains, “all attempts to single out a particular set of objective features – be it a common history, collective destiny, language, religion, territory, climate, race, ethnicity – as necessary and sufficient for the definition of a nation have ended in failure” (Tamir 1993a: 65). There were a few reasons for this failure. First, it is not always possible to reach agreement on whether a particular group is a nation. For many cultural communities, it appears evident enough that they are nations, but for many others, there is significant disagreement. Second, this disagreement is fuelled by the problem that, even within the uncontroversial set of nations, they exhibit much diversity in their features. Setting aside the penumbral cases, the agreement on the core sample of nations does not yield uncontroversial characteristics of nationhood. Quite simply, there is too much variety between nations, and this variety impedes efforts to compile a list of necessary and/or sufficient conditions for nationhood.

The consensus eventually reached by political theorists was that ‘nation’ is a cluster concept; that is, a community exhibiting a sufficient number of objective features of nationhood (Tamir 1993a: 65). Nations will, therefore, exhibit a family resemblance,
even though they might not share the same set of identifying features. Yet, even a sufficient number of these objective characteristics of nationhood is insufficient because there is a single necessary condition for a collective entity to be a nation: the existence of a national consciousness.\(^{35}\) David Miller explains, nations are constituted by belief, and exist only when their members believe that they do (Miller 1995: 25-27). A group exhibits a national consciousness when its members view themselves as constituting a distinct community, and its members share a sense of collective belonging and a belief that there is some special reason for their association (Mason 1999: 263). These special reasons tend to be associated with the objective features of nationhood, like a common history, language or culture, and Moore explains that “Their collective identity involves a rhetoric about indivisibility, sovereignty or an aspiration to sovereignty, political legitimacy, common descent or common culture, and special relations to a certain territory” (Moore 2001: 6). In short, the consensus reached is that a nation is a cultural community exhibiting a sufficient number of objective features of nationhood, and whose members have a national consciousness and a sense of collective belonging.

Culture has a special role in this picture because culture is more than just one of the many possible objective characteristics of nations. For Tamir, “culture … is what holds a nation together and preserves it as separate from others” (Tamir 1993a: 8). The special importance of culture to nationhood is widely stressed. According to Avishai Margalit and Joseph Raz, for instance, nations are encompassing groups characterized by pervasive cultures. This means that “the group has a common character and a common

\(^{35}\) According to Alfred Cobban, “Any territorial community, the members of which are conscious of themselves as members of a community, and wish to maintain the identity of their community, is a nation” (Cobban 1969: 107). Cobban’s view is unacceptably broad, especially for the purposes of international law, because it foregoes any objective criteria for the single subjective feature, but there is a widespread consensus on the idea that members of a nation should exhibit a national consciousness.
culture that encompass many, varied and important aspects of life, a culture that defines
or marks a variety of forms or styles of life, types of activities, occupations, pursuits, and
relationships” (Margalit and Raz 1990: 443). Miller elaborates on this ‘common culture’:

a national identity requires that people who share it should have something in common, a
set of characteristics that in the past was often referred to as a ‘national character’, but
which I prefer to describe as a common public culture. It is incompatible with nationality
to think of the members of the nation as people who merely happen to have been thrown
together in one place and forced to share a common fate, in the way that the occupants of
a lifeboat, say, have been accidentally thrown together. There must be a sense that the
people belong together by virtue of the characteristics that they share (Miller 1995: 25).

This common public culture permits internal diversity of ethnicity, race, religion, political
affiliation, and so on, because it is simply false that “the common public culture required
for a national identity must be monolithic and all-encompassing” (Miller 1995: 26). His
point corresponds with Kymlicka’s description of nations as not holding a single set of
shared values, a specific conception of the good, or a comprehensive worldview.

In the literature, most theorists have concluded that culture is a special defining
feature of nations, and a near consensus has emerged that the protection of this culture is
a vital aspect of the survival and flourishing of nations. Yet, national politicization is
problematic because acculturation within a nation has a profound impact on individuals,
their worldviews, their conceptions of the good, and their prospects of realizing their
ends. According to Margalit and Raz, “people growing up among members of the group
will acquire the group culture, will be marked by its character. Their tastes and their
options will be affected by that culture to a significant degree” (Margalit and Raz 1990:
444, my emphasis). Indeed, this is a deliberate goal of nation-building. Nation-building
involves projecting an image of the nation as “a group sharing a common denominator
based on history, culture, language, tradition, and rituals”, but it also involves a campaign
to acculturate members into the national culture, or, in other words, to transform individuals into nationals (Tamir 1993a: 64). It is not enough for individuals to believe that they constitute a nation, since some sort of objective basis is required to substantiate their belief and any claims based on it, and this objective basis requires that the individuals comprising the putative nation share enough common cultural characteristics.

This type of cultural imprinting of individuals to produce nationals is a problem for any liberal nationalist theory advocating for the politicization of culture. To be clear, the liberal nationalist proposal seeks to devolve some measure of political power and authority to nations, and this political arrangement will empower nations to rule according to a suitably modified version of the nationalist ideal. But this proposal would place the liberal democratic nation-state in a difficult situation with its dual roles as defender of the nation and guarantor of equal treatment for all its citizens. It is often assumed that the liberal democratic nation-state would be able to fulfill these roles under conditions of mononationality, meaning that as long as its citizens belong to the same nation, there is no inconsistency between the dual roles of defender of the nation and guarantor for equal treatment. The problem is that, even if nations did not subscribe to a single set of values, a single conception of the good, or a single worldview, they do possess some sort of cultural character, which their supporters seek to protect, promote and reproduce.

Recall that our analysis of Burge’s arthritis thought-experiment explained that culture and community are necessary preconditions for individual choice and freedom because cultural norms form the fabric of our contexts of choice and cultural communities provide these cultural norms. Yet, cultural communities are individuated, delineated and distinguished from other groups in the social sphere via cultural norms; that is,
cultural communities as sources of the conceptual and evaluative resources required for individual choice and freedom are themselves sustained through cultural norms. The cultural community, its membership, its identity, its character, and so forth, are sustained through cultural norms, and these cultural norms are integral to the self-consciousness of members, but also for their understanding of the social world. At the very least, the cultural argument points toward the protection of these essential, constitutive and defining cultural norms insofar as they protect cultural communities and their norms as crucial components for context of choice and individual freedom. Also, if these community- or identity-defining norms were to specify that language, religion, ancestral land or some other thing was essential for the cultural community to retain its distinctiveness, but more importantly to survive, then the cultural argument seems to ascribe some weight to claims for the protection and promotion of these things as cultural essentials as well. Thus, there are two senses of cultural essentials here: (i) a primary sense involving community- or identity-defining norms; and, (ii) a secondary sense associated with particular items derived from these community- or identity-defining norms. Of course, like any other norm, these norms are subject to internal and external contestation. It may be efficacious for liberal nationalists to presume that national character is shared by all its citizens equally as a cultural background, but this presumption is unlikely to obtain in actual scenarios characterized by multiculturality and cultural contestation.

Even with a less robust cultural character than other communities, it will remain a challenge for the liberal democratic nation-state to defend the nation as a community without systematically disadvantaging at least some of its internal communities. For example, at least partly based on the historical politicization of religion, we often find a
close association between nations and specific religions: Italians tend to be Roman Catholics, Greeks Eastern Orthodox, Pakistanis Muslim, and Thais Buddhist. Within the political jurisdictions controlled by these nations, there are various religious minorities, including religious agnostics and atheists, and this presents a potential difficulty for liberal nationalists, especially when religion is viewed as an essential component of the national culture. Politicization for the purposes of defending nations from external threats also empowers these nations to use their political power and authority against internal dissent, but under conditions of multiculturality, there will be various types and degrees of cultural contestation. How is the liberal democratic nation-state supposed to be able to defend the cultural essentials of the nation from external (and internal) pressures, while treating all its citizens equally, when the measures intended to protect these cultural essentials could constitute a threat to the cultural interests of some of its citizens? Political theorists and practitioners may no longer overlook the presence of minority communities, and governments may not conduct themselves as if they serve a strictly mononational citizenry. This lesson about the inappropriateness of politicizing significant, controversial and contested matters should have been learned from the politicization of religion. The recognition of the importance of the essential cultural interests of individuals thwarts and frustrates the politicization strategy. We are all multiculturalists now, and liberal principles of justice prescribe that liberal democratic states should treat the essential cultural interests of all citizens in a fair, impartial and evenhanded manner.

These cultural essentials do not sit well with Kymlicka’s distinction between cultural structure and cultural character, however. On the one hand, this distinction makes sense of situations where there is an observable change in the culture of a nation,
but it would be strange to say that the nation has ceased to exist. The example of the Quiet Revolution in Quebec shows how a nation may continue to exist, despite swift and intense cultural change. On the other hand, it does not appear possible to describe the cultural structure of the nation without including key aspects of its cultural character, and the seriousness of this difficulty is only compounded when political power and authority is devolved for the purpose of protecting the cultural structure. A liberal nationalist may attempt to deny this inextricable connection between a community’s cultural structure and cultural character, and, instead, direct our attention toward a different interpretation: the survival of the cultural community through its members’ national consciousness. Clearly, a national consciousness among its members is required for a nation to exist, but traditional liberal rights and freedom appear sufficient for maintaining a national consciousness. Moreover, this alternative interpretation cannot furnish a persuasive case for culture as a social precondition for individual choice and freedom. Instead, as seen in our analysis of Burge’s thought-experiment, culture as a social precondition for individual choice is based on the community’s norms, and our necessary dependence on culture is a dependence on the other individuals in our communities, as well as our communities’ cultural norms. The key ingredient to establishing the moral and political value of culture as a precondition for individual freedom must include cultural norms in some way.

The politicization strategy for contending with the challenge of multiculturality prescribes devolving political power and authority to cultural communities, and once this devolution is a reality, these cultural communities will be able to use politico-legal means to protect at least their essential or core cultural norms from external and internal threats. These essential cultural norms will likely pertain to the nation’s identity, self-conception
and continued existence, but it could extend far beyond this essential core to include the
national language, religion and various other practices related to dress, diet and ritual.
Quite simply, the politicization of culture would permit national communities to use
politico-legal means to protect the cultural structure or community, and the protection of
the cultural community requires the political and legal enforcement of its essential or core
cultural norms, practices, etc. Nations are most interested in the politicization of culture
under conditions where their cultural norms are contested, but it is precisely under these
conditions of multiculturality and cultural contestation, that politicization is most likely to
violate the cultural interests of individuals in minority cultural communities and liberal
principles of justice. Paradoxically, the conditions under which the politicization of
culture is most morally defensible are also the conditions where politicization is most
likely to violate the fundamental cultural interests of members of minority cultural
communities. Since these cultural interests are so important, liberal principles of justice
suggest forsaking of the nationalist ideal and embracing the depoliticization of culture.

3.8 A Liberal Multiculturalism without Nationalism
Liberals should be concerned with the fate of cultural structures, not because they have
some moral status of their own, but because it’s only through having a rich and secure
cultural structure that people can become aware, in a vivid way, of the options available
to them, and intelligently examine their value. Without such a cultural structure, children
and adolescents lack adequate role-models, which leads to despondency and escapism, a
condition poignantly described by Seltzer in a recent article on the adolescents in Inuit
communities. The cultural structure they need and value is being undermined, and the
Inuit have been unable to protect it (Kymlicka 1989a: 165-166).

