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Citizenship in Culturally Diverse Societies: Issues, Contexts, Concepts

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> There is no more dynamic social figure in modern history than The Citizen
>
> (Ralf Dahrendorf, *Citizenship and Beyond*)
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> 'Citizen' and 'Citizenship' are powerful words. They speak of respect, of rights, of dignity . . . We find no pejorative uses. It is a weighty, monumental, humanist word.
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> (Nancy Fraser and Linda Gordon, 'Civil Citizenship against Social Citizenship?', in Bart Van Steenburgen (ed.), *The Condition of Citizenship*)

The last ten years have witnessed a remarkable upsurge of interest in two topics amongst political philosophers: the rights and status of ethnocultural minorities in multi-ethnic societies (the 'minority rights–multiculturalism' debate), and the virtues, practices, and responsibilities of democratic citizenship (the 'citizenship–civic virtue' debate). To a surprising extent, these two debates have developed independently of one another, with only a few isolated discussions of their interconnection. The aim of this volume is to connect these two topics in a more systematic way. We want to explore how emerging theories of minority rights and multiculturalism affect the virtues and practices of democratic citizenship, and to see how emerging theories of citizenship and civic virtue affect the rights and status of ethnocultural minorities.

There are potential tensions between these two concerns. In fact, defenders of minority rights have often been suspicious of appeals to some ideal of 'good citizenship', which they see as reflecting a demand that minorities should quietly learn to play by the majority's rules. (See e.g. Samson 1999.) Conversely, those who wish to promote a more robust conception of civic virtue and democratic citizenship have often been suspicious of appeals to minority rights, which they see as reflecting the sort of politics of narrow self-interest that they seek to overcome. (See e.g. Ward 1991.)

Despite these long-standing mutual suspicions, it is increasingly recognized that any plausible or attractive political theory must attend to both the claims of ethnocultural minorities and the promotion of responsible democratic citizenship. In this Introduction we will explore how these two debates have

developed, why they have gradually come into closer contact, and what some of the potential tensions are between them. We hope this will help situate the more specific analyses of citizenship and diversity in the following chapters.

1. The New Debate on Minority Rights

Let us start with the new debate amongst political philosophers concerning the rights of ethnocultural groups within Western democracies. We use the term 'the rights of ethnocultural minorities' (or, for brevity's sake, 'minority rights') in a loose way, to refer to a wide range of public policies, legal rights, and constitutional provisions sought by ethnic groups for the accommodation of their cultural differences. Groups claiming minority rights include immigrant groups, indigenous peoples, national minorities, racial groups, and ethnoreligious sects; and their claims range from multicultural policies to language rights to respecting treaties with indigenous peoples. Other theorists use different terms to describe these sorts of claims—e.g. 'multiculturalism', 'group rights', or 'differentiated citizenship'. Each term has its drawbacks, but for the purposes of this Introduction we will use 'minority rights' as the umbrella term.

'Minority rights' is a heterogeneous category, and we will explore some of the different types of minority rights in Section 6. Nevertheless, all minority rights we discuss here share two important features: (a) they go beyond the familiar set of common civil and political rights of individual citizenship which are protected in all liberal democracies; and (b) they are adopted with the intention of recognizing and accommodating the distinctive identities and needs of ethnocultural groups.

In recent years political philosophers have shown a great deal of interested in the normative issues raised by such minority rights. What are the moral arguments for or against such rights? In particular, how do minority rights relate to the underlying principles of liberal democracy, such as individual freedom, social equality, and democracy? Are they consistent with these principles? Do they promote these values? Or do they conflict with them?

The philosophical debate on these questions has evolved dramatically over the past two decades. In the mid-1980s there were very few political philosophers or political theorists working in the area.[1] Indeed, for most of this cestury issues of ethnicity have been seen as marginal by political philosophers. (Much the same can be said about many other academic disciplines, from sociology to geography and history.) Today, however, after decades of relative

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

neglect, the question of minority rights has moved to the forefront of political theory. There are a number of reasons for this. Most obviously, the collapse of communism in 1989 sent waves of ethnic nationalism ripping through Eastern Europe, with dramatic consequences for the process of democratization. Optimistic assumptions that liberal democracy would emerge smoothly from the ashes of communism were challenged by issues of ethnicity and nationalism. But there were many factors within long-established Western democracies that also pointed to the salience of ethnicity: the nativist backlash against immigrants and refugees in many Western countries (especially France, Britain, Germany, and the United States); the resurgence and political mobilization of indigenous peoples, resulting in the draft Declaration of the Rights of Indigenous Peoples at the United Nations; and the ongoing, even growing, threat of secession within some of the most flourishing Western democracies, from Quebec to Scotland, Flanders, and Catalonia.

All of these factors, which came to a head at the beginning of the 1990s, made it clear that Western liberal democracies had not in fact met or overcome the challenges posed by ethnocultural diversity. It is not surprising, therefore, that political theorists have increasingly turned their attention to this issue. For example, in the last few years we have seen the first philosophical books in English on the normative issues involved in secession, nationalism, immigration, multiculturalism, and indigenous rights.[2]

But not only has this debate attracted more attention and participation; its very terms have also changed dramatically. The first wave of writings on minority rights was primarily focused on assessing the *justice* of claims by ethnic groups for the accommodation of their cultural differences. This reflected the fact that opposition to such claims has traditionally been stated in the language of justice. Critics of minority rights had long argued that justice required state institutions to be 'colour-blind'. To ascribe rights or benefits on the basis of membership in ascriptive groups was seen as morally arbitrary and inherently discriminatory, necessarily creating first- and second-class citizens.

The first task confronting any defender of minority rights, therefore, was to try to overcome this presumption, and to show that deviations from 'difference-blind' rules that are adopted in order to accommodate ethnocultural differences are not inherently unjust. Several authors took up this task, attempting to defend the justice of certain kinds of multicultural

[2] Baubock (1994a); Buchanan (1991); Kymlicka (1995a); Miller (1995); Spinner (1994); Tamir (1993); Taylor (1992); Tully (1995); Young (1990); Phillips (1995); Canovan (1996); Gilbert (1998). With the exception of Plamenatz (1960), we are not aware of any full-length books written by philosophers in English on any of these topics predating 1990. For collections of recent philosophical articles on these issues, see Kymlicka (1995b); J. Baker (1994); Shapiro and Kymlicka (1997); Beiner (1999); Couture *et al.* (1998); Lehning (1998); Moore (1998); McKim and McMahan (1997).

accommodations or group-specific rights.[3] These authors used a variety of arguments to make their case, most of which can be seen as resting on a common strategy. They all claim that while difference-blind institutions purport to be neutral amongst different ethnocultural groups, they are in fact implicitly tilted towards the needs, interests, and identities of the majority group; and this creates a range of burdens, barriers, stigmatizations, and exclusions for members of minority groups. The adoption of certain minority rights, it is argued, helps to remedy the disadvantages that minorities suffer within difference-blind institutions, and in doing so promotes fairness. Minority rights do not constitute unfair privileges or invidious forms of discrimination, but rather compensate for unfair disadvantages, and so are consistent with, and may indeed be required by, justice.

In our view, this first stage in the debate is coming to a close, with the defenders of minority rights having effectively made their case. We do not mean, of course, that ethnic groups have always been successful in getting their claims accepted and implemented, although there is a clear trend throughout the Western democracies towards greater recognition of minority rights. Rather, we are claiming that defenders of minority rights have successfully redefined the terms of public debate in two profound ways: (a) few thoughtful people continue to think that justice can simply be *defined* in terms of difference-blind rules or institutions. Instead, it is now widely recognized that difference-blind rules and institutions can cause disadvantages for particular groups. Whether justice requires common rules for all, or differential rules for diverse groups, is something to be assessed case-by-case in particular contexts, not assumed in advance; (b) as a result, the burden of proof has shifted. The burden of proof no longer falls solely on defenders of multiculturalism to show that their proposed reforms would not create injustices; it is now shared with defenders of difference-blind institutions, who must try to show that the status quo does not create injustices for minority groups and their members.

The first wave of minority rights theorists have, in other words, unsettled the complacency with which liberals used to dismiss claims for minority rights, and have successfully levelled the playing field when debating the merits of the claims by particular ethnic groups. It is an interesting question why minority rights theorists have been so successful in changing the public debate so quickly.[4] In part, this success is built on a growing acknowledgement of the many ways that mainstream institutions implicitly favour the majority—e.g. by using the majority's language, calendar, and symbols. Moreover, it is difficult to see how all of these biases could be overcome. The

idea that public institutions could genuinely be neutral amongst languages or religious calendars seems increasingly implausible.

But there is also a growing awareness of the importance of certain interests that had typically been ignored by liberal theories of justice; e.g. interests in recognition, identity, language, and cultural membership. If these interests are ignored or trivialized by the state, then people will feel harmed—and indeed will be harmed—even if their civil, political, and welfare rights are respected. If state institutions fail to recognize and respect people's culture and identity, the result can be serious damage to people's self-respect and sense of agency.[5]

So the original justice-based grounds for blanket opposition to minority rights have faded. This has not meant that philosophical and political opposition to minority rights has disappeared, or even significantly diminished. But it now takes a new form. Or rather it takes two forms: the first questions the justice of specific minority rights claims in particular contexts, focusing on the way particular policies may entail an unjust distribution of the benefits and burdens associated with identity and culture; the second shifts the focus away from justice towards issues of *citizenship*, focusing not on the justice or injustice of particular policies, but rather on the way that the general trend towards minority rights threatens to erode the sorts of civic virtues and citizenship practices that sustain a healthy democracy.

2. The New Debate over Citizenship

It is at this point that the debate over minority rights merges with the debate over the virtues and practices of democratic citizenship—a debate that has been developing independently over the last decade. Indeed, there has been an explosion of interest in the concept of citizenship amongst political theorists. In 1978 it could be confidently stated that 'the concept of citizenship has gone out of fashion among political thinkers' (Van Gunsteren 1978: 9). By 1990 Derek Heater claimed that citizenship had become the 'buzzword' amongst thinkers on all points of the political spectrum (Heater 1990: 293).

There are a number of reasons for this growing interest in citizenship throughout the 1990s. One reason is related to the rise of minority rights. Debates over multiculturalism have often been fractious, and have put a considerable strain on the norms of civility and good citizenship. Some people fear that the tyranny of 'political correctness' and 'culture wars' has made it difficult for people to participate as citizens; others fear the inevitable backlash that has accompanied the increased presence or visibility of

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[3] See Young (1990); Minow (1990); Parekh (1990); Phillips (1992); Taylor (1992); Spinner (1994); Tully (1995).

[4] For some speculation on this question, see Kymlicka (1998b).

[5] Taylor (1992); Margalit and Raz (1990); Tamir (1993).

minority groups. But there are several other recent political events and trends throughout the world that point to the importance of citizenship practices. These include increased voter apathy and long-term welfare dependency in the United States, the erosion of the welfare state, and the failure of environmental policies that rely on voluntary citizen co-operation.

These events made it clear that the health and stability of a modern democracy depends, not only on the justice of its institutions, but also on the qualities and attitudes of its citizens: e.g. their sense of identity, and how they view potentially competing forms of national, regional, ethnic, or religious identities; their ability to tolerate and work together with others who are different from themselves; their desire to participate in the political process in order to promote the public good and hold political authorities accountable; their willingness to show self-restraint and exercise personal responsibility in their economic demands, and in personal choices that affect their health and the environment; and their sense of justice and commitment to a fair distribution of resources. Without citizens who possess these qualities, 'the ability of liberal societies to function successfully progressively diminishes' (Galston 1991: 220).[6]

It is not surprising, therefore, that there should be increasing calls for 'a theory of citizenship'. Political theorists in the 1970s and 1980s focused primarily on what Rawls called the 'basic structure' of society: constitutional rights, political decision-making procedures, social institutions.[7] Today, however, it is widely accepted that political theorists must also pay attention to the qualities and dispositions of the citizens who operate within these institutions and procedures. Hence political theorists in the 1990s focused on the identity and conduct of individual citizens, including their responsibilities, loyalties, and roles.

The need for such a theory of citizenship received dramatic support from Robert Putnam's influential study of the performance of regional governments in Italy (Putnam 1993). He showed that these regional governments, set up in the post-war period, performed very differently, despite having more or less identical institutions. And it appears that the best explanation for the variation in performance was not differences in the income or education of the citizens, but rather differences in their civic virtue, what Putnam calls their 'social capital'—their ability to trust, their willingness to participate, their sense of justice.

6 This may account for the recent interest in citizenship promotion amongst governments (e.g. Britain's Commission on Citizenship, *Encouraging Citizenship*, 1990; Senate of Australia, *Active Citizenship Revisited*, 1991; Senate of Canada, *Canadian Citizenship: Sharing the Responsibility*, 1993). For a more detailed discussion of this renewed focus on citizenship within contemporary political philosophy, see Kymlicka and Norman (1994).

7 Rawls says that the 'basic structure' of society is the primary subject of a theory of justice (Rawls 1971: 7–11).

While Putnam's particular study has been disputed,[8] the general point that the virtues and identities of citizens are important and independent factors in democratic governance is now widely accepted. And this has led to a veritable flood of writings on issues of civic virtues and practices, civic identities, and citizenship education.[9]

The first task for theorists of citizenship was to specify more concretely the sorts of civic virtues required for a flourishing democracy. According to William Galston's prominent account, responsible citizenship requires four types of civic virtues: (i) *general* virtues: courage; law-abidingness; loyalty; (ii) *social* virtues: independence; open-mindedness; (iii) *economic* virtues: work ethic; capacity to delay self-gratification; adaptability to economic and technological change; and (iv) *political* virtues: capacity to discern and respect the rights of others; willingness to demand only what can be paid for; ability to evaluate the performance of those in office; willingness to engage in public discourse (Galston 1991: 221–4).

Other authors offer a slightly different list, but Galston's account captures a core set of concerns in the citizenship literature. Indeed, it is difficult to imagine anyone really disagreeing with the desirability of these sorts of qualities. The hard questions arise when we ask what exactly governments can or should do to promote these virtues. How should governments ensure that citizens are active rather than passive; critical rather than deferential or apathetic in the face of injustice; responsible rather than greedy or shortsighted; tolerant rather than prejudiced or xenophobic? How should governments ensure that citizens feel a sense of membership in and belonging to their political community, rather than alienation and disaffection? How should governments ensure that citizens identify and feel solidarity with co-citizens, rather than indifference or hatred towards others?

This is where the real disputes arise. Perhaps just for that reason, many writers on citizenship have avoided taking a clear stand on the public policy implications of their theories. They focus more on describing desirable qualities of citizens, and less on what policies should be adopted to encourage or compel citizens to adopt these desirable virtues and practices. As a result, a cynic might argue that many works on citizenship reduce to a platitude: namely, society would be better if the people in it were nicer and more thoughtful.[10]

Fortunately, this timidity is slowly disappearing, and we are now seeing more discussions of the policy implications of theories of citizenship. And

8 For a review, see Sabetti (1996).

9 For the pre-1994 literature, see the bibliography in Kymlicka and Norman (1994) and the collected essays in Beiner (1995). For more recent writings, see Janoski (1998); Dagger (1997); Callan (1997); Van Gunsteren (1998a); Shafir (1998); Hutchings and Dannreuther (1998); Lister (1998).

10 This was our own uncharitable conclusion in Kymlicka and Norman (1994: 369).

some important differences have emerged in how political theorists would approach citizenship promotion. In particular, political theorists disagree about the role of ethnic and religious groups in promoting citizenship. Some theorists say that the best 'schools of citizenship' are the voluntary associations and organizations of civil society, including ethnic and religious groups, and that the best thing the state can do is simply to let these organizations alone (see e.g. Glendon 1995; Walzer 1995). Others argue that the sort of socialization provided by ethnic and religious groups can inhibit, as well as promote, responsible citizenship, and that mandatory citizenship education in the schools is needed to supplement and correct the lessons learned in civil society (see e.g. Callan 1997; Arneson and Shapiro 1996). Some go even further and argue that the state must actively intervene in certain ethnic and religious groups, to prevent them from passing on illiberal or undemocratic attitudes and practices (see e.g. Okin 1997). As the essays in this volume show, these differing accounts of how best to promote democratic citizenship have profound repercussions for minority rights.

This disagreement about how best to promote responsible citizenship reflects another emerging trend in the literature—namely, the need to adapt theories of citizenship to the realities of modern pluralistic societies. Much of Galston's list recalls discussions of civic virtue in the city-states of ancient Greece or Renaissance Italy. And indeed several authors explicitly describe themselves as trying to recover and retrieve the classical republican tradition of political thought, drawing on thinkers such as Aristotle, Rousseau, and Machiavelli (Oldfield 1990; Skinner 1992; Pocock 1992). But it is increasingly recognized that the sorts of civic virtues required for a large pluralistic modern society, and the appropriate means to promote them, may differ from those required for a small, homogeneous city-state. The goals of citizenship, and the means of promoting it, must take into account the levels and forms of ethnic and religious pluralism.

