

LIBERALISM, COMMUNITY AND CULTURE TWENTY-FIVE YEARS ON: PHILOSOPHICAL INQUIRIES AND POLITICAL CLAIMS

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As Mitja Sardoč notes in his introduction essay to this symposium, 1989 was “year one” (Sardoč, 2016: 9) for the explosion of interest in the governing of ethnic diversity, triggered by what Daniel Moynihan called “ethnic pandemonium” in world affairs (Moynihan 1993). Confronted by this pandemonium, both policy-makers and academics desperately looked around to see what had been written about the relationship between liberal democracy and ethnic diversity, and my just-published doctoral dissertation - *Liberalism, Community and Culture* - was one of the few academic publications that addressed the topic. As a result, I quickly went from being a typical philosophy graduate student to being an “expert” on ethnic diversity, initiating a string of invitations to write and advise on the governing of ethnic diversity that has continued unbroken for almost 30 years now.

I would like to say that I had presciently foreseen the growing political salience of ethnic diversity, and selected my dissertation topic in order to better prepare societies for this emerging political challenge. But in fact, I was as surprised as everyone else by the explosion of ethnic conflict after the fall of Communism – or by the rise of regionalist and indigenist movements in other parts of the world. Indeed, I did not set out with the intention of becoming an expert on ethnic diversity. What began as a purely philosophical inquiry into the conceptual underpinnings of liberal views of individual freedom gradually morphed into a more policy-oriented inquiry into the governing of ethnic diversity and the evaluation of the political claims of minorities. This process took many years, and I think of *Liberalism, Community and Culture* (hereafter LCC) as reflecting a fairly early stage in it: mainly still focused on the philosophical inquiry into liberalism, with just a hint of the more policy-oriented inquiry that would take up much of my time over the subsequent 25 years.

I mention this because I think it helps situate the excellent reflections of my five commentators. As I read them, they all, in different ways, suggest that LCC falls between two stools: it is not precise enough to stand as a philosophical account of the underpinnings of liberalism, yet it is seriously underdeveloped as a framework for diagnosing or evaluating the political claims-making of minorities and indigenous peoples. And my basic response, across the board, is to simply agree: I think LCC is flawed in exactly the ways they identify. I could hardly have asked for more fair-minded commentators, and their criticisms are, indeed, fair.

However, since abject concession does not make for an interesting reply, let me say something, not so much in defense of LCC, but in defense of the two projects that are unsatisfactorily spliced together in that book. If we separate out more carefully than I did in LCC the philosophical inquiry into the foundations of liberalism from the more applied theory of minority rights claims, I think we can identify what is of enduring value in LCC. It may also suggest some ways in which the commentators’ objections can be blunted.

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THE PHILOSOPHICAL INQUIRY: ATOMISM AND THE SOCIAL THESIS

Let me start with my original motivation for embarking on LCC, which was to address an influential philosophical objection to liberalism – and more specifically, to the rights-based, neutralist or anti-perfectionist liberal egalitarianism of John Rawls and Ronald Dworkin. I was excited by the progressive image of justice elaborated by these two liberal theorists, which I viewed as combining the best of the liberal commitment to individual autonomy with the social-democratic commitment to ending involuntary disadvantage. (Indeed, these theories seemed to me to render obsolete the old debates about “freedom versus equality” that had dominated my youth). I was surprised and puzzled, therefore, to discover that many of my fellow progressives in the mid-1980s were not excited by liberal egalitarianism, which they rejected as too “individualistic”. I had a difficult time even understanding what this meant, until I came across Charles Taylor’s powerful work, particularly his famous article “Atomism” (Taylor 1985) and his lesser-known Canadian paper “Alternative Futures: Legitimacy, Identity and Alienation in Late-Twentieth Century Canada” (Taylor 1986).¹

In these articles, Taylor argued that liberalism was condemned to a self-defeating inconsistency. His argument, to oversimplify, went something like this:

1. Liberal modernity rests on a picture of individuals choosing autonomously amongst ways of life and exercising responsibility for these choices,
2. Liberals prioritize individual civil rights and anti-perfectionist state neutrality as the essential pre-conditions for enabling individual autonomy/responsibility;
3. However, there are other social and cultural preconditions of liberal modernity: individuals can only be (or can only become) these autonomous responsible individuals in a certain kind of society and culture (what Taylor calls “the social thesis”);
4. Therefore, anyone who cares about individual autonomy should care about its social/cultural pre-conditions. Access to, and protection of, the culture of freedom is a legitimate aim of state policy.