Let us review the cultural remainder of the liberal responses to multiculturality examined
in this chapter. Kukathas believes that multicultural societies should be governed by
tolerationist principles rather than liberal principles of justice. The advantages of this
approach to the challenge of multiculturalism stems from its ability to tolerate an extensive array of cultural communities and practices, but its disadvantages far outweigh these benefits. While this political arrangement would allow individuals to associate with each other under mutually acceptable terms, it has been criticized for being a recipe for a colourful mosaic of tyrannies and private hells. On the descriptive question, Kukathas’ archipelago metaphor fails to capture the depth and pervasiveness of multiculturalism, since it portrays cultural difference as organized into concrete, bounded, well-integrated, logically consistent throughout, and internally harmonious islands, along the lines suggested by the classic anthropological model. This type of social atomism recognizes cultural diversity within societies, but it organizes it into concrete and distinct units, and the problem is that this metaphor conceals internal cultural diversity, as well as the vital fact that individuals are simultaneously members of multiple communities and groups, some internal to the encompassing community and some external to it. This harmonious descriptive picture downplays cultural contestation and the political questions arising from the challenge of multiculturalism under conditions of cultural contestation. As a result, its normative response to this challenge is facile. There is no protection for the cultural interests of individuals as cultural beings or as members of numerous and various cultural communities. Each individual is left vulnerable to the choices of others, so the cultural remainder on this view is staggering. Either an individual is capable of securing her essential cultural interests, alone or in concert with others, or her essential cultural interests are at best neglected, or at worst trampled. This dire shortcoming is reflected not only in Kukathas’ tolerationism, but in many other non-liberal multiculturalist theories that treat tolerance as the preeminent value in political theory and practice, and
criticize liberal theories of justice for being forms of cultural imperialism. Tolerance is a crucial component of a defensible liberal multiculturalism, but it must be limited by other values in order to avoid becoming a recipe for tyranny, oppression and conflict.

Traditional liberalism recognizes the value of tolerance, but it recognizes also the indispensable role of various fundamental rights and freedoms. Like many other modern political ideologies, liberalism endorses rights to life, liberty and security of the person, as well as rights of citizenship, equality, property, mobility, and so on. Additionally, it grants a prominent role to the freedoms of conscience, thought, expression, association, and religion. These fundamental rights and freedoms function to protect the individual in the private sphere, and they also allow traditional liberalism to decrease the cultural remainder significantly below the level left over by a tolerationist regime. Under conditions of multiculturality and cultural contestation, traditional liberal rights and freedoms allow individuals to affiliate with others to express and perform their cultural practices, and the privatization strategy coupled with the commitment to cultural neutrality generally precludes the liberal democracies from imposing cultural affiliations and norms onto unwilling individuals. Nonetheless, the possibility of cultural imperialism by even well-intentioned liberal democratic governments raises doubts about traditional liberalism’s ability to protect and promote the numerous and various cultural communities contributing to the moral and cultural lives of its citizens. In particular, it should be noted that traditional liberalism has not recognized an individual freedom of culture resembling the freedom of religion. Healthcare legislation must be sensitive to our religious affiliations and commitments, but there is no corresponding requirement for cultural sensitivity. Furthermore, traditional liberalism relegates culture and community to the private sphere,
where there are some relevant protections, but no positive state-sponsored assistance. Vulnerable cultural communities may benefit from toleration and fundamental liberal rights and freedoms, but in their efforts to maintain and promote their communities in perpetuity, individuals are left to fend for themselves. Simply put, traditional liberalism offers no positive assistance to cultural communities that are vulnerable under conditions of cultural contestation, and this is a serious neglect of the cultural interests of individuals whose freedom, identity and well-being are intimately intertwined with the fates of these communities. Clearly, traditional liberal rights and freedoms are crucial components of a defensible liberal multiculturalism without nationalism, but traditional liberalism requires supplementation to avoid leaving an unacceptably high cultural remainder.

Liberal nationalism undertakes to eliminate this cultural remainder by politicizing national communities and arranging political boundaries to avoid relegating some nations to minority status. Since liberal nationalists view nations as equivalent to our cultural circumstances, their proposed politicization strategy has been thought to provide the necessary supplement to the traditional liberal approach to justice. Unlike most twentieth-century liberal theories, liberal nationalism provides persuasive arguments for liberals to take seriously our communal memberships and cultural affiliations, but I have argued that the force of these arguments extends beyond our national or societal memberships alone. The exclusive attention directed at national communities commits the same error committed by the discredited classic model of anthropology insofar as the nation is conceived as a complex – also concrete, bounded, well-integrated, internally harmonious, and logically consistent throughout – whole. The problem is not that nations do not exist as complex collective entities, but rather that the selective and disproportionate attention
devoted to nations has drawn attention away from, and sometimes totally overshadowed, the internal and transnational cultural diversity and contestation that are necessary aspects of a comprehensive understanding of our cultural lives, the conditions of multiculturality, and the questions of justice raised by this challenge. The descriptive issue relating to selective overemphasis on the national dimension of cultural life, as well as the degree of distinctiveness, cohesion and similarity assumed at this level, impacts on the normative prescriptions of liberal nationalism. The liberal nationalist proposal to politicize nations is capable of contending with the challenge of multiculturality only if each individual’s cultural interests are reduced to those interests relating to her national membership. Other cultural interests are neglected, and the result is a cultural remainder.\(^{36}\)

If the cultural remainder left by the liberal nationalist proposal is based on overemphasis of the national dimension of cultural life, then it would appear that the most straightforward and apt revision would be to extend the liberal nationalist proposal to cover also internal and transnational cultural communities. But the liberal nationalist cultural remainder cannot be eliminated so easily because this revision erroneously assumes that there is harmony between nations and other cultural communities. Part of the problem with the politicization strategy is that it benefits members of internal cultural communities that are harmoniously related to the nation, as is the case when there is a close relationship between a nation and a religion, while not only neglecting, but also disadvantaging, individuals who are part of countercultural communities. The conditions

\(^{36}\) A liberal nationalist may retort that, since other cultural interests are satisfied by traditional liberal rights and freedoms, special measures for nations are not arbitrary and other cultural interests are not neglected. It should be clear enough that the attention devoted to nations is not wholly arbitrary or unprincipled, but based on the analysis in Chapter Two, I do not think that it is possible to maintain a rigid distinction between the national and non-national dimensions of cultural life. Also, I do not think that traditional rights and freedoms are sufficient for cultural justice, especially under conditions of multiculturality and cultural contestation, and where multicultural accommodations protect some groups, but not others.
of multiculturality suggest that liberal democracies will frequently encounter situations where the cultural interests of individuals conflict because these individuals are members of different cultural communities, engage in different cultural practices, and subscribe to different cultural norms. Politicization assumes some harmonious cultural interests via national membership, but under conditions of multiculturality and cultural contestation, it advantages individuals whose conception of the good and worldview correspond with the nation’s character, while disadvantaging individuals who are cultural dissidents, so to speak. The politicization strategy risks violating liberalism’s commitment to neutrality because a liberal democratic nation-state’s exercise of political power and authority to protect and promote the nation must be directed at some cultural essentials, and individuals and cultural communities whose norms are inconsistent with these cultural essentials may encounter illegitimate disadvantages vis-à-vis their freedom to form, revise and rationally pursue their conceptions of the good. While it may appear that the problem with liberal nationalism is that it joins Kukathas’ tolerationism or Barry’s egalitarianism in neglecting cultural interests resulting from internal and transnational communities, the more serious problem is that, unlike these other liberal theories, liberal nationalism’s politicization of culture risks threatening the cultural interests of individuals whenever they are not part of the cultural mainstream. The problem of internal minorities is often produced by the devolution and subsequent exercise of political power and authority to protect and promote the minority community’s national character and identity against external and internal threats. Liberal nationalists are right to take seriously our communal memberships and cultural affiliations, but their selective overemphasis on the national dimension of cultural life leaves an unacceptable cultural remainder.
Ultimately, the liberal nationalist politicization strategy seems to fare much better than the benign neglect approaches, but under conditions of multiculturality and cultural contestation, politicization is a recipe for intense struggles for political power, and bitter conflict between majorities and minorities. The European wars of religion should remain a constant reminder of the dangers of politicizing controversial and contentious matters of difference. Incalculable devastation was wrought as religions were enticed into action both by the tantalizing opportunity of rule according to their particular doctrines, mores, and norms, and by the appalling possibility of being ruled by another religion’s dictates, even when these religions shared as much in common as sixteenth- and seventeenth-century Roman Catholicism and Reformation Protestantism. The peace of Westphalia brought an end to the Thirty Years’ War and the Eighty Years’ War, but more importantly, as Benjamin Straumann argues, “established a secular order by taking sovereignty over religious affairs away from the discretion of territorial princes and by establishing a proto-liberal legal distinction between private and public affairs” (Straumann 2008: 184). Additionally, it barred, “as a matter of law, some religious reasons from being used in the public realm to justify action”, and relegated “these reasons to the sphere of the subjects’ private decision-making” (Straumann 2008: 184). The lessons of the European wars of religion and the peace of Westphalia should steer us toward a renewed commitment to universal citizenship, the depoliticization strategy for contending with difference, and the ideal of neutrality. But is it possible to develop a liberal multiculturalism, as a depoliticized approach to culture and community, that takes seriously our cultural interests and avoids advocating for some sort of benign neglect? Yes, such a liberal multiculturalism is possible as a middle path between traditional liberalism and liberal nationalism, or
what amounts to a middle path between neglecting and politicizing culture.

A liberal multiculturalism without nationalism endeavours to respect our essential interests in culture and community, but it will eschew the politicization strategy. Instead, it will begin with a traditional form of liberalism, and then supplement it to provide adequate protection for our numerous and various cultural communities in the social sphere. This liberal multiculturalism reaffirms liberalism’s commitment to universal citizenship, a uniform system of laws, and a common public sphere for all citizens, but it denies that liberal democratic states may conduct themselves as nation-states. It does not deny the unavoidable cultural nature of politico-legal institutions, but it distinguishes between two senses of ‘the people’ when it rejects the nationalist ideal in favour of a thin civic patriotism. Liberal multiculturalism holds a democratic understanding of the principle of self-determination as “government of the people, by the people, for the people” (Lincoln 2005: 8). This democratic interpretation differs from the nationalist view of ‘the people’ insofar as ‘the people’ designates the political community of citizens rather than a cultural community of nationals. The liberal democratic state is the government of the people, and its legitimacy depends on it honouring its obligation to serve the essential interests of all citizens in an equal, fair and just manner. It is important for the liberal democratic state to sustain the political community of citizens as a unified collective, and historically, it has done so by accentuating its citizens’ shared traits. Liberal multiculturalism recognizes and stresses the importance of the liberal democratic state cultivating a political identity for its citizens, but this type of identity has a very thin and inclusive cultural character. Mostly, it will be based on the common history of the

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37 This is a general framework, not a list of absolute tenets. Liberal political theorists and practitioners should honour their liberal commitment, but also remain open to the possibility that actual circumstances may require them to deviate from these tenets. On contentious cultural issues, dogmatism is not a virtue.
citizens as a democratic people, and it will commemorate the founding of the state, major achievements by its politicians and other citizens, significant changes to its political form, its constitution and law, and other things and events of a political nature. The general principle for the liberal democratic state’s civic patriotism is that, so far as possible, it should avoid taking sides in contentious and divisive matters, and it should strive to remain similarly related to all its citizens. The political sphere should be characterized by political unity, whereas cultural difference should be protected and promoted as the voluntary practice of individuals in the private sphere. On this liberal multiculturalism, the liberal democratic state is a government of all citizens, by all citizens, for all citizens, and it should cultivate a sense of civic patriotism without becoming a nation-state.