This idea helps explain the growing attention paid to one particular virtue on Galston's list: the need to engage in public discourse. The decisions of government in a democracy should be made publicly, through free and open discussion. This is as necessary now as it was in the democracies of the ancient world. But in a modern pluralistic society the virtue of public discourse is not just the willingness to participate in politics, or to make one's views known. It also

includes the willingness to listen seriously to a range of views which, given the diversity of liberal societies, will include ideas the listener is bound to find strange and even obnoxious. The virtue of political discourse also includes the willingness to set forth one's own views intelligibly and candidly as the basis for a politics of persuasion rather than manipulation or coercion. (Galston 1991: 227)

Stephen Macedo (1990) calls this the virtue of 'public reasonableness'.

Liberal citizens must give *reasons* for their political demands, not just state preferences or make threats. Moreover, these reasons must be *public* reasons; for example, reasons capable of persuading people of different ethnic or religious groups. In ancient Greece or in seventeenth-century New England towns it might have been enough to invoke tradition or Scripture. But in a modern pluralistic society liberal citizens must justify their political demands in terms that fellow citizens can understand and accept as consistent with their status as free and equal citizens. This requires a conscientious effort to distinguish those beliefs that are matters of private faith from those that are capable of public defence, and to see how issues look from the point of view of those with differing religious commitments and cultural backgrounds.

This particular conception of public reasonableness—one that seeks to separate public reasons, on the one hand, from religious beliefs and cultural traditions, on the other—is distinctly modern. Its prominence in the recent literature on citizenship is partly related to the recognition that modern societies are ethnically and religiously diverse. But it also reflects another important shift in contemporary democratic theory: the shift from 'vote-centric' to 'talk-centric' democratic theory.[11] Vote-centric theories see democracy as an area in which fixed, pre-existing preferences and interests compete through fair decision procedures or aggregation mechanisms (such as majority vote). But it is now widely recognized that such a conception cannot fulfil norms of democratic legitimacy, since the outcomes can only represent winners and not a common will; and ethnocultural or other marginalized minorities may be permanently excluded from real power within the system.

To overcome the shortcomings of the vote-centric approach, democratic theorists increasingly focus on the processes of deliberation and opinion formation that precede voting. Theorists have shifted their focus from what goes on in the voting booth to what goes in the public deliberations of civil society. If minorities are to have any real influence in a majoritarian system, it will be through participating in the formation of public opinion, rather than through winning a majority vote. As Simone Chambers puts it, 'voice rather than votes is the vehicle of empowerment' (Chambers 1998: 17). As a result, a wide range of theorists—political liberals, civic republicans, deliberative democrats—have identified public reasonableness as one of the key issues for citizenship in modern societies.

But here again, in diverse societies voice will be effective only if there is a conception of public reasonableness that does not simply reflect the majority's cultural traditions, language, and religion, but is, rather, accessible to and inclusive of the various ethnic and religious groups within society. In this way, amongst others, the new concern with citizenship virtues and practices,

[11] For more details, see Ch. 4 by Mansbridge and Ch. 5 by Williams.

despite its classical heritage, springs from distinctly modern realities and problems.

3. The Need for an Integrated Theory of Diverse Citizenship

So far, we have sketched the development of two debates. In one debate it is increasingly accepted that minority rights claims cannot be dismissed as inherently unjust, and instead are sometimes consistent with, if not required by, principles of justice. In the other debate most theorists now accept that the functioning of society depends not only on the justice of its institutions or constitution, but also on the virtues, identities, and practices of its citizens, including their ability to co-operate, deliberate, and feel solidarity with those who belong to different ethnic and religious groups.

The obvious question then becomes: how are these two issues related? In particular, how do minority rights affect the virtues and practices of democratic citizenship? As we noted earlier, it is often supposed that minority rights will have a negative impact on citizenship practices, or will inhibit the state's ability to promote citizenship effectively. Many critics worry that minority rights involve the 'politicization of ethnicity', and that any measures that heighten the salience of ethnicity in public life are divisive (see e.g. Glazer 1983: 227). Over time they create a spiral of competition, mistrust, and antagonism between ethnic groups. Policies that increase the salience of ethnic identities are said to act 'like a corrosive on metal, eating away at the ties of connectedness that bind us together as a nation' (Ward 1991: 598). On this view, liberal democracies must prevent ethnic identities from becoming politicized by rejecting any minority rights or multiculturalism policies that involve the explicit public recognition of ethnic groups. –

The strong version of this critique treats minority rights as the first step on the road to Yugoslavia-style civil war. A more moderate (and more plausible) version states that while minority rights may not lead to civil war, they will erode the ability of citizens to fulfil their responsibilities as democratic citizens—e.g. by weakening citizens' ability to communicate, trust, and feel solidarity across group differences. And so even if a particular minority rights policy is not itself unjust, examined in isolation, the trend towards the increased salience of ethnicity will erode the norms and practices of responsible citizenship, and so reduce the overall functioning of the state.

How valid is this fear? To what extent does it justify denying or limiting what would otherwise be legitimate claims to minority rights? Until recently, many defenders of minority rights have simply dismissed this worry, and expressed scepticism about appeals to citizenship. This is understandable since in many multi-ethnic and multinational states the rhetoric of citizenship

has been used historically as a way of advancing the interests of the dominant national group. The discourse of citizenship has rarely provided a neutral framework for resolving disputes between the majority and minority groups; more often it has served as a cover by which the majority nation extends its language, institutions, mobility rights, and political power at the expense of the minority, all in the name of turning supposedly 'disloyal' or 'troublesome' minorities into 'good citizens'.

Several of the essays in this volume provide evidence of this historical (mis)use of citizenship talk to justify the assimilation or oppression of minorities. It is not surprising that many minority groups are sceptical when members of a majority oppose minority rights on the grounds that they erode our sense of 'citizenship'. Yet we believe that concerns about the impact of minority rights on citizenship cannot be ignored. There are legitimate interests that are tied up with the promotion of a sense of common citizenship in multi-ethnic countries. Multi-ethnic countries are as much in need of the virtues, practices, and institutions of democratic citizenship as mono-ethnic countries. If anything, multi-ethnic countries are *more* in need of such things as public reasonableness, mutual respect, critical attitudes towards government, tolerance, willingness to participate in politics, forums for shared political deliberation, and solidarity.

And there are legitimate concerns that some minority groups, perhaps in response to the rigid conception of citizenship advanced by the majority, have appealed to notions of identity and difference that leave little room for the promotion or nurturing of these aspects of democratic citizenship and social unity. Some groups may indeed seek to reject their citizenship in the larger society altogether, through secession. But even groups that accept that their members are citizens of a larger state sometimes retreat to a notion of citizenship that is little more than passive obedience to the law, and reluctant acceptance of the status quo.[12] And there is a fear that various forms of minority rights could encourage and entrench these passive, inward-looking, and resentful forms of group identity that inhibit wider political co-operation, dialogue, and solidarity.

These sorts of concerns are legitimate, and deserve serious consideration. However, we believe that this worry cannot be evaluated in the abstract, or through armchair speculation, as if it were a purely conceptual issue. Rather, we need to evaluate these potential conflicts between citizenship and diversity through careful examination of specific contexts and case-studies, and in light of a deeper understanding of the various patterns of ethnic relations.

[12] Defenders of the Amish and other isolationist religious groups often say that they are good citizens because they are law-abiding, even though they show no interest in the affairs of the larger society, and take no interest in their status as citizens. For a critique of this view that passive obedience to the law is a sufficient conception of democratic citizenship, see Arneson and Shapiro (1996); Spinner (1994).

4. Diverse Citizenship in the Wider Context of Ethnic-Conflict Management

One natural place to look for answers to our questions about citizenship in diverse societies is in the ethnic-conflict literature. Although the potential tensions between minority rights and citizenship have not yet attracted adequate attention from political philosophers, this problem has been the focus of a very active debate among social scientists engaged in ethnic-conflict studies.[13] These studies have been largely historical and descriptive in nature: looking at actual ways governments—both democratic and non-democratic—have tried to 'manage' ethnic conflicts, and attempting to give explanations for successes and failures. It may, therefore, be instructive to begin with a survey of the broad range of policy options open to states with inter-ethnic tensions, as viewed through the lens of ethnic-conflict theory. The following is adapted from John McGarry and Brendan O'Leary's 'taxonomy of the macro-political forms of ethnic conflict regulation' (McGarry and O'Leary 1993: 4–38):

1. *Methods for eliminating differences*
    (a) genocide
    (b) forced mass-population transfers
    (c) partition and/or secession
    (d) assimilation.
2. *Methods for managing differences*
    (a) hegemonic control
    (b) territorial autonomy (cantonization and/or federalization)
    (c) non-territorial autonomy (consociationalism or power-sharing)
    (d) multicultural integration.[14] (McGarry and O'Leary 1993: 4)

This typology provides a healthy reminder that there are many 'methods' of ethnic-conflict resolution, widely used around the world, that fall outside the bounds of contemporary theorizing about minority rights and democratic citizenship. It goes without saying, for example, that the first two methods for eliminating differences—genocide and forced mass-population transfers (or

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[13] See Horowitz (1985) for the *locus classicus* of these debates, as well as the journal *Ethnic and Racial Studies,* which was launched in 1978.

[14] For our own purposes of showing what we take to be a full range of policy options, we have modified McGarry and O'Leary's scheme by removing the word 'integration' from their category 1(d), and using it to form an additional category, 2(d). In effect, they would call many of the policies we include within this final category 'micropolitical forms of ethnic conflict regulation' (1993: 38 n. 2). We have also omitted one of their 'methods for managing differences', namely, 'arbitration (third-party intervention)', in part because this looks more like a process for arriving at one or more of the other sorts of concrete methods.

'ethnic cleansing')—are without defenders amongst contemporary Western political theorists. (It is worth recalling, however, that Western democracies have in the past used forced population transfers: for example, in dealing with indigenous peoples, in order to gain access to their lands and resources; and in brokered solutions following wars in the Balkans, Central Europe, the Indian subcontinent, and elsewhere.)

The first system for managing (as opposed to *eliminating*) differences, namely, hegemonic control, also has few defenders. With hegemonic control the ruling class does not attempt to eliminate or merge the identities of minority groups, but is merely content to make any 'overtly violent ethnic contest for state power either "unthinkable" or "unworkable" on the part of the subordinated communities' (McGarry and O'Leary 1993: 23). Hegemonic control is possible even in formal conditions of democracy and equal citizenship. Citing the case of Northern Ireland, McGarry and O'Leary note that 'where there are two or more deeply established ethnic communities, and where the members of these communities do not agree on the basic institutions and policies the regime should pursue, or where the relevant ethnic communities are not internally fragmented on key policy preferences in ways which cross-cut each other, then "majority rule" can become an instrument of hegemonic control' (McGarry and O'Leary 1993: 25). Indeed, many ethnic-conflict theorists consider this to be the most commonly used method for achieving stability in multi-ethnic societies, democratic and non-democratic (Lustick 1979; McGarry and O'Leary 1993: 23).

These methods of regulating ethnic conflict fall outside the bounds of political theorizing, not, alas, because they are uncommon or unfeasible, but because amongst Western political theorists no one disputes that these are unjust and illegitimate.

The legitimacy of the remaining forms of ethnic-conflict regulation is, however, a matter of considerable debate. For example, the third option for eliminating differences, secession, has been the subject of growing debate in recent years, and has been vigorously defended by several theorists with impeccable liberal credentials.[15] However, even defenders of a right to secession rarely claim that it will eliminate ethnic conflict. It is generally recognized that secession merely relocates issues of ethnic conflict and minority rights to the successor states, often with brutal consequences (see Horowitz 1997; Norman 1998). With some 5,000 to 8,000 ethnocultural groups in the world, and only around 200 states, simple arithmetic dictates that most states (at the moment over 90 per cent) are inevitably going to be shared by more than one ethnic group, and often by dozens. This means, in effect, that whatever the legitimacy of secession, it does not eliminate the need for the other methods for managing ethnic conflict. Even if secession is allowed, the successor states

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[15] See e.g. Beran (1984); Nielsen (1993); Wellman (1995); Gauthier (1994); Philpott (1995).

will usually have to adopt some other technique for managing their ethnic differences (such as assimilation, federalism, or multiculturalism).

There has also been a major dispute about the legitimacy of assimilation, the last method for eliminating difference. By 'assimilation as a method for eliminating difference', McGarry and O'Leary have in mind 'the idea of trying to eliminate difference within the state by seeking to integrate or assimilate the relevant ethnic communities into a new transcendent identity' (McGarry and O'Leary 1993: 17). This can be done more or less coercively: at the more coercive end the assimilationist state can ban associations and publications that seek to foster or reproduce a minority identity, or compel all citizens to stop using surnames that reflect a minority background; at the less coercive end the assimilationist state can respect the individual civil rights of citizens, but refuse to accord any recognition or support to minority languages and cultures, and insist that all public schools, government institutions, street signs, and public holidays reflect the dominant language and culture. In either case, the goal over time is to compel or pressure all citizens to see themselves as members of a single, common national culture that merges all pre-existing ethnic differences.

It is important to distinguish assimilation from what we might call 'multicultural integration'. Both involve fashioning a new transcendent identity—the identity of citizenship, or full, equal membership in the state. And both seek to integrate people from various ethnic backgrounds into common social and political institutions. However, multicultural integration does not have the intent or expectation of eliminating other cultural differences between subgroups in the state. Rather, it accepts that ethnocultural identities matter to citizens, will endure over time, and must be recognized and accommodated within these common institutions. The hope is that citizens from different backgrounds can all recognize themselves, and feel at home, within such institutions.

The relative merits of assimilation and multicultural integration are still a matter of some debate. To be sure, there is near-universal rejection of the more coercive forms of assimilation that have been pursued by unsavoury dictators and ruling classes throughout the modern era as they banned minority languages and religions and rewrote history in the attempt to assimilate minority groups into the larger nation. But assimilation has also been the preferred method of some of the most enlightened regimes in modern history. As McGarry and O'Leary note, it 'has been the official aspiration of civil rights leaders in the USA, the African National Congress in South Africa, unionist integrationists in Northern Ireland, and the democratic left in those European countries striving to cope with immigrant influxes' (1993: 17). Similarly, this option was surely the orthodoxy among political philosophers in the UK and the USA until the emergence of multiculturalist critics in the last decade. (In France, where republican traditions

are well entrenched in political philosophy, it is probably still the default position.)

But as we noted earlier, these days most political theorists, at least in the English-speaking world, believe that some forms of recognition and accommodation of minority groups are justifiable in at least some circumstances. As a result, assimilation has gone out of favour amongst Western theorists.[16] Hence, most political theorists working on these issues, including all the authors in this volume, focus on one or more of the last three methods for managing differences from the above taxonomy; namely, territorial autonomy (e.g. federalism), non-territorial power-sharing (e.g. consociationalism), or multicultural integration.

This points to an important feature of the contemporary debate. Most democracies, historically, have adopted strategies to manage ethnic conflict that we now view as morally indefensible—from the forced movement of indigenous peoples to hegemonic control to assimilation. As these approaches have gradually been rejected as either unworkable or morally indefensible, people have been looking round for other models or paradigms of ethnic relations. And the three best-known alternatives—federalism, consociationalism, and multicultural integration—all involve significant elements of minority rights.

Many scholars in the ethnic-conflict field advocate one or more of these three options as having proven success in managing ethnic conflict. And indeed it is important to note that several democratic countries have decades, even centuries, of experience with these forms of managing diversity. But it is not clear how much comfort defenders of minority rights can draw from the ethnic-conflict literature.

For one thing, normative political philosophers are likely to have somewhat different criteria for evaluating the success of these approaches. In the context of ethnic-conflict studies, the focus is on explaining how state governments can control ethnocultural conflicts and maintain political stability. The aim is to avoid violence and instability. Political philosophers, by contrast, are likely to care not only about the absence of violence, but also about the extent to which society meets norms of justice, individual freedom, and deliberative democracy.[17] A multi-ethnic society could be relatively

[16] Of course, most theorists would agree that individuals should be free to assimilate, if they so choose. But few people think that the government's goal should be to encourage everyone to make that choice, and fewer still think that the government should adopt policies that pressure individuals to do so.