So far, I have no quarrel with Taylor: these claims seem unimpeachable.² But he went on to make three further claims which troubled me:

5. Liberalism cannot recognize the *need* for these culture-securing policies because of its “atomism” (i.e., liberalism denies the social thesis);
6. Liberalism cannot recognize the *legitimacy* of these policies because of its “neutrality”;
7. Liberalism is therefore self-undermining, and even those who care about individual autonomy should reject liberal atomism/neutrality for a communitarian politics of the common good.

Taylor illustrated his argument by citing various post-war liberals in Canada who rejected a range of measures to protect Aboriginal and Québécois cultures. Taylor provided a neat, elegant explanation for this, which, if sound, would provide credible grounds for questioning the adequacy and viability of the liberal egalitarian theories of justice I found so attractive.

The fundamental goal of LCC was to defend liberal egalitarianism, by contesting the last three steps in Taylor’s critique. More specifically, I wanted to show that: (a) liberals are not atomists, but rather

1 The latter paper was commissioned from Taylor by Canada’s Royal Commission on the Economic Union, for which I briefly worked as a research assistant, and Taylor’s paper helped set the intellectual agenda for that summer job. Note that these two articles significantly preceded what is now seen as Taylor’s central contribution to the multiculturalism debate – his 1992 essay on “Multiculturalism and the Politics of Recognition” (Taylor 1992).

2 In fact, I find Taylor’s account of these claims not just plausible, but deeply insightful, and have learned a great deal from them.

accept the social thesis, and have a plausible story about how individual autonomy relies on a cultural context of choice; (b) policies adopted to protect this cultural context of choice are consistent with liberalism's commitment to anti-perfectionist state neutrality, and may be required by liberal egalitarian justice if they remedy involuntary disadvantages; and (c) this liberal egalitarian defense of cultural protection provides a more secure foundation for minority rights than perfectionist (Taylor) or relativist (Walzer) communitarian defenses. My hope was that, if these arguments were accepted, progressives would no longer instinctively reject liberal equality as "individualistic", and that both liberals and social democrats could coalesce around its image of justice.

My commentators raise a number of incisive criticisms of the arguments in LCC, but for my purposes we can divide them into two groups: first, doubts about how I specify the "cultural context of choice"; second, doubts about how my liberal defense of the legitimacy of cultural protection relates to the actual political claims of minorities and indigenous peoples. As I said earlier, I broadly accept both sets of criticisms, but I also think they partly offset each other, in a way that leaves some key claims of LCC intact.

CONCERNS ABOUT THE CULTURAL CONTEXT OF CHOICE

Regarding the first issue, my argument in LCC that individual autonomy depends on a cultural context of choice depends on two key assumptions: first, that individuals have an autonomy interest, not just in accessing some or other cultural context of choice, but in accessing *their own* cultural context; and second, that individuals have an autonomy interest in protecting the "structure" of their culture from potential external threats, but the same autonomy interest permits, and indeed requires, allowing that the "character" of their culture change in accordance with the choices of members.

As various commentators note, my discussion in LCC of these two assumptions is imprecise. Eisenberg notes, for example, that I don't give a very satisfactory philosophical account of what exactly distinguishes the structure of a culture from its character, let alone how we might try to legally or politically operationalize this distinction. And as De Schutter, Spinner-Halev and Callan all note, my argument that individuals have an autonomy interest in their own cultural context requires qualification. For example, it might not hold for particularly small cultures (Spinner-Halev), and it might not hold if we think about sufficiently long-term processes of cultural merging (de Schutter; Callan).

I agree with all of this, and am happy to endorse most of their suggested amendments and reformulations of the freedom-culture link. For one thing, LCC was self-consciously programmatic – an attempt to start a debate, not conclude it – and so I welcome improvements and refinements.³ But more importantly, I don't view any of these criticisms as undermining my fundamental aims for the book, which, to repeat, were to show (a) that liberalism does not rest on atomism, but rather can endorse sensible views about the cultural context of choice; (b) that liberal neutrality does not preclude concern for maintaining this cultural context; and (c) that liberal egalitarian defenses of minority rights are more plausible and promising than the available communitarian defenses.