This is not an easy task, however. The liberal democratic state is tasked with cultivating a thin civic patriotism, while respecting universal citizenship and cultural neutrality. We have seen already that liberal nationalists (like Kymlicka and Tamir), and difference theorists (like Taylor and Young), are concerned with the tendency of liberal democratic states to commit themselves to the ideals of universal citizenship and cultural neutrality, but then conduct themselves as nation-states serving the national majority and neglecting other individuals and communities. The liberal democratic state should not conduct itself as “a particularism masquerading as the universal”, but many political theorists have assumed that the problem is that the politico-legal institutions of the state necessarily have a cultural nature (Taylor 1995: 237). But, here too, the discussion

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38 On this view, it is still possible for a liberal democratic state to publicly celebrate a religious or national holiday, but only insofar as the celebration of the holiday is not a contentious or controversial issue.
39 When Taylor asserts that “[difference]-blind liberalisms are themselves the reflection of particular cultures”, he is partly correct and partly incorrect (Taylor 1995: 237). Liberalisms as theories of justice do not generate spontaneously out of thin air, they are developed by individuals within specific cultural settings, but it does not seem accurate to proclaim them to be reflections of particular cultural communities insofar as no society or state has provided a sufficiently liberal object to be reflected.
about the cultural nature of liberal principles of justice and liberal democratic institutions is a distraction, a red herring. The problem with a liberal democratic state attempting to conceal its particular cultural character behind the guise of universality and neutrality is not that its institutions are the products, reflections or imbue-ments of culture, but rather that it is violating its commitments to treating individuals equally and fairly, and to being neutral between competing comprehensive doctrines and conceptions of the good, by being partial to a specific community’s culture. In other words, cultural imperialism is not morally reprehensible because it is cultural, but rather because it is unfair. There are guidelines establishing defensible forms of civic patriotism and political identity for a liberal democratic state, and a particularism masquerading as the universal violates these guidelines. Liberal multiculturalism does not require aculturality, but it does require cultural equality, fairness, evenhandedness, and justice. If a liberal democratic state cannot contend with a controversial cultural matter without violating its commitment to equality, fairness and justice, then it should probably transfer this matter to the private sphere. This depoliticization strategy was appropriate for religious diversity, and I suggest that it is often required for the challenge of multiculturality as well.

Yet, individuals have an essential interest in the protection and promotion of their cultural communities as necessary social preconditions for choice and freedom, and profoundly significant memberships and commitments for their identities and well-being. Given the crucial moral and political importance of this interest, liberal multiculturalism cannot simply discard culture and community to the private sphere, and then pay no mind to this interest as it comes under pressure from the forces of the economic market, political decision-making, and the cultural and communal choices of other individuals.
Long gone are the days when political theorists and practitioners could tune out the plight of cultural communities and their members. Quite simply, benign neglect of our cultural interests is no longer an option for a defensible liberal multiculturalism; hence, the depoliticization of culture must be accompanied by measures to protect and promote culture and community within the private sphere.

What is missing from Kukathas’ tolerationism, Barry’s liberalism, Kymlicka’s liberal nationalism, and most other multicultural theories is an individual right to culture. The most prominent exception is Yael Tamir’s liberal nationalism, which notoriously and controversially holds that the right to culture and the right to national self-determination are individual rights. On her view, the right to culture entitles “individuals to live within the culture of their choice, to decide on their social affiliations, to re-create the culture of the community they belong to, and to redefine its borders” (Tamir 1993a: 8). While it may appear that Tamir is advocating a right to culture that is applicable to the numerous and various cultural communities relevant to our cultural lives, her objective is to provide a liberal argument for the protection of nations and their cultures (Tamir 1993a: 73). She clarifies, “not only should individuals have a right to choose the national group they wish to belong to, but they should also have the right to define the meanings attached to this membership, that is, they should be the ones to decide on the cultural practices they wish to adopt, and on the ways of expressing them” (Tamir 1993a: 37).

The right to culture entails an individual right to national self-determination as “a right to a public sphere in which individuals can share a language, memorise their past, cherish their heroes, live a fulfilling national life” (Tamir 1993a: 8). For Tamir, the right to national self-determination is the right to preserve the nation, and “the existence of a
nation as a distinct social unit is contingent on the presence of a public sphere where the national culture is expressed, where an individual feels free to develop without repression those aspects of his personality which are bound up with his sense of identity as a member of his community” (Tamir 1993a: 8-9). The essence of the right to self-determination is the right to a public sphere reflecting one’s national culture or the right for public expression of one’s national identity (Tamir 1993a: 70). Tamir indicates that it implies that “individuals are entitled to establish institutions and manage their communal life in ways that reflect their communal values, traditions, and history – in short, their culture” and “to protect, preserve, and cultivate the existence of their nation as a distinct entity” (Tamir 1993a: 70, 72-3). Self-determination is, therefore, attained “only when certain features, unique to the nation, find expression in the political sphere” (Tamir 1993a: 71).

I am proposing a significantly different version of the individual right to culture, however. The primary reason that Tamir’s view is unacceptable is that she interprets it within a nationalist framework. Tamir accepts a nationalist social ontology, thereby overlooking the revised conception of multiculturality, conditions of cultural contestation, and the questions of justice arising from these conditions. Within a politicized nationalist ontology, it may be plausible to confer upon individuals the right to choose their national memberships, to participate in the cultural and political life of the nation, and to endeavour to change the national community or its culture, but these rights quickly become exceedingly problematic on the revised conception of multiculturality, when we realize that they must be balanced against the rights of the other members of the community. It may seem appropriate to defend the individual’s right of membership in a particular community, but most political theorists and practitioners argue that freedom of
association permits cultural communities, social groups, voluntary associations, and so on, to determine their membership, their terms of association, and their internal rules of conduct. Tamir’s proposal does not adequately acknowledge the possibility of internal cultural contestation as a threat to vulnerable cultural communities, where some of the putative members contest the nature of the community, its membership, its boundaries, its commitments, and other such matters. The stakes of this type of internal contestation are only increased by a politicization approach to culture because definitive answers are often required to implement multicultural measures and accommodations, and it matters a great deal whether your side is victorious on the cultural battlefield.

Another reason that Tamir’s proposal is unacceptable is that it is marred by an unfortunate conflation and oscillation between ‘the public’ and ‘the political’. Tamir argues, “[t]he existence of a shared public space is a necessary condition for ensuring the preservation of a nation as a vital and active community”, but it is unclear whether the ambiguous reference to a “shared public space” designates the social sphere of private collective life, or the public sphere of politico-legal institutions (Tamir 1993a: 73, my emphasis). At times, it appears as though she uses both the social and political meanings in the same passage, as when she claims that “[t]he ability to conceive of certain social and political institutions as representing a particular culture and as carriers of the national identity is at the heart of the yearning for national self-determination” (Tamir 1993a: 74, my emphasis). Indeed, self-determination is often thought to satisfy the aspiration for a political domain where one’s national identity finds expression, but Tamir’s point is that some sort of ‘public’ existence is necessary for the preservation of the nation. Clearly, nations continue to exist without being a national majority within a political jurisdiction,
and without controlling their own politico-legal institutions. Tamir’s argument contains a sly sleight of hand from a premise containing the social sense of ‘public’ to a conclusion about the political sense. Nations may require a social manifestation, they do not require a political one. So, what is required of a defensible liberal multiculturalism is not that “[p]olitical arrangements … should allow for the establishment of public institutions that reflect the history, the culture, the language, and at times the religion of the national group, thereby enabling their members to regard them as their own”, but rather adequate protection and promotion of cultural communities in the social sphere (Tamir 1993a: 74).

Tamir’s proposal for an individual right to culture offers an interesting and important contribution to the multicultural literature, but it reproduces many of the troubling shortcomings of other forms of liberal nationalism. Nonetheless, it indicates that some sort of individual right to culture is required as a crucial supplement in our efforts to transform traditional liberalism into a defensible liberal multiculturalism. On a traditional liberal theory of justice, even though a liberal democratic state is supposed to remain neutral among controversial comprehensive doctrines and conceptions of the good, and even though it guarantees for each individual a suitable set of civil, political, economic and social rights, including freedom of conscience, expression and association, it was deemed necessary to recognize also the individual’s freedom of religion as an additional fundamental freedom. The inclusion of the freedom of religion suggests that liberalism’s fundamental rights and freedoms are not sufficient to protect the interests of the individual vis-à-vis her religion as a community with its distinct set of customs, mores and norms. Freedom of conscience and thought protect the individual’s right to entertain whatever religious beliefs she chooses, and freedom of expression allows her to
express them in social and political settings. Individual privacy permits individuals to manifest their religious convictions in individual or collective forms of worship, ritual, teaching, and so on, and freedom of association allows individuals to organize and congregate into religious communities, like churches, synagogues and mosques. Much of religious life in the private and social spheres is protected by liberalism’s fundamental rights and freedoms, yet it was deemed necessary to recognize freedom of religion.

What was missing from the liberal package of rights and freedoms was the recognition of religion as a significant aspect of human life worthy of additional protection. Traditional liberalism’s fundamental rights and freedoms may confer upon individuals enough protection to hold, express, and practice their religious convictions, including protection from direct political decision-making, but without the freedom of religion, it does not protect their religious interests from being indirectly impacted by law and policy. While liberal rights and freedoms may provide some protection from legislation directly prohibiting individuals from praying to their preferred deity in a manner and at a location that they deem fitting, they do not protect the individual’s religious interests from being indirectly impacted by other legislation as might happen if there were a public curfew impeding someone’s ability to reach a suitable place of worship.⁴⁰ Without the freedom of religion, individuals would have no legal recourse because such legislation does not violate any of their fundamental rights and freedoms. Even though there is considerable overlap between the freedom of religion and the other fundamental rights

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⁴⁰ A less direct, but more common, example involves animal health and welfare legislation. As awareness spread of the cruel and abysmal treatment of animals raised for human consumption, many governments responded by enacting various forms of animal health and welfare legislation. This legislation aimed to protect human beings from diseased and otherwise contaminated meat products, other animals from the spread of communicable disease and infection, and individual animals from cruelty and abuse. More recently, many legislators have amended animal health and welfare law to require that animals be treated in appropriate, species-specific ways. Some of these legal provisions have unintendedly clashed with various religious norms regarding the appropriate procedure for killing animals for human consumption.
and freedoms, the freedom of religion emphasizes the significance of religion in the lives of many individuals by accentuating various features of a religious life, by incorporating religious affiliation into the prohibited grounds of discrimination, and by serving as a *prima facie* freedom partly insulating many religious practices from direct and indirect political decision-making. The freedom of religion is a distinctive form of protection for the religious interests of individuals from the threat of being inadvertently trampled.