[17] This difference is partly reflected in the terminology used. In the context of ethnic-conflict studies, it is natural to refer to methods of *managing* differences, as if diversity is always a regrettable problem threatening the stability or integrity of the state. Political philosophers are more likely to speak in terms of minority rights and of policies for *respecting* diversity and difference, and to treat it as an open question whether such policies pose a threat to common

stable, and yet score very poorly in terms of the virtues and practices of democratic citizenship. Political philosophers will want to know if and when apparently 'successful' forms of managing diversity involve the erosion of cherished values of democratic citizenship; and this sort of information is not always available in the ethnic-conflict literature which is primarily concerned with descriptive, not normative, issues.

Moreover, many of the minority claims being advanced today go beyond traditional forms of federalism, consociationalism, or multicultural integration. These forms of managing diversity are all undergoing transformations as a result of such factors as new migration flows, global communications, and the influence of human rights and post-colonial ideologies. Indeed, ethnic relations in most Western democracies are in a state of flux, as old assumptions and expectations are being questioned and challenged. Nineteenth-century policies aimed at hegemonic control or assimilation may be out of date, but so too are nineteenth-century forms of federalism or consociationalism. The demands of indigenous peoples, transnational migrants, African Americans, and other groups cannot easily be satisfied by these traditional mechanisms.

Much of the debate in political theory concerns these new, and untested, claims for minority rights. Precisely because many demands are untested, and given that ethnic relations are in a general state of flux, they raise fears that cannot be placated by pointing to the historic success of more traditional forms of minority rights. It is not clear, for example, that traditional safeguards and limitations will apply to new forms of minority rights. This fear is exacerbated by the widespread perception that these claims are grounded in a more absolutist, exclusive, and non-negotiable conception of identity than earlier forms of minority claims. The underlying logic of modern identity claims, it is said, make compromise, tolerance, and deliberation particularly difficult to achieve.

As a result, there is a concern that the sorts of minority rights being claimed today may put us on a particularly steep and slippery slope. If we accept one group's claims for a particular minority right, we will be pushed by the logic of their claim to grant them more and more rights; and then we will be compelled to grant the same rights to all other groups that might request them. And so we will be trapped in an endless spiral of ever-greater claims by an ever-greater number of groups.

Whether this is an accurate perception of the logic of identity claims is, of course, controversial (this is one of the central topics in Waldron's chapter, Chapter 6). But one can only assuage this fear by providing some alternative account of the moral basis and logic of minority rights claims.

citizenship and the goals of justice and stability in the larger political community. This, of course, is the guiding question of this volume.

This suggests that there is still a key role for political philosophers to play in assessing the relationship between minority rights and citizenship. First, in so far as it is important to look at the impact of minority rights—not only on stability, but also on norms of democratic citizenship—then philosophical work needs to be done to clarify the relevant normative standards of citizenship. Secondly, in so far as many minority rights claims are relatively new and untested, philosophical work is required to clarify the underlying logic of these new claims, and to identify the extent to which they entail or engender an undesirable absolutist or non-negotiable conception of culture and identity. And thirdly, if there is some conflict between respecting the legitimate claims of minorities and promoting desirable citizenship virtues and practices, what sorts of trade-offs between these values are appropriate and morally defensible?

We take these concerns seriously, and our aim in this volume is to assess them as systematically as possible. However, we believe that this worry cannot be evaluated in the abstract, as if all forms of minority rights have the same impact on citizenship. Rather, as we have argued, these potential conflicts must be addressed through careful examination of specific contexts. We need to examine how specific forms of minority rights for specific groups affect specific practices and virtues of citizenship.

For this reason, we have invited the authors in this volume to embed their theoretical and normative discussions of citizenship in diverse societies within specific policy debates. These policy contexts range widely, from religious schooling in Canada to indigenous land rights in Australia to federal reforms in post-communist Russia. But they are all focused on a very similar challenge: how to show respect for diversity in a pluralistic society without at the same time damaging or eroding the bonds and virtues of citizenship. By examining and comparing these debates in various contexts, we hope to learn whether there is a notion of citizenship for multi-ethnic states that fairly accommodates ethnocultural differences, while still maintaining and promoting the sorts of virtues, practices, institutions, and solidarity needed for a flourishing democracy.

We will not attempt to summarize the findings of the authors in this volume. Given the complexities of the issues, and the disparate policies being studied, their findings cannot be summarized in the form of simple generalizations or conclusions. What we will do instead, in the remainder of our Introduction, is to fill in the broader context within which these more specific debates occur. The chapters in this volume analyse several important examples of the potential conflict between citizenship and diversity, but obviously there are many other such examples involving different sorts of groups, in different countries, making different sorts of minority rights claims. It will be helpful, therefore, to give at least a rough indication of the fuller range of issues that fall under the heading of citizenship and diversity.

We will do this by introducing a series of typologies and distinctions regarding types of minority groups (Section 5); types of minority rights claims (Section 6); and aspects of citizenship that might be threatened by minority rights (Section 7). These typologies will make clear that the examples discussed in this volume are in reality just a small fraction of the cases where citizenship and diversity can conflict. However, these typologies will also show, we hope, that while this volume is not a comprehensive examination of all such cases, it does provide a representative sample of the major debates about citizenship and diversity.

5. A Note on Different Kinds of Minority Groups

In order to identify the underlying logic and social implications of minority rights claims, we need first to consider what sorts of groups exist within the state. Different kinds of groups face very different kinds of challenges finding their place within the larger state, and therefore demand different kinds of special accommodations. A persistent source of confusion in both academic and popular discussions of multiculturalism is to assume that all kinds of cultural minorities are demanding the same kinds of rights for the same reasons. For example, many critics fail to notice that while national minority groups (like the Scottish) typically seek autonomy from the central government to govern their own affairs, immigrant groups tend to ask for measures that will make it easier for them to participate in the central institutions of the state. And even when different kinds of groups do demand similar kinds of minority rights (say, for representation or recognition) they may be doing it for very different purposes. For this reason, we cannot discuss the implications of different cultural rights for citizenship until we have a clearer idea of the variety of ethnocultural groups in modern states.

There is no single definitive typology of forms of ethnocultural diversity. However, there are some significant ways of distinguishing kinds of groups that clarify our understanding of the political stakes in a great number of culturally diverse states. The following list provides a rough and preliminary typology of minority groups, focusing on the sorts of ethnocultural communities discussed by the authors of this volume:

- A. National minorities
  - (a) stateless nations
  - (b) indigenous peoples
- B. Immigrant minorities
  - (c) with citizenship or rights to become citizens
  - (d) without rights to become citizens ('metics')

  - (e) refugees
- C. Religious groups
  - (f) isolationist
  - (g) non-isolationist
- D. *Sui generis* groups
  - (h) African Americans
  - (i) Roma (gypsies)
  - (j) Russians in former Soviet states, etc, etc.

A. *National minorities*. Although the word 'nation' is often used to refer to states, we follow all contemporary scholars of nationalism in using it to refer to a specific type of community or society that may or may not have its own state. For more than a century political philosophers and social scientists have debated the question 'What is a nation?', but we do not have to settle this debate here.[18] It is often noted that for any list of the defining features of nationhood, there are indisputable examples of nations that do not meet all of the conditions. For example, nations typically have a common language that distinguishes them from their neighbours, though Germany and Austria are certainly distinct nations with the same language, and the Swiss share a common national identity despite speaking four different 'national' languages. Partly for this reason, many scholars follow Max Weber in thinking of nations as 'communities of sentiment' (Weber 1948). In effect, communities qualify as nations when they think of themselves as nations. And as it turns out, these groups tend to be historical communities, more or less institutionally complete, occupying a given territory or homeland, and sharing a distinct language and mass culture. The important point for our purposes here is that on any of the standard answers to the question 'What is a nation?', it becomes clear that there are many times more nations than there are states, and in fact relatively few states that do not contain more than one national community. National minorities are national communities that share a state with one or more larger (or more dominant) nations.[19] The authors in this volume discuss two different kinds of national minorities which we might call stateless nations and indigenous peoples.

(a) *Stateless nations*, or nations without a state in which they are the majority—a state literally to call their own—exist in all parts of the world. They find themselves sharing states with other nations for a variety of reasons. They may have been conquered and annexed by a larger state or empire in the past; ceded from one empire to another; or united with another

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[18] See Renan (1939); Miller (1995); Norman (1999).
[19] In a few cases, such as apartheid-era South Africa and present-day Syria, minority communities have ruled over the majority. Most of what is said about minority nations or minority rights would apply equally to oppressed majorities in situations like these.

kingdom through royal marriage. In a few cases, multination states have arisen from a more or less voluntary agreement between two or more national communities to form a mutually beneficial federation or union. However they were incorporated, national minorities have typically sought to maintain or enhance their political autonomy, either through outright secession or, more commonly, through some form of regional autonomy. And they typically mobilize along nationalist lines, using the language of 'nationhood' to describe and justify these demands for self-government. While the ideology of nationalism has typically seen full-fledged independence as the 'normal' or 'natural' end-point, economic or demographic reasons make this unfeasible for many national minorities. Moreover, the historical ideal of a fully sovereign state is increasingly obsolete in today's world of transnational institutions and economies. Hence there is a growing interest in exploring other forms of self-government, such as federalism. In one way or another, the accommodation of stateless nations is the primary focus of Chapters 10, 11, 14, and 15, by Réaume, Coulombe, Smith, and Bauböck.

(b) *Indigenous peoples* also meet the criteria of minority nationhood and exist on all (the inhabited) continents. Typically their traditional lands were overrun by settlers and then forcibly, or through treaties, incorporated into states run by outsiders. While other minority nations dream of a status like nation-states—with similar economic, social, and cultural achievements—indigenous peoples usually seek something rather different: the ability to maintain certain traditional ways of life and beliefs while nevertheless participating on their own terms in the modern world. In addition to the autonomy needed to work out that sort of project, indigenous peoples also typically require of the larger society long-overdue expressions of respect and recognition to begin to make amends for indignities they suffered for decades or centuries as second-class citizens (or even non-citizens and slaves). With examples drawn from Australia, New Zealand, North America, South Africa, and elsewhere, Chapters 12 and 13, by Levy and Borrows, explore issues about the best way to balance structures of self-government for indigenous peoples with their need to participate effectively in the institutions of the larger state.

B. *Immigrant minorities*. A second source of ethnocultural diversity is immigration, that is, the decision of individuals and families to leave their original homeland and emigrate to another society, often leaving their friends and relatives behind. This decision is typically made for economic reasons, although sometimes also for political reasons: to move to a freer or more democratic country. It is essential to distinguish two categories of immigrants—those who have the right to become citizens and those who do not. We add refugees as a third category with special needs and motivations, even though in practice they will fall into one or the other of these categories in different states.

(c) *Immigrants with rights of citizenship*. These are people who arrive under

an immigration policy that gives them the right to become citizens after a relatively short period of time (say, three to five years) subject only to minimal conditions (e.g. learning the official language, and knowing something about the country's history and political institutions). This has been the traditional policy governing immigration in the three major 'countries of immigration', namely, the United States, Canada, and Australia—and also, to varying degrees, in former colonial powers like Britain, France, and the Netherlands, which allowed large numbers of former colonial subjects access to citizenship. Most of the discussions of immigrant groups in this volume concern people who have citizenship or access to citizenship, and who sometimes ask for special accommodations in their new countries for their religious, linguistic, or cultural differences. These issues are the primary focus of Chapters 6 and 7, by Waldron and Modood, and are discussed in different contexts in a number of other chapters.

(d) *Immigrants without rights of citizenship*. Some migrants are never given the opportunity to become citizens, either because they entered the country illegally (e.g. many North Africans in Italy), or because they entered as students or 'guest-workers' but have overstayed their initial visas (e.g. many Turks in Germany). When they entered the country, these people were not conceived of as future citizens, or even as long-term residents, and indeed in most cases they would not have been allowed to enter in the first place if they had asked to be permanent residents and future citizens. However, despite the official rules, they have settled more or less permanently. In principle, and to some extent in practice, many face the threat of deportation if they are detected by the authorities or if they are convicted of a crime. But they none the less form sizeable communities in certain countries, engage in some form of employment, legal or illegal, and may have married and formed families. Borrowing a term from ancient Greece, Michael Walzer calls these groups 'metics'—that is, long-term residents who are none the less excluded from the polis (Walzer 1983). Metics raise different challenges from those of immigrant citizens. They face enormous obstacles to integration—legal, political, economic, social, and psychological—and so tend to exist at the margins of the larger society. Where such marginalized communities exist, the danger arises of the creation of a permanently disfranchised, alienated, and racially defined underclass.

(e) *Refugees*. In many parts of the world, including Eastern Europe, Africa, and Central Asia, most of the migrants today are refugees seeking asylum, rather than voluntary immigrants admitted under an immigration policy. This raises important questions about the aim of multicultural integration. Since none of the chapters of this volume deals explicitly with the special problems of refugees, we will make a few observations here in the Introduction.

Of course, Western democracies accept many refugees in addition to other

immigrants.[20] But in the West it has been possible to treat refugees, for all intents and purposes, as if they were immigrants. Governments (and the general public) expect that refugees, like immigrants, will settle permanently and take out citizenship in their new country; and this expectation has been borne out in practice. One reason why this has been possible is that refugees in Western democracies tend to arrive in small numbers from distant lands, usually as individuals or families rather than in large groups. It is, therefore, easier for them to integrate, and more difficult for them to return to their country of origin. However, in Eastern Europe, Central Africa, Central Asia, and elsewhere, refugees often come in great numbers from short distances, which makes integration more difficult and the prospect of return more likely. Under these conditions, it is not clear whether it is appropriate to expect or to encourage migrants to integrate, rather than simply providing safe asylum until things improve in their country of origin.

In most cases, if refugees stay in their new country for many years, it will become their new home. They may cling to the hope of returning to their country of origin. But if they have stayed long enough to get a job and to start raising a family in their new country, they are very unlikely to leave. When they do decide to stay, most commentators now accept that the only viable and just long-term solution is to allow and encourage their integration into the mainstream society. This is the only way to avoid the injustices and conflicts associated with the marginalization of metics. Adopting such a policy not only avoids the dangers of marginalization, but also allows a country to take maximal advantage of the skills and education of the refugees, so that they become a benefit to their new country, not a drain. As with other ethnocultural minorities, it is an open question—the one debated throughout this volume—when the provision of various cultural rights will help or hinder integration of minorities into a common citizenship.

C. *Religious groups*. There are many ways one could distinguish religious groups for the sake of clarifying questions about special rights. Given the discussions in this volume it makes sense to distinguish what we call isolationist and non-isolationist religious communities.

(*f*) *Isolationist religious groups*. Whereas most immigrants wish to participate in the larger society, there are some small immigrant groups that voluntarily isolate themselves from the larger society and avoid participating in politics or civil society. This option of voluntary marginalization is only likely to be attractive to religious sects whose theology requires them to avoid most contact with the modern world—such as the Hutterites in Canada, or the Amish in the United States, both of whom came to North America from Europe to avoid persecution for their pacifist religious beliefs. The Hutterites

[20] Canada, for example, accepts a number of immigrants each year equivalent to about [1?] per cent of its total population, and about one-tenth of these are refugees.

and Amish are unconcerned about their marginalization within the larger society and polity, since they view its 'worldly' institutions as corrupt, and seek to maintain the same traditional way of life they had in their original homeland. Indeed, they have demanded the right to take their children out of school before the legal age of 16, in order to protect them from such corrupting influences.

Spinner-Halev calls the members of such groups 'partial citizens', because they voluntarily waive both the rights and responsibilities of democratic citizenship. They waive the right to vote and to hold office (as well as their right to welfare benefits), but by the same token they also evade their civic responsibility to help tackle the country's problems. Moreover, they are often organized internally in illiberal ways. For this reason, many people have thought that the state should intervene in such groups, at least to ensure that children are adequately informed about their opportunities in the outside world. However, in practice, most democratic states do tolerate these groups, so long as they do not harm people inside or outside the group, and so long as members are legally free to leave.

(*g*) *Non-isolationist religious groups*. Isolationist religious groups are quite rare in the Western world. Much more common are religious communities whose faith differs from either the religion of the majority, or the secular beliefs of the larger society and state institutions. Members of these communities may share the same ethnocultural background or citizenship identity as the majority—as is typical of many fundamentalist Protestants and devout Catholics in North America (Chapters 2 and 3, by Callan and Spinner-Halev, focus mainly on these groups). Or their religion may actually be part of their ethnocultural heritage, as is the case, say, of most Muslim communities in Western Europe (these groups, particularly in Britain, are the focus of Modood's chapter). By and large, these groups are seeking not to remove themselves from mainstream society, but rather to shield themselves (or their children) from very specific aspects of mainstream culture that are at odds with their faith, and to exempt themselves from certain general rules that seem to discriminate against them. A classic example now is the case of Sikhs, who seek exemptions from certain military and police dress codes concerning appropriate head gear, not because they wish to withdraw from mainstream society, but because they wish to participate in these central institutions like everyone else without having to compromise their beliefs for the sake of an arbitrary regulation.