So far as I can tell, my commentators do not dispute any of these three claims. And if so, I take that as noteworthy: these claims were not self-evident when I started the project. I would particularly stress the third point. Prior to 1989, there was virtually unanimous agreement in both the legal and philosophical literature that to defend minority rights required endorsing the communitarian critique of liberalism and embedding minority rights within a broader communitarian political theory. Yet none

3 To be honest, for several years after LCC, I expected that someone would point out that a perfectly adequate liberal theory of the cultural context of choice already existed, and that I had somehow just overlooked it due to my poor grasp of the liberal tradition. But it seems this question hadn't been systematically addressed before. There really were just isolated passages to draw on – from Mill to Green to Dworkin and Rawls – and the sketchiness of LCC reflects the thinness of the sources.

of my commentators suggest that Taylor, Sandel, MacIntyre or Walzer provide a more promising basis for defending minority rights. Of course, this is just a small sample, but I think it accurately reflects the broader literature: most authors today divorce, rather than combine, the communitarian critique of liberalism and the defense of minority rights.⁴ In that respect, I read the commentaries as vindicating my fundamental aim in LCC – namely, to immunize liberal egalitarianism from communitarian claims about liberal indifference to the cultural conditions of individual freedom.

CONCERNS ABOUT EVALUATING THE POLITICAL CLAIMS OF MINORITIES

This isn't to say that the commentators' critiques of, and amendments to, my context-of-choice argument are unimportant or inconsequential. On the contrary, they all suggest that the philosophical deficiencies they identify have real-world political effects on how we evaluate the political claims of minority rights.

And this raises the second broad set of concerns, about how my liberal defense of cultural contexts of choice relates to the actual political claims of minorities and indigenous peoples. All of the commentators, in different ways, suggest that my defense of policies to protect cultural contexts of choice simply does not line up well with the actual political claims of minority groups, either in terms of the content of those claims or the nature of the arguments and justifications given for them.

As I see it, there are two complaints about how my argument relates to actual political claims:

- (a) Because the link between autonomy and cultural membership is looser than I proposed in LCC, this autonomy interest underdetermines what we ought to do in relation to minority cultures. In most real-world contexts, there is more than one way to respect this autonomy interest.
- (b) Moreover, there are lots of other interests, and lots of other grounds, for minority claims-making. Minorities might legitimately claim certain rights and resources – and states might legitimately contest these claims – on grounds of historic injustice or historic agreements, democratic participation and political domination, anti-stigmatization and anti-discrimination, economic efficiency or social solidarity, and so on. These other interests are at least as important, if not more, for understanding and evaluating minority rights claims as the autonomy interest in cultural contexts.

In short, the autonomy interest in cultural context is radically incomplete as a framework for thinking about minority rights claims: this interest does not by itself pick out unique solutions, and moreover it is not the only interest at stake.

This is particularly true of the central example I used: namely, indigenous peoples in Canada. As several commentators note, I invoke this example as a case where liberals can justify a range of group-specific political rights as helping to secure indigenous peoples' cultural context of choice, but indigenous peoples themselves are more likely to justify these claims in the language of decolonization, self-determination, treaty rights, land claims, redressing historic injustice, and the struggle against political domination. This makes the example confusing in two respects. First, as Callan notes, our duty to recognize indigenous rights is "overdetermined" (p. 3), and so the fact that readers are intuitively inclined to support these rights does not mean that "respect for cultural contexts of choice" is playing

⁴ For a recent attempt to revive a more communitarian approach to minority rights, see Newman 2013. Of course, a fuller inquiry would need to consider not just liberal egalitarian and communitarian approaches, but a wider range of radical, agonistic, contestatory, critical race theory, and postcolonial approaches. For a good overview of this fuller range of views, see Laden and Owen 2007. But as of 1989, those approaches to minority rights were not yet developed.

a central role (or any role) in our judgement. Second, as Eisenberg notes, my argument risks misrepresenting the actual aspirations of indigenous peoples, displacing their own radical demand for political autonomy with the more tame liberal demand for cultural accommodation.

Here again, my basic response is simply to concede the objection. To some extent, I think this objection rests on a misreading of the scope of my argument in LCC. My aim in LCC wasn't to offer a systematic or exhaustive theory of minority rights, enumerating all of the possible forms that minority rights can take, or all of the arguments that can be advanced for them. Rather, my aim was the more modest one of showing that the protection of the cultural conditions of individual autonomy is a legitimate public aim, and hence that insofar as minorities advance a culture-based argument, this should not be inherently dismissed as illiberal. I never meant to imply that this was the only legitimate basis for minority rights, and certainly never meant to force minorities to frame their claims in the language of cultural accommodation. My aim was to open up political space for legitimate political mobilization around cultural context claims, not to close down space for mobilization on other claims.