Within liberalism’s fundamental rights and freedoms, there is no individual right to culture akin to the freedom of religion. As we have seen, the general tendency is for liberals to contend with the challenge of multiculturality either by advocating for depoliticized tolerance, or by demanding the politicization of culture, but both courses seem to require an individual right to culture as a crucial supplement. Like freedom of religion, an individual right to culture is a *prima facie* protection against discrimination on the basis of culture or community, as well as a form of protection of cultural interests from the political decision-making of the liberal democratic state. This right is not absolute or indefeasible, but it does require that liberal democratic governments give some weight to the cultural interests impacted by their decisions. Surely, there will be occasions where affected cultural interests do not outweigh the social interests motivating the proposed legislation, but just as surely, there will be occasions where the cultural interest must take precedence. It is impossible to predict when and how an individual right to culture might constrain the decision-making of a liberal democratic state. What is clear is that the politico-legal institutions of a liberal democratic state may not simply assume a mono- or multinational citizenry, and this means that these institutions must consider the impact of their proposals on individuals and cultural communities within their borders.
While freedom of religion has primarily served as a *prima facie* protection against external interference with the individual’s ability to hold, express and practice her religion, liberal democratic states have not simply provided protection to religious communities, for they often actively assist religious communities to maintain themselves and their practices. This assistance comes in many different forms from state-funded religious educational institutions, to partial financial assistance for the building of places of worship, to general tax incentives for donations to religious communities, to official permission to cordon off city streets or parks for parades, festivals and other activities. The liberal democratic state has employed a variety of measures to positively assist religious communities to maintain themselves, and these measures range from full financial compensation to permission for temporary exclusive use of public property. It is important to note that assisting religious communities to maintain themselves is not equivalent to assisting through financial support. Religious communities have been assisted in many ways, both financial and otherwise, and there is nothing wrong with this sort of promotion of cultural communities in the private or social sphere, so long as the liberal democratic state continues to respect liberal principles of justice and to treat different individuals in an equal, fair, evenhanded, and, thus, just manner. If the liberal democratic state accepts that there is good reason to support the construction of an Armenian Catholic church, then it has at least some good reasons to support also the construction of Chinese Orthodox churches, Hasidic Jewish synagogues, Turkish Sunni mosques, Tibetan Buddhist centres, and other similar religious structures. Of course, there are other relevant factors too, such as the structure’s purpose, the number of people it will benefit, the nature of the benefit, and so on. For liberal political philosophy, just
like the equal treatment of individuals does not entail identical treatment, so too with
cultural communities, and perhaps more so, equal treatment is not equivalent to identical
treatment, and the liberal democratic state will have to consider the vastly different
objective characteristics of cultural communities in the social sphere.

So, a defensible liberal multiculturalism will retain universal citizenship and a
uniform system of laws in the political sphere, depoliticize controversial cultural and
communal issues, and then protect and promote our cultural interests in the private sphere
with the individual right to culture. Such a right would recognize the value of community
and culture in a few different ways, and we have seen two of them already. First, in
many matters relating to economic and political activity, liberal democratic states man-
date the equal treatment of individuals regardless of gender, age, disability, race, ethnici-
ty, nationality, religion, sexual orientation, marital status, and so on. An individual right
to culture would expand the list of possible grounds for wrongful discrimination, and thus
extend anti-discrimination law to cover culture and community beyond nationality and
ethnicity. In general, just as it is wrong to terminate someone’s employment based on her
disability, religion or marital status, so too it is wrong to terminate her employment based
on her moral convictions, political allegiances or recreational activities, however dis-
pleasing or reprehensible the employer may find them. What personal characteristics are
relevant to an occupation, or assessing an employee’s qualifications and performance,
will surely depend on the occupation in question, but the general point is that it is wrong
for employers to discriminate based on irrelevant personal characteristics related to
communal memberships and cultural commitments. A religious body may legitimately
terminate the employment of a priest who openly changes his religious beliefs, but this
reason is not relevant to the continued employment of their custodians. Simply put, believing Catholic dogma is not an occupational qualification for custodians, even if the employer is a Catholic church. The right to culture, thus, provides a desirable extension of anti-discrimination policy in line with the spirit of such legislation.

Second, the right to culture establishes a *prima facie* protection of our communal and cultural interests from the liberal democratic state’s exercise of political power and authority. While it is prudent for governments to avoid running roughshod over our communal and cultural interests, these prudential considerations may work to the detriment of smaller cultural communities. It may be expedient for political decision-makers to sacrifice or neglect the interests of minority group members for the benefit of the numerical majority, and the right to culture lends some political, legal and moral weight to minority interests. Whatever the best course of action may be, the right to culture obligates liberal democratic institutions to consider and suitably weigh our communal and cultural interests as they determine policy objectives and possible paths to reaching these objectives. For instance, legislators should review the impact of proposed construction site, official uniform or helmet legislation on individuals who wear turbans, whether they do so for religious reasons, as Sikhs do, or for customary reasons, like many Afghans. Like the extension of anti-discrimination law, this dimension of the right to culture as a *prima facie* protection is not a significant departure from liberal theory and practice because the prescription to treat individuals equally and fairly offers an indirect form of this protection. Nonetheless, the individual right to culture provides a direct safeguard to the exercise of political and legal power in multicultural liberal democratic states, and an explicit and specific ground for complaint of legislation or public policy.
On these two features, the right to culture is closely related to freedom of religion as part of anti-discrimination law and a *prima facie* protection of specific interests. Like freedom of religion, the right to culture is a right protecting some sort of individual and collective conduct, but it is important to recognize first what entitlements this right does not confer because it is not embedded within a politicized approach to culture. The right to culture does not entitle the individual to membership within a community of her choice, to participation in the community’s practices, to endeavour to revise its culture, practices and borders, or any other similar claims against the cultural community itself, unless the community exercises political power and authority. In relation to the social sphere, liberal multiculturalism cannot recognize such individual rights against the community because such rights would be ineffectual and irrelevant. If a single individual or a small group disagree with some aspect of the cultural community, any claim based on the right to culture would be offset by the same right of the majority of members, regardless of this claim’s affinity with liberal principles of justice. Liberals may desire to see egalitarian practices in cultural communities and social groups, but they cannot intervene on behalf of the minority because such an intervention would constitute an illegitimate interference with the majority. In such cases, the conflicting parties may have to accept Kukathas’ suggestion to agree to disagree by parting company. Alternatively, the aggrieved parties may accept the undesirable situation, decide to remain within the community, and strive for internal reform, but the liberal democratic state cannot compel groups in the social sphere to permit individuals to join or remain in the group, to enjoy full and equal participation within it, or to pursue revising it. These limitations on the individual right to culture result from the logic of voluntary association in the social
sphere, which happens to be the same logic that permits tolerance of many non-liberal and illiberal communities, practices and norms in the social sphere.

Even when exercised collectively, the right to culture does not ensure a right to a public or political sphere for the cultural community, or a right to the expression or reflection of the community’s culture in the state’s politico-legal institutions. The rationale for these limitations on the collective dimension of the right to culture has been explained at length already. These limitations on the individual and collective dimensions of the right to culture may suggest that it is not a very potent right, but this appearance does not capture the significance of such a right. The right to culture offers explicit protection in the form of anti-discrimination and *prima facie* protection from the exercise of political power and authority, even though it does not offer much protection against the social power and authority of groups in the social sphere. It cannot establish a political jurisdiction or grant political powers to the group, except in extraordinary instances, but it does provide the foundation for claims to assistance in the social sphere. The individual right to culture may be used collectively to request assistance from the liberal democratic state in their efforts to protect and promote their communities, and, in this sense, it accomplishes the primary task of cultural rights: it assists members of vulnerable cultural communities to maintain their communities under conditions of external economic, political and cultural pressure. In other words, the individual right to culture allows individuals to claim assistance from the liberal democratic state in their efforts to protect and promote their communities. The individual right to culture, thus,
serves the noble function of assisting members of vulnerable cultural communities to ensure the continued survival and flourishing of their collective enterprises.41

Given the massive expanse of the domain of culture and community, it may seem that almost anything may be demanded under the right to culture, and that these demands will quickly become unwieldy and expensive. Young and Benhabib rightly indicate that almost anything may become the topic of political deliberation, and, this idea implies that almost anything may be claimed for the purposes of protecting and promoting our essential interests in culture and community. There is a legitimate concern about the proliferation of cultural claims, but just because a community makes a claim under the right to culture does not mean that there is an obligation to satisfy it, or even that it would be a beneficial or good thing if it were satisfied. Common sense and prudence suggest that, when crafting the details of their cultural claims, groups should be attentive to the difficulties of acquiring state support for their community and activities. In these situations, the group’s representatives should aim to formulate their requests so that they may be accepted by the government, or at least form the basis for a constructive negotiation.

Whatever the merits of a specific claim, there is a concern that the volume of cultural claims may become onerous, burdensome, and utterly unworkable. We should be careful, however, to distinguish between the expansive scope of possible claims, and the volume of and burden associated with these claims. Even though the scope of possible claims may be expansive, we should expect for cultural communities in the social sphere to request modest assistance for their members to congregate together, perform significant activities, and maintain particular practices. Many associations in contemporary

41 Since the claims are grounded in an individual right to culture, they protect cultural communities and stabilize contexts of choice without ‘freezing’ or preserving them in a specific form.
multicultural liberal societies will require and merit either state-sponsored assistance in constructing appropriate facilities for their cultural enterprise, or temporary access to public spaces. They may request changes to legislation to permit cultural activities relating to diet, dress and ritual, including the importation of culturally significant items. If a community’s population is numerous enough, it may warrant assistance to establish and maintain local media, like a newsletter, radio broadcast or television program. With the expansion in the number and variety of groups relevant for political philosophy through their contribution to the cultural lives of individuals, we should expect a wide array of claims to assistance in protecting and maintaining these groups, but we should also expect for most of these claims to involve minor and inexpensive measures.

Not only is the scope of possible cultural claims almost limitless, but so too is the scope of possible groups advancing such claims. Embedding the right to culture within a liberal depoliticization approach means that groups may qualify for state support without being a political community. This means that these groups do not have to rigidly define their membership boundaries or have concrete membership lists to qualify for assistance in maintaining themselves and their practices. It may be important for a group to provide information on the number of people they expect to gather in a public space or participate in a march, but depoliticization permits a more flexible approach to such matters. This proposal should not be misconstrued as suggesting that the size of the group is not relevant. The legitimacy of claims will often depend on the size of the community and the total number of people served by a measure. It is a political reality that, as a matter of efficiency, but also justice, larger groups may qualify for types of assistance to which smaller groups may not. It is much easier for a liberal democratic state to justify finan-
cial support to build a mosque for a sizeable Muslim community than to justify building a similar house of worship for a dozen people. Additionally, it is much easier to justify a community centre serving multiple communities than a facility serving just one of them. The size of the community is relevant for determining the extent of the benefit incurred through the government’s assistance, but also in ascertaining the cost per person of this assistance. Since a mosque for a sizeable community may involve a low expenditure per person served, it may be the most economical and efficient way to serve the relevant cultural interests of that community’s membership. In almost all cases, the liberal democratic state will be able to discharge its obligations of cultural justice in a variety of different ways, and it is important for governments to work with these groups to find inexpensive, efficient and effective options to achieve their shared objectives.