D. *Sui generis groups*. As any reference book on ethnic conflict makes clear, there are a number of ethnocultural groups in the world that do not fit comfortably within any of the categories we have just discussed. We listed the Roma, who, unlike national minorities, have a homeland that is everywhere and nowhere; as well as Russian settlers in countries that seceded from the Soviet Union, and who, unlike typical immigrants, never voluntarily left what

they saw as their homeland to begin a new life in another nation.[21] The only *sui generis* group discussed at length in this volume, however, is African Americans (see in particular the chapters by Williams and Mansbridge).

(h) *African Americans*.[22] African Americans do not fit the voluntary immigrant pattern, not only because they were brought to America involuntarily as slaves, but also because they were prevented (rather than encouraged) from integrating into the institutions of the majority culture (e.g. through racial segregation, laws against miscegenation, and the teaching of literacy). Nor do they fit the national minority pattern, since they do not have a traditional homeland in America in which they are a majority, or a common language that distinguishes them from the majority. They came from a variety of African cultures, with different languages, and no attempt was made to keep together those with a common ethnic background. On the contrary, people from the same culture (even from the same family) were typically split up once in America. Moreover, before emancipation they were legally prohibited from trying to re-create their own cultural structure (e.g. all forms of black association, except Christian churches, were illegal). The situation of African Americans, therefore, is virtually unique, although the use of 'race' to define subordinate groups is certainly more common. Given their distinctive situation, it is widely accepted that they will also have distinctive demands which cannot be captured by either the immigrant model of integration or the national minority model of self-government, although they may draw elements from both.

6. Classifying Ways of Respecting Diversity

As we have seen, different sorts of groups have different histories, needs, aspirations, and identities; and these differences influence the sorts of claims that they tend to make on the state. Of course, at one level we can say that all of these groups are engaged in 'identity politics', 'the politics of difference', or 'the politics of recognition'. However, if our aim is to see how minority rights claims affect the practice of democratic citizenship, we need a more

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[21] For a good discussion of the distinctive circumstances of the Roma, see Gheorghe and Mirga (1997). For that of the Russians in the 'near abroad', see Laitin (1998). Both books discuss the on-going debate about whether the term 'national minority' is appropriate for these groups.

[22] This name, like others for the group in question, is problematic. The group being referred to is composed of the descendants of African slaves brought to America. Hence, it is not meant to include Caucasian immigrants from southern or northern Africa. Indeed, for many purposes, including ours here, it does not even make sense to include recent black immigrants from Africa in this category, since they fit the typical situation of immigrant groups.

fine-grained account that helps us to identify the underlying nature and logic of these claims.

One useful scheme for classifying cultural rights is developed by Jacob Levy (1997). He distinguishes eight general ways that groups within liberal democracies seek respect for their cultural (or religious) distinctiveness. These claimed cultural rights include: (i) exemptions from laws that penalize or burden cultural practices; (ii) assistance to do things the majority (or otherwise privileged group) can do unassisted; (iii) self-government for national minorities and indigenous communities; (iv) external rules restricting non-members' liberty in order to protect members' culture; (v) internal rules for members' conduct that are enforced by ostracism and excommunication; (vi) incorporation and enforcement of traditional or religious legal codes within the dominant legal system; (vii) special representation of groups or their members within government institutions; and (viii) symbolic recognition of the worth, status, or existence of various groups within the larger state community. (For Levy's summary, see Levy 1997: 25. All of these ways of respecting diversity would fall within the final three methods for managing differences in the taxonomy we adapted from McGarry and O'Leary, in Section 4, above.)

We will briefly describe each of these kinds of cultural rights, citing cases and justifications from the essays in this volume.

1. *Exemptions from laws that penalize or burden cultural practices.* As Levy explains, 'Exemption rights are individually exercised negative liberties granted to members of a religious or cultural group whose practices are such that a generally and ostensibly neutral law would be a distinctive burden on them' (1997: 25). Such exemptions have a long history in Western democracies, with a standard example being special consideration for Jewish shopkeepers with respect to Sunday-closing laws. Although exemptions need not involve conflicts with religious beliefs and practices (e.g. conscientious objectors to compulsory military service in several West European states have been able to cite secular beliefs), most do. As such, these rights are typically justified with arguments highlighting freedom of conscience and religion, and the unfair burden placed on those whose religious obligations differ from the majority's. The most detailed discussions of exemptions in this volume are in chapters by Callan and Spinner-Halev over the issue of whether religious parents should be allowed to exempt their children from certain classes in public schools: either by allowing them to attend state schools part-time (Spinner-Halev's solution), or by allowing for public funding of religious schools, at least in the early years (Callan's solution).

2. *Assistance to do things the majority (or otherwise privileged group) can do unassisted.* Assistance rights are also a familiar feature on the landscape of most liberal democracies. Often justified on grounds of equality in the face

of special disadvantages, they are routinely accorded to members of 'non-cultural' groups, such as the mentally or physically disabled, and cultural groups alike—most controversially in the form of affirmative-action policies. In this volume three very different sorts of assistance rights are defended on grounds of both equality and citizenship. As we just noted, Callan makes a case for public funding of parochial primary schools, since he thinks that religious communities are discriminated against if public funding is available only for secular public schools. Although he acknowledges that this compromises the ideals of civic education within the framework of common schools, he explains at length why he thinks public support for some religious education would be a reasonable way of balancing the values of citizenship and equality. Réaume considers one of the classic forms of assistance, minority-language rights. In particular, she explores the implications of meaningful support and respect for official-language minority groups within one of the institutional pillars of citizenship rights in a free society: the courts of law. Borrows argues for the importance of expanding educational opportunities for Aboriginal people not merely because they face discrimination or historical disadvantages, but because such policies would make it easier for Aboriginals to enhance their sense of citizenship within the larger community.

3. *Self-government for national minorities and indigenous communities.* Self-government rights are in many ways the ultimate minority rights, and can even include demands by groups to secede from the larger state in order to escape the status of being a minority altogether. All of the cases examined in this volume, however, involve claims for self-government powers within a pluralistic state. In either case, self-government rights are argued for in a variety of ways, for example: (*a*) with claims that a self-governing community, such as an indigenous group, was historically self-governing and never relinquished its rights; (*b*) with claims that a minority community is systematically mistreated by the majority, or that its special needs and interests are misunderstood or ignored within the larger political community; (*c*) with the belief that, in general, small, local governments are more democratic than distant central governments; and (*d*) with reference to the so-called nationalist principle, that the cultural and political communities ought to be 'congruent' (to recall the expression on the opening page of Gellner 1983). A common theme in the four chapters that discuss self-government at length is that territorial-based forms of autonomy, such as federalism and self-governing Aboriginal reserves, are insufficient once we consider the competing demands of justice and common citizenship. Bauböck emphasizes the need to combine federal autonomy with other non-territorial forms of cultural rights (such as minority-language rights) as well as a healthy respect for traditional individual rights. And looking at the recent history of the Russian federation Smith considers the perils of allowing radically asymmetrical federal arrange-

ments that give some national minorities significantly more political autonomy than others. Both Levy and Borrows consider the challenges of finding appropriate forms of self-government for indigenous peoples, and the necessity of combining self-government with measures that will facilitate participation in the larger society.

4. *External rules restricting non-members' liberty in order to protect members' culture.* It is uncontroversial for all but radical cosmopolitans that nation-states can act in certain ways to protect their culture by limiting the liberty of non-citizens, especially non-residents—for example, by imposing restrictions on immigration or on foreign ownership of mass media. It is usually a matter of high controversy, however, when a cultural group within a democratic state demands the right to limit the liberty of fellow citizens who are not members of their group. In general these rights are justified in the name of protecting potentially fragile elements in minority cultures; and the need to protect cultures is often justified with the idea that a healthy cultural context is a necessary condition for individual autonomy and self-respect. Probably the most widely discussed example of such external rules concerns the infamous Quebec language laws which, among other things, have banned the use of languages other than French on commercial signs within Quebec, a province with more than 1 million non-francophone citizens.[23] Pierre Coulombe's chapter discusses this case within the broader context of linguistic politics and language rights throughout Canadian history.

5. *Internal rules for members' conduct that are enforced by ostracism and excommunication.* As Levy explains,

Many rules and norms governing a community's members are not elevated into law. There are expectations about how a member will behave; one who does not behave that way is subject to the sanction of no longer being viewed as a member by other members. This sanction may take the form of shunning, excommunication, being disowned by one's family, being expelled from an association, and so on. (Levy 1997: 40)

What is interesting about these rules is that they would usually be clearly unjust if imposed by the state. For example, a state may not exclude women from decision-making offices, yet the Catholic church is allowed to, and Catholics who challenge this principle may be subject to informal or formal but non-coercive sanctions by the church. Most of the cases discussed in this volume are concerned with the state's response to the challenge of diversity, and hence issues regarding such internal rules are not directly addressed. However, it is increasingly recognized that these internal sanctions, even if informal or non-coercive, can none the less have a very significant impact on the freedom and well-being of group members. It may therefore be necessary

[23] This law has since been softened to allow the use of other languages as long as French is more prominent.

for the state to intervene to protect vulnerable members of groups from particularly oppressive internal rules. In Chapter 9 Saharso discusses a tragic case involving state attempts to protect Hindustani women in the Netherlands from internal cultural norms that undermined their ability to exercise their basic liberal rights.

6. *Incorporation and enforcement of traditional or religious legal codes within the dominant legal system*. There is nothing inherently contradictory about having two or more systems of law operating within a single political jurisdiction: it happens in Canada and the United States—where the former French colonies of Quebec and Louisiana have retained civil law traditions alongside the common law of the larger state—as well as in the United Kingdom, Switzerland, and of course the European Union. It is usually argued, however, that in all of these cases the legal systems involved have similar origins and forms of legal reasoning. The same cannot always be said about two more radical forms of bi- or multilegalism: the incorporation of religiously based family law, and the incorporation of traditional indigenous legal traditions. Arguments for incorporation of minority legal systems are closely linked to arguments for self-government, especially in the case of indigenous territories. In religiously divided societies, like the Ottoman Empire or modern-day Israel and India, differentiating family law among religious communities can be justified as a form of consociational autonomy or multicultural toleration. These cases of incorporation of religious family law and indigenous law are explored at length, respectively, in Chapters 8 and 12, by Ayelet Shachar and Levy. Both Shachar and Levy argue in favour of the principle of this significant cultural right for ethnoreligious and indigenous groups. But they also warn of the dangers for the groups themselves or for some of their members (especially women) if traditional legal systems are incorporated within states' legal systems in the wrong way.

7. *Special representation of groups or their members within government institutions*. This form of group right is as old as representative government itself, where it has always been entirely without controversy that territorial units are given representation in major government institutions, particularly within decision-making bodies. (Indeed, it pre-dated democratic government, when the aristocracy and religious groups demanded rights to share the spoils of power with absolute monarchs.) It is rather more controversial when cultural or religious groups, or women, demand special or guaranteed representation in the same government bodies. Nevertheless, these claims to representation are unlikely to fade, for as we noted in Section 2, issues of 'voice' and 'public reasonableness' have become central to debates about democratic citizenship, and these are inextricably tied to representation. These issues are the primary focus in the chapters by Williams and Mansbridge, which carefully weigh the benefits and costs (in terms of justice and citizenship) of various forms of special representation for historically disadvantaged groups. In his

chapter Modood suggests that some form of religious-corporate representation may actually be more conducive to social stability and intergroup harmony in a country like the United Kingdom than would a policy of presumed neutrality.[24]

8. *Symbolic recognition of the worth, status, or existence of various groups within the larger state community*. This is a catch-all category for a wide variety of forms of group recognition within the institutions, symbols, and political culture of the larger state. At stake are such matters as 'the name of the polity, its flag, its coat of arms, its national anthem, its public holidays, the name by which a cultural group will be known, or the way a group's history is presented in schools and textbooks' (Levy 1997: 46). Even such apparently functional issues as the distribution of federal powers may carry symbolic importance if a national minority controlling one of the provinces interprets an asymmetrical distribution of powers in its favour as recognition that it deserves special status as being more than 'just another province'.[25] Furthermore, as several authors in this volume emphasize, to say that a form of recognition is symbolic is not to say that it is somehow superfluous. Recognition may in fact be more important to a group than many of the other more substantive cultural rights discussed above. As Levy illustrates,

From the minority culture's perspective, the absence of interpreters [i.e. an assistance right] at a particular government office might be viewed as an inconvenience, whereas the elevation of the majority tongue to the official status, or the denial of that status to the minority language, might be viewed as an open declaration that some are not wanted as members of the state. (Levy 1997: 47)

Symbolic gestures granting or denying recognition can have profound and continuing effects within a political culture in ways that directly affect the well-being and self-respect of citizens of minority cultures, as well as their enthusiasm to participate in the political life of the larger state. Both Réaume and Coulombe discuss the dynamic impact of according a minority language full official status, and Modood does the same for the case of the recognition of immigrant communities, especially those with a different religion.

[24] Issues of representation are also present, implicitly, in Réaume's and Coulombe's discussion of the implications of a well functioning policy of official bilingualism (or multilingualism) in the institutions of state. In practice this provides opportunities for greater representation of members of the minority language group in, for example, the civil service and the courts; and in doing so, they argue, it improves the quality of public deliberations and makes government bodies seem less like alien forces of control for members of these groups.

[25] The symbolic value of asymmetrical federalism, which accords somewhat more autonomy to subunits controlled by a national minority, has loomed large in the demands of Quebecois and Catalan nationalists seeking constitutional revisions in Canada and Spain (see Requejo 1996). A similar issue has arisen regarding federalism in Russia, where the so-called 'ethnic republics' associated with national minorities have greater powers than the 'regions' dominated by members of the Russian majority (see Smith 1996).

We should also remember that symbolic recognition is not simply a matter of members of the majority acknowledging the special status of minority groups with whom they share a state. It also requires members of the majority to rethink their own group's identity and relation to the state. So an Englishman would recognize not only that Britain now contains large numbers of citizens of Asian, African, and Caribbean descent (in addition to the Scots, Welsh, Northern Irish, and Manx); but also that this requires rethinking what it means to be British—probably in ways that would have been inconceivable for his grandparents fifty years earlier. He may have to distinguish more clearly than he had before between an ethnic English identity and a civic British identity, and to recognize that 'Britishness' must be defined in a way that is accessible to both the new immigrants and the historically settled peoples who share the British Isles.

This is the other half of what is involved in the project of multicultural integration: where all individuals and groups strive towards a new 'transcendent identity', to recall the expression used by McGarry and O'Leary; an identity that for many will coexist with older ethnic or religious identities. These themes are explored most thoroughly here in the chapters by Modood and Waldron. A more specific example can be found in Williams's discussion of how the majority cannot simply impose its own conception of 'public reason', but must be sensitive to different culturally derived notions of reasonableness.

7. Fears about Citizenship in the Face of Minority Rights

Having compiled a list of minority groups and of minority rights claims, we can now return to our original question: how do minority rights affect democratic citizenship? This is not a simple question, since talk about citizenship, particularly in the English language, can refer to an astonishingly wide variety of ideas, concepts, and values. More to the point, talk about disintegration, fragmentation, or weakening of citizenship can be expressing any number of quite distinct political worries; from concerns about restrictions on individual rights to fears about the secession of a substantial part of the state. Just as we believe it is helpful to distinguish several distinct kinds of minority rights and different kinds of minority groups, it is surely necessary to start to disaggregate these many citizenship worries.

At the individual level talk of a person's 'citizenship' can refer to three distinct ideas or phenomena: (a) her *status* as a legal citizen, defined largely by a panoply of civil, political, and social rights as well as a relatively small number of duties (e.g. to obey the law, pay taxes, perform military service); (b) her *identity* as a member of one or more political communities, an identity that is often contrasted with her other more particular identities based on

class, race, ethnicity, religion, gender, profession, sexual preference, etc.; or (c) her *activity or civic virtue*, such as the four kinds of virtues listed by Galston in our discussion in Section 2, above. These three ideas are conceptually and empirically linked in a variety of ways. Obviously, the exact rights citizens have will partly define both their citizenship status and identity, as well as the range of political and social activities available to them. The form of citizenship identity they have will have an impact on their motivations to participate virtuously in civic and political activities; and so on. Similarly, if one of these aspects of citizenship is eroded, then the others may be affected as well.