Still, even if this is a misreading, I certainly could have been clearer in LCC about how my cultural context argument relates to the broader set of considerations that underlie real-world minority and indigenist claims. In any event, I fully accept my commentators' fundamental point that our autonomy interest in a cultural context underdetermines the appropriate policy response, and that we need to consider a much broader set of interests and factors in developing a normative theory of minority rights. Put another way, we need not only a liberal theory of the cultural context of individual autonomy – which was my project in LCC – but also a more systematic theory of state-minority relations, and of the persistent sources of injustice in those relationships, and of the sorts of rights and resources that can remedy those injustices.

Indeed, quickly after LCC was published, this became my central project. Due to the explosion of state-minority conflicts after 1989 around the world, it became clear to me that what we required was not further refining of the old liberal-communitarian debate about atomism, but rather a more direct exploration of the normative structure of majority-minority relations in multiethnic, multinational and postcolonial settler states. And this suggests a quite different starting point for the analysis. For example, if we want to explore the normative structure of state-minority relations, an obvious first question is to ask, how did this minority come to be a minority in the first place? How did a particular state come to have (or to assert) a right to rule this particular minority and its territory? The fact that a particular state rules a particular minority is clearly not a God-given fact, but rather has emerged out of a particular historical process, and these processes matter normatively.

For example, in the case of settler states ruling over indigenous peoples, the state's claim to rule indigenous peoples and territories is rooted in the process of colonization. Moreover, as Eisenberg notes, in order to justify this process of political domination and territorial acquisition, settler states typically generated ideologies of racial supremacy which denigrated indigenous societies as backward or primitive, and as unworthy to rule themselves or to participate in ruling the larger society. A normative theory of indigenous rights must be responsive to this deep structure of settler colonialism, and this requires something much more than a theory of cultural accommodation. Settler colonialism certainly disrupted the cultural context of indigenous societies, but this was not the only injustice, and many of the policies that I discussed in LCC as helping to serve legitimate culture-protecting functions can be justified more quickly and directly as remedies for the multiple injustices of colonialism.

In other cases, a minority came to be part of a larger state, not as a result of conquest or colonization, but as a result of voluntary federation, in which two or more national groups agree to come together to form a larger polity. A normative theory of national minority rights must be responsive to this deep structure of political federation, and here too this requires something more than a theory of cultural accommodation. In this case, unlike the case of settler states, the process by which the state came to assert rule over a minority may not have been unjust. Yet history shows that these original pacts are rarely honoured, and that dominant national groups are tempted to withdraw guarantees of

regional autonomy and language rights that were negotiated at the time of federation. And if so, then minority claims to restore or regain these rights can be seen not just as helping to secure their cultural context of choice, but as restoring the original basis on which the very legitimacy of the state rests. Here again, policies that I defended in LCC as serving culture-protecting functions can be defended more quickly and directly in terms of political domination.

Other groups come to be minorities not through colonization or voluntary federation, but through migration – that is, by being admitted to a country as individuals or families. And in this context, a normative theory of immigrant minority rights needs to be responsive to the deep structure of migration, admission, settlement and integration. On my account, both indigenous peoples and national minorities have a right to form and maintain self-governing units within which they form a majority, and where self-governing institutions are used to uphold and reproduce the group's cultural structure. Commentators on my work have sometimes wondered why immigrants do not have a similar entitlement, and indeed it is true that this is conceivable route to ensuring their autonomy interest in a cultural context. But once we situate the freedom-culture link in a larger theory of state-minority rights, it becomes clear that this cannot be a requirement of justice. Enabling immigrants to settle on, and then assert self-governing rights over, a particular chunk of the state's territory would in effect be allowing them to colonize a part of the territory of the state (Baubock 1996, 2008). This is exactly what colonizing settlers did throughout the Americas, and granting immigrants the right to establish self-governing societal cultures would be to reproduce that injustice yet again. And so we need to find some other way of securing the autonomy interests of immigrants, and this then requires that we situate their cultural interests within a broader account of the fair terms of multicultural integration into the host society.