Yet, when it comes to multicultural measures, the most pressing questions for critics are often questions about the limits of these measures. Just as freedom of expression almost inevitably leads to discussions of hate speech and pornography, the right to culture will be confronted by questions about illiberal communities seeking to protect their culture and conduct themselves in potentially morally problematic ways. Even though we have explored the ability of a depoliticization approach to tolerate voluntary practices and associations in the private sphere, tolerance is conceptually and morally distinct from assisting illiberal communities to sustain themselves, their norms and their practices. The liberal democratic state has an obligation to treat all citizens equally, and I have argued that this obligation extends to our cultural interests as well, but for many liberals, it would be simply preposterous for liberal principles to require state assistance
to sustain fundamentally illiberal communities. So, how should a liberal democratic state
treat non-liberal and illiberal groups in the social sphere?

Obviously, this is a very complex and context-dependent issue, but a sketch of the
liberal position defended here is available to us. First, the liberal democratic state must
tolerate communities, norms and practices sustained by the free and informed consent of
individuals, even when they are illiberal and inegalitarian. Mere acquiescence to social
practices and authority is sufficient to keep the liberal democratic state from interfering in
the group’s affairs, unless perhaps an appeal for assistance is made by members of the
group, or there is good reason to suspect that membership and consent are not free and
voluntary. Second, even non-liberal and illiberal groups engage in permissible activities,
so it may be possible for the liberal democratic state to assist in some of these activities
without raising the difficulties that motivate this present discussion. It is crucial that we
do not ignore the claims of non-liberal and illiberal groups simply because they are not
liberal or because we find their norms and practices offensive. Yet, this assistance of
generally permissible activities becomes morally problematic when it functions to sustain
non-liberal or illiberal groups. So, even if the space in a community centre is used by a
hateful group in a permissible way, the legitimacy of this assistance is called into ques-
tion by the end being served. Is it permissible for the liberal democratic state to assist
non-liberal and illiberal communities, even indirectly through these permissible means?

The reluctance of liberal political philosophers and practitioners to offer any
measure of assistance to communities committed to violating liberal principles of justice
is understandable, but we should not overlook that the liberal democratic state is the
government for all its citizens, not only its liberal citizens. In this sense, advocating for
the exclusion, marginalization or neglect of some segment of the population is not an acceptable response to illiberal claims. Not only does it violate the spirit of liberal principles of legitimate governance, but it is not likely to be a prudent course of action. If the liberal democratic state offers some form of assistance to non-liberal and illiberal communities, then it retains its relationship as more than a neutral arbiter with these communities and their members. This relationship allows the state to negotiate the terms of its assistance, and this negotiation allows state representatives to explain the rationale for restrictions on the assistance they can offer, and to offer incentives encouraging the adoption of more liberal terms of association and activity. Knowledge of these incentives may encourage internal dissent to sprout and possibly grow to produce some desirable internal reform. This process may not bring about the liberalization of these groups in a swift timeframe, but it maintains the relationship between the liberal democratic state and its internal communities, and a subtle, but continuous, pressure on these communities to liberalize. In societies characterized by significant multiculturality, an inclusive policy of cultural assistance allows the liberal democratic state to exercise a positive impact on the cultural lives of its citizens by assisting their numerous and various communities in the social sphere. The individual right to culture, and liberalism’s commitments to equality, fairness and evenhandedness, direct the liberal democratic state to assist in the protection and promotion of cultural communities in the social sphere without being imperialistic.

This proposal may strike many liberals as provocative and atrocious, even though it has a striking resemblance to liberalism’s historically effective treatment of religious plurality. Yet, the concern with our cultural interests is that many of these interests do not generate obligations of justice on the part of other individuals, other citizens or the
state, but rather remain matters of personal responsibility. This is a crucial assumption in the liberal nationalist culture argument for the politicization of national or societal culture, and also in other liberal arguments for toleration in the form of benign neglect, but it is partly based on the idea that national membership is involuntary, whereas other cultural memberships in the social sphere are voluntary. In Chapter Two, I argued against the descriptive assumption that it is possible to maintain a categorical distinction between cultural communities whose membership is voluntary, and cultural communities whose membership is involuntary. This descriptive point does not settle the issue, however. There is a separate normative question about whether there is a responsibility to protect and promote the numerous and various cultural communities in the social sphere. The primary reason why most liberals, including liberal nationalists, are opposed to state assistance of cultural communities is that they assume that, since membership in these communities is a matter of voluntary choice, any interests in the protection and promotion of these communities is strictly a matter of personal responsibility for their members. In other words, they assume that, once the liberal democratic state has discharged its obligations of justice toward its citizens, it is their responsibility as individuals to form, revise and rationally pursue their conception of the good life, including maintaining cultural communities, social groups and other collective enterprises in the social sphere.

Kymlicka’s liberal nationalist argument for the politicization of an appropriately qualified liberal form of the nationalist ideal begins with a sub-argument about our necessary dependence on community and culture for context of choice, and then uses equality considerations to justify various forms of multicultural, group-differentiated,
special or minority measures for national and ethnic communities. The form of the argument depends on three provocative claims stemming from a specific luck egalitarian understanding of the liberal theory of responsibility. First, the cultural interests requiring equalization or compensation must derive from matters of unchosen circumstance rather than individual choice. Once the liberal democratic state has discharged its obligation of justice to individuals, it is a matter of personal choice and responsibility how they use their resources, rights and freedoms to pursue their conception of the good. Second, in some appropriate sense, national memberships are matters of circumstance or fate rather than individual choice. Individuals are born into nations, but voluntarily join other cultural communities in the social sphere. Third, since it is possible to distinguish between cultural structure and character, only nations provide the morally relevant cultural context of choice as part of an individual’s unchosen social circumstances. Nations provide the cultural structure within which other cultural communities operate. I believe that there are good reasons to question and reject all three of these claims, and we have seen the flaws with the second and third propositions already in Chapter Two.

Not only is it not possible to distinguish categorically between national and other cultural memberships on the basis of their voluntariness, but also the voluntariness criterion is less relevant than is commonly assumed. Paradoxically, the case for group-differentiated measures to protect and promote one’s national membership is weakest where it is most aptly described as a matter of circumstance. At birth, an individual tends to inherit her national membership through her parents and family; however, at this time, she has not yet satisfied the requirements to establish a morally relevant dependence on her national membership as a cultural context of choice. Her national membership is a
matter of unchosen fate, but she does not yet require a particular cultural context of choice. Indeed, it seems that any cultural context could provide the requisite context for individual choice, given appropriate acculturation. If the challenge of multiculturality pertained to newborn infants alone, then there would not be much of a case for group-differentiated measures. Yet, once we advance the timeline beyond the age of maturity, the idea that national membership is a matter of circumstance appears to be strained, even though it is still possible to say that, in large measure, her specific national membership was a matter of circumstance. By this point in an individual’s life, it seems appropriate to agree with Tamir’s points about the elective nature of national membership.

This paradoxical feature of national membership is problematic. An individual is born into a nation as a matter of circumstance, but she has not yet developed a social dependence on any community or culture. With time, she becomes a member of a nation, and establishes the type of relationships within her community that produce a necessary dependence on community and culture. While the fact that she belongs to this rather than that nation remains largely a contingent matter of fate, her upbringing has resulted in a social dependence on her particular nation. She is not responsible for her dependence on her particular nation, but at some point in her life, her membership and this dependence did become a matter of choice. She was able to decide to leave or remain, and to opt-out of or adhere to the community’s norms. Since national membership is subject to choice, there are some reasons for viewing it as voluntary. Moreover, if the voluntary or elective nature of national membership means that it resembles other cultural memberships as an individual choice, and thus, as a matter of personal responsibility not requiring compen-
sation or equalization, then any argument for group-differentiated measures premised on national membership being unchosen appears to encounter a serious obstacle.

The prospects for group-differentiated rights for national and ethnic minorities does not improve much, even if we grant for the purposes of investigating the argument that national membership is unchosen. The individual herself may not be responsible for her membership, but her parents or other guardians will be, by virtue of substituting their choice for hers. They have chosen her national membership for her, and this choice suggests that the matter of protecting and promoting national and ethnic communities should fall to them, at least until the individual reaches the age of maturity and can assess her national membership for herself. If we hold strong and fast to the idea that individuals are responsible for their choices within the private and social spheres, then the responsibility for protecting and promoting the nation and its culture seems to fall to its adult members, since their memberships and their offspring’s memberships are chosen by them. The point here is simply that, for a liberal nationalist compensation approach to cultural justice, it does not matter much whether the individual’s national membership is chosen or unchosen because what matters ultimately is that there is an inequality in the liberal democratic state’s treatment of its citizens’ interests in the necessary social preconditions for individual choice and freedom when the state protects and promotes the majority’s national community but exercises benign neglect vis-à-vis national and ethnic communities within its jurisdiction. Since this is an unfair situation, liberal nationalists hold that liberalism should prescribe group-differentiated measures as compensation, but this argument is cogent only if the liberal democratic state is entitled to secure the context of choice of members of the national majority in the first place, and we have seen that,
under conditions of multiculturality and cultural contestation, a defensible liberal multiculturality cannot easily act as both a defender of the nation and as a guarantor of equal, fair and just treatment for all its citizens.

But why is so much attention devoted to the voluntariness of our cultural memberships? Why is it that voluntariness is not a prominent topic in discussions of religious diversity or healthcare rights? The short answer is that these other issues of justice have not been conceptualized by their most ardent supporters as ‘special’ or minority compensation issues within a luck egalitarian framework. Kymlicka and many other liberal nationalists believe that a liberal argument for minority rights based on culture is an argument for equalization of or compensation for unfair circumstances or brute luck, and since they conceptualize the challenge of multiculturality as a matter of bad brute luck, it is crucial that they demonstrate that the interest involved is not a voluntarily cultivated extravagant taste. These theorists have embraced luck egalitarianism as a key premise in their arguments, and Jonathan Quong has termed their position ‘luck multiculturalism’ (Quong 2006: 55). Interestingly, on the other side of the same coin, we have a liberal like Barry who insists that cultural beliefs are a matter of choice rather than chance, and hence analogous to expensive tastes (Mendus 2002: 35). There is a real disagreement over the placement of cultural beliefs and preferences on the choice-chance continuum, but this disagreement is most meaningful within the luck egalitarian frameworks accepted by multiculturalists, like Kymlicka and Parekh, and critics of multiculturalism, like Barry.

Yet, luck egalitarianism has become increasingly unpopular. Many liberals have opted to conceptualize cultural justice without resorting to luck egalitarianism. In particular, the choice-chance distinction upon which it is premised has raised many red
flags. On the one hand, Susan Mendus draws attention to how the debate between Parekh and Barry over equality of opportunity being subjective-dependent or objective reveals that there is often reasonable disagreement over the empirical determinations of whether something is a matter of choice or chance (Mendus 2002: 37). She believes that this disagreement is an inevitable result of the lack of a pre-institutional distinction between choice and chance. “We can only expect politics to mitigate the worst effects of chance if we already know what chance is, and the dispute between Barry and Parekh suggests that we know no such thing” (Mendus 2002: 35-36). On the other hand, she questions also whether liberal multiculturalists are concerned with the chance component of unchosen inequalities, or whether they are actually motivated and concerned with the disadvantage itself. Like Elizabeth Anderson, Mendus is convinced that liberals often respond to a significant disadvantage, inequality or injustice, and they are right to do so. For Mendus and other egalitarians who disapprove of luck egalitarianism, the primary concern is unjust, unequal or oppressive institutions rather than luck. Their egalitarian commitments are expressed through concepts like free and equal citizenship, equal concern and respect, ‘neutrality of treatment’ or evenhandedness (Patten 2003; 2012), ‘basic interests’ (Shorten 2010), and ‘fair equality of opportunity’ (Quong 2006). These egalitarians believe that institutions should be structured to protect against some forms of hardship or disadvantage, and generally, they do not find the choice-chance distinction helpful in elaborating their egalitarian commitments.