If it makes sense to think of citizenship in terms of these three categories—status, identity, and activity—then, as a first step, it should be useful to distinguish various worries about the erosion of citizenship in terms of the aspect or aspects of citizenship that are supposedly endangered by various cultural rights. Before discussing a series of these 'citizenship worries', however, it is worth adding a fourth aspect of citizenship that is clearly in the minds of critics worried about multiculturalism and cultural rights. This is an ideal or goal of citizenship that applies, not at the individual level, but at the level of the political community as a whole: it is (d) the ideal of *social cohesion*, which may include concerns about social stability, political unity, and civil peace. All of the worries about the erosion or fragmentation of citizenship, then, can be traced to worries about the vulnerability of one or more of these four ideas: citizenship status, citizenship identity, citizenship activity, and citizenship cohesion.

Worries about the Loss of Equal Citizenship Status

Minority rights usually involve some form of differentiated citizenship status: they grant certain groups or their members rights or opportunities not available to other groups or citizens. But when does differentiated status become unequal status? Some people say 'Always!', and claim that the very idea of 'differentiated citizenship' is an oxymoron. According to these commentators, citizenship is, by definition, a matter of treating people as individuals with equal rights under the law, and so the basic rights of citizenship cannot vary among citizens. This, it is sometimes said, is what distinguishes democratic citizenship from feudal and other pre-modern views that determined people's political status by their religious, ethnic, or class membership. Hence 'the organization of society on the basis of rights or claims that derive from group membership is sharply opposed to the concept of society based on citizenship' (Porter 1987: 128).

As we argued earlier, however, we believe that this claim, that minority rights are inherently in conflict with the very concept of citizenship, is untenable. Virtually every modern democracy recognizes some form of group-differentiated citizenship. One result of the new-found interest in

minority rights has been an explosion of work uncovering the myriad forms of special-status or asymmetrical rights or group-specific exemptions accorded to indigenous, ethnic, racial, or ethnoreligious groups in most Western democracies. Several essays in this volume bring to light yet more cases of such differentiated citizenship, and show how familiar and widespread such minority rights have been in Western democracies. As Bhikhu Parekh puts it, citizenship in fact 'is a much more differentiated and far less homogeneous concept than has been presupposed by political theorists' (Parekh 1990: 702).[26]

So differentiated citizenship is not a contradiction in terms, nor even particularly uncommon. Our question is, when do differentiated rights involve some real disadvantage or stigmatization (and not just difference) in citizenship status—e.g. some inequality in respect, or in life chances, or in influence over government policy? That is, when does differentiated status start to create first- and second-class citizens?

In so far as we are concerned with threats to equal citizenship status *per se*, it is important to distinguish the reality of inequality and the oppression and stigmatization it fosters, on the one hand, from the *perception* of unequal status, on the other. Members of the majority often complain that special rights for minorities reduce others to being second-class citizens. If this perception is deep and widespread, it can erode the sense of common identity and solidarity. We will deal with these worries in the following subsections. At this point, however, our concern is not with feelings or perceptions, but with the actual impact of minority rights on equal citizenship status. Do citizens (whether members of the majority community or of subgroups within the minority community) have *good reasons* for thinking that certain minority rights reduce them to second-class citizens?

Some of the essays in this volume suggest that this may indeed be the case. In some cases, this threat arises for reasons internal to a particular policy of minority rights. Shachar explains, for example, how allowing religious communities to control some aspects of family law—such as rules for marriage and divorce—can have devastating implications for the rights of women in ways that are clearly incompatible with the norms of equal citizenship in a liberal democracy. Similar arguments, as Coulombe notes, were made against Quebec's language law, which at one stage banned the use of English on shopkeepers' windows. Anglophone-rights advocates claimed that this law amounted to a limit on the fundamental right of all citizens to free speech (although the courts tended not to agree). These cases both suggest that minority claims to cultural recognition threaten equal citizenship status when the

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[26] The claim that citizenship by definition requires a common set of rights is, in effect, a variant of the claim that justice by definition requires 'colour-blind' institutions and policies, and it suffers from the same flaws.

costs and benefits of minority protection are unfairly distributed—i.e. when one subgroup within the minority (e.g. women), or when selected non-members (e.g. anglophones in Quebec), are asked to bear most or all of the costs of cultural reproduction, while others enjoy the benefits.

In other cases, the threat to equal citizenship status may arise as an unintended consequence of the minority right. For example, Mansbridge ponders the implications for democratic citizenship of having selective electoral districts to ensure the election of more African Americans. Her worry is not that these are inherently unfair (far from it!), but rather that there is evidence that this policy leads to a loss of influence for minority groups outside these districts, and hence may be reducing political equality for members of designated groups in the process of trying to enhance it.[27]

These threats to equal citizenship should be of major concern. But there is no reason to think that they are intrinsic to all minority rights claims. On the contrary, most defenders of minority rights insist that it is the *denial* of minority rights that poses the greater threat to real equality. They argue that minority rights are needed to prevent the ongoing stigmatization of ethnocultural minorities, and to remedy the disadvantages they suffer in the larger society. Substantial evidence for this claim can be found in several of the chapters in this volume. For example, the strengthening of official-language rights for French Canadians, along with a substantial degree of autonomy for the French-speaking province of Quebec, have surely played an important role in the transition for French Canadians from being an economically disadvantaged and politically under-represented group in the 1950s, to being roughly in a position of social, economic, and political equality with English-speaking Canadians today. Similarly, while certain forms of group representation may unintentionally erode a group's political equality, Williams and Mansbridge both argue that other forms of group representation are vital to genuine political equality. And, as Levy notes, in so far as the historic conquest of indigenous peoples and the stripping of their self-government rights were grounded in racist and imperialist ideologies, then restoring rights of self-government can be seen as affirming the equal standing and worth of indigenous peoples. In these and other ways, one can argue that, far from eroding equal citizenship status, 'the accommodation of differences is the essence of true equality'.[28]

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[27] Mansbridge is also concerned about the apparent loosening of political accountability for representatives of these special districts. If she is right, this is a problem not of an erosion of equal citizenship status, but of civic or political virtue, a problem to which we shall turn presently.

[28] This phrase comes from the judgement of the Canadian Supreme Court in explaining its interpretation of the equality provisions of the Canadian constitution. See *Andrews* v. *Law Society of British Columbia* 1 SCR 143; [1986] 56 DLR (4th) 1.

Worries about the Fragmentation or Weakening of Citizenship Identities

Let us turn now to the effects of cultural rights on the second aspect of citizenship, the *identity* that citizens share as members of a political community. This identity will always coexist for every individual citizen with numerous other identities based, as we noted already, on class, occupation, region, race, ethnicity, religion, gender, sexual preference, generation, mother tongue, hobbies, and so on. And, furthermore, it will differ in relative importance for each individual. Civic republicans would like to insist that the citizenship identity be each individual's primary and highest identity, and it is a major aim of the politics of civic republicanism to try to bring this about. But we know that this will never be true for many people. If forced to choose, some religious people would flee their country rather than give up practising their faith. And even many scholars we know would much rather take a job in a distant country, and live their whole lives there, than give up their profession for want of opportunities at home. Moreover, it is hard to think that there is anything politically sinful about people deciding to have these sorts of priorities with respect to their different identities, or that a modern state should be permitted to act in a heavy-handed way to make its citizens all fervently patriotic.

None of this is to deny, however, the significance of common citizenship identities in a democratic state—particularly in states shared by groups that already have strong identities based on different religions or ethnicity. It may be unreasonable to expect people to cherish their citizenship identity more than any of their other identities, but it is important for people to be motivated to act as citizens first and foremost when debating and acting in the public realm, at least for a broad range of issues. It would be an obvious sign of ill health in a democracy if a politician could get away with publicly 'justifying' his actions in parliament by announcing that he knew a certain policy was bad for the country, but that he supported it because it would enrich his family. It would be hardly less worrying if political leaders could get away admitting that a policy they supported was bad for the country but in their own ethnic group's best interests.[29]

One could question how tight the connection really is between having a strong citizenship identity and being motivated to act as a responsible citizen. For example, identifying themselves as 'an American' seems quite important to most Americans, at least as important as their other social identities. Yet

[29] Of course it is perfectly acceptable to justify a policy that benefits one's own group (say American Indians, or Spanish gypsies) on grounds of justice; say, because it helps rectify a historical injustice. This is because such a policy can and should appeal to every citizen's sense of justice and citizenship solidarity.

this strong identification with a shared political identity has not translated into either high levels of solidarity for co-citizens, or high levels of political participation. By contrast, being 'Belgian' seems rather less important to most Belgians, who may emphasize instead their supranational identity as 'Europeans' or their substate identity as 'Flemish' or 'Walloons'. Yet the fact that being Belgian is not of prime importance has not (yet) undermined either the generous Belgian welfare state or the relatively high levels of political participation. Citizenship identity and motivation to act as a citizen may be less closely related than many people assume.

Still, it is surely true that if ethnic, regional, or religious identities crowd out a common citizenship identity, there will be difficulty maintaining a healthy democracy. And many critics worry that this sort of fragmentation of identity is a likely consequence of multiculturalism. As Vertovec argues, in a passage quoted by Modood, multiculturalism can be interpreted as 'a picture of society as a "mosaic" of several bounded, nameable, individually homogeneous and unmeltable minority uni-cultures which are pinned onto the backdrop of a similarly characterised majority uni-culture' (Vertovec 1995: 5). In such a society, where there is no common citizenship identity bridging or transcending the various group identities, politics is likely to be reduced to a mere *modus vivendi* amongst groups that barely tolerate, let alone co-operate with, each other. There is little hope for the sort of mutual understanding, deliberation, trust, and solidarity required by a flourishing democracy.

How might minority rights make such a picture come true? For one thing, some of the most far-reaching cultural rights—especially those concerning self-government and the symbolic recognition of national minorities and indigenous peoples—are directly concerned with legitimizing cultural identities that are distinct from, and potentially in competition with, common citizenship identities. Moreover, in the case of self-government and the extending of federal autonomy for minority groups, minority leaders are given institutions and legislative jurisdictions (e.g. control of education) with which they can progressively strengthen the minority cultural identity at the expense of the statewide citizenship identity. There is no question that the recognition of self-government for indigenous peoples and the adoption of what Philip Resnick calls 'multinational federalism' for stateless nations can have these sorts of effects (Resnick 1994).

Of course, many kinds of minority groups, such as immigrant groups or African Americans, rarely ask for the kinds of territorial autonomy and recognition that national minorities seek. But even here, the sorts of cultural rights claimed by 'non-national' minority groups can place strains on the bonds of a common citizenship identity. One fear is that certain sorts of policies that are intended to promote greater participation in society by a disadvantaged minority, such as affirmative-action programmes, will instead

lead to a 'politicization of ethnicity'. Self-appointed group leaders, it is argued, have an incentive to mobilize their group members to demand or maintain special treatment, and the best way to do this may be to perpetuate the sense of vulnerability or persecution the group feels in order to strengthen the group identity; again, at the expense of the larger citizenship identity. The fear then is that group leaders will be successful in 'freezing' an essentialist identity that acts as a barrier to participation by members of the group in a wider citizenship identity that is not based on their group's supposedly essential characteristics.[30]

These are legitimate concerns. But here again, there is no reason to assume that the crowding out of a common citizenship identity is intrinsic to minority rights. Whether minority rights will have this result depends on several factors. For example, Mansbridge recognizes that her proposal to have representative bodies 'mirror' some aspects of the ethnic (and gender) composition of the society at large could be seen as presupposing or promoting an essentialist view of group identities. But she insists that this fear can be mitigated by stressing the non-essentialist, contingent arguments for mirrored representation: on her view, group representation is desirable, not because certain fixed groups have an eternal right to representation, but rather because mirrored representation under certain conditions would produce a higher quality of democratic deliberation (including deliberation about the contingent nature of group identities). Whether minority rights will generate essentialist and exclusive identities will depend, she argues, at least in part on the sort of public justification that is given for them.

Of course, even if the public justification for minority rights eschews essentialism, the unintended result may be to reinforce a picture of society as a 'mosaic of . . . bounded, nameable, individually homogeneous and unmeltable minority uni-cultures'. This is an empirical question, and so we need to ask: is there any empirical evidence that minority rights promote frozen essentialist identity? One of the few cases where this has been systematically studied is in Britain, and the results are discussed in Modood's chapter. Few have studied and tracked the evolution of ethnic and religious identities in contemporary Britain more closely than Modood, and in his opinion the evidence simply belies the fear. Studies suggest the existence of much more fluid and internally complex identities among immigrant minority groups, in which a sense of pride in their ethnic heritage mingles with a developing

[30] In order to justify affirmative measures to enhance the representation of African Americans in mainstream institutions, for example, leaders may implicitly appeal to a conception of the 'authentic' black identity or 'essential' black experience, and emphasize how difficult it is for whites to understand (and to represent) these experiences. The unintentional and paradoxical result of this strategy, however, may be to encourage the idea that participating in mainstream institutions involves 'acting white', and that it is a sell-out to compromise or adapt this authentic black identity in order to co-operate with others.

sense of being British. Moreover, there is some evidence that the fluid and inclusive nature of these immigrant identities exists, not in spite of multicultural policies, but rather because of them. Precisely because they have secured public recognition and support for their ethnic identity, they have the confidence to interact with others in an open way; whereas those groups whose identities lack this sort of public recognition tend to be more defensive about their culture, and more fearful about the consequences of cultural interchange.[31] This shows, once again, that the impact of minority rights on identity cannot be deduced a priori, but requires actual empirical investigation.

In any event, the concern that minority rights will crowd out a common citizenship identity presupposes that such a common identity already exists, or would exist were it not for the presence of minority rights. But of course, in many contexts, this is not true. Many members of minority groups—whether they be new immigrants or conquered national minorities—do not identify with the state in which they live, and instead feel quite alienated from it. This is particularly true of groups that have faced discrimination or prejudice, and who therefore feel unwanted. Granting such groups minority rights can hardly erode a sense of common citizenship identity, since it does not yet exist. Indeed, minority rights may be the best way to encourage alienated groups to come to identify with the larger political community. As Coulombe, Réaume, Bauböck, and Modood all discuss, the refusal to grant recognition and autonomy to such minorities is likely to provoke even more resentment and hostility, alienating them further from their identity as citizens of the larger state. By contrast, minority rights may confirm for minorities that they are full members of the larger society whose contributions will be welcomed. In all of these ways, then, minority rights have the potential to enhance, as well as to erode, a common citizenship identity.

Fears about the Erosion of Civic Virtue and Participation

There is obviously a close link between, on the one hand, worries about the weakening of citizenship identity and, on the other, fears that citizens will lose some of the virtues of democratic citizenship as well as the motivation or capacity to participate in wider public deliberations. Many possible relations between fragmented citizenship identities and poor civic virtue and practices come to mind.

A classic example is the fear that allowing or funding schools for particular religions will destroy one of the most effective forums of citizenship education—the state school system, where children learn to play and work

[31] For similar evidence in the Canadian case, see Kymlicka (1998a, ch. 1).

with children whose parents have different religions, ethnic backgrounds, and values. Both Callan and Spinner-Halev discuss at length this conflict between rights to religious education and the promotion of citizenship virtues necessary for deliberative democracy.

One reason why this is a 'classic' case is that it combines several different possible threats to citizenship. First, religious schools are seen as potentially eroding children's *motivation* to act as citizens, by privileging a particularistic religious identity at the expense of a common civic identity. Secondly, even if religious schools actively encourage their students to affirm a larger civic identity, and hence their motivation for citizenship, they may potentially erode children's *capacity* for good citizenship, since the curriculum of these schools may not teach the virtues of tolerance and public reasonableness. Thirdly, even if these schools promote both the motivation and capacity for citizenship, they can be seen as eliminating the *opportunity* to act as citizens: since all students share the same faith, there is no need or opportunity for students to step outside their role as religious believer and adopt instead their role as citizens.

As Callan and Spinner-Halev both note, it is important not to exaggerate the scope of these dangers, or to presuppose that they are inherent in any system of publicly funded religious schools. But these concerns do help us to identify the sorts of criteria we can use for evaluating other minority rights: to what extent do minority rights erode either the motivation, capacity, or opportunity for people to act as democratic citizens? This questions arises, not only for schools, but also for many other public institutions, including the media, courts, electoral systems, and deliberative bodies. One can easily imagine forms of minority rights that undermine these three preconditions of citizenship—e.g. forms of minority rights that enable minority-group leaders to exercise authoritarian control over group members, and that ensure that members of the minority can interact with the larger society only though these leaders. This is a common fear about proposals to incorporate religious law (discussed by Shachar), or about certain forms of indigenous self-government (discussed by Borrows). In such cases, members of the minority may lack not only the motivation to participate as citizens, but also access to shared political forums in which they can participate.