These reflections on the broader matrix of state-minority relations provide the starting point for the theory that I developed in *Multicultural Citizenship* (Kymlicka 1995) and in *Politics in the Vernacular* (Kymlicka 2001), which I have variously labelled a theory of “multicultural citizenship” and/or “a liberal theory of minority rights”. These labels are intended to capture the idea that they are not just theories of the cultural conditions of individual autonomy, but are theories of the normative requirements of justice in state-minority relations. These later works offer what I hope is a more satisfactory multidimensional theory of minority rights, one which is better aligned with the actual claims and aspirations of different minority groups than the mono-dimensional theory offered in LCC, focused solely on the freedom-culture linkage.

I hasten to add that the freedom-culture link remains important to my overall theory of minority rights. Any recognizably liberal theory has to be concerned with the way that the cultural context either facilitates or impedes individual autonomy. And this means, inter alia, that any liberal account of how to support indigenous decolonization, or how to uphold federal partnerships, or how to secure fair terms of integration for immigrants, must seek to ensure that culture-protecting policies do not limit individual members' freedom to challenge and revise inherited cultural practices.⁵ But the freedom-culture link is just one part of a larger theory of minority rights. It lays out a fundamental criterion for a liberal approach to governing diversity and to evaluating minority claims, but it operates within a broader framework that recognizes multiple grounds for minority rights, emerging out of multiple patterns of state-minority relations.

As I read the commentaries, their worries about the potential misalignment between LCC and real-world minority claims echo my own motivations for shifting in later work to a broader normative theory of minority rights, rooted in a deeper theory of the structure of state-minority relations. In that sense, I not only accept, but indeed embrace, their criticisms, which were fundamental to my own work after LCC. An LCC-type theory of the cultural context of individual autonomy is central to responding

5 In *Multicultural Citizenship*, I elaborate this injunction through the distinction between “external protections” (policies aimed at reducing a cultural group's vulnerability to external power and threats) and “internal restrictions” (policies aimed at reducing the freedom of members to contest inherited practices). A liberal theory of minority rights should endorse the former, but resist the latter (Kymlicka 1995).

to the communitarian critique of liberal egalitarianism, but a politically-adequate theory of minority rights has to engage broader issues about state formation and state legitimacy, self-determination, constitutional pacts, the drawing of territorial borders (internally and externally), democratic participation, citizenship, and so on.

However, I may disagree with some of my commentators about how these broader considerations tend to play out. As I've already suggested, I view these broader considerations as bolstering the case for minority and indigenous rights. These other considerations do not contradict or weaken the culture-protecting argument for minority rights, but rather provide further – and often more direct – arguments for these rights. The legitimacy of minority rights, in this sense, is – as Callan notes – often “overdetermined”: we have multiple compelling arguments in defense of them.

Yet Callan himself later in his paper suggests that the net effect of considering these broader considerations is likely to weaken the argument for minority rights. Drawing on Alan Patten's recent reformulation of a liberal theory of minority rights (Patten 2014), Callan suggests that minority rights should be seen as only *pro tanto* claims, and that “other considerations will commonly and rightly crowd out” claims for cultural recognition. So whereas Callan begins by acknowledging that support for minority rights is often “overdetermined” – and so criticizes me for ignoring all the “other considerations” that support minority rights beyond the freedom-culture link – he ends up by suggesting that in fact it is the rejection of minority rights that is overdetermined, and criticizes me for ignoring all the “other considerations” that tell against minority rights.

Responding to this disagreement requires digging a bit more deeply into Patten's theory, and in particular his view that minority rights is about “cultural formatting”. For Patten and Callan, the liberal state is committed to a set of universally-justified policies that do not in themselves privilege majorities over minorities, but which can often only be delivered in ways that are “culturally formatted”. Just as any written text needs to be printed using a specific font – say, in Helvetica rather than Palatino or Arial – so liberal public policies will sometimes need to be formatted in a culturally specific way (e.g., in the English language rather than in Navajo or Vietnamese). Minority rights, in this view, are a response to the potential unfairness when public policies are disproportionately formatted in ways that reflect the majority's culture rather than the minority's. According to Patten, minorities have a *prima facie* claim to a pro-rated share of resources spent in these formatted ways, although this claim can be overridden by other considerations of economic well-being, democratic functioning, political stability, and so on.