These egalitarian approaches provide alternatives, but there is an identifiable tendency for liberal nationalism to rely on luck egalitarianism, a compensation for unchosen inequality approach, and the controversial idea that liberal political institutions
may legitimately use political power to secure the national context of choice of national majorities within political jurisdictions. There are many good reasons to avoid this last assumption, and we have encountered many of them already. It assumes that the political institutionalization of nationalism, albeit in a qualified and restricted form, is justified for nations constituting a majority within a territorially-defined jurisdiction, and, also, that this political institutionalization should be extended to minority national communities through the formation of new political units, and the devolution of political power and authority to these new units. It assumes that the cultural interests of members of the majority nation are satisfied by the political institutionalization of nationalism, and additionally, that the cultural interests of members of minority nations would be satisfied through the same means. Because the compensation argument must satisfy the requirements of luck egalitarianism, including the argument against compensation for extravagant tastes, the relevant cultural interests must be unchosen and involuntary, while not stifling individual choice and freedom. This requirement leads to the distinction between cultural structure and character, as well as a limitation in the scope of morally relevant communities to include only nations or societal cultures. The various manoeuvres in Kymlicka’s highly influential liberal nationalism, after the foundational autonomy argument, are required to meet the evidentiary burden for fair compensation within a luck egalitarian framework. The problem is that Kymlicka has assumed that liberalism is premised on a form of majoritarian nationalism, and that equality, fairness, justice and logical consistency require us to extend this premise to include minority nations. As a result, the challenge of multiculturality becomes a ‘special’ or minority issue.

Perhaps, the attention devoted to the voluntariness of different memberships
should not be directed at a descriptive question at all, but rather at the normative considerations raised by the extravagant taste of objection. On this interpretation, then, the question concerns the obligations generated by our cultural interests – specifically, obligations based on the individual right to culture and the correlative right to state assistance in protecting and promoting cultural communities in the social sphere – where individuals, societies and states will incur these obligations only if the interests involved are not extravagant tastes. For liberals, as we saw in §3.4, it is absurd to think that liberal democratic states should deviate from equal and fair treatment of individuals to compensate for voluntarily cultivated extravagant tastes. The intuition among sceptics and opponents of at least some cultural rights is that, just as an individual who has cultivated a taste for plovers’ eggs and prephylloxera claret deserves no additional state assistance to acquire these extravagant goods, so too an individual who has voluntarily joined and cultivated an interest in a cultural community deserves no additional state assistance to protect and promote this cultural community. Once other obligations of justice have been met, it is an individual’s responsibility with other individuals to protect and promote cultural communities in the social sphere. In short, the liberal democratic state has no business protecting or promoting cultural communities in the social sphere per se, since these cultural affairs are a matter of personal responsibility.

The basic reason that the liberal democratic state must be attentive to our cultural interests was furnished by Kymlicka’s argument that community and culture are vital preconditions of individual choice. So, liberalism’s commitment to individual freedom necessarily yields a commitment to community and culture. In Chapter Two, Burge’s arthritis thought-experiment allowed us to refine our understanding of our dependence on
community and culture for the conceptual and evaluative resources required for choice, and it was clear that this type of dependency is a function of our relationships with multiple communities and multiple sets of cultural resources. This analysis suggested that liberalism’s commitment to establishing equal and fair conditions for individuals to form, revise and rationally pursue their conceptions of the good would require liberal democratic states to protect community and culture, but this reasoning is complicated by the fact that cultural membership tends to be both a necessary precondition of freedom and something that is chosen as part of an individual’s conception of the good. That is, cultural membership transcends the liberal distinction between circumstances and choice by often being simultaneously a matter of circumstance and a matter of choice. Some liberal nationalists have attempted to divide cultural memberships into two categories on the basis of voluntariness with the aim of circumventing this difficulty, but these attempts fail. So, liberals seem pressed into a situation where they must choose between protecting and promoting no cultural communities, as suggested by Kukathas and Barry, or to protect and promote (almost) all cultural communities, as I suggest. Since community and culture are necessary social preconditions of individual freedom, I believe that liberals are committed to providing at least some measure of protection and promotion to (almost) all cultural communities, where differential treatment of cultural communities is possible as long as individuals are treated equally, fairly and evenhandedly.

My argument establishes the moral value of community and culture as necessary preconditions for fundamental liberal commitments, and provides good reason for some measure of protection and promotion of cultural communities in the social sphere, but I have yet to respond to the charge that individuals are responsible for sustaining their
chess or soccer communities, whereas they are not responsible for protecting their nations. Again, the putative ground for this discrepancy is that chess and soccer club memberships are voluntary, whereas national membership is not, but this empirical claim only holds true for some people, but not others. Chess and soccer memberships resemble cultivated tastes, whereas national membership does not, or so many liberal nationalists would argue. Yet, the problem with expensive or extravagant tastes is not so much that they are chosen, voluntary or cultivated, but that they are excessive. A political demand for extra resources or compensation for plovers’ eggs or prephylloxera claret is absurd because these items are excessive – they are delicacies, indulgences and luxuries beyond what is required for a reasonable standard of well-being or a decent life. A request by chess or soccer clubs for use of public space in community centres, schools or parks is not equivalent to asking for state-funded Beluga caviar, haute couture fashion, or Italian sports cars. These luxury items may contribute to one’s happiness or satisfaction, but they do not contribute to the liberal democratic state establishing equal and fair conditions for individuals to be able to form, revise and rationally pursue their conceptions of the good life. Yet, some measure of state assistance in sustaining cultural communities in the social sphere is crucial to establishing stable, secure and predictable contexts of choice, and this crucial contribution to our moral lives not only differentiates our interests in community and culture from other interests in welfare-enhancing goods, but also serves as an integral premise in the argument for a right to culture. In short, unlike plovers’ eggs, prephylloxera claret, Beluga caviar and other extravagant luxury items, our memberships in numerous and various cultural communities are morally and politically

42 If we shift our attention to healthcare, a request for some state-funded support for a wheelchair or crutches is not equivalent to asking for a team to convey you in a lectica, litter or sedan chair.
relevant, even if they are chosen, voluntary and cultivated by us, because these cultural communities are a necessary social precondition for individual freedom.

Many cultural communities in the social sphere may merit some measure of assistance from the liberal democratic state by virtue of their contribution to individuals’ contexts of choice and freedom, but this claim should not be misconstrued as shifting the responsibility for protecting and promoting cultural communities from the individual to the state. On a defensible liberal multiculturalism, individuals retain the primary responsibility for protecting and promoting their cultural communities, but they are not banished or ‘relegated’ to a private sphere of neglect, where they must fend for themselves. Instead, the liberal democratic state is obligated to assist individuals in maintaining their cultural communities, but this assistance is qualified and limited. In general, state support for these cultural communities will be restricted by liberal principles of justice, including the ideal of neutrality and the prescription to treat individuals equally and fairly. Liberal principles of justice require the liberal democratic state to assist the numerous and various cultural communities contributing to our context of choice, but they also constrain how a liberal democratic state may assist these cultural communities. Given the incredible variety of objective characteristics of cultural communities in the social sphere of a liberal society, it is not possible to be precise about the scope and extent of the state’s assistance with cultural matters. A chess club or soccer league may be assisted by permitting access to public facilities, whereas a religious community with a sizeable congregation may warrant financial assistance with the construction of a house of worship. These forms of state support are guided by the individuals comprising these groups, but these individuals do not simply dictate how the government should assist
them. Evidently, some sort of negotiation will be necessary, where the group describes its objectives and needs, and the government explains what assistance it may offer, and perhaps also places conditions on various levels of assistance. On this proposal, our cultural interests are not simply relegated to the private sphere of neglect because the liberal democratic state participates in the cultural lives of individuals without dictating the terms of this participation or having these terms dictated to it.

So, the compensation approach is not the only approach available for liberal multiculturalists seeking to take seriously our interests in community and culture. A defensible liberal multiculturalism should accept Kymlicka’s argument for community and culture as necessary social preconditions for individual choice and freedom, but it should reconceptualise liberalism’s commitment to equality within a typically liberal, universal and individual framework rather than as a form of compensation for unchosen inequalities. On this alternative approach, much like the challenge of religious diversity, the search for liberal principles of cultural justice for conditions of multiculturality and cultural contestation is not a minority rights issue, but rather a universal human rights issue about our essential cultural interests. Kymlicka provides a compelling argument for considering community and culture as primary goods in a liberal theory of justice, but his compensation approach suggests that the challenge of multiculturality is a minority rights issue. It is evident that he holds an egalitarian theory of justice, since his argument endeavours to extend the liberal democratic state’s protection and promotion of culture from national majorities alone to national and ethnic minorities as well. Like many other liberal nationalists, Kymlicka believes that the politicization of national communities is required to secure the necessary social preconditions for individual freedom, but in
Chapter Two, through an examination of Burge’s arthritis thought-experiment, we refined our understanding of our necessary dependence on community and culture. It became clear that our interests in community and culture are not tied only to national communities as cultural background, and that our interest in a stable, secure and predictable cultural context of choice requires the protection and promotion of numerous and various cultural communities. This analysis clarified how the norms comprising our contexts of choice derive from these cultural communities, except when we opt-out and replace them with alternative norms, and even though the protection and promotion of these numerous and various cultural communities is a necessary precondition for individual freedom, a defensible liberal multiculturalism must remain true to its individualist, egalitarian and universalist foundation to be sensitive to our cultural interests. The primary reason that liberal multiculturalism must retain its individualist and universalist foundation in the face of the collectivist and/or particularist challenges of nationalists is that the descriptive conditions of multiculturality have an inescapable individual dimension that a collective normative response cannot capture. Like the conditions of multiculturality themselves, a defensible liberal multiculturalism will have necessary individual and collective/social dimensions. The individual right to culture, coupled with some measure of protection and promotion of cultural communities in the social sphere, allows the liberal democratic state to attend to our cultural interests as individuals and as members of the cultural communities that form the social fabric of our cultural contexts of choice and freedom.

On this approach, liberal democratic states should respect the individual’s fundamental rights and freedoms, recognize an individual right to culture, tolerate voluntary cultural communities and practices in the social sphere, and provide some measure of
assistance to individuals seeking to protect and promote their cultural communities. Except in extraordinary circumstances, the liberal democratic state cannot condone the politicization of culture, but depoliticization does not require neglect of our cultural interests. Within the familiar limits established by liberal principles of justice, individuals are free to associate together under mutually acceptable terms, and they are free to leave a cultural community to start one of their own. This process is facilitated by the liberal democratic state’s obligation to provide some measure of support to cultural communities, whether well-established or fledgling. This approach respects individual agency in cultural matters, since liberal toleration sanctions only limited governmental interference with activities in the social sphere. Additionally, the right to culture protects individuals from governments trampling their most valued cultural interests, much like freedom of religion does, but the right to culture provides only limited protection of the cultural interests of individuals within voluntary groups. While some multiculturalists want liberalism to exercise greater tolerance and forbearance of cultural difference in the social sphere, and other multiculturalists believe that liberalism should require cultural communities to adhere to liberal principles of justice, the depoliticization approach to multiculturality establishes a balance between tolerating cultural difference and protecting individuals and their communities. Supplementing depoliticization with an individual right to culture, and the correlative prescription for the liberal democratic state to provide some measure of assistance to individuals seeking to protect and promote their cultural communities, allows liberal multiculturalism to avoid the troubling neglect of culture that is characteristic of many other forms of liberalism. This approach to the challenge of multiculturality carves a middle path between politicization and benign neglect.
There are many practical advantages to this approach. First, there are the benefits of casting the challenge as a universal issue involving the essential interests of all individuals. This approach avoids portraying cultural issues as involving minority groups claiming more than their fair share of resources. This portrayal of cultural rights as special makes it harder to garner the support required to pass and implement multicultural legislation. My proposal avoids this difficulty by placing the cultural interests of all individuals on equal footing so that the scope is universal and the measures are mundane. This process brings to the fore the cultural particularities of many individuals and cultural communities deemed to be mainstream, and this combats the trend for mainstream culture be so taken for granted that it appears unremarkable and natural. Recognizing the cultural particularities, interests and assistance available to the majority community and its members is a crucial step toward cultural justice in multicultural societies.