What is interesting to note, however, is that concern for citizenship virtue and participation is often invoked by *advocates* of minority rights. They argue that special attention must be paid to the circumstances and needs of diverse groups if they are to feel like full members of the society, and to acquire the capacity and opportunity to participate in society.

For example, citizens who do not feel part of a common community or political project will have a harder time trusting each other and making the occasional sacrifices and principled compromises that are part and parcel of democratic citizenship. Immigrant groups that feel alienated from the larger

national identity are likely to be alienated from the political arena as well. Conversely, when the majority identity is not able to adapt in ways that enable immigrants or other cultural minorities to feel a sense of full membership in the society, then individuals from these groups are often stigmatized and treated in ways in which the majority does not treat its own members (think of the official harassment and intolerance of gays in many countries, the violent attacks on Turks in Germany, or the disproportionate 'attention' that the police in many predominantly white cities devote to black youths).

There is a parallel here with concerns about the erosion of a citizenship identity. Just as we cannot assume that there is a pre-existing common citizenship identity that is threatened by minority rights, so we should not assume that the motivation, capacity, and opportunity to participate as a virtuous citizen already exists. So far from eroding such pre-existing conditions, some minority rights may instead help create them.

Fears about Weakening the Bonds of Social Cohesion and Political Unity

In most of the cases we have discussed so far, concerns about threats to citizenship are, we believe, overstated. The impact on citizenship of minority rights, in most cases, is mixed and ambiguous, both enhancing and threatening aspects of democratic citizenship. Under these conditions, it is clearly unhelpful to talk as if there is a zero-sum relationship between minority rights and citizenship; as if every gain in the direction of accommodating diversity comes at the expense of promoting citizenship.

But there is one case where this sort of zero-sum approach may seem applicable—namely, the case of territorially concentrated national minorities who may contemplate secession. If the cultural identity for most members of a minority group is stronger than their citizenship identity in the larger state —e.g. if they feel more Scottish than British or more Catalan than Spanish— then it may come to feel natural for them to have their own state, or at least most of the autonomy of an independent state. And, as we noted earlier, the goal of minority nationalists is precisely to legitimize and strengthen this sense of separate nationhood. Providing rights of self-government or extending federal autonomy gives minority leaders institutions and legislative jurisdictions with which they can progressively strengthen the minority cultural identity at the expense of the statewide citizenship identity. Can we not say, at least in this instance, that minority rights directly threaten citizenship cohesion?

As we learn from the ethnic-conflict literature, the most common response to this threat, even in democratic countries, has been to deny national minorities the kinds of autonomy and recognition that would encourage the development of their own identities. However, as the authors who discuss

this problem here show, this is an incomplete picture of the mechanisms that lead to strengthening or weakening citizenship attachments among the citizens belonging to national minorities. For one thing, as Coulombe, Réaume, and Bauböck all emphasize, refusal to grant recognition and autonomy to such groups is often likely to provoke even more resentment and hostility from the members of the national minorities, alienating them further from their identity as citizens of the larger state. In addition, Coulombe highlights the way minority nationalist movements can be driven not only by minority-led regional governments exercising their powers of self-government, but also by heavy-handed attempts from the central government to promote a statewide identity that national minorities find threatening. Finally, both Bauböck and Smith emphasize the importance of balancing the centripetal forces of recognition and autonomy with other federally guaranteed individual rights and non-territorial group rights. Such a 'cocktail' of rights would reduce opportunities for injustice and could reinforce the sense of citizenship in the larger state for members of national minorities as they come to see both the central and regional governments as guarantors of their rights.

In sum, whether we are concerned with citizenship status, identity, virtue, or cohesion, the relationship between minority rights and citizenship is more complicated than it might initially appear. We can see legitimate worries about the potential impact on citizenship, but also countervailing arguments showing that some minority rights can actually enhance citizenship. It is impossible, therefore, to make any sweeping generalizations for or against the impact of minority rights on citizenship.

This is not, of course, an argument for ignoring or discounting the relevance of citizenship when evaluating minority rights. It is important to determine not only whether particular proposals for minority rights are consistent with principles of justice, but also whether they would enhance or erode desirable qualities of democratic citizenship. The shift from justice-based to citizenship-based arguments about minority rights is a useful and necessary broadening of the debate. Our argument is simply that this question must be examined empirically, in specific contexts, rather than prejudged on the basis of a priori speculation or anecdotal evidence.

8. Conclusion

Throughout this Introduction we have tried to give an overview of the range of cases where minority rights and citizenship interact, and of the sorts of potential (or perceived) threats that minority rights can pose for citizenship. Perhaps the key lesson we have learned is the sheer complexity of the issues.

No one can rest content with the sort of rhetorical generalizations that characterized the 'culture wars' of the 1980s and early 1990s. Critics of minority rights can no longer claim that minority rights inherently conflict with citizenship ideals; defenders of minority rights can no longer claim that concerns about civility and civic identity are simply illegitimate attempts to silence or dismiss troublesome minorities.

What, then, is the way forward? In principle, one *might* be able to imagine a research project that set itself the mammoth undertaking of examining how each sort of minority right claimed by each sort of group affected each aspect of citizenship in every given political culture. Needless to say, our aim in this volume is not to give such an encyclopaedic examination of these issues. We do hope, however, that the chapters in this volume provide a representative sample of the debates, drawing on a wide range of groups, rights, and citizenship ideals; not to mention academic disciplines and intellectual traditions. They embody the sort of fine-grained analysis that we believe is required in this area, where theory and practice learn from each other in turn.

6

Cultural Identity and Civic Responsibility

JEREMY WALDRON

1. Civic Responsibility

The inhabitants of any country have a duty to deliberate responsibly among themselves about law and public policy. Each has a duty to play his part in ensuring that those around him—those with whom he lives, in Kant's phrase, 'unavoidably side by side' (Kant 1991, paras. 43, 121)—come to terms with one another, and set up, maintain, and operate the legal frameworks that are necessary to secure peace, resolve conflicts, do justice, avoid great harms, and provide some basis for improving the conditions of life. I shall call this the duty of civic participation.[1]

Like many duties, the duty of civic participation is not just a duty to do X but a duty to do X carefully and responsibly. In the case of this duty, the burden of responsibility—civic responsibility—has at least two aspects to it. It means (1) participating in a way that does not improperly diminish the prospects for peace or the prospect that the inhabitants will in fact come to terms and set up the necessary frameworks. And it means (2) participating in a way that pays proper attention to the interests, wishes, and opinions of all the inhabitants of the country. (Correlative to this aspect of civic responsibility is

[1] Calling it 'civic participation' connects the duty to the idea of citizenship. But it is citizenship in a broad and informal sense: whether or not one is legally a citizen of the state that governs the country in question, one has the duty I am talking about simply as an inhabitant of the country. I believe this duty stands in a sort of ur-relation to the duties of citizenship as they are more commonly understood. Certainly it is deeper than (it is arguably foundational to) the more familiar notion of legal citizenship, for the duty I am talking about is the duty to make it possible that there be a state and a legal system in the country one inhabits; i.e. it is a duty to make it possible that there be something around here to be a (legal) citizen of. For the importance of keeping clear about the different uses of the term 'citizenship' in jurisprudence and political philosophy, see G. L. Neuman (1992: 1283 ff.).

a fundamental right of each of the inhabitants that his interests, wishes, and opinions be properly attended to.)

In both (1) and (2) I used certain place-holder language. I talked about participating in a way that does not *improperly* diminish the prospects for peace etc., and I talked about paying *proper* attention to the interests, wishes, and opinions of others. People will disagree about how to fill out these formulations; for example, there will be at least as many rival conceptions of *proper attention to others' interests, wishes, and opinions* as there are theories of justice. Still, the formulations that I have given are not empty. Someone's holding a conception of *proper attention* that I disagree with is different, to my mind, from his not thinking that there is any issue about what attention is properly due to others' interests, wishes, and opinions.

This chapter addresses a question that arises when we try to fill out these formulations. One plausible and attractive conception of *proper attention to other's interests etc.* involves the idea of the inviolability of the individual—the idea expressed in modern doctrines of human rights. We think that although people will inevitably have to bear some costs, risks, and disappointments for the sake of peace, justice, and the common good, still we should not set up laws and policies that sacrifice individuals themselves or that require individuals to give up their very being to secure some social good. Each person has fundamental interests in life, freedom, and well-being (his rights), and these impose constraints on what counts as the proper pursuit of the goals of civic participation. If a conception of this kind is accepted, then of course there will be disputes about *which* individual interests fall into this category; i.e. there will be disputes about what rights we have. Contributing to and resolving these disputes will be part of what civic participation involves. This too is a part that must be played responsibly: one of things each of us should bear in mind as we advance our list of rights is the impact of that list on the overall civic enterprise. Each must ask himself whether a given demand that he makes as a matter of 'rights' will undermine or preclude altogether the fundamental settlement which is the goal of civic participation. I am not saying that if the answer is 'Yes', then the demand should be abandoned. But if the answer *is* 'Yes', then that is a very serious matter, and accordingly the proponent should think long and hard about the basis and provenance of the demand.

2. Identity

The idea of *identity* plays an increasing role in modern politics. It affects the way people perform their duty of civic participation; and it affects their conception of what it is to perform that duty responsibly.

In 'The Politics of Recognition' (Taylor 1992), Charles Taylor linked *identity* with the notion of authenticity, the demand for recognition, the idea of difference, and the principle of equal dignity. *Authenticity* connotes the idea that each of us should live in a way that is true to himself, not conforming to a way of life simply because it is accepted by others. *Recognition* is the idea that others should be sensitive to my quest for authenticity. They have a responsibility to interact with me on the basis of who (as far as they can tell) *I* think I really am; they have a responsibility to respect me as the authentic self I think I am and am striving to be, rather than as the person they think it convenient for me to be. The idea of *difference* begins with the fact that the sort of being I think I am and deserve to be recognized as may not be the sort of being you think you are and deserve to be recognized as. From this fact, proponents of difference infer that the requirements of interpersonal respect may not be the same across persons. There may be a difference between what it is for me to respect you and what it is for you to respect me. Accordingly different people may have different rights; we are not entitled to assume that one size fits all. Nevertheless, the principle of *equal dignity* implies that in some sense everyone's identity is entitled to *the same* respect: there should be no second-class citizens in a liberal democratic society. (This presumably means that there is some sort of metric of equality—against which we can determine whether X's identity is being accorded the same respect as Y's identity—despite the exigencies of difference.)

I am not going to comment on the sense or coherence of these ideas, except to say that they all look very challenging. I want to consider a couple of further steps that are commonly taken down this road, and their implications for the thesis about civic responsibility that I set out at the beginning of this chapter. As outlined in the previous paragraph, the connections between authenticity, respect, difference, and equal dignity which constitute the modern notion of identity seem to be rooted in romantic individualism. Each of us is a unique individual, with an identity particular to himself. Each must discover his own voice, character, vocation, and destiny and (like Rousseau or Byron) live in a way that is true to that identity (Rosenblum 1987). But romantic individualism has often had a hard time holding its own in modern politics against the idea of national, ethnic, and cultural identities. In fact, the heroic ideal of authentic individual self-creation, of radically individualized difference, has not been found plausible as the basis of most people's identities, and is often rejected as fanciful, élitist, and parochial.[2] It is much more plausible sociologically and, to many, much more comfortable to assume that people forge their identities in the crucible of the nation, culture, or *ethnos* in which they are reared and raised. On this view, individual identities are moves

[2] Parochial in the sense of being an idea peculiar to a certain phase of culture and literature in Western Europe and its colonial outposts, and far from uncontested even there.

within particular cultures,[3] and to that extent they are shared and collective rather than heroically solitary and individualized.

This does not, however, diminish the challenge of 'difference'. Almost all modern societies are multicultural. Despite the best efforts of nationalism,[4] most states rule over people and peoples of a variety of national backgrounds; they comprise communities of many different ethnicities and cultures. In these circumstances it is often thought more important (from the point of view of respecting a given individual, X) to find out (a) which culture X's identity was forged in than to find out (b) what particular identity X forged as an individual within that culture. Indifference or misapprehension at level (a) is often thought to be a much worse affront to X's dignity than indifference or misapprehension at level (b). Or, to put it the other way round, the most common basis for the most egregious affronts to people's identities is thought to be hatred of a particular culture or ethnicity rather than disrespect for the particular identity an individual has crafted for himself within his culture or ethnicity. Accordingly, the strongest demand that is made in modern identity politics is that we should respect the distinctive dignity of the cultural or ethnic background that each individual has or claims as his own.

In a recent discussion K. Anthony Appiah has called for a more 'recreational' conception of ethnic identity (Appiah 1996: 103). He suggests we should 'live with fractured identities; engage in identity play; find solidarity, yes, but recognize contingency, and above all practice irony' (1996: 104). In the modern world, however, identity is anything but recreational. It is deadly serious politics—identity politics—and it is played out for high stakes and with serious ramifications not only for who ends up with what, but also for the terms on which the basic social settlement is framed.

One way of understanding this seriousness is to see that identity claims are often put forward in the spirit of the claims about individual rights that were discussed at the end of Section 1; indeed they are often put forward explicitly as versions or instances of rights. Like claims of rights, identity claims are presented as essentially non-negotiable. One says: 'I can give up many things for the social good, but I will not give up my identity. I should not be required to sacrifice *who I am* for the sake of the benefit to others.' Thus identity, like rights, connotes in politics the idea of certain reservations which one is entitled to insist on for oneself and which others have to recognize as constraints. When I say that some issue is crucial to my identity, I present my view of that issue (my interests in it, my needs, my preferences) as both interpersonally and socially non-negotiable: I imply that accommo-

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[3] For an excellent account of this view, see Kymlicka (1989, ch. 8).
[4] I take nationalism to be the thesis that states should be organized, boundaries drawn, peoples moved about, and educational and cultural enterprises undertaken with the eventual aim that those with a common nationality should have a state of their own.

dating my interests, needs, or preferences in this matter is crucial to respecting *me*.

3. Compossibility

As I said in Section 1, liberal political philosophy has always proceeded on the basis that *some* such claims are appropriate. But the viability of the liberal enterprise depends on claims of this sort being fairly limited and being disciplined by a norm of compossibility.[5] Let me elaborate. It is assumed, first, that only a very small number of such claims *need* be put forward—i.e. that fundamental respect for persons (their rights and their identities) is not infinitely demanding, and that most individual preferences and interests can be dealt with on a fair basis that *does* allow negotiation and trade-offs. There is a modest list of rights, and the idea of rights is not all there is to political morality so far as the interests of individuals are concerned.

Secondly, so far as the small number of interests that *do* require this special non-negotiable treatment are concerned, liberal theory is committed to the expectation that all such interests will pass the test of compossibility. If I claim non-negotiably that some interest of mine simply *has* to be respected, my claim is thrown in question—not refuted necessarily, but thrown in question—by a showing that it could not possibly be accommodated in a political union along with the similar claims of others people. The liberal conception of rights and justice would be gravely embarrassed by a showing that the special non-negotiable respect we have been talking about could not compossibly be accorded (in a single system of rights) to all the interests for which it might properly be demanded.[6]

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[5] 'Compossibility' is a technical term, which originates, I believe, with Leibniz. The idea is that two things, each of which is possible, may not be *compossible*, i.e. possible together: the existence of one may preclude the existence of the other or even presuppose that the other does not exist. Thus a world without sin is possible; and a world in which there is forgiveness is possible: but forgiveness and the absence of sin are not compossible. (For a useful discussion, see Steiner 1994: 2.) In ethics and politics compossibility refers to joint practicability. Suppose there is one lifeguard, A, at a beach, and that two swimmers, B and C, at opposite ends of the beach get into difficulties. Then although we may say that A has the duty to rescue B and that A has the duty to rescue C, the two duties may not be compossible inasmuch as A can rescue only one of them.

[6] Note that '. . . may properly be demanded' and '. . . can compossibly be accorded' are *independent* constraints on liberal theories about the special treatment due to certain individual interests. We are not entitled to modify the former simply for the sake of the latter. For example: either respect for the importance of A's freedom of worship requires accommodation X or it does not; it does not *cease* to require X or require something *less* than X simply because we discover that it is impossible to furnish X to everyone on whose behalf the case for it can be made.

4. The Difficulty Posed by Cultural Identity

It is widely—I think correctly—believed that this liberal task of securing proper respect for all the interests that demand it becomes immeasurably more difficult when identity is associated with culture whilst retaining the flavour of rights. It is hard enough to set up a legal framework that furnishes respect for persons as individuals, and which ensures that the interests and respect for persons as individuals, and which ensures that the interests and freedoms basic to individual identity are not sacrificed for the sake of the common good. But if respect for an individual also requires respect for the culture in which his identity has been formed, and if that respect is demanded in the uncompromising and non-negotiable way in which respect for rights is demanded, then the task may become very difficult indeed, particularly in circumstances where different individuals in the same society have formed their identities in different cultures.