In my view, Patten's metaphor about cultural formatting misrepresents the real issues at stake, and this helps to explain why he and Callan view minority rights as easily overridden. We can distinguish two very different conceptions of the “formatting” metaphor. On one view, it is a regrettable fact that there is no universal font, such that states have to choose between, say, (majority) Helvetica, (indigenous) Palatino or (immigrant) Arial, but it is important to emphasize that this choice has no substantive significance. It is simply a technical decision that is unrelated to the substance of the text being published, and should ideally be ignored as much as possible in people's thinking and reading of the text.

But I would argue that this is not how real-world liberal states think about their cultural formatting. On the contrary, states continually emphasize their distinctive formatting, and encourage citizens to think of it as essential to their identity. Having chosen Helvetica, say, states justify that decision by saying that “we are Helveticans”, living in Helveticaland, and that the fact that we are Helveticans living in Helveticaland is precisely what makes us a “people” who belong together, and who can legitimately claim rights to popular sovereignty, and to form a distinct political unit. In this view, the state is a vehicle by which Helveticans enact their popular sovereignty, and it would be wrong and unjust for anyone to try to divide Helveticans or to merge them with other peoples. Because Helveticans belong together and have the right to govern themselves, it would be an injustice if the state were divided into two, or if it were merged into a larger state, even if a divided or merged state is fully democratic, compliant with all human rights standards, and more economically efficient. In short, liberal states engage in cultural formatting not just because it is a technical necessity (like choosing a font), but to

create and consolidate a national identity and a sense of peoplehood. Formatting, in this view, is not a regrettable necessity, but a political aim: it is a way of building and sustaining a sense of belonging together as a distinct demos. Even if there were a universal font, we would still use Helvetica, because we are Helveticans, exercising our rights as a people through the Helvetican state.

How we think about minority rights – both their content and strength – will depend on which of these two images of formatting we adopt. If we adopt this first perspective – in which cultural formatting has no larger nation-building purpose or goal, but is simply a regrettable technical necessity – then it makes sense to endorse Patten's pro-rated funding as a *prima facie* principle. It also makes sense to apply this principle across the different types of state-minority relations, applying it equally to indigenous peoples, national minorities and immigrants. If the problem of state-minority relations is simply the lack of pro-rated formatting, they are all equally situated. And since cultural formatting is a benignly-motivated technical necessity, rather than a highly motivated political agenda, it also makes sense to override this principle for other considerations.

But if cultural formatting is about nation-building, then the stakes are much higher, and we need to evaluate minority rights in relation to a broader normative theory of nation-building and state formation. And then we are likely to apply quite different principles to the cases of indigenous peoples, national minorities and immigrant groups. In the case of indigenous peoples and national minorities, I would argue that they should have their own powers of nation-building: they have as much legitimate right to engage in nation-building as the majority, and recognition of this fact is central to any broader normative theory of decolonization or federal partnership. If Helveticans can use the state to exercise their sovereignty as a people, so too the indigenous Palatinos should be able to exercise their self-determination. Asserting nation-building power for the state, while rejecting it for indigenous peoples and national minorities, is incompatible with any plausible theory of justice in a multination state, and to invoke "other considerations" to deny rights of self-government is to reproduce political domination. Robust minority rights are part of the very structure of a legitimate multination or postcolonial settler state: they are conditions of the very legitimacy of the state in the first place.

For immigrants, by contrast, there is no realistic or legitimate option for allowing parallel nation-building. As we've seen, this would entail granting immigrants the right to colonize part of the state. And so we need to situate immigrant rights in relation to some broader story about their recognition and accommodation within the larger national project, about how they can come to see themselves, and be accepted as, equal members of the Helvetican people. Callan notes that giving immigrant Arians a pro-rated share of culturally formatted policies is not necessarily an effective or desirable means of ensuring their equal membership in the Helvetican people. I agree. He takes this as evidence that minority rights claims are weak and easily overridden. I take it instead as evidence that his pro-rated conception of minority rights fundamentally misinterprets the issues at stake. In the case of immigrant groups, minority rights are best understood as claims to fair terms of integration into a multicultural nation, as demands that the Helvetican nation be reconceived in ways that allow immigrant Arians to be, and be accepted as, full members of the nation. This is not about providing Ariel-formatted services in place of Helvetican-formatted institutions – as Callan's pro-rated proposal envisages – but rather about adapting Helvetican-formatted institutions to recognize and accommodate the identity and practice of Arians. And these demands, in my view, can be very robust: insisting that Arians integrate into the Helvetican nation without such multicultural accommodations is fundamentally unjust. So here too multicultural rights are part of the preconditions of the very legitimacy of nation-building.