Second, there are the benefits of avoiding the politicization of culture. Because politicization involves the devolution of political power and authority to communities, this approach to the challenge of multiculturality has been accused of ‘freezing’ and ghettoizing communities. Liberal nationalists tend to defend these charges by pointing to the liberal foundation of their theories, including fundamental rights and freedoms, and this defence works only if the charge is that they seek to freeze the cultural character or norms of a community, or to force people to congregate into a geographically-defined jurisdiction. Yet, even though the community’s character or norms are not frozen or preserved in perpetuity, politicization grants some measure of political power and authority to some cultural communities, but not others, and this process of establishing cultural majorities within political jurisdictions has the effect of freezing what communities have
political power and authority, while the territorial component of political jurisdictions establishes cultural parcels, ghettos or enclaves. My proposal avoids these undesirable aspects of the politicization approach by encouraging an active and dynamic social sphere of cultural activity. Cultural communities are not frozen because the assistance of the liberal democratic state in the social sphere facilitates the creation of new groups, and depoliticization avoids the imperative to territorialize cultural activity. Depoliticization also allows for a dynamic social sphere of contradictory, loosely integrated, contested, mutable, and highly permeable cultural communities.

Third, avoiding the politicization strategy circumvents the individuation issue. Group-differentiated multicultural measures require a procedure by which to individuate, demarcate or delineate the relevant cultural communities, and quite often also, a way to identify the cultural membership of individuals. In an insightful critique of nationalism, James Graff argues that there is no single non-arbitrary method by which to individuate nations or cultural communities. According to Graff, “sociologists, anthropologists, and historians can non-arbitrarily use different, more or less finely tuned criteria” to identify such collectivities, as well as “sub-groups and sub-sub-groups” within them (Graff 1994: 208). The impact of this difficulty is that most theorists have concluded that there is no objective, principled procedure by which to identify nations or other communities bearing group-differentiated cultural rights. Tamir explains, “national groups lack clear criteria of membership, and the idea of granting them rights is fraught with theoretical and moral difficulties” (Tamir 1993a: 47). Given these problems, it is troubling that politicization raises the stakes involved in the individuation of cultural communities and the identification of members, but my proposal avoids these difficulties by reducing the stakes and
avoiding the individuation issues. A cultural community does not need to differentiate itself from another similar community to qualify for assistance from the government, and if an individual is expelled from a cultural community, she is free to join another or start her own. This procedure does not preclude such problems, but it does reduce the stakes of inclusion and exclusion, and it offers alternative methods of acquiring assistance for the protection of cultural interests. Quite simply, the depoliticization approach provides more flexibility in responding to claims for assistance in cultural matters.

Fourth, since liberal nationalist culture arguments for group-differentiated rights for national minorities emphasize the protection of the cultural community as a cultural background, structure or context of choice, cultural communities demanding some sort of multicultural accommodation face the evidentiary burden of demonstrating that that measure is required for the survival of the community. This is a difficult standard to meet because only rarely would a community cease to exist were a particular practice prohibited. For instance, an indigenous community may value its fishing rights for economic and cultural reasons, but stringent limitations on their fishing practices is more likely to alter the community’s character and its practices than to mark the end of the community altogether. Yet, liberal nationalism seems to require an existential relationship between the practice for which protection is sought and the cultural community itself. Given our essential interest in cultural communities as a stable, secure and predictable context of choice, my proposal does not require cultural communities to meet this demanding requirement. Cultural communities do not need to stake their survival on the continuation of some practice to qualify for some measure of assistance with the protection and promotion of the community, its practices or its norms. In this sense, my
proposal avoids questions about the relationship between a practice and the community, and, thus, is better equipped to meet the needs of individuals and communities.

These are significant practical advantages of my proposal for a defensible liberal multiculturalism without nationalism, but there are also significant moral and political advantages too. On my proposal, cultural justice is achievable, easier to achieve and less divisive, while leaving a much smaller cultural remainder than other liberal responses to multiculturality. The most significant benefit of my proposal for a liberal multiculturalism without nationalism is that it makes cultural justice achievable. Unlike the liberal nationalist politicization strategy, my proposal does not require devolution of political power and authority, the formation of new political jurisdictions and institutions, or sweeping constitutional amendments. Not only is it excessively difficult to persuade existing states on the merits of the politicization strategy, but the conditions of multiculturality themselves may preclude its achievability. The individuation issue is a difficulty, but the ideal of organizing political jurisdictions so as to avoid national minorities may be unachievable for the simple reason that there is a limit to how small political jurisdictions can be, whereas there is no corresponding limitation on the size of nations or societal cultures. As we have seen, my proposal encourages cultural activity in the social sphere, where individuals and governments partner to protect and promote cultural communities, their practices and their norms, and this type of private-public partnership encourages multiple, smaller, more specific, multicultural measures rather than a single, large, general one. With such partnerships, the liberal democratic state may secure for each and every individual within its jurisdiction a reasonably stable and predictable context of choice, and in this sense, my proposal offers an achievable approach to cultural justice.
Cultural justice is also easier to achieve because it avoids the practical difficulties described above, and because it is easier to convince liberal democratic states to provide some measure of assistance for the protection and promotion of cultural communities than it is to convince them to devolve political power and authority to national minority communities within their jurisdictions. My proposal alters the type of demands away from political self-determination to specific multicultural measures, and almost all these demands are easier and less costly for established sovereign states than granting internal political autonomy or secession. Moreover, these specific multicultural measures are more concrete, and, thus, avoid the indeterminacy of other measures. This concreteness and determinacy assuages some of the reservations states may have about multicultural accommodations. Even though the type of private-public partnership suggested may take considerable negotiation and planning, it is less costly to states than the devolution of political power and authority, the loss of control over geographic territory and natural resources, and the indeterminacy of these policies. Also, the negotiation of the private and public partners allows the liberal democratic state to provide specific incentives to cultural communities to treat their members in a more equitable and justice-respecting way. Ultimately, the representatives of cultural communities may decide to ‘dig in their heels’, but even in this scenario, the incentives offered by the liberal democratic state may encourage the type of reformist dissent that culminates in desirable change. These features of my proposal do not guarantee that all the cultural interests of all individuals will be satisfied, but they do increase our prospects of realizing this ideal state of affairs.

Because my proposal maintains universal citizenship and a uniform system of laws, it honours liberalism’s historic commitment to political unity. Yet, it provides
ample room for multiculturality in the social sphere through its tolerance and assistance in the protection and promotion of cultural communities. This is a schema for unity in the political realm and diversity in the private sphere, and this division allows my proposal for a liberal multiculturalism to avoid the divisive pitfalls often seen in multicultural politics. Specifically, private-public partnerships for the protection and promotion of cultural communities encourage individuals to view themselves simultaneously as citizens of the liberal democratic state and members of numerous and various cultural communities. A defensible civic patriotism will be thin and consistent with these cultural memberships, so individuals will be able to accept among their many roles political citizen and cultural member. Moreover, the assistance of the liberal democratic state with the maintenance of cultural communities will reinforce the relationship between the individual’s citizenship and her cultural memberships in the social sphere. This is a political unity that is consistent with the values of individuality and cultural diversity, but able to avoid cultural imperialism. These important practical, moral and political benefits arise from the liberal democratic state’s respect for the individual’s fundamental rights and freedoms, commitment to the equal, fair and just treatment of individuals, recognition of an individual right to culture, toleration of voluntary cultural communities and practices in the social sphere, and provision of some measure of assistance to individuals seeking to protect and promote their cultural communities. This is a recipe for cultural justice under conditions of multiculturality and cultural contestation, and for a defensible liberal multiculturalism without nationalism.
CHAPTER FOUR

CONCLUSION

My goal here is to find a middle course between these two views, one that tries to uphold individual autonomy and pluralism. Doing so does not mean finding the magic bullet that satisfies the concerns of all, dissolving all tensions between pluralism and autonomy. Rather, it means finding reasonable ways to balance the different concerns involved, realizing that there is no perfect balance between pluralism and autonomy, but that it is important to try to find the balance, shifting though it may be. Liberalism ought to be able to tolerate minority groups that do not adhere to some liberal norms, while also granting some protection to the minorities within the minority group (Spinner-Halev 2005: 157).

We are all multiculturalists now. We are all committed to respecting the equal worth and dignity of persons, and to treating individuals with equal concern and respect. Moreover, we recognize that these egalitarian commitments commit us also to respecting individuals as cultural and communal beings, to appreciating our essential interests in culture and community, and to revising political theory and practice to reflect these commitments, where needed. Yet, there remains significant disagreement about various aspects of this picture. We disagree about the nature of social reality, so we disagree about the details of our embeddedness in cultural communities and of our social dependence on culture and community for individual freedom, identity and welfare. We disagree about the conditions of multiculturality, so we disagree about the challenge of multiculturality too. We disagree over the nature, content and weight of our cultural interests, so we disagree about the defensibility of our political theories and practices. With the recent cautious retreat from many multicultural policies around the globe, there is a pressing need to revise our accounts to respond adequately to the actual conditions of multiculturality in the contemporary world, and to reduce the cultural remainder as much as possible, while continuing to honour our moral commitments to freedom, equality and justice.
Each of the liberal responses to multiculturality examined in this dissertation was shown to leave a pronounced and systematic cultural remainder. Tolerationism and traditional liberalism were criticized for failing to provide positive and direct measures for the protection and promotion of our essential interests in culture and community, and, thus, for advocating some form of cultural toleration as benign neglect. It is evident that a defensible liberal multiculturalism will recognize and value some form of toleration, but it will not simply neglect the relevant cultural interests by pronouncing them to be matters of personal responsibility alone. In many situations, our cultural interests will warrant positive measures to protect and promote them, and liberal nationalism provides an approach to these measures. On the challenge of multiculturality, liberal nationalism fares much better than the other liberal responses because it takes seriously our essential cultural interests and endorses various special rights and accommodations for national communities. Despite its positive contribution, liberal nationalism still leaves a cultural remainder due to its strategy of politicizing nationality.