The reason for this extra difficulty is not always well understood. It is not just a matter of inconvenience, as when a school or college is required to accommodate an array of different holiday observances for a variety of students' religions. Nor is it simply a matter of extra expense, as it would be (say) if unisex toilet accommodation (in small restaurants or offices) were opposed by those brought up in particular cultures or religions. It is not even a matter of the *unfamiliarity* of cultural identity claims made by one who does not identify with the dominant culture in a society. Some political philosophers have made great play of the difficulty that is involved when people of different backgrounds try to bring disparate types of reasons into some sort of commensurate relation with one another in public deliberation. They argue that deliberation needs to be disciplined by norms of 'public reason,' which will exclude, for example, appeals to religious revelation or to other reasons whose contents or appeal are in some other peculiar sense private or limited (cf. Rawls 1993: 212ff.). I believe that this problem is greatly exaggerated, and I have argued against 'public reason' restrictions elsewhere.[7] The real difficulty has little to do with inconvenience, expense, or the antinomies of public reason. It arises primarily because of what a culture is or aspires to be.

Though it is arguable that people form their identities in particular cultures (Kymlicka 1989; Waldron 1992), cultures are not like hairdressers, set up in order to furnish individuals with diverse and colourful identities. In the sense in which the term is used in identity politics, a *culture* is (something like) an enduring array of social practices, subsisting as a way of life for a whole people. Moreover, a culture is not like an array of clubs and hobbies; it represents the heritage of a particular people's attempts to address and come to

[7] See Waldron (1993b). I discuss the point further towards the end of this section.

terms with the problems of social life—problems that are serious and have to be addressed. A culture will comprise a particular way of dealing, for example, with relations between the sexes, the rearing of children, the organization of an economy, the transmission of knowledge, the punishment of offences, and in general the vicissitudes that affect all the stages of human life and relationship from conception to the disposition of corpses, and from the deepest love to the most vengeful antipathies. So when a person talks about his identity as a Maori, or a Sunni Muslim, or a Jew, or a Scot, he is relating himself not just to a set of dances, costumes, recipes, and incantations, but to a distinct set of practices in which his people (the people he identifies with when he claims this as his identity) have historically addressed and settled upon solutions to the serious problems of human life in society.

Identity claims, I said, are made in politics—often in the politics of a larger multicultural society. That larger society also has to deal with the ordinary problems of social life among its inhabitants. It too will be trying to set up practices and rules to govern relations between the sexes, the rearing of children, the organization of an economy, the transmission of knowledge, the punishment of offences, etc. When it arrives at and tries to implement a set of solutions to these problems, those solutions will implicitly contradict some of the solutions arrived at as part of the heritage of the smaller cultures that make up the fabric of the larger society's multiculturalism.

Let me illustrate with a crude example. In response to the enduring question of what rules are to be set up to govern the organization of families and households, culture A may answer 'Polygyny', culture B may answer 'Polyandry', and culture C may answer, 'Monogamy'. If the larger society S (which includes individuals who self-identify as As, Bs, and Cs) opts for monogamy, then clearly it is opting for an answer which directly contradicts the answer given in A (not to mention the answer given in B). Now officials of S may criticize the beliefs associated with A as exploitative or unholy (they may well adopt the rhetoric of C in this regard), and the elders of A are likely to return the compliment, criticizing monogamy as repressively puritanical or perhaps as subversive of patriarchal authority. My point is that these solutions are *rivals*: they constitute alternative and competing answers to what is basically the same question. Not all cases are as straightforward as I have made this one, of course. Often it will not be quite the *same* question that A, B, and C are addressing; or their respective solutions may vary only because they were predicated originally on quite different social conditions. But still in many cases there will be enough of an overlap, so that there is evidently some degree of *opposition*, not just difference, between the two ways of life.[8]

[8] This will be particularly so when one makes *holistic* comparisons between cultures: assumed differences in background circumstances (which might otherwise explain away some perceived rivalry between a given pair of customs) may in fact reflect opposing solutions that the cultures in question have given to other common problems that they face.

I don't mean opposition in the sense that the cultures are necessarily competing for territory, power, or resources. I mean that each of them *disagrees with* the other's solution to the problem that each of them faces: each of them thinks that the other's solution to this common problem is silly or unholy or just plain wrong.

The previous paragraph took a static approach: culture A has its solution, culture B has its solution, and culture C has its solution (which has been adopted by the overarching society S). Considered as abstract propositions, the three solutions contradict one another. But now we must also consider the matter dynamically, for what really interests me are the implications of identity politics for the way in which the members of S (who include some As and Bs and Cs) go about discussing and settling upon a solution. (Remember: we are interested ultimately in the bearing of identity politics on the way in which people discharge their civic responsibilities in the larger society in which they live.) Suppose that the respective heritages of cultures A, B, and C are reasonably settled, but that (for whatever reason) it is still an open question what rules society S should have or persevere with in this regard. How should we expect someone who self-identifies as an A to participate in this debate?

1. He may, first of all, insist that whatever view the larger society finally takes of the merits of different family regimes, it should at least leave room for As like him to practise their own distinctive customs. This is something like a claim for religious accommodation.[9] In many cases, this may be all that is asked for, and often it will be a perfectly reasonable proposal. I have little to say here about the issue of accommodations for cultural differences, except that of course it should always be the first recourse in any situation of the sort we are considering. If mutual accommodation and toleration are in fact available, then the rest of what I shall say in this chapter is inapplicable. (And this may be one legitimate use of the rhetoric of identity: to invigorate the search for a system of mutual accommodation, with the urgency of something like a rights claim.)

But accommodation is not always practicable. And a system of mutual accommodations will not count as a solution if the disagreement between the As and their opponents is in fact a disagreement about what people may be permitted to do. Many opponents of polygamy think it wrong, not just to practise, but to permit, polygamy (just as many opponents of racism think it wrong not just to practise, but to permit, discrimination).[10] In that case, the

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[9] Of the sort that was rejected (to say the least!) in *Reynolds v. United States* 98 US 145 (1879).

[10] Similarly, the dispute about abortion cannot be solved on the basis of accommodation in the way that pro-choice slogans sometimes disingenuously suggest—e.g. 'If you oppose abortion, don't have one.' What the pro-life faction maintains, and what their opponents deny, is that abortion is a form of murder and is to be prevented and prosecuted as such. The pro-choice faction is no more prepared to accommodate the practice of this view by those who

society cannot finesse the issue through mutual accommodations: the As, the Bs, and the Cs must confront their disagreements directly.

2. Secondly, then, assuming that mutual accommodations are not available, we should expect someone who self-identifies as an A to contribute his heartfelt opinion as to what the policy of S ought to be on this matter. As a good A, he believes in polygyny, and he may presumably be expected to try to explain to his fellow citizens why polygyny is not only not wrong (as the Cs suggest), but in fact positively desirable. And we expect that the Bs and the Cs will have something to say in response. Civic deliberation is now under way on a matter of common concern.

But precisely because it is *deliberation* that is now under way, the individual from A cannot expect any special weight to be attached to his opinion simply because of its connection with his identity. His opinion will be responded to in civic debate on the basis of its content. Has he made a good argument? Are his facts right? Do the major premises of his account point to values that are of real importance? Could the important values he points to be secured by any other means? Having been put forward as a contribution to debate, his opinion must now take its chances in relation to the other opinions milling around[11] in the market-place of ideas.

I mentioned earlier the worries expressed by some theorists that reasons and arguments drawn from different cultures may bog down deliberation in some sort of incommensurable stalemate, and I said that I thought that prospect had been exaggerated (Rawls 1993; Waldron 1993b). I do not think we should underestimate the curiosity of human beings and their ability to conduct conversations across the barriers allegedly posed by the most disparate conceptual schemes. Perhaps over-influenced by the Wittgensteinian idea that effective communication presupposes some sort of agreement in judgements (Wittgenstein 1974: 88e, para. 242), we theorists tend to think that deliberation requires a framework of common concepts and understandings; and we are less embarrassed than we ought to be when, time and again, various seafarers, and traders, and migrants prove us wrong. At any rate, I think it is a serious mistake to approach the problem of intercultural deliberation *first* with the idea of deliberative discipline and the exclusion of certain lines of argument on the basis of some Rawlsian idea of public reason (Rawls 1993: 220–2). Our first responsibility in this regard is to make whatever effort we can to converse with others on their own terms, as they attempt to converse with us on ours, to see what we can understand of their reasons, and to present our reasons as well as we can to them. The a priori conviction that stalemate is bound to result and that 'there is no talking to these people' is

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believe it than the pro-life faction is prepared to accommodate the practice of abortion itself by those who think it permissible.

[11] 'To mill around' here means 'to interact with other opinions' in the manner suggested by J. S. Mill in ch. II of *On Liberty* (1956).

itself a violation of the duty of civic participation. (And, one should add, it is a violation most often committed by members of the majority or dominant culture in the kinds of societies we are talking about.[12])

Admittedly when one presents an unfamiliar view in deliberation with others, one takes the risk that, even if it is understood, it will not be persuasive. Certainly we are not entitled to say that its being rejected is a *sign* of its not being understood, for if two or more such views are really at odds with one another, it must in principle be the case that one at least of them may be rejected by a person who understands them both. That is why deliberation—and mutual understanding—are necessary; and that is why those things—rather than the tendentious and usually one-sided discipline of 'public reason'—are what the duty of civic participation requires.

3. At this point, faced with these risks and responsibilities, our protagonist may ponder a third move—and it is this third move which poses the greatest difficulty for the liberal enterprise and which is, in my view, the greatest abuse of civic responsibility. Instead of presenting his view or his culture's view of family organization as a contribution to civic deliberation in society S, he may demand respect for it—the opinion—as an element of respect for *him*. If someone else criticizes his views about polygyny—refutes his empirical assumptions, denies his major premiss, or exposes the fallacies in his reasoning—he may see this as a personal affront, as an attack on him, and an assault on his identity. 'This is the view associated with culture A,' he may say, 'and membership of culture A is an important part of my identity. An A is essentially what I am. If you criticize or refute the A view on this matter, then beware!—it is me, and my fellow As, that you are criticizing and refuting. If you want to respect me and people like me, you had better take my A-ish view seriously and give *to it* the sort of respect in deliberation that my personhood and my identity command.'

We are all familiar with this as one of the ways in which discussions about religion can go badly wrong; suddenly one becomes aware that what was previously the critical evaluation of someone's view is being treated as a personal affront or an insult. And it happens distressingly often in modern academic life as well: scholars increasingly protest that they are 'offended' by an opposing view in social or political theory, when in times past they would have said that they *disagreed* with it and would have tried to explain why. Of course this happens mostly in cases where people feel very deeply about their beliefs, and often the offence complained of is unnecessary, in the sense that there may have been no need for the antagonists to push their disagreement to this extreme. In the context that we are dealing with, however, in this chap-

12 Compare John Stuart Mill's account of who is most likely to be guilty of the 'intemperate' presentation of a view—the dominant majority or the dissident minority?—at the very end of ch. II of *On Liberty* (Mill 1956: 64–7).

ter, the complaint of disrespect (and the deliberative moves that elicit it) are made in a debate that *is* necessary—in circumstances where the inhabitants of S *do* have to figure out what they as a society are going to settle upon in this matter, on which the As (and others) have such strong views.

5. From Opinions to Interests

One way of understanding what is going on when the As make their complaint about disrespect is that, by virtue of their complaint, an *opinion* of theirs is being converted into or treated as an *interest*. (And not just any interest, but a vital interest that demands the special non-negotiable treatment that is properly accorded to rights.)

In liberal democratic societies it is often very important to keep interests and opinions separate, at least so far as political understandings are concerned. Suppose the people of a society disagree about what rights the inhabitants of that society have; suppose in particular they disagree about what rights a certain minority have. Such disagreement is of course a disagreement *about* interests; but it is a disagreement *of* opinion. Faction F_1 believes that a certain interest of a minority group, M_1, should be given special weight against the interests of the majority, M_2, while the opposing faction F_2 denies this. Clearly the matter has to be settled—by a vote, perhaps, or by some sort of authoritative ruling. If it is settled by a vote and if F_1 loses, may the members of that faction complain legitimately about tyranny of the majority? The answer is 'Not necessarily.'

To begin with, if there is a legitimate complaint about tyranny of the majority, it is to be made by or on behalf of the members of M_1, not the members of F_1. Nothing tyrannical happens to a person *simply* by virtue of the fact that his opinion is not acted upon by a community of which he is a member. Furthermore, we are not entitled to assume that the membership of the two groups is the same: F_1 may comprise many members of M_2 and may not include all of the members of M_1. People often organize themselves politically in ways that do not correspond exactly with their interests.[13] Certainly tyranny of the majority is a danger if the votes of those who compose the differing factions represent nothing more than the particular interests or

13 An example may help. Affirmative action in the United States is opposed by some of those whose interests it is intended to advance, and supported by many of those whose unfair advantages it is intended to offset or remedy. So if a majority decides that the rights of racial minorities do not generate an entitlement to affirmative action, we are not in a position to assume that *that* is the very majority whose actions and interests the minority rights in question were supposed to constrain.

satisfactions of the voters. On that assumption, allowing a majority to prevail *means* allowing the interests of the minority to be sacrificed to those of the larger group. But nothing similar need happen between majorities and minorities if we assume the members of the society are addressing some controversial issue about rights in good faith, for on this assumption a vote may represent, not an individual interest, but a sincerely held individual opinion on a matter of common concern.

Even if the memberships of F_1 and M_1 do overlap, it does not follow that defeat for F_1 at the hands of a majority counts as tyranny of the majority. Unless we want to say that each group and each individual has whatever rights it thinks it has, we must accept that claims of rights will have to be subject to political decision of one sort or another, and that some of them may have to be rejected as ill founded. It simply cannot be the case that someone is wronged every time an opinion about rights is rejected in politics. Sometimes a wrong is done because the rejection is unjustifiable; but even then the most that can be said is that the victims are wronged *qua* members of the interest group M_1, not that they are wronged *qua* members of the opinion group (even the overlapping opinion group) F_1.

All this seems to be indispensable for understanding political decisions about rights, in the context of good-faith disagreement in society over what rights we have (Waldron 1993a, 1998). As we analyse such disagreements and the constitutional structures that are to house them, we must be very careful to distinguish between the individual or minority interests which are the subject of the disagreement and the opinions held by an individual or a minority about their interests or the interests of others. But of course it is exactly this distinction that is confounded when people start demanding special respect for a view associated with a particular culture as part of the respect they demand for their identity. What was an opinion is now being treated as an interest—as a symbolic interest going to the heart of the identity of the person who puts the opinion forward.

6. Compleasance

Suppose the members of more than one group make the move that we imagined the As making (near the end of Section 4). And suppose those moves are taken seriously as putting on the table important facts about those people's identities. The As put forward their view about polygyny, and they indicate that they will regard any criticism or refutation of this view as an affront to their identity; and the Cs put forward their view about monogamy and they say that *they* will regard any criticism or refutation of their case as an affront to *their* identity. Now a society which takes these identity claims

seriously will be simply paralysed, unable to settle on a view about the regulation of family arrangements. The identity claims which we are imagining—the demands that the As and the Cs are making that their opinions should be respected—are incompossible. Moreover, they are, by virtue of the issue posed in the society, incompossible in principle, not simply as a matter of cost or resources. The aspects of identity for which respect is now demanded began life as *opposing opinions*; that is why they cannot *both* be respected now in the way their proponents demand.

Does it follow, from this incompossibility, that claims of this sort should never be made? I certainly believe they should never be made. People should advance their opinions and, even when those opinions are deeply treasured artefacts of a culture they identify with, the most that should be demanded for them in the way of respect is that people listen to the opinions, take them seriously, not make fun of them, but rather respond to them in practical deliberation, making the best effort they can to see whether there is anything in them that is true, insightful, or persuasive. I don't think anyone should insist, as a condition of respect *for him*, that his opinion on a matter of common concern be accepted or implemented or treated as immune from criticism in political debate (Waldron 1989b). However, I do not think that this belief of mine follows straightforwardly from the point about incompossibility.