If we interpret cultural formatting as nation-building, then the case for minority rights becomes more robust. Across all of these cases – indigenous, national minority and immigrant – claims for minority rights are tied to fundamental issues of majority power and privilege, used to impose costs and expectations on minorities that majorities would never accept if imposed on themselves. These costs implicate a range of human interests – autonomy, identity, cultural recognition, social status, language, democratic participation, self-government, economic opportunities, access to public services and social

protection. Critics of minority rights sometimes say that, before we can endorse these rights claims, we need to specify which combination of these values is doing the moral load-bearing work, in what proportions, and this can be a difficult analytical task. But in fact we do not need this level of analytical precision in order to see the hypocrisies and double-standards in the exercise of majority power. The reality is that majority groups jealously guard their own rights to engage in majority Helvetican nation-building – using state power to uphold and diffuse their language and culture and to protect spheres of self-government in which they form a majority – while castigating minority Palatino and Arial aspirations as “ethnic”, “particularist”, “collectivist”, “special status”, “privileged” or “disloyal”. The precise mix of motives that underlies majority and minority aspirations may be difficult to specify, but the double-standards by which those motives are evaluated is clear: majorities give their own aspirations to self-government and cultural recognition a free pass, while putting minority aspirations under a (distorted) microscope.

Of course, this leaves open the question of how we should respond to these double-standards. I have implicitly assumed that, in response to Helvetican nation-building, we should strengthen minority rights. But one might respond by seeking to retract the majority’s right to diffuse ideas about being Helveticans who belong together and exercise self-government in Helveticaland. Should we seek instead a cosmopolitan world order, operating in Esperanto, in which neither majorities nor minorities would have language rights or self-government rights or multicultural accommodations?

De Schutter suggests that my argument in LCC about the cultural context of choice need not preclude such a cosmopolitan ambition, so long as the process of cultural adaption and merging is sufficiently long-term. At one level, I do not disagree. My target in LCC, and elsewhere, is not primarily Esperanto cosmopolitans, but those who endorse majority nation-building while rejecting minority rights. LCC and MC were written for a world of nation-states, and were trying to identify the rights of minorities in a world of nation-states.

It is an interesting question what such an alternate Esperanto universe would look like, and what rights, if any, “minorities” would have in such a world (or even how we would identify minorities). But I’m reasonably confident that the main obstacle to such a universe is not that stubborn minorities would refuse to give up their minority rights, but that dominant majorities are unwilling to give up their rights to use state power to protect and diffuse their language and culture. And I have some sympathy for this majority reluctance. As Liav Orgad notes, it is not only minorities who are vulnerable to external threats, and the desire to have a safe and secure national life is not unreasonable, for either majorities or minorities (Orgad 2015).

So I suspect we will continue to live in a world of nation-states for the foreseeable future. And if so, we cannot evade the question of how minorities fit into this world of nation-building states. Answering this requires a multidimensional theory of justice in state-minority relations, responsive to the full range of (cultural, social, economic, political) interests at stake. Such a theory will range far beyond the philosophical theory of the link between freedom and culture laid out in LCC, but I believe that in most cases it will work to strengthen not weaken the liberal case for minority rights.

CONCLUSION

My commentators rightly criticize both my philosophical argument in LCC about our autonomy interest in a cultural context of choice, and my political analysis of the content of real-world minority rights claims. The philosophical argument, they suggest, tries to draw too tight a connection between individual autonomy and a particular account about cultural contexts. And the political analysis, they suggest, misidentifies the broader set of considerations, beyond cultural accommodation, that underpin minority claims-making. LCC tried to make a particular philosophical account of the cultural conditions of individual autonomy carry most if not all of the moral load of a liberal theory of minority rights. That

not only asks too much of what are inevitably vague ideas of “cultural structures” or “societal cultures”, but it also risks misdiagnosing the actual aspirations and grievances of many minority groups.

In this reply, I have essentially conceded both sets of criticisms, but I have also suggested that the two critiques may offset each other. When we supplement the mono-dimensional focus in LCC on autonomy interests in culture with a fuller exploration of structural injustices in state-minority relations, the result, I believe, is to confirm the basic tenets of the theory of the liberal theory of minority rights I have developed. Notwithstanding the perceptive criticisms of my commentators, I still believe that multicultural citizenship remains the most promising route to justice in a world of deep diversity.

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