Broadly speaking, liberals have been presented with two general approaches to the challenge of multiculturality: (i) to tolerate cultural and communal difference under otherwise equal, fair and just terms; or, (ii) to politicize national communities, cultures and identities. I have argued that each of these options contributes a crucial component of a defensible liberal response to the challenge of multiculturality, but that, to reduce the cultural remainder, liberal multiculturalism should seek to depoliticize cultural difference without neglecting our essential cultural interests. This is the middle path between these historically influential liberal approaches: it is a liberal multiculturalism without nationalism, and its cornerstone is the individual right to culture.
The starting-point of my argument was a point of widespread agreement: human beings are embedded in and dependent on cultural communities, and this dependence is prudentially, morally and politically significant. In particular, our cultural embeddedness produces a dependence on culture and community as necessary social preconditions for individual choice, freedom and autonomy – this liberal foundation to my argument was derived from Kymlicka’s influential work in *Liberalism, Community and Culture*. Culture and community are integral to our capacity for individual choice, but also they are indispensable for our morally relevant freedom to form, revise and rationally pursue a conception of the good life. So, any society committed to the autonomy of its members must secure the cultural and communal preconditions of individual autonomy.

But so much of one’s interpretation of this argument and its implications depends on how one understands culture, community and our dependence on these primary goods. One historically prominent interpretation was foreclosed to us. Culture and community could not be interpreted on the classic anthropological model because it is now widely acknowledged that it is a mistake to view them as concrete, bounded, well-integrated, logically consistent throughout, and internally harmonious. Instead, culture and community should be viewed “as normally being contradictory, loosely integrated, contested, mutable, and highly permeable”. Moving beyond the classic anthropological model has profound implications for the philosophy of cultural rights insofar as it complicates efforts to deploy collective rights to protect and promote our essential cultural interests. After all, when communities are viewed as contradictory, loosely integrated, contested, mutable, and highly permeable, the task of ascribing cultural rights to communities is not only often complicated, but also potentially fraught with serious moral difficulties.
Under conditions of multiculturality and cultural contestation, it matters a great deal who speaks on behalf of the collective, how the community’s interests are identified, and who counts as part of it. Too often, our answers to these inquiries are not adequate or specific enough. It may be tempting to take Dworkin’s advice to err on the side of inflating rights rather than infringing on them, but given the complex relationship between the individual and collective dimensions of culture and community, inflating collective rights may be beneficial to the community vis-à-vis common external threats, but it may simultaneously create a pernicious threat to individuals and internal minority communities. With collective rights, there may be as much of a risk to individuals through inflating as there is through infringing, and, thus, it was deemed important for political theorists to rethink multiculturality and, where appropriate, make clear-headed and sharp delineations of the individual and collective components of our multicultural theories.

A fruitful avenue of inquiry into the conditions and challenge of multiculturality was available through our essential dependence on culture for individual freedom. Our analysis of Burge’s arthritis thought-experiment yielded several insightful conclusions. First, there are two separate, but related, dependencies at work here: (i) a dependence on cultural norms to furnish the conceptual and evaluative building blocks of our contexts of choice; and, (ii) a dependence on our communities and fellow members for sustaining these cultural norms. In this sense, we have interests based on our dependence on both culture and community. Second, although Burge’s thought-experiment aims to establish the anti-individualist conclusions that the individuation of many mental contents depends necessarily on our social environment, and that language often has an essentially social aspect, our analysis revealed that it is also essentially individual. Since the individuation
of mental contents depends on cultural norms, our analysis emphasized that culture is also necessarily social and necessarily individual. Thus, it is a significant oversight to contend with the social aspects of culture without remaining mindful of its essential individual dimension as well. Third, individuals tend to be members of numerous and various cultural communities, which means that we derive our cultural norms and communal memberships from “here, there, and everywhere”. As a result, social contexts, cultural communities and individuals tend to be multicultural, and, thus, social reality and our cultural contexts of choice are often highly complex and richly textured, much like Jackson Pollock’s much-celebrated Converge (1952).

Under conditions of multiculturality and cultural contestation, the pressing task of protecting and promoting the essential cultural interests of individuals becomes more complex. It is no longer a matter simply of supporting national communities as context of choice. Instead, to protect the contexts of choice of individuals in a multicommmunal and multicultural setting, it is necessary to direct our efforts toward individuals and internal communities as well. Otherwise, we risk neglecting significant portions of each individual’s cultural context of choice, but also, through selectively conferred collective rights, possibly further empowering a dominant faction in internal contests. In many contexts, a liberal nationalist approach with self-government rights, or some measure of devolution of political power and authority to national communities, will likely decrease the overall cultural remainder from the levels we would expect from a tolerationist or traditional liberal approach. Nonetheless, there is much room for sharper delineations, especially after we replace the nationalist social ontology with the revised conception of
multiculturality, and embrace privatization over the politicization of culture; in other
words, once we pursue a liberal multiculturalism without nationalism.

Liberal multiculturalism may depoliticize culture without neglecting our essential
cultural interests by protecting and promoting these interests with an individual right to
culture. My argument for this right does not embark from a luck egalitarian conception
of our commitment to equality, so my argument does not require controversial categorical
distinctions between choice and chance, or nations and other cultural communities, nor
does it require us to assume that national membership is an unchosen matter of fate. As a
result, cultural justice is not viewed as a matter of compensation for an unchosen cultural
inequality, but rather as a matter of furnishing individuals with equal and fair conditions
to be able to form, revise and rationally pursue their diverse conceptions of the good life.

Every individual has essential interests in culture and community, and liberal
multiculturalism requires that these interests be accorded equal weight and priority. This
approach is egalitarian, individualist and universal. It recognizes each individual’s
interest in culture and community, but recognizes that, even though members of a single
nation or societal culture may share some interests in the well-being of their nation and
its culture, members of this type of community also tend to have interests generated by
their memberships in other communities and their dependence on the cultural norms of
these other communities. Additionally, it recognizes that these interests may conflict.

Ultimately, my proposal for a defensible liberal multiculturalism brings many
liberal tools to bear on the task of protecting and promoting the cultural interests of
individuals. I accept a traditional liberal framework featuring universal citizenship, a
uniform system of law, traditional liberal rights and freedoms, and toleration of voluntary
practices in the private sphere. Even though I deem it important to affirm these crucial components of a defensible liberal multiculturalism, it is also important to be cognizant that some situations may require us to accept exceptions as the lesser of possible evils. These exceptions may be necessary to prevent excessive harm, but they do not invalidate the general liberal framework, nor do they provide the necessary measures to avoid neglecting our essential interests in culture and community.

What is required as a necessary supplement is an individual right to culture, including the correlative right to some measure of governmental assistance with the protection and promotion of cultural communities in the private sphere. The individual right to culture is indispensable because it functions to protect both the individual and her communities, thus securing the social preconditions for individual choice and freedom. Because collective claims for assistance to protect and promote a community are supported by the rights of the community’s members, such claims are weaker when they are endorsed by only a fraction of the membership. Quite simply, collective claims are most potent when they serve the interests of all members of the community. The liberal multiculturalism articulated in this dissertation provides incentives for communities to pursue inclusive and egalitarian policies, but communities are still free to decline these incentives, as long as their practices remain voluntary. This regime of public-private partnerships endeavouring to protect and promote cultural communities in the social sphere is a depoliticized, fair and just approach to the challenge of multiculturality.

The regime of public-private partnerships required by the individual right to culture approach to multiculturality has many positive features. In a liberal democratic society, it is much easier to garner the requisite public and political support for multicul-
tural measures, if they are intended to honour universal human rights. The compensation approach suggests that only minority communities require cultural rights, and it invites inquiries about whether a real need is being served, and whether the obligation to satisfy this need falls to the state. The terms of such an inquiry direct attention away from the roles of culture and community as necessary preconditions for individual freedom. In this practical and strategic way, the discourse of universal human rights or essential interests may help assuage some reservations about multiculturalism as a public policy.

Also, the liberal multiculturalism of the individual right to culture is likely to be confronted with less resistance from governments than proposals seeking to politicize nationality and devolve their political power and authority to sub-state units. Often, it is suggested that minority cultural communities would benefit greatly from political control of some particular aspect of life. Sovereign states tend to covet their political power and territorial integrity, so governments are likely to be better disposed to public-private partnerships than they would be to devolve political power and authority. If our essential cultural interests may be satisfied through an array of different arrangements, sovereign states will be disposed to choose the option that is less costly to them.

Additionally, there are several benefits to avoiding the depoliticization strategy. First, the liberal multiculturalism of the individual right to culture avoids the vexatious individuation issue, and also many questions about membership in cultural communities. Second, it avoids also the objection about freezing or ghettoizing cultural communities, since these communities would operate in the private sphere of voluntary conduct, but with some measure of governmental assistance. Third, multicultural policies and politics are less divisive insofar as individuals are encouraged to view themselves simultaneously
as citizens of the state and members of numerous and various cultural communities. This scheme of unity in the political sphere coupled with flourishing and rampant difference in the social sphere is bolstered by the idea that governmental assistance does not depend on the magnitude of cultural difference between a cultural community and the mainstream society. Fourth, this liberal multiculturalism also avoids requiring cultural communities to link the ‘special’ compensation measure to their survival, and, thus, avoids placing this peculiar and difficult to substantiate existential requirement on minority communities.

These practical benefits of a universal human rights approach to our essential interests in culture and community are not merely practical advantages because they also make cultural justice achievable, and easier to achieve than the compensation approach. The individual right to culture may require ongoing public-private partnerships, but we are far more likely to see this type of arrangement spring up around the world than we are to see political boundaries and institutions erased and redrawn to correspond with the nationalist ideal. The governments of liberal democratic states are obligated to assist individuals to secure the contexts of choice required for individual freedom and autonomy, but there are various ways to achieve this end. The liberal multiculturalism of the individual right to culture provides a proposal for a workable approach to cultural justice without the need to redraw political boundaries around the globe. Where the right to culture and its corollary are fully instituted, there will be a smaller cultural remainder, and, hopefully, any cultural remainder will be the product of individual consent.

The individual right to culture is a necessary component of a defensible liberal approach to multiculturality. It may serve as a crucial supplement to liberal nationalism, in order to further reduce its cultural remainder, but I believe that, in those unusual cases
where liberal nationalism’s politicization approach to culture and community seems to be required, it will be possible to reach those same policies from the individual right to culture. That is, in these cases, the collective dimension of the individual right to culture may be used to derive the types of political policies advocated by liberal nationalists, including the prized right to self-determination. It is crucial that liberal multiculturalists remain mindful of the possibility that depoliticization may fail to bring about the necessary results vis-à-vis the essential cultural interests involved in a particular scenario, and the individual right to culture may direct us toward politicization. In these cases, there will likely be considerable overlap between the positions and policies of these liberal siblings, but there would unquestionably be differences in their interpretation and justification of their prescriptions.

A defensible liberal theory of cultural justice is a liberal multiculturalism without nationalism. It recognizes the role of nations or societal cultures vis-à-vis our contexts of choice, but it recognizes also the indispensable and irreducible role of other cultural communities. It foregoes the politicization strategy, but it does not neglect our essential cultural interests. Instead, it supplements traditional liberalism with an individual right to culture, and it strives to satisfy our essential cultural interest using this right and its corollary. It recognizes that circumstances may hinder this depoliticization approach to cultural justice, so it remains open to the possibility of deploying the politicization strategy in extraordinary situations, but it will do so in order to satisfy and in accordance with the individual right to culture. Under conditions of multiculturality and cultural contestation, the individual right to culture is a necessary component of any defensible multiculturalism – after all, we are all multicultural now.
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