Thomas Hobbes seemed to think it did, or rather he came close to thinking that something like this followed. He believed that people had a responsibility to change themselves if they could, and change the tenor (and if need be the contents) of their most cherished views and desires, so that they could fit into a peaceful society. Indeed he thought this was a *law of nature*:

A fifth Law of Nature, is COMPLEASANCE; that is to say, That every man strive to accommodate himself to the rest. For the understanding whereof, we may consider, that there is in mens aptnesse to Society, a diversity of Nature, rising from their diversity of Affections; not unlike to that we see in stones brought together for building of an Edifice. For as that stone which by the asperity, and irregularity of Figure, takes more room from others, than it selfe filles; and for the hardnesse, cannot easily be made plain, and thereby hindereth the building, is by the builders cast away as unprofitable, and troublesome: so also, a man that by asperity of nature, will strive to retain those things which to himself are superfluous, and to others necessary; and for the stubbornness of his Passions, cannot be corrected, is to be left, or cast out of Society, as combersome thereunto. (Hobbes 1988, ch. 15, 106)

This seems to imply that if one can do without the assertion of a rights claim or an identity claim that is going to pose a compossibility problem, then one has a duty to try and do without it. For if the claim really is 'superfluous' to the person who makes it, if it really would not be unreasonable to require him to give it up, his persistence in asserting it makes him 'combersome' to the process of securing peace and building a commonwealth. Or to put it in more

straightforward language, the maintenance of such identity claims seems incompatible with one's duty to participate responsibly in civic affairs.

The trouble is, however, that we have not yet established that it *is* possible or reasonable for people to give up claims of this sort without sacrificing their identity. Certainly, identity should not be expanded to cover every demand that a person makes, every opinion he has, every preference he wants fulfilled. But it does not follow that identity claims can be shrunk to order, so to speak, simply to meet the requirements of compossibility.[14] Respect for individuals and compossibility are *independent* constraints on a liberal order; the one is not merely the reflex of the other.[15] We are not entitled to dismiss out of hand the view that respect for persons really does require this sort of respect for their opinions, simply because it would be a structural embarrassment to liberal society if it did.[16]

7. Cultural Engagement

Fortunately, an argument can be made that the sort of identity claims that are worrying us are not claims that their proponents need to make in order to vindicate their cultural identities. By this I mean, not that they are politically unnecessary (I will discuss briefly some exigencies of the political second-best in Section 8)[17] but that they are not what participation in a culture as such inherently requires. Indeed, I want to go further and argue that claims of this sort represent quite inauthentic ways of engaging and identifying with a culture. They not only exaggerate but distort the way in which a person relates to the culture which is part of his identity.

The key here is the air of self-consciousness that pervades the cultural engagements and self-presentations associated with identity politics. I noted earlier that the modern idea of identity associates cultural context with individual authenticity. One forms oneself, yes—but one does so in the context of a particular culture; and the reality of that culture is therefore essential to the self which one forms and to which one has a responsibility to be true. The trouble is that, at the individual level, the authenticity requirement involves

14 Cf. Rawls's suggestion that it is reasonable to require individual conceptions of the good to be tailored to fit the requirements of a compossible social order (Rawls 1971: 30–1). Indeed, in Rawls's later work, this is one of the meanings of 'reasonable' (Rawls 1993: 48–54).

15 See n. 6, above.

16 Also, there's another difficulty with the Hobbesian view. It takes *two* to establish incompossibility; so which of them is required to make the adjustment? (Example: does the pornographer make life impossible for a devout person or is it that the devout person, with his sensitivities, makes life in a liberal order impossible for the pornographer?)

17 See below, text accompanying n. 19.

a supreme effort of self-consciousness—as one struggles to catch the urgings of one's inner voice or whatever—while at the cultural level such intense self-consciousness might be quite inappropriate and distracting.

Think for a moment about involvement in a given culture in a *non*-multicultural setting, i.e. involvement with a culture in the culture's natural habitat, so to speak. One is living as an *A*, with a bunch of other *A*s, and the frame of culture *A* is all any of us has been used to. In this setting it is doubtful whether thoughts *about* one's culture—how marvellous it is; how colourful and distinctive; how important it is to the identity of each of us—will loom very large in people's involvement in the life of their community. In this situation what one does is simply speak or marry or dance or worship. One participates in a form of life. *Proclaiming* or *advertising* that this is what one is doing would be viewed by the other *A*s as rather strange. Certainly it would be to participate in a different form of life—a form of life only problematically related to the first. As I said, what one does in straightforward cultural engagement is simply speak or marry or dance or worship. In doing so, one does not say anything about the distinctive features of, say, the Irish heritage, or the peculiarities of the Maori wedding feast. One keeps faith with the mores of one's community just by following them, not by announcing self-consciously that it is the mores of one's community that one is following.

The point is of some general importance, for I think it helps explain why self-conscious engagement with a culture or a national identity often seems so artificial, compared to the life of the culture or nation itself. Consider a suggestion by Isaiah Berlin in his essay on nationalism. Berlin suggested that nationalism involves:

the notion that one of the most compelling reasons, perhaps the most compelling, for holding a particular belief, pursuing a particular policy, serving a particular end, living a particular life, is that these ends, beliefs, policies, lives are ours. This is tantamount to saying that these rules or doctrines or principles should be followed not because they lead to virtue or happiness or justice or liberty . . . or are good and right in themselves . . . rather they are to be followed because these values are those of my group—for the nationalist, of my nation. (Berlin 1981: 342–3)

I am sure Berlin is right to see this as an aspect of explicit nationalist consciousness. It seems to me that it is characteristic, too, of a great deal of modern cultural identity politics. People say: 'I dress this way or I speak this language or I follow these marriage customs because they are the ways of my people.'

But when you think about it, this is a very peculiar attitude to take—to insert the cultural provenance of a norm or value into what H. L. A. Hart called its 'internal aspect' (Hart 1994: 88 ff.). It seems very odd to regard the fact that this is 'our' norm—that this is what we Irishmen or we French or we Maori do—as part of the reason, if not the central reason, for having the norm and for sustaining and following it.

For consider a point I made earlier: social norms and practices do not exist in order to make up a colourful, distinctive culture for us to immerse ourselves in. They exist in a context of reasons and reasoning. There is always a story to be told, a story internal to the norm—part, as I say, of its 'internal aspect'—as to why this way of doing things is better or appropriate or efficient or obligatory or required. If I ask an elder of the group to which I belong why we have and follow a norm of monogamy, he may tell me a story about the need for reciprocity and equality between lovers and explain why this is difficult or impossible in polygamous relationships, or he may tell me a story about the sun and the moon and about there being only one of each. Either way, *that* is the sort of thing that counts, in the group, as a reason for following the monogamy custom. I may not accept the reasoning that the group associates with the norm; or I may find the sun and the moon story bewildering or unsatisfying. But if I do, then that is all there is to say about the matter: I no longer respect the norm on the basis on which it claims my respect. I certainly do not show any respect for it—rather I show a vain and self-preoccupied contempt for the norm itself—by gutting it of *its* reasons, and replacing them as reasons with *my own* need to keep faith with my cultural roots. That is not the point of the monogamy requirement at all, and to think of it as the point (or even as one reason among others) may be to give a quite misleading impression of how important the norm is supposed to be in the culture and what that importance is based on.

In other words: if there are norms and practices that constitute 'our' way of life, and that matters to us, then the thing to do is embrace them wholeheartedly, not in a way that leaves it open for us to comment to others in the sort of stage-whisper that characterizes modern identity politics: 'I am following the practices of my culture' or 'What I am doing here is revisiting my roots'. It is not and has not been the nature of *our* moral practices to go around saying that sort of thing about them—one doesn't say this as one refrains from dishonesty, for example—and I doubt that it is the practice of very many other groups either. On the contrary, to congratulate oneself on following 'the norms of my community' is already to take a point of view somewhat external to those norms, rather than to subscribe wholeheartedly to the substantive commitments that they embody.

Once this is accepted, then I think it is also clear that one cannot legitimately regard criticism and discussion as a simple *affront* to some aspect of one's cultural identity. Humans and human groups take their norms seriously, and to take them seriously is to think of them as embedded in something like a structure of reasons and reasoning. Whatever we think of them from the outside, from the inside they are not like the rules of games or the norms of fancy dress—things one can cast off as soon as it seems no longer important to display oneself as a member of a particular group. They make deep claims, powerful claims about what is important in the world (and

beyond it) and what sort of things are at stake in the areas of life that they govern; and those claims are usually held to be true, which means that they offer a better account of what really matters than the reasoning associated with the different norms and practices of the society next door or across the sea. Now, that reasoning may bewilder and disconcert us; it is no part of my argument that it should be familiar or congenial or just like our reasoning over here.[18] But it is like ours at least in this: that it represents or claims to represent some repository of human wisdom as to the best way of doing things. As such it necessarily makes its reasoning available—though, as I have said now several times, not always easily or comfortably available—to understanding and assessment on the basis of, and in comparison with, what else there is in our society in the way of human wisdom and experience on questions such as those that the norm purports to address.

8. Others

The common legal framework that I mentioned at the beginning of the chapter is needed in relation to whoever we find ourselves living with, interacting with, or potentially quarrelling with. In the phrase I quoted from Kant, we have a duty to come to terms with those with whom we find ourselves 'unavoidably side by side' (Kant 1991, paras. 43, 121). In recent communitarian political philosophy there has been a tendency to insist that a well-ordered society should be thought of as something constructed among those who *share* certain fundamental understandings and beliefs (cf. Walzer 1983). By contrast, the great virtue of Thomas Hobbes's work and Immanuel Kant's work in political philosophy is that they begin from *the opposite assumption*. They assume that we are always likely to find ourselves, in the first instance, alongside others who disagree with us about justice; and they argue that if there is to be community or a common framework for living, it has to be created in the form of positive law, constructed out of individual views or views sponsored by particular cultures that are given initially as disparate and opposed. That seems both more realistic in the mixed-up circumstances of the modern world, and less dangerous than the communitarian view—less dangerous, certainly, when one thinks what is likely to be done—what has in fact been done—to turn the communitarian assumption into a self-fulfilling prophecy.

Of course, since I am putting so much emphasis on real-world conditions (finding ourselves unavoidably side by side with uncongenial others), my

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[18] But, as I said earlier, it is possible to exaggerate the implications of this unfamiliarity (Rawls 1971, 1993; Waldron 1993b; Wittgenstein 1974).

analysis invites the question: why do I not also consider the real-world pre-dicaments of most cultural minorities? For often—perhaps even characterist-ically—dominant majorities make no attempt whatsoever to *debate* the merits of (say) monogamy versus polygyny with the members of groups which hold contrary views. They simply *impose a view*, and then disingenuously accuse the dissident minority of failing to live up to its civic responsibility. In these circumstances—which are equally circumstances of the real world—appeals to identity politics are introduced by cultural minorities as a sort of last resort, in a desperate attempt to simply *get a hearing* for their side of the case. In the face of the majority's refusal even to consider minority practices as an alter-native, the minority says, 'We refuse to accept the status quo, in which the majority ignores the reasons for our practices. We need to show the majority that we are deadly serious in our cultural commitments—that it is not just a game we are playing or a costume we are wearing—and that we find their ob-stinacy on this point intolerable.'[19] And it is on this basis that they introduce move 3 outlined at the end of Section 4 above.

Nothing in my analysis is intended to show that that strategy is morally or politically inappropriate. But it does seem to me important to distinguish two levels of 'real world' analysis: there are (a) the real-world circumstances in which talk of civic responsibility makes sense in the modern world; and (b) the problems posed by imperfect compliance with the principles appropri-ate for (a). (This distinction corresponds to John Rawls's distinction between (a) the circumstances of justice, such as moderate scarcity, and (b) the prob-lem of partial compliance, such as the entrenchment of injustice.)[20] We cannot know how far or in what respects the majority are failing in the duties they owe to cultural minorities without an analysis of the kind I have undertaken in Sections 1–7. Some of what the majority may think is fair is revealed by such an analysis to be unfair—such as the a priori imposition of constraints of 'public reason'. (See Rawls 1971, 1993; Waldron 1993a; Wittgenstein 1974.) And much of what majorities are accused of doing unfairly—such as contra-dicting or debating minority practices—is revealed by such analysis to be not after all inappropriate. And our philosophical willingness to sort through the accusations in this way should not be mistaken for doubt about the pro-position that *on the whole* real-world majorities have tended to act unjustly and oppressively in this business. But the truth of that proposition does not make it any less urgent to ascertain whether the positions characteristically associ-ated with identity politics are positions that are inherently appropriate in the circumstances of modern society, or whether they should only be regarded

19 This is Will Kymlicka's formulation (in a letter to me). I am grateful to him for the em-phasis he has put on this point.
20 See Rawls (1971: 8 and 245 ff., strict versus partial compliance; and 126–30, circumstances of justice).

as fall-back strategies, designed as effective tools to combat injustice despite their inherent inauthenticity.

9. Conclusion

Civic responsibility—this business of coming to terms responsibly with others—is relative to what is more or less a geographical relation of being unavoidably side by side with others. In the circumstances of modern life, that geographical relation—being unavoidably side by side with others—is no guarantee whatever that common moral views and shared understandings can be taken for granted. We are not in a position to pick and choose those with whom we are required to come to terms. Of the people who surround us, competing for the use and control of the same action-space and the same resources, we cannot say 'We will enter into civil society with the As, but not the Cs because the Cs do not share our views or traditions'. The discipline of politics is that there is no alternative to our coming to terms with the Cs if they live and interact with us. Since humans have fanned out haphazardly over the face of the earth, a way has to be found, when they cluster together in particular fertile or hospitable territories, to bring into deliberative relation with one another the views of all the individuals and all the groups in that vicinity as to what is a proper way to respect one another's interests. And they cannot do that—they cannot discharge that responsibility—if some (whether they are the majority or the minority) think from the beginning that their deeply held opinions are polluted by juxtaposition with others' or affronted by being introduced into a deliberative process at all.

Because we hold disparate views and come from different cultures, this business of coming to terms with one another is not bound to succeed. It is a fragile enterprise, and we have often seen it fail. Accordingly, it is a matter in which we are morally required to take care. Our need to come to terms with the others around us, and the vulnerability of that process to various sorts of impossibility, has an impact on the way in which it is reasonable for us to present ourselves as partisans of different views or participants in disparate traditions.

Earlier I attempted to distinguish a mode of allegiance to the traditions and practices of a particular culture that is in principle incompatible with this civic responsibility—namely, the presentation of one's engagement with a particular set of norms and practices as though it were a brute aspect of one's identity, like one's sex or one's colour, and therefore non-negotiable by anyone who himself takes seriously and respects himself. I contrasted this with a mode of engagement with the norms and practices of one's community or culture which is engagement with them, and reasoning about them, as

norms. To treat a tradition or practice of one's culture as a norm means to treat it not simply as a costume, but as a standard which does some work in the life of one's community. And that means treating it as a standard with a point: a standard which does work which might, in principle or as a matter of at least logical possibility, have been performed by *other* norms, *alternative* standards, and which therefore cannot be understood except in terms of its association with an array of reasons explaining why it is in fact *this* norm rather than *that* norm—monogamy, for example, rather than polygyny—which is the standard we uphold.

I think that only if one's initial allegiance to the practices of one's culture is held and presented in that sort of spirit can it be presented to others of different cultures (others who hold different norms) as a responsible first move in the complicated political business—which includes bargaining, deliberation, compromise, authority, and voting—the difficult business of coming to terms with those with whom we *have* to come to terms (as opposed to those with whom we would like to come to terms). Or, to return finally to our theme of identity: only if one's allegiance to the practices of one's culture is held and presented as a matter of reasons, rather than as a matter of identity, can the presentation of these practices count as a way of discharging one's duty as a citizen to participate responsibly in deliberation about policy and law.

7

Anti-Essentialism, Multiculturalism, and the 'Recognition' of Religious Groups

TARIQ MODOOD

1. Anti-Essentialism

It is only in the last few years that the discourse of multiculturalism has become respectable. Yet, initially seen as a progressive discourse, it is today already seen by many academic commentators as conservative, even reactionary. Arguments for political multiculturalism are directed against essentialist or monistic definitions of nationality, for example, definitions of Britishness which assumes a cultural homogeneity, that there is a single way of being British. Multiculturalists have emphasized internal differentiation (relatively easy in the case of Britain, which encompasses up to four national or semi-national components, England, Scotland, Wales, and Northern Ireland) and fluidity, with definitions of national belonging being historical constructs and changing over time. In this way it has been possible to argue for the incorporation of immigrant groups into an ongoing Britishness and against those who prophesied 'rivers of blood' as the natives lashed out against the aliens perceived as threatening national integrity.

In this political contest the ideas of essential unity, integrity, discreteness, and fixity have been seen as reactionary, and internal differentiation, interaction, and fluidity as progressive. Yet in recent years when multiculturalism has come to be respectable, at least in terms of discourse, academic critics have attacked multiculturalism in terms very similar to those used by multiculturalists against nationalism or monoculturalism. The positing of minority or immigrant cultures which need to be respected, defended, publicly